

COUNCIL MINUTES
OCTOBER 29, 2025

The City Council held a meeting on Wednesday, October 29, 2025, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Robert Cox; R. Scott Phillips; Ronald Riddle; Carter Wilkey.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Terri Marsh; City Recorder Renon Savage; Senior Engineer Jonathan Stathis; Leisure Services Director Ken Nielson.

OTHERS PRESENT: Ann Clark, Steve Nelson, Waldo Galan, Phil Schmidt, Tyler Melling, Tom Jett, Rick Magness, Christian Simmons, Brandt Parker, Skylar Stewart, Sarah Allred, Chloe Allred, Elena Roundy, Sean Wharton.

CALL TO ORDER: Mayor Green gave the invocation; the pledge was led by Robert Cox.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order; second by Councilmember Cox; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ Certificate of Occupancy – Cement work should be included in final inspection.

Mayor Green – we changed our policy, but what seems to be happening, Joe Burgess came to me, they build subdivisions, and the contractors go over the sidewalk with machinery and break the concrete and then the year warranty comes up, and the developers have to repair the sidewalk. Was that changed and if so why. **Jonathan** – it has not changed, it is in the developer's bond, the responsibility is on the developer. **Paul** – there is a request in to change that to take the sidewalk out of the subdivision and put it on the builder. The developer now has to put it in and they are on the hook for it. There is a petition in to take the sidewalk portion out, it would not be put in until the building permit triggers. **Mayor** – it will still be torn out if they drive on it. **Paul** – if you put it in with building permit you don't have to put it in at the beginning, you can do it in the end. **Phillips** – they are proposing that it be changed. **Paul** – the developer would put in the road and curb and gutter, but the sidewalk would be put in when the home is built. **Cox** – that makes sense, it becomes duplicate work. **Wilkey** – opposite to that, the houses done have sidewalks and the vacant lots don't have sidewalks. It could be 2 or 3 years before you could walk around the block. **Paul** – the typical method to make this change is through sketch and then planning commission and then to you. The developers think it is great, and the builders don't like it. **Riddle** – you get your retainer held out until everything is done. Maybe the developer should hold out until the sidewalk is dealt with completely. **Paul** – there are different models, a raw piece of ground and the developer build it out, or a developer puts in all the infrastructure and sells the lots and backs out. With the first model it makes sense because the developer maintains control the entire time. **Mayor** – the contractor has cement trucks driving over it and then the developer has to cut up the sidewalk. **Riddle** – as a city would it be somewhat responsible when we inspect to inspect the sidewalk before they pour footings and then after to see if it needs to be repaired before occupancy. **Cox** – we have allowed rolled curb in some places, maybe we should allow it more readily, so you don't have to cut the curb for a driveway. **Jonathan** – rolled curb is in the standard now in some situations. **Phil Schmidt** – when we did Echo Subdivision past 1600 North, we worked out an agreement and left out the driveways and all the other sidewalk was poured and the water meter collars were poured, the developer when they pour the concrete driveway does the sidewalk when they are done. We do fill it with gravel and dirt. There are options. There are three types of curb, modified, rolled and the L curb. **Phillips** – we need to find a middle ground, I understand what Mr. Wilkey said, but I also understand Mr. Burgess' concerns. **Phil** – we knew where the driveways would be. The inspectors do check. When you get your letter of acceptance,

everything is passed, I get calls for sewer clean out all the time after the builder or homeowner broke it. There is not one rule for everything. **Wilkey** – also, we need to look at the 15 square foot space at the corner of your driveway having to be left open. **Jonathan** – a driveway can't be within 3' of the property line. **Wilkey** – our neighbors' driveway is not next to us. **Randall** – it is more of an ADA separation from the neighbor. **Phillips** – why can't it be don't at final inspection. **Randall** – we have one at Board of Adjustment, a developer doesn't want to do the ADA requirements for their C of O. **Paul** – it is just how our ordinance is written. **Randall** – even at final inspection it would go back to the developer, we have a bond for the subdivision. **Mayor** – at certificate of occupancy the builder and developer can argue it at that time. **Randall** – they already are. We can change our ordinance, and it will come to you through the long process. We would have to change it to shift the risk. **Paul** – we will never know who broke the sidewalk. **Tyler Melling** – we are doing a project, and the discussion came at our request and I understand Kent is wanting to discuss this anyway, we have a project that will cost \$110,000 to pour sidewalks in the next month for 37 units knowing that for the 37 units the driveways would all be broken up and need to be broken out and repoured over the next year. We want to see the discussion with the council as it works through the process before we get to the first c of o. We are not selling any lots until there is a house on it. It is rolled curb, we pour the sidewalks, and we know we will have cement trucks, and we will have a damaged area. We understand that some subdivisions set for years without having sidewalks and that is why the city changed its policy 20 years ago. The request we sent in, we would have sidewalks poured around any right of way and have all ADA areas poured, it is a specialized pour and you would want the subdivider to pay for that. Would we differentiate if it is a builder/developer scenario and the lot would not be sold until there was a home built on it and there could be some kind of a transfer restriction on the lots. A lot of times there is a subdivider that wants their development to not be HOA poor and be able to fund the amenities and so they will say you have to build within a year, otherwise we have the right to buy it back from you at a discount. The other is to day sidewalks come at building permit period. Those are the discussion items we have had with staff. We do want some feedback from council during the process. **Phillips** – there is a way for it, but I am interested to see what staff brings forward. If there are two or three ways to look at it, I am willing to consider it. We want the neighborhood to end up being fully developed. **■Phillips** – last weekend was busy in Cedar City, we had the Livestock and Heritage Festival, Historic markers dedicated in Downtown, Hocus Focus and a few tournaments, and Monday the schools did an America250 program, and it was a magnificent concert. **■Cox** – a follow up on the cement turn lanes on Main Street, Senator Vickers is appealing to the State, for the eastbound having it be a straight or turn on the east bound on 200 North. **Wilkey** – do we know when they will restripe on Main Street, the islands are in? **Jonathan** – I don't know. **■Wilkey** – I have had quite a few constituents reach out about South Mountain Drive, I would like to understand more on a road cut, isn't it normally 14 days, how does it turn into 4 months? **Jonathan** – they are close, they plan to pave November 6 & 7, they have had some issues. **Wilkey** – we need to not have it happen again. **Phillips** – I got a lot of comments as well. **Wilkey** – I also wanted to mention that I attended the funeral of our fallen firefighter Scott Carlile, it was as good as one can imagine. Thanks to the Washington City Fire Department for covering our city. All of our firefighters were able to be there and when they made the last call, all of the radios went off, it was something else. **■Jonathan** – the Diamond Z Arena, council asked me to look at replacing the waterlines on the west side, we got a quote from Imlay Plumbing it is \$6,900, we are at budget, we have had a \$5,000 donation and are also expecting a \$9,000 credit from Rocky Mountain Power, so there is about \$14,000 to work with, but it is not officially in the budget. **Wilkey** – from the building to the spigots? **Cox** – the pipe has been crushed and blown-up multiple times. **Phillips** – for \$6,900 we should do it. **Jonathan** – we can do it in a budget revision in December, but we need to move forward. Council wants him to move forward. **Jonathan** – the Brent Hunter well, working with Luke Anzalone, he is coming in next week to do that. There was a test pump originally, but it was not a full 24-hour test. I talked with Tyler Melling, and we have another week to decide if we want to move forward. I presented the cost of \$120,000 to do the sewer under the buildings, they are trying to get cheaper parts but have not found any. **Phillips** – the cost of the parts, the State is requiring this. **Jonathan** – the choice is if we want to move forward and we won't have a choice if we move forward without doing it. **■Ken Nielson** – progress

points, the Cemetery renovation passed the compaction test, it is nearing completion. Next week Park Discovery will be closed to complete the playground. I will send out info when we have exact dates. The Main Street playground pieces are coming, but they won't have to close the park to install those. The trail is completed from the east side to the new restroom which is also completed. The asphalt guys would like to complete past the bridge, they got as far as the Little League Park, but it is weather related. **Mayor** – are we anticipating asphalt at the cemetery this year? **Ken** – yes, they think they can keep the plant open until Thanksgiving. **Phillips** – the Spooktacular was also this past weekend and was also a success. **Cox** – where are we on the pool repair. **Ken** – they found the exact leak, now we are waiting for the pool manufacturer to come and repair, and they hope the end of the week. They are out of Salt Lake. **Wilkey** – where are we on Fiddlers Park? **Ken** – we had no changes at 60%. **Paul** – they are waiting on our engineers for roadway, utility connections and compactions.

PUBLIC COMMENTS: ■ **Brandt Parker** – on the curb and gutter thing, the people that come and complain about the patchwork on the curb and gutter, and the subdivision with sidewalk is the same. The lot next to me is the same way, if there was not sidewalk where the mail is and without the sidewalk everyone would be in the mud. I don't like the patchwork. ■ **Sean Wharton** – my Thunderbird project we had to pull an entire sidewalk out, a three plex broke every piece of the sidewalk, I put all new sidewalk in and three sections are broke again. There is no way to build a sidewalk and not have broken pieces. I put the sidewalk in, tear it out and put it in again. ■ **Christian Simmons** – I am hoping we can call our representatives to open the government up again.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED OCTOBER 8 & 15, 2025; (2) APPROVE BILLS DATED OCTOBER 22 & 24, 2025; (3) APPROVE THE PURCHASE OF A 2026 INTERNATIONAL PLOW TRUCK CHASSI FOR \$172,056.47. ERIC WITZKE; (4) APPROVE THE ROAD DEDICATION OF 100 EAST SOUTH OF 900 NORTH. KENT FUGAL/RANDALL MCUNE: **Phillips** – I believe we need to look closely with the road dedication of 100 East; it will be very busy. We need to look at the width and amount of traffic.

Councilmember Phillips moved to approve the consent agenda items 1 through 4 as written above; seconded by Councilmember Cox; vote unanimous.

CONSIDER AN ORDINANCE APPROVING A GENERAL PLAN CHANGE FROM LOW DENSITY TO MEDIUM DENSITY, LOW DENSITY TO HIGH DENSITY, MEDIUM DENSITY TO LOW DENSITY, MEDIUM DENSITY TO HIGH DENSITY, MEDIUM DENSITY TO HIGH DENSITY, AND HIGH DENSITY TO MEDIUM DENSITY IN THE VICINITY OF 800 NORTH 3700 WEST. PLATT & PLATT/ RANDALL MCUNE: **Randall** – there are no changes. Mike Platt was unable to be here. **Cox** – the density remains the same.

Councilmember Wilkey moved to approve ordinances for items #5, #6, and #7 as for property in the vicinity of 800 North 3700 West; seconded by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

CONSIDER AN ORDINANCE FOR ZONE CHANGES FROM R-1 TO R-2-1, R-1 TO RN, R-2-1 TO R-2-2, R-2-1 TO RN, R-2-2 TO R-1, R-2-2 TO R-2-1, R-2-2 TO RN, RN TO R-2-2 IN THE VICINITY OF 800 NORTH 3700 WEST. PLATT & PLATT/ RANDALL MCUNE: in the motion with item #5 above.

CONSIDER AN ORDINANCE AMENDING A DEVELOPMENT AGREEMENT FOR A PROPERTY LOCATED AT APPROXIMATELY 800 NORTH 3700 WEST. PLATT & PLATT/RANDALL MCUNE: in the motion with item #5 above.

CONSIDER AN ORDINANCE APPROVING A GENERAL PLAN CHANGE FROM HIGHWAY/REGIONAL COMMERCIAL TO CENTRAL COMMERCIAL IN THE VICINITY OF 1157 S MAIN. AWA ENGINEERING/RANDALL MCUNE: Rick Magness, AWA Engineering – it is a pleasure to be in front of this group. Staff have been very accommodating and helpful. We will have a wonderful project in front of you in the future.

Councilmember Phillips moved to approve the ordinance changing items 8 & 9 as written for property in the vicinity of 1157 S. Main; seconded by Councilmember Wilkey; roll call vote as follows:

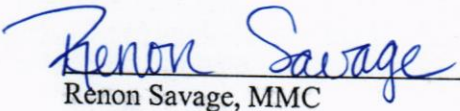
Robert Cox	-	AYE
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM RESIDENTIAL DWELLING – TWO UNIT (R-2-2) TO CENTRAL COMMERCIAL (CC) IN THE VICINITY OF 1157 S MAIN. AWA ENGINEERING/RANDALL MCUNE: in the motion with item #8 above.

CLOSED MEETING – REASONABLY IMMINENT LITIGATION: Councilmember Wilkey moved to go into closed meeting at 6:18 p.m.; seconded by Councilmember Phillips; roll call vote as follows:

Robert Cox	-	AYE
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

ADJOURN: Councilmember Phillips moved to adjourn at 6:30 p.m.; second by Councilmember Riddle; vote unanimous.


Renon Savage, MMC
City Recorder