

COUNCIL MINUTES

APRIL 8, 2026

The City Council held a meeting on Wednesday, April 1, 2026, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Steve Nelson; Councilmembers: Robert Cox; Waldo D. Galan; Phil E. Schmidt; Carter Wilkey.

EXCUSED: Councilmember R. Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Terri Marsh; City Recorder Renon Savage; City Engineer Kent Fugal; Economic Development Director David Johnson; Wastewater Plan Superintendent Jeff Lennert.

OTHERS PRESENT: Scotty Harville, Joe Sandbert, Theresa Freier, Greg Flint, Ryan Nelson, Tom Jett, Jason Potter, Ann Clark, Jason Spencer, Wyatt J. Neilson, Bob Platt.

CALL TO ORDER: Mayor Nelson gave the invocation; the pledge was led by Terri Marsh.

AGENDA ORDER APPROVAL: Councilmember Wilkey moved to approve the agenda order, and allowing people to comment on the Conditional Use Permit and taking item #2 off consent; second by Councilmember Cox; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ American Legion Family Day, April 25th 12-4 PM. **Scotty Harville** – American Legion Post 74. Family Day Event April 25th at Main Street Park. See Exhibit “A” Thank you to the council, mayor, Events Coordinator Brandon Burk, Cedar City Police Department and Cedar City Fire Department for participation. We invite the community members to come and have a family fun event.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MARCH 18 & 25, 2026; (2) RATIFY BILLS DATED MARCH 27, 2026; (3) APPROVE THE REAPPOINTMENT OF VICKI CHRISTIAN, MARK JOHNSON AND CHAD WESTWOOD TO THE RAP TAX PARKS & RECREATION BOARD. MAYOR NELSON; (4) APPROVAL OF THE BID FROM ADVANCED LINING LLC TO INCLUDE BOTH THE BASE BID AND ALTERNATE BID IN THE AMOUNT OF \$608,364.00 FOR THE 4500 WEST SEWER REHABILITATION PROJECT. SHANE JOHNSON: Councilmember Wilkey moved to approve the consent agenda as written above moving item 2; seconded by Councilmember Cox; vote unanimous.

RATIFY BILLS DATED MARCH 27, 2026: Councilmember Wilkey moved to approve the bills dated March 27, 2026; second by Councilmember Cox; vote as follows: AYE – 3, ABSTAINED -1 Councilmember Schmidt.

CONSIDER AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT AT APPROXIMATELY 165 SOUTH 1600 WEST. PLATT & PLATT/RANDALL MCUNE: **Bob Platt**, Platt & Platt – nothing has changed from last week.

Councilmember Wilkey moved to approve the ordinance vacating a public utility easement at approximately 165 South 1600 West; seconded by Councilmember Schmidt; roll call vote as follows:

Robert Cox - AYE
Waldo Galan - AYE
Phil Schmidt - AYE
Carter Wilkey - AYE

CONSIDER A RESOLUTION APPROVING THE MUNICIPAL WASTEWATER PLANNING PROGRAM (MWPP). JEFF LENNERT: Jeff Lennert – there are no changes.

Councilmember Cox moved to approve the resolution approving the Municipal Wastewater Planning Program; seconded by Councilmember Wilkey; vote as follows:

AYE: 4
NAY: 0
ABSTAINED: 0

Councilmember Schmidt stepped down from the Council for this item and went to the audience.

CONSIDER A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CONCRETE BATCH PLANT AT APPROXIMATELY 3527 WEST 600 NORTH. SUNCORE/DON BOUDREAU: Janelle Adams, 152 Chaparral Drive. This is above my

farm. I am here about my parents' farm, it is directly across from this project We lamb across from this site every year, and our lambs may have a health risk from the dust. The farm was not informed of this plan. There is no discussion about the neighboring properties. I am required to listen to City Council each week for my job, and that is how I found out about this. I was alarmed when this came up. It is our family's livelihood, not just the lambs but we raise alfalfa. I understand that some of this has been addressed and that Suncore plans to make a wet plant. Cedar City talks about supporting livestock but that was not brought up one time in the meeting last week. It is getting very hard to be a farmer in Cedar City.

Wilkey – I received your email and you have valid concerns. Is there a notification policy on CUP's? **Randall** – the notification is the local newspaper. They could have received notice on the general plan change. **Wilkey** – they are more than 350 feet away. I live directly north of this project. I think we let Suncore answer the question. **Ryan Nelson** – I am the area Manager for concrete in Southern Utah for Suncore. I come from a sheep driven background and have farms. The changes in this process help us to contain much more of the fugitive dust that comes from making concrete. There is an area which is right outside the building and we do have dust collectors. This plant is enclosed and most of the dust is contained in the enclosure. There is a point of contact where dust and fly ash could get out of the building when it is introduced to the barrel, but it hits water and within 90 seconds it is slump. The aggregates are pretty wet; in the summer we sprinkle the rock to keep it cooler. The rocks and sands are washed and have moisture and we have very little dust. We have very little north wind blowing that would take fugitive materials across Hwy 56. **Cox** – if there is wind, how far does it typically go before it settles on the ground. **Ryan** – cement is flatter and

heavier and settles quickly. We use little fly ash. If there are dust problems, it is from blowing powder into the plant and that is why we have dust collection systems. In the winter you will see giant plumes of steam because we are watering it. It is less dust than driving on a dirt road. **Cox** – the Lamoreaux's do have a concern, and it can affect the animals respiratory system. Have you ever had that problem before? **Greg Flint** - we lease ground and have 10-15 farms around batch plants. We have never had any issues raised. **Cindy Davidson** – I came because Lamoreaux asked me. I live across from the retention pond, and I called many times about the dust and asked that they water it down. I am not concerned about the dust, but the lights and noise. It said there is a potential it could run 24 hours. **Cox** – that was talked about that last week. The lights will point down; the ambient noise is less than accepted on a roadway. The plant is about the center of the property. There will be a railroad spur. **Wilkey** – we haven't talked much about the railroad spur because it is already allowed in that zone and there will be a railroad spur for this project. How often will you have a train delivery? **Ryan** – I don't know, our sister company will supply us. I don't know how much a train car holds. Sunpro will be unloading lumber from the train.

Don Boudreau, City Planner – I don't have a lot to add. One condition under neighborhood compatibility, the finished grade says it will shield a typical truck, the intent is to shield the headlights from the neighborhood. On the noise the applicant will provide a study and reduce noise to standard. We have a 15db increase in ambient noise, it exceeds the L90 by 2. They have done a good job. **Cox** – did we get anywhere on the trees? There are several trees already there. **Don** – I leave that to you. **Cox** – the Lamoreaux's were concerned about a crusher being there? **Randall** – any time they expand they will have to come back to the council. A crusher would impact the sound study and the dust. **Cox** – another concern, do we condition that it is always a wet plant? **Don** – we didn't use that term; we have a number of conditions on dust and having water. **Wilkey** – a wet plant is everything is mixed before it is dumped in the truck. **Randall** – this is not a request we made; it is what they planned to help their trucks. **Greg Flint** – we are putting a lot of money into this state-of-the-art plant and don't have plans to change to a dry plant. **Randall** – there are catch all's that allow it to come back if it is to a level beyond what was promised. We can decide if we keep the CUP if they don't meet the conditions. **Wilkey** – the project only noise level is 50 to 52 decibels L90 which means 90% of the time and 58 to 60 L10 which is ten percent of the time. **Cox** – I don't think we should have trees all around the property. **Wilkey** – they modified that. **Cox** – are the trees that are already their factored in. **Greg Flint** – our logic is the tree line with 20 +/- trees along the triangle. **Randall** – you can change conditions to mitigate something. **Wilkey** - #3 is the wet plant verbiage. **Galan** – it is a catch all, don't complicate it. **Mayor** – anything they countered that you are ok with it is a blanket. **Wilkey** – what are the different colors of text in the CUP? **Don** – red and blue are comments from Suncore, the Green is from Staff. **Greg** – I have 3 items, the trees, you talked about that. #13, we requested 30 feet. **Don** – we initially thought the stockpile would be 10-15 feet. Our thought is if you have massive stockpiles, do we take the tree line a little further. **Wilkey** – do the piles fall within the tree line? **Mayor** – does that matter. **Randall** – the piles are outside the tree line. **Galan** – is the 30 feet max or is that constant? **Greg** – most of the time it would be 10-15 feet. **Wilkey** – buildings and houses are over 30 feet high. **Mayor** – that is my thought. **Ryan** – we have the stockpiles, so we have material to work with. If we have a 1,000 yard pour it takes a lot of material. **Wilkey** – if we had building height restrictions it would be different. **Ryan** – the easiest thing is to dump it out and push it up with a loader. We want a large stockpile in the winter; we need a lot of sand in the winter. **Randall** – this is under air quality, item #14.

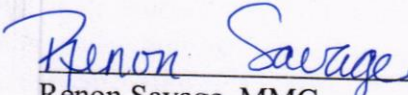
Some of this is fear, we don't know if that will happen. The council indicated that they are ok with 30 feet. **Greg** - 2, 4 and 5 of the Neighborhood Compatibility. **Wilkey** - #2 is written with the triangle of trees. **Don** - staff's initial request was the entire property, our compromise to their compromise is to add a portion of the stockpile. **Tom Jett** - the Planning Commission unanimously agreed that the triangle was a reasonable compromise. **Cox** - I am fine with it. **Greg** - 3 or the new #2 will be addressed with the site plan. **Don** - we agree to strike that item. **Greg** - we are in agreement with everything else.

Councilmember Cox moved to approve the resolution approving a Conditional Use Permit accepting the tree plan and striking the #2, it will be addressed on site plan and changing the stockpile from 15 to 30 feet, for a concrete batch plant at approximately 3527 West 600 South with the following conditions; seconded by Councilmember Galan; vote as follows:

AYE: 3
NAY: 0
ABSTAINED: 0

PUBLIC COMMENTS: ■ Phil Schmidt - I want the neighbors to know that if there are problems and challenges the owners are open to communication. Ryan will be here for another year or two and will work with people.

ADJOURN: Councilmember Wilkey moved to adjourn at 6:20 p.m.; second by Councilmember Cox; vote unanimous.


Renon Savage, MMC
City Recorder



At Cedar City Main Street Park

Guest Speakers:

- Scott Phillips
- Brian Campbell
- Ricky Arsenault



AMERICAN LEGION

FAMILY DAY SATURDAY

APR 25, 12 PM-4 PM

American Legion Post 74
Cedar City, Utah 84721

We invite the entire community for a special Legion Family Day

JOIN US FOR SNACKS, WATER, FUN, AND LEARN MORE
ABOUT THE AMERICAN LEGION FAMILY AND
ITS ACCOMPLISHMENTS!

The American Legion is the nation's largest and most influential
veterans service organization. Our mission, to enhance the well-being
of America's veterans, their families, our military, and our communities
by our devotion to mutual helpfulness.

BETHEONE

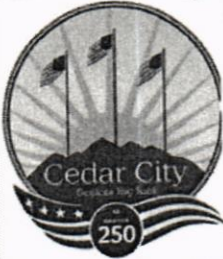
Our mission to reduce the rate
of veteran suicide and
destigmatize the need to ask
for help.

Happy Heifer

legion.org/betheone

Treasured
Tangibles

Scotty Harville
Scotty Harville



MeliCraftCreation



FUNTIME
INFLATABLES



Waterford | UPSTART
Heidi Hang Ups



Matt's Ballon's of Pure
Imagination
Pedro 4 Sheriff

