

PLACE:

Cedar Fort Town Hall
50 East Center Street
Cedar Fort Utah

MINUTES TAKEN BY:

Vonda Cook

TOWN EMPLOYEES PRESENT:

Jerry Lamoreaux – Water Systems Manager, Vonda Cook – Clerk/Recorder

VISITORS PRESENT:

John Jacob, Lynnette Groff, Clarence Ault, Scott Christensen, Ryan Page, Barry Miller, Autumn Blackner, Colton Berry, Steven Paul, Julie Sorenson, Sharon Cook, Marlene Allen, Jerry Lamoreaux, Josel Lamoreaux, Greg Douglas, Annette Ault, Lori Adams, Fire Chief Steve Bowen, Captain Mathew Chase, Deputy Nathan Harris, Lieutenant Yvette Rice, Cole Christensen, Jim Johnson, Brian Franchow, Claudia Rose, Wyatt Cook, Ashley Cook, Wendy Lojik, Alisha Anderson, Heidi Mitchell, Dave Rose, Dave Busk, Steve Berry, Harry Draper, Vickie Draper, The following did not sign the roster but were in attendance: Calvin Cook, Gary Cook, Weston Ault

CALL TO ORDER:

Mayor Anderson called the meeting to order at 7:10 p.m.

ROLL CALL:

Mayor Anderson, Chris Murphy, Ellen Cibula, Richard Stark, David Gustin

PLEDGE OF ALLEGIANCE:

Weston Ault

THOUGHT/PRAYER

David Gustin

REVIEW/APPROVE PREVIOUS MEETING MINUTES:

Mayor Anderson made a motion to approve the meeting minutes for 25 April, 2017 as presented. Councilman Murphy seconded it. Motion passed unanimously.

Mayor Anderson made a motion to approve the Public Hearing meeting minutes for 25 April, 2017 as presented. Councilwoman Cibula seconded it. Motion passed unanimously.

BUDGET REVIEW:

The budget is in the new format with Casselle and the Council had some questions. Councilman Stark will talk to Casselle.

REVIEW/APPROVE TOWN BILLS:

The Council reviewed the bills. Mayor Anderson made a motion to approve the bills as presented. Councilman Stark seconded it. Motion passed unanimously.

REPORTS FROM ZONING/BOA, FIRE DEPARTMENT, TOWN EMPLOYEES

Barry reported that P&Z is getting a new member, Bart Berry. He said Chris Joyal came to P&Z meeting with a proposal for a zone and sensitive area overlay change on Hailes' property west on Center Street on 200 West. P&Z approved Scott Christensen's building permit with the contingency that the other half of the roadway in front of his house be deeded to the Town before Scott can get his building permit. He also reported that Weston Ault's building permit was approved with a contingency that he gets his septic approval from the county. He said also said the roads north of Town on Glade Berry's property are a problem, Ron Steel wants to build a house and Ryan Page is looking at the John Barlow property north of Town.

Barry said his term ends on June 30 and they need to look for a replacement.

Jerry reported that someone climbed the fence and was messing around with the lock on the tank. He said he needs some signs on the door warning of chlorine. Mayor Anderson said they would get whatever he needs.

Chief Bowen reported that the fire department was getting 13-14 new fire crew members.

Deputy Harris reported that crime is down and traffic enforcement it up. Mayor Anderson told Lt. Rice that the Town still has not received the refund check of about \$14,000.00 from the Sheriff's department. Lt. Rice said she would check and see how it was sent and when.

REPORTS FROM COUNCIL MEMBERS

Councilman Gustin asked Councilwoman Cibula if she had verified whether they were getting all of our B&C road funds or not. She will check.

Councilwoman Cibula is concerned about the speeding cars and ATV's in town. She said she is not opposed to doing something about it. She asked Deputy Harris if we can call [the Sheriff's office] to report speeding and he said yes. Councilman Murphy said they will slow down if you stop them.

Mayor Anderson requested they move the June Town Council meeting to June 20th instead of the 27th. There were no objections. He said the environmental study on the Community Center project is almost finished. Jerry asked the Mayor if they could address the dry box overflow at Spring Creek. He said it's going to take a backhoe. Mayor Anderson said they would get a bid from Cody. Jerry said they also need to remove the deep root vegetation at Spring Creek.

AGENDA ITEM #1 – DISCUSSION AND VOTE ON NEW TREASURER

Councilman Stark said they had one volunteer for the treasurer position.

Councilman Stark made a motion to accepted Autumn Blackner as the new town treasurer. Mayor Anderson seconded it. Motion passed unanimously.

AGENDA ITEM #2 – DISCUSSION ON PRELIMINARY 2017-2018 TOWN BUDGET

Councilman Stark presented the tentative Town budget for 2017-2018.

AGENDA ITEM #3 – DISCUSSION AND VOTE TO APPROVE WESTON AULT RESIDENTIAL BUILDING PERMIT

Councilman Gustin said this is a rebuild. The Council reviewed the plans. Councilman Gustin said he has issue with the pop out window and the 30 ft. setback should be from that point to the property line. Weston said he would do that.

Councilman Gustin made a motion to accept Weston Ault's application for building permit #1255 to reconstruct the home at 30 East 100 South conditioned upon payment of the appropriate building fees and charges. Councilwoman Cibula seconded it. Motion passed unanimously.

AGENDA ITEM #4 – DISCUSSION AND VOTE TO APPROVE SCOTT CHRISTENSEN RESIDENTIAL BUILDING PERMIT

Councilman Gustin said that P&Z had approved the application with the contingency that the 56' road in front of the property be deeded to the Town. He said that according to the current drawing the west 28' has been deeded to the Town but the east side has not. He said Bart Berry is adamant that the other side has been deeded to the Town and he (Bart) said he was working with the county to rectify it. He told Councilman Gustin that it would take 3-5 weeks. Councilman Gustin said everything else [in the permit] is in compliance.

Mayor Anderson said that the existing road is on private property. The Council discussed where the road was and nothing lines up and the road is not as wide as the shaded part on the map. He said Scott can't get to his house if the sub divider doesn't deed the road over to the town. He said this is the type of issue they hoped the new ordinance would take care of. He said the Town is stuck with cleaning up the problems that came about before this new ordinance came into effect.

Steve Berry said the right of way was given a long time ago. He said it should have been recorded a long time ago. He said there is a 56' right of way. He said everybody had a 56' right of way. He said he didn't know why it wasn't recorded.

Councilman Gustin pointed out to Steve that what the town is talking about is a deeded road, not a right of way. Steve said they will give him access. Councilman Gustin said with real property your promise to give them access is not enforceable. We need these applicants to have a legally enforceable right to a road. Steve said they did before this came up.

Councilman Gustin told the Council that there is a private right of way that was granted with Scott's deed [for the property] from the Berry's. Scott confirmed that this was correct. He said this is as good as he can do right now.

Mayor Anderson said that according to what Steve says his intentions are and from what Bart said in his letter, that it sounded like they are working on it to get that [road] deeded to the town and it would take from 3-5 weeks. Steve said he didn't know why the right of way wasn't recorded.

Councilman Gustin said the applicants need a deeded road, not a right of way. He said he read Bart's letter and it stopped short of saying they would deed the road to the Town. The discussion continued with Steve continuing to say they gave a right of way to the Town and the Council saying they need a deeded road, not a right of way.

Councilman Murphy said the bottom line was that the property for the road needed to be deeded to the town. He said on the county maps it is still in Steve and Bart's name. Steve kept arguing with him saying it wasn't a big deal and they had already done that. Councilman Murphy reiterated that the county maps show the property in question to be in Steve and Bart's name.

Mayor Anderson suggested they approve Scott Christensen's building permit until the first inspection. He said that gives them 3 weeks to get the deed. Councilman Gustin said he didn't know why they were issuing the permit when he (Scott) can dig all he wants to without one. Councilman Cibula said she was not a fan of Contingencies. Councilman Gustin asked if the property is in greenbelt. Steve said yes. Mayor Anderson told Steve that he needs to pay the taxes.

Councilman Gustin made a motion to approve Scott and Heidi Christensen's building permit application #1251 conditioned upon having a 56' road in front of their property deeded to the Town and in a form acceptable to the town before issuing his building permit. Councilman Murphy seconded it. Motion passed 4 to 1 in favor of the motion. Mayor Anderson, Councilman Murphy, Councilman Stark and Councilman Gustin voted yes and Councilwoman Cibula voted no.

AGENDA ITEM #5 – DISCUSSION ON ROADSIDE ISSUES – JIM JOHNSON

Jim said he had a complaint about the noise people are making when they are parking their cars by his house and the Church at about 5:00 a.m. He said it wakes him up. He also said his neighbor drives a semi truck and he parks it in front of the fire hydrant and in front of his [Jim's] house. The Council discussed the problem and came up with some options, such as putting up no parking signs, letting them park at the community center, or posting it and calling the Sheriff. No action was taken.

AGENDA ITEM #6 – DISCUSSION ON ANIMAL NUISANCES – JIM JOHNSON

Jim said the chickens next door were the chickens from hell. He said they are actually roosters and they crow all day long. The Council said there is not much they can do about this one. Councilman Murphy advised him to call the Sheriff. Mayor Anderson said they need to research the chicken issue.

AGENDA ITEM #7 – DISCUSSION AND VOTE ON NEW GARBAGE CONTRACT

Councilwoman Cibula said that Waste Management was raising the garbage rates. The Town has contracted with Ace and garbage bills will stay the same. Ace will start on June 1, 2017. Pickup day will be Tuesdays. She said if there any issues with garbage cans or billing to call her or Councilman Stark.

Councilwoman Cibula made a motion to approve Cedar Fort solid waste agreement with Ace Recycling and Disposal to be our garbage contract service provider. Councilman Murphy seconded it. Motion passed unanimously.

AGENDA ITEM #8 –DISCUSSION AND VOTE ON CHANGES TO CULINARY WATER CONNECT EXCHANGE ORDINANCE

Councilman Stark made a motion to move agenda item #9 ahead of #8. Councilman Murphy seconded it. Motion passed with 3 yeses and 2 no's. Mayor Anderson, Councilman Murphy and Councilman Stark voted yes. Councilman Gustin and Councilwoman Cibula voted no.

AGENDA ITEM #9 – DISCUSSION AND VOTE ON LYNETTE GROFF REQUEST FOR WATER CONNECTION TRANSFER

Lynette gave the history of her water right. She said the town has already accepted water rights from this water right. She said they had already approved Jed Berry's water exchange and hers was part of that same water right. She produced documentation to prove that it's not being used anywhere else and that it has been approved as municipal.

David Busk, President of the Cedar Fort Irrigation Co., said the State did a 4 year study on this valley and it showed there is barely enough water in this valley to sustain what we already have here. He said

since then the State has allowed some water from 54 East in on a case by case basis. He said 54 East water rights are from a different aquifer and there are about 34 wells in town and they are already going down. He said the State will allow the Town to control their own aquifer. Mayor Anderson said the State has allowed these transfers and they let Lynnette have a well permit.

David B. said the State held a meeting in Alpine and passed this [allowing water from 54 East] and we didn't know about it. He said money talks and it's the developers who are driving this. David said no one should be getting any water that is not already in this valley.

Lynnette said the Town has a well with 185 lbs. of artesian pressure that it tapped into in an underground river, so this town has water. She said she is tapping into water that no one else has.

David B. asked how many more wells the Town can take from area 54 East that come out of the Jordan River. Lynnette said she had no idea. Calvin said they tapped into a 1000 year source. David said they don't know that for sure. Mayor Anderson agreed.

John Jacob asked to give a rebuttal. He said there are 10,000 more acre ft. in this area that could be used. It has to be from area 54 to bring it in, but they have retested everything. He said they shut it off in 2010 and water that was here before that gets to stay. He said just because wells go down doesn't mean there isn't any more water.

Councilman Gustin said that he talked to Ross Hansen in the Utah County [Water Rights] Office about municipal water rights to cover our use. Ross told him that for water usage in Area 54, the duty rate is 4 a.f. of water per acre. Councilman Gustin said the biggest concern is when we accept 1.45 a.f. of water for any size lot; the Town may have to buy water rights to cover the use of water on these lots because the Town has been accepting 1.45 a.f. of water on any size lot. He said the Town will be the one on the hook for all the water being used. He said we shouldn't be approving any more water at 1.45 a.f. of water.

Lynnette said she only used 81,000 gallons last year. Councilman Gustin said that doesn't matter. He said what matters is that the duty rate is 4 a.f. per acre and it doesn't matter how many gallons you are using. He said what matters is that the Town has the 4 a.f. of water to cover you for that use.

Councilman Gustin went on to say that if you have a well, and you use too much water, you are the one answering to the State, but if you are on Town water, then the Town is the one answering to the State.

He further explained that if the Town lets you have water, when you come to get a building permit, the Town doesn't tell you that you can build a house and only water $\frac{1}{4}$ acre, and they basically say you can use as much water as you can pay for. He said the problem with that is we don't have the water to cover you should you be willing to pay for it. Then, as a Town, we have buy water to cover you. He said that essentially, then, all residents are footing the bill to buy enough water for you to cover your land.

Councilman Gustin said that the 1.45 a.f. of water was supposed to be a minimum because our minimum lot size was $\frac{1}{4}$ acre, so that would make sense for a $\frac{1}{4}$ acre. Lynnette said there are 10 acre lots in town. Councilman Gustin said he thinks requiring 1.45 a.f. for a 10 acre lot was a mistake and he said he didn't think they should continue making mistakes. He thinks they should fix the problem.

Mayor Anderson said they started with Lynnette a year ago, not being totally aware of the ramifications, and he said he thought she's the last one through the gate and then we close it.

Lynnette said she went to the County and got the property back in her name. She said it was a mistake. She said she had to have a new deed and it is now recorded with the county. Councilwoman Cibula said on the County map, it is still in Danny Lookers name.

Lori Adams asked if this water also came from Utah Lake surface water. John Jacob says you can use the water before it gets to Utah Lake. He said they know there is 10,000 gallons of water here.

David B. said according to a study the State did several years ago, the 10,000 gallons of water that John Jacob is talking about went through The Ranches and over but they figured that development in The Ranches was consuming almost all of that water and they were hoping to bring the CWP water out. David B. said historically, in 1856, there was 1200 a.f. of water here and that is where the water for Cedar Fort Irrigation Company comes from. He said that is 4 a.f. per acre. He said the State held a meeting, one of which was in Eagle Mountain about this and he has a DVD of the meeting if anyone wants to watch it. He said the Town needs to protect its' aquifer.

David B. said the Town needs to legally limit what people can use [water]. He said we need to not allow water from the Jordan River to be brought into our Town to protect its' aquifer.

Councilman Murphy said he didn't know if they could legally stop water coming into the Town from 54 East if the State is approving it.

Councilman Gustin said when it comes to the Town well, if we object to it those water rights are not going to get transferred into our well because we do have a say on what water rights comes into our well. He said we may not have any say on whether she drills a well or not.

Councilman Murphy made a motion to approve Lynnette Groff's request for a water connection transfer. Councilman Stark seconded it.

Councilman Gustin asked if they needed to make a contingency based on the State approving the transfer. Mayor Anderson said no, it was covered in the ordinance.

Mayor Anderson called for a vote. The motion passed with 3 yeses and 2 no's. Mayor Anderson, Councilman Murphy and Councilman Stark voted yes and Councilman Gustin and Councilwoman Cibula voted no.

AGENDA ITEM #8 – DISCUSSION AND VOTE ON CHANGES TO CULINARY WATER CONNECT EXCHANGE ORDINANCE

Mayor Anderson went through the proposed changes to the Culinary Water Connect Exchange Ordinance. He said this ordinance is talking about residential building permits. He explained that when they talk about culinary water connections, they are talking about a residential building permit. He went on to say that the major change was a proposal to require .45 a.f for inside the dwelling and 3 a.f per acre, or, prorated part thereof with the minimum still being 1.45 if you drill a well.

Another change proposed change would be that after July 31, only water rights showing historical use from 54 West will be accepted into our water system.

Mayor Anderson then opened it up for discussion. David B. said that the State required a duty rate of 4 a.f. per acre. He said the town could be left holding the bag if they require only 3 a.f. He said it is mandatory to meet the 4 a.f. per acre for irrigation.

Barry said that is too much for a water hook up. He said it will push people to drill wells. He would rather see a graduated scale for the price of the water they use.

John Jacob said they should control use of the water by what they charge people.

Councilman Gustin said the rate is 4 a.f. per acre.

Steve Paul suggested the Town needs to do more research before they pass this ordinance. He also said he was concerned about the ordinance change to residential property. Mayor Anderson said that has always been the intent.

Julie asked if your well goes dry can you hook on to the Town. Mayor Anderson said yes, and it would be one of the five water hookup given out for that year. Councilman Murphy said they would still have to bring in the same water rights. Councilman Gustin added that it would be at the current rates.

There was more discussion.

Councilman Murphy made a motion to table agenda item #8, until they go over it and do more fact finding on the Culinary Water Connect Exchange Ordinance. Councilwoman Cibula seconded it. Motion passed unanimously.

AGENDA ITEM #10 – DISCUSSION ON CEMETERY AND WORK PROJECTS

Mayor Anderson gave a presentation on the cemetery and why the roads are the width they are. He said if they had left the Dec 8 layout [of the cemetery]; there would have been 56 headstones in the roadway. They had the roads surveyed by a certified surveyor. Mayor Anderson told how, by shifting some of the roads a little bit, they were able to narrow it down to 7 headstones in the roadway. Mayor Anderson said there was one more proposal that they might do and it would only affect one headstone.

He also talked about the usage of water at the cemetery suggesting a new water schedule where the west side and the east side would water on certain days but the water would be on all day to accommodate patrons

Mayor Anderson called for a discussion on the cemetery.

Heidi Mitchell said she was the spokesperson for some people and she read a paper penned by Kelly Berry.

Vicki Draper said she was president of the Sons and Daughters of Cedar Valley and she wanted to know why they couldn't have 12 ft. roads which are standard in American Fork Cemetery and she said Cody Messersmiths dad had offered to fix the roads and provide gravel. She said a sprinkler system is the only answer to the problems in the cemetery. She said Justin Richmond suggested they have a curb put in to keep the gravel in the road.

Vicki said she had lists of people who were willing to volunteer at the cemetery. She said people had donated several thousands of dollars to the cemetery.

Gary Cook said he was not for grass at the cemetery and never had been. He talked about the survey that was taken about 7 years ago. He said some people who don't want to be buried out here didn't want their taxes raised to pay for people who do. He said at that time, they got a bid to maintain the cemetery for \$25,000.00/yr.

Ashley Cook said a sprinkler system doesn't have to mean grass. She also the said roads would look better if they were all the same width.

Chris Jensen asked if it was true that people were being driven over.

Councilman Murphy said the hump of dirt is usually put over the vault and the headstone is then placed at the head of the vault, not on the vault so the headstone is not sitting on the gravesite itself.

Harry Draper asked if they could put a sprinkler system over 3 graves.

Steve Berry said there isn't enough pressure to run his system.

Councilman Murphy said Utah is the second driest state in the U.S. He said he would rather see the water go for feed for people and animals. He suggested they put their efforts into a secondary water system for the people in town.

Julie said a sprinkler system wouldn't use as much water as they are using now. Councilman Murphy said he thought it would use more. Julie asked if they had data on how much water the park, school and church use. Mayor Anderson said he didn't have that data there at the meeting but they could get it. He said he thought it went, in order of highest usage, cemetery, church, park and then the school. Councilman Murphy said they should move forward with the roads and the other things can be a work in progress. Vickie said things have changed since the last survey and wanted to know why the town won't water one acre.

Councilman Murphy said that what Mayor Anderson had presented today on getting the roads straightened up and being able to find the gravesites, etc. is a good place to start. He said they should move ahead with the roads and the other can be a work in progress.

AGENDA ITEM #11 – ADJOURN PUBLIC MEETING

Councilman Murphy made a motion to adjourn. Councilwoman Cibula seconded. Motion passed unanimously. Meeting adjourned at 11:05 p.m.