

PLACE: Cedar Fort Town Hall, 50 East Center St., Cedar Fort Utah

TIME: 7:30 p.m.

MINUTES TAKEN BY: Vonda Cook

TOWN EMPLOYEES PRESENT: Autumn Blackner – Treasurer, Vonda Cook - Recorder

TOWN COUNCIL MEMBERS PRESENT:

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

VISITORS PRESENT:

Clarence Ault, Lynnette Groff, Shantelle Cleverly, Shannon Cleverly, Donna Gail Hyde, Heber Hyde, Bart Berry, Kevin Christensen, Warren Findley, Brianna Binnebose, Wyatt Cook, Janiece Commichaux, Falcon Commichaux (Kelly Berry, Calvin Cook and Ashley Cook arrived late and/or didn't sign the book but were present)

CALL TO ORDER

Mayor Anderson called the meeting to order at 7:35 p.m. Clarence Ault led the Pledge of Allegiance and Mayor Anderson offered the prayer. Mayor Anderson noted that all Council Members were present.

REVIEW/APPROVE PREVIOUS MEETING MINUTES

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

BUDGET REVIEW

Council reviewed the budget. Mayor Anderson said they had \$405.00 turned in from the rodeo. It will be added to the rodeo fund as revenue.

REVIEW AND APPROVE TOWN BILLS

Mayor Anderson made a motion to approve the town bills as presented. Councilwoman Cibula seconded it. Motion passed unanimously.

REPORTS FROM ZONING/BOA, FIRE DEPARTMENT, TOWN EMPLOYEES

Chief Bowen reported that they are starting their academy and they are requiring the new recruits to sign a contract for a year and if they leave before the end of the year they will pay us back \$3600.00 for their training.

REPORTS FROM COUNCIL MEMBERS

Mayor Anderson reported that the park restroom bids have been submitted. He hasn't looked at them yet. The utilities portion is due Friday. The septic will be in by the end of September. He said he is still waiting to hear on moneys for the community center project.

AGENDA ITEM #1 – PRESENTATION ON STATE FIRE AGREEMENT – BRIANNE BRIINNEBOSE

Brianne is with the Urban Interface Program director. Mayor Anderson asked what the Town can and can't do to mitigate the \$6,700 assessment. Brianne said that people can mow weeds, take down trees, etc. around their yards or around town. She said it's anything that will reduce wildfire.

It amounts to 284 volunteer labor hours which, according to the IRS, is equal to \$24.14/hr. The town can also include equipment costs, gas, hours used for planning, etc. Mayor Anderson said if the Town joins, the State covers us.

Clarence asked how you account for the hours you spend. Councilman Gustin said keeping track is the biggest inconvenience and the Town has appointed the Fire Department the job of keeping track. Brianne also said you can keep track online with the state data tracking or on your phone. Lynnette asked if they would like pictures of what is done. Brianne said they love pictures.

Brianne gave Mayor Anderson some educational materials. Chief Bowen said they would like to put the state tracking website on the water bills. Brianne said the town could also amortize big purchases over 5 yrs. She said the contract needs to be updated every 5 years.

Mayor Anderson asked if you could get credit for using your own equipment. Brianne said yes and to check with a rental company to get the fee to charge for using your equipment.

AGENDA ITEM #2 – VOTE TO APPROVE CHANGES TO ZONING ORDINANCE CFO-200-PZ-2017A

Mayor Anderson made a motion to accept ordinance changes as proposed in the Public Hearing. Councilman Murphy seconded it. Councilman Stark asked if it was only the one road. Mayor Anderson said yes. Motion passed unanimously.

AGENDA ITEM #3 – VOTE TO APPROVE LETTER TO COUNTY RECORDER – AUTHORIZATION TO RECEIVE LAND

Councilman Gustin said most municipalities have set procedures with the county recorder as far as who is authorized to record anything on behalf of the town or the town receiving anything. He said just anyone can't give property to the Town that the Town hasn't decided to accept. He said that most municipalities have a standing procedure with the county recorder stating who is authorized to act on behalf of the town to accept or record anything on behalf of the town. It has come the Towns attention that Cedar Fort hasn't submitted in writing any formal procedures and they are trying to remedy it. Councilman Murphy said the County puts the onus on the Towns and Cities to do this.

Mayor Anderson read the letter he is sending to the County. The letter to the county recorder states that a person needs to have written approval, signed by the Mayor and the Council member over building permits, giving them permission to record anything for the town. Councilman Gustin said they will create a form that they will use for this purpose.

Mayor Anderson made a motion to accept this letter and send it to the County. Councilman Murphy seconded it. Motion passed unanimously.

AGENDA ITEM #4 – VOTE TO APPROVE OFFICIAL CANVASS OF ELECTION

Vonda presented the official canvass of the election to the Council. The final tally of votes were as follows: Total Votes Cast – 153 [128 regular ballots, 7 absentee ballots and 18 provisional ballots, number of invalid provisional votes cast – 3, Total valid votes cast – 150

The official results of the primary election held on 15 August 2017 were as follows: Kelly Berry -53
David T. Gustin – 80, Lynnette Groff – 13

Donna Hyde asked how many registered voters were on the books for Cedar Fort. Vonda said there were 249 as of the day before the election. That can change as people move in and out of Cedar Fort and register to vote in their new precinct. The number will probably be different in November. Lynnette asked how many dead people were on the rolls and how did you get them off. Vonda said she wasn't sure how many there were and the County takes care of removing dead people from the register.

Councilman Murphy made a motion to approve the canvass of election results as presented. Councilwoman Cibula seconded it. Motion passed with 4 yeses and 1 abstained. Mayor Anderson, Councilman Murphy, Councilwoman Cibula and Councilman Stark voted yes and Councilman Gustin abstained. [Councilman Gustin is a mayoral candidate]

AGENDA ITEM #5 – DISCUSSION AND VOTE TO APPROVE KEVIN CHRISTENSEN RESIDENTIAL BUILDING PERMIT

Councilman Gustin said Kevin is building a home just north of Glade Berry's home. He said he reviewed the plan and found an issue with the setback. He said he had asked Kevin to have it redrawn rather than making notes on it and Kevin did. He said without the change, the house would have been 7ft. from the new road. The Council reviewed the plan. Councilman Murphy asked what the red box was on the front of the house. No one knew.

The Council reviewed the plan. Bart said Kevin had it right on the small plan. Councilman Gustin said he wanted it right on the plan that went to Clint. Bart said there is a 56' parcel next to Kevin. Councilman Gustin said Planning & Zoning approved it and he had gone through it also. Councilman Stark asked Kevin if he was on a well. Kevin said yes. Councilman Gustin said their septic system had been approved by the County.

Councilman Gustin made a motion to approve Kevin and Stephanie Christensen residential permit #1252 as presented. Councilwoman Cibula seconded it. Motion passed unanimously.

AGENDA ITEM #6 - DISCUSSION AND VOTE TO APPROVE FALCON COMMICHAUX LAND DIVIDING

Councilman Gustin presented for approval a minor subdivision under the grace period for Falcon Commichaux. He said P&Z had approved it on July 11, 2017. He said the only issue is that the parcel number on the application is 59-038-0194 and the parcel number that the county tax records show is 59-038-0184 & 59-038-0185. P&Z has required them to put the subdivision back to original parcels and he thinks they are talking about the same parcels but would prefer the numbers match up with the county. It's in RA1 and would currently qualify under the current ordinance as far as he could tell. Falcon said he thought he was actually compliant in 2015 but he wants to be sure he is approved by the Town. Councilman Gustin said that after approval it will be approved to be built on immediately. Councilwoman Cibula requested they put a note on the application explaining the difference in the parcel numbers.

Councilman Gustin made a motion to accept the minor subdivision for application #004 for Falcon Commichaux for parcel numbers 59-038-0194 or 84 and 59-038-0185 under the grace period. Councilman Stark seconded it. Motion passed unanimously.

AGENDA ITEM #7 - DISCUSSION AND VOTE ON CHANGES TO NUISANCE ABATEMENT (STREET) ORDINANCE CFO-560-NA-2017

Mayor Anderson said the Council is considering adding a section to the current nuisance ordinance prohibiting commercial carpooling within the Town limits. 5.5.1 – Definitions and 5.5.2 – Private

Carpooling Allowed. Donna asked what the parking laws were as long as people aren't blocking your driveway or a fire hydrant. Mayor Anderson said commercial carpooling is different. Cara said she thought UTA was picking these people up and hauling them to the depot and wanted to know why now they can't park there. Councilwoman Cibula said they aren't from Cedar Fort. Councilman Murphy said they will try to work with them and maybe they could park at the Community Center. Councilwoman Cibula said then they are just moving the traffic to another road. Councilman Murphy said maybe they can come in from the south road instead of going through town. Councilman Stark said they were addressing the issue because some residents had brought their complaints to the Town. He said he had attempted to reach out to UTA to try to understand where these guys come from etc. Councilman Stark said he thought they should reach out to UTA and see what can be worked out.

Mayor Anderson said some of the issues were that they were parking in front of hydrants and driveways. Donna asked if she could park on the side on the road to meet a girlfriend and leave her car there. Mayor Anderson said yes because she is not commercial. Councilman Stark suggested they reach out to UTA and find out who they need to talk to. There was further discussion on how to solve the issue. Councilman Murphy said he would take on the assignment of talking to them and give them some options for parking somewhere else. Mayor Anderson said he would go with Councilman Murphy to talk to them. Mayor Anderson said they would wait on passing anything until he and Councilman Murphy had a chance to talk to them. The Council agreed. There was no vote taken.

AGENDA ITEM #8 – DISCUSSION AND VOTE ON CEMETERY ROAD PROJECT

Councilman Murphy said they had cost information on several options for a border between the grass and the road at the cemetery. He said the gravel for the roads will be free. Councilman Murphy gave prices for different types of blocks and landscape ties. The landscape ties were the cheapest. Clarence Ault suggested they use a 6-12 inch vinyl. He said it is cheap and holds up good. The Council said they would check it out. The Council discussed the pros and cons of the various options.

Wyatt Cook wanted to know what the point was of putting up a barrier. Councilman Murphy said it was to keep the grass from encroaching onto the road and the gravel from encroaching on the grass. Kelly said older people could trip on the border. Mayor Anderson said it's not planned to be a barrier and it is only 3 1/2 inches high with 3 inches of gravel. Councilman Murphy said there are headstones in the cemetery that are that tall that people could trip on too.

September 9 was set for a work day to install the border and map the cemetery. Kelly wanted to know where the money was coming from for the project. Mayor Anderson said it was coming from the cemetery fund. Mayor Anderson also said they need volunteers to help.

Councilman Murphy made a motion to approve the cemetery road project for a gravel and grass barrier being either the landscape timbers and rebar \$2351.25 or the vinyl barrier that Clarence suggested if they deem it to be more economical and equally as good for our purposes. Councilwoman Cibula seconded it. Motion passed unanimously.

AGENDA ITEM #9 – DISCUSSION ON DEBATES/Q&A WITH COUNCIL/MAYORAL CANDIDATES

Mayor Anderson asked for input from the Council on a meet the candidate's night. Councilman Stark said they should definitely have one for the Council candidates. Mayor Anderson asked what kind of format they should have. Councilman Gustin said it should be similar to what they did for the Mayoral candidates so we can know what their thoughts are. He said a debate type format would probably only create more contention than they already have.

Ashley Cook suggested they do like Lehi and just ask the candidates 5 questions. She said it took about half an hour and they had another half hour where people could just talk to them. Kelly said they had a neutral party ask the questions. She said it was nobody from the town and there were no anonymous questions directed at any one candidate. She said all the questions had to do with city policies. Mayor Anderson asked her what the questions were. Kelly said one of the questions was "how would you handle the budget for Lehi City" and "what would you do with development". She couldn't remember the other questions. She said they were just basic general questions. Mayor Anderson asked who generated the questions. Kelly said they should find a neutral party to do that because the [Cedar Fort] candidate question and answer was unfair. She said there were a lot of questions asked that only a few people in town would have known what it was about. She went on to say that the questions were a personal attack on her and her family and she said she was ambushed that night and it was wrong and she said she will never agree to anything like that again. She said the questions shouldn't come from the Mayor and Council.

Councilman Gustin told her the questions came from the public that night. She said they will never know because the questions were anonymous and in a box. Councilman Murphy said the box was out in the open and they saw people put their questions in the box. Kelly said they will never know. Councilman Gustin said none of the questions were sanctioned by the Council and they all came from the public. Mayor Anderson agreed that was true. Councilman Murphy told Kelly the Council did not collude to attack her and the citizens came up with the questions and the Council saw citizens putting their question in the box. He said those questions came from the public. He continued by saying that if any Councilmember put questions in, it was as a citizen and not that they got together and said "let's ask this question". He said that did not happen. He reiterated by saying that "for the record, that did not happen". The Mayor and other Council members agreed with Councilman Murphy.

Bart said they need to do it different. Council Murphy agreed that they could do things different. He said some questions were asked 6 times. He said he was all for coming up with a way to ask questions so that the same question doesn't get asked 6 times and they are policy based.

Mayor Anderson asked who could generate a set of questions for the town. Lynnette said you want a set of questions that you know ahead of time that are not attack questions, but policy based questions.

Bart was upset with a statement he said Councilman Gustin made earlier about them [Bart and Kelly] not wanting the public to ask questions. [I cannot hear the statement on the tape]. Bart said it was not appropriate. Councilman Gustin responded by saying the questions were submitted by the citizens and that is what Bart said led to an unfair result. He [Councilman Gustin] continued by saying that questions were submitted by citizens and Bart didn't like how it turned out so now the suggestion is that the Town have someone other than the citizens submit the questions. Councilman Gustin said that is exactly what it being proposed.

Bart said it was not right for Councilman Gustin to say they [Bart and Kelly] don't want concerned citizens to ask questions and he said that wasn't their intent and Councilman Gustin shouldn't have made the statement. Bart went on to say they should have a neutral party ask questions about issues that the town is dealing with. Councilwoman Cibula pointed out that who knows what issues the town is dealing with better than the citizens.

Kelly said they need a neutral party that knows nothing about what's been going on in town and nothing that's been going on in P&Z. She said they need neutral questions that would be asked in any town. She said the questions that were thrown at her and the one accusing her husband of being a criminal were wrong. She said there were very few people who knew about that situation and she said she couldn't explain it in [her allotted] two minutes. She continued by saying it's not about who submitted the questions but about it being fair to all. She said what took place was wrong.

Councilman Murphy said the intent of that format was not to attack or benefit any one person. The intent was to open it up to the citizens to submit questions that concerned them. And that's how it turned out. He said he was open to doing something different. Kelly said some of the questions should have been thrown out. Councilman Murphy said maybe they should have gone through them beforehand but it's done now and he suggested they move forward.

Mayor Anderson again asked who they could get to come up with the questions. Lynnette suggested asking the news reporter from the Crossroads Journal. Kelly said no. She said he hasn't been fair in his reporting either. She said he wasn't fair to her or Wyatt Cook because they only answered 4 questions, so she said he took a hit at them. Councilwoman Cibula said the Town doesn't control this reporter and she suggested they move on. Kelly said he printed 4 of David's [responses], 4 of Lynnettes, 2 of hers and 1 of Wyatt's. Councilwoman Cibula told Kelly not to be pointing at her because the paper didn't print any of hers. Mayor Anderson said they needed to move on.

Councilman Gustin suggested they contact Mark Roberts who is our Legislative Representative and see if he would generate the questions and maybe come out to their meeting. Everyone seemed to agree with that idea. Mayor Anderson said he would contact him. The Council discussed having a second Mayoral debate. Lynnette said she would like to hear from the two candidates again. She also said she did not think that the candidates should know the questions beforehand. Councilman Murphy suggested they have questions for one hour and then mingle afterwards. Mayor Anderson will contact Mark Roberts and they will proceed from there.

AGENDA ITEM #10 – DISCUSSION ON SHANTELL CLEVERLY CULINARY WATER TRANSFER APPLICATION

Before the meeting, Shantelle ask for a water transfer application. Vonda will get one for her. She did not stay for the meeting.

AGENDA ITEM #11 – ADJOURN PUBLIC MEETING

Councilman Murphy made a motion to adjourn the meeting. Ellen seconded it. Motion passed unanimously. Meeting adjourned at 9:38 p.m.