

Town of Cedar Fort

Town Council Variance Meeting Minutes

April 11, 2019 at 6:00 pm

Town Hall, 50 East Center Street, Cedar Fort

APPROVED



Time: 6:26 p.m.

Minutes Taken By: Cara Lyon, Town Clerk

Town Employees Present: Cara Lyon, Town Clerk, Ashley Cook, Town Treasurer, Calvin Cook, Water Superintendent, and Howard Anderson Cemetery Sexton and Owner's Representative

Town Council Present: Mayor David Gustin, Councilman Wyatt Cook, Councilman Christopher Whiting, Councilwoman Laura Ault and (Councilwoman Ellen Cibula attended via Skype)

Visitors Present: Paula Heaton, Dave Rose, Glenn Wilson, Charlynn Anderson-not signed in, and Charlie Heaton-not signed in

1. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; PRAYER/THOUGHT

Ms. Charlynn Anderson provided an invocation and all in attendance recited the Pledge of Allegiance.

2. PUBLIC COMMENT – CITIZEN OPPORTUNITY TO ADDRESS COUNCIL

Mayor Gustin opened the public comment. He reminded the public to limit their comments to two or three minutes.

There was no public comment.

3. PRIOR MEETING MINUTES

Mayor Gustin stated that the Town Council will review meeting minutes from the Town Council Variance Application Meeting held on March 13 and the Town Council Regular Meeting on March 14.

Town Council reviewed the minutes.

Councilwoman Ault motioned to approve the Town Council meeting minutes for March 14 as amended.

Councilman Cook seconded the motion.

Mayor Gustin	Yea
Councilwoman Ault	Yea
Councilwoman Cibula	Yea
Councilman Cook	Yea
Councilman Whiting	Not Present during this Agenda Item

The motion passed.

The Town Council meeting minutes for March 13 were approved.

Councilwoman Ault motioned to approve the Town Variance meeting minutes for March 13 as amended.

Councilwoman Cibula seconded the motion.

Mayor Gustin	Yea
Councilman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Not Present

The motion passed.

The Town Council meeting minutes for March 13 were approved.

Mayor Gustin asked Clerk Lyon to include the agenda with Town Council meeting minutes when they are presented before the Town Council for approval. This will make the review easier and also help with GRAMA requests.

4. BUDGET REVIEW; TOWN BILLS

Mayor Gustin stated that he discussed the budget with Councilwoman Ault. Sales tax reform might be detrimental to smaller communities because the rate will be applied to services, and not to goods that are sold online. He encouraged the Council members to reach out to their representatives.

Councilwoman Ault and Councilwoman Cibula discussed the ACE bills.

Councilwoman Ault stated that she will reach out to the ACE.

Mayor Gustin suggested that individual tax amounts should be assigned to their particular budgets. He asked Clerk Lyon regarding the invoice for the fire truck repairs.

Clerk Lyon replied that she didn't get anything from the fire department.

Councilman Cook motioned to approve town bills for March 2019.

Councilwoman Ault seconded the motion.

Mayor Gustin	Yea
Councilwoman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Not Present

Town bills for March 2019 were approved.

5. REPORT: POLICE; FIRE; WATER; TREASURER; CLERK; SEXTON; OWNER REP

- **Police**

No one from the Sheriff's Office was in attendance.

- **Fire**

No one from the Fire Department was in attendance.

- **Water**

Water Superintendent had nothing to report on.

- **Treasurer**

Treasurer Cook was not in attendance.

- **Clerk**

Clerk Lyon stated that she has posted two job openings: one position for Activities Chair Committee and three positions for poll workers. She will post those jobs again.

Mayor Gustin suggested that Rita Peters might be willing to help with the poll position. If there are no people willing to serve on the Activities Committee then some activities will have to be canceled.

- **Sexton**

Mr. Anderson stated that the CDBG grant project has only two pieces left. There's \$25,000 left in the budget, but that might not be enough.

Mayor Gustin stated that the Town will have to cover any extra costs.

6. REPORTS FROM COUNCIL MEMBERS

Councilwoman Cibula stated that she has been getting questions from people who want to build on the roads that don't belong to Cedar Fort. This will be discussed at a meeting with the County representatives.

Mayor Gustin agreed that the County can help with this issue.

Councilwoman Cibula reported that she has one more business license to review.

Mayor Gustin asked regarding the business license for a county store.

Clerk Lyon stated that the applications were sent on February 15, 2019.

Mayor Gustin asked Clerk Lyon to email him the owners' information because he wanted to reach out to them.

Councilwoman Ault stated that she will reach out to the ACE and check what they're billing to the Town. She stated that the dumpster fills quickly, and it fills with materials that are not supposed to be disposed in that dumpster.

Councilwoman Cibula asked Councilman Cook if he is still working on the MAG for the map.

Councilman Cook replied that he is. The map has been updated it contains county parcels and their owners.

Councilman Whiting stated that he is working with Mr. Anderson regarding water usage.

Mayor Gustin asked if there are any applications for water usage at the cemetery.

Councilman Whiting stated that finding a way to enforce water usage will be a massive undertaking.

Councilwoman Ault suggested that a note should be put in water bills, so residents are informed.

Mayor Gustin stated that BLM informed him regarding the land patent. He is hoping to hear from them again soon. He wanted to get input from the Council regarding the power lines that go across the road. The current ordinance states that the power line should go overhead, but he would like it to go underground.

Mayor Gustin stated that the current water ordinance allows residents to choose if they want to be connected to the Town water system. The U.S. government provides free software for the municipalities that allows them to track water usage. However, the Town has to gather data, which is an enormous undertaking. He looked at Fairfield's water usage ordinance, which requires connecting to a water line if that water line is within 1000 feet to your property. Residents can't meet the current

water ordinance requirements in Cedar Fort, same as they can't meet requirements for the major subdivision.

Councilwoman Cibula asked if the problem with the empty tank was solved.

Mayor Gustin stated that he has discussed that with the civil engineer to find what's causing the tank to empty. Water pipes need to be upgraded from 6 to 8 inches. He wanted to make sure that the Council agreed that the water system should be upgraded.

7. JEFFREY'S SUBDIVISION APPLICATION (CORRECTED)

Mayor Gustin introduced the minor subdivision application from Keith and Steven Jeffrey. Since Councilwoman Cibula reviewed the application, Mayor Gustin asked for her comment.

Councilwoman Cibula stated that the application was received. Jeffrey were the previous property owners who sold the property to the Dansie Family and the Heaton family. The application is correct, and she doesn't have any concerns.

Councilwoman Cibula motioned to approve Cedar Fort Minor Subdivision form no. 010 for Steven Jeffrey for parcel no. 59:037:0036.

Councilwoman Ault seconded the motion.

Mayor Gustin	Yea
Councilwoman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Yea

The motion passed unanimously.

Cedar Fort Minor Subdivision form no. 010 for Steven Jeffrey for parcel no. 59:037:0036 was approved.

8.WATER LAW FIRM

Mayor Gustin stated that in the past the Town has used the same attorney as the irrigation company. The irrigation company representative has expressed his intent to sue the Town. Mayor's proposal is to retain Jared Parkinson. He passed Mr. Parkinson's resume to the Council. He worked with Mr. Parkinson in the past.

Mayor Gustin motioned to retain Mr. Parkinson as the water attorney for the Town.

Councilman Whiting seconded the motion.

Mayor Gustin	Yea
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Councilwoman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Yea

The motion passed unanimously.

The Town retained Mr. Parkinson as the water attorney.

9. CIVIL ENGINEERING FIRM FOR WATER SYSTEM

Mayor Gustin stated that David Petersen from Petersen Engineering surveyed the water system and provided quotes for various levels of services. The provided survey was \$4,500. Peterson Engineering is willing to digitize the water system blueprints and develop a master plan. Future planning would cost \$6,500, and digitizing maps and corrective actions would cost \$9,700.

Councilwoman Ault asked if there is a purchasing amount that requires a bid.

Mayor Gustin stated that he is aware that anything over \$1,000 would require a bid.

Councilwoman Ault indicated a concern regarding the lack of other bids.

Mayor Gustin stated that he has requested other bids but with no response.

Councilman Whiting suggested that future plans should be considered before making any changes. He would also like to see some other bids.

Councilman Cook and Mayor Gustin discussed working with Peterson Engineering on future plans.

Councilwoman Cibula asked where the money would come from for this project.

Mayor Gustin replied it would come from the Water/Enterprise account. He stated that he doesn't want to work with the JUB since he had a bad experience with them in the past.

Treasurer Cook stated that there's \$271,500 in the general account. She is working to separate general and enterprise account for more accurate amounts in each account.

Mayor Gustin stated that in this fiscal year the enterprise account added \$21,000. He would prefer to start this project this summer.

Councilwoman Cibula asked Mayor Gustin how long it took him to get the quote.

Mayor Gustin replied that it has been 2-3 weeks since he got the quote.

Mayor Gustin motioned to retain Peterson Engineering for the limited scope of work, points 1-3, with a total cost of \$9,700.

Councilman Whiting seconded the motion.

Mayor Gustin	Yea
Councilwoman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Yea

The motion passed unanimously.

Peterson Engineering will be retained for the limited scope of work, points 1-3, with a total cost of \$9,700.

Councilman Cook asked what the points 1-3 are.

Mayor Gustin replied that the points 1-3 involve the following: 1) compiling the master map and digitizing of the blueprints (\$1500), 2) creating modeling system (\$6500), and 3) prepare the list of upgrades (\$1700).

Councilwoman Ault asked Mayor Gustin who are the other individuals that he requested bids from.

Mayor Gustin replied that he contacted another David Peterson from Utah County, and a gentleman out of Highland whose name he couldn't recall.

Councilwoman Cibula asked for further clarification regarding the cost of the Peterson Engineering services.

Mayor Gustin reiterated what each stage of the project would cost. This will be a huge project. There are issues right now that the Town will have to solve in the future, such as the empty tank. He stated that he appreciates the Councilmembers feedback.

10. ADJOURN

Councilwoman Cibula motioned to adjourn the meeting

Councilwoman Ault seconded the motion.

Mayor Gustin	Yea
Councilwoman Cibula	Yea
Councilwoman Ault	Yea
Councilman Cook	Yea
Councilman Whiting	Yea

The motion passed unanimously.

Meeting was adjourned at 8:31 PM.