

Cedar Highlands, UT Town Council Meeting September 26, 2019

Minutes of the Cedar Highlands Town Council meeting which was convened at 6:00 p.m. on September 26, 2019 at the Cedar City Library, 303 N 100 E, Cedar City, Utah.

Council Members in Attendance:

Jim Byler, Mayor
Beth Gaines, Council Member
Linda Stetzenbach, Council Member
Paul Starks, Council Member - not present
Susan Allman, Council Member - not present

Three Council Members are present, a quorum has been established.

Pledge of Allegiance

Conflicts of Interest: None noted.

Approval of Agenda: Beth Gaines makes a motion to approve the agenda. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Minutes Approval: The Council discusses approving past minutes from the previous administration. The consensus is to approve the minutes from January 24, 2019, April 12, 2019, May 23, 2019, and June 10, 2019 with the following disclaimer noted: "On September 26, 2019, the Council approved these minutes knowing that they are incomplete and inadequate. The person who originally created these minutes is not available to make corrections." The Council agrees the minutes from May 9, 2019 will be approved with corrections made as requested previously by Council Member Susan Allman. The minutes from July 17, 2019 and August 22, 2019 are accepted as is. Linda Stetzenbach makes a motion to approve the minutes from January 24, 2019, April 12, 2019, May 9, 2019, May 23, 2019, June 10, 2019, July 17, 2019, and August 22, 2019 as noted above. Second by Beth Gaines. Voting: Beth Gaines, aye; Linda Stetzenbach, aye, Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Public Speakers:

Jim Hilton: Mr. Hilton requests the Town Council look into the short-term rental issue, as a back-up to the fine schedule the Cedar Highlands HOA (CHHOA) has implemented. His proposal is to allow short-term rentals within the Town limits, but must be subject to any prohibitions in the CHHOA CC&Rs. Mr. Hilton also advises that

there is a homeowner, who is an attorney, and he operates a short-term rental in the Town and CHHOA limits, and this homeowner may be contemplating litigation.

Linford Nelson: Mr. Nelson would like to subdivide a 17 acre parcel he owns at the top of Cedar Highlands Drive and is requesting guidance from the Town Council as to whether he should proceed now or wait to see if the Town is disincorporated and his property reverts back to the County's jurisdiction. Mayor Byler responds that the Town Planning Commission will be fully staffed after two new members are appointed later in this meeting, and Mr. Nelson should present his paperwork, in more detail, to the Planning Commission.

Building Permit Fee Surcharge: This is a quarterly report that is to be filed with the State of Utah Department of Commerce. Beth Gaines reports that the Town has not yet filed any report, but will become current by filing the report and paying the fees due from the Town's inception through September 2019. Mayor Byler will do the calculations. Beth Gaines makes a motion to complete the Building Permit Fee Surcharge Collections Quarterly Report and pay the calculated fees to the State. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Snow Plowing Contract: Mayor Byler reports that Bulloch Dirt Works submitted the only bid for snow removal, and it was for the same rates that were charged to the CHHOA last winter. The Town has a new sander to use, purchased by the CHHOA with donations from community members. Mayor Byler will be the contact person, and the roads will be plowed when approximately six inches of snow has accumulated. Linda Stetzenbach makes a motion to accept Bulloch's bid. Second by Beth Gaines. Voting: Beth Gaines, aye; Linda Stetzenbach, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Mayor Byler would like to try to mitigate some of the drifting snow that was a specific cause of snow removal callouts last winter by installing snow fencing in certain areas. Also, have gravel piles located in several areas that community members can use if only small patches of the road is slick. The Mayor will consult with CHHOA President Mike Brask, and will add to the agenda next month to allocate funds for the possible purchase of snow fencing.

Resolution to Cancel Election: The 2019 Municipal General Election can be canceled when the number of candidates is equal to the number of open seats. Since the Town has two open seats up for election, and there are only two candidates running, the election may be canceled. Beth Gaines makes a motion to cancel the 2019 Municipal General Election. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Appointments to Planning Commission: There are currently two openings on the Planning Commission. Only two residents, Jim Hilton and Rob Shelton, have applied. Mayor Byler states there are two items the Planning Commission would need to address right away, finalize the subdivision ordinance and then address Linford Nelson’s request to subdivide his property. Jim Hilton states that he has been working with Linford Nelson, and as such, he would recuse himself from any business relating to Mr. Nelson. Linda Stetzenbach makes a motion to appoint Jim Hilton and Rob Shelton to the Planning Commission. Second by Beth Gaines. Voting: Beth Gaines, aye; Linda Stetzenbach, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Resident Tom Wootton inquires if the Town can get new entrance signs, as he has noticed the current signs are in disrepair. Mayor Byler states he would like to see beautification projects for the community, and that would include new entrance signs. Linda Stetzenbach suggests adding safety signs as well. The Mayor would like the Town and the CHHOA to meet to discuss joint projects that can be accomplished in the spring.

Bills to Pay:

Hilton Hosting	\$ 92.26
GoCivil Engineering	300.00*
Bulloch Dirt Works, Inc.	22,787.20
Bulloch Dirt Works, Inc.	540.00**
Southwest Publishing	48.00
Dave Nelson	9,495.00***

*This charge is for a Drainage Control Report. Beth Gaines will forward the report to be posted on the Town’s website.

**Work to re-route stream and build rock stream bed which was not included in original estimate. Mayor Byler approved this work as additional funds had previously been allocated.

***Building Inspector Dave Nelson has agreed to accept \$1,000.00 per month through the end of the year. Related discussion held amongst the Council on building inspection fees. As the contract is written, 16-20 inspections are included in the building permit fee. The Council will review if and when any additional building inspection fees will be charged. Beth Gaines makes a motion to pay the building inspector \$1,000.00 per month until the end of the year, and then revisit the remaining balance. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

The Town Clerk advises the Council that \$50.00 was charged on the debit card to the Lt. Governor’s Office, Utah Entity Registry.

Linda Stetzenbach makes a motion to pay the bills as noted above. Second by Beth Gaines. Voting: Beth Gaines, aye; Linda Stetzenbach, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

The Clerk states the current balance in the checking account is \$25,430.10, savings account balance is \$5,012.16, and the Public Treasurer's Investment Fund (PTIF) balance is \$35,952.12. The checking account balance after the approved bills are paid will be \$662.64. Two checks were received just recently, one from Linford Nelson for building permit fees, and the other from Rocky Mt. Power for reimbursement of municipal taxes paid by residents. Upon deposit of these checks, the total balance of all accounts will be \$51,746.99.

Reports:

Beth Gaines: Beth submits a packet of financial information, which includes a printout of the PTIF account activity to date. The Mayor explains that the PTIF account is where all of the Town's property tax revenues are deposited, and also includes road taxes, sales taxes, and interest reinvestments. Also included in the packet is the Standard Financial Reports from Pelorus, one for the month of August, and another for the fiscal year ended June 30, 2019. These reports will be posted on the Town's website.

Linda Stetzenbach: Linda has no report as she has been out of town.

Mayor Byler: The Mayor states the Town should have funds available to improve the community, and hopes to work with the CHHOA on several projects.

Linda Stetzenbach asks, now that the Town has a sheriff contract, has anyone seen any sheriff patrols. Mayor Byler states that the sheriff deputies have been in town. Linda requests the Sheriff Department phone number be posted on the website. Resident Larry Miracle inquires if the Sheriff can have any input or suggestions on the ATV's and speeders on the roads. The Council will see if the Town's Sheriff representative will be available to speak at an upcoming meeting.

Resident Lori Silva inquires if the road work has been completed, she states there is a bad area on the upper road where the ditches are too deep and are hazardous. The Council discusses using the balance of the funds that were previously allocated for road work to repair ditches. Beth Gaines makes a motion to spend up to \$2,500.00 to repair ditches. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

The next Town Council meeting is scheduled for October 24, 2019 at 6:00 p.m. at the Cedar City Public Library, 303 N 100 E, Cedar City, Utah.

At 7:16 p.m. Beth Gaines makes a motion to adjourn. Second by Linda Stetzenbach. Voting: Linda Stetzenbach, aye; Beth Gaines, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Minutes submitted by Town Clerk Jeanne Shelton

