

Cedar Highlands, UT Town Council Meeting November 21, 2019

Minutes of the Cedar Highlands Town Council meeting which was convened at 6:01 p.m. on November 21, 2019 at the Cedar City Library, 303 N 100 E, Cedar City, Utah.

Council Members in Attendance:

Jim Byler, Mayor
Paul Starks, Council Member
Jeanne Shelton, Council Member
Susan Allman, Council Member - not present
Linda Stetzenbach - not present

Three council members are present, a quorum has been established.

Council member Linda Stetzenbach submitted her letter of resignation from the Town Council effective November 4, 2019. No appointment will be made to replace Linda as a new council member will be taking her seat in January.

Pledge of Allegiance

Conflicts of Interest: None noted.

Approval of Agenda: Paul Starks makes a motion to approve the agenda. Second by Jeanne Shelton. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Minutes Approval: Jeanne Shelton reads an excerpt from "Roberts Rules of Order" stating that it is acceptable for a council member to approve minutes from a meeting that they did not attend. Paul Starks makes a motion to approve the minutes from October 24, 2019. Second by Jeanne Shelton. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Public Speakers: None.

Iron County Sheriff Deputy: The Sheriff Deputy is not present to address the Council. She will be invited to speak at a future council meeting in the new year when all council members will be present.

Amend Resolution 38-2018: It is proposed to amend Resolution 38-2018, Monthly Work Meetings, to state that a monthly work meeting **may** be scheduled instead of **shall** be scheduled. Paul Starks makes a motion to amend Resolution 38-2018 as noted. Second by Jeanne Shelton. Voting: Paul Starks, aye; Jeanne Shelton, aye;

Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Cedar Highlands General Plan: Utah law requires all municipalities to have a General Plan. Planning Commission member Jim Hilton drafted a General Plan for Cedar Highlands to consider, but upon further review of the applicable Utah Code Sections, it appears not all code sections have been followed regarding notification and public comment. It is proposed that the General Plan document be returned to the Planning Commission to allow for proper notifications and public comment. Paul Starks makes a motion for the Council to table the General Plan and return it to the Planning Commission to comply with Utah Code. Second by Jeanne Shelton. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Subdivision Ordinance: The Planning Commission has recommended and sent to the Council for review, a Subdivision Ordinance that incorporates by reference the Iron County, Utah Code of Ordinances, Title 16 - Subdivisions, with several substitutions, exceptions, and additions added specific to Cedar Highlands. This includes designating the head of the Planning Commission as the Zoning Administrator. With a possible vote upcoming to potentially disincorporate Cedar Highlands, the intent of the Planning Commission is to have a seamless transition in the event the Town does disincorporate. Planning Commission Chairman Larry Miracle states Iron County Planner Reed Erickson is willing to work with and advise Cedar Highlands on any subdivision issues that may arise. The Town Council is aware that Linford Nelson is interested in subdividing land he owns within the Town limits. Utah Code section 10-9a-504, Temporary land use regulations, allows for a municipality to enact an ordinance establishing temporary land use regulations for a period not to exceed six months. This code section appears to apply to the unique situation the Town is in, considering the potential for disincorporation. Jeanne Shelton makes a motion to adopt a temporary ordinance, for a period of six months from today, which incorporates by reference the Iron County, Utah Code of Ordinances, Title 16 - Subdivisions. Second by Paul Starks. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Linford Nelson requests, and the Planning Commission has recommended, to have Cedar Highlands Drive/Greens Lake Road plowed up to his building site as he intends to continue construction during the winter. A discussion ensues on the viability of plowing the upper road. Jeanne Shelton makes a motion to have Bulloch's plow Cedar Highlands Drive/Greens Lake Road from the meadow to the pavement on Right Hand Canyon, and make a turnaround area for the snowplow on Right Hand Canyon. Second by Paul Starks. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Approve Bills to Pay:

For Approval:

Bulloch Dirt Works, Inc.

\$9,757.58

Paul Starks questions if all the road work that was contracted for was completed. A discussion ensues on the state of the roads in the Town. The new sander has not yet been mounted on a truck, but should be by next week.

Pre-Approved:

Dave Nelson (Building Inspector)	\$1,000.00
CICWCD	62.00

Jeanne Shelton makes a motion to pay the above noted bills. Second by Paul Starks. Voting: Jeanne Shelton, aye; Paul Starks, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Reports:

Financial Report: Jeanne Shelton reports that a total of \$177.09 was charged on the debit card: \$134.28 at Home Depot for trash cans, chains, and stencils, and \$31.81 at Cal Ranch for plastic scoops - the cans to be filled with gravel and placed in strategic areas on the roads for use by residents when the roads are icy; and \$11.00 at the Post Office for stamps. The current balance in the Public Treasurer's Investment Fund (PTIF) is \$52,779.39, State Bank checking account is \$9,974.78, and State Bank savings account is \$5,015.62. After the above bills are paid, including transferring \$20,000.00 from the PTIF into the checking account, the PTIF balance will be \$32,779.39, the checking account balance \$19,155.20, and savings account balance \$5,015.62, for a total of \$56,950.21.

Paul Starks is requesting to be reimbursed \$500.00 for money he spent on the FireWise event in 2018. It is suggested that Paul submit an invoice and the clerk will go through the old check register to verify the deposit. The Council approves payment upon receipt of an invoice.

Mayor Byler: Jim Hilton has resigned from the Planning Commission. The opening will be posted on the Town website for any interested residents to apply.

The mayor has received several inquiries from homeowners asking if anyone offers their services to plow their driveways. Paul Starks used to have someone plow his driveway, he will see if this person will offer plowing services to the residents.

Paul Starks: Paul does not feel that Cedar Highlands is getting a fair return on in kind hours that residents have submitted to the Utah Community Forestry Grant program. Submissions of work performed by residents exceeds the amount of grant money received. Paul will draft a letter explaining the issues that he feels need to be addressed, and the Council will submit the letter to the Governor, Lt. Governor, or any more senior official than the local contact person at the Department of Natural Resources.

Planning Commission chairman Larry Miracle reports that some residents are doing work on their properties without notifying the Town or the Cedar Highlands Homeowner's Association (CHHOA) first. Residents need to be aware that work done on their own property may adversely affect a neighbor's property.

Resident Rob Shelton inquires if the Town has any issues with collecting petition signatures for the governor's election. It is suggested that he first send an email to residents asking if they would be willing to sign a petition.

The next Town Council meeting is scheduled for December 19, 2019 at 6:00 p.m. at the Cedar City Public Library, 303 N 100 E, Cedar City, Utah.

At 7:29 p.m. Paul Starks makes a motion to adjourn. Second by Jeanne Shelton. Voting: Paul Starks, aye; Jeanne Shelton, aye; Mayor Byler, aye. Motion passed 3 aye, 0 nay.

Minutes submitted by Town Clerk Jeanne Shelton

The Town of Cedar Highlands

RESOLUTION NO. 38-2018 (AMENDED)

MONTHLY WORK MEETINGS

WHEREAS, the Town of Cedar Highlands is a new municipality with numerous issues that should be discussed; and

WHEREAS, the Town Council has determined it is in the public interest to meet as needed under the work meeting format;

NOW, THEREFORE BE IT RESOLVED that the full Cedar Highlands Town Council of four council members and the Mayor may schedule a monthly work meeting each month, if needed, at a date and time convenient for a quorum of the Council to be in attendance. This Resolution was made, voted upon, and passed by the Cedar Highlands Town Council at a regular Town Council meeting held on the 21st day of November 2019. This Resolution shall become effective immediately upon signing by the Mayor and Town Clerk.

Penalty: No penalties are applicable.

DATED this 21st day of November 2019

VOTING:

THE TOWN OF CEDAR HIGHLANDS

Mayor Jim Byler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Linda Stetzenbach	Yea <input type="checkbox"/>	Nay <input type="checkbox"/> resigned
Susan Allman	Yea <input type="checkbox"/>	Nay <input type="checkbox"/> not present
Paul Starks	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Jeanne Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>



Jim Byler, Mayor

ATTEST:



Jeanne Shelton, Town Clerk

The Town of Cedar Highlands

ORDINANCE NO. 6-2019 (Temporary)

SUBDIVISIONS WITHIN THE TOWN OF CEDAR HIGHLANDS

WHEREAS, the Town of Cedar Highlands is an incorporation of residential and vast tracts of Bureau of Land Management (BLM) land; and;

WHEREAS, the Town Council wishes to protect the rural nature of the Town and to ensure the continued health, safety and general welfare of the residents of the Town; and;

WHEREAS, it is recognized that private landowners within the limits of the Town of Cedar Highlands may wish to subdivide their land; and;

WHEREAS, the Town Council of the Town of Cedar Highlands may amend or rescind Ordinances by Council vote in the future, or may establish additional Ordinances that may regulate use of existing properties via zoning in future building within the Town boundaries;

WHEREAS, the Town may be the subject of a vote to disincorporate in early 2020;

NOW THEREFORE, be it ordained by the Town:

As used in this ordinance, the following words and terms are defined as follows:

- a) Words in the singular number include the plural, and those in the plural include the singular.

Pursuant to Utah Code section 10-9a-504, Temporary land use regulations, the Town Council makes a finding of compelling, countervailing public interest and enacts this ordinance for the period of six (6) months from date of enactment.

The Town of Cedar Highlands hereby incorporates by reference the Iron County, Utah Code of Ordinances, Title 16 - Subdivisions, with the following stipulations:.

Substitute: "Town of Cedar Highlands" for all references to the entity of "Iron County".

Exception: Until the subdivision has a certificate of occupancy for 50% of properties in said subdivision, the Town of Cedar Highlands will not be responsible for snow removal within the subdivision boundaries.

Addition: When Iron County is referenced, it will mean the Town of Cedar Highlands. When a county department or agency is referenced, it will mean the Town of Cedar Highlands' assignee.

Addition: The Head of the Planning Commission shall be designated as the Zoning Administrator.

Violations of this Ordinance will result in penalties as identified in Iron County, Utah, Code of Ordinances, Title 16 - Subdivisions.

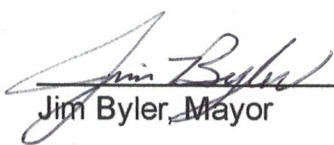
This Ordinance was made, voted upon, and passed by the Cedar Highlands Town Council at a regular Town Council meeting held on the 21st day of November 2019. This Ordinance shall become effective immediately upon signing by the Mayor and Town Clerk.

Dated this 21st day of November 2019

VOTING:

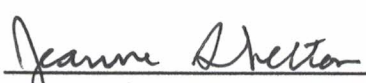
THE TOWN OF CEDAR HIGHLANDS

Mayor Jim Byler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Susan Allman	Yea <input type="checkbox"/>	Nay <u>not present</u>
Jeanne Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Starks	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Linda Stetzenbach	Yea <input type="checkbox"/>	Nay <u>resigned</u>



 Jim Byler, Mayor

ATTEST:



 Jeanne Shelton, Town Clerk