

# **Cedar Highlands, UT Town Council Meeting January 23, 2020**

Minutes of the Cedar Highlands Town Council meeting which was convened at 6:00 p.m. on January 23, 2020 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  
Simon Saw, Council Member

## **Pledge of Allegiance**

Paul Starks requests to have the Conflicts of Interest moved to the next agenda item. No objections noted.

**Conflicts of Interest:** Paul Starks declines to accept his new term as a council member. Mayor Byler states a letter of resignation is appropriate. Paul abstains from the entire council meeting and leaves the meeting. (After completion of the council meeting, Paul emailed a letter of resignation to the Mayor and the Town Clerk.)

## **Swearing in of New Council Members, Treasurer, and Planning Commission**

**Member:** Mayor Byler administers the Oath of Office to Council Members Simon Saw and Jeanne Shelton, Treasurer Susan Allman, and Planning Commission Member Rob Shelton.

**Minutes Approval:** Susan Allman makes a motion to approve the minutes from December 19, 2019. Second by Jeanne Shelton. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

**Approval of Agenda:** Jeanne Shelton makes a motion to approve the agenda. Second by Susan Allman. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

## **Public Speakers:**

Resident **Rob Shelton** states he and fellow members of the Committee to Disincorporate the Town of Cedar Highlands have started circulating a petition to disincorporate the Town. He is asking the Council to properly educate the public as to the true costs of being a town, and to issue a resolution in support of the effort to

disincorporate. Mayor Byler states he will be presenting numbers later tonight showing how much the Town has been receiving and expending, and the Council can add an agenda item for an upcoming meeting to address a resolution. Susan Allman doesn't think that a resolution from the Council is as important as speaking to and informing the residents individually. She states when Mayor Byler took over, the Council committed to support the Town, to fairly look at all aspects to see if the Town should remain in existence. As Treasurer, Susan says the residents aren't getting anything extra for the higher taxes that are being paid, and that it has been hard to remain on the Council when she doesn't believe in the Town.

Resident **Larry Miracle** inquires when would be a good time for the Town to do some road maintenance since the roads are drying out. Mayor Byler will consult with Ray Bulloch to see if roadwork is feasible at this time.

**Linford Nelson** inquires if the Town's building permit fees can be adjusted downward. Mayor Byler intends to speak with Iron County Planner Reed Erickson to see if the county is able to take over certain Town functions as it appears the Town will be disincorporated. Planning Commission member Larry Miracle states the building fees have already been lowered from the fee scheduled imposed when the Town was first created, but he feels they are still excessive. He suggests Linford could ask the Council for relief. Larry doesn't think the Town would have the time to modify the fee schedule with a disincorporation petition in progress. Planning Commission member Jim Hilton inquires if the Town would be able to enter into a contract with Iron County for the building permit process. Mayor Byler will address this in his discussion with Reed Erickson. If the county is unable to help, this issue will be placed on the agenda at the next council meeting.

**Treasurer's Report:** Susan Allman states that currently there is \$21,829.73 in the State Bank checking account and \$5,017.92 in the State Bank savings account. As of December 31, 2019 the Public Treasurer's Investment Fund (PTIF) balance was \$72,663.56, with an additional deposit of \$26,662.92 in property tax funds deposited on January 2, 2020. Susan states it appears the Town has a lot of money, but the Town also has operating expenses and services to pay for. Mayor Byler says the reason the Town has this much money is that last year the Cedar Highlands Homeowner's Association (CHHOA) paid \$65,000.00 for snow removal. If the Town had paid for that, then in addition to this year's snow removal and road maintenance, the Town would be broke.

**Approve Bills to Pay:** Jeanne Shelton presents the following bills to pay:

**For Approval:**

Bulloch Dirt Works, Inc. (snow removal 12/25-12/28)	\$11,072.50
Bulloch Dirt Works, Inc. (snow removal week end 1/5 & pea gravel)	1,452.50
Bulloch Dirt Works, Inc. (sanding 1/9 & 1/12)	896.00
Bulloch Dirt Works, Inc. (pea gravel, 1/15 & 1/16)	921.00

Dave Nelson (Building Inspector)	3,429.13
Cedar Highlands HOA (annual dues Block 5 Lot 1)	600.00
Cedar Highlands HOA (annual dues Block 5 Lot 2)	600.00
Enfusion Technologies (quarterly 1/1-3/31)	465.00
Utah Local Governments Trust (Work Comp calendar year 2020)	482.00
Hilton Hosting (January 2020, Domain registration for 2020)	112.00

Mayor Byler spoke to the building inspector, Dave Nelson, and he is agreeable to continue with monthly payments of any amount the Council agrees upon. Since he has not yet completed all the inspections on the open building permits, the Mayor suggests paying \$500.00 per month. Mayor Byler makes a motion to pay Dave Nelson \$500.00 per month. Second by Susan Allman. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

Susan Allman makes a motion to pay all the bills as noted above. Second by Simon Saw. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

**Amended Ordinance 33-2018:** This ordinance is proposed to be amended so the Council will be in compliance by having two signers on any check written for over \$1,000.00. Jeanne Shelton makes a motion to amend Ordinance 33-2018. Second by Susan Allman. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

**Designate 2nd in Command:** Currently the Council has no one designated to be second in command when the Mayor is unavailable. Mayor Byler suggests this designation should go to the most senior council member, Susan Allman. With no opposition from any council member, Susan Allman is appointed the Deputy Mayor.

**Planning Commission Vacancy:** There have been no volunteers for the vacant Planning Commission seat. This position will remain open until a volunteer steps forward.

**Purchase of Road Signs:** Mayor Byler presents samples of several different 'No Hunting' and other road signs that could be purchased at a reasonable cost and then posted in and around the community. Rob Shelton suggests posts and mounting materials may also need to be purchased. Rob states the signs should be large and inquires if the Council will consider purchasing signs with flashing LED lights. Larry Miracle says any signs should look official. Jeanne Shelton makes a motion to allocate up to \$500.00 for the purchase of signs. Second by Susan Allman. Voting: Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye 0 nay. Mayor Byler will advise the Council and Planning Commission which signs will be ordered.

## Reports:

**Mayor Byler:** With disincorporation of the Town a distinct possibility, the Mayor met with Iron County Planner Reed Erickson, Assessor Cindy Bulloch, and Auditor Dan Jessen to discuss a smooth transition back to county control. He also spoke to Iron County Sheriff Ken Carpenter and the county may be willing to pro-rate payment on the law enforcement contract for the first part of this year. The Mayor found everyone to be very helpful in this pending transition. In an email the Mayor received on January 22, Auditor Dan Jessen stated the Town would go back to the county tax rate, which is less than half of Cedar Highlands' tax rate for municipal services. If the Town is required to prepare a new budget in June, with no Town services to fund, the budget would be zero. With the county tax year January-December, and Cedar Highlands' tax year July-June, we will be halfway through the county's budget year and the county will absorb Cedar Highlands for the remainder of their budget year.

Mayor Byler did an interview with Color Country Politics which will be posted on both the Town and the CHHOA websites. He discussed disincorporation and the transition back to the county. The Mayor encourages everyone to listen to it.

The Mayor spoke with Paul Monroe, the head of the water district. They received a \$450,000 grant and in the spring will be doing major improvements on the stream that feeds Cedar Highlands' water supply. This will allow more water to be collected. The well water also has a new filtering system, so that is a more reliable backup. There are also plans to add a new storage tank, giving our community a more stable and reliable water supply.

Mayor Byler prepared a study on the everyday costs of being a town. Since Cedar Highlands was formed on the premise of improving the roads, this study only covers non-road expenses. In the first two years, the Town received \$55,990.00 in road and sales taxes. The Town spent \$81,534.00 in non-road expenses, which is a net loss of \$25,544.00. The Town also owes \$31,742.00 in upcoming contracts. The Town also receives property tax money, and that pays for road maintenance and snow removal, which is what the CHHOA has been taking care of prior to the Town's creation. Maintaining the Town requires a lot of time and money spent on mandates from the State of Utah.

Cedar Highlands was formed on the promise of brand new roads paid for with grant money, and equal or better services with no increase in taxes. Neither of these promises proved to be true. The Mayor states the Town can't manage a multi-million dollar road project with no paid staff, or professional engineers and planners. The county has all of these professionals on staff and is equipped to help the Town. Working with the county is the only way forward to getting a new road, if the residents are willing to pay for it. The Mayor encourages residents to check out the new paved roads the county built for the Sunset Subdivision. Their HOA worked with the county, and each resident is assessed a fee on their property taxes, but the community now has paved roads which are maintained completely by the county.

The Mayor received a map from the U.S. Census Bureau, showing the boundaries of Cedar Highlands and just how large the Town actually is. He feels this land was swept into the Town with an eye toward future development. The community where all of the population resides is just a small corner of the Town and these residents shouldn't be responsible for such a large tract of land.

The Mayor states there are just not enough interested people in the community to fill all the positions in the Town and in the CHHOA. For past council or planning commission openings, resident interest in serving has been sparse. One resident states she met a person who told her the Town and the CHHOA should both be disbanded, but she has never seen this person at any Town or CHHOA meeting. She is of the opinion that both the Town Council and the CHHOA board are doing a great job.

**Jeanne Shelton:** With Paul's departure there is now a council position open. This will be posted on the Town website, in addition to the vacant Planning Commission seat. Any interested residents should send an email to the Mayor indicating such.

The next council meetings are scheduled for February 27, March 26, and April 23. Depending on the progress of disincorporation, there may not be any more meetings after that.

Susan Allman inquires of Rob Shelton the procedure for disincorporation, specifically what will happen to the two lots owned by the Town. Mayor Byler has spoken with the county officials and they indicate that they will make a claim for the two lots, and that the county intends to use them for the original purpose of realigning the road. Rob and the Mayor explain that any party that feels the Town owes them money would have to make a claim with the Court, and it would be up to the Court to decide if that claim is valid. Rob intends to submit the petition to the Iron County clerk on February 19, and with the time frames as set out by law, the vote to disincorporate would probably be held in May or June. As in every spring, the Town intends to do maintenance on the roads, but this must be completed prior to the vote.

The Town and CHHOA will be jointly discussing having new entrance signs made for Cedar Highlands. A meeting is scheduled for February 13, 2020 at 6:00 p.m. at 252 N 200 W, Cedar City. All community members are encouraged to attend.

**The next Town Council meeting is scheduled for February 27, 2020 at 6:00 p.m. at the Cedar City Public Library, 303 N 100 E, Cedar City, Utah.**

**At 7:40 p.m. Susan Allman makes a motion to adjourn. Second by Simon Saw. Voting Susan Allman, aye; Jeanne Shelton, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye 0 nay.**

Minutes submitted by Jeanne Shelton, Town Clerk.

## The Town of Cedar Highlands

### ORDINANCE NO. 33-2018 (AMENDED)

#### Purchasing and Contractual Approval Requirements

**WHEREAS**, the Town of Cedar Highlands is newly incorporated; and

**WHEREAS**, the Town of Cedar Highlands is charged with conducting the Town's business in a transparent manner; and

**WHEREAS**, in a five member council form of government, Council members are not only legislators but also members of the governing body of the Town of Cedar Highlands, a committee having both executive and legislative functions; and

**WHEREAS**, the governing body of the Town has determined it is in the public interest to consistently seek and achieve transparency through open discussion and approval process prior to conducting Town business; and

**WHEREAS**, the use of generally accepted accounting practices by the Town of Cedar Highlands and its officials is in the best interest of the public;

**NOW THEREFORE**, be it ordained by the Town:

#### **Section 1, Purchasing and Contracts**

- a. All disbursements of budgeted funds exceeding \$1,000.00 requires prior Town Council documented approval through normal agenda processes.
- b. All contracts and contractual agreements of any kind require prior Town Council documented approval through normal agenda processes.
- c. Any incurring of debt or obligation requires prior Town Council documented approval through normal agenda processes.

#### **Section 2, Financial Management**

- a. Disbursements by check of budgeted funds over \$1,000.00 requires the signatures of the Treasurer and another Council Member or Mayor.
- b. Debit expenditures over \$1,000.00 must be pre-approved, in written form, by the Town Council through normal agenda processes.
- c. At each monthly Town Council meeting, the Treasurer will prepare for the Council's review, a report of all financial transactions of the past 30 days. This review will include copies of both Treasury and Checking account statements in the name of the Town of Cedar Highlands

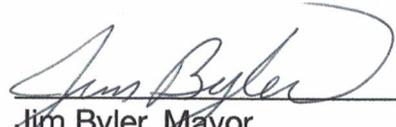
No penalties are applicable.

Dated this 23rd day of January 2020

**VOTING:**

**THE TOWN OF CEDAR HIGHLANDS**

Mayor Jim Byler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Susan Allman	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Jeanne Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Starks	Yea <input type="checkbox"/>	Nay <i>resigned</i>
Simon Saw	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

  
\_\_\_\_\_  
Jim Byler, Mayor

ATTEST:

  
\_\_\_\_\_  
Jeanne Shelton, Town Clerk

