

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

Minutes of the Cedar Highlands Town Council meeting which was convened remotely via GoToMeeting, hosted by Cedar Highlands HOA President Mike Brask at 6:00 p.m. on April 23, 2020.

## **Council Members in Attendance**

Jim Byler, Mayor  
Susan Allman, Council Member  
Jeanne Shelton, Council Member  
Simon Saw, Council Member

## **Cedar Highlands HOA and Members of the Public in Attendance**

Rob Shelton, Ann Bersi, Bob Shelton, Mike Brask, Reggie and Sam Tashjian, Roger and Tawny Thomas, LynAnn Imlay, Jim Hilton, Larry Miracle, Greg Pierce.

Mayor Byler notes that a quorum has been established.

**Conflicts of Interest:** None noted.

**Minutes Approval:** Jeanne Shelton makes a motion to approve the minutes from April 9, 2020. Second by Susan Allman. Voting: Jeanne Shelton, aye; Susan Allman, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

**Public Speakers:** Rob Shelton addresses letters received by Cedar Highlands residents from a group identifying themselves as “Citizens with Sense” and “Citizens for Save OUR Town”, but using the return addresses of Robert, Jeanne and Dorothy Shelton; James and Cynthia Byler; and Mike and Julie Brask, all without the knowledge and permission of the Sheltons, Bylers, and Brasks. Mr. Shelton has filed a mail fraud complaint under Title 18 of the U.S. Code with the Postmaster, which will be forwarded to the Postal Inspector for investigation. Jim Hilton spoke to the Lt. Governor’s office and found that the groups noted above have not registered as a political action committee, as required by Utah law, and Mr. Hilton filed a complaint against these groups. Based on a story published in the St. George News, a prior email received by some residents, and on prior contacts and conversations with Councilman Simon Saw, Mr. Shelton believes that Councilman Saw has knowledge and is a primary participant in the production of this letter. He asks Councilman Saw to identify all who are involved. Councilman Saw adamantly denies any involvement and states he also received a letter from the Bylers. Mr. Shelton requests that his written statement, a copy of the letter which was inside the fraudulent mailings, an email from Jay Hampton dated April 21, 2020, the email received from reporter Jeff Richards dated April 20,

2020 including the email he received from Councilman Saw, a photocopy of several envelopes with the fraudulent return labels, and the 8 page St. George News article by Jeff Richards all be received into the public records. Susan Allman inquires of Simon Saw if he knows who authored this letter and he states he does not. Mayor Byler states he is sorry this has happened and would like for the Town to move past this. Mike Brask feels this letter is an attempt to put out disinformation and proposes a town hall meeting with both pro and anti town sides stating their positions. Mayor Byler states this will be taken under advisement. Roger Thomas states he supports the Town, but he will honor whatever the voters decide.

**Treasurer's Report:** Susan Allman states there is just over \$46,390 in the State Bank checking account, \$5,028 in the State Bank savings account, and \$15,046 in the Public Treasurers Investment Fund account for a total of \$66,464.46. After the pending bills are paid, the Town should have approximately \$21,283.33 remaining. Susan inquires if there could be any additional road work done with a portion of the remaining funds. Mayor Byler says the Town would need to have funds available whether the Town stays or is disincorporated.

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

Enfusion Technologies	\$ 465.00
Dave Nelson, Building Inspector	1,929.13
CICWCD, May 1	62.00
Pelorus (when bill arrives)	approximately 200.00

Jeanne Shelton makes a motion to pay \$465.00 to Enfusion Technologies, \$500.00 to Dave Nelson, \$62.00 to CICWCD, and the Pelorus bill in an amount to be determined. Second by Susan Allman. Voting: Jeanne Shelton, aye; Susan Allman, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.

**Discuss Disincorporation and Election:** Mayor Byler addresses the false statements contained in the letter mentioned earlier which was sent to residents. The letter mentions the Town spending \$90,000 on the current road maintenance, and if the Town remains incorporated would have “money every year to spend on road improvements.” Mayor Byler explains that because the CHHOA paid for snow removal last winter, the Town had a \$56,000 carryover to the current budget year. Without that carryover, the Town would only have approximately \$13,000 to spend on road maintenance. The letter also mentions financial misdeeds by the current council members. The Mayor states this council has been transparent and open about every financial transaction made, including posting all financial statements on the Town website. Mayor Byler indicates the statement in the letter about the Town able to raise as much money as the citizens want is also false. The Town can only raise property taxes up to the legal limit, which would give Cedar Highlands residents the highest property tax rate in the state of Utah.

Prior to incorporation, Iron County was actively working on a plan to build a new road up to Cedar Highlands. Once Cedar Highlands was incorporated, the burden was transferred to the Town. Minutes from County Commission meetings and CHHOA meetings between December 2014 and March 2017 confirm this. Mayor Byler had previously spoken to County Planner Reid Erickson and he stated that if Cedar Highlands had not incorporated, the road would probably have been built by now.

**Status of Roadwork:** Roadwork is proceeding, with only a short delay due to rain. Mike Brask proposes if there is any extra money, extend the repairs on High Cedar View. Susan Allman agrees.

LynAnn Imlay inquires of the status of the two lots the Town owns in the event the Town disincorporates. Mayor Byler has spoken to county officials Reid Erickson, Dan Jessen, and Cindy Bulloch; they indicated the County will put in a claim for the two lots and possibly use them for road realignment. The Town should not have to repay the costs of those lots.

**At 7:45 p.m. Susan Allman makes a motion to adjourn. Second by Simon Saw. Voting: Jeanne Shelton, aye; Susan Allman, aye; Simon Saw, aye; Mayor Byler, aye. Motion passed 4 aye, 0 nay.**

Minutes submitted by Jeanne Shelton, Town Clerk