

Town of Cedar Fort
Town Council Regular Meeting Minutes
Thursday, June 10, 2021, at 6:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort



Agenda

- 1. Call to Order; Roll Call; Pledge of Allegiance; Prayer/Thought***
- 2. Report: Police; Fire; Water; Treasurer; Clerk; Sexton; and Planning Chairman***
- 3. Public Comment**
- 4. Town Bills/Budget Reviews**
- 5. Reports from Council Members***
- 6. Fire Department Oath of Office**
- 7. Update Current FY Budget**
- 8. Rec Center Security Cameras Expense**
- 9. Road Signs Expense**
- 10. Wil Adams**
- 11. Noise Ordinance**
- 12. 1220 North Road Special Assessments Protest Tally & Project Funding**
- 13. Water Line Extension for 100 North RFP**
- 14. Engineering Firm for Building Application and Plan Review**
- 15. Zoning Application Changes and Matriculate CFR-201**
- 16. Adjourn**

THE PUBLIC IS WELCOME TO ATTEND ALL TOWN PLANNING AND ZONING MEETINGS.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations for this meeting should notify the Town Clerk (Cara Lyon 801-768-2147 or clerk@cedarfort.town) at least 24 hours prior to this meeting.

Posted this ____ day of June 2021 at ____ AM/PM By: _____

Town of Cedar Fort
Town Council Regular Meeting Minutes
Thursday, June 10, 2021, at 6:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort
APPROVED



Time: 6:08 p.m.

Minutes Taken By: Cara Lyon, Town Clerk

Town Employees Present: Cara Lyon, Town Clerk, Treasurer Angie Gurney

Town Council Members Present: Mayor David Gustin, Councilman Rett Messersmith, Councilman Wyatt Cook, Councilwoman Ellen Cibula, and Councilwoman Laura Ault

Visitors Present: Andrea Ashley, Deputy John Thomas, Glenn Wilson, Howard Anderson, Kelly Berry and Ashley Cook

Visitors Present Zoom: BD Berry, Cole Turner, Steven Christensen, Weston's iPhone, Lynette, JP Berry Const., Autumn Blackner, Kelly Looker, Jason iPhone, Roberts iPhone, and Bryson

1. Call to Order; Roll Call; Pledge of Allegiance; Prayer/Thought*

Deputy John Thomas led the Pledge of Allegiance. Councilman Messersmith provided thought.

2. Report: Police; Fire; Water; Treasurer; Clerk; Sexton; and Planning Chairman*

Deputy Thomas:

Last month there were 3 accidents that had happened. 1 Construction Worker hit by a car and 2 Juveniles wrecked into Truck and Horse Trailer on their motorcycles.

Fire:

We haven't had a lot of calls. We are working on staffing still, a lot of applications, working on hiring people as well. The people that we have hired are finishing up their certifications.

Our Firefighter are all Fire 1 Certified now. We're just working on their Fire 2 test, which is just a practical test at this point. We're doing pretty good there, and the water tender is ready to go as far as everything we needed to do. We're just working on cleaning out the tank on the inside because it was pretty rusted through. We want to get that for ready for wildfire season.

Councilwoman Ault explained she had Shane Freeman, reach out to her the other day, and mentioned our Town Firefighters still do not have red cards issued. I'm just a little concerned with the current fire season that we might have an issue.

Water: Not in attendance

Treasurer:

Treasurer Gurney indicated we are going to be approving the final budget for this year and the budget for next year. Councilwoman Cibula will be giving a more detailed report.

Town Clerk:

Clerk Lyon explained Councilwoman Cibula found out that we did not pay Intermountain Regional Landfill since when I wrote a check last July 2020 for our tippage. After making calls the couple weeks, we found out that the driver of the garbage truck was putting our tippage on another city/town account, so pretty much we weren't billed at all. However, we were able to find our tippage for January 2021 through current of this year, so those bills have all been paid and taken care of. Thank you, Councilwoman Cibula because I wouldn't have had a clue.

Our election season, we had six residents sign up. The last day to qualify for a write-in is August 27th of this year. You can still become a registered voter. Your voter registration needs to be into our Utah County Clerk no later than Friday, July 30th, 2021, at 5:00 p.m. However, you may register to vote at an early voting location and on election day at your local polls. We are not holding any polls here. We are doing Mail-in Ballots.

I finalized our newest business license, Wings by Angela, but all our business licenses are all written and current and have been mailed out to those residents here in town.

Cemetery Sexton:

Howard Anderson mentioned they have the Eastside Markers done at the Cemetery. This was done with the help by Councilman Messersmith and CJ for digging post holes.

Planning Commission:

Chairman Anderson stated they had a Public Hearing this past Tuesday and he has provided Mayor with the Commission Members recommendations for the Council to read through.

3. Public Comment

Howard Anderson, my question and/or comment is the status on fireworks in the community.

Councilman Cook believes the Town will not do fireworks because of the severe fire danger.

Cara Lyon made a public comment. In driving on SR 73 the last few weeks I just want to give a shout out to Erin Soper and the other woman helping her pick up garbage along S.R. 73. They both are doing a phenomenal job.

Kelly Berry mentioned she is here representing the Berry Family and the Wilson Family. The language used in the Special Assessment notice relating to the calculation of protests fails to consider all benefited

property, fails to notice all benefited property, fails to establish calculation method, and a resolution and assessment must be precise and direct. There is no definition of square footage, square footage of the house or the real property. Furthermore, by failing to designate whether square footage, whatever that may be, or front footage, is going to be used, it leaves latitude in the hands of the city, to the detriment of the benefited property owners. Also, a particular concern is the commercial real property owned by W. Glade Berry and Sandy Wilson at the intersection of West Canyon 9] Road off State 73. The proposed special assessment identifies that all commercial property abutting the street section to be improved within the assessment area will be assessed the total costs of the improvements, including administrative costs, funding or reserves, and other expenses described hereafter. Marlon Wilson, Elroy Wilson, Bart Berry, and Steve Berry were never notified of this special assessment, thereby this assessment fails to notice all benefited property owners.

Matt Allison would like to ask a question to the Mayor and the Town Council regarding the CIA activities for the week of July 24th. When we were here in last month's meeting, we discussed the Town donating to the CIA. He has ordered belt buckles for the Town's Rodeo and requesting reimbursement from the Town.

Mayor Gustin mentioned that the CIA has failed to prove they are a Non-Profit Status. If the town's going to be providing buckles, then the Town will purchase them directly. Mayor advised Mr. Allinson typically, when we have a public comment section, it's for you to just share information with the council. My office hours are probably more appropriate for back-and-forth. As far as a conversation goes, I'm available basically the 2nd and 4th, Tuesdays at 6:00 pm. I can tell you that the Civic Improvement Committee, or Group, forgive me. The Civic Improvement Association still has failed to establish their nonprofit status.

We talked last time we were here, and we were talking about donation for the CIA from the city in the [sales? 17:37]. I went ahead and ordered some buckles earlier this year, and I was wondering if a reimbursement would be easier than a donation back into it, or how does that work?

4. Town Bills/Budget Reviews

Town Bills:

Councilwoman Cibula move to approve the Accounts Payable for May 2021.

Councilwoman Ault seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve the Accounts Payable for May 2021.

Budget Review:

Councilwoman Cibula inquired when we last received a franchise check from the gravel pit?

Mayor Gustin mentioned we are supposed to receive them quarterly. He asked Treasurer Gurney to please reach out to Mr. Maynes and check the status.

5. Reports from Council Members*

Councilman Cook:

The road that Questar messed up, has been repaired.

Councilman Messersmith:

He and Clerk Lyon did inventory here at Town Hall. Everything's been barcoded, scanned into Clerk Lyon's Town computer.

Councilwoman Ault:

Building permits, we have one residential that's amid still cleaning up a few things that they're slightly deficient on, had a couple of out building permits. She is working on trying to get bids to replace all the toilets at the community center. They're all starting to fail, so we need to upgrade those.

Councilwoman Cibula:

She has created some scripts for the treasurer to make her life easier with PayPal and Zions. Several residents are complaining about orange toilet bowls.

Mayor Gustin:

We just switched over to the well. We switched over to the well because there's just high iron. I am currently working on talks with the engineering firm about possibly doing a major water project, because we've kind of discovered what's going on with the lower tank and some things like that, and part of that large project that we would hopefully have 40% paid for by grants, would include treatment for that well water so that this doesn't happen anymore.

It is on my radar; it is a concern. Every single year, we get comments about it. There are less costly ways, but then again, it's all expensive when you're dealing with city water systems, but less costly ways of treating that water so that it clears up. That is something that's on my radar, and I'm working with the engineers.

6. Fire Department Oath of Office

Councilwoman Ault moved to strike Agenda Item 6.

Councilman Cook seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to strike Agenda Item 6.

7. Update Current FY Budget

Councilwoman Cibula moved to approve the amended budget for fiscal year 2020 to 2021.

Councilwoman Ault seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve the amended budget for fiscal year 2020 to 2021.

8. Rec Center Security Cameras Expense

Councilwoman Ault moved to approve Wired4's proposal for security cameras in the amount of \$1,946.40.

Councilman Messersmith seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve Wired4's proposal for security cameras in the amount of \$1,946.40.

9. Road Signs Expense

Councilwoman Ault moved to approve \$3,500 for 53 road signs and posts.

Councilman Cook seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve \$3,500 for 53 road signs and posts.

10. Wil Adams

Councilwoman Ault moved to strike Agenda Item 10.

Councilwoman Cibula seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to Strike Agenda Item 10.

11. Noise Ordinance

Councilwoman Ault moved to approve CFO-630-UN-2021.

Councilman Cook seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve CFO-630-UN-2021.

12. 1220 North Road Special Assessments Protest Tally & Project Funding

The State Code, again, refers us to have a public meeting in which we will tally the protests. Again, I've reviewed all this with the Town's Legal Counsel. The State Code clearly allows an assessment to be done on a per residential unit equivalent, and there are six residents along this road. Of those six, we received protests from two. I'll indicate that one is from Glade and Maureen Berry, who are one of the six units, and the other is Sandra Wilson. Having two protests out of six, the legal requirement is that we don't have more than 40% object in protest. We don't have more than 40%, meaning we have 60%, more than 60% in favor of the special assessment along the road, or four out of six, and so the special assessment can move forward. Again, the state code relevant section is title 11, chapter 42 on special assessments act. The next step would be to adopt the resolution creating the special assessment area. I will read the special assessment resolution. This is CFR 520SA2021. The title is "Special Assessment of 1220 North and 1100 East", whereas within the town exists a right of way known as 1220 North and 1100 East Road, which road has been used by the general public, and whereas the town has held a public hearing regarding said special assessment on April 8th, 2021, whereas the protest period for the special assessment has passed, and whereas the town council, or the town of Cedar Fort, based on evidence considered and reviewed by the town council desires to establish a special assessment area for the residents along 1220 North and 1100 East for the purpose of construction of a new asphalt road along this right of way. Now, therefore, the town council of Cedar Fort hereby finds, declares, and states as follows, one, a new special assessment area is hereby created, and the road shall be paved along 1220 North, 1100 East connecting to SR 73. It is to be paid by the residents that live along said road over a period of 10 years. We've received bids from, Staker Parsons, Kilgore and Geneva. It appears it will be approximately \$120,000.

Councilwoman Ault moved to approve CFR-520-SA-2021, titled "Special Assessment of 1220 North and 1100 East."

Councilwoman Cibula seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Nay
Councilman Cook:	Nay
Mayor Gustin:	Yea

The motion passed to approve CFR-520-SA-2021, titled "Special Assessment of 1220 North and 1100 East."

13. Water Line Extension for 100 North RFP

We already have an ordinance that says if you're within 1,000 feet of the water line, you need to extend it and connect onto it. My proposal is to extend the water line as it currently is. I think it stops on the field

road. It stops in front of the Hyde Family home, and to extend that down about 1,600 feet. I'm proposing that as one of the ways that we spend some of the revenues that we've gotten over the last couple of fiscal years, but it will be paid back. My proposal is that we put in the line, I'm open to discussion about it, but as a proposal, the next four people that connect onto it, they pay the assessment of 25% of that cost of that water line, that type of thing, so the Town is paid back, but then that way, they're able to connect on. It's not all on one person. The reason why we haven't had anybody do it is because, as you know, you see there's homes going down, but nobody wants to bear all 100% of it, and we have ordinances in place that allow them to recover it, but it's still got to be put out before they can get it back, and I think the town's in a better position to basically put it out and then collect it individually. Not any one homeowner has to come out with it with the hopes that somebody else will connect on and they'll get reimbursed, right? There have been several people who have contacted me in wanting to do that. The other way it saves them money is, if you're within 1,000 feet of a hydrant, you don't have to do the fire sprinkler system.

Councilwoman Ault moved to approve the Water Line Extension for 100 North RFP.

Councilwoman Cibula seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve the Water Line Extension for 100 North RFP.

14. Engineering Firm for Building Application and Plan Review

Councilwoman Ault expressed there is a lot of building permits and plan review going on, and it takes a substantial amount of time, and sometimes you miss things, quite honestly. She has been talking to Ensign Engineering. I called around and asked who does this kind of stuff, so Ensign and Sunrise Engineering have given us bids to look at handling our building applications. Sunrise Engineering does Fairfield's building applications and inspections, so they would do the inspections too, so they'd handle the whole package. She will still write the permits and do that, but everything would go through the engineering firms, and she feels it's better because sometimes people don't like it when you tell them that you can't do something, and most people have been very nice.

We have had both Ensign and Sunrise provide the Town with bids. Both bids, they would take 65% of the building permit fee would be the cost, and then Sunrise, that apparently includes their inspections as well, and Ensign would have additional inspection fees and mobilization fees.

Councilwoman Cibula moved to continue to move forward with assessing having Sunrise Engineering manage our building permit process.

Councilwoman Ault seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to approve move forward with assessing having Sunrise Engineering manage our building permit process.

15. Zoning Application Changes and Matriculate CFR-201

Councilwoman Ault moved to adopt CFO-200-PZ-2021A as presented.

Councilman Cook seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed to adopt CFO-200-PZ-2021A as presented

16. Adjourn

Councilman Messersmith moved to Adjourn.

Councilwoman Ault seconded.

Councilwoman Cibula:	Yea
Councilwoman Ault:	Yea
Councilman Messersmith:	Yea
Councilman Cook:	Yea
Mayor Gustin:	Yea

The motion passed Adjourn.

Meeting Adjourned at 7:45 p.m.