

Town of Cedar Fort
Town Council Regularly Monthly Meeting
Thursday, September 16, 2021, at 6:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort, Utah 84013



Agenda

1. **Call to Order; Roll Call; Pledge of Allegiance; Prayer/Thought***
2. **Report: Police, Fire, Water, Treasurer, Clerk, Sexton; Planning Chair**
3. **Public Comment***
4. **Prior Meeting Minutes**
5. **Town Bills / Budget Review**
6. **Reports from Council Members***
7. **Ensign Engineering Waterworks Design Expense**
8. **Jared Westhoff Presentation on Land Development Near Tyson**
9. **COVID Grant Project – Infrastructure**
10. **Non-Partisan Election Resolution**
11. **Water Line Expense for Field Road (100 North East of SR73)**
12. **Hansen Water Connection**
13. **Berry et al. Litigation Settlement Approval**
14. **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 September 2021 at ____ AM/PM By: _____

Town of Cedar Fort
Town Council Regularly Monthly Meeting
Thursday, September 16, 2021, at 6:00 p.m.
Town Hall, 50 East Center Street, Cedar Fort, Utah 84013



APPROVED

Time: 6:07 p.m.

Town Council Members Present: Mayor David Gustin, Councilman Cook, Councilwoman Rett Messersmith

Town Council Present Zoom: Councilwoman Ellen Cibula and Councilwoman Laura Ault

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

Visitors Present: Glenn Wilson, Howard Anderson, Brianna Hansen, Trevor Hansen, Sheena Hill (Calvin Cook – did not sign in)

Visitors Present via Zoom: Ashley Cook, Attorney, Chris Bramhall, Vonda iPhone, Heidi, Sandi Wilson, Wood iPhone, Darin Allen, Tandy Visser, Maria Fernandez, McKell, Weston's iPhone, Candice Elton, Weston Berry, Lori Adams and Lynette

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

Howard Anderson led the Pledge of Allegiance and Councilman Cook provided invocation.

2. Reports: Police; Fire; Water; Treasurer; Clerk; Sexton; Planning Chair

Police:

No one in attendance.

Fire:

No one in attendance.

Water:

No one in attendance.

Treasurer:

She reached out to the State Auditor and waiting for him to get back to her. She and Councilwoman Cibula will both reconcile the Town Accounts to make sure all checks and amounts are all accounted for and equal to banking institution.

Clerk:

Nothing to Report.

Sexton:

The water usage for July, was approximately 220,000 gallons used. In August, 220,000, so that's less than previous years, but still a lot of water.

Notice went out that the Town Cemetery plots are available for sale, and there's a color-coded map online now that shows people what is available and where it is.

Planning Chairman:

We canceled our September meeting.

3. Public Comment

No Public Comment.

4. Prior Meeting Minutes

Councilwoman Ault moved to approve the Town Council Regular Monthly Meeting Minutes for August 12, 2021, with noted corrections.

Councilwoman Cibula second.

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

The motion passed to approve the Town Council Regular Monthly Meeting Minutes for August 12, 2021, with the noted corrections.

5. Town Bills / Budget Review

Town Bills:

Councilman Cook moved to approve accounts payable for August 2021.

Councilwoman Ault seconded.

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

The motion passed to approve accounts payable for August 2021.

Budget Review:

Councilmembers discussed the Town Budget.

6. Reports from Council Members:

Councilman Messersmith:

Nothing to Report.

Councilman Cook:

The fire department had somebody come out today to do some maintenance work on their Apparatus Equipment to get that up and improved.

Mayor Gustin asked if Councilman Cook if he can follow-up with the fire chief, he had a lead on a good ambulance, and also, he had a list of equipment that we were short for the second engine. It was quite a bit of equipment. Third, last time I met with him, he was going to provide us monthly reports on the number of calls versus the number of calls that they responded to. Calls that essentially come into our area that we could or should respond to versus the number of calls that we actually did just so we can measure the effectiveness of our -- I think this is important not just to Cedar Fort, but again, we also share fire protection with Fairfield, and I think Mayor Gurney also would like to have that information just to ensure that our efforts and budgets are being up to measure, essentially, the performance of our investment in the fire department.

Councilwoman Cibula asked if we ever get that tree trimmed on was it 100 South?

Councilman Cook ended up calling the contact, you gave me, and I told them what was happening, that it was catching on fire and all that. He said he would send somebody to come look at it. I got a phone call the next day there was somebody looking at the tree, and they said, "Yes, it is happening. We'll trim it." Rocky Mountain Power trimmed it, but I went and looked at it after they trimmed it, and they literally did maybe like a three-foot section around the power line, and that's it. Up above it, there's still branches hanging up there, so if any snow or anything pulls it down, it could fall still. Currently, it's not causing fires. Yes, they did come trim it.

Councilwoman Ault:

We have the signs and the posts here. We are waiting on the weather for Blue Stakes to come out.

She is working on putting a meeting together with the Utah County fire warden, the wildland fire warden, and our fire chief and wildland representative to get things squared away. She feels there are some issues that we need to take care of. She is not sure that the red cards were ever issued, and that's what you need to respond to wildland fire. More importantly, getting our agreements in place in case we have a fire that we're not on the hook for the fire response costs.

Councilwoman Cibula:

She is still missing ethical and conflict of interest forms from Gary Cook, Chris Murphy, Bart Berry, and Jamie Degelbeck.

She had reviewed the new budget and created new accounts for this fiscal year to make sure everything was being recorded correctly. She and Treasurer found that the PayPal fees were not going correctly, so she called Pelorus, and they were able to fix the ones from July and August, and then going forward, they should be going into the correct accounts. We have some transparency in how much PayPal fees cost.

Lastly, we are now compliant with the State of Utah with our Capital Projects Fund. It's a separate fund and shares a PTIF account with the general. The transfer's been made, and it shows on the financial reports that we send out.

Mayor Gustin:

The land patent for the BLM for the Community Recreation Center Land: For those that don't remember from three and a half years ago when this process started, we had a 20-year lease. At this point, we would be down to about four years, and they told us that they were not going to do any more long-term leases of land. But, for pursuing a patent, the land would revert back to the BLMs, and we would lose our community rec center, which wouldn't be ideal, given the investments that we've made in the building. The land patent from the BLM for the Recreation Center, has been the biggest marathon, but we have gotten the patent approved. It literally took an act of U.S. Congress. It has been approved, and the patent has been written. It was submitted to me for approval, meaning as to the form of the deed, essentially, and I reviewed that with the town's legal counsel. The legal counsel prepared a waiver. Typically, they give you 30 days to approve it. We approved it so that we didn't have to wait the full 30 days, and they needed that waiver with the payment. We purchased seven and a half acres at the price of \$10 an acre. We should have the patent literally any day. I mailed off the \$75 check on Wednesday, so yesterday. Once they get that, the patent should issue, so in the next week or two, officially the town should own seven and a half acres that encompasses the rec center to the road, and then west, and including the land that the well is on, and the park benches, and fire rings that are up there on the top.

7. Ensign Engineering Waterworks Design Expense

We're planning on doing this in phases. This would be the first phase. This is essentially the money that we have to spend in order to even have the documents necessary to apply for grants and the no-interest, low-interest loans or bonds. The projects that we've discussed we're looking at that, essentially, we have to do is we have to increase our tank capacity, which would mean building a second tank similar to the one that we have now at the top. It would probably be installing a filtration station for the well water so that when we switch over to well water, we don't end up with everyone's water red and with other non-toxic, non-harmful sediment-type stuff that gets in the water, and then also possible major water line extensions. I think those are the ones that we talked about. Is there anything else? I'm going off of memory here.

Councilwoman Ault: There's the GIS database so we can have all that information, then be able to collect information.

Mayor Gustin agreed with Councilwoman Ault, the modeling would be updated.

Councilwoman Ault mentioned a Water Conservation Plan is the addon, a water impact fee analysis, and then a standards and details specification, which will be nice when you have people working on the water system.

Mayor Gustin agreed and other thing too, just to mention, as far as the water impact fee, is we are going to have significant costs with this project. We've updated this in the last two years in our Town Council meetings, is that we have a water impact fee, meaning if you're connecting into the town's water system, you're essentially buying into the infrastructure. There's an impact fee assessed to essentially apportion your share of the overall structure in addition to paying for your own water line. Essentially, that would need to be reworded in our Town Ordinances because now the costs have gone up, significantly. This will need to be reflected in an updated impact fee.

Mayor Gustin clarified the items for the councilmembers, 1 through 9 is \$24,500, item 10 is \$500, item 11, the water impact fee analysis is \$2,500, the GIS database, and this would include the actual tablet for the water superintendent to have to be able to continue to update. Essentially, you can update real-time out in the field additional water line extensions and things like that. That's \$2,500, and then the last is a standard details and specifications, which is, I think, what we need to be able to move towards having it be for water line projects, especially like stubbing and stuff like that, have that be more of an open bid to process. Again, I know that we do have standards and specifications, but I think they're probably at least 20 years dated. When I went through town hall, I cleaned out and cleaned up, and I found them. I think they were the books bound down there, and they're dated 2006.

Councilman Cook moved to move forward with the Ensign Engineering full proposal for authorizing the expense for the culinary water master plan.

Councilwoman Ault seconded.

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

The motion passed to approve moving forward with the Ensign Engineering full proposal for authorizing the expense for the culinary water master plan.

8. Jared Westhoff Presentation on Land Development Near Tyson

Councilman Messersmith moved to strike agenda item number 8.

Councilman Cook seconded.

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

The motion passed to strike agenda item number 8.

9. COVID Grant Project – Infrastructure

Councilwoman Ault made a motion to move forward with pursuing fiber internet infrastructure in connection with our COVID funds.

Councilwoman Cibula seconded.

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

The motion is carried in the affirmative to move forward with pursuing fiber internet infrastructure in connection with our COVID funds.

10. Non-Partisan Election Resolution

Councilman Messersmith moved to adopt CFR-104-NP2021.

Councilwoman Ault seconded.

Councilwoman Ault:	Yea
Councilwoman Cibula:	Yea
Councilman Cook:	Yea

Councilman Messersmith: Yea
Mayor Gustin: Yea

The motion passed to adopt CFR-104-NP2021.

11. Water Line Expense for Field Road (100 North East of SR73)

Councilman Cook moved to Strike Agenda Item 11.

Councilwoman Ault seconded.

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

The motion passed to Strike Agenda Item 11.

12. Hansen Water Connection

Attorney, Chris Bramhall mentioned he Trevor and Brianne Hansen's attorney. He went on to discuss the town code requires that new connections to the water system provide a water right in support of their water use. That's a very common provision with cities and water districts throughout the state, and so the Hansen's have endeavored to transfer their water right to meet that requirement. As you know, water rights are hard to come by. However, the Hansen's did acquire South Irrigation water shares in the Cedar Fort Irrigation Company with the purchase of their property. There's a provision in the Utah code that allows a shareholder to convert their shares into a water right through a process that is outlined in the Utah Code §73-3-3.5. We have initiated that process, we've negotiated with the irrigation company, we have their approval in writing to convert those shares to a water right.

The next step in the process is to file a change application with the State Engineer. We have prepared that application. It's been signed by the Irrigation Water Company by the Hansen's, and we'd like to have it signed by the Town since the Town will ultimately be the holder of that approved water right. That's the point that we're at right now. We'd like to get that application filed as soon as possible because it typically takes two to three months for these change applications to work their way through the state engineer's administrative process and get approved, and so we just want to get that clock started so we can get to the point where we can convey a water right to the town in satisfaction of the town's ordinance.

Mayor Gustin asked Attorney Bramhall that, essentially, the one-and-a-half acre-feet of water that we require for a culinary water connection is the equivalent of one-third share of water. What information are you basing that math on?

Attorney Bramhall stated that was a calculation that was made by the attorney for the irrigation company, and it's based on the assumption that they calculate their shares on acreage, so one share is sufficient to support one acre of irrigation. Every water company does it differently. Some water companies have one acre-foot of water equals one share. Sometimes, it's one acre of irrigation per share. I think Davis and Weber Canal Company is like seven acre-feet of water per share. It just depends how the company has historically done it.

In this case, the Cedar Fort Irrigation Company has never actually gone through the quantification process with the state engineer, and so that will probably have to happen as part of this application as one more reason we want to get the process started. Whatever the math dictates at the end of the day, that's how we're going to calculate how much of a share gets given to the town.

The Councilmembers continued to inquire questions to Attorney Bramhall and after these questions were

answered, the councilmembers discussed this Water Connection amongst themselves.

13. Berry et al. Litigation Settlement Approval

Councilman Cook moved to approve the proposed settlement of litigation in connection with the special assessment.

Councilman Messersmith seconded.

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

The motion passed to approve the proposed settlement of litigation in connection with the special assessment.

14. Adjourn

Councilwoman Ault moved to Adjourn.

Councilman Cook seconded.

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

The motion passed to Adjourn.

Meeting Adjourned at 8:26 p.m.