

**Town of Cedar Fort
Town Council Public Hearing and Regular Monthly Meeting Minutes
Thursday, October 13, 2022, at 6:30 p.m.
Town Hall, 50 East Center Street, Cedar Fort, Utah 84013**



Public Hearing Agenda

- 1. Call to Order,**
- 2. Cemetery Ordinance Revision**
- 3. Boundary Adjustment Resolution**
- 4. Adjourn**

Regular Meeting Agenda

- 5. Call to Order, Roll Call, Pledge of Allegiance, Prayer/Thought**
- 6. Prior Meeting Minutes**
- 7. Budget Review/Town Bills**
- 8. Reports from Police, Fire, Water, Treasurer, Clerk, Sexton, Planning Commission,**
- 9. Reports from Council Members**
- 10. Cemetery Ordinance Revisions (CFO-150-CR-2022)**
- 11. Boundary Adjustment Resolution**
- 12. Planning Commission Member Removal**
- 13. 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 2022 at _____ AM/PM By: _____

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Thursday, October 13, 2022, at 6:30 p.m.
Town Hall, 50 East Center Street, Cedar Fort, Utah 84013**



APPROVED

Time:	6:48 p.m.
Town Council Members Present:	Mayor Wyatt Cook, Councilman Brad Norris, Councilman Jed Berry, and Councilwoman Laura Ault
Town Council Present Zoom:	NA
Town Council Member Absent:	Councilman Rett Messersmith
Town Employees Present:	Clerk, Cara Lyon, and Treasurer, Angie Gurney
Town Employees Absent:	Water Superintendent, Calvin Cook
Visitors Present:	Deputy Garrett Dutson, Clarence Ault, Ashley Cook, Vonda Cook, Gary Cook, Greg Cutberth, Chris Murphy (Harry Draper and Vickie Draper – did not sign in)
Visitors Present via Zoom:	Howard Anderson, Lori Adams, Lori C. Adams, Suzanne Miller, Kent Harmony, Lynette, Darin iPhone, Trevor H., Weston iPhone, and Suzette Murray

PUBLIC HEARING MEETING MINUTES

1. Call to Order

Mayor Cook called the Public Hearing to Order. Time is 6:02 p.m. Present Councilwoman Ault, Councilman Norris, Councilman Berry and me Mayor Cook. Councilman Messersmith is excused.

2. Cemetery Ordinance Revision

Adding section 3.0 will be including a 5-member Cemetery Committee.

Chris Murphy asked what the drive is for having a cemetery committee?

Mayor Cook explained there was a previous committee appointed by the prior administration, however, it needs to be added into the Ordinance. Since this committee was formed, they must follow Utah Law. Their will need to be an agenda, audio recording and meeting minutes. This committee will be able to provide recommendations to the Town Council.

Vickie Draper mentioned there are records for the cemetery in the museum she has access to, and she is willing to help in any way. She also mentioned that residents and family members for those who have passed on have donated money to help put something together to help keep track of everything for the cemetery.

Howard Anderson asked how this committee will be organized? Will they also be on a rotational basis, like

the Planning Commission?

Mayor Cook explained that is the idea, he would like to see 1st seat be every five years, 2nd seat, every four years, 3rd seat every three years, 4th seat be every two years and the 5th seat be every year. Or, if there are any suggestions, he is willing to hear what the public has to say. This committee will elect the Chairman, Vice Chairman, etc.

Ellen Cibula asked if this committee includes the Sexton and those who were appointed on the Cemetery Committee from the prior administration; will they need to re-apply?

Mayor Cook explained this committee does not include the Sexton as discussed in their last Town Council meeting. The Sexton will be separate because it is a paid position through the Town, and we did not want to include that in this committee. Yes, those who were appointed by the prior administration will need to re-apply for this committee.

Councilwoman Ault would like to know that this committee is not going to have any duties other than making recommendations?

Mayor Cook expressed that is correct. This committee will recommend any projects or improvements they would like to accomplish to the Cemetery Sexton and to the Town Council.

3. Boundary Adjustment Resolution

Mayor Cook explained a landowner who owns approximately 120 acres by Tyson Meat has sent a formal disconnect request to the Town, and with that, part of the stipulations is having a Public Hearing according to State Law. He had reached out to the attorney for this Landowner to have them provide the Boundary Adjustment Resolution, however, he has not been able to speak to anyone. He had left messages in hopes of having this Resolution for tonight's Public Hearing, but no luck. This is a Boundary Adjustment and not a de-annexation.

As previously discussed as councilmembers right now we all know there is no infrastructure down Pole Line Road. He feels in order to prevent other landowners following suite we need to continue our discussions on water, sewer, water, and power. He has had a discussion with the Utah County Commissioners, there will be a representative to review the pros and cons of septic tanks versus sewer. He feels sooner or later a new sewer district will need to be done for the Cedar Valley area because of the growth. Eagle Mountain is looking to expand commercially.

4. Adjourn

Councilwoman Ault moved to Adjourn the Public Hearing.

Councilman Berry seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to Adjourn the Public Hearing.

Public Hearing Adjourned at 6:47 p.m.

5. Call to Order, Roll Call; Pledge of Allegiance; Prayer/Thought

Clarence Ault led the Pledge of Allegiance and Mayor Cook provided invocation.

6. Prior Meeting Minutes

Councilwoman Ault request on page 3, under the Clerk Report, she would like the meeting minutes to reflect that the councilman that we're talking about that hasn't done building permits is Councilman Messersmith.

Councilwoman Ault moved to approve the September 15, 2022, meeting minutes with corrections.

Councilman Norris seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Abstain
Mayor Cook:	Yea

The motion passed to approve the September 15, 2022, meeting minutes with corrections.

7. Budget Review/Town Bills

Councilwoman Ault had a question on the Water Superintendent Cook's reimbursement for Home Depot and BJ Supply?

Mayor Cook explained we had an inspection done with the State of Utah and these are the parts that needed to be replaced at the Chlorination Building.

Councilwoman Ault moved to approve the August 2022 and September 2022 invoice registers as presented.

Councilman Norris seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to approve the August 2022 and September 2022 invoice registers as presented.

8. Reports from Police; Fire; Water; Treasurer; Clerk; Sexton; Planning Commission

Police:

Deputy Dutson provided report for the month of September. Forty-one details for law enforcement here in Cedar Fort. Seven of those came from citizens who called into the dispatch center. Two were animal control problems, 1 trespassing, 4 traffic violations. The other details were extra patrols through the city, assistant contacts and he has come out to the Cedar Valley Elementary School twice to do presentations with the sixth graders.

Deputy Dutson also explained that he has tested and passed to become a Sargent with the Utah County Sheriff's office and would like to see if the Town would be interested in him updating the Town's Contract so he can continue to provide service as a Sargent. The council members would be happy to entertain this idea and would like to see if the additional cost will be covered by our current budget. The council will discuss this further at next month's meeting.

Fire:

Not in attendance.

Councilwoman Ault provided an update on the information she was provided from Fire Chief. In the month of September, they had 2 calls. They are still working on the fire engine with Apparatus. The Fire Chief has several days scheduled for training set up for the next six months. Also, he will be providing the name of the firefighters with date and times they will be available to handle the Town's inspections for business licenses.

She is still working with the Fire Chief in setting up the Wex Bank card for the fuel.

Water:

Not in attendance.

Mayor Cook provided an update on the information he was provided by Water Superintendent Calvin Cook. We made improvements on the chlorinator and chlorine at the Chlorination Building.

Councilwoman Ault requested that the Water Superintendent try to make it to every meeting so he can provide us with a report like the other Town employee's do. Mayor Cook indicated he will reach out to the Water Superintendent for him to provide a report in next month's meeting.

Treasurer:

Transparency reports were submitted on October 01, 2022. This is the report regarding the Town Employee wages. We also received payment from the Utah County Assessor's office regarding the outstanding balance on a former resident account that had moved approximately two to 3 months ago. She has reached out to the Town's auditor but hasn't received any feedback yet.

Clerk:

Prior to last month's meeting starting, she had met with Mr. Johnson and approved his Agricultural Building for his Quonset hut, however, last Friday, I received an email from our Town inspector stating that Mr. Johnson had added concrete. She has been working with the Town inspector and concrete company to add the inspection fees and paperwork for the concrete poured. Once she receives the fees from Ensign Engineering, she will reach out to Mr. Johnson for additional payment so the Town can make sure the inspector's fees are satisfied when we receive his invoice.

She asked Councilman Norris that it will soon be time to mail out the Renewal Business Licenses and asked if he prefers these be mailed out before Thanksgiving or after? These forms need to be turned in no later than December 31, 2023, for new business licenses to be issued for the 2023 year.

Councilman Messersmith did reach out to her this afternoon and thanked her for helping him with Mr. Johnson's Agricultural Building Permit and Chris Murphy's Building Permit.

Councilwoman Ault suggested that the Town pay's Clerk Lyon under the Building Assistant position that we've had that is not currently filled and that we back pay her for doing all the building permits since January 2022 because it is not her job duties, and she is taking it on, and it takes a significant amount of time.

Council discussed amongst themselves and will review the budget and will make a decision on this request in next month's meeting. Mayor Cook is worried that Clerk Lyon may have too much on her plate with her duties once a Cemetery Committee is sworn in according to State Law. Clerk Lyon replied that she had previously explained that she is happy to sit in and take notes and record these Cemetery Committee meetings.

Sexton:

No activity for the month of September.

Planning:

We postponed our meeting until next Tuesday, October 18, 2022, starting at 7:00 p.m. We will be discussing updating the General Plan and swearing in a new commission member Lynnette Groff-Ault for a 5-year term ending June 30, 2027.

9. Reports from Council Members**Councilwoman Ault:**

She went to pick up the maps from MAG, however, the person who was supposed to provide them to her was not in. She will make another attempt going back to Orem here in a few days. She is also looking into building the Town's webpage from help with other small communities with the resources they use.

Councilman Berry:

He had been in contact with Blue Stakes on several occasions and submitted 10 different tickets in order to place the stop signs and yield signs in Town. We have been cleared for power not being in the way, but we haven't been cleared on the gas line. He spoke with a gentleman who marks for Eagle Mountain, but he had approximately 121 tickets for one day.

The council discussed amongst themselves and public. There are a few public guests that have offered their services to help.

Councilman Norris:

The only thing he has to report on is the Garbage bill for the month of September. We are still at 21% for the fuel surcharge. He will continue to watch this every month and hopefully if and when the fuel surcharge decreases, we can lower the cost on our Town garbage bills. Treasurer Gurney mentioned they can go in Pelorus and change this.

He also received a new business license from the new residents that purchased Justin and Cara Lyon's home. He needs some additional information from them regarding the Kennel License they are requesting approval on before he can approve it for the Town Clerk to issue a business license. Councilwoman Ault indicated the Town has an ordinance on how many dogs a residence can have within a specific zone and description on kennels.

Mayor Cook:

He has received a few envelopes from a law firm, he will review the documents and let the council members know if there is anything that they may need to act on. He also has continued discussions with Mayor Gurney with Fairfield, Mayor Westmoreland of Eagle Mountain, and their City Administrator on discussions on roads, sewer system, etc.

Councilman Messersmith:

Not in attendance.

10. Cemetery Ordinance Revisions (CFO-150-CR-2022)

Councilman Norris moved to approve CFO-150-CR-2022 with section 3.0 added.

Councilman Berry seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to approve CFO-150-CR-2022 with section 3.0 added.

11. Boundary Adjustment Resolution

Councilwoman Ault moved to strike Agenda Item 11.

Councilman Norris seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to strike Agenda Item 11.

12. Planning Commission Member Removal

Mayor Cook mentioned we have had a couple of members of the Planning Commission that have not been in town a lot. Currently, the ordinance reads that we can remove them and fill that position with someone else. The question was asked if we can remove a council member. Just so you are all know; the State Law does not allow us to remove council members for not attending because they are voted in by the public. The ordinance allows us to remove Planning Commission Members for not attending if we so see fit. Mayor Cook asked if there are any questions or concerns. These commission members are Chairman Howard Anderson and Commissioner Gary Cook.

Open for Public Comment:

Greg Cutberth indicated he has heard different sides to this. Obviously, there's the one side that you need to be a full-time resident of the State of Utah. He had contacted four different cities Eagle Mountain, Sandy, South Jordan, and Midvale. They mentioned they have by-laws in place, a full-time resident of the Town or City needs to reside there for 1-year. However, he understands that no one is going argue with the Town Council if they want to get rid of people. That is your choice, you are elected. As far as taking days off, we all went through two years of COVID with our meetings being held by Zoom, even Chairman Anderson today is at this meeting here. He feels that there are many tools today for individuals in these position to where you can still attend these meetings and have a voice.

Mayor Cook understands where Mr. Cutberth is coming from, he mentioned both of these gentlemen have been gone for approximately four months. The State of Utah allows those with medical issues to take FMLA (Family Medical Leave of Absence) for up to 3 months, that is a lot of time off. Mr. Cutberth commented that FMLA leave is for an employee in a paid position. He indicated these two-gentleman are not in paid positions, they are volunteers. He understands where Mayor Cook is coming from, but this is nowhere in the ballpark of what the Council is trying to deliver today.

Mayor Cook mentioned when Chairman Anderson is gone Clerk Lyon is the one putting on the Zoom meetings in his absence. He feels that as elected Mayor he comes in and puts the Council's meeting on. His thoughts are the Chairman over the commission should do the same. In our ordinances there is supposed to be someone here physically. Even with Covid, there is supposed to be one person to host the meeting. Councilwoman Ault volunteered to host these meetings if there is a problem. Chris Murphy indicated he is Vice Chairman of the Planning Commission and in the past, he has done held these meetings in person while Chairman Anderson attends by Zoom.

Vice Chairman Murphy wants to know what issues have not been taken care of because Chairman Anderson and Commissioner Cook of not been in Town? He would like an example of anything that has not been

addressed by the Planning Commission in the absence of these two men. Mayor Cook replied he did not have any example to provide. Vice Chairman Murphy asked Mayor Cook what his motive is for removing both Chairman Anderson and Commissioner Cook if they are doing their job? Mayor Cook provided his opinion regarding his reasoning for letting go of these two men were because he feels they are not living in the Town of Cedar Fort. Both Vice Chairman Murphy and Commissioner Cutberth responded these two men do live in Cedar Fort though, their residential home has an address here in Cedar Fort, their Utah Driver's License has this Residential Address, their voting registration shows their Cedar Fort Address, etc. Commissioner Cutberth expressed it is his understanding and suggested Mayor Cook check with the Town's attorney to specify what he would consider a full-time resident of Cedar Fort, because by the law he has researched it shows six months and 1 day.

Vice Chairman Murphy explained that if someone needs to physically be here, then they will make sure that happens. If there are other issues, you are going to have to bring those to the Commission too. These two gentlemen have a tone of experience, and he feels have provided the Commission and the Town with their knowledge. Furthermore, Chairman Anderson hasn't missed a single Planning Commission report to the Town Council since he has been on the Planning Commission for the past four years. Chairman Anderson has been to every council meeting, generally in-person, occasionally virtual. He feels the mayor and a couple councilmembers are trying to remove these two men for political reasons over a technicality. He explained that if the mayor and the couple councilmembers are going to fire both Chairman Anderson and Commissioner Cook, then he as Vice Chairman should be let go as well.

Councilwoman Ault indicated that if there is a complaint about commission members not being in town on multiple occasions why has she not been told? Why is this being brought up now? If we are going to clock minutes that we are in Town or not, I am probable out of Town more than anyone. She travels both in the State of Utah and out of the State, she also travels outside of the United States of America.

Ellen Cibula had a couple comments. One is why do you say that if someone doesn't live in Town for four months out of the year, they don't have the best interest of the Town at heart? You have a Town Clerk that doesn't live in the Town of Cedar Fort at all, and you're worried about being able to run meetings. She doesn't live here in Town. The second thing she would like to mention is that the Town has big problems with council members not doing their jobs. You have a water superintendent who has not provided a report for approximately a year or more. He goes to the Water Conference in St. George on the taxpayer dime, and he doesn't provide a report. We all know we have problems with our Town's water system, and we do not have any reports from the water superintendent on how he is mitigating these. She continued to state that the Town does not have a contract with the current Town contractor, the Town's water system is not in compliance with the State of Utah and the Mayor and councilmembers are worried about two people not being in Town for four months out of the year when they still do their jobs.

Ashley Cook responded she feels the Town Clerk's situation is different. She is not making decisions on behalf of the Town. Her opinion comes from having residents show up at their doorstep with these concerns.

Councilman Berry commented that this administration here was put by the people as well as the other prior two administrations and the other two administrations pretty much ran the Town the way they wanted along with the Planning Commission. He would like to see some new blood. He thinks if we look back in the past on what the Planning Commission had done, he feels we are at a crossroads in this little Town. He understands that sooner or later landowners will de-annex into Eagle Mountain. He feels the Planning Commission is from the "old" school and he would like to see some "new" blood on the Planning Commission that will look at Cedar Fort's best interest in the future. He feels we need an aggressive Planning Commission for the Town's future; he feels the current chairman isn't looking far enough in the future for the best interest for our community.

Vonda Cook responded that as former Town Clerk she still receives calls sometimes because things are not getting done. She is happy to help where she can, she loves this Town. She and Mr. Cook have been in Arizona

taking care of her dad. They have not moved; they still have their home here in Cedar Fort. They have been home for approximately a month now and they have not heard any complaints about Gary being gone because although they were in Arizona, Gary still took part in the Planning Commission's last meeting in July, since that meeting the August and September meetings were canceled because there was nothing brought to the Planning Commission's attention for a discussion. She mentioned that all the Council needs to do is tell the Planning Commission what direction you would like the Town to go in. Chairman Anderson writes the ordinances for the commission members to review, put forth in a public hearing and pass onto you the Council to vote on. She feels they are not going to find someone who will put in the time that these four guys have put in.

Councilwoman Ault agreed with Mrs. Cook, she herself did approximately 10 years on the planning Commission and these gentlemen get way more done than the Commission she sat on. These commission members are more devoted and have the experience and the time to somehow get everything done. In her 10 years, they approved building permits and that was about it, and they did not have time to get anything else done and to actually see the current commission members care and who take a hard look at our ordinances and make the changes is important in her eyes.

Councilman Norris feels that we are at that point that we have got to know more, and we need to communicate better. If we don't have communication with the Planning Commission, then that should reflect on us as the Town Council. We should not sit in here and fight, fight, fight. We are not going to accomplish anything because we may be Eagle Mountain soon if we do not do something. He feels the divide in the Town is terrible and we have got to get over that because if we don't come together, we are all going to sit and think back one day and wished that we have come together. He feels that as a council we must communicate to the Planning Commission what we want, what direction we would like to see the Town move forward to. We need to do what is best for the Town not as an individual. We were elected for what will be in the Town's best interest. If we as a council do not communicate to the Planning Commission, then that is our fault at the end of the day.

Vickie Draper commented the council puts a lot of time in and it is a critical time here in Cedar Fort with all the development that is currently taking place in Eagle Mountain. The council is going to be needing to make some big decisions for the Town's future. She would like to see the fighting stop. We need to work together.

Councilman Norris was shocked to see this topic on the agenda. He feels that if the Town Council hasn't provided any communication to the Planning Commission on the direction, they would like to see the Town of Cedar Fort move toward, then that is on the council. He doesn't feel removing these two-gentleman tonight is a good idea; they have done nothing wrong. He feels they should not remove people if we, as a town council, have not given them the opportunity to do what they are supposed to or what we think that they should be doing. Now if they are not doing their job, that is a different issue.

Councilwoman Ault expressed that MAG, Envision Utah, etc. have resources to help facilitate these conversations and help our small community. She does not feel there is any harm asking for someone to come in and help us with conversations and help us get to a point and figure out what as a community we want.

Councilman Norris moved to table Agenda Item 11.

Councilwoman Ault seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to Agenda Item 12.

13. Adjourn

Councilwoman Ault moved to Adjourn.

Councilman Berry seconded.

Councilwoman Ault:	Yea
Councilman Norris:	Yea
Councilman Berry:	Yea
Mayor Cook:	Yea

The motion passed to Adjourn.

Meeting Adjourned at 8:25 p.m.