

Cedar Highlands, UT Town Council Meeting June 20, 2019

APPROVED

Minutes of the Cedar Highlands Town Council meeting which was convened at 6:01 p.m. on June 20, 2019 at 303 N 100 E, Cedar City, Utah.

Council Members in Attendance:

Steven Swann, Mayor
Paul Starks, Council Member
Linda Stetzenbach, Council Member
Beth Gaines, Council Member
Susan Allman, Council Member

Pledge of Allegiance

Conflicts of Interest: No conflicts noted.

Approval of Minutes: Susan Allman makes a motion to table the approval of minutes from May 9, 2019, May 23, 2019, and June 10, 2019. Second by Paul Starks. Voting: Susan Allman, Paul Starks, Linda Stetzenbach, and Beth Gaines, aye, Mayor Swann, nay. Motion passed 4 aye, 1 nay.

Linda Stetzenbach makes a motion to move agenda item 2019/2020 Budget immediately following the public speakers. Second by Paul Starks. Voting: Linda Stetzenbach, Paul Starks, Susan Allman, and Beth Gaines, aye, Mayor Swann, nay. Motion passed 4 aye, 1 nay.

Public Speakers: Public comments are limited to budget issues only, and to three minutes in length unless the Council has questions of the speaker.

Greg Pierce would like to defund the clerk/recorder position, fund the law enforcement and fire services contracts in their entirety, fund all firesafe initiatives, fund all road improvements, and fund snow removal separate from road improvement.

Jeanne Shelton points out math discrepancies in the Administration Recommended Budget; and would like to see law enforcement, fire, and roads fully funded. She prepared a budget based solely on last year's spending and that budget would be \$179,000, but would like to see a smaller budget and have the Council stay within that budget. She also points out numerous categories from the 2018/2019 budget where the Town was over budget.

Jim Byler states all he wants is for the Council to adopt an honest budget that reflects the accurate cost of services. Priorities should be public safety, which includes police, fire, and fire prevention; road maintenance, and snow removal. He would like the Council to present coherent financial statements for the community to see, and he states that budget category 4148 is inaccurate and there is no accounting for the payment to the Lieutenant Governor's Office. The Council will have to research where this payment was allocated. Mayor Swann states accounting firm Pelorus reallocated items into more appropriate categories. Mr. Byler quotes Utah Code 10.5.115, Expenditures Limited to Appropriations, states overspending on accounts without specific Council approval is illegal, and says the Council needs to take control.

Linford Nelson wants to speak on a subject unrelated to the budget, but will need to address the Council at a future meeting.

Janice Swann declines to speak.

2019/2020 Budget: Linda Stetzenbach makes a motion to adopt the 2019/2020 Budget submitted by Beth Gaines. Second by Paul Starks. Mayor Swann requests to discuss the budget first. The Mayor states if the clerk and treasurer positions are defunded, it will create problems the Council is not even aware of yet. Susan Allman states that defunding the clerk has nothing to do with the current clerk, the Town just cannot afford a salaried position. Susan also states the clerk should work for the Council, and not in the Mayor's office. Mayor Swann states the Council will place itself in jeopardy if legal services are defunded. The Mayor believes his budget will work and will get the roads done. He states there are some in the audience that would like to 'throw the Town into chaos because that would be the easiest way to get rid of it.' Linda states the Mayor's budget does not fund law enforcement, but the Mayor says the Council did not give it sufficient study and the Council will be accused of malfeasance. Linda renews her motion to adopt the 2019/2020 Budget submitted by Beth Gaines. Second by Paul Starks. Voting: Linda Stetzenbach, Paul Starks, Beth Gaines, and Susan Allman, aye; Mayor Swann, nay. Motion passed 4 aye, 1 nay.

Reports: Road report by Susan Allman. Ditches and culverts need to be repaired on the areas of road that backhoe operator Rob Yates has already improved. Also, additional material needs to be laid. Rob Yates will continue roadwork on Monday and Tuesday, but will not be working on the ditches. He will also not be available for most of the month of July. Paul Starks states he will operate the backhoe for ditch work. Resident Rob Shelton suggests one person needs to be designated as project manager, possibly Paul Starks as he is a council member and backhoe operator. More volunteers are needed for traffic control and to remove rocks from the roadbed. Susan has a sign-up sheet available.

Budget report by Beth Gaines. Utah law allows for the transfer of residual funds into the new budget year. At least five percent retention is required for a safety valve, but as a precaution, Beth is using ten percent. For public works, Beth has road maintenance,

snow removal, and equipment rental itemized into separate categories, but the funds may be shifted amongst the three, if necessary.

Law enforcement report by Linda Stetzenbach. With funding for the Iron County Sheriff contract passed, Linda will meet with the Iron County Attorney to have the contract finalized and signed. The amount due will be \$14,732.50 from July 1, 2019 through December 31, 2019, with no charge for the period prior to July 1, 2019. The cost for law enforcement services for the period January 1, 2020 through December 31, 2020 is \$29,465.00, and will be due January 15, 2020.

Fire report by Paul Starks. Paul presents an agreement between the Department of Natural Resources and landowners to allow the State to assess properties and common areas in Cedar Highlands for participation in the Wildland-Urban Interface program. Funding for this program has already been approved and needs to be allocated to Cedar Highlands. Paul Starks makes a motion to sign this agreement. Second by Susan Allman. Voting: Paul Starks, Susan Allman, Beth Gaines, Linda Stetzenbach, Mayor Swann, aye; 0 nay. Motion passed 5 aye, 0 nay.

Further discussion on fire safety, the importance of residents keeping their own properties clear of brush, submitting FireWise hours, the Ready Set Go program, Community Wildland Preparedness Plan, reverse 911, etc.

Linda Stetzenbach requests a letter be written to Attorney Scott Garrett of Durham, Jones, and Pinegar Law Firm, thanking him for his services and informing him the legal contract has been defunded.

Community Connection report by Susan Allman. Susan is working with Linda Stetzenbach and HOA Board member Reggie Tashjian to keep the community informed and working together.

Financial report by Beth Gaines. Check written to Jim Newberry for refund of building permit fees in February has not yet cleared the bank. Beth will provide his current phone number to the Clerk for follow-up. Beth observed a debit card transaction on the bank statement. The Town Council members were unaware the Town even had a debit card. Mayor Swann states there were two purchases, one for the recording/transcribing machine in the amount of \$649.99 and the other for office supplies. Susan Allman states expenses still need to be approved by the council prior to purchase. Mayor Swann's name is still on the Mountain America Credit Union (MACU) account, in violation of Utah Code as stated in the Utah State Auditor's report of the Town of Cedar Highlands. Mayor Swann states he needs to have online access to be able to print the accounts and, according to MACU, the only way he can have online access is to have the Town account linked to his personal account. Susan proposes moving the accounts to a different bank if that is the only way MACU sets up accounts.

Approval of bills to be paid: The bill for legal services is over \$2,500.00. The Council is dismayed at how much the Town is spending on legal fees. Susan Allman states, on

Mayor Swann's suggestion, she spoke to Enoch City Manager Rob Dotson about how Enoch handles legal services. Enoch was formed in 1966 and did not hire an outside attorney until 1972. Enoch's first years in existence used the State resources for legal advice.

Legal fees	\$2,500. plus change
Water bill	76.00
Website, Jim Hilton	184.53
Rob Yates, reimburse	403. plus change
Equipment rental	1,062.00
Enfusion Technologies	465.00

Linda Stetzenbach states the Town needs to post an RFP for web hosting; as of June 30, 2019 the current contract with Jim Hilton is expiring.

Beth Gaines makes a motion to approve payment of above noted bills. Second by Susan Allman. Voting: Paul Starks, Linda Stetzenbach, Beth Gaines, Susan Allman, Mayor Swann, aye; 0 nay. Motion passed 5 aye, 0 nay.

Planning Commission Report by Roger Thomas: The Subdivision Ordinance was amended and will be sent to the Town Council within a couple of weeks. The Planning Commission priority now is road standards. Paul Starks questions why there was no notice of the Planning Commission meeting on June 19, as he would have liked to attend. Roger states the meeting was mainly for administrative changes.

Road Race: Susan has been speaking to Todd Haggaman, Cedar City's new Director of Events, and Deborah Bowling, President of Planet Ultra about the Cedar City Fire Road 100K bike race, which will be held on August 17, 2019 and be passing through Cedar Highlands. Susan has informed the race coordinator of the dangerous road conditions through Cedar Highlands. There will be one sheriff VIP stationed at the top of Cedar Highlands and two stationed at the bottom for traffic control. During the race, only residents will be allowed on Cedar Highlands Drive. Susan has been assured the Town will have no liability in the event of an accident. Signs are to be posted two weeks prior to the race. Resident Rob Shelton highly recommends the Iron County Sheriff's Department be the responsible agency for traffic control, not the Town. Susan Allman makes a motion to approve the bike race. Second by Paul Starks. Voting: Paul Starks, Susan Allman, Beth Gaines, Mayor Swann, aye. Linda Stetzenbach, nay, concerns about traffic control. Motion passed 4 aye, 1 nay.

HOA Road Agreement: Mayor Swann requests approval of this agreement. Susan Allman states she will not approve this agreement. CHHOA President Mike Brask states the agreement as written is unacceptable; it should follow the form of the Department of Natural Resources permission letter addressed earlier today. It is agreed that Council Members Susan Allman and Beth Gaines will meet with CHHOA President Mike Brask and one other CHHOA member to draft a new agreement with the requirements set forth by Utah Trust. Mayor Swann makes a motion to table this

discussion, draft a new agreement, and send to Utah Trust for their approval. Second by Paul Starks. Voting: Susan Allman, Beth Gaines, Paul Starks, Linda Stetzenbach, Mayor Swann, aye; 0 nay. Motion passed 5 aye, 0 nay.

\$15,000 Road Allocation: Council discusses allocating additional funds for purchase of road material through the month of July. Upon approval of the road agreement with the CHHOA, road work may commence on the HOA roads. Mayor Swann makes a motion to allocate an additional \$15,000 for road material. Second by Beth Gaines. Voting: Linda Stetzenbach, Susan Allman, Beth Gaines, Paul Starks, Mayor Swann, aye; 0 nay. Motion passed 5 aye, 0 nay.

Adjournment: At 8:06 p.m., Linda Stetzenbach makes a motion to adjourn. Second by Paul Starks. Voting: Beth Gaines, Susan Allman, Linda Stetzenbach, Paul Starks, Mayor Swann, aye; 0 nay. Motion passed 5 aye, 0 nay. Meeting is adjourned.

Due to the defunding of the Town Clerk position effective July 1, 2019 and the resignation of Mayor Swann on June 28, 2019, no minutes for this meeting were prepared by Town staff. These minutes were prepared on August 8, 2019 by resident and new Town Clerk Jeanne Shelton, based on a recording of the proceedings.