

Minutes of the work meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 21<sup>st</sup> day of June, 2011 at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 7:00 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Evan Brown, Dale Kingsley, Kevin Sair, and Mayor Moser were present. Dale Beddo, Judy Creek Representative was present. Town Clerk Nathan Bronemann took minutes.
4. Declarations of conflict of interests.

None Stated.

5. Discussion on the Judy Creek Development agreement.

Evan Brown asked if R 1-10 (in item E on page 1,) was the current zoning. Mayor Moser stated that all of the ground should be as open space. Dale Beddo stated that instead of R 1-10 it should read current zone.

Mayor Moser stated that he originally had an issue with section 1.1, but after reviewing the information with the Town attorney, he believed that it needed to remain as is.

Mayor Moser addressed section 1.3 stating that if the special service district is created, the portion addressing Ash Creek Sewer will need to be removed.

Mayor Moser addressed section 2.2.2 stating that the density per acre may change. Dale Beddo stated that if the density is changed to 1.0 per acre, the unit count would change to 1379.

Evan Brown clarified the wording in section 3.1.4.2 and what would happen in order for both parties to be vested.

Mayor Moser addressed section 3.1.6 stating that he had asked for this item to be removed. His concern with the section was that the Town's ordinances will change as the Town grows and that each phase of application should be under the current code at that time. Dale Beddo agreed and stated that that is how it is written.

Evan Brown expressed concern with section 3.1.7 stating that prior to any application approval, the demonstration of ability should be shown. The Council and Dale Beddo agreed.

Mayor Moser addressed section 3.2.3 stating that this was standard procedure for new developments.

Evan Brown addresses section 3.2.4 stating that the fees referenced were not the same as the standard impact fees for the construction of the home, but rather for the development of the lots themselves.

Mayor Moser addressed section 3.2.8 stating the power of eminent domain belonging to the Town is standard procedure. Dale Beddo clarified that it was limited to Phase I because, after that the development should have no reason to introduce any new roadway, sewer line, etc. that would benefit the community as a whole.

Mayor Moser addressed section 4, stating that it was in anticipation of the Town purchasing the Apple Valley Water Company. Dale Beddo clarified stating that it should read Cedar Point Water Company instead of Apple Valley Water Company. Mayor Moser gave clarification on the creation of a special service district. Dale Beddo stated that 4.1.1.1-4.1.1.4 should then be

designated to Cedar Point Water Company until the time that the Town creates a special service district. Evan Brown further clarified that the 'Town' should still be left in those sections. Dale Beddo addressed section 4.2.1.2 stating that he would like to leave this section in the agreement so that the development is able to develop their own sewer lines.

Evan Brown expressed concern with section 4.2.1 stating that the Town should not be required to provide the services mentioned. Dale Beddo and Mayor Moser explained that the Town would not be obligated under the agreement.

Evan Brown expressed concern with section 4.3.1.1 asking for clarification on private roads. Dale Beddo explained that in the case of a gated community, some streets could be designated as private.

Dale Beddo addressed section 4.3.2.2 stating that they are preparing the guidelines pertaining to this section.

Dale Beddo addressed section 4.3.4 stating that no special treatment would be provided beyond that of the rest of the Town.

Evan Brown addressed section 4.5.1.1 stating that there would be an exchange for park space provided.

Dale Beddo addressed section 4.6.2 stating that 'fire and police' had been added.

Dale Beddo addressed section 4.7.1.4 stating that Questar Gas had been removed because they reserve the right to use entirely electric energy sources.

Dale Beddo explained section 5.5.2 which addressed the Town's responsibility with regard to the submission of the application for modification of the zone.

Dale Beddo addressed section 6.1.1 stating that instead of 1303 it should read 1379.

Dale Beddo addressed section 6.1.2 explaining the minor changes that had been made to the wording. He also explained the meaning of the section which addressed the duration of the development.

Dale Beddo explained section 6.20 stating that they are not allowed to inter into an agreement with another developer under this agreement.

Mayor Moser explained that when Judy Creek is ready to move forward, they will submit their agreement which will be reviewed by legal and then be returned to the Town. Then Judy Creek will submit their zoning application for approval.

Evelyn Greco expressed concern with the length of time that the development could take. Dale Beddo explained that there was no specific timeline other than the 20-year limit on the development. He added that after approved, they had three years to start and after that, they could not sit idle for more than five years or the Town could shut down future development. Mayor Moser explained the Kokopelli Golf course was a lot different than a residential development.

Dale Beddo stated that the development agreement should state that they are vested contingent upon meeting the development process. Mayor Moser stated that with the approval of the zoning application, the developer becomes vested. There seemed to be a disagreement between the Town's legal counsel and Judy Creek's legal counsel with regard to when and how vesting occurs.

Dale Beddo expressed concern with future developments since the current Town ordinances did not have a specific treatment of PUDs. He suggested that the Planning Commission work on that.

It was decided to send the agreement back to legal to review and make any necessary changes.

6. Adjournment

Motion made by Trevor Black to adjourn the meeting. Kevin Sair seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 8:21 PM.

Date approved: \_\_\_\_\_

ATTEST BY: \_\_\_\_\_  
Nathan Bronemann

\_\_\_\_\_  
Richard Moser