

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 1st day of September, 2016 at the Town Office Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 6:00 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Robert Campbell, Judith Davis, Ron Brown and Mayor Moser were present. Todd Sheeran, Legal Counsel, was present. Rod Mills of Ensign Engineering was present. April Ruesch was present. Dale Harris was excused. Chief Louie Ford was present. Jack Davis was present. Town Clerk, Nathan Bronemann, was present taking minutes.
4. Declarations of conflict of interests.
None stated.
5. Public Comments

Rich Kopp asked about a stop sign that he had requested.

Mayor Moser said they needed to add a couple more signs to the order and it would be ordered as soon as they could.

April Ruesch asked how many signs would be placed at that intersection.

Mayor Moser said there was only one sign shipped.

Tish Lisonbee thanked the Town Council and the engineer for all the work they put into the SSA open house.

Motion made by Ron Brown to close public comment. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

6. Discussion on Resolution 2016-08 creating a storm drainage fee

Mayor Moser said the resolution had been sent out for the council to review.

Rod Mills said there were a number of pretty serious needs with regard to storm drainage. He said in order to get some of these projects underway, the Town would need some additional revenue. He said to fix all of the current drainage issues, it would cost over \$1 million. He said the top six projects would cost about \$250,000. He said a number of the surrounding municipalities charge a monthly storm drain utility fee. He said that if the Town charged a reasonable fee, they could start addressing some of these issues. He said these fees range from around \$5-\$15 per month. He said that if they were to charge each lot \$10 per month, the Town could generate about \$250,000 over a five year period. He said the Town could bond for \$250,000 and address the top few projects and then bond again in five years. He said that none of the other municipalities charged this fee for vacant lots as they had not altered the natural drainage. He said that if only lots with homes were charged, the five-year revenue would decrease significantly. He recommended keeping the fee at \$10/month and then just starting with a just a couple of the top drainage projects. He said that rather than bonding, the Town could just save the revenues as they come in and address projects as the Town is able to afford them.

Ron Brown asked how many total lots there were that could be billed vs. how many lots with homes.

Nathan Bronemann estimated about 450 total billable lots vs. around 320-330 lots with homes.

Mayor Moser said it would also only be households with adjoining roads that are maintained by the Town.

Marty Lisonbee asked about his home and vacant lot where the drainage did run off to lower lots.

Mayor Moser said that according to State law, any runoff from your property is your responsibility.

Rod Mills said that when a lot is improved, and therefore altered, it is clear that the natural drainage has changed.

Marty Lisonbee asked if there were a barn on a property would that classify it as improved.

Mayor Moser said it would be considered improved. He said that lots with impervious surfaces would likely be billable. He said legal would have to determine the exact wording.

Trevor Black wondered what the general public would feel about the Town collecting money without bonding and only addressing a couple projects as opposed to the six or so that were originally discussed.

Mayor Moser said that there were only a couple that absolutely needed to be addressed before the chip and seal went down. He added that the bonding process was lengthy and costly. He said the Town could also use a bridge loan for the short term.

Marie McGowan said as a resident, the monthly dollar amount was more important to her than the specific projects that were being done.

Rich Kopp asked if it made more sense to put the projects as a lottery.

Rod Mills said the downside to the current proposal would be relying on the expertise of the Town and the engineers to evaluate which projects should be done first.

Robert Campbell asked which projects were top priority.

Mayor Moser said one was on Rome Way and one was on Apple Valley Way.

Neil Duncan said he didn't think a lottery would work because drainage issues needed to be fixed in a systematic way or they may not work at all.

Ron Brown said many of the issues could be addressed in house to save money.

Mayor Moser said the plan was to keep it all in house to avoid the increased costs of bidding them out.

Robert Campbell said he would like to see an exact breakdown in writing of the revenues and costs of projects. He asked if the Gateway funds could be used to fix the drainage issue.

Mayor Moser said the drainage was not bid into the project and was not part of the approved project.

Judith Davis said she didn't feel that an exact number was needed.

Robert Campbell said he needed an exact number of houses. He said he wanted to ensure that the Town didn't go into debt any more.

Mayor Moser stated that the debt that was being referred to was held by the Special Service District.

Judith Davis said the accounting firm reviewed everything the Town did.

Robert Campbell continued to ask for the same information.

Ron Brown said he wanted to know when the fee would end.

Mayor Moser said the fee would likely continue indefinitely.

Trevor Black said his biggest issue was that numbers were presented based on more projects getting done sooner.

Mayor Moser said that if the Council wanted to bond, they could decide to do so.

Trevor Black said he felt it was smarter to not bond.

Ron Brown said he liked the \$10 per household.

Judith Davis asked if the Council if they wanted to bond or use the revenue as it came in.

Mayor Moser asked for some parameters. He said they needed to decide what to charge for a commercial fee.

Rod Mills explained that what is typically done for commercial is calculating the amount of impervious surface and charging accordingly. He said what was more common was to calculate the average impervious area of a residential lot and then charge a commercial property equivalent residential units based on that area.

Robert Campbell asked if a vacant lot could be charged a lesser amount.

Todd Sheeran said it had been discussed and if that were done, the Town may run into legal issues.

Trevor Black asked if someone could show that no water was running off, could they avoid being billed.

Nathan Bronemann said if each lot were being billed by measured CFMs that would be more difficult, but most municipalities just billed all residences equally based on averages regardless of how much water drained off of each lot.

Trevor Black asked about the reference to an enterprise fund in the proposed resolution.

Mayor Moser said that the storm drain revenue would be kept separate and budgeted to be used specifically for drainage projects.

Mayor Moser asked if they wanted to continue with the \$10 fee. He asked what they wanted to charge for commercial.

Judith Davis said they should charge commercial based on equivalent residential unit.

Mayor Moser asked Todd Sheeran to draft an updated resolution for review in next meeting.

7. Discussion on open house estimates

Rod Mills said that when he estimated the figures for the possibility of creating Special Assessment Areas (SAAs) for the open house, he did so by counting rooftops. He said he should have been counting all lots. He said that changed the figures significantly. He said that what he heard in the open house was that most people bought their homes knowing that they would likely be on gravel

roads for some time. He said that most were not interested in a tax increase to pay for earlier road improvements. He also heard many people say that they didn't want to see multiple SAAs, but rather, they would like to see the entire Town combined into one area. He said that after recalculating the numbers it would cost about \$5,320/ per lot over five years for double chip and seal. He said that legal has informed him that SAAs need to be contiguous and because of that fact, phase one would have to be separated into another SAA. He said that if they were to take out all the outlying areas such as Paradise Canyon, Cedar Point, Canaan, etc, the unit cost would then be about \$3,700 per lot over five years. He said he estimated that 15% of any chip and seal project would need to go into shoulder work and about 5% would go into bonding costs.

Rod Mills said with the Gateway Project the Town planned to chip and seal around 3 miles. He said that it was a contingency of the final project and it was only an estimate. He said that if those three miles are taken out of the overall estimate would be around \$4,850 per lot over five years.

Robert Campbell asked how many miles were in the total estimate.

Rod Mills said it would be about 8 total miles.

Robert Campbell asked why it couldn't be done as one massive project.

Rod Mills said they would have to go back to the funding agency and ask them to change the parameters of the project.

Robert Campbell asked what would be discussed with them.

Rod Mills said they had already had that conversation and Ron Brown was in the room when that was discussed.

Judith Davis said the SAA would not be required. It would take place if the residents chose to do it.

Rod Mills explained that by making the improvements centrally and on higher traffic roads, everyone is more likely to benefit.

Judith Davis said she didn't have a problem with where the improvements were going.

Mayor Moser said that from the inception of the Gateway Project, it was the intention of the council to improve all roads incrementally as the town increases its revenue. He said that if residents wanted all improvements done at this time, they would have to pay for it. He said there were no cities anywhere that improved all streets at the same time.

Rod Mills again stated that the majority of those in attendance at the open house were opposed to an increase in property tax from the creation of an SAA. He said that in order for this to move forward, a petitioner would need to get at least 50% of all lot owners, which also included the owners of the vacant lots. He said he didn't feel that it would be a very good possibility.

8. Discussion and possible action on renaming Apple Valley Road to 1400 North

Marie McGowan explained that there were three roads with the Apple Valley name: one Road, one Drive, and one Way. To alleviate confusion, she was recommending the change.

Jesse Barlow said that when the fire department gets called out it is confusing to have multiple Apple Valley streets.

Motion made by Trevor Black to approve the road name change. Robert Campbell seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

9. Report on Gateway Project progress

Rod Mills reported said they contractor had fallen about one month behind schedule and they were working hard to get back on track. He said today they had a larger force working than he had seen since the beginning. He said they were tying rebar, pouring concrete and pouring curbing. He said they were essentially on budget and things were moving forward.

10. Reports from Town Council members on assignments

Dale Kingsley reported that the Mosquito Abatement District had discussed that there had not been any reported disease and the mosquito numbers were down this year. He said they were looking at expanding into the building next door.

11. Report and recommendation from the Planning Commission, (including discussion and action)

a. Recommendation on Cedar Point Phase 4 Subdivision

Jack Davis stated that the Planning Commission was recommending the approval of phase 4 of the Cedar Point Subdivision, pending legal and engineering review and approval.

Mayor Moser said they were still waiting for a title report, payment of assessments and the slurry sealing of the roads in this phase.

Rod Mills added that a note for the drainage would need to be provided stating that all lots would be developed to approved drainage standards. He said another note would be required stating that the slurry seal would take place. He said that was already underway.

Mayor Moser added that water connection fees and impact fees would be paid on each lot, but that water rights had been committed for this subdivision phase.

Motion made by Ron Brown to approve the subdivision pending the title review, payment of assessments, and the notes on drainage and slurry seal take place. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

b. Recommendation on Kurt Barlow Subdivision

Jack Davis stated that the Planning Commission was recommending the approval of Kurt Barlow's proposed subdivision of AV-1376-K-1, pending legal and engineering review and approval.

Mayor Moser stated that the plat still states that it is a lot split rather than a subdivision and that needed to be updated. He said they were still waiting for a title report for legal to review as well as an updated plat map with the required road dedications.

Motion made by Mayor Moser to table this item pending the title review and updated corrected plat. Ron Brown seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

12. Report and recommendation from the Big Plains Water and Sewer SSD

Nothing to report.

13. Report and recommendation from the Fire Department

Chief Ford said they finally received their defibrillator. He said they had responded to three fires, (Mesa, Little Creek, and Smithsonian Fires.) He said he unintentionally allowed the firefighter's wild land certifications to lapse. He said that due to that fact, they would not be able to get paid for their fire fighting on these fires. He said the Town would also not be getting paid for the trucks that were used. He asked the council to approve paying the firefighters what they would have made if they had had their wild land certifications. He said it would cost the Town \$698.

Judith Davis asked if they had taken care of the certifications yet.

Chief Ford said they had not yet done so.

Mayor Moser said that as a volunteer department, they didn't have any general ledger account or budget item that would currently allow them to pay for the personnel.

Motion made by Trevor Black to find out how to legally make these payments and to do so. Robert Campbell seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

14. Report and recommendation from the Community Events Committee

Marie McGowan said Founders Day was fast approaching. She said she had three additional individuals that would like to serve on the Events Committee, Carole Jones, Rich Kopp, and Debbie Kopp.

Motion made by Trevor Black to approve those individuals to serve on the Events Committee. Robert Campbell seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

Marie McGowan said she would like to purchase two canopies for events. She gave the details of the canopies she recommended purchasing.

Robert Campbell suggested talking to Price Nelson about the canopy he had.

Marie McGowan said she was asked to change the security deposit amounts for equipment rental. She said she increased the sound system deposit to \$500. She changed the pavilion rental from \$50 to \$100.

Marie McGowan asked permission to give a \$100 cash prize for Founders Day.

Mayor Moser said they could do gift cards, but not cash. He said he would donate \$100 in gift cards from the theater for prizes.

15. Report and recommendation from the Code Enforcement Officer

See attached.

16. Report and recommendation from Emergency Management

See attached.

17. Report and recommendation from the Public Works Department

Nothing to report.

18. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Ron Brown to approve the consent calendar. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

19. Consider approval of minutes:

a. August 4, 2016 Regular Meeting Minutes

Motion made by Ron Brown to approve the August 4, 2016 meeting minutes. Robert Campbell seconded the motion. Vote: Trevor Black-abstain, Robert Campbell-yes, Judith Davis-abstain, Ron Brown-yes, Mayor Moser-yes. The motion passed 3/0 with two abstentions.

20. Announcements

Mayor Moser said the majority of the Gateway Project should be done by the 24th of this month.

21. Request for a closed session

None requested.

22. Adjournment

Motion made by Trevor Black to adjourn the meeting. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 8:13 PM.

Date approved: _____

ATTEST: _____
Nathan Bronemann

Richard Moser

CODE ENFORCER'S REPORT TO TOWN COUNCIL September 1, 2016

Since August 4, 2016:

Weeds are still a problem.

I'm still working on nuisance violations involving junk and junk cars stored on properties. Residents don't realize what a hazard they are. Allotted time expired today on several. They have improved, but some still need improvements.

I'm following up on various sign violations..

People should contact the town office before putting up any buildings, fences or animal runs, or before moving trailers and other items on to properties, to make sure they are in compliance with all ordinances or check land use codes on our website.

If anyone has a complaint regarding a town ordinance violation please come into the town office and fill out a complaint form.

Thank you,
April Ruesch

EMERGENCY MANAGEMENT REPORT September 1, 2016

I attended the Southwest Utah meetings on August 9th in Cedar City.

I plan to attend Washington County Citizen's Corps and LEPC on Sept. 8th.

I'm getting ready to go to Earthquake Preparedness training in Maryland on Sept. 18th and will return on Sept. 23rd.

(IMPORTANT Reminder all town officials, workers and firemen are required to take NIMS courses, at least the ICS100 & 700). It is also recommended that town officials take ICS-G402. Firemen especially should complete more ICS courses online and when they become available to be eligible for grants and to be prepared for emergency incidents. We need your cooperation. The more people trained, the better prepared we will be. Outside help will not always be available and able to get to us. (If you need assistance let me know. THIS will need to be done to continue getting the grant.)

Thank you,
April Ruesch