

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 15<sup>th</sup> 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. Legal counsel was excused. Rod Mills of Ensign Engineering was present. April Ruesch was excused. Dale Harris was excused. Chief Louie Ford was present. Jack Davis was excused. Town Clerk, Nathan Bronemann, was present taking minutes.
4. Declarations of conflict of interests.  
None stated.
5. Public Comments

Rich Kopp thanked all those who stood up for the pledge of allegiance.

Motion made by Judith Davis 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 and action on Resolution 2016-08 creating a storm drainage fee

Mayor Moser said the council had reviewed the ordinance in the previous meeting. He said the rate had been set at \$10 per household lot. He said that since there was only one business in town, he recommended charging a flat rate of \$25 per developed commercial lot.

Trevor Black asked if the council was still planning to not bond for storm drain improvements.

Mayor Moser said the Town planned on using current funding rather than bonding and there was sufficient funding in the impact fee account to pay for the currently necessary improvements.

Trevor Black asked about the needed drainage improvements along Mt. Zion Drive.

Mayor Moser said the 24-foot width of the proposed chip and seal would still leave plenty of room to do that drainage work in the future as soon as the Town could afford it. He said that in the mean time they should be able to get permission to keep the drainage cleaned. He said that Rod Mills had made the Town aware of some FEMA funding available through the Five Counties Association of Governments for flood drainage projects.

Rod Mills said they would submit projects to be put on their list for future funding. He said that if approved, there would be a straight grant awarded to the Town and the Town would combine their funding to finish the cost of the approved project.

Trevor Black asked how a bridge loan would work.

Mayor Moser said it would be a short term loan from the bank to do a specific project.

Ron Brown said he was not in favor of raising taxes for drainage improvements. He said the culverts and bar ditches should have been cleaned during the water project.

Mayor Moser said the proposed storm drainage fee was to fix additional drainage issues.

Rod Mills said the drainage plans that were part of the water project were completed.

Mayor Moser said the purpose of this fee was to cover the ongoing costs of maintaining drainage issues, not to pay the grader operator to clean bar ditches.

Robert Campbell said he didn't feel right about the fact that there was water coming from vacant lots as well as the developed lots.

Rod Mills said the impact fees that those vacant lot owners pay when they build would catch them up with those that had been paying monthly fees.

Trevor Black asked which roads would have homes billed.

Mayor Moser said all homes that had access from roadways that were maintained by the Town would be billed.

Marty Lisonbee said he wasn't concerned with what should have happened in the past. He encouraged Ron Brown to vote for this resolution so the Town had sufficient funding to fix issues that existed.

Judith Davis said she didn't have a drainage issue, but her neighbors did. She said she was willing to pay to have those issues fixed.

Rich Kopp asked if impact fees were being collected, why the Town didn't have enough money to fix the issues. He suggested that the State use some tax dollars to help the Town.

Mayor Moser explained that the impact fees weren't sufficient to fix all the issues.

Marty Lisonbee added that the majority of the homes were in existence before the Town was incorporated and the Town inherited a lot of issues that the county allowed.

Judith Davis said Apple Valley was a small community with a very small budget.

Marty Lisonbee said every other municipality had similar fees.

Rod Mills agreed that these fees were very common. He said that when available, the Town would seek grants and funding opportunities from other government agencies.

Mayor Moser read the resolution.

Motion made by Judith Davis to adopt the resolution. Mayor Moser seconded the motion. Vote: Trevor Black-abstain, Robert Campbell-no, Judith Davis-yes, Ron Brown-no, Mayor Moser-yes. The motion failed 2/2 with one abstention.

Motion made by Judith Davis to continue the discussion. 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.

Trevor Black said he strongly opposed raising taxes. He said he wanted to be sure this was the best way to address the problem.

Robert Campbell said he felt the same way. He said he felt it was a penalty to living here. He asked how they could move forward without an inequity.

Mayor Moser said what was currently being proposed was currently just a band aid.

Rod Mills said that unless they completed the two proposed projects to completion, they may just be creating larger issues. He said that if they were in a room with a developer proposing to charge the developer drainage fees, they too would state they felt those fees were unfair. He said there was never going to be absolute equity. He said he favored charging developers up front. However, he said this is the way municipalities collected the money that they needed for drainage improvements.

Mayor Moser said he didn't want to increase fees either, but the only other way would be to raise taxes across the board.

Marty Lisonbee said he was on the same page as Robert Campbell last meeting. However he didn't want to be the guinea pig and charge all lots at risk of a lawsuit. He said this was a no-brainer. He said it was necessary.

Rich Kopp asked if he was being billed a water standby fee, why the Town couldn't charge a drainage fee on a vacant lot.

Mayor Moser said the attorney had advised against it and he didn't want to take that risk.

Chris Kingsley said the rain was something that can't be controlled. She said she would be happy to pay the fee to correct the issues.

Nathan Bronemann added that in the past year, the Town has had one lawsuit and several threatened lawsuits over drainage issues. He said these were costly.

Ron Brown asked if some of these fees could be used to properly crown a section of roadway to fix drainage issues.

Rod Mills said that could be done in small problem areas.

Motion made by Mayor Moser to adopt the resolution. Ron Brown seconded the motion. Vote: Trevor Black-yes, Robert Campbell-abstain, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion failed 4/0 with one abstention.

#### 7. Discussion and action on chip and seal road sections

Mayor Moser said the council had been emailed a map of proposed sections of roadway to be chip and sealed for their review. He reviewed the map with the council.

Rod Mills said this was the recommended area based on three miles. He said it could be less than that depending on the cost of the remainder of the Gateway Project.

Robert Campbell asked the exact distance of the proposal.

Mayor Moser said it was 3.22 miles.

Motion made by Ron Brown to approve the proposed road areas for double chip and seal. 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.

#### 8. Discussion and action on roads and storm drainage impact fee expenditures

Mayor Moser said there was \$2,764.71 in the storm water impact fee account and \$6,750.50 in the roadways impact fee account. He recommended using that money to fix the two proposed drainage issues.

Motion made by Ron Brown to approve the impact fee expenditures. 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.

9. Discussion and action on conditional use permit extension for AV-1313-A – Three Points Center

Mayor Moser said they were not quite where they need to be and asked for a delay until the next meeting. He said he believed that they were going to move out of town. He recommended pulling the conditional use permit and giving them 30 days to bring the lot into compliance.

Motion made by Mayor Moser to have the attorney draft a letter stating the conditions of the expiration of the conditional use permit. 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.

10. Report on Gateway Project progress

Rod Mills said all concrete tests have come in well. He said the bridge work had not gone quite as well as anticipated. He said they were still falling behind the schedule because of the bridge work. He said the chip seal had finally been scheduled. He said it would take place the week of the 26<sup>th</sup> of September. He said it would take about a week to complete. He said there would be temporary traffic issues.

Mayor Moser said the mail boxes would arrive Monday and he would coordinate with the post master on getting those switched over from the old boxes.

Rod Mills explained the double chip and seal process. He said the majority of the project, (with the exception of the bridge,) would be complete in about two weeks.

Ron Brown thanked Rod Mills for his work.

Mayor Moser said they would be laying sod on Monday and Tuesday if anyone wanted to come help. He said the sign and electrical should be going up next week.

11. Reports from Town Council members on assignments

Robert Campbell said the solid waste board met, but nothing discussed would affect Apple Valley.

Rod Mills said the Town of Apple Valley made a good decision in not going with curbside recycling because that program was not working well in the other areas of the county.

Mayor Moser said he attended the Mayors Association meeting. He said the EPA was cracking down on the area wanting to further restrict burning and wanting to require mandatory vehicle emission testing. He said he wasn't impressed with St. George city and that they just seem to be rolling over and accepting the pressure. He said the hospital was continuing its \$480 million expansion.

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

Nothing to report.

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

Nothing to report.

14. Report and recommendation from the Fire Department

Chief Ford said he had some flyers and pamphlets that were free for anyone that was interested. He said they had responded to a lightning strike fire and a barbecue fire. He said they had received an \$800 grant from Walmart to purchase a TV for training and some Gatorade. He said burn season would open the first of October.

15. Report and recommendation from the Community Events Committee

Marie McGowan said she had some new committee members. She said she had lost some of the Founders Day entertainment. She said she had been unable to find a food vender for the event so far. She said there would be games and activities.

16. Report and recommendation from the Code Enforcement Officer

Nothing to report.

17. Report and recommendation from Emergency Management

Nothing to report.

18. Report and recommendation from the Public Works Department

Nothing to report.

19. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Judith Davis to approve the consent calendar. 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.

20. Consider approval of minutes:

a. September 1, 2016 Regular Meeting Minutes

Motion made by Trevor Black to approve the September 1, 2016 meeting minutes. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-abstain, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

21. Announcements

Marie McGowan said she needed judges for the apple dishes on Friday night at 8:00 pm.

22. Request for a closed session

None requested.

23. Adjournment

Motion made by Trevor Black to adjourn the meeting. 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.

Meeting adjourned at 7:44 PM.

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

ATTEST: \_\_\_\_\_

Nathan Bronemann

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Richard Moser