



APPLE VALLEY TOWN COUNCIL

1777 N Meadowlark Dr, Apple Valley
Tuesday, August 10, 2021 at 6:00 PM

(DRAFT) MINUTES

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Tuesday, August 10, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Dale Beddo |

Council Members | Kevin Sayer | Paul Edwardsen | Mike McLaughlin | Marty Lisbonnee |

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/89102005798>

To call into meeting, dial (253) 215 8782 and use Meeting ID 891 0200 5798

DECLARATION OF CONFLICTS OF INTEREST

None

MAYOR'S TOWN UPDATE

Skip

Mayor Beddo announced that they would move to item #5.

5. CONSIDERATION AND POSSIBLE APPROVAL OF A DEVELOPMENT AGREEMENT FOR TLW INVESTMENTS, LLC, PARCEL NUMBER AV-1329-D

Craig Carlisle, lawyer for applicant, explained that they had worked out all the details on the agreement, adding that they all had a copy—if there are any questions. (Lost connection)

Mayor Beddo, Councilmember Michael McLaughlin, Councilmember Marty Lisonbee, Fred Coats engaged in a discussion regarding the issues of 20' vs 25' road: the road is 25' but not 25' of asphalt: asphalt vs shoulder widths, maintenance issues, possible cut back of the hill and put in a retainer wall around the curve, relocate fire hydrant, culverts, drainage, slope of curve. Councilmember Marty Lisonbee recalled that they had previously discussed, with the engineers, cutting back the hill in order to get the needed width. The developers remarked that they were okay doing the 25' of asphalt, but there would be no room for shoulders. There was a lengthy discussion about a variety of options and the need to tighten up the language so that all were in agreement. Councilmember Marty Lisonbee pointed out that a legal lane is 12' wide, so double that is at least 24', and also, that we need to make the policies the same for all developers.

Mayor Beddo was under the impression that before his time the subdivision was already approved; Councilmember Marty Lisonbee explained that it can't be yet since there was no zone change yet. Mayor Beddo expressed concerns about projects being engineered before it gets to this point. The developers felt that they were helping the city, and did not realize that this was going to be an issue. The developers asked for a clarification that impact fees had been waived because of the donation of property (valued higher than the impact fees). The possibility was brought up of vouchers being used since they could be more

accurate as a specific value. Concerns were brought up that the road should be done right—not just passed. Also discussed were the questions as to who should pay for what, any money spent on this road for the town’s needs could give the developer a credit (voucher). The traffic is currently able to go out the main road. One solution was to take the asphalt all the way to the hill with part of that being a slope that sends the water to the hill and down. Mayor Beddo expressed concerns of substituting one sub-par road for another sub-par road. Another possibility he brought up was to put storm drains under the road, his preference over bringing water onto the road. Mayor Beddo wondered about changing the agreement to 25’ period and letting the engineers work to solve the water problem? Marty observed that we had previously discussed ways of getting the water off the road and helping with flooding down below.

Motion was made by: Mayor Beddo

Motion: “We approve the development agreement contingent on paragraph 4A being reconstructed and approved by our attorney, said as follows: The developer agrees to construct a favorable grade on the existing city road, Rome Avenue, with a 25’ wide asphalt road. The developer shall install 25’ of asphalt pursuant to this paragraph. The developer shall submit an engineer report, identifying those areas for review and final approval by the town engineer during the construction plan-review process.”

Seconded by: Councilmember Kevin Sair

Vote:

- Mayor Dale Beddo, yes
- Councilmember Michael McLaughlin, yes
- Councilmember Paul Edwardsen, yes
- Councilmember Kevin Sair, yes
- Councilmember Marty Lisonbee, yes

Mayor Beddo announced that we would move up item #6.

6. DISCUSSION AND POSSIBLE ACTION ON CANCELLATION OF ROBERT & MARIA CAMPBELL'S DEVELOPMENT AGREEMENT

Mayor Beddo reiterated that this had been discussed last meeting in regards to requiring the Campbell’s to have a development agreement. He then read the then Mayor’s statement regarding specifically limiting the development to 11 units. Mayor Beddo stated that there were two primary issues he had: 1) since they were at the time operating under the district, the board allowed them to do the installation of the water system—now completed, put in the roadway—not a public roadway, and the drainage, and that since, in essence, the development was already done, it was a non-issue; the other issue was liability which needs to go through Mr. Hall.

Motion was made by: Mayor Beddo

Motion: "We remove the development agreement requirement for Robert & Maria Campbell, and the project, Little Creek & Gooseberry Mesa Cabins, may move forward without the development agreement."

Seconded by: Councilmember Kevin Sair

Vote:

- Mayor Dale Beddo, yes
- Councilmember Michael McLaughlin, yes
- Councilmember Paul Edwardsen, yes

Councilmember Kevin Sair, yes
Councilmember Marty Lisonbee, yes

Councilmember Marty Lisonbee then voiced that his concern was with the limit to 11 cabins. He is okay with it since it is in writing. He also noted that, in the future, Platte amendments can be done and go through the planning process.

Mayor Beddo announced that they would move to item #1 and opened it to public hearing.

PUBLIC HEARING

1. FISCAL YEAR '21 BUDGET ADJUSTMENT

Councilmember Marty Lisonbee said he spent several days on the general ledger. He said he found some problems with entries that were made okay but just in the wrong place—such as various tax revenue put in as State Tax, rather than divided out to types of tax. Councilmember Marty Lisonbee felt that consistent reviewing of future entries will help us have clean financials for next year's audit. He expressed that co-mingled moneys are making it look like our revenue is higher than it actually is as it includes the portion that must be paid to the state, such as a building permit that includes such portions. Fire impact fees, etc. must be segregated out as they are limited in how they can be used. He explained that there is also a time limit on when the money must be spent or we have to give it back. He proposed that these could be tracked on a spreadsheet, and also recognized that turnover staff must be trained and monitored in how to categorize the revenues. Another issue Councilmember Marty Lisonbee brought up was the deferred tax revenue \$101,000—should be on new budget, and it is not on the amended budget. He concluded by saying that we should do some more homework to finish this up. He noted that some of the errors may be due to a disconnect from the program Polaris and the State spreadsheet form.

2. FISCAL YEAR '22 FINAL BUDGET ADOPTION

Councilmember Marty Lisonbee pointed out that the \$100,000 contingency that was going to be divided into 3 parts could not all be \$35,000; one of the \$35,000 should be \$30,000 for the math to work. He also stated that though some revenue is high such as the Sales Tax as previously discussed, it should not hold this up as it is an estimate anyway. He concluded by saying that he would approve this '22 budget with the adjustment on the contingency fees.

Mayor Beddo added a side note that we got notification Jessop Canyon 6 weeks out to breaking ground. And he also acknowledged that staff training is necessary, but due to the time constraint, the attorney, John, and Jeff felt it was okay to go ahead and pass it.

Richard Osawski, community member, asked who does the budget?

Mayor Beddo and Councilmember Marty Lisonbee informed that it is a group effort; many people have input including you [town members].

Richard Osawski, community member, observed that the Campbell's gave the town a water truck that the transmission problem, and wondered if we had money to fix it. Councilmember Marty Lisonbee said the transmission is out, but he thinks it is worth fixing. Mayor Beddo explained that we got numbers; it would take \$8000. Further, he noted that there is an individual willing to donate a transmission. Richard Osawski, community member, also expressed concern about loaning the town equipment to others such as developers.

Richard Osawski, community member, also wondered about the public bathrooms, noting that he did not see any money allocated in the '22 Budget, and asked if they were completed. Mayor Beddo responded that there was one small outstanding invoice, and repairs and landscaping being donated by a private resident. Richard Osawski, community member, also worried about some pallets of dead grass after which he was told that it was

the grass that had been torn out. Councilmember Marty Lisonbee added that electricians were still getting power out to the pavilion.

Richard Osawski, community member, drew attention to 4141-110: Other Salaries, where he noted that there were increases for some. Mayor Beddo pointed out that they were understaffed, undertrained, restructuring, and growing. Richard Osawski, community member, also brought up the new, young girl hired for the office, but Mayor Beddo confirmed that, no, they were still in the interview process for hiring.

Again, Richard Osawski, community member, pointed the council to 4441-320: Engineering professional fees, where he noted that \$20,000 seemed low when we have to go back to the engineer to solve all these developer problems. Mayor Beddo reassured him that the developer pays for the most part, through either a bill or impact fees—unless the town requires something above and beyond the developer agreement needs.

Richard Osawski, community member, also wondered about line 4180 where there was \$35,000 new from last year. Mayor Beddo confirmed that it was the contingency that they had been talking about—reallocated this year.

Richard Osawski, community member, concluded by observing that the Covid money, \$99,000 plus, did not seem to be in the budget. Mayor Beddo explained that it happened after the budget is prepared, and that they had already received half of it. He also explained that it is specified as to how it can be used.

Mayor Beddo closed the public hearing.

DISCUSSION AND ACTION

DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF FINAL BUDGET FOR FISCAL YEAR '22

Motion was made by: Councilmember Marty Lisonbee

Motion: "We approve the Fiscal Year 2022 Budget with the one modification that we reduce the contingency expenditure from \$35,000 to \$30,000 from administration."

Seconded by: Councilmember Michael McLaughlin: seconded.

Vote:

Mayor Dale Beddo, yes

Councilmember Michael McLaughlin, yes

Councilmember Paul Edwardsen, yes

Councilmember Kevin Sair, yes

Councilmember Marty Lisonbee, yes

DISCUSSION AND POSSIBLE ACTION ON FISCAL YEAR '21 BUDGET ADJUSTMENT

Motion was made by: Councilmember Marty Lisonbee

Motion: "We table the approval of the current year proposed fiscal year 2021 adjustments pending some answers to questions that we provide to the town."

Seconded by: Councilmember Kevin Sair

Mayor Beddo reiterated that passing this budget was time sensitive—only two days until it must be approved.

Councilmember Marty Lisonbee said that somebody else could make a motion if they wanted to pass it, but he felt it is was missing numbers or had categorizing errors such as impact fees.

As it had already been seconded, they voted on tabling it:

Vote:

Mayor Dale Beddo, yes

Councilmember Michael McLaughlin, yes

Councilmember Paul Edwardsen, yes

Councilmember Kevin Sair, yes

Councilmember Marty Lisonbee, yes

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

none

PUBLIC COMMENTS

A community member, Mr. Keate, alleged that he read that roads are 30'—where did 25' come from? However, he added, it does say 25' for an RV road. He also wondered how the RV Park would begin building in 10 days when they had not been approved. Mayor Beddo informed him that the agreement that was approved was with UDOT on the roads. Mayor Beddo explained that it would be six weeks; they are in the process.

Richard Osawski, town member said that he had put in a Gramma request for the RV park; he had asked for all permits; he also sent a second one; (he went to his car to get copies). Richard then read that one said it was approved by the planning committee. Also, he suggested that they could use some dust control. He went on to say that he had received a .50 charge for paperwork which was on his water bill which he had paid on the spot. He informed them that they owed him 50 cents. Beddo noted that in regards to the Gramma request it was an old form, that they now have an updated form.

REQUEST FOR A CLOSED SESSION

Call for a private work session; 5 minutes.

ADJOURNMENT

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, Jeff Voran, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Hearing notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town Website www.applevalleyut.gov and sent to The Spectrum on the **3rd day of Aug, 2021**.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.