

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND TOWN COUNCIL
CENTRAL VALLEY TOWN, SEVIER COUNTY, UTAH
August 21, 2024**

A regular meeting of the mayor and town council of Central Valley Town was held on Wednesday, August 21, 2024, at the Central Valley Town Hall, 50 West Center Street, Central Valley, Utah at the hour of 7:00 pm after due and timely notice had been provided pursuant to Section 52-4-2, UCA, 1953 as amended.

Mayor & Councilmembers Present:

Mayor: Gary Barney

Councilmembers: David Nielson, Susan Outzen, Charles Evans, Kody Winkel

Staff Members Present:

Town Clerk: Emma Jo Cadwalader

Maintenance: Joey Luna

Public Present:

M. Eric Grant, Micklane Farmer, Stephanie Bruse, Dan Bruse, Robyn Ames, Ryan Stibor, Shan Davis, Jeremy Johnson, Jason Monroe, Greg Jensen, Quin Davis

1. Meeting Called to Order

Mayor Barney opened by welcoming everyone and led the Pledge of Allegiance. Charles Evans gave the invocation.

2. Open Public Comments on the following Ordinances:

(1) Ordinance 2024-001 *Ordinance Imposing One (1) Percent Municipal Sales and Use Tax Providing for The Performance by The State Tax Commission of All Functions Incident to The Administration, Operation and Collection of a Sales And Use Tax Hereby Imposed, Providing Penalties For The Violation Thereof.*

(2) Ordinance 2024-002 *Ordinance Imposing an Energy and Use Tax Of 6% Under the Municipal Sales and Use Tax (10-1-301, ET SEQ) Utah Code Annotated 1953 As Amended in The Town of Central Valley, Sevier County, Utah.*

(3) Ordinance 2024-003 *Ordinance Establishing a Tax Of 3.5% On the Gross Receipts of Telecommunications Service Providers, Setting the Rate for Such Tax; And Establishing the Effective Date of The Tax.*

3. Accepting Public Comments:

a. Robyn Ames asked if there wasn't already an ordinance with that number. Mayor Barney said it would be investigated and if found to be a duplicate number, the number would be corrected.

b. David Nielson clarified that these three items were actually implemented years ago when Central Valley Town was first incorporated – however a formal ordinance was not put in place at that time and that is why it is being addressed at this time.

c. Eric Grant asked if the amounts were the same and it was verified that they were.

4. Open Public Hearing for Authorization for Central Valley Town to apply for a CIB Grant for 2025 road improvements.

5. Accepting Public Comments:

Mayor Barney said the Engineering Firm, Jones & DeMille, has been working on this and Micklane Farmer is the spokesperson for them tonight. Micklane distributed documents with a cost estimate and a break-down of the anticipated amounts to be requested in conjunction with the Grant application. Nebeker Lane - \$466,000; Sevier River Road: Match: \$62,000; Additional Funds Needed: \$224,900; for a Total Request to CIB of \$752,900. He acknowledged that in 2021 Central Valley Town had received funding for the Sevier River Road project in the amount of 1.086 million with 15 cents on the dollar deduction, so you get 85% of that 1.086 and that is your funding amount for the project. From 2021 to 2024, there has been probably about 20% inflation in construction costs. To do a full reconstruction on the Sevier River Road Project it would be 224,900. Kody Winkel asked if 1.148 was the actual cost, and if we had anticipated the cost to be 752? Micklane said he would get to the 752K in a bit. On Nebeker Lane, the estimate to reconstruct from Main Street to the city boundary, (or about 2000'), was 466K. By switching from Federal to State funds Central Valley would be able to combine the projects and get better pricing. The hope is that Central Valley can go to CIB and obtain money from CIB to help with Nebeker Lane and combine that project with Sevier River Road doing it at the same time. That cost came in at 466K. If you add those three numbers together, your match for Sevier River Road additional funds needed plus Nebeker Lane would be the 752K needed. The anticipation would be to go to CIB for both projects showing that the town's already got enough funding for the Sevier River Road Project and then leveraging that funding in CIB to be able to hopefully get more grant money to do Nebeker Lane and then finish-off Sevier River Road. If you don't get money from CIB, the scope will need to change on Sevier River Road. Micklane asked if David had anything to add. David Nielson said he would like to provide some history. When Center Street and South Main were done, the project was approached the Project the same way. We had UDOT money for Center Street, we wanted to do South Main, so we went to CIB with that source of funds from UDOT and we were able to get them to provide us with a grant to do South Main. He said he didn't know what condition they were in fund-wise now – that he didn't anticipate we would be able to get a full grant. The situation is, that even if we had to go in there and take a loan for that 752K dollars, we would be able to service that loan without any problem because previous projects will be paid off. We know that we have the flexibility in the budget to be able to meet the loan requirements. First, however, we are going to try to get them to provide us with a grant and hopefully cut that figure down quite a bit. It will be up to them and what their funding is like. They are more receptive if you bring money into the mix and that is what we have done here. David said we have the UDOT money, and he feels they will be fairly receptive to that proposal. The other reason we want to do those two projects together is that it cuts down your mobilization costs. If we were to do one in 2025 and the other in 2027, we'd pay mobilization costs twice and that doesn't make sense. If both projects are done at the same time, it would save 80-90K and that money could go into the project rather than just go into the contractor's pocket. If we can get both done, then obviously we will have done all the major roads in Central with the exception of one little section from South Main over to the county line on that road. If we are not able to obtain CIB funding, it will be necessary to re-do the scope on Sevier River Road and it would be a whole lot less of a project. Although it would still upgrade us significantly, it wouldn't be nearly as good as if we were to completely rebuild it. Micklane said that part of the public hearing is receiving comments from the public if there are any. Mayor Barney invited public comments at this time.

Robyn Ames asked how much money each year is required to pay off the loan. David referred the question to the Town Clerk. Emma Jo Cadwalader said the current remaining balance of the CIB loan that will be paid off in October 2025 is \$31,000. David explained that as those payments are made over the course of the year, you are also putting money into the Reserve fund. He stated that the loan could have been paid off previously, but the Reserve fund is earning 2% while the loan is at 1%, so we have chosen to build up the Reserve. We have the money so there should be no problem meeting the payments, depending on what type of terms they give us. He anticipates probably 10-years at about 2%. Mayor Barney asked for any other comments or questions.

6. Close Public Hearing

7. Open regular town council meeting

Mayor Barney said we would proceed to go to #11 on the agenda at this time.

8. Department and Council Member Reports

David Nielson: David said Micklane Farmer covered all of his concerns at this time.

Susan Outzen: Susan reported Planning and Zoning is still working on the subdivision ordinance, trying to get it to meld with the new report. She thinks they will have it completed in a couple of months. She also said she was asked by one of the council members about an Irrevocable Letter of Credit and wondered if in that case if you have an Irrevocable Letter of Credit to ensure infrastructure completion, who is the beneficiary of that account, and she talked to the bank about this one incident and Central Valley Town is the sole beneficiary.

Kody Winkel: There is a leaking valve near the pitcher's mound. Repair is anticipated once the Splash Pad is shut down for the season. Mayor Barney said if they need water, hoses are available.

Charles Evans: Completed water samples and everything looked good. Bacteria samples looked fine. Joey Luna said he agreed with Charles, everything looked good.

Joey Luna: He said he agreed with Charles, everything looked good.

Mayor Barney: Bill Anderson is putting his water system in for the subdivision very soon. His understanding is that they are not planning to connect to the 10" big line as they were instructed that they had to. Their plan is to connect a 6" line to a fire hydrant. He said Charlie and he will need to get with them and let them know what we were previously told and what Sunrise reported - that there wasn't enough pressure if they ran it off the where the fire hydrant is. Charles Evans said the one where the fire hydrant is a 6" line. That's the one they are saying they are planning to connect to. Charles said they need to upgrade that from the other side of the road to an 8" line. Mayor Barney also discussed 4-5 businesses in town that are refusing to get business licenses. Three options were discussed: 1) Write a letter giving them 30 days to comply. 2) Send it directly to the County Attorney. 3) Mayor Gary Barney visit them personally to seek compliance. Susan recommended sending a Registered letter to establish a paper trail. Kody said that may not be cost-effective, as the cost of sending a

Registered letter is \$10.00 and the Business License fee is \$25.00. It was decided to send them a regular letter and hope for compliance.

9. Review & Approve: Minutes July 17, 2024

Minutes were reviewed by the council for the July 17, 2024, meeting. David asked Charles if the Chlorinator was now working. He said it was. Kody Winkel made a motion to approve the minutes. David Nielson second the motion. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried. The minutes from the July 17, 2024, town council meeting was approved.

10. Review & Approve: Monthly Expenditures July 17, 2024

Monthly expenditures were reviewed by the council for July 2024. David Nielson made a motion to approve the monthly expenditures. Kody Winkel second the motion. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried. The monthly expenditures from the July 17, 2024, town council meeting was approved.

11. Review and Approve Cove Peak Subdivision upon completion of all requirements.

Shan Davis said that Planning & Zoning had voted unanimously to move it on to the Town Council for final review and approval, so unless there was anything lacking, he anticipated approval. Mayor Barney noted that Lot#1 on the plat is out of compliance. Shan wanted to know how it was out of compliance. Susan Outzen said it didn't have sufficient frontage. He said they would change that and wanted to know what else is needed. It does not have enough frontage. Shan Davis said that could easily be remedied. However, until that is completed, the Town Council cannot approve the plat. Mayor Barney also addressed the Engineer's Infrastructure estimate for the roads and utilities as well as a Performance Bond at 110% of the estimate. Central Valley has been looking at different ways to get different bonds to make it easier for the developer instead of coming-up with just straight cash. He reported that Susan had talked with a couple of bankers regarding this. Susan referred to a Town Ordinance written in 2005 stating a Cash Bond is required wherein the developer opens an escrow account in a bank with Central Valley Town as the beneficiary of it. Shan said it was like a construction control account where they take out a loan and the bank escrow officer controls it and makes distributions. He said he thought that was possible, but they want to do a Surety Bond. Shan referred to Utah statutes and codes and passed out several copies to the Council. The conflict-of-interest situation regarding Jason Monroe, Sevier County Recorder approving his own work was also discussed, as well as water concerns. Mayor Barney said that once they have the plat remedied, they would be welcome to bring it to the Council in the next (September) meeting.

12. Discussion of Public Hearing comments and approval of Ordinances 2024-001, 2024-002 and 2024-003 with correction of the numbering if needed.

David Nielson made a motion to approve the Ordinances 2024-001, 2024-002 and 2024-003 (with correction of the numbering if needed). Susan Outzen second the motion.

Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried. The three ordinances (with correction of numbers if needed) were approved.

13. Discussion of Public Hearing comments and approval to Authorize Central Valley Town to apply for a CIB Grant for 2025 road improvements. Mayor Barney asked if there was any discussion. Kody asked if it was just free money and Mayor Barney answered that it was not necessarily. Kody wanted to know if we apply, can we withdraw request later. David explained the negotiating process. We submit the request, and they will respond with their offer. We then have another meeting to discuss if we want to accept that offer. Mayor Barney says he only has one comment. He said he is totally against Nebeker Lane. He says we are going to go down there and build a road for 2 houses. We have roads in town that are having issues - why aren't we addressing them instead? He recommends fixing what's on the inside of town first. We are doing Sevier River Road, which is a collector road, we did Center Street which is a collector road, we did the Boulevard, which is a collector road, we did 4th North which is a collector road, and we did one that didn't have any houses on it. But we have 2 houses on this one. He said he feels Nebeker Lane is not a collector road, it is just a secondary road for people coming from Annabella. The mayor said, in his opinion, he doesn't feel like we need to go for 466K for that road. Susan said that if we get grant money for Nebeker Lane it may be ok, but if we are required to match a lot of money, that maybe we should use that money for roads here in town instead. Mayor Barney said in his opinion, he felt like we should go for the grant, but not earmark it for Nebeker Lane – he would earmark 466K for the interior of Central Valley Town. Kody asked what roads the mayor is suggesting - so he can look at them. Mayor Barney suggested 1st West, 2nd West that was done when the water line was installed (and the people pulled-out and somebody else had to come in and finish it and they never did put the four feet of road back to it). He said one thing David and he did, was that they authorized Jones & DeMille, using a new instrument that they put on the front of their vehicles, to evaluate what roads are coming apart and which ones aren't. David said that he definitely thinks that we should do Nebeker Lane at the same time. We do have the ground that has been annexed and there will possibly be 4-5 new homes in it. He believes there is quite a bit of traffic on Nebeker Lane, but we will have a better idea when the numbers are completed after the survey being done by Jones & DeMille. He says Nebeker Lane is used with heavier-type traffic than the interior roads. He believes the interior roads need to be looked at also, but going to CIB you need to go with the same message, so if you are going to change your message you better change it before you get up there because all of the numbers that are put together are based on the listed projects, so you need to let Jones & DeMille know up front. Or, if you just drop Nebeker Lane off and forget about it, we could do that fairly easily by dropping that road off, and just requesting enough to complete Sevier River Road. However, he feels that would be an absolute mistake because of the costs and that you could get both roads done cheaper by doing them at the same time. Kody asked about the telephone pole issues from last month's meeting and David responded that was checked out by Jones & DeMille and found no clear-zone issues in the area. He said we may have to shift about a foot or so to the south, but there are no clear-zone issues so we would not need to acquire any property. Kody asked about the ditches discussed at the last meeting and David responded that everything was all right. Mayor Barney explained that you make the request for CIB funding and then after you designate which roads it is for. Mayor Barney said he didn't favor allocating 466K for 5 new people, rather than using the funds for people that have lived here for 50 years. Kody said he was thinking the same

thing but still wanted to do some investigating on his own about the areas. Gary said this decision must be made by September. Mayor Barney recommended that the issue be tabled until the Town Council meeting on September 18.

14. Review and Approve proposed Amended Ordinance and Renewal Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power Mayor Barney said it is basically just a renewal of an agreement with Rocky Mountain Power that they can do work in town. It is a 20-year contract that expires June 8, 2025. Kody made a motion to approve the Amended Ordinance and Renewal Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power. Charles Evans second the motion. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried.

15. Review and Approve Proposed Resolution 2024-02 amending the Consolidated Fee Schedule amounts Susan explained that after the joint work meeting, Planning and Zoning discussed the application fee and the need to adjust that. They concluded to taking out the classification of major and minor subdivision and calling it Subdivision (any division of a lot) and recommend the town council change the fees to be \$1000.00 application fee plus \$75.00 per lot. So, you are doing the same thing for 2 as for 10. Since we have no variance fee, that was removed. Also, we had no short-term rental application fee, so that was added at \$300.00. Kody asked if previously a minor subdivision was 2. Susan clarified that previously a minor subdivision was under 10 lots. With the recommendation the application fee was \$1000.00 and an additional \$75.00 for each lot. Kody suggested maybe lowering the application fee to \$750 and raising it to \$150 for each lot – that way if you did two lots it would be \$1050 and if you did 10 it would be \$1800. (With the proposed change if you did two lots it would be \$1150 and it would be \$1750.) Susan felt that the change would simplify the procedure. Motion made to approve Resolution 2024-02 amending the Consolidated Fee Schedule amounts by David Nielson. Seconded by Charlie. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried.

16. Discussion and approval to Purchase a back-up generator Mayor Barney talked with sheriff Nate Curtis frequently when the power was going off quite regularly. The town hall is basically our rescue/service point if anything happens in Central Valley. If we lose power, then we don't have anything. His recommendation was that we have at least one back-up generator. Generators can be purchased anywhere from \$500 and up. We don't have to have an expensive one, we just need to have one that kicks on. Our computer system is only on back-up for about 24 hours. Mayor Barney said we have a need for two generators, one for the town hall and one to keep our water system running. There was a discussion of where the generators should be located. Propane would be the fuel to power the generator. Mayor Barney said we would need an outside evaluation and investigation of costs. Mayor Barney recommended that what we need at this point, where there is agreement that we need one, is not authorization to purchase, but to do some research and make sure we get something adequate. Kody made a motion to investigate the purchase of back-up generators for both places after thorough evaluation. Seconded by Charlie. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried.

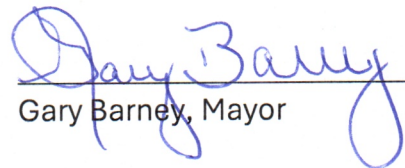
The next town council meeting will be **Wednesday, September 18, 2024**, at 7:00 pm.

Items carried over to next agenda:

- Cove Peak Subdivision
- Purchase of back-up generators
- Approval to Authorize Central Valley Town to apply for a CIB Grant for 2025 road improvements.

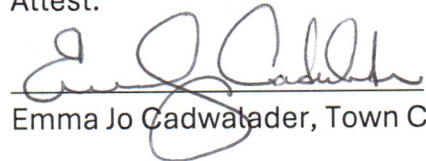
Minutes prepared by the Town Clerk, Emma Jo Cadwalader

seal



Gary Barney, Mayor

Attest:



Emma Jo Cadwalader, Town Clerk

VOTING: (circle one)

DAVID NIELSON	SUSAN OUTZEN	CHARLES EVANS	KODY WINKEL
<input checked="" type="radio"/> AYE <input type="radio"/> NAY	<input checked="" type="radio"/> AYE <input type="radio"/> NAY	<input checked="" type="radio"/> AYE <input type="radio"/> NAY	<input checked="" type="radio"/> AYE <input type="radio"/> NAY