

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND TOWN COUNCIL
CENTRAL VALLEY TOWN, SEVIER COUNTY, UTAH
July 17, 2024**

A regular meeting of the mayor and town council of Central Valley Town was held on Wednesday, July 17, 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

Public Present:

Robyn Ames

1. Meeting Called to Order:

Mayor Barney opened by welcoming everyone, led the Pledge of Allegiance, and and Kody Winkel gave the invocation.

2. Department & Councilmember Reports:

David Nielson: On Tuesday July 23, 2024, at 8:00 am; Gary and himself, along with anyone who would like to join them, will meet with Jones & DeMille in their office to discuss the details and dollar amounts dealing with Sevier River Road and possibly Nebeker Lane. McClaine brought up an issue on Nebeker Lane that may preclude us from submitting our request for CIB money for Sevier River Road. The problem is concerning the "clear zone". The clear zone is related to power lines that go down that road, past Bob Farnsworth's. By standard, poles in the clear zone must be 8 feet off the edge of the road. Currently they are only about 3-4 feet, depending on where you check on that road. The power company will not put anything underground. That request has been made twice before and denied. A right-of-way is needed for them to install power. To do any re-building of Nebeker Lane, it would be necessary to acquire property the full length of the north side of the road either as a donation by the landowners of the land or by purchasing it. Purchasing would be difficult due to timing, as it would take more time to accomplish that. He said he is doubtful that they would donate the land. Dave said he felt we would need to either purchase the land or go through the condemnation procedure, which he would not be in favor of. He said he is hoping that

after the discussion with McClaine on the 23rd we may have a little better idea of options available. The power company is willing to move the poles, but we first need to secure the right-of-way. If the irrigation ditch on the south side was put in pipe, he felt it would be cost-prohibitive and require shifting the road. Kody asked if it was possible to put the road on top of the pipe. David said that when 4th North was done, Marcus Taylor gave some property on the north side of the road and the ditch was put in pipe all the way down to the road, but the road never went over the pipe. Gary clarified that a road could not be built on top of it due to the easement. Charlie noted the water line running there as well. David felt the issue was serious enough that it would probably require a few years to get it worked out. A Public Hearing is scheduled for the next Town Council. The Hearing is required to be within 60 days of applying for the CIB grant.

Susan Outzen: The draft on subdivision changes has been completed and sent off to the Hansen group yesterday. The Public Hearing on the Cove Peak Estates subdivision was July 10. They are still working on the bonding issue and a few other things before Town Council. On the subdivision ordinance it talks about bonding and specifies it must be a cash bond held in escrow in the bank with the town as beneficiary. We don't offer any other type of bonding unless it is approved by the Town Council prior to. Our subdivision ordinance is still in draft form and there are several types of bonds. She said she would really like to get together with the Town Council and talk about bonding and what they would like before putting it in the subdivision ordinance. She cited cities who have had an infrastructure all put in place prior to Town Council ever signing the approval of the plat. There need to be some restrictions to limit the liability of the town. She suggested a Work Meeting with the Council to talk about it. Gary said it needs to be noted that the Developer must put some kind of a guarantee that everything will hold for at least a year - so we don't have to go in and fix something. Susan reiterated that if you approve a plat and they put in infrastructure in 6 months later, and maybe the water line fails, or the road fails, the town would be liable for it unless we put something in our ordinance that says the Developer will be responsible to guarantee their work for a year (or however long determined). Gary suggested a Work Meeting and possibly meet with them. Susan will follow up on that.

Kody Winkel: Rick Hardy called and reserved the park for July 27 for a family kick-ball event. The splash pad will hopefully be up and running by July 24. He thanked everyone for helping with the July 4th celebration at the park.

Charles Evans: The water samples were good. Currently problems with one chlorinator that keeps pumping even when the well shuts off. Tyler is scheduled to come and fix it. David questioned if that could be related to the power outages that occurred 3 times over the weekend. Charlie said he didn't think so but will further investigate the cause. Gary related that Joey had expressed concerns about the power surge affecting the chlorinator (because of the outages). Kody asked if surge protectors would be helpful, and Charlie said he thought they were built into the system.

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Mayor Gary Barney: Fourth of July evaluation has been completed. He said he had positive compliments on the root beer and potato salad. The attendance was down about 50 people from last year but that was basically attributed to the holiday being a Wednesday, the middle of the week. Shelley told him that historically it's always been like that. She did note that the number of young children seemed to be down. There were several families out of town and hopefully they be back next year. We ended up down about \$375. Plans for next year will be about the same. We over-bought pickles. We had about 1 2/3 boxes of extra meat. He recommended opening only one condiment container at a time. We need 2-3 new canopies. Nonie Gay volunteered to bring a group of 11-year-old kids to sing the national anthem next year. We had extra root beer. The dispenser will be re-worked so it will run faster. We will buy more ice cream next year. Gary also reported that they met with Parker again July 11 to discuss water issues in town and he feels encouraged that the water situation is fine. As of today, we have 243 homes, 3 industries and 6 institutional (church, town buildings, and the park) hookups. We could put in 50 new homes in the next 10 years and still not have a problem. The thing that we must start doing is control our growth. Gary said he feels that is pretty much under control. Planning & Zoning is working on some things that will help this situation further. Representatives of Jones & DeMille do not recommend buying surface water. We are not obligated to purchase water that was previously discussed. Gary said Jones & DeMille will be sending a new chart for us to track monthly water usage for the town. Charlie said we used to track the water coming in and meters keep track of water usage. However, this was not tracked in graph form. The new procedure will enable us to act proactively with water usage. We could then plan when to cut back on usage and not be penalized. Susan wondered if Harmony may be able to calculate this information. Gary suggested that if we ever hear of any underground water shares available, we, as a town, should purchase them. They also discussed surface water and eventually putting in an irrigation system – but the conclusion was that there is no way we could ever afford that unless we got 100 percent grant, and there is no way we would ever get that. Cove Peak Estates (and all forthcoming subdivisions) will need to do the hydrological study as the Anderson subdivision did, so they don't affect what's going on down the line. Charlie did pressure checks in four places and all were the same. Jones & DeMill is going to do a flow-check on July 31 so we will know exactly what we have. Finally, he said when Planning & Zoning had their meeting with Cove Peak Estates, they found some discrepancies in the plans for the subdivision. Jason Monroe is the engineer and also the approver for the county. He had already approved it. Subsequently Gary called an attorney today who informed him it was legal, but not ethical. The situation has been turned over to the county. Commissioner Ralph Brown will be meeting with Jason and their attorney next week. The suggestion from Todd Godfrey, legal advisor at the Utah League of Cities and Towns, was that these plans must be right before they can go any further. Jason Monroe cannot change them. After seeing what the county does with Jason, the attorney recommended we take all our papers and seek an engineering firm to go through it and

evaluate it at Jason's expense. Gary thanked everyone for helping with the Fourth of July.

3. Review and Approve minutes of June 18, 2024:

A motion was made by Kody Winkel to approve the minutes of June 18, 2024. Seconded by Charles Evans. Voting: David Nielson voted aye; Susan Outzen voted aye; Charles Evans voted aye; Kody Winkel voted aye. Motion carried.

4. Review and Approve Monthly Expenditures of May and June 2024:

David said he was making the same request as he had made for the last 4 months – that he wants the balance of the loan, (rather than the balance of the PTIF account) to be written on the PTIF statement. A motion was made by David Nielson to approve the monthly expenditures for May and June 2024. Seconded by Charles Evans. Voting: David Nielson voted aye; Susan Outzen voted aye; Charles Evans voted aye; Kody Winkel voted aye. Motion carried.

5. Review, Discuss, & Set Public Hearing for the following new 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.*

Susan explained that these were ordinances which should have been done in the past and were not. A Public Hearing will be held in August. A motion was made by Kody Winkel to hold a Public Hearing in August for these new ordinances Ordinance 2024-001, Ordinance 2024-002, Ordinance 2024-003 in August along with the Transportation Public Hearing; David Nielson seconded the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Charles Evans voted aye; Kody Winkel voted aye. Motion carried.

6. Adjournment

Susan Outzen made a motion to adjourn the meeting. Charles Evans seconded the motion. Voting: David Nielson voted aye, Susan Outzen voted aye, Kody Winkel voted aye, Charles Evans voted aye. The meeting was adjourned at 7:55 pm.

The next town council meeting will be held on Wednesday, August 21, 2024, starting at 7:00pm.

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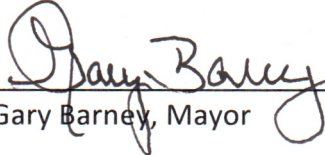
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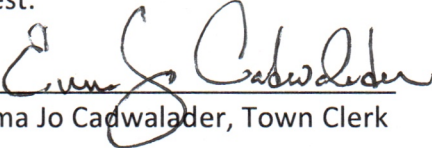
Minutes prepared by the Town Clerk, Emma Jo Cadwalader





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

