

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND TOWN COUNCIL

CENTRAL VALLEY TOWN, SEVIER COUNTY, UTAH

October 16, 2024

A regular meeting of the Mayor and Town Council of Central Valley Town was held on Wednesday, October 16, 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

Council members: David Nielson, Susan Outzen, Charles Evans, Kody Winkel

Staff Members Present:

Town Clerk: Emma Jo Cadwalader

Public Present:

Maxine Peterson, Jeff Albrecht, Jeramy Johnson, Shan Davis, Judy Sitthichai, Robyn Ames

1. Meeting Called to Order:

Mayor Barney welcomed everyone to the October 16, 2024, Town Council Meeting at 7:01 pm. He led the Pledge of Allegiance and Emma Jo Cadwalader gave the invocation.

2. Open Public Hearing for Public Comments on the following ordinance changes:

(1) Condition of Annexation Approval and Annexation Agreement

(2) Land Use Ordinance proposed changes:

- a. Frontage requirements – change required street frontage from 100 feet to 130 feet
- b. Corner Lots – Minimum frontage of 155 feet along primary street and 130 feet along secondary street, setback 30 feet (both front and side), driveway and access from the front of the lot, visibility, right-of-way and compliance with State and Local codes

Robyn Ames asked if in conjunction with the Annexation, it was legal to require one acre-foot of underground water when it was not required in the past. She asked if theoretically someone was irrigating a 5 or 10-acre parcel with culinary water, shouldn't they be required to have more than one acre-foot of water. Principal practices of irrigation were explained to her by David. Charlie explained that all town culinary water is run through meters, and it would be financially impractical to try to irrigate that way. She also had concerns about specifying secondary as opposed to primary roads for lot access. She wanted to know how visibility issues would be addressed. David explained how it had been done previously using practical situations and examples. Maxine Peterson asked for clarification regarding subdividing a lot. She questioned if providing underground water was required for each lot. Susan and Mayor Barney verified that it is, for any property that is annexed in from this time forward. Susan defined the water conveyance fee.

3. Close Public Hearing

4. Open regular Central Valley Town Council Meeting

5. Department and Council Member Reports:

Council member David Nielson said he didn't have very much. Joey and he went up and looked at Landslide. County work was still stopped. The main problem he noted was that the approach to the Zeluff property was destroyed. In his opinion Zeluff, the contractor and the developer, must work together to determine how to redo that approach. The Central Valley Town Road was not impacted.

Council member Susan Outzen said she had a nutshell report of the new Subdivision Ordinance, and it was determined to defer that until the discussion of item number 10 on the agenda.

Council member Kody Winkel reported that Joey and he took the nets down last week and equipment was put in storage. He noted that the leveler that was missing had been returned.

Council member Charles Evans reported that the water samples were good. The contractor putting the water line in had questions regarding the pressure required to test the lines. It was determined that 100 pounds of pressure would be sufficient to test the lines.

Mayor Barney reported additional information regarding Landslide Road. They are currently waiting for Silver Streak to have the necessary insurance in place and then they can go back to work. They were shut down as a result of a portion of the road being on the county side and them failing to obtain the necessary permits. He anticipates them returning to work next week. They have not hooked to the 8" line yet, but they will be doing that. Charlie asked when they anticipate going under the road. The mayor said that most of the culverts were destroyed, and they will need to replace them. He reported that all the papers have been submitted for the CIB loan. Everything is ready to go there. Blake Electric responded back to him on the generators. They came and ran some tests here. The generator for the town hall would cost about \$12,500 plus gas hook-up because Blake doesn't have a gas license. With the pumps and everything we have up there it will be a little higher. They didn't have a price on that yet. This is something we will have to decide on at a later date. After doing a little research, Mayor Barney determined that it is necessary to add one more person to Planning and Zoning. His recommendation was Brad Eyre. Brad volunteered 3-4 months ago. David expressed concern about the proposed subdivision Brad is trying to put in and asked if there was a conflict there. Mayor Barney said he didn't think it would. His subdivision is already set. He said he wouldn't approach him for a couple of days and asked the board to think about it and get back with him. The next item addressed was the need for each Town Council member to have all contact regarding town business directed to the Town Office rather than their personal home or email address. Sometimes items requiring immediate attention are sent to personal addresses and those items must be directed to the town office. It is necessary to move the Town Council meetings for November, December and January to Thursday nights. Town Council meetings will be held on November 21, December 19 and January 16, all at 7:00 pm.

6. **Review & Approve: Minutes September 18, 2024**
Kody Winkle moved to approve the minutes. Seconded by Charles Evans. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkle voted yes. Motion carried. Minutes from September 18, 2024, Town Council meeting was approved.

7. **Review & Approve: Monthly Expenditures September 2024**
Central Valley Town Clerk, Emma Jo Cadwalader explained that the Bank Reconciliation was still not complete due to reporting errors to URS currently being corrected. Bank Statements, Monthly Operational Budget Analysis report and PTIF documents were reviewed by the council. Susan questioned why the percentage used was not shown in the right-hand column of the Monthly Operational Budget Analysis report. Emma Jo agreed to check with Pelorus to find out why this was omitted. David Nielson thought the road loan was paid off in 2024, but the loan has one more year. He requested that the loan balance be provided monthly. David Nielson made a motion to approve the monthly expenditures for September 2024. Susan Outzen seconded the motion. Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkle voted yes. Motion carried. The monthly expenditures from September 2024 were approved.

8. **Review and Approve Cove View Estates Subdivision:** Shan Davis reported that they had submitted their final revision of the plat sometime last month and said he thought that was the last item needed. Mayor Barney said they also needed to pay the conveyance fee. Shad stated he understood the conveyance fee (5K per lot) was paid at the time of application for a building permit. Susan clarified that it is to be paid before we sign and approve the plat. Shan said in Section 5-A it says the conveyance fee is paid before the building permit is issued. He said in the checklist it is included with the utility service and impact fees. He said they need to get a building permit before they can get the general contractor out there to start work. He was also under the impression that Central Valley Town issued the building permit. Shan said they have extra shares of water that they could convey (they have 8 shares total). They have two 2-acre lots and understand that they must supply them with water. He said they would have 4 extra shares of water that they could convey to Central Valley Town at 5K per share. Mayor Barney reminded him that this could be, if we decided to buy the water shares. We would have to consider if we wanted to buy them. Shan said it was his understanding that they had passed the approval process and that we had approved the plans except for them paying the conveyance fee. Mayor Barney agreed, with the exception of the stipulation regarding the conflict-of-interest issue involving Jason Monroe approving his own plans. He said, upon the advice of our attorney Eric Johnson, the plans need to be taken to another engineer and be looked at. Shan said he disagreed with Eric's advice. After further discussion it was agreed that the plans can be moved forward following:
 - a. A second approval from another engineering firm – **OR** - Eric Johnson withdrawing his recommendation
 - b. We sign and approve the plat
 - c. Pay the 60K water conveyance fee (12 lots)
 - d. Obtain the building permit

9. **Review and Approve Harvest Meadow Ranch Subdivision:** Jeff Albrecht paid 5K per lot (five lots) \$25,000. (his check for \$25,650 included other fees). He went through the checklist. Five entrances and 5 culverts, he said he had followed Charlie's recommendation. Susan said a letter of credit would be sufficient for the Bonds. Questions regarding county/town property were discussed. It was Jeff's understanding that the previous annexation included the land so they would not require a county bond in addition to the town bond. Mayor Barney agreed. David reminded him that culverts must adequately accommodate the irrigation water. A ditch will probably be required across the back on the south side. Marjorie Peterson explained how irrigation water has been diverted in the past. Town Council agreed that the approval of plat is subject to bond approval.

10. **Review, Discuss and Approve Subdivision Ordinance 2005-011 as amended:** Susan explained that the changes were made due to Senate Bill 174. The old ordinance was submitted to the Hansen group for review. As a result, the following changes were made:

- Definitions – more were added
- Requirements – any annexed ground coming into the town is required to pay a 1-acre foot underground water per lot water conveyance fee
- Cost of improvements – expanded on the bonding and improvement guarantee process
- Design – changed frontage from 100 feet to 130 feet, also corner lot frontage
- Geological assessment – added setbacks from the canal and river waterways
- Section 7 is really the result of Bill 174
 - Page 19 in the Subdivision Ordinance – Subdivision Procedures and Requirements
 - The Land Use Authority is the Planning Commission. From now on, all subdivision actions are done at the Planning Commission level. In #C it states the Planning Commission will not approve a subdivision application until the application and plat have been reviewed by an attorney or a civil engineer designated by the town. So, we must work in conjunction with a designated attorney or civil engineer on every subdivision we handle from now on. They will be the ones to tell us if it's ok. The cost of all fees is borne by the developer. Subdivision application decisions are administrative, not legislative. The Land Use Authority is authorized to make any land use decisions described by this chapter without Town Council approval except when the Town Council is operating as an Appeal Authority. This is where the Town Council has a little part. If there is some part that they feel isn't right, they have the option to appeal to the Town Council on that particular issue.
 - There is a diagram of the time cycle that must be followed on page 26. It is very explicit on time frames.
 - Page 28 7.7.2 states that in the actual approval of a subdivision, the Land Use Authority (Planning Commission) shall approve any complete subdivision application made under this Chapter that complies with applicable town ordinances. No application may be approved by the Land Use Authority without first being reviewed by the designated attorney or civil engineer. Thus, the Planning Commission is working with an attorney and/or engineer all along.

David had a question on page 10, Required Improvements – “The following improvements are required for all subdivisions except those that qualify under the agricultural land exemption of Section 7.6 of this chapter”. He said it goes on to list all of the improvements. He said he wondered if it would be required to place curb and gutter. He would like clarification of Section 7.6. Susan said that the part concerning curb, gutter, sidewalks, streetlights and other improvements *could* be required *IF* the Planning Commission thinks it is a feasible thing for them to do. It’s up to the Planning Commission to decide if that would be feasible in that particular instance. She said it could be removed from the document prior to approval. Kody suggested deleting it. Mayor Barney said he agreed with Kody, but further indicated that we *may* want to use it someday in the future. You can’t enforce it if you take it out. Susan said they would rather be proactive than reactive. Maxine Peterson asked if she could annex her property into the town tonight. The application process was explained. Susan said Planning and Zoning has been working on this plan with Tyler Timmons since January and that they should be commended for their efforts. A motion was made by Susan to approve Subdivision Ordinance 2005-011. Seconded by Kody. Voting: David Nielson voted no; Susan Outzen voted yes; Charles Evans voted no; Kody Winkel voted yes. Mayor Barney voted yes. Motion carried.

11. Review, Discuss and Approve proposed changes to the following ordinances:

(1) Annexations

Susan recommended taking out the blue part on the draft and propose new wording “Water conveyance requirement for annexed ground beginning October 16, 2024: Underground water equal to 1-acre foot shall be required for each subdivision lot as a condition of approval of subdivision plat development or any issuance of permit to build on a property annexed into Central Valley Town after October 16, 2024”. “Non-subdivision:” (if someone had a lot and wanted to annex into the town) “Any owner of a single parcel annexed into Central Valley Town shall convey to the town 1-acre foot underground water as a requirement of annexation and connection to the town water system after October 16, 2024”.

(2) Land Use

a. Frontage requirements (Zones R-1, R-2, R-2C) – change required street frontage from 100 feet to 130 feet minimum

b. Corner Lots – (Zones R-1, R-2, R-2C) Area requirements change to comply with the Subdivision Ordinance. - Minimum frontage of 155 feet along primary street and 130 feet along secondary street, setback 30 feet (both front and side), driveway and access from the front of the lot, visibility, right-of- way and compliance with State and Local codes To bring them into compliance with the Central Valley Town Subdivision Ordinance. David moved to make proposed changes to the Annexations and Land Use to bring them in compliance with the Central Valley Town Subdivision Ordinance. Seconded by Susan.

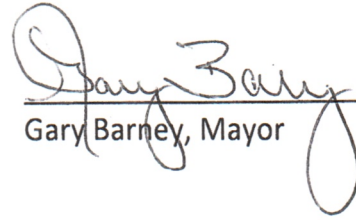
Voting: David Nielson voted yes; Susan Outzen voted yes; Charles Evans voted yes; Kody Winkel voted yes. Motion carried.

12. Adjournment:

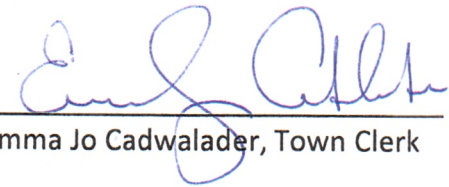
David Nielson made a motion to adjourn at 8:40 pm. Susan seconded. All in favor.

Minutes Approved by the Town Council Thursday, November 21, 2024.




Gary Barney, Mayor

Attest:


Emma Jo Cadwalader, Town Clerk

VOTING: (circle one)

DAVID NIELSON		SUSAN OUTZEN		CHARLES EVANS		KODY WINKEL	
<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO