

OPENING

Mayor Campbell brought the meeting to order at 7:01 p.m. welcoming all in attendance and led the pledge of allegiance.

PRESENT

Mayor Robert Campbell
Council Member Trevor Black
Council Member Debbie Kopp
Council Member Michael McLaughlin
Council Member Paul Edwardsen
Town Attorney Shawn Guzman
Town Recorder Jauna McGinnis

OTHERS IN ATTENDANCE

Fire Chief David Zolg, Jr
Big Plains Water Chairman Harold Merritt
Planning Assistant Frank Lindhardt
Planner Forest Kuehne
Events Committee Chairman Delila Russon
Engineer Curtis Nielsen
McKay Hall, HintonBurdick

PUBLIC COMMENTS

Mayor Campbell opened up the floor for public comments. There being none, Mayor Campbell called for a motion to close.

MOTION: Council Member Kopp motioned to close public comments section.

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION ON THE GATEWAY PROJECT

Engineer Curtis Nielsen reported progress has been made. He then indicated that the details will be given in a closed session.

CONSIDER APPROVAL OF CIB HEARING DATE

Fire Chief Zolg presented the details of the Wildland Fire Truck that is on the CIB list. The request is for a \$190,000 loan with a \$190,000 grant for a Type 3 wildland fire truck. The Type 6 truck that has been approved for purchase in a previous meeting will provide the capital needed to pay for this Type 3 until it can be contracted out for revenue in the next burn season. Most fire departments have received enough in contract fees to pay off the loan within two years. Contracting the truck provides training for the crew that will be beneficial for our community.

Resident Tish Lisonbee asked if the contract would be for the truck or a crew. Chief Zolg said it could be the truck alone or truck with a crew.

Resident Rich Kopp asked how the truck would be equipped. Chief Zolg stated the purchase price includes equipping the truck, plus he has submitted an application for a grant to provide the equipment for the truck.

Resident Jerry Jorgensen expressed his concern with the truck being gone. Chief Zolg stated the back-up plan is the Type 6 truck that is being purchased presently. The fire department has recently acquired a Hummer that will have a tank put on it, plus he has plans for the older Chevy truck. The fleet will be two Type 6 trucks, plus water tenders and the Engine.

Chief Zolg further indicated this will help in the direction of going to a first responder role.

Mayor Campbell presented the storm drainage item. The cost is \$355,000 as a \$173,000 loan, a \$172,000 grant, and \$5,000 from the Town. The loan payment would be \$6,756. The Town collected about \$28,000 in storm drainage fees last year. The idea is to use \$6,756 per year out of that fund to be able to work on our top priority issues now. He stated Ensign Engineering will be assisting with the grant application.

Council Member Trevor agreed this makes sense to be able to pay for our problems that we have no other way currently to do.

Mayor Campbell presented the general plan update item. This will fund the Highway 59 Corridor Access Management Plan, the Zoning and General Plan Map. This is a \$20,000 grant and \$20,000 loan. UDOT offered in pre-conversation with the Mayor to pay for the Corridor plan.

It is the Mayor's hope that the RCAC median survey amount could be used to push for more grant percentage on the projects.

Council Member Edwardsen asked what the time frame was. Mayor responded the application is due June 1st and then a few more months to get an answer and a few more for the funding.

Resident Rich Kopp questioned if there will be a priority listing for storm drainage. Engineer Nielsen will have the list at the next meeting. He also inquired what projects have been completed and spent. Mayor Campbell will obtain information on the one completed project. He reiterated that \$6,700 would be committed to pay for the loan leaving the remaining balance collected to be used for smaller projects.

MOTION: Council Member Kopp motioned to approve the CIB hearing date of May 16, 2016.

SECOND: The motion was seconded by Council Member Black.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF PLANNING COMMISSION VACANCY AND OATH OF OFFICE

MOTION: Council Member Kopp motioned to consider appointment of the planning commission member with a term expiring January 3, 2022.

SECOND: The motion was seconded by Council Member McLaughlin.

VOTE: No vote was taken

Mayor Campbell turned the floor over to applicant Mary Lisonbee.

Applicant Marty Lisonbee stated he has been here 12 years. He is currently retired. His past experience has been a project manager dealing with contractors, time frames and subcontractors. Other experience included managing loans, personnel and following HUD guidelines for a mortgage company. He has time to give to the community now.

Mayor Campbell read a paragraph from the letter of intent submitted by Marty Lisonbee and gave his recommendation to appoint Mr. Lisonbee.

MOTION: Council Member Black motioned to appoint Marty Lisonbee to the vacant planning seat expiring January 3, 2022.

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye

Council Member McLaughlin – Aye

Council Member Black – Aye

Council Member Edwardsen - Aye

Mayor Campbell - Aye

The vote was unanimous and the motion carried.

Clerk/Recorder McGinnis administered the oath of office.

FISCAL YEAR 2017 AUDIT PRESENTATION – MCKAY HALL, HINTONBURDICK

McKay Hall of HintonBurdick presented the FY2017 audit results.

Council Member Edwardsen inquired what the optimal buffer between revenue and expenses would be. McKay Hall recommended to increase revenue or decrease expenditures. The expenditures appear to be fundamental with no ability to decrease. Increasing revenue by increasing sales tax, property tax, economic development, tourism, etc. would help keep the trend up over time. The expenditure for the Gateway debt service will increase expenditures starting with fiscal year 2018 and decrease that buffer.

Attorney Guzman explained that this audit was for the year ended June 30, 2017. This presentation is for a time almost one year ago.

Mayor Campbell pointed out the inability for the Big Plains Water and Sewer Special Service District to cover the debt service principal since there was a net loss of \$9,000.

Council Member Kopp inquired why Public Works expenses would increase. McKay Hall explained it has to do with what was expended like salaries, and emergencies. Clerk/Recorder McGinnis offered to sit with Council Member Kopp to go over the detail in the account.

Mayor Campbell inquired what the options of generating revenue for the Town are. McKay Hall responded with raising water rates or leasing assets for Big Plains, and increasing property tax, sales tax, tourism, grants, and leasing assets for the Town.

Mayor Campbell inquired if there are any opportunities to open enterprise funds. McKay Hall explained enterprise funds cannot fund municipalities.

Attorney Guzman explained that franchise fees are not enterprise funds and income generated goes into the general fund.

Chairman Merritt added infrastructure has been put in and expects no huge expenditures in the near future. The current revenue and growth revenue should follow now. The District has put off raising water rates. McKay Hall agreed they are in a good position with infrastructure in the long run. But they are now in need of generating revenue.

Clerk/Recorder McGinnis added the Town general fund is currently at a negative \$12,907 for the budget. Mayor Campbell further added steps were made with in-house expenditure reduction by absorbing the code enforcer position into public works, and having minimal full-time employees.

Resident Rich Kopp inquired if raising taxes in years past would have been a wise decision to reverse the situation now. McKay Hall answered yes the financial situation would have been better.

Resident Ed Finkenberg inquired if the Big Plains District could have a one-time fee for some asset that was incorporated. Attorney Guzman replied they do have the ability to do that. But it has problems. Raising the base rate would be the better solution.

Council Member Kopp inquired if the base rate could be raised for those on vacant lots with standby fees. Attorney Guzman explained it can on those with set meters. If someone has a well, the District could require them to take service, set a meter and pay the standby fee, which would setup a backup system if their well runs dry. You may also require impact fee paid up front on platting. Resident Marty Lisonbee asked if there was a chance to raise impact fees. Mayor Campbell reported impact fee studies for both the Town and the District are currently being planned.

Resident Tish Lisonbee inquired why property taxes were higher the year before.

Clerk/Recorder explained the number represents the amount of taxes collected during the fiscal year, which may include taxes from years prior, not the assessed value.

Resident Ed Finkenberg asked about charging for credit card fees. Attorney Guzman explained some credit card companies have in their contract that fees can't be charged. It is usually included in the cost of the services. Finkenberg asked if residents can do volunteer work and receive credits on account. Mayor Campbell said we can't do that and there is liability involved. He said that a thank you for the services would be better.

The audit is posted online on auditor.Utah.gov. and the Town will post it on the Town website.

CONSIDER APPROVAL OF ADOPTION OF SELECTED PROVISIONS OF THE WASHINGTON COUNTY CRIMINAL CODE (ORDINANCE 2018-03)

MOTION: Council Member McLaughlin motioned to approve the adoption of selected provisions of the Washington County Criminal Code (Ordinance 2018-03).

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF DEVELOPMENT AND BUILDING POLICIES AND OTHER TOWN POLICIES AND PROCEDURES

Attorney Guzman outlined the following changes to the policy:

- Under Road Access with paragraph that begins “neither shall any new commercial” – strike “neither shall any” and insert “no”.
- On the next paragraph – Beginning with “if a traffic and..” insert “/or” and after “safety study”, insert “acceptable to Apple Valley, then strike “prove” and insert “show”.

- Under Road Improvements – On the last sentence, strike “as per current Apple Valley ordinances” and place a period after “building permit”.

MOTION: Council Member Kopp motioned to approve the Development and Building Policies with the changes described by Legal.

SECOND: The motion was seconded by Council Member McLaughlin.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF BUDGET WORKSHOP AND HEARING DATES

The Council tentatively set the meeting to adopt the tentative budget on May 8th, at 6 pm and a work meeting on May 15th and May 30th at 6 pm. with the hearing on June 6th.

CONSIDER APPROVAL OF REVISIONS TO THE MASTER ROAD MAP

Mayor Campbell reported there have been revisions to the master road map, which will be discussed at the next Planning Commission meeting.

MOTION: Council Member Kopp motioned to continue agenda item 11 to the next regularly scheduled Town Council meeting.

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSENT CALENDAR – APRIL 5-MAY 2, 2018 EXPENSES, 1ST QTR 2018 REVENUE

MOTION: Council Member Black motioned to approve the consent calendar April 5-May 2, 2018 Expenses and 1st QTR Revenue.

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF MINUTES – APRIL 18, 2018

MOTION: Council Member Kopp motioned to accept the Town Council minutes of April 18, 2018.

SECOND: The motion was seconded by Council Member Edwardsen.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL ON REPORTS, RECOMMENDATIONS, APPOINTMENTS, AND ANNOUNCEMENTS

- Events Committee – Delila Russon/Debbie Kopp – Council Member Kopp reported the next event is the Ice Cream Social May 19th at 6 pm. She and Delila attended the Arbor Day conference learning how to get trees for the cemetery and park. This was the fifth year of participation.
- Planning Commission – Cynthia Browning/Michael McLaughlin - Consider Approval of Appointment of Planner – Planning Commission Representative McLaughlin reported Meg Ryan provided more land use training last week. Mayor Campbell introduced resident Forest Kuehne as accepting the volunteer

position of Planner. He has been involved with the Planning Commission meetings.

- Fire Department – Chief Dave Zolg, Jr – Chief Zolg thanked everyone for the chili cook off attendance and help. They raised \$2,069. The burn season is ending May 30th. Mitigation forms are needed. The department had training last weekend in Cedar City for wildland preparation. Resident Ed Finkenberg asked what the funds will be used for. Chief Zolg responded they are in need of radios and batteries.
- Engineering – Ensign – Nothing to report.
- Public Works – Dale Harris – No report available.
- Big Plains Water and Sewer SSD – Harold Merritt – A new well will be put online next week producing 60-70 gallons per minute. Canaan Springs will be purchased next week producing 300-500 gallons per minute. A decision whether or not to raise rates may need to be made.
- Code Enforcement – Paul Edwardsen – Mayor Campbell reported Council Member Paul Edwardsen has been assigned to code enforcement.
- Storm Drainage – Trevor Black – He is in hopes the CIB funding will work out, giving the Town the ability to address the projects in Town.
- Council – Mayor Campbell reported there was ULCT training last week. Extra training was provided by Meg Ryan on land use and Kerri Nakamura on budgeting.
- Other – Nothing to report.

REQUEST FOR A CLOSED SESSION

MOTION: Council Member Kopp motioned to go to closed session to discuss current and possible litigation.

SECOND: The motion was seconded by Council Member Black.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

Town Council retired to closed session at 9:05 pm.

Town Council returned to chambers at 10:00 pm.

MOTION: Mayor Campbell motioned to reconvene the regular meeting.
SECOND: The motion was seconded by Council Member Edwardsen.
VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION ON THE GATEWAY PROJECT – ENSIGN ENGINEERING

Mayor Campbell recommended approval of the Gateway Closing Agreement with the following changes: Section 1 – To have it define the warranty period and what it covers specifically. It was clarified the existing work has a two year warranty from December 2016 and replacement sections will be a two year warranty from the date of completion. On the work directive under description item #1, remove the word “approximately” and replace it with “minimum of”

MOTION: Council Member Black motioned to accept the Gateway Closing Agreement with the changes as noted.
SECOND: The motion was seconded by Council Member McLaughlin.
VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

OTHER

Building Planner Frank Lindhardt reported he has been approached by three (3) engineering firms commenting that when they have an Apple Valley client they lose them to Ensign Engineering. Normally town engineers review, redline and return to the client’s engineer. He noted the problem seems to be co-opting and plans are then redrawn to their standards, instead of submitting a punch-list back to the client’s engineer. He recommends our engineers only review. Applications need to state there is an engineer

cost of service. Mayor Campbell outlined that task orders are needed before Ensign does work and gets paid for it. There is a concern with conflict of interest. Attorney Guzman advised to bring in Ensign to clarify.

ADJOURNMENT


MOTION: Council Member Black motioned to adjourn the meeting.
SECOND: The motion was seconded by Council Member Edwardsen.
VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin - Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 10:25 p.m.

Date approved: 5/16/18



Robert Campbell, Mayor

ATTEST BY: 

Jauna McGinnis, Recorder