



## APPLE VALLEY TOWN COUNCIL

1777 N Meadowlark Dr, Apple Valley  
Wednesday, May 19, 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 **Wednesday, May 19, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Mayor** | Dale Beddo |

**Council Members** | Kevin Sair | Paul Edwardsen | Mike McLaughlin |

*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/8903911133>

if the meeting requests a password use 386004

To call into meeting, dial (253) 215 8782 and use Meeting ID 890 3911 1133

#### **CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL**

Mayor Beddo calls this meeting to order at 6:00PM and leads in the pledge of allegiance.

#### **PRESENT**

Mayor Dale Beddo

Council member Michael McLaughlin

Council member Paul Edwardsen

Council member Kevin Sair

#### **DECLARATION OF CONFLICTS OF INTEREST**

None.

#### **MAYOR'S TOWN UPDATE**

Mayor Beddo- Mentions that one of the first roles he had as the mayor was to gather information from various points of interest regarding the conflicts with the water district and the Town of Apple Valley. In an attempt to get past the issues from both sides, he worked with council to determine that the best thing to do was to go directly to the attorney general's office because many of the accusations were negative. He contacted Bradon Call who is part of the corruption unit for the attorney general's office of southern Utah. He suggested that we bring in a third party accountant to look at the activities of both the Town and the District. In that process we hired a gentlemen named David Sanderson. During his evaluation his first report of fraud analysis resulted from his reconciling and reviewing all financials. Conclusion was that there was no proof of any improprieties on Juana McGinnis part. We are fairly strong and we are not where we want to be but we are getting there. We have a little more money than I thought we had. Mayor Lisonbee was pretty diligent in his administration of this town. He thanks the public for letting him address these issues.

#### **PUBLIC HEARING**

1. Public Hearing on the Adoption of The Tentative Budget for FY22

**Mayor Beddo opens the Public Hearing.**

Mayor Beddo- Mentions there are a couple of challenges in the budget but a tentative budget is due to be adopted by the end of May and a final budget will be adjusted and adopted by the end of June.

Paul Edwardsen- Asks about Public Works Supplies 4415.450 is up 1067%, is that capital outlay?

Mayor Beddo- Mentions that he talked to John Barlow and that there is nothing behind this, it's just a proposal and not an expenditure. Mentions a few large items that they recommended for office use, such as buying a folding machine for \$1,800 and buying a printer in order to release the ones we are currently leasing.

### **Mayor Beddo closes the Public Hearing.**

## **DISCUSSION AND ACTION**

### 2. Discussion and Possible Action On Adopting The Tentative Budget For FY22

Motion: to adopt the tentative budget for FY22.

Motion made by Council member Edwardsen, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair

### 3. Discussion and Possible Action on Appointing a Town Attorney

Mayor Beddo- Mentions there is a resume from Gallian LC. This is a letter of resume from Dayton Hall. Mentions he comes very well qualified and recommended. He's spent the last few weeks interacting with Dayton Hall and he has been willing to help us out while we go through this transition while we take the action to approve him as the Town Attorney.

Council member Sair- Why do you want to work for the Town?

Dayton Hall- Mentions he grew up in Virgin and he likes this type of work. Mentions he donates his time to the Hurricane City Planning Commission because he likes solving problems. He is familiar with Apple Valley and the area.

Council member Sair- What can you tell me about the history of this community?

Dayton Hall- Mentions he knows that it was incorporated in 2004 and prior to that it was a part of Washington County. He knows that there are 2 attempts to disconnect from Apple Valley that were unsuccessful.

Mayor Beddo- Mentions that he has tried to ask Dayton questions regarding the conflict and issues that have come up in Apple Valley and Dayton always tries to just stick to the legal side of things.

Dayton Hall- Mentions that he is not a decision or policy maker, he is just here to make sure that whatever laws or codes or policies that they want to adopt are done correctly and legally. Mentions that he is going to be available as a resource to us and he will only charge us for the time he spends on the matters we ask of him.

Kevin Sair- Mentions he was told that you had previously represented some of the citizens who had complaints against the city and against the council. Is that going to lead to any conflicts of interest?

Dayton Hall- States that the only case he was involved in had to do with the drainage and the drainage has since been redone by the town. The drainage was concentrated on my clients property and a lawsuit was initiated and resolved and it is no longer a conflict. States that Mr. James is no longer his client.

Mayor Beddo- Mentions there will be no increase for Mr. Hall in pay compared to what we were paying before.

Motion: to appoint Dayton Hall as the Town Attorney.

Motion made by Council member Sair, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair

4. Discussion and Possible Action on the appointment of a Town Council Member for the vacant position.

Mayor Beddo- Invites Dina Mason Walters to the podium.

Mason Walters- When I was here back in April I came into it with a lot of energy and enthusiasm and a lot of hope. I spoke from the heart and hope that feeling was portrayed. Today I am more reflective as a lot has happened in my work life. I had to fire 2 employees because they didn't hold up the core values. I understand I don't have the same experience as other members but she will reach out to find the answers to questions. Most likely when the Planning Commission has supported a project, I will also support that project. As far as the future goes, everyone already knows that I will be running for Mayor. Marty Lisonbee mentioned on his application that he came in and put in the hours, which is exactly what I am willing and going to do if appointed. Something I learned as a child is that the first principle is to persuade, not coerce, that is a principle I will bring to this role. I will persuade and reason with our residents so they can understand why something is important and how it will benefit their lives. Looking back through the minutes, there is a lot of talk about cargo trailers, RVS, and weaner pigs and what I got from reading through that information is that everything is really about people, hearing them, listening to them and responding to them.

Mayor Beddo- Invites Margaret Ososki to the stand

Margaret Ososki- I don't know how many times I've tried to get on this Town Council. I thought to myself to do something differently to get on this council. The only thing I could think of is changing gender or getting a checkered background. I believe the other candidates have guts to apply to the Town Council since they know the fix is in. When Dennis Bass quit, Mayor Lisonbee argued and campaigned for Dale Beddo. Now the former Mayor is seeking a Town Council position. Someone is a master manipulator here. I am not a manipulator and something smells fishy. Does this town really want this kind of politics; and Mr. Edwardsen, as being a former member of law enforcement, didn't you cringe at Dale Beddo's past history? This is the time the council can redeem themselves. We are more divided now than when we had the Apple Dumpling gang. Look at the resumes and backgrounds of these applicants and give them a chance. Go against the current and vote your conscience. The town needs to regroup and let the citizens have a voice in who represents them. Apple Valley is already the joke of the county, don't make us the joke of the state.

Mayor Beddo- States that she made a reference that the fix is in. The packet was not made available until yesterday and that was to keep this board from collaborating and making decisions outside of the meeting. The council members are entitled to look for solutions to the problems we have.

Mayor Beddo- Invites Roger Ashmore to the podium

Roger Ashmore- States that he has had a felony and he was voted into the Town Council with a felony.

Mayor Beddo- Asks who Roger served under the last time he was on council.

Roger Ashmore- Moser.

Kevin Sair- Can a felon run for public office?

Mayor Beddo- He can, under certain restraints and conditions. Thanks Roger Ashmore for being honest and open about his past. Were you here when the gateway project was passed?

Roger Ashmore- Yes states he was one of the only ones against the mailboxes.

Mayor Beddo- Why are you against the mailboxes?

Roger Ashmore- Feels his biggest problem was the costs. He feels we could have gotten mailboxes and a fishing pond.

Mayor Beddo- Would you have changed your position now?

Roger Ashmore- Feels he enjoys it now and enjoys getting his mail there and that the design of it is fantastic.

Mayor Beddo- Mentions we are in need of a mailbox for Cedar Point today and that is why he asked about his opinion.

Mayor Beddo- Asks Andrew Sadler to come to the podium.

Andrew Sadler- Mentions he knows this town has been having situations and they have to keep the seats filled. Mentions he read a book called extreme ownership and he feels he needs to do what he can to make this town the best it can be.

Paul Edwardsen- What makes you qualified for this position?

Andrew Sadler- Mentioned he has been to many meetings in the past and the only reason he stopped coming was to help his sister during her poor health. He states that when someone disagrees with him, he wants to understand why so they can come up with something that would benefit more people.

Mayor Beddo- What do you think is the number one problem in this town?

Andrew Sadler- The stability in Town Council and town leadership.

Kevin Sair- What is your vision for the town?

Andrew Sadler- He would like to see this town adjust as it grows and he hopes to see the highway expand. One of the best ways to see that expansion is to get businesses.

Mayor Beddo- Mentions he likes the small town atmosphere but we also have needs of the town and as a species we grow and procreate. We have needs for water, sewer, and also bus stops. Speaking as a mayor, the only way to pay for those things is to tax the residents, borrow money, or let development come in and pick up the costs. That is where the conflict begins. Mentions the referendum filed against a development and this is the very essence of our challenge in that how do we grow and support ourselves without creating a big development monster. There is a conflict between property rights and the control of development. He hears statements all the time that we can control growth and development. Where is the fine line if we can't control or stop it. How do we harness that and what is the vision for this town?

Andrew Sadler- Mentions that we all moved here for the open space and it would help to have no businesses on less than an acre. States that no big box stores can come in due to our proximity with Zion National Park. He feels there is plenty of open space for businesses and if we focus on tourist type businesses that might help.

Mayor Beddo- Mentions the only commercial component that town has is the gas station. He's trying to say that we can create a commercial environment without inviting big box stores.

Mayor Beddo- Invites Marty Lisonbee to the podium

Marty Lisonbee- I want to be on the town council because I think I still have a lot to offer the community. I resigned as Mayor as I wanted more time for family and home life. The best thing I can offer is the massive amount of hours I have spent to help the town and learn about the town. I have hundreds of hours with our attorney Shawn Guzman, as he was helping to draft and orchestrate that language to help us navigate things in an appropriate and legal matter. I have tried to find the middle ground as mayor and find the solution that most people are happy with which is why I put out surveys to get the feedback of the community to help draft those ordinances. We always look for that feedback. I have always tried to make decisions based on that. It's easy for someone to say that we need to listen to the people but they often forget that the property owner also has a voice and say. I am probably the most qualified candidate here with my experience as mayor. I still help with the building permit process and have even been helping with some lot split applications. When we had issues on the audit I saw the numbers and tried to help point them in the right direction.

Kevin Sair- When I was Mayor Pro Tem, we had a plan filled out for the SSD and the Canaan Springs project was top priority, while you were in office, where or how did that priority get changed?

Marty Lisonbee- Are you referring to the accusation that I cancelled that project? The thing I was passionate about when I was first made mayor was having a bookkeeper here to help save money. In December of 2018 I was put in as mayor and in February of 2019 we were told that the government was in a shutdown at that time and we couldn't get any information on that pipeline. In February of 2019 I went to a water convention and USDA was there and I asked them questions and I found out at that time that Pam was in charge of that. I asked her how long it usually takes to get a pipeline and she said that we have to apply first.

Kevin Sair- The town was supposed to apply for that?

Marty Lisonbee- The SSD was supposed to submit those applications and they were not submitted.

Kevin Sair- With that being said, where do you think we should go right now with our emergency situation in Cedar Point?

Marty Lisonbee- When I was mayor I had a meeting with USDA and Harold Merritt on site to discuss the plan. We took a look at things and I said that we should hire a bigger engineering company to help us with these studies. I asked Sunrise Engineering how long it would take to get these studies done and they said 90 days.

Kevin Sair- How much did that cost?

Marty Lisonbee- Rod Mills was quoting about 1.5 million of mixed loans and grants. There are other funding options out there. I think the amount quoted by Rod Mills seemed rather high compared to what Sunrise was suggesting.

Kevin Sair- Can you tell me where the SSD is in regard to their loan and grants?

Marty Lisonbee- I haven't been involved in those meetings or agreements in the last 2 months but I was there when Rachel said they don't normally fund pipelines. The last I heard is that Rod Mills said the application isn't in yet.

Council member Edwardson- I want to be clear about where I stand. I don't regret any of my votes on any candidate. I don't regret voting for Dale and the things he is doing are amazing and he has a lot of knowledge. The bottom line is who can do the job right now for Apple Valley and who can save us the most money. It's not personality, I could not care less about what someone writes about Apple Valley in the St. George news. I believe in property rights and allowing others to enjoy what I enjoy. The people who voted for me are not in this room and I am representing them.

Mayor Beddo calls for a vote from each council member:

First Vote:

Council member McLaughlin- Marty Lisonbee

Council member Sair- Mason Walters

Mayor Beddo- Marty Lisonbee

Council member Edwardsen- Marty Lisonbee

Second Vote:

Council member McLaughlin- Marty Lisonbee

Council member Sair- Mason Walters

Mayor Beddo- Marty Lisonbee

Council member Edwardsen- Marty Lisonbee

Marty Lisonbee is hereby appointed to the Town Council.

5. Discussion and Possible Action on Appointing a Mayor Pro Tem.

Kevin Sair- Volunteers for the position.

Council member McLaughlin- I am not ready to make this decision.

Motion: to table this item for a future meeting.

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

6. Discussion and Possible Action on the future of the Water Board

Mayor Beddo- Asks if Mark Anderson is with us. Introduces Mark Anderson who has been consulting with the town for the last 30 days. One of the biggest issues for the Town Council is to find some way to find a better system in which the town and district can function. We have asked Mr. Anderson to help us determine what our greatest avenue would be in getting grants, loans, etc.

Mark Anderson- Thanks Mayor Beddo for the time. Mentions he works for Zion Finance. He's been made aware of the challenges the district and the city has faced in regards to the finances.

Council member Lisonbee- Mentions that Mark was also the city manager of Heber City for 20 years and the finance director for 8 years prior to that and he has been with Zions bank for the last 3 years.

Mark Anderson- He has talked with USDA regarding the 2 loans the SSD has. The largest loan is at 3.5% and there is a smaller loan with a 4% interest rate. If the district were to be dissolved and the Town of Apple Valley wanted to take on that debt then they could get those rates lowered to 1.75% to 2% and that would be the largest reason for the Town to want to take over those loans. Our estimated savings with those rates would be \$27,000 a year. Cash savings we could see as much as \$809,000 and a net present value of approximately \$601,000. The town is going to have to show that they can cover the debt service payment. There are considerations currently because of the drought and shortage of water. The other debt that the district has is a little less than 2.5 million dollars with the division of drinking water. He has talked with the division of drinking water and they are in favor of having the town take over that debt and they are in favor of considering additional applications for projects considering the existing need. He is focusing on what it would take from a financial standpoint to move the debt over and look at other options to address the debt.

Mayor Beddo- Thanks Mark for his input.

Council member McLaughlin- Asks that if we look at dissolving the SSD, we first have to assume the debt before we can dissolve the SSD?

Mark Anderson- That is correct. The town has to absorb the debt and once that debt has been transferred then the district can be dissolved.

Council member Sair- You said the town has to be able to afford it, what does that look like?

Mark Anderson- States that he hasn't spent a lot of time looking at the numbers but from what he knows the debt coverage has not been met in the last few years. That is an analysis we will do.

Council member Sair- What kind of increased rates are you talking about?

Mark Anderson- He is not prepared to talk deeply about that at this time but he is referring to water rates and revenues.

Mayor Beddo- States he wants to make it clear that this is a two-step process. The objective tonight is to discuss replacing the board so that the council can achieve two items; one is to eliminate the division. He has been working with Harold Merritt for a while now regarding this. Mentions that he has stated repeatedly to Harold Merritt, the treasurer and to Kevin Sair that the only reason for doing this is for the community. That is why we had Mark Anderson here to give everyone a picture of where the SSD and town stand. The only way we can save the amount discussed would be to dissolve the SSD. He pointed out whether the DDW would transfer that debt to us. This will determine if we can move this forward.

Harold Merritt- I met with the head of DDW and Dale Harris was there, the funding that was requested on the first part of Canaan came in way under budget which leads me to the Lisonbee question about pipeline funding for that project, some of that first funding will be used for that pipeline.

Mayor Beddo- Do you know how much is available from that?

Harold Merritt- About \$200,000. We are also about 2 weeks away from getting our \$900,000 funding for completion of the the Canaan pipeline released from the USDA. It is all grant and is waiting on the environmental impact study, then the springs can be piped to the Cedar Point tank.

Mayor Beddo- Mentions any action taken tonight will not interrupt that project. He has heard so much back and forth and he feels that Harold Merritt and his team have been great to work with and this has no reflection on him and his team.

Dayton Hall- States that the town has the authority to retract the power given to the water board at any time.

Mayor Beddo- Claims the board members have been asked to serve on a committee and have declined.

Kevin Sair- Feels this is premature until we get the Canaan project done.

Motion: to pass resolution R-2021-18 terminating delegation to an administrative control board and its rights relating to Big Plains Water and Sewer Special Service District.

Motion made by Marty Lisonbee

Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Lisonbee

Voting Nay: Council member Sair

7. Discussion and Possible Action on appointing a Town Council member to the Water Board

Mayor Beddo- Mentions this is no longer necessary now that we have adopted a resolution to get rid of the delegation to the SSD, therefore no action is necessary.

8. Discussion and Possible Action on Resolution Number R-2021-013: Audit Committee Charter

Councilmember Lisonbee- How are we going to decide who is on that committee? How many members?

Mayor Beddo- That is what we are trying to decide this right now. We are in the process of interviewing a town accountant and a town administrator. His preference would be to hold off on this until we have a chance to bring in an accountant and go forward.

Motion: to table this item for a future meeting.

Motion made by Council member Sair, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

9. Discussion and Possible Action on Resolution number R-2021-014: Adoption of Financial Policies

Mayor Beddo- This is part of a result of our audit and doing some housekeeping items.

Motion: to table item 8 for a future meeting

Motion made by Mayor Beddo, Seconded by Council member Edwardsen.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

10. Discussion and Possible Action on Resolution number R-2021-015: A Resolution Establishing Authorized Credit Card Holders

Motion: to table item for a future meeting

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

11. Discussion and Possible Action on the Name Change of Main St.

Mayor Beddo- States that we share a Zip Code with Hurricane and it has been a conflict having Main St. Suggests assigning this item to a Council member to help come up with a name change.

Motion: to assign Council member Lisonbee to research a name change for Main St.

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair

12. Discussion and Possible Action on the Development Agreement for Travis Wells

Mayor Beddo- Mentions that on item 4.a it states that developer agrees to pave a 20' road for 1150 ft from the existing paving. We have a town ordinance standard that is greater than 20' paving; where you are not constructing a new road, he suggests we not be bound by that ordinance. Suggests that we approve this contingent on meeting the standard of construction for the existing road.



Councilmember McLaughlin- Mentions his problem with that is that he thinks there are improvements that need to be made.

Councilmember Lisonbee- The main concern people had was managing the traffic.

Mayor Beddo- Mentions he went to the top of that road, put his car in park and he slid down the hill from a stop. We did look at it from a grade standpoint. ?? The street on the cul-de-sac is worse than the current grade of Rome Ave.

Councilmember Sair- What about putting drainage ditches on the right hand south side there?

Councilmember McLaughlin- Requests a future work meeting to have a look at this road and Beddo agrees that is possible.

Mayor Beddo- Mentions the biggest problem here is that we didn't require the developer to build a standard road in the approval process.

Councilmember Lisonbee- If we drive down Rome way is that all 20' roads right now?

Mayor Beddo- It was supposed to be 24' of asphalt but as we measured we found that it is only 20'. Our code requires a 5' borrow ditch. He is simply stating that he finds it really hard to put that kind of burden on a project of that capacity when they have demonstrated they would pay for the asphalt. We have a greater sight issue on that roadway more than anything.

Councilmember Sair- Mentions he also worries about the erosion there.

Craig Coates- Mentioned they had discussed the width and areas where they can widen out they will widen out. We agreed on 20ft and we will go wider as needed but there are some areas where we cannot go wider.

Councilmember McLaughlin- Mentions there are some areas they need to look into as well to make sure we are in compliance with our requirements as well.

Craig Coates- The secondary access will be all weather and 25' gravel.

Mayor Beddo- Asks the Fire Chief what width he requires.

Fire Chief David Zolg Jr- States he needs 25 ft.

Craig Coates- ???

Mayor Beddo- Wants to make sure that it spells out that they meet the minimum width.

Councilmember Lisonbee- Asks about the sewer options.

Craig Coates- Mentioned they had discussed it but with the 25 units, there wouldn't be enough water to create a pond system. The ones we looked at required 1000 gallons a day.

Mayor Beddo- We just need to make sure whatever infrastructure we put in that the others around can also get a use or advantage out of it.

Craig Coates- ???

Councilmember Lisonbee- He mentions that in his discussions with the developer they had talked about ....????

Mayor Beddo- ??? The other item in section 4-C talks about giving 4 acres of land to the town for a future drainage area, The spirit of this was too ??? It's impossible to require a development project to pay for a city infrastructure issue such as this?

Dayton Hall- What you are speaking too are exactions and the state code says that those exactions have to be reasonably related to the improvements the developer is required to implement.

Mayor Beddo- This is a 25 lot subdivision and Sunrise has estimated the cost of this around \$1,000,000. We charge an impact fee across the town to pay for these items. If this is \$1,000,000 and his impact fees only equal out to \$100,000 then \$900,000 is an excessive amount to put in the developer. The challenge here is that the town has no way to accept the water. ?? Our solution is the current drainage program that would put in a basin next to Main St. Until we are in a position where we can accept the water we can't create a liability for him by putting in a retention basin that could flood our residents. The finance of it is one challenge and the liability of it is another challenge.

Craig Coates- Clarifies they are putting in a detention basin but it won't be the large retention pond Sunrise has talked about.

Councilmember Sair- Is your development higher than those on Rome?

Craig Coates- Yes we are higher. We will maintain the water that is caused by the 25 lots we create. We are building a retention pond required just for our development.

Mayor Beddo- The Engineer had asked me why we were requiring this to begin with since they are technically only required to deal with their water.

Craig Carlile- His understanding is that we are in agreement on the retention basin, the access road but he couldn't follow what we decided on the asphalt. Could someone clarify where we are at on that?

Mayor Beddo- We are in agreement on the first 3 items. Our code states that new construction is required to have wider road than the current road. Our council has decided to have a field day to go out to the site and come up with a study for that road. He suggests that rather than pushing the applicant back a month that we give the mayor authority to sign off on the agreement after that study has been done.

Craig Carlile- States that he feels?? We have to look at what the impact would be from this development on that road and that would help us understand what they need to construct. This is a new issue for me so I am just offering my thoughts.

Council member McLaughlin- Feels we can move forward with this after we go out and look at this road and come to an agreement that would work for everyone.

Mayor Beddo- How close are you submitting your final plat?

Craig Coates- We aren't ready for the full final plat but our construction drawings are ready today. He was hoping that we could agree it with a condition to discuss the asphalt issue.

Mayor Beddo- Suggests we package this agreement with the drawings.

Dayton Hall- You could make a motion to approve the agreement subject to reviewing and improving the asphalt agreement.

Craig Coates- He would like to move forward with the agreement because they still have to go through with the JUC meeting.

Councilmember Lisonbee- His understanding was that it was going to be done by the town standards. Feels we need to meet with the engineers and look at that road.

Council member McLaughlin- Feels we need to look at the impact of the drainage for that road before we make a decision.

Council member Lisonbee- This was a safety issue brought up by the residents and he would hate to approve this and lose all leverage of saying no if safety can't be met.

Motion: to table this item until a field study can be conducted and reviewed.

Motion made by Mayor Beddo, Seconded by Council member Sair.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

13. Discussion and Possible Action on the Zone Change Of Parcel AV-1365-H-4 From OST to RE-5, Address 2000S 1600E

PC Recommendation: To approve for RE-5 Instead of RE-2.5

Mayor Beddo- Suggests we table this item until some discrepancies can be cleared up.

Council member Lisonbee- Says we could change it to RE-5 and then he could do a lot split.

Motion: to table this item until the discrepancies can be resolved.

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

14. Discussion and Possible Action on the Zone Change Of Parcel AV-1311-V from SF to RE-10

PC Recommendation: To Approve with a 5-0 Vote on 5/12/2021

Councilmember Sair- Asks how many acres is it?

Mayor Beddo- Just under 20 Acres.

Motion: to approve the zone change of Parcel AV-1311-V from SF to RE-10

Motion made by Mayor Beddo, Seconded by Council member Edwardsen.

Voting Yea: Mayor Pro Tempore Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

15. Discussion and Possible Action on the Zone Change AND General Plan Amendment of Parcel AV-1377-B-1 from RE to AG

PC Recommendation: To Approve With A 5-0 Vote On 5/13/2021

Councilmember Lisonbee- States his lot fronts the highway and he doesn't see how this effects the neighbors.

Mayor Beddo- Are you changing the whole property to AG?

Councilmember Sair- How large is the lot?

Roger Ashmore- about 7 acres.

Mayor Beddo- What is your intent for AG?

Roger Ashmore- To do some farming

Kevin Sair- Plants or animals?

Roger Ashmore- Both

Kevin Sair- Are there limits to the animals he can have?

Council member Lisonbee- Yes AG has its own limits and restrictions.

Roger Ashmore- Mentions down the road they might want a produce stand, horse stables and a few other items in the future.

Dayton Hall- Mentions that anytime you change the Zone, regardless of what the applicant says they want to do with the property, they can do whatever the code says they can with AG.

Motion: to do a general plan amendment for parcel AV-1377-B-1 to AG

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

Motion: to approve the zone change of parcel AV-1377-B-1 from RE to AG-5

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee.

16. Discussion and Possible Action on The Mayor Working on a Variance For Ordinance O-2020-12, Cabin and Tiny Homes Park Zone

Mayor Beddo- Mentions we have 3 current projects in town for tiny cabins. All applicants have come in and discussed the nature of their natural landscape features. They have shared concerns that a tiny cabin program should support more of a natural landscape product and when you are putting in 5-7 acres of asphalt then you lose that esthetic value. They have asked for a variance on the parking structures around the tiny homes park zone. They have also stated that where they are developing a larger area than the tiny cabin area. We are discussing whether or not we can take a look at this ordinance and come back with a recommendation report. Right now it requires them to put in asphalt throughout their parking lot areas. He suggests we take some time to look at what has been done.

Council member Lisonbee- We can't do a variance we have to update our code and ordinance.

Mentions that Robert Campbell is under a developer agreement and in that agreement they can get those variances in their agreement without having to change any ordinances. He has about 8 trips on his calendar planned for RV parking over the next 6 months and every single one of them has gravel. None of them have asphalt. One of the reasons we chose to do asphalt was because we would get 5 calls a month asking to put in an RV park and without rules to guide and deter them we would have 30 of them by now. The thing with roadways is that weeds start coming up and after 10 years it can become an eye sore.

Mayor Beddo- We want the high quality but we also don't want to overreach at the same time. He wants to be able to consult the Planning Commission.

Council member Lisonbee- Suggests that Planning Commission start over. We have a zone that has already gone through the process. We were trying to find a way to keep it away from residential areas by so many feet and we threw out that ordinance because of the conflict of how many feet away from residential the zone needed to be.

Mayor Beddo- The Discussion and action is just to initiate that conversation to see if we can find a better way. He is asking for a motion because he feels these things should be a group effort.

Motion: to approve the action of the Mayor working on the Cabins and Tiny Parks Home Ordinance R-2020-12

Motion made by Council member Edwardsen, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

**REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS**

## 17. Review of Fraud Risk Assessment

Motion: to table item number 17 to review the Fraud Risk Assessment

Motion made by Mayor Beddo, Seconded by Council member Edwardsen.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

### **PUBLIC COMMENTS**

Richard Kopp- He is part of the naysayer group, when you have a different opinion on how the town should go forward. He had a couple comments from Lisonbee before, we hold people ransom to give part of their property to town in order to get a building permits. Did the town give remote access to computers during covid?

Council member Lisonbee- States that we are supposed to have remote access to the computers but our computer tech guy has not set it up.

Richard Kopp- How did the SSD then have access to update their books? How long did they do their own books?

Council member Lisonbee- States that for 3 months they had access to their books.

Richard Kopp- The town was responsible for all of the "bull crap" that has gone on. That is why the town is so divided. You don't have your finger on the pulse of the town.

Mason Walters- Her question involves Mr. Hall. The engineer stood here and said that he could not widen that road to what is needed. Because of that, will we stop providing him access to that road?

Council member McLaughlin-The developer said that they would pave 24' if it was required.

Mason Walters- She thought he said there were parts of the road that they could not do the 24'.

Mayor Beddo- That is correct, there are areas that he could not do the 24' asphalt. We have a conflict because our ordinances give standards for width and drainage that are not possible on that easement; the engineers will find the best way to make the road work.

Mason Walters- If we cannot widen that road to meet code and provide safe access and we permit that project to go forward, does that create a legal liability for the town?

Dayton Hall- The questions is whether the Fire department would approve this project. I can't answer that until I know what has been proven already.

Mason Walters- It could be a legal liability. If you approve it and it's not safe, there is legal liability so then we have to go back to looking at our approved transportation roads. The people buying into that development deserve your consideration because it is the right thing to do.

Mayor Beddo- It is not just the people buying into it, it should be a priority of the town for the existing residents as well.

Mason Walters- States she is not opposed to the project, this is coming from a place of safety.

Paul Cleverly- They told me to call Dale about our building permit. What is the turnaround time for the building permit? What is the cost? What are the requirements?

Mayor Beddo- The turnaround period comes down to how much effort goes into the application.

Paul Cleverly- Mentions he talked to the Chipman boy but he needs someone who knows a little more about it to get things moving.

Mayor Beddo- My personal desire is to have a turn around time of 48 hrs.

Paul Cleverly- Does he need the engineering? Does he have to hire an engineer?

Mayor Beddo- Yes.

Paul Cleverly- Where do I get the site plan?

Mayor Beddo- The Engineer can do that.

Paul Cleverly- What is a RES check? Will the engineer do that?

Mayor Beddo- Yes, your best bet is to hire a qualified engineer to do all of this for you.

Paul Cleverly- Do I need a new septic permit?

Council member Lisonbee- If you are adding a bathroom then yes you will need to update the septic permit.

Mayor Beddo- They will take a look at your project and determine what is needed.

Tom Hunt- States that he is a little disappointed with us taking over the SSD. We look at Washington and we hated when they had one party running it. He feels it's better to have a separate SSD.

Mayor Beddo- When he started this process in December the personal issues were not a reason to dissolve the SSD.

Tom Hunt- The banker was saying that we have to refinance the debt is that correct?

Mayor Beddo- We absorb them, and refinance them and we would get a lower interest rate doing so.

Tom Hunt- The problem he sees with that is that some people are pay as you go and the town is pay as you tax.

Council member Lisonbee- Have you looked at the next water board meeting?

Tom Hunt- I have not.

Council member Lisonbee- Suggests he look at that agenda.

Tom Hunt- Feels this is not going to save us. He agrees we need to update the water system.

Mayor Beddo- States he is trying to stop the 400% increase.

Tom Hunt- You have control of the water and control of the taxes. Feels there is too much power for one entity.

John Simmerman- States he has had this conversation with a lot of people and he is hoping to find this answer. We have all of this development going on, where is the water coming from? We are told we in a massive drought but we keep building and building.

Mayor Beddo- There is some misconception in the presentation in where we are. We have a greater problem in infrastructure. Our springs are producing 62 million gallons a year and the demand does not exceed 25 million gallons a year but we have a capacity of 62 million gallons year. We have the water we just don't have the infrastructure in place to get that water to the residents. The SSD should have had the pipeline done with the money spent as a first priority and I have a problem that the water is running out on the ground. That is another reason for the council to take over the board.

John Simmerman- Do we have the water to support the subdivisions that they want to build?

Mayor Beddo- Some of them yes, some of them no. Some of the developments we are requiring to bring in their own liquid water to support their developments. Travis Holm received a will serve letter from the district that did not require him to bring in any acre feet of water that is part of our town standard. This is why I support the Council taking over for the board.

John Zimmerman- How far into the future do they have to prove they have the water capacity for?

Mayor Beddo- It's impossible to predict the future. This land owner has over 1800 acre ft of water shares. That's enough to sustain 3,000 homes and we got 0 from him. We know that our water shares are over extended. If

you own your own water share we are not in a legal position to stop them from using it. Water management is an extremely difficult issue. We should be verifying and allocating percentage of truly useable water.

Council member Lisonbee- States that the pivots use a million gallons a day when they go on and that water could take care of those homes.

Mason Walters- States its going to be a huge benefit to the town to not have those pivots there.

Mayor Beddo- He is required to bring in those water shares and that process was vacated. He was issued a will serve letter that did not require him to give any water contribution.

Mason Walters- He is not going to contribute to any water?

Mayor Beddo- He has over 240 lots that we agreed to service and did not require him to contribute water shares. When that is circumvented by the district, I has a fundamental problem with that.

Mason Walters- Has Mr. Holm talked about running those pivots in the future?

Mayor Beddo- He will be running those this year but that is all that has been mentioned.

Mason Walters- At the last meeting you told the district they needed to come up with a way for them to reduce 10% in Cedar Point. So then the question was raised in how to handle that problem. You had said that fining people is not the way to go; by raising their rates we are not mandating what they do on their property; which is saying you can do what ever you want with your property but then you need to pay for it. It was a discussion out of necessity. It is to mitigate a serious water issue at Cedar Point.

Council member Lisonbee- How many gallons do you use?

Mason Walters- I use about 3,000 gallons a month.

Council member Lisonbee- States that studies show the average person uses 30,000 gallons a month.

Mason Walters- To say that it is "normal", we are not in a normal situation. If you know what is going on in Cedar Point then you know they can run out of water by the end of summer. Present your ideas so that something can be collectively done in the best interest of the residents.

Mayor Beddo- I don't believe that raising the rates, penalizing, or fining for what I deem as mismanagement of funds is appropriate.

Mason Walters- States she is tired of going back to the past and talking about they did this and they did that. You should speak up if you have a solution.

Mayor Beddo- Today I spoke out about these challenges. I am here to talk about the logistical problems with our water system.

Mason Walters- States she is only addressing the comment that the district is increasing the rates to pad the financials of the SSD.

Council member Lisonbee- States they are talking about an increase of 400%.

Mason Walters- If Mr. Beddo had a solution then he should have offered it.

Mayor Beddo- I didn't offer it because it's not my board.

Mason Walters- When I just said that when you didn't support raising rates you just said that you had a solution better than that. What I am saying is that if someone has a solution and didn't offer it then that isn't helpful. Don't present it like they are increasing it by 400% for no reason. How we raise the rates to accomplish conserving is up for discussion.

Rich Kopp- Do you think refurbishing the Jessop and Well 59 was of main importance?

Mayor Beddo- I don't follow the question.

Rich Kopp- You said the most important thing for the SSD was to work on Canaan Springs and it should have been number one priority yet if they had not been concerned with the Jessop well and Well 59 maintenance they would be out of water right now. Where is the enforcement of the ordinances?

Nikki Sair- The Zions bank representative said we would need to have a public hearing notice could someone explain that?

Mayor Beddo- If we choose to take the next step to absorb those debts then there will be a series of public hearings that will take place.

Nikki Sair- Did you dissolve the SSD or just the board?

Mayor Beddo- We replaced the board with the town council.

Dayton Hall- You rescinded your delegation to the board.

Nikki Sair- You said there was a possibility of a committee?

Mayor Beddo- I suggested having a committee with the existing SSD board and they did not want to do that. We wanted to continue working with them and they decided not to do that.

Nikki Sair- Who would be in charge at that point?

Mayor Beddo- The Town Council would be in charge.

Dayton Hall- The statute states the legislative body has all the authority to control the SSD.

#### **REQUEST FOR A CLOSED SESSION**

Motion: to adjourn to a closed session to discuss personnel issues

Motion made by Mayor Beddo, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

Motion: to appoint Council member McLaughlin to run the closed session meeting

Motion made by Kevin Sair, Seconded by Paul Edwardsen

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee

#### **ADJOURNMENT**

Motion: to adjourn tonight's meeting.

Motion made by Edwardsen, Seconded by Council member McLaughlin.

Voting Yea: Mayor Beddo, Council member McLaughlin, Council member Edwardsen, Council member Sair, Council member Lisonbee