



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, January 27, 2022 at 6:00 PM

MINUTES

Mayor | Mason Walters |

Council Members | Kevin Sair | Robin Whitmore | Andy McGinnis | Barratt Nielson

Clerk-Recorder | Jenna Vizcardo

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

Mayor Mason Walters called meeting to order at 6:03pm.

PRESENT

Mayor Mason Walters

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson present after line-item 9.

DECLARATION OF CONFLICTS OF INTEREST-None.

PUBLIC COMMENTS

Rich Kopp- 2222 E Ranch Rd- Concern about connection Canaan to the million gallon tank.

Jason Graham- Concerned about things seeing in Apple Valley- scandal of hiring back Jr of Fire Chief.

Rich Ososki- would like to speak in favor of JR.

Patricia Anderson-comment about building moortaium

Travis Holm- addresses about his agenda items

Motion to close public comments

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries 4-0. Motion carries.

CONSENT AGENDA

1. Approval of Special Town Council Meeting Minutes from 1/3/2022

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion 4-0. Motion carries.

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2. Financial Review – Treasurer Robin Whitmore

Mayor thanks Robin.

No financial review at this time for council or publish to look at. Previous reconciliation were not done in the office and trying to sort through months of back papers before we can present a financial review.

DISCUSSION AND ACTION

3. **DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND WASHINGTON COUNTY FOR SHERIFF SERVICES**

Nate Brooks elected Sheriff for the The Town of Apple Valley made comments about the contract. Comments about the highway 59 about high speed traffic. That road is maintained by U-dot and any special request on the road need to be taken up with U-dot between the Town of directly. Town Ordinance needs criminal penalty-cannot write ticket on civil offense.

DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND WASHINGTON COUNTY FOR SHERIFF SERVICES

**Motion to approve made by Council Member Sair, Seconded by Council Member McGinnis.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

4. **DISCUSSION AND POSSIBLE ACTION ON THE GENERAL PLAN UPDATE BEING PERFORMED BY SUNRISE ENGINEERING**

Brad Robbins with Sunrise Engineering retired City Manager from California. Rebecca Bennett is also here. Brief update about General Plan. In essence General Plan is base document for every development that goes on in the town. Land use, Transportation and Housing. Housing is not required because less than 1000 residents but still recommends some housing. Survey for Town going forward about Steering Committee- Planning Commission will be the Steering Committee. We recommend they survey be available for 30 days and then coordinate those items with the Steering Committee. Timeframe is hopeful for 5-6 months.

Mayor makes comment about General Plan being crucial as the vision for the community. Residents input is going to be critical. Town will include this survey in the upcoming water bill.

DISCUSSION AND POSSIBLE ACTION ON THE GENERAL PLAN UPDATE BEING PERFORMED BY SUNRISE ENGINEERING

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0 Motion carries.

5. **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-06: RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE**

Kevin Sair commented about the fee increase due to the fee increasing with the County of Washington. \$12.50 currently increased to \$13.00 a month starting 2/1/22.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-06: RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE

**Motion to approve made by Council Member Sair, Seconded by Council Member Whitmore.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

6. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-07: APPOINTMENT OF TOWN CLERK AND RECORDER FOR THE TOWN OF APPLE VALLEY

**Motion to approve made by Council Member Whitmore, Seconded by Council Member Sair.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

7. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-08: APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING COMMISSION

1 volunteer Margaret Ososki has volunteered for this position.

DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-08: APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING COMMISSION

**Motion to approve made by Council Member Sair, Seconded by Council Member McGinnis.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

8. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2002-09: APPOINTMENT OF TOWN PURCHASING AGENT

Correction: DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-09: APPOINTMENT OF TOWN PURCHASING AGENT

**Motion to approve made by Council Member Sair, Seconded by Council Member Whitmore.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

9. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-10: APPOINTMENT OF A TOWN COUNCIL MEMBER

Barratt Nielson makes comment about his background.

Term ends Jan 3, 2024

DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-10: APPOINTMENT OF A TOWN COUNCIL MEMBER

**Motion made to approve by Council Member McGinnis, Seconded by Council Member Sair.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis**

Motion 4-0. Motion carries.

10. DISCUSSION AND POSSIBLE ACTION ON AV-1313-D-1. ZONING CHANGE APPLICATION. APPLICANT TRAVIS HOLM

Motion to Table until March 2022 per applicants request.

Motion made by Council Member Sair, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Barratt Nielson

Motion 5-0. Motion carries.

11. Discussion and possible action on AV-1318. Zoning change application. Owner Nancy Bradshaw Tr. Applicant Travis Holm.

Motion to Table until March 2022 per applicant's request.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

12. Discussion and possible action AV-2184 & AV-2165. Zoning change application. Owner: Ciel Holding LLC & Colony Partners LLC. Application by Travis Holm.

Motion to Table until March 2022 per applicant's request.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

13. Discussion and possible action on AV-1366-D-1. Zoning change application. Owner Zion Tiny Homes Matt Jessop.

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22, needed application corrections were not made.

Motion For Denial for

1. Same reason denied from Planning Commission, needed application corrections were not made.
2. Turning property into High density subdivision is not compatible with the surrounding area in Cedar Point.
3. Property is a good location for commercial area as recommended by the General Plan.
4. Inadequate services

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

14. Discussion and possible action on AV-1343-A-1. Zoning change application. Owner: TLW Investments, Travis & Libby Wells. Agent Alliance Consulting.

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22 for larger lots, no access and inadequate services.

Comments are the same for 14 and 15

Thad Seegmiller is a local attorney representing this client makes comment that he disagrees with Mr. Sair it's going to be a joke Mr. Sair he was elected and served 8 years on Town Council and is very aware of how much work goes into the Town Council and agrees the Town should buy him a popsicle from time to time. These are 2 zone changes both are zone changes from Open Space to the designation currently listed in your General Plan. This application the landowner the land use designation in compliance with the general Plan. He has reviewed the application notes from the planning commission. 1st finding even though recommending denial speaking in reference to agenda to #14 and #15 on both projects the Planning Commission did find that it did conform to General Plan. Read Statute from State of Use from State of Utah 10.9.509 An applicant is entitled to land use owner if the application conforms to the applicable land use regulations. This application conforms to general plan use plan, conforms to land use regulation. Agrees with planning commission. Makes comment about zoning and what zone change application. He is authorized today, if there are issues with harmony to discuss rather than having to file an appeal. Zone change application is for a minimum of 1 acre is approved. As to access the plan is to bring access plans at preliminary or final plat. If there are concerns or principals of access they would be willing to discuss those or work through those as well. Thad Seegmiller asks the Mayor and Council if any questions.

Councilmember Barratt Nielson only concern he has is the threat of appeal to hang-over there heads to make a decision in their favor

Thad Seegmiller addressing that our ordinance states if zone change denied only re-address is to make an appeal. You are right if there is a denial and if the client wants to appeal that

Barratt Nielson asks for zone change for 1 acre and if approved all lots can be one acre, Thad Seegmiller says not exactly because this body will be the same body to approve the plat after zoning designation is changed to conform with General Plan.

Dayton Hall makes comment that zone change is an amendment to ordinances so that is a legislative active the council takes out of all the things you have the most discretion on you make your laws. he disagrees on the previous comments on the plat. State code the culinary water and sewer system and other ordinances the town shall improve the preliminary plat of all the times concerns about infrastructure, harmonious with surrounding properties, now is the time when the council has the most discretion. He will say it is not uncommon to approve the zone change and you have these concerns about infrastructure, you can tie approval of the zone change to a developer agreement that agreement basically the applicant has to agree that they can't development until whatever the infrastructure that the Council is concerned about is in place, that way you are not stuck with preliminary plat that you or may legally required to approve even though the infrastructure is not in place. My recommendation that anytime you have an application for a zone change with infrastructure and water concerns is to tie it to a development agreement.

Dayton Hall asks does that answer your questions.

Mayor asks Thad Seegmiller if he wants to add anything else.

Thad Seegmiller states zone changes are not where you do development agreements-developments agreements do not designate land use but infrastructure. Client would be open to developer agreement. Zone designation is the first step. Does't know what we would talk in a developer agreement to discuss a zone designation.

Discussion Town Council- General Plan- that plan that doesn't have to configure to the minimum designation on the General Plan. Concerns about infrastructure.

SSD requested in August 2021 from the division of drinking water stated region now receives low pressure and insufficient water flow.

SSD Water superintendent makes comment about connecting the water lines.

Dayton Hall makes comment to the Town Council if going to approve the zone change to do it with conditions.

Motion For Denial for same reasons Planning Commission denied for larger lots, no access and inadequate services.

Motion for Denial for Concerns whether we can provide adequate services for any service at any time in the future and current road access and Gould's wash running through property with no current road access.

Area is situated for larger lots but zoning allows to go with larger lots

Very concerns whether adequate services at any time at this time or in the future and I think it was discussed with the Planning Commission with no road access.

Motion for denial for same reason on item #15 including the minutes of Planning Commission of legitimacy and subdividing of that parcel, the lot splits. Other concerns Gould's wash road running through, larger lots, without due saying we don't believe adequate services and small lots are not compatible with the adjacent and the larger agriculture lots.

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

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15. Discussion and possible action on AV-1329. Zoning Change application. Owner: TLW Investments, Travis & Libby Wells, Agent Alliance Consulting.

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22 for parcel history, ownership, larger lots, and infrastructure concerns.

Mayor: There was some questions in the PC meeting about ownership problems I don't know if that if fully resolved there is some who question that but were not going to revisit at this time. There was some questions about if the the lot splits were done in the legal process to subdivide this property including this particular parcel I think there was more to that discussion that could be a legal issue moving forward. Under that basis we really could deny this application based solely on that legal process to subdivide these properties. But let's just address the merritts of this request to go from Open Space Transition (OST) to Rural Estates-1 (RE-1). It it currently the GP designated as residential 1-5 acre lots again you know a lot of the same issue from item 14.

Kevin Sair: these are side by side lots as item 14 and all the same issues and personally ready to move forward with a motion discussion will just be repetitive at this point.

Mayor: Well this is one difference with this parcel that is applicable and definitely adjacent properties are over 10 acres and there zoned agricultural would definitely not be harmonious with those properties that is something that applies to this particular parcel.

Attorney: I have spoke about this one and the prior one and would just like the record to reflect the comments that he made previously that were atteneded to address this one and the concerns the town might have.

Mayor: We have motion do we have further discussion

Kevin Sair clarifies willing to make motion but did not make a motion

Mayor asks any further more discussion?

Barratt Nielson: He would like to see larger lots himself Same concerns as this lot that would like to see larger lots than the 1 acre lots kind of hard to retract the one acre lot after given. Also the ability to service this parcel asked how big parcel 157.5 acres. That is a lot of connections. Concerned about the access

Andy: Thinks would be negligent approving something not knowing what our water status is. It's no secret that we have been in a 10 year drought. We are currently having problems with the water system in Cedar point it would be negligence of us to allow this to go through without being able justify the water going into these subdivisions. It's hindrance to our current community, I think we need remember that we have our duty first into those who live in our community now not seeing the were not willing to move forward with subdivision we need to remember the community and who had been living here and living and dealing with these issues prior to these subdivisions we need to take care of those who live here first in my opinion

Attorney: Just to clarify this application is not service by the Cedar Point water:

mayor: Thank you so your concerns are valid in concerns to storage because we know have a serious storage issues in this particular area as stated DDW providing us with information that was initiated before all of this to help us assess our needs. What I have see happen with some zone change request is the preliminary plat is in the same meeting to same we can go from zone to preliminary plat and have oppourtunity to answer those questions is going to be challenging. There is a question about road access for this parcel as well. There is no other access or connection or any other roads to this property this time and as far as this high density it it 157.5 acres. As councilman Nielson stated by permitting one acre zone they can put in one acre lots so that is going to be high density for an area that is really not harmonious for that because it is directly adjacent to these larger parcels so that is not going to be harmonious in that are as well. Any other discussion? Do we have a motion?

Kevin Sair makes motion for denial for same reason in previous discussion on item #14 including the minutes of Planning Commission of legitimacy and subdividing of that parcel, the lot splits. Other concerns Goulds wash road running through, larger lots, without due saying we don't believe adequate services and small lots are not compatible with the adjacent and the larger agriculture lots.

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

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16. Discussion and possible action on AV-1319-A. Preliminary Plat. Owner: Was 2000 Main LLC now its KDLR LLC & K&D Family LLC. Agent: Was Stout Holm, now the owner.

Tabled to March 2022 at the request of the landowner

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

17. Discussion and possible action on AV-1325, AV-1326, AV-1327, AV-1345, AV-1346 & AV-1348-A. Preliminary Plat application. Owner: Was 2000 Main LLC, now its KDLR LLC & K&D Family LLC. Agent was Travis Holm, now owner.

Tabled to March 2022 at the request of the landowner

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

18. DISCUSSION AND POSSIBLE ACTION OF ORDINANCE 0-2022-01: TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON ZONING, DEVELOPMENT, AND SUBDIVISION APPLICATIONS AND ALL BUILDING ACTIVITY ON LANDS WITHIN THE TOWN OF APPLE VALLEY

Mayor: So you have had a chance to read through this. What are your thoughts, comments?

Kevin Sair: I have no questions or thoughts.

Mayor: I don't believe that

Kevin Sair: OK, This is a hard one we know this affects a lot of people in our community and that would like to join our community.

Mayor: Let's start by getting a report from our Water Master because it's in conjunction with that is not the sole purpose of this there are multiple reasons but obviously we do mention the water in particular in Cedar Point. We mention storage in Apple Valley System so I think it is appropriate to start with a water report from our water master- Dale Harris

Dale Harris- We have essentially have no water in Cedar Point. We are supposing at least 146 gallons a minute for the building we have there today we are producing 35 gallons a minutes. We attempted about 4 years we were in the process 80% done with paperwork to bring the Canaan water over Cedar Point the SSD was ahead of this problem someone wanting a popularity contest and celebrated that they cut that water off. That has choked me at Cedar Point. It is one thing for folks not to get a drink at night or not be able to shower but we are not going to be able to fight a fire in cedar Point if we don't get some more water at Cedar Point. The SSD threw some money at different wells over in Cedar Point Jessop well turned petroleum we we tried to deepen that. Well 59 at 100 gallons per minute 2 years ago now 80 gallons and we have now been shut down by the state because we are failing on manganese and radon because of the iron algae that we have in there. So we are down to 35 gallons a minute folks and we need a minimum of 146 gallons per minute. Very irresponsible to throwing any more sticks up in Cedar Point or Canaan. Have plenty of storage in Cedar point but no water. Opposite problem in Canaan have water but no storage. Apple Valley has storage problem. Storage and elevation problem with the tanks we have. About a year ago there was a study from the State that we

have enough room from about 30 more house until we needed to greatly upgrade our infrastructure mostly storage specifically storage so we can the flows suppression needed for fires. The fire chief has been around for the last 2 years running our hydrants we have very few hydrants in town that even meet those minimum requirements so I hope everyone understands from the water standpoint this is to help everybody out this keeps these houses from burning, to keep your families safe. Having no water none of us can be in this town it is essential that we have to have. We were in the middle of being able to we are trying rehab 59 and on that on that comment (of unknown in audience) I am not God I cannot produce water and I cannot get water into the aquifer it has to rain for that to happen. We have literally thrown hundreds of thousands of dollars into the wells over the last 10 years. There hasn't been a year where we haven't tried to get water and want to reiterate that we were ahead of this 4 years ago the SSD if someone would have not stopped a water line that was not actually coming from Canaan to alleviate these problems. So Cedar Point no water, Apple valley water with have water today we have the ability to produce almost 600 gallons per minute but no where to store it. We need store on this side of the system is the pertinent thing. Cedar Point we need source we are in the middle again of restarting the paperwork with the USDA to get a grant and a partial loan to get our water to come over from Canaan so we can alleviate part of this problem. If we don't get well 59 or find treatment for radon that's in there we are going to have a long summer only be about 80 mins a gallon per minute for summer. Looking at 4-5 months before starting construction. So that is where we are at with our water. Any questions?

Mayor: That is a lot of information what I understand in terms of the grants the USDA grant.

Dale Harris: That is EUWAC an emergency grant because we are in an emergency situation with what we got going on in Cedar Point. The bulk of that is going to be a grant.

Mayor: So where are we in that process?

Dale Harris: Rod gave update the other day that we are about 30-40% through the process. He has paperwork for the wells that he has in Cedar Point to turned over to the USDA that we are in a situation and need this help and this money to be able to get our wells and those springs into he tanks so we can be able to service the community.

Mayor: Will you give us a better picture of the storage her because we know and we have hearing from residents about the water quality and not the understand about the water quantity over there as well and how that is going to impacts not just culinary water but fire suppression as well weill you talk a little more about the Tanks in Apple valley.

Dale Harris: So we got 440,000 gallons of storage but we have 2 deteriorating tanks. We just patched the bottom of one and while cleaning found more deterioration in those tanks. We need elevation and storage again there is a development on the other side of the road that will bring some storage but who knows when that will happen. So going forward we really can't allow anything more until we came up with a definite plan how we our going to get that storage and that elevation out of that storage.

Mayor: What would you say is he age of those tanks are

Dale Harris: I was told one of them was 1978 and I was told was I think 1992, 1991 or 1992.

Mayor: Ok I was just reading our capital facilities plan and it stated in the capital facilities plan that in the Apple valley area that we need 190,000 gallon tank just for fire suppression. is that beyond your scope

Dale: Are you saying 190,000 as a whole

Mayor: The capital facilities plan that Apple Valley stated 190,000 gallon tank for fire suppression so 180,000 gallon tank just for fire suppression so we 440,000 suppose to cover all Apple Valley but 180,000 should be dedicated for fire suppression

Dale: Correct.

Kevin Sair: make statement for all that you do he appreciates. Here with former SSD and here with old SSD and old system and here through the new upgrades and piping long-term even clear back then was to bring that Canaan water over to the million gallon tank knew when we purchased that system wasn't an improved system and even back then make great strides moving forward, emergencies with earthquakes that set them back but that whole thing should of been done and online 4 Or 5 years that what that plan was. I sat on the council and the SSD board. What has taken place since then is it part of the reason I am up here. I am Aww and shock that we are in this predicament at this point in time and we did our due diligence so this wouldn't happen in our community and it's right in our face so we our having to take extreme measures going forward. I can tell you this council we understand these issues and it our #1 top priority for our community is culinary issues and store problems, wells problems as a whole. He has been in he trenches and supports Dale Harris. Go put in this position to tell you the truth in the community forward. That's my character. When I say I am here to serve and protect, it is true, that it is my end goal.

Mayor: Thank you and will get comment but not quite done with Dale Harris. This is not just about water, it's about many other issues and one of them is we need to update our Ordinances to better protect our community. There our developments going in right now that do not have a looped water system and if you don't have know what a loop water system is, he (Dale Harris) is going to explain that to you and why a looped system is critical for water quality so will take about that.

Dale Harris: Well you kind of did it the biggest purpose for a looped system is water quality the other parts is for pressure and flows. We have so many dead end on all of these systems and we call let further development without people being willing to loop system back into existing lines. We have one going in right now that should have a looped system its a big one and it should of been I was removed out of my position, there should of been a loop in that one. Going forward we can't keep creating dead ends in this system. The biggest things for me and Jr (Fire Chief) will argue his side my biggest thing is water quality and secondary is those pressures and flows. When you have those dead ends and people are pulling before you get to that end house that where the water going to go take the path of the least resistance. In the looped systems in theory you are going to have that better pressure and flow and my perfect world we wouldn't approve anything on main line extensions without them looping back into an existing pipe.

Mayor: And so the water quality that's going to cause illness.

Dale Harris: Exactly, stagnant water can have the ability crat bacteria in the water, colifrom bacteria most definitely in the water. The other situation that we are dealing with since we are in this drought is trying to flush hydrants is a delicate thing. I don't have any water in Cedar Point to dump on the ground and that's all I have in Cedar Point, a bunch a dead end lines. One big loop is Cedar Point everything else is dead end. No where to put water because of the way everything has been built not be able no where take a hose to flush anyone out but the biggest things is in previous years I was able to turn my system over every summer in Cedar Point, I have been able to do that for the last 2 years because I can't dump that water on the ground because I know I can get it back in the tank.

Mayor: Thank you. So that's one of the things the we came across that's in our policies and procedures and ordinances should not be there and that's just one things and we have come across numerous things that need to be addressed in our ordinances and how we will move forward our community infrastructure our community growth again its not just about water although that is still water related but its deficiencies in our ordinances that have to be addressed so we are ready to say to future

developers that this is the way it needs to be done and why and we have the ordinances to back us in that. I might call you again in reference to Dale Harris. So we have already addressed that our General Plan is being updated after 17 years. That needs to be done because it address our vision for the future. Our water infrastructure study is critical that is in the process that needs to be done all of this information is critical for us to have and its in the works, we are not saying give us 6 months so we can look over our ordinances, we are saying gives us 6 months so that we have a plan and actionable plan give us 6 months so Dale Harris can work on critical infrastructure for the water needs so we have actual plan based on data realwide engineering studies that we need to move forward appoately for the future of our community. So any other thought reference to Dale Harris before we start taking comments. None. Okay Karl you raised your hand a few times.

Karl Rasmussen engineer: Thank you Mayor and Council, councilmembers I am here talk about water issue because every client I have been trying to help up here I have known about your water issues, I have known them since Cedar Point was created and there was more water noew that is depleted that becomes a real issue so I actually have a solution to the problem, yea we can go study it we can go get grants to drill another well and stuff but I got a client that's already punched 2 wells that's has significant amount of water and he is willing he even got submitted drawings to Paul Rite to the state to put up a water tank that will solve and can solve the 2 tank dilemma up here and create higher pads and can almost push water not quite high for the big tank at Cedar Point but a simple booster pump would get the water there all that I know is that takes more infrastructure more money my client asked you guys if we can sit down with the district and board before you even do any momoratum and work out a deal so we can help you guys solve these water needs. I just that's my request , request from my client and would like to see it doable he wants to get going on things, get the loop in on the gooseberry way, get the crossings over the two washes help our secondary access through this area. wants to get going on some things momoratum is going to shut everything down for another 6 months to even lay wood. He wants to do with he money that he is sinking into the wells and into the tanks and we really like sit down with you and lets and I think we outta when the State gets down to their study hey we got these resources we got these got developers and I know one of them has money in the bank right now and wants to get their infrastructure wants to get a tank up on the hill lets gets together lets make something happen the more we sit back and pushing it get people more honorary and mad. Why we can't we just come together there is an easy solution I am presenting wasn't my idea, someone's else just wanted to present that to you. Anytime you want to call me or talk to me about. I did the capacity analysis test I had to do one for the 29 lots the client wanted to do down by the service station at that point we met with the district and that was with the mayor previously of the mayor that you have been talking about tonight. Things were running real soon I mean I was even conferenced that we needed more water more source and this person that drilling wells has approval and have approval to drill 3 more, 3 right here and one I know over Main street but I am talking about 3 right here in this part of the valley. Every well that has been drilled has been certified by the state. Paul rite comes and inspects them makes sure the right casing they have to have a preliminary evaluation report per before they can even drill and he has hired Lance, guys up North that are professionals on the geology of this to find water avenues or get water I just say come together let's have a work meeting before placing this.

Mayor: Asks Karl who the client is, and Karl responds Travis, so Travis Holm does not own any property. Travis Holm does not own any property tin this valley correct? Frank Lindhardt, planning dept manager responds some parcels, little not very much, Mayor- ok so he can not promise us anything unfortunalltey he can't promise anything and what has happened in Apple Valley for too many years is that we have accepted promises with nothing to back it up. We have accepted promises of tanks, infrastructure, accepted promise after promise with nothing to back it up. What we are saying now going to chart our future and that starts with our General Plan, updating our ordinance because we so many deficiencies that don't protect the Town that don't protect the residents. We are

in discussions right now over a preliminary plat requiring for things to be done according to our ordinances and we are still getting push back so how do we protect ourselves if we don't go through ordinances that don't even match, one here this is how you do, and one that says this is how you do. We have to take control of our Town and our future through this process and not shutting people off but preparing us to take on the developments appropriately.

Karl: Commends the Town for doing this and gives praise. I guess if you need to do that on your Ordinances and fix and while in the process we are doing that lets still work together on the solution to the problem he has already sunk in wells, has the site for the tank. It's happening, let's get together you say he doesn't own some of the property, he does own property. Let's get together this isn't the setting to have disagreements putting out solution

Mayor: Thank you we will be very happy to work with your solutions, speaking for me we have got to get things right so we are prepared to move forward.

Unknown resident: So I have heard that the working on getting a grant for Cedar Point and I am so sorry for anybody that lives in Cedar Point, unlivable to me with that being said on the storage here do we have plans started to get new storage tanks.

Mayor: good questions, part of this with Division of Drinking Water is there a financial component involved with that and they have put forward a financial plan and that is a component of all this. How do we do that financially. Yes what we are seeing now at this point we need to have an understanding of what we need infrastructure wise although we already have deficiencies. we need to have a clear plan and that's going to come through this process and also within this plan they make recommendations of how to financially address these issues.

Unknown: We you are talking about fire and needing water one of our residents came from a Town that was completely destroyed by fire. My niece lived in a town that was destroyed because of no water, beautiful green area, niece lost everything but her life, lost business, house, the town she lived in. the all had to leave somewhere. This can happen.

unknown: my concern the last time we had council that had to deal with water issues. we all got saddled with debts. Started partial grant. Didn't address the tanks and this was just 5 years that we have saddled with debt and the tanks weren't even any issue and now we have multiple developers willing to take that burden and you guys want to take that away and go back to asking the state for help what is wrong with you people. We had enough debt we are done let someone else help out.

Mayor: Thanks the comment and understands position on that this is not about saying we're not going to work with developers, we are going to work with them in 6 months and come from a position of strength knowing our needs understanding our infrastructure fully because again I have been reading development agreements that have happened in the last 6 months where you would think oh we should have gotten something to tanks, for multiple developments and it didn't happen because we haven't been coming from a position of strength and knowledge and in 6 months we are going to work with those developers from a position of strength and knowledge and this is what you are going to bring the table and it's based on data and engineering and they are not going to say no we are not going to do that.

Unknown: resident?- Apple Valley has been a town of broken promises when it comes to development. We should have 9 tanks if developers abide by the agreement and Dale Harris had said water system should be a loop, who is enforces to make sure the loop is enforced, don't need an answer now. Things are just not done the right way in Apple Valley and congratulate you guys for standing up and saying the gravy train is over and this is the way it has to get done by the book.

Mayor: so are far as looping projects that have not going before the district if they have not been approved appropriately because they are going to have to go back through that process because you can't circumvent processes that are already outlined in ordinances and policies and procedures. At that point if we find out.

Brandon Hansen: I am property owner old Desert rose now terming Crimson Peaks, we certainly the title owner, we are working my planner met with Frank Lindhardt we certainly not going to do anything in the development that not's going to add value to this City, I can promise you. I know developers give broken promises. Like Karl said he is our engineer we do have solutions, we have standing water, we have paper water, we can contribute to the city. I am part of the project that has already been approved granted if we are going to bring value to the vale which I promise you I am we can grow that water and were not going to tax the city.

Forrest: You mentioned water infrastructure study I believe our we going to study the water in the ground.

Mayor: No that is no a part of this study but met Washington County Conservancy District so our working obtain grants, valid concerns about grants but this particular water setting that is 100% grants that are available. You did hear Karl he actually observe water levels decrease, we know that this is happening so understand that component is important but right now infrastructure is critical. Developing our General Plan is critical updating our ordinances so that we meet our needs so that don't conflict with each other and remember we are doing this one staff member and a volunteer, no money and volunteer Planning Dept Manager, the time this man has spent is crazy and the time he is going to have to spend as an unpaid volunteer. So in Apple Valley we have been reactive instead of proactive throughout our history for a long time. In apple Valley we have not planned appropriately for the future and in AV we have accepted too many promises. I am excited to work with past projects but gives us this time to get ourselves in a position to know what is needs, prepared to appropriately take care of this community and you will be apart of this future.

Travis Holm makes comment about his Gardner Bros Drilling hit water and his help that he wants to give to the Town in regards to water and his solution for the Town.

Anthus Barlow has comment that he was Vice-Mayor of Colorado City for eight years and had comments that he was part of lawsuit in Colorado City that started as MORATORIUM regarding water.

Mayor: Temporary Land Use does not require public hearing but we wanted to hear the concerns.

Resident Rich Ososki fully supports the decision and supports how messed up the ordinances

Mayor: We know that there are some fundamental rights that are being challenged right now. Fundamental basic questions that needs to be done re: ordinances and zoning to protect us right now. This is for infrastructure questions that need to be answered. Obviously the water component in Cedar Point is critical. And we will be willing to work with developers. How do we enforce ordinances when they conflict with each other. Ordinance and general plan need to be updating

Motion to approve Dayton Hall makes comment on Decide and find that there important enough to offset the restrictions that are being put on landowners property rights. Compelling countervailing public interest to support the decision. Mayor Walters makes comments that there is countervailing interest peppered all the way throughout this meeting.

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Community Events – Debbie Kopp- Community Event to discuss work meeting. targeting for Easter weekend

Community CPR 3/26 Chili Cook off 4/23

Public Works – Dale Harris- made report earlier

Big Plains Water and Sewer SSD – Dale Harris

Fire Department – Chief Dave Zolg, Jr. and Liaison Kevin Sair

Burn Season March-1st-May30th unless restrictions from State or County.

WUI program when can we get cleanup day. Wildland Urban Interface. WUI code regulates what types of material can have next to house.

Fireboard hoping to get out and help community members to help clean up.

Kevin Sair addressing storm drainage/ code enforcements/ town equipment, back-up generators.

Happy Birthday sang at 9:24pm to Mayor.

REQUEST FOR A CLOSED SESSION

For purpose of discussing pending litigation.

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

ADJOURNMENT

Adjournment at 10:14

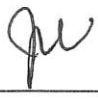
Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion 5-0. Motion carries.

Date Approved: 5/16/22

Approved By: 
Mayor | Frank Lindhardt

Attest BY: 
Clerk-Recorder | Jenna Vizcardo