APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 19, 2023 at 7:00 PM

MINUTES

Mayor| Frank Lindhardt |
Council Members | Barratt Nielson | Kevin Sair | Robin Whitmore | Jarry Zaharias |

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 7:02 p.m.
PLEDGE OF ALLEGIANCE- Council Member Sair led pledge of allegiance.
PRAYER- Prayer was offered by Fire Department Chaplain Jim Kinser.
ROLL CALL
PRESENT
Mayor Frank Lindhardt
Council Member Kevin Sair
Council Member Robin Whitmore
Council Member Barratt Nielson
Council Member Jarry Zaharias

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA | APPROVAL OF MINUTES

2. Disbursement Listing for June 2023.
3. Budget Report for Fiscal Year 2023 through June 2023.
4. Minutes: July 12, 2023.

MOTION: Council Member Whitmore motioned to approve the Disbursement Listing for June 2023 Town of Apple Valley, the Budget Report for Fiscal Year 2023 through June 2023, and the minutes from July 12, 2023.
SECOND: The motion was seconded by Council Member Nielson.
VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Abstain
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

MAYOR'S TOWN UPDATE

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Mayor Lindhardt gave a presentation to the Town regarding updates on Water District history and status, planning and zoning developments, updates on potential trouble and issues, and updates on pending notices of claim and lawsuits. (see attached – Attachment A).

Council Member and Chairman of the Big Plains Water Special Service District Barratt Nielson updated the Town on Water District status and issues. Google maps of Apple Valley boundary was pulled up on the screen for the public to view. (see attached- Attachment B). He continued, there has been social media chatter about issues with the water systems and in five and a half years it doesn't seem like a whole lot has changed. He re-assured that things have been happening from behind the scenes. Across the highway there are two well houses, AV 1, and AV 2. AV 1 is certified for 380 gpm (gallons per minute) and AV 2 is certified for 185 gpm. We have been alternating back and forth between the two. This system functions very well. He discussed a recent communication issue with the pump that has been restored. Radio towers are too short and the Board is looking into upgrading the system. The water quality is good on this system. The Canaan Springs system is out of Canaan Ranch with a 100,000-gallon and 50,000-gallon storage tank. The Canaan Springs collection fields have been rehabbed recently. One of the springs failed a test and the State made them take it offline. The 58-gpm spring was taken offline. He just got word tonight that they passed the test and Southwest Health has authorized to get us back online. The refurbishment project included replacing lines coming down from the springs. The pressure from the springs is great due to the elevation of the springs. The Cedar Point system needs to be able to provide source of 148 gpm to supply for houses, fire flow, etc. per State requirements. Well 59 was the well being used the most. Well 59 got shut down due to radium and is still shut down. A 1-million-gallon storage tank is in the Cedar Point System. The problem is not storage but the source in the Cedar Point system. The Cooke well had issues with the State being the State had another well called the Canyon well. The State had Canyon well named as the Cooke well. The Canyon well only produces 7 gallons per minute and it was opted to be de-commissioned a while back. The issue with the State on the name issue caused the Rock well to have to have a new source protection zone. All the protection zones for Cooke well were over at Canyon well in the State system. This is currently being fixed at the State level. The Jessop well, at one point was shut down a year ago producing only 17 gpm. Board Member Ross Gregerson started flushing the system out and now it is currently producing 31 gpm. The Cooke well is tapped out at its abilities. The Rock well was never put online and currently is being put online with the State testing at 80 gpm. The testing came back a tad high on radium. The State will only give 80% credit of what it is producing and hoping they will recognize at 100 gpm. Another project just approved by the State is the source line for the Cedar Point System. Blending those two sources would put us well within State parameters to use that water. The blending was discussed and the valves that they are planning to use. Board Member Ross Gregerson has been working feverishly to get that project done. The Well 59 source and blending system will increase gallons per minute (gpm) to be well within State parameters. On the Canaan Springs the project in the works is getting the collection fields fenced to keep the animals off. He educated on water rights and how agricultural water is since it is on the ground and it is used to recharge aquifers and is less in water rights than culinary for that reason. He discussed the Culinary Water Master Plan that is coming up for a public hearing regarding the impact study for future projects for growth. The project is to tie all the systems together and in that get a line from the million-gallon tank in Cedar Point system to the other system so we get redundancy and the ability to take wells online and offline. The springs will always be feeding into that system. Volunteers were discussed and if anyone from the community is willing to help then please reach out. Security cameras were discussed and putting a camera on tanks and in pump houses. Council

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MINUTES

Member and Chairman of the Big Plains Water Special Service District Barratt Nielson let the community know he is available and if you have questions, please call, and ask but don't speculate. His phone number is available and you can call him.

PUBLIC COMMENTS/QUESTIONS (TIME PERMITTING)

1. You will be required to sign up if you wish to ask a question. A sign-up sheet will be available between 5:30 - 6:45 p.m.

   Rich Ososki, 1024 W Little Pinion Way. Would like to have everything emailed to him. Saturday party was great and Fire Chief flunked him on his blood pressure. Next time for blood pressure we should have signs. Honestly this meeting should've started at 6pm, it wore people down. This question here number one, you can email or answer it now. I wrote it all down, in each one of the Town Council Members explain the definition of freedom pertaining to the AV code since we are a Town. Of the 166 residents that signed that referendum 147 were registered voters that live on one acre and half acre, as I went around to everybody, they want to discuss water, that was their discussion door to door. Also, on your testing kit one of the doors I went to be the water master, and there was a testing kit on his door and it's been there a while. That you can email me your personal feelings on freedom. Questions on WCWD, I have a problem with that a big problem. First, the question is two members here were elected to the negotiations, on those negotiations on the WCWCD, I want transparency. What is the urgency of the WCWCD being involved with Apple Valley's water. We got some good points and some good wells. We got some good wells producing, what is the reason we want to push that through quickly. Why can't we let the next administration take care of some of these problems. One more question, when you go to negotiate with the WCWCD, can anyone else attend those meetings and is there a transcript of that meeting.

   Libby Wells, 1363 N Rome Way. How are the impacts fees being used and where can we find that information. Where to find a breakdown on that. Next question, I see there is someone from the Water Conservancy District on here, I will ask you guys but maybe he might want to answer. Apple Valley supposedly does not have water. We have a huge debt. Our ordinances have been changed to one to seven acre lots. How would this affect the Conservancy for management and maintenance to maintain it. Why would the Conservancy want to take Apple Valley if we don't have water as we have been told for the last two years.

   Mayor Lindhardt answered that a large portion of the impact fees are used to pay our debt. All our expenditures in the Water District as well as in the Town are in those budget reports that we just approved as well as the disbursement listing of all the checks written. Impact fee money can only be used for debt or new things like we talked about earlier. It cannot be used for wages, or used to repair a well, or for anything else. Town Administrator Jauna McGinnis has a report. Every impact fee collected must be used within six years and there is a record that shows when we receive funds and where they got expended. That could be a grama request if you would like records on that. Mayor Lindhardt commented the Council Member Nielson went through all the numbers the water is producing and how

MINUTES

many acre feet we have. He continued, that the Council approved by motion to talk to the Conservancy District.

Melanie Zitting, 1810 E 2000 S. What happened to the grant for the water connection to the Canaan Springs. With the Washington County Water Conservancy well you be able to go back, and basically segregate them for the money taken, and then give use a credit.

Mayor Lindhardt answered the grant was supposedly applied for in the past by the previous engineer. We heard one thing after the other, and when we really started pushing there was no grant due to expired environmental study. He explained this was an emergency grant and if we get those wells up and running, we cannot apply for this emergency grant because there is no emergency. Mayor answered regarding the credit these are all questions they will have with the Washington County Water Conservancy District.

Maragert Ososki, 1024 W Little Pinion Way. In the last Town meeting, Frank, you said you made a comment that people are trying to take over our water company and they went and talked to the WCWCD and wanted to take over our system, so who were those. The next question is could you guys please explain to me or and everybody, why should we conserve water when the county continues to build homes, including here. According to the WCWCD, the average resident uses 285 gallons plus or minus of water per day depending on which article you reach. That would equal 4025 gallons per year. If you're allotted an acre foot of 325,851 gallons then you are only using about one third of the water, so where is the other 22,186 that is left over. Where's it going and is that going to developers.

Mayor Lindhardt answered, the water we have in Apple Valley can only be used in Apple Valley.

Mayor Lindhardt thanked everyone for coming and participating in this Town meeting.

ADJOURNMENT

MOTION: Council Member Nielson motioned to adjourn the meeting.
SECOND: The motion was seconded by Council Member Whitmore.
VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

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The meeting was adjourned at 9:26 p.m.

Date Approved: _____

Approved BY: _____
Mayor | Frank G. Lindhardt

Attest BY: _____
Town Clerk-Recorder | Jenna Vizcardo

DRAFT

Attachment A - 27 Pages

Town of Apple Valley

WELCOME TO OUR TOWN HALL QUESTION AND ANSWER MEETING

July 19th,2023

Tonight's Agenda

- Pledge of Allegiance
- Opening Prayer by Jim Kinser our fire department Chaplain
- **Mayor Frank Lindhardt**
  Updates on Water District History and Status
  Planning and Zoning and developments
  Updates on potential trouble and issues
  Update on pending notices of claim and lawsuits.
- **Water District Chairman Barratt Nielsen**
  Update on Water District Status and issues

- **Council Member Robin Whitmore**
  Updates

- QUESTIONS AND ANSWER SESSION.

Apple Valley Town 747 Ride ☺







How do we get this plane going? Aka Town or Water District?



- Who is going to be the Pilot? (Mayor or Water District Chairman)
- Who is going to be the Co-Pilot? (Town Council or District Board)
- Who is going to be the Navigator? (Manager or Administrator)
- Who is going to be the Flight Engineer? (Public Works or Water Master)
- Hecklers in the back of the plane, spreading fear, hate, misinformation & Lies.
- Rah-Rah passengers that believe, amplify and spread what hecklers say.
- The more the hecklers and Rah-Rah passengers harass the volunteers the less passengers want to volunteer, except the passengers that have ulterior motives, like flying in a direction that benefits them, **LETS CALL THEM A WOLF.**
- **The Town and the Water District is primarily run be kind volunteer that's doing the best that they can to the best of their abilities. We all know that, so be kind to them.**
- **Instead of heckle them, tell yourself "I choose to believe they are doing the best that they can".**

Water District History & Debt

- July 2012 Bought Apple Valley water Company's assets $1,500,000
- April 2013 Bought Cedar Point Water Company's assets $2,823,070
- May 2018 Canaan Mountain Water Company assets $349,000
- Current Debt $4,371,000 (including debt
- Current annual payments $148,952
- Annual Water sales income $353,000
- Current Impact fee is $12,000
- First 13 impact fees a year goes 100% to debt.
- Only after that, do we have money left over for new tanks or pipe etc

Water District Impact Fees Explained



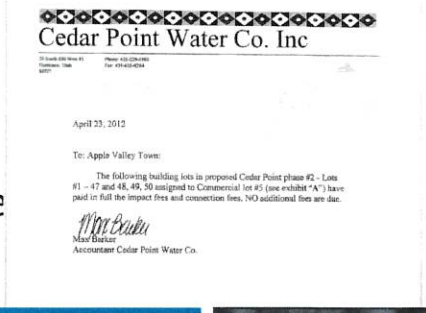
- What is an impact fee?
- A new home owner is buying in to the existing infrastructure, like water tanks
- Wells, New water lines connecting tanks or to tanks etc etc.
- A new home owners impact fee can only be spent on paying debt for new infrastructures, adding new water tanks, water lines, etc etc. It can't be spent on maintaining anything or for wages.





Impact Fee waived for Cedar Point & Apple Valley Town

- Cedar Point Seller Jerry Eves got the district to waive all impact fees for all the lots in Cedar Point, in addition to the $2,823,000 payment he received. Well over 135 Lots waived.
- The Apple Valley water company also had 25 lots where the impact fees were waived.
- Approximately $1,980,000 waived in impact fee
- How do we pay our debts when we don't get these Impact Fees?
- **WHY WOULD THE TOWN APPROVE THIS?**



Cedar Point Water Co. Inc

April 23, 2012

To: Apple Valley Town:

The following building lots in proposed Cedar Point phase #2 - Lots #1 – 47 and 48, 49, 50 assigned to Commercial lot #5 (see exhibit "A") have paid in full the impact fees and connection fees. NO additional fees are due.

Max Barker
Accountant Cedar Point Water Co.





History of Building Permits in Apple Valley

YEAR	# OF BUILDING PERMITS	# THAT PAID IMPACT FEES	IMPACT FEE WAIVED
2012	2	0	$24,000
2013	0	0	$0
2014	0	0	$0
2015	4	1	$36,000
2016	10	2	$96,000
2017	22	1	$252,000
2018	15	3	$144,000
2019	13	7	$72,000
2020	20	7	$156,000
2021	32	7	$300,000
2022	24	8	$192,000
TOTALS	**142**	**36**	**$1,272,000**

Summary of Water Rights (Paper Water)

- The date of the water right is of utmost importance, because if the State ever recalls the amount of water rights in a water shed area, the youngest get recalled first (Happening in Enterprise now).
- If a water right has been "Proofed up" is also of utmost importance, or the State can just take it back.
- An irrigation water right is not the same as a culinary water right. To convert an irrigation water right to a culinary water right the State usually cuts it by 25-35%.

Summary: Getting the right kind of Water Rights in of Utmost importance.

Status of Water Bank (Paper Water)

- We currently have an excess of 336 AF off water in our water bank.
- Enough through 2038.

Figure III.C-1: Apple Valley Culinary Water Right Resources vs. Projected Demand

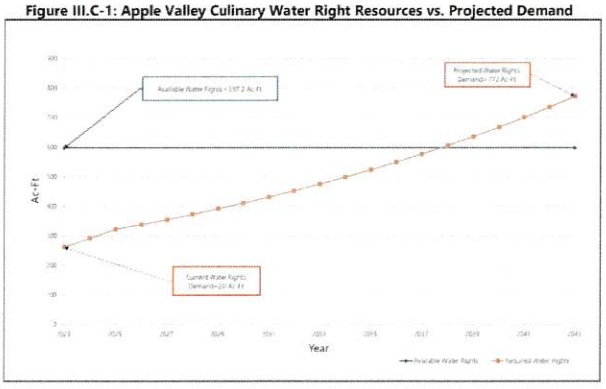


Table III.B-1: BPWSSD Current Required Water Right

Apple Valley								
345	ERUs X	339 gpd / ERU	X 1 day / 24 hr	X 1 hr / 60 min.	=	81	gpm	
345	ERUs X	339 gpd / ERU	X 365 day / 1 yr	X 1 Acft. / 325,829 gal	=	131	Ac-Ft	
Cannan Springs								
13	ERUs X	771 gpd / ERU	X 1 day / 24 hr	X 1 hr / 60 min.	=	7	gpm	
13	ERUs X	771 gpd / ERU	X 365 day / 1 yr	X 1 Acft. / 325,829 gal	=	11	Ac-Ft	
Cedar Point								
157	ERUs X	677 gpd / ERU	X 1 day / 24 hr	X 1 hr / 60 min.	=	74	gpm	
157	ERUs X	677 gpd / ERU	X 365 day / 1 yr	X 1 Acft. / 325,829 gal	=	119	Ac-Ft	
				Existing Water Right		**597**	**Ac-Ft**	**627 gpm**
				Total Required Water Right		**261**	**Ac-Ft**	**162 gpm**
				Existing Culinary System Water Right Surplus		**336**	**Ac-Ft**	**465 gpm**

SUMMARY; WE NEED THE WATER BANK CASH NOT ANY MORE WATER SHARES.

When are Impact fees and Water bank fees paid?

- In the past the impact and water bank fees are paid when a building permit is issued, since that is when the impact is created.
- They pay the Water District for two things:

  - 1. The impact fee for infrastructures like water tanks, wells, water lines.
  - 2. They buy into our existing water bank (The water rights we own) by paying us $4,000 or bring us a 1 AF of culinary water right (this option to possibly be eliminated).

This gives the Water district the needed cash to pay their debts for existing infrastructure, or for new infrastructure (like new wells or tanks) and for us to be able to buy additional water rights when needed in the future (The right kind).

Jepson Canyon Subdivision

- June 1019 Water District under Mayor Lisonbee signed an agreement to guarantee Jepson Canyon water for their project.
  Why would we guarantee them water, when we don't have any guaranteed way of being able to provide that water??



- They also guaranteed them the $4,000 water bank fee for the entire duration of their project. Why would we do that?





Jepson Canyon Subdivision cont.

- October 2021 under Mayor Beddo they revised the previous agreement, but introduced another troublesome concept.
- They a waiving the $4,000 water bank fee but instead require them but provide 100 AF of Water Rights. **With no provisions for the quality of the water right**.
- Why in the world would we agree to this, when what we need is more cash to pay for out debt, and not more water rights at this time???
- Not only do we now also not get impact fees from the Cedar Point and Apple Valley lots, but now we also don't get the Water Bank Fees for all of Jepson Canyon???
- This concept was also approved for the Gooseberry Mesa Lodges Subdivision for 120 Cabins.





Unintended ?? Consequences for requiring Developers to bring water shares.

- 1. We are not getting any money into the District Water Bank.
- 2. The cost of water shares have sky rocket from $2,500 per 1 AF, to $12,-$15,000 or higher per AF, putting a huge burden on home builders and developers, since they have to pay this in addition to our impact fee.
- **The winners of this is the water share speculators, such as Jerry Eves and Mike Barratt just to mention a few.**
- The Loser is our Water District and individual citizens that already owns a lot, but needs to build.
- **WHY WOULD WE DO THIS???**



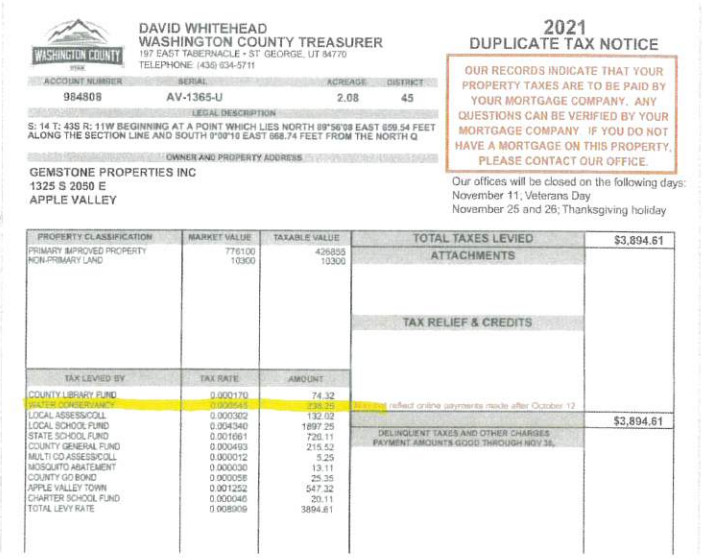


Washington County Water Conservancy District.

- The WCWCD has been taxing our properties in Apple Valley?
- In 2022 we paid $65,925 to them?
- We estimate we have paid $500,000-$700,000 to them?
- WHY WAS THIS NOT STOPPED?
- Why did we not tax what they did?



- We would have had the money to repair and fix may of our problems.



DAVID WHITEHEAD
WASHINGTON COUNTY TREASURER
197 EAST TABERNACLE • ST. GEORGE, UT 84770
TELEPHONE: (435) 634-5711

2021 DUPLICATE TAX NOTICE

OUR RECORDS INDICATE THAT YOUR PROPERTY TAXES ARE TO BE PAID BY YOUR MORTGAGE COMPANY. ANY QUESTIONS CAN BE VERIFIED BY YOUR MORTGAGE COMPANY. IF YOU DO NOT HAVE A MORTGAGE ON THIS PROPERTY, PLEASE CONTACT OUR OFFICE.

Our offices will be closed on the following days:
November 11; Veterans Day
November 25 and 26; Thanksgiving holiday

ACCOUNT NUMBER	SERIAL	ACREAGE	DISTRICT
984808	AV-1365-U	2.08	45

LEGAL DESCRIPTION
S: 14 T: 43S R: 11W BEGINNING AT A POINT WHICH LIES NORTH 89°56'08 EAST 659.54 FEET ALONG THE SECTION LINE AND SOUTH 0°00'10 EAST 868.74 FEET FROM THE NORTH Q

OWNER AND PROPERTY ADDRESS
GEMSTONE PROPERTIES INC
1325 S 2050 E
APPLE VALLEY

PROPERTY CLASSIFICATION	MARKET VALUE	TAXABLE VALUE
PRIMARY IMPROVED PROPERTY	776100	426855
NON-PRIMARY LAND	10300	10300

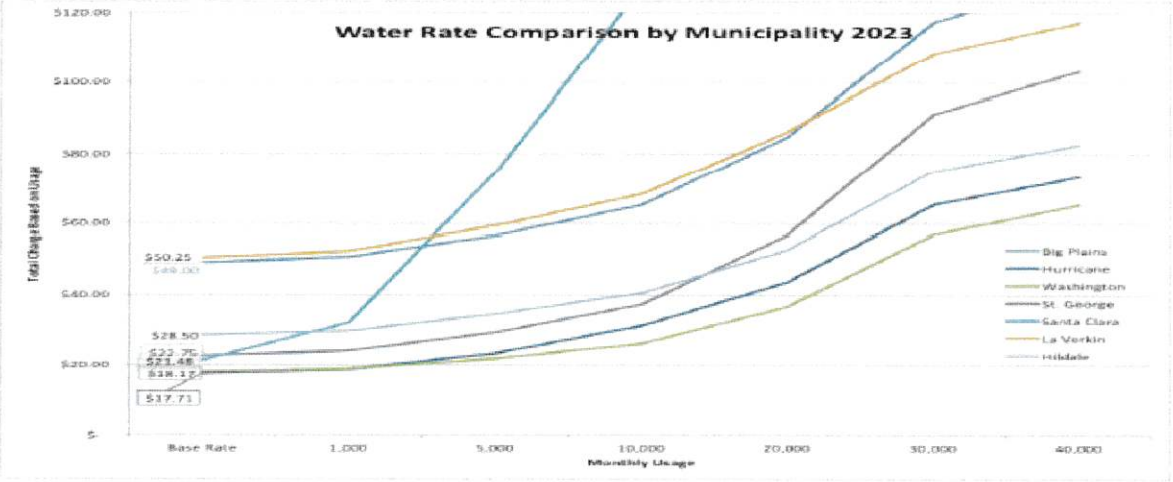
TAX LEVIED BY	TAX RATE	AMOUNT
COUNTY LIBRARY FUND	0.000170	74.32
WATER CONSERVANCY	0.000545	238.29
LOCAL ASSESS/COLL	0.000302	132.02
LOCAL SCHOOL FUND	0.004340	1897.25
STATE SCHOOL FUND	0.001661	726.11
COUNTY GENERAL FUND	0.000493	215.52
MULTI CO ASSESS/COLL	0.000012	5.25
MOSQUITO ABATEMENT	0.000030	13.11
COUNTY GO BOND	0.000058	25.35
APPLE VALLEY TOWN	0.001252	547.32
CHARTER SCHOOL FUND	0.000046	20.11
TOTAL LEVY RATE	0.008909	3894.61

TOTAL TAXES LEVIED	$3,894.61
ATTACHMENTS	
TAX RELIEF & CREDITS	
	$3,894.61
DELINQUENT TAXES AND OTHER CHARGES PAYMENT AMOUNTS GOOD THROUGH NOV 30,	

reflect online payments made after October 12

Water Rates in Washington County

- All these cities are served water from the Conservancy District



Conclusion on the Water District

- WE CANNOT AFFORD TO CONTINUE TO ALLOW OUR POLITICIANS (MAYORS) TO MAKE DECISIONS LIKE THEY HAVE THE LAST 11 YEARS, WHERE THEY HAVE:
- WAIVED MILLIONS IN IMPACT FEES.
- TRADED MILLIONS IN WATER BANK CASH FEES FOR PAPER WATER THAT WE DON'T NEED.
- TURNED WATER SHARES INTO A THRIVING BUSINESS FOR WATER SHARE SPECULATORS AT THE EXPENSE OF OUR WATER COMPANY.
- WE HAVE ALLOWED DEVELOPERS TO GIVE US WATER SHARES THAT ARE NOT OF THE QUALITY THAT THEY SHOULD BE AND MAY BE WORTHLESS.
- WE NEED OUR POLITICIANS OR SHOULD I CLARIFY, OUR MAYORS, OUT OF RUNNING OUR WATER.

Conclusion on the Water District Continued

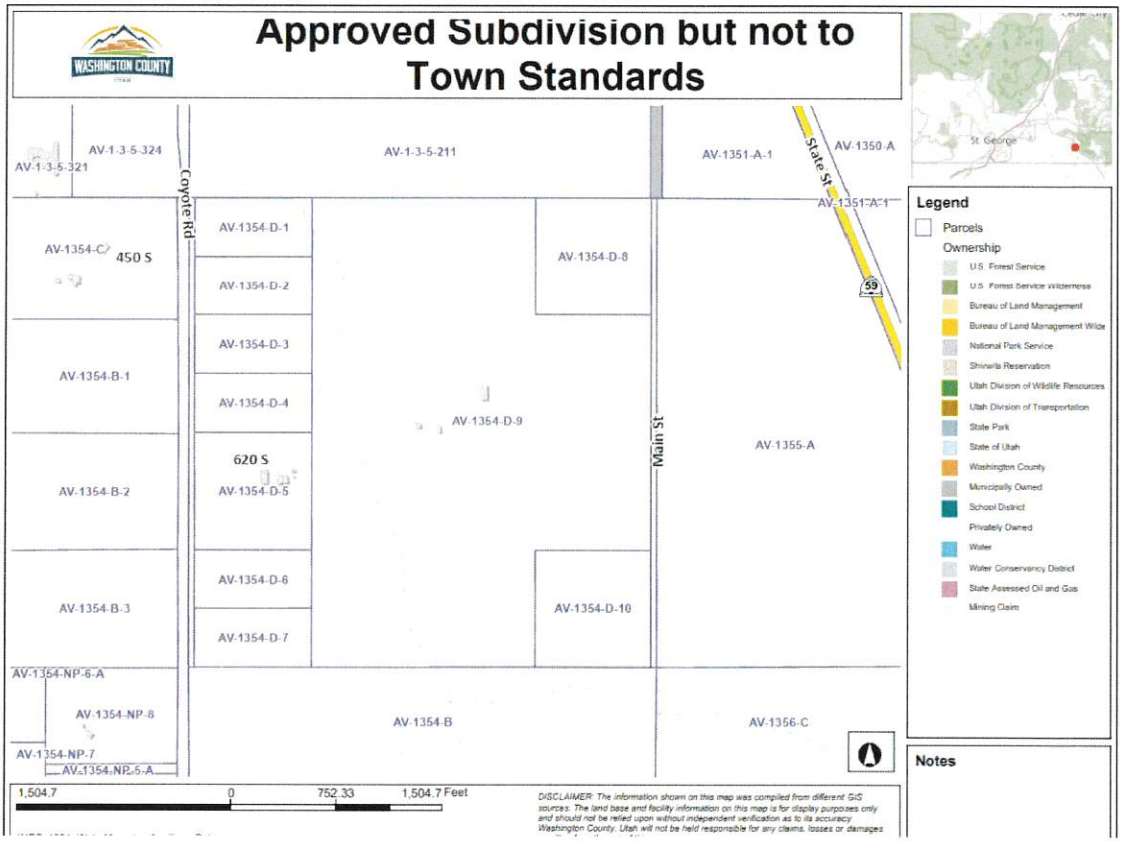
- WE NEED PROFESSIONALS TO RUN IT AND HELP SOLVE OUR PROBLEMS.
- WE CAN MOST CERTAINLY RUN OUR DISTRICT AND SOLVE ALL OUR WATER PROBLEMS AND GET GOOD PEOPLE TO RUN IT FOR US, IF WE HAD THE MONEY THAT WAS AND IS BEING GIVEN AWAY BY OUR MAYORS.
- WE NEED THE MONEY THE WCWCD TOOK FROM US, TO HELP FIX OUR PROBLEMS.
- IF WE CAN'T GET THE POLITICIANS AND MAYORS 100 % OUT OF RUNNING OUR WATER, WE NEED TO TURN IT OVER TO BE RUN BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT, THAT IS 100% RUN BY PROFESSIONALS, THAT WOULD NEVER IN A MILLION YEARS HAVE MADE ANY OF THE ABOVE MISTAKES.
- WE NEED IT TO BE A PERMANENT SOLUTION, NOT ONE WHERE IT CAN ALL BE TURNED BACK TO WHAT WE HAVE NOW, AT THE NEXT ELECTION OR NEXT APPOINTMENT.
- HOW WE DO THIS IS WHAT WE NEED TO FIND OUT.

Already Approved or Built Growth

New, Under Construction or subdivisions Created without some or all of the required improvements Subdivisions:

Project	Location	Approved Under	# of lots/Units
• Wells Estates	Off Rome Ave	Lisonbee	25 Lots
• Farrar	by Cedar Point	Lisonbee	9 Lots
• Hutchings Subdivision	Coyotee Rd	Lisonbee	10 Lots *
• Allred Subdivision	Coyotee/Little Creek	Lisonbee	5 Lots *
• Holm Subdivision	2000 South	Lisonbee	5 Lots *
• Mountain View Estates	Bubbling Wells	Lisonbee	6 Lots *
• **TOTAL**			**60 Lots**

*** Lot splits approved without any or most of the required subdivision improvements being installed.**


Approved Subdivision but not to Town Standards
WASHINGTON COUNTY
AV-1-3-5-324
AV-1-3-5-321
AV-1-3-5-211
AV-1351-A-1
AV-1350-A
AV-1351-A-1
State St
59
Coyote Rd
AV-1354-C
450 S
AV-1354-D-1
AV-1354-D-2
AV-1354-D-3
AV-1354-D-4
AV-1354-D-8
AV-1354-B-1
AV-1354-D-9
Main St
AV-1355-A
620 S
AV-1354-D-5
AV-1354-B-2
AV-1354-D-6
AV-1354-D-7
AV-1354-D-10
AV-1354-B-3
AV-1354-NP-6-A
AV-1354-NP-8
AV-1354-NP-7
AV-1354-NP-5-A
AV-1354-B
AV-1356-C
St. George
Legend
Parcels
Ownership
U.S. Forest Service
U.S. Forest Service Wilderness
Bureau of Land Management
Bureau of Land Management Wilde
National Park Service
Shivwits Reservation
Utah Division of Wildlife Resources
Utah Division of Transportation
State Park
State of Utah
Washington County
Municipally Owned
School District
Privately Owned
Water
Water Conservancy District
State Assessed Oil and Gas
Mining Claim
Notes
1,504.7
0
752.33
1,504.7 Feet
DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages

Why is an Unimproved Subdivision a Problem

- 1. Some of these lots have no water, power, phone, storm water detention or have cinders for road improvements (not approved).
- 2. Most of the lots have no road improvements in front of the lots or to the lots, as is required by fire code and Town Ordinances.
- 3. The Buyer of the lots will not be able to obtain a building permit.
- 4. Who will pay for improving the roads in front of these lots?
- 5. One of the developers attorney told me that they expect the Town to pay for the road improvements.
- Why should we the citizens of the town pay the $110,880 to improve just those sections of road to make them safe and to meet fire code.
- WHY DID WE ALLOW THEM TO SUBDIVIDE WITHOUT INSTALLING ANY IMPROVEMENTS?





Already Approved Growth

- **Subdivisions with Preliminary Plat approvals approved or pending:**

• Crimson Peaks (Desert Rose)	Off Rome Ave	268 Lots
• Mountain Valley Estates	By Canaan Mountain Estates	36 Lots
• West Temple	West of Bus Stop	167 Lots
• **TOTAL**		**471 Lots/Units**

We cannot deny any of these approvals because they already have their zoning changes that was approved mostly by the Lisonbee and Beddo administrations.

We expect all these subdivisions to be approved and under construction within the next 6 months.

Already Approved Growth

- **Properties with approved Zoning Changes**

Project	Location	Approved Under	# of lots/Units
• Jepson Canyon Commercial, Lodge, Cabins and Tents.		Mayor Lisonbee	100 Units+
• Jepson Canyon Homesites Across from Chevron		Mayor Lisonbee	352 Lots
• Redstone	Off East Main Street	Mayor Lisonbee	1,520 Lots
• Redstone Cabins	Off East Main Street	Mayor Lisonbee	400 Cabins
• Miles Mark	By water Tanks	Mayor Lisonbee	27 Lots
• Gateway North	On Main Street	Mayor Lisonbee	1 57 Lots
• Gooseberry Preserve	Gooseberry Mesa	Mayor Lisonbee	120 Units
• Gateway Commercial Cabins, Motel, Grocery Store	Main Street	Mayor Lisonbee	200 Units
• **TOTAL**			**2,876 Lots/Units**

- **TOTAL APPROVED LOTS/Units** (Complete, Under Construction, Preliminary Plat & Zoning Change) **3,407 LOTS/ Units**

- **WHY APPROVE ALL THESE ZONING CHANGES WHEN WE KNOW WE DON'T HAVE THE RESOURCES TO SUPPORT IT?**





TO HELP PREVENT MORE TOWN MISTAKES.

- **SHUMS CODA** as our Planning and Zoning Director to helps ensure developers follow our ordinances in getting all their approvals.
- **SHUMS CODA** as our Public Works Director, to ensures developers follows our ordinances with their constructions plans and ensure the construction of the subdivision gets inspected and built as per our Town Codes.
- **SHUMS CODA** as our Building Department manager/Inspector to ensures all the homes being built are safe and built to building code.
- How do we pay for these professionals?
- We are making the developers & builders pay all the cost, by paying this contracted professionals per lot or per home, not as employees of the Town. They only get paid when there is work for them to do.
- **THIS WILL ENSURE THE WHOLE DEVELOPMENT AND BUILDING PROCESS IS RUN BY PROFESSIONALS, NOT MAYORS, AND THAT WE DO NOT GET FURTHER IN DEBT** because developers will not be able to build incomplete subdivisions, that we the citizens of Apple Valley later end up paying to get finished or pay for unnecessary repairs.
- **Of course subject to the Mayor and Council will follow their advice.**

Pending Lawsuits

- **Notice of Claims**
  - ~~Knollwood RV Park — Lawyer Justin Heideman~~
  - Paul Cleverly — Lawyer Nathan Fisher
  - Gateway on Main St. Richard Wry — Lawyer Justin Heideman
  - Ladd McDonald — Lawyer Richard Allen
- **Lawsuits**
  - ~~David Zolg, Jr Old Fire chief — Eric Strindberg~~
  - Daniel Musser — Lawyer Justin Heideman
  - Bitter Bean Richard Fischer — Lawyer Justin Heideman
  - Canaan Mountain Estates Phase 2 Pat Melfi — Lawyer Justin Heideman
  - Desert Rose Richard Wry — Lawyer Justin Heideman

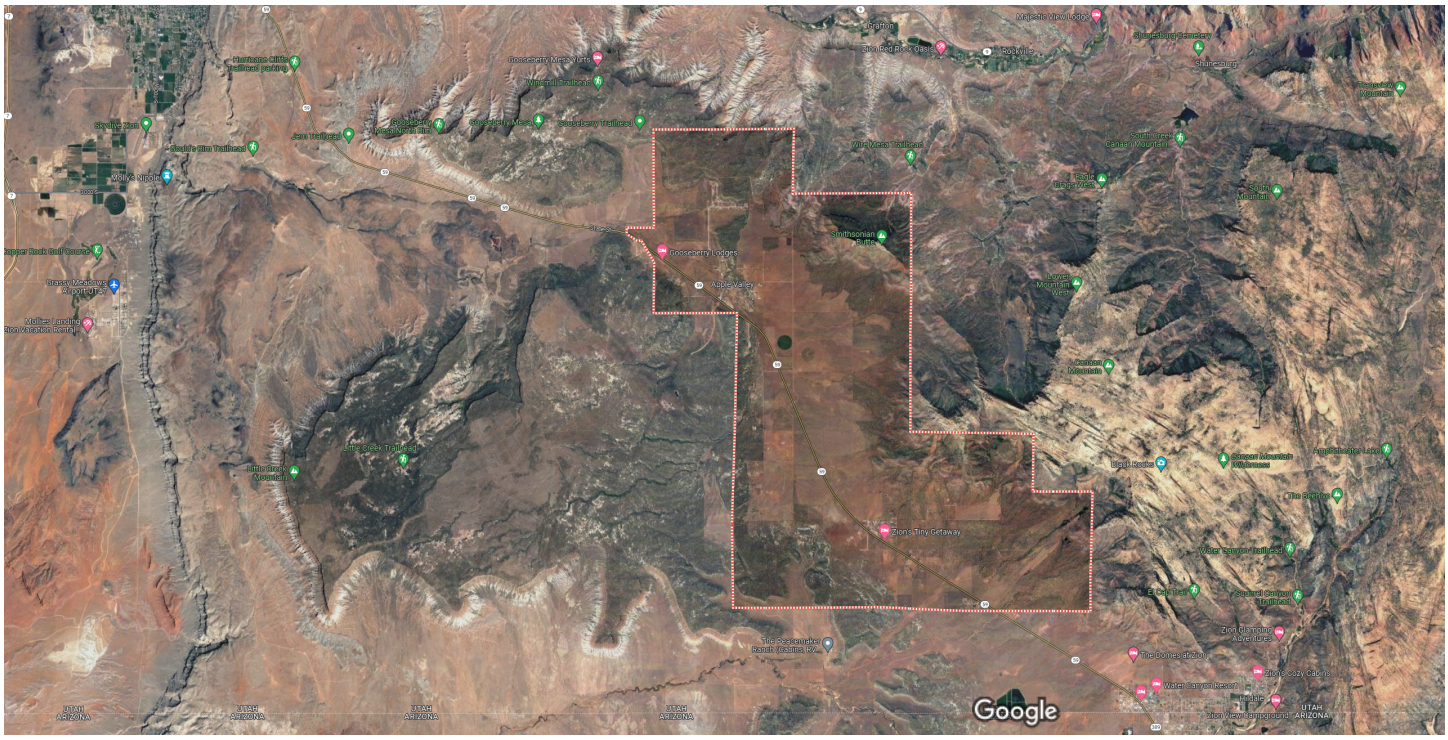
Who pays for lawsuits?

- The Town has a liability insurance policy through the League of Cities and Towns.
- On lawsuits pertaining to land use issues, we have no liability coverage.
- But they will cover legal costs up to $25,000 per lawsuit, with a maximum of $50,000 per year.
- So far the Town has not had to pay anything pertaining to lawsuits as none of the legal fees have not exceeded those amounts.

TIME TO HEAR FROM BARRATT NELSON

Attachment B - 1 page

Google Maps Apple Valley



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Apple Valley

Utah 84737

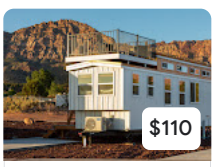
Sunny · 92°F
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Directions | Save | Nearby | Send to phone | Share

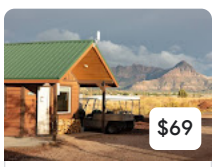
Quick facts

Apple Valley is a town in Washington County, Utah, United States, located 12 miles east of Hurricane along SR-59. The population was 701 at the 2010 c... More

Hotels



Zion's Tiny Getaway
4.7



Gooseberry Lodges
4.9



Desert
4.9