

**Minutes Of the Regular Meeting of The Mayor and Town Council  
Central Valley Town, Sevier County, Utah  
October 19, 2022**

A regular meeting of the Mayor and Town Council of Central Valley Town was held on Wednesday, October 19, 2022 at the Central Valley Town Hall, 50 West Center Street, Central Valley, Utah at the hour of 7:30 pm after due and timely notice had been provided pursuant to Section 52-4-6, UCA, 1953 as amended.

**MAYOR & COUNCIL MEMBERS PRESENT:**

Mayor Gary Barney, David Nielson, Susan Outzen, Charles Evans, Kody Winkel

**STAFF MEMBERS PRESENT:**

Treasurer: Shelley Brown

Clerk: Sheyenne Tenney

Maintenance: Joey Luna

**PUBLIC PRESENT:**

Terri Sorenson

**AGENDA:**

**1. Meeting called to order**

Mayor Barney welcomed those in attendance Mayor led The Pledge of Allegiance and the Invocation was offered by Charles Evans.

**2. Approval of Minutes: Date: September 21, 2022**

Kody Winkel made a motion to approve the minutes of September 21, 2022. Charles Evans second the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted aye; Charles Evans voted aye. Motion carried. Minutes of the September 21, 2022 Meeting were approved.

**3. Review and Approval of Monthly Expenditures: September**

The finances for September 2022 were reviewed by the town council. Susan Outzen made the motion to approve the monthly finances. Kody Winkel second the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted aye; Charles Evans voted aye. Motion carried. September 2022 finances were approved.

**4. Scott Thomsen: Halloween Display**

Mayor Barney explained to the council members how Scott Thomsen went to planning and zoning meeting last week to get approval from the town in case the town receives

any complaints about his Halloween display, decorations and show he put up in his yard. He has put a lot of work and time into it and enjoys doing it as a hobby. He does not plan on making money from it. It was decided he is allowed to put up a donation box if he chooses to do so.

Planning commission set some rules Mr. Thomsen agreed to follow:

1. The display will turn on at dark and be shut down each night by 9:30pm.
2. The night of Halloween he is allowed to keep it running until 11pm.
3. If traffic becomes a problem on the street, he will open the gate to his field, to the south of his home, where people can park.

Mr. Thomsen stated, since he borrowed a lot of the display, he will be taking it down as soon as Halloween is over.

**5. Discussion and Approval: Resolution 2022-003: Adoption of Central Valley Town Budget and Certified Tax Rate**

Sheyenne, Clerk, explained this resolution approves the adoption of the town budget. It summarizes the budget revenue and expenses planned out. It also, informs the public of the tax rate for Central Valley which has decreased from the previous year.

Susan Outzen made a motion to approve the resolution. Charles Evans second the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted aye; Charles Evans voted aye. Motion carried. Resolution 2022-003: Adoption of Central Valley Town Budget and Certified Tax Rate was passed and approved

**6. Discussion to Appoint and Approve Resolution 2022-004: Appoint a code/ Zoning Enforcement Officer for Central Valley Town**

David Nielson shared his opinion on this matter and stated he thinks the town needs to decide if they are even going to appoint someone; if they decide to appoint someone, who is it going to be. He expressed his concerns with the code enforcement officer they came up with last month saying that in Mr. Billingsley's procedures it allows him, on his own, to look for possible code violations. He believes the council and mayor are aggregating their responsibilities on to someone who the town would be paying just so the council and mayor will not have to feel bad about telling someone they are violating a code. The town has been very flexible with their nuisance ordinance up to this point and he thinks once you start enforcing the nuisance ordinances, you will be opening a can of worms the town does not want to open. The town has not had any major problems that they have not been able to handle up to this point, but he does know there are some problems out there currently that do need to be dealt with; he believes that the council was elected to handle these things and is very capable of handling them themselves; especially because the town does not have the budget for it.

Charles Evans agreed with David Nielson saying dealing with the nuisances themselves does put them in the hot seat but they have dealt with them before and have done alright.

Mayor Gary Barney explained the reason this was suggested to the town for adoption is so that the council could be the appeal board. If a complaint is filed with the town about

a nuisance or code being violated, if taken directly to the council for a decision, the resident needs to be able to appeal the decision if they do not agree with it.

Susan Outzen pointed out that unless Central Valley has an appeal process, we are not abiding by the legal rights of the citizens. All citizens or residents have a right to appeal but because the council and mayor have been making the decisions and signing the letters enforcing the codes and ordinances being violated, the town does not have an appeal process.

Sheyenne, Clerk, pointed out, the ones making the decisions cannot be the same ones who hear the appeal. She quoted pg. 185 out of the ULCT Powers and Duties handbook for municipal officials which references Utah Code 10-9a-7. It says "Whoever hears the appeal, whether it be a board like the planning commission or city council, it cannot be the same board, council, or person who made the decision which is being appealed."

Mayor Barney asked for a motion to pass this agenda item onto the next agenda for November. David Nielson made a motion to pass this item to the November agenda. Charles Evans second the motion. Voting: David Nielson voted aye; Susan Outzen voted no; Kody Winkel voted aye; Charles Evans voted aye. Voting was not unanimous; however, it was passed by voting of 3 to 1. Motion carried.

#### **7. Discussion and Approval of Resolution 2022-005: Appoint an Attorney for Central Valley Town**

Last month the town council discussed appointing Jared L. Peterson of Jared L. Peterson Attorney at Law, PLLC on an as-needed-basis for all legal matters the town has. The mayor visited with Jared Peterson prior to last month's meeting and they came to an agreement, if the council approved, that he would work and be paid hourly instead of being on a retainer. They also discussed reevaluating the compensation at the end of the Fiscal year, June 30, 2023. Mayor Barney brought the information back to the council and a motion was made to appoint Mr. Peterson as the town's attorney. Resolution 2022-005 was drafted for final approval and adoption.

David Nielson made a motion to approved the resolution. Susan Outzen second the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted aye; Charles Evans voted aye. Motion carried. Resolution 2022-005: Appoint an Attorney for Central Valley Town was approved and adopted.

#### **8. Discussion and Approval: Ordinance 2011-005 Amended October 2022.**

Mayor Barney explained this older ordinance was brought up for amending because it was a little out of date and lacking modern language. Central Utah Public Health department emailed central valley town suggesting we should update our smoking ordinance with a template we could use. Sheyenne, Clerk, used that template and the town's original ordinance to draft a new one. She then sent it to the town attorney for review. It is still being reviewed by the town attorney and the town council. Susan Outzen made a motion to pass this agenda item to the November meeting. David Nielson second the motion. Voting: David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted

aye; Charles Evans voted aye. Motion carried. Ordinance 2011-005 Amendment will be passed to the November agenda.

## **9. Department Concerns and Council Member Reports**

David: No report.

Susan: Planning commission dismissed 2 conditional use permits due to the persons unable to proceed with the business.

Public hearing held to inform citizens of commissions intent to update the current General Plan. They commission is now looking for a way to distribute surveys to receive information on the General Plan but are worried about how to receive the surveys back. Susan stated the last survey they sent out a few years ago, they only received 1/3 of them back and they want more feedback this time.

Kody: Joey will be taking the baseball net down tomorrow and are waiting a couple more weeks for a hard freeze before they close the park restrooms. Water fountain and sprinklers have been shut down for the season.

Charles: Water samples were sent in but has not heard back on the results; he and Joey worked on getting Ralph Brown's water meter installed last Friday and the pipe ended up bursting. They had to call in A&D Jensen's to help repair and finish up the job. They finished connecting the meter Monday this week. They are wanting to get Tony Manwell's water meter installed asap before snow falls and hopefully Dakota Jackman's up on Landslide Road installed as well, so they will not have to wait until spring. Mr. Jackman has not poured concrete yet, so they are waiting on that to happen which should be soon.

Mayor: reported the alarm system up at Meacham springs is having issues and was set off tonight which resulted in the cops showing up at his home. He would like to have a training for everyone who uses a key fob so they can prevent this from happening as often as it has been in the past couple months. Susan Outzen has agreed to help with the alarm system activations by taking over the monitoring app to help reduce the chance of the cops showing up; the posts are in on the east side of Charlies property/ west side of the town's property so the fence should be going in soon. The fence will weave through the trees making it less than straight; Backhoe has been repaired and in the future the town will use Wheelers for any backhoe repairs required; South Sevier High School Booster Club is asking for donations from the town; There is a veteran's banquet October 20<sup>th</sup> at 7pm, all veterans are asked to attend because it will be very informative and full of new options; the town received a letter from two citizens, who attended September's Town Council Meeting, expressing their appreciation for the council and the mayor and were impressed with how the matters on the agenda were handled; the catholic church

across the highway from central valley's town boundaries will be approaching the town at a town council meeting soon to discuss being annexed because they need to hook on to the town's water system since their well water isn't good anymore.

Sheyenne: reported on the Utah Municipal Clerk Association Conference she attended last month in Logan, UT. She stated it was very good and even though she did not learn a lot specific to clerk duties it was a very great conference full of awesome speakers; motivational and inspirational. She did get to attend two classes that were educational for her clerk duties. She spoke to a lot of vendors and was able to earn Certified Municipal Clerk Points that can go toward receiving a Certificate if she continues to work towards it for 3-4 years.

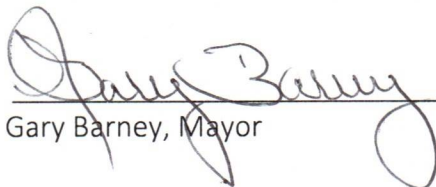
#### 10. Adjournment

David Nielson made a motion to adjourn. Charles Evans second the motion. David Nielson voted aye; Susan Outzen voted aye; Kody Winkel voted aye; Charles Evans voted aye. Motion Carried. Meeting Adjourned.

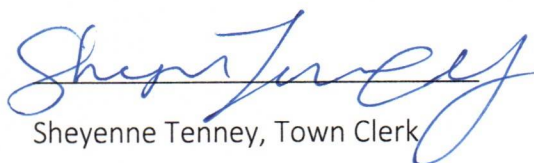
Next town council meeting: November 16, 2022 @ 7:30pm

Minutes prepared by Town Clerk, Sheyenne Tenney.

Approved: November 16, 2022

  
Gary Barney, Mayor

Attest:

  
Sheyenne Tenney, Town Clerk

