

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Town Clerk Michelle Kinney
Town Attorney Shawn Guzman
Attorney Bryan Pattison
County Attorney Eric Clarke
County Community Development Director Scott Messel

PUBLIC HEARING

Mayor explains the process for the hearing. He asks that everyone who would like to speak fill out a slip of paper that will be put in a box so names will be drawn randomly. He asks that comments stay close to 3 minutes.

PETITIONED TOWN DISCONNECT HEARING CONSISTING OF T43S R11W SECTIONS 10, 11, 12, 13, 14, 15, 22, 23, 24 AND T43S R10W SECTIONS 18 AND 19

MAYOR OPENS THE HEARING FOR PUBLIC COMMENTS

Joan Dinneen is listed on the disconnect petition as one of the contacts, the mayor gives her the opportunity to speak first.

Joan Dinneen- She begins by expressing her opinion about the SSD disbandment, increasing taxes, pipeline disbandment and that the town council doesn't hear the residents and look out for everyone. She believes Washington County provides all of the services on the East side of town. The town has intruded on the SSD and she believes the council will remove all of the board and other employees of the SSD. She discusses the FEMA grant. She feels that the items she is talking about benefit the Mayor personally and not the town as a whole. The \$10.00 a month drainage fee that she feels should be used to clean the ditches and debris has not been used at all instead sits in an account. She speaks to the 2 million dollar drainage plan that is planned. She talks about a storage tank in Cedar Point for the Canaan Springs. Well 59 serves the entire Cedar Point area. The district regularly receives complaints about the cleanliness of the water in Cedar point and she would like to see the springs used to feed water to the area. We

currently have professionals in the water district. The Disconnect Citizens recognize water is the lifeblood of any community. We ask the Town council to rescind the SSD take over quickly. And that the area of disconnect be returned to the county as she states they already receive the majority of services from the county. She would like the county to fully maintain and repair the roads that the town has not touched. She then invites Ross Gregerson to speak.

Ross Gregerson- This disconnect will help remove him from the troubles, contentions, and false accusations that he feels are disseminated by the mayor. He has no interest in paying for services that he doesn't receive in his area. He doesn't like the flood plans that will address issues only within the area the mayor lives. He addresses the issues with the SSD that he doesn't like. He feels that water quality is safe and reliable and he doesn't like that the mayor threatened to remove employees and volunteers of the district and did remove the bookkeeper. He suggests that the mayor denied the SSD access to their accounting program and meddled in the pipeline funding process. As per the SSD Manual, all money within SSD should be deposited within the SSD account. Currently the money is deposited in the town account and trickles down to the SSD account and he suggests the District has no way to verify the money is reaching their account or being handled appropriately. He welcomes an audit of the town and the SSD. He submits his comments into public record.

Mayor Lisonbee responds to the comments of Ross Gregerson- the Mayors home has retention basins on the property, they retain their water and the flooding has nothing to do with his property. The Canaan area and the Apple Valley Chevron areas have issues and we are trying to take all of this into consideration as we address these problems.

He addresses the issues mentioned with the SSD. The state auditor's office contacted the town and mentioned issues about the co-mingling of funds and issues with the town of nepotism. This was brought up because the town was turned in for having the mayor's wife helping the town while between accountants. Ben is the bookkeeper for the town and in March he set up a meeting with the state auditor's office to find out about best practices for our situation. He was told that the town collecting this money was fine and for efficiency they felt this was the best way to handle it. The mayor mentions that the town created the district so it's the town's district. The mayoral oversight of SSD is not a new concept and we are there to look out for the town. The money saved can then be put toward other projects. By working together we have been able to reduce the operating cost of the district by 86 thousand dollars. Coyote doesn't even have water lines for fire protection. He mentions that the district saving money is important because the town has areas that need water lines and saving money will allow the district to one day provide the service to these areas that they need.

Ross Gregerson- asks how the town saved the district 86 thousand dollars. The Mayor responds by saying that the money the district would have spent on their bookkeeper is still in the account because Ben is doing the bookkeeping at no cost to the district. He explains that the average amount they paid their bookkeeper in October, November and December times 12 is being used to come up with her wages in addition to an estimated cost for stamps, and other office related expenses.

Marcelle Irrebarren- Asks who owns the water district.

Ross Gregerson mentions that the town created the SSD but operates separate from the town. He feels the town wants to treat the SSD like an arm of the town.

Jay Kleinfeldt-Jay is angry that this has turned into an argument between the town and the water board. As a cedar point resident he is opposed to this effort to disconnect and separate our community. Splitting the town will not create the desired results. If this is successful it will lower property values and have long lasting negative effects on our future. While other parts of the county grow and prosper we would be another unincorporated community low on the list for the County. This will not achieve the goals they want. He urges that the petition be rejected. He submits his full written statement.

Frank Lindhardt- He lives in the disconnect area. He is a developer and builder. He has no plans of developing in Apple Valley. He was born and raised in the Denmark, worked in Russia. He was raised under socialism and worked under communism. He was happy to move here where we live in a republic that contains checks and balances. County ordinances and town ordinances are almost identical. He believes the reason for this disconnect petition is because some people are upset with the town council or the town. He urges people who are unhappy with how things are being run to volunteer, run for office, or attend the meetings and let your voice be heard. Many of these people don't attend meetings. We have elected these folks, if you are unhappy with them vote. He urges the council to vote no to the disconnect petition.

Harold Merritt- The separation from the town would not separate the service district. And things would continue as they are now. Who owns the services district is owned by the town citizens. The boundaries of the district do not necessarily have to be the same as the town.

Tish Lisonbee- She has lived here 27 years and all 3 homes she has owned have flooded. She has lived through 4 disconnect petitions. She lived here when this area was in the county. They had absolutely no voice. The Sherriff works for us under an MOU. We pay them for coming out here. That is a service we get. She disagrees that a few people are making this decision for the rest of us. We either cease to exist as a town or our taxes go up 40 %. She urges the council to vote no.

Annette Fallentine- She has lived here for 9 years and pleads that the council save our town. We love it here with the rights we have we already lived in the county we don't want to do that again. We have services now that the county won't provide and the town will cease to exist. Our water is a precious commodity. She warns that if we are not a town then Hurricane would love to take our water. We have a fire department its volunteer. If you think this is all terrible sale your house and move out. She would like to see the SSD, Fire Department and the Town Council to work together. Save our town and Vote NO!

Forrest Kuehne-He would like to see the figures for the 50% of owners that is required for the

disconnect petition; the mayor mentions that this is part of public record and available. He donates the rest of his time to **Harold Merritt**-The pipeline from Canaan is still underway and will go to Cedar Point. We hope to get another 150,000 gallon tank here on the hill for culinary and fire protection. The district operates 3 separate systems. The mayor asks Mr. Merritt to wrap up as his comments are not disconnect related.

Jared McGreggor-He moved here a year ago and lives in Cedar Point. He owns the tiny home business. They were forced to do their business in a certain way. He just wants to run his tiny home nightly rental business. He feels they have been harassed for the last 2 years. It's not just one person in the governing body but the entire body. They are trying to push rules and regulations for landscaping that don't make sense for the project. He feels that there is corruption within the city and would like to disconnect. He says they followed all the plans and rules.

Roland Hall- Not a resident but owns property here. In 1944 he came and harvested wheat right here where the fire department sits. He is a long standing land owner in Apple Valley. He would like to see the town stay together.

Rich Kopp- He came here from a big city. With big county and cities you see big bills. He mentioned doing the leg work to know what the rules are when you move in. He would like to see the town come together and make things fair for everyone. The ordinances are to help protect the residents. The council and the mayor are trying to help individuals. He would like to see the disconnect petitioners come to meetings.

Pat Baker- has concerns with the way the town is moving and supports the disconnect petition. He feels the mayor yells and screams at people. He feels there are political lies going on. Water should not be political, He mentions the 65 years of experience the members of the water board have and compares it to how much experience the council members have. He isn't sure if he should support the disconnect petition but because of the issues over the past few months he thinks he should. It won't cost the county anything to pull the disconnect area into the county. We need to do what is right and he doesn't feel the council will do that. We have a drainage funds that have been collected for years now, let's dip into that fund and fix the drainage issues. He supports the disconnect petition.

Russ Volk- He opposes any effort to disconnect. He is grateful for those who are willing to step up and serve or run for office. Come to the meetings and express your view point. He encourages those who are unhappy to run for office. Many of people on the petition don't reside in Apple Valley but want to determine the outcome for those who do live here.

Susan Walsh- She believes developers want the disconnect area to leave the town in an effort to line their pockets. How much money it will cost every one of us if we disconnect. She cites the ordinance that requires the land owners within the disconnect area to pay thousands of dollars in code 10-2-506 "Taxes to meet municipal obligations". She respectfully asks the council to vote

no to the disconnect petition.

Nancy Batty- She was in the county when they built their house and she remembers being told then by the county not to expect any services. The county never stood behind them when they ran into issues. All small towns have growing pains. Codes and ordinances are in place to keep order in the community. We need to avoid special interest and work together as a town as we work to grow. Flash flooding in a desert is a fact of life. She is against the disconnect petition and would like us to come together.

Margie Ososki- She would like someone to explain why they want to disconnect other than the conflict between the town council and the water board.

Walter Jose- He could canoe when we have a major rain and it has been this way for as long as he can remember. Marty building his home has nothing to do with the flooding. It is the same houses that are being flooded that were being flooded 20 years ago.

Marcelle Irrebarren- She doesn't like all the arguing and is wondering if this is about water or the town. She mentions that everyone in town has flooding problems. She cleans her own ditch. She would like to see us as a community helping one another as the town of Apple Valley.

The Mayor speaks to the drainage- that is why we are trying to get as much money as possible so we can fix as much as possible. He mentions the process we are in right now to get a grant so we can leverage the money we have for more projects. He stopped the \$172,000 loan so we could do more for less. The studies will give the modeling diagrams to help bring an understanding of what needs to happen in many areas within the town limits.

Joan Dineen asks for the FEMA map. But the map hasn't been completed. She asks about the drainage funds that have been stored. She would like to see the money be used to clean ditches.

Mayor Lisonbee- The \$10 that has been collected hasn't been collected to clean ditches. This money is for capital improvements so the town saves the money until we have enough for drainage projects.

Peggy Mammen- She is against the disconnect petition. She believes there is a developer that has pitted us against one another. The purpose of this disconnect is to help the developer not us as residents.

Alan Angel- He mentions that Marty is being blamed for the flooding and he mentions that he was blamed for all the flooding as well. He mentions that the \$10.00 a month (or \$120 a year) wouldn't be enough money to clean out all the ditches in town. It would cost more than \$120.00. He likes the idea for long term planning. He believes that the laundry list of reasons for the disconnect petition won't be changed by going to the county. He hopes the council votes no.

Coleen Kuehne- She suggests that those who want to leave disconnect and leave everyone else alone. This way the large land owners can go. The disconnect people should rethink the map and leave all those who want to stay.

MAYOR CLOSSES PUBLIC COMMENT

Councilmember McLaughlin addresses the issues with the SSD. This is not about getting rid of people. Before Mayor Campbell resigned the SSD didn't like that they had a member of the council and mayor on the board. He doesn't understand why the SSD wanted to disconnect from the town. If you take the mayor and the council member out of the SSD then the people of this town have less say. The council is open to creating an inter-local agreement but we haven't had cooperation from the district in order to do so.

Councilmember Edwardson- He addresses the comments made about "council corruption". He was appointed to this position. This is a hard place to be. The planning commission has been working hard to work on issues with ordinances. People must follow the rules. If you want to build this town you have to follow the plans that are approved. The council expects projects to be finished according to the approved plans.

Mayor Lisonbee- Mentions that we need to follow the ordinances but we can change certain things. The mayor invites people to help the town by volunteering and maybe even helping on the Planning Commission. Many of our ordinances are similar to the county. He would like to have an open dialogue to fix any issues you see. When he went to the disconnect meeting in January people mentioned things they wanted fixed and he has worked on many of those things.

Brad Mammen- What is the process for the disconnect petition.

They mayor discusses the guidelines for disconnect. The town council will vote to approve or disapprove the disconnect petition. Then disconnect people can take us to court if they would like to pursue it. The Attorney mentions that the council can make a determination within 45 days but it doesn't have to be a vote. It doesn't have to go to court, that is only if the petitioner or the County wants to appeal the decision made by the council. If it goes to court it is a very high burden on the petitioner. The petitioner has a burden for legal costs but there would be a determination made on that.

MacNamara- Requests that the community is notified of the outcome. He mentions this will help with the gossip at the Chevron.

ADJOURNMENT

- MOTION:** Councilmember Kopp moves to adjourn tonight’s special meeting
- SECOND:** Councilmember Edwardsen
- VOTE:**
 - Councilmember Kopp - Aye
 - Councilmember Bass- Aye
 - Councilmember Edwardsen Aye
 - Mayor Lisonbee – Aye
 - Councilmember McLaughlin Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 8:07 p.m.

Date approved: 12-4-19



Marty Lisonbee, Mayor

ATTEST BY: Bruce Bell