

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and leading in the Pledge of Allegiance.

PRESENT

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

Town Deputy Clerk Ben Billingsley

Mayor's Town Update

The Main Street realignment will be staked on February 6. UDOT would like to contract part of the work out for bid no later than June.

Declaration of Conflicts of Interest

No conflicts of interest declared

CONSENT AGENDA

Councilmember Bass had a few questions about the expenditure report including cash paid to Sunrise Engineering and Fuel Costs for the road repairs. The mayor approved a budget of a thousand dollars to haul cinders to coyote road.

Mayor Lisonbee mentioned that there will be some expenses associated with the donated water tender truck, and to better understand how much it will cost to get it operational. The transportation cost on the truck was \$600, and there will some diagnostics costs that need to be added to the budget for next year.

- A. Approval of Minutes for 12.18.2019**
- B. Approval of December 2019 Expenditure Report**
- C. Approval of December Monthly Operational Budget Update**
- D. Approval of Quarterly Financial Presentation Oct-Dec 2019**

MOTION: Councilmember Bass moves to approve the minutes for 12.18.2019 as written.

SECOND: Councilmember Kopp
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Abstain
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

MOTION: Councilmember Kopp moves to approve the remaining items on the consent agenda, items B, C, and D.

SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

DISCUSSION AND ACTION

1. Consider approval of Appointment of Code Enforcement Officer Resolution R-2020-04

Mayor Lisonbee questions if a resume was included with the packet, which it was not. Discussed that many of the council members have not met him, and he was not present at tonight's meeting.

MOTION: Councilmember Bass moves to Table the Resolution R-2020-04 for further review.
SECOND: Councilmember Edwardsen
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

2. Consider approval of adoption of International Building Code and Building Valuation Resolution R-2020-05

Mayor Lisonbee summarizes the resolution as written and that by adopting this resolution the new building code valuations we will be using the most recent building valuations for home permitting.

With the FEMA application we receive credit for adopting the latest building code.

Frank Lindhardt states he believes the tables for Apple Valley are higher than other local

municipalities.

Tish Lisonbee asks if this is retroactive for permits already issued. Shawn Guzman clarified that all permits completed are vested under the prior valuation.

MOTION: Councilmember Kopp moves to adopt the international building code and building variation resolution R-2020-05.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

3. Public hearing and consideration of application for funding assistance from Community Impact Board for FEMA Pre-Disaster Mitigation Application

Mayor Lisonbee explains that the FEMA application for storm water flooding problems. Engineering has been doing the study of the storm water system, and we are not at the point that we can better understand what we are going to do about it. If the Town wants to move forward with the FEMA grant, they have to analyze the cost benefit of the costs of what we are asking for from FEMA. Sunrise has estimated the cost to do the study at \$30,000. We are applying for a \$40,000 CIB loan/grant to complete the FEMA grant application. The alternative is to not do anything, and wait until we have cash to do work as we can. There is a chance that we submit the application and we don't get anything out of it. If a \$2MM grant from FEMA is awarded, it is a 75/25 grant/match. Due to the recent RCAC study, it could end up that we would qualify for a 90/10 grant match. One of the biggest problems is the septic fields that end up under water during the flooding season.

Councilmember Bass asks if the Army Corps of Engineers are responsible for mitigating damage from the wash. Mayor Lisonbee clarifies that while they approve any work that is done in the wash, they are not responsible for what happens in the wash.

Councilmember Kopp asks what the prioritization is with CIB. Mayor Lisonbee explains that this project was second on the 5 County list last year, but this application specifically is a staff approved 50/50 application grant match.

Councilmember Edwardsen asks for clarification on the study and the application. Mayor Lisonbee clarifies that the study is the data collection and compilation process. The application process is for the FEMA grant preparation. He also explains that today's approval is only for the application to FEMA.

MAYOR LISONBEE OPENS THE PUBLIC COMMENT.

Janet Prentice states that the flooding on Mt Zion Drive did not happen until the retention ponds were removed from John Peay's property along his fence line. Mayor Lisonbee clarifies that there was only a ditch in place there. Janet states that the retention pond was there 20 years ago and worked very well.

Tish Lisonbee states she has lived on Mt Zion Drive for 27 years and has had septic underwater every year. She states that Janet is up on the hill and not impacted by the flooding on the lower area. Tish states that the moisture level increased after John filled in the ditch. Mayor Lisonbee states that the ground increases in elevation across John Peay's property, and while a ditch may hold some water, it will not flow.

Pam Quayle asks how much funding FEMA puts out for these kinds of projects, and asks if we are competing with the whole country. Mayor Lisonbee explains that FEMA had \$400MM set aside last year for pre-mitigation. He also explains that Sunrise Engineering has successfully completed a FEMA grant application, and that they are fairly confident (50-60%) that we will be awarded. He also points out that we are a smaller community and therefore don't have the budget to address these type of issues without help. He thinks this will work in our favor.

Sharon Zaharias asks if this is a one-time shot application. Mayor Lisonbee explains that we can apply in future years if we don't get it this year.

Margaret Ososki asks what areas of town this mitigation will affect. Mayor Lisonbee states that we haven't identified every area that could be impacted, but Apple Valley Drive is one example that could be used for these funds. She also asks if this area is in a flood area, Mayor Lisonbee explains that the FEMA map pretty much follows the highway and the wash. He states that we have requested that the Mt Zion Drive area be included in the flood plain, but that hasn't happened yet. She says when a house goes for sale and flooding problems have been disclosed the owner should be responsible for the damage. Mayor Lisonbee isn't sure that flooding has to be disclosed if it is yard flooding and not house flooding, which can encompass septic systems.

Councilmember McLaughlin also clarifies that this is taking care of issues that could be the legal responsibility of the Town. And by being proactive and fixing these lingering issues we could be preventing future liability.

Mayor Lisonbee states that the flooding is so bad that the Kingsley's had a car that was carried into the wash during a heavy rainstorm. Mayor Lisonbee states that we as a city need to take the funding of the city and prioritize funds. He says that flooding is a more important issue than the gateway project.

Councilmember Kopp asks if it could cost the Town more in legal fees if we don't fix the issues. Mayor Lisonbee states he isn't sure if we're that exposed. Shawn Guzman states that even if the Town doesn't believe we have liability, anyone who feels the Town is at fault, anybody can sue the Town, and defending ourselves still costs money.

Rich Ososki states that with vacant properties that could be built on increase the likelihood of flooding in that area.

Frank Lindhardt states that he drafted a proposal that anyone who built a new house to retain their own water on their property like they do in subdivisions and this would mitigate future flooding problems.

Margaret Ososki asks if John Peay would sell the property to build a retention basin like they do in Las Vegas. Mayor Lisonbee states that he had a short conversation with him about this, and it was a short conversation. He states that where you need a detention basin is actually behind John Peay's property. Mayor Lisonbee likes the idea of a detention basin where the sediments drop and you can clean out a couple times per year, then it continues down the drainage system.

MAYOR LISONBEE CLOSES PUBLIC COMMENT

Mayor Lisonbee asks the Council how they feel about applying for this FEMA pre-mitigation grant.

Councilman Bass and Edwardsen state that they are more comfortable with the application since it can be resubmitted in future years if not done this year.

MOTION: Councilmember Edwardsen moves to approve the application for funding assistance from the Community Impact Board for the FEMA pre-mitigation application

SECOND: Councilmember McLaughlin

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

Motion carries

4. Consider approval of lot line adjustment on AV-1338-H-1 – Applicant Robert Campbell. Planning Commission Recommended 5/0

Mayor Lisonbee explains that the Campbell's are increasing the frontage of their

property and asks the applicant if it has closed yet. Robert Campbell responds that it has closed pending final approval.

MOTION: Councilmember Kopp moves to approve the lot line adjustment on AV-1338-H-1 for Fresh Curb Appeal.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee	Aye

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp- Tish reports that we had the pet clinic and a lot of dogs got shots, a lot of licenses were issues and no dogs peed on the carpet, so the event was a huge success. The next event will be Easter. Mayor Lisonbee asks Fire Chief if he has a Chili Cook-Off date yet, and he said not yet, usually mid-April.

Planning Commission –Michael McLaughlin/Janet Prentice – Nothing to report

Fire Department – Chief Dave Zolg, Jr – 7 firefighters attended winter fire school. Burn season starts March 1. Chief Zolg will be absent next week for certification training at UVU. They are also working with Hildale to do a red card training class, and he will be holding a CPR class for his firefighters.

Big Plains Water and Sewer SSD – Denny Bass – Well 59 work is completed but a fence needs to be installed. Jepson and Cooke Well is pending the Water Board meeting later this month to use the Well 59 funds for use on these Wells improvements. Engineer Mills is working on a summary of water rights reporting. The Gooseberry Preserve project is still active and they are responsible for the engineering on that project. He also reports on the Canaan Springs repair will be 100% grant for the repairs. The Wilderness Alliance is working with the district to allow equipment on the mountain for repairs.

Code Enforcement –Rich Ososki/Paul Edwardsen – Rich reports that dog licenses also confirm that the dogs have had shots so it protects the community as well. We take animal control very serious. He also states that people are only allowed 2 horses per acre with the code as its written; if you have horses you can't have a dog. He also reports that he has been following up with business licenses.

Roads and Storm Drainage – Marty expresses his appreciation to Denny for working on

the roads. Denny Bass states that Jerry is out grooming the roads.

Jarry Zaharias is concerned about the roundabout as you come into Cedar Point with water overflowing on the road with freezing temperatures it could cause the road to buckle. Denny Bass explains that Jerry Eves is supposed to control the pump on the water feature in the roundabout. Rich Kopp says that he will adjust the float on that.

Mosquito Abatement – Margaret Ososki – Nothing to report.

Council -

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Tish Lisonbee, she has done some research on the animal ordinances and we are one of the few places in the county that allow horses. Three horses per acre have been allowed for decades. She requests that the Planning Commission address this. Planning Commission Chairperson Prentice mentions it is on the calendar.

Pam Quayle says that she has neighbors next to her with horses and they stink terrible because the owner doesn't take care of their area. Allowing three will only make the smell worst.

Rich Kopp states that domestic animals are not included in the point system.

Shawn Guzman states that not cleaning up after their animals are a nuisance and the Town can take action as a nuisance. Shawn recommends that Code Enforcement connects with Rachel on these issues.

Margaret Ososki states that if you don't clean up after horses in the summer every day, it does stink. She doesn't think our code is inadequate. She feels like 2 horses is enough since most people keep horses in a 12'x24' or 24'x24' area. She says the person next to Pam never clean their stalls with 6 horses on an acre.

Rich Ososki states the he tried to write up a violation notice on an individual for a vehicle parked in the street with a truck and trailer. He says that he wasn't able to find a code in the Town books that restrict street parking. He understands there are circumstances when this is necessary. He encourages the planning commission to look into adding code for this.

MAYOR CLOSSES PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION- did not have a closed session.

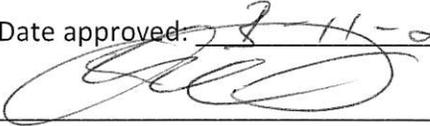
ADJOURNMENT

MOTION: Councilmember Kopp moves to adjourn tonight’s meeting
SECOND: Councilmember Bass
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 7:29 p.m.

Date approved: 2-11-2020



Marty Lisonbee, Mayor

ATTEST BY: Ben Bell
