

## 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 Paul Edwardsen  
Councilmember Michael McLaughlin

Deputy Clerk Ben Billingsley  
Shawn Guzman

### Mayor's Town Update Declaration of Conflicts of Interest

None Declared

## CONSENT AGENDA

- A. Approval of March 2020 Expenditure Report
- B. Approval of March 2020 Monthly Operational Budget Update
- C. Approval of Minutes for March 4, 2020

**MOTION:** Councilmember Kopp moves to approve all items as listed on the consent calendar.

**SECOND:** Councilmember Edwardsen

<b>VOTE:</b> Councilmember Kopp	Aye
Councilmember Bass	Aye
Councilmember Edwardsen	Aye
Mayor Lisonbee	Aye
Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

## DISCUSSION AND ACTION

1. Discussion and possible action on zone change application for AV-1335 from Commercial C-2 to Recreational Vehicle Park Zone. Application Aaron Stout. Planning Commission recommended denial 5/0. Ordinance 0-2020-04

Mayor Lisonbee moves to table this item to a later in the meeting.

## **2. Discussion and action on Tentative Fiscal Year 2020-21 Budget**

Ben presents a summary of the tentative budget. This is a legislative requirement as round one for the budget process. This gives a budget for the public to review. For the current budget year we are well positioned. We are spending less than budgeted. We will be able to contribute to the fund balance this year about 20-25 thousand dollars. A few projects in process are the storm water study and the impact fee facilities plan and the park bathrooms. The mayoral salary allocation has not been used yet either. That may carry over to next year. Property and sales tax are under half of the total revenue for the year. The inter-local agreement with Big Plains is shown at \$30,000 for revenue for the upcoming year. MOU with the Washington County Sheriff's office is being put together for law enforcement. He touches on the needs of the fire department and roads.

Mayor states the road capital outlay could be used to pave the road out to Gooseberry instead of replacing existing chip seal. Cedar point also needs some cracks sealed. He also mentions hiring someone to clean ditches so we can keep them flowing as they should.

Mike Beals states that the developer should be responsible to maintain roads in Cedar Point. The mayor explains that those roads have been dedicated to the town and are now the responsibility of the town. Discussion occurs between Mike Beals, Alan Krugal, and Shawn Guzman regarding cost of road maintenance in Subdivisions.

Chief Zolg addresses the council about the old Type 6 engine. The old type 6 engine was overweight rating by about 800 pounds. There was a loan on this engine and the Rescue 1 Engine. When Mayor Campbell was elected they started the process for a loan/grant for a type 3 engine. Chief put together a plan trying to get a CIB grant. Chief worked out a deal with Ford to trade in the unqualified type 6 engine. He traded in the F150 brush engine, which paid off the rescue and put a down payment on the new Type 6 engine. 2 Years were added to the existing loan. The fire department did the work to build the new Type 6 engine. This engine provides our area with a qualified engine initial attack engine. It is the only 4 wheel drive engine we have. It was after all this that the type 3 engine was pulled from the grant list and that stopped us on the backup engine.

In the last year, there was only 1 fire within the county that could have been dispatched. The fire warden wanted the Fire Chief to let everyone know that FEPP truck are the counties trucks, no the Town's. He's trying to find used equipment to outfit the hummer. The Type 6 engine is the only certified engine that protects the

Town from being charged for support provided by other fire departments. Our ISO rating is dependent on our engines. The Type 6 engine has been called out on multiple incidents and has saved lives and property.

Councilmember Edwardsen agrees with Chief that we need a good fire truck. He did not realize that without a backup engine such as the Type 3 the Type 6 cannot be sent out.

Councilmember McLaughlin remembers when Chief addressed the council regarding the revenue from the Type 6, mentioning that it was conditional on the Type 3.

The mayor addressed the Fire Chief that the council does not intent to sell the Type 6 engine. He also feels that the Type 3 engine is more important to the community than a structure engine.

Councilmember Edwardsen states he was misinformed thinking that the equipment could have been put on the Humvee. He apologizes for the misunderstanding.

Joan Dinneen asks why the Type 3 grant fell apart. Chief states that he felt the timing was bad after the town had raised taxes.

Tish Lisonbee asks what the difference is between a Type 3 and type 6 Truck. A Type 6 Engine holds over 500 gallons of water. The Type 3 engines hold 750 gallons of water and can also assist on structural fires.

<b>MOTION:</b>	Councilmember Edwardsen moves to approve the tentative budget for 2021.	
<b>SECOND:</b>	Councilmember Kopp	
<b>VOTE:</b>	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

### 3. Discussion and possible action on Town Lighting Ordinance O-2020-05

Mayor explains that the Ordinance was passed in a previous meeting but we didn't have the ordinance ready. Today they are passing the Ordinance.

<b>MOTION:</b>	Councilmember Edwardsen moves to approve town ordinance O-2020-05	
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**SECOND:** Councilmember McLaughlin  
**VOTE:** Councilmember Kopp Aye  
Councilmember Bass Aye  
Councilmember Edwardsen Aye  
Mayor Lisonbee Aye  
Councilmember McLaughlin Aye

The vote was unanimous and the motion carried.

**4. Discussion and possible action on Main Street Vacature Ordinance O-2020-03**

Mayor explains that this motion is conditional on the signature of the property owners.

**MOTION:** Councilmember Kopp moves to accept Apple Valley Town Ordinance O-2020-03 conditional on receiving the signatures of vacating property owners.  
**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.

**5. Discussion and possible action on amendment to 10.10.050 Rural Estates Zone Ordinance O-2020-06**

The Mayor and Shawn went over the PC's recommendations and made a few changes for clarity. You can earn 100 points per acre with a cap at 250 points from 2.5-5 acres. Then at you can earn another 100 points per acre with a cap of 500 points or for 7.5 to 10 acres. Also the medium and small fowl were combined in order to limit the number of fowl. Exotic animals have changed to domestic and farm animals. Youth was clarified from "school-aged" to "resident 18 years or younger". Mayor would like to remove the section about industrial looking buildings and pre-engineered steel or pole barns.

There is discussion about limiting dogs and cats to 3.  
Shawn suggests that they check the other ordinances to make sure the language concerning dogs and cats coincides with them and then make the final changes.

**MOTION:** Mayor Lisonbee moves to table item number 5, Discussion and

possible action on amendment 10.10.050 Rural Estates Zone Ordinance O-2020-003.

<b>SECOND:</b>	Councilmember Edwardsen	
<b>VOTE:</b>	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

**6. Discussion and possible action on Zion Tiny Getaway Developer Agreement**

The Mayor mentions that this is an addendum to the Developer Agreement. They requested that the town allow them to phase the concrete pads. Shawn and the mayor felt they could do 10 pads at a time. They have agreed to pour the first 10 for phase one. They are currently operating the business without a license and the town is currently working with the DA's office on this issue.

Councilmember Kopp asks what this agreement does, this mean they won't get a business license until they complete the requirements of the agreement.

Councilmember Bass asks what the recourse is if they don't conform to the terms of the agreement. The Mayor explains that we can prosecute and revoke business license. Mayor wants to show that we are working with them so if we do go to court we have shown we are willing to work with them in good faith.

Joan Dineen asks about the phasing of the project and what exactly the problem is. The Mayor clarifies they have constructed without a building permit. They should have had inspections on the electrical and engineering for proper drainage has been put in place etc. Any commercial plan should have these components addressed. They have not met the criteria established in the original agreement. This agreement tonight is an addendum to the original agreement. The Zion Tiny Getaway owners asked to have this addendum put in place. This will allow them to phase some of items that originally they neglected to do.

Mike Beals states that if that development is in violation then there should be fee's placed upon that organization for compliance. Shawn explains, the town has contracted with a county attorney to address the criminal side of violations.

<b>MOTION:</b>	Councilmember McLaughlin moves to pass this addendum for the Zion Tiny Getaway that the mayor may approve.
<b>SECOND:</b>	Councilmember Bass

<b>VOTE:</b>	Councilmember Kopp	Nay
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

## REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

**Events Committee – Tish Lisonbee/Debbie Kopp-** Nothing to report

**Fire Department- Chief Zolg-** Burn season ends next week.

**Big Plains Water and Sewer SSD – Denny Bass-** Mentions that the BLM has given us okay to take heavy equipment up through the wilderness area to repair the Canaan Springs.

**Code Enforcement –Rich Ososki/Paul Edwardsen-** Rich appreciated the concern about limiting dogs. Suggests that cats need to be fixed and he has had many feral cats fixed at his own expense. He replaced a red tag that had been run over by heavy equipment. He reinstalled them with metal stakes. He reported a building that was being built without a permit and without a hydrant. They will now be putting one in and that will benefit the entire area. The Police are more likely to come out if private owners call.

**Roads and Storm Drainage –** We have approximately \$13,000 left in this year's budget if we need it or we can roll that over to next year. Jerry Jorgensen is doing a great job maintaining dirt roads.

Councilmember Kopp asks that we find a way to log what work is being done and how the fuel expenses are being incurred. The fuel expenses recently seem high to her. Ben clarifies that equipment fuel is tracked per department. Ben mentions that equipment fuel is tracked by department only at this point. The mayor mentions that we have recently filled several pieces of equipment that may be accountable for the increase in cost. We put fuel in the Hildale loader as we have been using that. Councilmember Bass suggests that every town vehicle should have a log inside and all the fuel should be logged, including the number of gallons and the mileage as well as what it is being used for. Councilmember Kopp asks if we need to add a policy. The mayor would like to revisit this another time.

## MAYOR LISONBEE OPENS PUBLIC COMMENTS

Mike Beals thanks the council, this is the first time he has attended a meeting. He asks if the council received the correspondence from him and other resident of town. Mr. Beals demands that the council take a vote on Aaron Stout's project tonight.

Aaron Stout chimed in over Zoom and apologized for his delay.

## MAYOR CLOSSES PUBLIC COMMENTS

Mayor moves back to item number one now that Aaron has joined the meeting.

1. Discussion and possible action on zone change application for AV-1335 from Commercial C-2 to Recreational Vehicle Park Zone. Applicant Aaron Stout. Planning Commission recommended denial 5/0. Ordinance O-2020-04.

Aaron states that he is not going to repeat any of his previous arguments. He has spoken with Karl Rasmussen about the possible cost of adding turning lanes for RV's. He mentions that the costs are manageable for him. If he is not approved nothing will happen with the turn lanes until the Desert Rose subdivision is put in. He asks who will make the needed improvements when this happens if his project is not approved. What happens when those turn lanes move back to the other side of the highway as this will cause problems for the existing subdivision. He states that if the Town continues denying applicants on the property then the needed improvements will never be made. By approving this RV Park zone the problem would be solved.

Councilmember Edwardsen states that the neighborhood doesn't want the RV park in their neighborhood. He needs to respect the opinion of the neighbors on this issue. The mayor also states that within the RV park ordinance it states that these should not be placed in residential neighborhoods.

<b>MOTION:</b>	Mayor Lisonbee moves to deny the application for the zone change.	
<b>SECOND:</b>	Councilmember McLaughlin	
<b>VOTE:</b>	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

**REQUEST FOR A CLOSED SESSION-**

<b>MOTION:</b>	Councilmember Edwardsen moves to go into a closed session to discuss possible litigation.	
<b>SECOND:</b>	Councilmember McLaughlin	
<b>VOTE:</b>	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

All Councilmembers, Mayor, Attorney Guzman and Deputy Recorder move into closed session at 7:30pm.

Councilmember Kopp leaves a few minutes before closed session ends.

**ADJOURNMENT**

<b>MOTION:</b>	Councilmember Bass moves to adjourn tonight's meeting	
<b>SECOND:</b>	Councilmember	
<b>VOTE:</b>	Councilmember Kopp	Absent
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

Date approved: 7-15-2020



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Marty Lisonbee, Mayor

ATTEST BY: Ben Bally

