

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

Declaration of Conflicts of Interest

None Declared

Approval of Minutes

MOTION:	Mayor Lisonbee moves to table the minutes because there are no minutes in the packet.	
SECOND:	Councilmember Kopp	
VOTE:	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

5. Mayor opens public comment for the budget

Councilmember Kopp asks Ben what the \$51k for road capital outlay is designated for. Ben mentions that this is because we have road assets that are depreciating. The town will not have the money to repair or replace these unless we establish a capital improvements plan to save for the future.

Mayor expounds on all the projects that this money could be used for including paving roads that don't currently have chip seal.

John Peay – Explains that when he moved here it was County. He said many people wanted roads paved 25 years ago when he moved in but people aren't willing to pave it because they don't want to pay more taxes.

Colleen Nelson - Golden Delicious is a dirt road and stated that people coming from Gooseberry come through Golden Delicious instead of taking the paved road going the other direction. She said she would appreciate laying down oil to prevent the dust.

Price Nelson – Proposes making Golden Delicious a dead end.

Margaret Ososki – would like to know how money for the roads would be divided.

Allison Kapke – Shares her dislike of the dirt roads. When the water project was completed, the road base was gone. She was transported via ambulance on a rainy night and it was like a bad ride at the fair. She doesn't think the dirt roads are being kept up to state standards for emergency vehicles. She states that taxes did not increase significantly.

Doug Swayngum – doctor told him he needed to get out of pollution so he moved down here, but the dust makes it much worse. He feels like money should be set aside to pave the roads. He wants the roads paved and encourages everyone to vote for people who will get the roads paved.

Mayor Lisonbee responds to a few of the questions. We have needs and we need to set money aside so we have the ability to address some of those needs. Many of the road issues have occurred from water cutouts. The district and town have changed their policies so those making the road cutouts know they are responsible for properly repairing the road when the work is finished.

Colleen Nelson – What would it would cost or even be possible for homeowners to pay for the chip seal in front of their own home.

Councilmember Edwardsen mentions this can be a hard sale as some people in the neighborhood may not want to participate.

Mayor responds that an individual owner couldn't pave just in front of their house, the cost would be very high to only pave in front of your home. Most companies wouldn't give any price reductions until you are paving several miles of road. The mayor mentions that he has asked for some bids. As a community we could do a loan for the roads that effects everyone in town or you can go out to a specific area and if people are in agreement people in that area can pay for the road based on their lot size. This is a special assessment area.

Mike Beals – What is the current debt service and capacity

Ben Billingsley the debt capacity is 2.5 million the current service is 1.4 million. This is an assessed value that the state limits based on taxes and other factors.

John Paey- the value of homes and lots go up when the roads are paved.

Doug Swayngum – If the city was to come in and put in a sewer system each property would then be assessed the price and people would have to pay.

Margaret Ososki – She doesn't think it's fair that vacant lots don't have to pay the storm drainage fee.

Mayor explains that case law indicates that only homes with structures can be assessed storm drainage fees.

Attorney Guzman - addresses the question that the fee is based on impervious surface. He states that because there is no excess runoff from a vacant lot you can't charge that fee.

Sharon Duncan – talks about her experience with runoff

Neil Duncan – expresses concern with plugged ditches

Price Nelson – Feels like if we enforced the rules and required people to clean their ditches we wouldn't have the drainage problems.

Margaret Ososki – when the roads are graded the ditch fills in with dirt.

Mayor Lisonbee states that there are some great things about living in Apple Valley, and the advantages of living here also come with disadvantages.

Allison Kapke asks who the company doing a survey is.

Mayor Lisonbee responds that either Sunroc or Interstate is putting together an estimate for Gooseberry. This will work as a starting point to understand cost in relation to size of the project.

Mayor closes public comments

6. Discussion and possible action on FY21 budget

MOTION: Mayor Lisonbee moves to table the budget approval until the next 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.

1. Class of 2020 COVID Proclamation Presentation

Mayor Lisonbee reads the proclamation.

MOTION:	Mayor Lisonbee moves to approve this proclamation on behalf of the town of Apple Valley in congratulation of seniors	
SECOND:	Councilmember Kopp	
VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

2. Discussion and possible action on use of off-highway vehicles within the Town of Apple Valley

It was brought to the attention of the town by the sheriff's office that we do not have an OHV ordinance. Operating an off road vehicle is against state law unless the municipality passes a law that indicates otherwise. This ordinance allows OHV usage within town under the outlined criteria. This will be placed in our municipal code and the Sherriff's office will help enforce this law. They discuss the speed limit and decide it should be increased from 20 mph to the posted speed limit and retain the maximum speed of 45 mph. The Code enforcement officer reports that he spoke with the Lieutenant about speeding. He stated that he was instructed by the Sheriff's office to get a physical description of the offender and the time of the offense. Any person in town can do this. Get a detailed description of the person, an address if possible, and whether or not they had a helmet on.

MOTION:	Councilmember Edwardsen moves to adopt the ordinance for the Town of Apple Valley regulation and use of off highway vehicles (OHV) within the town of Apple Valley as discussed	
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.

3. Discussion and possible action on zone change application for AV-1338-H-3 from OST/OSC to CTP or Tiny Home Parks, applicant Robert and Maria Campbell. PC recommended approval 5-0.

The general map is brought up and how this zone change does not fall within the guidelines set forth on the general map for that space. It is suggested that this item needs to be sent back to the Planning Commission to have them look at the general map to see if this fits in with the plan.

Robert Campbell addresses the council, the PC recommended that the Campbell's take what they currently have (existing buildings) and go through the zone change for cabins so he can receive a business license. He said he had a license 3 years ago, and in order to do things the right way, they applied for a vacation rental, and that was delayed. After the license was issued it was reviewed more for fire and a hydrant will be required to rent out the cabins. He doesn't understand all the delays. He is trying to rent out his cabins and shares his concern over the process and time it is taking. Years are going by and he still hasn't been able to rent his cabins. His feeling is that rumors have created much of the delay. He feels other similar businesses that are not being managed well have created adversity for him.

Tricia Seybert-Mintz was given the floor for public comment as she was not able to attend last week's planning commission hearing. She moved here in 1993 and since then witnessed a lot of infighting in the town which is why she hasn't been involved. She feels that those living in her neighborhood haven't been listened too by the town. She states the cabins have changed the dynamic of the neighborhood. She would like to have this tabled until her neighborhood can have a community meeting.

Attorney Guzman clarifies that a variance is not an option as this does not meet the legal requirements under state law.

Councilmember Edwardsen speaks about the divisiveness in town surrounding issues such as this. He mentions that the cabins at the end of the road were done under a previous administration. He discusses how he has seen things during his time on the council. He feels that the current council has tried to mitigate issues with the cabin project. This cabin project could not be stopped as it had already been approved previously. The Tiny Homes in cedar point is also a legacy that this council inherited from a previous council. When the RV Park was brought forward we listened and we

did as the residents desired. The problem with the Campbell project is that it doesn't follow the general plan map guideline.

Attorney Guzman recommends that additional guidance should be given to the PC if it is sent back to them. The general plan change should be reviewed by the planning commission prior to any final decision by council.

- MOTION:** Councilmember McLaughlin moves to send the application for Av-1338-H-3 zone change back to the Planning Commission to take into consideration the general map and if they want to change it in consideration of the zone change.
- 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.

4. Discussion and possible action on 8.10 Burning and Burn Permits

The council discusses the issues surrounding fire and which code would be best to have the Sherriff follow for fines. State code fine is up to \$1080. Town code is class C misdemeanor with a fine of \$180. Attorney Guzman clarifies that the town can prosecute these offenses as it is written into state or town code. Just give the deputies direction to follow state law if this is what the town desires to do.

- MOTION:** Mayor Lisonbee moves to not take any action on 8.10 Burning and Burning permits.
- SECOND:** Councilmember Kopp
- VOTE:**
- | | |
|--------------------------|-----|
| Councilmember Kopp | Aye |
| Councilmember Bass | Aye |
| Councilmember Edwardsen | Aye |
| Mayor Lisonbee | Aye |
| Councilmember McLaughlin | Aye |

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Fire Department- Chief Zolg- New mitigation forms will be distributed tomorrow. Fireworks are not allowed and the sheriff may be called. He doesn't have any comments

on roads. No external training as a result of COVID. It's extremely dry, exercise caution.
Code Enforcement –Rich Ososki/Paul Edwardsen- Rich reports that this administration is not the past administration. He wants residents to support the Town and the Code Enforcer. He states he needs more involvement.

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Kate Devanhule suggests that we hand out info that fireworks are illegal and she would like to volunteer to distribute such fliers.

Mayor says we'll come up with a flier for the mailboxes and put something on the website.

Rich Ososki introduces two people in the meeting, and they're looking at property in Gooseberry, Suzanne and John Larson from Arrow Bear Lake California.

Margaret Ososki doesn't know what happened to the old ATV code but there was something. She agrees that we need to communicate these changes. She saw a sign in New Harmony that was informative telling people what they can and can't do in their Town on ATV's.

MAYOR CLOSSES PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION- no closed session needed.

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.

Date approved: 8-24-2020



Marty Lisonbee, Mayor

ATTEST BY: Ben B. O'Neil