

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

ABSENT

Councilmember Michael McLaughlin

OTHERS PRESENT

Deputy Clerk Ben Billingsley

Declaration of Conflicts of Interest

None Declared

CONSENT AGENDA

A. Approval of Minutes for April 15, 2020

MOTION:	Council Member Kopp moves to approve the consent calendar minutes for April 15 th , 2020	
SECOND:	Councilmember Bass	
VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Absent

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

- 1. Discussion and possible action on Fiscal Year 2020-2021 Annual Budget. Resolution R-2020-06.**

Mayor Lisonbee opens the meeting for public input on the annual budget.

Margaret Ososki provided a visual example of what she wipes off her counters if the wind is blowing and when it's not blowing. She would like the Council to take that into consideration when budgeting for roads. She states when she moved in it was better than it is now because of increased traffic. She would like the council to recommend bonding agents that she could apply to her section of road.

Mayor Lisonbee reminds that money for roads is set aside because we know the Town has long term road needs.

Jason Graham suggests that the Town use oil on the dirt roads, which is a low cost option.

Anthus Barlow feels like the Town is doing well with the budget we have available. He states that he is vice mayor of City of Colorado for 8 years so he understands how difficult it can be.

Jason Graham also states that ground asphalt is cheaper than road base or gravel.

Anthus Barlow states that Colorado City makes road base. Mayor Lisonbee responds that he will reach out to his contacts out there and see if they could help the Town.

Margaret Ososki – she says that Sheep Bridge Road is like concrete on the Virgin side. She said they used dirt and cinder on that road. She suggests contacting the county for suggestions.

Robert Campbell - \$1.40 per foot for asphalt

MOTION:	Council Member Kopp moves to accept R-2020-06 to adopt the budget for the fiscal year 2020-2021 for the Town of Apple Valley.	
SECOND:	Councilmember Bass	
VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Absent

The vote was unanimous and the motion carried.

2. Discussion and possible action on adoption of financial policies. Resolution R-2020-07

Mayor recommends that this is tabled until the next meeting. He also excuses Mr. Guzman from the meeting due to travel.

MOTION: Mayor Lisonbee moves to table this item for a future meeting.
SECOND: Councilmember Edwardsen
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Absent

The vote was unanimous and the motion carried.

3. Discussion and Possible Action on Amendment to the Apple Valley General Plan Map (Tourist Commercial). Ordinance O-2020-09. Planning Commission Recommended 5/0.

Mayor mentions this was recommended by PC in a previous meeting. When it previously came to the town council we didn't have the ordinance ready.

MOTION: Councilmember Kopp moves to adopt Ordinance O-2020-09 an ordinance changing the general plan map designation for Highway 59.
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Absent

The vote was unanimous and the motion carried.

4. Report on the June 8, 2020 Fire. Chief Zolg

Fire Chief reports that the department responded with an initial attack on June 8th to a fire. After the initial attack it was delegated to the BLM. There were a couple drops from single engine planes. Six departments responded, about 50 firefighters in total, 7 from AVFD. After evacuations Chief did a 360 and noticed the fire had spread to a structure. Once this structure fire was taken care of, the AV and Hurricane engines moved further up the wash area to make sure some hidden structures were evacuated. 5 structures threatened, 2 or 3 damaged. One death is still under investigation appears to not be fire related. The cost of the fire will be \$80-100k. As a result of the CWPP and ongoing state interaction this cost will be covered by the state. Had the Department not handled the situation the way they did they would have been stuck with a portion of the bill. It consumed 50 acres in total. We are in the process of billing for the fire.

Three days later the Paradise Fire started, which was a 40' swath of area. They had a great response and got it under control. There was one injury for smoke inhalation.

He believes both fires were human caused.

5. Discussion and possible action on zone change of parcel AV-1364-A OST/OSC Opens Space to AG-5 Agricultural 5 acre. Applicant Nuance Management, LLC. PC recommended approval 5/0 conditional on zoning code adjustment only allowing pigs on properties not adjacent to a residential zone. Ordinance O-2020-10.

Mr. Barlow feels that the land use maps consider this property AG and the zoning is OST. Raising pigs is a non-issue for him as there is no intent to raise pigs on this parcel of land. There was no opposition from property owners near this parcel. There is going to be some sort of zoning transition somewhere, and throughout Town there are many locations where AG is adjacent to Rural Estates. He intends to make the top half of the property into two 10 acre properties that will be light residential where homes will be built, any agricultural use will be on the southern end of the parcels.

Councilmember Bass asks what he plans to do with the acreage and asks if they're going to raise pigs. Mr. Barlow states they will not be raising pigs, they are planning to clear the land to raise a few other animals, but mostly to have greenhouses.

Deputy Recorder Billingsley clarifies that wiener pigs are a permitted use but later in the code it is outlined that they are allowed by conditional use permit only. So planning commission made a recommendation that this change would be conditional on clarifying that wiener pigs cannot be raised on any parcel adjacent to a residential parcel.

Mayor Lisonbee states that one possible way to address this is to put a 1300' buffer area for residential areas as a condition. Perhaps they need to go in and make these changes to the code.

Mayor Lisonbee believes an attorney would want more clarity on this as the town is moving away from conditional uses.

Deputy Clerk Billingsley mentions that this land is currently identified as AG on the general map.

Jason Graham mentioned that he is significantly closer to the highway and is zoned AG. He feels like it would be inconsistent with the process to have an issue with this zone change seems it is farther from the highway and already planned as AG. The issue everyone has with wiener pigs is the smell. He is sure that there are ordinances on the books about smell. He said the smell issue can be addressed separately from the pigs.

Mayor Lisonbee states that what Jason sees as offensive may not be offensive to someone else.

Councilmember Bass is concerned that AG is to broad spectrum.

Mary Cannady – has 50 acres across from Anthus’ property, and she does not object to the zone change. They have a reasonable expectation their change will be okay based on what she has heard. She feels comfortable with their intentions for the land.

MOTION: Councilmember Edwardsen moves to pass Ordinance O-2020-10 and ordinance changing the zoning classification for AV-1364-A from open space OST/OSC to Agricultural 5, AG5.

Without a second, Mayor Lisonbee asks Councilmember Bass and Councilmember Kopp what their objections are to the change. He asks how we turn it down with it being in line with the General Plan. They discuss the buildings and why RE 5 wasn’t applied for. It is brought up that going RE would require a General Plan designation change as well. The property was purchased after due diligence was completed knowing it was on the General plan as AG. There are neighbors in attendance in support of this change, as well as others who council members have talked with that are in support of the change. The deed for the property indicates he can’t clear the trees on the edge of the property so you probably won’t be able to see much back there anyway. Shipping container rules for the property are discussed briefly. Mayor Lisonbee asks if the council would like to force Mr. Barlow to change the general map and force him into an RE zone and what this might do to the town legally. The property is large enough that most likely nobody will even be able to see most of what happens on this parcel.

Mr. Barlow adds that this property will be comparable to the nearby Graham property.

At this point the motion moves forward with a second.

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

The vote was unanimous and the motion carried.

6. Discussion and possible action on zone change of parcel AV-1377-F-1 from PD Planned Development to RE-1 Rural Estates 1 acre. Applicant Morrel Utah Holdings. PC recommended 5/0. Ordinance O-2020-11

Mayor Lisonbee reminds that this property was zoned PD many years ago.

Adam Morrell states this is the remainder of an old subdivision that they would like to build a house on.

MOTION: Councilmember Kopp moves to approve the parcel change to AV-1377-F-1 from PD to RE1 Rural Estates 1 acre.
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Absent

The vote was unanimous and the motion carried.

7. Discussion and possible action on amendment to 10.14 Short Term Vacation Rental PC Recommended 5/0. Ordinance O-2020-16

Mayor Lisonbee introduces the item. This is a small change that has to do with state law which precludes the Town from limiting the advertisement. As such, we're striking it from the code.

Councilmember Edwardsen clarifies that this is the only change, Mayor Lisonbee confirms.

MOTION: Councilmember Edwardsen moves to approve O-2020-16
SECOND: Councilmember Bass
VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Mayor Lisonbee Aye
Councilmember McLaughlin Absent

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Fire Department- Chief Zolg-

Big Plains Water and Sewer SSD-Denny Bass- The state sent the approval letter to use the left over money to rehabilitate the wells.

Code Enforcement –Rich Ososki/Paul Edwardsen- Mr. Ososki reports that he worked through some issues with the Sheriff's office as a result of the MOU. He states the Sheriff would like the residents to call if there is an issue and they will send a deputy out.

He does respect the night sky, and says there is a problem with lights in bubbling wells.

He wants to make sure the new AG properties aren't lit up. Smell – he reports that there was an issue with horses that were moved next to the neighbor's garden. In this case the

neighbor just moved the horses to the other side of the property and everyone was satisfied. Report on weeds.

Mosquito Abatement- Margaret Ososki – It is mosquito season, so be aware of standing water. There is a problem in town with standing water.

MAYORS TOWN UPDATE

Mayor states that in the last meeting they passed an OHV ordinance that included a flag requirement. He forgot to talk about flags prior to approval. He wants to discuss if it is an overreach for flags. He feels running stop signs, vehicle registration, and helmets are major issues, but not the flags.

Rich Ososki – he spoke extensively with the lieutenant about ATVs. He said it is not his job to go chase down ATV's that don't have flags. Flags are not usually used when you are driving on roads. He passes along that residents need to call ATVs in with the time and description of the offender. His job is just to inform people that there is an ATV code.

Councilmember Bass feels like it is a safety issue. He almost hit someone this morning that didn't have a flag. He feels this would have been prevented if there was a flag on the ATV.

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Joan Dinneen states that she requested to be on the meeting agenda to request the removal of the Board Member Jorgensen. She asks to refer to the meeting packet on January 2, 2019, resolution 2011-025. She states the Town Council has the authority through 2019-01 to remove Mr. Jorgensen from the SSD Board, because clearly only the Council and the Mayor have this authority. She feels his behavior has not been addressed by the Council or Mayor. She also asks that the Town Council and Mayor ban Mr. Jorgensen from attending any and all future public meetings.

Margaret Ososki has a story about pigs; In North Las Vegas there was a pig farm, and the town grew up around the pig farm. The smell was pretty bad, so the county moved the farm further from town.

Marcia Miner would like to thank the Town for the storm water drainage project near her home. El Cap has done a wonderful job with the repairs and stabilization of the property. These damages had previously prevented them from being able to get a loan on the property.

Margaret Ososki – poses the question why the property owner has to take care of the ditches since it's not in their property.

Mayor Lisonbee responds that it's like the edge between the sidewalk and the street in larger cities where there is grass, even though they don't own it they are supposed to take care of it.

Rich Ososki states that he would rather spend money on roads than ditches.

MAYOR CLOSSES PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION- no closed session needed.

ADJOURNMENT

MOTION:	Councilmember Kopp moves to adjourn tonight's town council 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:

9-16-2020



Marty Lisonbee, Mayor

ATTEST BY:

Michelle Kinney