



APPLE VALLEY TOWN COUNCIL
1777 N Meadowlark Dr, Apple Valley
Wednesday, February 17, 2021 at 6:00 PM

MINUTES

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, February 17, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Marty Lisonbee |

Council Members | Paul Edwardsen | Mike McLaughlin | Dale Beddo |

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/82929670034>

To call into meeting, dial (253) 215 8782 and use Meeting ID 829 2967 0034

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

Councilmember Beddo calls this meeting to order at 6:00 PM and leads in the pledge of allegiance.

PRESENT

Mayor Marty Lisonbee (VIRTUAL)
Councilmember Michael McLaughlin
Councilmember Dale Beddo
Councilmember Paul Edwardsen

Staff: Taylor Pledger and John Barlow

DECLARATION OF CONFLICTS OF INTEREST

MAYOR'S TOWN UPDATE

Councilmember Beddo- Explains he is proud to offer Richard Fischer and Jerry Jorgensen with a plaque of honor for their tireless volunteer work and dedication to the town.

Councilmember Beddo- Informs the town that Debbie Kopp has chosen to resign from her position on the Town Council. Councilmember Beddo thanks her for her service.

AWARD PRESENTED TO THE APPLE VALLEY FIRE DEPARTMENT

Colorado City Fire Department selects a response partner of the year every year. They felt like the Apple Valley fire department had assisted them many times and had made a great difference. They commended the efforts the department has made in the last few years to increase their response. The Colorado City Fire Department is honored to give Fire Chief David Zolg Jr. and the Apple Valley fire department the reward of response partner of the year for 2020.

Fire Chief Zolg- Thanks the Colorado City Fire Department for the honor and thanks all of the Apple Valley fire department for their efforts.

PUBLIC HEARING

None

DISCUSSION AND ACTION

1. **ZONE CHANGE application for AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)**

Motion: to approve the zone change for parcel AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)

Motion made by Councilmember McLaughlin, Seconded by Councilmember Edwardsen.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

2. **ZONE CHANGE application for AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)**

Motion: to approve the zone change for parcel AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

3. **Resolution: Appreciation for Public Works Volunteers**

Item addressed during the Mayor's Town Update

4. **Presentation by Sunrise Engineering on the flood mitigation plan for Apple Valley proper.**

Nate Wallentine- Presents via a PowerPoint. Presents maps showing where the drainage is currently going on Mount Zion Dr. Explains there are also issues on Rome Way and shows photo evidence of past flood damage. Presents a map showing planned drainage channels. Explains these channels will catch a lot of the water flooding onto Mount Zion Drive and the channels should take care of 80% of the current drainage problems on that street. Explains there is also a plan for a detention basin within that area. Nate also explains that they have a plan to increase the barrow ditches as the current sizes are not sufficient to handle the flow.

Mayor Lisonbee- Asks how deep the channels will be.

Nate Wallentine- Explains they will be a maximum of 6ft and they have to be that wide because the area is flat and water tends to pool on flat land.

Councilmember Beddo- Asks if the detention basin is going to be on Travis Wells property?

Richard Fischer- Expresses he believes so. Explains the basin won't limit the use of the land. Culverts and bridges can be added later on to use the area.

Walter Josey- Asks what percentage of the water comes from the land east of Main St. versus the water that comes from the West?

Nate Wallentine- Explains about 55% comes from the East and about 45% from the West.

Walter Josey- Asks if there was there any thought of putting this channel on the east side of Main St?

Nate Wallentine- Explains they are not planning to drain it through Main St. as there are a lot of highs and lows in that area that make it more difficult to construct.

Walter Josey- Asks if all of Main St. has those challenges?

Nate Wallentine- Expresses the lower portion did not appear to have those problems and the challenges occur at the wash.

Walter Josey- Asks if the channel will be 6ft at the deepest section or the whole channel?

Nate Wallentine- Answers it will 6ft at the deepest and most of the channel will be 4ft.

Walter Josey- Suggests the council look at the possibility of having an additional trench by Main St. to reduce the flooding.

Councilmember Beddo- Expresses they will take that into consideration.

5. Agreement for engineering service for the Town of Apple Valley General Plan by Sunrise Engineering

Motion: to accept the agreement for engineering service for the Town of Apple Valley General Plan by Sunrise Engineering.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

6. Addendum to the Big Plains Water and Sewer Special Service District agreement with Jepson Canyon

Councilmember Beddo- Explains that section 3.01 was eliminated from the plan and there were revisions and amendments to determine that phase 1 would present the million-gallon tank up front and they have also eliminated the guaranteed value of water shares in the agreement.

Motion: to accept the addendum made to the Big Plains Water and Sewer Special Service District agreement with Jepson Canyon.

Motion made by Councilmember McLaughlin, Seconded by Councilmember Edwardsen.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

7. Discussion and possible action on Resolution 2021-001, providing for the creation of Jepson Canyon Public Infrastructure District No. 1.

Councilmember Beddo- Mentions this project could be the largest thing to happen to Apple Valley in a really long time. He expresses his gratitude for Hank in working with the town to accommodate their needs and demands.

Motion: to accept Resolution 2021-001, providing for the creation of Jepson Canyon Public Infrastructure District No. 1.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

8. Discussion and possible action on Resolution 2021-002, providing for the creation of Jepson Canyon Public Infrastructure District No. 2.

Motion: to accept Resolution 2021-002, providing for the creation of Jepson Canyon Public Infrastructure District No. 2.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

9. Discussion and possible action on Resolution 2021-003, providing for the creation of Jepson Canyon Public Infrastructure District No. 3.

Motion: Moves to accept Resolution 2021-003, providing for the creation of Jepson Canyon Public Infrastructure District No. 3.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the motion carried.

10. Easement Agreement Between Kenstal, LLC and Big Plains Water and Sewer Special Service District

Motion: to table this item as Kenstal did not get their documentation ready in time.

Motion made by Councilmember Beddo, Seconded by Councilmember Edwardsen.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Vote was unanimous and the item was tabled.

11. Discussion and possible action on appointing a Town Treasurer

Motion: to appoint Paul Edwardsen as the town treasurer

Motion made by Mayor Lisonbee, Seconded by Councilmember Beddo.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

CONSENT AGENDA

12. Invoice Register -- January 2021

Motion: to accept the invoice register for January 2021.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

13. Financial Statements -- As of February 10th, 2021

Motion: to accept the financial statements as of February 10th, 2021.

Motion made by Councilmember McLaughlin, Seconded by Councilmember Beddo.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

14. TC meeting Minutes 12.30.2020

Motion: to approve the meeting minutes for 12.30.2020.

Motion made by Councilmember Edwardsen, Seconded by Councilmember Beddo.
Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

15. Lot split application received on AV-5136-5-Q

16. Presentation from Colorado City Fire District Fire Chief *(Item Addressed at start of meeting)*

PUBLIC COMMENTS

Allen Angel- Mentions during the Jepson Canyon discussion last month they talked about how to handle the wastewater from Jepson Canyon, he would like an update on what was decided.

Councilmember Beddo- Explains they have agreed upon a sewer plant that will serve the community and not just their project. The council will address it further once the proposal has been submitted.

Joan Dineen- Mentions the town has a FEMA grant application in process and she is curious on the status.

Mayor Lisonbee- Explains there are 2 possible funding sources that the town is working on. It takes a long time to get the engineering in place and they recently changed their grant criteria.

Joan Dineen- Asks if the mayor if he has published the map of the area that we the town is requesting the grant for? Asks how does it affect what sunrise engineering is planning?

Mayor Lisonbee- Informs Joan that the presentation today was an overview, and the packet has the full details of the components. The maps in the packet were the maps used for the application.

Joan Dineen- Who is paying for the flood remediation presented today?

Mayor Lisonbee- Explains no one is paying for it right now it was just engineering telling us what we should consider doing. The retention basin was an item discussed with the developer who is developing that area. They are willing to donate 4 acres of property for a retention basin.

Joan Dineen- Asks if the retention basin is owned by Travis Wells and is he deeding it to the town?

Mayor Lisonbee- Informs Joan that yes, Travis owns the property and will deed it to the town, that way they can access that area and clean it out anytime they want.

Joan Dineen- Asks if we are in the process of requesting 2 FEMA grants?

Mayor Lisonbee- Explains the town is filing for one FEMA grant and another agency is offering possible funding.

Joan Dineen- Asks if the first FEMA grant was denied?

Mayor Lisonbee- Answers the application was never submitted. The town missed the target deadline for 2020 and since then they have changed many of the requirements.

Joan Dineen- Asks, since we do not have a FEMA grant yet, who is paying for the developing to get these new developments in place?

Mayor Lisonbee- Answers the developer will be doing the construction and paying for their own requirements.

Joan Dineen- States that two years ago, we were talking about this FEMA grant and she thought it had been presented to FEMA, she did not know that we missed the deadline. Do we have all of the documents needed for this next grant application?

Mayor Lisonbee- Expresses that Sunrise Engineering has it and they would probably give it to her. They must do calculations for the damage protentional versus the cost of mitigation.

Joan Dineen- Asks if we should expect another 2 year turn around?

Mayor Lisonbee- States that he hopes not. Explains that Sunrise Engineering have specialists on staff that focus on finding funding. They have mentioned a possible source of funding that the town can use.

Joan Dineen- Mentions for the last few years Sunrise Engineering has been working towards getting the grants. Asks if they must adjust their application because of this development?

Mayor Lisonbee- Explains that the development does not change anything. The development just gives the Town the opportunity to own the land now. The engineering the developer will be doing has to do solely with their project. That does not mean we will not still have flood waters in the area if we have a hard enough rain and if the developer did not do anything, we will still have the flooding issues that exist there today.

Joan Dineen- Which would mean you would have to use the FEMA grant to address the flooding?

Mayor Lisonbee- States that is correct. Part of their project is to also secure the wash itself if they can get the funding for it.

Walter Josey- Asks if we have thought about how we are going to acquire the property to put in the channel discussed by Sunrise Engineering?

Mayor Lisonbee- Expresses we do not need to purchase the land, but we will have to get easements. We could also condemn the land which would require us to purchase some of the land. Cooperation from the landowner would be the best way to go.

Walter Josey- Explains that he asked the Engineering company to answer what percentage of the water comes from each side of Main St, he does not believe the number they gave is accurate. He feels there is more surface area on the East side of Main St. rather than the West.

Mayor Lisonbee- Mentions there are some natural waterways already in place on the East side. We would need to build a ditch 15ft deep.

Councilmember Beddo- Explains that it is not just the surface area they take into consideration, they also must consider what type of vegetation is there. East of Main St. has a lot more vegetation than the west.

Walter Josey- Expresses he does not believe any part of the wash other than the ghoul wash goes under Main St. Asks for clarity if he is wrong.

Mayor Lisonbee- Explains he believes that is incorrect. Main St. itself has large dips where it goes 10-12 feet deep. It would not make sense to have a 6ft trench along Main St when there are 10–12-foot dips where all the water would flow. Mayor Lisonbee further explains all the work Sunrise Engineering had to do to come up with the plan they presented today.

Walter Josey- Asks the hypothetical question that if both areas were equal, the East and the West side, which trench would be the best advantage for the community?

Councilmember Beddo- Feels that you cannot narrow this down to one singular trench on one side. Explains that the trench that is being proposed is much like a roadway. There will be smaller trenches that flow throughout the area and lead into a larger trench. To fix the entire area, we cannot just develop one single ditch. We also must take into consideration the addition of asphalt and other hard surfaces because these things will increase the speed of the water. That is why we cannot simply move the trench.

Walter Josey- Asks Councilmember Beddo if he is thinking we need two ditches? Asks again that if both areas were equal, which would be better?

Councilmember Beddo- Reiterates that they are not equal. We must take into consideration what is there.

Mayor Lisonbee- Explains the modeling has already been done and they are able to answer what-if questions based on their modeling.

Walter Josey- Expresses that what-if questions are important when you are looking at these types of projects because what-ifs can create creativity. Under the assumption that everything is equal, he feels the East side

would be advantageous and should be investigated further. Mentions that the property the trench is being proposed to be built on will be considered high value property in the future. He feels what-if questions are important and they can help come up with better solutions.

Mayor Lisonbee- Explains in desert towns it's very common to see trenches behind people's homes for flooding. Expresses they will look into other options and locations for the trench.

Councilmember McLaughlin- Feels we should put the proper modeling together and base decisions off of that information rather than what-ifs.

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

Motion: to adjourn tonight's meeting.

Motion made by Councilmember Edwardsen, Seconded by Councilmember McLaughlin.

Voting Yea: Mayor Lisonbee, Councilmember McLaughlin, Councilmember Beddo, Councilmember Edwardsen

Meeting adjourned at 7:20 PM

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, John Barlow, as duly appointed Administrator for the Town of Apple Valley, hereby certify that this Hearing notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **12th day of February, 2012**.

John Barlow, Town Administrator

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____