



APPLE VALLEY TOWN COUNCIL

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 20, 2021 at 5:00 PM

MINUTES

Mayor | Dale Beddo |

Council Members | Kevin Sair | Paul Edwardsen | Mike McLaughlin | Marty Lisonbee |

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

The meeting was called to order at 5:01 PM.

PRESENT

Mayor Dale Beddo

Councilmember Michael McLaughlin

Councilmember Paul Edwardsen

Councilmember Kevin Sair

Councilmember Lisonbee arrived at the meeting at 5:06 PM.

DECLARATION OF CONFLICTS OF INTEREST

Mayor Beddo declared that he knew the applicant and was good friends with him for Item 2.

“DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR SMITHSONIAN ESTATES, APPLICANT LADD MACDONALD FOR LOT AV-1329-B.”

MAYOR'S TOWN UPDATE

Mayor Beddo said he would save his update for later in the agenda.

DISCUSSION AND ACTION

1. DISCUSSION AND POSSIBLE ACTION ON JEPSON CANYON DEVELOPMENT AGREEMENT.

Mayor Beddo discussed some terms of the development agreement with the Jepson Canyon. Mayor Beddo explained that the gray water is owned by the district and asked Hank Isakson if that is his understanding. Hank Isakson agreed.

Mayor Beddo presented more details about the development agreement. Mayor Beddo said that the Town attorney suggested approving the agreement contingent on removing sections regarding greywater and further review of the attorney.

Mayor Beddo expressed reservations about approving a metal tank instead of a concrete tank. He discussed that the surety of the quality of the tank over time has not been demonstrated.

Hank Isaksen explained that they would like to do build part of the tank and then add to it later, rather than two tanks.

Councilmember Lisonbee asked how the addition to the tank happens later with residents on the system. The council members discussed how the tank liners work and how replacement works.

Councilmember Lisonbee asked about funding. Hank Isaksen explained that financing is not complete yet. Lisonbee mentioned that if phase II does not come the town needs to be able to rely on the tank that is funded during phase I.



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The Councilmembers had a discussion about the options for tanks and sizes relating to the Jepson Canyon development.

Hank Isaksen suggested that a sewer treatment plant be required in phase II instead of phase I. The council members informally agreed that it would be agreeable.

Councilmember Sair asked when the roads are dedicated. Sair also asked about a section of the contract regarding obligations of lots sold.

Councilmember Sair asked what other uses besides a golf course the secondary water would be used for.

Mayor Beddo motioned that the agreement is approved conditioned on the attorney removing any language regarding effluent water being credited to the developer.

Motion made by Mayor Beddo, Seconded by Councilmember Lisonbee.

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

Motion 5-0. Motion carries.

2. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR SMITHSONIAN ESTATES, APPLICANT LADD MACDONALD FOR LOT AV-1329-B.

Item number two was tabled by Mayor Beddo because the planning commission has not had a chance to take action on it. Mayor Beddo discussed the application as an informational report.

3. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR SMITHSONIAN ESTATES, APPLICANT LADD MACDONALD FOR LOT AV-1329-B.

Tabled.

4. DISCUSSION AND POSSIBLE ACTION ON KNOLLWOOD RV LLC DEVELOPMENT AGREEMENT.

Daniel Tygard is present at the meeting representing Knollwood RV LLC.

Mayor Beddo: There were a couple of issues that have come up. There have been some questions regarding the validity of this project, whether it not received a zone change or preliminary/final plat. Questions re: improperly sold. Mayor Lisonbee has since corrected that allegation of incorrectly sold. Big ticket item for My. Tygard is for our access lane on to Highway 59 in the agreements. He asks for one year extension from the time he received his Certificate of Occupancy to put that in. I reminded him this afternoon that we have approved this project largely subject to that lane going in because we removed the access through Chevron parking lot. He understands that and agrees to change the verbiage on section 1 where it says "If no plans for future development are in place by the time Knollwood85, LLC has been issued a certificate of occupancy, Knollwood85, LLC has up to 1 calendar year to finish the highway improvement. Knollwood 85, LLC acknowledges that it has 1 year from the time UDOT issues a Conditional Access Permit to complete the highway improvement." Change to "Certificate of Occupancy will not be granted until Highway Improvements 59 are completed"

Town things working from UDOT to hold permit we want to make sure before the Access Grant is permitted this documentation is cleaned and updated so also understands, has been made aware Hanks' construction drawings



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once we review construction drawing for Jepson Canyon actually did not involve the north side of the Highway. It would not impact this project.

Councilmember McLaughlin said that he does not like the provision about reimbursing any costs associated with the sewer system. Councilmember McLaughlin explained his concerns further.

The applicant explained that the system is comprehensive and costly.

Councilmember McLaughlin explained that it will likely be 10 to 15 years if the town ever does. Mayor Beddo explained that likely it would be after the end of the useful life of the system.

The applicant and the council discussed the options regarding the cost reimbursement part of the contract.

Mayor Beddo made motion that we approve the Developer Agreement subject to the verbiage change granted approved by Town Attorney approval to change:

Section 1 DELETE "If no plans for future development are in place by the time Knollwood85, LLC has been issued a certificate of occupancy, Knollwood85, LLC has up to 1 calendar year to finish the highway improvement. Knollwood 85, LLC acknowledges that it has 1 year from the time UDOT issues a Conditional Access Permit to complete the highway improvement."

CHANGE to "No certificate of occupancy will be issued until the change lane is constructed and approved by UDOT."

Section 2 DELETE "If the Town of Apple Valley requires Knollwood 85, LLC to connect the RV parks' septic system to its sewer system, The Town of Apple Valley will reimburse Knollwood, LLC the costs for design and construction to connect to the town's sewer system. Reimbursement of these costs will come in the form of credits to Knollwood85, LLC's future sewer utility bills."

Motion made by Mayor Beddo, Seconded by Councilmember Lisonbee.

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

Motion 5-0. Motion carries.

5. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FROM SF-1 TO RE-10, APPLICANT LILETTE WILSON FOR LOT AV-1311-U.

Lilette Wilson (the applicant) was invited to speak. The Council and the applicant discussed the animals allowed in zone RE-10. Mayor Beddo explained that the application is for RE-10 despite any discussions that have occurred.

Mayor Beddo explained that RE-10 does not allow for commercial agriculture. Mayor Beddo explained that anything that is grown and sold would require a different zone. The applicant said that he understands.

The applicant said he would come in and ask for a rezone if he ever decided to do commercial agriculture. Councilmember Lisonbee explained the requirements of RE-10 and that certain things would not be allowed. The applicant discussed some plans for use of the property.



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The mayor explained that the applicant is in violation and has been informed. The mayor invited the applicant to come into the office and workout the issues.

Mayor Beddo made motion to approve the rezoning application with the clarification that the word, "Agriculture" be removed from the application to avoid confusion.

Motion made by Mayor Beddo, Seconded by Councilmember Sair.

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

Motion 5-0. Motion carries.

6. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1-3-5-211, APPLICANT ALLRED HEBER.

Mayor Beddo said that the application has been approved by the Planning Commission and JUC. Mayor Beddo said that there was a concern about the alignment of the application with the general plan. Mayor Beddo explained that the general plan is a guideline, not a legal requirement. Mayor Beddo opened this point up for discussion with the Council. Mayor Beddo also mentioned that the final plat will need to accommodate road access and may require the applicant to remove a few lots.

Councilmember Edwardsen asked what the number would need to be in order to constitute a significant deviation from the general plan.

Councilmember Lisonbee said he does not have a problem with what the applicant is doing, but he does not like the density.

Councilmember McLaughlin said he does not like the density either and mentioned a traffic safety issue. The applicant's engineer mentioned that a median would help mitigate that problem.

Councilmember Lisonbee said that the density is a little higher than what was planned; however, Cedar Point has a similar density and it looks ok.

Mayor Beddo asked what the total density per acre is. The applicant's engineer said it is 1.75 units per acre. Mayor Beddo explained that the density is low compared to Hurricane or neighboring communities. Mayor Beddo explained that he has been discussing with the developer the possibility of lowering the density.

Councilmember Sair said he would not like to make a motion to approve because, "it is too tight."

Councilmember Lisonbee mentioned he would feel better at 1 acre. Mayor Beddo made a motion to approve the preliminary plan. No second. Motion Failed.

Councilmember Lisonbee motioned that item to be tabled until the applicant moves to a 1-acre lot. Motion made by Councilmember Lisonbee, Seconded by Councilmember Sair.

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

Motion 5-0. Motion carries.



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REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Beddo explained that the "massive whole" notice went out without the consent of the council, the district, or the mayor's office. Mayor Beddo explained the process for declaring emergencies. Mayor Beddo explained that Chief Zolg. and Cpt. Walters went door to door declaring the emergency. Mayor Beddo explained the Chief Zolg and Cpt. Walters was terminated.

PUBLIC COMMENTS

Public Comments opened by Mayor Dale Beddo.

Robin Hendrick-1758 N Cartland Dr- Stated that there is nothing in the contract with Jepsen regarding the date of the water rights required. She also expressed concerns that there are requirements to provide water that the town may not be able to safely yield. She expressed that the town should not sign the contract.

Public Comments Closed by Mayor Beddo.

REQUEST FOR A CLOSED SESSION- None

ADJOURNMENT

The meeting was adjourned at 6:25 PM.

Motion made by Mayor Beddo, Seconded by Councilmember Sair.

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

Date Approved: _____

Approved BY: _____

Mayor |

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo