

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 26th day of May, 2011 at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 7:01 PM.
2. The Pledge of Allegiance was lead by Mayor Moser.
3. Roll Call: Evan Brown, Dale Kingsley, Kevin Sair, Mayor Moser, and Code Enforcement Officer April Ruesch were present. Trevor Black was excused. Gary Kuhlmann, legal counsel was present. Town Clerk Nathan Bronemann took minutes.
4. Declarations of conflict of interest.

None Stated.

Mayor Moser mad a motion to skip item 5 and first address item 6 and then return to item 5. Kevin Sair seconded then motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0.

6. Public Hearing for the Intention to establish the Two Bears Southwest Regional Special Service District.

Mayor Moser explained that the hearing for the intention to establish the Two Bears Southwest Regional Special Service District would be postponed due to noticing issues. The Town did not properly post hearing notices as required by law. As a result, the hearing cannot take place and that hearing will be rescheduled in the next Town Council meeting next Thursday and then officially re-noticed.

Alice Mortenson asked if those notices could be included in the trash bill. Mayor Moser said that the Town would do that.

Charlie Greco asked how many places the notices needed to be posted. Gary Kuhlmann explained that the Town is required to post in the Spectrum for 3 weeks ending 21 days before the hearing, and no more than 35 days before the hearing. It is also required to post on the State's website at least 35 days before the hearing. It is also posted on the Town's website and on the front of the building.

Cathy Patterson asked what the Town's website was. Mayor Moser said that it was applevalleyut.org.

Jeff Benson asked why the Town needs to be the developer for developers that can't afford to develop. Gary Kuhlmann stated that the discussion of the Special Service District would have to wait until the actual hearing.

Steve Murphy explained that he was a truck driver and unable to attend another meeting. Mayor Moser stated that the next meeting would be 35-45 days from today and that the Town was legally unable to hold the hearing right now. Steve Murphy asked how the Town Council could start this without first talking to the residents. Gary Kuhlmann explained that the residents are able to file protest against the Special Service District for up to 15 days after the hearing, and that they can also request a copy of the meeting minutes from the Town Clerk.

Mayor Moser apologized for any inconvenience caused by the hearing cancelation.

5. Approval of the contract for the prosecuting attorney.

Mayor Moser explained that the Town is hiring a new prosecuting attorney.

Motion made by Evan Brown to accept the contract to hire a new prosecuting attorney. Kevin Sair seconded the motion. Vote: -Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0.

7. Adjournment.

Motion made by Kevin Sair to adjourn the meeting. Dale Kingsley seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0.

Meeting adjourned at 7:11 PM.

Date approved: _____

ATTEST BY: _____
Nathan Bronemann

Richard Moser