

1. The meeting was called to order at 7pm.
2. The Pledge of Allegiance was led by Rick Moser.
3. Roll Call: Frank Kolschefsky, Dale Kingsley, Evan Brown, Mayor Moser, Town Attorney Gary Kuhlmann, Town Treasurer Linda Felder, Code Enforcement Officer April Ruesch, Town Clerk Shannon Moser took minutes.
4. Public Comments.

Buddy James stated that he had an issue with the Code Enforcement Officer and using ½ of the tax base to pay her. The Town cannot afford it. We could use Washington County patrol, and use the money we save to help with the roads. MR. James commented on his opinion of the abilities of those who work on the roads. He would like to see a plan in place to keep up the roads.

Traci Rossi stated that the inmates that help with the roads need to be kept away from the bus stops when the kids are coming home. They should be prohibited from yelling at people when they drive by: it is very inappropriate.

John Olsen agreed with Buddy James because right now people are taking care of their own roads.

Tim Mintz stated that there was already gravel in the gutter on the new road, and when they have graded the Apple Valley Drive road there has been a big ridge left down the middle of the road. It is very hard on the cars.

5. Declarations of conflict of interests.

Mayor Moser stated that he will abstain from appointing the Town Clerk/Recorder because she is his daughter.

6. Marie McGowan discussion on changing the BLM Committee's name.

Marie stated that the committee would like to change their name to Apple Valley Parks and Recreation Committee. Motion made by Dale Kingsley to amend the BLM Committee's name by ordinance. Evan Brown seconded the motion. Vote: Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 4/0.

7. Discussion and possible action on recommending a new Town Council Member.

Dale and Evan interviewed the candidates. They recommended Kevin Sair due to his experience. Motion made by Dale Kingsley to appoint Kevin Sair as the new council member. Frank Kolschefsky seconded the motion. Vote: Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 4/0.

8. Discussion and possible action on Resolution No. 2010-03 appointing New Town Council Member.

Motion made by Mayor Moser to enact Resolution No. 2010-03 appointing Kevin Sair as the new council member. Dale Kingsley seconded the motion. Vote: Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 4/0.

9. Swearing in of New Council Member.

Mayor Moser swore in Kevin Sair as the new Council Member.

10. Discussion and possible action on Resolution No. 2010-04 appointing the Mayor Pro Temp.

Motion made by Mayor Moser to appoint Frank Kolschefsky as the Mayor Pro Tempore who duties shall includes being responsible for the supervision of the Town Recorder, to evaluate the performance of the Town Recorder's duties, and to make recommendations with regard to advancement, salary and discipline of the Town Recorder. Motion seconded by Dale Kingsley. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

11. Discussion and possible action on Resolution No. 2010-05 appointing the Town Treasurer.

Motion made by Mayor Moser to accept Resolution No. 2010-05 appointing Linda Felder as the Town Treasurer. Motion seconded by Frank Kolschefsky. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

Mayor Moser turned the meeting over to Frank Kolschefsky the Mayor Pro Tem.

12. Discussion and possible action on Resolution No. 2010-06 appointing the Town Clerk.

Motion made by Evan Brown to accept Resolution No. 2010-06 appointing Shannon Moser as the Town Clerk. Dale Kingsley seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-abstained. Motion passed 4/0 with one abstention.

Frank Kolschefsky turned the meeting back over to Mayor Moser.

13. Discussion and possible action on reviewing the UDOT delay agreement with Kokopelli Golf.

Dale Beddo would like the council to consider taking the word encumbrance from paragraph 11 of the agreement. The Town Attorney advised the council that it was not a good idea due to the fact that if there was a problem, the Town could be limited in its ability to assure the agreement was enforced. Motion made by Mayor Moser to table until the next meeting to review and educate themselves on the issue. Frank Kolschefsky seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

14. Fire Department Report

Louie Ford stated that the Department had received the Vol. 5 essentials book and still need 3 more. He asks for \$200.00 more for the new books and 2 pair of fore boots. He also stated that the Town will be having an ISO review on the 22nd.

Motion made by Dale Kingsley to approve the \$200.00 for the books and boots. Mayor Moser seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

15. Report and recommendation from the Planning Commission.

Dick Naylor would like the council to review and consider giving a waiver to Shane Hutching so he does not have to put in asphalt in his subdivision, considering there is at least 2 miles of dirt road on either side of his subdivision.

16. Report and recommendation from the Code Enforcement Officer.

Please see attached.

17. Roads Report and consideration of continuing improvements.

Evan Brown had nothing to report. Mayor Moser asked if the gravel had been finished on Apple Valley Road, Evan stated that the pit had been closed and he will work on that.

18. Report and recommendation from the Citizen Corps Council.

Chris Kingsley stated that at their last meeting they discussed Founder’s Day activities and they also need some more volunteers for CERT. They are also asking for permission to put in a concert ramp to the CERT trailer. The Council approved the building of the ramp.

19. Report from the Community Events Committee.

Evan Brown stated that Laura Randell is going to head up Miss Apple Valley. The Chili Cook Off will be on April 24th this year.

20. Consent Calendar-Income and Expenses-Linda Felder, Town Treasurer.

Motion made by Dale Kingsley to accept the Consent Calendar-Income and Expenses report as presented. Frank Kolschefsky seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

21. Consider approval of minutes:

- a. January 21, 2010 Regular Meeting Minutes.

Motion made by Frank Kolschefsky to accept the minutes as written. Dale Kingsley seconded the motion. Vote: Kevin Sair-abstained, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 4/0 with one abstention.

22. Request an executive session.

Motion made by Mayor Moser to have an executive session conserving a legal matter. Dale Kingsley seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

23. Adjournment.

Motion made by Frank Kolschefsky to adjourn the meeting. Dale Kingsley seconded the motion. Vote: Kevin Sair-yes, Frank Kolschefsky-yes, Dale Kingsley-yes, Evan Brown-yes, and Mayor Moser-yes. Motion passed 5/0.

Meeting adjourned at 9:15pm.

Minutes taken by Shannon Moser

Date approved: _____

ATTEST BY: _____
Shannon Moser

Richard Moser
Mayor

February 4, 2010 Code Enforcer's Report To The Town Council
Since January 21, 2010:

Our animal vaccination clinic was on January 23rd. Only 8 dogs were vaccinated. None of the people I'd given warning to, (that said they were going to be there) showed up.

I attended Citizen's Core Council. Marie McGowan attended and said she would be in charge of Founder's Day. We ask the fire dept. to change the date of the chili cook-off because of the Scout Expo. We are in need of a new CERT leader for Apple Valley because Joe Parker is taking classes. We have a training coming up on the 16th and nobody to plan it. We are in need of volunteers. If we were to have a disaster in our community, there may be no one to come help us.

I've sent out notices again reminding residents that licenses are due and there will be late fees after this month. I may have to send out personalized warning letters again.

I took pictures of some public nuisances I'm working on.

I followed up on some past complaints. As far as I can tell there are no Chihuahuas left in the house on Smithsonian, though it's been reported there may still be a cat. I didn't see it when I was out there. The Basset Hound in Zion Estates is still there even though the owner had told me they were getting rid of it, but it wasn't barking.

I received several complaints regarding 2 Pit Bulls leaving their yard on Rome Way and going onto other properties. I made a visit to the owners. They had just got the dogs vaccinated the day before and gave me a check for licenses. I gave them a warning to keep the dogs confined or on leashes.

Thank you, April Ruesch Apple Valley Code Enforcer