

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 21<sup>st</sup> day of April, 2011 at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 7:00 PM.
2. The Pledge of Allegiance was lead by Mayor Moser.
3. Roll Call: Trevor Black, Dale Kingsley, Kevin Sair, Mayor Moser, and Code Enforcement Officer April Ruesch were present. (Evan Brown was late and arrived at 7:02 PM. Legal Counsel Nick Turner arrived at 7:07 PM.)

4. Declarations of conflict of interests.

None Stated.

5. Public Comments.

Margaret Ososki asked if the town recognized the CC&Rs as a legal and binding document. Mayor Moser stated that the town does not enforce CC&Rs.

Charlie Greco addressed past planning commission agendas that pertained to sea (or shipping) containers. He said that none of the agendas had specific details regarding what was to be discussed. He had no idea what sea containers were and said that future agendas should give more information.

Motion made by Dale Kingsley to close the public comment section. Kevin Sair seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

6. Discussion and possible action accepting the donation from George and Linda Danze.

Motion made by Kevin Sair to accept the donation. Dale Kingsley seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

7. Discussion and possible action on Resolution No. 2011-11 to provide the intent to create the Two Bears Southwest Regional Special Service District.

Mayor Moser read the resolution that is to be published in the paper. Legal counsel clarified that the resolution was only a hearing to approve the intent to create the service district. The hearing has to be set 21 days after publication in the paper and it has to be published weekly for 3 consecutive weeks. The public hearing date is to be set for the Town Council Meeting on May 26<sup>th</sup> at 7:00 pm.

Kevin Sair stated that he was not 100% sold on this issue yet with regard to fees and overage charges. Mayor Moser stated that those issues are not valid until the district is actually created. Steve Gubler also said that current water rates will probably increase regardless of whether Two Bears takes over.

Motion made by Dale Kingsley to accept Resolution No. 2011-11. Trevor Black seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

8. Discussion and possible action on Resolution No. 2011-09 amending the resolution creating the Apple Valley Parks and Recreation Committee.

Mayor Moser read the resolution and states that the reason for the amendment is that the committee was originally set up for 12 members and is now being changed to 5.

Motion made by Kevin Sair to accept Resolution No. 2011-11. Dale Kingsley seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

9. Discussion and possible action on Resolution No. 2011-10 appointing the new members of the Parks and Recreation Committee.

Mayor Moser read the resolution.

Motion made by Dale Kingsley to accept Resolution No. 2011-11. Evan Brown seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

10. Report and recommendation from the Planning Commission.

Dick Naylor that next planning commission meeting a hearing for the sign ordinance would be scheduled. He also stated that the density per acre issue was at an impasse and that they would schedule a hearing for that and pass the issue along to the town council to make the decision.

Mayor Moser added that there are two vacancies for the planning commission and that those positions will be posted and interviews will be scheduled.

11. Fire Department Report.

Chief Bass said that they made \$1033 from the chili cook-off and thanked everyone for all the help. Regarding vehicles, he said that Brush 191 needed to be replaced due to the amount of work need to get it up to code. Brush 194 needs some work to bring to code that will cost about \$1200-1300. The camouflage water tender needs to be painted and they are getting bids. He also said that they are working with state to replace two of the old water tenders. They may need to go up north to pick them up. The Fire crew will be in training in Cedar City the 29-30<sup>th</sup> of April.

12. Report and recommendation from the Code Enforcement Officer.

See attached.

13. Report and recommendation from the Citizen Corps Council.

See attached.

14. Roads Report and consideration of continuing improvements.

Mayor Moser said that Russel Edwards was working hard and getting started on the work that needed to be done. He has added gravel to a few locations. AT Asphalt has a contract to resurface the Highway 59 from the state line back to mile marker 14 and should start in the next 30 days. We should be able to cheaply get the millings from the leftovers of that roadwork. He said that those millings should be enough to put on all of the town roads to decrease the amount of dust.

Evan Brown asked what would happen if we ended up getting sewer lines put in and if we would have to tear the roads up again. Mayor Moser said that would probably be a year out and that they are to return roads to previous condition when they add that infrastructure.

Mayor Moser added that new people needed for the roads committee and that interested people should submit their names to the town.

15. Report and recommendation from the Parks and Recreation Committee.

Mayor Moser said that there are none yet, but now that we have the parks committee there should be a report next town council meeting.

16. Report from the Community Events Committee.

Kevin Sair reported that the Miss Apple Valley Pageant will take place on May 7<sup>th</sup>. He also said that the chili cook-off was a success.

Laura Randall stated that they are still looking for entertainment and decorations for the pageant.

17. Consent Calendar-Income and Expenses- Town Treasurer.

Evan Brown asked about weed spraying on the road sides. Mayor Moser said that Russell Edwards was working on it.

Motion made by Evan Brown to accept the consent calendar. Kevin Sair seconded the motion. Vote: Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, Trevor Black-yes, and Mayor Moser-yes. The motion passed 5/0.

Mayor Moser announced that a public budget meeting would be held next Wednesday at 7:00 PM.

18. Consider approval of minutes:

a. March 15, 2011 Work Meeting Judy Creek Minutes.

Motion made by Kevin Sair to accept the minutes from March 10 as presented. Dale Kingsley seconded the motion. Vote: Evan Brown-abstained, Trevor Black-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0 with one abstention.

b. March 17, 2011 Work Meeting Two Bears Minutes.

Motion made by Kevin Sair to accept the minutes from March 10 as presented. Dale Kingsley seconded the motion. Vote: Evan Brown-abstained, Trevor Black-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0 with one abstention.

c. March 17, 2011 Regular Meeting Minutes.

Motion made by Kevin Sair to accept the minutes from March 10 as presented. Dale Kingsley seconded the motion. Vote: Evan Brown-yes, Trevor Black-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

d. April 7, 2011 Regular Meeting Minutes. Kevin Dale 5/0.

Motion made by Kevin Sair to accept the minutes from March 10 as presented. Dale Kingsley seconded the motion. Vote: Evan Brown-yes, Trevor Black-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

19. Request an executive session.

None requested.

20. Adjournment.

Motion made by Kevin Sair to adjourn the meeting. Kevin Black seconded the motion. Motion made by Dale Kingsley to accept the March 12 training minutes as presented. Kevin Sair seconded the motion. Vote: Evan Brown-yes, Trevor Black-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 7:52pm.

Date approved: \_\_\_\_\_

ATTEST BY: \_\_\_\_\_

Nathan Bronemann

\_\_\_\_\_

Richard Moser

**April 21, 2011 CODE ENFORCER'S REPORT TO TOWN COUNCIL**

Since April 7, 2011: The big dumpsters will be here on April 22, 23, and 24<sup>th</sup> and I'll be watching them. I'll be posting signs with instructions. Washington County is having a Free Toxic Waste Day at the dump on April 30<sup>th</sup>.

I'm sending out notices regarding weed removal. I've cited 1 person for failure to clean up their yard. I've sent out warning notices for sign violations. Next week I'll be attending L.E.P.C. meeting in St. George and a P.D.S. class in Springdale. Apple Valley Town Ordinance 2005:10:5, page 109 should be corrected to read town clerk-recorder. (Reminder to all elected officials to take NIMS courses ICS-G402, 100 & 700. If you need assistance let me know.)

*April Ruesch  
Code Enforcer*

## **CITIZENS CORPS COUNCIL REPORT April 21, 2011**

Our bake sale for the chili cook-off was successful thanks to all those that donated and purchased items. We won't be having CERT training this month, but we plan on having a Citizen's Corps Meeting on May 17<sup>th</sup> and CERT training on May 24<sup>th</sup>.

Thank you.

*April Ruesch*