

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 1st day of September, 2011 at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 7:05 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Evan Brown, Dale Kingsley, Mayor Moser, and Code Enforcement Officer April Ruesch were present. Kevin Sair was excused. Legal counsel, Gary Kuhlmann was present. Town Clerk Nathan Bronemann took minutes.

4. Declarations of conflict of interests.

None Stated.

5. Public Comments

Harlan Ashby recommended that the SSD issue be decided by a referendum.

Evelyn Greco asked how some of the proposed developments could move forward if Two Bears had promised them water when they did not exist yet.

Mayor Moser said that the State gives permission to move forward with regard to water.

Neil Duncan asked how much sewage could be in the ground in the Town.

Mayor Moser said that the State highly recommended that that a sewer be developed by the Town to protect the ground water.

Evelyn Greco said that she had heard that Apple Valley Water Company was not allowed to offer any more hookups. She also asked about Two Bears upgrading the water system.

Mayor Moser said that any existing lots already had been approved for water. He said that he had spoken with Ken Wilde at the Division of Drinking Water and he said he was working with the two water companies to help them to get into compliance.

Ed Hart said that the newsletter that just came out mentioned some problems with the current water companies. He asked what those problems were.

Mayor Moser said that the primary problems were fire flows and pressure.

Curtis Gubler said that when they signed the papers for the sale of the water company his father was alive and now that he is dead the other members of the family need to sign. He said that he doesn't see anything wrong with waiting a while before creating a special service district.

Roger Ashmore asked if this discussion about the water could be tabled for about 30 days.

Motion made by Dale Kingsley to close public comment. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

6. Discussion and possible action on Resolution 2011-25 creating a special service district

Mayor Moser said that the Town Council had just had a meeting with Gary Kuhlmann and Rod Mills providing more training on special service districts.

Gary Kuhlmann reviewed the process necessary to create a special service district as was outlined in the work meeting that had just taken place. He said that the name of the SSD would be the Big Plains Water and Sewer Special Service District. He stressed that the district's powers and its board would be under the control of the Town Council.

Mayor Moser added that if they adopt this resolution they will have to appoint trustees to serve on the board. There will also be other work sessions establishing protocol, policies and procedures as well as other planning. He said that the trustees can only be paid up to \$5,000 per year, and that the intent of the Town Council would be for them to serve on a volunteer only basis.

Mayor Moser said that the Town Council was trying to arrive at the best solution for the Town.

Evan Brown said that he had a lot of questions and concerns, but that this was a very different service district than what he had seen because it would answer to the Town. He said that from what he had heard tonight he was a lot less concerned about the creation of a SSD.

Trevor Black said that this SSD is not to help Two Bears, but to provide safe water in the most cost effective way possible.

Motion made by Trevor Black to accept Resolution No. 2011-25 creating a special service district with the following three conditions. First: That this approval in no way constitutes or commits the Town of Apple Valley into entering into any agreement with any entity. Second: That the Town Council be required to approve any agreement for the purchase of any utility company in the future. Third: That the Town Council vote again at the time of recording with all five members present. Evan Brown seconded the motion.

Gary Kuhlmann said that if the third condition is the case, that it would be better to just table the item until such time that all members are present.

Evan Brown said that he would prefer to postpone this decision for 30 days to see what happens.

Mayor Moser asked Evan Brown if the 30 days would change his mind.

Evan Brown said that 30 days would probably not change his mind, but he would like to do more research that he probably should have already done.

Gary Kuhlmann said that the probate Mr. Gubler's estate and its effect on the Apple Valley Water Company had nothing to do with the creation of the SSD. The creation of the SSD does not obligate the Town to purchase anything.

Mayor Moser said if it is created now they will be more able to get the problem solved sooner.

Trevor Black asked if they could pursue the funding for the SSD before the creation.

Gary Kuhlmann answered no.

Mayor Moser clarified that the Town was previously unable to negotiate the purchase of the water companies.

Evan Brown said if the Town was unable to do so, what reason is there to think that Two Bears will be successful.

Mayor Moser said that as a SSD, if it was failing financially, it had other options other than taxing the citizens, as the Town would have to.

Trevor Black and Evan Brown withdrew the previous motion.

Motion made by Trevor Black to accept Resolution No. 2011-25 creating a special service district with the following two conditions. First: That this approval in no way constitutes or commits the Town of Apple Valley into entering into any agreement with any entity. Second: That the Town Council be required to approve any agreement for the purchase of any utility company in the future. Dale Kingsley seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

7. Discussion and possible action on the Daughters of Utah Pioneers using the training room

Mayor Moser said that the request was made by the Daughters of Utah Pioneers without being charged.

Jack Davis asked about the liability.

Mayor Moser said that they would be covered under the volunteer insurance policy.

Motion made by Evan Brown to approve the use of the training room, but only if they pay the required \$50 fee per use. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

8. Report and recommendation from the Planning Commission

- a. Set a public hearing date for the final plat approval for Phase 2 of Cedar Point Subdivision

Motion made by Trevor Black to set a public hearing date for the final plat approval for Phase 2 of Cedar Point Subdivision for September 15th, 2011 at 7:00 pm. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

Mayor Moser added that the Planning Commission was also working to fix some of the issues that currently exist in the Land Use Ordinances.

9. Report from the Fire Department

Mayor Moser said that the chief was currently in California trying again to get a new (used) fire truck donated to the Town. He added that the three other new trucks had all been painted and that the fire fighters were working to get them all equipped.

10. Report and recommendation from the Code Enforcement Officer

See attached.

11. Report and recommendation from the Citizen Corps Council

See attached.

Motion made by Mayor Moser to accept the donation of an emergency medical kit from Jarry Zaharias. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

12. Roads Report and consideration of continuing improvements

Trevor Black said that they had been grading roads and that they were still trying to get bids on fixing the cracks.

13. Report from the Community Events Committee

Mayor Moser announced Peach Days in Hurricane this weekend and Founders Day here in Town that will take place in October.

14. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Trevor Black to accept the consent calendar. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

15. Consider approval of minutes:

a. August 18, 2011 Regular Meeting Minutes

Motion made by Evan Brown to accept the minutes from August 18, 2011. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

16. Request for an executive session

None requested.

Margaret Ososki asked about the process to dissolve a SSD.

Gary Kuhlmann said that the dissolution process was similar to the creation but the decision would be up to the Town Council.

Mayor Moser added that upon intentional dissolution all the assets and liabilities would be absorbed by the Town. However, if it fails of its own accord, the liabilities stay with the SSD and not the Town.

Margaret Ososki asked if the SSD was moving water across state lines and then it was dissolved, what would happen then.

Mayor Moser said that the attorneys would work it out.

Mayor Moser said that the ultimate goal was the health, safety and welfare of the residents. He said that they were planning to succeed and create a better situation.

Evan Brown added that the Town needed to prepare for the inevitable growth of the future.

Jack Davis commented that if it is not broken, you don't fix it, but that it was broken and needed to be fixed. He said that the Town will now have full accountability of the costs involved with the water.

17. Adjournment

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

Meeting adjourned at 8:16 PM.

Date approved: _____

ATTEST BY: _____

Nathan Bronemann

Richard Moser

September 1, 2011 CODE ENFORCER'S REPORT TO TOWN COUNCIL

Since August 18, 2011:

I'm still actively working on the weed and thistle problem, posting warnings and sending notices for residence to clean up their yards.

I've worked on a couple of animal cases and think I've gotten them taken care.

I'm working on the NIMSCAST report that is due September 30th. We need more people to complete their courses and become NIMS compliant.

(Reminder to all town officials to take NIMS courses ICS-G402, 100 & 700. If you need assistance let me know.)

*April Ruesch
Code Enforcer*

CITIZENS CORPS COUNCIL REPORT September 1, 2011

We held Citizen's Corps meeting at 6:30pm on August 24, 2011. We discussed plans for our CERT program. Everyone agreed we need the program, but no one is in a position to be CERT leader or Citizen's Corps Chairperson.

We would like to start Neighborhood Watch and an Animal Emergency Response Team, but we need more volunteers.

Jarry Zaharias donated an Army emergency medical kit. Do we need to have the donation approved by the town?

The corps agreed to do the bake sale for Founder's Day.

The Washington County Emergency Preparedness Expo will be Sept. 10, 2011 10am-2:45pm. I attended last year, and plan on attending again this year. It is free to the public and well worth your time.

I attended the LEPC in Hurricane.

Thank you.

April Ruesch