

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 15th 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 7:00 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Evan Brown, Dale Kingsley, and Mayor Moser were present. Kevin Sair and Code Enforcement Officer April Ruesch were excused. Town Clerk Nathan Bronemann took minutes.

4. Declarations of conflict of interests.

None Stated.

5. Public Comments

None.

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

6. Public Hearing on the Final Plat Approval for Phase II of the Cedar Point Subdivision

Mayor Moser asked for public comment.

Judith Davis asked how many houses were planned.

Mayor Moser said that there were ten houses.

Motion made by Evan Brown to close the public hearing for the final plat for Phase II of the Cedar Point Subdivision. Trevor Black 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 approval of the Final Plat for Phase II of the Cedar Point Subdivision

Mayor Moser said everything had been done and completed.

Motion made by Trevor Black to approve the final plat for Phase II of the Cedar Point Subdivision. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

8. Discussion and possible action on accepting \$40,000 Grant from the Division of Drinking Water

Mayor Moser said that the Division of Drinking Water had offered a \$40,000 grant to pay for the creation of the special service district.

Motion made by Dale Kingsley to accept the \$40,000 grant from the Division of Drinking Water. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

9. Discussion and possible action on hiring Ensign Engineering to prepare a water resource optimization study

Mayor Moser said the study would be to evaluate the system and offer recommendations as well as training for the Town and SSD. It would include engineering, training and legal costs for a total of \$40,000.

Evan Brown asked why they were not using Alpha Engineering as the Town had in the past.

Motion made by Evan Brown to table this item until next meeting. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-no. The motion passed 3/1.

Jack Davis asked if there was a differential in fees.

Mayor Moser said that there would not be.

Jack Davis then asked why the Town would not stay with Alpha Engineering.

Mayor Moser said that either could do it.

Rod Mills said that Alpha did not have the same expertise that Ensign had. He also said that he wrote the grant and by so doing, he would have much more expertise in doing this study. He said that time was of the essence and a decision should be made as soon as possible.

Evelyn Greco asked Rod if there would be a study on how much water is currently in the ground.

Rod Mills said that the study would be to reevaluate the water system and the consolidation of the systems, etc.

Margaret Ososki clarified that Rod Mills was with Ensign Engineering.

Rod Mills addressed Evan Brown's concern and reiterated that this decision is urgent.

Evan Brown expressed concern over Two Bears' involvement.

Rod Mills said that this had nothing to do with Two Bears.

Evan Brown said that the Town is waiting to see if Two Bears is going to follow through with the purchase of the water companies. He said that he didn't know anything about Two Bears.

Mayor Moser said that the Town wasn't in a position to look at any of the contracts between Two Bears and the current water companies at this point.

Evan Brown asked why there was so much foginess.

Jack Davis asked why Jerry Eves was still representing Gary Tom.

Rod Mills said that as the Cedar Point developer, he owed a lot of money to investors.

Mayor Moser said that no one liked the situation, but it was not in the Town's control. He said that the Town is in no way obligated to purchase anything.

Evan Brown said that the \$40,000 study is necessary regardless of Two Bears. He said that he wanted full disclosure.

Judith Davis said that the study would force disclosure.

Rod Mills agreed.

Evan Brown said that without disclosure the Town should not move forward.

Rod Mills said that the planning grant does not lock the Town into any time frame.

Evan Brown expressed concern again over not using Alpha Engineering and said that they should have been notified before now.

Rod Mills said that the reason why he got the grant for the Town is so that if Two Bears does not get funding, the Town, through the SSD could then step in and purchase the water companies directly.

Margaret Ososki said that Curtis Gubler said that the Apple Valley Water Company was in probate.

Mayor Moser said that could affect the sale.

Charlie Greco asked why the grant was going to the Town and not the SSD.

Mayor Moser said that was because the SSD has not yet been created. He said that in part, that was the purpose of the grant.

Charlie Greco said that Ken Wilde said that he preferred to work with the Town as opposed to an SSD.

Trevor Black said that was because he thought that using just the Town would save time.

Jay Kleinfeldt said that it appeared to him that the reason that Rod got involved was because of his expertise in SSDs and water.

Evan Brown said that there were opportunities for the Town to contact Alpha Engineering and that had not been done. He said that as the Town's representative, Alphas Engineering should have been notified.

10. Discussion and possible action on posting Open Positions for the Special Service District

Mayor Moser said that there will be three openings.

Motion made by Trevor Black to post the open positions for the special service district. Dale Kingsley seconded the motion. Vote: Trevor Black-yes, Evan Brown-no, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 3/0.

11. Eastern Washington County Victims Services report from Tiffany Mower

Tiffany Mower reported that they were now in their third year. She said that Apple Valley had more victims than Toquerville and LaVerkin put together. She said that she tries to contact as many victims as she can to help. She explained that she helps with relocation, and preparation for trials, etc. She said that there is one shelter for the area that is in St. George. She said that the program helps educate victims on their options. They are available 24/7. She said that the crime reports can be requested from the county sheriff's office. Many victims to not want to proceed, but the Victims Services gives them the information that they need.

12. Discussion and possible action allowing solid waste credit for Marie McGowan in exchange for Town work

Mayor Moser said that Marie McGowan was helping with addressing, but she on an Easter Seals grant where she could not receive income from any other sources.

Motion made by Trevor Black to allow solid waste credit for Marie McGowan in exchange for Town work. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

13. Discussion and possible action on paying for clerk to become a notary public

Mayor Moser said that it would be to the benefit of the Town to have a notary.

Nathan Bronemann said that it would cost around a total of \$200 to become a notary public.

Motion made by Evan Brown to approve paying for the Town clerk to become a notary public. Dale Kingsley seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

14. Discussion and possible action on purchasing a video card and monitors for Town Meetings

Nathan Bronemann explained that Judith Davis had offered to donate her PC to the Town for this purpose. It would cost about an additional \$270 for the purchase of two monitors to make this happen.

Motion made by Trevor Black to accept the donation and purchase the monitors and equipment for Town Meetings. 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. Report and recommendation from the Planning Commission

None.

16. Report and recommendation from the Parks and Recreation Department

Marie McGowan reported that the concept drawing still needs to be drawn to the Town's specifications. She said that the package is done and has been approved by the Parks and Recreation Committee. She said that there are some grants in the works.

17. Report from the Fire Department

Chief Denny Bass said that he is continuing to work with agencies in California to get a fire engine donated. He said that the State fire marshal reported that a lot of the fires have been started by people shooting guns. He said that the department was looking for a tank to be donated or sold at a *very* reasonable price.

18. Report and recommendation from the Code Enforcement Officer

Motion made by Mayor Moser to table this item and item #19 until next meeting. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

19. Report and recommendation from the Citizen Corps Council

Tabled.

20. Roads Report and consideration of continuing improvements

Trevor Black reported that they were taking advantage of the moisture of late. He reported that someone had done over \$700 damage to the road grader.

Mayor Moser said that it had been moved to the storage units and asked anyone with information to come forward.

Price Nelson said that there was a tire with a leak that needs to be replaced.

21. Report from the Community Events Committee

Mayor Moser said that Founders Day would be held October 22nd. There will be a parade starting at 9:30 am followed by booths, games for children and food vendors.

22. Consent Calendar - Income and Expenses - Town Treasurer

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

23. Consider approval of minutes:

a. September 1, 2011 Work Meeting Minutes

Motion made by Trevor Black to accept the work minutes from September 1, 2011. Dale Kingsley seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

b. September 1, 2011 Regular Meeting Minutes

Motion made by Trevor Black to accept the regular minutes from September 1, 2011. Dale Kingsley seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, and Mayor Moser-yes. The motion passed 4/0.

24. Request for an executive session

None requested.

25. Adjournment

Motion made by Dale Kingsley 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 8:07 PM.

Date approved: _____

ATTEST BY: _____

Nathan Bronemann

Richard Moser