

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 3rd day of November, 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, Kevin Sair, and Mayor Moser were present. Legal Counsel was excused. Code Enforcement Officer, April Ruesch was present. Town Clerk Nathan Bronemann took minutes.
4. Declarations of conflict of interests.

None Stated.

5. Public Comments

Richard Ososki asked where the Town stood on the Town vs. the Rossis and their construction project. He also wanted to know what action had been taken.

Mayor Moser said that that matter was in litigation and that is could not be discussed. He said that the Town attorney was working on the issue.

Mike Maddox said that traffic control signs were coming up missing, such as stop signs.

Mayor Moser said that it was not the Town that was removing any traffic signs. He said that Trevor Black would look into the issue.

Dennis Smith invited the community to join the LDS church at Coral Cliffs Cinemas in Hurricane in donating items to auction for Dixie Care and Share. It will be November 12th from 10 am to 4 pm.

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

6. Discussion of new Solid Waste Application

Mayor Moser said that there had been a lot of negative response regarding the information that the Town was requiring for solid waste service. He said that all neighboring municipalities require the same information including social security numbers, birth dates, driver's license numbers, etc. He said that that information is password protected and kept locked in a file cabinet.

Pam Quale asked what would happen if they had mailed it in without a social security number.

Mayor Moser said that would be acceptable, but that all new residents would be required to provide all information requested.

Kevin Sair asked about requiring a deposit.

Mayor Moser said that that was a possibility, but that since the Town was only billing for trash that wasn't likely and that to do so would require a resolution.

Jack Davis said that he believed that it was legal for an owner to require renters to be responsible for utility and service bills.

7. Discussion and action on hiring Jocelyn Communications to install a security system

Mayor Moser said that the Council had previously discussed this in an executive session and that the price was \$1067 for the security system to be installed at the fire station/town hall.

Motion made by Trevor Black to hire Jocelyn Communications to install the security system. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-abstained, and Mayor Moser-yes. The motion passed 4/0 with one abstention.

8. Accept \$250 donation from Little Creek Development and Ira Bradshaw to the Fire Department

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

9. Discussion and action on Resolution 2011-26 appointing members to the board of the Big Plains Water and Sewer Special Service District

Mayor Moser read the resolution.

Motion made by Evan Brown to accept resolution 2011-26. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Mayor Moser said that they needed to set a date for the first meeting of the board of the SSD.

Motion made by Mayor Moser to schedule the first meeting for Wednesday the 9th of November at 7:00 pm at the town hall. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

The Council discussed having members of the Council and SSD board attend the Division of Drinking Water meeting to be held the following Wednesday. It was decided that they would just let Rod Mills attend the meeting to represent the Town.

10. Discussion and possible action on hiring a new building inspector

Mayor Moser said that there have been some issues with the current building inspector. He said that the inspector had required some unnecessary engineering that cost \$400 that the Town ended up having to credit. Mayor Moser also said that he does not want to make the trip to the Town to pick up plans, but that he wants the applicants to drive the plans to his house and leave them on a chair on his porch. Mayor Moser said that he would like to put the job out to bid for 2 weeks and reevaluate the position.

Motion made by Mayor Moser to put the building inspector's job out to bid. Kevin Sair seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Mayor Moser asked Nathan Bronemann to post the job in the paper and on the website for 2-weeks.

11. Report and recommendation from the Planning Commission

None.

12. Report and recommendation from the Parks and Recreation Department

Mayor Moser said they were still waiting on the park plans and expected to have them back soon as the engineer was now back in town.

13. Report from the Fire Department

Chief Denny Bass said that Jarry Zaharias was now on the fire department. He said that they were working on getting the tanks installed. He asked for any leads on a local vehicle inspector or someone willing to come to the fire station to inspect all of the vehicles. He added that they would be participating in the Veteran's Day parade.

14. Report and recommendation from the Code Enforcement Officer

See attached.

15. Report and recommendation from the Citizen Corps Council

See attached.

16. Roads Report and consideration of continuing improvements

Trevor Black said that they would be looking into the missing road signs. He said that they now had the tar and would be fixing the cracks in the Cedar Point area this weekend.

17. Report from the Community Events Committee

Kevin Sair said that there were no Town activities scheduled for the rest of the year. He said that Marcia Miner had volunteered to head up a community events committee.

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

Margaret Ososki suggested that it be part of the Parks & Recreation Committee.

After discussion, the previous motion was retracted.

Motion made by Mayor Moser to put the community events under the direction of the Parks and Recreation Committee and to create a resolution adding Marcia Miner to the Parks & Recreation Committee. Trevor Black seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes, Dale Kingsley-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

18. Consent Calendar - Income and Expenses - Town Treasurer

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

19. Consider approval of minutes:

a. October 20, 2011 Regular Meeting Minutes

Motion made by Trevor Black to accept the regular meeting minutes from October 20, 2011. Evan Brown seconded the motion. Vote: Trevor Black-yes, Evan Brown-yes,

Dale Kingsley-abstain, Kevin Sair-abstain, and Mayor Moser-yes. The motion passed 3/0 with two abstentions.

20. Presentation of the water study by Rod Mills

Rod Mills said that he would be reading from his written executive summary from the water study. He said the charter creating the special service district stated that the SSD would have the power to provide water and sewer by any means available as provided by law. He said that all parties are willing to discuss a deal. He said that the SSD's creation opened up funding options from federal and state agencies. He said that possible solutions could include allowing private companies to continue operation under the direction of the SSD or hybrid ownerships.

Rod Mills said that both systems meet the State requirements for source and storage. However, they both fail to meet the State requirements for distribution, though Cedar Point is much better. He said that there are some other smaller issues that need to be addressed. He said that the Town would need additional storage and source. He said that if they end up replacing the majority of the systems he did not want to disclose what he would recommend doing with the current systems. The conclusion that was made by the study was to recommend the acquisition of the functional parts of the current systems while simultaneously seeking side funding for other water rights acquisitions.

Rod Mills said that the value that they put on the systems with the associated improvements was \$4,272,220. He said that that was likely to change. He said that they had valued the water companies' assets below where the water companies had valued their assets. He said that their valuations were based on going comparable rates. He said that much of the current water companies' assets had been paid for by the existing development and the residents.

Mayor Moser stressed that there was some legal and confidential information that was obtained that will not become public due to a non-disclosure agreement that had been signed. He said that most of it would be available to the public upon request.

Rod Mills added that he would have liked to include all information if it had been legally possible.

Mayor Moser asked how many undeveloped lots were included in the study.

Rod Mills said that there were a couple hundred recorded, undeveloped lots that they accounted for.

Mayor Moser said that there is a divide between where the Town is at and where the water companies are at as far as valuation and that may be difficult moving forward.

Rod Mills said that they should know sometime in December what funding will be available for the SSD. He said that he would recommend reserving some money for unforeseen future expenses.

Mayor Moser said that the Public Service Commission had not yet received application nor given permission to merge the two systems.

Evelyn Greco asked if they were hoping that there would be enough grants and loans to fund what is necessary.

Mayor Moser said that through several different agencies they would be able to obtain grant and loan combinations to fully finance what is necessary.

Rod Mills added that these agencies will fund enough to ensure that the residents are not paying more than 1.75% of the Town's median adjusted gross income.

21. Request for an executive session

None requested.

22. 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, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 8:41 PM.

Date approved: _____

ATTEST BY: _____
Nathan Bronemann

Richard Moser

November 3, 2011 CODE ENFORCER'S REPORT TO TOWN COUNCIL

Since October 20, 2011:

I've been working on a building code violations. Residence should check with the town office before starting to build.

I took the ICS 300. I will probably take the ICS 400 later this year, so we can become NIMS compliant.

(Reminder all town officials, workers and firemen are required to take NIMS courses, 100 & 700. It is also recommended that town officials take ICS-G402. The more people trained, the better prepared we will be. Outside help will not always be available and able to get to us. If you need assistance let me know.)

April Ruesch
Code Enforcer

CITIZENS CORPS COUNCIL REPORT November 3, 2011

There was no Citizen's Corps Council last month because I had a class.

We are in need of a Citizen's Corps Leader and members as well as CERT leaders and members. We currently don't have any funds, but we do have plenty of supplies. If we have enough people interested the county will do training out here.

Hilldale Fire Dept. had agreed to teach a 5 part CPR-First Aid course. Cost is \$5 for the card. We need to find out how many are interested, before they will set up the dates. Please contact the town office if you are interested. Priority is the firemen and CERT members.

Thank you.
April Ruesch