

1. The meeting was called to order at 6:01 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Judith Davis, Ron Brown and Mayor Moser were present. Robert Campbell participated by telephone. Gary Kuhlmann, legal counsel was present. Engineering was excused. April Ruesch was excused. Dale Harris was excused. Chief David Zolg was present. Jack Davis was present. Town Clerk, Nathan Bronemann, was present, taking minutes.
4. Declarations of conflict of interests.
None stated.
5. Public Comments

Louie Ford asked Mayor Moser to step down because the Town was in debt.

Mayor Moser said if Mr. Ford was interested, he could come in to the office and request the budget.

Rich Kopp asked how the Town could acquire a spring and build a town hall with the debt the Town currently has.

Mayor Moser said the money for the Canaan Spring acquisition would come from a grant loan combination from the Division of Drinking Water. He said there would always be some debt. He said the service district was not a taxable entity and it operated from water fees.

Rich Kopp asked if there would be more debt for the Canaan Spring. He said the public should have some say in the new debt.

Mayor Moser said there was always a public hearing with new debt and the board would ultimately decide.

Rich Kopp said the public should decide.

Mayor Moser said the board took the public opinion under consideration and then they made a decision.

Steve Williams said he felt debt should be voted on. He asked about grants and loans.

Trevor Black explained the difference between grants and loans.

Gary Kuhlmann said the State of Utah sets the rules for bonding approval.

Michelle Kuhne asked if the board was elected or hired.

Mayor Moser said the Special Service District board was appointed by the Town.

Rich Kopp asked why the Town didn't just stay within the grant and not use any loan money.

Mayor Moser said when funding is approved, it is offered with specific terms. He said with most projects, the loan money must be used before the grant funding.

Frank Lindhardt asked if a funding issue could be brought to a vote even if it didn't have to.

Mayor Moser said a vote was required for certain dollar amounts from certain organizations. He said the Town was required to put a plan together for the future. He said there was the possibility for a Fire Station, a Town Hall, parks, etc. He said just because projects were put on the plan list, it didn't mean the Town would go out and do those projects tomorrow.

Gary Kuhlmann explained that general obligation bond that are paid back by taxation needed to be voted on and revenue bonds which are paid back by revenue collections do not require a vote. Gary Kuhlmann said if an issue was put to a vote when it was not required, the board could still make a decision contrary to the results of the vote. He said it wouldn't be any different from simply having the required public hearing.

Nathan Bronemann explained the difference between a mob rules democracy and a republic form of government. He said elected officials were tasked with educating themselves and making decisions for the best interests of the community.

Ron Brown said if they did not act on the spring purchase others would act on it and the Town would be losing a big opportunity. He said it was a wise decision for the future.

Linda Murphy asked how the grant and loan amounts were determined.

Mayor Moser said it was determined by the funding agency and the Town had to decide to accept or reject the offered terms.

Dale Kingsley asked the reason why the Gateway project was done.

Mayor Moser said the bridge needed to be replaced for safety reasons so the Town went to the CIB for some funding. He said along with the bridge replacement, other town and road improvements were made. He said when the water service district was created, it was created to make sure the water was safe and healthy. He said the funding agencies worked very well with municipalities and they wouldn't loan xxx

Linda Murphy asked if there had been a building permit issued at 1062 W. Smithsonian Way. She said she had heard it was a metal building. She asked if that was against town code.

Mayor Moser said it had been issued and met town codes. He said a GRAMA request could be made for the specific details of the building.

Jack Davis asked if everyone understood the value of quality water.

Rich Kopp said he was all for good water, but the debt scared him. He said he didn't understand how a metal building could be deemed a residence.

Mayor Moser said the Town could not tell people what building materials could be used. He said permits were not issued unless they met the Town's code. He said if something happens that the Town and its residents don't like, it was up to the Town to review the ordinances and make changes to fix the problem. He said the code was being reviewed and changes would be made.

Frank Lindhardt asked if all building permits issued were to code.

Mayor Moser said that was correct.

Frank Lindhardt asked how the large metal building in his area met code.

Mayor Moser said the permit did not show more than 50% labeled as garage.

Frank Lindhardt accused the Town of not following its own ordinances. He said they were not telling the truth.

Gloria Charles said the Town needed to address houses not being completed. She said it tanked the property values.

Michelle Kuhne asked what was happening to the pond down the bridge.

Mayor Moser said it was less than 18 inches deep and should dry up. He said it had been tested for mosquitoes.

Motion made by Trevor Black to close public comment. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

6. Public Hearing on Short Term Rental ordinance

Mayor Moser read through the proposed ordinance.

Tanna Stone asked what the definition of a short term vacation rental was.

Gary Kuhlmann said the definition would need to be added to the definitions ordinance.

Margaret Ososki asked who would enforce the ordinance.

Mayor Moser said the ordinance would be enforced by the Town and the County Sherriff, depending on the violation.

Dale Pugmire said one the short term rentals in his area had a party and when they called the police it took 45 minutes for them to arrive. He asked why they couldn't just be banned.

Mayor Moser said the Utah State Legislature now prohibits banning short term rentals.

Dale Pugmire said it wasn't available when he asked it.

Steve Williams asked why the State would force Towns to allow these on single family zoned parcels.

Mayor Moser explained that the State looked it in a similar way as a long term rental of a residence. He said that some municipalities in the county were creating a new zone specifically for short term rentals. He said in Apple Valley they were trying to limit the amount that could exist.

Steve Williams asked if the "No Access to Gooseberry Mesa" sign could be made larger.

Mayor Moser said the Town would look into it.

Tom Bora asked if the Town would allow someone to rent out a casita.

Mayor Moser said that would violate the single family zone.

Tom Bora asked about the 300 ft. restriction.

Mayor Moser said it was 300 ft. along the street.

Margaret Ososki asked about the no more than 10% rule and if it referred to homes or lots.

Mayor Moser said it pertained to lots in a subdivision phase.

Dale Pugmire said his area was saturated with him.

Mayor Moser said that occurred prior to the passage of the ordinance and there wasn't anything that could be done about things that happened prior to passage of the ordinance.

Judith Davis asked if a couple of the "may" words in the ordinance could be changed to "will".

Gary Kuhlmann and the council reviewed the instances referred to by Judith Davis. He said that in order to impose fines and other penalties, the Town needed to go through due process before a fine could be enforced or a business license revoked. He recommended that it remain worded as "may result..." or that it "shall result in a violation".

Margaret Ososki asked about the maximum number of vehicles.

Mayor Moser said there would need to be a parking space available for every bedroom, but the number of vehicles could not exceed the number of parking spaces available and all parking needed to be off of the street.

Margaret Ososki asked if "may be contained on the site" should be changed to "must be contained on the site".

Gary Kuhlmann said the issue was not done and the legislature was still looking at making future changes to short term vacation rental regulation. He said there was one more "may" that said there "may be a fee for such inspections". He said it should be changed to "shall".

Margaret Ososki asked if the State made a change and the Town already had an ordinance, would the Town have to change.

Mayor Moser said the State law always trumped municipal law.

Steve Williams asked about the impact of having large groups of renters.

Mayor Moser said that the purpose of collecting transient room tax was to help pay for the additional impact.

Margaret Ososki asked why the property owner wasn't required to be present.

Mayor Moser said that would be classified as a bed and breakfast. He said this ordinance only pertained to short term vacation rentals where the owner is not living on site.

Tanna Stone asked if Bed and Breakfasts could be included in the ordinance with the 10% limit.

Gary Kuhlmann said he would have to look at State code.

Steve Williams expressed concern with the Mt. Zion area where most of the rentals were located.

Mayor Moser addressed a question about time shares. He said a new zone would have to be created to allow those.

Evelyn Greco asked if bed and breakfasts were subject to taxes like short term rentals.

Mayor Moser said that those would also have to pay the tax.

Margaret Ososki recommended that tent trailers and RV restrictions be added to the ordinance.

Mayor Moser said that was already not allowed.

Motion made by Ron Brown to close the public hearing. Judith Davis seconded the motion.

Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

7. Discussion and possible action on Short Term Rental ordinance

Motion made by Mayor Moser to have Gary Kuhlmann review the suggested changes and then have the Council set another hearing for review of the changes. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

8. Discussion and action on scheduling a public hearing for FYE 2018 budget and FYE 2017 budget amendments

Motion made by Mayor Moser to schedule the public hearing on June 1, 2017 at 6:00 pm. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

9. Discussion and action on scheduling a public hearing regarding enacting a local option transient room tax for short term rentals

Motion made by Mayor Moser to schedule the public hearing on June 1, 2017 at 6:00 pm. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

10. Discussion and action on Resolution 2017-06, appointing Thomas Dansie as an appeal authority

Mayor Moser said the Town needed to find an appeal authority. He said Mr. Dansie came highly recommended, worked for Springdale in planning and was the appeal authority for Rockville. He said the fee would be \$500 per appeal hearing.

Motion made by Mayor Moser to adopt Resolution 2017-06. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

Robert Campbell said Mr. Dansie did have a lot of experience.

11. Reports from Town Council members on assignments

Mayor Moser said the Mosquito Abatement board reported that they were setting mosquito traps as it had been a wet spring. He said they also unanimously acknowledged Dale Kingsley's service on the board over the past years.

Robert Campbell said he had contacted the county to see if the Town would continue to receive revenues from the recycling bins. He added that if trash cans were damaged, to contact the number on the can and they would come out to repair them.

12. Report and recommendation from the Planning Commission, (including discussion and action)
 - a. Recommendation on zone change of AV-1365-P from OST to Residential 10-acre (R-10)

Jack Davis said the Planning Commission recommended the approval of the zone change.

Motion made by Ron Brown to approve the proposed zone change. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

13. Report and recommendation from the Big Plains Water and Sewer SSD

Mayor Moser reported that he and Harold Merritt went to Salt Lake on May 12th regarding funding for the purchase of the Canaan Springs. He said they were offered a \$517,125 funding package including a \$362,000 loan and \$155,125 principal forgiveness (grant.) He said the loan terms were 1% interest over 30 years. He said they board would have to hold a hearing and then decide whether to accept the package.

14. Report and recommendation from the Community Events Committee

Marie McGowan said the Ice Cream Social would be on Saturday at 7:00 pm and asked if they could use the fire bay in the case of inclement weather.

Mayor Moser said that would be fine and to coordinate with the fire chief.

15. Report and recommendation from the Public Works Department

Nothing to report.

16. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Trevor Black to approve the consent calendar. Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-abstain, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

17. Consider approval of minutes:

- a. May 3, 2017 Regular Meeting Minutes

Motion made by Trevor Black to approve the May 3, 2017 regular meeting minutes.

Judith Davis seconded the motion. Vote: Trevor Black-yes, Robert Campbell-abstain, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

18. Announcements

Mayor Moser said the proposed budget would be available in the office.

19. Request for a closed session

Mayor Moser asked if Louie Ford was still in the building so they could hold his requested closed session. He was not in the building, so no closed session was requested.

20. Adjournment

Motion made by Trevor Black to adjourn the meeting. Ron Brown seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 7:46 PM.

Date approved: _____

ATTEST: _____
Nathan Bronemann

Richard Moser