

Minutes of the regular meeting & public hearing of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 1<sup>st</sup> day of June, 2017 at the Town Office Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 6:00 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Trevor Black, Robert Campbell, Judith Davis, Ron Brown and Mayor Moser were present. Gary Kuhlmann, legal counsel was present. Rod Mills of Ensign Engineering was present. April Ruesch was excused. Dale Harris was present. 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

Gerry Graham asked if people were supposed to be living in a house in Manzanita.

Mayor Moser asked her to come into the Town office and register a complaint and it would be investigated.

Rich Kopp said he had heard chatter about a moratorium on building permits.

Mayor Moser said it was just chatter.

Louie Ford announced that he had filed a declaration of candidacy to run for mayor.

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 FYE 2018 budget and FYE 2017 budget amendments

Coleen Kapke asked why she hadn't heard about the budget hearing.

Mayor Moser said it had been posted and explained how that information could be accessed.

Chief Zolg gave the Town Council a copy of the fire department's prioritized list on needs.

Rich Kopp asked if this would be the only meeting the budget would be on the agenda.

Mayor Moser said this was the public hearing and it would be on the agenda next meeting for adoption before fiscal year end.

Motion made by Judith Davis to close the public hearing. 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.

Mayor Moser said he would recommend one change to the FYE 2017 amended budget. He said there had been several more building permits that had come in. He recommended increasing building permit income another \$10,000 to \$65,000 and increasing building permit contract

expense another \$5,000 to \$40,000. He said that would end up giving the Town an overall \$14,539 surplus for the year.

7. Public hearing on enacting a local option transient room tax

Margaret Ososki asked what a transient room tax was.

Mayor Moser said it was a tax that is charged on short term rentals and lodging. He said the rate for most municipalities in the county was 11.3%.

Nathan Bronemann added that the current rate without enacting the local option was 10.3% and the local option added another 1%.

John McNamara asked who was responsible to ensure the short term rentals were meeting legal requirements such as licensing and following ordinances.

Mayor Moser said the Town was in the process of passing an ordinance for short term rentals to ensure that they are complying with codes.

John McNamara asked how he could find out where they were.

Mayor Moser said the Town office would have that information.

Margaret Ososki asked how many bed and breakfasts were currently operating.

Mayor Moser said he thought there were 2 or 3.

Cindy Rollon asked where the additional 1% would go.

Mayor Moser said it would come back to the Town's general fund to put toward the impact of the short term rentals.

Coleen Kuhne asked how many short term rentals there were currently operating.

Mayor Moser said he understood there were only about three, but there were several individuals interested in renting new homes.

Coleen Kuhne said she had moved from a tourist area and there were many issues with rentals there.

Mayor Moser said he hoped the ordinance would help keep the short term rental impact to a minimum.

Margaret Ososki asked if there was a limit on bed and breakfasts.

Mayor Moser said there wasn't currently a limit.

John McNamara asked if the Town was responsible for regulating short term rentals.

Mayor Moser said the State had passed some legislation that disallows Towns from prohibiting short term rentals, but municipalities can pass ordinances regulating them.

Rich Kopp asked when the Town would create a zone specifically for short term rentals.

Mayor Moser said when there was a greater demand the Planning Commission would look into doing so. He added that the State law would not allow a municipality to limit short term rentals to just that zone.

Cindy Rollon said it would be preferable to have a bed and breakfast rather than a short term rental where the owner is not present.

Dale Kingsley said Apple Valley covered 55 square miles.

Motion made by Judith Davis to close the public hearing. 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.

8. Discussion and action on Ordinance 2017-01, enacting a transient room tax

Mayor Moser said this was not ready yet and would be continued until next meeting.

9. Discussion and action on expenses for Storm Water projects

Dale Harris said the culvert for the drainage on Rome Way would cost about \$7,011.

Mayor Moser said the storm drainage funding was restricted funding and any expenses required council approval.

Motion made by Trevor Black to approve the expenditure. 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.

10. Reports from Town Council members on assignments

Robert Campbell reported that unless the entire recycling program is profitable, the Town would not receive any money from the “mini binnies”.

Mayor Moser recommended that the Town attorney look at the Town’s solid waste contract to see if there was a better option contracting with another company.

Robert Campbell said he could look into what other areas are doing.

Mayor Moser said he didn’t think anyone in the county used a service other than the county’s.

Motion made by Mayor Moser to have Gary Kuhlmann look into the Town’s trash contract to see if there were other viable options. 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.

Mayor Moser said he had attended the county’s trails committee meeting. He said they were working to complete a county wide map with all the trails and then they wanted to try to connect as many trails as possible. He said it was in the early stages. He also said the State was issuing grant funding for trails. He said he would like to apply for some of that funding for a trail in town.

11. Report and recommendation from the Planning Commission, (including discussion and action)

Jack Davis reported that Mr. Lindhardt had requested to do a lot split and to rezone. He said there would be a public hearing next week on June 8<sup>th</sup>.

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

Nothing to report.

13. Report and recommendation from the Community Events Committee

Marie McGowan said the Ice Cream Social attendance was about 65 people. She said the next social would be June 17<sup>th</sup>. She said there was another submission for a day camp for beginner crocheting that would take place July 18-20.

Motion made by Trevor Black to approve the day camp. 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.

14. Report and recommendation from the Public Works Department

Dale Harris recommended that people take care of the thistles if they see them.

15. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Judith Davis to approve the consent calendar. 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.

16. Consider approval of minutes:

a. May 17, 2017 Work Meeting Minutes

Motion made by Trevor Black to approve the May 17, 2017 work meeting minutes. 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.

b. May 18, 2017 Regular Meeting Minutes

Motion made by Ron Brown to approve the May 18, 2017 regular meeting minutes. Trevor Black 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. Announcements

Mayor Moser said that anyone interested in running for public office could declare candidacy now through next Wednesday at 5:00 pm.

18. 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.

19. Adjournment

Motion made by Judith Davis to adjourn the meeting. 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.

Meeting adjourned at 6:46 PM.

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

ATTEST: \_\_\_\_\_  
Nathan Bronemann

\_\_\_\_\_  
Richard Moser