

1. The meeting was called to order at 6:00 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Judith Davis, Ron Brown and Mayor Moser were present. Trevor Black and Robert Campbell were excused. Legal counsel was excused. Engineering was excused. Dale Harris was excused. Jack Davis was present. Town Clerk, Nathan Bronemann, was present, taking minutes.
4. Declarations of conflict of interests.
None stated.
5. Public Comments

Lori Julander said she owned lot number 80 next to the lot where the metal building is going to built in the Gooseberry Subdivision. She said she had an offer on the property and she was worried that she might lose a sale due to the illegal building.

Mayor Moser said the building was legal and a building permit would not have been issued if it was illegal. He said the Town could not enforce CC&Rs.

Gary Wellin asked if the election candidates had been listed.

Mayor Moser said they were listed on the website.

Debbie Kopp asked if there was a noise ordinance for construction.

Mayor Moser said the county has noise ordinances and he said he thought from 10 pm to 6 am there were quiet hours.

Debbie Kopp said they were working at 4 am.

Mayor Moser recommended calling the county.

Bruce Hubrecht said he personally maintained 2 miles of roadway before his house. He said the roads were private and he requested that the Town put up a sign that stated that it was a private road. He was concerned with traffic that had not business in the area.

Mayor Moser said that some of the sections of roadway were no longer private and had been dedicated. He said the Town did do some maintenance on those roads. He said he would look at the possibility of putting up a sign to deter traffic.

Evelyn Greco said she also had a problem with the house being built in the Gooseberry Subdivision. She quoted code that referred to accessory buildings. She said it looked like a warehouse in an industrial area. She said it had too much garage space.

Mayor Moser said the code had been reviewed and the attorney had advised the Town. He said the Town Council and staff had been working diligently to change the code to ensure that these types of buildings would not happen again in residential areas. He said it was a loophole and the Town would be holding a hearing to make necessary changes to the code.

Evelyn Greco argued that the building should not be built.

Mayor Moser said he was not going to argue about the issue. He said changes were being made to fix the problem in the future.

LaRee Julander said she wondered why the Town ordinances aren't legal.

Mayor Moser said they are legal, but there is a loophole.

LaRee Julander asked why the plans had not been turned over to the architectural committee.

Mayor Moser said CC&Rs are not enforced by the Town and cannot do so legally.

Charlie Greco asked why there was not a planning commission site plan approval. He said it was scratched off and approved by staff.

Mayor Moser said the current policy is to have staff review and approve the site plan.

LaRee Julander said it seemed convenient that the building permit was approved.

Mayor Moser asked how it was convenient. He said he didn't want the building, and that is why ordinances were being changed. He reiterated that legal had reviewed the ordinances.

LaRee Julander asked what if the owner did a commercial business.

Mayor Moser said he could not legally do so.

Judith Davis explained that Apple Valley was a young town. She said there were going to be loopholes that need to be dealt with.

John McNamara asked how long it would take to get fixed.

Mayor Moser said the Planning Commission had already scheduled a public hearing. He said then it would go to the Town Council for final approval. He said there was a 90-day window to hold the issuance of permits that would violate the proposed ordinance changes.

John McNamara said he was also concerned with similar issues in his area.

Gary Wellin said he was concerned with them running a commercial business in the building. He said one of his neighbors had been told the plan was to run a business out of the building.

Mayor Moser said the business would not be legal. He said if there was a complaint stating that a commercial business was being conducted, it would be dealt with and shut down.

Charlie Greco said there was an issue with the sign ordinance a couple years ago. He said the ordinance was supposed to be changed.

Mayor Moser said the sign ordinance had been changed. He stated for the record that the Town was small and the staff was small and had limited time to do everything that needed to be done. He said they didn't have time to review all the Town codes. He said that if anyone in the community had an issue with the codes, they could request to be on the Planning Commission agenda to suggest that changes be made. He said he spent up to 40 hours per week working for the Town and that everyone needed to work together and help.

LaRee Julander asked how the Town should work with the ACC building restrictions.

Mayor Moser said the Town could not do anything regarding ACCs. He said the owners had been notified that there were CC&Rs.

Bruce Hubrecht suggested that the Town possibly give more warning regarding the building permits.

Mayor Moser said that anything could be requested through a GRAMA request. He said he didn't know how a municipality could make all building permits available to the public as they came in.

Marie McGowan added that she verbally notified people of possible CC&Rs when building permits are issued.

Charlie Greco disagreed with something he said the Town attorney had previously said and said the Town could notify individuals of CC&Rs.

Andy Sadler asked what the community would be like if there was not an incorporated town.

Mayor Moser said there was a lot of unapproved construction in unincorporated county. He said the county was not as good at dealing with issues.

John McNamara said that between the Apple Valley signs, Apple Valley should deal with any issue that arose.

Mayor Moser clarified that the Town was responsible for everything within the municipal boundaries.

Motion made by Judith Davis to close public comment. Ron Brown seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

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

Mayor Moser read the ordinance.

Motion made by Ron Brown to adopt Ordinance 2017-01. Judith Davis seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

7. Discussion and action on Resolution 2017-04 amending the FYE 2017 budget

Mayor Moser read the resolution.

Motion made by Judith Davis to adopt Resolution 2017-04. Mayor Moser seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

Mayor Moser explained that municipalities were required to amend the budget to ensure that they were not over budget in any category.

Judith Davis added that the Town was audited annually by an independent audit firm.

8. Discussion and action on Resolution 2017-05 setting the FYE 2018 budget

Mayor Moser read the resolution.

Motion made by Judith Davis to adopt Resolution 2017-05. Ron Brown seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

9. Discussion and action on purchasing a wacker packer (rammer) for the public works dept.

Mayor Moser said they had several bids on a few models. He said the best price on a Mikasa Multiquip MTX70HD was from Ahern for \$2,795 as opposed to Beehive Rental for \$3,200.

Motion made by Mayor Moser to approve the expenditure. Judith Davis seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

10. Reports from Town Council members on assignments

Mayor Moser said the Mosquito abatement district was reporting twice as many mosquitos this year. He said they had not yet found any diseases.

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

- a. Recommendation on lot split of AV-1365-M – Frank Lindhardt
- b. Recommendation on zone change of AV-1365-M from Residential Estate 10-acre (RE-10) to Residential Estate 1-acre (RE-1) – Frank Lindhardt

Jack Davis said the Planning Commission recommended the approval of the lot split and the zone change pending the Mylar creation, engineering review and the delay agreement.

The Town Council reviewed the Mylar for the proposed lot split.

Mayor Moser said there would need to be a delay agreement for the improvements that needed to take place.

Motion made by Mayor Moser to approve proposed lot split and zone change pending engineering review and that a road improvement delay agreement was in place. Judith Davis seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

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 would be on Saturday. She said the first day camp would take place the following week. She said by the August 3 Town Council meeting she would have a list of poll workers for the primary election to be approved. She said she would also be doing orientation and training.

Mayor Moser said there would be a meet the candidates night scheduled prior to the primary election.

14. Report and recommendation from the Public Works Department

Nothing to report.

15. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Judith Davis to approve the consent calendar. Ron Brown seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

16. Consider approval of minutes:

a. June 1, 2017 Regular Meeting Minutes

Motion made by Ron Brown to approve the June 1, 2017 regular meeting minutes. Judith Davis seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

17. Announcements

Nothing more to announce.

18. Request for a closed session

None requested.

19. Adjournment

Motion made by Judith Davis to adjourn the meeting. Ron Brown seconded the motion. Vote: Ron Brown-yes, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/0.

Meeting adjourned at 7:08 PM.

Date approved: _____

ATTEST: _____
Nathan Bronemann

Richard Moser