

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 5th day of October, 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, and Mayor Moser were present. Ron Brown participated by telephone. Legal counsel was excused. Rod Mills of Ensign Engineering was present. 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

Louie Ford asked if the Town had a dump truck.

Mayor Moser said the Town had a dump truck but it was in the yard waiting to be fixed.

Louie Ford asked why it hadn't been fixed.

Mayor Moser said that had been assigned to Robert Campbell.

Robert Campbell said he had recommended that it be returned to the previous owner and that they buy a new one.

Louie Ford asked how much the culverts cost the town.

Mayor Moser said they cost \$153.60 each.

Louie Ford said his culverts had not seen any rain and he was paying \$10 per month for storm drainage.

Mayor Moser said that fee was for projects.

Louie Ford asked if item #6 was necessary.

Mayor Moser said it was.

Gary Wellin asked about the weight limit on the bridge.

Mayor Moser said the weight limit is for the double chip and seal and not the bridge. He said it was to not have the road torn up.

Jay Kleinfeldt expressed his opinion that some of the agenda items tonight concern C-2 property. He said there were a lot of types of businesses that were inappropriate for certain areas. He said the Planning Commission's responsibility should be to determine if a project is appropriate for an area. He said they should have seen detailed plans prior to forwarding them. He said the Town Council should also have all of the appropriate details before a decision is made.

Charlie Greco said he had a few friends who do not come to the meeting who had asked about the income survey they had received in the mail.

Mayor Moser said anyone with questions could call the number on the survey or call the Town office. He said the income survey would be used to calculate the median household income. He said that number was currently calculated at \$62,000 per year, which was not likely accurate. He said the survey information would help to determine what funding would be made available to the Town and District. He said all the information was anonymous.

Rod Mills added that everyone should respond to the survey honestly. He said they had already done this survey and they had a 70% response. He said that these numbers would put the Town in a position to refinance funding packages and to be eligible for more grant funding.

Louie Ford encouraged everyone to fill it out and to throw it in the trash.

Jay Kleinfeldt said it seemed that it may be detrimental for anyone to fill it out that made over \$60,000 per year.

Rod Mills encouraged everyone to fill it out honestly.

Marie McGowan said someone with a \$60,000 income could be balanced with her income of \$14,000.

Motion made by Judith Davis to close public comment. 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.

6. Discussion and action on scheduling Meet the Candidates/Debate nights prior to the election

Mayor Moser said most other municipalities were holding meet the candidates night and debates.

Robert Campbell said he didn't feel that this should be discussed in a public meeting and made the motion to have these items removed. He said it was campaigning.

Judith Davis reminded Mr. Campbell about open and public meetings and stated her objection about removing this from the agenda. She said the people deserve to see and know who they are voting for.

Nathan Bronemann said that as the election official, this was not in anyway inappropriate or illegal. He said this would not be considered campaigning.

Ron Brown seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-yes, Judith Davis-no, Mayor Moser-no. The motion passed 3/2.

7. Discussion and action on Gateway Project progress

Rod Mills said he had followed up with the contractor as advised by the Town Council. He said he had discussed the items with the contractor on site. He said they had received the letter and had committed to responding to all items.

8. Reports from Town Council members on assignments

Mayor Moser said there had been some West Nile cases in Utah but none in Washington County.

9. Report and recommendation from the Planning Commission, (including discussion and action)
a. Recommendation on Zone Change of AV-1343-A-3 (OST to RE-40,000) – Cory Gubler

Jack Davis said the Planning Commission recommended approval.

Motion made by Judith Davis to approve the zone change. Robert Campbell 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. Recommendation on lot split of AV-1337- A-1-A-1-A – Little Creek Land Co.

Jack Davis said the Planning Commission recommended approval.

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

c. Recommendation on zone change of proposed new parcel split from AV-1337-A-1-A-1-A along Highway 59 from Open Space Transitional (OST) to Commercial 2 (C-2) – Little Creek Land Co.

Jack Davis said the Planning Commission recommended approval.

Robert Campbell asked if there had been any State approval on the access from the highway.

Mayor Moser said that didn't affect this item.

Motion made by Judith Davis to approve the zone change on the new 23 acre lot. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Ron Brown-abstain, Judith Davis-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

d. Recommendation on Site Plan for Village of Many Nations – Little Creek Land Co.

Jack Davis said the Planning Commission recommended approval with conditions.

Rod Mills said they had been told there would be seven full time employees. He said people could spend the night in teepees. He said this would be similar to the facility that was in Kanab. He said there were concerns about night sky and traffic concerns coming off of the highway. He said they would need to see approval from UDOT prior to construction approval. He said they had discussed berms with walls similar to what is around Entrada. Mr. Mills suggested approval with the conditions that engineering is satisfied with all details prior to commencement.

Trevor Black asked if there could be a stipulation that the UDOT approval be completed prior to any other construction.

Rod Mills said they could do that.

Motion made by Judith Davis to approve the site plan pending the conditions are met and engineering approve of the final plans. 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.

- e. Continuation: Recommendation on lot split of AV-1378-D, owned by Kenstal, LLC

Mayor Moser said engineering was still reviewing the plans.

Rod Mills said they needed to provide appropriate public access to the proposed lots.

Mayor Moser said they would have to continue this item until next meeting.

- f. Continuation: Recommendation on site plan review for Zion's Tiny Getaway Project on parcels AV-CDPT-3-12, 13, 14, 15 – Brant D. Tuttle

Rod Mills said the applicant had made considerable progress, but he was not ready to make a recommendation tonight. He said he would like to keep the exit a right turn only exit. He said they had moved the entrance further south as far as possible as was requested to keep traffic out of the residential area. He said the initial application involved RVs and the applicant had since decided to put permanent cabins on site due to the feedback received. He said there would still be some discussion with UDOT.

Brant Tuttle asked if there was the possibility of an approval pending conditions.

Trevor Black asked how Mr. Mills and the Planning Commission felt about this option.

Rod Mills said he was comfortable with that option as long as the conditions were clear.

Mayor Moser said they had met all requirements of the site plan.

Jack Davis said he was comfortable with this.

Judith Davis suggested that paving be fixed and they needed to verify the 10% open space.

Ron Brown asked about septic approval.

Rod Mills said that would be part of the approval of the building permit.

Motion made by Judith Davis to issue conditional approval on the site plan pending engineering approval on access, paving, 10% open space, and UDOT approval. Mayor Moser seconded the motion. Vote: Trevor Black-yes, Robert Campbell-no, Ron Brown-no, Judith Davis-yes, Mayor Moser-yes. The motion passed 3/2.

- 10. Report and recommendation from the Big Plains Water and Sewer SSD

Nothing to report.

- 11. Report and recommendation from the Community Events Committee

Marie McGowan said Founders Day was cold. She said they served about 80 meals. She said there would be a Halloween potluck social on the 31st. She said the Miss Apple Valley Pageant director had resigned.

12. Report and recommendation from the Public Works Department

Nothing to report.

13. 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-abstain, Judith Davis-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

14. Consider approval of minutes:

a. September 21, 2017 Work Meeting Minutes

Motion made by Ron Brown to approve the September 21, 2017 work 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.

b. September 21, 2017 Regular Meeting Minutes

Motion made by Ron Brown to approve the September 21, 2017 regular meeting minutes. 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.

15. Announcements

Mayor Moser said the burn season was open, but the permits were limited to one week at a time.

16. Request for a closed session

None requested.

17. Adjournment

Motion made by Trevor Black to adjourn the meeting. Robert Campbell 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