

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. Legal Counsel, Gary Kuhlmann, was present. Rod Mills of Ensign Engineering was present. April Ruesch was present. Dale Harris was present. Chief Louie Ford 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

Evelyn Greco called the Town Council to the unfinished house in the Gooseberry Subdivision. She said nothing had been done on the home in the last several months. She said the intended garage area had been closed in. She said it was very frustrating for other residents. She said the home had been under construction for several years.

Marty Lisonbee expressed the importance of having a master plan for the Town. With regard to the Gateway Project, he said he knew there had been public open houses. He said the Gateway Plan had changed significantly. He said having a pavilion at the Town entrance was a low priority for many residents of the Town. He said he felt that having additional chip and seal would better benefit the Town. He said some of the proposed items could be delayed to a further year.

Linda Murphy agreed with Mr. Lisonbee. She said she had turned in a petition to the Town of some residents that wanted more chip and seal.

Margaret Ososki asked why the Town could not get its own postal code.

Mayor Moser said the Post Master General would not issue a zip code until the Town reached 10,000 residents.

Gloria Charles said she would like the ditched cleaned out. She asked when it would happen.

Mayor Moser said the engineers were working on a plan and they would be cleaned out to promote better drainage. He added that ultimately residents were responsible for keeping the front of their property free of weeds.

With regard to the Gateway Project, Mayor Moser explained that funding had been issued by the State for a specified plan. He said that if the Town attempted to change the plan at this point, the Town could lose its funding. He said they were attempting to scale back to get as much chip and seal as possible. He said it would cost over a million dollars to add chip and seal to the remainder of the Town. In order to do so, he said and SID would have to be created and the residents taxed. He said the purpose of the Gateway Project was to enhance the community to bring development to the Town and increase the overall tax base and future funding. He said that as a result of the addition of the chip and seal, the B&C road funding would increase. He said an analysis would be conducted to evaluate the most beneficial areas to improve roads. He said future new developments would require the developers to pay for road improvements in those areas.

Evelyn Greco said she didn't recall pavilions being part of the original proposal. She asked when they were incorporated into the plan.

Rod Mills stated that post office building had always been a part of the project. He said it was considerably more elaborate than what the project has become today. He said the original plan had a road widening and concrete roadway all the way to Rome Way. He said the post office building and area had been greatly scaled back. He said at one point the amount of double chip and seal had been calculated at three miles and later at eight miles. He said they currently estimated about five miles of double chip and seal. He said they would target heavily traveled roads and ultimately, the roads that will last the longest.

Evelyn Greco asked where the gazebo building came from.

Trevor Black said the pavilion was the post office building downsized.

Rod Mills said he had never used the term gazebo, but the project would include a couple other small shade structures.

Gloria Charles said she didn't realize the purpose of the Gateway Project was to attract developers.

Mayor Moser said the purpose was to try to sell the vacant lots that existed in the community. He said by doing so, the Town tax revenues would increase.

Gloria Charles asked why anyone would move to Apple Valley and then expect the roads to be improved.

Mayor Moser explained that the Gateway Project funding would be repaid by taxes that the Town currently receives. He said there was also a grant issued for almost \$700,000. He said there would be no tax increase to pay for the project.

Charlie Greco asked what would happen if the Town was unable to repay the loans.

Mayor Moser said that sales taxes had been pledged to repay that debt.

Margaret Ososki said she remembered seeing a map of all the areas that were intended to be double chip and sealed. She asked what happened to that map.

Mayor Moser said that it was explained at that time that depending on the price of oil, the map indicated how much of the roadways would be improved.

Linda Murphy said that before the water project her road was stable and now it was not.

Mayor Moser said it was planned to improve the condition of the roads.

Robert Campbell thanked those in attendance and their participation and input.

Tish Lisonbee said she had come in to see a display of the plan of the project. She said she had only been given a picture of the bridge. She said she would like to see an overall mock up of the entire project. She also thanked the Town Council for all they were doing.

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

6. Budget hearing to amend the 2016 annual budget and set the 2017 annual budget

Mayor Moser said the revised budget for FYE 2016 changed from a \$988 surplus to an overall surplus of \$8,802. He said the FYE 2017 budget was balanced with projected revenue and expenses equaling \$465,820. He reviewed the budget.

No comments.

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

Robert Campbell asked about possible grants for the fire department and when they closed.

Mayor Moser said it all depended on the grant.

Robert Campbell recommended that Ron Brown get with Chief Ford to look into possible grants.

7. Discussion and recommendation from town attorney regarding the Board of Appeals

Gary Kuhlmann said several years ago, the State Land Use Act changed and did away with the board of adjustments. He said it was not allowed to appoint multiple person boards as well as single person boards. He said an advantage of a single person board was the elimination of much of the conflict. He said many municipalities now hired a single individual that did not live in the municipality to fill that position. He said this would eliminate possible conflicts of interest. He recommended that the Town do so.

Judith Davis said she felt it would be more advantageous to have someone outside of the area fill that position.

Mayor Moser said there had been discussion in the previous meeting regarding a potential conflict on the Board of Appeals. He recommended that the board be left as is until July 1st when two of the board of appeals positions would expire. He recommended that Gary Kuhlmann draft an ordinance to make that change beginning July 1st.

Robert Campbell suggested that the item be tabled until a later date.

Judith Davis asked why the Town Council would want to delay the decision. She said that if the decision was advantageous for the Town, why they would want to delay the decision.

Robert Campbell said they may want for information to come back from the Ombudsman's Office.

Gary Kuhlmann said the decision of the Ombudsman would not make a difference for the Town, and that it was just an advisory opinion. He said at this point, a lawsuit could not be filed.

Judith Davis asked if there was a time limit for the Ombudsman to reply.

Gary Kuhlmann said there was no time limit.

Judith Davis asked how the Ombudsman issue would affect the decision to change the form of the board of appeals.

Gary Kuhlmann said he felt they were two unrelated issues.

Judith Davis confirmed that they were talking about two separate issues and that they could move forward with the change.

Mayor Moser asked Frank Lindhardt if he had any comments on the issue.

Frank Lindhardt said his intention for filing with the Ombudsman was just to get an answer. He said he felt that the Town's actions were contrary to their ordinances. He said his intention was simply to get an opinion. He said that if he was in error, he would make restitution and expected the Town to do the same if the Town was in error. He continued to elaborate on how municipalities were required to follow their ordinances.

Motion made by Judith Davis to have Gary Kuhlmann draft the updated ordinance to change to a single member, non-resident review board. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-yes, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 5/0.

8. Discussion and possible action on the creation of a vacation rentals ordinance

Mayor Moser said there were some vacation rentals in the Town and there had been some complaints. He said the Council was reviewing Hurricane City's ordinance and it was being reviewed by legal as well. He also suggested enacting a transient room tax.

9. Report on Gateway Project progress

Rod Mills reported that the contractor had been focusing on the half of the bridge that didn't affect the current travel. He said they would be pouring concrete walls early next week. He said they were trying to manage dust control. He said he didn't see any problems with the contractor's work.

Tish Lisonbee asked about the area that they had created in the wash by removing dirt.

Mayor Moser said the hope was to have water to run through that area to slow the flow of water before the bridge.

10. Reports from Town Council members on assignments

Dale Kingsley reported that he had attended the Mosquito Abatement District meeting. He said the budget was on track and that they had purchased a vehicle. He said they were worried about the Zika virus back east. He said that it was not in our area. He demonstrated a mosquito trap that could be made from a 2-liter bottle using brown sugar, hot water and yeast.

Robert Campbell said he was trying to get Highway 59 widened. He said the next scheduled paving would be in 3-4 years and they needed to be ahead of the curve. He said if the community would cover 7% of the cost of bike paths, they could get grants to cover the remaining 93%. He said it was dangerous to have them riding on the highway. He said he had contacted Brad Last to request help to resolve these issues.

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

Jack Davis said they were recommending approval of the two following proposed zone changes.

- a. Recommendation to approve zone change of AV-1365-F from Open Space Transitional to Residential Estate – 40,000 (1-acre)

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

- b. Recommendation to approve zone change of AV-1365-F-1 from Open Space Transitional to Residential Estate – 40,000 (1-acre)

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

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

Mayor Moser said they were working on funding to shore up the Cedar Point tank and to get the Hwy. 59 well on line. He said the tanks had now been cleaned.

13. Report and recommendation from the Fire Department

Louie Ford said they had one fire on the highway. He said he anticipated a busy summer. He said Junior Zolg and Sylvia Barlow had graduated from the EMT program. He congratulated them.

Judith Davis said she had looked in to defibrillators. She said she had a couple recommendations for purchase, but wanted to do some additional research.

Mayor Moser said the burn season was closed until October.

14. Report and recommendation from the Community Events Committee

Nothing to report.

15. Report and recommendation from the Code Enforcement Officer

See attached.

16. Report and recommendation from Emergency Management

See attached.

17. Report and recommendation from the Public Works Department

Nothing to report.

18. Consent Calendar - Income and Expenses - Town Treasurer

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

19. Consider approval of minutes:

- a. May 19, 2016 Regular Meeting Minutes

Motion made by Judith Davis to approve the May 19, 2016 meeting minutes. Trevor Black seconded the motion. Vote: Trevor Black-yes, Robert Campbell-abstain, Judith Davis-yes, Ron Brown-yes, Mayor Moser-yes. The motion passed 4/0 with one abstention.

20. Announcements

Mayor Moser said Spanish Camp had been held today and was the first of many summer camps. He said the next Ice Cream Social would be Saturday the 18th.

21. Request for a closed session

None requested.

22. Adjournment

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

Meeting adjourned at 7:39 PM.

Date approved: _____

ATTEST: _____
Nathan Bronemann

Richard Moser

CODE ENFORCER'S REPORT TO TOWN COUNCIL June 2, 2016

Since May 19, 2016:

Many dogs still aren't licensed.

Weeds are coming up like crazy and thistles are taking over. I've been posting warning tickets to those that aren't attempting to control the situation and sending out notices.

People should contact the town office before putting up any buildings, fences or animal runs, or before moving trailers and other items on to properties, to make sure they are in compliance with all ordinances or check land use codes on our website.

If anyone has a complaint regarding a town ordinance violation please come into the town office and fill out a complaint form.

I'll be on vacation the last 2 weeks of this month.

Thank you,
April Ruesch

EMERGENCY MANAGEMENT REPORT June 2, 2016

I'll be attending SWCCC and SWRRT on June 8th in Cedar City which was re-scheduled due to an EMI Mandatory briefing on June 14th in St. George for our trip to MD in September. As chairperson of the SWCCC I've been busy trying to get things together from the conference for our grant, which is due the end of this month.

(IMPORTANT Reminder all town officials, workers and firemen are required to take NIMS courses, at least the ICS100 & 700). It is also recommended that town officials take ICS-G402. Firemen especially should complete more ICS courses online and when they become available to be eligible for grants and to be prepared for emergency incidents. We need your cooperation. 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. THIS will need to be done to continue getting the grant.)

Thank you,
April Ruesch