

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, Judith Davis, Robert Campbell, and Mayor Moser were present. Ron Brown was excused. Legal Counsel, Nick Turner, was present. April Ruesch was present. Jack Davis was present. Chief Louie Ford was excused. Rod Mills of Ensign Engineering was present. Town Clerk, Nathan Bronemann, was present taking minutes.

4. Declarations of conflict of interests.  
None stated.

5. Public Comments

Frank Lindhardt asked if AV-1377-G-1 would be addressed tonight.

Mayor Moser said it would be addressed.

Frank Lindhardt gave a list of his objections to the proposed subdivision and zone change on this area. He said he was opposed to the issuance of a building permit. He said he doubted that they would use the building for a barn. He said the subdivision was invalid because it was not on an already dedicated public road. He said the Bubbling Well Ln. highway entrance was not an acceptable entrance to the highway.

Motion made by Judith Davis to close public comment. Trevor Black seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

6. Discussion and action on scheduling a hearing to amend the annual budget

Motion made by Mayor Moser to schedule the public hearing for April 7<sup>th</sup>, 2016 at 6:00 pm. Judith Davis seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

7. Discussion and action on approving expenses for Town Council training

Mayor Moser said the Utah League of Cities and Towns was hosting annual training on April 6-8, 2016. He said the cost was \$270 per council member.

It was determined that Mayor Moser, Ron Brown, and Judith Davis could attend and Robert Campbell would likely be able to attend.

Motion made by Mayor Moser to approve the training expenses for Mayor Moser, Ron Brown, Robert Campbell, and Judith Davis. Trevor Black seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

8. Discussion and action on approving Public Safety Summit expenses for code enforcement officer

Mayor Moser said the cost would be \$250.

Motion made by Judith Davis to approve the training expenses. Trevor Black seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

9. Discussion and action on:

- a. Acceptance of delay agreements with regard to AV-1377-G-1
- b. Minor Subdivision of AV-1377-G-1
- c. Amending the Town's general plan with regard to AV-1377-G-1
- d. Zone change for newly created parcels of AV-1377-G-1

Mayor Moser said there were two separate delay agreements for Bubbling Well Ln. and for 1700 E. He said the Town's legal had reviewed the agreements and they were being reviewed by Mr. Millward Barlow. He explained everything that was being recommended for approval by the Planning Commission. He said the Town attorney was present to advise the Town on some concerns and objections to the proposals.

Nick Turner stated that Gary Kuhlmann was not able to attend due to back surgery. He said the State Ombudsman's office had been contacted regarding the Town's ability to zone land. He said the Town had located the zoning map. He said the Town did need to make updates to the map to bring the map to current zoning. He said there was no legal issue with approving the proposal.

Robert Campbell asked where the zoning map was.

Mayor Moser said the original zoning map had been located and was in the office. He said on the original plan, the lot in question was zoned Open Space Transitional and the land use plan designated the parcel as future commercial zoning.

Nick Turner reiterated that the zoning map needed to be brought current, but that the Town was within its legal right to change zoning.

Robert Campbell verified that the Town was completely within its legal right to approve the proposals. He also noticed that the audio recorder was not recording and it was started.

Trevor Black asked for details of the delay agreement.

Mayor Moser stated that the agreement for Bubbling Well Ln. was for when the Town gave notice of it needing to be done. He said on 1700 E., they would have to do the improvements within five years to do the improvements. Both improvements would include a 25 ft. wide strip of asphalt. He said that if the improvements were not completed as agreed, the Town would create an SID and they would be billed for the expenses.

Robert Campbell asked about subdivision not being allowed on undedicated roads.

Nick Turner stated the Gary Kuhlmann had reviewed the objections that were put forward. He contacted Gary Kuhlmann by phone.

Gary Kuhlmann stated that as long as there would be a dedication at the same time as the subdivision approval, that would be okay.

Robert Campbell asked Gary Kuhlmann if he saw any legal reason to not move forward on the vote of the proposed actions.

Gary Kuhlmann said there was nothing to his knowledge that would prohibit the Town from moving forward.

Nick Turner reiterated that an attorney can never guarantee that nothing will come back. However, they did not see any legal issue with the items at hand.

Trevor Black reiterated that they applicants had met all of the Town's ordinances.

Motion made by Judith Davis to approve delay agreement and the proposed subdivision, general plan amendment, and zone change pending the execution of the delay agreements. Mayor Moser seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-no, Mayor Moser-yes. The motion passed 3/1.

10. Report on Gateway Project progress

Mayor Moser announced that there would be a ground breaking ceremony on March 30<sup>th</sup> at 1:00 pm and the project should be complete within 210 days.

11. Reports from Town Council members on assignments

Nothing to report.

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

a. Zone change of parcel AV-1365-G to Residential 10-acre – Richard Crawford

Jack Davis stated that they held a public hearing and recommended approval.

Motion made by Robert Campbell to approve the zone change. Trevor Black seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

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

Mayor Moser said there was some clarification with Three Points Center regarding their water needs. He said they anticipated breaking ground in September.

14. Report and recommendation from the Fire Department

Nothing to report.

15. Report and recommendation from the Community Events Committee

Marie McGowan reported that day camps were in the process of being committed. She added that the stage had been completed and that she was researching the cost of constructing a dunk tank. She said on March 26<sup>th</sup> at 10 am, the Town would host their first annual Easter Egg Hunt.

16. Report and recommendation from the Code Enforcement Officer

See attached.

17. Report and recommendation from Emergency Management

See attached.

18. Report and recommendation from the Public Works Department

Dale Harris said he was getting ready for the Gateway project. He reported that the motor grader was still being repaired as they shop had experienced several issues.

Mayor Moser stated that he has made contact with the shop as well.

Gary Wellin asked about the pipe going in on Mt. Zion Drive.

Mayor Moser said that pipe was for septic systems that needed to cross the road. He said encroachment permits had been pulled and that Dale Harris was supervising the work.

19. 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, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

20. Consider approval of minutes:

a. March 3, 2016 Regular Meeting Minutes

Motion made by Judith Davis to approve the March 3, 2016 regular meeting minutes. Trevor Black seconded the motion. Vote: Trevor Black-abstain, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 3/0 with one abstention.

b. March 14, 2016 Work Meeting Minutes

Motion made by Judith Davis to approve the March 14, 2016 work meeting minutes. Trevor Black seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

21. Announcements

Nothing more to announce.

22. Request for a closed session

Not requested.

23. Adjournment

Motion made by Trevor Black to adjourn the meeting. Judith Davis seconded the motion. Vote: Trevor Black-yes, Judith Davis-yes, Robert Campbell-yes, Mayor Moser-yes. The motion passed 4/0.

Meeting adjourned at 6:58 PM.

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

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

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

**CODE ENFORCER'S REPORT TO TOWN COUNCIL March 17, 2016**

Since March 3, 2016:

Many dogs still aren't licensed. I'll be sending out notices.

I received a call about possible hillside ordinance violations, but it appears to be in compliance. We require a 50 ft. setback from the ridge for buildings on hillsides.

The dumpsters will be here March 25, 26 and 27. It's also burn season and a great time to clean up yards.

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.

Thank you,  
April Ruesch

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**EMERGENCY MANAGEMENT REPORT March 17, 2016**

Our Southwest Utah Citizen's Corps. Conference will be held on April 30th in Cedar City. It would be nice to have some other attendees from Apple Valley. Anyone CERT trained or interested is invited. It is free and lunch is provided, but you need to pre-register.

Our Apple Valley Preparedness Fair will be on April 23rd. I'd appreciate any contributions or help.

Washington County has made my travel arrangements for the EMI Earthquake training in Maryland next September.

Washington County Emergency Management is starting CERT training as of March 10th, and continuing every Thursday evening through March and April. Anyone interested should contact the county or me.

I attended a Citizen's Corps. Conference meeting, a meeting for the Spandex exercise and LEPC.

I plan to attend the full scale Pandemic training on March 17th, as part of the requirement for my grant. They could use more volunteers, if anyone can help please contact the health dept.

The Public Safety Conference is May 17th and 18th and will be in St. George.

(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