



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 20, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Barratt Nielson | Kevin Sair | Robin Whitmore | Jarry Zaharias |

CALL TO ORDER- Mayor Lindhardt called the meeting to order

PLEDGE OF ALLEGIANCE- Council Member Whitmore led pledge of allegiance.

PRAYER- Prayer was offered by Council Member Zaharias.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Jarry Zaharias

ABSENT

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S TOWN UPDATE

Mayor Lindhardt commented that he talked to the Hurricane City professional planning staff on upcoming changes in the legislation in January for land use. He continued, the Planning Commission will take preliminary plat applications and those applications will not go to Town Council for approval. This will add more pressure on planning commission members and it will be imperative to follow the advisement from our professional planning staff with Shums Coda Associates.

PUBLIC COMMENTS

Stewart Riding, Apple Valley, UT. He commented on the accessory building ordinance and the referendum turning it down. The voters have spoken and should be respected for several years, 5-7 years. The signers were offered a compromise and they failed to come to the table. Asked, if possible, to have police office to enforce traffic on the highway. Asked if we can have correspondence on bulk mailers and flip side make comments and mail back. Also, the possibility of having a closed town center with a gym.

Mayor Lindhardt commented that the accessory building amendment recommended by the Planning Commission recently will not be brought forth to Town Council this year. He continued, the new administration can decide if they want to pick it up or not. Also, he has spoken with the area manager of UDOT where the accident was recently on highway 59 for road repairs and they completed that.

Janet Prentice, Apple Valley, UT. She commented to ask UDOT to lengthen the no passing zone coming over that hill.

Terry Riding, Apple Valley, UT. She commented that 3 weeks ago there were bike races going on in the area. Why are there not signs so the people that live in this area are aware.



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Council Member Zaharias commented about contacting the State about eliminating any races on highway 59.

Annie Spendlove, Apple Valley, UT. She commented that she would like to reiterate that UDOT needs to re-evaluate the road, we need shoulders and passing lanes need to be reassessed. She also commented on the locations of the school bus stops in the Cedar Point/Bubbling Wells area. They pick up at Amie's driveway and drop off at Leanna's driveway. She would also like to address the firetruck that is on the agenda and all the maintenance that has been done. Old equipment maintained can be very reliable.

The Council discussed speaking with the school district about changing location for safety and the possibility of changing to the Cedar Point roundabout.

DISCUSSION AND POSSIBLE ACTION

1. **Application To Appear Before Town Council: Dan Tygard/Knollwood RV Park/Range RV, Purpose of Request: Impact Fee Payoff Plan.**

Mayor Lindhardt commented that the applicant requested this to be tabled for a future date. He continued, the owner will come in with an amended site plan application and this way he can lower impact fees and water shares according to the Town Ordinances. Removed from the agenda.

2. **Consider Approval of Fire Truck Purchase.**

Fire Chief Michael Gross discussed agenda items 2 and 3. He continued, this is a 2nd run truck and it is allowable per the NFP standards. We have a lack of service in the Cedar Point/Bubbling Wells because we are more than 5 miles from any fire station. This engine came from Dammeron Valley and it has all the maintenance records. The ISO insurance requires three years of record. It will need some repairs and maintenance as needed. Also, it comes with a suction hose that we were pending buying. We as well are getting 12 handheld matching radios. For firefighters simple is better. The radios alone are \$1,200 each. The fire department is also trying to find a temporary location to store the apparatus with a roof and heat. We sold a water tender that has been sitting in a repair shop for years along with a dump truck for \$7,500.00. The Town Administrator Jauna McGinnis asked the Fire Chief about the other truck. He confirmed it will be put out for public auction and believes it will go for \$5-8,000. The ISO insurance rating was discussed that comes up in March and a fire hydrant testing group is part of the ISO rating. He also discussed getting the Wildland Mitigation Advisory Board in motion and volunteers will be needed for the board. It is not a policing group and/or to go out and argue with the neighbors. It's to benefit the community in a fashion that is kind. As wildland fire firefighters we triage homes. The triage portions take place in an emergency and the board is for preplanning. The Chief commented, please reach out, he can take help anywhere. The Chief discussed the EMT certification and the program he is getting in place. He continued, last night we were gifted medical bags and they have been mingling with all the people out there. We need help; we are in a position where we are growing, we don't have the services, and we want to provide them. This agreement would be made with the controlling body (Hildale) to allow us to do basic EMT services in our area. Our Town Lawyer wrote the agreement and approved it. The Fire Chief would like to help and give back to their kindness (Hildale). This is a team



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effort. The council thanked the Chief. The Chief commented to the community if you have any questions day or night please call and he is available. This allows us to do basic life services and we are not transporting patients.

MOTION: Council Member Whitmore motioned that we approve the purchase of the fire truck for \$7,000.00 dollars.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

3. Consider Approval of EMS MOU.

MOTION: Mayor Lindhardt motioned that we approve the Memorandum of Understanding between Hildale and Apple Valley.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

4. Consider Approval of Appointing an Events Committee Member, Resolution-R-2023-30.

MOTION: Council Member Whitmore motioned that we approve Resolution-R-2023-30 appointing an additional Events Committee Member, of being Linda Noyes.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:



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Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

5. Consider Approval of Appointing an Alternate Planning Commission Member, Resolution-R-2023-31.

MOTION: Council Member Zaharias motioned to approve Resolution-R-2023-31, Alternate Planning Commission Member, Annie Spendlove.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

Town Clerk/Recorder Jenna Vizcardo administered the Oath of Office to Annie Spendlove.

6. Consider Approval to Amend Title 10.02.110 Enforcement, Ordinance-O-2023-33.

*Planning Commission recommended approval on August 30, 2023.

Mayor Lindhardt commented that this is already in State law.

MOTION: Council Member Whitmore motioned that we adopt Ordinance-O-2023-33 as amended, 10.02.110 Enforcement, Entrance upon land.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Abstain
Council Member Whitmore - Aye



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Council Member Zaharias - Aye

Mayor Lindhardt - Aye

The vote was three aye and one abstain and the motion carried.

7. Consider Approval to Amend Fee Schedule, Resolution-R-2023-29.

Town Administrator Jauna McGinnis discussed that she had a meeting with Shum Coda, analyzing what they would be charging on these items. She continued, this amendment is after the meeting with Shums Coda to cover the services and to make sure we are not losing funds. We should not be losing funds on developers' requests. Mayor Lindhardt reviewed the amendment presented in the agenda packet.

MOTION: Council Member Zaharias motioned that we approve the Amended Fee Schedule, Resolution-R-2023-29.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Zaharias - Aye

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

CONSENT AGENDA

8. Disbursement Listing for August 2023.

9. Budget Report for Fiscal Year 2023 through August 2023.

10. Minutes: July 19, 2023.

11. Minutes: August 16, 2023.

Council Member Sair asked the Town Administrator, Jauna McGinnis, what PCS Communications was on the Disbursement Listing. She answered that was fire equipment. Council Member Sair commented on the building maintenance is 91% due to swamp coolers being replaced. Also, discussed the re-classification of public works due to capital outlay projects.



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MOTION: Council Member Whitmore motioned that we approve the Consent Agenda, with the August 2023 Disbursement Listing, the August 2023 Budget Report for the Town of Apple Valley, the draft minutes from 7.19.23 Council Meeting, and the draft minutes from the Town Council meeting from August 16, 2023.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair discussed the dumpsters will be available on Saturday and Sunday, October 7th and 8th from 10am-4pm by the fire station behind the locked gates. Apple Valley residents will have priority. Council Member Sair also commented that all equipment has been paid for so with that said he would like to discuss the possibility of a mini-ex and dump trailer purchase for public works on a loan. Also, would be used to haul the excavator. Discussion only.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

MOTION: Council Member Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Zaharias - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



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The meeting was adjourned at 7:17 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT