



TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Tuesday, February 20, 2024 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Tuesday, February 20, 2024**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Michael Farrar |

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice |

Please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/82661513795>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 826 6151 3795

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENTS

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

MAYOR'S TOWN UPDATE

1. Fire Station Sublease.

PUBLIC HEARING - NEW BUSINESS

2. Adopt Title 16 Administrative Enforcement Program, Ordinance-O-2024-06.
3. Amend Title 8.10.010 General Requirements on Burn Permits, Ordinance-O-2024-09.
4. Amend Title 5.09.070 Application Review, Approval And Issuance and 5.09.090 Appeal Procedures (Special Event), Ordinance-O-2024-10.

PUBLIC HEARING - PLANNING COMMISSION BUSINESS

5. Amend Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2024-02.
*Planning Commission recommended approval on 1/3/24 and 2/7/24.
6. Consider Approval to Amend Title 10.10.110 Cabins Or Tiny Home Parks Zone, Ordinance-O-2024-03.
*Planning Commission recommended approval on 1/3/24 and 2/7/24.
7. Amend Title 10.10.030 C Commercial Zones, Ordinance-O-2024-04.
*Planning Commission recommended approval on 1/3/24.



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8. Amend Title 11.08.040 Street Improvements, Ordinance-O-2024-05.
*Planning Commission recommended approval on 1/3/24.
9. Amend Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2024-07.
*Planning Commission recommended approval on 2/7/24.
10. Amend Title 10.10.100 Recreational Vehicle Park Zone, Ordinance-O-2024-08.
*Planning Commission recommended approval on 2/7/24.

DISCUSSION AND ACTION - OLD BUSINESS

- [11.](#) Contract for Dispatch. (Intergovernmental Cooperative Agreement Between the Town of Colorado City, Arizona and Town of Apple Valley, Utah for 9-1-1 and Dispatch Services)
- [12.](#) Special Event Permit Application for Hurricane Mountain Bike Festival on April 5-7, 2024.

DISCUSSION AND ACTION - NEW BUSINESS

- [13.](#) Special Event Permit Application for Zion Ultra on April 12-14, 2024.
- [14.](#) Approval of Amending Title 8.10.010 General Requirements on Burn Permits, Ordinance-O-2024-09.
- [15.](#) Approval of Resolution-R-2024-06, Appointing Emergency Program Coordinator.
- [16.](#) Approval of Adopting Title 16 Administrative Enforcement Program, Ordinance-O-2024-06.
- [17.](#) Approval of Amending Title 5.09.070 Application Review, Approval And Issuance and 5.09.090 Appeal Procedures (Special Event), Ordinance-O-2024-10.
- [18.](#) Approval of Resolution-R-2024-07, Amending Resolution-R-2022-32.
- [19.](#) Approval of Resolution-R-2024-05, Utah Public Treasurers' Investment Fund Certification Of Authorized Individuals (PTIF).
- [20.](#) Approval of Resolution-R-2024-08, Appointment of an additional member to the Southwest Mosquito Abatement and Control District Board.
- [21.](#) Approval of Engagement Agreement for a Town Attorney with Heath H. Snow, Esq. with Snow Caldwell Beckstrom & Willbanck, PLLC.
22. Approval of adding Michael Lee Farrar (Mayor) and removing Jauna McGinnis to the Fire Account with State Bank of Southern Utah.
- [23.](#) Approval of Resolution-R-2024-09, Website Privacy Policy.
- [24.](#) Approval of Resolution-R-2024-10, Personnel Policies Yearly Review Amendment.



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DISCUSSION AND ACTION - PLANNING COMMISSION BUSINESS

- [25.](#) Approval of Amending Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2024-02.
*Planning Commission recommended approval on 1/3/24 and 2/7/24.
- [26.](#) Approval of Amending Title 10.10.110 Cabins Or Tiny Home Parks Zone, Ordinance-O-2024-03.
*Planning Commission recommended approval on 1/3/24 and 2/7/24.
- [27.](#) Approval of Amending Title 10.10.030 C Commercial Zones, Ordinance-O-2024-04.
*Planning Commission recommended approval on 1/3/24.
- [28.](#) Approval of Amending Title 11.08.040 Street Improvements, Ordinance-O-2024-05.
*Planning Commission recommended approval on 1/3/24.
- [29.](#) Approval of Amending Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2024-07.
*Planning Commission Agenda 2/7/24.
- [30.](#) Approval of Amending Title 10.10.100 Recreational Vehicle Park Zone, Ordinance-O-2024-08.
*Planning Commission Agenda 2/7/24.

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- [31.](#) Disbursement Listing for December 2023 and January 2024.
- [32.](#) Budget Report for Fiscal Year 2024 through December 2023 and January 2024.
- [33.](#) Approval of Minutes: January 10, 2024.
- [34.](#) Approval of Minutes: January 10, 2024. (Work Meeting)
- [35.](#) Approval of Minutes: January 17, 2024.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
BY AND BETWEEN
THE TOWN OF COLORADO CITY, ARIZONA AND TOWN OF APPLE VALLEY,
UTAH
FOR 9-1-1 and DISPATCH SERVICES**

THIS INTERGOVERNMENTAL COOPERATIVE AGREEMENT (“Agreement” or “IGA”) is entered into by and between Town of Colorado City, Arizona and Apple Valley, Utah and is as follows:

WHEREAS, Colorado City and Apple Valley (collectively “Parties” individually “Party”) are mutually interested in providing cost effective public services; and

WHEREAS, pursuant to A.R.S. §9-240 & A.R.S. §11-952, Colorado City, as an Arizona Town, is given authority to enter into contracts or agreements of joint exercise of power with any other public agency; and

WHEREAS, pursuant to Utah Code Ann. S 11-13-201 & 11-13-202 (1953 as amended), Apple Valley, as a Utah Town, is given authority to enter into contracts for the joint exercise of power with any public agency of any other state, exercising and enjoying all of the powers, privileges and authorities conferred by said act; and

WHEREAS, Colorado City staffs and operates a 9-1-1 communications center with the equipment and manpower necessary to adequately provide such services within the geographical limits of both Colorado City and Apple Valley; and

WHEREAS, Apple Valley and Colorado City are located in the same geographic area and could make the most efficient use of their powers by cooperating with one another on a basis of mutual advantage thereby to provide dispatch services in a manner that will accord best with geographic, economic, and population factors influencing the needs and development of both communities and providing the benefit of economy of scale for the overall promotion of the general welfare and safety of both communities; and

WHEREAS, Apple Valley and Colorado City desire to operate under an

intergovernmental cooperative agreement, also known as an intergovernmental agreement, and continued cooperation and mutual operation would be advantageous for both Parties, with certain adjustments to address issues under Arizona and Utah law.

WHEREAS, the Parties also recognized that this Agreement must satisfy the requirements of the Utah Interlocal Cooperation Act (“ICA”) found in Utah Code Ann. § 11-13-101 *et seq.* and A.R.S. § 11- 952 “Intergovernmental Agreements and Contracts”.

NOW, THEREFORE, COLORADO CITY AND APPLE VALLEY AGREE AS FOLLOWS:

1. TERM

- a. The term of this Agreement will be from the ____ day of _____, 2024, until one of the Parties to this IGA provides the other Party with a written Notice to Terminate this Agreement at least three (3) months prior to the desired termination of the IGA. Upon termination of this Agreement, any property that is owned by either Party used pursuant to this Agreement shall remain with or be returned to the owner of the property. If the Parties agree, rather than reverting the property to the Party owning the property, the Party owning the property may accept a payment of not less than the fair market value of the property from the other Party. Termination will not relieve either Party from liabilities and costs already incurred under this Agreement, not affect ownership of said equipment and property.

2. ADMINISTRATION AND OPERATION

- a. The Communications Center located at 10 South Heritage Lane, Colorado City, Arizona (“Center”) shall be under the direction of the Colorado City Chief of Police, who shall provide for the administration of this Agreement.
- b. The Communications Manager, who shall be appointed by Colorado City, shall be responsible to prepare and maintain guidelines and policies that satisfy all applicable ordinances, regulations, laws and other requirements of Apple Valley, the State of Utah,

Colorado City, and the State of Arizona.

- c. The Communications Manager shall be responsible for maintaining necessary personnel certification and center certifications so that the Center is recognized both in the State of Utah and the State of Arizona as a Public Safety Answering Point (“PSAP”).
- d. The Communications Manager shall coordinate with Apple Valley and Colorado City Managers and Councils regarding department practices and activities undertaken pursuant to this Agreement; however, the final decisions will be made by the Chief of Police.
- e. Apple Valley may offer to provide such additional personnel, furniture, fixtures and equipment as its Council deems appropriate; provided, however, that as a condition precedent to any Apple Valley personnel providing Colorado City assistance in connection with the responsibilities of Colorado City pursuant to Section 3.a, the managers of Apple Valley and Colorado City must meet and agree on supervisory protocols regarding such personnel. Any claim arising out of the joint actions of Colorado City and Apple Valley personnel pursuant to this Agreement shall be subject to the Joint Defense Agreement defined in Section 6.b of this Agreement.

3. RESPONSIBILITIES

a. **Colorado City Shall:**

- i. Provide dispatch services to Apple Valley in the same manner as such services are provided to Colorado City. Colorado City shall have sole and complete authority and control over the dispatch operation.
- ii. Provide emergency dispatching services to Apple Valley twenty-four hours a day and seven days a week to the extent all data, GIS, or other information has been provided or entered into the Center system.
- iii. Provide dispatching utilizing computer-aided dispatching, which includes but is not limited to: location of events utilizing cross streets; addresses and varied map coordinates as may be available; maintenance of status time, including time received, time dispatched, time first unit on scene and time last unit cleared scene; and other fire service benchmark times as available.
- iv. Provide, if requested, summary listings to Apple Valley of call data by month, quarter or year as generated by the system.
- v. Record Apple Valley radio transmissions from the primary dispatch channel as received at the dispatch center, and all telephone transmissions on emergency lines. Colorado City will maintain all recordings pursuant to the retention

schedules as established by the Arizona State Library, Archives and Public Records. Colorado City will provide copies of the recordings upon request to Apple Valley. Any costs associated with additional equipment or services required to record any additional radio frequencies will be the responsibility of the requesting entity.

- vi. Maintain control of all hiring, supervision, and discipline of communications personnel. All center employees, including the Communications Manager, shall be employees of Colorado City only.
- vii. Maintain control of all connectivity to the Colorado City system including, but not limited to, security policies, hardware, and software.
- viii. At regular intervals, provide Apple Valley with exception lists of information that needs to be verified by Apple Valley personnel. When notified of the verified and/or corrected information, Colorado City will make the needed changes to the GIS system in an appropriate timeframe.

b. The Apple Valley Shall:

- i. Comply with the radio, computer, electronic or other technical specifications required to support this Agreement.
- ii. Provide all GIS data needed for dispatching. Apple Valley will provide a single point of contact to facilitate this Agreement and make someone available on-site at the Center when needed to design and maintain Apple Valley's GIS information.
- iii. Provide a single point of contact and on-site person to add and update run cards.
- iv. Conform to the existing Colorado City naming conventions for GIS information.
- v. Comply with existing Colorado City procedures and policies regarding dispatching.

4. FINANCING AND BUDGET

- a. Apple Valley agrees to compensate Colorado City for its costs in providing the service pursuant to this Agreement according to the following:

Apple Valley will initially pay Colorado City, One Thousand One Hundred and Sixty-Four dollars (\$1,164.00) per quarter as a base rate. Additional calls will be billed at a rate of \$74.00 dollars per call. Apple Valley will also pay Colorado City a rate of \$45.00 per hour for any additionally requested services.

The formula for developing the monthly rate shall be the total dispatch budget for the fiscal year divided by the number of calls for the prior calendar year to arrive at a cost per call. The cost per call will be multiplied by the number of calls in Apple Valley

to determine the annual base rate. The base rate will be divided by 12 to determine the monthly base rate. The rate for additional services will be determined annually.

Compensation shall be invoiced by Colorado City's accounting department and paid by Apple Valley on a quarterly basis and reviewed for adjustment as part of the budgeting process for each fiscal year that the Agreement is in force.

- b. Payments made by Apple Valley to Colorado City pursuant to this Agreement shall be addressed in accordance with the provisions of Utah Code Ann. SS 10-5-101 et seq. or SS 10-6-101 et seq. (1953, as amended) as applicable. Colorado City shall establish and maintain a budget for dispatch services and shall provide a copy of said budget to Apple Valley upon completion in accordance with the fiscal procedures of Colorado City carried out pursuant to Arizona law. If either Party fails to appropriate funds as required to fund obligations under this Agreement, the other Party may terminate this Agreement, but any amounts owed for services rendered during the current budget year shall be paid notwithstanding such termination.
- c. As per A.R.S. § 23-1022, any employee of a Party to this Agreement, who works under the jurisdiction or control of, or who works within the jurisdictional boundaries of another Party pursuant to this Agreement, is deemed to be an employee of both the Party who is her primary employer and the Party under whose jurisdiction or control or within whose jurisdictional boundaries she is then working, as provided in A.R.S. §23-1022(D). The primary employer of such employee shall be solely liable for payment of workers' compensation benefits for the purposes of this section. Personnel will operate across the jurisdictional boundaries of the Parties as directed by the Communications Manager. Each Party shall provide the notice required by A.R.S. § 23-1022.E.
- d. As per Utah Code Ann. § 11-13-222 all privileges, immunities from liability, exemptions from laws, ordinances, and rules, pensions and relief, disability, workers compensations, and other benefits shall apply to an officer, agent, or employee of a public agency (as defined in the Utah Code) while performing functions under this

Agreement, whether within the territorial limits of Apple Valley or the territorial limits of Colorado City. All provisions of Arizona Revised Statutes Title 12, Chapter 7, Article 2 shall apply to any public entity or public employee performing or otherwise proceeding under this Agreement.

5. PARTIES TO RETAIN SEPARATE IDENTITIES

- a. Notwithstanding the provisions of this Agreement, each Party shall, always, retain its separate, legal identity. No separate legal or administrative entity shall be created under this Agreement, although administratively consolidated dispatch operations are intended.

6. MUTUAL INDEMNIFICATION

- a. To the extent permitted by law, the Parties shall indemnify, defend and hold harmless the other Party, its elected officials, officers, employees and agents from and against all claims, actions, judgments, costs and expenses, to the extent arising out of any act or omission of the indemnifying Party or its officers, officials, employees and agents resulting in a claim or claims for bodily injuries or damages to persons or property or other liability, real or personal, in connection with this Agreement.
- b. The Parties shall give each other prompt and reasonable notice of any such claims or actions. If a claim or claims by third parties become subject to this indemnity provision, the parties to this Agreement shall expeditiously meet to discuss a common and mutual defense, including possible proportionate liability based upon the relative degree of fault and proportionate payment of possible litigation expenses and damages pursuant to the Joint Defense Memorandum of Understanding and Agreement attached hereto as Exhibit A (collectively, the “Joint Defense Agreement”).
- c. The obligations under this Section 6 shall survive termination of this Agreement.

7. IMMUNITY

- a. By entering into this Agreement, the Parties do not (and do not intend to) waive any immunity provided to the Parties hereto or their officials, employees, or agents by Title 63G, Chapter 7, *Utah Code Annotated*, known as the *Governmental Immunity Act of Utah*, (the “Immunity Act”), or under Arizona Revised Statutes Title 12, Chapter 7, Article 2, or by other applicable law.
- b. While performing duties under this Agreement, whether inside or outside the Center employee’s own jurisdiction, each Center employee shall possess the same immunities and privileges as if the duties were performed within the Center employee’s own jurisdiction.
- c. Nothing in this Agreement shall be construed as a waiver of any sort, including, but not limited to, sovereign immunity or other defense available to governmental entities in Utah and Arizona, or as a consent to be sued, or as a submission to the jurisdiction of any court.

8. OBLIGATIONS

- a. This Agreement shall not relieve any Party of any obligation or responsibility imposed upon it by law and nothing herein shall be construed or give rise to a general obligation or liability of any Party or a charge against its general credit or taxing powers.

9. FILING

- a. A copy of this Agreement shall be placed on file in the office of the official record keeper of each Party and shall remain on file for public inspection during the term of this Agreement. In the event of a renewal of this Agreement the official record keeper shall refile the renewed agreement.

10. INSURANCE

- a. Each Party shall provide comprehensive liability insurance coverage in amounts not less than \$1,000,000 per occurrence for bodily injury and property damage, and \$2,000,000 aggregate. Coverage should include general liability, premises/operations, independent contractors, products/completed operations and contractual liability.
- b. Such insurance policy shall be evidenced by a current Certificate of Insurance naming the indemnified Party and its elected official(s), officers, employees and agents as additional insured and shall include a statement that insurance may not be cancelled without 30 days prior written notice to the other Party by first class mail, postage prepaid, other insurance options must be negotiated between Parties.

11. SEVERABILITY AND CONFLICTS OF INTEREST

- a. The provisions of this Agreement are severable. In the event any portion of this Agreement is not enforceable, the remainder shall be enforced with provisions deemed to have been included to the extent necessary to give effect to the intent of the Parties as stated in this Agreement.
- b. No delay, omission or failure to exercise any right of either Party under this agreement shall be construed to be a waiver of any such right or as impairing any such right.
- c. This Agreement may be canceled pursuant to A.R.S. § 38 - 511 in the event of a conflict of interest as described therein.

12. AMENDMENTS AND INTEGRATION.

- a. This Agreement is intended to reflect the mutual intent of the Parties with respect to the subject matter hereof, and no rule of strict construction shall be applied against any Party.

- b. The Parties shall work in good faith to implement and resolve details not specified in this Agreement.
- c. No amendment or modification of the terms hereof shall be made unless in writing and approved by the governing bodies of both Parties.

13. GENERAL TERMS

- a. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
- b. Nothing in this Agreement shall be construed as either limiting or extending the lawful jurisdiction of any Party. The Parties agree that nothing in this Agreement alters or conveys any judicial jurisdiction, including the authority to issue warrants for arrests or search and seizure warrants, or to issue service of process.
- c. This Agreement contains the entire agreement between the Parties concerning its subject matter and shall not be modified except by written agreement duly executed by the Parties hereto. There are no oral understandings or agreements not set forth herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this agreement.

DATED this _____ day of _____, 202~~4~~².

Howard Ream, Mayor
Town of Colorado City

Michael L. Farrar, Mayor
Town of Apple Valley

ATTEST:

ATTEST:

Shirley Zitting, Town Clerk

Jenna Vizcardo, ~~City Town Clerk~~^{Recorder}

APPROVED AS TO FORM AND SUBSTANCE:

Mangum, Wall, Stoops & Warden
Colorado City Attorney

~~Shaun Guzman~~
Town of Apple Valley Attorney



SPECIAL EVENT PERMIT CHECKLIST

1777 N. Meadowlark Dr., Apple Valley, Utah 84737

Complete applications must be submitted to the Town **forty-five (45) days before the event** is scheduled to take place. Applications submitted to the Town less than forty-five (45) days may not be accepted by the Town.

- ☐ 1. Complete Special Event Permit Application and provide copy of advertisement for event.
- ☐ 2. Detailed Event Site Plan. Must include Street Names, Placement of Barricades, Road/Sidewalk Closures, Vendor/Merchant Parking, Vendor Booth Placement, Inflatables, Amusement Devices, Table Placement, Portable Toilet Placement, Fencing, Tent(s) Placement, etc. Also an aerial view must be submitted.
- ☐ 3. Security Plan. Must provide names of security personnel, ages and contact information.
- ☐ 4. Proof of Insurance naming the Town of Apple Valley as additional insured.
Insurance is required when the event is held at a Town Facility, Park, Road Closure or Sidewalk Closure.
(Please see the example insurance certificate for amounts of coverage and language required to be on the insurance certificate.)
- ☐ 5. Proof of Insurance for each Vendor naming the Town of Apple Valley as additional insured.
Insurance is required when the Vendor is vending at a Town Facility or Park.
(Please see the example insurance certificate for amounts of coverage and language required to be on the insurance certificate.)
- ☐ 6. Proof of Park Reservation ([Call Town Clerk](tel:435-877-1190)) 435-877-1190.
- ☐ 7. Encroachment Permit Application and Plan. Submit on-line application <https://www.applevalleyut.gov/building/page/encroachment-permit-application> (Required for Road/Sidewalk Closures)
- ☐ 8. Written Authorization for Events held on Private Property from the Property Owner.
- ☐ 9. Temporary Sales Tax Number for Event and Vendors. Please contact State of Utah Special Event Tax Division -210 North 1950 West, Salt Lake City, UT 84134, 801-297-6303.
- ☐ 10. Health Department Approval for Any Food Provided at the event.
Please contact Southwest Utah Health Dept. - 620 South 400 East #400, St. George, UT 84770, 435-986-2580.
- ☐ 11. Town Use Agreement (Is required for certain Town properties. Town will provide the Agreement, if required.)
- ☐ 12. Applicable Fees.
- ☐ 13. Other Requirements: _____

Review Process Information

The application will be submitted to the Town Administrator for their recommendation of approval. The applicant will be contacted by the Town Administrator with comments/concerns. Comments/concerns must be resolved by the applicant prior to the Town Administrator approving the event permit. Town Council approval is required for Single Event Alcohol Permits. Questions, please contact Jenna Vizcardo at 435-877-1190 or by e-mail at clerk@applevalleyut.gov.

Date Received Application: _____
Insurance Received: _____

Permit No: _____
Date Issued: _____

SPECIAL EVENT PERMIT APPLICATION



Town of Apple Valley
1777 N Meadowlark Dr.
Apple Valley, UT 84737

Phone: 435-877-1190
E-mail: clerk@applevalleyut.gov

APPROVALS:

Town Administrator _____
Date: _____

Fire: _____ Date: _____

Conditions of approval: _____

Police: Please see the Security Plan Request
Application for approval and conditions.

Other Staff Approval: _____
Date: _____

Rev. 07-01-22

TYPE OF ACTIVITY (check all that apply):

☐ Film Production ☐ Parade ☐ Sporting ☐ 10K ☐ Block Party ☐ Religious
☐ Outdoors Sales ☐ Fun Run ☐ Dance ☐ Other: _____

Please print or type

EVENT NAME: Hurricane Mountain Bike Festival

1. Location of Event: Gooseberry Lodges: 1752 W Plains Dr., Apple Valley, UT 84737

2. Name of Organization: Hurricane Mountain Bike Festival

3. Date(s) of Event: April 5 - 7, 2024

4. EVENT DETAILS:

Set-up	Date: April 4, 2024	Start time: 12 pm MT	End time: 6 pm MT
Event	Date: April 5 - 7, 2024	Start time: 7 am MT	End time: 9 pm MT
Clean-up	Date: April 7, 2024	Start time: 7 am MT	End time: 2 pm MT

Is this a Recurring Event? _____ If yes; daily, weekly or other? _____

Is this an Annual Event? Yes _____ If yes; same date and place? No _____

5. PARTICIPANTS

of Participants & Attendees expected: 300 # of Volunteers/Event Staff: 20

☒ Open to the Public ☐ Private Group/Party

If event is open to the public, is it: ☐ Entrance Fee/Ticketed Event; ☒ Fee for Participants/Racers/Runners Only; ☐ Free.

6. APPLICANT INFORMATION

Name of Applicant: DJ Morisette

Address: 76E 100S Hurricane UT 84737

Day Phone: _____ **Cell/Other:** (435)990-1292 **E-mail:** humtbfestival@gmail.com

Mailing Address (if different): _____

Event Web Address (if applicable): www.hurricanemtbfestival.com

Alternate Contact For Event: Wendy Halitzer

Day Phone: _____ **Cell/Other:** (720)313-2290 **E-mail:** wendy.halitzer@me.com

7. VENDORS/FOOD/ALCOHOL (check all that apply)

☒ Yes ☐ No **Are Vendors/Merchants selling products or services?**
If yes, Temporary Sales Tax Numbers are required from the Utah State Special Event Tax Division 801-297-6303

☒ Yes ☐ No **Is Food available at the event?** Description: Catered and Food Trucks
If yes, Is the food (please check all that apply)
☐ Given away/pre-packaged ☒ Catered by: Lonny Boy's BBQ ☒ Prepared on site
 Events which have Food available must contact the SW Utah Health Department for approval 435-986-2580

☒ Yes ☐ No **Will Alcoholic Beverages be available at the event?**
If yes, please check all that apply
☐ Beer Stands ☒ Fenced-in Beer Garden
 Selling, Serving, Giving Away, Alcohol at an event requires Town Council Approval, Town Business License and State Of Utah Department of Alcoholic Beverage Licensing approval 801-977-6800

8. TENTS/STAGES/STRUCTURES (include details on site map)

☒ Yes ☐ No **Tents/Pop-up Canopies?**
How many Tents/Pop-up Canopies will be used for the event? 40-50
Dimensions of Tents/Pop-up Canopies: 10x10-10;
 All large or enclosed tents/canopies require Inspections from the AV Fire Department 435-877-1194

☒ Yes ☒ No **Temporary Stage?** **Dimensions of Stage:** _____

Description of Tents/Canopies/Stage, etc.:

9. SITE SETUP/SOUND (check all that apply - please include details on *site map*)

☐ Fencing/Scaffolding
☐ Barricades (must obtain privately)
☐ Portable Sanitary Units (must obtain privately)
☐ Inflatable/Bounce House(s) ☐ Generator(s) & ☐ Certificate of Liability Insurance are required (must obtain privately)
☒ Music **If yes, check all that apply:** ☒ Acoustic ☐ Amplified
☐ PA/Audio System **Type/Description:** _____
☐ Fireworks/Fire Performances/Open Flame Requires approval from AV Fire Dept. 435-877-1194
☐ Propane/Gas On-site Requires approval from AV Fire Dept. 435-877-1194
☐ Trash/Recycle Bin coordination On-site WCSW 435-673-2813

10. ROAD & SIDEWALK USE (please include details on site map)

☐ Yes ☐ No **Will Roads & Sidewalks Be Used?**
☐ Yes ☒ No **Are you requesting Road &/or Sidewalk Closures?**
 An Encroachment Permit is required for Road Closures and Sidewalk Use.
 To obtain the permit, <https://www.applevalleyut.gov/building/page/encroachment-permit-application>

☐ Road Use and Closure **Location:** _____
☐ Sidewalk Use **Location:** _____ ☐ Will stay on sidewalks and follow pedestrian laws.
☐ Parade **Location:** _____ **Number of Floats:** _____

11. SECURITY/OTHER (please complete and sign the Security Plan Approval Request Form, for approval of Security)**12. Application Fee is based on attendance, and charged per day, as follows:**

☒ \$75.00 for attendance under 300
☐ \$150.00 for attendance over 300
Total: \$ TBD (payable to: Town of Apple Valley – Attn: Special Events, 1777 N. Meadowlark Dr, Apple Valley, UT 84737)

By submitting a signed application, the applicant certifies that falsifying any information on this application constitutes cause for rejection or revocation of the Permit.

DJ Luther Morissette

Applicant's Name [PRINT]



Applicant's Signature

5/25/23

Date

EVENT DESCRIPTION

PLEASE DESCRIBE YOUR EVENT IN DETAIL; ADD ANY ADDITIONAL INFORMATION OR PAGES.

- *Please be sure to include any elements of your event that will help with the approval of the event, including provision of fire and emergency medical services, potable water, dust control, and security plan.*
-

Annual mountain bike meet-up where riders get to gather for demo bikes, first-look at new industry launches from bikes to components to apparel and everything in between. Two days of shuttle vans provide transportation along with local riders leading trail rides. There are clinics for different levels of riders, education about trail etiquette, music, games, and give-aways. Catered dinner on Friday night dinner and Saturday breakfast, other meals will be provided by local food establishments and/or food trucks. Venue will be located at Gooseberry Lodges.

Three days of shuttles. Group rides with locals sharing some of there favorite trails. Skills clinics.

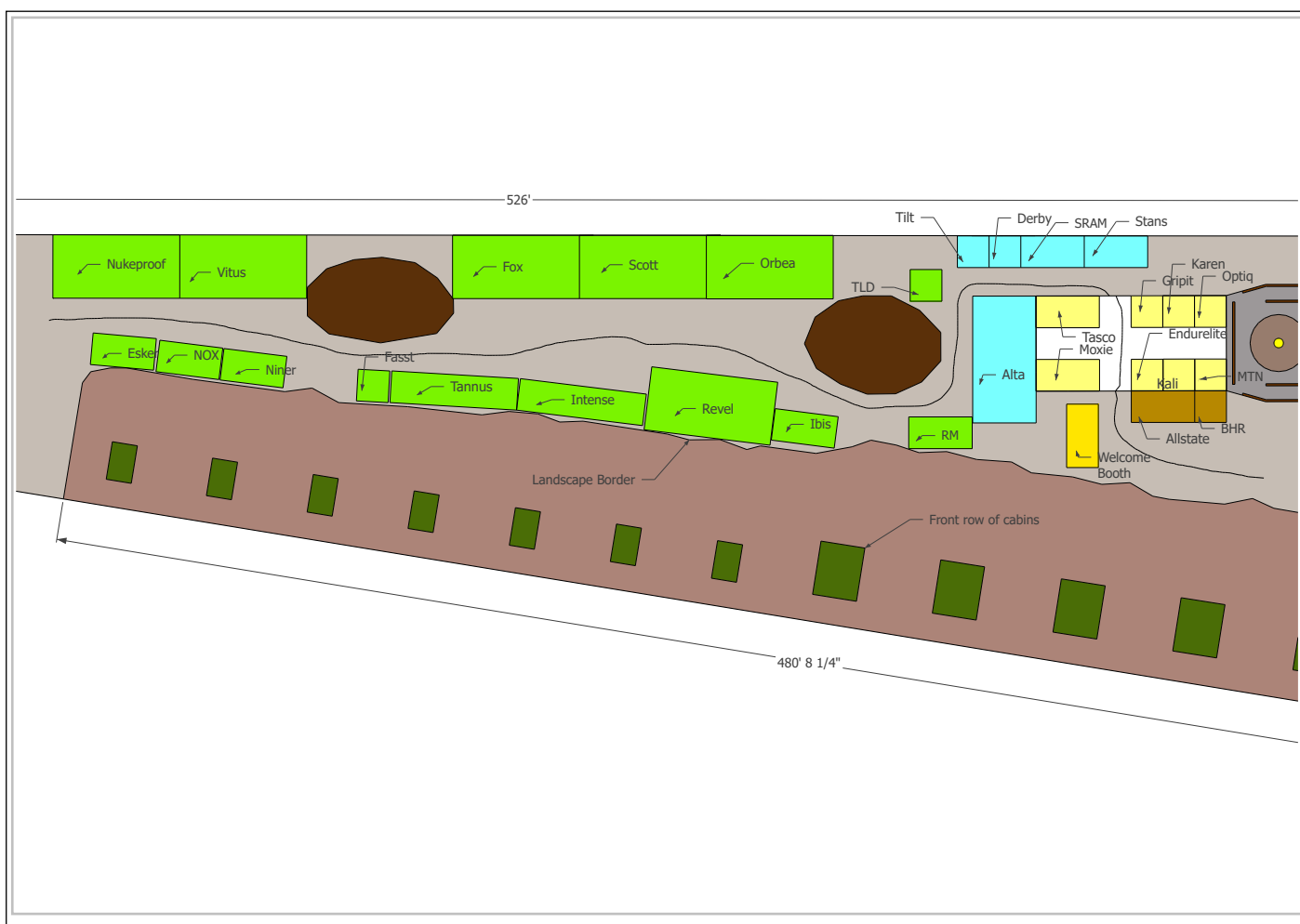
DETAILED SITE PLAN/MAP

PLEASE INCLUDE [OR ☐ ATTACH] A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE.

Your map should **include**:

- The names of streets, placement of barricades, and/or road/sidewalk closures
- The areas where participants and vendors/merchants will park
- Parade forming and disbanding areas, bleachers, etc.
- Vendor and booth placement, tables, etc.
- Portable toilets, portable hand-washing stations, fencing
- Location of security personnel, information booth, lost and found booth
- Stage, tents and materials, storage, inflatable amusement devices, table placement, etc. used in the event.

North



Date Received Vendor List: _____
Payment Received: _____

Permit No: _____
Date Completed: _____

Item 12.

SUB-LICENSE FEE(S)



Please make check payable to: Town of Apple Valley

Town of Apple Valley
1777 N. Meadowlark Dr
Apple Valley, UT 84737

Phone: 435-877-1190
E-mail: clerk@applevalleyut.gov

EVENT NAME: Hurricane Mountain Bike Festival CONTACT PHONE: (435)990-1292

EVENT DATE(S): April 5 - 7, 2024 EVENT LOCATION: Gooseberry Lodges: 1752 W Plains Dr., Ar

VENDOR INFORMATION

Please provide the following information for all vendors. The sub-license fee for each vendor is \$5.00.
Special Event Tax Numbers are required for each Vendor, 801-297-6303. Those Vendors selling, giving away, or preparing food on site are required to obtain approval from the Southwest Utah Public Health Department, 435-986-2580.

#	Vendor Name	Vendor Phone #	Product or Service to be offered at Event	Payment \$5.00
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date Received: _____

Permit No: _____

Police Approved: _____

Date Issued: _____

Approval with Comments:

Rev. 7-01-22

SECURITY PLAN APPROVAL REQUEST FORM



All questions must be answered completely or application will not be considered. Please allow TEN (10) days for approval. Together with this application, please provide a written Security Plan including names of all security personnel.

EVENT NAME: Hurricane Mountain Bike Festival

Event Location: Gooseberry Lodges: 1752 W Plains Dr., Apple Valley, UT 84737

Type of Event: Annual Gathering for MTB Riders

Date of Event: April 5 - 7, 2024

Hours of Event: FRI/SAT 7:30 am - 9 pm; SUN 9 am - 2 p

Number of Expected Attendance:

Occupancy Load:

Name of Applicant: Hurricane Mountain Bike Festival

Address:

Day Phone:

Cell/Other: (435)990-1292

E-mail: humtbfestival@gmail.com

- Security Personnel must be 21 years old or older;
- A Security Director must be onsite at all times with a cell phone;
- Shirts or Vests must look the same. "SECURITY" must be stated on the shirt or vest so it is visible to the public and the Police Department.

Please check applicable Security:

The following will allow for the calculation of security required. The calculations will change depending on the type of event.

- | | | |
|---|--------------------------------|------------------------|
| <input type="checkbox"/> Police Officers (must coordinate w/Washington County | 2 Police Officers per | 1 to 300 People |
| <input checked="" type="checkbox"/> Security Officers in Uniform | 3 Security Officers per | 1 to 300 People |
| <input checked="" type="checkbox"/> Private Citizens in Security Shirts or Vests | 4 Private Citizens per | 1 to 300 People |

Name of On-site Security Director: Dane Womack

Cell Number: 435-592-0650

E-mail: Dane@onsiteprivatesecurity.com

Comments:

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of the Special Event Permit. I also understand that the Sheriff Department may require additional information as permitted by Ordinance, and also agree to supply the same.

Applicant Signature:

Date: 5/25/23

SECURITY PLAN INFORMATION

1. Please list the names of the security personnel, age, and cell phone number:

First	Last	Age	Cell Phone Number

2. Please indicate the number of security personnel that will be roaming on the premises of the event: 3-6.

3. Please provide a detailed Security Plan:

One security personal will be at the entrance/exit of Gooseberry Lodges, one at the West end of the venue

One at the east end and the rest roaming the venue.

4. Please mark on the site plan the locations of each security person:

ACORD

TM

CERTIFICATE OF LIABILITY INSURANCEDATE
(MM/DD/YYYY)**PRODUCER****Insurance Producer Name, Address, Phone number**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT MEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

Agency
Information with
NAIC #**INSURERS AFFORDING COVERAGE****NAIC #****INSURED****Insured name or DBA with address**INSURER A: **Name of Insurance Company**

must be included

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM, OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY	POLICY EFFECTIVE DATE MM/DD/YY	POLICY EXPIRATION DATE MM/DD/YY	LIMITS
X	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC	Type of Insurance and included Coverage			EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Each occurrence) \$ 295,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO EA ACC \$ ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	Descriptions of Operations Verbiage			WC STATU- TORY LIMITS OTH- ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EAEMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER:				

DESCRIPTION OF OPERATIONS LOCATIONS VEHICLES EXCLUSIONS, IF ANY, ADDED BY ENDORSEMENT / ECI & PROVISIONS

Town of Apple Valley is listed as an additional insured with respect to (name of insured) participation in: (name, date, and location of event). The Town of Apple Valley is Primary & Non-Contributory for Ongoing & Complete Operations: a Waiver of Subrogation applies in favor of the Town of Apple Valley. A 30 day Notice of Cancellation will be provided should any of the above described policies be cancelled before the expiration date.

CERTIFICATE HOLDER

Town of Apple Valley
1777 N. Meadowlark Dr
Apple Valley, UT 84737

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL **30 DAYS** WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

Signature of Agent

AUTHORIZED REPRESENTATIVE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/01/2024
Item 12.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Horizon Agency, Inc. 6500 City West Parkway #100, Eden Prairie, MN, 55344	CONTACT NAME: PHONE (A/C, No, Ext): 952-914-7165 FAX (A/C No): 952-944-3091 E-MAIL ADDRESS: rob@horizonagency.com PRODUCER CUSTOMER ID :														
INSURED Sports Marketing Program Management Inc. Hurricane Mountain Bike Festival Inc. 76 E 100 S Hurricane, UT, 84737	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A : Accelerant Specialty Insurance Company</td><td>16890</td></tr><tr><td>INSURER B :</td><td></td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Accelerant Specialty Insurance Company	16890	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:** A-SP-SU-23-10-30-289969**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GENERAL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y	N	S0019GL000001-03	04/04/2024	04/07/2024	<table><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000.00</td></tr><tr><td>DAMAGE TO PREMISES RENTED (Any one premises)</td><td>\$ 300,000.00</td></tr><tr><td>MED EXP (any one person)</td><td>\$ 5,000.00</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$ 1,000,000.00</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 3,000,000.00</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 2,000,000.00</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000.00	DAMAGE TO PREMISES RENTED (Any one premises)	\$ 300,000.00	MED EXP (any one person)	\$ 5,000.00	PERSONAL & ADV INJURY	\$ 1,000,000.00	GENERAL AGGREGATE	\$ 3,000,000.00	PRODUCTS - COMP/OP AGG	\$ 2,000,000.00		\$
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EACH OCCURRENCE	\$																				
AGGREGATE	\$																				
	\$																				
	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	N/A					<table><tr><td>WC STATUTORY LIMITS</td><td>OTH-ER</td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$</td></tr></table>	WC STATUTORY LIMITS	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$						
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E.L. EACH ACCIDENT	\$																				
E.L. DISEASE - EA EMPLOYEE	\$																				
E.L. DISEASE - POLICY LIMIT	\$																				
A	OTHER Abuse/Molestation	Y	N	S0019GL000001-03	04/04/2024	04/07/2024	Each Occurrence: \$ 25,000.00 Aggregate: \$ 50,000.00														

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Liability Policy Deductible: \$0.00 Deductible for Bodily Injury and \$ 1000.00 per Property Damage Claim. ISO Occurrence form CG 00 01 04 13 and company's specific forms. Coverage for Participant Legal Liability requires that every participant signs a waiver/release. The certificate holder is named as Additional Insured with respect to (continued on next page)

CERTIFICATE HOLDER**CANCELLATION**Apple Valley town
1777 N. Meadowlark Dr.
Apple Valley, UT, 84737

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mark Di Perno

AGENCY Horizon Agency, Inc.		NAMED INSURED Hurricane Mountain Bike Festival Inc.	Item 12.
POLICY NUMBER S0019GL000001-03			
CARRIER Accelerant Specialty Insurance Company	NAIC CODE 16890	76 E 100 S Hurricane, UT, 84737	
		EFFECTIVE DATE: 04/04/2024	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

negligent acts or omissions of the Named Insured and only with respect to the Operations of the Insured during the coverage period.
RE: Registered Mountain Biking - Recreational, XC, Trail riding participants: 04/04/2024 - 04/07/2024;



GOOSEBERRY LODGES

November 28, 2023

To Whom It May Concern,

This letter is to grant permission to the Hurricane Mountain Bike Festival and its partners/vendors the use of Gooseberry Lodges property located at 1752 W Plains Dr for their 2024 Hurricane MTB Festival held on April 4-7, 2024. In addition, we as owners grant permission for the use of parcel AV-1335 to be used as a parking area for festival attendees and vendors during the dates of the festival. The organizers of the festival shall have full access to all facilities and amenities at the properties during the festival.

Sincerely,

Aaron Stout

Owner/Operator

Gooseberry Lodges

Gooseberry Lodges
1752 W Plains Dr
Apple Valley, UT 84737
435-703-8500



Festival Hurricane <humtbfestival@gmail.com>

(no subject)

Matthew Rhodes <mrhodes@utah.gov>
To: Festival Hurricane <humtbfestival@gmail.com>
Cc: Jeff Bunker <jbunker@utah.gov>

Mon, Dec 18, 2023 at 9:45 AM

Wendy,

If you are not using the State for your event, which includes traffic control. You will not need a UDOT permit.

Matt Rhodes

Region Right Of Way Control Coordinator

Utah Department of Transportation

1470 North Airport Rd • Cedar City, UT 84721

office: (435) 865-5500 • cell: (435) 590-8897

email: mrhodes@utah.gov



[Quoted text hidden]

June 21st, Town Council Meeting Notes

Wendy Halitzer and DJ Morisette were present on zoom and discussed the event application in the agenda packet.

Council Member Nielson asked questions pertaining to the traffic control for the event/festival. The Fire Chief commented on using UDOT for traffic mitigation.

The feasibility for the community was discussed.

The beer garden was discussed with state law followed.

Applicant to bring forth application for approval to Town Council after they have secured liability insurance.

Discussion only. No action taken.

Date Received Application: January 17, 2024

Permit No: _____

Insurance Received: _____

Date Issued: _____

SPECIAL EVENT PERMIT APPLICATION



Town of Apple Valley
1777 N Meadowlark Dr.
Apple Valley, UT 84737

Phone: 435-877-1190
E-mail: clerk@applevalleyut.gov

APPROVALS:

Town Administrator _____

Date: _____

Fire: _____ Date: _____

Conditions of approval: _____

Police: Please see the Security Plan Request
Application for approval and conditions.

Other Staff Approval: _____

Date: _____ Rev. 07-01-22

TYPE OF ACTIVITY (check all that apply):

☐ Cycling ☐ 5K ☐ Training Event ☐ Festival
☐ Film Production ☐ Parade ☐ Sporting ☐ 10K ☐ Block Party ☐ Religious
☐ Outdoors Sales ☐ Fun Run ☐ Dance ☐ Other: _____

Please print or type

EVENT NAME: Zion Ultra1. Location of Event: Ruby Rider Ranch2. Name of Organization: Vacation Races3. Date(s) of Event: 4/12, 4/13, 4/14 (2024)

4. EVENT DETAILS:

Set-up	Date: <u>4/12</u>	Start time: <u>8:00 am</u>	End time: <u>8:00 pm</u>
Event	Date: <u>4/12, 4/13, 4/14 (2024)</u>	Start time: <u>4:00 am</u>	End time: <u>8:00 pm</u>
Clean-up	Date: _____	Start time: <u>12:00 pm</u>	End time: <u>8:00 pm</u>

Is this a Recurring Event?

If yes; daily, weekly or other?

Is this an Annual Event?

If yes; same date and place? Different dates, same place

5. PARTICIPANTS

of Participants & Attendees expected: 1,300 # of Volunteers/Event Staff: 50

☐ Open to the Public☒ Private Group/PartyIf event is open to the public, is it: ☐ Entrance Fee/Ticketed Event; ☐ Fee for Participants/Racers/Runners Only; ☐ Free.

6. APPLICANT INFORMATION

Name of Applicant: Bridgette BarneyAddress: 1201 S. Hillcrest Dr. Washington Utah 84780

Day Phone: _____ Cell/Other: 435-668-1189 E-mail: bridgette@vacationraces.com

Mailing Address (if different): _____

Event Web Address (if applicable): _____

Alternate Contact For Event: Josh Oliveri

Day Phone: _____ Cell/Other: 503-926-2497 E-mail: josh@vacationraces.com

7. VENDORS/FOOD/ALCOHOL (check all that apply)

☒ Yes ☐ No Are Vendors/Merchants selling products or services?
 If yes, Temporary Sales Tax Numbers are required from the Utah State Special Event Tax Division 801-297-6303

☒ Yes ☐ No Is Food available at the event? Description: We provide food for runners

If yes, Is the food (please check all that apply)

☒ Given away/pre-packaged ☐ Catered by: _____ ☒ Prepared on site

Events which have Food available must contact the SW Utah Health Department for approval 435-986-2580

☐ Yes ☒ No Will Alcoholic Beverages be available at the event?

If yes, please check all that apply

☐ Beer Stands ☐ Fenced-in Beer Garden

Selling, Serving, Giving Away, Alcohol at an event requires Town Council Approval, Town Business License and State Of Utah Department of Alcoholic Beverage Licensing approval 801-977-6800

8. TENTS/STAGES/STRUCTURES (include details on site map)

☒ Yes ☐ No Tents/Pop-up Canopies?
 How many Tents/Pop-up Canopies will be used for the event? 20

Dimensions of Tents/Pop-up Canopies: _____

All large or enclosed tents/canopies require Inspections from the AV Fire Department 435-877-1194

☐ Yes ☒ No Temporary Stage? Dimensions of Stage: _____

Description of Tents/Canopies/Stage, etc.: _____

9. SITE SETUP/SOUND (check all that apply - please include details on site map)

☐ Fencing/Scaffolding

☐ Barricades (must obtain privately)

☐ Portable Sanitary Units (must obtain privately)

☐ Inflatable/Bounce House(s) ☐ Generator(s) & ☐ Certificate of Liability Insurance are required (must obtain privately)

☐ Music If yes, check all that apply: ☐ Acoustic ☐ Amplified

☐ PA/Audio System Type/Description: _____

☐ Fireworks/Fire Performances/Open Flame Requires approval from AV Fire Dept. 435-877-1194

☐ Propane/Gas On-site Requires approval from AV Fire Dept. 435-877-1194

☐ Trash/Recycle Bin coordination On-site WCSW 435-673-2813

10. ROAD & SIDEWALK USE (please include details on site map)

☐ Yes ☐ No Will Roads & Sidewalks Be Used?

☐ Yes ☒ No Are you requesting Road &/or Sidewalk Closures?

An Encroachment Permit is required for Road Closures and Sidewalk Use.

To obtain the permit, <https://www.applevalleyut.gov/building/page/encroachment-permit-application>

☐ Road Use and Closure Location: _____

☐ Sidewalk Use Location: _____ ☐ Will stay on sidewalks and follow pedestrian laws.

☐ Parade Location: _____ Number of Floats: _____

11. SECURITY/OTHER (please complete and sign the Security Plan Approval Request Form, for approval of Security)**12. Application Fee is based on attendance, and charged per day, as follows:**

☐ \$75.00 for attendance under 300

☒ \$150.00 for attendance over 300

Total: \$ 450.00 (payable to: Town of Apple Valley – Attn: Special Events, 1777 N. Meadowlark Dr, Apple Valley, UT 84737)

By submitting a signed application, the applicant certifies that falsifying any information on this application constitutes cause for rejection or revocation of the Permit.

Bridgette Barney

Applicant's Name [PRINT]



Applicant's Signature

1/3/2024

Date

EVENT DESCRIPTION

PLEASE DESCRIBE YOUR EVENT IN DETAIL; ADD ANY ADDITIONAL INFORMATION OR PAGES.

- Please be sure to include any elements of your event that will help with the approval of the event, including provision of fire and emergency medical services, potable water, dust control, and security plan.

April 13th - 14th we will be hosting our Zion Ultra Event. Participants will be running either 100 miles, 100K, 50K, Half marathon. Packet Pickup will be on 4/12. 100 miles and 100K will start on 4/13 with the 50K and half on 4/14. All runners will be done on 4/14 by 6:00pm. Again we would like to provide campin on our property.

- 150 maximum
- Will Follow Fire restrictions
- We will provide toilets/water

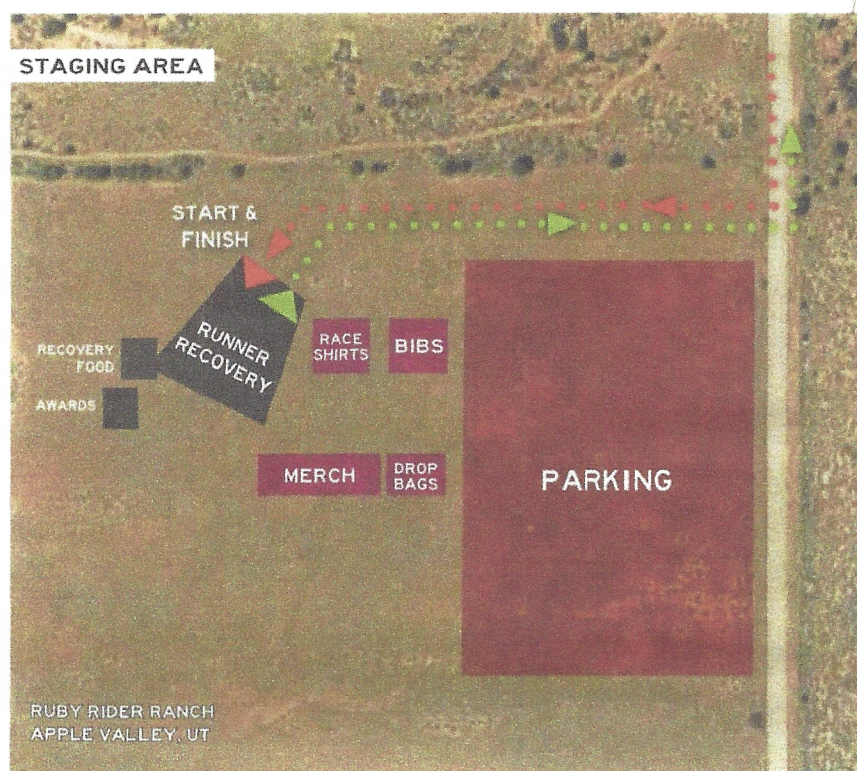
DETAILED SITE PLAN/MAP

PLEASE INCLUDE [OR ☐ ATTACH] A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE.

Your map should **include**:

- The names of streets, placement of barricades, and/or road/sidewalk closures
- The areas where participants and vendors/merchants will park
- Parade forming and disbanding areas, bleachers, etc.
- Vendor and booth placement, tables, etc.
- Portable toilets, portable hand-washing stations, fencing
- Location of security personnel, information booth, lost and found booth
- Stage, tents and materials, storage, inflatable amusement devices, table placement, etc. used in the event.

North



DETAILED SITE PLAN/MAP

PLEASE INCLUDE [OR ☐ ATTACH] A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE.

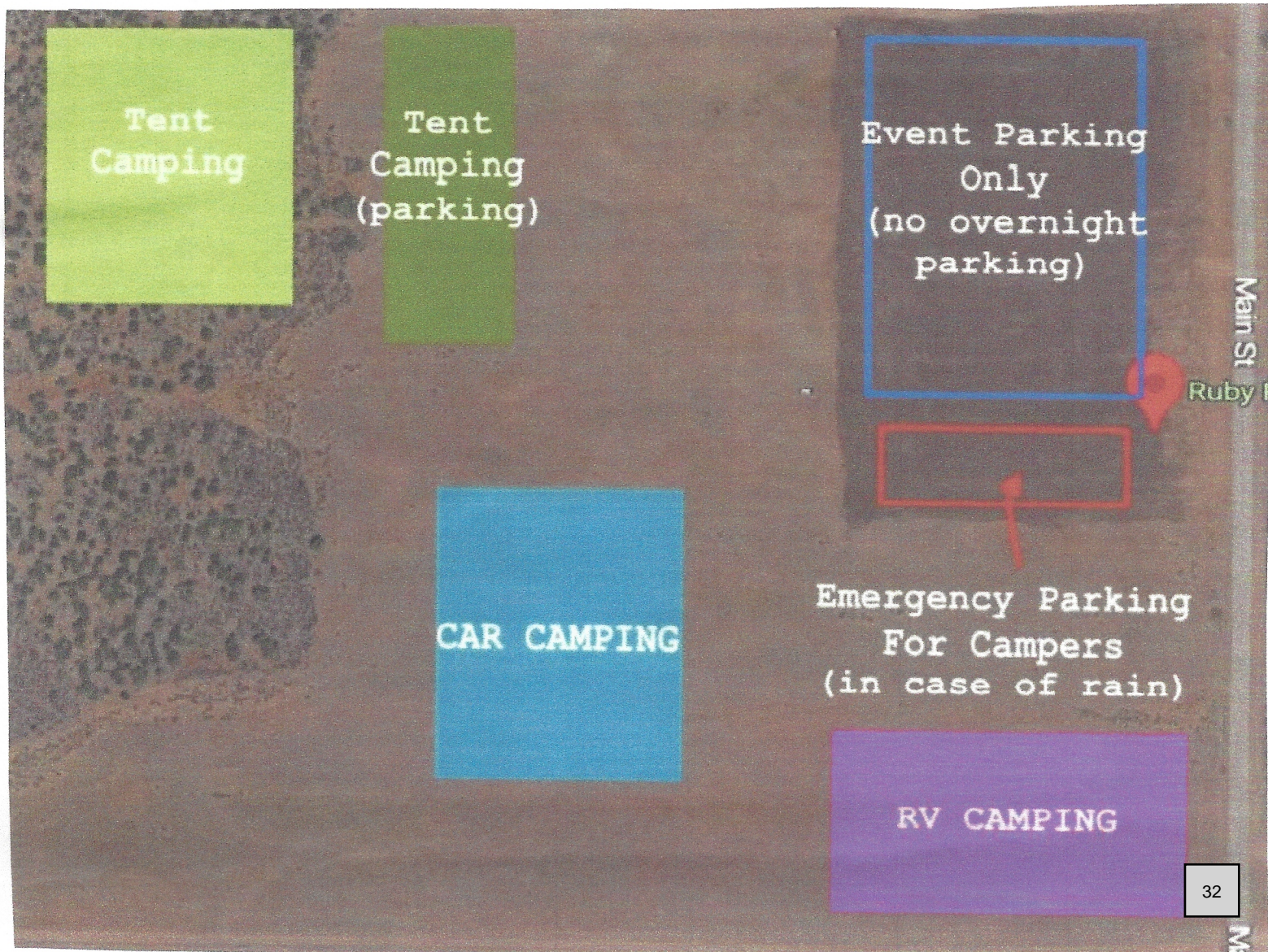
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- Parade forming and disbanding areas, bleachers, etc.
- Vendor and booth placement, tables, etc.
- Portable toilets, portable hand-washing stations, fencing
- Location of security personnel, information booth, lost and found booth
- Stage, tents and materials, storage, inflatable amusement devices, table placement, etc. used in the event.

North



* Camping



Date Received Vendor List: January 17, 2024

Permit No: _____

Payment Received: _____

Date Completed: _____

SUB-LICENSE FEE(S)

Please make check payable to: Town of Apple Valley

Town of Apple Valley
1777 N. Meadowlark Dr
Apple Valley, UT 84737

Phone: 435-877-1190
E-mail: clerk@applevalleyut.gov

EVENT NAME: Zion Ultra CONTACT PHONE: 435-668-1189EVENT DATE(S): 4/12, 4/13, 4/14 (2024) EVENT LOCATION: Ruby Rider Ranch**VENDOR INFORMATION**

Please provide the following information for all vendors. The sub-license fee for each vendor is \$5.00.

Special Event Tax Numbers are required for each Vendor, 801-297-6303. Those Vendors selling, giving away, or preparing food on site are required to obtain approval from the Southwest Utah Public Health Department, 435-986-2580.

#	Vendor Name	Vendor Phone #	Product or Service to be offered at Event	Payment \$5.00
1	Vacation Races	435-668-1189	VR Merchandise	
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date Received: January 17, 2024

Permit No: _____

Police Approved: _____

Date Issued: _____

Approval with Comments:

Rev. 7-01-22

SECURITY PLAN APPROVAL REQUEST FORM



All questions must be answered completely or application will not be considered. Please allow TEN (10) days for approval. Together with this application, please provide a written Security Plan including names of all security personnel.

EVENT NAME: Zion UltraEvent Location: Ruby Rider Ranch

Type of Event: _____

Date of Event: 4/12, 4/13, 4/14 (2024)

Hours of Event: _____

Number of Expected Attendance: _____

Occupancy Load: _____

Name of Applicant: Vacation RacesAddress: 1201 S. Hillcrest Dr. Washington Utah 84780

Day Phone: _____

Cell/Other: 435-668-1189E-mail: bridgette@vacationraces.com

- Security Personnel must be 21 years old or older;
- A Security Director must be onsite at all times with a cell phone;
- Shirts or Vests must look the same. "SECURITY" must be stated on the shirt or vest so it is visible to the public and the Police Department.

Please check applicable Security:

The following will allow for the calculation of security required. The calculations will change depending on the type of event.

- | | | |
|--|-------------------------|-----------------|
| <input type="checkbox"/> Police Officers (must coordinate w/Washington County) | 2 Police Officers per | 1 to 300 People |
| <input type="checkbox"/> Security Officers in Uniform | 3 Security Officers per | 1 to 300 People |
| <input type="checkbox"/> Private Citizens in Security Shirts or Vests | 4 Private Citizens per | 1 to 300 People |

Name of On-site Security Director: Josh Oliveri Cell Number: 503-926-2497E-mail: josh@vacationraces.com

Comments: _____

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of the Special Event Permit. I also understand that the Sheriff Department may require additional information as permitted by Ordinance, and also agree to supply the same.

Applicant Signature: _____ Date: _____

SECURITY PLAN INFORMATION

1. Please list the names of the security personnel, age, and cell phone number:

First	Last	Age	Cell Phone Number
Bridgette	Barney	46	435-668-1189
Josh	Oliveri	35	503-926-2497
Rick	Visser	65	801-510-6814
Craig		55	702-379-5354
Terry	Maurer	55	702-497-3385
Harrelsen	Nez	35	928-785-6327

2. Please indicate the number of security personnel that will be roaming on the premises of the event: 20.

3. Please provide a detailed Security Plan:

We will have staff/crew that will be roamin around the entire event.

4. Please mark on the site plan the locations of each security person:

Item 13.





CERTIFICATE OF LIABILITY INSURANCE

DATE (01/Item 13.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley CA 95945	CONTACT NAME: Will Maddux PHONE (A/C, No. Ext): (530) 477-6521 E-MAIL ADDRESS: info@theeventhelper.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Evanston Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 35378
INSURED Vacation Races, Inc c/o Josh Oliveri 1201 S Hillcrest Dr Washington UT 84780	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Host Liquor Liability <input type="checkbox"/> Retail Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	N	3DS5474-M3889741	04/12/2024 12:01 AM	04/15/2024 12:01 AM	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Deductible \$ 1,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N <input checked="" type="checkbox"/> N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached MEGL 2217 01 19. Attendance: 1400, Event Type: Marathon - Walking or Running Event.

CERTIFICATE HOLDER**CANCELLATION**

Town of Apple Valley 1777 N Meadowlark Dr Apple Valley UT 84737	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

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EVANSTON INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley, UT 84737

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule of this endorsement, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the acts or omissions of any insured listed under Paragraph 1. or 2. of Section II – Who Is An Insured:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added:

Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.

Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley UT 84737
435-877-1190

Receipt No: 48670
Receipt Date: 01/17/2024
Time of Receipt: 01/17/2024 11:08 AM

1807 - Payment	450.00
	<u>\$450.00</u>
Check: 2411	450.00
	<u>\$450.00</u>

**APPLE VALLEY
ORDINANCE O-2024-09**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.10.010 General Requirements” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.10.010 General Requirements

- A. The Apple Valley Fire Chief requires all burn permits to complete the mitigation log.
https://www.applevalleyut.gov/sites/default/files/fileattachments/fire/page/1781/mitigation_log.pdf
- B. The clearing index is 500 or greater. The clearing index is a measure of the atmospheric mixing and wind speed. A clearing index of 500 or less is considered poor atmospheric ventilation.
- C. An open burn permit application must be completed and a valid permit issued by the county or municipal fire authority (Apple Valley Fire) prior to burning. See instructions and a link to the open burn permit application.
- D. Permits may be issued between March 1 and May 30 and between September 15 and November 15 in the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand, and Emery.
- E. Materials to be burned are thoroughly dry and no trash, rubbish, tires, or oil are included in the material to be burned, used to start fire, or used to keep fires burning.
- F. The Apple Valley Fire Chief must be contacted prior to burning (435-877-1194).



APPLE VALLEY FIRE DEPARTMENT MITIGATION LOG

			Fire Dept Use Only
DATE			
PROPERTY OWNER			
PROPERTY ADDRESS			
MITIGATION WORK PERFORMED			
	TYPE	HOURS	
EQUIPMENT USED			
	NUMBER	HOURS	
PERSONNEL			
Total Number of Hours Spent Burning			

Please turn into Town Office at 1777 N Meadowlark Drive; or,
Email to firedepartment@applevalleyut.gov



SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

TOWN OF APPLE VALLEY

RESOLUTION R-2024-06

A RESOLUTION APPOINTING A VOLUNTEER EMERGENCY PROGRAM COORDINATOR

WHEREAS, the Town of Apple Valley ("Town") officially established an emergency management program December 20, 2007; and

WHEREAS, the Town Council of the Town of Apple Valley is aware that public safety is the responsibility of all incorporated municipalities within the State of Utah; and

WHEREAS, public safety includes reasonable and prudent efforts on the part of the Town to assist its citizens to be prepared for emergencies and disasters of different origins and types, to the extent possible within existing available resources; and

WHEREAS, it is the objectives of the Town to assist its citizens in being able to mitigate against, prepare for, respond to and recover from, serious emergencies and disasters; and

WHEREAS, the Mayor and Town Council have previously appointed Town Council Member Robin Whitmore as the responsible Town Council Member for this program.

WHEREAS, that the Town hereby appoints Town Council Member Robin Whitmore to continue as the Town Council member responsible to the Mayor and Town Council for this program, and appoints Frank Lindhardt as the volunteer Emergency Program Coordinator and Director of Emergency Services (for disaster planning, training and exercise), and that this position will be responsible to the Mayor and Town Council through Council Member Robin Whitmore, or whomever may at some time in the future be appointed to function in this capacity.

WHEREAS, at a meeting of the Town Council of the Town of Apple Valley, Utah, duly called, noticed, and held on the 20th day of February 2024, a motion to appoint Frank Lindhardt as the volunteer Emergency Program Coordinator and Director of Emergency Services of the Emergency Management Program was proposed, seconded, and accepted by majority vote.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley that the Town Council Member Frank Lindhardt is appointed the volunteer Emergency Program Coordinator and Director of Emergency Services of the Emergency Management Program.

PASSED this 20th day of February 2024. This resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

[SIGNATURE BLOCK ON NEXT PAGE]

PRESIDING OFFICER

Michael Lee Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

**APPLE VALLEY
ORDINANCE O-2024-06**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: ADOPTION “16.01.010 Code Enforcement Purpose And Introduction” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.010 Code Enforcement Purpose And Introduction(*Added*)

The Town Council finds that the enforcement of the Apple Valley Municipal Code, AV Ordinances and applicable state codes is an important public activity. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. The Town Council recognizes that code enforcement is effective only when done fairly and consistently. The Town Council further finds that an enforcement system that allows a combination of judicial, administrative and civil remedies is the most effective way of correcting a Violation, as hereinafter defined.

The Town may enforce a Violation as allowed by law, including, but not limited to, enforcement via two primary methods:

(1) administrative actions, and (2) judicial actions in the form of civil or criminal procedures.

Civil and criminal judicial remedies for code enforcement are characterized by, for example, usage of a judge, attorney, official courtroom and other formal procedures related thereto.

A civil judicial case involves the determination of whether a party was injured/harmed and how much the party should be compensated for the same. General consequences of a civil case are monetary punishments in the form of fines and/or an order to do or cease to do something.

A criminal judicial case involves a government entity or other entity endowed with law enforcement powers arresting and trying someone in a court of law for a crime that was committed. Typical consequences of a criminal case are jail time, monetary punishments in the form of fines and a misdemeanor or felony charge being placed on the guilty party’s permanent record.

SECTION 2: **ADOPTION** “16.01.020 Scope” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.020 Scope(*Added*)

The provisions of this Title may be applied to all – Violations that occur within Apple Valley Town limits and such territory outside Apple Valley Town limits over which the Town has jurisdiction or control by virtue of any constitutional provision or law. This Title establishes an additional remedy – civil code enforcement – that may be used by the Town to achieve compliance with applicable codes. No remedy provided herein is intended to be exclusive and shall be in addition to any other remedy given to the Town here under or now or hereafter existing at law.

While the Town’s population remains relatively small and its administrative staffing resources are limited, it anticipates that most, if not all, of this civil code enforcement program will be reactive in operation – responding to inquiries, complaints, etc. submitted to the Town by citizens and others. As the Town’s population grows and its administrative staffing levels expand, it projects that the operation of this civil code enforcement program may become more proactive in nature – Enforcement Officials (as hereinafter defined) or others patrolling the Town actively identifying Violations and pursuing their correction. The preceding sentences in this paragraph shall not limit the Town’s operation of this civil code enforcement program; it, at its sole discretion, may carry out this civil code enforcement program reactively, proactively or in any and all other manners pursuant to this Title at any and all times. For example, the Town’s operation of this civil code enforcement program primarily in a reactive manner shall not limit or prohibit the Town from proactive civil code enforcement efforts and vice versa.

SECTION 3: **ADOPTION** “16.01.030 Criminal Prosecution Right” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.030 Criminal Prosecution Right(*Added*)

The Town shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for a Violation. The enactment of this Title shall not be construed to limit the Town’s right to prosecute Violations as a criminal offense. The Town may use any of the remedies available under the law in both civil and criminal prosecution.

Although most Violations may be enforced through this Title, the following circumstances are examples of when the Town may choose to pursue criminal prosecution. This list provides potentially common situations for criminal prosecution; however, the list is not comprehensive and does not limit in any way the Town's right to prosecute a Violation as a criminal offense.

1. The Responsible Person, as hereinafter defined, has one prior Violation within the last year.
2. The Violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition as in Utah Code.
3. The Responsible Person, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the Apple Valley Municipal Code, and all violations are being charged as a single criminal episode as defined in Utah Code.
4. The Responsible Person is being charged with any violation of the Apple Valley Municipal Code.
5. The Violation caused substantial property damage or a significant health or safety risk to the public.
6. The failure of a Responsible Person to comply with the terms, conditions, requirements, deadlines, etc. of an Administrative Notice (as hereinafter defined), Administrative Enforcement Order (as hereinafter defined) or any other order or notice issued pursuant to this Title.

SECTION 4: **ADOPTION** “16.01.040 Definitions Applicable To Title Generally” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.040 Definitions Applicable To Title Generally(*Added*)

In the construction of this Title, the following words and phrases shall be as defined as set forth in this section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

“Day” refers to calendar days.

“Enforcement Official” means any person authorized by the Mayor to determine and enforce Violations of the Apple Valley Municipal Code or applicable state codes including, but not limited to the Director, zoning officials, police officers, building inspection officials, code enforcement officials, fire marshal, fire officers, and animal control officers. Enforcement individual(s) as designated by the Mayor’s Office.

“Imminent Life Safety Hazard” means any condition that creates a serious and immediate danger or damage to life, property, health, or public safety.

“Mayor” means the mayor of Apple Valley Town.

“Notice of Compliance” means a document or form issued and approved by the Enforcement Official that indicates that a Violation has been corrected.

“Notice of Emergency Abatement” means a Written notice that informs a Responsible Person of emergency abatement actions taken by the Town, and the costs of those actions, and orders payment for those costs.

“Notice of Itemized Bill for Costs” means a Written notice, itemizing the Town’s costs and ordering payment of those costs.

“Notice of Violation” means a Written Notice that informs a Responsible Person of a Violation and orders certain remedial steps to correct said Violations. The order may include an order to abate the Violation, pay civil penalty and administrative costs; or any other action as authorized or required by this Title and applicable state codes.

“Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity, including public bodies, that is recognized by law as the subject of rights or duties.

“Personal Service” means the method of service for any notice or document that is performed by, in-person meeting or any other form of in-person or person-to-person communication, including those promulgated by Utah Rules of Civil Procedure Rule 4.

“Property Owner” means the record owner of real property as shown on the records of the Washington County assessor/recorder.

“Responsible Person” means the Person(s) determined by the Town who is responsible for causing or maintaining a Violation. The term Responsible person shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other Person who individually or together with another Person is responsible for a Violation.

“Town” means the Town of Apple Valley, Utah, including the Mayor, Town Administrator, Enforcement Official and all other employees of the Town.

“Town Council” means the Town Council of Apple Valley Town.

“Violation” means any condition caused, maintained, or permitted to exist in violation of any provision, statute, or requirement of the Apple Valley Municipal Code or applicable state codes.

“Warning Notice” means a Written notice that, on a courtesy basis, informs a Responsible Person of a Violation, requests that the Violation be corrected within a certain time frame, and warns that further enforcement action may be taken if the Violation is not corrected as and when specified in the Warning Notice.

Written” or “Writing” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

SECTION 5: ADOPTION “16.01.050 Notice And Service Requirements” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.050 Notice And Service Requirements(*Added*)

1. Notices required to be given under this Title shall be in the English language.
2. Whenever-service is required to be given under this Title, service shall be made by any of the methods listed below, unless different provisions are otherwise specifically stated to apply. Personal Services should be tried before serving notice in the other methods indicated below.

0. Personal Service

1. Regular or Certified mail, postage prepaid, to the last known address of a Responsible Person.
 2. Posting the notice conspicuously on or in front of the property. If the property is not inhabited, then the notice must also be mailed. The form of the posted notice shall be approved by the Director.
 3. Publish in a newspaper of general circulation if and only if: the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence; service is impracticable under the circumstances; or there exists good cause to believe that the Person to be served is avoiding service.
3. Service by regular mail in the manner set forth above shall be deemed served on the seventh day after the date of mailing when mailed in the continental United States. Service by regular mail to all other addresses shall deemed served on the tenth day after the date of mailing.

4. If service complies with the requirements of this section, it shall be deemed a valid service even if a party claims to have not received the service and it shall not affect the validity of any proceedings taken under this Title.

5. The failure of a Person, other than a Responsible Person, to be served in accordance with this section shall not affect the validity of any proceedings here under.

6. Whenever a document is recorded with the county recorder as authorized or required by this Title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

SECTION 6: ADOPTION “16.01.060 General Enforcement Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.060 General Enforcement Authority(*Added*)

Whenever an Enforcement Official finds that a violation has occurred or continues to exist, he/she may undertake any of the procedures herein. Enforcement Officials have the authority to gain compliance with the provisions of the Apple Valley Municipal Code and applicable state codes subject to the provisions of this Title. Such authority shall include the power to issue Notices of Violation, inspect public and private property, abate public and private property, and to use any remedy available under this Title or law, including, but not limited to, judicial and administrative remedies.

SECTION 7: **ADOPTION** “16.01.070 Authority To Inspect” of the Apple Valley Municipal Code is hereby *added* as follows:

A D O P T I O N

16.01.070 Authority To Inspect(*Added*)

Enforcement Officials are hereby authorized, in accordance with applicable law and with cause, to enter upon any property or premises to ascertain whether the provisions of the Apple Valley Municipal Code or applicable state codes are being obeyed and to make any reasonable, lawful examination or survey necessary in the performance of enforcement duties, including, but not limited to, determining compliance with the Apple Valley Municipal Code or applicable state codes. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If a Property Owner or Responsible Person refuses to allow an Enforcement Official to enter property, the Town shall obtain a search warrant before entering the property.

SECTION 8: **ADOPTION** “16.01.080 False Information Or Refusal Prohibited” of the Apple Valley Municipal Code is hereby *added* as follows:

A D O P T I O N

16.01.080 False Information Or Refusal Prohibited(*Added*)

It shall be unlawful for any Person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with an Enforcement Official when in the performance of official duties under the provisions of this Title. A violation of this section is a Class B misdemeanor.

SECTION 9: **ADOPTION** “16.02.010 Civil Enforcement Purpose And Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

A D O P T I O N

16.02.010 Civil Enforcement Purpose And Authority(*Added*)

The Town Council finds that there is a need for a method of enforcement for violations that are minor in nature and not initially or generally desirable to be abated by the Town (if such abatement action is or becomes necessary). The Town Council further finds that an appropriate alternative method of enforcement for violations of this nature is by Civil Enforcement. Violations not of this nature may generally be enforced by procedures associated with a Civil Enforcement, which are described in Section 16.02.010 herein. The procedures established in this subsection shall be an alternative and in addition to other administrative enforcement, including, but not limited to, a notice of violation, monetary fines, criminal violations or any other legal remedy established by law that may be pursued to address violations. The utilization of Civil Enforcement is at the sole discretion of the Enforcement Official.

The Enforcement Official may issue a Civil Enforcement Violation to a Responsible Person for a Violation. A civil penalty shall be assessed and shall be payable directly to the Town Treasurer's Office. Penalties assessed by means of Civil Enforcement shall be collected in accordance with the procedures specified in the remedies section of this Title.

SECTION 10: ADOPTION "16.02.020 Notice Of Violation" of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.020 Notice Of Violation(*Added*)

The Town may impose civil penalties for the violation of any requirement, regulation, ordinance, or other provision of the Municipal Codes. When imposing a civil penalty for violation of any requirement, regulation, ordinance, or other provision of the Municipal Codes, the Town shall follow the procedure of this section. Civil enforcement of any violation is only one option for enforcement. Nothing in this section limits the Town's ability to use criminal proceedings or other enforcement strategies authorized by state law in the resolution of code violations.

A. Notice of violation. Upon inspection and discovery that any ordinance, requirement, regulation or other provision of the Municipal Code is being violated, the Enforcement Official or other person designated by the Enforcement Official shall provide written notice of the violation to the property owner as identified by the Washington County Recorder's Office. Written notice of the violation may also be provided to any other responsible party, if different from the property owner of record.

1. The notice of violation shall:

a. Indicate the nature of the violation;

b. Order the necessary action to correct the violation;

c. Establish a reasonable time period for the necessary corrective actions to be completed (the "warning period").

d. State that the property owner and other responsible party (if any) is subject to civil penalties and specify the amount of the civil penalty as well as the date the civil penalties will begin.

B. Referral to Sherriff Department. The Enforcement Official, or other person designated by the Enforcement Official may refer any violation to the Sherriff for an immediate criminal enforcement action, as allowed by state law.

C. Daily violations. If provided in the violation notice, each day a violation is continued or maintained after the date the civil citation is personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the Enforcement Official ultimately dismisses the citation.

D. Civil penalties. A violation of any provision of this Code shall result in a civil penalty pursuant to the towns Civil Code Enforcement Fee Schedule.

E. Correction of violation required. The payment of a civil penalty does not relieve the obligation to correct the violation. The property owner or other responsible party is required to correct the violation regardless of whether or not the civil penalty has been paid.

F. Violation appeal. Any person who has received a Notice of Violation and who wishes to dispute the violation may appeal the citation in writing to the Enforcement Official within 15 calendar days after the citation has been delivered or mailed. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.

G. Late fees. A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a notice of violation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.

H. Collection of civil penalties. The Town may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to attorney's fees and costs.

I. The failure of any Person to pay civil penalties assessed within the specified time may result in the Towns pursuing any legal remedy to collect the civil penalties as provided by law.

SECTION 11: ADOPTION “16.02.030 Civil Enforcement Fee Schedule” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.030 Civil Enforcement Fee Schedule(*Added*)

• CIVIL PENALTIES FOR VIOLATON OF ORDIANCES

1. First Offense = \$500.00
2. Second offense – same within 12 months = \$1,200.00
3. Third or more offense – Same within 12 month = \$2,500.00

Civil penalties assessed for multiple offenses for previously cited violations within a 12 month period shall be in addition the civil penalties assessed on the prior violations for the same offense.

• ABATEMENT COST

1. Removal of weeds, garbage, refuse, deleterious objects or structures = \$175.00 per hour.

• SHORT-TERM RENTAL CIVIL VIOLATIONS

1. Unlicensed Short-Term Rental = \$1,000.00 per day 2. Any Violation of short-term rental ordinance 10.14.020 = \$1,000.00 per day

• REINSPECTION FEE = \$250.00

SECTION 12: **ADOPTION** “16.02.040 Inspections And Compliance” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.040 Inspections And Compliance(*Added*)

It shall be the duty of the Responsible Person to request an inspection to be performed by the Town when a Violation cited by Administrative Notice has been corrected. If no inspection is requested, then it shall be deemed prima facie evidence that the Violation remains uncorrected. If more than one inspection is necessary, a reinspection fee shall be assessed for each subsequent inspection.

A Violation is recognized as corrected and resolved only upon the issuance by the Town of a Notice of Compliance.

SECTION 13: **ADOPTION** “16.02.050 Failure To Correct” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.050 Failure To Correct(*Added*)

It shall be unlawful for any Responsible Person to fail to comply with the terms and deadlines set forth in a Notice of Violation. Failure by a Responsible Person to bring a Violation into compliance as and when specified in the Notice of Violation may result in, but limited to, any of the following:

1. The assessment of civil penalties owed to the Town against the Responsible Person for each and every subsequent Day of Violation without additional notice to the Responsible Person required.
2. Civil or criminal prosecution actions by the Town against the Responsible Person.

SECTION 14: **ADOPTION** “16.03.010 Emergency Abatement Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.010 Emergency Abatement Authority(*Added*)

1. Whenever the Enforcement Official determines that an Imminent Life Safety Hazard exists or any safety hazard that exists in accordance with the International Building Code, International Residential Code, the International Fire Code, and/or the Utah Health Code that requires immediate correction or elimination, the Enforcement Official may exercise any or all of the following powers without prior notice to the Responsible Person:

0. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs and any other necessary remedial actions are completed;

1. Post the premises as unsafe, substandard, or dangerous;

2. Board, fence, or secure the building or site;

3. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

4. Make any minimal emergency repairs as necessary to eliminate any Imminent Life Safety Hazard; or

5. Take any other action appropriate to eliminate the Imminent Life Safety Hazard.

2. The Enforcement Official may, based on probable cause, enter or otherwise gain necessary access to property without a search warrant or court order to accomplish the above-listed acts to abate the Imminent Life Safety Hazard.

3. The Responsible Person shall be liable for all costs associated with the abatement of the Imminent Life Safety Hazard. Costs may be recovered pursuant to this Title.

SECTION 15: **ADOPTION** “16.03.020 Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.020 Procedures(*Added*)

1. The Enforcement Official shall pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of a hazard. Costs incurred by the Town during the Imminent Life Safety Hazard abatement process shall be assessed and recovered against the Responsible Person, including property (real, personal, intangible or otherwise) that is associated with the subject Imminent Life Safety Hazard.

2. The Enforcement Official may also pursue any other administrative or judicial remedy to abate any remaining Violations (i.e. those that are deemed to not be Imminent Life Safety Hazards)

3. Within ten (10) Days of completion of an abatement of an Imminent Life Safety Hazard, the Town shall serve the Property Owner or Responsible Person with a Notice of Emergency Abatement.

0. A Responsible Person has the right to an Administrative Enforcement Hearing concerning the Notice of Emergency Abatement.

SECTION 16: **ADOPTION** “16.03.030 Failure To Comply With Notice Of Violation” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.030 Failure To Comply With Notice Of Violation(*Added*)

It shall be unlawful for any Responsible Person to fail to comply with the terms and deadlines set forth in a Violation Notice. A violation of this section shall be a Class B misdemeanor. The Town may use all appropriate legal means to recover the civil penalties and administrative costs incurred to obtain compliance.

SECTION 17: **ADOPTION** “16.03.040 Notice Of Compliance” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.040 Notice Of Compliance(*Added*)

When a Violation is purported to be corrected, a Responsible Person shall request an inspection from the Director.

1. When the Enforcement Official receives such request, the Enforcement Official shall inspect the property as soon as practicable to determine whether the Violation has been corrected, and whether all necessary permits have been issued and final inspections have been performed as required by applicable codes.

2. The Enforcement Official shall serve a Notice of Compliance to the Responsible Person or Property Owner in the manner provided in this Title within ten (10) business days of an inspection in which the Enforcement Official finds correction of a Violation and determines that:

0. All Violations listed in the Notice of Violation or Administrative Enforcement Order have been corrected;

1. All necessary permits have been issued and finalized;

2. All assessed civil penalties have been paid; and

3. All assessed costs and administrative fees have been paid.

3. The Town shall record the Notice of Compliance with the Washington County Recorder’s Office, if the related Notice of Violation was recorded. Recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

4. If after inspection, the Enforcement Official determines that the property fails to meet the requirements for a Notice of Compliance, the Enforcement Official shall, upon Written request from the Responsible Person or the Property Owner, provide a Written explanation setting forth the reasons for failure to qualify for a Notice of Compliance. The Written explanation shall be served by any of the methods of service listed in this Title.

5. No delay or omission on the part of the Town to exercise any right or power accruing upon any Violation shall impair any such right or power or shall be construed to be a waiver of any such Violation or acquiescence therein and such right and power may be exercised as often as may be deemed expedient. The Town's issuing of a Notice of Compliance in any instance shall not constitute continuing consent to subsequent instances and in all cases a Notice of Compliance may be granted or withheld at the sole discretion of the Town. No prior Notice of Compliance shall affect any subsequent Violation or shall impair any of the Town's rights or remedies on said subsequent Violation. Every substantive right and every remedy conferred upon the Town may be enforced and exercised as often as may be deemed expedient.

SECTION 18: **ADOPTION** “16.03.050 Prohibition Against Issuance Of Municipal Permits” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.050 Prohibition Against Issuance Of Municipal Permits(*Added*)

The Town may withhold or suspend business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property on which a Violation exists, or any permits pertaining to the use and development of the real property or the structure where a Violation is located. The Town may withhold such permits until the Director has issued a Notice of Compliance. The Town may not withhold permits necessary to obtain a Notice of Compliance or to correct serious health and safety Violations.

SECTION 19: **ADOPTION** “16.04.010 Authority To Abate” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.04.010 Authority To Abate(*Added*)

Enforcement Officials are hereby authorized, to enter upon any property or premises to abate or cause to be abated a Violation. The town shall assess all costs for abatement to the Responsible Person and may use any remedy available under the law to collect such costs. If additional abatements are necessary within two (2) years, costs may be assessed against the Responsible Person(s) for the actual abatement.

SECTION 20: **ADOPTION** “16.04.020 Procedures For Abatement” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.04.020 Procedures For Abatement(*Added*)

1. Violations may be abated by Town personnel or by a private party acting under the direction of the Town.
2. Town personnel or a private party may enter upon private property in a reasonable manner to abate a Violation as specified in the Notice of Violation or Administrative Enforcement Order.
3. If a Responsible Person abates the Violation before the Town abates the Violation pursuant to a Notice of Violation or Administrative Enforcement Order, the town shall nevertheless assess all costs incurred by the Town against the Responsible Person.
4. When abatement is completed, the town shall prepare a Notice of Itemized Bill for Costs.
5. The town shall serve the Notice of Itemized Bill for Costs by registered mail to the last known address of the Responsible Person. The Notice of Itemized Bill for Costs shall demand full payment within twenty (20) Days to the Town of Apple Valley.
6. The Responsible Person shall have a right to an Administrative Enforcement Hearing to contest the Notice of Itemized Bill for Costs. Such hearing shall be pursuant to an in conformity with this Title.

SECTION 21: **ADOPTION** “16.05.010 Costs And Fees Purpose And Introduction” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.010 Costs And Fees Purpose And Introduction(*Added*)

There are three primary categories of costs and fees associated with this Title, as follows:

1. Costs: These are direct costs the Town incurs in carrying out the abatement of Violations, inspection and re-inspection fees, filing fees, attorney fees, Hearing Officer fees, title search, and any additional actual costs incurred by the Town for each individual case.

0. The Town Council finds that costs incurred by Enforcement Officials and the Town to correct Violations should be recovered from the Responsible Person.

1. The Town Council further finds that the assessment of costs is an appropriate method to recover costs.

2. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil fees, penalties or fines for Violations.

2. Administrative fees: These are expenses incurred in the administration of this Administrative Code Enforcement program, such as, but not limited to, investigation of Violations, preparation for hearings, hearings and the collection process.

3. Administrative civil penalties: These are penalties or fines assessed for a Violation, separate from costs and administrative fees associated with the same.

SECTION 22: **ADOPTION** “16.05.020 Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.020 Authority(*Added*)

1. Whenever the Town incurs costs to enforce the Town Code and applicable state codes, the Town may assess such costs against the Responsible Person, including property (real, personal, intangible, or otherwise) that is associated with a Violation.

2. If more than one inspection is necessary with respect to a Violation, then an inspection fee may be assessed for each subsequent inspection.

0. Notification of re-inspection fees shall be provided in the Notice of Violation served to the Responsible Person.

1. Re-inspection fees assessed or collected pursuant to this subsection should not be included in any other costs assessed, but should be itemized separately.

2. The failure of any Responsible Person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this subsection.

SECTION 23: **ADOPTION** “16.05.030 Failure To Timely Pay Costs” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.030 Failure To Timely Pay Costs(*Added*)

The failure of any Person to pay assessed costs by the deadline specified in a Notice of Itemized Bill for Costs shall result in a daily late fee calculated on a simple basis (non-compounding) at the rate of one and one-half percent per month on the unpaid balances.

SECTION 24: **ADOPTION** “16.05.040 Administrative Fees” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.040 Administrative Fees(*Added*)

The Enforcement Official is authorized to assess administrative fees for costs incurred in the administration of this Administrative Code Enforcement program, such as investigation of Violations, preparation for hearings, hearings and the collection process. The fees assessed shall be the amount set in the Town fee schedule.

SECTION 25: **ADOPTION** “16.05.050 Injunctions” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.050 Injunctions(*Added*)

As a civil judicial remedy available to the Town in addition to any other remedy provided under the Town Code or state codes, including administrative remedies or criminal prosecution, any provision of the Town Code may be enforced by injunction issued by a court of appropriate jurisdiction upon a suit brought by the Town.

SECTION 26: **ADOPTION** “16.05.060 Recovery Of Administrative Code Enforcement Penalties And Costs” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.060 Recovery Of Administrative Code Enforcement Penalties And Costs(*Added*)

This subsection (a) identifies various methods the Town may use to recover administrative code enforcement penalties and costs; and (b) details the Town’s allocation of these collected penalties and costs.

1. Code Enforcement Tax Liens

a) **Purpose.** The Town Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs and administrative fees assessed by this Administrative Code Enforcement program or judicial orders. The Town Council further finds that collection of civil penalties, costs, and fees assessed for Violations is important in deterring future Violations and maintaining the integrity of the Town's code enforcement system. The procedures established in this subsection shall be used to complement existing administrative or judicial remedies that may be pursued to address Violations.

b) Procedures For Tax Code Enforcement Tax Lien Without A Judgment. The Enforcement Official shall provide a copy of a Notice of Itemized Bill for Costs to the Town Financial Director. Upon receipt of the Notice of Itemized Bill for Costs, the Town Finance Director shall (i) record a code enforcement tax lien as to the Notice of Itemized Bill for Costs against the property upon which a Violation exists with the Washington County Recorder and (ii) if applicable, file the code enforcement tax lien with the Washington County Treasurer. The Town shall serve a notice of the code enforcement tax lien recordation on the Responsible Person and the Property Owner pursuant to any of the methods of service set forth in this Title. The failure of any Person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the amounts associated with the code enforcement tax lien.

c) Procedures For Tax Code Enforcement Tax Lien With A Judgment. Once a judgment has been obtained from the appropriate court assessing costs against the Responsible Person, the Finance Director may record a code enforcement tax lien against any real property owned by the Responsible Person.

2. Writ Of Execution. After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the execution on personal property owned by the Responsible Person by filing a writ with the applicable court.

3. Writ Of Garnishment. After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

4. Allocation Of Civil Penalties. Collected civil penalties shall be deposited in the General Fund of the Town. Civil penalties deposited in this fund may be allocated pursuant to the Town's budget process and as authorized by applicable law. The Town shall establish accounting procedures to ensure proper account identification, credit, and collection.

SECTION 27: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 28: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 29: **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-10**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “5.09.070 Application Review, Approval And Issuance” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.09.070 Application Review, Approval And Issuance

The Mayor, Town Administrator, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The Town Administrator may refer the request for a special event permit to Town Council for approval.

SECTION 2: **AMENDMENT** “5.09.090 Appeal Procedures” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.09.090 Appeal Procedures

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the Town Council if the decision was made by the Mayor or Town Administrator. Any decision made by the Town Council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the Town recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the Town Council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the Town Council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
RESOLUTION R-2024-07**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “R-2022-32 A RESOLUTION OF THE APPLE VALLEY TOWN COUNCIL REINSTATING ITS DELEGATION TO AN ADMINISTRATIVE CONTROL BOARD OF ITS RIGHTS, POWERS, AND AUTHORITY RELATED TO THE BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT” of the Apple Valley Municipal Resolutions is hereby *amended* as follows:

A M E N D M E N T

R-2022-32 A RESOLUTION OF THE APPLE VALLEY TOWN COUNCIL REINSTATING ITS DELEGATION TO AN ADMINISTRATIVE CONTROL BOARD OF ITS RIGHTS, POWERS, AND AUTHORITY RELATED TO THE BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Whereas Apple Valley Town (the “Town”) duly created by Resolution No. 2011-25 and pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq* the special service district called the Big Plains Water and Sewer Special Service District (the “District”).

Whereas Utah Code Annotated, § 17D-1-101 (the “Special Service District Act”) states that the District shall be governed by the Town Council as the legislative body, subject to any delegation to an administrative control board.

Whereas the Town, by resolution, previously delegated its rights, powers, and authority in relation to the District to an administrative control board (the “Board”).

Whereas the Town has the authority, by statute, to at any time modify, limit, or revoke any right, power, or authority delegated to the Board.

Whereas the Town Council finds that no public health, convenience, or necessity requires the continued revocation of the delegation to the Board, rendering Resolution 2019-1 and 2021-18 as null and void.

NOW, THEREFORE, BE IT RESOLVED by the Apple Valley Town Council:

1 No public health, convenience, or necessity exists that requires the revocation of the delegation to the Board.

2. The Town Council of Apple Valley reserves the right of final approval on action taken by the Administrative Control Board pertaining to the sale or transfer of district assets related to water supply, distribution, and storage. This includes wells, tanks, supply lines, and land owned by the district.

~~2.— The District shall have and exercise through its proper officers all of the rights, powers and authority conferred upon special service districts by and included in the Act and as otherwise provided by law for the purposes as herein provided.~~

3. With the exception listed in line 2 ~~The~~ District's Administrative Control Board is hereby delegated the power to act as the governing authority of the District and ~~shall have and it~~ is hereby vested with all powers, duties and responsibilities conferred upon such governing authority by the Act, and all laws amendatory and supplemental thereof, and implemented by this Resolution.

4. The Recitals are incorporated herein.

PASSED by the Town Council of Apple Valley, Utah, this 20th day of February, 2024.

SECTION 2: EFFECTIVE DATE This Resolution shall be in full force and effect from February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

TOWN OF APPLE VALLEY

RESOLUTION R-2024-05

UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS

WHEREAS, the Town of Apple Valley invests funds in the Utah Public Treasurers' Investment Fund (PTIF) as authorized by the Utah Money Management Act; and

WHEREAS, the Town Council has the authority to designate individuals to make changes to PTIF accounts, such as adding or deleting users to access and/or transact with PTIF accounts, add, delete, or make changes to bank accounts tied to PTIF accounts, open or close PTIF accounts, and complete any necessary forms in connection with such changes; and

WHEREAS, The Utah State Treasurer requires that the Town Council designate the individuals authorized to make changes to PTIF accounts by adopting the Public Entity Resolution attached hereto; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 20th day of February, 2024, and upon motion duly made and seconded:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley that Michael Lee Farrar, Apple Valley Town Mayor, and Robin Whitmore, Apple Valley Town Treasurer, are designated as authorized individuals for PTIF transactions outlined above.

Michelle Kinney is designated as an authorized user for online management. Apple Valley Town Treasurer, Robin Whitmore, is hereby authorized to execute the Public Entity Resolution attached hereto. This resolution is effective immediately.

EFFECTIVE DATE This Resolution shall be in full force and effect from February 20, 2024.

PASSED this 20th day of February 2024.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____



1. Certification of Authorized Individuals

I, Robin Whitmore (Name) hereby certify that the following are authorized: to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of Town of Apple Valley (Name of Legal Entity). Please list at least two individuals. Each individual must have a unique email.

Name	Title	Email	Signature(s)
<u>Robin Whitmore</u>	<u>Treasurer</u>	<u>rwhitmore@applevalleyut.gov</u>	
<u>Michael Lee Farrar</u>	<u>Mayor</u>	<u>mayor@applevalleyut.gov</u>	

The authority of the named individuals to act on behalf of Town of Apple Valley (Name of Legal Entity) shall remain in full force and effect until written revocation from Town of Apple Valley (Name of Legal Entity) is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned, Treasurer (Title) of the above named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the 20 day of February, 2024, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

Signature	Date	Printed Name	Title
		<u>Robin Whitmore</u>	<u>Treasurer</u>

STATE OF UTAH)
) §
COUNTY OF _____)

Subscribed and sworn to me on this 20 day of February, 2024, by
Robin Whitmore (Name), as Treasurer (Title) of
Town of Apple Valley (Name of Entity), proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature _____

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2024-08

A RESOLUTION FOR THE APPOINTMENT OF AN ADDITIONAL MEMBER TO THE SOUTHWEST MOSQUITO ABATEMENT AND CONTROL DISTRICT BOARD

WHEREAS, the Town of Apple Valley belongs to the Southwest Mosquito Abatement and Control District; and

WHEREAS, the Town of Apple Valley is entitled to appoint additional Mosquito Abatement and Control District board members to the Southwest Mosquito Abatement and Control District Board; and

WHEREAS, the Town Council has determined that the Town’s interests would be best served by the additional appointment of Jenna Vizcardo to the Southwest Mosquito Abatement and Control District Board.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley to appoint Jenna Vizcardo to serve on the Southwest Mosquito Abatement and Control District Board.

PASSED this 20th day of February 2024.

TOWN OF APPLE VALLEY
PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

UTAH OFFICE

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St. George, Utah 84770
(435) 656-1900 phone
(435) 656-1963 fax

Reply to Utah Office



SNOW CALDWELL BECKSTROM & WILBANKS, PLLC

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(702) 346-7300 phone
(702) 346-7313 fax

heath@scbwlaw.com

EMPLOYMENT AND FEE AGREEMENT

CLIENT'S NAME: *Town of Apple Valley, a Utah municipal corporation*

FILE NO.: *03030.01*

DEFINITIONS: "Firm" or "Law Firm" means *Snow Caldwell Beckstrom & Wilbanks, PLLC*
"Client" means: *Town of Apple Valley*
"Attorney" means: *Heath H Snow, Esq.*

MATTER: In consideration of Client's engagement of Law Firm, Client and Firm hereby agree that the Firm will provide legal representation of Client for the following matter:

General Legal Representation of the Town of Apple Valley

FEES & COSTS

In return for legal representation by Firm, Client agrees to pay to Firm all attorney fees, expenses and costs together with interest that are in any way connected in representing Client in the above matter. It is understood and agreed by Client that the Firm has the sole discretion to determine which attorney may assist on Client's case and that the bill to be rendered by Firm is based on the novelty and difficulty of the matter, the time needed to perform the service or the hourly time charge, the value of the service performed or the value of the legal product produced, the amount of damages, the time limitations imposed by Client and other circumstances, including but not limited to the results obtained.

HOURLY RATE

The hourly rate of the Attorney initially working on Client's case is **\$275.00**, but Client understands that the Firm may employ the assistance of other attorneys, paralegals and legal assistants as it deems necessary to complete the functions requested by Client. The hourly rate for other attorneys assisting the Client will be to **\$275.00** per hour and the hourly rate for paralegals and legal assistants working on this matter will be up to **\$165.00**. Client specifically agrees that these rates may increase from time to time. Client will receive notice of rate changes in the form of the monthly billings.

PAYMENT TERMS

Client has made an initial payment of **\$0.00** for the reservation of the exclusive services of the Firm, the Attorney, and the Firm's associate attorneys, paralegals and legal assistants ("Retainer"). The Retainer will be applied towards payment of any fees or costs due the Firm under this Agreement. The Firm will send statements to Client monthly. Client agrees to pay the statements within fifteen (15) days after receipt. Accounts over 30 days past due will bear interest at 1.5% per month (18% ANNUAL PERCENTAGE RATE) from the initial statement date. All payments shall be made to the Firm at its address in St. George unless designated otherwise by the Firm. If it becomes necessary for the Firm to make collection efforts to collect fees and costs under this agreement (including if a judgment is obtained against client in a civil action), client agrees to pay the Firm's time in collection efforts based on hourly rates. Payments are applied first to collection costs (if any), then to interest, then to costs and expenses, then to fees. Any funds of Client in the Firm's possession for whatever reason, may be applied by the Firm towards any fees and

costs owed by Client that is more than 30 days past due. Clients may pay their monthly statements or initial retainer with a credit card, however, the Firm charges a three percent (3%) uniform convenience fee on all credit card transactions.

COSTS AND EXPENSES

Client agrees to assume and pay for all costs and expenses incurred by Firm in connection with this matter, including but not limited to filing fees, witness fees, mileage, sheriff's and constable fees, expenses of depositions, investigative expenses, expert witness fees, copy & printing costs, long distance telephone charges, postage, and all other expenses incurred in representation of Client. All such costs are owed to the Firm over and above the attorney fees to be charged. A schedule of Fees and Costs is attached to this Agreement as Exhibit A, and is incorporated herein by this reference.

CLIENT COOPERATION REQUIRED

Client agrees to keep Firm advised at all times of known threatened claims or pending claims being made against Client. Client agrees to cooperate in providing the Firm with access to and copies of all documents, agreements, minutes, recordings and records of Client upon request. Client agrees to comply with all reasonable requests made of Client in connection with the Firm and the Attorney's representation of the Client in general municipal matters. Client shall further cooperate in all respects in relation the Firm and the Attorney's provision of legal services to Client, including, but not limited to, completely and accurately disclosing to the Attorney or representatives of the Firm and allowing the Attorney or representatives of the Firm to conduct all negotiations related to said representation. Upon conclusion the Attorney's appointment as the Town Attorney, it is understood that Client thereafter will be responsible for taking possession of all of Client's documents provided to Firm by Client and that Firm will not be responsible for maintaining or storing the same.

MEDIATION PROVISION FOR FEE DISPUTES

It is expressly agreed that all contests or claims of any kind arising between Firm, its agents or employees and Client, whether such claims be legal or equitable in nature, and including but not limited to claims for the value of services rendered or quality of services performed by firm shall, upon the written request by either Firm or Client, be subject to mediation pursuant to the Utah Uniform Mediation Act (Utah Code Ann §78B-10-101 *et seq.* (1953 as amended)). The location for mediation and all actions to resolve claims between Firm and Client shall be in Washington County, State of Utah.

CLIENT'S ACKNOWLEDGEMENTS

Client acknowledges receiving a copy of this Employment and Fee Agreement. Client has read and fully understands each and every term of this Employment and Fee Agreement and agrees to each and every term contained in it, and understands that this is a contract between Firm and Client. This Employment and Fee Agreement is governed by the laws of Utah, including procedural rules and defenses such as the statute of limitations.

CLIENT:

TOWN OF APPLE VALLEY,
a Utah municipal corporation

FIRM:

**SNOW CALDWELL BECKSTROM &
WILBANKS, PLLC,** a Utah Professional LLC

Mike Farrar, Mayor Date

Heath H. Snow, Managing Partner Date

EXHIBIT A

SCHEDULE OF FEES & COSTS

PROFESSIONAL FEES (HOURLY)

Attorney (Partner)	\$275.00
Attorney (Associate)	\$275.00
Paralegal	\$165.00
Legal Assistant	\$135.00

MISCELLANEOUS FEES

Filing Fees	Actual cost
Service of Process Fees	Actual cost
Court Reporter Fees	Actual cost
Private Investigator Fees	Actual cost
Title/Escrow Fees	Actual cost
Engineering Fees	Actual cost
Credit Card Payment Convenience Fee	3% of total transaction

MISCELLANEOUS COSTS

Copies	\$.20 per page
Facsimile (incoming)	\$.30 per page
Facsimile (outgoing)	\$.50 per page
Postage	Actual cost
Postage (overnight-express)	Actual cost
Online Legal Research (Westlaw)	\$40.00 session (10 min or longer)
Online Searches (Pacer/XChange, etc)	\$15.00 per search
Mileage	\$.55 per mile
Other Travel Costs	Actual cost

**APPLE VALLEY
RESOLUTION R-2024-09**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “Website Privacy Policy” of the Apple Valley Policies & Procedures is hereby *added* as follows:

BEFORE ADOPTION

Website Privacy Policy (Non-existent)

AFTER ADOPTION

Website Privacy Policy(*Added*)

**PRIVACY POLICY STATEMENT FOR THE TOWN OF APPLE VALLEY
WEBSITE**

PURPOSE

We care about your privacy, we use the minimal extent of information to provide you with services you requested, we safeguard your data and we do not monetize it or improperly share it. This Privacy Policy Statement (the "~~s~~Statement") is provided by the Town of Apple Valley in compliance with Utah Code Section 63D-2-103. The purpose of this policy is to inform those accessing the Town of Apple Valley website about the collection and use of the Personally Identifiable Information (PII) of it's users.

CONTACT INFORMATION

The Town of Apple Valley operates this website. Civic Plus is the platform in which this website exists.

If you have any questions or concerns, please contact us:

Phone: 435-877-1190

Email: clerk@applevalleyut.gov

The Administrative body of the Town of Apple Valley is the Town Council. If you have any concerns or questions they can be reached by emailing clerk@applevalleyut.gov

COLLECTION OF INFORMATION

The following information may be automatically collected and retained if you look, search through our web pages, or download information:

The internet domain and Internet Protocol (IP) address of the computer you are using to access our site;

The type of browser and operating system used to visit our site; and

Which portions of the website you visit.

The data collected serve as part of our statistical analysis about the use of our website so we may better design online services and improve access to them. Apple Valley does not attempt to gain personally identifiable information about individuals and associate it with an IP address. Apple Valley does not use information automatically collected to ascertain your personally identifiable information. We may detect user IP addresses for providing location-based user information and services. We do not maintain or collect user IP addresses or disclose such addresses.

Except where specified, you do not have to provide personally identifiable information to visit or download information from the Apple Valley website. Unless you choose to make your personally identifiable information available to us, Apple Valley does not collect such information from you. Apple Valley does not use or place spyware on your computer. Be aware that government agencies may request personally identifiable information from you in order to perform requested specialized services.

PERSONALLY IDENTIFIABLE INFORMATION DISCLOSURE

Email or other information requests sent to the Apple Valley Website may be saved and used to respond to the request, forwarded to the appropriate agency, communicate updates to the Town that may be of interest to citizens. Any information provided to the website will be used solely by the Town of Apple Valley, its entities, and third party agents with whom it has contracted to perform a town function on its behalf, unless the information is designated as public record by an individual State agency as authorized under Title 63, Chapter 2, 302, 303, 304 of the Utah Code, entitled "Government Records Access and Management Act" (GRAMA). Any personal information shared with contracted workers is done only to the extent required for the execution of their duties with the Town of Apple Valley.

All records that are prepared, owned received, or retained by a governmental entity that may be reproduced by certain means are considered public, unless they are private, controlled or protected as outlined in Sections 63-2-302, 63-2-304 of Utah Code, or are records to which access is restricted according to court rule, other State law, federal law, or federal regulation. Information that is generally considered public record under GRAMA - and not made confidential elsewhere in the Utah Code or by federal law - may be subject to electronic access through the Town website.

KEEPING YOUR INFORMATION SECURE

Apple Valley is committed to data security and data integrity of personally identifiable information available from or collected by our website. Apple Valley has taken precautions to protect PII from loss, misuse, or alteration. Any authorized third parties responsible for this information are committed to the same principles, are required by contract to follow the same policies and guidelines as Apple Valley in protecting this information. Visitors should be aware, however, that even though protection is in place, Apple Valley cannot guarantee against the occurrence of hardware failure, unauthorized intrusion or other technical problems.

Unless otherwise prohibited by State law, federal law, or federal regulation, an individual may access and correct PII whether the inaccuracy was created by accident, unauthorized access, or a change in circumstances. Apple Valley also reserves the right to use any legally appropriate measures to prevent, monitor, and investigate any attempt to deface, delete or otherwise tamper with or abuse the Town of Apple Valley website, server, database, information system or other technology asset.

Review of This Notice

We want you to feel comfortable using our services, knowing that your privacy is respected and protected. We welcome your feedback on this notice.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
RESOLUTION R-2024-10**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Preface And Introduction” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Preface And Introduction

PREFACE It is the policy of the Town of Apple Valley ("Apple Valley") to establish reasonable guidelines of conduct for management and employees to follow, and to ensure compliance with these guidelines through a program consistent with the best interests of the Town of Apple Valley and its employees. (The Town of Apple Valley shall heretofore be referred to as Apple Valley) THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY APPLE VALLEY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. The term "At-will" means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the Mayor of Apple. It is also the policy of Apple Valley to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, Apple Valley will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran's status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics. Additionally, it is the policy of Apple Valley to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to Apple Valley by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions. Apple Valley reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you~~r~~ have suggestions or comments concerning the content of this manual, please submit them, in writing, to Apple Valley's Mayor for review. ~~Thank you.~~ **INTRODUCTION** ~~Welcome,~~ Apple Valley's Personnel Policies and Procedures Manual is simply a written guide for management and staff. This manual not only outlines Apple Valley's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered. Consequently, each employee is able to use this Manual as a guide when policy needs to be applied to a given situation. As an employee of Apple Valley you will be expected to read, understand, and follow the policies and procedures contained in this manual. Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee of Apple Valley to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age or disability. And finally, no employee, officer, agent or other representative of Apple Valley has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

Jauna McGinnis

Town Administrator

SECTION 2: **AMENDMENT** “Equal Employment Opportunity (EEO)” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Equal Employment Opportunity (EEO)

1. GENERAL POLICY. It is the policy of Apple Valley to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc, without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status. 2. SUPERVISOR RESPONSIBILITIES. The ~~Town Administrator, or Mayor or~~ designee, will ensure that Apple Valley is in compliance with all of the personnel policies and procedures in this manual, including all Equal Employment Opportunity (EEO standards.) ~~Additionally, the Town Administrator, or designee, will ensure that e~~Each employee shall receives a copy of ~~the~~is Personnel Policies and Procedures Manual and will~~that~~ ~~the employee~~ signs and dates a Policy Statement and Acknowledgment Form (see Sample # 1 for details) stating receipt of the manual. ~~The Town Administrator, or designee, This form~~ will then be filed ~~the signed and dated Policy Statement and Acknowledgment Form~~ in the employee’s personnel file. 3. EMPLOYEE RESPONSIBILITIES. Employees are responsible for informing themselves about the policies, practices, and benefits set forth in Apple Valley’s Personnel Policy and Procedures Manual by reading them and, if necessary, asking that they be explained to them. Additionally, all employees are required to sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.

SECTION 3: **AMENDMENT** “Protection From Contractor Caused Losses/Liabilities” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Protection From Contractor Caused Losses/Liabilities

A. GENERAL POLICY. Apple Valley will take all necessary precautions and steps in written contracts only to prevent loss and liability arising from entering relationships

with independent contractors using the Hold Harmless Agreement, which is a part of the Indemnity Provision Contract, or the entire Indemnity Provision Contract . This does not apply to general maintenance and repair.

B. SUPERVISOR RESPONSIBILITIES.

1. To ensure that no work is performed by any private contractor until:
 - a. A written contract between Apple Valley and the contractor has been entered into and signed by both parties.
 - b. The signed written contract ~~has been co-signed~~ will be signed by the Mayor and include the signature of attestation by the Town Recorder.
2. Each contract with a private contractor should contain indemnity/hold harmless clauses which provide that:
 - a. All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - b. All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - c. Apple Valley and its officials, employees, agents and volunteers must be named as Additional insured on the liability insurance policy.
3. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers, compensation insurance coverage.
 - a. Apple Valley should require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all contractors.
 - b. Apple Valley should have the contractor show evidence of the contractor's Workers Compensation coverage to Apple Valley.

SECTION 4: AMENDMENT "Employee Hiring" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employee Hiring

- A. **EMPLOYMENT.** Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
- B. **RECRUITMENT.** All recruitment shall be conducted in accordance with Apple Valley's equal opportunity guidelines.
 1. **Internal Promotions.** It is Apple Valley's policy to give first consideration to

current agency employees desiring to fill an open job position.

2. External Advertising.

- a. ~~Only the Town Administrator~~ Mayor, or designee may authorize personnel, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
- b. Each Job Opening Notice should contain a statement indicating that Apple Valley is an equal opportunity employer.
- c. Job Opening Notices may be advertised ~~in the appropriate media, including with~~ the Department of Workforce Services. Other sources should be utilized whenever possible, and through any other channels the as approved by the Town Administrator Mayor, or designee. deems Notices will be posted for at least 3 separate days. appropriate, on at least three (3) separate days.
- d. All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.
- e. Advertisements may state that job applicants residing in Apple Valley or the surrounding area will be given hiring preference.

C. SELECTION.

1. Nepotism. It is the policy of Apple Valley to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
2. Employment of Minors. It is the policy of Apple Valley that no one under the age of fourteen (14) shall be hired for any position.
3. Job Applications. All interested job applicants shall complete a Job Application.
 - a. All applications and resumes received for the job opening will be forwarded to the ~~Town Administrator~~ Mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year.
 - b. Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
4. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services.
5. Other Tests. Job Applicants may be required to take other tests which Apple Valley deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Apple Valley uses other ability tests, Apple Valley shall make reasonable accommodations for disabled applicants.
6. Job Applicant Disqualification. An application may be rejected for, but not

limited to, the following reasons. When the Job Applicant:

- a. Does not meet minimum qualifications established for the position.
 - b. Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
 - c. Has falsified a material fact or failed to complete the application.
 - d. Has failed to timely file the application.
 - e. Has an unsatisfactory employment history or poor work references.
 - f. Has failed to attain a passing score if an examination is required.
7. Reference Checks. To facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. Apple Valley may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Telephone and Written Reference Check Questionnaires.

D. PLACEMENT

1. Job Offers. After a job applicant is approved by Apple Valley, the ~~Town Administrator~~ Mayor, or designee, shall notify the successful job applicant of their conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to Apple Valley by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:
 - a. A clear statement of the job description.
 - b. The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
 - c. The employee's job title.
 - d. The employee's supervisor.
 - e. Any relocation commitments, if applicable.
 - f. Apple Valley at-will employment policy.
 - g. The employee's starting date.
 - h. The length of the employee's probationary period.
 - i. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
2. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The ~~Town Administrator~~ Mayor, or designee, may send a Job Rejection Letter to each job

applicant who was not selected for a job opening.

3. Medical Examinations. Once Apple Valley has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Apple Valley to determine a job applicant's ability to fulfill essential job-related requirements. Only the ~~Town Administrator~~ Mayor, or designee may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Apple Valley. The prospective employee must sign a written release of this information to Apple Valley.
4. Reinstatements. Employees who are reinstated into Apple Valley may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
 - a. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Apple Valley within one (1) year after date of termination.
 - b. Voluntary resignations. Employees who voluntarily terminate their employment with Apple Valley may maintain their original anniversary date, subject to ~~Town Administrator~~ Mayor and/or Town Council approval, if they are re-employed by Apple Valley within six months after date of termination.
5. Hiring New Employees.
 - a. Required for All Employees: The ~~Town Administrator~~ Mayor, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Apple Valley's policies concerning pay, vacation, holidays, ~~and sick leave~~, benefits, parking and work hours during the employee's first day of work.
6. Orientation. Newly hired Apple Valley employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.
 - a. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
 - b. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
 - c. All new employees should be given a tour of the workplace with a brief overview of company rules and benefits. ~~The employee should complete a New Employee Orientation Form, that's been modified to meet the particular needs of Apple Valley.~~
7. Probationary Period.

- a. All new employees shall be subject to a 90-day probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- b. Probationary periods begin on the first day of employment and continue for 90 days. Management will provide guidance to probationary employees, so they understand work requirements.
- c. An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. Management reserves the right to extend the initial probationary period for an additional 90 days on the basis of this performance evaluation. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

E. VOLUNTEERS.

1. Court Ordered Community Service Volunteer Labor may be authorized at the discretion of the ~~Town Administrator~~ Mayor, or designee. Background checks may be required.
2. The ~~Town Administrator~~ Mayor, or designee with approval of the Town Council, may establish volunteer programs.
3. The ~~Town Administrator~~ Mayor, or designee shall develop guidelines for use of volunteers.
4. Prior to accepting any volunteer services, the ~~Town Administrator~~ Mayor, or designee and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
5. A volunteer shall be provided the protections as an employee of Apple Valley for:
 - a. Workers' compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
 - b. Operating Apple Valley owned vehicles or equipment when the volunteer is properly licensed to do so.
 - c. Liability insurance coverage offered employees.
6. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Apple Valley.

SECTION 5: AMENDMENT "Leaves Of Absence" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Leaves Of Absence

A. ABSENT WITHOUT LEAVE.

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the ~~Town Administrator~~ Mayor, or designee.
2. Any employee who is absent for three (3) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the ~~Town Administrator~~ Mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

B. ANNUAL VACATION LEAVE.

1. Each permanent, Non-Exempt full-time employee shall receive annual vacation leave. Vacation is earned on forty (40) hour weeks. The rates are as follows:
 - a. For one (1) month to one (1) years of service, forty (40) hours of annual vacation leave shall accrue at the rate of 1.54 hours per pay period.
 - b. From one (1) year to five (5) years of service, eighty (80) hours of annual vacation leave shall accrue at the rate 3.08 hours per pay period.
 - c. ~~For over five (5) to (8) years of service, one hundred twenty (120) hours of annual vacation leave shall accrue at the rate of 4.62 hours per pay period.~~
 - d. For over eight (8) years of service , one hundred sixty (160) hours of annual leave shall accrue at the rate of 6.15 hours per pay period
 - e. ~~All days requested to be off shall use vacation hours, if available. If none are available, the hours will be without pay. Total hours below the required 30 hour minimum for full-time employee's shall use (if available) vacation to bring the hours to the 30 hour minimum requirement. (see Employment Classification requirements)~~
2. Each permanent, EXEMPT full-time employee shall receive annual vacation leave. Vacation is earned on forty (40) hour weeks. The rates are as follows:
 - a. For one (1) month to one (1) years of service, eighty (80) Hours of annual vacation leave shall accrue at the rate of 3.08 hours per pay period.
 - b. From one (1) year to five (5) years of service, one hundred twenty (120) hours of annual vacation leave shall accrue at the rate of 4.62 hours per pay period.
 - c. For over five (5) years of service, one hundred sixty (160) hours of annual vacation leave shall accrue at the rate of 6.15 hours per pay period.
3. An employee who is separated from employment may be compensated for all accrued annual vacation leave.

4. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the ~~Town Administrator~~ Mayor, or designee. If an excessive (being the number of requests if granted that would render the department or organization ineffective) number of employees request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the ~~Town Administrator~~ Mayor, or designee.
5. A workday is based on ten (10) hours, ~~Monday through Thursday. Friday is considered a day off.~~ A vacation day is equivalent to the same.
6. Official annual vacation leave records will be maintained and kept current by posting at least annually by the ~~Town Administrator~~ Mayor, or designee.
7. Vacation usage will be reported by the ~~Town Administrator~~ Mayor, or designee, using attendance forms.

C. HOLIDAY LEAVE.

- ~~Holidays which apply to~~ Full time employees ~~are~~ receive 11 paid holidays as follows:
 - One paid holiday per year is classified as a "Floating Holiday" and may be taken anytime during the year at the discretion of the employee with approval from the mayor or designee.
 - New Year's Day.....January 1st
 - Human Rights Day.....3rd Monday in January
 - President's Day.....3rd Monday in February
 - Memorial Day.....Last Monday in May
 - Independence Day.....July 4th
 - Pioneer Day.....July 24th
 - Labor Day.....1st Monday in September
 - Thanksgiving.....4th Thursday in November & Friday in November
 - Christmas Eve.....December 24th
 - Christmas Day.....December 25th
- If any of the above holidays fall on Friday or Saturday, then the preceding ~~Friday~~ Thursday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

SECTION 6: AMENDMENT “Employment Classifications/Compensation”
of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employment Classifications/Compensation

- A. GENERAL POLICY. Apple Valley will pay at least minimum wages and overtime to

all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Apple Valley will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

B. EMPLOYMENT CLASSIFICATIONS. There are five classifications of employees within Apple Valley:

1. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is Thirty (30) hours per week or more. Full-time employees may or may not qualify for specific Apple Valley benefits.
2. Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than Thirty (30) hours per week. Part-time employees do not qualify for Apple Valley benefits.
3. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Apple Valley benefits.
4. Seasonal. An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Apple Valley benefits.
5. Volunteer. Individuals who serve in a non-compensated or nominal compensated position. Individuals do not qualify for specific Apple Valley benefits.

C. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

1. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
2. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

D. WORK WEEK.

1. Begins on Sunday morning at 12:00 a.m. (midnight).
2. Ends on Saturday evening at 12:00 a.m. (midnight).
- ~~3. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.~~

E. WORKDAYS. Workday schedules are flexible and may vary based on position requirements.

1. Full Time: Monday - ~~Friday~~ Thursday.
2. Part Time: As directed by the ~~Town Administrator~~ Mayor, or designee.
3. Employees engaged in public safety activities, ~~such as Law Enforcement and Fire Protection Departments~~ work as dictated by necessity. It is the responsibility of the Department Head to ensure adequate staffing is available.

~~As directed by the Town Administrator, or designee.~~

F. WORK HOURS. Workday schedules are flexible and vary based on position requirements.

1. Full Time: 8:00 a.m. - 12:00 noon/1:00 p.m. - 5:00 p.m.
2. Part Time: As directed by the ~~Town Administrator or~~ Mayor, or designee.
3. ~~Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.~~

G. ATTENDANCE. Employees shall be in attendance at their workstations during normal working hours.

H. BREAKS AND LUNCH PERIODS.

1. Full-time:
 2. Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks can not be used to extend the lunch period or shorten an employee's work hours.
 3. Lunch: One (1) hour unpaid lunch period during a standard work day.
 4. Part-time: As directed by the ~~Town Administrator~~ Mayor, or designee.
 5. Employee breaks and lunch periods will be taken at the discretion of the ~~Town Administrator~~ Mayor, or their supervisor, to ensure continuity in the flow of work.
 6. If employees choose to work through their paid breaks, it is their decision to do so, and no extra compensation will be given for the extra time worked.
 7. Employees engaged in public safety activities, i.e., Fire Department: As directed by the Fire Chief. ~~Town Administrator~~ The fire chief will be directed by the Town Administrator.
- I. TIME SHEETS. Non-exempt Employees will complete and sign, as verification of accuracy, an Employee Time Sheet showing all hours worked, including overtime, and submit the time sheet to the ~~Town Administrator~~ Mayor, or designee, for examination, payroll, and filing.

SECTION 7: AMENDMENT "Benefits" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Benefits

A. WORKERS COMPENSATION.

1. All employees are covered by workers compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation

payments. For exact compensation coverage, check the workers compensation contract on file with the ~~Town Administrator~~Mayor, or designee.

2. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.
 3. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to ~~the~~your regular medical plan).
 4. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the ~~Town Administrator~~Mayor, or designee and Human Resources personnel immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
 5. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, an employee must contact the Mayor, or designee and their supervisor ~~or the Town Administrator~~ to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
 6. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
 7. At the time of final release or settlement of a workers compensation claim, if no vacancy exists; and, if a reasonable effort which have proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.
- B. SOCIAL SECURITY/FICA. All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and Apple Valley will be made in accordance with the provision of the law.
- C. STATE AND FEDERAL UNEMPLOYMENT. All employees, whether regular, part-time, or temporary, are covered by the benefits of State and Federal Unemployment.
- D. CONTINUING EDUCATION. Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the ~~Town Administrator~~Mayor, or designee.
1. Required by Apple Valley. When Apple Valley requires an employee to attend any education or training course, conference, seminar, or certification course,

Apple Valley will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.

2. Encouraged by Apple Valley. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the ~~Town Administrator~~ Mayor, or designee and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:

- a. A certificate indicating successful course completion, if applicable.
- b. A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
- c. A grade pass on a pass/fail grading system.

E. RETIREMENT BENEFITS. The Town fully funds an employee pension plan through the Utah Retirement System (URS) for certain classes of employees as follows:

1. ELIGIBLE:

- a. Regular full-time employee. Eligibility begins after probationary period.
- b. URS Tier 1 Employees: Based on the monthly pay established annually by the URS, ~~currently \$1,148.~~
- c. URS Tier 2 Appointed Officers are Part-Time Ineligible except for the following positions, which are deemed Full-Time Eligible if the employee meets the Town's definition of Full-Time:
 - i. Town Administrator
 - ii. Finance Director
 - iii. Town Clerk
 - iv. Fire Chief
- d. URS Tier 2 Elected Officers are Part-Time Ineligible.
- e. The Current Appointed Full-Time Positions ~~are~~ eligible for URS vesting exemption purposes, ~~if available~~ is the Town Clerk.
- f. Under the Fire Fighter URS, all volunteer fire fighters currently on the roster are eligible for Death and Disability benefits while performing in the line of duty.

F. HEALTH BENEFITS

1. Health benefits are administered through the Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) Plan.
2. Eligibility: ~~Regular Full-time employee's are eligible after their probationary period. Eligibility beings after probationary period.~~
3. Funding of this arrangement will include reimbursement for qualified medical expenses for the employee or the employee and their family, as elected at the beginning of the year by the employee. Family includes employee's dependent children and current spouse of the employee. The amount will be reimbursable is \$4,000 yearly for single arrangements and \$8,500 for family arrangements. ~~set as per the QSEHRA Summary Plan Description and shall be reimbursed~~

~~on a monthly basis at the beginning of the month.~~

G. VOLUNTEER BENEFITS

1. As a nominal fee reimbursement, all volunteer firefighters, town council members, and planning commissioners, shall receive ~~a~~ no charge ~~on~~for their solid waste ~~service~~fee during their tenure as a volunteer ~~service to~~ with the town.

SECTION 8: AMENDMENT “Alcohol And Drug Free Workplace” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Alcohol And Drug Free Workplace

- A. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.
- B. EMPLOYEE RESPONSIBILITIES.
 1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
 2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor ~~Town Administrator~~ within five days after the conviction.
 3. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
 4. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
 5. No employee shall represent Apple Valley in an official capacity while impaired by alcohol, illegal drugs, or medication.
 6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Apple Valley.
 7. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
 8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify their supervisor who will then notify the Mayor ~~Town Administrator, or designee.~~
- C. DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary

action will be taken, up to and including termination.

SECTION 9: AMENDMENT “Employee Code Of Conduct” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employee Code Of Conduct

- A. PROFESSIONALISM. Apple Valley is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other ~~member-employees-and~~ officials. A separate Ethical Behavior Policy Statement is incorporated as part of this manual.
- B. PRIVILEGED INFORMATION. Apple Valley employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Apple Valley plan or activity, this situation must be reported to the ~~Town Administrator~~ Mayor immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and ~~m~~Management Act.
- C. CONFIDENTIALITY. ~~Fellow-e~~ Employees have ~~an unquestionable~~ the right to expect all personal information about themselves, ~~their~~ any illnesses, ~~their~~ and / or family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
- D. GIFTS AND GRATUITIES. Apple Valley employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Apple Valley, or from any person within or outside Apple Valley employment whose interests may be affected by the employee’s performance or nonperformance of official duties. Apple Valley employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.
- E. ATTENDANCE. Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence.

- F. APPEARANCE. Apple Valley reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.
- G. SMOKING. In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Apple Valley facilities or on the grounds surrounding said facilities. Apple Valley also prohibits smoking in Apple Valley owned vehicles.
- H. PERSONAL USE OF APPLE VALLEY OFFICE ITEMS.
1. Computer Equipment (In General).
 - a. Personal use of Apple Valley owned computer systems is permitted only when all of the following criteria are met.
 - i. The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
 - ii. The employee is not compensated for the work performed, unless the employee has received prior written approval by the ~~Town Administrator~~Mayor, or designee.
 - iii. The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
 - iv. The employee uses the computer system after hours, or on the employee's personal time.
 - v. The employee does not use the computer system for permanent storage of data.
 - vi. Use does not conflict with the employee's Apple Valley responsibilities or normal Apple Valley business.
 - ~~vii. The use has been approved by the Town Administrator, or designee.~~
 - b. All data stored on, and software developed on, Apple Valley owned computer equipment is the property of Apple Valley and may be viewed/reviewed by the ~~Town Administrator~~Mayor, or designee, at any time.
 - c. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Apple Valley owned computer equipment.
 - d. A separate IT and Computer Security Policy is hereby incorporated as part of this manual.
 2. Postage Meters. No employee shall be allowed to use Apple Valley owned postage metering machines at any time for posting and mailing of any material of a personal nature.
 3. FAX and Copying Machines. Any employee desiring to use Apple Valley owned FAX or copying machines for items of a personal nature may do so after paying for such use at the employee rate which is in effect at the time of use.
 4. Telephone calls.
 - a. Employees are expressly prohibited from making long distance

telephone calls of a personal nature on Apple Valley owned telephones.

- b. All employees will use Apple Valley owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.

I. PURCHASING. When procurement involves the expenditure of federal assistance funds, Apple Valley shall comply with all applicable federal laws and regulations, state laws, and Town ordinances and resolutions. For all purchases, please refer to current purchasing policies.

J. TIMECARDS

- 1. All non-exempt employees of Apple Valley are required to maintain an accurate and legible record of all their hours worked for Apple Valley on time sheets/cards.
- 2. Time sheets/cards will be signed and dated by the employee, and forwarded to the ~~Town Administrator~~ Mayor, or designee, as directed for review and payment.

K. DEBIT CARDS. Apple Valley debit cards shall be used for official business only and shall not be used for the personal convenience of an employee.

- 1. It is the cardholder's responsibility to:
 - a. Make only authorized purchases as prescribed by the Town purchasing policy and approved budget.
 - b. Retain receipts for all transactions.
 - c. Keep the credit card and corresponding account information secure.
 - d. Immediately report any lost or stolen credit card and/or account information to the Town.
 - e. Sign the back of the issued card.
 - f. Return the card upon termination.
- 2. It is accounts payable responsibility to:
 - a. Reconcile the credit card statement upon its arrival.
 - b. Report fraudulent charges or any discrepancies in the credit card statement in a timely manner.
- 3. Prohibited credit card purchases:
 - a. Any merchant, product, or service normally considered to be inappropriate use of Town funds.
 - b. Purchase of items for personal use or consumption.
 - c. Alcohol
 - d. Any use not in conformity with the purchasing policy.

L. OUTSIDE ACTIVITIES. Apple Valley employees shall not use Apple Valley owned property in support of outside interests and activities when such use would compromise the integrity of Apple Valley or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to Apple Valley business, public office, or service club, shall:

- 1. Pursue the outside activity on the employee's own time.

2. Pursue the outside activity away from Apple Valley offices.
3. Discourage any phone, mail or visitor contact related to the outside interest at Apple Valley offices.
4. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
5. Except as provided in paragraph 8, not use data processing equipment, postage metering machines, copiers, other Apple Valley owned equipment or supplies for the outside interest.

M. POLITICAL ACTIVITY.

1. An employee shall not be coerced to support a political activity, whether funds or time are involved.
2. An employee shall not engage in political activity during work hours, unless on approved leave.
3. An employee shall not use Apple Valley owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) When engaged in political activity.
4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
5. An employee shall not use the employee's title or position while engaging in political activity.

N. SECONDARY EMPLOYMENT.

1. Apple Valley employment is primary.
 - a. Employment with Apple Valley shall be the employee's primary employment. Apple Valley employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
 - b. Employees are required to provide written notification to the ~~Town Administrator~~ Mayor, or designee, using the Employee's Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:
 - i. The employer's name, business name, and business address.
 - ii. A general overview of the type of business engaged in by the secondary employer.
 - iii. The specific duties engaged in by the employee at their secondary employment.
2. Apple Valley's approval process.
 - a. The ~~Mayor~~ ~~Town Administrator~~, or designee, shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
 - i. That the secondary employment reasonably articulates some

- factor or factors which could negatively impact their employment with Apple Valley. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
- ii. That the secondary employment could invoke a conflict of interest with their employment with Apple Valley.
 - iii. That the secondary employment is immoral or unethical.
- b. This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:
- i. Shall abide by that decision.
 - ii. May appeal the decision to the Town Council, whose decision shall be final.
 - iii. May voluntarily resign their employment with Apple Valley.

SECTION 10: **AMENDMENT** "Disciplinary Action" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Disciplinary Action

A. GENERAL POLICY.

1. It is the policy of the Apple Valley that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.
2. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Apple Valley government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
3. Disciplinary action, up to and including termination, may be imposed for misconduct.
4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

B. ~~TYPES OF~~ IMPOSING DISCIPLINARY ACTION.

1. Verbal Warning.
 - a. Whenever grounds for disciplinary action exist, and the ~~Town Administrator~~ Mayor, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
 - b. Whenever possible, sufficient time for improvement should precede

additional disciplinary action.

2. Written Reprimand.

- a. The ~~Town Administrator~~Mayor, or designee, may reprimand an employee. The ~~Town Administrator~~Mayor, or designee, shall furnish the employee with an Employee Written Reprimand Notification setting forth the reason(s).
- b. A copy of the Employee Written Reprimand Notification, signed by the ~~Town Administrator~~Mayor or Designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

3. Suspension.

- a. The ~~Town Administrator~~Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- b. When suspending an employee, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows.
~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the suspension, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
- d. A copy of the Employee Suspension Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

4. Demotion.

- a. The ~~Town Administrator~~Mayor, or designee, may demote, or reduce in grade, any ~~ed~~ employee for cause or provide for reasonable accommodation in appropriate circumstances.
- b. When demoting an employee, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows.
~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the demotion, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.
- d. A copy of the Employee Demotion Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

5. Transfer.

- a. The ~~Town Administrator~~Mayor, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification.
- b. A copy of the Employee Transfer Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

6. Termination.

- a. The ~~Town Administrator~~Mayor, or designee, may terminate an employee for cause.
- b. When terminating an employee for cause, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows, ~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the termination for cause, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Termination Notification setting forth the reason(s) for termination.
- d. A copy of the Employee Termination Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

C. CAUSES FOR DISCIPLINARY ACTION.

- 1. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
 - a. Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
 - b. Violation of the code of personal conduct.
 - c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
 - d. Unjustified interference with work of other Apple Valley employees.
 - e. Misconduct.
 - f. Malfeasance.
 - g. Misfeasance.
 - h. Nonfeasance.
 - i. Incompetence.
 - j. Negligence.
 - k. Insubordination.
 - l. Failure to maintain skills.
 - m. Inadequate performance of duties.
 - n. Unauthorized absence or tardiness.

- o. Falsification or unauthorized alteration of records.
- p. Violation of Apple Valley policies.
- q. Falsification of employment application.
- r. Discrimination in hiring, assignment, or promotion.
- s. Sexual harassment.
- t. Violation of the Personnel Policies and Procedures.
- u. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- v. Falsifying Apple Valley Records.
- w. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- x. Unauthorized possession of firearms, weapons, or explosives on Apple Valley owned property, with the obvious exception of police officers.
- y. Carelessness which affects the safety of personnel.
- z. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- aa. Theft or removal of any Apple Valley property or the property of any employee from the work area premises without proper authorization.
- ab. Gambling or engaging in a lottery at any Apple Valley work area.
- ac. Misusing, destroying, or damaging any Apple Valley property or the property of any employee.
- ad. Deliberately restricting work output of themselves or others.
- ae. Drinking any alcoholic beverage during the workday or being under the influence of illicit drugs or alcohol during the workday.
- af. Sleeping during working hours, with the obvious exception of firefighter employees.
- ag. Fighting (verbal or physical) on Apple Valley premises, or while on Town business, or in a Town uniform.
- ah. Any act which might endanger the safety or lives of others.

SECTION 11: **AMENDMENT** "Termination Of Employment" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Termination Of Employment

- A. TYPES OF TERMINATION. Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted

to ensure the employee's due process property rights are not violated.

1. Retirement. Voluntary termination at the end of an employee's career.
2. Voluntary Resignation. When an employee wishes to leave Apple Valley, they will complete a Notice of Voluntary Resignation Form and present it to the ~~Town Administrator~~Mayor, or designee.
3. Resignation, in Lieu of an Involuntary Termination, Agreement. The ~~Town Administrator~~Mayor, or designee, ~~may~~ conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun but have not been completed and an employee suggests that they would like to voluntarily resign, the ~~Town Administrator~~Mayor, or designee may agree to a Resignation In Lieu Of an Involuntary Termination Agreement.
4. Involuntary Termination. The ~~Town Administrator~~Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees ~~and Department Heads~~) or for cause.
5. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Apple Valley because of lack of work or lack of funds, Apple Valley may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
6. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
7. Death. If an employee of Apple Valley dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

B. REQUIRED NOTICE PRIOR TO TERMINATION.

1. All employees, including at-will employees, must notify Apple Valley at least two (2) weeks before retiring or voluntarily resigning to be eligible:
 - a. To receive pay for unused, accrued vacation leave (if applicable).
 - b. To receive pay for vested sick leave (if applicable).
 - c. For rehire.
2. Apple Valley does not have a requirement to give any prior notice to an employee before terminating their employment with Apple Valley.
3. Unused, accrued vacation leave (if applicable) and vested sick leave (if applicable) will ~~always~~ be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

C. TERMINATION PROCEDURES.

1. A Notice of Voluntary Resignation Form, signed by the employee and the ~~Town Administrator~~Mayor, or designee, may be utilized in Voluntary Resignations.
2. Involuntary Terminations/Separations for Cause require Apple Valley to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for probationary employees and department heads) do not require Apple Valley to provide their terminating employees

with written notification of due process.

3. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the ~~Town Administrator~~ Mayor, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Apple Valley to provide their terminating employees with written notification of due process.
4. The following steps should be taken for Voluntary Retirements:
 - a. Employees who desire retirement should notify Apple Valley three (3) months in advance.
 - b. Apple Valley should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Apple Valley should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
 - c. Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - d. Apple Valley should give the employee ample time to review the retirement plan.
 - e. Apple Valley should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
5. The following steps should be taken for Reductions in Force/Layoffs:
 - a. Determine whether Apple Valley is required to follow statutory guidelines related to the reduction in force/layoff. If Apple Valley is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
 - b. If Apple Valley is facing a possible reduction in labor force, Apple Valley should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Apple Valley.
 - c. In the selection of employees for Apple Valley's reduction in force/layoff, the following guidelines should be considered:
 - i. Selection should be based upon the employee's ability to perform the work assignments within the affected department.
 - ii. Seniority should govern the selection when ability is equal.
 - iii. Emergency, temporary, and probationary employees should be laid off first.
 - iv. Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
 - v. Before any reduction in force/layoff, Apple Valley should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - vi. Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - vii. If Apple Valley cannot give advanced notice of a reduction in

force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

- d. Written reductions in force/layoffs notices should contain the following information:
 - i. Statement that separation from employment is based on reduction in force/layoff.
 - ii. Anticipated date of layoff.
 - iii. Any options regarding employee placement in another position.
- 6. Outstanding Pay.
 - a. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).
 - b. Under Utah State law, the required timing of the final payment at termination is:
 - i. A Voluntary Resignation. Within one (1) workday of effective resignation date.
 - ii. An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
- 7. The terminating employee will return any supplies or equipment, which are the property of Apple Valley, to Apple Valley at termination.
- 8. All terminating employees should complete an Exit Interview Form with the ~~Town Administrator~~Mayor, or designee. The Exit Interview Form should be signed by the employee and the ~~Town Administrator~~Mayor, or designee.

SECTION 12: **AMENDMENT** "Record Keeping" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Record Keeping

- A. GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.
- B. CONFIDENTIALITY. Employee records are maintained in compliance with the law.
 - 1. Confidentiality must be always maintained with access limited to employees and their supervisory chain.
 - 2. Apple Valley's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

3. Employees have the opportunity to review their own files in the presence of the ~~Town Administrator~~Mayor, or designee, on Apple Valley premises during regular business hours.

C. PERSONNEL FILES REQUIREMENTS.

1. General.

- a. Personnel files are maintained on each employee and kept by the ~~Town Administrator~~~~Town Administrator and Clerk~~Human Resources representative, or designee. ~~The Clerk's file will be retained by the Treasurer.~~ The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- b. No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the ~~Town Administrator~~Mayor, or designee.
- c. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Apple Valley. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the ~~Town Administrator~~Mayor, or designee.

2. Contents.

- a. An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
- b. A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
- c. ~~Election form to disclose or keep confidential, the employee's home address and home telephone number.~~
- d. All personnel action forms, including:
 - e. Performance evaluations.
 - f. Promotions or transfers.
 - g. Salary rate changes.
- h. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the ~~Town Administrator~~Mayor, or designee, will so state.
- i. Any information the employee wants included in response to any of the above actions.
- j. Records of citations for excellence or awards for good performance.
- k. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the ~~Town Administrator~~Mayor, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with

the ~~Town Administrator~~Mayor, or designee, to obtain information regarding their current leave usage.

1. Record of any other pertinent information having a bearing on the employee's status.
3. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the ~~Town Administrator~~Mayor, or designee, ~~to~~ they will then file the form in their personnel file.
4. Giving References. Apple Valley limits information given ~~in a~~ for purposes of reference to the following information.
 - a. Verification that the employee worked, full-time or part-time, for Apple Valley during a stated period.
 - b. A description of the position held.
 - c. Verification that the employee achieved a given salary range.
- D. OTHER FILES REQUIREMENTS. Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.
 1. Job applications.
 2. Test papers completed by job applicants or candidates for any position.
 3. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
 4. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
 5. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.
- E. SALARY/WAGE REQUIREMENTS. The Federal Labor Standards Act (FLSA) requires Apple Valley to keep all of the following data on all employees for a period of at least three (3) years.
 1. Employee's sex.
 2. Time and day work week begins.
 3. Hours worked each day and total hours worked each week.
 4. Total daily or weekly straight-time earnings.
 5. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
 6. Date of payment and pay period covered.
 7. Total overtime above regular compensation for work week.
- F. OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:
 1. Occupational Safety and Health Act (OSHA) record of injuries.

2. Employee Retirement Income Security Act (ERISA) record of pensions.
3. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

SECTION 13: **AMENDMENT** “Salary Planning” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Salary Planning

- A. GENERAL POLICY. The ~~Town Administrator~~ Mayor, or designee in conjunction with the Town Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for Apple Valley which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:
1. Ranges of pay for other positions.
 2. Prevailing rates of pay for similar employment in both public and private organizations.
 3. Cost of living factors.
 4. Other benefits received by employees.
 5. The financial policy and economic conditions of Apple Valley.

SECTION 14: **AMENDMENT** “Reimbursable Expenses” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Reimbursable Expenses

- A. GENERAL POLICY. With prior approval, legitimate expenses will be reimbursed by Apple Valley to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.
- B. TRAINING AND CONFERENCES. If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half times their regular

work day pay if hours worked exceed forty (40) hours in that week.

C. TRAVEL POLICY.

1. All travel outside of the Apple Valley limits during Apple Valley work hours shall be authorized by the ~~Town Administrator~~ Mayor, or designee. A log of all such travel exceeding a thirty (30) mile radius of Apple Valley shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
2. Travel for legitimate Apple Valley purposes in Apple Valley vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Apple Valley. Overnight use of Apple Valley vehicles for travel purposes shall be authorized by the ~~Town Administrator~~ Mayor, or designee.
3. If travel is outside the range of service of Apple Valley's repair shop, travel costs in conjunction with the use of Apple Valley vehicles shall be paid by the employee with receipts being kept for reimbursements.
4. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. If such payment in advance is not possible, Apple Valley shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Apple Valley by the employee as a verification of attendance no matter what the form of payment.
5. Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the ~~Town Administrator~~ Mayor, or designee based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions .
6. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.
7. The amount of fifty nine dollars (\$59.00) shall be granted as the maximum daily per diem allowance for Apple Valley employees engaged in travel on the Apple Valley's behalf. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the ~~Town Administrator~~ Mayor, or designee, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a ~~spouse~~ family members with an employee).-Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
8. Travel that requires less than a full day shall be compensated by the following specific per diem allowances:

- a. Breakfast: ~~Six dollars~~ Fifteen dollar (\$15.00) maximum, when departing before 7:00 a.m.
- b. Lunch: ~~Eight dollars~~ Twenty dollar (\$20.00) maximum.
- c. Dinner: ~~Fourteen dollars~~ Twenty four dollar (\$24.00) maximum, when returning after 7:00 p.m.
- d. These amounts may be either an advance, after submission and approval of travel request, or reimbursed after presentation of receipts.

SECTION 15: **AMENDMENT** “General Safety” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

General Safety

- A. GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
- 1. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
 - 2. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 - 3. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
 - 4. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
 - 5. Defective equipment will be reported immediately to the supervisor ~~and a~~ Mayor, or designee ~~Town Administrator.~~
 - 6. Employees will not operate equipment or use tools for which licensing and training has not been received.
 - 7. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
 - 8. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
 - a. Road repair.
 - b. Construction areas.
 - c. Vehicle maintenance areas.
 - d. Animal control.
 - e. ~~Sewers.~~

B. ACCIDENT REPORTING PROCEDURES.

1. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the ~~Town Administrator~~ Mayor, or designee ~~or~~ and their supervisor, who will ensure prompt and qualified medical attention, is provided and all required UOSHA reports are completed. Employees, who do not and/or will not accept qualified medical attention when directed by the ~~Town Administrator~~ Mayor, or designee, shall be subject to disciplinary action, up to and including termination.
2. The ~~Town Administrator~~ Mayor, or designee, will investigate the job-related injury to determine the cause of the injury.
3. Apple Valley shall contact UOSHA within twelve (12) hours of the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.
4. Apple Valley files the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. -Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
5. Apple Valley shall keep a copy of the UOSHA report in their UOSHA File.
6. Apple Valley shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.
7. If an employee later dies as a result of work-related injury, Apple Valley shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

SECTION 16: **AMENDMENT** "Vehicle Policy" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Vehicle Policy

Town vehicles represent a tremendous investment of the taxpayers' dollars and shall be respected as such. Operation of Town vehicles shall be in accordance with applicable laws and regulations.

Only authorized Town employees are permitted to drive Town vehicles as authorized by the ~~Town Administrator~~ Mayor, or designee. The ~~Town Administrator~~ Mayor, or designee may delegate authorization to the Fire Chief for fire department vehicles. Authorization of use shall be done on a case-by-case basis. Prior to approving a driver and periodically thereafter, the human resources department must check the employee's driving record. Employees approved to drive on company business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

All employees must exhibit good driving habits at all times. Employees are responsible for any driving infractions or fines as a result of their driving.

Employees must exercise due diligence to drive safely and to maintain the security of the vehicle and its contents.

Texting on cell phones is specifically prohibited.

Smoking or use of tobacco products in vehicles owned, leased, or rented by the Town is prohibited.

Employees are not permitted, under any circumstance, to operate a Town vehicle when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any company vehicle at any time while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive.

Essential employees may be authorized to take a Town vehicle home so they can respond to business needs as soon as possible. Essential employees are those who conduct a range of operations and services that are typically essential to continue critical operations, who may be required to work after hours in order to meet operational requirements. The ~~Town Administrator~~ Mayor, or designee and Fire Chief will determine who is an essential worker.

All persons riding in a Town vehicle are required to use provided seat belts and must not be of an age or size to require child safety seating. Carrying of passengers should be limited to those with some direct relationship to the conduct of Town business. However, there may arise an unanticipated situation which may warrant the use of a Town vehicle to transport a family member. If, while an employee is on duty, a family member is stranded, ill, or likewise, and is unable to reasonably find transportation, or unable to transport themselves home or to another's care, the employee may transport the family member to the appropriate location. This should be done after receiving permission from a supervisor and should be in limited circumstances only.

Certain discretionary personal uses shall be permitted with Town vehicles during regular work hours such as break stops or short personal errands that fall within the immediate geographic area of specific business already being conducted for and in behalf of the Town.

Employees must report any accident, theft or malicious damage involving a Town vehicle to their supervisor and the human resources department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 24 hours after the incident. Employees are expected to cooperate fully with the authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

At times employees are required or expected to travel ~~on Town~~~~on District~~ business using their personal vehicles. The ~~District~~~~Town~~ will reimburse employees at the current IRS authorized rate when required to do so.

SECTION 17: AMENDMENT “Ethical Behavior Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Ethical Behavior Policy

Appointed Officials and Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

- A. ~~+~~ Disqualification from Acting on Apple Valley Business.
 1. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
 2. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
 3. Fail to disqualify him or herself from acting on any transaction which involves Apple Valley and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
 4. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Apple Valley or any Town agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Apple Valley or Town agency enters into the

transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

B. Improper Use of Official Position.

1. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Apple Valley; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
2. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any Town funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
3. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Town; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
4. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Apple Valley, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

C. Accept Gifts or Loans.

1. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - a. Unsolicited flowers, plants, and floral arrangements;
 - b. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - c. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - d. Unsolicited food items given to a department when the contents are shared among employees and the public;
 - e. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the [entity];
 - f. Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - g. Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - h. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the Town;

- i. Travel costs, lodging, and tuition costs associated with Town sanctioned training or education when not provided by a private entity under contract with the Town;
- j. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
- k. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
- l. Campaign contributions; and
- m. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

D. Disclose Privileged Information.

- 1. Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

E. Financial or Beneficial Interest in Transactions.

- 1. Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Apple Valley. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Apple Valley.

F. Nepotism.

- 1. Violate Utah Code § 52-3, which prohibits employment of relatives, with few exceptions.

G. Misuse of Public Resources or Property.

- 1. Violate Utah Code § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

H. Outside Employment.

- 1. Retain secondary employment outside of Apple Valley employment, which, as determined by the Town Council, and according to Utah Administrative Code R477-9-2:
 - a. Interferes with an employee's performance.
 - b. Conflicts with the interests of Apple Valley or the State of Utah.
 - c. Gives reason for criticism or suspicion of conflicting interests or duties.

I. Political Activity.

- 1. Except as otherwise provided by law:
 - a. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Apple Valley may not provide a basis for denying employment to the applicant.
 - b. An Apple Valley officer's or employee's partisan political activity,

political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.

- c. An Apple Valley employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - d. An Apple Valley officer or employee may not use Town equipment while engaged in campaigning or other political activity.
 - e. An Apple Valley officer or employee may not directly or indirectly coerce, command, or advise another Town officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
 - f. An Apple Valley officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
2. An Apple Valley employee who has filed a declaration of candidacy may:
 - a. be given a leave of absence for the period between the primary election and the general election; and
 - b. Use any vacation or other leave available to engage in campaign activities.
 3. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
 4. Nothing in this chapter shall be construed to:
 - a. prohibit An Apple Valley officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - b. Permit An Apple Valley officer or employee partisan political activity that is prohibited under federal law.
 5. No Apple Valley officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Apple Valley property.
 6. No Apple Valley officer or employee shall promise any appointment to any position with Apple Valley as a reward for any political activity.
 7. An Apple Valley employee who is elected to an office with [entity name shall terminate Town employment prior to being sworn into the elected office.

J. Fair and Equal Treatment.

1. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
2. No Apple Valley officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every

other citizen.

K. Prohibited Conduct After Leaving Apple Valley:

1. No former employee shall, during the period of one (1) year after leaving Apple Valley office or employment:
 - a. Disclose or use any privileged or proprietary information gained by reason of his/her Town employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - b. Assist any person in proceedings involving an agency of Apple Valley with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 - c. Represent any person as an advocate in any matter in which the former employee was officially involved while An Apple Valley employee;
 - d. Participate as a competitor in any competitive selection process for a Town contract in which he or she assisted the Town in determining the project or work to be done or the process to be used.

SECTION 18: **AMENDMENT** “Performance Evaluations” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Performance Evaluations

A. GENERAL POLICY.

1. Performance evaluations will consist of a review between the supervisor and the employee, ~~using Apple Valley’s Performance Evaluation Form~~
2. It is the policy of Apple Valley that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.
3. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
4. Objectives specify what should be achieved during an employee’s employment with Apple Valley.
5. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.
 - a. Participatory Goal Setting. In setting goals and objectives of

employees, the supervisors should seek to involve employees in the process.

- b. Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
- c. Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
- d. Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.
- e. Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

B. PERFORMANCE PERIODS.

1. Probationary employees.

- a. Employees on probation shall have performance evaluations following the end of their probationary period.
- b. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- c. Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Apple Valley to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

2. Permanent employees.

- a. Performance evaluations will be completed annually on the employee's anniversary date. An employee's anniversary date is defined as their first (1st) day on the job with Apple Valley.
- b. ~~Although a~~ Salary adjustments ~~never~~ do not automatically follow ~~s a~~ performance evaluations. ~~the p~~ Performance evaluations ~~will~~ may be included as a component of ~~any future~~ compensation increases.

3. CONFIDENTIALITY.

- a. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.
- b. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

SECTION 19: AMENDMENT “IT And Computer Security Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

IT And Computer Security Policy

Statement

The Town of Apple Valley (Town) furnishes computers for employees’ use in conducting Town business. This includes access to e-mail and the Internet. The internet contains many useful features, including email to non-Town resources, access to research materials, and information exchange. The purpose of this policy is to establish basic rules for employees’ use of the Town’s computer system, including the Internet and email. **Computer System, Internet and E-mail Use Policies**

The Internet can be misused in a variety of ways, including but not limited to:

- A. Downloading files that contain viruses, thereby endangering Town information services;
- B. Accessing objectionable material;
- C. Wasting work time by performing unauthorized research or accessing non-business related information and people or for computer games, or online games.

Individual Responsibilities

Internet users are responsible for complying with this and all other Town policies when using the Town’s resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination. **General Policies for Use of the Entity’s Computer System, Including the Internet**

An employee does not have a right to privacy when using the Internet via Town resources and employees should not expect or assume any privacy regarding the content of email communications. The Town reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using Town resources are the Town’s records and property of the Town; such records are subject to potential review and disclosure under the public disclosure law of the State of Utah. Even after an email message has been “deleted,” it may still be possible to retrieve it. ~~It is your responsibility to not delete any emails, unless it is spam or junk, from any email account belonging to the Town.~~

The Town has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination. Internet use via Town resources is for Town business. Except as outlined here, use of Town's computer, Internet and email services are for Town business only. Some limited personal use is permitted, so long as it does not result in cost to the Town, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of Town business and does not compromise the security or integrity of Town information or software. Such limited use shall not occur on "paid time," but is permitted immediately before or after work hours and during an employee's breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet or transmitting email to a family member to assure safe arrival at home. Any personal use of Town's computer, Internet and email services must comply with all applicable laws and Town policies, including anti-discrimination policies and Internet usage policy. Internet use must comply with applicable laws and Town policies including but not limited to all federal and state laws, and Town policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of Town resources, information, and data security. All Internet use must be consistent with the Town's Personnel Policies Manual. The Town's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of Town business. Employees are prohibited from gaining unauthorized access to another employee's email messages or sending messages using another employee's password. Employees are not to share or reveal individual passwords to anyone. In order to prevent potential Town liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the Town. The Town has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer and email system. The Town may disclose all such information to any party (inside or outside the Town) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer and email system to send, receive or store any information they wish to keep private. Employees should treat the computer and email system like a shared file system—with the expectation that files sent, received, or stored anywhere in the system will be available for review by any authorized representative of the Town for any purpose, as well as the public if a proper request is made for public records.

In accordance with state law, the Town is subject to all GRAMA laws in relation to email and computer systems. Town business should never be conducted through personal email, such action will subject your personal email to GRAMA law and require you to relinquish information contained therein to the Town. It is vital that emails are never deleted from town email accounts. Do not delete any emails, unless it is spam or junk, from any email account belonging to the Town. Good judgment should always be employed in using the Town's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with the Town's policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the Town's policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the Town. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read. The safety and security of the Town's network and resources must be considered at all times when using the Internet. ~~Any Unknown~~ programs from an ~~internet non-current~~ source ~~(i.e., software that is not purchased in original diskette or CD-ROM format)~~ or which involve executable or binary files must not be downloaded or installed without ~~prior permission from the Town Administrator and without~~ being properly ~~scanned for viruses.~~ reviewed for safety and security with our Information Technology personnel. ~~Employees are not to share or reveal individual passwords to anyone.~~ There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the Town has no control over available information on the Internet and cannot be responsible for the content of information. **Prohibited Uses of the Internet** The following is a non-exclusive list of prohibited uses of the Internet and email:

1. Commercial use – any form of commercial use of the Internet is prohibited;
2. Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
3. Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
4. Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;
5. Political – the use of the Internet for political purposes is prohibited;
6. Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description, or position with the Town is prohibited;
7. Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity

- business purposes;
8. Instant or Direct messaging unless used within the confines of town business on the employees Gmail account;
 9. Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding Town business is prohibited;
 10. Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-Town related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
 11. Unauthorized attempts to access another's network or e-mail account;
 12. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
 13. Spamming email accounts from the Town's email services or Town machines.

Nothing in this policy prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

SECTION 20: **AMENDMENT** “Cash Receipting And Deposit Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Cash Receipting And Deposit Policy

Purpose

Establish a uniform control design for all departments of Town of Apple Valley (Town) that receive cash. Over time it is expected this policy will be adjusted for changes in systems and organizational structure. ~~at which time the Town Administrator will propose changes to the Town Council for review and approval.~~

Designated Receiving Official

The Town Recorder is designated as the Receiving Official.

Receiving Process

The Receiving Official or his/her designee will make a record of goods and services received by the Town.

Cash Receipts

1. All funds received are entered into the accounting system at the time of the transaction

with enough detail to determine where/who the funds came from, the purpose for receiving the funds, the method of payment; cash, check, credit card etc., numbered in a sequential fashion, and designate the appropriate account. Manual receipts should have two copies: Customer copy, and Treasurer copy.

2. At the end of each day the person responsible for receiving cash will place cash, and checks ~~and credit card receipts~~ received in a deposit bag and either deliver it to the Treasurer's office or place it in a secure (locked) place for deposit on the next deposit day.
3. Void/adjusted transactions. If a transaction needs to be voided or adjusted it should be done by someone who does not receive cash. If an office doesn't have enough employees to have adjustments made by a supervisor that doesn't receive cash, two employees will sign off on the adjustment or voided transaction explaining the circumstances causing the adjustment. The system should be designed to generate a report of all adjusted/voided transactions to facilitate monitoring of this process.
4. Every effort should be made to ensure large quantities of cash are not on hand overnight. The deposit should be made in the same day if time allows.
5. The Treasurer will receive funds, count the funds, compare the amount received to the supporting documentation provided. The Treasurer then enters the deposit into the accounting system and takes funds to the bank.
6. The Town will install and maintain surveillance systems in offices receiving funds. Surveillance evidence will be maintained for 60 days.
7. Mail will be opened in the presence of two or more employees and any correspondence containing payments will be removed and processed in the presence of said employees. ~~prior to distributing mail to individual persons or departments.~~

SECTION 21: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 22: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-02**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “10.10.090 MH Manufactured Housing Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.090 MH Manufactured Housing Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately ~~fifteen five~~ (15 5) acres.
- B. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
 - 1. Accessory buildings and uses.
 - 2. Horticulture and gardening for personal use.
 - 3. Household pets.
 - 4. Park or playground.
 - 5. Manufactured homes at a minimum of 1,000 square feet on main level.
 - 6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone, which will require a conditional use permit.
 - 7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted use.
- C. Height Regulations: No building shall be erected to a height greater than ~~fifteen thirty five~~ (15 35) feet. No accessory building shall be erected to a height greater than ~~eighteen twenty five~~ (18 25) feet.
- D. Manufactured Home Park Development Standards:
 - 1. Density: The maximum density for a manufactured home park shall not exceed ~~four six~~ (4 6) units per acre.
 - 2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
 - 3. Park Access: Access to all manufactured home parks shall be from a dedicated

- and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.
4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
 5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
 6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
 7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
 8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
 - a. Front or side yard on a public street, twenty five (25) feet.
 - b. Side yard bordering adjacent property, ten (10) feet.
 - c. Rear yard bordering adjacent property, ten (10) feet.
 - d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
 9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
 - a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
 - b. Side yard on main door side of manufactured home, fifteen feet (15).
 - c. Side yard on "no access" side of manufactured home, ten (10) feet.
 - d. Rear yard, ten (10) feet.
 - e. No two (2) manufactured homes shall be closer than twenty (20) feet.
 10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Ash Creek Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the building code, and this title.
 11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month

duration.

E. Modifying Regulations:

1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
2. Building Code; Permit: Installation of any manufactured unit shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
4. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.

- F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-03**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.10.110 Cabins Or Tiny Home Parks Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.110 Cabins Or Tiny Home Parks Zone

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home Parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be ~~fifteen five~~ **fifteen** ~~(15.5)~~ Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway or may be located more remotely if utilities and proper road access is available or will be available. It shall not be located immediately next to a residential zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Cabins or Tiny Homes as defined in AVLU 10.04 or subsection E below
 4. Park, playground, swimming pool and tennis courts or alike
 5. Other uses similar to the above and approved by the Planning Commission to be in harmony with the intent and character of this zone.
 6. Clubhouse, sales or registration office, or on-site managers dwelling.
- C. Conditional Uses:
1. Restaurant
 2. Coffee Shop
 3. Rental Shop
 4. Tour Guide Business
 5. Higher Density of Cabins
 6. Size of Cabins

7. Other businesses in support of this zone

- D. Height Regulations: No cabins/tiny home shall be erected to a height greater than ~~fifteen~~ eighteen ~~(15 +8')~~ feet.

No accessory building shall be erected to a height greater than eighteen ~~fifteen~~ ~~(18 +5')~~ feet.

No club house/office or other approved buildings, may be erected to a height greater than fifteen ~~twenty-five~~ (15') feet.

E. Cabins or Tiny Home Park Development Standards: Definitions:

A Cabin is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than 600 Sq. Feet of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of five (5) acres
2. Roads:
 - a. Width: All roads shall be constructed to meet fire code.
 - b. Construction Specifications: All Units shall be served by roads constructed to meet the fire code and approved by the Town.
3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: Parking spaces that meet fire code standards for roads shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home Park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed four ~~six~~ ~~(4 6)~~ units per gross acre.
7. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.

8. Minimum Yard Clearances for each unit:

- a. Front or side yard on a public street, fifty feet (50').
- b. Side yard bordering adjacent property, fifty feet (50').
- c. Rear yard bordering adjacent property, fifty feet (50').

F. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public right-of-way. Decorative fencing is preferred, such as split rail or ranch style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The project's topography may always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides may not require any fencing for that area. A property with a wash along it's rear or side property line may require a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guests. All structures of fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable town and state standards.
 2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
 3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water plans shall be approved by the Big Plains Water Special Service District and the Town's Public Works Department, and sewer plans shall be approved by Ash Creek Special Service District.
 4. Street Construction: All streets in a Cabin and Tiny Home Park shall meet road standards in the fire code.
 5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
 6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
 7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
 8. No tents of any kind may be used in this zone.
 9. All Cabin or Tiny Home Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
- G. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.
- H. Site Plan: A site plan shall be required:

1. The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.
2. Site plans must meet all of the requirements for site plan review submittal, including all the Town Standards. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals must also contain the following items:
 - a. Provide a landscaping plan;
 - b. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
 - c. Location of building(s); and
 - d. Typical elevations.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-03**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.10.110 Cabins Or Tiny Home Parks Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.110 Cabins Or Tiny Home Parks Zone

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home Parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be ~~fifteen five (15.5)~~ Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway or may be located more remotely if utilities and proper road access is available or will be available. It shall not be located immediately next to a residential zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Cabins or Tiny Homes as defined in AVL 10.04 or subsection E below
 4. Park, playground, swimming pool and tennis courts or alike
 5. Other uses similar to the above and approved by the Planning Commission to be in harmony with the intent and character of this zone.
 6. Clubhouse, sales or registration office, or on-site managers dwelling.
- C. Conditional Uses:
1. Restaurant
 2. Coffee Shop
 3. Rental Shop
 4. Tour Guide Business
 5. Higher Density of Cabins
 6. Size of Cabins

7. Other businesses in support of this zone

- D. Height Regulations: No cabins/tiny home shall be erected to a height greater than ~~fifteen~~ ~~eighteen~~ (15 ~~18~~) feet.

No accessory building shall be erected to a height greater than ~~eighteen~~ ~~fifteen~~ (18 ~~15~~) feet.

No club house/office or other approved buildings, may be erected to a height greater than ~~fifteen~~ ~~twenty-five~~ (15') feet.

E. Cabins or Tiny Home Park Development Standards: Definitions:

A Cabin is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than 600 Sq. Feet of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of ~~fifteen~~ ~~five~~ (15 ~~5~~) acres
2. Roads:
 - a. Width: All roads shall be constructed to meet fire code.
 - b. Construction Specifications: All Units shall be served by roads constructed to meet the fire code and approved by the Town.
3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: Parking spaces that meet fire code standards for roads shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home Park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed ~~four~~ ~~six~~ (4 ~~6~~) units per gross acre.
7. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.

8. Minimum Yard Clearances for each unit:

- a. Front or side yard on a public street, fifty feet (50').
- b. Side yard bordering adjacent property, fifty feet (50').
- c. Rear yard bordering adjacent property, fifty feet (50').

F. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public right-of-way. Decorative fencing is preferred, such as split rail or ranch style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The project's topography may always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides may not require any fencing for that area. A property with a wash along it's rear or side property line may require a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guests. All structures of fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable town and state standards.
 2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
 3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water plans shall be approved by the Big Plains Water Special Service District and the Town's Public Works Department, and sewer plans shall be approved by Ash Creek Special Service District.
 4. Street Construction: All streets in a Cabin and Tiny Home Park shall meet road standards in the fire code.
 5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
 6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
 7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
 8. No tents of any kind may be used in this zone.
 9. All Cabin or Tiny Home Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
- G. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.
- H. Site Plan: A site plan shall be required:

1. The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.
2. Site plans must meet all of the requirements for site plan review submittal, including all the Town Standards. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals must also contain the following items:
 - a. Provide a landscaping plan;
 - b. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
 - c. Location of building(s); and
 - d. Typical elevations.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-04**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.10.030 C Commercial Zones” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

- a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
- b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:
 - (1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
 - (2) No entertainment except music shall be permitted in any C-1 zone.
 - (3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. C-2 Highway Commercial Zone:

- a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
- b. Other purposes for establishing the C-2 highway commercial zone are

to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

3. C-3 General Commercial Zone:

- a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

- b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

To maximize traffic safety, a traffic impact study must be performed.

As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.

- B. Permitted Uses: In the following list of possible uses, those designated as being permitted and conditional in a zone will be identified unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4 with the letter "P" or "C" respectively. Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited.

Art Gallery, Bicycle sales and service, Bowling alley, Coal and fuel sales office store, Egg and poultry store (retail sales only), no live bird slaughtering permitted, Farm implement sales, Fence sales and service, Interior decorating and designing establishment, Library Lumber yard, Museum Photographic supplies, Pool hall, Popcorn or nut shop, Radio and television sales and service, Reception center or wedding chapel, Rental agency for home and garden equipment store, Trailer sales and service

	C-1	C-2	C-3
Air conditioning,			

sales and service	N	N	P			
Altering, pressing and repairing of wearing apparel	P	P	P			
Amusement	N	P	P			
Animal hospital	N	P	P			
Antique, import or souvenir shop	N	P	P			
Arcade	N	P	P			
Assisted living facility	C	N	N			
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P			
Athletic club	P	P	P			
Auction establishment (retail goods only)	N	N	P			
Automobile, new or used sales and service	N	P	P			
Automobile parts sales (new)	N	P	P			
Automobile rental	N	P	P	N	P	P
Automobile repair including paint, body, fender, brake,						

muffler, upholstery or transmission (completely enclosed building)	N	N	P			
Bakery manufacture limited to foods retailed on premises	P	P	P			
Bank or financial institution	P	P	P			
Barber shop	P	P	P			
Beauty shop	P	P	P			
Bed and breakfast inn	P	P	P			
Bar Pub, Tavern	N	P	P			
Billiard parlor	N	P	P	N	P	P
Boat sales and service	N	N	P			
Bookbinding	P	P	P			
retail	P	P	P	N	P	P
Building materials sales	N	N	P			
Bus terminal	N	P	P			
Cabinet shop	N	N	P			
Cabins	N	N	N			
Cafe or cafeteria	P	P	P			
Camera store	P	P	P			
Candy store, confectionery	P	P	P			

Campgrounds	N	N	N				
Car wash	N	P	P				
Caretakers dwelling, incidental to a commercial use	N	P	P				
Carpet and rug cleaning	N	N	P				
Catering establishment	N	P	P				
Child nursery	P	N	P				
Clinics, medical or dental	N	P	P				
Clothing and accessory store	N	P	P	N	N	P	
Convenience markets (including sale of gasoline)	P	P	P				
Crematorium	N	N	P				
Dairy product store	P	P	P				
Department	Dance hall	N	P	P			
Delicatessen	P	P	P				
N	P	P					
Drapery and curtain store	N	P	P				
	N	P	P				
Department	Educational institutions	N	P	P	P	P	P
Electrical and heating appliances and fixtures sales and	N	N	P				

services										
Electronic equipment sales and service	N	P	P							
Employment agency	N	P	P							
Fabric and textile store	N	P	P	N	P	P	N	N	P	
Florist shop	P	P	P							
Fruit store (enclosed)	P	P	P							
Furniture sales and repair	N	P	P							
Garden supplies and plant material sales	N	P	P							
	P	P	P							
Government buildings or uses, no industrial	N	P	P							
Gas and Fuel, Storage and Sales	N	N	C							
Greenhouse and nursery, soil and lawn service	N	P	P							
Grocery store	P	P	P							
Gunsmith	N	P	P							
Gift store Hardware stores	N	P	P							
Gift store store Health club	P	P	P							
Health food store	P	P	P							

Hobby and crafts store	N	P	P	N	P	P
Hospitals						
Hotel	N	P	P			
Household appliance sales and service	N	P	P			
Ice cream parlor	P	P	P			
manufacture and storage	N	N	P			
Ice store or vending station	P	P	P			
Health	N	P	P	N	P	P
Janitor						
service and supply	N	N	P			
Jewelry store sales and service	N	P	P			
Laboratory, dental or medical	N	P	P			
Laundry or dry cleaners, Laundromat	P	P	P			
Kennel, Commercial	C	N	C			
Legal office	N	P	P	N	P	P
Liquor store	N	P	P			
Locksmith	N	P	P			
Lodge or social hall	N	P	P			
Lodging Hotel, Motel	N	P	P			
	N	P	P			
Metal Building	C	C	C	N	N	P

Manufactured home sales lot and service	N	P	P			
Medical office	N	P	P			
Monument works and sales	N	N	P			
Mortuary	N	P	P	N	P	P
Music store	N	P	P			
Needlework, embroidery or knitting store	N	P	P			
Newsstand	P	P	P			
Nursery school	P	N	P			
Office supply, office machines sales and service	N	P	P			
Optometrist, optician or oculist	N	P	P			
Paint or wallpaper store	N	P	P			
Park and playground	P	P	P			
Pawnshop	N	P	P			
Pet and pet supply store	N	P	P			
Pharmacy	N	P	P	N	P	P
or surgeon office clinic	N	P	P			

Plumbing shop	N	P	P	N	P	P	N	P	P	
Professional office	N	P	P							
Printing, lithographing, publishing or reproduction sales and service	N	P	P							
Professional office	N	P	P	N	P	P				
Real estate agency	N	P	P	N	P	P				
Recreation center	N	P	P	N	P	P				
Restaurant	P	P	P							
Restaurant, drive-in	P	P	P							
Roller skating rink	N	P	P							
Shoe	Secondhand store	N	P							P
Service station, handi-mart	P	P	P							
Shoe repair and shoe shine shop	N	P	P							
N	P	P								
Sign painting	N	P	P							
Travel sales	N	P	P							
Storage rental units	N	P	P							
Supermarket	N	N	P							
Theater, indoor	N	P	P							
Theater, outdoor	N	P	P							

Tire recapping or retreading	N	P	P			
Tire sales and service	N	N	P			
Toy store, retail	N	P	P	N	P	P
Travel agency	N	P	P			
Tourist Tours Operations	P	P	P			
Used car lot	N	P	P			
Variety store	N	P	P			
Vegetable stand	P	P	P			
Winery	P	P	P			

C. General Requirements:

Rear Minimum

	C-1	C-2	C-3			
Minimum lot area	None	None	None			
Maximum zone area	None	None	None			
Minimum yard setbacks from property line (in feet)						
Front	25	25	25			
Side	10	10	10			
Side facing a street on a corner lot	25	25	25	10	10	10
Building heights (in feet)				8	8	8
Maximum	35 15	35 15	35 15			
Minimum distance between buildings	10	10	10			

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas and such other improvements as may be required relating to the specific use proposed.
- b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
- c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed and construction authorized by the building inspector.

D. Special Provisions:

- 1. **Storage Of Materials And Merchandise:** All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
- 2. **Trash, Combustible Materials, Junk and Debris:** No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
- 3. **Solid Waste Storage Facilities:** All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
- 4. **Protection Of Adjoining Residential Property:** Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
- 5. **Residential Dwellings:** No residential dwelling of any kind is permitted in any commercial zoning district.
- 6. **Lighting:** all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVL 10.26.
- 7. All lodging located in a commercial zone, shall require an on-site manager.
- 8. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

- a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
- 9. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
- E. Abandoned, Wrecked, or Junk Vehicles:
 - 1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
 - a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
 - (1) Such use is authorized in the zone where the use is located, and
 - (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
 - b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on private or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-05**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “11.08.040 Street Improvements” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.08.040 Street Improvements

- A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):
1. The designation of limits of work to be done.
 2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
 3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
 4. Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
 5. Complete data for field layouts and office checking.
 6. On curb returns, at least two additional controls points of curvature. Control points shall be staked in the fields to insure drainage of intersections.
- B. Grades of all streets shall not be in excess of eight percent on major collector's streets or in excess of ten (10) percent on all other streets.
- C. All streets within the town shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Examples of such plans and profiles shall include but are not limited to Exhibit A, B & C. (see Town Subdivision Design Standards), The Design Standards shall prevail, if any of the example in Exhibit A, B, & C conflicts with the Design Standards.:

EXHIBIT A. TABLE 1 MINOR, MAJOR & ARTERIAL STREET DESIGN STANDARDS

Street Type	Maximum	Right of way	Pavement Widths	Number of lanes	Lane Widths	Shoulder Widths	Borrow Ditch
Minor Collector (100-200 Units)	10%	60'	34'	2	11'	2'	5'
Major Collector (201-600 Units)	10%	70'	44'	2	12'	2'	5'
Minor Arterial (6,000-20,000)	8%	90'	64'	5	11'	5'	5'
Major Arterial (20,000 Plus)	8%	106'	80'	5	12'	5'	5'

- D. All roads shall be constructed as per the Town Design Standards and the actual road profiles to be used in a subdivision shall be determined by the Town Engineer. Curb, Gutter and Sidewalks shall be required in all zones, except in Agricultural zones, where the Rural Road Standards may be applied if recommended by the Town Engineer and approved by the Town Council.

Sidewalks, Curb, and Gutter may be required instead of Borrow Ditches as required by the Town Council.

EXHIBIT B. Table 1A RESIDENTIAL STREET STANDARDS

Street Type	Maximum Grade	Right of way	Pavement Widths	Number of lanes	Land Widths	Shoulder Widths	Borrow Ditch
Residential Minimum (10 or less Units)	10%	41'	26'	2	11'	2'	5'

Residential Minimum Alternate	10%	49'	26'	2	11'	2'	5'
Residential Local (11-50 Units)	10%	45'	30'	2	10'	5'	5'
Residential Local Alternate	10%	53'	30'	2	10'	5'	5'
Residential Standard (51+ Units)	10%	52'	37'	2	11'	7.5	5'
Residential Standard Alternate	10%	60'	37'	2	11'	7.5	5'

In subdivision with 1 acre or larger lots, sidewalks, curb and gutter may be replaced by borrow ditches, as required by the Town Council.

In subdivision with less than 1 acre lots and in all commercially zoned areas of town and roads bordering such areas, sidewalk, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.

- A.
 1. No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official's manual for street and intersection design.
 2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.
 5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.
 6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not to exceed a fifteen degree variance.
- B. Street name signs, conforming to the design and specifications, and in the number

necessary for proper identification of all streets, shall be provided for and installed by the developer.

- C. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.
- D. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use code, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.
- E. Access to a major arterial street may be limited by one of the following means:
 - 1. No lot access shall be provided from the arterial directly to any lot in the subdivision, and screening or fencing may be required in a landscaped strip along or side property line of said lots.
 - 2. A series of cul-de-sacs of U shaped streets sharing access to such street.
 - 3. A service road separated from the primary arterial by a planting strip and having access thereto a suitable point.
- F. The arrangement of streets shall provide for continuation of principal streets between adjacent properties when such continuation is in accordance with the master plan of streets. If the adjacent property is undeveloped and the street must be a temporarily a dead end street, the right of way shall be extended to the property line, and a temporary turnaround shall be provided. Dead end streets shall be avoided, and dead-end streets of more than eight hundred (800) feet shall require town approval.
- G. The inspection and written recommendations for approval of streets shall be done by the town engineer. Final acceptance for dedication after (2) years of maintenance shall be accepted by the Town Council following a favorable recommendation from the engineer.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-07**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “10.10.060 SF Single Family Residential Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.060 SF Single Family Residential Zone

Purpose: The purpose of this zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permits the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit uses that would be harmful to a single-family residential neighborhood.

- A. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
1. Single Family dwelling with a minimum of 1000 sq ft. on the main level.
 2. Accessory use and buildings; permitted simultaneously or after obtaining a building permit and construction and occupancy of a residential dwelling.
 3. Home gardens and trees, keeping of household dogs, cats and chickens (up to six (6) per lot). No roosters allowed.
 4. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information).
 5. Residential facility for the elderly (see AVLU 10.28 for supplementary information), no permanent residence required., no permanent residence required.
 6. Churches
 7. Group homes, no permanent residence required.
 8. Home occupation
 9. Parks and playground
 10. Metal building
- B. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Assisted living facility (SF-5, SF-10 only)
 2. Accessory use and buildings before a building permit is issued.
- C. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as

provided in subsection 10-7-180-E4 of this title.

- D. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet, unless a conditional permit has been obtained.

E. Area Width and Yard Regulations:

Distri ct	Area	Lot Width in Feet	Setbacks for Yards in Feet			Maximum Size of	Maximum Building Coverage
	Minim um	Minimu m	Fron t	Side	Rear	Accessory Building	On lot (see note 10 & 10.28.240D)
SF- 0.5 0	20,00 0 sq. ft.	80	25	10	10		50%
SF- 1.0	sq. ft.	80	25	10	10		50%
SF- 2.5	2.5 acres	150	25	25	25		50%
SF- 5.0	5.0 acres	200	25	25	25		50%
SF- 10.0	10.0 acres	300	25	25	25		50%

F. Modifying Regulations:

1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.
3. Prohibited Materials and Storage: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
4. Location of Required Parking: Required parking shall not be located in the front yard setback.
5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. Permitted and conditional uses set forth in this section shall be deemed to

include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

- a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
 9. On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
 10. Maximum Building Coverage on a lot is defined as: A building or group of buildings including all accessory buildings may not cover more than 50 percent of the area of the lot.
 11. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-08**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.10.100 Recreational Vehicle Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.100 Recreational Vehicle Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of a Recreational Vehicle Park (RVP) in a quality environment. Recreational Vehicle Parks are not intended for the isolated lot. But shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

The Recreational Vehicle Parks are designed and intended from the beginning to serve the transient or traveling public that travels with their own recreational vehicles, needing a place to hook-up their own recreational vehicles to utilities and services. The Minimum zone size shall be twenty ~~ten~~ (20 ~~10~~) Acres.

The primary location for a Recreational Vehicle Park is close to Highway 59 or other major roadways and should not be located immediately next to a residential neighborhood.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Recreational Vehicle rental spaces
 4. Park, playground, Swimming Pool and Tennis courts or alike
 5. Other uses similar to the above and judged by the Planning Commission to be in harmony with the intent and character of this zone.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Clubhouse, sales or registration office, or on-site manager dwelling
 2. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses
- D. Height Regulations: No building shall be erected to a height greater than fifteen ~~twenty five~~ (15 ~~25~~)'. No accessory building shall be erected to a height greater than fifteen (15') feet.
- E. Recreational Vehicle Park Development Standards:
1. Minimum Size: Each recreational vehicle park shall have a minimum size of

- ten (10) acres.
2. Roads:
 - a. Width: Each recreational vehicle park shall be provided with roadways of at least twenty five feet (25') in width.
 - b. Construction Specifications: All recreational vehicle parks shall be served by paved roads constructed to Town standards and bounded by curb and gutter approved by the Town.
 3. Park Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street nor may they exit or enter through a residential neighborhood.
 4. Off Street Parking: Hard surface (concrete or Paved) parking spaces shall be provided for the parking of each recreational vehicle, and two (2) additional spaces for vehicles.
 5. Recreation Space: Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units.
 6. Density: The maximum density for a recreational vehicle park shall not exceed ~~eight~~ ~~ten~~ (8 +10) units per gross acre.
 7. Space Width: Each recreational vehicle space shall have a minimum width of thirty feet (30') and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
 8. Distance of Units: No RV space shall be designed to allow RV units to be parked closer than twenty feet (20'). This requirement shall apply to overnight, extended stay and park model units. No unit in an RV park shall be located closer than the distance required herein.
 9. Minimum Yard Clearances for Recreational Vehicle Park:
 - a. Front or side yard on a public street, twenty five feet (25').
 - b. Side yard bordering adjacent property, ten feet (10').
 - c. Rear yard bordering adjacent property, ten feet (10').
 - d. A six foot (6') block wall fence shall be erected along all side and rear property lines unless otherwise approved by the Planning Commission.
 10. Utilities Required: Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
 11. Outdoor Living Space: Each recreational vehicle parking space shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to the vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be

kept free from garbage or debris of any kind.

12. Landscape Plan: A detailed landscape plan shall be submitted for each recreational vehicle park, and shall be approved by the Planning Commission.

F. Other Requirements:

1. Perimeter Fence: Each Recreational Vehicle Park shall be fenced at the perimeter with a six foot (6') high block wall fence.
2. Building Code; Permit: Installation of infrastructure and any Recreational Vehicle Park structures shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a Recreational Vehicle Park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter.
4. All lighting shall comply with AVU 10.26 Outdoor Lighting Ordinance.
5. No tents of any kind may be used in this zone, unless included in a planned development agreement.
6. All Recreational Vehicle Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
7. A Recreational Vehicle Park and Tiny Home or Cabin Park may be combined in one park, and the minimum size of park may be smaller than 10 acres with details of such mixed zoning and park size variations being outlined in a Development Agreement.

- G. Subdivision Requirements: If the Recreational Vehicle Park is not intended to be in a single ownership, rather intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-08**

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SECTION 1: **AMENDMENT** “10.10.100 Recreational Vehicle Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.100 Recreational Vehicle Park Zone

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The Recreational Vehicle Parks are designed and intended from the beginning to serve the transient or traveling public that travels with their own recreational vehicles, needing a place to hook-up their own recreational vehicles to utilities and services. The Minimum zone size shall be ~~twenty ten~~ (20-10) Acres.

The primary location for a Recreational Vehicle Park is close to Highway 59 or other major roadways and should not be located immediately next to a residential neighborhood.

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1. Clubhouse, sales or registration office, or on-site manager dwelling
 2. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses
- D. Height Regulations: No building shall be erected to a height greater than ~~fifteen~~ ~~twenty five~~ (15-25'). No accessory building shall be erected to a height greater than fifteen (15') feet.
- E. Recreational Vehicle Park Development Standards:
1. Minimum Size: Each recreational vehicle park shall have a minimum size of

~~twenty ten~~ (20 +10) acres.

2. Roads:
 - a. Width: Each recreational vehicle park shall be provided with roadways of at least twenty five feet (25') in width.
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3. Park Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street nor may they exit or enter through a residential neighborhood.
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6. Density: The maximum density for a recreational vehicle park shall not exceed ~~eight ten~~ (8 +10) units per gross acre.
7. Space Width: Each recreational vehicle space shall have a minimum width of thirty feet (30') and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
8. Distance of Units: No RV space shall be designed to allow RV units to be parked closer than twenty feet (20'). This requirement shall apply to overnight, extended stay and park model units. No unit in an RV park shall be located closer than the distance required herein.
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F. Other Requirements:

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2. Building Code; Permit: Installation of infrastructure and any Recreational Vehicle Park structures shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a Recreational Vehicle Park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter.
4. All lighting shall comply with AVU 10.26 Outdoor Lighting Ordinance.
5. No tents of any kind may be used in this zone, unless included in a planned development agreement.
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PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley

**Town of Apple Valley
Disbursement Listing
SBSU Operating - 12/01/2023 to 12/31/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Returned/NSF Payment		12/20/2023	\$89.38			Returned/NSF Pay
Returned/NSF Payment		12/26/2023	\$164.27			Returned/NSF Pay
TXFR from operating acct to fire acct for		12/26/2023	\$1,860.04			JE: 774
Payroll	1201231200	12/01/2023	\$6,705.47			Paycheck
Payroll	1215231200	12/15/2023	\$4,910.57			Paycheck
Payroll	1229231200	12/29/2023	\$4,182.88			Paycheck
Lindhardt, Frank G	5617	12/01/2023	\$784.97			Paycheck
James R Weeks	5618	12/06/2023	\$425.00			Purchasing
Michael Farrar, CPA	5619	12/06/2023	\$1,537.50			Purchasing
Pelorus Methods, Inc.	5620	12/06/2023	\$700.00			Purchasing
Revco Leasing	5621	12/06/2023	\$302.51			Purchasing
Utah League of Cities & Towns	5622	12/06/2023	\$45.00			Purchasing
Utah Municipal Clerks Association	5623	12/06/2023	\$125.00			Purchasing
R. Jensen Co., Inc.	5624	12/06/2023	\$133.14			Purchasing
Amazon Capital Services	5625	12/07/2023	\$325.72			Purchasing
Buck's Ace Hardware	5626	12/07/2023	\$219.00			Purchasing
Shums Coda	5627	12/07/2023	\$2,695.00			Purchasing
Tink's Superior Auto Parts	5628	12/07/2023	\$1,280.74			Purchasing
HMH Fencing LLC	5629	12/07/2023	\$65.60			Purchasing
Kinetic Enterprises LLC	5630	12/07/2023	\$5,970.00			Purchasing
Stotz Equipment	5631	12/07/2023	\$177.19			Purchasing
Hurricane Ready Mix, Inc.	5632	12/07/2023	\$510.57			Purchasing
Interstate Rock Products Inc.	5633	12/07/2023	\$865.56			Purchasing
Big Plains Water SSD	5634	12/07/2023	\$30,193.23			Purchasing
Snow Christensen & Martineau	5635	12/07/2023	\$286.03			Purchasing
South Central Communications	5636	12/13/2023	\$446.90			Purchasing
Washington County Solid Waste	5637	12/13/2023	\$5,080.68			Purchasing
Utah Barricade Company	5638	12/14/2023	\$92.50			Purchasing
Barker, Vincent Lane	5639	12/19/2023	\$200.00			Purchasing
Wright, Carl C	5640	12/19/2023	\$200.00			Purchasing
Blackburn Propane Inc.	5641	12/19/2023	\$397.04			Purchasing
Hinton Burdick CPAs and Advisors	5642	12/20/2023	\$2,500.00			Purchasing
Kinetic Enterprises LLC	5643	12/20/2023	\$2,159.00			Purchasing
McLaughlin Air Conditioning and Heating	5644	12/20/2023	\$90.00			Purchasing
Utah Valley University	5645	12/20/2023	\$420.00			Purchasing
Basic American Supply	BAS12212023	12/21/2023	\$15.20			Purchasing
Department of Workforce Services	DWS122723	12/27/2023	\$488.01			Purchasing
Internal Revenue Service	EFTPS1201202	12/01/2023	\$1,755.73			Payroll
Internal Revenue Service	EFTPS1215202	12/15/2023	\$1,130.67			Payroll
Internal Revenue Service	EFTPS1229202	12/29/2023	\$954.31			Payroll
Google LLC	G12012023	12/01/2023	\$323.20			Purchasing
Chase Paymentech	JPMC12052023	12/07/2023	\$251.38			Purchasing
Rocky Mountain Power	RMP12182023	12/18/2023	\$274.33			Purchasing
Stotz Equipment	SE12012023	12/01/2023	\$1,418.03			Purchasing
Superior Technical Solutions LLC	STS12042023	12/04/2023	\$960.80			Purchasing
Tax1099.com	TAX12272023	12/27/2023	\$4.99			Purchasing
Tax1099.com	TAX12272023	12/27/2023	\$4.99			Purchasing
Tax1099.com	TAX12282023	12/28/2023	\$4.70			Purchasing
Tax1099.com	TAX12282023	12/28/2023	\$37.60			Purchasing
Tax1099.com	TAX12282023	12/29/2023	\$9.40			Purchasing
Tax1099.com	TAX12282023	12/29/2023	\$14.10			Purchasing
Utah Retirement Systems	URS12012023	12/01/2023	\$572.49			Payroll
Utah Retirement Systems	URS12152023	12/15/2023	\$641.71			Payroll
Utah Retirement Systems	URS12292023	12/29/2023	\$586.51			Payroll
Utah State Tax Commission	USTC12282023	12/28/2023		12/28/2023	\$1,931.67	Purchasing
Utah State Tax Commission	USTC12292023	12/29/2023	\$290.43			Payroll
Utah State Tax Commission	USTC12292023	12/29/2023	\$394.66			Payroll
Utah State Tax Commission	USTC12292023	12/29/2023	\$1,246.58			Payroll
XPress Bill Pay	XBP12062023	12/06/2023	\$317.71			Purchasing
Zoom Video Communications Inc.	Z12182023	12/18/2023	\$15.99			Purchasing
			\$87,854.01			\$1,931.67

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 12/01/2023 to 12/31/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Refund from Steamroller Copies		12/15/2023	(\$171.78)			JE: 779
Home Depot Return of supplies for public		12/18/2023	(\$114.20)			JE: 776
Items returned to Home Depot that were		12/18/2023	(\$36.00)			JE: 775
Buck's Ace Hardware	ACE12152023	12/15/2023	\$4.67			Purchasing
Buck's Ace Hardware	ACE12212023	12/21/2023	\$11.93			Purchasing
Basic American Supply	BAS12182023	12/18/2023	\$123.25			Purchasing
Gearbags.com	GB12182023	12/18/2023	\$850.47			Purchasing
Home Depot	HD12132023	12/13/2023	\$42.40			Purchasing
Home Depot	HD12132023	12/13/2023	\$2,914.00			Purchasing
Home Depot	HD12182023	12/18/2023	\$19.10			Purchasing
Home Depot	HD12192023	12/19/2023	\$583.61			Purchasing
Home Depot	HD121923	12/19/2023	\$295.87			Purchasing
Steamroller Copies Inc.	SC12152023	12/15/2023	\$171.78			Purchasing
Scholzen Products	SP12192023	12/19/2023	\$97.39			Purchasing
SWHP, LLC dba Southwest Hazard Prot	SWHP1221202	12/21/2023	\$731.36			Purchasing
			\$5,523.85		\$0.00	

**Town of Apple Valley
Disbursement Listing
SBSU Operating - 01/01/2024 to 01/31/2024**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Returned/NSF Payment		01/29/2024	\$104.60			Returned/NSF Pay
TXFR from Operating acct to Fire acct fo		01/10/2024	\$5,523.85			JE: 781
TXFR from Operating acct to PTIF Impac		01/02/2024	\$176,944.80			JE: 778
TXFR from Operating acct to Storm drain		01/10/2024	\$12,517.84			JE: 782
Payroll	0112241200	01/12/2024	\$11,352.77			Paycheck
Payroll	0126241200	01/26/2024	\$5,965.80			Paycheck
CivicPlus LLC	5646	01/02/2024	\$2,733.64			Purchasing
James R Weeks	5647	01/02/2024	\$437.50			Purchasing
Michael Farrar, CPA	5648	01/02/2024	\$2,062.50			Purchasing
Revco Leasing	5649	01/02/2024	\$302.51			Purchasing
Washington County Elections	5650	01/02/2024	\$1,311.75			Purchasing
Amazon Capital Services	5651	01/08/2024	\$144.76			Purchasing
Buck's Ace Hardware	5652	01/08/2024	\$52.39			Purchasing
Shums Coda	5653	01/08/2024	\$460.00			Purchasing
Interstate Rock Products Inc.	5654	01/08/2024	\$500.16			Purchasing
Kinetic Enterprises LLC	5655	01/08/2024	\$2,960.00			Purchasing
Quality Creations	5656	01/08/2024	\$2,900.00			Purchasing
Scholzen Products	5657	01/08/2024	\$3,298.40			Purchasing
Sunrise Engineering Inc.	5658	01/08/2024	\$1,032.25			Purchasing
The Garage Door Specialist	5659	01/08/2024	\$80.00			Purchasing
Alkema, Amy	5660	01/08/2024	\$3,000.00			Purchasing
Big Plains Water SSD	5661	01/09/2024		01/09/2024	\$33,833.66	Purchasing
Big Plains Water SSD	5662	01/09/2024	\$33,833.66			Purchasing
Fralish, Lee W	5663	01/12/2024	\$92.35			Paycheck
Lindhardt, Frank G	5664	01/12/2024	\$784.97			Paycheck
Robertson, Robert Allen	5665	01/12/2024	\$92.35			Paycheck
Snow Christensen & Martineau	5666	01/10/2024	\$3,802.20			Purchasing
Steamroller Copies Inc.	5667	01/18/2024	\$102.78			Purchasing
Jenkins Oil Company Inc.	5668	01/17/2024	\$2,727.25			Purchasing
MegaPro	5669	01/17/2024	\$622.50			Purchasing
South Central Communications	5670	01/17/2024	\$446.98			Purchasing
Southern Utah University	5671	01/17/2024	\$395.00			Purchasing
State of Utah-Dept of Commerce	5672	01/17/2024	\$130.18			Purchasing
Utah League of Cities & Towns	5673	01/17/2024	\$60.00			Purchasing
Washington County Solid Waste	5674	01/17/2024	\$5,093.51			Purchasing
Century Equipment Company	5675	01/18/2024	\$122.16			Purchasing
Landmark Testing & Engineering	5676	01/19/2024	\$1,000.00			Purchasing
Shums Coda	5677	01/29/2024	\$600.00			Purchasing
Buck's Ace Hardware	5678	01/31/2024	\$43.52			Purchasing
H&K Hoole & King L.C. Law Offices	5679	01/31/2024	\$1,420.90			Purchasing
Michael Farrar, CPA	5680	01/31/2024	\$1,350.00			Purchasing
Quality Creations	5681	01/31/2024	\$1,500.00			Purchasing
Scholzen Products	5682	01/31/2024	\$426.15			Purchasing
Washington County Sheriff's Office	5683	01/31/2024	\$3,750.00			Purchasing
Chase Paymentech	C01032024	01/03/2024	\$309.50			Purchasing
EasyDNS	DNS010824	01/08/2024	\$19.95			Purchasing
EasyDNS	DNS1824	01/08/2024	\$0.20			Purchasing
Internal Revenue Service	EFTPS1262024	01/26/2024	\$1,372.08			Payroll
Google LLC	G01022023	01/02/2024	\$312.00			Purchasing
Internal Revenue Service	IRS01122024	01/12/2024	\$2,566.41			Payroll
Rocky Mountain Power	RMP1192024	01/19/2024	\$310.19			Purchasing
Superior Technical Solutions LLC	STS01022023	01/02/2024	\$960.80			Purchasing
Utah Retirement Systems	URS01172024	01/17/2024	\$773.54			Payroll
Utah Retirement Systems	URS1262024	01/26/2024	\$1,015.41			Payroll
USPS	USPS01022024	01/02/2024	\$264.00			Purchasing
USPS	USPS1302024	01/31/2024	\$272.00			Purchasing
Utah State Tax Commission	USTC01042024	01/04/2024		01/04/2024	\$1,931.67	Payroll
XPress Bill Pay	XBP010524	01/05/2024	\$312.17			Purchasing
Zoom Video Communications Inc.	Z1192024	01/19/2024	\$15.99			Purchasing
			\$300,586.22		\$35,765.33	

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 01/01/2024 to 01/31/2024**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Buck's Ace Hardware	ACE01102024	01/10/2024	\$15.48			Purchasing
Scholzen Products	ACE01102024	01/10/2024	\$10.32			Purchasing
Buck's Ace Hardware	ACE1182024	01/18/2024	\$11.95			Purchasing
Basic American Supply	BAS01020204	01/02/2024	\$44.61			Purchasing
Carquest of Hildale	CC01302024	01/30/2024	\$7.01			Purchasing
Extreme Tactical Dynamics	ETD01122024	01/12/2024	\$279.88			Purchasing
Feld Fire Inc.	FF01252024	01/25/2024	\$322.53			Purchasing
GEM Awards	GEM1252024	01/25/2024	\$70.00			Purchasing
Home Depot	HD1182024	01/18/2024	\$192.08			Purchasing
Maverik	M01042024	01/04/2024	\$100.00			Purchasing
Mobi Medical Supply.com	MOB1232024	01/23/2024	\$271.60			Purchasing
mtrssuperstore	MTR1222024	01/22/2024	\$333.54			Purchasing
N&N International	NNI01292024	01/29/2024	\$115.54			Purchasing
Rough Country	RC1102024	01/10/2024	\$159.57			Purchasing
Red Dirt Car Wash	RD1232024	01/23/2024	\$10.50			Purchasing
Ticker Car Wash-Hildale	TCW1182024	01/18/2024	\$10.00			Purchasing
Vehicle Safety Supply	VSS01112024	01/12/2024	\$283.12			Purchasing
			\$2,237.73		\$0.00	

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 12/31/2023
50.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	114,311.97	119,150.11	123,157.67	136,661.00	90.12%
3120 Prior Year's Taxes-Delinquent	0.00	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	91,204.39	49,335.66	83,700.46	196,000.00	42.70%
3140 Energy and Communication Taxes	18,685.20	4,223.88	17,553.22	45,700.00	38.41%
3150 RAP Tax	7,748.53	1,700.29	6,329.47	18,500.00	34.21%
3160 Transient Taxes	7,648.25	4,837.75	8,405.49	18,000.00	46.70%
3170 Fee in Lieu of Personal Property Taxes	0.00	0.00	0.00	8,400.00	0.00%
3180 Fuel Tax Refund	779.43	0.00	3.08	1,000.00	0.31%
3190 Highway/Transit Tax	8,483.75	4,599.96	8,463.82	17,100.00	49.50%
Total Taxes	248,861.52	183,847.65	247,613.21	449,361.00	55.10%
Licenses and permits					
3210 Business Licenses	5,263.50	1,050.00	3,763.50	9,500.00	39.62%
3221 Building Permits-Fee	23,522.06	0.00	21,169.63	45,000.00	47.04%
3222 Building Permits-Non Surcharge	3,407.37	0.00	3,640.74	6,750.00	53.94%
3224 Building Permits Surcharge	53.38	0.00	28.94	450.00	6.43%
3225 Animal Licenses	130.00	30.00	290.00	800.00	36.25%
Total Licenses and permits	32,376.31	1,080.00	28,892.81	62,500.00	46.23%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	54,252.65	17,410.26	60,201.53	137,000.00	43.94%
3358 Liquor Control Profits	1,037.25	843.40	843.40	1,100.00	76.67%
3374 ARPA Revenue	99,888.00	0.00	0.00	0.00	0.00%
Total Intergovernmental revenue	155,177.90	18,253.66	61,044.93	148,100.00	41.22%
Charges for services					
3230 Special Event Permit	2,030.00	0.00	150.00	4,500.00	3.33%
3410 Clerical Services	180.95	0.00	80.54	400.00	20.14%
3416 Other Interdepartmental Charges	2,167.07	0.00	5,622.16	44,203.00	12.72%
3420 Fire Department Contracts	0.00	0.00	0.00	6,000.00	0.00%
3431 Zoning and Subdivision Fees	8,139.00	0.00	10,660.00	20,000.00	53.30%
3440 Solid Waste	27,175.07	5,069.07	30,265.06	61,000.00	49.61%
3441 Storm Drainage	22,212.30	4,199.88	24,983.80	49,000.00	50.99%
3461 GRAMA Requests	285.52	0.00	115.00	500.00	23.00%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3481 Sale of Cemetery Lots	0.00	0.00	300.00	310,500.00	0.10%
3482 Cemetery Perpetual Care	0.00	0.00	300.00	129,300.00	0.23%
3615 Late Charges/Other Fees	(376.73)	118.70	507.80	2,500.00	20.31%
Total Charges for services	61,813.18	9,387.65	72,984.36	628,003.00	11.62%
Fines and forfeitures					
3510 Fines	2,485.52	594.88	1,780.03	5,000.00	35.60%
Total Fines and forfeitures	2,485.52	594.88	1,780.03	5,000.00	35.60%
Interest					
3610 Interest Earnings	10,410.35	4,215.51	22,993.97	42,200.00	54.49%
Total Interest	10,410.35	4,215.51	22,993.97	42,200.00	54.49%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	7,500.00	0.00	0.00%
3690 Sundry Revenue	13,910.38	204.03	2,848.53	5,000.00	56.97%
3692 Fire Department Fundraisers/Donations	1,500.00	0.00	90.00	6,500.00	1.38%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	4,220.00	0.00	22,372.00	6,800.00	329.00%
3801.3 Impact fees - Roadways	13,300.00	0.00	76,180.00	24,600.00	309.67%
3801.6 Impact fees - Storm Water	7,878.20	0.00	80,441.59	31,000.00	259.49%
3801.7 Impact fees - Parks, Trails, OS	3,625.00	0.00	18,295.00	6,600.00	277.20%
Total Miscellaneous revenue	44,433.58	204.03	207,727.12	81,300.00	255.51%
Total Revenue:	555,558.36	217,583.38	643,036.43	1,416,464.00	45.40%
Expenditures:					
General government					
Council					
4111.110 Council/PC Salaries and Wages	8,175.00	0.00	8,025.00	21,000.00	38.21%
4111.130 Council/PC Employee benefits	827.24	13.15	671.45	2,400.00	27.98%
4111.210 Council/PC Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 12/31/2023
50.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.220 Council/PC Training	0.00	45.00	45.00	1,500.00	3.00%
4111.610 Council Donations and Discretionary Spending	0.00	0.00	0.00	500.00	0.00%
Total Council	9,002.24	58.15	8,741.45	26,900.00	32.50%
Administrative					
4141.110 Admin Salaries and Wages	52,222.98	5,903.16	46,360.54	99,000.00	46.83%
4141.130 Admin Employee Benefits	4,674.01	1,046.30	6,241.19	17,100.00	36.50%
4141.140 Admin Employee Retirement - GASB 68	6,919.12	196.02	1,856.67	7,000.00	26.52%
4141.210 Admin Dues, Subs & Memberships	2,039.12	125.00	2,992.25	5,500.00	54.40%
4141.220 Admin Public Notices	41.95	0.00	0.00	100.00	0.00%
4141.230 Admin Training	696.00	0.00	0.00	1,500.00	0.00%
4141.240 Admin Office/Administrative Expense	9,940.84	2,944.67	8,123.32	8,000.00	101.54%
4141.250 Admin Equipment Expenses	7,333.54	1,963.31	8,862.21	10,000.00	88.62%
4141.260 Admin Building & Ground Maintenance	2,822.26	1,008.76	6,616.38	4,500.00	147.03%
4141.270 Admin Utilities	2,828.80	671.37	2,386.43	7,600.00	31.40%
4141.280 Admin Telephone and Internet	4,582.59	446.90	2,663.69	8,100.00	32.89%
4141.290 Admin Postage	1,824.61	0.00	1,329.65	3,700.00	35.94%
4141.320 Admin Engineering Fees	6,123.48	605.50	4,465.25	3,500.00	127.58%
4141.330 Admin Legal Fees	22,944.36	723.53	18,872.50	50,000.00	37.75%
4141.340 Admin Accounting & Auditing	3,000.00	4,562.50	14,356.25	29,400.00	48.83%
4141.350 Admin Building/Zoning/Planning Fees	16,318.82	460.00	14,026.25	30,000.00	46.75%
4141.390 Admin Bank Service Charges	15.00	0.00	0.00	200.00	0.00%
4141.410 Admin Insurance	11,895.25	0.00	12,703.16	16,000.00	79.39%
4141.490 Admin Travel Reimbursements	972.65	95.44	503.30	1,500.00	33.55%
4141.500 Admin Weed Abatement	0.00	0.00	508.00	1,500.00	33.87%
4141.610 Bad Debt Expense	1,818.22	0.00	15.98	250.00	6.39%
4141.740 Admin Capital Outlay	0.00	0.00	1,860.19	0.00	0.00%
4170 Elections	0.00	2,623.50	3,919.50	1,500.00	261.30%
Total Administrative	159,013.60	23,375.96	158,662.71	305,950.00	51.86%
Total General government	168,015.84	23,434.11	167,404.16	332,850.00	50.29%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	7,500.00	0.00	3,750.00	15,000.00	25.00%
4253.250 Animal Control Supplies	0.00	0.00	0.00	100.00	0.00%
Total Police	7,500.00	0.00	3,750.00	15,100.00	24.83%
Fire					
4220.110 Fire Salaries & Wages	17,307.80	4,292.39	25,552.05	67,200.00	38.02%
4220.130 Fire Employee Benefits	4,288.86	447.47	2,187.53	13,600.00	16.08%
4220.135 Fire Employee Retirement - GASB 68	0.00	715.54	4,195.68	8,100.00	51.80%
4220.140 Fire Contract Wages	0.00	0.00	0.00	4,500.00	0.00%
4220.145 Fire Contract Benefits	0.00	0.00	0.00	525.00	0.00%
4220.150 Fire Contract Expense	0.00	0.00	0.00	1,500.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	119.00	0.00	0.00	600.00	0.00%
4220.230 Fire Travel, Mileage & Cell	0.00	50.00	300.00	600.00	50.00%
4220.240 Fire Office & Other Expenses	29.99	0.00	447.78	500.00	89.56%
4220.250 Fire Equipment Maintenance & Repairs	884.03	4.67	1,710.66	11,000.00	15.55%
4220.360 Fire Training	60.00	420.00	570.00	13,100.00	4.35%
4220.450 Fire Small Equip/Supplies	1,725.65	1,636.16	15,347.94	15,000.00	102.32%
4220.460 Fire Supplies-Fundraisers	0.00	0.00	130.59	500.00	26.12%
4220.465 Fire Gear	0.00	0.00	2,457.88	15,000.00	16.39%
4220.480 Fire Mitigation MOU Expenditures	0.00	0.00	0.00	15,000.00	0.00%
4220.560 Fire Equipment Fuel	375.94	0.00	4,649.96	4,000.00	116.25%
4220.610 Fire Principal	7,550.63	0.00	0.00	0.00	0.00%
4220.620 Fire Interest	304.42	0.00	0.00	0.00	0.00%
Total Fire	32,646.32	7,566.23	57,550.07	170,725.00	33.71%
Total Public safety	40,146.32	7,566.23	61,300.07	185,825.00	32.99%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	270.00	330.00	1,574.00	15,200.00	10.36%
4410.130 Road Employee Benefits	20.66	25.24	121.12	1,750.00	6.92%
4410.270 Road Flood Damage	0.00	0.00	0.00	2,000.00	0.00%
4410.380 Road Department Services	2,154.20	0.00	0.00	2,500.00	0.00%
4410.450 Road Department Supplies	9,236.27	92.50	7,227.13	45,000.00	16.06%
4410.550 Road Equipment Maintenance	1,117.60	0.00	0.00	2,500.00	0.00%
4410.560 Road Equipment Fuel	496.00	0.00	1,421.61	5,000.00	28.43%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 12/31/2023
50.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.810 Road Principal	38,975.03	0.00	35,000.00	35,000.00	100.00%
4410.820 Road Interest	29,298.10	0.00	28,121.65	28,150.00	99.90%
4415.110 Public Works Wages and Contract Labor	2,817.00	6,110.00	25,055.75	30,300.00	82.69%
4415.130 Public Works Employee Benefits	284.33	84.61	1,600.81	9,400.00	17.03%
4415.140 Public Works Employee Retirement - GASB 68	0.00	0.00	1,545.53	8,100.00	19.08%
4415.320 Public Works Engineering/Professional Fees	107.25	0.00	0.00	0.00	0.00%
4415.450 Public Works Supplies	2,433.21	3,563.55	14,446.58	6,000.00	240.78%
4415.550 Public Works Equipment Maintenance	1,347.26	274.58	9,815.03	3,000.00	327.17%
4415.560 Public Works Equipment Fuel	1,063.38	0.00	3,204.01	2,000.00	160.20%
4415.570 Public Works Travel, Mileage, Cell	77.51	0.00	673.17	500.00	134.63%
4415.610 Public Works Storm Drainage	3,300.81	0.00	666.55	5,000.00	13.33%
4415.615 Storm Drainage Improvements	0.00	0.00	1,147.14	0.00	0.00%
4415.710 Public Works Principal	15,479.43	0.00	0.00	0.00	0.00%
4415.720 Public Works Interest	580.57	0.00	0.00	0.00	0.00%
4415.740 Public Works Capital Outlay	11,000.00	0.00	17.37	9,000.00	0.19%
Total Highways	120,058.61	10,480.48	131,637.45	210,400.00	62.57%
Sanitation					
4420.460 Solid Waste Service	24,053.24	5,080.68	25,357.74	60,000.00	42.26%
Total Sanitation	24,053.24	5,080.68	25,357.74	60,000.00	42.26%
Total Highways and public improvements	144,111.85	15,561.16	156,995.19	270,400.00	58.06%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	4,563.00	0.00	1,698.82	5,100.00	33.31%
4540.130 Park/Rec Employee Benefits	349.07	0.00	130.77	600.00	21.80%
4540.250 Park/Rec Department Expenses	272.62	0.00	187.78	1,000.00	18.78%
4540.460 Park/Rec Community Events Supplies	1,252.59	0.00	1,450.12	4,000.00	36.25%
Total Parks	6,437.28	0.00	3,467.49	10,700.00	32.41%
Cemetery					
4590.470 Cemetery Capital Outlay	0.00	(226.49)	0.00	0.00	0.00%
Total Cemetery	0.00	(226.49)	0.00	0.00	0.00%
Total Parks, recreation, and public property	6,437.28	(226.49)	3,467.49	10,700.00	32.41%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	92,889.00	0.00%
4805 Transfer to Capital Projects	0.00	0.00	0.00	265,000.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	6,800.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	24,600.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	31,000.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	6,600.00	0.00%
4812 Transfer to Assigned Balance - Perpetual Care	0.00	0.00	0.00	129,300.00	0.00%
4813 Transfer to Assigned Balance - Cemetery Funds	0.00	0.00	0.00	60,500.00	0.00%
Total Transfers	0.00	0.00	0.00	616,689.00	0.00%
Total Expenditures:	358,711.29	46,335.01	389,166.91	1,416,464.00	27.47%
Total Change In Net Position	196,847.07	171,248.37	253,869.52	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2023 to 12/31/2023
50.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Intergovernmental revenue					
3340 Grant Revenues	0.00	0.00	0.00	3,320,000.00	0.00%
3341 Grant Revenues-Fire	0.00	0.00	0.00	410,000.00	0.00%
Total Intergovernmental revenue	0.00	0.00	0.00	3,730,000.00	0.00%
Contributions and transfers					
3810 Transfer from General fund	0.00	0.00	0.00	540,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	540,000.00	0.00%
Total Revenue:	0.00	0.00	0.00	4,270,000.00	0.00%
Expenditures:					
General government					
Administrative					
4141.740 Capital Outlay Expenses	19,160.14	9,427.40	29,932.03	0.00	0.00%
Total Administrative	19,160.14	9,427.40	29,932.03	0.00	0.00%
Total General government	19,160.14	9,427.40	29,932.03	0.00	0.00%
Public safety					
Fire					
4220.740 Fire Capital Outlay	0.00	0.00	0.00	450,000.00	0.00%
Total Fire	0.00	0.00	0.00	450,000.00	0.00%
Total Public safety	0.00	0.00	0.00	450,000.00	0.00%
Highways and public improvements					
Highways					
4410.740 Road Capital Outlay	0.00	0.00	0.00	1,050,000.00	0.00%
4415.740 Public Works Capital Outlay	720.00	560.00	560.00	2,520,000.00	0.02%
Total Highways	720.00	560.00	560.00	3,570,000.00	0.02%
Total Highways and public improvements	720.00	560.00	560.00	3,570,000.00	0.02%
Parks, recreation, and public property					
Cemetery					
4590.470 Cemetery Capital Outlay	0.00	581.74	2,448.40	250,000.00	0.98%
Total Cemetery	0.00	581.74	2,448.40	250,000.00	0.98%
Total Parks, recreation, and public property	0.00	581.74	2,448.40	250,000.00	0.98%
Total Expenditures:	19,880.14	10,569.14	32,940.43	4,270,000.00	0.77%
Total Change In Net Position	(19,880.14)	(10,569.14)	(32,940.43)	0.00	0.00%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 01/31/2024
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	123,842.72	25,481.59	148,639.26	136,661.00	108.76%
3120 Prior Year's Taxes-Delinquent	0.00	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	107,421.34	18,663.60	102,364.06	196,000.00	52.23%
3140 Energy and Communication Taxes	23,722.28	4,442.72	21,995.94	45,700.00	48.13%
3150 RAP Tax	9,177.71	1,462.60	7,792.07	18,500.00	42.12%
3160 Transient Taxes	8,277.69	1,367.04	9,772.53	18,000.00	54.29%
3170 Fee in Lieu of Personal Property Taxes	0.00	0.00	0.00	8,400.00	0.00%
3180 Fuel Tax Refund	779.43	0.00	3.08	1,000.00	0.31%
3190 Highway/Transit Tax	10,027.05	1,766.68	10,230.50	17,100.00	59.83%
Total Taxes	283,248.22	53,184.23	300,797.44	449,361.00	66.94%
Licenses and permits					
3210 Business Licenses	5,877.00	2,550.00	6,313.50	9,500.00	66.46%
3221 Building Permits-Fee	25,730.84	1,296.46	22,466.09	45,000.00	49.92%
3222 Building Permits-Non Surcharge	3,719.94	324.12	3,964.86	6,750.00	58.74%
3224 Building Permits Surcharge	420.86	11.02	39.96	450.00	8.88%
3225 Animal Licenses	470.00	380.00	670.00	800.00	83.75%
Total Licenses and permits	36,218.64	4,561.60	33,454.41	62,500.00	53.53%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	72,154.91	20,387.45	80,588.98	137,000.00	58.82%
3358 Liquor Control Profits	1,037.25	0.00	843.40	1,100.00	76.67%
Total Intergovernmental revenue	73,192.16	20,387.45	81,432.38	148,100.00	54.98%
Charges for services					
3230 Special Event Permit	2,030.00	450.00	600.00	4,500.00	13.33%
3410 Clerical Services	194.64	0.00	80.54	400.00	20.14%
3416 Other Interdepartmental Charges	5,400.80	3,890.94	9,513.10	44,203.00	21.52%
3420 Fire Department Contracts	0.00	0.00	0.00	6,000.00	0.00%
3431 Zoning and Subdivision Fees	8,139.00	22,875.00	33,535.00	20,000.00	167.68%
3440 Solid Waste	32,121.83	5,203.35	35,468.41	61,000.00	58.14%
3441 Storm Drainage	26,172.94	4,195.32	29,179.12	49,000.00	59.55%
3461 GRAMA Requests	285.52	0.00	115.00	500.00	23.00%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3481 Sale of Cemetery Lots	0.00	0.00	300.00	310,500.00	0.10%
3482 Cemetery Perpetual Care	0.00	0.00	300.00	129,300.00	0.23%
3615 Late Charges/Other Fees	(281.45)	195.81	703.61	2,500.00	28.14%
Total Charges for services	74,063.28	36,810.42	109,794.78	628,003.00	17.48%
Fines and forfeitures					
3510 Fines	3,378.41	387.52	2,167.55	5,000.00	43.35%
Total Fines and forfeitures	3,378.41	387.52	2,167.55	5,000.00	43.35%
Interest					
3610 Interest Earnings	13,207.41	4,443.06	27,437.03	42,200.00	65.02%
Total Interest	13,207.41	4,443.06	27,437.03	42,200.00	65.02%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	7,500.00	0.00	0.00%
3690 Sundry Revenue	14,098.98	31.92	3,074.62	5,000.00	61.49%
3692 Fire Department Fundraisers/Donations	1,500.00	0.00	90.00	6,500.00	1.38%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	4,220.00	0.00	22,372.00	6,800.00	329.00%
3801.3 Impact fees - Roadways	13,300.00	0.00	76,180.00	24,600.00	309.67%
3801.6 Impact fees - Storm Water	7,878.20	0.00	80,441.59	31,000.00	259.49%
3801.7 Impact fees - Parks, Trails, OS	3,625.00	0.00	18,295.00	6,600.00	277.20%
Total Miscellaneous revenue	44,622.18	31.92	207,953.21	81,300.00	255.79%
Total Revenue:	527,930.30	119,806.20	763,036.80	1,416,464.00	53.87%
Expenditures:					
General government					
Council					
4111.110 Council/PC Salaries and Wages	9,475.00	2,350.00	10,375.00	21,000.00	49.40%
4111.130 Council/PC Employee benefits	950.85	179.78	851.23	2,400.00	35.47%
4111.210 Council/PC Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%
4111.220 Council/PC Training	0.00	0.00	45.00	1,500.00	3.00%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 01/31/2024
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.610 Council Donations and Discretionary Spending	0.00	0.00	0.00	500.00	0.00%
Total Council	10,425.85	2,529.78	11,271.23	26,900.00	41.90%
Administrative					
4141.110 Admin Salaries and Wages	60,054.13	7,212.13	53,572.67	99,000.00	54.11%
4141.130 Admin Employee Benefits	5,285.28	932.80	7,173.99	17,100.00	41.95%
4141.140 Admin Employee Retirement - GASB 68	8,003.94	662.64	2,519.31	7,000.00	35.99%
4141.210 Admin Dues, Subs & Memberships	4,772.76	2,733.64	5,725.89	5,500.00	104.11%
4141.220 Admin Public Notices	41.95	0.00	0.00	100.00	0.00%
4141.230 Admin Training	696.00	395.00	395.00	1,500.00	26.33%
4141.240 Admin Office/Administrative Expense	11,119.39	1,930.79	10,054.11	8,000.00	125.68%
4141.250 Admin Equipment Expenses	8,773.13	1,575.31	10,437.52	10,000.00	104.38%
4141.260 Admin Building & Ground Maintenance	3,427.04	443.79	6,274.72	4,500.00	139.44%
4141.270 Admin Utilities	3,883.27	310.19	2,696.62	7,600.00	35.48%
4141.280 Admin Telephone and Internet	5,047.87	467.13	3,130.82	8,100.00	38.65%
4141.290 Admin Postage	1,824.61	536.00	1,865.65	3,700.00	50.42%
4141.320 Admin Engineering Fees	6,337.98	0.00	4,465.25	3,500.00	127.58%
4141.330 Admin Legal Fees	30,825.82	6,493.45	26,786.85	50,000.00	53.57%
4141.340 Admin Accounting & Auditing	4,400.00	1,350.00	15,706.25	29,400.00	53.42%
4141.350 Admin Building/Zoning/Planning Fees	19,221.08	2,100.00	16,126.25	30,000.00	53.75%
4141.390 Admin Bank Service Charges	15.00	0.00	0.00	200.00	0.00%
4141.410 Admin Insurance	11,895.25	0.00	12,703.16	16,000.00	79.39%
4141.490 Admin Travel Reimbursements	984.91	1.81	505.11	1,500.00	33.67%
4141.500 Admin Weed Abatement	0.00	0.00	508.00	1,500.00	33.87%
4141.610 Bad Debt Expense	1,818.22	0.00	15.98	250.00	6.39%
4141.740 Admin Capital Outlay	0.00	0.00	2,657.57	0.00	0.00%
4170 Elections	0.00	(1,311.75)	2,607.75	1,500.00	173.85%
Total Administrative	188,427.63	25,832.93	185,928.47	305,950.00	60.77%
Total General government	198,853.48	28,362.71	197,199.70	332,850.00	59.25%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	11,250.00	0.00	7,500.00	15,000.00	50.00%
4253.250 Animal Control Supplies	0.00	0.00	0.00	100.00	0.00%
Total Police	11,250.00	0.00	7,500.00	15,100.00	49.67%
Fire					
4220.110 Fire Salaries & Wages	20,444.67	4,645.37	30,197.42	67,200.00	44.94%
4220.130 Fire Employee Benefits	5,042.62	355.37	2,542.90	13,600.00	18.70%
4220.135 Fire Employee Retirement - GASB 68	0.00	638.53	4,834.21	8,100.00	59.68%
4220.140 Fire Contract Wages	0.00	0.00	0.00	4,500.00	0.00%
4220.145 Fire Contract Benefits	0.00	0.00	0.00	525.00	0.00%
4220.150 Fire Contract Expense	0.00	0.00	0.00	1,500.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	119.00	0.00	0.00	600.00	0.00%
4220.230 Fire Travel, Mileage & Cell	0.00	50.00	350.00	600.00	58.33%
4220.240 Fire Office & Other Expenses	29.99	172.78	620.56	500.00	124.11%
4220.250 Fire Equipment Maintenance & Repairs	1,207.51	806.64	2,517.30	11,000.00	22.88%
4220.260 Fire Rent Expense	0.00	3,000.00	3,000.00	0.00	0.00%
4220.360 Fire Training	191.00	0.00	570.00	13,100.00	4.35%
4220.450 Fire Small Equip/Supplies	2,165.60	746.48	16,082.49	15,000.00	107.22%
4220.460 Fire Supplies-Fundraisers	0.00	0.00	130.59	500.00	26.12%
4220.465 Fire Gear	0.00	945.03	3,402.91	15,000.00	22.69%
4220.480 Fire Mitigation MOU Expenditures	0.00	0.00	0.00	15,000.00	0.00%
4220.560 Fire Equipment Fuel	375.94	100.00	4,749.96	4,000.00	118.75%
4220.610 Fire Principal	7,550.63	0.00	0.00	0.00	0.00%
4220.620 Fire Interest	304.42	0.00	0.00	0.00	0.00%
Total Fire	37,431.38	11,460.20	68,998.34	170,725.00	40.41%
Total Public safety	48,681.38	11,460.20	76,498.34	185,825.00	41.17%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	270.00	190.00	1,764.00	15,200.00	11.61%
4410.130 Road Employee Benefits	20.66	14.54	135.66	1,750.00	7.75%
4410.270 Road Flood Damage	0.00	0.00	0.00	2,000.00	0.00%
4410.380 Road Department Services	2,154.20	0.00	0.00	2,500.00	0.00%
4410.450 Road Department Supplies	9,700.41	0.00	7,227.13	45,000.00	16.06%
4410.550 Road Equipment Maintenance	1,117.60	0.00	0.00	2,500.00	0.00%
4410.560 Road Equipment Fuel	496.00	0.00	1,421.61	5,000.00	28.43%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2023 to 01/31/2024
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.810 Road Principal	39,812.32	0.00	35,000.00	35,000.00	100.00%
4410.820 Road Interest	29,341.19	0.00	28,121.65	28,150.00	99.90%
4415.110 Public Works Wages and Contract Labor	2,817.00	3,938.88	26,094.63	30,300.00	86.12%
4415.130 Public Works Employee Benefits	284.33	301.34	1,902.15	9,400.00	20.24%
4415.140 Public Works Employee Retirement - GASB 68	0.00	130.98	1,676.51	8,100.00	20.70%
4415.320 Public Works Engineering/Professional Fees	107.25	0.00	0.00	0.00	0.00%
4415.450 Public Works Supplies	2,517.09	3,243.01	14,662.46	6,000.00	244.37%
4415.550 Public Works Equipment Maintenance	1,367.26	165.68	9,980.71	3,000.00	332.69%
4415.560 Public Works Equipment Fuel	1,063.38	0.00	3,204.01	2,000.00	160.20%
4415.570 Public Works Travel, Mileage, Cell	77.51	0.00	673.17	500.00	134.63%
4415.610 Public Works Storm Drainage	3,300.81	0.00	666.55	5,000.00	13.33%
4415.615 Storm Drainage Improvements	0.00	0.00	1,147.14	0.00	0.00%
4415.710 Public Works Principal	15,479.43	0.00	0.00	0.00	0.00%
4415.720 Public Works Interest	580.57	0.00	0.00	0.00	0.00%
4415.740 Public Works Capital Outlay	11,000.00	0.00	3,044.50	9,000.00	33.83%
Total Highways	121,507.01	7,984.43	136,721.88	210,400.00	64.98%
Sanitation					
4420.460 Solid Waste Service	28,898.32	0.00	30,451.25	60,000.00	50.75%
Total Sanitation	28,898.32	0.00	30,451.25	60,000.00	50.75%
Total Highways and public improvements	150,405.33	7,984.43	167,173.13	270,400.00	61.82%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	4,563.00	290.00	1,988.82	5,100.00	39.00%
4540.130 Park/Rec Employee Benefits	349.07	22.18	152.95	600.00	25.49%
4540.250 Park/Rec Department Expenses	272.62	0.00	187.78	1,000.00	18.78%
4540.460 Park/Rec Community Events Supplies	1,289.44	0.00	1,450.12	4,000.00	36.25%
Total Parks	6,474.13	312.18	3,779.67	10,700.00	35.32%
Total Parks, recreation, and public property	6,474.13	312.18	3,779.67	10,700.00	35.32%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	92,889.00	0.00%
4805 Transfer to Capital Projects	0.00	0.00	0.00	265,000.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	6,800.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	24,600.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	31,000.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	6,600.00	0.00%
4812 Transfer to Assigned Balance - Perpetual Care	0.00	0.00	0.00	129,300.00	0.00%
4813 Transfer to Assigned Balance - Cemetery Funds	0.00	0.00	0.00	60,500.00	0.00%
Total Transfers	0.00	0.00	0.00	616,689.00	0.00%
Total Expenditures:	404,414.32	48,119.52	444,650.84	1,416,464.00	31.39%
Total Change In Net Position	123,515.98	71,686.68	318,385.96	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2023 to 01/31/2024
58.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Intergovernmental revenue					
3340 Grant Revenues	0.00	0.00	0.00	3,320,000.00	0.00%
3341 Grant Revenues-Fire	0.00	0.00	0.00	410,000.00	0.00%
Total Intergovernmental revenue	0.00	0.00	0.00	3,730,000.00	0.00%
Contributions and transfers					
3810 Transfer from General fund	0.00	0.00	0.00	540,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	540,000.00	0.00%
Total Revenue:	0.00	0.00	0.00	4,270,000.00	0.00%
Expenditures:					
General government					
Administrative					
4141.740 Capital Outlay Expenses	27,160.14	0.00	32,832.03	0.00	0.00%
Total Administrative	27,160.14	0.00	32,832.03	0.00	0.00%
Total General government	27,160.14	0.00	32,832.03	0.00	0.00%
Public safety					
Fire					
4220.740 Fire Capital Outlay	0.00	0.00	0.00	450,000.00	0.00%
Total Fire	0.00	0.00	0.00	450,000.00	0.00%
Total Public safety	0.00	0.00	0.00	450,000.00	0.00%
Highways and public improvements					
Highways					
4410.740 Road Capital Outlay	0.00	0.00	0.00	1,050,000.00	0.00%
4415.740 Public Works Capital Outlay	720.00	0.00	560.00	2,520,000.00	0.02%
Total Highways	720.00	0.00	560.00	3,570,000.00	0.02%
Total Highways and public improvements	720.00	0.00	560.00	3,570,000.00	0.02%
Parks, recreation, and public property					
Cemetery					
4590.470 Cemetery Capital Outlay	0.00	0.00	2,448.40	250,000.00	0.98%
Total Cemetery	0.00	0.00	2,448.40	250,000.00	0.98%
Total Parks, recreation, and public property	0.00	0.00	2,448.40	250,000.00	0.98%
Total Expenditures:	27,880.14	0.00	35,840.43	4,270,000.00	0.84%
Total Change In Net Position	(27,880.14)	0.00	(35,840.43)	0.00	0.00%



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 4:00 PM

MINUTES

Mayor | Michael Farrar |

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice |

CALL TO ORDER- Mayor Farrar called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offered by Council Member Whitmore.

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Janet Prentice

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

1. Add Michael Lee Farrar and Kevin Sair as signers and remove Frank Lindhardt and Jauna McGinnis as signers to State Bank of Southern Utah.

Council Member Whitmore clarified that Council Member Sair, who had previously served as mayor pro tempore in the previous administration, was still assigned.

MOTION: Council Member Whitmore motioned that we add Michael Lee Farrar and Kevin Sair as signers and remove Frank Lindhardt and Jauna McGinnis as signers to the State Bank of Southern Utah.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a vote:

Council Member Nielson - Aye

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Prentice - Aye

Mayor Farrar - Aye

The vote was unanimous and the motion carried.



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 4:00 PM

MINUTES

2. Approval of Fiscal Year 2023 Agreed Upon Procedures Financial Review, Resolution-R-2024-02.

Mayor Farrar and Council Member and Treasurer Whitmore discussed the need to approve the yearly AUP, clarifying that, in their case, it's an AUP, which is a step below a full audit due to the town's status. A minor correction was mentioned where an accumulation over time resulted in being over budgeted. This was promptly addressed and fixed.

MOTION: Council Member Whitmore motioned that we approve Fiscal Year 2023 Agreed Upon Procedure Financial Review, Resolution-R-2024-02.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Nielson - Aye
 Council Member Sair - Aye
 Council Member Whitmore - Aye
 Council Member Prentice - Aye
 Mayor Farrar - Aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

3. Minutes: January 2, 2024.
 4. Minutes: December 20, 2023.

MOTION: Council Member Whitmore motioned that we approve the minutes for January 2, 2024 and the draft minutes from December 20, 2023.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a vote:

Council Member Nielson - Aye
 Council Member Sair - Aye
 Council Member Whitmore - Aye



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 4:00 PM

MINUTES

Council Member Prentice - Aye
Mayor Farrar - Aye

The vote was unanimous and the motion carried.

MAYOR'S TOWN UPDATE

No update.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

No reports.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

ADJOURNMENT

MOTION: Council Member Nielson motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Farrar called for a vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye
Mayor Farrar - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 5:07 p.m.

Date Approved: _____



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 4:00 PM

MINUTES

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT



SPECIAL JOINT TOWN COUNCIL AND BIG PLAINS WATER SPECIAL SERVICE DISTRICT WORK MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 3:30 PM

MINUTES

Mayor | Michael Farrar

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice |

Chairman | Barratt Nielson

Board Members | Harold Merritt | Ross Gregerson | Michael Farar

CALL TO ORDER- Mayor Farrar called the meeting to order at 3:32 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offer by Council Member Prentice.

ROLL CALL

PRESENT

Mayor and Board Member Michael Farrar
Council Member Kevin Sair
Council Member Robin Whitmore
Council Member and Chairman Barratt Nielson
Council Member Janet Prentice
Board Member Harold Merritt
Board Member Ross Gregerson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

DISCUSSION

1. Appointment of board members for the Big Plains Water Special Service District.

Council Member Sair provided a historical overview, highlighting efforts to collaborate with the State, Governor, and DEQ Executive Director Kim Shelly for financial support. The discussion focused on infrastructure replacement in AV1, challenges faced by the Cedar Point system, and the need to train new individuals while preserving knowledge from current Board Members Ross and Harold.

Mayor Farrar expressed concerns about the last day of a board member and pressure from higher authorities. The possibility of turning over to the conservancy district was raised, prompting a conversation about exploring options before resorting to such measures.

Chairman Barratt Nielson explained the importance of open dialogue and emphasized that external options were being considered as a last resort. Information was being gathered for an informed decision, with a reminder that saying no was always an option.

Board Member Merritt discussed informal meetings, highlighting a radium problem and an engineer's proposal for well 59 at \$200,000. Financial constraints led to the consideration of various options, with Board Member Gregerson detailing a step-by-step approach to addressing radium levels and the challenges faced.



SPECIAL JOINT TOWN COUNCIL AND BIG PLAINS WATER SPECIAL SERVICE DISTRICT WORK MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 3:30 PM

MINUTES

Concerns were raised about well 59's approval, which the state had denied, leading to an exploration of alternative solutions. Pending results regarding radium levels with the DEQ were discussed, and a potential Plan B involving a pipeline to supply AV water to CP was mentioned.

Mayor Farrar discussed the current water demand status, potential shortages in April, and water quality. Funding feedback and ongoing communication with the State were shared, including a Zoom call scheduled for the following Wednesday.

Various water sources, including Cooke Well and Canaan Springs, were discussed. Mayor Farrar highlighted the high radium levels and legal limits, along with funding history from the Division of Drinking Water. Emergency funding applications were submitted for a permanent pipeline solution.

Discussions included the amount of water source, the potential tie between Canaan Springs and Cedar Point, and the need for aquifer recharge. Board Member Merritt mentioned the available water but limitations on connections due to the water source.

Mayor discussed an unofficial deal for pipeline placement and connections along the land, exploring options like a pump-free system and the pressure involved. Plans for drilling a well at Canaan Springs were discussed, and costs for various pipeline options were considered.

The meeting addressed engineering aspects, including a mixing station, dedicated lines, and the importance of maintaining pressure. Financial considerations were discussed, exploring the possibility of obtaining funds without selling. The unique nature of the local aquifer was highlighted, emphasizing the need for a comprehensive study.

A plan to move forward was discussed, considering various options for the next 12 months. The importance of communication with the conservancy district and a focus on day-to-day operations, including potential rate increases, were highlighted. The mayor expressed gratitude for everyone's efforts, emphasizing the momentum and consistency moving forward. The meeting concluded with discussions on records, paperwork, and the ongoing commitment to team collaboration.

ADJOURNMENT

MOTION: Council Member Sair motioned to adjourn the meeting.

SECOND: The motion was seconded by Board Member Gregerson.

VOTE: Mayor Farrar called for a vote:

Council Member and Chairman Nielson - Aye

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Prentice - Aye



SPECIAL JOINT TOWN COUNCIL AND BIG PLAINS WATER SPECIAL SERVICE DISTRICT WORK MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 3:30 PM

MINUTES

Mayor and Board Member Farrar - Aye

Board Member Gregerson - Aye

Board Member Merritt - Aye

The vote was unanimous and the motion carried.

The meeting adjourned at 4:55 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, January 17, 2024 at 5:30 PM

MINUTES

Mayor | Michael Farrar |

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice |

CALL TO ORDER- Mayor Farrar called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offered by Council Member Prentice.

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Janet Prentice

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

1. Appointment of board members from the registered voters for the Big Plains Water Special Service District, Resolution-R-2024-03.

Mayor Farrar explained several applicants, numbered one through five, had submitted their applications, and the council aimed to fill the vacancy.

Mayor Farrar invited each applicant to come forward and answer a few basic questions. The first applicant, Matt Politte, introduced themselves, (stating their name, address, and, resident of Apple Valley, Utah), and mentioned concerns about washout issues in their area. Matt Politte had been a resident for approximately two and a half to three years, residing in the Cedar Point area.

Mayor Farrar posed questions to Matt Politte, inquiring about their stance on growth in Apple Valley. Matt Politte expressed the need for reasonable growth, emphasizing the importance of having sufficient water supply. He acknowledged concerns about the aquifer and emphasized the need to investigate and address water-related issues.

In addition to water-related concerns, Matt Politte highlighted his skills and experience, including working at Hurricane City as a utility locator, having hands-on experience, and possessing a building



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license. The council members appreciated Matt Politte's commitment to the town and dual-purpose skills, considering his potential contributions to emergency situations and general maintenance.

Mayor Farrar concluded the discussion with Matt Politte, and there were no further questions from the council. The meeting attendees expressed gratitude, and Mayor Farrar thanked Matt Politte for his participation in the appointment process.

Following Matt Politte's interview, Bradley Farrar, resident of Apple Valley, was invited to speak. Bradley Farrar had been a resident for a little over a year, living across from Cedar Point and near the mayor's residence.

Mayor Farrar asked Bradley Farrar about their stance on growth in Apple Valley. Bradley Farrar expressed the view that some growth might be necessary but emphasized the importance of being responsible. They stated a clear preference against excessive growth. When questioned about concerns regarding the water supply, Bradley Farrar expressed worry, specifically about the unknown factors and the lack of information about the underground water situation.

Bradley Farrar acknowledged his limited experience compared to other applicants but offered to be an option for the board if needed. He conveyed a willingness to learn, even expressing readiness to be mentored by current Board Member Ross Gregerson. Bradley Farrar emphasized their commitment to volunteering time, irrespective of board membership, to contribute to the town's well-being.

Mayor Farrar thanked Bradley Farrar, highlighting the importance of community service, and encouraged everyone to consider the ongoing opportunities for community involvement. There were no additional questions, and Bradley's Farrar segment concluded with expressions of appreciation from the council for all applicants who had applied for the position.

The next applicant was Kenneth Younger, who shared that they were a resident of Apple Valley, close to the border. Kenneth Younger had been a permanent resident since 2020 and purchased a home in 2016 when the area had fewer developments. Originally from the Bay Area, specifically the East Bay in Oakland, Kenneth worked for 23 years at the East Bay Municipal Utility District, the second-largest water company in Northern California. During their tenure at the utility district, Kenneth Younger held various roles, including storekeeper, foreman, material specialist, and store supervisor for the last decade. He managed multiple warehouses and dealt with aspects such as engineering proposals and specifications. Kenneth Younger expressed extensive knowledge of water company operations and maintenance.

When asked about their perspective on growth in Apple Valley, Kenneth Younger acknowledged the inevitability due to ongoing developments, mentioning a subdivision being built behind their house. They highlighted the community's shared concern for water supply, emphasizing the potential risks and the need for responsible management. Kenneth Younger expressed a desire to contribute their experience to address water-related challenges. Reflecting on his experiences in the Bay Area, Kenneth Younger discussed the importance of ensuring quality water service to the entire district and emphasized the significance of generating revenue through water bills. He mentioned involvement in operational tasks, including delivering supplies to crews working on site.



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The council noted Kenneth Younger's musical inclination, particularly playing the guitar, with a preference for Grateful Dead music. Kenneth Younger shared that they had been playing the guitar for many years. The council expressed appreciation for Kenneth Younger's willingness to contribute to the community, and there were no further questions. Mayor Farrar thanked Kenneth Younger for their participation in the meeting.

Harold Merritt was invited to speak. Harold Merritt, resident of Apple Valley, had been a homeowner for approximately 30 years and a resident for about 15 to 20 years. He shared that when they built their first home, there were only five houses in Apple Valley.

When asked about their perspective on growth, Harold Merritt expressed a cautious approach. While acknowledging that undeveloped lots, particularly in Cedar Point, could be utilized, he was not in favor of large-scale developments exceeding five houses. Harold Merritt raised concerns about both the quantity and quality of water, emphasizing struggles with maintaining water quality compliance and the potential challenges of expanding further.

Harold Merritt, having been part of the board since 2011, highlighted the ongoing effort and time required to manage the water system effectively. Mayor Farrar acknowledged Harold Merritt's extensive experience and expressed gratitude for his contributions to the community. There were no additional questions, and the council thanked Harold Merritt for their service and dedication.

The last applicant, Thomas Hunt, was unable to attend.

The council addressed the need for two board members and expressed gratitude to all applicants for their willingness to contribute to the community. They emphasized the importance of community involvement and thanked everyone for their efforts.

The council discussed the appointment of Harold Meritt, recognizing their significant contributions to the district and the valuable insight they bring. Despite an earlier announcement of resignation, the council expressed the desire to keep Harold Merritt on the board for as long as he wished to stay due to their expertise.

MOTION: Council Member Sair motioned to appoint Harold Meritt as Big Plains Water Special Service District, Resolution-R-2024-03.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye



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The vote was unanimous and the motion carried.

MOTION: Council Member Sair motioned to appoint Matt Politte to Big Plains Water Special Service District, Resolution-R-2024-03.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye

The vote was unanimous and the motion carried.

Oath of Office was administered by Town Clerk/Recorder Jenna Vizcardo to both Harold Merritt and Matt Politte.

2. Appointment of board members from the elected officials for the Big Plains Water Special Service District, Resolution-R-2024-04.

The council engaged in a discussion regarding the Mayor's action in filling the vacancy, which they described as an automatic process.

MOTION: Council Member Sair motioned we leave Barratt Nielson in as board member, Resolution-R-2024-04.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Mayor Farrar - Aye
Council Member Prentice - Aye

The vote was unanimous and the motion carried.



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REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

ADJOURNMENT

MOTION: Council Member Prentice motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Farrar called for a vote:

Council Member Nielson - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Prentice - Aye

Council Member Whitmore - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 5:55 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

TOWN OF APPLE VALLEY

RESOLUTION R-2024-06

A RESOLUTION APPOINTING A VOLUNTEER EMERGENCY PROGRAM COORDINATOR

WHEREAS, the Town of Apple Valley ("Town") officially established an emergency management program December 20, 2007; and

WHEREAS, the Town Council of the Town of Apple Valley is aware that public safety is the responsibility of all incorporated municipalities within the State of Utah; and

WHEREAS, public safety includes reasonable and prudent efforts on the part of the Town to assist its citizens to be prepared for emergencies and disasters of different origins and types, to the extent possible within existing available resources; and

WHEREAS, it is the objectives of the Town to assist its citizens in being able to mitigate against, prepare for, respond to and recover from, serious emergencies and disasters; and

WHEREAS, the Mayor and Town Council have previously appointed Town Council Member Robin Whitmore as the responsible Town Council Member for this program.

WHEREAS, that the Town hereby appoints Town Council Member Robin Whitmore to continue as the Town Council member responsible to the Mayor and Town Council for this program, and appoints Frank Lindhardt as the volunteer Emergency Program Coordinator and Director of Emergency Services (for disaster planning, training and exercise), and that this position will be responsible to the Mayor and Town Council through Council Member Robin Whitmore, or whomever may at some time in the future be appointed to function in this capacity.

WHEREAS, at a meeting of the Town Council of the Town of Apple Valley, Utah, duly called, noticed, and held on the 20th day of February 2024, a motion to appoint Frank Lindhardt as the volunteer Emergency Program Coordinator and Director of Emergency Services of the Emergency Management Program was proposed, seconded, and accepted by majority vote.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley that the resident Frank Lindhardt is appointed the volunteer Emergency Program Coordinator and Director of Emergency Services of the Emergency Management Program.

PASSED this 20th day of February 2024. This resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

[SIGNATURE BLOCK ON NEXT PAGE]

PRESIDING OFFICER

Michael Lee Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____