



## SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley

Thursday, April 04, 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 **Thursday, April 04, 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 | 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

#### DISCUSSION AND ACTION

1. Vote to fill vacancy per UCA 20A-1-510 Midterm vacancies in municipal offices.

2. Resolution-R-2024-11, A Resolution Amending the Town Fee Schedule.

\*Tabled from March 27, 2024.

3. Resolution-R-2024-13, Repeal Resolution-R-2022-05.

\*Tabled on March 27, 2024.

#### MAYOR'S TOWN UPDATE

4. Appointment of board member from the elected officials for the Big Plains Water Special Service District, Resolution-R-2024-12.

#### 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](http://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.

**Effective 5/3/2023****20A-1-510 Midterm vacancies in municipal offices.**

- (1)
- (a) As used in this section:
    - (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.
    - (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
  - (b) Except as otherwise provided in this section, if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.
  - (c) Before acting to fill the vacancy, the municipal legislative body shall:
    - (i) give public notice of the vacancy at least 14 calendar days before the day on which the municipal legislative body meets to fill the vacancy;
    - (ii) identify, in the notice:
      - (A) the date, time, and place of the meeting where the vacancy will be filled;
      - (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and
      - (C) the deadline for submitting an interested individual's name; and
    - (iii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
  - (d)
    - (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of the candidates interviewed under Subsection (1)(c)(iii).
    - (ii)
      - (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in the initial vote, as determined by the tie-breaking procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
      - (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be reduced to one by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the candidate that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection (1)(d)(ii)(B).
      - (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
      - (D) A coin toss required under this Subsection (1)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
    - (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).
  - (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.

- (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the lieutenant governor shall:
  - (i) notify the municipal legislative body of the violation; and
  - (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
- (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
  - (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
  - (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- (2)
  - (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
    - (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
    - (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
  - (b) In appointing an interim replacement, the municipal legislative body shall:
    - (i) comply with the notice requirements of this section; and
    - (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- (3)
  - (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
    - (i) the council may appoint an individual to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and
    - (ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the remaining council members, by majority vote, shall appoint a council member to serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.
  - (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
    - (i) act as a council member; and
    - (ii) vote at council meetings.
- (4)
  - (a)
    - (i) For a vacancy of a member of a municipal legislative body as described in this section, the municipal legislative body member whose resignation creates the vacancy on the municipal legislative body may:
      - (A) interview an individual whose name is submitted for consideration under Subsection (1)(c)(iii) or (2)(b)(ii); and
      - (B) vote on the appointment of an individual to fill the vacancy.
    - (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is removed from office in accordance with state law may not cast a vote under Subsection (4)(a)(i).
  - (b) A member of a municipal legislative body who submits his or her resignation to the municipal legislative body may not rescind the resignation.

- (c) A member of a municipal legislative body may not vote on an appointment under this section for himself or herself to fill a vacancy in the municipal legislative body.
- (5) In a municipality operating under the six-member council form of government or the council-manager form of government, defined in Subsection 10-3b-103(7), if the voting members of the city council reach a tie vote on a matter of filling a vacancy, the mayor may vote to break the tie.
- (6) In a municipality operating under the council-mayor form of government, the mayor may not:
  - (a) participate in the vote to fill a vacancy;
  - (b) veto a decision of the council to fill a vacancy; or
  - (c) vote in the case of a tie.
- (7) A mayor whose resignation from the municipal legislative body is due to election or appointment as mayor may, in the case of a tie, participate in the vote under this section.
- (8) A municipal legislative body may, consistent with the provisions of state law, adopt procedures governing the appointment, interview, and voting process for filling vacancies in municipal offices.

Amended by Chapter 46, 2023 General Session

RECEIVED MAR 21 2024



## Application for Vacant Town Council Seat

Term will expire January 5, 2026

Application Deadline: 3:00 p.m. Wednesday, April 3, 2024

### APPLICANT INFORMATION:

Name:

WALTER S. JOSE

Address:

[REDACTED ADDRESS]

Street

City

State

Zip Code

Telephone Number:

[REDACTED TELEPHONE NUMBER]

Email Address:

[REDACTED EMAIL ADDRESS]

### QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.



Yes



No

I am a registered voter in the Town of Apple Valley.



Yes



No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months.



Yes



No

I have not been convicted of a felony.



Yes



No

### CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

Walter S. Jose

Applicant's Signature

3/21/2024

Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

## Brief Resume for Walter Earl Josey TC Vacancy Applicant.

30+ year resident of Apple Valley

Ran for Mayor in previous election

Running for Mayor in 2023 election

45+ year Career as a consultant in Satellite

Communications, Radio Astronomy, SETI (Search for Extra Terrestrial Intelligence), Military Defense Projects

Having me on the TC will bring balance.

RECEIVED MAR 21 2024



## Application for Vacant Town Council Seat

Term will expire January 5, 2026

Application Deadline: 3:00 p.m. Wednesday, April 3, 2024

### APPLICANT INFORMATION:

Name: MARGARET OSOSKI

Address: [REDACTED]  
Street City State Zip Code

Telephone Number: [REDACTED]

Email Address: [REDACTED]

### QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States. ☒ Yes ☐ No

I am a registered voter in the Town of Apple Valley. ☒ Yes ☐ No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months. ☒ Yes ☐ No

I have not been convicted of a felony. ☒ Yes ☐ No

### CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

Margaret Ososki  
 Applicant's Signature

3-21-2024  
 Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Margaret Ososki



To help clarify Town Codes and to help facilitate and move the Town in a positive forward motion.

#### EXPERIENCE:

Early 1970's through late 1970's: Wire Operator

Paine Webber Jackson Curtis Stockbrokers

My job was to send buy and sell orders to the trading floors.

Late 1970's through Early 1990's: Records Clerk, Dispatcher 911 calls, Photograph Technician  
Las Vegas Metropolitan Police Department

Keep records, file reports interact with public

Answer 911 calls, dispatch units to crime scenes

Work in crime lab, go to jails to retrieve mug shots

Print and process all films, no digital cameras at this time

Mid 1990's through Early 2000's: Retinal Angiographer, and Surgical Technician  
Retinal Consultants of Nevada, Nevada Retinal Center and  
Nevada Eye and Ear

To inject dye into patients, and take pictures of dye  
going through the veins of the eye. To assist physician  
during eye surgery. To schedule surgery, check insurances.  
Take medical reports, do preliminary eye exams.

Mid 2000's

RETIRED

#### EDUCATION:

Graduated Rancho High School 1971

University of Nevada Las Vegas, 3 years

Las Vegas Massage School



Margaret Ososki



I am applying for the vacant position of Town Council. As a 15 year resident I am familiar with the proceedings of both Town Council and Planning Commission. I have an extensive knowledge of Town Codes.

I have volunteer for the original Parks and Rec Committee as well as the Events Committee. I was an alternate and a Planning Commission Member. I volunteered for the Mosquito Abatement Committee.

As a long time resident I have heard both sides of what residents want. I am more on the side of following the codes, even though many do not feel this way. Many residents feel their voices are not being heard.

Again here we are with another appointed Town Council position opening. I am an independent thinker and will not be afraid to speak up. This is a fault of mine but, I am a loyal player and will do what is best for the town.

**Application for Vacant Town Council Seat****Term will expire January 5, 2026**

Application Deadline: 3:00 p.m. Wednesday, April 3, 2024

**APPLICANT INFORMATION:**Name: Barratt Eric NielsonAddress: [REDACTED]  
*Street City State Zip Code*Telephone Number: [REDACTED]Email Address: [REDACTED]**QUALIFICATIONS:**

I certify that I meet the following Qualifications:

I am a citizen of the United States. ☒ Yes ☐ NoI am a registered voter in the Town of Apple Valley. ☒ Yes ☐ NoI have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months. ☒ Yes ☐ NoI have not been convicted of a felony. ☒ Yes ☐ No**CERTIFICATION OF APPLICANT:**

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

[Signature]  
Applicant's Signature4-1-24  
Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Barratt Eric Nielson

Why I want to serve.

To help keep Apple Valley Town moving in a good direction by holding the developers responsible for their part in the building up of the Town's infrastructure.

Experience

I have served on the Apple Valley Town Council as an appointed member from Jan 27, 2022 to Dec 31, 2023 where I was assigned to preside over the Building Dept. I was appointed to Big Plains Water SSD Board on June 16, 2023 and voted in as the Chairman. I was voted onto the Town Council in the Nov 2023 general election and have served as a Council member since then.

**Application for Vacant Town Council Seat****Term will expire January 5, 2026**

Application Deadline: 3:00 p.m. Wednesday, April 3, 2024

**APPLICANT INFORMATION:**

Name:

Susanne L. Spendlove

Address:

[Redacted Address]  
Street City State Zip Code

Telephone Number:

[Redacted Telephone Number]

Email Address:

[Redacted Email Address]**QUALIFICATIONS:**

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒ Yes ☐ No

I am a registered voter in the Town of Apple Valley.

☒ Yes ☐ No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months.

☒ Yes ☐ No

I have not been convicted of a felony.

☒ Yes ☐ No**CERTIFICATION OF APPLICANT:**

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

[Signature]

Applicant's Signature

4/3/24

Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Susanne L. Spendlove



I am a dedicated and community-oriented individual seeking a position on the Apple Valley City Council to contribute towards the betterment of our town. With a strong background in community service and a passion for civic engagement, I aim to leverage my skills and experiences to address the needs and concerns of our community effectively.

I have served as A Planning Commission Member  
For the City of Apple Valley

January 1, 2024 - Present

- Upheld the town's values
- Considered the requests of the citizens in decisions

Farmers Market Manager  
Hurricane Utah Farmers Market

2020- Present

- Recruited, trained, and supervised volunteers for events.
- Facilitated communication between volunteers, Vendors, and community members to ensure smooth operations.
- Managed Vendor schedules and Booth assignments to maximize efficiency and effectiveness.

Promotions and Education Chair  
Utah Farm Bureau: Washington County

2022-Present

- Promotion of Agriculture through Social Media and in person events.
- Engage consumers and bridge the gap between field to fork by inspiring and equipping farmers to convey the significance of agriculture to the public.
- Attended meetings and public forums to represent Farm Bureau's interests in Agriculture.

**Skills:**

- Strong communication and interpersonal skills
- Excellent organizational and time management abilities
- Proficient in social media platforms
- Ability to work effectively in a team as well as independently
- Dedicated to serving the community and advocating for the residents of Apple Valley

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**Statement of Interest:**

As a resident of Apple Valley, I have witnessed firsthand the impact that effective leadership and community engagement can have on shaping the quality of life for residents. My interest in serving on the Council stems from a deep-seated commitment to making our town a welcoming place for everyone.

Throughout my involvement in various community organizations and activities, I have gained valuable insights into the needs and concerns of our residents. Whether it's organizing events to promote civic participation or volunteering to address local issues, I have always been passionate about giving back to the community and building a sense of togetherness.

My prior experiences have equipped me with the skills necessary to collaborate with diverse stakeholders and find innovative solutions to complex problems. I believe that my dedication, work ethic, and ability to communicate effectively make me well-suited to represent the interests of our town on the Council.

I am committed to listening to the voices of our community members, advocating for policies that represent the citizens' desires for the future, and working tirelessly to ensure that our town remains a vibrant and welcoming place for all. I am excited about the opportunity to contribute my talents and experiences towards building a brighter future for our town, and I am eager to serve on the Council to make a meaningful difference in the lives of our residents.



## **FEE SCHEDULE**

(Adopted on October 18, 2023 **Proposal April 4, 2024** )

### **Administrative Fees**

Government Records Access Management Act (GRAMA) Request: To be determined  
on an individual basis per UCA 63-2-203

Photocopies:	8 1/2 x 11 single or double sided on town paper	<b>\$0.25</b>
	11 x 17 single or double sided on town paper	<b>\$0.50</b>
	Land Use (Zoning Ordinance)	<b>\$22.00</b>
	Subdivision Ordinance	<b>\$9.00</b>
	General Plan	<b>\$8.00</b>
	Standards and Specifications	<b>\$25.00</b>
	Maps 24" x 36"	<b>\$40.00</b>
	Maps 11" x 17"	<b>\$5.00</b>
	Copies on CDs	<b>\$5.00</b>
Returned check fee: (Utah Code Title 7 Section 15)		<b>\$25.00</b>
Smithsonian Fire Department Facility:		
	Training Room	<b>\$50.00</b>
	One Bay (Fire Dept Approval)	<b>\$75.00</b>
	Two Bays (Fire Dept Approval)	<b>\$150.00</b>
	Refundable Deposit.	<b>\$100.00</b>

### **Park Reservation**

Parks are a first come, first serve basis only

Pavilion Rental	1/2 Day	<b>\$25</b>
	Full Day	<b>\$50</b>
	Refundable Cleaning Deposit	<b>\$150</b>

### **Credit Card Processing Fees**

Payments over \$200.00 made with a credit or debit card are subject to an additional 3% processing fee. This applies to transactions other than monthly utility charges. There is no fee for payments made with cash or check.

Special fees or exceptions to payment may be granted by the Town Council for local non-profit organizations or civic functions specific to Apple Valley depending on scheduling conflicts, etc. Additional fees may be charged if there are special needs; i.e. AV equipment, change in room setup or large groups, function is after hours requiring staff to be available, etc.

### **Professional Fees**

Engineering/Legal/Administrative Fees: **\$Actual Cost**



## **Business Licenses**

<b>Alcohol License</b>	<b><u>Initial</u></b>	<b><u>Renewal</u></b>
Class A Retail License (Off Premises)	\$300.00	\$300.00
Class B Retail License (On Premises)	\$1000.00	\$500.00
Class C Retail License (Draft)	\$1250.00	\$750.00
Class D Special Events License	\$200.00	N/A
Class D Special Events Permit Application	\$125.00	N/A
Class D Special Events Permit Change Fee	\$25.00	N/A
Class E Arena/Facility License	\$800.00	\$400.00
Class F Brewpub and Microbrewery License	\$300.00	\$150.00
Temporary License	\$200.00	N/A
Government Owned Facility License	\$400.00	\$200.00

## **Business License**

<b>Short Term Rental License:</b>	<b>\$1,000.00 and all other fees.</b>
Commercial:	\$150.00
Additional Use, Commercial:	\$20.00 each use
Home-Based:	\$0.00
Non-Impact	\$0.00
Impact	\$150.00
Local Licensed Non-Profit Organizations:	\$0.00
Single Event License:	\$100.00
Dog Kennel License: Non-Commercial:	\$50.00
Fire Inspection Fee	\$150.00
Code Inspection Fee	\$150.00
Business License Late fee:	\$25.00 per month or portion of month

## **Special Events Permit**

Application Fee (attendance under 100)	\$75/day
Application Fee (attendance over 100)	\$150/day
Sub-License Fee (vendors)	\$5
Fire Personnel/Fire Equipment	\$750/day
Encroachment Permit	\$200

## **Animal Control**

### **Dog License: (1-year license Expires Dec 31)**

Spayed/Neutered:	\$10.00
Functional:	\$20.00

**Late fee of 25% after February 15.**

## **Solid Waste**

Monthly Fee	\$13.95
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## Engineering/Legal/Admin Fees

### Actual Cost

#### Planned Developments and Development Agreement Fees

Initial Fee	\$500 + Actual Legal & Engineering Cost of Services
Revisions/Amendments	\$Actual Legal & Engineering Cost of Services
Road Dedications	\$750

## Subdivisions and Other Projects

### Construction Plan and Review Fee

<b>Application Fee</b>	<b>\$500</b>
<b>1-10 Lots</b>	<b>\$1,000.00</b>
<b>11-20 Lots</b>	<b>\$100.00/lot</b>
<b>21+ Lots</b>	<b>\$125/lot</b>
 Preliminary Plat	 <b>\$2,700</b>
Final Plat (subdivision, town homes, roads, etc.)	\$1,200 + \$160/per lot

#### Development Review Fees

(Planning/Zoning/Administrative)	\$3,000 plus 3.17% of Bond Amount \$500 Plat Amendment (Lot Line Adjustments)
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## Amendments

Preliminary Plat	\$2,700
Final Plat	\$1,200 + \$10.00 per lot
Public Improvement Inspection Fee	2% of Public Works Improvement Construction Costs

## Board of Appeals

Variance Application	\$550.00
Appeal Hearing	\$550.00

## Building Permits

Pools/Solar/Other	\$375.00
Building Permit	Based on Valuation (see table below)
Habitat Conservation Plan Fee	.002 of Valuation
State Building Permit Surcharge	1% of Building Permit Fee
Plan Review	Residential: 25% of Permit Fee
Plan Review	Commercial: 65% of Permit Fee
Special Inspection	\$125
Re-Inspection Fee	\$125
Building Permit Issued After-The-Fact	Double Permit Fee



Grading & Grubbing Plan Review

See Table A-33-A of Currently Adopted Uniform Building Code(Title 12.02.040) of Appendix Chapter 33 EXCAVATION AND GRADING

Grading & Grubbing Permit

See Table A-33-B of Currently Adopted Uniform Building Code(Title 12.02.040) of Appendix Chapter 33 EXCAVATION AND GRADING

TOTAL VALUATION

*Valuation = Square Feet x*

*Current ICC Building Valuation*

FEE

\$23.50

\$1 to \$500

\$501 to \$2,000

\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000

\$2,001 to \$25,000

\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000

\$25,001 to \$50,000

\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000

\$50,001 to \$100,000

\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000

\$100,001 to 500,000

\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000

\$500,000 to \$1,000,000

\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000

\$1,000,001 and up

\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof

**Refunds**

Where applicant voluntarily withdraws the application, the following refunds will apply:

Application accepted; no further work done

**90% of total filing fee**

Notification of hearing

**75% of total filing fee**

Planning Staff Review (PSR) meeting or written comments from department received.

**50% of total filing fee**

Staff Report completed

**25% of total filing fee**

Public hearing held

**No Refund**

Staff error resulting in mandatory withdrawal

**100% refund**



## **Cemetery**

		RESIDENT	NON RESIDENT
<b>LOT FEES</b>			
	Full Lot	600	1,500
	Half Lot	450	1,350
	Half Lot - Infant	100	500
<b>BURIAL FEES</b>			
	Weekday-Adult	500	700
	Weekday-Cremation	300	400
	Weekday-Infant	0	500
	Weekend-Adult	750	950
	Weekend-Cremation	350	450
	Weekend-Infant	250	350
	Holiday-Adult	750	950
	Holiday-Cremation	350	450
	Holiday-Infant	350	450
	Double Depth Burial-1 <sup>st</sup> Open	Double the Standard Fee	Double the Standard Fee
<b>PERPETUAL CARE (non-refundable)</b>			
	Full Lot	300	300
	Full Lot – Upright	450	450
	Half Lot	100	100
	Half Lot - Upright	250	250
<b>OTHER SERVICES</b>			
	Disinterment-Adult	1200	1200
	Disinterment-Infant/Cremation	600	600
	Disinterment-Double Depth	Double the Standard Fee	Double the Standard Fee
	Late Notice/Late Arrival	200	200
	Funeral/Graveside Services Beginning after 3:00 pm	600	600
	Certificate Fee	25	25
	Transfer Fee	40	40
	Memorial Tree	\$100 Min	\$100 Min
	*50% Discount for Veterans and Individuals who have served on Town Council, Planning Commission, Big Plains Water District, and Fire Department (Volunteer)		

TOWN OF APPLE VALLEY

RESOLUTION R-2024-11

A RESOLUTION AMENDING THE TOWN FEE SCHEDULE

**WHEREAS**, the Town of Apple Valley ("Town") has adopted a fee schedule related to various fees imposed by the Town; and,

**WHEREAS**, the Town Council of the Town of Apple Valley deems it necessary and appropriate that the fee schedule be amended; and,

**WHEREAS**, at a meeting of the Town Council of the Town of Apple Valley, Utah, duly called, noticed, and held on the 4<sup>th</sup> day of April 2024, a motion to amend the fee schedule 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 Fee Schedule is hereby amended to reflect the changes and additions contained in the fee schedule which is attached hereto.

**PASSED** this 4<sup>th</sup> day of April 2024. This resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

\_\_\_\_\_  
Micheal 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   Janet Prentice	_____	_____	_____	_____
Council Member   _____	_____	_____	_____	_____

**APPLE VALLEY  
RESOLUTION R-2024-13**

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

**SECTION 1: REPEAL** “R-2022-05 APPOINTMENT OF PLANNING DEPARTMENT MANAGER” of the Apple Valley Municipal Resolutions is hereby *repealed* as follows:

**REPEAL**

**R-2022-05 APPOINTMENT OF PLANNING DEPARTMENT MANAGER**

~~WHEREAS, the Town of Apple Valley is a Utah municipality; and WHEREAS, the Town of Apple Valley is in need of someone to serve as Planning Department Manager; and WHEREAS, the Mayor, with the advice and consent of the Town Council, can appoint individuals to assist in administrative positions; and WHEREAS, Mayor, Dina Mason Walters, has determined that Frank Lindhardt is a qualified person to be appointed as Planning Department Manager; and WHEREAS, the Town Council gives its advice and consent to the appointment of Frank Lindhardt as Planning Department Manager. NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that Frank Lindhardt is hereby appointed as Planning Department Manager. I. Term 1.1 Term. The term of this Agreement begins on January 3, 2022, and will continue until Mr. Lindhardt voluntarily resigns, the Town Council appoints a replacement, or the Town Council terminates Mr. Lindhardt. II. Employment 2.1 Duties. The Town Council appoints Mr. Lindhardt as Planning Department Manager "Manager" to perform the following duties: a. Work with landowners, developers and their engineers regarding applications for general plan map changes, zoning changes, preliminary plat approvals, preliminary site plan approvals, development agreements, and Planned Development details. b. Ensure that all applications are done according to Town codes and that applications are complete 14 days prior to being placed on the Planning Commission and Town Councils agendas. c. Ensure that all applications are submitted by the record property owners or their authorized representatives. d. Ensure that all application fees are paid prior to being put on an agenda for Planning Commission and Town Council consideration. e. Write and present reports and recommendations to the Planning Commission and Town Council on applications to be considered by the Commission or Council. Reports are submitted in writing to the Planning Commission, Town Council and the applicants, no later than 7 days prior to the meetings, and shall be published in the meeting packets along with the application. f. Assist the Planning Commission and Town Council with research on applications and creation of agendas for meetings. g. Ensure that the General Plan, zoning maps, and master road plans are up to date. h. Coordinate development agreements between the Town, Town Attorney, Planning Commission, and Town Council. i. After approval of preliminary plats or preliminary site plans, forward approvals to the Public Works Manager. j.~~

Review final plats for compliance with planning codes and collects signatures from relevant parties such as Planning Commission Chairman, Mayor, Town Engineer, BPSSD Water Master, and Town Attorney. k. Collect and review preliminary title reports on properties submitted for final plats. l. Be responsible for taking fully executed final plats and title reports from developers to the Town Attorney for his legal review of the title report to ensure roads etc that's being deeded to the town, is free of all liens and incumbrances, prior to recording. m. Participate in all monthly Planning and Development meetings. n. Advise the Planning Commission and Town Council on zoning and development matters and applications. 2.2 Performance of Duties. The Manager shall perform his duties in accordance with all Applicable Law, Town Ordinances, and Town Policies. 2.3 Meetings. If requested by the Planning Commission Chair, the Manager shall attend the scheduled Planning Commission meeting. If requested by the Mayor, the Manager shall attend the scheduled Town Council meeting. The Manager shall attend each monthly Planning and Development meeting. 2.4 Indemnification. To the extent permitted by applicable law, the Town agrees to defend, hold harmless, and indemnify Manager from any demand, claim, suit, action, judgment, and any legal proceeding brought against Manager in the Manager's individual or official capacity as a volunteer employee and as Planning Department Manager, provided that the basis for the legal proceeding relates to an act or omission of the Manager, as an employee or volunteer of the Town, acting within the course and scope of the Manager's employment or volunteer work with the Town. However, the Manager is not entitled to any indemnity rights provided in Section 2.4 if it is established that the Manager committed official misconduct, a willful or wrongful act or omission, an omission constituting gross negligence, or a bad-faith act. Additionally, the indemnity rights provided in Section 2.4 do not cover any costs, fees, expenses, or damages that are recoverable or payable under an insurance contract, held either by the Town or by the Manager. The Manager's legal counsel must be selected with the mutual agreement of the Manager and the Town if that legal counsel is not also the Town's legal counsel. If the legal defense is provided through insurance coverage, the Manager's right to agree to legal counsel provided for him will depend on the terms of the applicable insurance contract. The provisions of this Section 2.4 survive the termination, expiration, or other end of this Agreement and the Manager's employment with the Town. III. Compensation 3.1 Salary. Manager is operating as a volunteer employee and receives no monetary compensation. Manager shall qualify as an employee pursuant to Utah Code section 63G-7-102(3) (2019) and shall be entitled to all protections afforded thereby by the Governmental Immunity Act of Utah. IV. Miscellaneous 4.1 Severability. If any part of this Agreement exceeds the authority provided by law or violates the limitations imposed by law, the Agreement must be construed and modified accordingly, but the remainder of the Agreement must remain in full effect. 4.2 Waiver. A party's waiver of any breach of this Agreement must not constitute a waiver of any other breach. Forbearance or omission by a party in enforcing any of its remedies upon breach will not constitute a waiver of any of that party's remedies. 4.3 Binding Nature of Agreement. This Agreement is binding on the Town and the Manager, as well as their heirs, assigns, executors, personal representatives, and successors in interest. 4.4 Dispute Resolution. Any dispute relating to this Agreement must first be submitted to mediation. The parties must jointly appoint an acceptable mediator. The Town agrees to pay the full cost of mediation. If mediation fails, either party may then seek court relief. 4.5 Applicable Law. This Agreement must be governed by and construed in accordance with the laws of Utah. 4.6 Integration. This

~~Agreement sets forth and establishes the entire understanding between the Town and the Manager relating to the Manager's employment. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement.~~

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   Janet Prentice	_____	_____	_____	_____
Council Member   _____	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Michael Farrar, Mayor, Apple Valley



**TOWN OF APPLE VALLEY  
RESOLUTION R-2024-12**

**A RESOLUTION APPOINTING A BOARD MEMBER FOR THE BIG PLAINS WATER SPECIAL SERVICE  
DISTRICT**

**WHEREAS**, the Town of Apple Valley ("Apple Valley") by resolution (Resolution No. 2011-25) established the Big Plains Water Special Service District, ("District"); and

**WHEREAS**, the mayor and one elected official of the Town of Apple Valley are required to serve as board members for the District, with three members of the board being appointed from the registered voters of Apple Valley; and

**WHEREAS**, Apple Valley Resolution 2011-25 that was adopted by the Apple Valley Town Council to create the Big Plains Water Special Service District, ("District") says that the Town Council delegated the power of appointment to the Mayor; and

**WHEREAS**, a vacancy on the District Board exists due to the resignation of Barratt Nielson; and

**NOW, THEREFORE**, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 4<sup>th</sup> day of April, 2024

**BE IT RESOLVED AS FOLLOWS:**

Kevin Sair, the elected official is appointed as board member of the Big Plains Water Special Service District to serve the remaining 4-year term which will expire on January 3, 2028. If the council term expires prior to January 3, 2028, then the expiration will be the town council term of office expiration date.

**PASSED THIS 4<sup>th</sup> DAY OF APRIL 2024.** This resolution shall be in full force and effect from the date of passage.

TOWN OF APPLE VALLEY

APPOINTING AUTHORITY

\_\_\_\_\_

Michael L. Farrar, Mayor

ATTEST:

\_\_\_\_\_

Jenna Vizcardo, Town Recorder



(Jenna) Town Clerk &lt;clerk@applevalleyut.gov&gt;

## Big Plains Water SSD

Heath Snow &lt;[REDACTED]&gt;

Mon, Apr 1, 2024 at 12:43 PM

To: Mayor &lt;mayor@applevalleyut.gov&gt;

Cc: "(Jenna) Town Clerk" &lt;clerk@applevalleyut.gov&gt;, Michelle Kinney &lt;mkinney@applevalleyut.gov&gt;

Mayor,

With all of the information provided, I am going to take your analysis one step further. Section 17B-1-102(1) defines who the appointing authority is for appointment of members of all types of special districts' controlling boards. This section states:

### **17B-1-102. Definitions.**

*As used in this title:*

(1) "Appointing authority" means the **person or body** authorized to make an appointment to the board of trustees.

As you can see from the words in red, this section states that the Appointing Authority can be a person or a body as long as they are authorized to do so.

Looking at Apple Valley Resolution 2011-5 that was adopted by the Apple Valley Town Council to create the BPW SSD it clearly says that the Town Council delegated the power of appointment to the Mayor (see Section 7 of the Resolution). They did not retain that power. If the Resolution creating the District was silent on who appointed the District's Board of Trustees, then I would probably render the opinion that the Town Council retained that power - as they were exercising the power vested in the Town (as its governing body) to create the District in the first place.

Because there is a very clear delegation of appointment power and the power to fill interim vacancies in Section 7 solely by appointment by the Mayor only in the District's initial governing documents, I don't see how there is any other argument that can be made that the office of the Mayor of Apple Valley is the "Appointing Authority" under State Law.

The fact that BPW SSD's By-Laws that were adopted by the Board of Trustees in 2022 also indicates the mayor's sole appointment power, is additional evidence that this singular power was not only intended by the Apple Valley Town Council but also the District's Board.

One last point to be made is this.....BPW SSD Board of Trustees, acting alone in November of 2022, could not have amended (or adopted new By-Laws) which made the Town Council the Appointing Authority. They don't have the authority to do this. That would be like my last teenager making the decision on his own that me and his mother no longer had the authority to make him go to school and that he was granting that authority to his best friend, Joey. The Town Council, in the form of a resolution, would need to give their consent to the amendment that the District's Board had approved.



HEATH H. SNOW, ESQ. – Managing Partner  
SNOW CALDWELL BECKSTROM & WILBANKS



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