



## TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, August 28, 2024 at 6:00 PM

### MINUTES

**CALL TO ORDER** - Mayor Farrar called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRAYER** – Prayer offered by Council Member Prentice.

**ROLL CALL**

**PRESENT**

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Janet Prentice

Council Member Annie Spendlove

Council Member Scott Taylor

**DECLARATION OF CONFLICTS OF INTEREST**

None declared.

**PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR**

No public comments.

**MAYOR'S TOWN UPDATE**

1. AV-1378-N, Lot Split 2 parcels\_Cortney Barlow.

Mayor Farrar provided an update regarding town matters, including a lot split in Apple Valley by Courtney Barlow. The split resulted in three parcels. The mayor expressed appreciation for Courtney Barlow's cooperation in resolving the matter.

**REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS**

Mayor Farrar provided several updates on town matters. First, the mayor acknowledged the retirement of Harold and Ross, who had long contributed to the water management. Their departure was on good terms, and the mayor expressed gratitude for their years of service.

The mayor then addressed a discussion with a developer regarding water usage statistics for half-acre and one-acre parcels. While the developer suggested that half-acre parcels use less water than one-acre parcels, the mayor shared data showing that, in Apple Valley, one-acre parcels have been using less water than half-acre parcels, though the mayor could not explain the discrepancy.

Next, the mayor clarified a previous statement regarding the use of flood money. Flood money, the mayor explained, can only be used for infrastructure projects, such as the purchase of equipment for installing culverts, and not for the maintenance of bar ditches. Responsibility for maintaining bar ditches remains with the residents for the time being.

The mayor also cleared up confusion regarding nuisance complaints and code enforcement. While the 300-foot rule applies to nuisance complaints, the mayor as the code enforcement officer can address violations beyond this limit. The mayor encouraged residents to report any concerns.

Lastly, the mayor introduced a proposed text notification system that would be used for emergencies, general updates, and surveys to gather public input. The system would allow residents to report issues such as downed

power lines or potholes and could potentially target specific areas of the town with messages. The mayor emphasized the importance of public input and encouraged residents to engage with town officials in any way possible to ensure decisions reflect the community's needs.

## **PUBLIC HEARING**

2. Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

Mayor Farrar opened the public hearing for Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

The mayor explained that the change involved eliminating Pioneer Day, or Founders Day, as an occasion for fireworks due to low participation. The suggestion was to keep fireworks celebrations limited to the Fourth of July.

No public comments.

Mayor Farrar closed the public hearing for Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

3. Ordinance-O-2024-59, Salaries in municipalities -- Notice.

Mayor Farrar opened the public hearing for Ordinance-O-2024-59, Salaries in municipalities -- Notice.

Mayor Farrar discussed Ordinance O-2024-59, which involves a new law requiring municipalities to hold public hearings to disclose salary information. The ordinance ensures compliance with transparency requirements, making the town's compensation public.

No public comments.

Mayor Farrar closed the public hearing for Ordinance-O-2024-59, Salaries in municipalities -- Notice.

## **DISCUSSION AND ACTION**

4. Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

**MOTION:** Council Member Taylor moved that we approve Ordinance-O-2024-62, 8.08.030 Fireworks Restrictions amendment.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

5. Special Event Permit Application\_Grand Circle Trailfest - Day #2 - Vacation Races on October 4, 2024.

Mayor Farrar introduced a special event permit application for the Grand Circle Trailfest event scheduled for October 4, 2024. The mayor noted that the application mistakenly listed a lower attendance fee and needed to be corrected to reflect a higher attendance. The event would include a race starting at Ruby Rider Ranch on Main Street, with no alcohol sales and some food provided for free to participants. Basic

infrastructure such as tents, bathrooms, and a sound system would be in place, and no road closures were necessary.

A question was raised about how dust control would be handled, as there had been complaints about dust during previous events. The mayor confirmed that the event organizers are responsible for dust control, including watering the roads, and would face a fine if they failed to comply. The town charges a \$250 general maintenance fee for road use, and organizers are required to manage the dust by hiring a water truck. There is also a \$1,000 dust violation penalty in place to ensure compliance.

**MOTION:** Council Member Sair motioned we approve Special Event Permit Application\_Grand Circle Trailfest - Day #2 - Vacation Races on October 4, 2024.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

6. Ordinance-O-2024-45, Adopt Title 10.42 Controlled Growth Management Plan.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance-O-2024-45, which proposes adopting Title 10.42 for a growth management plan, following approval by the Planning Commission on August 7, 2024. The plan, modeled after a successful approach used in Boulder City, Nevada, aims to limit building permits to 20 per year in order to manage growth at a sustainable pace. This plan is intended to prevent overwhelming the town's limited resources and staff. The ordinance reserves 10 permits for owner-occupiers and 10 for developers, with flexibility to adjust those numbers if necessary.

The mayor emphasized the importance of ensuring that the town can handle the influx of permits without overburdening the current staff, which includes himself, Town Clerk Jenna, and other team members already working beyond full capacity. The plan allows for future adjustments by the town council based on growth and available resources. The town attorney has reviewed the ordinance, though there are differing opinions on its legality. The mayor stressed that the goal is not to stop growth but to manage it responsibly, ensuring that the town is prepared to support new development when it occurs.

Mayor Farrar also acknowledged that once developers start building and generating revenue through impact fees and taxes, the town could consider hiring additional staff. However, this would take time as qualified personnel need to be found, trained, and paid sufficiently to manage the workload. The mayor concluded by highlighting the current strain on staff and the need for careful planning before increasing building permit allocations.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-45, that we Adopt Title 10.42 Controlled Growth Management Plan, that the Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Spendlove.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor – Aye

The vote was unanimous and the motion carried.

7. Ordinance-O-2024-46, Repeal Title 10.10.060 SF Single Family Residential Zone.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance-O-2024-46, which seeks to eliminate the Single Family Residential Zone, following approval by the Planning Commission on August 7, 2024. This is part of an ongoing effort to simplify zoning laws, as the town already eliminated half-acre zoning. The ordinance primarily affects Cedar Point, though the area is grandfathered in, allowing existing rules to continue. The mayor expressed a desire to eventually work with Cedar Point on a potential zoning change to Rural Estates, allowing residents to legally own animals such as horses and cows, which he believes aligns with the rural nature of the community.

The ordinance would consolidate zones, leaving only RE-1, RE-2.5, and RE-5 for residential properties, and maintaining larger agricultural zones like AG-5, AG-10, AG-20, and AG-40. This streamlining is intended to reduce confusion, as many residents struggle to understand the existing zoning rules. The mayor noted that eliminating the Single Family Residential Zone reflects the current needs of the small town, but it could be reconsidered if future development calls for it.

Council Member Prentice and Spendlove raised a concern about potentially restricting animals within developments through their Covenants, Conditions, and Restrictions (CC&Rs), which could circumvent the town's efforts to preserve a rural, animal-friendly environment. The council members asked if there was a way to prevent from including such restrictions.

Mayor Farrar responded by noting that while CC&Rs are civil agreements between residents, the town cannot enforce or directly regulate them. He mentioned the possibility of specifying in development agreements (DAs) that CC&Rs cannot contradict town ordinances, especially regarding animals. He acknowledged that CC&Rs often create division among residents, with some individuals unaware of what they are agreeing to when purchasing property. The mayor committed to discussing this matter with legal counsel to see if the town could set limits on what CC&Rs can impose, particularly regarding animal ownership.

The mayor also noted that enforcement of CC&Rs typically falls on residents themselves, who must form boards and take civil action, if necessary, as the town has no authority over these agreements.

**MOTION:** Council Member Sair motioned Sair motioned that we Repeal Ordinance-O-2024-46, Title 10.10.060 Single Family Residential Zone, this was approved by the Planning Commission on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Spendlove.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye

Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

8. Resolution-R-2024-29, Update Town Design Standards and Specifications, Add Section 3.6.7.5 Storage Tanks.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Resolution R-2024-29, which proposed updates to the town's design standards and specifications, specifically related to section 3.6.7.5 regarding storage tanks. The Planning Commission had recommended approval on August 7, 2024. The resolution focused on clarifying the standards for public water system storage tanks, specifying that only concrete tanks would be required for public water sources. The mayor clarified that these updates do not apply to individuals with private wells, who are still allowed to use steel tanks. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned we approve Resolution-R-2024-29, Update Town Design Standards and Specifications, Add Section 3.6.7.5 Storage Tanks, approve by the Planning Commission on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

9. Ordinance-O-2024-40, Adopt Title 10.39 Drones On Private Property.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented Ordinance O-2024-40, which aimed to adopt regulations for drone use over private property. The ordinance was introduced in response to numerous complaints about drones being flown over private properties, causing disturbances such as scaring animals. While state law already prohibited flying drones over private property without permission, the town ordinance was proposed to provide a local enforcement mechanism. This would allow the town to issue civil fines for violations. The ordinance was designed to address concerns and provide a clearer means to enforce rules against intrusive drone use. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned on Ordinance O-2024-40 that we Adopt Title 10.39 Drones On Private Property, recommend approval by the Planning Commission on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

10. Ordinance-O-2024-41, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1368-TR. Applicant: Lyman Family Farm Inc.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance O-2024-41, which proposed a zone change for a 240-acre parcel. This application, submitted by Aligning Family Farm, was recommended for approval by the Planning Commission on August 7, 2024. The parcel is located south of Highway 59. The ordinance was presented for consideration by the council. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned that we approve Ordinance-O-2024-41, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1368-TR. Applicant: Lyman Family Farm Inc.

**SECOND:** The motion was seconded by Council Member Taylor.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

11. Ordinance-O-2024-42, Zone Change from Open Space Transition to A-X Agricultural Zone for parcels: AV-1354-D-8, AV-1354-D-7, AV-1354-D-6. Applicant: Hutchings, Shayne E & Julie TRS.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented Ordinance O-2024-42, which included a 10-acre lot and two 5-acre lots. These parcels are located off Main Street, south of Highway 59. The ordinance was introduced for the council's consideration. No questions or concerns were raised by the council.

**MOTION:** Council Member Taylor moved that we approve Ordinance-O-2024-42, Zone Change from Open Space Transition to A-X Agricultural Zone for parcels: AV-1354-D-8, AV-1354-D-7, AV-1354-D-6. Applicant: Hutchings, Shayne E & Julie TRS, Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Spendlove.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye

Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

12. Ordinance-O-2024-60, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-D-10. Applicant: Perry and Judy Keys.

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance-O-2024-60. The parcel is 10 acres in size and is currently designated as Open Space. The change to AG X was recommended for approval by the Planning Commission on August 7, 2024. The parcel is located off Main Street in the same area as the previously discussed properties. No questions or concerns were raised by the council.

**MOTION:** Council Member Spendlove motioned we approve Ordinance-O-2024-60, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-D-10. Applicant: Perry and Judy Keys, Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

13. Ordinance-O-2024-50, Zone Change on parcel: AV-1327-B (Simply 899 LLC) from Cabins or Tiny Home Parks Zone (CTP) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented item 13, Ordinance O-2024-50, which proposed a zoning change for parcel AV-13.7-B from Tiny House Park Zone (CTP) to RE-5 (Rural Estate) for a 40-acre area. The purpose of this change was to lower the density to better align with the general plan and address water issues. The parcel is located east of Main Street and north of the highway. Mayor Farrar clarified that the general plan would be updated once all zoning changes were completed. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-50, Zone Change on parcel: AV-1327-B (Simply 899 LLC) from Cabins or Tiny Home Parks Zone (CTP) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Recommended by the Planning Commission on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Taylor.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

14. Ordinance-O-2024-51, Zone Change on parcel: AV-1311-A-7-A (Gooseberry Preserve LLC) from Planned Development (PD) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance O-2024-51. The proposal was to change the zoning from Land Development to Rural Estate RD-5. The purpose of the change is to implement a density management plan to address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel is 70 acres, located north of Gooseberry.

Mayor Farrar noted the need to review the existing Development Agreement (DA) and will work on updating it if necessary.

Council Member Prentice inquired about the location and the terms of the Development Agreement. Mayor Farrar confirmed that the DA is in place and will be reviewed. Concerns were raised about ensuring construction vehicles do not disrupt current residents and that existing roads are used for access.

Council Member Prentice emphasized the need to be considerate of current residents during development and construction, and to ensure that the Development Agreement includes provisions to address these concerns. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-51, Zone Change on parcel: AV-1311-A-7-A (Gooseberry Preserve LLC) from Planned Development (PD) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

15. Ordinance-O-2024-52, Zone Change on parcel: AV-1-3-5-211 (Heber R Allred) from Single-Family Residential > 20,000 Sq Ft (SF-.5) and Highway Commercial (C-2) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented the ordinance for a zone change on parcel AV-1-3-5-211, currently zoned Single Family Residential 20,000 square feet, Single Family 0.5, and Highway Commercial C-2. The proposed change is to Rural Estate Zone RE-5 to lower density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel covers 137 acres, located south of the highway off Main Street.

Council Member Prentice supported the change, noting its necessity. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-52, Zone Change on parcel: AV-1-3-5-211 (Heber R Allred) from Single-Family Residential > 20,000 Sq Ft (SF-.5) and Highway Commercial (C-2) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

16. Ordinance-O-2024-55, Zone Change on parcel: AV-1319-A (Tru South, LLC) from Rural Estate 1 Acres Zone (RE-1) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced the ordinance for a zone change on parcel AV-1319-A (Tru South, LLC), from Rural Estate (one acre) to Rural Estate (five acres). The purpose of the change is to reduce density and align with the General Plan, to address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel is 66 acres, located west of Main Street and north of the highway. Mayor Farrar noted that this parcel has no vested rights or pre-existing agreements. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned to approve Ordinance-O-2024-55, Zone Change on parcel: AV-1319-A (Tru South, LLC) from Rural Estate 1 Acres Zone (RE-1) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Approved by the Planning Commission on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

17. Ordinance-O-2024-64, Zone Change on parcel: AV-1327 (Holm House LLC) from Single-Family Residential > 20,000 Sq Ft (SF-.5) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced the ordinance for a zone change on parcel AV-1327 (Holm House LLC), from Single Family Residential half-acre to Rural Estate five acres. The purpose of the change is to lower density, match the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel consists of 444 acres, located north of the highway and east of Main Street. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-64, Zone Change on parcel: AV-1327 (Holm House LLC) from Single-Family Residential half-acre (SF-.5) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

18. Ordinance-O-2024-65, Zone Change on parcels: AV-1348-A, AV-1345, AV-1346, AV-1326 (Holm House LLC) from Rural Estates 1 Acre Zone (RE-1.0) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

\*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced the ordinance for a zone change on parcels AV-1348-A, AV-1345, AV-1346, AV-1326, owned by Holm House LLC, from Rural Estates (one acre, RE-1) to Rural Estates (five acres, RE-5). The purpose of the change is to lower density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcels total 640 acres and are located north of the highway and east of Main Street. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned we approve Ordinance-O-2024-65, Zone Change on parcels: AV-1348-A, AV-1345, AV-1346, AV-1326 (Holm House LLC) from Rural Estates 1 Acre Zone (RE-1.0) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, and to address our water issues." Planning Commission approve this also on August 7, 2024

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

19. Ordinance-O-2024-53, Zone Change on parcels: AV-1353-JC2, AV-1383-JC2, AV-1352, AV-1341, AV-1340, AV-1347 (Jepson Canyon Resort Development Co., Inc) from Planned Development (PD) to Rural Estates 1 Acres Zone (RE-1.0) and the reason for the request is "Change to RE-1."

\*Scheduled for Planning Commission recommendation on August 27, 2024.

Mayor Farrar introduced the ordinance for a zone change on parcels AV-1353-JC2, AV-1383-JC2, AV-1352, AV-1341, AV-1340, and AV-1347, which are part of the Jepson Canyon Resort Development Company. The proposal is to change the zoning from Planned Development (PD) to Rural Estate (one acre, RE-1). The request is intended to lower density, align with the General Plan, and address water issues. The Planning Commission had recommended approval the previous night.

However, Mayor Farrar requested that the council table the item for 30 days as there are still some details being worked out with Jepson , who has been cooperative in the process but needs additional time to finalize these issues. No questions or concerns were raised by the council.

**MOTION:** Council Member Prentice motioned we table.

**SECOND:** The motion was seconded by Council Member Taylor.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

20. Ordinance-O-2024-54, Zone Change on parcels: AV-1382-JC2, AV-1381, AV-1337-A-1-A-1-A, AV-1381-JC1, AV-1384-JC3, AV-1338-A-1-JC3, AV-1385-JC3, AV-1338-A-2 (Little Creek Land Company, LLC) from Planned Development (PD) to Rural Estates 1 Acre Zone (RE-1.0) and Highway Commercial Zone (C-2) and the reason for the request is "Change to RE-1 and C-2."

\*Scheduled for Planning Commission recommendation on August 27, 2024.

Mayor Farrar introduced the ordinance for a zone change on parcels associated with the Little Creek Land Company. The proposal seeks to change the zoning from Planned Development (PD) to Rural Estate (one acre, RE-1) and Highway Commercial (C-2) for mixed-use purposes. The request is aimed at aligning with the General Plan, reducing density, and addressing water issues. The Planning Commission recommended approval the previous night.

However, Mayor Farrar requested that this item also be tabled, as there are details in the Development Agreement (DA) that still need to be finalized. No questions or concerns were raised by the council.

**MOTION:** Council Member Taylor moved that we table this ordinance until next month.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

21. Ordinance-O-2024-56, Zone Change on parcels: AV-1317-B, AV-1317-D, AV-1325, AV-1-2-19-313, AV-1-2-19-312, AV-1-2-19-315, AV-1-2-19-316, AV-1-2-19-317, AV-1-2-19-420, AV-1324-A, AV-1323-A, AV-1322-A (Crimson Peaks Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 to RE-1."

\*Scheduled for Planning Commission recommendation on August 27, 2024.

Mayor Farrar introduced a zone change for Crimson Peak Subdivision, involving multiple parcels and owners. The proposal would change zoning from Single Family Residential (greater than 20,000 square feet, SF-.5) to Rural Estate (one acre, RE-1). The goal is to reduce density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 27, 2024.

This involves approximately 100 acres west of the town building and near the highway. Mayor Farrar explained that while there was a preliminary plat, it was incomplete due to certain requirements not being met, which means the project is not vested under current ordinances. The mayor stated ongoing work with developers to resolve outstanding issues.

Council Member Prentice commented on how long the process has been ongoing.

**MOTION:** Council Member Prentice motioned on Ordinance-O-2024-56, Zone Change on parcels: AV-1317-B, AV-1317-D, AV-1325, AV-1-2-19-313, AV-1-2-19-312, AV-1-2-19-315, AV-1-2-19-316, AV-1-2-19-317, AV-1-2-19-420, AV-1324-A, AV-1323-A, AV-1322-A (Crimson Peaks Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 to RE-1." Planning Commission recommendation on August 27, 2024.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

22. Ordinance-O-2024-57, Zone Change on parcels: AV-1313-D-1-A, AV-1313-D-2 (West Temple Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) and Single-Family Residential > 40,000 Sq Ft (SF-1.0) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 and SF-1.0 to RE-1, C-2 and A-40 will remain the same."

\*Scheduled for Planning Commission recommendation on August 27, 2024.

Mayor Farrar introduced a zone change for the West Temple Subdivision, affecting parcels AV-1313-D-1-A and AV-1313-D-2. The proposal would change zoning from Single Family Residential (SF-0.5, greater than 20,000 square feet, and SF-1, greater than 40,000 square feet) to Rural Estate (one acre, RE-1). The request maintains that the Commercial (C-2) and Agricultural (A-40) zoning will remain unchanged.

The Planning Commission recommended approval on August 27, 2024. Mayor Farrar emphasized that the C-2 and A-40 zoning should remain the same, ensuring this is clearly stated in the motion.

Council Member Spendlove inquired about the location of the commercial zoning, to which Mayor Farrar confirmed that it would be along the highway.

**MOTION:** Council Member Taylor moved that we approve Ordinance-O-2024-57, Zone Change on parcels: AV-1313-D-1-A, AV-1313-D-2 (West Temple Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) and Single-Family Residential > 40,000 Sq Ft (SF-1.0) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 and SF-1.0 to RE-1, C-2 and A-40 will remain the same."

**SECOND:** The motion was seconded by Council Member Spendlove.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

23. Ordinance-O-2024-59, Salaries in municipalities -- Notice.

Mayor Farrar introduced an ordinance regarding the salaries and municipal notice. This ordinance addresses the public disclosure of salaries, specifically related to the town attorney's pay. The mayor mentioned that moving forward, any review or adjustment of the town attorney's contract would be done in a public hearing to ensure transparency. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned to approve Ordinance-O-2024-59, Salaries in municipalities -- Notice.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

24. Resolution-R-2024-33, Amendment to Personnel Policies and Procedures (QSEHRA Benefits).

Mayor Farrar introduced a resolution amending the personnel policies and procedures regarding QSEHRA benefits. No questions or concerns were raised by the council.

**MOTION:** Council Member Taylor moved that we approve Resolution R-2024-33, Amendment to Personnel Policies and Procedures (QSEHRA Benefits).

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

25. Resolution-R-2024-34, Amendment to Personnel Policies and Procedures (Yearly Review Personnel policy with Bereavement updates).

Mayor Farrar introduced a resolution amending the personnel policies and procedures with updates to the bereavement policy. The changes included housekeeping adjustments such as correcting typographical errors. The bereavement policy now provides full-time employees 30 hours of paid leave after the death of a spouse, child, parent, grandparent, sibling, in-law, or another relative residing with the employee. Employees may use vacation or compensatory time for other family funerals. No questions or concerns were raised by the council.

**MOTION:** Council Member Taylor moved that we approve Resolution R-2024-34, Amendment to Personnel Policies and Procedures (Yearly Review Personnel policy with Bereavement updates).

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

26. Resolution-R-2024-35, Amendment to Personnel Policies and Procedures (Receipting update).

Mayor Farrar introduced a resolution amending the personnel policies and procedures regarding receipt updates. This amendment formalized the process for documenting receipts for cash and check payments, reflecting current practices. No questions or concerns were raised by the council.

**MOTION:** Council Member Spendlove motioned we approve Resolution-R-2024-35, Amendment to Personnel Policies and Procedures (Receipting update).

**SECOND:** The motion was seconded by Council Member Taylor.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

27. UpAhead Software Agreement.

Mayor Farrar introduced a new software agreement for a text notification system at a cost of \$200 per month. The system will be used primarily for emergency notifications, such as evacuation routes or urgent safety messages, with the ability to send out surveys and general town notifications.

The system includes a QR code that residents can scan to opt in, with the option to choose between receiving only emergency alerts or all notifications. The QR code will be available on the town website and sent with water bills. The system also allows for zone-specific notifications to target certain areas of the town.

Council members expressed support for the system's use, especially for emergency communication and broader resident input. There was a discussion about ensuring the system's effectiveness, with plans to evaluate its performance after a few months. If successful, it could replace the current methods, but it can be canceled with a 60-day notice if it doesn't gain enough participation.

**MOTION:** Council Member Taylor moved that we approve the UpAhead Software Agreement.

**SECOND:** The motion was seconded by Council Member Spendlove.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

28. Resolution-R-2024-36, Modifying, Limiting, and Revoking the Delegation of Authority to the Big Plains Water Special Service District.

Mayor Farrar introduced the resolution, which would transition control of the Big Plain Water Special Service District to the Town Council. Previously, Harold and Ross held key positions on the Water Board,

but both have retired. Instead of appointing two new individuals, the Town Council will assume responsibility for the district's management.

The mayor explained that he had spoken with Harold and Ross, and both were in favor of this transition. The council will now function as the Water Board, with regular council meetings closing to conduct water meetings. The move was presented as a practical solution due to the difficulty of finding volunteers for these roles, with assurances that the current system and responsibilities would remain largely unchanged.

The council members expressed comfort with the decision, noting that Harold and Ross will still be available to provide assistance if needed.

**MOTION:** Council Member Taylor moved that we approve Resolution R-2024-36, Modifying, Limiting, and Revoking the Delegation of Authority to Big Plains Water Special Service District.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

29. Approval of dump trailer purchase.

Mayor Farrar introduced the approval for the purchase of a dump trailer. The trailer will be used to transport the mini excavator, dirt, and other materials. It was noted that the item was mistakenly left off a previous meeting's agenda. The mayor confirmed that the trailer, priced at just under \$13,000, is a good deal, especially when compared to another trailer the town recently purchased for \$18,000. The mayor also noted that the research confirmed the price was fair, ensuring the town was making a prudent purchase.

**MOTION:** Council Member Prentice motioned that we approve the dump trailer purchase.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

30. Auxiliary Fire Station Lease Renewal.

Mayor Farrar introduced the renewal of the fire station substation lease, which is up for its six-month renewal. The mayor highlighted that the lease has been beneficial for all parties involved and has

contributed to lowering the town's ISO (Insurance Services Office) insurance rating to a 5. He acknowledged that while there are still some issues with certain insurance companies, especially for residents in Cedar Point, the lease is fulfilling its intended purpose.

Council Member Prentice inquired about the lease's performance, and the mayor reiterated that it's working well. He noted that the lower insurance rating does not officially take effect until October 1. The six-month lease renewal cost is \$500.

**MOTION:** Council Member Taylor moved to approve the Auxiliary Fire Station Lease Renewal.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye  
Council Member Sair - Aye  
Mayor Farrar - Aye  
Council Member Spendlove - Aye  
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

## DISCUSSION

### 31. Storm Water Drainage Fee.

Storm water drainage fee.

Mayor Farrar introduced a discussion about the storm water drainage fee, which is currently set at \$10 per month. The fee is intended for infrastructure improvements related to flooding. The mayor and Council Members discussed whether the fee should also be used for maintenance purposes.

Council Member Taylor and Council Member Sair expressed concerns about the fee's adequacy, noting that previous significant stormwater projects have cost millions, far exceeding the collected fees. Council Member Sair suggested reviewing the fee structure and exploring ways to better use or adjust the fee, potentially using it for maintenance rather than just future improvements.

Mayor Farrar clarified that the fee is not an impact fee, so there is no deadline for using the collected funds. He emphasized that while the fee won't cover major flooding projects, it has been used for smaller improvements. He proposed discussing this further in a work meeting and possibly surveying residents for their input on how the fee is utilized.

Council Member Prentice supported the idea of reviewing the fee's usage and considering a combination of maintenance and improvement projects. Mayor Farrar agreed to include this discussion in the next work meeting and gather more information from the town.

## CONSENT AGENDA

32. Disbursement Listing for July 2024.
33. Budget Report for Fiscal Year 2025 through July 2024.
34. Approval of Minutes: July 31, 2024, Special Town Council Meeting - Apple Valley Pipeline.
35. Approval of Minutes: July 31, 2024, Town Council Meeting and Hearing.

The Mayor asked if there were any questions or concerns regarding these items. No questions or concerns were raised by the council.

**MOTION:** Council Member Sair motioned that we approve Disbursement Listing for July 2024, Budget Report for Fiscal Year 2025 through July 2024, Approval of Minutes: July 31, 2024, Special Town Council Meeting - Apple Valley Pipeline, and Approval of Minutes: July 31, 2024, Town Council Meeting and Hearing.

**SECOND:** The motion was seconded by Council Member Prentice.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

#### ADJOURNMENT

**MOTION:** Council Member Prentice motioned to adjourn.

**SECOND:** The motion was seconded by Council Member Sair.

**VOTE:** Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:23 p.m.



Date Approved: 10/9/24

Approved BY: 

Mayor | Michael L. Farrar

Attest BY: 

Town Clerk/Recorder | Jenna Vizcarro