TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 25, 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- Council Member Prentice offered the prayer for the meeting.
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.

MAYOR'S TOWN UPDATE

In the mayor's update, Mayor Farrar apologized to the council and the public for not maintaining effective communication, particularly on social media and the late release of the meeting agenda. The mayor acknowledged the busy schedule over the past weeks, dealing with water issues, attorneys, and developers. The mayor assured the public and council of efforts to improve communication and get agendas out earlier.

The mayor then provided an update on a repaired water tank, emphasizing the safety concerns that necessitated the repair. The tank, which had been leaking for years, was repaired by an external contractor and is now considered structurally sound for at least another year, giving time to construct a new million-gallon tank. The mayor mentioned upcoming meetings regarding the tank's construction and funding, with potential access to funds as early as January or February. The fix is intended to stabilize the situation until the new tank is ready.

The mayor also announced a pipeline ceremony scheduled for the next day, inviting the council to attend. Representatives from the State Division and the Washing County Water Conservancy District would be present for the groundbreaking ceremony. The mayor expressed hope that the project would improve public perception of Apple Valley's water issues, potentially boosting property values and opportunities for refinancing.

Additionally, the mayor reported on a recent sanitary inspection of the town's water system, which yielded positive results except for a minor, long-standing issue related to the construction of the million-gallon tank, which did not result in penalties. The mayor also addressed ongoing issues with the town's springs, specifically the presence of coliform bacteria. Efforts to address the problem included cleaning and inspecting the springs, with updates promised for the public.

Council Member Prentice commended the mayor's work, and the mayor noted the opportunity to learn more about the springs and their potential for future water development. The mayor mentioned that efforts to clean the springs revealed roots blocking water flow, which had been partially addressed.

Council Member Sair provided an update on the gazebo project, stating that it was becoming more stabilized but still required some finishing touches. Council Member Prentice discussed the community garden and a planned fundraiser during Founders Day. The mayor approved the fundraiser, subject to availability, and noted that the

community garden was progressing well, with plans for its location finalized. The garden would be available for both residents in need and those interested in gardening.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

Mayor Farrar opened the floor for public comments, allowing each speaker three minutes to present their comments.

Resident Rich Ososki raised concern about business licensing in Apple Valley. He stated that, based on his understanding, it appears that a business license is not required to operate a business in town. He specifically mentioned an ATV business and ATV repair shop operating in a residential area under a license with another city. Ososki also suggested that other businesses might be operating similarly or using licenses from other towns in Utah. He noted that, according to the current administration, this practice is considered legal due to a loophole in the town code, which lacks a specific mention of "Apple Valley" in the requirements. Ososki acknowledged the recent fee increases aimed at fairness and requested that the council investigate this issue to determine if there is a problem with the existing code.

Mayor Farrar responded to Rich Ososki's comment, confirming that Ososki was correct about the current ordinance. The mayor acknowledged that the ordinance currently states that a business must have a business license but does not specify that it must be from the Town of Apple Valley. The mayor apologized for not addressing this issue sooner and assured Ososki that it would be placed on the next meeting's agenda. The mayor committed to amending the ordinance to require a business license specifically issued by the Town of Apple Valley to eliminate this loophole and prevent businesses from using licenses from other towns, such as Hilldale.

The mayor instructed Town Clerk Jenna to note the addition of this item to the next agenda for discussion and modification of the ordinance. The mayor also mentioned that although their own business, operating in marketing with a business address in Apple Valley, required an Apple Valley business license, they would double-check the specifics. The mayor committed to consulting the town attorney, Heath, to clarify the situation and ensure the ordinance is correctly interpreted and enforced.

MAYOR'S TOWN UPDATE

1. Lot Split Application_AV-1365-N_Izaak McHenry_Todd Chamberlain

   Mayor Farrar discussed the lot split application AB-1365 involving Isaac McHenry and Todd Chamberlain. The application is a simple request from a retired firefighter who owns a 10-acre lot and wishes to divide it into two 5-acre lots for himself and a friend or relative. The property is located near Red Hawk and Bubbling Wells. The mayor explained that in the past, the applicant had been informed that a new road, bar ditches, and drainage would need to be constructed for the lot split, which would have been prohibitively expensive. However, Planning Commission Chairman Bradley Farrar proposed a solution allowing the applicant to create an easement along the side of the first property, which he owns, to access the second lot. This solution eliminated the need for additional costly infrastructure, and the lot split was approved. The mayor emphasized that this approach reflects a broader intention to work with property owners who want to split their parcels for family members and to make the process more user-friendly. He also mentioned the need to review and potentially update ordinances to support such flexibility.

DISCUSSION AND ACTION

2. Attorney Engagement Scope.

The council discussed the engagement and role of the town attorney, led by Council Member Sair and Town Attorney Heath Snow. Council Member Sair emphasized the need for legal clarification on the council's responsibilities and procedures, particularly regarding ordinances. The council expressed a desire for the attorney to review ordinances before they are presented to ensure compliance with state and federal laws.

Town Attorney Heath Snow explained his role in representing municipalities and offered his services to attend meetings remotely at a reduced rate. He recommended reviewing each ordinance before council approval and stated his willingness to provide legal guidance in real time during council meetings if necessary. He also mentioned that he typically coordinates with the mayor and the town clerk, Jenna, to determine if his presence is needed based on the agenda.

The mayor expressed openness to the council, accessing the attorney when needed, while emphasizing the importance of cost control. The mayor supported having the attorney review complex ordinances and agreed that the attorney could be present for meetings if requested by council members.

The mayor confirmed that he would continue consulting the attorney on complex matters and reiterated his respect for the attorney's expertise. The attorney clarified that he limits his interactions with town representatives and does not take calls directly from residents.

Council members agreed to table the discussion on finalizing the attorney's scope until further deliberation could occur.

MOTION: Council Member Sair motioned that we table the Attorney Engagement Scope to next town council meeting.

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.

3. Oculta Roca Development Agreement Addendum and Public Infrastructure Development (PID).

*Set Public Hearing Date Only.

Mayor Farrar addressed agenda item number three, which involved the Oculta Roca development agreement addendum and the Public Infrastructure District (PID). The mayor stated that a public hearing was scheduled for two weeks from the current meeting date, following a recommendation from the town's attorney, Heath Snow, who suggested it was necessary. However, Matt Ence, the attorney specializing in PIDs, advised that a public hearing was not required. Despite this, the public hearing was already scheduled, and the mayor expressed a commitment to proceed.

The mayor noted that Heath, who acknowledged Matt's expertise in PIDs, had reviewed the PID proposal sent by Matt and had no initial concerns. Although Heath had not yet provided official approval, the

mayor intended to proceed with the proposal pending Heath's confirmation. The mayor planned to invite both Matt and Heath to attend the public hearing in two weeks to provide additional assurances and address any concerns the council may have.

The mayor also mentioned that he had prepared paperwork for an agreement related to the million-gallon water tank and indicated that everything appeared to be progressing well. A motion was called to set the public hearing date formally.

MOTION: Council Member Taylor moved that we set a public hearing date for the Oculta Roca Development Agreement Addendum and Public Infrastructure Development (PID) for October 9, 2024 at 6:00 p.m.
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.

4. Ordinance-O-2024-66, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced agenda item four, ordinance O-2024-66, a zoning application to change parcel AV-1354-NP-5-A from Open Space Transition (OST) to Agricultural (AG-X). The applicants, Vance and Connie Covington, requested the rezoning for the 19-acre parcel located near Coyote.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-66, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington.
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. Ordinance-O-2024-67, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented agenda item five, ordinance O-2024-67, for a zone change of parcel AV-1355-8 from Open Space Transition (OST) to Agricultural (AGX). The applicant, Heber Albert, intends to use the 90-acre parcel south of Main Street for agricultural purposes before future development. The planning commission recommended approval on September 4, 2024.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-67, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred. Planning Commission recommended approval on September 4, 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.

6. Ordinance-O-2024-68, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve TRS.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item six, ordinance O-2024-68, for a zone change of parcel AV-1376-A-1 from Open Space Transition (OST) to Agricultural (AGX). The applicants, Charles R. and Cheryl S. Reeve, requested the change for their 6.25-acre property at 2200 South. The planning commission recommended approval on September 4, 2024. The mayor clarified that the property is located on 2200 South, not near Bubbling Wells.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-68, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve. Planning Commission recommended approval on September 4, 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.

7. Ordinance-O-2024-47, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item seven, ordinance O-2024-47, for a zone change of parcel AV-1328-8 from Open Space Transition (OST) to Agricultural (AGX). The applicants, Ciel Holdings and Plum Land Investment LLC are requesting the change for approximately 62 acres located off Main Street and Daybreak Mesa, east of the Wells subdivision. The property lies between Wells and Main Street, near the mountainside.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-47, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member XX.

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.

Mayor Farrar acknowledged a comment from a representative of Plum Investment LLC, who expressed appreciation for the council's attention and the work done with the planning commission regarding the zoning application. The representative thanked the council for their efforts, and Mayor Farrar expressed gratitude for their attendance and for pursuing the AG-X zoning.

8. Ordinance-O-2024-48, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item eight, ordinance O-2024-48, for a zone change of parcels AV-1378-E and AV-1378-L from Open Space Transition (OST) to Agricultural (AG-X). The applicant, Michael Barrett, owns 22 acres located east of Bubbling Wells and south of Highway 59.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-48, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett. Planning Commission recommended approval on September 4, 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.

9. Ordinance-O-2024-49, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item nine, ordinance O-2024-49, for a zone change of parcels AV-1378-F, AV-1378-J, and AV-1370-K from Open Space Transition (OST) to Agricultural (AGX) for 40 acres owned by Michael James and Jennifer K. Ross, located at the fire chief's residence.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-49, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross. Planning Commission recommended approval on September 4, 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.

10. Ordinance-O-2024-63, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item ten, ordinance O-2024-63, for a zone change of parcel AV-1351-E from Open Space Transition (OST) to Agricultural (AG-X) for five acres owned by Matthew and Tiffannie Bullington. The planning commission recommended approval on September 4, 2024.

MOTION: Council Member Prentice motioned that we accept Ordinance-O-2024-63, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington, according to the Planning Commission's recommendation for approval on September 4, 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.

11. Ordinance-O-2024-58, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item eleven, ordinance O-2024-58, for a zone change of parcels AV-1378-B, AV-1370-C, and AV-1370-D from Open Space Transition (OST) to Agricultural (AGX) for 160 acres owned by Pat Melfi of Land Development Solutions, located near Canaan.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-58, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC. Planning Commission recommended approval on September 4, 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-2024-69, Repeal Title 10.10.040 I Industrial Zone.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item twelve, ordinance O-2024-69, proposing the repeal of Title 10.10.040, which pertains to the industrial zone. The planning commission recommended approval on September 4, 2024. The mayor explained that the town currently has no properties in the industrial zone, and a recent town survey indicated that residents do not want an industrial zone, prompting the proposal to eliminate it.

MOTION: Council Member Prentice motioned that we accept Ordinance-O-2024-69, Repeal Title 10.10.040 Industrial Zone. Planning Commission recommendation on September 4, 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.

13. Ordinance-O-2024-70, Amend Title 10.10.050 RE Rural Estates Zone.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item thirteen, ordinance O-2024-70, to amend Title 10.10.050 regarding rural estate zoning. The planning commission recommended approval on September 4, 2024. The amendment aims to simplify the zoning designations by eliminating RE-10, RE-20, and RE-X. Moving forward, parcels over 10 acres will fall under agricultural (AG) zoning categories such as AG-10, AG-20, and AG-X, while rural estate (RE) zones will be limited to smaller parcels of 1, 2.5, and 5 acres. The mayor clarified that the goal is to reduce the number of zones for the small town, aligning parcel sizes more clearly with either rural or agricultural use.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-70, Amend Title 10.10.050 RE Rural Estates Zone. Planning Commission recommended approval on September 4, 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.

CONSENT AGENDA

14. Disbursement Listing for August 2024.
15. Budget Report for Fiscal Year 2025 through August 2024.
16. Minutes: August 13, 2024 Event Committee.
17. Minutes: August 26, 2024 Special Town Council and Planning Commission Meeting.
18. Minutes: August 26, 2024 - Town Council and Planning Commission - Work Session.
19. Minutes: September 10, 2024 - Events Committee Meeting.

Mayor Farrar reviewed the consent agenda. He noted that all items could be approved with a single motion, pending council review and agreement. The mayor highlighted an item in the disbursement listing involving equipment rentals related to the purchase of the mini excavator and trailer.

MOTION: Council Member Spendlove motioned that we approve the Consent Agenda, number 14 Disbursement Listing for August 2024, number 15 Budget Report for Fiscal Year 2025 through August 2024, number 16 Minutes: August 13, 2024 Event Committee, number 17 Minutes: August 26, 2024 Special Town Council and Planning Commission Meeting, number 18 Minutes: August 26, 2024 - Town Council and Planning Commission - Work Session, number 19 Minutes: September 10, 2024 - Events Committee Meeting.
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a vote:

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

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

Mayor Farrar called for a motion to enter a closed session for the purpose of discussing pending or imminent litigation. The mayor indicated they would reconvene afterward to adjourn the meeting and then move into the water board meeting.

MOTION: Council Member Spendlove motioned for a closed session for pending or imminent litigation.
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.

ADJOURNMENT

Mayor Farrar reconvened the meeting at 6:32 p.m. and called for a motion to adjourn.

MOTION: Council Member Sair motioned to adjourn the meeting
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye

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

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:32 p.m.

Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo

TOWN OF APPLE VALLEY
SEAL
UTAH