



TOWN COUNCIL HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 23, 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

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Janet Prentice

Council Member Annie Spendlove

Council Member Scott Taylor

Council Member Kevin Sair arrived at 6:07 p.m.

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

Rich Ososki, a resident of Apple Valley, addressed the council to express appreciation for their review of business licenses under Title 5.04. He stated that the current code clearly designates Apple Valley and does not create confusion with other cities. Rich Ososki supported the existing code, emphasizing that businesses in Apple Valley should pay fees to the town. He also suggested the council consider health permits for those selling produce to the public.

Mayor Farrar noted that selling agricultural products directly to the public currently requires no permit, though this could become an issue in the future. He observed that some farmer's market vendors advertise licenses, while others do not.

Council Member Spendlove outlined HB 181, which allows the sale of homemade items if labeled as uninspected and sold directly to consumers, with exclusions for red meat and some poultry. He also mentioned temporary food permits for events, noting that a new license for kitchen-to-go setups remains unused.

Mayor Farrar added that no permit is needed for selling eggs under specific limits and that bake sale items should carry a home kitchen label. He clarified that town events, such as cook-offs, are non-business activities. He confirmed that an "Apple Valley business license" is required for local businesses to avoid confusion with licenses from other towns.

PUBLIC HEARING

1. Amend Title 7.10.060 Establishment Of Residential Fees And Billing (Paperless Billing Credit), Ordinance O-2024-72.

Mayor Farrar opened the hearing.

No public comments.

Mayor Farrar closed the hearing.

2. Amend Title 12.02 Building Codes, Ordinance O-2024-73.

Mayor Farrar opened the hearing.

No public comments.

Mayor Farrar closed the hearing.

3. Amend Title 5.04 Business Licenses Generally, Ordinance O-2024-76.

Mayor Farrar opened the hearing.

No public comments.

Mayor Farrar closed the hearing.

DISCUSSION AND ACTION

4. Ordinance O-2024-83, Granting An Electric Utility Franchise And General Utility Easement To Rocky Mountain Power.

Mayor Farrar explained that this routine renewal, required every 10 years, allows Rocky Mountain Power the necessary easements for servicing and building infrastructure. The original agreement was established in 2005 and probably renewed in 2015, now set for 2025.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-83, Granting An Electric Utility Franchise And General Utility Easement To Rocky Mountain Power.

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.

MAYOR'S TOWN UPDATE

Mayor Farrar announced the Trunk or Treat event scheduled for October 31 at 7 p.m. at the town hall, encouraging residents to bring decorated cars and candy for children.

Mayor Farrar then expressed gratitude for the recent Founder's Day celebration, highlighting the parade, fire department breakfast, Unity Garden fundraiser, and volunteer efforts. He praised the Unity Garden's progress and community involvement, which has allowed him to support without direct management.

Mayor Farrar updated on the pipeline project, noting progress and cleanup work scheduled. Addressing water quality concerns, he explained the impact of high iron algae and construction issues, reassuring that efforts to flush the system would improve the situation.

Mayor Farrar also mentioned the order of a new generator for the town building, costing about \$5,600, with installation projected at \$1,500-\$2,000. He explained the need for a larger, reliable generator to ensure readiness for emergency situations. If no council objections arise, he will proceed without adding it to the next agenda.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair updated on the installation of a 25-kilowatt diesel generator with a 500-gallon fuel tank, expected to provide water during outages once the new lines are operational. Mayor Farrar expressed gratitude, highlighting the generator's importance for emergency water access across town.

Council Member Taylor announced CERT program training available in Washington County, starting January 7, 2025, and noted efforts to bring training closer.

Council Member Spendlove clarified that cottage food permits and a micro-enterprise kitchen certification are available for home food producers, with the latter resembling a restaurant setup. She assured ongoing coordination with county health for compliance in community events like chili cook-offs.

DISCUSSION AND ACTION

5. Approval for the Big Plains Water Special Service District to deed parcel AV-1366-A-8-C back to the Town of Apple Valley for the establishment of a Cedar Point Fire Station.

Mayor Farrar introduced item five, proposing to deed parcel AV-1366-A-8-C from the Big Plains Water Special Service District back to the Town for a new fire station at Cedar Point. He emphasized the need to replace the current rented garage space. The mayor also clarified that the Town's fire protection score is five, countering any conflicting information from insurance companies. The parcel's former well is no longer active, and further discussion will occur at the water board meeting.

Council Member Prentice noted that Liberty Mutual has been able to provide home insurance despite recent challenges, while Mayor Farrar added that AAA has also helped some residents. He mentioned that similar issues have occurred in California. Council Member Spendlove explained that part of the problem is the town's zip code, which insurance companies associate with hurricane and fire risks. Mayor Farrar agreed and noted the potential benefits of obtaining a unique zip code for the town.

MOTION: Council Member Prentice motioned that we approve the change Big Plains Water Special Service District deed parcel AV-1366-A-8-C back to the Town of Apple Valley for the establishment of a Cedar Point Fire Station.

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.

6. Ordinance O-2024-72, Amend Title 7.10.060 Establishment Of Residential Fees And Billing (Paperless Billing Credit).

Mayor Farrar introduced ordinance O-2024-72 to amend Title 7.10.060, which establishes residential fees and billing. The amendment includes \$1.50 credit for opting into paperless billing.

MOTION: Council Member Taylor moved we approve Ordinance O-2024-72, Amend Title 7.10.060 Establishment Of Residential Fees And Billing (Paperless Billing Credit).

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-2024-73, Amend Title 12.02 Building Codes.

Mayor Farrar introduced ordinance O-2024-73 to standardize address signage for improved emergency response, aligning with existing building codes. The Fire Chief suggested pursuing grants to fund reflective address signs, which the fire department could install for better visibility. Council Member Spendlove raised mapping issues for new addresses, and the Chief acknowledged similar challenges, noting potential solutions. Mayor Farrar supported the ordinance, with implementation details to follow.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-73, Amend Title 12.02 Building Codes.

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. Ordinance O-2024-76, Amend Title 5.04 Business Licenses Generally, Ordinance O-2024-76.

Mayor Farrar introduced ordinance O-2024-76, clarifying that all businesses must have an Apple Valley business license, regardless of address, to ensure clear enforcement.

MOTION: Council Member Spendlove motioned we approve O-2024-76, Amend Title 5.04 Business Licenses Generally, Ordinance O-2024-76.

Council Member Sair raised a question about business license requirements in Apple Valley. Mayor Farrar clarified that while certain business types (like contractors and mobile services) are exempt from local licensing due to state law, most businesses need an Apple Valley license. Mayor Farrar emphasized that no ordinances were changing; rather, the council was simply adding language to reduce confusion by explicitly

requiring an Apple Valley business license. Council Member Taylor and Spendlove agreed this would prevent future issues, with Spendlove sharing an example of how their business needed the license due to its address in Apple Valley.

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 - Abstain

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

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

9. Ordinance O-2024-71, Repeal Title 10.42 Controlled Growth Management Plan.

*Planning Commission recommended approval on October 16, 2024.

Mayor Farrar proposed repealing Ordinance O-2024-71, which limits building permits to manage growth. He explained that while the ordinance aimed to ease strain on infrastructure and the limited town staff, some developers opposed it, filing lawsuits. After consulting with the town attorney, Farrar concluded the legal battle was not worth pursuing, as other legal options—like contracting permit work or increasing permit fees for developers—could address growth issues effectively.

MOTION: Council Member Prentice motioned that we Repeal Title 10.42 Controlled Growth Management Plan, Ordinance O-2024-71 as recommended by the Planning Commission on October 16, 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-2024-74, Amend Title 10.10.020 A Agricultural Zone.

*Planning Commission recommended approval on October 16, 2024.

Mayor Farrar introduced Ordinance O-2024-74, approved by the Planning Commission, to clarify zoning rules for agricultural land. It specifies that if land designated AG-X is split into lots smaller than 40 acres, a zone change is required. This clarification aims to avoid future confusion, aligning with existing practices without altering regulations.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-74, Amend Title 10.10.020 A Agricultural Zone. Planning Commission recommendation approval on October 16, 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-2024-75, Amend Title 10.22.090 Unlawful Signs, Removal, And Indemnification.

*Planning Commission recommended approval on October 16, 2024.

Mayor Farrar introduced Ordinance O-2024-75 to amend the responsibility for removing unlawful signs from the Planning Commission to the code enforcement officer. Council Member Taylor suggested additional amendments to replace "Planning Commission" with "code enforcement" in other ordinance sections for consistency. After reviewing the ordinance, the council agreed that appeals related to sign violations should remain under the Planning Commission's authority.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-75, Amend Title 10.22.090 Unlawful Signs, Removal, And Indemnification. Planning Commission recommendation approval on October 16, 2024. I also add that in D paragraph D number one to remove "Planning Commission" and add "Code Enforcement Officer" and in paragraph E, remove "Planning Commission" and add "Code Enforcement Officer" and in paragraph E number four, remove "Planning Commission" and add "Code Enforcement Officer".

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.

12. Resolution R-2024-37, Authorizing the Lease of Town-Owned Land to the Grassroots Garden Committee.

Mayor Farrar presented Resolution R-2024-37 to lease town land to the grassroots garden committee for a community garden, providing security for their investments. The five-year lease at \$1 per year aims to ensure continuity for the garden regardless of future leadership changes. Mayor Farrar also shared a plan to incorporate the garden as a focal point in the town's new community center, reflecting Apple Valley's rural character. 600 x 150

MOTION: Council Member Prentice motioned to pass Resolution R-2024-37, the Lease of Town-Owned Land to the Grassroots Garden Committee for \$1 a year for five years.

Before the vote, Mayor Farrar added that the property designated for the community garden measures 600 by 150 feet, clarifying it is a relatively small area.

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. Contract renewal annually with Civic Plus formerly Municode.

Mayor Farrar moved to renew the town's annual website contract with CivicPlus (formerly Municode) for \$2,186.63, noting a \$100 increase from last year, which he found reasonable. He also mentioned ongoing plans to make the site more user-friendly, with enhancements to improve accessibility and search functionality in progress.

MOTION: Council Member Taylor moved

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.

14. Attorney Engagement Scope.

*Tabled from September 25, 2024 Town Council Meeting.

Mayor Farrar introduced a draft engagement policy outlining the scope of interactions with the town attorney, aiming to minimize legal costs while maintaining necessary counsel. The policy designates the mayor as the primary contact for the town attorney but allows council members to request the attorney's presence at meetings. If the mayor declines a request, three or more council members can override the decision. The council discussed the cost-saving measures and agreed on this approach to manage attorney expenses.

MOTION: Council Member Taylor moved that we approve the Town Attorney Engagement Scope, to include a change on “if the Mayor denies the request three or more Council Members can override the Mayor’s decision”. This was tabled from September 25, 2024 Town Council Meeting.

Council Member Spendlove suggested giving the Planning Commission Chair more authority, allowing them to request the town attorney’s presence through the Town Council if the mayor denies it. Mayor Farrar agreed this could be incorporated. Council Member Sair inquired if the two-member request rule had a legal basis, to which Mayor Farrar explained that it’s an internal policy for managing attorney costs and setting a chain of command. Mayor Farrar noted that two council members could also override the mayor to place items on the agenda.

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.

15. Ordinance O-2024-77, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-2-A. Applicant: The Little Creek Living Trust Dated April 28, 2024.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-77 for a zone change on a five-acre parcel, owned by the Winder family and located near Coyote Rd, had prior approval from the Planning Commission. Mayor Farrar then called for a motion.

MOTION: Council Member Taylor motioned that we approve Ordinance O-2024-77, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-2-A. Applicant: The Little Creek Living Trust Dated April 28, 2024. Planning Commission recommended approval on October 2, 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.

16. Ordinance O-2024-78, Zone Change Application from Open Space Transition and Agricultural (A-40) to A-X Agricultural Zone for parcels: AV-1350-A, AV-1344, AV-1351-A-1. Applicant: Sup I, II , III, LLC.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-78 for a zone change to "Agricultural" for parcels totaling 1,492 acres by Sup I, II, III, LLC, north of the highway and east of Main Street. Brief comments followed before Mayor Farrar called for a motion.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-78, Zone Change Application from Open Space Transition and Agricultural (A-40) to A-X Agricultural Zone for parcels: AV-1350-A, AV-1344, AV-1351-A-1. Applicant: Sup I, II , III, LLC. Planning Commission recommended approval on October 2, 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.

17. Ordinance O-2024-79, Zone Change Application from Planned Development to A-X Agricultural Zone for parcel: AV-JHLS-1. Applicant: Darcy Anne Pauken.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-79 for a zone change from "Planned Development" to "A-X Agricultural Zone" for a five-acre parcel near Bubbling Wells, with Planning Commission approval on October 2, 2024.

MOTION: Council Member Taylor moved that we approve Ordinance O-2024-79, Zone Change Application from Planned Development to A-X Agricultural Zone for parcel: AV-JHLS-1. Applicant: Darcy Anne Pauken. Planning Commission recommended approval on October 2, 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.

18. Ordinance O-2024-80, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-F. Applicant: Barbara and Steven Hayden TRS.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-80 for a zone change to "A-X Agricultural Zone" for parcel AV-1376-F with Planning Commission approval on October 2, 2024.

MOTION: Council Member Prentice motioned that we accept Ordinance O-2024-80, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-F. Applicant: Barbara and Steven Hayden TRS. Planning Commission recommended approval on October 2, 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.

19. Ordinance O-2024-81, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-E. Applicant: Paul and Kathleen Hansen TRS.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-81 for a zone change to "Agricultural" for parcel AV-1376-E, located off Desert Drive, south of the highway.

MOTION: Council Member Spendlove motioned that we approve Ordinance O-2024-81, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-E. Applicant: Paul and Kathleen Hansen TRS. Planning Commission recommended approval on October 2, 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.

20. Ordinance O-2024-82, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1372-C. Applicant: Richard and Brittany Fischer.

*Planning Commission recommended approval on October 2, 2024.

Mayor Farrar introduced ordinance O-2024-82 for a zone change to "A-X Agricultural Zone" for 22-acre parcel, located off Coyote Road and Desert Drive, with Planning Commission approval on October 2, 2024.

MOTION: Council Member Prentice motioned that we pass Ordinance O-2024-82, Zone Change Application from Open Space Transition to A-X Agricultural Zone parcel: AV-1372-C. Applicant: Richard and Brittany Fischer, approve by the Planning Commission on October 2, 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.

CONSENT AGENDA

21. Disbursement Listing for September 2024.
22. Budget Report for Fiscal Year 2025 through September 2024.
23. Minutes: September 12, 2024 - Special Town Council Work Meeting.
24. Minutes: September 25, 2024 - Town Council Meeting.

Mayor Farrar introduced the consent agenda, which included the disbursement listing for September 2024, the budget report for fiscal year 2025 through September 2024, and minutes from September 12 and 25, 2024. A prior data entry issue affecting revenue figures had been corrected, and all items were ready for a single motion.

MOTION: Council Member Taylor moved that we approve the Consent Agenda, 21. Disbursement Listing for September 2024, 22. Budget Report for Fiscal Year 2025 through September 2024, number 23. Minutes: September 12, 2024 - Special Town Council Work Meeting, number 24. Minutes: September 25, 2024 - Town Council Meeting.

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.

MAYOR'S TOWN UPDATE

25. Lot Split Application_AV-1365-O_Jonathan J George.

Mayor Farrar introduced a lot split application for parcel AV-1365-O, dividing one lot into three. This was the second phase of an already approved split, with road access managed to avoid new public roads. No vote was required.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

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 7:05 p.m.

Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcarro