



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 21, 2023 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, June 21, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

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

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/87607542551>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 876 0754 2551

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENTS

PUBLIC HEARING | DISCUSSION AND ACTION

- 1. Discussion and Action:** Consider Approval of Town Council Member, Resolution-R-2023-22.
- 2. Public Hearing:** Consider Approval of Adoption of the FY2024 Budget and the Amendment of the FY2023 Budget, Resolution-R-2023-24.
- 3. Discussion and Action:** Consider Approval of Adoption of the FY2024 Budget and the Amendment of the FY2023 Budget, Resolution-R-2023-24.
- 4. Public Hearing:** Consider Approval to Update Title 14.13.090 Restriction On Burial and Adopt Title 14.13.170 Private Cemeteries For Human Interment, Ordinance-O-2023-28.
- 5. Discussion and Action:** Consider Approval to Update Title 14.13.090 Restriction On Burial and Adopt Title 14.13.170 Private Cemeteries For Human Interment, Ordinance-O-2023-28.

DISCUSSION AND POSSIBLE ACTION

- 6.** Special Event Permit Discussion on Hurricane Mountain Bike Festival: Council's consideration for "preliminary review for approval" contingent on our submittal of COI (liability). Applicant: DJ Morisette.
- 7.** Application to Appear Before Town Council: Impact fee payoff proposal. Applicant: Dan Tygard
- 8.** Consider Approval of Accountant Contract.
- 9.** Consider Approval of Cooperative Agreement Between The Utah Division Of Forestry, Fire And State Lands And Apple Valley.

- [10.](#) Consider Approval of Amending the Personnel Policy & Procedures Manual, Resolution-R-2023-21.
- [11.](#) Consider Approval to Revoke Resolution R-2023-15 and Reissue a New Resolution to Cancel the Interlocal Agreement Contract with Washington County to Assist with Municipal Elections, Resolution-R-2023-23.
12. CIB Grant Update

CONSENT AGENDA

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

- [13.](#) Disbursement Listing for May 2023.
- [14.](#) Budget Report for Fiscal Year 2023 through May 2023.

APPROVAL OF MINUTES

- [15.](#) Minutes: April 19, 2023.
- [16.](#) Minutes: May 17, 2023.
- [17.](#) Minutes: May 18, 2023.
- [18.](#) Minutes: May 24, 2023.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION IF NECESSARY FOR PENDING OR REASONABLY IMMINENT LITIGATION

ADJOURNMENT

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

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

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



Application for Vacant Seat-Town Council

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Thursday, June 15, 2023

APPLICANT INFORMATION:

Name: David Lane

Address: 1599 E. ST. STREET Apple Valley UT 84737
Street City State Zip Code

Telephone Number: 435-313-0357

Email Address: davelane135@gmail.com

QUALIFICATIONS:

I certify that I meet the following Qualifications:

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

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

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

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

CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

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

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

David Lane
 Applicant's Signature

6-5-23
 Date

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



Application for Vacant Seat-Town Council

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Thursday, June 15, 2023

APPLICANT INFORMATION:

Name: STEWART RIDING

Address: APPLE VALLEY
1456 N. MOUNT ZION DRIVE, 84737
Street City State Zip Code

Telephone Number: 509 990 8458

Email Address: RIDING.DOCS@GMAIL.COM

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒ Yes ☐ No

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

☒ Yes ☐ No

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

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I have not been convicted of a felony.

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Stewart Riding
 Applicant's Signature

5 JUNE 2023
 Date

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



Application for Vacant Seat-Town Council

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Thursday, June 15, 2023

APPLICANT INFORMATION:

Name:

JERRY J. ZAHARIAS

Address:

1345 Cedar Dr. Apple Valley, CA 94737
Street City State Zip Code

Telephone Number:

435-8991148

Email Address:

ZAHARIASJJ@gmail.com

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒ Yes ☐ No

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

☒ Yes ☐ No

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

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I have not been convicted of a felony.

☒ Yes ☐ No

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Jerry J. Zaharias
Applicant's Signature

6/7/23
Date

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



Application for Vacant Seat-Town Council

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Thursday, June 15, 2023

APPLICANT INFORMATION:

Name:

WALTER EARL JOSEY

Address:

1224 N. Rome Way Apple Valley, UT 84737

Street

City

State

Zip Code

Telephone Number:

435-817-1599

Email Address:

JOSEY WALTER @ hotmail.com

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒

Yes

☐

No

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

☒

Yes

☐

No

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

☒

Yes

☐

No

I have not been convicted of a felony.

☒

Yes

☐

No

CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

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

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

Walter Earl Josey

Applicant's Signature

6/7/2023

Date

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

Brief Resume for Walter Earl Josey TC Vacancy Applicant.

30+ year resident of Apple Valley

Ran for Mayor in previous election

Running for Mayor in 2023 election

45+ year Career as a consultant in Satellite
Communications, Radio Astronomy, SETI (Search for Extra
Terrestrial Intelligence), Military Defense Projects

Having me on the TC will bring balance.

TOWN OF APPLE VALLEY

**RESOLUTION R-2023-22
APPOINTMENT OF A TOWN COUNCIL MEMBER**

WHEREAS, the Town of Apple Valley is a Utah municipal corporation; and

WHEREAS, a vacancy has occurred in the office of Town Council Member for Andy McGinnis, term expiring on January 1, 2024; and

WHEREAS, after compliance with the requirements of UCA 10-3-302 and 20A-1-510, the Town Council has determined that _____ is a qualified person to be appointed as a member of the Town Council.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley that _____ is hereby appointed as a member of the Town Council for the remanding term ending January 1, 2024.

RESOLVED this 21st day of June, 2023.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Vacant	_____	_____	_____	_____

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
REVENUE									
Taxes									
3110 General property taxes-current	70,677	105,007	136,103	132,000	135,763	128,557	140,000	132,000	Certified Tax Rate not yet posted
3120 Prior year's taxes-delinquent	10,460	12,804	5,139	8,000	0	8,000	8,000	8,000	
3130 General sales and use taxes	99,678	105,307	179,393	130,000	153,588	130,000	186,600	190,000	
3140 Energy and communication taxes	14,771	15,889	25,250	35,000	38,192	35,000	45,700	45,700	
3150 RAP Tax	10,052	10,459	18,739	17,000	15,719	17,000	18,500	18,500	
3160 Transient Taxes	659	1,979	11,598	7,200	11,915	7,200	14,600	14,600	
3170 Fee in lieu of personal property taxes	10,142	8,634	456	8,400	0	8,400	8,400	8,400	
3180 Fuel Tax Refund	0	119	0	0	827	0	1000	1,000	
3190 Highway/Transit Tax	0	0	16831	12,550	14,353	12,550	17,100	17,100	
Total Taxes	216,439	260,197	393,508	350,150	370,357	346,707	439,900	435,300	
Licenses and permits									
3210 Business licenses	4,113	2,775	7,350	8,000	9,191	8,000	9,300	9,500	
3221 Building Permits-Fee	47,301	34,309	69,238	80,000	43,661	75,000	45,000	45,000	
3222 Building Permits-Non Surcharge	0	4,295	9,816	10,500	6,274	11,250	6,750	6,750	
3223 Building permit - HCP Valuation	9,669	1,732	0	4000	0	0			Removed from ordinance
3224 Building Permits Surcharge	347	1,178	339	1000	(113.00)	750	450	450	
3225 Animal licenses	1,340	970	420	500	800	500	800	800	
3430 Assessment fee income	2,006	0	0	0	0	0	0	0	
Total Licenses and permits	64,775	45,258	87,163	104,000	59,813	95,500	62,300	62,500	
Intergovernmental revenue									
3342 Fire Dept-State Wildland Grant	0	0	0	0	0	10,000	10,000	10,000	
3356 Class C" road allotment"	63,285	80,259	94,066	82,000	87,796	82,000	117,000	130,000	
3358 Liquor control profits	1,171	697	756	800	1,037	800	1100	1100	
3370 State Grants	0	0	13237	45,000	0	0	0	0	
3371 State Highway Grants	0	0	0	0	0	0	0	0	
3373 CARES Revenue	0	0	0	0	0	0	0	0	
Total Intergovernmental revenue	64,456	80,956	108,058	127,800	88,833	92,800	128,100	141,100	
Charges for services									
3230 Special Event Permit	0	0	3500	3000	2,480	3000	4500	4500	
3410 Clerical services	25,323	21	225	250	320	250	400	400	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
3415 SSD Payroll Services	48,566	0	0	0	0	0	0	0	
3416 Other Interdepartmental Charges	0	4,903	2,010	10000	9039	16,000	16,000	44,203	From BPW
3420 Fire Department Contracts	2,000	300	0	0	0	0	0	6000	
3431 Zoning and subdivision fees	17,105	33,854	37,218	60,000	24,734	40,000	26,000	20,000	
3440 Solid waste	40,815	42,442	50,917	50,850	47,072	53,350	57,200	61,000	
3441 Storm Drainage	35,399	37,778	42,921	42,800	38,177	42,800	46,400	49,000	
3461 GRAMA requests	36	0	0	200	314	200	500	500	
3470 Park and recreation fees	60	55	0	100	0	100	100	100	
3481 Sale of Cemetery Lots								310,500	
3482 Perpetual Care								129,300	
3615 Late charges/Other Fees	21,026	-2,307	1,740	2,000	(766)	2,500	2,500	2,500	
Total Charges for services	190,330	117,045	138,531	169,700	121,370	158,200	153,600	628,003	
Fines and forfeitures									
3510 Fines	6,000	5,360	10,845	11,000	4,625	1,000	5,000	5,000	
Total Fines and forfeitures	6,000	5,360	10,845	11,000	4,625	1,000	5,000	5,000	
Interest									
3610 Interest earnings	2,676	5,493	3,308	3,000	22,692	3,000	29,800	42,200	
Total Interest	2,676	5,493	3,308	3,000	22,692	3,000	29,800	42,200	
Miscellaneous revenue									
3640 Sale of capital assets	26,182	650	0	0	0	5000	0	0	
3670 Debt proceeds	77,000	48,074	0	0	0	0	0	0	
3690 Sundry revenue	1	420	1734	5000	19,897	2,800	20,300	5,000	
3692 Fire department fundraisers	2,636	947	1166	1300	1,500	2,000	1,500	6,500	
3697 Park department fundraisers	819	884	0	800	0	800	800	800	
3801.1 Impact fees - Fire	2,589	767	19471	20000	5,064	25,320	6,800	6,800	
3801.2 Impact fees - police	0	0	0	0	0	0			Removed from ordinance
3801.3 Impact fees - roadways	10,014	6,682	59,034	65,000	15,960	79,800	24,600	24,600	
3801.6 Impact fees - storm water	2,924	2,728	32,945	45,000	22,307	86,550	31,000	31,000	
3801.7 Impact fees - parks, trails, OS	2,115	1,833	16,816	17,000	4,350	21,750	6,600	6,600	
Total Miscellaneous revenue	124,280	62,984	131,165	154,100	69,078	224,020	91,600	81,300	
Contributions and transfers									
3802.2 Contributions - public safety	0	0	0	300	0	0	0	0	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial	
	Actual	Actual	Actual	Budget	Actual-to-	Budget	Amended	2024	
					Date		2023	Budget	Worksheet Notes
10 GENERAL FUND									
3802.7 Contributions - parks and recreation	594	100	0	100	0	0	0	0	
3802.8 Contributions - Contingency	0	0	0	100000	0	0	0	0	
3890 Fund balance appropriation	0	0	0	15,000	0	15000	0	0	
Total Contributions and transfers	594	100	0	100,400	0	15,000	0	0	
Total Revenue:	669,550	577,394	872,578	818,813	736,768	936,227	910,300	1,395,403	
EXPENDITURES									
General government									
Council									
4111.110 Council Salaries and wages	17,031	8,311	16,875	17,000	13,450	21,000	21,000	21,000	
4111.130 Council Employee benefits	9,962	2,610	1,580	2,400	1,297	2410	2410	2,400	
4111.210 Council Travel Reimbursement	0	453	0	2,100	0	1,500	1,500	1,500	
4111.220 Council/PC Training	0	1,630	60	500	0	1,500	1,500	1,500	
4111.610 Council Donations and discretionary									
spending	1,344	0	0	500	0	500	500	500	
Total Council	28,337	13,004	18,515	22,500	14,747	26,910	26,910	26,900	
Administrative									
4141.110 Admin Salaries and Wages	87,583	91,128	91,048	91,800	89,661	99,445	102,500	110,500	
4141.130 Admin Employee Benefits	19,568	7,444	8,191	13,400	7,911	11,377	11,800	24,500	Includes non-taxable Health Stipends for FT Employees.
4141.140 Admin Employee Retirement-GASB 68	6,454	4,272	3,214	4,700	11,860	13,553	14,000	15,100	
4141.210 Admin Dues, Subs & Memberships	1,135	1,257	4,846	4000	6,742	4,000	6,900	5,500	
4141.220 Admin Public Notices	1,251	1,290	1,017	1200	42	1200	100	100	
4141.230 Admin Training	0	1,299	420	900	743	1000	1500	1,500	Combined w/4141.360 Redundant
4141.240 Admin Office/Administrative Expense	5,126	4,688	17,802	18,000	15,619	5,000	16,000	8,000	
4141.250 Admin Equipment Expenses	5,134	5,924	6,108	7,500	16,054	2,000	16,700	10,000	
4141.260 Admin Building & ground maintenance	2,379	1,027	1,999	2,000	4,944	1,500	5,500	4,500	
4141.270 Admin Utilities	4,365	5,987	5,730	5,800	6,673	5,800	7,600	7,600	
4141.280 Admin Telephone and Internet	4,518	16,834	7,601	10,000	6,822	4,800	7,800	7,800	
4141.290 Admin Postage	1,149	1,899	2,976	3,500	2,447	3,000	3,500	3,700	
4141.320 Admin Engineering/Professional Fees	36,457	7,975	29,586	40,000	6,678	20,000	7,000	3,500	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to-Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
4141.330 Admin Legal	13,078	5,644	58,165	65,000	42,862	25,000	50,000	50,000	
4141.331 Admin Assessment legal fees	6	0	0	0	0	0	0	0	
4141.340 Admin Accounting	7,512	12,868	16,824	17,000	4,400	7,500	4,400	4,400	AUP
4141.350 Building Fees-Inspector/85% Surcharge	0	20,656	64,548	70,000	35,796	35,000	40,000	30,000	
4141.360 Admin Education-General	1,462	0	248	500	0	500			Combined w/4141.230
4141.390 Admin Bank service charges	2,301	2,902	3,462	4,600	140	4,600	200	200	
4141.410 Admin Insurance	10,987	10,129	6,089	7,000	13,275	7,000	13,500	13,500	
4141.490 Admin Travel reimbursements	5,208	760	438	500	1243	500	1300	1,300	
4141.500 Admin Weed abatement	0	387	0	1500	0	1,500	500	1,500	
4141.550 Admin Cares Act	0	0	0	0	0	0	0	0	
4141.610 Bad debt expense	0	0	0	0	2026	0	2030	250	
4141.740 Admin Capital outlay	2,068	1,060	0	0	-	15000	0	0	
4170 Elections	1,885	0	2288	2500	0	0	1,500	1,500	
Total Administrative	219,627	205,429	332,602	371,400	275,938	269,275	314,330	304,950	
Total General government	247,964	218,433	351,117	393,900	290,685	296,185	341,240	331,850	
Public safety									
Police									
4210.110 Police Salaries & Wages/Contract	9,522	1,080	13,200	16,950	15,000	15,000	18,500	15,000	\$3,750/QTR
4210.130 Police Employee benefits	736	83	0	100	0	0	0	0	
4210.230 Police Travel & mileage	628	0	0	0	0	0	0	0	
4210.250 Police Expenditures	0	0	4763	4800	0	0	0	0	
4210.470 Police Building Permits	35,999	0	0	0	0	0	0	0	
4253.250 Animal Control Supplies	64	63	63	100	0	100	100	100	
Total Police	46,949	1,225	18,026	21,950	15,000	15,100	18,600	15,100	
Fire									
4220.110 Fire Salaries & wages	14,625	20,400	28,181	32,000	31,289	40,100	40,100	67,200	\$48k Chief, \$19.2K Volunteers
4220.130 Fire Employee Benefits	910	1,976	4,808	6,000	2,660	11,254	10,500	13,600	
4220.135 Fire Employee Retirement - GASB 68	0	0	0	0	5,103	0	6,700	8,100	
4220.140 Fire Contract Salaries & Wages	0	0	0	0	0	6680	775	4500	
4220.150 Fire Contract Expense	0	0	0	0	0	0	0	1500	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

10 GENERAL FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
4220.210 Fire Dues, subscriptions & memberships	94	109	355	500	569	500	600	600	
4220.230 Fire Travel, Mileage & Cell	271	28	57	300	250	600	600	600	
4220.240 Fire Office expenses	78	329	765	0	1209	0	1600	500	
4220.250 Fire Equipment maintenance & repairs	1,823	705	2514	2700	9,124	1500	11000	11000	
4220.260 Fire Rent expense	720	0	0	850	0	0	0	0	
4220.360 Fire Training	440	1,248	389	800	2201	8000	8000	13100	
4220.450 Fire Small Equip/Supplies	1,196	458	2026	1,200	5,351	17,536	8,000	15,000	Radios/Hoses
4220.460 Fire Supplies-Fundraisers	604	544	514	550	0	500	500	500	
4220.465 Fire Gear	0	9,383	1,518	3,000	401	4,400	4,400	15,000	Bunker Gear
4220.475 Fire Other Grant Expenditures	0	0	0	0	0	0	0	0	
4220.550 Fire Cares Act	0	0	0	0	0	0	0	0	
4220.560 Fire Equipment Fuel	1,290	2,047	1,251	1,800	1,347	1,800	2,700	4,000	
4220.610 Fire Principal	0	0	12351	13,400	11,986	14,590	12,000	0	
4220.620 Fire Interest	0	0	1115	2,400	(779)	1,165	0	0	
4220.740 Fire Capital outlay	1,386	305	27500	30,000	17,960	15,000	17,960	0	
Total Fire	23,436	37,532	83,344	95,500	88,671	123,625	125,435	155,200	
Total Public safety	70,385	38,758	101,370	117,450	103,671	138,725	144,035	170,300	
Highways and public improvements									
Highways									
4410.110 Road Wages and Contract Labor	13,037	879	0	3,500	770	7,500	3,000	15,200	
4410.130 Road Employee benefits	5,204	67	0	300	59	858	350	1750	
4410.270 Road Flood damage	-9,929	9,008	0	0	0	0	0	2000	
4410.380 Road Department Services	0	0	720	850	2,154	3000	2500	2500	
4410.450 Road Department Supplies	1,474	10,873	2,181	5,000	9,799	30,000	33,500	45,000	Asphalt/Road Repairs/Signs/Barricade Equip
4410.550 Road Equipment Maintenance	11,383	19,999	3,029	10,000	1,990	6,000	4,000	2,500	
4410.560 Road Equipment Fuel	337	2,674	1,590	2,000	1,613	2,500	2,500	5,000	
4410.740 Road Capital outlay	0	48,076	0	0	0	0	0	0	
4410.810 Road Principal	35,000	31,000	42,668	42,700	54,409	44,100	54,500	35,000	Gateway (final pmt 10/2046)

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
4410.820 Road Interest	32,950	32,200	30,686	35,000	29,432	29,531	29,500	28,150	
4415.110 Public Works Wages and Contract Labor	56,049	10,965	0	2,500	4,097	32,500	11,000	30,300	
4415.130 Public Works Employee benefits	13,391	702	0	200	382	858	1300	9400	
4415.140 Public Works Employee Retirement - GASB									
68	7,153	0	0	0	0	0	1850	8100	
4415.320 Public Works Engineering/Professional Fees	0	0	0	0	107	0	150	0	
4415.450 Public Works Supplies	313	207	3825	4500	3,722	4,000	6,000	6,000	
4415.550 Public Works Equipment Maintenance	374	3,753	1,806	2000	2,306	1700	5000	3,000	
4415.560 Public Works Equipment fuel	1,881	742	-25	500	485	2000	2000	2,000	
4415.570 Public Works Travel Reimbursement	0	202	0	200	78	200	200	500	
4415.610 Public Works Storm Drainage	0	0	0	0	3,301	5000	5000	5,000	
4415.710 Public Works Principal	14341	24585	14920	15,000	15,479	15,500	15,500	0	
4415.720 Public Works Interest	1999	6063	1140	1,140	581	585	585	0	
4415.740 Public Works Capital Outlay	84,598	3,700	0	0	11000	11000	11000	9,000	Fuel Tank-\$4,000, Bldg-\$5,000
Total Highways	269,557	205,696	102,540	125,390	141,764	196,832	189,435	210,400	
Sanitation									
4420.220 Solid Waste Postage	481	0	0	0	0	0	0	0	
4420.460 Solid Waste Service	37,436	37,475	54,200	44,500	38,921	52,128	49,000	60,000	
Total Sanitation	37,918	37,475	54,200	44,500	38,921	52,128	49,000	60,000	
Total Highways and public improvements	307,475	243,171	156,741	293,100	180,685	248,960	238,435	270,400	
Parks, recreation, and public property									
Parks									
4540.110 Park/Rec Wages and Contract Labor	0	0	2785	6,000	4,913	7,500	7,500	5,100	
4540.130 Park/Rec Employee benefits	0	0	3	1000	376	858	858	600	
4540.250 Park/Rec Department Expenses	325	243	128	0	394	1000	2000	1000	
4540.460 Park/Rec Community events supplies	1,584	760	297	1500	1450	4000	4000	4000	
4540.740 Parks Capital outlay	0	0	4586	12,000	0	0	0	0	
4590.250 Cemetery Maintenance							0	0	
4590.460 Cemetery Supplies and Equipment							0	0	
4590.470 Cemetery Capital Outlay							0	0	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

10 GENERAL FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
Total Parks	1,909	1,003	7,799	20,500	7,133	13,358	14,358	10,700	
Total Parks, recreation, and public property	1,909	1,003	7,799	20,500	7,133	13,358	14,358	10,700	
Transfers									
4804 Transfer to Fund Balance	-1	0	0	31410	0	25,579	59,532	88,353	
4805 Transfer to capital projects	0	0	0	40000	0	0	43,700	265,000	Cemetery-\$250k, Fire Bldg-\$15K
4807 Transfer to Assigned Balance - Fire Impact Fees	0	0	0	20000	0	25,320	6,800	6,800	
4808 Transfer to Assigned Balance - Police Impact Fees	0	0	0	0	0	0			
4809 Transfer to Assigned Balance - Roadway Impact Fees	0	0	0	65000	0	79,800	24,600	24,600	
4810 Transfer to Assigned Balance -Storm Water Imp Fees	0	0	0	45000	0	86,550	31,000	31,000	
4811 Transfer to Assigned Balance - Parks & Rec Fees	0	0	0	17000	0	21,750	6,600	6,600	
4812 Transfer to Assigned Balance - Perpetual Care	0	0	0	0	0	0	0	129,300	
4813 Transfer to Assigned Balance - Cemetery Funds	0	0	0	0	0	0	0	60,500	
Total Transfers	-1	0	0	218410	0	238,999	172,232	612,153	
Total Expenditures:	627,732	501,364	617,026	920,150	582,174	936,227	910,300	1,395,403	
Total Change In Net Position	41,818	76,030	255,552	0	154,594	0	0	0	

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

10 GENERAL FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
41 CAPITAL PROJECTS FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual	2023 Original Budget	2023 Revised Budget	2024 Proposed	
Revenue:									
Intergovernmental Revenue									
3340 Grant Revenues-General	0	0	0	0	0	0	-	3,320,000	CIB for Storm Drainage/Road Upgrades
3345 Grant Revenues-Fire	0	0	0	0	0	0	-	410,000	Water Tender Truck
Total Intergovernmental Revenue	0	0	0	0	0	0	-	3,730,000	
Interest									
3610 Interest earnings	0	0	0	0	0	0	-	-	
Total Interest	0	0	0	0	0	0	-	-	
Miscellaneous Revenue									
3675 Fire Capital Proceeds	0	0	0	0	0	0	-	-	
Total Miscellaneous Revenue	0	0	0	0	0	0	-	-	
Transfers & Contributions									
3810 General Fund Transfer	0	0	0	0	0	0	58,700	540,000	CIB Matches (restricted funds) \$260k, Cemetery proceeds - \$250k, Tender-\$10k, Fire IF-\$15K, Budget-\$15K (FY23-\$15k/Fire Impact Fees - Bal is from budget)
Total Txfrs & Contributions	0	0	0	0	0	0	58,700	540,000	
Total Revenue:	0	0	0	0	0	0	58,700	4,270,000	
Expenditures:									
Miscellaneous									
4141.740 Capital Outlay expenses	4,996	210	0	0	27,160	0	33,700	-	Gen Plan, Fence
4220.740 Fire Capital Outlay	0	0	0	0	8,277	0	15,000	450,000	Total Project Costs-\$420k Tender, \$30k Bldg (FY23-\$15K Office
4410.740 Road Capital outlay	0	0	0	0	0	0	-	1,050,000	Total Project Costs-Coyote Rd/Bubbling Wells

Town of Apple Valley

Budgeting Worksheet-Hearing 06.21.2023

	2020	2021	2022	2022	2023	Original	Initial	Initial 2024	Worksheet Notes
<u>10 GENERAL FUND</u>	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	Budget	
4415.740 Public Works Capital Outlay					990			2,520,000	Total Project Cost-Storm Drain
4590.470 Cemetery Capital Outlay					741		10,000	250,000	Total Project Costs
Total Miscellaneous	4,996	210	0	0	37,168	0	58,700	4,270,000	
Total Expenditures:	4,996	210	0	0	37,168	0	58,700	4,270,000	
Total Change In Net Position	-4,996	-210	0	0	(37,168)	0	-	-	

TOWN OF APPLE VALLEY**RESOLUTION NO. R-2023-24****A RESOLUTION ADOPTING FISCAL YEAR 2024 ANNUAL BUDGET AND AMENDING FISCAL YEAR 2023 ANNUAL BUDGET**

WHEREAS, the Town of Apple Valley (“Town”) is required to adopt an annual budget for the Town’s funds pursuant to the Uniform Fiscal Procedures Act for Utah Towns (the “Act”); and

WHEREAS, the Town is authorized to amend the annual budget pursuant to the Act; and,

WHEREAS, the Town Council has complied with the Act’s provisions by adopting a tentative budget for the Fiscal Year 2024 Annual Budget on May 17, 2023; and

WHEREAS, the Town Council has presented a proposed amendment to the Fiscal Year 2023 Annual Budget; and

WHEREAS, the Town Council held a public hearing on June 21, 2023 to receive comment on the tentative Fiscal Year 2024 Annual Budget and the proposed amendments to the Fiscal Year 2023 Annual Budget; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard; and

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 21st day of June 2023, and upon motion duly made and seconded:

BE IT RESOLVED AS FOLLOWS:

The Fiscal Year 2023 Annual Budget is hereby amended and the Fiscal Year 2024 Annual Budget is hereby adopted as set forth in the attached exhibit. This resolution shall take effect upon passage and posting as required by law.

RESOLVED this 21st day of June 2023.

[Signature Block on Next Page]

TOWN OF APPLE VALLEY
PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSTAIN	ABSENT
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member _____	_____	_____	_____	_____

**APPLE VALLEY
ORDINANCE O-2023-28**

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

SECTION 1: **AMENDMENT** “14.13.090 Restrictions On Burial” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

14.13.090 Restrictions On Burial

It shall be unlawful for any person to bury the body of a deceased person within the town limits, except in a cemetery as described in section 14-13-0~~23~~³⁰ of this chapter, unless it is a private cemetery as regulated in section 14-13-170. No grave in the cemetery shall be opened or filled, refilled, or sodded, except by employees of the town under the direction of the sexton. All parts of a burial or cremation vault shall be at least two feet (2') below the surface of the ground. One (1) interment only shall be allowed in a casket except for a parent with their infant child, two (2) children who are buried at the same time, or one (1) cremated remains placed in the casket at the time of burial. Double Depth burials are allowed.

SECTION 2: **ADOPTION** “14.13.170 Private Cemeteries For Human Interment” of the Apple Valley Municipal Code is hereby *added* as follows:

A D O P T I O N

14.13.170 Private Cemeteries For Human Interment*(Added)*

- A. Private cemeteries, by definition, are not intended for general public use, being restricted to relatives and other close associations of a particular family or families. Private cemeteries may exist under the following rules:
1. Private cemeteries located on a parcel with an existing residential and/or agricultural principal use(s) must be recorded as a deed restriction and must be recorded at the time of sale, accompanied by a map exhibit showing the exact location of the private cemetery on the property.
 2. Private cemeteries must also be clearly delineated by a fence or low wall to separate it from the rest of the lot.
 3. A private cemetery cannot exist on a lot smaller than twenty-five (25) acres in size and the lot cannot be subdivided in the future to be smaller than the

- required lot size of twenty-five (25) acres.
- 4. The private cemetery shall not comprise more than five (5) percent of the total area of the lot that the private cemetery is o.
 - 5. There shall be no principal building in the private cemetery area.
 - 6. Burial sites in the private cemetery may not be sold and are not intended for general public use outside of family members.
- B. It is the responsibility of the property owner to govern necessary processes for the private cemetery, such as interments, services, maintenance, and record keeping, subject to the other requirements of this chapter. The establishment of a legal organization to govern these processes for a private cemetery is encouraged, but not required. A death certificate must be filed for those deceased and intended for burial in a private cemetery.

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

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

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 21, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

Date Received Application: June 05, 2023
 Insurance Received: _____

Permit No: _____
 Date Issued: _____

SPECIAL EVENT PERMIT APPLICATION



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

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

APPROVALS:

Town Administrator _____
 Date: _____

Fire: _____ Date: _____

Conditions of approval: _____

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

Other Staff Approval: _____
 Date: _____

Rev. 07-01-22

TYPE OF ACTIVITY (check all that apply):

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

Please print or type

EVENT NAME: Hurricane Mountain Bike Festival

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

2. Name of Organization: Hurricane Mountain Bike Festival

3. Date(s) of Event: April 5 - 6, 2024

4. EVENT DETAILS:

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

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

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

5. PARTICIPANTS

of Participants & Attendees expected: 300-500 # of Volunteers/Event Staff: 20

☒ Open to the Public ☐ Private Group/Party

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

6. APPLICANT INFORMATION

Name of Applicant: DJ Morisette

Address: 76E 100S Hurricane UT 84737

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

Mailing Address (if different): _____

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

Alternate Contact For Event: Wendy Halitzer

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

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

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

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

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

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

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

☒ Yes ☒ No **Temporary Stage?** **Dimensions of Stage:** _____
Description of Tents/Canopies/Stage, etc.:

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

☐ Fencing/Scaffolding

☐ Barricades (must obtain privately)

☐ Portable Sanitary Units (must obtain privately)

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

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

☐ PA/Audio System **Type/Description:**

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

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

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

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

☐ Yes ☐ No **Will Roads & Sidewalks Be Used?**

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

☐ Road Use and Closure **Location:**

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

☐ Parade **Location:** **Number of Floats:**

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

☐ \$75.00 for attendance under 300

☐ \$150.00 for attendance over 300

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

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

DJ Luther-Morisette

Applicant's Name [PRINT]



Applicant's Signature

5/25/23

Date

EVENT DESCRIPTION

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

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

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

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

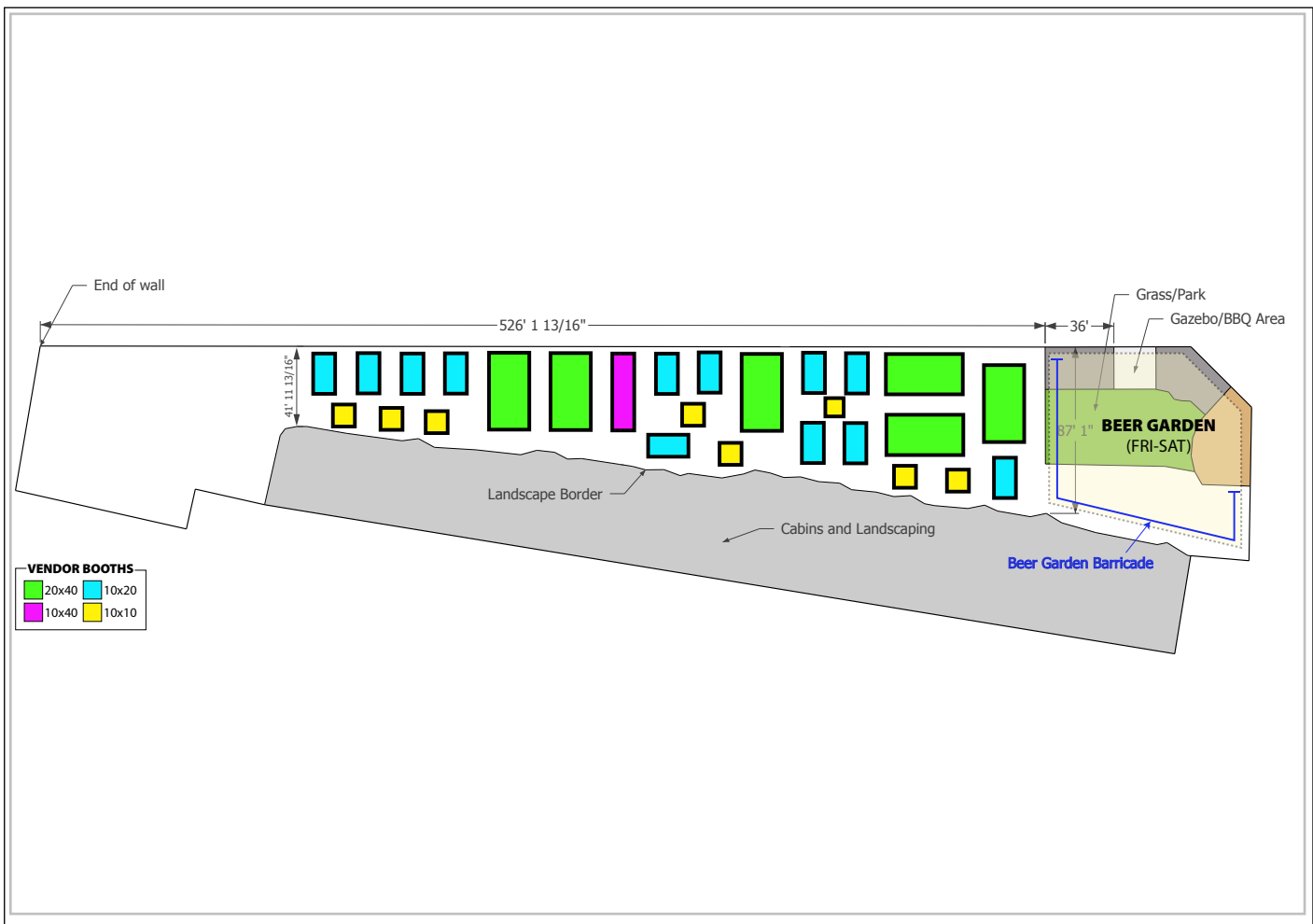
DETAILED SITE PLAN/MAP

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

Your map should **include**:

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

North



Date Received Vendor List: _____
Payment Received: _____

Permit No: _____
Date Completed: _____

Item 6.

SUB-LICENSE FEE(S)



Please make check payable to: Town of Apple Valley

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

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

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

EVENT DATE(S): April 5 - 6, 2024 **EVENT LOCATION:** Gooseberry Lodges: 1752 W Pins Dr., App

VENDOR INFORMATION

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

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

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

Date Received: _____

Permit No: _____

Police Approved: _____

Date Issued: _____

Approval with Comments:

Rev. 7-01-22

SECURITY PLAN APPROVAL REQUEST FORM



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

EVENT NAME: Hurricane Mountain Bike Festival

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

Type of Event:

Date of Event: April 5 - 6, 2024

Hours of Event:

Number of Expected Attendance:

Occupancy Load:

Name of Applicant: Hurricane Mountain Bike Festival

Address:

Day Phone:

Cell/Other: (435)990-1292

E-mail: humtbfestival@gmail.com

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

Please check applicable Security:

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

- | | | |
|---|--------------------------------|------------------------|
| ☐ Police Officers (must coordinate w/Washington County | 2 Police Officers per | 1 to 300 People |
| ☒ Security Officers in Uniform | 3 Security Officers per | 1 to 300 People |
| ☒ Private Citizens in Security Shirts or Vests | 4 Private Citizens per | 1 to 300 People |

Name of On-site Security Director: Dane Womack **Cell Number:** 435-592-0650

E-mail: Dane@onsiteprivatesecurity.com

Comments:

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

Applicant Signature:

Date: 5/25/23

SECURITY PLAN INFORMATION

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

First	Last	Age	Cell Phone Number

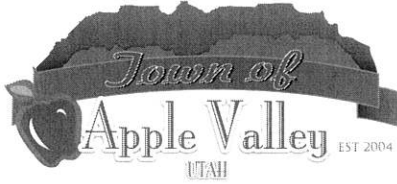
2. Please indicate the number of security personnel that will be roaming on the premises of the event: 3-6.

3. Please provide a detailed Security Plan:

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

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

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



Town of Apple Valley
 1777 N. Meadowlark Dr., Apple Valley, Utah 84737
 Phone: (435) 877-1190 Fax: (435) 877-1192
 www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE TOWN COUNCIL

Name: Dan Tygard Date: 6/14/23

Address: 1350 N. State St.
Apple Valley, UT

Phone: (916) 240-1808

Date of Town Council meeting for this agenda item to appear: 6/21/23

Purpose of Request:

Impact fee payoff proposed.

Note: Final approval of this application is subject to all necessary paperwork being submitted, as well as Town staff requirements being met. When other earlier deadlines are not specified, this application must be submitted no later than 4:00 p.m. the Wednesday, one week and one day prior to the regularly scheduled Council meeting.

Applicant Signature Dan Tygard Date 6/14/23

Town Administration _____ / _____
 Date

**COOPERATIVE AGREEMENT
BETWEEN THE
UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS
AND**

Apple Valley

This agreement shall become effective on the date of the last authorized signature and will remain in effect until December 31, 2024. This agreement may only be amended by mutual written agreement of the parties. In the event of disagreement between this agreement and any statute or regulation, the statute or regulation shall control. No waiver of any terms of this agreement will be valid unless in writing in accordance with R652-122-200 (2017).

SECTION I: RECITALS AND GLOSSARY OF TERMS

- A. Pursuant to Utah Code § 65A-8-203 (2021), this Cooperative Agreement is required for a county, municipality, or certain other eligible entity (“Participating Entity”) and the State of Utah, Division of Forestry, Fire and State Lands (“FFSL”)(collectively “parties”) to cooperatively discharge their joint responsibilities for protecting non-federal land from wildland fire.
- B. Glossary of Terms
- a. Annual Participation Commitment Report – a report prepared by the Participating Entity detailing the expenditures and activities conducted in compliance with the Participation Commitment during the past fiscal year.
 - b. Cooperative Agreement – an agreement between FFSL and an Eligible Entity wherein the Eligible Entity agrees to meet a Participation Commitment and provide Initial Attack for wildland fire in the entity’s jurisdiction, and FFSL agrees to pay for wildland fire suppression costs following a Delegation of Fire Management Authority as found in Utah Code § 65A-8-203.1 (2017), as well as all aviation asset costs charged to the incident.
 - c. Eligible Entity – as defined in Utah Code § 65A-8-203 (2021) means:
 - i. a county, a municipality, or a special service district, local district, or service area with wildland fire suppression responsibility as described in Utah Code § 11-7-1(2017); and wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or
 - ii. upon approval by the FFSL director, a political subdivision established by a county, municipality, special service district, local district, or service area that is responsible for providing wildland fire suppression services; and paying for the cost of wildland fire suppression services
 - d. Extended Attack – actions taken in response to wildland fire after Initial Attack.
 - e. Initial Attack – actions taken by the first resources to arrive at any wildland fire incident. Initial actions may be size-up, patrolling, monitoring, holding action, or aggressive suppression action. All wildland fires that are controlled by suppression forces undergo initial attack. The kind and number of resources

responding to initial attack varies depending on fire danger, fuel type, values to be protected and other factors. Generally, initial attack involves a small number of resources and the incident size is small. Regardless of fire type, location, or property/resources being threatened, firefighter and public safety is always the highest priority. (NWCG Wildland Fire Incident Management Field Guide, 2013)

- f. Participation Commitment – prevention, preparedness, and mitigation actions and expenditures undertaken by a Participating Entity to reduce the risk of wildland fire and meet the intent of Utah Code § 65A-8-202 (2017) and Utah Code § 65A-8-202.5(2017).
- g. Annual Participation Commitment Statement – a statement prepared by FFSL and sent to the Participating Entity detailing the Participation Commitment for the upcoming fiscal year.
- h. Participating Entity – an Eligible Entity with a valid Cooperative Agreement.
- i. Fiscal Year - a consecutive 12-month period for financial reporting, as determined by the Participating Entity's budget cycle.

SECTION II: CERTIFICATION OF QUALIFICATIONS

FFSL and the Participating Entity certify that the following qualifications have been met:

- A. The Participating Entity is a qualifying eligible entity.
- B. The Participating Entity agrees to adopt a Community Wildfire Preparedness Plan (CWPP) (or equivalent approved by FFSL).
 - a. If the Participating Entity has a CWPP at the time of executing this agreement, the Participating Entity agrees to maintain and implement the CWPP for the duration of this agreement.
 - b. If the Participating Entity does not have a CWPP at the time of executing this agreement, the Participating Entity agrees to make a good faith effort to develop and adopt a CWPP prior to the expiration of this agreement.
- C. The Participating Entity's fire department or fire service provider as defined in Utah Code § 65A-8-203 (2021) meets minimum standards for wildland fire training, certification, and equipment based on nationally accepted standards as specified by FFSL in R652-122-1400 (2017).
- D. FFSL agrees to provide an Annual Participation Commitment Statement and the Participating Entity agrees to review, approve, and return the signed Annual Participation Commitment Statement to FFSL before the start of the Participating Entity's fiscal year.
- E. The Participating Entity agrees to implement prevention, preparedness, and mitigation actions, which are identified in their CWPP and lead to reduction of wildfire risk, according to their Annual Participation Commitment Statement.

- F. The Participating Entity is not ineligible for a Cooperative Agreement pursuant to R652-122-200 (2017), R652-121-400 (2017), or R652-121-600 (2017)
- G. If the Participating Entity is a county or has jurisdiction over unincorporated private land, the county in question has adopted a wildland fire ordinance based on minimum standards established by FFSL in R652-122-1300 (2017).
- H. If the Participating Entity is a county or has jurisdiction over unincorporated private land, the county in question has a designated fire warden as described in Utah Code § 65A-8-209.1 (2022) and has entered into a County Warden Agreement (Addendum A).

SECTION III: PARTICIPATION COMMITMENT

FFSL and the Participating Entity agree to the following provisions:

A. Participation Commitment

- a. The Participating Entity agrees to fulfill a Participation Commitment as contained in R652-122-800 (2017) and R652-122-200(6)(c) (2017).
- b. The Participation Commitment includes prevention, preparedness, and mitigation actions identified in an FFSL-approved CWPP or equivalent wildland fire preparedness plan.

B. Participation Commitment Expenditures and Activities

- a. The Participation Commitment may be met through either direct expenditures or in-kind activities.
 - i. Direct expenditures include funds spent by the Participating Entity to implement wildland fire prevention, preparedness or mitigation actions identified in Addendum B or with the approval of the Participating Entity's respective FFSL Area Manager.
 - ii. In-kind activities include wildland fire prevention, preparedness or mitigation efforts identified in Addendum B or with the approval of the Participating Entity's respective FFSL Area Manager.
 - 1. In-kind expenditures are valued at the rate calculated by the "Independent Sector" (<https://www.independentsector.org/>), the same source used for FFSL's Fire Department Assistance Grant program.
 - iii. Participation Commitment cannot be met through direct payment to the State.
- b. FFSL staff (e.g., County Warden, WUI Coordinator, FMO, or Area Manager) may assist the Participating Entity with identifying valid Participation Commitment actions and activities based on the Participating Entity's FFSL-approved CWPP or equivalent wildfire preparedness plan.

C. Participation Commitment Accounting and Reporting

- a. The Participating Entity is responsible for accounting for its respective Participation Commitment activities and expenditures.
 - i. The value of Participation Commitment expenditures and activities may, in certain instances, “carry-over” to the next fiscal year with the approval of the respective FFSL Area Manager.
 - 1. The value of capital improvement projects--typically, large “preparedness-type” projects--can carry-over for five years, with no single project’s value accounting for more than 25% of the Participating Entity’s total Participation Commitment for any of those years. This is the same 25% annual maximum that applies to all preparedness activities as noted on Addendum B.
 - 2. All other non-capital improvement actions (e.g., a large fuels reduction project) can carry over for three years. No maximum value applies to mitigation actions as described in Addendum
 - 3. It is the responsibility of the Participating Entity to receive approval from their respective FFSL Area Manager in advance of pursuing a carry-over
 - 4. It is the responsibility of the Participating Entity to account for, track and report in their annual Participation Commitment Report the carry-over from year to year.
- b. The Participating Entity agrees to provide an Annual Participation Commitment Report detailing the Participation Commitment activities and expenditures to their local FFSL Area Office at the conclusion of the Participating Entity’s fiscal year (via the County Fire Warden) for annual review and approval by FFSL.
 - i. FFSL shall have the right to review and verify records related to the Participation Commitment. FFSL shall also have the right to deny unverifiable or incorrect records.

D. Annual Participation Commitment Statement

- a. In advance of a Participating Entity’s fiscal year, FFSL will send the Participating Entity an Annual Participation Commitment Statement.
- b. In order to continue participation for the Participating Entity’s upcoming fiscal year, the Participating Entity’s executive officer must approve, sign, and return the Annual Participation Commitment Statement to FFSL by the due date contained in the Statement. Failure to do so will terminate this agreement at the conclusion of the Participating Entity’s current fiscal year.
- c. The Annual Participation Commitment Statement is based on the Participating Entity’s fiscal year, and the corresponding Participation Commitment must be met throughout the Participating Entity’s next fiscal year.

E. Participation Commitment Calculation

- a. The Participation Commitment is based on two elements, a wildfire risk assessment by acres (“Risk Assessment”) conducted by FFSL, and the historic fire cost average (“Fire Cost Average”) in each Participating Entity’s jurisdiction.
 - i. The Risk Assessment is determined by FFSL’s “Utah Wildfire Risk

Assessment Portal” (UWRAP), which will be updated as data sources, technology, and funding allow.

- ii. The Fire Cost Average is based on historic suppression costs accrued by a Participating Entity. Only wildland fire suppression costs accrued and paid by the State on behalf of a Participating Entity are counted toward that entity’s historic fire cost average. This includes State-paid costs after a Delegation of Fire Management Authority and Transfer of Fiscal Responsibility has occurred.
 1. The Fire Cost Average is calculated on a rolling ten-year average, dropping the highest and lowest cost years and adjusting for inflation (using the Consumer Price Index); therefore, each ten-year average will have eight data points.
 2. The Fire Cost Average will only include State-paid suppression costs for areas for which the Participating Entity has fire suppression responsibility and taxing authority.
- b. FFSL will calculate the Participation Commitment for the Participating Entity according to the formula found in R652-122-300 (2017), R652-122-400 (2017) and R652-122-500 (2017).

F. Participation Commitment Appeals

- a. Decisions related to the Participation Commitment may be informally appealed to the State Forester.

**SECTION IV: INITIAL ATTACK, DELEGATION OF FIRE MANAGEMENT
AUTHORITY, TRANSFER OF FISCAL RESPONSIBILITY,
and EXTENDED ATTACK**

A. Initial Attack

- a. The Participating Entity agrees to primary responsibility for Initial Attack (“IA”). IA is defined as actions taken by the first resources to arrive at any wildland fire incident. Initial actions may be size-up, patrolling, monitoring, holding action, or aggressive suppression action. All wildland fires that are controlled by suppression forces undergo initial attack. The kind and number of resources responding to initial attack varies depending on fire danger, fuel type, values to be protected and other factors. Generally, initial attack involves a small number of resources and the incident size is small. Regardless of fire type, location, or property/resources being threatened, firefighter and public safety is always the highest priority (NWCG Wildland Fire Incident Management Field Guide, 2013).
- b. Effective wildland fire IA will be determined by FFSL based on the definition above and pursuant to Utah Code § 65A-8-202 (2017), defined as what is reasonable for the entity.
- c. The Participating Entity agrees to financial responsibility for all IA costs except aviation assets, which are the responsibility of the State.
- d. FFSL agrees to financial responsibility for all costs of aviation assets, including both IA and extended incidents.

- i. Aviation assets on initial run cards as established by the State will not:
 - 1. be counted towards a Participating Entity's historic fire cost average for purposes of annually calculating the Participating Entity's Participation Commitment; and,
 - 2. cause the Delegation of Fire Management Authority or Transfer of Fiscal Responsibility.
- B. Delegation of Fire Management Authority and Transfer of Fiscal Responsibility
 - a. Delegation of Fire Management Authority and Transfer of Fiscal Responsibility ("Delegation") occur simultaneously with one of the following events:
 - i. State or federally owned lands are involved in the incident; or,
 - ii. firefighting resources are ordered through an Interagency Fire Center (beyond "pre-planned dispatch"); or,
 - iii. at the request of the Participating Entity having jurisdiction by the local fire official on scene; or,
 - iv. by decision of the State Forester after consultation with local authorities.
 - b. Delegation to FFSL means FFSL or its designee becomes the primary incident commander, in a unified command environment with the agency having jurisdiction.
- C. Extended Attack
 - a. Upon Delegation a timestamp will be recorded via radio with the Interagency Fire Center servicing the incident.
 - b. Delegation documentation will be signed by all parties on the incident organizer and resource needs will be reevaluated in the transition from initial to extended attack.
 - c. This timestamp will also be reflected on the Crew Time Reports (CTR)/Shift Ticket of all resources that are not covered by a no-cost local agreement, such as an automatic aid system or other inter-local agreement.
 - d. At the time of the Delegation, a new CTR/Shift Ticket will be started for all resources to be used in the extended attack effort.
 - e. FFSL agrees to be financially responsible for the wildland fire suppression costs beyond IA if a Delegation occurs and the Participating Entity meets the terms of Code, Rule, and this Agreement.

SECTION V: WILDLAND FIRE RESPONSE TRAINING, CERTIFICATION AND EQUIPMENT STANDARDS

- A. Wildland Fire Response Training and Certification
 - a. FFSL prefers certification by the Utah Fire Certification Council as Wildland Firefighter I, as certified by the Utah Fire and Rescue Academy (UFRA).
 - b. At a minimum, the Participating Entity will ensure that firefighters providing Initial Attack to wildland fire within the Participating Entity's jurisdiction will be trained in NWCG S130 Firefighter Training and S190 Introduction to Wildland Fire Behavior.

FFSL also recommends S215 Wildland Urban Interface Firefighting Operations.

- i. This includes firefighters who are directly involved in the suppression of a wildland fire; firefighters on scene who have supervisory responsibility or decision-making authority over those involved in the suppression of a wildland fire; or individuals who have fire suppression responsibilities within close proximity of the fire perimeter.
- ii. This does not include a person used as a courier, driver of a vehicle not used for fire suppression, or a person used in a non-tactical support or other peripheral function not in close proximity to a wildland fire.
- iii. Upon the Delegation of Fire Management Authority, Firefighters not certified by the Utah Fire Certification Council as Wildland Firefighter I will be released from Initial Attack or reassigned to other firefighting duties.
- iv. FFSL reserves the right to reevaluate these requirements.
- c. The Participating Entity will ensure that firefighters providing Initial Attack to wildland fire within the Participating Entity's jurisdiction will complete RT130 Annual Fireline Safety Refresher Training prior to each statutory "closed fire season" as found in Utah Code § 65A-8-211(2017).
- d. In order to be eligible for state reimbursement for wildland fire suppression response outside of its jurisdiction,
 - i. a Participating Entity's firefighters and fire departments must follow the qualifications outlined in the FFSL Memorandum of Understanding; or
 - ii. the County or participating entity fire departments for qualified resources used under this agreement on federal, state or out-of-county (or out-of-entity) fires pursuant to the terms and conditions outlined in the fire department MOU and rate agreement

B. Wildland Fire Response Equipment Standards

- a. The Participating Entity will ensure that engines, water tenders, hand tools, and water handling equipment used for response to wildland fire on non-federal land within the Participating Entity's jurisdiction will meet the standard for the type of equipment as determined by the National Wildfire Coordinating Group and/or as indicated in FFSL's annual Fire Department Manual.

SECTION VI: WILDLAND FIRE COST RECOVERY LEGAL ACTIONS

- A. Pursuant to Utah Code § 65A-3-4 (2020), the Participating Entity agrees to initiate a civil action to recover suppression costs incurred by the Participating Entity and the State of Utah on non-federal land within the Participating Entity's jurisdiction for wildland fire caused negligently, recklessly, or intentionally.
- B. Counsel for FFSL will provide assistance with these actions.
- C. Any costs recovered may reduce the Participating Entity's Historic Fire Cost Average and Participation Commitment.

SECTION VII: BREACH AND TERMINATION

- A. If, at the end of a fiscal year, FFSL determines that the Participating Entity has not complied with the terms of this agreement, including but not limited to, failing to comply with the Participation Commitment or failing to comply with the terms stated in Utah Code § 65A-8-203(4) (2021), the entity will be placed on Probation Status by FFSL and given notice of this decision, the reasons for this decision, and actions required to remove Probation Status.
- B. A decision to place the Participating Entity on Probation Status may be appealed to the State Forester. The State Forester may conduct an investigation, hold an informal hearing, and/or request further information from the Participating Entity and/or FFSL.
- C. During Probation Status, the Participating Entity may continue to receive assistance as provided in this Cooperative Agreement, but the Participating Entity must come into compliance with the Cooperative Agreement by the end of the fiscal year.
- D. If the Participating Entity comes into compliance with the Cooperative Agreement by the end of the first Probation Status fiscal year, the Probation Status shall be lifted.
 - a. If the reason for the Probation Status is that the Participating Entity has failed to fulfill its Participation Commitment during the previous fiscal year, the Participating Entity must fulfill the Participation Commitment for the previous year, as well as the Participation Commitment for the current fiscal year by the end of the fiscal year in order to have its probation status lifted.
 - i. If during the first Probation Status year, the Participating Entity fulfills its Participation Commitment for the previous fiscal year, but not for the first Probation Status year, the Probation Status may be extended for a second fiscal year.
 - ii. If during the second Probation Status year, the Participating Entity fails to fulfill the Participation Commitment for both the first and second Probation Status years, the Cooperative Agreement shall be revoked as specified in subsection VII(E) herein below
 - b. Participation Commitment expenditures and actions shall be credited towards the outstanding obligation before being credited to the current obligation.
- E. If the Participating Entity does not come into compliance with the terms of this Cooperative Agreement by the end of the first Probation Status fiscal year (or second Probation Status fiscal year if the non-compliance is failure to meet the Participation Commitment), this Cooperative Agreement shall be revoked pursuant to Utah Code § 65A-8-203 (2021) and the entity shall not be eligible for assistance from the Wildland Fire Suppression Fund and shall be responsible for wildland fire suppression costs within its jurisdiction pursuant to Utah Code § 65A-8-203.2 (2017)
- F. If the Participating Entity is on probation or otherwise non-compliant with the terms of this

or a prior agreement with FFSL, and enters into a new cooperative agreement with FFSL, the prior obligations and status remain in effect until rectified according to the terms of this agreement.

- G. Either party may terminate this agreement by providing the other party with written notice 30 days prior to the termination date.
- H. If either party terminates this agreement, the Participating Entity shall only be allowed to enter into a new cooperative agreement pursuant to R652-121-600 (2017).

UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS:

Authorized Signature

Date

Title

PARTICIPATING ENTITY:

Authorized Signature

Date

Title

APPROVED AS TO FORM: Tony Clinger, Assistant Attorney General, March 29, 2023

SECTION 1: **AMENDMENT** “Payroll Administration” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Payroll Administration

- A. PAY PERIODS. The Fair Labor Standards Act requires that wages be calculated on a periodic basis consisting of twenty-eight (28) days for employees working in public safety activities, such as Law Enforcement and Firefighters, and on a weekly basis for employees not working in public safety activities, unless an exception is granted by the Department of Labor.
- B. PAY DAYS. Apple Valley’s pay days are as follows.
 - 1. Employees will be paid on a bi-weekly basis for a total of 26 pay periods in a 12-month period. Volunteer Fire Fighters will be paid on a quarterly basis for a total of four (4) pay periods in a 12-month period.
 - 2. MINIMUM WAGE/SALARY. The Fair Labor Standards Act requires that Apple Valley pay an employee at least the minimum wage, currently seven dollars and twenty five ~~fifty~~ cents (\$7.25), as a gross wage/salary, minus the legally required pay deductions. This does not apply to volunteer firefighters for a nominal fee per 29 CFR 553.106. Nominal fees are set as follows: Per Call \$10, Per Weekend \$20/day, Per Weekday/Standby/Station Maintenance \$20/day, Drills \$5/drill. This is meant to relieve the firefighter/EMT of the expenses incurred for travel, meals, or other incidental incurred expenses for the provision of services.
- C. PAY DEDUCTIONS. Apple Valley is permitted to make deductions authorized by their employees. The following is a checklist of automatic payroll deductions:
 - 1. Itemized Deductions.
 - 2. Mandatory:
 - a. Social Security.
 - b. Federal Tax.
 - c. State Tax.

SECTION 2: **AMENDMENT** “Employment Classifications/Compensation” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employment Classifications/Compensation

- A. GENERAL POLICY. Apple Valley will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Apple Valley will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.
- B. EMPLOYMENT CLASSIFICATIONS. There are five classifications of employees within Apple Valley:
1. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is Thirty (30) hours per week or more. Full-time employees may or may not qualify for specific Apple Valley benefits.
 2. Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than Thirty (30) hours per week. Part-time employees do not qualify for Apple Valley benefits.
 3. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Apple Valley benefits.
 4. Seasonal. An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Apple Valley benefits.
 5. Volunteer. Individuals who serve in a non-compensated or nominal compensated position. Individuals do not qualify for specific Apple Valley benefits.
- C. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:
1. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
 2. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
- D. WORK WEEK.
1. Begins on Sunday morning at 12:00 a.m. (midnight).
 2. Ends on Saturday evening at 12:00 a.m. (midnight).
 3. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.
- E. WORKDAYS.
1. Full Time: Monday - Friday.
 2. Part Time: As directed by the Town Administrator, or designee.
 3. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.

F. WORK HOURS.

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

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

H. BREAKS AND LUNCH PERIODS.

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

SECTION 3: AMENDMENT "Employee Code Of Conduct" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employee Code Of Conduct

- A. PROFESSIONALISM. Apple Valley is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials. A separate Ethical Behavior Policy Statement is incorporated as part of this manual.

- B. **PRIVILEGED INFORMATION.** Apple Valley employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Apple Valley plan or activity, this situation must be reported to the Town Administrator immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and management Act.
- C. **CONFIDENTIALITY.** Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
- D. **GIFTS AND GRATUITIES.** Apple Valley employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Apple Valley, or from any person within or outside Apple Valley employment whose interests may be affected by the employee's performance or nonperformance of official duties. Apple Valley employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.
- E. **ATTENDANCE.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence.
- F. **APPEARANCE.** Apple Valley reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.
- G. **SMOKING.** In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Apple Valley facilities or on the grounds surrounding said facilities. Apple Valley also prohibits smoking in Apple Valley owned vehicles.
- H. **PERSONAL USE OF APPLE VALLEY OFFICE ITEMS.**
1. Computer Equipment (In General).
 - a. Personal use of Apple Valley owned computer systems is permitted only when all of the following criteria are met.
 - i. The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
 - ii. The employee is not compensated for the work performed, unless the employee has received prior written approval by the Town Administrator, or designee.
 - iii. The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).

- iv. The employee uses the computer system after hours, or on the employee's personal time.
 - v. The employee does not use the computer system for permanent storage of data.
 - vi. Use does not conflict with the employee's Apple Valley responsibilities or normal Apple Valley business.
 - vii. The use has been approved by the Town Administrator, or designee.
- b. All data stored on, and software developed on, Apple Valley owned computer equipment is the property of Apple Valley and may be viewed/reviewed by the Town Administrator, or designee, at any time.
 - c. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Apple Valley owned computer equipment.
 - d. A separate IT and Computer Security Policy is hereby incorporated as part of this manual.
- 2. Postage Meters. No employee shall be allowed to use Apple Valley owned postage metering machines at any time for posting and mailing of any material of a personal nature.
 - 3. FAX and Copying Machines. Any employee desiring to use Apple Valley owned FAX or copying machines for items of a personal nature may do so after paying for such use at the employee rate which is in effect at the time of use.
 - 4. Telephone calls.
 - a. Employees are expressly prohibited from making long distance telephone calls of a personal nature on Apple Valley owned telephones.
 - b. All employees will use Apple Valley owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.
- I. PURCHASING. When procurement involves the expenditure of federal assistance funds, Apple Valley shall comply with all applicable federal laws and regulations, state laws, and Town ordinances and resolutions. For all purchases, please refer to current purchasing policies.
 - J. TIMECARDS
 - 1. All non-exempt employees of Apple Valley are required to maintain an accurate and legible record of all their hours worked for Apple Valley on time sheets/cards.
 - 2. Time sheets/cards will be signed and dated by the employee, and forwarded to the Town Administrator, or designee, as directed for review and payment.
 - K. DEBIT CARDS. Apple Valley debit cards shall be used for official business only and shall not be used for the personal convenience of an employee.
 - 1. It is the cardholder's responsibility to:

- a. Make only authorized purchases as prescribed by the Town purchasing policy and approved budget.
 - b. Retain receipts for all transactions.
 - c. Keep the credit card and corresponding account information secure.
 - d. Immediately report any lost or stolen credit card and/or account information to the Town.
 - e. Sign the back of the issued card.
 - f. Return the card upon termination.
- 2. It is accounts payable responsibility to:
 - a. Reconcile the credit card statement upon its arrival.
 - b. Report fraudulent charges or any discrepancies in the credit card statement in a timely manner.
- 3. Prohibited credit card purchases:
 - a. Any merchant, product, or service normally considered to be inappropriate use of Town funds.
 - b. Purchase of items for personal use or consumption.
 - c. Alcohol
 - d. Any use not in conformity with the purchasing policy.
- L. OUTSIDE ACTIVITIES. Apple Valley employees shall not use Apple Valley owned property in support of outside interests and activities when such use would compromise the integrity of Apple Valley or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to Apple Valley business, public office, or service club, shall:
 - 1. Pursue the outside activity on the employee's own time.
 - 2. Pursue the outside activity away from Apple Valley offices.
 - 3. Discourage any phone, mail or visitor contact related to the outside interest at Apple Valley offices.
 - 4. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
 - 5. Except as provided in paragraph 8, not use data processing equipment, postage metering machines, copiers, other Apple Valley owned equipment or supplies for the outside interest.
- M. POLITICAL ACTIVITY.
 - 1. An employee shall not be coerced to support a political activity, whether funds or time are involved.
 - 2. An employee shall not engage in political activity during work hours, unless on approved leave.
 - 3. An employee shall not use Apple Valley owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) When engaged in political activity.
 - 4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
 - 5. An employee shall not use the employee's title or position while engaging in political activity.

N. SECONDARY EMPLOYMENT.

1. Apple Valley employment is primary.
 - a. Employment with Apple Valley shall be the employee's primary employment. Apple Valley employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
 - b. Employees are required to provide written notification to the Town Administrator, or designee, using the Employee's Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:
 - i. The employer's name, business name, and business address.
 - ii. A general overview of the type of business engaged in by the secondary employer.
 - iii. The specific duties engaged in by the employee at their secondary employment.
2. Apple Valley's approval process.
 - a. The Town Administrator, or designee, shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
 - i. That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with Apple Valley. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
 - ii. That the secondary employment could invoke a conflict of interest with their employment with Apple Valley.
 - iii. That the secondary employment is immoral or unethical.
 - b. This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:
 - i. Shall abide by that decision.
 - ii. May appeal the decision to the Town Council, whose decision shall be final.
 - iii. May voluntarily resign their employment with Apple Valley.

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

AMENDMENT

Employee Hiring

- A. EMPLOYMENT. Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
- B. RECRUITMENT. All recruitment shall be conducted in accordance with Apple Valley's equal opportunity guidelines.
 - 1. Internal Promotions. It is Apple Valley's policy to give first consideration to current agency employees desiring to fill an open job position.
 - 2. External Advertising.
 - a. Only the Town Administrator, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
 - b. Each Job Opening Notice should contain a statement indicating that Apple Valley is an equal opportunity employer.
 - c. Job Opening Notices may be advertised in the appropriate media, including the Department of Workforce Services should be utilized whenever possible, and through any other channels the Town Administrator deems appropriate, on at least three (3) separate days.
 - d. All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.
 - e. Advertisements may state that job applicants residing in Apple Valley or the surrounding area will be given hiring preference.
- C. SELECTION.
 - 1. Nepotism. It is the policy of Apple Valley to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
 - 2. Employment of Minors. It is the policy of Apple Valley that no one under the age of fourteen (14) shall be hired for any position.
 - 3. Job Applications. All interested job applicants shall complete a Job Application.
 - a. All applications and resumes received for the job opening will be forwarded to the Town Administrator, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year.
 - b. Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
 - 4. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed

necessary, it may be administered by the Department of Workforce Services.

5. Other Tests. Job Applicants may be required to take other tests which Apple Valley deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Apple Valley uses other ability tests, Apple Valley shall make reasonable accommodations for disabled applicants.
6. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:
 - a. Does not meet minimum qualifications established for the position.
 - b. Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
 - c. Has falsified a material fact or failed to complete the application.
 - d. Has failed to timely file the application.
 - e. Has an unsatisfactory employment history or poor work references.
 - f. Has failed to attain a passing score if an examination is required.
7. Reference Checks. To facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. Apple Valley may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Telephone and Written Reference Check Questionnaires.

D. PLACEMENT

1. Job Offers. After a job applicant is approved by Apple Valley, the Town Administrator shall notify the successful job applicant of their conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to Apple Valley by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:
 - a. A clear statement of the job description.
 - b. The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
 - c. The employee's job title.
 - d. The employee's supervisor.
 - e. Any relocation commitments, if applicable.

- f. Apple Valley at-will employment policy.
 - g. The employee's starting date.
 - h. The length of the employee's probationary period.
 - i. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
- 2. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The Town Administrator, or designee, may send a Job Rejection Letter to each job applicant who was not selected for a job opening.
- 3. Medical Examinations. Once Apple Valley has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Apple Valley to determine a job applicant's ability to fulfill essential job-related requirements. Only the Town Administrator may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Apple Valley. The prospective employee must sign a written release of this information to Apple Valley.
- 4. Reinstatements. Employees who are reinstated into Apple Valley may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
 - a. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Apple Valley within one (1) year after date of termination.
 - b. Voluntary resignations. Employees who voluntarily terminate their employment with Apple Valley may maintain their original anniversary date, subject to Town Administrator and/or Town Council approval, if they are re-employed by Apple Valley within six months after date of termination.
- 5. Hiring New Employees.
 - a. Required for All Employees: The Town Administrator, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Apple Valley's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- 6. Orientation. Newly hired Apple Valley employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.
 - a. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.

- b. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- c. All new employees should be given a tour of the workplace with a brief overview of company rules and benefits. The employee should complete a New Employee Orientation Form, that's been modified to meet the particular needs of Apple Valley.

7. Probationary Period.

- a. All new employees shall be subject to a ~~90~~~~+80~~-day probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- b. Probationary periods begin on the first day of employment and continue for ~~90~~~~+80~~ days. Management will provide guidance to probationary employees, so they understand work requirements.
- c. An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. Management reserves the right to extend the initial probationary period for an additional ~~90~~~~+80~~ days on the basis of this performance evaluation. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

E. VOLUNTEERS.

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

SECTION 5: **AMENDMENT** “Reimbursable Expenses” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Reimbursable Expenses

- A. **GENERAL POLICY.** With prior approval, legitimate expenses will be reimbursed by Apple Valley to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.
- B. **TRAINING AND CONFERENCES.** If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half times their regular work day pay if hours worked exceed forty (40) hours in that week.
- C. **TRAVEL POLICY.**
 - 1. All travel outside of the Apple Valley limits during Apple Valley work hours shall be authorized by the Town Administrator. A log of all such travel exceeding a thirty (30) mile radius of Apple Valley shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
 - 2. Travel for legitimate Apple Valley purposes in Apple Valley vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Apple Valley. Overnight use of Apple Valley vehicles for travel purposes shall be authorized by the Town Administrator.
 - 3. If travel is outside the range of service of Apple Valley’s repair shop, travel costs in conjunction with the use of Apple Valley vehicles shall be paid by the employee with receipts being kept for reimbursements.
 - 4. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. If such payment in advance is not possible, Apple Valley shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Apple Valley by the employee as a verification of attendance no matter what the form of payment.
 - 5. Use of an employee’s personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the Town Administrator based upon this record. The mileage rate will be consistent with

- the established rate used for Internal Revenue Service travel deductions .
6. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.
 7. The amount of ~~fifty nine~~~~twenty-eight~~ dollars (\$~~59~~~~28~~.00) shall be granted as the maximum daily per diem allowance for Apple Valley employees engaged in travel on the Apple Valley's behalf. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the Town Administrator, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a spouse with an employee). Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
 8. Travel that requires less than a full day shall be compensated by the following specific per diem allowances:
 - a. Breakfast: Six dollars (\$~~15~~~~6~~.00) maximum, when departing before 7:00 a.m.
 - b. Lunch: Eight dollars (\$~~20~~~~8~~.00) maximum.
 - c. Dinner: Fourteen dollars (\$~~24~~~~14~~.00) maximum, when returning after 7:00 p.m.
 - d. These amounts may be either an advance, after submission and approval of travel request, or reimbursed after presentation of receipts.

TOWN OF APPLE VALLEY

RESOLUTION R-2023-21

**A RESOLUTION AMENDING THE TOWN OF APPLE VALLEY PERSONNEL POLICIES AND
PROCEDURES MANUAL BENEFITS SECTION**

WHEREAS, the Town of Apple Valley has an adopted Personnel Policy and Procedures manual; and,

WHEREAS, The Town Council of the Town of Apple Valley deems it necessary and appropriate that the Policies and Procedures manual be amended; and,

WHEREAS, The Town Council of Apple Valley held a public meeting duly called, noticed and held on the 21st day of June 2023; and,

WHEREAS, a motion duly made, seconded, and accepted by majority vote in regard to these changes was made; and,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, that the Policies and Procedures Manual be amended to reflect the changes and additions as attached hereto.

PASSED THIS 21ST DAY OF JUNE 2023. This resolution shall be in full force and effect from the date of passage.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Frank G. Lindhardt, Mayor

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member _____	_____	_____	_____	_____

TOWN OF APPLE VALLEY, UTAH**RESOLUTION NO. R-2023-23****A RESOLUTION TO REVOKE RESOLUTION NO. R-2023-15 AND REISSUE A NEW RESOLUTION TO CANCEL THE INTERLOCAL AGREEMENT CONTRACT WITH WASHINGTON COUNTY TO ASSIST WITH MUNICIPAL ELECTIONS**

WHEREAS, the Town of Apple Valley is a Utah municipal corporation; and

WHEREAS, the Town Council passed Resolution R-2023-15 on May 17, 2023 and now hereby revokes it due to timing issues; and

WHEREAS, municipalities within Washington County are responsible for conducting municipal elections within their own jurisdictions; and

WHEREAS, the Town Council, at a regular meeting on March 22, 2023, voted to conduct the municipal elections to ensure the vote by hand-count, rather than contracting with Washington County; and

WHEREAS, it was discovered a contract with Washington County to perform as the vendor for municipal elections in Apple Valley was entered into on May 21, 2019 as an automatic renewal contract; and

WHEREAS, the time frame to cancel the contract had cured for this upcoming election; and

WHEREAS, to prevent the subsequent administration from being subject to the automatic renewal contract, the Town Council hereby resolves to cancel this contract effective as of September 1, 2023, giving the opportunity for subsequent administrations to make this decision.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council that the interlocal agreement contract dated May 21, 2019, named INTERLOCAL COOPERATION AGREEMENT REGARDING ELECTION SERVICES with Washington County is canceled effective September 1, 2023.

RESOLVED this 21st day June 2023.

[Signature Block on Next Page]

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member _____	_____	_____	_____	_____

**Town of Apple Valley
Disbursement Listing
SBSU Operating - 05/01/2023 to 05/31/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Vermillion Villa Aaron and Susanna Barlo	5432	05/02/2023	\$487.50			Purchasing
Buck's Ace Hardware	5435	05/02/2023	\$140.75			Purchasing
Google LLC	G05022023	05/02/2023	\$181.00			Purchasing
GEM Awards	GA04262023	05/02/2023		05/02/2023	\$401.37	Purchasing
Superior Technical Solutions LLC	STS05022023	05/02/2023	\$883.89			Purchasing
Buck's Ace Hardware	BA05042023	05/04/2023	\$130.93			Purchasing
Payroll	0505231200	05/05/2023	\$8,021.61			Paycheck
Fralish, Lee W	5433	05/05/2023	\$46.17			Paycheck
Lindhardt, Frank G	5434	05/05/2023	\$784.97			Paycheck
Best Buy	BB05052023	05/05/2023	\$308.69			Purchasing
Dick's Sporting Goods	D05052023	05/05/2023	\$199.98			Purchasing
Internal Revenue Service	EFTPS0505202	05/05/2023	\$2,085.53			Payroll
Habitat for Humanity of St. George	HFH05052023	05/05/2023	\$15.00			Purchasing
Maverik	M05052023	05/05/2023	\$109.91			Purchasing
XPress Bill Pay	XBP73691	05/05/2023	\$243.53			Purchasing
Big Plains Water SSD	5436	05/08/2023	\$27,703.74			Purchasing
Red Dirt Car Wash	RD05082023	05/08/2023	\$5.75			Purchasing
Utah Retirement Systems	5437	05/09/2023	\$256.47			Payroll
Amazon Capital Services	5438	05/09/2023	\$1,065.90			Purchasing
Office of the Lieutenant Governor	OLG05092023	05/09/2023	\$25.00			Purchasing
Office of the Lieutenant Governor	OLG05092023	05/09/2023	\$25.00			Purchasing
Blackburn Propane Inc.	5439	05/10/2023	\$341.52			Purchasing
Google LLC	5440	05/10/2023		05/10/2023	\$181.00	Purchasing
James R Weeks	5441	05/10/2023	\$450.00			Purchasing
Jenco Generators	5442	05/10/2023	\$245.00			Purchasing
South Central Communications	5443	05/10/2023	\$441.77			Purchasing
Tink's Superior Auto Parts	5444	05/10/2023	\$62.85			Purchasing
Blanchard Pattison	5445	05/10/2023	\$450.00			Purchasing
Revco Leasing	5446	05/10/2023	\$302.51			Purchasing
Layton Ventures LLC	5447	05/10/2023	\$6,033.73			Purchasing
Color Country Automotive	5448	05/10/2023	\$865.83			Purchasing
Chase Paymentech	C5032023	05/10/2023	\$183.82			Purchasing
Salt Lake Community College	SLCC05022023	05/10/2023	\$20.00			Purchasing
Utah Retirement Systems	URS05102023	05/10/2023	\$858.83			Payroll
Washington Cardlock	WCL05102023	05/10/2023		05/10/2023	\$38.38	Purchasing
Washington Cardlock	WCL05102023	05/10/2023	\$38.39			Purchasing
Rocky Mountain Power	RMP05162023	05/16/2023	\$287.82			Purchasing
USPS	USPS05162023	05/16/2023	\$315.00			Purchasing
Utah Barricade Company	5450	05/17/2023	\$499.76			Purchasing
Utah Local Governments Trust	5451	05/17/2023	\$2,250.35			Purchasing
Washington County Solid Waste	5452	05/17/2023	\$5,016.53			Purchasing
Conway Shield	CS05172023	05/17/2023		05/17/2023	\$551.31	Purchasing
FirePro	5455	05/18/2023	\$219.00			Purchasing
Sunrise Engineering Inc.	5456	05/18/2023	\$596.50			Purchasing
Layton Ventures LLC	5457	05/18/2023	\$799.33			Purchasing
American Public Safety	APS05182023	05/18/2023		05/18/2023	\$318.28	Purchasing
Payroll	0519231200	05/19/2023		05/19/2023	\$7,024.25	Paycheck
Payroll	0519231200	05/19/2023		05/19/2023	\$7,231.50	Paycheck
Payroll	0519231200	05/19/2023	\$7,281.99			Paycheck
Bundy, Loran	5453	05/19/2023	\$99.73			Paycheck
Mortensen, David	5454	05/19/2023	\$265.96			Paycheck
Internal Revenue Service	EFTPS0519202	05/19/2023	\$1,578.46			Payroll
Utah Retirement Systems	URS05192023	05/19/2023	\$891.65			Payroll
Utah Retirement Systems	URS05192023	05/19/2023	\$5,279.76			Purchasing
Zoom Video Communications Inc.	Z05192023	05/19/2023	\$15.99			Purchasing
Red Dirt Car Wash	RD05222023	05/22/2023		05/22/2023	\$6.25	Purchasing
Little Creek Station	5458	05/24/2023	\$504.97			Purchasing
Buck's Ace Hardware	5461	05/31/2023	\$180.04			Purchasing
Second Sale	SS05312023	05/31/2023		05/31/2023	\$55.49	Purchasing
Second Sale	W05312023	05/31/2023		05/31/2023	\$55.33	Purchasing
Walmart	W05312023	05/31/2023		05/31/2023	\$105.53	Purchasing
Second Sale	W5312023	05/31/2023		05/31/2023	\$0.55	Purchasing
			\$79,098.41		\$15,969.24	

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 05/01/2023 to 05/31/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Cascade Fire Equipment	CFE05122023	05/12/2023	\$1,840.00			Purchasing
North Ridge Fire Equipment	NRF05122023	05/12/2023	\$2,205.17			Purchasing
Cascade Fire Equipment	CFE05152023	05/15/2023	(\$1,840.00)			Purchasing
John M. Ellsworth Co	JME05152023	05/15/2023	\$102.10			Purchasing
Conway Shield	CS05172023	05/17/2023	\$551.31			Purchasing
American Public Safety	APS05182023	05/18/2023	\$318.28			Purchasing
Costco	C05122023	05/18/2023	\$100.00			Purchasing
Pearson Education	P05262023	05/30/2023	\$117.41			Purchasing
Rock Island	RI5302023	05/30/2023	\$601.74			Purchasing
Shirt Space	SS5302023	05/30/2023	\$196.77			Purchasing
Red Dirt Car Wash	RD05222023	05/31/2023	\$6.25			Purchasing
Second Sale	SS05312023	05/31/2023	\$55.49			Purchasing
Walmart	W05312023	05/31/2023	\$105.53			Purchasing
Wob	W05312023	05/31/2023	\$55.33			Purchasing
Wob	W5312023	05/31/2023	\$0.55			Purchasing
			\$4,415.93		\$0.00	

**Town of Apple Valley
Disbursement Listing
PTIF 8635 Storm Drainage - 05/01/2023 to 05/31/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
TXFR Eligible Expenditures from Storm		05/11/2023	\$3,300.81			JE: 701
			\$3,300.81		\$0.00	

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 05/31/2023
91.67% of the fiscal year has expired

Item 14.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	130,859.18	2,694.04	138,457.19	128,557.00	107.70%
3120 Prior Year's Taxes-Delinquent	5,139.11	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	111,553.65	20,124.30	173,712.71	130,000.00	133.63%
3140 Energy and Communication Taxes	19,689.00	3,916.07	42,108.14	35,000.00	120.31%
3150 RAP Tax	14,641.96	1,365.58	15,719.39	17,000.00	92.47%
3160 Transient Taxes	7,183.63	2,841.75	14,756.44	7,200.00	204.95%
3170 Fee in Lieu of Personal Property Taxes	1,584.85	0.00	0.00	8,400.00	0.00%
3180 Fuel Tax Refund	0.00	111.15	937.68	0.00	0.00%
3190 Highway/Transit Tax	11,698.40	1,883.99	16,237.33	12,550.00	129.38%
Total Taxes	302,349.78	32,936.88	401,928.88	346,707.00	115.93%
Licenses and permits					
3210 Business Licenses	7,350.00	(487.50)	9,190.50	8,000.00	114.88%
3221 Building Permits-Fee	64,906.12	2,213.41	43,660.52	75,000.00	58.21%
3222 Building Permits-Non Surcharge	9,165.93	253.11	6,274.23	11,250.00	55.77%
3224 Building Permits Surcharge	332.22	1.41	(112.73)	750.00	-15.03%
3225 Animal licenses	420.00	0.00	800.00	500.00	160.00%
Total Licenses and permits	82,174.27	1,980.43	59,812.52	95,500.00	62.63%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	72,867.03	20,150.67	107,946.67	82,000.00	131.64%
3358 Liquor Control Profits	755.59	0.00	1,037.25	800.00	129.66%
3370 State Grants	13,236.51	0.00	0.00	0.00	0.00%
Total Intergovernmental revenue	86,859.13	20,150.67	108,983.92	92,800.00	117.44%
Charges for services					
3230 Special Event Permit	3,000.00	0.00	2,480.00	3,000.00	82.67%
3410 Clerical Services	225.02	47.02	319.86	250.00	127.94%
3416 Other Interdepartmental Charges	226.35	0.00	9,038.93	16,000.00	56.49%
3431 Zoning and subdivision fees	53,330.13	2,700.00	24,734.00	40,000.00	61.84%
3440 Solid Waste	46,380.17	4,974.53	52,113.31	53,350.00	97.68%
3441 Storm Drainage	39,124.67	4,065.65	42,292.30	42,800.00	98.81%
3461 GRAMA Requests	0.00	38.50	352.15	200.00	176.08%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3615 Late Charges/Other Fees	2,124.98	136.89	(595.62)	2,500.00	-23.82%
Total Charges for services	144,411.32	11,962.59	130,734.93	158,200.00	82.64%
Fines and forfeitures					
3510 Fines	8,901.01	0.00	4,624.65	1,000.00	462.47%
Total Fines and forfeitures	8,901.01	0.00	4,624.65	1,000.00	462.47%
Interest					
3610 Interest Earnings	2,596.41	3,203.34	25,895.44	3,000.00	863.18%
Total Interest	2,596.41	3,203.34	25,895.44	3,000.00	863.18%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	0.00	5,000.00	0.00%
3690 Sundry revenue	4,696.50	1,350.48	20,088.61	2,800.00	717.45%
3692 Fire Department Fundraisers/Donations	1,165.73	0.00	1,500.00	2,000.00	75.00%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	18,627.00	0.00	5,064.00	25,320.00	20.00%
3801.3 Impact fees - Roadways	56,374.00	0.00	15,960.00	79,800.00	20.00%
3801.6 Impact fees - Storm Water	30,058.95	0.00	22,307.15	86,550.00	25.77%
3801.7 Impact fees - Parks, Trails, OS	16,091.00	0.00	4,350.00	21,750.00	20.00%
Total Miscellaneous revenue	127,013.18	1,350.48	69,269.76	224,020.00	30.92%
Contributions and transfers					
3890 Fund balance appropriation	0.00	0.00	0.00	15,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	15,000.00	0.00%
Total Revenue:	754,305.10	71,584.39	801,250.10	936,227.00	85.58%
Expenditures:					
General government					
Council					
4111.110 Council/PC Salaries and wages	14,525.00	1,600.00	15,050.00	21,000.00	71.67%
4111.130 Council/PC Employee benefits	1,357.90	122.42	1,419.19	2,410.00	58.89%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 05/31/2023
91.67% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.210 Council/PC Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%
4111.220 Council/PC Training	60.00	0.00	0.00	1,500.00	0.00%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	500.00	0.00%
Total Council	15,942.90	1,722.42	16,469.19	26,910.00	61.20%
Administrative					
4141.110 Admin Salaries and Wages	83,340.93	9,201.43	98,862.87	99,445.00	99.41%
4141.130 Admin Employee Benefits	7,069.03	6,174.37	14,085.48	11,377.00	123.81%
4141.140 Admin Employee Retirement - GASB 68	2,178.79	1,009.42	12,869.49	13,553.00	94.96%
4141.210 Admin Dues, Subs & Memberships	4,720.97	0.00	6,742.24	4,000.00	168.56%
4141.220 Admin Public Notices	733.24	0.00	41.95	1,200.00	3.50%
4141.230 Admin Training	195.00	0.00	743.17	1,000.00	74.32%
4141.240 Admin Office/Administrative Expense	15,121.42	809.09	15,659.49	5,000.00	313.19%
4141.250 Admin Equipment Expenses	5,774.92	1,744.40	16,054.07	2,000.00	802.70%
4141.260 Admin Building & Ground Maintenance	1,999.33	787.01	5,860.67	1,500.00	390.71%
4141.270 Admin Utilities	5,081.73	629.34	6,960.36	5,800.00	120.01%
4141.280 Admin Telephone and Internet	7,266.58	441.77	6,821.67	4,800.00	142.12%
4141.290 Admin Postage	2,718.50	315.00	2,761.51	3,000.00	92.05%
4141.320 Admin Engineering Fees	29,162.09	596.50	7,274.73	20,000.00	36.37%
4141.330 Admin Legal Fees	56,828.15	3,591.25	45,552.82	25,000.00	182.21%
4141.331 Admin Assessment legal fees	2,028.84	0.00	0.00	0.00	0.00%
4141.340 Admin Accounting & Auditing	16,823.74	0.00	4,400.00	7,500.00	58.67%
4141.350 Admin Building/Zoning/Planning Fees	64,548.20	7,855.17	37,617.06	35,000.00	107.48%
4141.360 Admin Education-General	247.83	0.00	0.00	500.00	0.00%
4141.390 Admin Bank Service Charges	3,462.10	0.00	140.00	4,600.00	3.04%
4141.410 Admin Insurance	6,088.77	2,250.35	15,525.60	7,000.00	221.79%
4141.490 Admin Travel Reimbursements	417.71	142.60	1,385.31	500.00	277.06%
4141.500 Admin Weed Abatement	0.00	0.00	0.00	1,500.00	0.00%
4141.610 Bad Debt Expense	0.33	10.92	2,026.05	0.00	0.00%
4141.740 Admin Capital Outlay	0.00	0.00	0.00	15,000.00	0.00%
4170 Elections	2,288.46	0.00	0.00	0.00	0.00%
Total Administrative	318,096.66	35,558.62	301,384.54	269,275.00	111.92%
Total General government	334,039.56	37,281.04	317,853.73	296,185.00	107.32%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	13,200.00	0.00	15,000.00	15,000.00	100.00%
4210.250 Police Expenditures	4,762.58	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	63.25	0.00	0.00	100.00	0.00%
Total Police	18,025.83	0.00	15,000.00	15,100.00	99.34%
Fire					
4220.110 Fire Salaries & wages	27,233.05	3,760.94	35,049.90	40,100.00	87.41%
4220.130 Fire Employee Benefits	4,611.47	(4,815.21)	2,947.48	11,254.00	26.19%
4220.135 Fire Employee Retirement - GASB 68	0.00	5,663.91	5,663.91	0.00	0.00%
4220.140 Fire Contract Salaries & Wages	0.00	0.00	0.00	6,680.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	355.00	(1,022.11)	569.00	500.00	113.80%
4220.230 Fire Travel, Mileage & Cell	57.19	50.00	300.00	600.00	50.00%
4220.240 Fire Office & Other Expenses	329.00	323.69	495.13	0.00	0.00%
4220.250 Fire Equipment Maintenance & Repairs	2,009.47	282.10	9,406.25	1,500.00	627.08%
4220.360 Fire Training	389.27	488.76	2,469.43	8,000.00	30.87%
4220.450 Fire Small Equip/Supplies	638.00	236.46	5,456.19	17,536.00	31.11%
4220.460 Fire Supplies-Fundraisers	514.18	0.00	0.00	500.00	0.00%
4220.465 Fire Gear	1,062.79	3,873.27	4,274.64	4,400.00	97.15%
4220.560 Fire Equipment Fuel	774.84	489.08	1,726.02	1,800.00	95.89%
4220.610 Fire Principal	12,350.99	0.00	11,985.58	14,590.00	82.15%
4220.620 Fire Interest	1,114.81	0.00	(778.76)	1,165.00	-66.85%
4220.740 Fire Capital Outlay	27,500.00	0.00	17,959.61	15,000.00	119.73%
Total Fire	78,940.06	9,330.89	97,524.38	123,625.00	78.89%
Total Public safety	96,965.89	9,330.89	112,524.38	138,725.00	81.11%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	0.00	302.50	1,072.50	7,500.00	14.30%
4410.130 Road Employee Benefits	0.00	23.14	82.06	858.00	9.56%
4410.380 Road Department Services	720.00	0.00	2,154.20	3,000.00	71.81%
4410.450 Road Department Supplies	1,616.79	32.94	10,286.53	30,000.00	34.29%
4410.550 Road Equipment Maintenance	3,029.05	9.77	1,990.37	6,000.00	33.17%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 05/31/2023
91.67% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.560 Road Equipment Fuel	1,589.88	0.00	1,613.01	2,500.00	64.52%
4410.810 Road Principal	41,847.17	0.00	54,409.26	44,100.00	123.38%
4410.820 Road Interest	30,626.41	0.00	29,432.66	29,531.00	99.67%
4415.110 Public Works Wages and Contract Labor	0.00	2,833.13	6,930.13	32,500.00	21.32%
4415.130 Public Works Employee benefits	0.00	216.75	599.01	858.00	69.81%
4415.320 Public Works Engineering/Professional Fees	0.00	0.00	107.25	0.00	0.00%
4415.450 Public Works Supplies	3,824.96	513.98	3,049.05	4,000.00	76.23%
4415.550 Public Works Equipment Maintenance	1,435.48	966.55	2,343.81	1,700.00	137.87%
4415.560 Public Works Equipment fuel	(52.00)	226.32	711.35	2,000.00	35.57%
4415.570 Public Works Travel, Mileage, Cell	0.00	402.63	480.14	200.00	240.07%
4415.610 Public Works Storm Drainage	0.00	0.00	3,300.81	5,000.00	66.02%
4415.710 Public Works Principal	14,919.85	0.00	15,479.43	15,500.00	99.87%
4415.720 Public Works Interest	1,140.15	0.00	580.57	585.00	99.24%
4415.740 Public Works Capital Outlay	0.00	0.00	11,000.00	11,000.00	100.00%
Total Highways	100,697.74	5,527.71	145,622.14	196,832.00	73.98%
Sanitation					
4420.460 Solid Waste Service	49,595.74	5,016.53	43,937.74	52,128.00	84.29%
Total Sanitation	49,595.74	5,016.53	43,937.74	52,128.00	84.29%
Total Highways and public improvements	150,293.48	10,544.24	189,559.88	248,960.00	76.14%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	2,755.00	460.00	5,373.00	7,500.00	71.64%
4540.130 Park/Rec Employee benefits	0.00	35.19	411.04	858.00	47.91%
4540.250 Park/Rec Department Expenses	0.00	121.00	393.62	1,000.00	39.36%
4540.460 Park/Rec Community events supplies	157.85	0.00	1,449.75	4,000.00	36.24%
4540.740 Parks Capital outlay	4,586.00	0.00	0.00	0.00	0.00%
Total Parks	7,498.85	616.19	7,627.41	13,358.00	57.10%
Total Parks, recreation, and public property	7,498.85	616.19	7,627.41	13,358.00	57.10%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	25,579.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	25,320.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	79,800.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	86,550.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	21,750.00	0.00%
Total Transfers	0.00	0.00	0.00	238,999.00	0.00%
Total Expenditures:	588,797.78	57,772.36	627,565.40	936,227.00	67.03%
Total Change In Net Position	165,507.32	13,812.03	173,684.70	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2022 to 05/31/2023
91.67% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Expenditures:					
Public safety					
Fire					
4220.740 Fire Capital Outlay	0.00	0.00	8,277.03	0.00	0.00%
Total Fire	0.00	0.00	8,277.03	0.00	0.00%
Total Public safety	0.00	0.00	8,277.03	0.00	0.00%
Highways and public improvements					
Highways					
4415.740 Public Works Capital Outlay	0.00	0.00	990.00	0.00	0.00%
Total Highways	0.00	0.00	990.00	0.00	0.00%
Total Highways and public improvements	0.00	0.00	990.00	0.00	0.00%
Parks, recreation, and public property					
Cemetery					
4590.470 Cemetery Capital Outlay	0.00	0.00	740.78	0.00	0.00%
Total Cemetery	0.00	0.00	740.78	0.00	0.00%
Total Parks, recreation, and public property	0.00	0.00	740.78	0.00	0.00%
Miscellaneous					
4141.740 Capital Outlay expenses	11,053.04	0.00	27,160.14	0.00	0.00%
Total Miscellaneous	11,053.04	0.00	27,160.14	0.00	0.00%
Total Expenditures:	11,053.04	0.00	37,167.95	0.00	0.00%
Total Change In Net Position	(11,053.04)	0.00	(37,167.95)	0.00	0.00%



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 19, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offered by Council Member Sair.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

ABSENT

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

DISCUSSION AND ACTION

1. Consider Approval of Adoption of Ash Creek Special Service District Design and Construction Standards, Ordinance-O-2023-22.

Mike Chandler, Superintendent for Ash Creek Special Service District is present to explain. He continued Hurricane, La Verkin and Toquerville have same requirements of developers and its obligation of the City/Town to administer rules, regulations, and enforcement. This is a cooperative effort to make sure projects are properly notified and adjustments made. Council Member Whitmore asked about the difference from previous versions. Mike Chandler discussed modifications, a major being uniformity. The last major update was 2014. Council Member Sair asked what it means for the current landowners and can standard septic still be used. Mike Chandler explained there has been confusion about the Washington County adopted policy in 2000. Moving forward from October 2022 landowners will be required to conform to these rules and all new subdivisions approved will be required. Southwest Utah Health Department will require a letter from Ash Creek SSD for a septic system. He discussed as the density increases a need for a full-on collection system would be quite a while down the road. The proportional difference of septic systems was discussed. Sewer line connections discussed and Mike Chandler commented Ash Creek does not have an intent to extend sewer in Apple Valley. He continued, if you don't want to have sewer, then don't have planning and zoning to keep Town rural before you run into first world issues. Groundwater contamination and clean water were discussed.

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-22.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:



APPLE VALLEY TOWN COUNCIL MEETING

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Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

2. Application To Appear Before Town Council: Colton Winder and Sophia Dailey, Purpose of Request: Request a waiver on Storm Drainage Impact fees.

Mayor Lindhardt reported this will be tabled until our next meeting at the request of the applicant.

CONSENT AGENDA

3. Disbursement Listing for March 2023.

MOTION: Council Member Whitmore motioned that we approve the Disbursement Listing for March 2023.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

4. Budget Report for Fiscal Year 2023 through March 2023.

MOTION: Council Member Whitmore motioned that we approve the March 2023 Budget Report.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye



APPLE VALLEY TOWN COUNCIL MEETING

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The vote was unanimous and the motion carried.

PRESENTATION/DISCUSSION

5. FY2024 Budget Presentation/Discussion.

Town Administrator Jauna McGinnis discussed this is the preliminary budget and most of the numbers are good solid numbers. She mentioned we don't have a certified tax rate yet and the numbers are close to the same amounts last year. The fire stipend for volunteers and fire cost was discussed. An increase in payroll around \$19,000 was mentioned.

Fire Chief Michael Gross gave a presentation of budget items that he requested. He discussed an engine Station out of the Cedar Point area. He continued, most of the gear we need to have three sets of. Outdated fire equipment was discussed. The budget was discussed and grants were discussed. The goal to sell the old engine at auction and take money to buy bunker gear which will come off next year's budget was discussed. Coming into compliance and ISO insurance rating was discussed. Firefighter stipends were discussed. The budget includes \$20.00 a day for a year with room for adjustment. To have a firefighter fully trained takes 110 hours. The mandatory training is well over 40 days a year. We do not desire to transport medical but we want to be the first one on scene to handle any EMS services.

Council Member Sair discussed roads and asphalt repairs. The missing road signs and safety barricade equipment were discussed. The need for a commercial weed sprayer was discussed of 500 gallons.

Town Administrator Jauna McGinnis reported that the Town only has one loan and that is the Gateway. There has been pay off early on many items. Also reported on the discussion in BPW meeting for a replacement employee. It was suggested to hire one full-time employee by one or the other entity that is shared because we are having a hard time finding part-time work. Hopefully we can get the cemetery going and start collecting funds. The tentative budget and budget hearing were discussed. No other questions by Council.

PUBLIC COMMENTS

Mayor Lindhardt opened the public comments.

Public Comments read by Town Clerk/Recorder Jenna Vizcardo

Mike Farrar, 900 Mountain Dr.

Hello members of AV Town Council,

My name is Mike Farrar. My address is 900 Mountain Drive here in Apple Valley. I am chairman of the Planning Commission. The purpose of my email is to encourage you guys to approve the PC's recommendations on the proposed accessory building ordinance changes. I take my recommendations very seriously as well as my position on PC. I do countless hours of work and research on every proposed change that we evaluate. That is the job. You guys have so much on your plate it is the PC's job to do the leg work and homework for you guys



APPLE VALLEY TOWN COUNCIL MEETING

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Wednesday, April 19, 2023 at 6:00 PM

MINUTES

and make recommendations. You can not possibly do that for every issue that comes to TC. So I do just that. I know everyone knows about my FB polls. Like them or not they are a small sampling of the community. That's it. Just a tool used as with many others to get a general idea of what some residents want. I also speak to many residents via phone calls and text. I have also been doing personal meetings with residents. I have been trying to do at least one personal meeting a day sometimes two a day. I plan on personally meeting and shaking hands with every resident in this town. I attend all town events and meetings and talk to the people as I am sure each and every one of you do. I also use the town survey and my own common sense when making my recommendations. People here in AV wants more freedom and less restrictions. But that has to be done within reason. Of course we must have some rules and laws. The current accessory building ordinance is far too restrictive and must be addressed. I put lots of thought and time into these numbers and proposals and I can honestly say that in my educated opinion this is what the majority of the town residents want. We have to dig and listen to everyone not the select few loud voices. This silent majority (And some not so silent... LOL) vote us in (well maybe me) to these positions and trust us to do what they want. I urge you to approve these recommendations as presented by me and the PC and trust my research, time and work I put into these recommendations. I do my job and I do not take it lightly. I have no agendas other than doing what is best for the town and its residents. I do this to make your job easier as you guys have far more stuff on your plate and far more important decisions to make. I ask that you trust me and know that I did my job well. Lets give the people of AV what they want. More freedoms and less restrictions. I ask that you please approve the proposed accessory building ordinance changes as proposed by the PC. Thank you again for all of your hard work and dedication.

Best Regards, Mike Farrar, Chairman, Apple Valley Planning Commission, 951-897-6706 – cell

Mark Browning, Cynthia Browning, Gavin Browning, Hannah Browning, 804 W Foothill Dr.

Dear Mayor and Town Council:

I am writing on behalf of the four registered voters in our household.

The Planning Commission has forwarded a proposal that would allow up to FOUR shipping containers on a one-acre RE lot. That would be a ridiculous eyesore!

Personally, I don't mind if we increase the square footage limit for accessory buildings, but it should look nice and organized, not just be a hodgepodge of outbuildings, making us look more like an industrial junkyard rather than a neighborhood.

Please deny this proposal as it is currently written, and limit storage containers to ONE per acre.

Thank you, Mark Browning, Cynthia Browning, Gavin Browning, Hannah Browning, 804 W Foothill Dr., Apple Valley, UT 84737

Becky Wood, 1331 E Red Sage Lane. Please read are emails sent to town council regarding accessory buildings.

Public Comments read by Council Member Whitmore of emails that were sent to Council.

Mr. Counselwoman, I would like to request you vote for the proposed changes in the Apple Valley ordinance involving accessory buildings as recommended by the planning counsel. This would be a step toward backing the majority of the town's will being more freedom and less restrictions as "rural" Utah should be. Thanks for your time.

Dawna Hamblin

1171 E. Red Sage Lane Apple Valley, Ut.



APPLE VALLEY TOWN COUNCIL MEETING

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MINUTES

84737

Ms. Counselwoman, I would like to request you vote for the proposed changes in the Apple Valley ordinance involving accessory buildings as recommended by the planning counsel. This would be a step toward backing the majority of the town's will being more freedom and less restrictions as "rural" Utah should be. Thanks for your time.

Brian Hamblin

1171 E. Red Sage Lane Apple Valley, Ut.

Hello AV Town Council,

I am writing to let you know I fully support the new ordinance proposals for accessory buildings that was recommended by the PC on 4/5/23. Please approve the PC's recommendations as they are written by the PC. Thank you.

Best,

Anthony Monte AV Resident

Hello AV Town Council,

I am writing to let you know I fully support the new ordinance proposals for accessory buildings that was recommended by the PC on 4/5/23. Please approve the PC's recommendations as they are written by the PC. Thank you.

Amber Monte AV resident

Hello Town Council:

I am writing to let you know I fully support the new ordinance proposals for accessory buildings that were recommended by the PC on 4/5/23. Please approve the PC's recommendations as are written by the PC. Thank you.

Pat Melfi

Town Council

I am in favor of the new Accessory Building ordinance. Please pass it. Erwin Pledger

Apple Valley Town Council

I write to you to express my support of the new ordinance regarding accessory buildings that was recommended by the Planning Commission on 4/5/23. Please approve and pass the new ordinance as it is written.

Please keep in mind that representatives that go against those they represent is tyranny.

Tish Lisonbee

Hello AV Town Council,

I am writing to let you know I fully support the new ordinance proposals for accessory buildings that was recommended by the PC on 4/5/23. Please approve the PC's recommendations as they are written by the PC. Thank you.

Sincerely

Becky & Lincoln Wood

1331 E Red Sage Lane Apple Valley Ut, 84737

Public Comments

Leannah Lane, 1599 State St-on zoom online. We ask that you all approve the proposed ordinance for tonight on the accessory buildings.

Patty and Mark Parker, 2628 N Purple Sage Rd-on zoom online. We are against the four forty-foot containers.



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MINUTES

Melanie Zitting, 1810 E 2000 S. The 2000 S sign has never been up since we moved there and the 1800 E S is not there as well. We are elderly people with health problems and would like the fire department to find a house. She would like that addressed. I am in the UZONA chamber of commerce. The business expo and Gala to unite communities and Apple Valley is the only place they won't allow to hang flyers. Bringing communities together via networking was discussed and invited everyone to be a part of it.

Mike Barrett, 1749 E 2260 S. First, kudos to you folks to straighten out the ordinances. A couple of comments regarding container ordinance and accessory building ordinance that could conflict with building codes. Containers are considered special construction under 2021 IBC. This ordinance to not stack, he recommends letting building code do its job. Recording on zoom glitch. Re-started. Commented on Item A limitation on height/size and based on occupancy and type of construction and not conflict with code provisions. Mike Farrar has done a great job fixing this clunky ordinance. He is willing to help with code conflicts. Mike Barrett previously worked for Salt Lake County as Public Works.

Annie Spendlove, 1260 E 2000 S. In listening of everyone else speak believe everyone has hit on points, and feels current ordinance is very restrictive and penalizes people that have smaller property as well as people who choose to homestead which is counterproductive to keeping Apple Valley rural. The safety of animals and equipment was discussed. The farmer market and food infrastructure were discussed and how for instance if stores ran out of fresh produce. If we limit those people here in our own community we are biting the hands that feed us. The end goal when community has the need these are the people that are going to stand for our community.

Boyd Miner, 1484 N Rome Way. He would like to encourage Town Council to vote for this and existing codes don't work and it is time to update. The majority of the community is for this change.

Marcia Miner, 1484 N Rome Way. Asking you to vote for the changes. Phase 1 has all this already and for us this makes sense. Gooseberry has their own CCR's and let us have the ability to do what we need to do with the shipping containers. Storage options were mentioned for her property.

Britta Nielson, 1396 E Cedar Dr. She is for this as well and this gives us more freedom.

Mike Barrett, 1749 E 2260 S. On these ordinance changes for the accessory building and shipping containers, I am for it but I would like to if you guys approve it to approve it subject to modifications.

Kathy Stoker, 1536 N Zion Dr. Reading through the ordinance has questions on how they come up with that your home and accessory building can only be 50% of your lot. Conditional use permits were asked for in this proposal.

Mayor Lindhardt discussed conditional use permits. For example, you can ask for a bigger size and you go to the Planning Commission for a conditional use permit first.

Stewart Riding, 1456 N Mt Zion Dr. In favor of planning commission recommendation and feels beneficial to Apple Valley overall.

Basielle Barlow, hopefully future resident. Commented on public safety importance and in favor of street signs. A simple sign can make a huge difference.

Sid Johansen, 2848 N Foothill Dr. Agrees with building according to codes. He feels details need to be added due to property values.



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Becky Wood, 1331 E Red Sage Ln. She is in favor. She discussed aesthetic of lots with example of her 1-acre lot.

Peter Smith and Gloria Charles, 1824 W Foothill Dr-on zoom online. Has lived here 20 years and moved out here due to the beauty and aesthetics. What you do on your lot affects the property value of your neighbors. Objects to this. The aesthetics of this area is beautiful. If we don't take care of this place, who is.

Mike Farrar, 900 Mountain Dr-on zoom online. I wanted to comment on property values. Property values are based upon comps of the area.

Rich Ososki, 1023 W Little Pinion Way. I believe in freedom and liberties and has served in service. The thing about shipping containers, he went to neighbors and asked where I should put my horses. You have to know your neighbors. Unless you talk to your neighbors and I talked to 30 of them. You have to find a balance for us. People think too much of themselves. Doesn't understand why you would want 4 shipping containers on a one acre lot. Better know your neighbors. Commented on property values and people investing life savings on their property.

Mark Parker, 2826 N Purple Sage Rd-on zoom online. Reminds we are in the city limits. This is inside the city limits. Doesn't understand how and does not like this. We don't have to go from one extreme to another. Not in favor.

Marcia Miner, 1484 N Rome Way, This is a township and city ordinances don't belong here.

Libby Wells, 1363 N Rome Way. This is concerning item # 8 and in favor as long as it meets the IBC code.

Riding Stewart, 1456 N Mt Zion Dr. Takes offense when somebody says I don't ask my neighbors, I went around to my neighbors and asked everyone one of them.

Mayor Lindhardt closed the public comments.

DISCUSSION AND ACTION

6. Consider Approval of the Apple Valley Fire Department Standard Operating Guidebook, Resolution-R-2023-12.

Fire Chief Michael Gross discussed SOG's or guidelines which are basically a set of rules. We have a lot of new people starting. This provides tangible and professionalism in the department and guidelines in place to be trained at the fire department. The Council thanked the Fire Chief.

MOTION: Council Member Whitmore motioned that we approve R-2023-12 adoption of AV Fire Department SOG's.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye



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Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

7. Consider Approval of the Sale of 1990 Ford Fire Engine.

Fire Chief Michael Gross commented that this engine we have had for several years. We purchased the 1997 replacement engine 1.5 years and 2 months ago we got it in service. This engine is well beyond service life. The funds from the sale can go towards updating outdated gear. In the future we will have to have another station and truck. He is proposing for the engine to go out to auction or sealed bid and then surplus it. He thinks ballpark 5-20K range.

MOTION: Council Member Sair motioned that we approve to put it for sale the 1990 Ford Fire Engine.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

8. Consider Approval of updating Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.

Mayor Lindhardt reviewed the summary of proposed changes in the agenda packet. The council discussed amongst conditional use permit and variance board of adjustment is not by conditional use permit. State law requires variance board of adjustment.

MOTION: Council Member Sair motioned we approve updating Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20 that we include the Planning Commission recommendations on April 5th.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Nielson - Aye



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Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

9. Consider Approval of updating Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

Mayor Lindhardt reviewed the summary of proposed changes in the agenda packet. Mayor Lindhardt discussed this will allow a property owner to obtain a conditional use permit. Recording on zoom glitch. Re-started. Mayor Lindhardt reviewed the summary of proposed changes in the agenda packet. Mike Barratt, resident, commented, "keep in mind nothing less than 200 sq feet needs a permit." He recommended removing stacking and defaulting to the building code for the engineering and structural requirement. Bradley Farrar, Planning Commission Member commented on the reasoning of why they put them not to stack. Mayor Lindhardt is hesitant to go higher than 1 shipping container. Regulating accessory buildings was discussed. Mayor Lindhardt thanked the Planning Commission for all their hard work and dedication.

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-21, recommended from the Planning Commission with the change to H "Accessory Building and shipping containers shall comply with the requirements of the adopted building code, as applicable."

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

10. Consider Approval of updating Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.

Mayor Lindhardt reviewed the summary of proposed changes and Planning Commission recommendation in the agenda packet. Mayor commented on the recommendation from the Planning Commission conflicts with 10.28.240 that was just passed. Mayor Lindhardt suggested that on RE Zone leave 50% and put restriction on one acre lot.

Chairman Farrar, Planning Commission Member commented this ordinance separates the main house from the accessory building. Should we put maximum size on an accessory building or leave it so they can do whatever they want was reviewed and discussed.



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Walter Josey, 1224 N Rome Way. We keep hearing most of the people want this, that is a lie. Can anyone on the Town Council tell me that 400-500 people want this.

Margaret Ososki, 1024 W Little Pinion Way. What is the difference if you have 10,000-20,000 square foot house vs accessory building, there is a difference.

A housekeeping item to delete the word twenty was mentioned by Council Member Whitmore.

MOTION: Council Member motioned that we table.

SECOND: No second, motion died.

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-15, amendment to 10.10.050 RE Rural Estates Zone.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Nay
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was three aye and one nay and the motion carried 3-1.

11. Consider Approval of updating Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.

Mayor Lindhardt reviewed the summary of proposed changes in the agenda packet.

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-19, amendment to 10.10.060 Single Family Residential Zone as proposed in the packet and we delete maximum size of accessory building column.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Nay
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was three aye and one nay and the motion carried 3-1.



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12. Consider Approval of the Format of the Personnel Policies and Procedures for the Website, Resolution-R-2023-07.

MOTION: Council Member Whitmore motioned we approve R-2023-07 the Format of the Personnel Policies and Procedures.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

13. Consider Approval of the Format of the Purchasing Policy for the Website, Resolution-R-2023-08.

MOTION: Council Member Whitmore motioned that we approve Resolution-R-2023-08 the attachment approving the Format of the Purchasing Policy.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

14. Consider Approval of Layton Ventures, LLC Contract Award Declination as the Planning & Zoning Assistant, & Terminate his Building Inspector Contract.

Mayor Lindhardt discussed as sub-contractor; he was required to have liability insurance coverage. The contract doesn't make sense due to the high liability insurance coverage cost. The next step is to find someone else to take the place of the Planning and Zoning Assistant and Building Inspector. The company that we are looking into does building inspections and possibility public works as well. It's not



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that we are unhappy with Kyle, we just can't make it work. Planning and Zoning is a high-risk position due to possible litigation. The obligations of finishing the contract were discussed.

MOTION: Council Member Nielson motioned that we approve Layton Ventures contract declination and terminate building inspector and contract ending May 18th.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

15. Consider Approval of Michael Vercimak's Declination of Contract Award for Public Works Consultant.

MOTION: Council Member Whitmore motioned that we approve the declination of Michael Vercimak for Public Works Consultant.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

16. Consider Approval to Post an RFP to combine Building Inspector, Planning & Zoning Assistant, and Public Works Consultant.

MOTION: Council Member Sair motioned that we approve to post an RFP combine Building Inspector, Planning & Zoning Assistant, and Public Works Consultant.

SECOND: The motion was seconded by Council Member Whitmore.



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VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

17. Consider Approval to Hire an Interim Individual/Company to Provide the Planning & Zoning Assistant, Building Inspector, and Public Works Consultant Services prior to a New Contract Award.

Town Administrator Jauna McGinnis commented to remove building inspector.

MOTION: Council Member Whitmore motioned that we approve to Hire an Interim Individual/Company to Provide the Planning & Zoning Assistant and Public Works Consultant Services prior to a New Contract Award.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair discussed asphalt roads and tidying up some things. AV 1 is opened back up after maintenance. Cedar Point street signs discussed and this is a developer issue.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT



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MOTION: Council Member Sair motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 9:24 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



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Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

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

PLEDGE OF ALLEGIANCE- Council Member Whitmore led pledge of allegiance.

PRAYER- Prayer offered by Fire Chief Michael Gross.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

ABSENT

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Disbursement Listing for April 2023.
2. Budget Report for Fiscal Year 2023 through April 2023.
3. Minutes: March 22, 2023.
4. Minutes: April 26, 2023.

Mayor Lindhardt asked about the five or six voided checks on the Disbursement Listing. Town Administrator Jauna McGinnis confirmed yes those are voided checks, due to spoiled, wrong amount, or other reasons.

MOTION: Council Member Nielson motioned that we approve the Disbursement Listing for April 2023, Budget Report for Fiscal Year 2023 through April 2023, and the minutes for March 22, 2023, the minutes for April 26, 2023.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Abstain

Council Member Whitmore - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye



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The vote was three aye and one abstain and the motion carried 3-1.

MAYOR'S TOWN UPDATE

Mayor Lindhardt commented on planning a Town Hall meeting in July for updating the citizens.

PUBLIC COMMENTS

Mayor Lindhardt opened the public comments.

Rich Ososki, 1024 W Little Pinion Way. Had power outage, curiosity are we putting in substation for future development.

Mayor Lindhardt commented that we are not involved with Rocky Mountain Power.

Margaret Ososki, 1024 W Little Pinion Way. Wants to let Town know; vacant lots have a bunch of thistle.

Tish Lisonbee, 1386 N Mt Zion Dr. For the thistle list there are also some in Gateway. I would like the Town Council to upgrade or at least improve the playground set at the park. They are dangerous due to swings pinching kids. Maybe look into investing in a nice playground.

Mike Barrett, 1749 E 2260 S. Touch on one item, item # 13, cancelling Washington County Interlocal Agreement overseeing elections. Feels town is anxious in that way. Election issues are a big deal, important to have county deal with 3rd party. Commented on community impact and bolster trust.

Tish Lisonbee, 1386 N Mt Zion Dr. Commented regarding the election. Spoke with Melanie Albawalap from Washington County. An email was presented to the Council. The deadline to cancel the contract has lapsed and she commented that the County verifies signatures, basically it's a bad idea to not use them. Thinks a 3rd party bias proven vendor and that would be Washington County is best. Regarding QSEHRA benefits, she is not opposed to offering health benefits, has problems having offering health coverage to dependents.

Libby Wells, 1363 N Rome Way. Commented on item #13 and agrees with everything that Tish the previous commenter has mentioned. This is something the people should probably have a say in and another suggestion would be to send out a vote and the majority wins on these items. There are a lot of trust issues in the Town and this would help.

Mayor Lindhardt closed the public comments.

PUBLIC HEARING | DISCUSSION AND ACTION

5. **Public Hearing:** Consider Approval to Rename Main Street, Ordinance-O-2023-26.

Mayor Lindhardt discussed Main Street being a staple in Utah history. His thoughts and suggestions do away with this and leave it Main Street. Main street is north/south and center streets or state streets



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are east/west. This helps people to easily find their way. Apple Valley is entitled to have a Main Street. We also have an "Apple Valley" designation. After a certain population we will get our own zip code and we want to have Main Street in our Town.

6. **Discussion and Action:** Consider Approval to Rename Main Street, Ordinance-O-2023-26.

MOTION: Council Member Whitmore motioned that we cancel the public hearing and do not approve the renaming of Main Street.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

7. **Public Hearing:** Consider Approval of Adopting the WUI Map, Ordinance-O-2023-27.

Fire Chief Michael Gross discussed how we have adopted State codes. The 2006 Wildland Urban Interface (WUI) is part of those State codes. The mapping is out of compliance since it was adopted and this Ordinance gets us in compliance. He discussed the WUI code map. He commented that if anyone wants to review the codes, they can be reviewed at iccsafe.org.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

8. **Discussion and Action:** Consider Approval of Adopting the WUI Map, Ordinance-O-2023-27.

MOTION: Council Member Sair motioned we approve adopting the WUI Map, Ordinance-O-2023-27.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye



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Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

9. Application To Appear Before Town Council: Colton Winder and Sophia Dailey, Purpose of Request: Request a waiver on Storm Drainage Impact fees.

Sophia Daley, AV-1354-NP-6-A, presented documents to the council at the meeting. She discussed we are requesting a waiver of storm drainage; we believe we are in an area where there are no impacts on the system. Documents presented were reviewed.

Mayor Lindhardt discussed the impact fees. He discussed ambiguity and if we waive fees this could set a presence for future. He would like to personally consult with our engineer and attorney on this matter. He discussed current problems with drainage. The ordinance as applied was discussed and engineered storm drainage is needed. He discussed tabling for research and wants to do the right thing. The building plans on site plan run down the side of the property and are not contained on the applicant's property. Impact fees were discussed. We will put it on the agenda as soon as we get some answers.

MOTION: Council Member Nielson motioned we table this item, item number 9 so we can get more information, Colton Winder and Sophia Daley requesting a storm water impact fee waiver.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

10. Application To Appear Before Town Council: Aaron and Susanna Barlow, Purpose of Request: Denial of business license.



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Aaron Barlow, 1064 E Manzanita Dr. He discussed about a year ago he bought a home in Cedar Point as an investment property with short term rental intention. He applied and received what we thought was a vacation short term rental. They made a mistake on the original business license application and applied for bed and breakfast. Short term rental license was denied due to having another vacation rental within 300 feet.

Mayor Lindhardt discussed if we approve this business license then the Town is breaking the Ordinances which are the rules and regulations of the Town. We do not want to break our ordinances.

MOTION: Council Member Nielson motioned that we denial the appeal from Aaron and Susanna Barlow for the denial of business license.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

11. FY2024 Tentative Budget Approval, Resolution-R-2023-13.

Town Administrator Jauna McGinnis reviewed the budget worksheet presented in the agenda packet. She discussed this is the final worksheet put together before we take it to the hearing. We do not have to have set numbers and we still have the chance to make final changes after the hearing is completed. On property taxes we don't have a certified tax rate yet. The amended budget and initial budget were reviewed. On the QSEHRA health benefits, only the employee will be reimbursed and that was added to the budget. Full time employee definition is 30 hours and above.

It was discussed by Mayor Lindhardt that we struggle getting applicants for every job we post. We can't compare our jobs to elsewhere. He is in favor of adding employees and they get paid significantly less than other cities. The Town Administrator is 15K less than a couple of years ago and the Water Operator is being paid significantly less currently than the previous employee. Mayor Lindhardt sees no problem with the budget.

Town Administrator Jauna McGinnis continued on page 7, line item 4804 is the transfer to fund balance and FY2024 \$88,000 unassigned funds for the budget was mentioned. \$88,000 is the buffer number after we have added the QSEHRA plan for the employee.



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Town Council thanked the Town Administrator Jauna McGinnis for all the work.

MOTION: Council Member Whitmore motioned that we adopt the Resolution-R-2023-13 for Fiscal Year 2024 Tentative Budget.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

12. Consider Approval for Appointment of Town Deputy Clerk, Resolution-R-2023-14.

MOTION: Council Member Nielson motioned that we approve Resolution-R-2023-14, the Resolution appointing of Town Deputy Clerk Michelle Kinney.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

13. Consider Approval of Canceling Interlocal Agreement with Washington County, Resolution-R-2023-15.

Mayor Lindhardt discussed the current agreement was auto-renewal and this Council was unaware of the renewal. We tried negotiating and missed the deadline. Since we can't negotiate, we don't want to put the burden on the next administration. The Council discussed canceling the agreement and the new administration can accept and renew it and/or negotiate with different terms. It was discussed that Washington County will handle this election entirely. Council Member Sair discussed election



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integrity at the local level and Apple Valley is a prime candidate to make sure it's done right. Certifying results were discussed.

Poll Watchers and Board of Canvassers was mentioned as community options for involvement in the election handled by Washington County.

Mike Farrar, 900 E Mountain Dr. Commented on votes and county doing official count.

Tish Lisonbee, 1386 N Mt Zion Dr. Commented on invasion of privacy.

Richard Fischer, 1241 S Desert Dr. Commented he believes joint venture with Hildale or Hurricane would be a great idea regarding election help.

MOTION: Council Member Sair motioned to approve the canceling of the Interlocal Agreement with Washington County Election Services, Resolution-R-2023-15.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

14. Consider Approval of Updating Title 10.07.130 Building Permit, Ordinance-O-2023-23.

Mayor Lindhardt reviewed the changes presented in the Agenda packet.

MOTION: Council Member Sair motioned we approve the updating of Title 10.07.130 Building Permit, Ordinance-O-2023-23.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye



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The vote was unanimous and the motion carried.

15. Consider Approval of Updating Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.

Mayor Lindhardt reviewed the changes presented in the Agenda packet.

MOTION: Council Member Nielson motioned we adopt Ordinance-O-2023-24, Site Plan Required.

SECOND: The motion was seconded by Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

16. Consider Approval of Updating Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.

Mayor Lindhardt reviewed the changes presented in the Agenda packet.

MOTION: Council Member Nielson motioned we adopt Ordinance-O-2023-25.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

17. Consider Approval of the Qualified Small Employer Health Reimbursement Arrangement Plan, Resolution-R-2023-16.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 17, 2023 at 6:00 PM

MINUTES

Town Administrator Jauna McGinnis discussed the ability to offer benefits, and this allows us to reimburse the employee and this is nontaxable. Statutory limits and the level of reimbursement were discussed. Part of this is to figure out what the reimburse rate is going to be. It was discussed that this is needed for employee retention. St George pay rates were discussed. This is set up for employees only for now. Specifically, reimbursement for premium and expenses with a cap. Currently Fire Chief, Jenna, Jauna, and Trevor are the employees to be offered at the present time and after Jauna's resignation there will be three employees.

MOTION: Council Member Whitmore motioned we adopt Resolution-R-2023-16, Qualified Small Employer Health Reimbursement Arrangement Plan.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

18. Consider Approval to Amend the Personnel Policies and Procedures Manual, Resolution-R-2023-17.

Town Administrator Jauna McGinnis explained this adds the health benefits to our policy and reviewed the changes in the Agenda packet.

MOTION: Council Member Whitmore motioned we approve R-2023-17 the amendment to Personnel Policies and Procedures Manual.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 17, 2023 at 6:00 PM

MINUTES

19. Consider Approval of Asset Capitalization Policy, Resolution-R-2023-18.

Town Administrator Jauna McGinnis discussed this is to set our capitalization policy. She continued \$5,000 is an acceptable amount by the IRS. Anything that's under \$5,000 would be on expended line and anything over \$5,000 would be on capital outlay and depreciated over time.

MOTION: Council Member Whitmore motioned we approve Reolution-R-2023-18, the Capitalization Policy.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

20. Consider Approval of Removal of Frank Lindhardt, Kevin Sair & Andy McGinnis as signers from the SBSU Fire Account.

MOTION: Council Member Nielson motioned we approve the removal of Frank Lindhardt, Kevin Sair, and Andy McGinnis as signers on the SBSU Fire Account.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

21. Cemetery Update and Approval for Next Steps.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Town Administrator Jauna McGinnis commented they engineers are in the process of turning all plots east/west and we have 77 extra lots with that move. Thanked Annie Spendlove for suggesting that. The next step is to start building. We have hired Trevor Turner and he knows how to build cemeteries. He comes from a mortuary family. He has the background for this. He can't do the asphalt, that would be contracted out. If it's over \$12,000 we will put it out to bid.

Town Administrator Jauna McGinnis asked council if ok with you if we start this as an in-house project. Trevor will put together an estimate of what it would cost to do the first phase, which would be the first third of the cemetery. Discussed \$10,000 that is in this budget for the cemetery. Also discussed selling plots and putting that item on the next agenda. Discussion only. No action taken.

22. Consider Approval of Town Administrator Jauna McGinnis Resignation.

Mayor Lindhardt discussed Jauna has too much on her plate and she has agreed to stay on but not past the end of this year. Discussed splitting her responsibilities in two aspects. One is financial and the other administrator work that doesn't include financials. All the stuff that we see, we take for granted and that is Jauna helping with all of that. This administration has done a better job than any previous administration. It is with reluctance that we accept this resignation. It was mentioned if two part-time people are hired it will save \$9,000 and that could go towards the park budget if you wanted.

MOTION: Council Member Whitmore motioned that we reluctantly approve the resignation of our Town Administrator Jauna with that she stays on until the new administrator takes office and then she is part-time.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

23. Consider Approval of Town Councilman Andy McGinnis Resignation.

Mayor Lindhardt discussed Andy McGinnis is re-signing as Town Council on May 31, 2023 as well as Chairman when Town Council appoints a new SSD member.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

- MOTION:** Council Member Whitmore reluctantly motioned that we reluctantly approve the resignation of Town Councilman Andy McGinnis and instruct staff to start advertising for a vacant seat through the end of this year.
- SECOND:** The motion was seconded by Council Member Nielson.
- VOTE:** Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION

- MOTION:** Council Member Whitmore motioned we have a closed session to discuss pending litigation.
- SECOND:** The motion was seconded by Council Member Sair.
- VOTE:** Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

Mayor Lindhardt brought the meeting back to order at 8:49 p.m. and called for a motion to adjourn.

- MOTION:** Council Member Nielson motioned to adjourn this meeting.
- SECOND:** The motion was seconded by Council Member Sair.
- VOTE:** Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 8:50 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



SPECIAL TOWN COUNCIL MEETING NOTICE

1777 N Meadowlark Dr, Apple Valley
Thursday, May 18, 2023 at 9:00 AM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

Site tour of the kokopelli cabin project on May 18th from 9am to 10 am.

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Dalin and Anish from Hidden Rock Development Group LLC

Town Clerk/Recorder Jenna Vizcardo

Residents of Apple Valley Margaret Ososki and Richard Ososki

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 24, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

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

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offered by Council Member Whitmore.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

ABSENT

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

1. EMS Sales Tax Proposal, Resolution-R-2023-19.

Jesse Barlow is present in Chief Kevin Barlow's stead to review information presented in the Agenda packet. Funding was discussed and this bill lets Washington County start collecting the essential services taxes. We are asking for this tax so Apple Valley can participate. The cities/towns can opt in or opt out. The tax rate is the same throughout the county. Hildale City is paramedic level and has been providing services since the 90s including Apple Valley. It is becoming harder to find volunteers. Hildale City taxpayers are subsidizing. It was calculated that Apple Valley is \$280 per call and if we paid our people, we would be subsidizing \$1300 per call. The way it works with fire is mutual aid agreement providing service as a good neighbor. We are asking Apple Valley to opt in. Roughly through our ambulance billing, state legislature sets the rate. Medicare and Medicaid is getting paid 33% of what we bill. We have been subsidizing and collecting under 40%. We are in a desperate situation here. We can get into different ways that Apple valley can provide the services, no less than \$500,000 for 1 ambulance service with staff. Discussed sticker price on ambulance that Colorado City is under contract with was \$362,000 plus additional fee and total \$442,000. As a district service FY2021-2022, we responded to 1097 calls and 10% were in Apple Valley limits. Documents reviewed present in the Agenda packet that were provided from the Utah State tax Commission. 11.9 million in sales that we can tax. Money collected has to be used for emergency medical services. Distribution was discussed amongst the Council. If you don't opt in then you don't get the tax.



SPECIAL TOWN COUNCIL MEETING

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MINUTES

Fire Chief Michael Gross discussed we are obligated to have contracted EMS services. Campaign effort vs educational opportunity was discussed. Quick response unit was discussed. EMTs trained was discussed. The goal was discussed to have a group of EMT's and have a transport capability in the future. They are great neighbors and we are lucky to have them . Mayor Lindhardt commented that the free ride is over and we need to participate.

MOTION: Council Member Whitmore motioned that we approve Resolution number R-2023-19, Resolution Requesting The Washington County Commission To Enact Up To 1% Sales Tax For The Provision Of EMS For The Town Of Apple Valley.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Council Member Nielson motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:46 p.m.



SPECIAL TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, May 24, 2023 at 6:00 PM

MINUTES

Date Approved: _____

Approved BY: _____
Mayor | Frank G. Lindhardt

Attest BY: _____
Town Clerk-Recorder | Jenna Vizcardo

DRAFT