



# APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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

## MINUTES

**Mayor** | Frank Lindhardt |

**Council Members** | Barratt Nielson | Kevin Sair | Robin Whitmore | Jarry Zaharias |

**CALL TO ORDER**- Mayor Lindhardt called the meeting to order at 6:02 p.m.

**PLEDGE OF ALLEGIANCE**- Council Member Nielson led pledge of allegiance.

**PRAYER**- Prayer offered by Council Member Sair.

### ROLL CALL

#### PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore (attending through zoom)

Council Member Barratt Nielson

Council Member Jarry Zaharias (present after agenda item three)

#### DECLARATION OF CONFLICTS OF INTEREST

None declared.

#### PUBLIC COMMENTS

No public comments.

Mayor Lindhardt commented that the Council would be moving ahead to agenda item two and three and come back to agenda item one.

#### PUBLIC HEARING | DISCUSSION AND ACTION

- 2. Public Hearing:** Consider Approval of Adoption of the FY2024 Budget and the Amendment of the FY2023 Budget, Resolution-R-2023-24.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

- 3. Discussion and Action:** Consider Approval of Adoption of the FY2024 Budget and the Amendment of the FY2023 Budget, Resolution-R-2023-24.

Town Administrator Jauna McGinnis reviewed the presented the Budget Adjustments. This was viewed on the screen for the public attending the meeting and on zoom. The Council reviewed the Budget Adjustments.



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**MOTION:** Council Member Nielson motioned that we adopt the Fiscal Year 2024 Budget and the Amendment of the Fiscal Year 2023 Budget, Resolution-R-2023-24.

**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.

**1. Discussion and Action:** Consider Approval of Town Council Member, Resolution-R-2023-22.

David Lane, 1599 E State St. Gave brief overview of what was presented in the agenda packet.

Stewart Riding, 1456 N Mt Zion Dr. Gave brief overview of what was presented to the Town Council at the meeting and in the agenda packet.

Jarry Zaharias, 1396 E Cedar Dr. Gave brief overview of what was presented in the agenda packet.

Walter Josey, 1224 N Rome Way. Asked the council if they had any questions on what was presented in the agenda packet.

The Council discussed amongst regarding the applicants and thanked the applicants.

Mayor Lindhardt commented that honestly the biggest challenge in this Town has been water. Board Members of the Water District, Harold Merritt and Ross Gregerson have expressed a desire to retire. Andy McGinnis is needed on the Water Board. For that reason alone, Jarry Zaharias has qualifications to be on the Town Council and this will open a vacancy on the Water Board for Andy McGinnis.

**MOTION:** Council Member Whitmore motioned to appoint Jarry Zaharias to Town Council, Resolution-R-2023-22.

**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.

Oath of Office administered by Town Clerk/Recorder Jenna Vizcardo.

#### MAYORS TOWN UPDATE

Mayor Lindhardt discussed zone changes and developments that were approved in previous administrations. 3400 lots have been given zone change with previous administrations.

#### DISCUSSION AND POSSIBLE ACTION

4. 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.

Wendy Halitzer and DJ Morisette were present on zoom and discussed the event application in the agenda packet. Council Member Nielson asked questions pertaining to the event/festival. The Fire Chief commented on using UDOT and traffic mitigation. The feasibility for the community was discussed. The beer garden was discussed with following state law. Applicant to bring forth application for approval to Town Council after they have secured liability insurance. Discussion only. No action taken.

5. Application to Appear Before Town Council: Impact fee payoff proposal. Applicant: Dan Tygard

Dan Tygard with Knollwood/Range RV is present to discuss the impact fee proposal on his current balance. His business' occupancy rates are struggling. He is asking the Council for a one-time payoff in the amount of \$130,000. His business is below the projected 40% occupancy rate. The current amount owed due of \$157,502 reduced to \$130,000 was discussed. The history of the project was discussed and the previous approval from the Town on impact fees. The Council discussed amongst. Dan Tygard will provide additional numbers within the next forty-five days and when ready will ask to be put back on the Town Council agenda for discussion and action. Discussion only. No action taken.

6. Consider Approval of Accountant Contract.

Town Administrator Jauna McGinnis reported they had one applicant, Mikey Farrar who is a CPA and is highly qualified for the position. What we are doing tonight is approving the agreement. Having a CPA on board will decrease our risk to our insurance. This position is expected to be 300 hours a year and around \$25,000.



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**MOTION:** Council Member Sair motioned that we approve the new Accountant Contract.

**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 Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

Mayor Lindhardt commented that the Council would be moving ahead to agenda item eight and come back to agenda item seven.

8. Consider Approval of Amending the Personnel Policy & Procedures Manual, Resolution-R-2023-21.

Town Administrator Jauna McGinnis reviewed the changes presented in the agenda packet.

**MOTION:** Council Member Sair motioned that we approve the amended Personnel Policy & Procedures Manual, Resolution-R-2023-21.

**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 Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



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9. 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.

Town Administrator Jauna McGinnis reported when working with county attorney on this, we were already in the contract the understanding we could cancel at any time. This resolution has a date that it will be effective on rather than effective immediately.

**MOTION:** Council Member Sair motioned to approve 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 with the date of September 6, 2023.

**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 Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

10. CIB Grant Update

Town Administrator Jauna McGinnis discussed CIB Grant update from February application. The Town can't afford the 50% match. This was for the roads/storm drainage and fire tender. It was decided to pull the CIB grant for this year and re-apply next year. Next year FEMA will pay 75% and the 25% would be the CIB grant and the Town's responsibility. Discussion only. No action taken.

### CONSENT AGENDA

11. Disbursement Listing for May 2023.
12. Budget Report for Fiscal Year 2023 through May 2023.

**MOTION:** Council Member Whitmore motioned that we approve the Disbursement Listing and the Budget Report for Fiscal Year 2023 through May 2023.

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



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

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

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

#### APPROVAL OF MINUTES

13. Minutes: April 19, 2023.

**MOTION:** Council Member Nielson motioned that we approve the minutes for April 19, 2023.

**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 Zaharias - Abstain  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

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

14. Minutes: May 17, 2023.

**MOTION:** Council Member Nielson motioned that we approve the minutes for May 17, 2023.

**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 Zaharias - Abstain  
Council Member Nielson - Aye



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Mayor Lindhardt - Aye

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

15. Minutes: May 18, 2023.

**MOTION:** Council Member Sair motioned we approve the minutes for May 18, 2023.

**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 Zaharias - Abstain  
Council Member Nielson - Abstain  
Mayor Lindhardt - Aye

The vote was three aye and two abstain and the motion carried.

16. Minutes: May 24, 2023.

**MOTION:** Council Member Sair motioned that we accept the minutes from May 24, 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 Zaharias - Abstain  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

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

### REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Nielson reported the Building Department is under control with Shums Coda Associates.



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Mayor Lindhardt reported on upcoming planning/zoning projects. Again, struggling with subdivisions being approved under previous administration with no requirements and when that happens who is going to pay for road improvements. The developers are being asked to follow ordinances.

7. Consider Approval of Cooperative Agreement Between The Utah Division Of Forestry, Fire And State Lands And Apple Valley.

Fire Chief Michael Gross reported this is an Agreement with The Utah Division Of Forestry, Fire And State Lands And Apple Valley to ensure we are putting mitigation efforts in place. This is the Wildland contract done annually with the state.

**MOTION:** Council Member Nielson motioned that we approve the Cooperative Agreement Between The Utah Division Of Forestry, Fire And State Lands And Apple Valley.

**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 Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

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

No request.

### ADJOURNMENT

**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 Zaharias - Aye





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Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 8:00 p.m.

Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_

Mayor | Frank G. Lindhardt

Attest BY: \_\_\_\_\_

Town Clerk-Recorder | Jenna Vizcardo