



**SPECIAL APPLE VALLEY TOWN COUNCIL PUBLIC
HEARING AND MEETING**
1777 N Meadowlark Dr, Apple Valley
Wednesday, July 12, 2023 at 5:30 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, July 12, 2023**, commencing at **5:30 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

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

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

1. Update Title 8.10 Burning And Burn Permits, Ordinance-O-2023-28.

DISCUSSION AND POSSIBLE ACTION

- [2.](#) Update Title 8.10 Burning And Burn Permits, Ordinance-O-2023-28.
- [3.](#) Appoint SSD Member, Resolution-R-2023-25.
- [4.](#) Consider Approval to Revoke Resolution R-2023-23 and Reissue a New Resolution to Cancel the Interlocal Agreement Contract with Washington County to Assist with Municipal Elections, Resolution-R-2023-26.
5. Regarding Negotiations with Washington County Water Conservancy District and Big Plains Water Special Service District.
6. Hurricane City Peach Days - Parade Invitation for Town of Apple Valley.

DISCUSSION

7. \$1000 Walmart Community Grant.

CONSENT AGENDA | APPROVAL OF MINUTES

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.

- [8.](#) Minutes: June 14, 2023.

- [9.](#) Minutes: June 21, 2023.

REQUEST FOR A CLOSED SESSION

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.

**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** “8.10 Burning And Burn Permits” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10 Burning And Burn Permits

Open burning is a source of air pollution that is regulated by the Division of Air Quality (DAQ). There are statewide rules in place that regulate open burning activities to help minimize emissions and ensure that the National Ambient Air Quality Standards (NAAQS) are met. Recent modifications to these rules change the open burn periods and include a statewide requirement to obtain a permit form the local county or municipal fire authority prior to burning.

SECTION 2: **AMENDMENT** “8.10.010 Closed Fire Season” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.010 ~~Closed Fire Season~~General Requirements

- ~~A. Subject to the exceptions set forth herein, burning is prohibited during the statutorily closed fire season from June 1st through October 31st, and the regulatorily closed fire season from November 16th through the last day of February. Notwithstanding the same, where state statute permits, from June 1st to October 31st, and the person obtains a state issued closed season burning permit prior to burning, persons may burn pursuant to the terms of the state issued permit.~~
- ~~B. When a person has obtained a closed season burning permit issued by the state, the person shall notify the local fire authority of the approximate time the burn will occur before the burn takes place.~~
- ~~C. Any violation of this section shall be punishable as a class C misdemeanor.~~
- A. The clearing index is 500 or greater. The clearing index is a measure of the atmospheric mixing and wind speed. A clearing index of 500 or less is considered poor atmospheric ventilation.

- B. An open burn permit application must be completed and a valid permit issued by the county or municipal fire authority (Apple Valley Fire) prior to burning. See instructions and a link to the open burn permit application.
- C. Permits may be issued between March 1 and May 30 and between September 15 and November 15 in the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand, and Emery.
- D. Materials to be burned are thoroughly dry and no trash, rubbish, tires, or oil are included in the material to be burned, used to start fire, or used to keep fires burning.
- E. The Apple Valley Fire Chief must be contacted prior to burning (435-877-1194).

SECTION 3:AMENDMENT “8.10.020 Open Fire Season” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.020 ~~Open Fire Season~~ Permit Criteria

- ~~1. Subject to the exceptions set forth herein, persons shall obtain a town burning permit before starting a fire in the incorporated areas of the town during the open fire season.~~
- ~~2. Any violation of this section shall be punishable as a class C misdemeanor.~~
- A. Prior to completing the open burn permit application, please consider the following:
 - 1. Location and proximity of the proposed burning to any building, other structures, neighbors, or other public areas (parks, schools, businesses, hospital, etc.) that might be impacted by the smoke and emissions from the burn.
 - 2. The clearing index must be above 500.
 - 3. Whether there is any practical alternative method for the disposal of the material to be burned.
 - 4. Methods to minimize emissions and smoke impacts such as clean auxiliary fuel, drying the material prior to ignition, and/or separation for alternative disposal of materials that produce higher levels of emissions and smoke during the combustion process.
 - 5. For burns of piled material, all piles shall be reasonably dry and free of dirt.
 - 6. Open burns shall be supervised by a responsible person who shall notify the local fire department and have available, either on-site or by the local fire department, the means to suppress the burn.

SECTION 4:AMENDMENT “8.10.030 Agricultural And Horticultural Exceptions” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.030 ~~Agricultural And Horticultural Exceptions~~ Permit Application

- ~~A. The regulatorily closed fire season from November 16th through the last day of February, and above-referenced provisions of the open fire season regarding town burning permits are not applicable to:~~
- ~~1. Burning of prunings from trees, bushes, and plants of dead or diseased trees, bushes and plants, including stubble. This exception does not apply in areas zoned as residential where the regulatorily closed fire season applies and the permit must still be obtained.~~
 - ~~2. Burning of weed growth along ditch banks for cleaning these ditches for irrigation purposes.~~
 - ~~3. Controlled heating of orchards or other crops during the frost season to lessen the chances of their being frozen so long as the emissions from the heating do not cause or contribute to an exceedance of any national ambient air quality standards and are consistent with the federally approved state implementation plan.~~
- ~~B. The person conducting any of the above excepted burnings shall notify the local fire authority of the approximate time that the burning will occur before the burn takes place.~~
- ~~C. Any violation of this section shall be punishable as a class C misdemeanor.~~

A. Online Permit Application:

1. Website: [Online Permit Application](#) Be sure to choose Washington County and then Apple Valley.
2. Applicants statewide are required to complete the open burn permit application prior to igniting an open burn. After the application process is completed, a copy of the application is sent electronically to the county or municipal fire authority having jurisdiction in the area where the open burning will take place.
3. Though the application process is the same statewide, the Apple Valley Fire Department requires the applicant to contact the Fire Chief at (435) 877-1194 prior to the start of any burning.
4. The open burn permit application program is tied to two items:
 - a. First, it checks to see if there is an active open burn window.
 - b. Second, it checks the clearing index to see if it is forecast to be above 500.
5. If there is not an open burn window, or if the clearing index is forecast to be below 500, the program will not allow a person to complete the application. The clearing index is only forecast for a three day period, including the current day. The open burn permit application may be completed up to two days in advance (i.e., Apply on Thursday or Friday if you plan to burn on the

weekend).

- a. A permit applicant shall provide all information requested on the application.
 - b. An open burn permit application is required for each separate burn.
 - c. An open burn permit is valid only on the lands specified in the application and is required to be on site at the time of the burn.
 - d. All materials to be burned must be clearly described and quantified in the application.
 - e. Applicants must be aware of any and all local, State, and federal rules and regulations applicable to their area.
 - f. Open burning may be prohibited in some areas of the state.
6. There are three ways to complete the open burn permit application:
- a. ONLINE
 - (1) The open burn permit application can be [Completed Online](#). Completing this form online is the easiest and fastest way to complete the open burn permit application. An electronic copy of the application is automatically submitted to the county or municipal fire authority upon completion.
 - b. TELEPHONE
 - (1) An applicant can call the DAQ at (801) 536-4000 and complete the open burn permit application process over the phone. A DAQ inspector will ask the applicant for the required information and complete the application in just a few minutes.
 - c. MAIL
 - (1) A hard copy of the application may be completed and submitted by mail to DAQ for electronic processing. To request a hard copy of the open burn permit application, contact DAQ by phone at (801) 536-4000.
 - (2) Note: It may take up to 14 days from the date of request to receive an open burn permit if a hard copy is submitted for processing.
7. Contact Information
- a. Contact the Division of Air Quality with questions or complaints: (801) 536-4000
 - b. Or visit:
 - (1) Burn Permit Application: <https://air.utah.gov/OpenBurning/form/index.php> — Access to the online open burn permit application.
 - (2) Division of Air Quality: <https://deq.utah.gov/division-air-quality> — General Information.
 - (3) National Weather Service Clearing Index: <https://www.weather.gov/slc/ClearingIndex>.
 - (4) Stationary Source Compliance Electronic Complaint Form: <https://deq.utah.gov/legacy/compliance/air-quality/stationary->

[source/complaint-form.htm — File a complaint.](#)

(5) [Utah Administrative Code Emissions Standards: https://rules.utah.gov/publicat/code/r307/r307-202.htm — General burning regulations.](#)

SECTION 5: AMENDMENT “8.10.040 Other Exceptions” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.040 Other Exceptions

- A. The provisions of this Chapter are not applicable to:
1. Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;
 2. Campfires and fires used solely for recreational purposes where such fires are under control of a responsible person and the combustible material is clean, dry wood or charcoal; and
 3. Indoor fireplaces and indoor residential solid fuel burning devices.
- B. [From time to time, the State may have a ban or restrictions order in place. Please check Fire Restrictions \(https://utahfireinfo.gov/fire-restrictions/\) to verify.](#)

SECTION 6: AMENDMENT “8.10.050 Procedure For Obtaining A Burning Permit” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.050 ~~Procedure For Obtaining A Burning Permit~~Penalty

~~A. During open fire season, the chief fire officer or official of the Town shall be responsible for signing and issuing a burning permit, on forms provided by the town. No permits shall be issued during the closed fire season or when the clearing index is below 500.~~

A. Any violation of this section may be punishable as a class C misdemeanor.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: 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 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from July 12, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
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

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2023-25

A RESOLUTION APPOINTING A BOARD MEMBER FOR THE BIG PLAINS WATER SPECIAL SERVICE DISTRICT

WHEREAS, the Town of Apple Valley ("Apple Valley") by ordinance (Ordinance No. 2011-25) established the Big Plains Water Special Service District, ("District") which requires the mayor to appoint board members to the District; and

WHEREAS, the Mayor and one elected official of the Town of Apple Valley are required to serve as board members for the District, with three members of the board being appointed from the registered voters of Apple Valley; and

WHEREAS, a vacancy on the District Board exists due to the appointment of Jarry Zaharias to the Town Council on June 21, 2023;

WHEREAS, Mayor Frank Lindhardt appoints Andy McGinnis, with the advice and consent of the Town Council, to be appointed to the District Board.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 12th day of July 2023, and upon motion duly made and seconded,

BE IT RESOLVED AS FOLLOWS:

Andy McGinnis is appointed as board member of the Big Plains Water Special Service District to serve during the term which will expire on January 1, 2024.

RESOLVED this 12th day July 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 Jarry Zaharias	_____	_____	_____	_____

TOWN OF APPLE VALLEY, UTAH

RESOLUTION NO. R-2023-26

A RESOLUTION TO REVOKE RESOLUTION NO. R-2023-23 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-2023-23 on June 21, 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 December 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 December 1, 2023.

RESOLVED this 12th day July 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 Jarry Zaharias	_____	_____	_____	_____



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 14, 2023 at 5:45 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 5:45 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

1. Appoint SSD Board Member, Resolution-R-2023-20.

Mayor Lindhardt reported due to Andy McGinnis' resignation on the Town Council it created a vacancy for Board Member for Big Plains Water Special Service District.

MOTION: Council Member Whitmore motioned that we appoint Barratt Nielson as the SSD Board Member, Resolution-R-2023-20.

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.

"Oath of Office" administered to Barratt Nielson by Town Clerk/Recorder Jenna Vizcardo.



SPECIAL TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, June 14, 2023 at 5:45 PM

MINUTES

ADJOURNMENT

MOTION: Council Member Whitmore 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 5:51 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



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 Budget Adjustments. This was viewed on the monitor and zoom(online) for the public attending the meeting. The Council reviewed the Budget Adjustments.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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

MINUTES

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 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



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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

MINUTES

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 traffic control for the event/festival. The Fire Chief commented on using UDOT for traffic mitigation. The feasibility for the community was discussed. The beer garden was discussed with state law followed. 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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
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MINUTES

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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

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 and the understanding was 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 the CIB Grant update from the February application. The Town can't afford the 50% match at the present time. This was for the roads/storm drainage and a fire tender. It was decided to pull the CIB grant for this year and re-apply next year. Next year, FEMA will potentially pay 75% and the remaining 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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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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.

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



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Council Member Nielson - Aye
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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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

MINUTES

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



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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

MINUTES

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

DRAFT