



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 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 6:00 p.m.

PLEDGE OF ALLEGIANCE- Resident Stewart Riding led pledge of allegiance.

PRAYER- Prayer offered by resident Britta Nielson.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Jarry Zaharias

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S TOWN UPDATE

Mayor Lindhardt discussed that the public commenters are not required to give their address. The clerk will not be writing down addresses in the minutes.

PUBLIC HEARING

1. **Consider Approval to Amend Title 12.02.040 Adoption Of Codes By Reference, Ordinance-O-2023-35.**

Mayor Lindhardt opened the public hearing.

Fire Chief Michael Gross discussed this amendment as following the Utah state code and WUI code. Town Administrator Jauna McGinnis commented this is a cleanup of the ordinance and this will be following State code for any changes. The snow load information was also added.

No public comments.

Mayor Lindhardt closed the public hearing.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND POSSIBLE ACTION

2. **Consider Approval to Amend Title 12.02.040 Adoption Of Codes By Reference, Ordinance-O-2023-35.**



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-35, 12.02.040 Adoption of Codes by Reference amendment.

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

The vote was unanimous and the motion carried.

3. Consider Approval of Impact Fee Payoff for Dan Tygard.

Applicant Dan Tygard commented he sent a proposal to the Town Council and it is included in the agenda packet. Dan Tygard commented that this month has a 60% occupancy rate. This payoff proposal would be huge for them and ensure the Town gets a majority of the impact fees owed. Mayor Lindhardt commented that this was tabled previously to work out the water right agreement. Chairman Nielson commented the water right agreement is being finalized with the Big Plains Water SSD.

MOTION: Council Member Nielson motioned that we approve the payoff the Knollwood RV payoff amount of \$130,000 total for his impact fees with credit for what he has already paid.

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.



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4. Consider Approval of Preliminary Plat Application for Crimson Peaks subdivision. Agent: Travis Holm, Scout Holm.

***Planning Commission recommended approval on 10/4/2023 with conditions.**

Mayor Lindhardt commented currently on the preliminary plat presented, we are approving the plan of the subdivision and from there each phase will be brought in for approval to the Town Council. Except starting next year, it will not be with the Town Council. Preliminary plat applications will either go to the Planning Commission or staff due to the new changes. Town Council will have zone change approval in planning and zoning.

Mayor Lindhardt commented that if we give approval tonight it should be subject to approval of wastewater with Ash Creek SSD. He continued, that water needs to be approved through Big Plains Water SSD and some of the things to be aware of are looping the water line in the phases so you don't end up with dead end water lines that create work and/or potential problems. Also, streets for fire safety code with turn arounds. They will be required to construct the road that goes from their subdivision down to Highway 59. (The secondary road for phasing.) Mayor Lindhardt asked what the plan is for the well as it is an abandoned well. Karl Rasmussen, the Engineer for the applicant answered we either get with the State and grout it in or designate as an abandoned well. He discussed a community sewer, common amenities, and CCRs. Mayor Lindhardt discussed UDOT and Karl Rasmussen commented about a design meeting with UDOT.

Mayor Lindhardt reviewed the Planning Commission recommendation presented in the agenda packet. He continued; the water acknowledgment of water supply was signed by the applicant. The pivots that are currently on were discussed, that they use more water than a subdivision. The developer is not required to bring paper water and impact fees are paid at the time of building permit.

MOTION: Mayor Lindhardt motioned that we approve their preliminary plat as presented. Subject to that they make the road improvements as required to give access to their property all the way down to Highway 59. That they work the turning lanes out with UDOT. That they get the necessary approval from Ash Creek and the State for their sewer treatment facility for their subdivision. That they work the water out with Big Plains Water District, and build the roads and bridges as per the Town's Design Standards. Clubhouse when that time comes make a determination. But the storm drainage system and all the roads will meet our Town's Standards and be approved by our Engineer. And in that water, work out the loop, make sure that the Big Plains Water District is happy with you.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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

The vote was unanimous and the motion carried.

5. Consider Approval for Preliminary Plat Application for West Temple Village Subdivision. Owner: Holm House LLC -Travis Holm, Agent: Matt Loo.

***Planning Commission recommended approval on 10/4/2023 with conditions.**

Karl Rasmussen, the Engineer for the applicant discussed each of the subdivisions we are proposing are to have sidewalks and curb/gutter that go into people's lots. He continued, the Planning Commission staff discussed a different layout with more driveways and a collector road. We changed the roads going east/west to north/south and one parallel road. Phase 5 recommendation is to have circular drives. Offsite improvements discussed. Discussed refunding 50% of the cost of the acceleration for the RV Park. Temporary and emergency access discussed. The sewer project was discussed and working with Ash Creek SSD. Mayor Lindhardt asked the applicant/agent about the wells on the plat because there are two very good functioning wells. The Engineer commented to add to the motion that we investigate and work with Big Plains on the wells.

MOTION: Mayor Lindhardt motioned that we approve this preliminary plat for the West Temple subdivision. Subject to of course they get UDOT approvals, get that worked out with access. None of the commercial lots will have direct access to Highway 59. The large lots that are in the west end that they are required to have circular drives because this is a collector road so they can't back out to the road. That they refund the RV Park 50% of the cost of putting that acceleration lane in. They get Ash Creek approvals for their and State approvals for their sewer treatment. Big Plains approval for their water treatment system, including loops. And the temporary road that will come with their plat. That the developer works with the Big Plains Water District pertaining to the two wells that are on the property for possible turning over to the District. That they put in the necessary detention areas as they have on their plan. They work with Rocky Mountain Power to meet their standards. That they improve the roads possibly widened or whatever is required by engineering at the bus stop and striping there. And follow the Design Standards of the Town for all the roads, etc. and of course Design Standards for all the other entities.

SECOND: The motion was seconded by Council Member Whitmore.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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.

6. Consider Approval of Appointment of a Public Works Director, Resolution-R-2023-32.

Town Administrator Jauna McGinnis commented that we have not had a public works director since 2018 and feels valuable to put Trevor as the public works director.

MOTION: Council Member Nielson motioned we approve Resolution-R-2023-32, appointing a Public Works Director.

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

The vote was unanimous and the motion carried.

7. Consider Approval to Amend Title 11.02.190 Grading Permit By Exception, Ordinance-O-2023-31.

***Planning Commission recommended approval on 10/4/2023.**

MOTION: Council Member Whitmore motioned that we adopt the amendment to Ordinance 2023-31, 11.02.190.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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.

8. Consider Approval to Amend Title 10.28.310 Grading And Grubbing Of Vacant Lots, Ordinance-O-2023-32.

***Planning Commission recommended approval on 10/4/2023.**

MOTION: Council Member Whitmore motioned that we adopt the amendment to Ordinance 2023-32, 10.28.310 Grading And Grubbing Of Vacant Lots.

SECOND: The motion was seconded by Council Member Zaharias.

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.

9. Consider Approval to Amend Title 10.18.020 Residential Lots; Access, Ordinance-O-2023-34.

***Planning Commission recommended approval on 10/4/2023.**

MOTION: Council Member Nielson motioned we adopt Ordinance-O-2023-34 amendment to 10.18.020 Residential Lots; Access with the change under Section A that it will read "minimum size diameter of 18" or larger as required by the Town or Building Official."

SECOND: The motion was seconded by Council Member Whitmore.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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. Consider Approval of Amending the Personnel Policy and Procedures Manual, Resolution-R-2023-33.

Town Administrator Jauna McGinnis commented that this amendment is adding a vehicle policy and updating the holidays in the policy and procedures manual.

MOTION: Council Member Nielson motioned that we approve Resolution-R-2023-33, amended Personnel Policy and Procedures Manual amendment.

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

The vote was unanimous and the motion carried.

11. Consider Approval of Residential Solid Waste Disposal Fee Increase, Resolution-R-2023-34.

MOTION: Council Member Whitmore motioned that we approve Resolution 2023-34, Residential Solid Waste Disposal Fee Increase, effective January 1, 2024.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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.

12. Consider Approval to Amend Fee Schedule, Resolution-R-2023-35.

Mayor Lindhardt commented that the fees will be waived for political fees of the meeting room at the Town's discretion. After civic functions will add "specific to Apple Valley."

MOTION: Council Member Whitmore motioned that we approve Resolution 2023-35, Fee Schedule Amendment, with the addition of under special fees, special fees or exceptions to payment may be granted by the Town Council for local nonprofit organizations or civic functions, "specific to Apple Valley."

SECOND: The motion was seconded by Council Member Zaharias.

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.

13. Discussion on Declaration of Law and Duty Regarding Unconstitutional Government Surveillance.

The Council discussed this agenda item presented in the agenda packet.

MOTION: Mayor Lindhardt motioned that we ask Jenna to take the lead and see if we can turn this beautifully written document into a motion that we can adopt.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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.

CONSENT AGENDA

14. Disbursement Listing for September 2023.

15. Budget Report for Fiscal Year 2023 through September 2023.

MOTION: Council Member Nielson motioned that we approve the Disbursement Listing for September 2023 and the Budget Report for Fiscal Year 2023 through September 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 - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

16. Minutes: September 19, 2023

MOTION: Council Member Whitmore motioned that we approve the minutes from September 19, 2023.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a vote:



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 18, 2023 at 6:00 PM

MINUTES

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

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

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Maintenance of the backhoe: Council Member Sair discussed the backhoe was due for a 1,000-hour service, and the necessary fuel-related tasks were completed, with a plan in place for road repair by the Gooseberry Lodges.

Planning and Zoning: Mayor Lindhardt discussed Pat Melfis' subdivision project was working in collaboration with Ash Creek SSD. He also discussed a proposed development agreement for an upcoming project, having met with the relevant parties and their attorney. The agreement aimed to adhere to design standards. This will be coming to the Town Council soon.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

MOTION: Council Member Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Zaharias.

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.



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The meeting was adjourned at 7:53 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT