



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, February 15, 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 5:59 p.m.

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

PRAYER- Prayer offer by Mayor Lindhardt.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Andy McGinnis

Council Member Barratt Nielson

ABSENT

Council Member Robin Whitmore

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Disbursement Listing for January 2023.
2. Budget Report for Fiscal Year 2022 through January 2023.
3. Minutes: January 04, 2023.
4. Minutes: January 18, 2023.

Mayor Lindhardt asked the Council if they had any comments, corrections, or additions.

MOTION: Council Member McGinnis motioned to approve the Consent Agenda as posted.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Abstain

Council Member McGinnis - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye

Council Member Whitmore - Absent

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



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MAYOR'S TOWN UPDATE

Mayor Lindhardt discussed Accessory Dwelling Units (ADU) needing to go to the Planning Commission for a public hearing. He also commented that Council will need to have a closed session tonight to discuss pending litigation.

PUBLIC COMMENTS

Rich Ososki, 1024 W Little Pinion Way. He commented about a couple things, one on the ice by the mailbox being concerned and other thing is Louie Ford called for help with being hung up on the hill. The new Fire Chief helped him up his hill to his house.

DISCUSSION AND ACTION

5. **Discussion and Action:** Consider approval to issue debit card to Chief Gross on SBSU fire account.

Mayor Lindhardt asked the Council if they had any questions.

MOTION: Council Member Nielson motioned that we issue a debit card to Chief Gross 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 McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye
Council Member Whitmore - Absent

The vote was unanimous and the motion carried.

6. **Discussion and Action:** Update Title 10.06 Land Use Authority, Ordinance-O-2023-14.

Mayor Lindhardt reported that this Ordinance is clean up. The Town had two places that had the description of the same thing.

MOTION: Council Member McGinnis motioned we approve Ordinance O-2023-14 Land Use Authority amendment.



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SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt – Aye
Council Member Whitmore - Absent

The vote was unanimous and the motion carried.

7. Discussion and Action: Update Town Design Standards and Specifications, Section 3.4.5 Design Criteria-Bridges, Resolution R-2023-02.

Mayor Lindhardt reported what we are doing is updating our Design Standards. This is the technical details with everything to do with building. He went over the proposed change in the Agenda packet on Section 3.4.5 Design Criteria-Bridges. He asked council if they had any questions.

MOTION: Council Member Sair motioned that we approve Resolution R-2023-02 on Town Design Standards and Specifications.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

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

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Lindhardt asked about building permits and if they have slowed down like everything else. Town Clerk/Recorder Jenna Vizcardo responded a couple building permits were issued in Cedar Point that have been



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in the works since before this administration. Also, accessory buildings and solar permits have been issued but not a lot of building permits for new homes. Mayor Lindhardt also discussed a building issue in Cedar Point with a residential build of Richard Fischer where he put a retaining wall on top of an easement. They were given options to fix this problem via a letter sent by the Town Administrator. Our attorney informed that we could not withhold the certificate of occupancy permit.

Town Clerk/Recorder Jenna Vizcardo commented about the Southwest Mosquito Abatement Committee volunteer position that has opened and if anyone is interested to please reach out.

Council Member McGinnis commented the Board is continuing to clean up well 59. Also, the recent impact study results should be back within a few weeks.

Mayor Lindhardt commented that he has been very impressed with the new Fire Chief.

REQUEST FOR A CLOSED SESSION

MOTION: Council Member Nielson motioned that we go into a closed session to discuss pending litigation.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

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

The vote was unanimous and the motion carried.

ADJOURNMENT

Mayor Lindhardt brought the meeting back to order at 7:05 p.m. and called for a motion to adjourn the meeting. Council Member Sair had left the closed session early due to family situation.

MOTION: Council Member McGinnis motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:



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

The vote was unanimous and the motion carried.

Meeting adjourned at 7:06 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo