



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 17, 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- 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.



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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.



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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.



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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.



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- 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



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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