TOWN COUNCIL HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 16, 2025 at 6:00 PM

MINUTES

CALL TO ORDER - Mayor Farrar called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE
PRAYER – Prayer was offered by Council Member Sair.
ROLL CALL
PRESENT
Mayor Michael Farrar
Council Member Kevin Sair
Council Member Annie Spendlove
Council Member Scott Taylor
Council Member Richard Palmer

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CLOSED SESSION FOR STRATEGY REGARDING PENDING LITIGATION UNDER UTAH CODE § 52-4-205(1)(C)

MOTION: Mayor Farrar motioned for a closed session for strategy session regarding pending litigation under UTAH CODE § 52-4-205(1)(C).
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

MAYOR'S TOWN UPDATE \ REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Farrar announced that District Water Operator Dan Harsh achieved Level Four certification, the highest available. Although not required for the District or Apple Valley, Dan's work and public feedback were praised.

The mayor reported that the district received a perfect score on its recent water inspection, crediting a team effort and highlighted strong relationships with the State Division of Drinking Water.

Upcoming events included the Easter Egg Hunt at 10:00 AM Saturday at the town park, with $15 professional photos benefiting the community garden, and the Easter Car Show in Hurricane, where Mayor Farrar planned to participate and donate any prize winnings to the community garden.

Council Member Sair reminded residents to report thistle sightings to the office for spraying efforts. Improvements in thistle control compared to previous years were noted.

Mayor Farrar reported the pipeline project was nearly complete, with testing passed and final pump house and electrical work in progress.

PUBLIC HEARING

1. Amend Title 5.09.060 Fees and 5.09.070 Special Events - Application Review, Approval And Issuance, Ordinance O-2025-15.

   The Council moved into a public hearing to consider Ordinance O-2025-15, which involved amendments to:

   - Title 5.09.060 Fees and 5.09.070 Special Events Application Review, Approval, and Issuance.
   - The dust control fee for contractors would be increased from $1,000 to $2,000 to better cover the actual cost of dust mitigation during construction and events.
   - Language was added to clarify that event applications could be reviewed and sent to the Town Council by the Mayor or an appointed town official.

   Mayor Farrar mentioned that during a recent foot race event, there were minimal complaints regarding dust and drones, indicating improvements over previous years.

   Mayor Farrar opened the hearing.

   No public comments.

   Mayor Farrar closed the public hearing.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

No public comments.

DISCUSSION AND POSSIBLE ACTION

2. Discussion and Possible Approval of Settlement Agreement with DRL Investments, LLC Resolving Civil Case No. 220500913, Including Terms Related to Zoning of Parcel AV-1329-B and Future Development Restrictions.

   Mayor Farrar introduced discussion on the possible approval of a settlement agreement with DRL Investments LLC regarding Civil Case Number 220500913. The agreement involved terms related to the zoning of parcel AV-1329-B and future development restrictions. The property in question covers approximately 60 acres located just north of the Well Subdivision.

   Mayor Farrar explained that this was an old lawsuit that had resurfaced, and after negotiations with the plaintiffs, a fair agreement was reached. Approval of the settlement would rezone the property to allow one-acre lots. Mayor Farrar invited a motion to approve the agreement.

MOTION: Council Member Sair motioned that we approve Settlement Agreement with DRL Investments, LLC Resolving Case No. 220500913, Including Terms Related to Zoning of Parcel AV-1329-B and Future Development Restrictions.

SECOND: The motion was seconded by Council Member Palmer.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye

Council Member Palmer - Aye

The vote was unanimous and the motion carried.

3. Ordinance O-2025-15, Amend Title 5.09.060 Fees and 5.09.070 Special Events - Application Review, Approval And Issuance.

   Mayor Farrar introduced Ordinance O-2025-15, which proposed amendments to Title 5.09.060 regarding fees and 5.09.070 regarding special events application review, approval, and issuance. The ordinance had been discussed earlier in the meeting. Mayor Farrar invited Council Member Kevin Sair, who was prepared, to make a motion regarding the ordinance.

MOTION: Council Member Sair motioned we amend the title, Ordinance O-2025-15, Amended Title 5.09.060 Fees and 5.09.070 Special Events - Application Review, Approval And Issuance.
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

4. Ordinance O-2025-14, Zone Change Application - Apple Valley Fire Station No. 2 - Existing Zone: Open Space Transition, Proposed Zone: Institutional, Parcel: AV-1366-A-8-C.

   *Planning Commission recommended approval on April 9, 2025.

   Mayor Farrar introduced Ordinance O-2025-14, a proposed zone change application for Apple Valley Fire Station Number Two. The existing zoning for parcel AV-1366-A-8-C, located in the Cedar Point area, was Open Space Transition, and the proposal was to rezone it to Institutional.

   Mayor Farrar explained that the town needed to properly rezone the property to Institutional to ensure compliance with zoning rules, noting that the Planning Commission had recommended approval on April 9, 2025. The Institutional zone classification covers uses such as fire stations, wells, and water tanks. Mayor Farrar also mentioned that other town properties might require future rezoning to align with proper zoning standards.

   Council Member Spendlove clarified that their earlier concerns regarding higher-density facilities within smaller lot sizes were related to a different item and not this particular zone change.

MOTION: Council Member Sair motioned we approve the Zone Change Application - Apple Valley Fire Station No. 2 - Existing Zone: Open Space Transition, Proposed Zone: Institutional, Parcel: AV-1366-A-8-C.
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Sair - Aye

Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

5. Ordinance O-2025-16, Zone Change Application - Jenkins B and B LLC - Existing Zone: Open Space Transition, Proposed Zone: (A-10) Agricultural, Parcel: AV-1354-NP-8.

   *Planning Commission recommended approval on April 9, 2025.

   Mayor Farrar introduced Ordinance O-2025-16, proposing a zone change for parcel AV-1354-NP-8 off Coyote Road from Open Space Transition (OST) to Agricultural (A-10). The property owners, who already have a house on the site, requested the change to build an accessory building, as OST zoning does not allow for the necessary permit. The Planning Commission recommended approval on April 9, 2025.

MOTION: Council Member Spendlove motioned that we approve Ordinance O-2025-16, Zone Change Application - Jenkins B and B LLC - Existing Zone: Open Space Transition, Proposed Zone: (A-10) Agricultural, Parcel: AV-1354-NP-8.
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

6. Ordinance O-2025-13, Amend Title 10.10.130 Institutional Zone.

   *Planning Commission recommended approval on April 9, 2025.

   Mayor Farrar introduced Ordinance O-2025-13, amending Title 10.10.130 to reduce setback requirements in the Institutional zone to accommodate a new fire station on a small lot. The mayor noted the changes were specific to the site and could be revised in the future if needed. Council Member Spendlove expressed concern about allowing higher-density uses on small parcels but agreed any future development would require Council approval.

MOTION: Council Member Taylor moved we approve Ordinance O-2025-13, Amend Title 10.10.130 Institutional Zone. Planning Commission recommended approval on April 9, 2025.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye

Council Member Palmer - Aye

The vote was unanimous and the motion carried.

7. Resolution R-2025-06, Appointment of Planning Commission Member, Kael Hirschi.

   Mayor Farrar introduced Resolution R-2025-06, recommending the appointment of Kael Hirschi as a permanent member of the Planning Commission. Kael had been serving as an alternate and was supported by the Commission. The mayor emphasized the importance of involving younger residents in civic roles and noted Kael's background in ranching and construction. Council Member Spendlove agreed, stating that participation on the Planning Commission is a strong starting point for future leadership.

MOTION: Council Member Sair motioned that we approve the Resolution R-2025-06, Appointment of Planning Commission Member, Kael Hirschi.
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

Mayor Farrar thanked Kael Hirschi for volunteering his time and commitment to serve on the Planning Commission, noting that although Kael was not present at the meeting, he would likely view the recording later.

8. Engagement Letter to reflect the Apple Valley and Big Plains Component Unit Audit for 2024.

   Mayor Farrar presented the engagement letter for the 2024 audit, covering both the Town of Apple Valley and the Big Plains Water Special Service District. He explained that audits are legally required and performed by a state-approved CPA hired before the current administration.

   The audit, covering July 2023 through June 2024, found no internal control issues. Minor overspending was noted in the general fund ($4,000) and the water district ($65,000), largely due to prior legal and engineering expenses. Despite this, both entities showed strong financial health, with increased revenues, spending reductions, and growing reserves.

   The mayor highlighted staffing additions, new equipment, and active grant writing efforts.

MOTION: Council Member Taylor moved we approve the Engagement Letter to reflect the Apple Valley and Big Plains Component Unit Audit for 2024.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Sair - Aye

Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

DISCUSSION

9. Discussion on the sheriffs contract and a new proposed contract from the Colorado City police department.

   Mayor Farrar updated the Council on law enforcement service options. The current agreement with the Washington County Sheriff's Office, which costs the town $15,000 annually, is set to double to $30,000 due to rising costs. While acknowledging the value of the sheriff’s services, the mayor expressed concerns about the town’s fragmented court and enforcement structure and the rising legal expenses associated with prosecuting and defending local cases.

   As an alternative, the mayor shared that he met with the Colorado City Police Chief, who also provides service in Utah and currently patrols Hilldale. They proposed a $100,000 annual contract to provide Apple Valley with a dedicated patrol officer, vehicle, and integrated dispatch services, improving response times and communication. The arrangement could also allow Apple Valley to participate in the Hilldale court system, potentially increasing the town’s share of citation revenue and reducing overall legal costs.

   Mayor Farrar emphasized that no decision had been made and the proposal was still under review. He intends to meet with the Hilldale Mayor to further explore the court partnership and possibly bring both police and sheriff representatives to a future work meeting. The Council expressed interest in exploring the option, with Council Member Sair raising concerns about constitutional authority differences between sheriffs and municipal police departments. Council Member Taylor noted the potential benefits of faster response times and greater public safety along Highway 59.

   Mayor Farrar stressed the goal was not aggressive ticketing but improved safety and deterrence, especially in light of resident concerns and recent dangerous traffic incidents. The discussion will continue as more information becomes available. Further meetings will be held to evaluate the proposal before bringing it to a vote.

CONSENT AGENDA

10. FY2024 Audited Financial Report and Certification for Apple Valley Town and Big Plains Water SSD.
11. Disbursement Listing for February and March 2025.
12. Budget Report for Fiscal Year 2025 through February and March 2025.
13. Minutes: March 12, 2025 - Special Town Council Hearing and Meeting.
14. Minutes: March 19, 2025 - Mayors Town Address about water.

    Mayor Farrar presented Consent Agenda items 10 through 14.

    Council Member Spendlove suggested that for future town addresses, council members be seated with the mayor to present a unified front. The Council supported the suggestion.

MOTION: Council Member Spendlove motioned that we approve the Consent Agenda.
SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Council Member Sair motioned we adjourn.
SECOND: The motion was seconded by Council Member Palmer.
VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Palmer - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:52 p.m.

Date Approved: ____________________

Approved BY: ______________________
Mayor | Michael L. Farrar

Attest BY: ____________________
Town Clerk/Recorder | Jenna Vizcardo