



REGULAR APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 21, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER- Mayor Lindhardt called meeting to order at 6.07 p.m.

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

PRAYER- Prayer offered by Council Member Nielson

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore – By Zoom

Council Member Andy McGinnis

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared. Mayor Lindhardt commented that he owns property next to item 2. But there is no conflict.

PRESENTATION

Wildfire Mitigation-Tiffany Martineau, Community Wildland Fire Planner for Washington County

Tiffany was not able to do this presentation. Acting Fire Warden Heber Heyder is here in her stead. Presentation is to give board idea of how to lessen impact of wildland fires and what to do in the event of one. Washington County Color Country is willing to come out.

Chief McGinnis mentioned the need work on CWPP. Chairman Rich Kopp of the mitigation board asked if a propane tank could blow. The answer was there is a relief valve that is designed to stop this. Assistant Fire Warden David Zolg, Jr mentioned we need to start adopting the Wildland Urban Interface (WUI) code, which is about the structure itself. Some of it is in our ordinances, i.e., how close buildings can be together.

CONSENT AGENDA

- A. Disbursement Listing for August 2022
- B. Budget Report for Fiscal Year 2022 thru August 2022

MOTION: Council Member McGinnis motioned to accept the Disbursement Listing for August 2022 and the Budget Report for Fiscal Year 2022 thru August 2022.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye

Council Member Whitmore – Aye



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Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

C. Minutes: August 9, 2022

Item C. was removed from the consent agenda to be voted on separately.

MOTION: Council Member McGinnis motioned to accept the minutes for August 9, 2022 as shown.

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 McGinnis - Aye
Council Member Nielson - Abstain
Mayor Lindhardt - Abstain

The vote was three aye and two abstain and the motion carried 3-2.

MAYOR'S TOWN UPDATE

Mayor Lindhardt will give his update during the upcoming October 4th meeting.

PUBLIC COMMENTS

No comments from the public.

DISCUSSION AND ACTION

1. Amend Developer Agreement for Knollwood RV Park/Range RV

An updated document was presented at the meeting. An agreement particulars was worked on and voted on at the prior meeting. Council Member McGinnis was concerned in the event that Dan Tygard



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is unable to take care of business it would be smart to remove the long term rental agreement, if it is not working for the town. No need to suffer for 2.5 years if agreement is not adhered to. Adding an additional requirement under #8, if there are problems associated with long term residents disturbing neighbors, the Town may withdraw agreement.

Dan Tygard said he would be agreeable to that change to the agreement.

Mayor discussed the particulars of the agreement.

Dan Tygard reported he received the state Authorization to Use letter for his septic. His final building inspection is Friday and expects a soft opening next week. He and water district chairman McGinnis are working through water right details.

MOTION: Mayor Lindhardt motioned to approve this agreement, the Amendment to the Developer Agreement on the Knollwood RV Park, under paragraph #8 to add the 15 lot long term rental is subject to adhering to the Long Term Rental Agreement Exhibit A and do not end up with any calls of disturbances of the peace from the neighborhood and if we do then we reserve the right to withdraw that portion of the agreement. This is also subject to final review by the town attorney.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

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

The vote was unanimous and the motion carried.

2. Zone Change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of business development. Applicant: Nuance Management, LLC. Ordinance-O-2022-37

Owner Anthus Barlow was present for the discussion.

Mayor Lindhardt briefed the particulars about the property: It is next to Matt Jessop's transmission shop on Bubbling Wells Lane, the access is from the back of property with a 25' easement through BLM property, the Planning Commission has recommended approval, it is surrounded by industrial



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sized buildings, there is one residential home which is not compatible normally to C-3, but the rest of buildings were already approved, zone change would not be a detriment to surrounding properties, building is not industrial looking, business will be freeze dried packaging.

Mayor Lindhardt hopes to have a better entrance to bubbling wells in future. The Council discussed the access. Anthus Barlow stated he will be submitting his site plan and access. Anthus Barlow expects there will be improvements. Matt Jessop knows there is a 50' easement and will ask him to clean the north side for better access. He expects to process a semi load per week. Planning Commission will go over the site plan to work out particulars. He expects 5 employees and will work during the day. Processing a semi load a week of IQF (individual quick frozen) fruits and vegetables from California. The freezer is big enough to hold 3 semi loads.

Council Member Nielson concerned about intersection. There is already heavy equipment usage in area. Anthus Barlow will be required to provide improvements on his property. Other owners will be required for their own property. Council Member Barratt not against this but concerned. If business does well, there will be an increase in trucks and employees, creating an impact and questioned accidents. Mayor Lindhardt stated there is no more property there for commercial. This location should have never been approved due to residential all around it. The conclusion was that it can't grow. Anthus Barlow explained that expansion plan would be a facility in a different community. Council Member McGinnis worried about the extra traffic also. Mayor Lindhardt said concessions for this will be in discussion with Planning Commission to make it better. This is strictly a zone change. Council Member Sair suggested an asphalt skirt. Anthus Barlow would not be against a 20' apron.

MOTION: Council Member Nielson motioned to accept the zone change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone to C-3 General Commercial Zone.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

3. FY2023 Budget Amendment, Resolution-R-2022-45

Council Member Whitmore asked if this is just moving money around. Town Administrator Jauna McGinnis stated answered that was correct as there is no increase in the budget no hearing is necessary.



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MOTION: Council Member McGinnis motioned to accept Resolution R-2022-45 Fiscal Year 2023 budget amendment.

SECOND: The motion was seconded by Mayor Lindhardt.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

4. Update Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, Ordinance O-2022-32

Mayor explained this is to bypass subdividing ordinances to do AG for when a large # of acres is involved. This change allows it and adds language that they truly have to be AG and clarifies metes and bounds to one lot.

MOTION: Council Member Sair motioned to approve amendment to Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, ordinance O-2022-32

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

5. Special Event Permit for September 30, 2022 | Event: Grand Circle Trailfest | Start line being staged at Ruby Rider Ranch (Main St)



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Council Member McGinnis would like to see, in future, aerial pictures to see where events are located for emergency service purposes, and to do dust control.

MOTION: Council Member Nielson motioned to approve the special event permit application for Grand Circle Trailfest subject to the rules and regulations on the application form.

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 McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

MOTION: Council Member McGinnis motioned to amend the special events permit for the Ruby Rider Ranch Grand Circle Trailfest to include requirements of the road of Main Street between the area of Highway 59 and the race staging area must be watered down by a water truck throughout the duration of the event to eliminate any dust, all public bathroom facilities must be serviced at a minimum of one time during the duration of the race, all staging set up, booths, and bathroom facilities must be removed no later than 72 hours after the event with a fee of \$500 per day will apply each day staging set up, booths, or bathroom facilities are left on the premises, and event lights faced away from residential areas when possible.

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 McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



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6. Special Event Permit for October 14-15, 2022. Cycling event taking place on Gooseberry and Little Creek Mesa.

Council Member Nielson was concerned about the crossing of HWY 59 since they stop traffic when crossing. Council Member questioned whether the UDOT requirement dealt with it. It was not known. Concerned about need for police to provide the crossing closing. Council discussed adding additional requirements to the permit application. Town Administrator McGinnis reported that she has already revamped the permit application which will be presented at the next Town Council meeting.

MOTION: Council Member McGinnis motioned to approve the special event permit for the cycle race on October 14 & 15 which takes place on Gooseberry and Little Creek Mesa with amendments to the requirements of adding requirement for law enforcement for traffic control while crossing Hwy 59, also all public bathroom facilities must be serviced a minimum of one time during the duration of the race, as well as staging setup booths and bathroom facilities must be no sooner than 72 hours before the event, a fee of \$500 per day will apply each day staging set up, booths or bathroom facilities are left on the premises, event lights faced away from residential areas when possible.

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 McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

7. Special Event Permit April 1, 2023, approved but changing date

MOTION: Council Member Nielson motioned to approve the rescheduling of the Red Dog Events 10K and 5K runs from September 10th to April 1, 2023

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye



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Council Member Whitmore – Aye

Council Member McGinnis - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair reported the parks and gateway projects are moving along nicely. Flags have been put out for constitution week. Rain damage has been extensive. He has been working on cleaning out bar ditches and other projects on roads.

Fire Chief McGinnis reported the stats for the fire department were 3 medical call outs and 2 fire call outs with one being a false call. The fire department had opportunity to be an escort in line with Hildale and Colorado City for a fallen fire fighter headed to Fredonia. It was an honor to have the opportunity. Burn season is open now until November 15th unless Washington County changes their mind. He reminded that the burns should be small manageable piles in a small burn pit, with appropriate water, and not next to structure or trees. The Permit is online. He will need to be called to know where burns are.

Water District Chairman McGinnis reported samples for Well 59 is still backlogged. He hopes the results will be received by the end of this month. Two wells are keeping up, partially due to rain. They are still in the process of cleaning additional wells and establishing a protection zone for Rock well and staged to get on line. Once these two well are online, the District should be able to take care of water supply in cedar point. Mayor Lindhardt asked about growth. Chairman McGinnis reported still no growth. It is necessary to find out how system is going to handle everything, pump rates, etc. USDA loan is in Washington being approved. Had earthquake but did not affect the Springs like last one.

Tara Hood reported one of the medical calls was a member of her family. She appreciates the fire department for all they do.

Mayor Lindhardt is preparing for the October Q&A Town Hall Meeting. There will be a pizza and pop get together one hour before the meeting. Have had several meetings with developers which have been productive and are slowly solving the problems.

REQUEST FOR A CLOSED SESSION

No request.



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ADJOURNMENT

MOTION: Council Member Robin Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

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

The vote was unanimous and the motion carried.

Meeting adjourned at 8:05 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo