



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 20, 2022 at 6:30 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 8:37 pm

PLEDGE OF ALLEGIANCE

PRAYER

Council Member Kevin Sair led prayer.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Recorder/Clerk Jenna Vizcardo present and recording minutes.

DECLARATION OF CONFLICTS OF INTEREST

Conflict for Agenda item #6 Council Member McGinnis for his possibility of becoming a fire chief is a conflict.

CONSENT AGENDA

1. Disbursement Listing--6/1/22-6/30/22
2. Preliminary Financial Report--7/1/21-6/30/22

Mayor Lindhardt called for a motion.

Motioned to approve Disbursement Listing from 6/1/22-6/30/22 and Preliminary Financial Report 7/1/21-6/30/22.

Motion made by Council Member Whitmore, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

APPROVAL OF MINUTES

3. Minutes: May 03, 2022



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Mayor Lindhardt asks if there are any corrections or changes for the Minutes on May 3, 2022.

Motioned to approve the minutes for May 3, 2022.

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

4. Minutes: June 15, 2022

Mayor Lindhardt asks if there are any corrections or changes for the Minutes on June 15, 2022.

Mayor Lindhardt called for a motion.

Motioned to approve the minutes from June 15, 2022.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

PUBLIC COMMENTS

Forrest Kuehne Planning Commission Member thanks the Fire Department for putting on the recent fire that was near the Gooseberry subdivision.

Rich Kopp, Apple Valley, UT, would also like to thank the Fire Department.

Linda Noyes, Purple Sage Rd, Apple Valley, wants to thank people who clean up the parks.

PUBLIC HEARING

5. Appoint Fire Chief and Establish Compensation

Motioned to open the public hearing.

Motion made by Council Member Nielson, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson.

The vote was unanimous, and the motion carried.

Mayor Lindhardt states we already had advertised. Andy McGinnis, one of our Town Council members, has applied, a candidate for fire chief, with work experience and military experience. He is very qualified.



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Council Member Whitmore states not only is he qualified in fire, but he was an EMT as well among many other hats he currently wears.

Council Member Sair commented Brian Patten is a neighbor and good man. He was the other person that applied and hopes be that he comes to the Fire Department and volunteers.

Mayor Lindhardt asks if there are any questions for Andy McGinnis and asks if any comments from the public.

Rich Kopp who is part of the Apple Valley Mitigation team and has closely worked with Andy McGinnis. He is accessible and has many facets and great candidate for the job.

Richard Fischer on zoom was asked why Brian Patten was not notified. Jauna McGinnis, Town Administrator stated that the reason he didn't get a call was because he didn't meet the required qualifications. A letter was sent to him.

Council Member Sair commented on Ady's qualifications and how dedicated he is to the Town of Apple Valley. His talents and skills go way beyond what he is called to do.

Mayor Lindhardt called for a motion to close the hearing.

Motioned to close the public hearing for agenda item number 5.

Motion made by Council Member Sair, Seconded by Council Member Nielson.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

DISCUSSION AND ACTION

6. Appoint Fire Chief and Establish Compensation

Lindhardt states when Jr the previous Fire Chief left he was full time, and was making \$40,000.

Motioned to appoint Andy McGinnis as new fire chief and establish his compensation at the amount \$40,000 per year with benefits and appoint Kevin Sair as Administrator over him.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member Nielson

Voting Abstaining: Council Member McGinnis

The vote was 4-Yea and 1-Abstain, and the motion carried.

7. Special Event Permit: September 24, 2022

Motioned to approve the Special Event Permit September 24, 2022, with including the proof of their liability insurance.



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Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

8. Adopt Title 10.07 Administrative And Development Review Procedures. --O-2022-19

Mayor Lindhardt, this is strictly administrative and outlines the procedures they must follow as well as the appeal process.

Motioned to adopt Apple Valley Ordinance O-2022-19 for Administrative And Development Review Procedures.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Roll Call Vote

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

Council Member McGinnis- Aye

The vote was unanimous, and the motion carried.

9. Adopt Title 10.28.310 Grading And Grubbing Of Vacant Lots--Ordinance-O-2022-30

Council Member Whitmore would like to clarify and recommended changing "and" to "or" in #1.

Motioned to adopt Ordinance O-2022-30 with the change in number one replacing the first "and" with "or" No Grading or Grubbing.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Roll Call Vote

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

Council Member McGinnis- Aye

The vote was unanimous, and the motion carried.

10. Adopt Title 10.05 Planning Documents--O-2022-24



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Mayor Lindhardt commented, pertains to the procedure for the general plan. We have been following state law. Now adopting to our Ordinances.

Mayor Lindhardt called for motion.

Motioned to Adopt Title 10.05 Planning Documents --O-2022-24 for Planning Documents.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Roll Call Vote

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

The vote was unanimous, and the motion carried.

11. Update Title 10.10.120 Planned Development Zone--Ordinance-O-2022-26

Mayor Lindhardt commented, the Planning Commission recommends approval.

Motioned to adopt Ordinance 2022-26, 10.10.120 the planned development zone amendment with the presented changes.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Roll Call Vote

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

The vote was unanimous, and the motion carried.

12. Update Title 11.02.060 Preliminary Plat Process--Ordinance-O-2022-27

Mayor Lindhardt commented, added Sunset Date (expiration date) on preliminary plat application. Planning Commission has recommended approval.

Motioned to adopt Ordinance O-2022-27, Amendment 11.02.060 Preliminary Plat Process.

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Roll Call Vote

Council Member Nielson- Aye

Council Member Sair- Aye



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Mayor Lindhardt- Aye
Council Member Whitmore- Aye
Council Member McGinnis- Aye
The vote was unanimous, and the motion carried.

13. Update Title 11.02.070 Preliminary Plat Requirements--Ordinance-O-2022-28

Mayor Lindhardt commented, the Planning Commission recommends approval.

Motioned to adopt Ordinance O-2022-28 11.02.070 Preliminary Plat Requirements with changes in section 3 subsection K now #11 after amendment that it will read "and a letter from Ash Creek Special Service District and Big Plains Water Special Service District provider and Rocky Mountain Power indicating the proposed plat meets their standards and if so, provide a timeframe for availability of services."

Motion made by Council Member Nielson, Seconded by Council Member Whitmore.

Roll Call Vote

**Council Member McGinnis- Aye
Council Member Whitmore- Aye
Mayor Lindhardt- Aye
Council Member Sair- Aye
Council Member Nielson- Aye
The vote was unanimous, and the motion carried.**

14. Update Title 14.10 Ground Water Protection--Ordinance-O-2022-29

Mayor Lindhardt commented, last line to include, "other government agencies as recommended by Ash Creek."

Motioned to adopt Ordinance-O-2022-29 14.10.020 Sensitive Ground Water Resource Areas with changes in the title "SGRA" in parentheses so it references throughout the documents and with 14.10.030 to add line on Section 1, subsection B last line to include addition "and any other government agencies as recommended by Ash Creek Sewer Special Service District."

Motion made by Council Member Nielson, Seconded by Council Member Whitmore.

Roll Call Vote

**Council Member McGinnis- Aye
Council Member Whitmore- Aye
Mayor Lindhardt- Aye
Council Member Sair- Aye
Council Member Nielson- Aye
The vote was unanimous, and the motion carried.**



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15. Amazon Locker Hub Approval at Gateway Mailbox Location

Council Member Sair commented about troubles community has with driving to Hurricane to pick up packages.

Motioned to pursue the Amazon Locker Hub Approval at Gateway Mailbox Location

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Voting Nay: Council Member Nielson

Motion 4-0, motion carries.

16. Opening of Bids for Trucks

Mayor Lindhardt opened Bids from Tracy Henrie from Cedar City bidding on water truck for \$2850.

Mayor Lindhardt opened Bids from Tracy Henrie from Cedar City bidding on dump truck for \$2850.

Mayor Lindhardt asked what it would cost to fix the water truck. He also questioned why we would want to put this up for bid. If we could fix for \$10,000, we have a water truck that works. Council Member Sair reported the transmission is shot. Richard Fischer said it would cost \$4,000 for a transmission and \$4,000 to put it in.

Jauna McGinnis, Town Administrator suggested to look for a water tender from FEPP and possibly get it free.

Richard Fischer stated the dump truck needed a clutch. Town administrator reported that Trevor Black determined there was more that needed to be fixed.

Motioned that we accept bids.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

REQUEST FOR A CLOSED SESSION- None

ADJOURNMENT

Motioned for Adjournment at 9:35pm

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.



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Date Approved: _____

Approved BY: _____

Mayor | Frank Lindhardt

Attest BY: _____

Recorder | Jenna Vizcardo

DRAFT