



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 19, 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 the meeting to order at 6:00 p.m.

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

PRAYER- Prayer offered by Town Administrator, Jauna McGinnis.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Staff Present

Town Administrator, Jauna McGinnis

Town Clerk/Recorder, Jenna Vizcardo

Town Attorney, Shawn Guzman

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

- A. Disbursement Listing for August 2022, single item.
- B. Disbursement Listing for September 2022.
- C. Budget Report for Fiscal Year 2022 thru September 2022.
- D. Minutes: September 21, 2022
- E. Minutes: August 24, 2022
- F. Minutes: July 20, 2022

Mayor Lindhardt asked Council if they have any questions.

Mayor Lindhardt called for a motion.

MOTION: Council Member Whitmore motioned to approve the Disbursement Listing for August 2022, Disbursement Listing for September 2022, Budget Report through September 2022, Minutes: September 21, 2022, Minutes: August 24, 2022 and Minutes: July 20, 2022.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a 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.

MAYOR'S TOWN UPDATE

Mayor read the presented update and shared the information for viewing on Zoom as well. See attached. (Attachment A, 13 pages)

Mayor commented State of Utah decided newspapers are antiquated and we are not changing this to cover up anything.

Mayor Lindhardt discussed exposing truths. He feels we should respond. Council Member Whitmore discussed the death threats and how disgusted she was when she heard about that.

Council Member Nielson discussed adding the truth with ordinances to the Town Facebook page, utility bill and Town website for transparency/truth information.

Council Member Whitmore agreed with posting in the places discussed. The other three Council Members agreed with posting in all 3 places, Council Member McGinnis commented ultimately this is for people not willing to call the Town. We are more than willing to discuss.

PUBLIC HEARING | DISCUSSION AND ACTION

1. **PUBLIC HEARING:** Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

MOTION: Council Member Whitmore motioned to open the public hearing to Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a 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.

Town Attorney, Shawn Guzman commented that a public hearing can be opened without a motion and vote.

Mayor asked for any comment from the public.

Mayor commented changing the word “county” to “town”.

Mayor Lindhardt closed the public hearing.

5. **DISCUSSION AND ACTION:** Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

MOTION: Council Member Sair motioned that we accept the update for Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

SECOND: The motion was seconded by Council Member McGinnis.

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.

2. **PUBLIC HEARING:** Update Title 1.02 Definitions, Ordinance-O-2022-45.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt asked for any comments, and mentioned the word “county” is being replaced with “Town”.

Mayor Lindhardt closed the public hearing.

4. **DISCUSSION AND ACTION:** Update Title 1.02 Definitions, Ordinance-O-2022-45.

MOTION: Council Member Nielson motioned that we accept the update for Title 1.02 Definitions, Ordinance-O-2022-45.

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. **PUBLIC HEARING:** Update Title 6.04 Nuisances, Ordinance-O-2022-46.

Mayor Lindhardt opened the public hearing.

Jason Graham, 1950 E 2000S: Commented to clarify what you misled everyone with earlier was that further down in that ordinance it states that you the town give permission to the building inspector to go on to private property in order to inspect these items, so everything I said was 100% true and there’s no reason to update this ordinance from county to town unless you plan to use it. It should not

be on the book at all. It's been an error in the past, the correction is to remove it, at minimum remove the portion where you try to authorize a building inspector to go onto private property and inspect these items that you've classified as new. You can't do that, for one it's illegal, you can only do that in law enforcement capacity. A building inspector cannot go onto private property to do these things if that's what the ordinance says then yes. I do know that information but to update this you need to correct it and just taking it from county to town does not excuse it. You're updating this because you plan to use it. Okay, so please do the right thing and consider tabling or updating this ordinance to remove the illegal portion of it. But then you might want to ask the people, I think it's great that you want to respond to these things, that's fantastic, that's what you should do. You shouldn't be upset when you get called out when you're wrong because many time you are. In this case you are and so you might want to ask everybody, hey do we want this type of nuisance ordinance on here. Do we want a building inspector going into somebody's fenced backyard and seeing if that car in the backyard is running or not. Do we want to have them go into property and take pictures of trash piles and things, is that something that the town wants, maybe it is. I could be wrong but I think you should ask and don't forget you represent the whole town when you're in that position for the short time.

Richard Fischer, 1241 S Desert Dr: Commented, I agree with what Jason Graham said 100%.

Rich Kopp, 2222 E Ranch Rd: Commented, I believe the town should have law and order. I don't believe contrary to what Mr. Graham said. I think most of the people want to be able to look across their block and see pretty much that people have their place in check, it's nice for everybody, it makes it fair for everybody. If you're telling me that the only change is from county to town, I don't understand how Mr. Graham could come across and say but now it says that the building inspector can come on to your property, which is true, which is not. Or is it the donkey story again, I'm confused.

Margaret Ososki, 1024 W Little Pinion Way: Commented, I think you guys need to have some control on things. Maybe, where they live, they don't care but, in our neighborhood, we care and want our neighborhood to look nice and clean. You can't have junk everywhere because it brings down your property and it looks bad.

Rich Ososki, 1024 W Little Pinion Way: He disagreed with Jason Graham and Richard Fisher. This town is going downhill and it's been going downhill for a long time. We're not infringing on people's rights if they got something to worry about. We're not picking on anybody, this recourse they have and they can use other avenues but I think even as an ex-code enforcer. He knows the building inspector personally and would trust him to go onto anyone's property. The problem with the other administration is they never addressed it. For once we need someone to step up to the plate.

Brinley Fischer, 1241 S Desert Dr: Commented, has 2 questions, number 1, what Margaret said so it's all clean inside of people's fences and stuff, why does it matter if there's fences, it's on their property, just because you can see it, it doesn't matter, it's on their property, it's fenced in. Number 2 is, did you guys ever think about people, that you guys want to go move random cars or whatever, just because they don't run, off their property, well what if they don't have the financial for that or another place to put them.

Hailey Graham 1950 E 200 S: Commented, I don't envy any of these spots (referring to the Council). On this subject, having nuisance code in our code is fine. However, in this code they give cache blanch for the building inspector to go on to the property. Is it not time when being updated when this stuff should be addressed and talked about. As citizen of Apple Valley look at it and table.

Walter Josey, 1224 N Rome Way: Commented, is the reason for these technical corrections from county to town legal issues, because this situation exists.

Mayor Lindhardt commented we are removing those things from "county" to "town" to update our records with errors that have been found.

Walter Josey addressed the Town Attorney, Shawn Guzman and asked, is it because this situation exists, is there legal issue for the town to have that term county.

Town Attorney, Shawn Guzman, responded I think the problem is we're claiming extra territorial jurisdiction outside of the town, where if you leave it like this, it appears as if we're claiming throughout Washington County and that is now what we want to do. Recommended making these changes.

Walter Josey commented how long have these been on the books. Council responded since 2005. Walter Josey, so now people are objecting to it, why now.

Richard Fischer, commented, when you guys took office, you swore to uphold the constitution of America and Utah. So do you guys feel that this part that you're putting in right now, you're changing so why not change it for the right.

Damon Porter, 1584 N Rome Way: Asked, is this going to be tabled, is this something you are going to make a change. Trespassing on property it makes no sense and has some input. I particularly don't care for people coming on to the property and believe it should be tabled.

Mayor Lindhardt commented this has already been on the books. He discussed code enforcement in Town is done on a complaint basis.

Council Member Sair commented we are cleaning up errors in ordinances that have been on the books. This one is "county" being changed to "town".

Mayor Lindhardt closed the public hearing.

6. **DISCUSSION AND ACTION:** Update Title 6.04 Nuisances, Ordinance-O-2022-46.

Town Attorney, Shawn Guzman weighed in to have staff look at code, this language is in artful. He agreed when you get a complaint to look at it. Number of ways to move forward with this, table and leave it, adopt with change with direction to staff we are not going to be entering into anyone's property, or table entire ordinance with different language that clarifies better. Commented about directing staff to come up with proposed language of Utah State code of 6.04.030 examination and investigation.

MOTION: Council Member McGinnis motioned to accept the changes to action item number 6, Title 6.04 Nuisances, Ordinance-O-2022-46, with the stipulation that we will not be entering anybody's property without prior notice or permission and that we direct staff to come up with a better worded Ordinance or 6.04.030.

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.

4. **PUBLIC HEARING:** Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

7. **DISCUSSION AND ACTION:** Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

Mayor Lindhardt asked Council if they had any discussion.

Council Member Whitmore asked if changing from “county” to “town”. Mayor Lindhardt stated, yes.

MOTION: Council Member Sair motioned to update Title 9.2 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

SECOND: The motion was seconded by Council Member Whitmore.

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. **PUBLIC HEARING:** Update Title 12.02 Building Codes, Ordinance-O-2022-48.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt commented changing from “county” to “town”.

No public comments.

Mayor Lindhardt closed the public hearing.

8. **DISCUSSION AND ACTION:** Update Title 12.02 Building Codes, Ordinance-O-2022-48.

MOTION: Council Member Sair motioned to accept update to Title 12.02 Building Codes, Ordinance-O-2022-48.

SECOND: The motion was seconded by Council Member McGinnis.

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.

6. **PUBLIC HEARING:** Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

Mayor Lindhardt opened the public hearing.

Council Member Whitmore commented changing from “county” to “town” and “Board of County Commissioners” to “Town Council.”

No public comments.

Mayor Lindhardt closed the public hearing.

9. **DISCUSSION AND ACTION:** Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

MOTION: Council Member Sair motioned to update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

SECOND: The motion was seconded by Council Member McGinnis.

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.

7. **PUBLIC HEARING:** Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt discussed repealing this ordinance.

Council Member Sair commented for developers it will be taken up differently.

No public comments.

Mayor Lindhardt closed the public hearing.

10. **DISCUSSION AND ACTION:** Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

MOTION: Council Member McGinnis motioned to repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

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.

8. **PUBLIC HEARING:** Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

Mayor Lindhardt opened the public hearing and read the presented changes.

No public comments.

Mayor Lindhardt closed the public hearing.

11. **DISCUSSION AND ACTION:** Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

MOTION: Council Member Nielson motioned to accept the update to Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

SECOND: The motion was seconded by Council Member Whitmore.

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.

9. **PUBLIC HEARING:** Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt commented pertains to the business licenses and read presented changes.

Rich Ososki, 1024 W Little Pinion Way: Commented, maybe already written into contractor's license that they are bonded for any work they are performing. Maybe bonding is not part of this.

Town Attorney, Shawn Guzman clarified on Town project. A subdivision may be required but if homeowner wants to have their contractor that is different. We are talking about business licenses.

Mayor Lindhardt closed the public hearing.

12. **DISCUSSION AND ACTION:** Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

MOTION: Council Member McGinnis motioned to update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

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.

10. **PUBLIC HEARING:** Adopt Title 5.09 Special Events, Ordinance-O-2022-53.

Mayor Lindhardt opened the public hearing. He commented this is adopting an ordinance in dealing with the different controls of special event permit management.

Mayor Lindhardt closed the public hearing.

13. **DISCUSSION AND ACTION:** Adopt Title 5.09 Special Events, Ordinance-O-2022-53.

Council Member Nielson commented this is nice to have “teeth” to go after violations. Town Attorney, Shawn Guzman and Council discussed about signs with tracking and notes.

Council Member McGinnis discussed making sure law enforcement is involved for road closures.

MOTION: Council Member Sair motioned to adopt Title 5.09 Special Events, Ordinance-O-2022-53.

SECOND: The motion was seconded by Council Member McGinnis.

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.

11. **PUBLIC HEARING:** Update Title 7.10 Solid Waste, Ordinance-O-2022-54.

Mayor Lindhardt opened the public hearing.

Town Administrator, Jauna McGinnis discussed this is to reflect with what our current contract states with Washington County Solid Waste. Mayor Lindhardt discussed change to requirement for commercial businesses to have their own dumpsters.

Richard Fischer 1241 S Desert Dr, commented, doesn't feel he needs to pay because he cannot be serviced at his house. Also, the dumpsters by his house overflow. He discussed using Arizona land fill for dumpster services. He asked the Town Attorney about this issue and to possibly direct town staff to contact Washington County Solid Waste with the issue of the dumpsters that are provided in their area of always being overfilled.

Town Administrator, Jauna McGinnis interjected, to bring in Arizona for dumpsters that would be violating our contract.

Debbie Kopp 2222 E Ranch Rd, commented, we pay for garbage every month but we can't use them, why do we have to pay for them.

Rich Kopp, 2222 E Ranch Rd, maybe on both situations will be mitigated if we put some signs up, use for Apple Valley residents only.

Mayor Lindhardt asked about how the Council feels about putting up signs. Town Attorney, Shawn Guzman stated you can state criminal code for dumping.

Mayor closed the public hearing.

14. **DISCUSSION AND ACTION:** Update Title 7.10 Solid Waste, Ordinance-O-2022-54.

MOTION: Council Member McGinnis motioned to update Title 7.10 Solid Waste, Ordinance-O-2022-54 and direct Town staff to contact our waste management to come up with a solution for our overflowing dumpsters, whether it be more dumpsters or more frequent emptying, and add signs.

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.

Council had conversation about the signs.

12. **PUBLIC HEARING:** Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.

Mayor Lindhardt read the presented changes.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

15. **DISCUSSION AND ACTION:** Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.

Town Attorney, Shawn Guzman questioned staff about including the website address in the Ordinance. He suggested omitting the town website address in case that changes.

MOTION: Council Member Whitmore motioned to update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55 with the striking of the website addresses.

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.

PUBLIC COMMENTS

Mayor Lindhardt opened the public comments.

Rich Kopp, 2222 E Ranch Rd: Asked if I was to get my beer license can I get my beer kegs here.

Mayor Lindhardt closed the public comments.

DISCUSSION AND ACTION

1. **DISCUSSION AND ACTION:** Consider approval of appointing Richard Palmer to Planning Commission, Resolution-R-2022-46.

Mayor Lindhardt reported Mayor and Town Council appoints the Planning Commission Members. He had good discussion and is happy to introduce him as proposed planning commission member. Council Member Nielson stated he hasn't met him and asked Mr. Palmer to introduce himself.

Richard Jay Palmer, 861 W Smithsonian Way. He has been in Apple Valley 5 years and Utah longer. He would like to bring the community together by doing his part. He has background in construction and has 49 years' experience in building including underground. He thinks he can bring hope to this town a little bit.

Council thanked him for stepping up to the plate.

Mayor Lindhardt called for a motion.

MOTION: Council Member Sair motioned to accept Resolution-R-2022-46 for the Planning Commission member, Richard Plamer.

SECOND: The motion was seconded by Council Member Whitmore.

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.

Town Clerk/Recorder, Jenna Vizcardo, administered Oath of Office.

Mayor Lindhardt added for the record, Richard Plamer is taking Jeri-Burhorn Politte's place in the Planning Commission.

2. **DISCUSSION AND ACTION:** Consider approval of appointing Garth Hood to Planning Commission Alternate, Resolution-R-2022-48.

Garth Hood introduced himself, he moved from Bountiful, Utah. When he came looking in Apple Valley, he loved the small-town aspect. Mayor Lindhardt commented he may not be an alternate for long. Council thanked him for stepping forward.

MOTION: Council Member Sair motioned to accept Resolution-R-2022-48 for the Planning Commission member alternate for Gath Hood

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.

Town Clerk/Recorder, Jenna Vizcardo, administered Oath of Office.

3. **DISCUSSION AND ACTION:** Passed on September 14th Resolution number changed to R-2022-44. Appointment of Big Plains Water and Sewer Special Service District Board Member, Resolution R-2022-42.

MOTION: Mayor Lindhardt motioned to adopt resolution-R-2022-44, the Resolution there that appoints Jarry Zaharias to the District Board but all we are really doing is making a number change on the Resolution itself.

SECOND: The motion was seconded by Council Member Whitmore.

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.

16. **DISCUSSION AND ACTION:** Consider Approval of Fee Schedule Amendment-Resolution-R-2022-47.

Mayor Lindhardt read aloud the changes presented.

Mayor Lindhardt called for a motion.

MOTION: Council Member Sair motioned to approve the Fee Schedule amendment on Resolution-R-2022-47 with the change from line two “per application”.

SECOND: The motion was seconded by Council Member McGinnis.

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.

17. **DISCUSSION:** \$500 Walmart Community Grant

Chairman McGinnis reported the Fire Department applied for a grant and was awarded \$500. He thanked them for doing such a nice thing.

18. **DISCUSSION:** Unimproved roads

Mayor Lindhardt discussed about problem with subdivisions and lot splits that have been approved with no improvements. Our ordinances do require the improvements. Question to Council what the minimum should be.

Barratt Nielson commented about the improvements that are needed. Not a fan of the borrow ditches and the way to clean it up at a minimum should be curb and gutter with chip and seal. Mayor Lindhardt commented about the washed-out roads and his thoughts. The number one thing is we need to deal with our storm drainage and that is curb and gutter. He agrees with asphalt as the ordinance states but chip and seal could be ok for certain things on a review basis. To leave it as road base is not the right way. If you build or develop, you must follow our ordinances, end of story. His opinion is special assessments areas are necessary and delay agreements are needed for these.

Council Member McGinnis commented the delay agreement is consistent with a county road. Mayor Lindhardt commented this is for individual residential lots for delay agreements not development and/or subdivisions.

Mayor Lindhardt commented we will start making changes to our ordinances.

19. **DISCUSSION:** Ash Creek Annexation has been completed.

Mayor Lindhardt commented the Lt Governor has accepted Ash Creek Annexation. They are now the governing body over anything sewer or sanitation in Apple Valley. Mayor Lindhardt discussed the condition of the amount of nitrate (pollution) allowed in 7 acre lots by dividing all lots in a subdivision. Mayor Lindhardt commented that technology takes care of this with Ash Creek.

Matt Ekins with Galloway Walker asked about where he could find documentation on the protection zone around the Big Plains Wells. Council Member McGinnis commented this can be found on Division of Drinking Water.

20. **DISCUSSION AND ACTION:** Appoint Robin Whitmore as the responsible Town Council Member of the Emergency Management Program, Resolution-R-2022-49.

Mayor Lindhardt discussed and read the changes presented, the updated title of the resolution.

Town Administrator, Jauna McGinnis mentioned that this program was established in 2007 and we are bringing it back to life.

Rich Kopp, 2222 E Ranch Rd, commented he would like to be added as an alternate planning commissioner.

Mayor Lindhardt called for a motion.

MOTION: Council Member Nielson motioned to accept Resolution-R-2022-49 A Resolution Appointing A Responsible Town Council Member Of The Emergency Management Program.

SECOND: The motion was seconded by Council Member McGinnis.

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.

REQUEST FOR A CLOSED SESSION

Mayor Lindhardt called for a motion.

MOTION: Council Member Nielson motioned to go into closed session to discuss legal issues for the Town.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a 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.

ADJOURNMENT

Mayor Lindhardt called the meeting back to order at 9:58 p.m. and called for a motion to adjourn the meeting.

MOTION: Council Member Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a 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.

Meeting adjourned at 9:58 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT

Attachment A, 13 pages

A lot of people have asked me, Frank Lindhardt, why I never respond to all the lies and misinformation that is constantly being spewed out about me as Mayor and the other amazing people on the Town Council and staff on the Apple Valley Town Discussion page. Here is your answer:

Fable: DON'T ARGUE WITH DONKEYS

The donkey said to the tiger:

- "The grass is blue".

The tiger replied:

- "No, the grass is green."

The discussion heated up, and the two decided to submit him to arbitration, and for this they went before the lion, the King of the Jungle.

Already before reaching the forest clearing, where the lion was sitting on his throne, the donkey began to shout:

- "His Highness, is it true that the grass is blue?"

The lion replied:

- "True, the grass is blue."

The donkey hurried and continued:

- "The tiger disagrees with me and contradicts and annoys me, please punish him."

The king then declared:

- "The tiger will be punished with 5 years of silence."

The donkey jumped cheerfully and went on his way, content and repeating:

- "The Grass Is Blue"...

The tiger accepted his punishment, but before he asked the lion:

- "Your Majesty, why have you punished me?, after all, the grass is green."

The lion replied:

- "In fact, the grass is green."

The tiger asked:

- "So why are you punishing me?".

The lion replied:

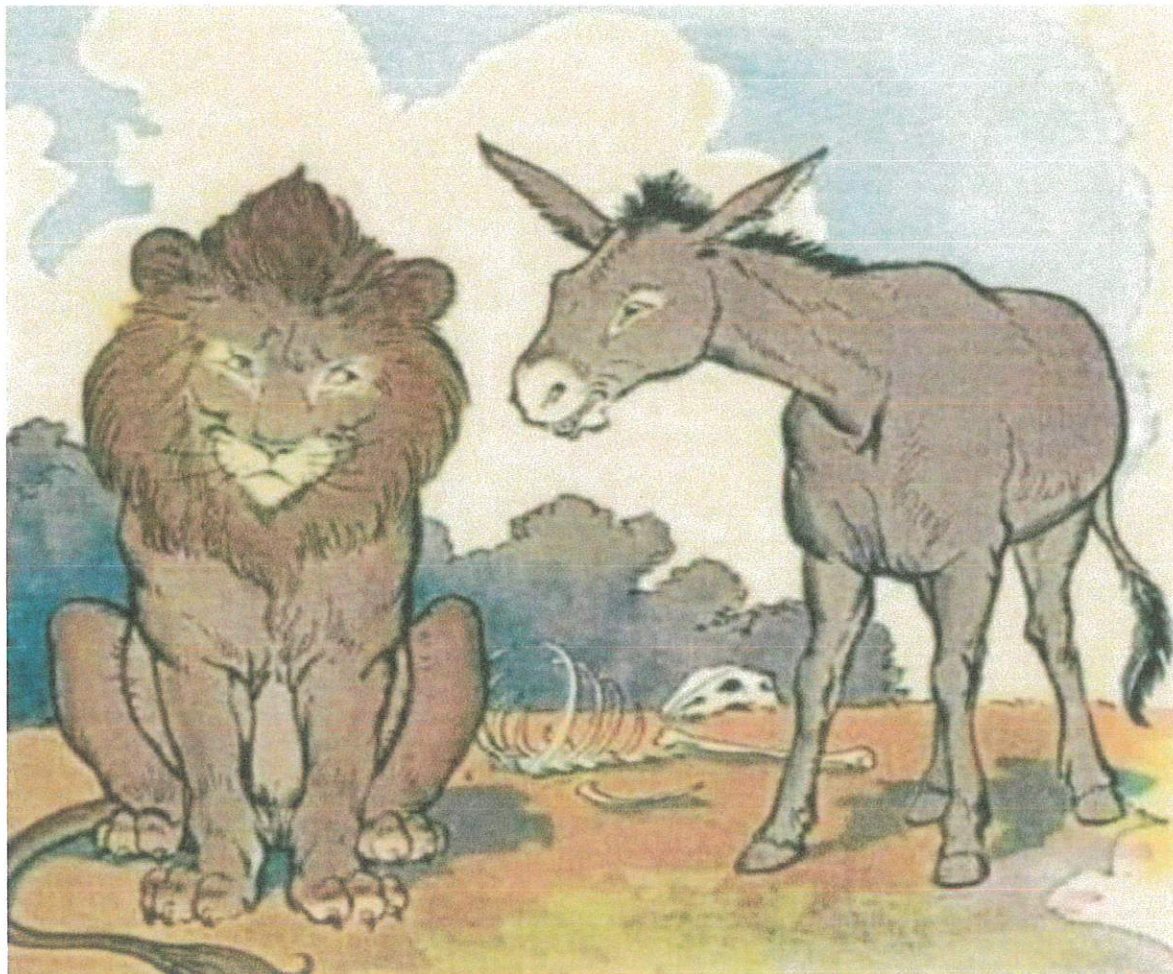
- "That has nothing to do with the question of whether the grass is blue or green.

The punishment is because it is not possible for a brave and intelligent creature like you to waste time arguing with a donkey, and on top of that come and bother me with that question."

The worst waste of time is arguing with the fool and fanatic who does not care about truth or reality, but only the victory of his beliefs and illusions. Never waste time on arguments that don't make sense...

There are people who, no matter how much evidence and evidence we present to them, are not in the capacity to understand, and others are blinded by ego, hatred and resentment, and all they want is to be right even if they are not.

When ignorance screams, intelligence is silent. Your peace and quiet are worth more.



Frank Lindhardt



Apple Valley Town Disc...



MOST RELEVANT

**Tish Lisonbee**

3h ·

Our Town Administrator (Juanna McGinnis, the wife) awarded an \$11,000 HVAC contract to her husband (Andy McGinnis) without a mandatory RFP which requires the work be advertised and competitive bids be accepted. There was NO public discussion about this nor was there a vote to spend the money. This expenditure was not budgeted, voted on or approved. Then once the check was cut, the budget finances were illegally altered to take from the Administration budget and moved to Public Works. This requires a public hearing and a vote of the Town Council.

This is why there are nepotism laws. The wife cutting a check and bypassing all legal procedures to award and pay her husband for a non-competing contract.

TRANSPARENCY TRANSPARENCY!!!

2

4 comments Seen by 38

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Frank Lindhardt <frankgl@gemstoneproperties.com>

Answer to Tish

1 message

Gemstone Gmail <frankgl@gemstoneproperties.com>
To: Frank Lindhardt <frankgl@gemstoneproperties.com>

Tue, Oct 18, 2022 at 10:07 PM

This was just posted on the hate page. Would you mind posting this for me?

Misinformation as usual from Tish.

it was for the Public Work truck that Kevin Sair (Streets depm) got for Ron Wadsworth our maintenance guy.

It was bought from McGinnis and it used to be his HVAC truck for the business he shut down to work for the Town.

All policies and procedures was followed to the tee.

Best price around. price better than NADA.

Bids not required for amounts less than \$12,000

She got the information because We just posted our agenda and package for the next Town Council meeting and that included all expenditures. So she saw a line item to McGinnis old hvac company and jumped into her usual misinformation mode. Frank Lindhardt (from my iphone)

**Marty Lisonbee**

4d ·

In our next town meeting Kim jong frank is pushing a new ordinance that lessens the towns requirement to publish public hearing notices. Why would they even try to do this. What does frank want to pass without giving the proper public hearing noticing. The state of Utah open and public meetings act is very clear on this point. Section 52-4-202 requires town to publish public hearing notice in our local paper. Our less transparency town council is trying to make it easier to transform apple valley into gemstoneville without any town push back. Look at anyone of of the multi hundred page agendas that we've had since frank. Everything is changed.

Did you know they are also going after lost dogs? If you find a lost dog you can no longer harbor that dog to try to find the owner. You'll have to call the town and report this so the dog can go to a shelter. How is this making apple valley a better place. This council is anti dog now too.



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9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the county, exclusive of the incorporated areas, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

HISTORY

Adopted by Ord. [2005-8-O](#) on 4/21/2005

Repealed & Reenacted by Ord. [2018-02](#) on 4/18/2018

Adopted by Ord. [2019-09](#) on 6/12/2019

SECTION 6: AMENDMENT “9.03.050 Strays” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the county, exclusive of the incorporated areas, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

AFTER AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the ~~town~~county, ~~exclusive of the incorporated areas~~, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

SECTION 7: AMENDMENT “9.03.060 Rabies Vaccination” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.060 Rabies Vaccination

Consolidated Fee Schedule to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

- e. The subsequent location of a school, church or park within the spacing requirements of a licensed establishment subject to proximity requirements shall be deemed to be a waiver of spacing requirements as specified under Town Codes.
3. Exceptions: Class C beer establishments or Class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the Town Council. Such approval shall be given only:
 - a. After the Town Council has received recommendation from the planning commission and law enforcement; and
 - b. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall-like area with paved vehicular access and proper lighting; and
 - c. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed twelve (12) on the exterior and interior of any block. The foregoing notwithstanding, no more than six (6) such establishments may be located on any street located in the interior of any such block, and no more than six (6) such establishments may be located within the interior of any such block;
 - d. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the Town by ~~at least one publication in a newspaper of general circulation in Washington County~~ posting at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website www.applevalleyut.gov at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - e. A finding by the Town Council, after the holding of such hearing, that the proposed location for said establishment will not:
 - (1) Create an undue concentration of Class C beer establishments or Class B or C private clubs;
 - (2) Materially interfere with the free flow of pedestrian or vehicular traffic;
 - (3) Create an undue burden in controlling and policing illegal activities in the vicinity;
 - (4) Create a nuisance to the community; or
 - (5) Adversely affect the health, safety and morals of the residents of the Town.
 4. Prior Location: The provisions of this section shall in no way affect the rights



Apple Valley Town Disc...



Jason Graham created a poll.



2d ·

"Shock the Conscience" is a legal term that many can use to describe many of the activities of our current town administration conduct. It is a widely accepted assumption that the current "fill-in" mayor does not have the majority support amongst residents. In fact he only received 17% of the vote amongst registered voters in the last election. We will try to start asking to verify the support level of some of these activities.

Question #1, do you support the ordinance the current administration is trying to pass next Wednesday. This ordinance will allow town officials to go onto your property without your permission to inspect your vehicles to see if they run, to check on your pets, to otherwise inspect your property, even entering fenced yards. Do you want this type of activity in our town?

☐ Yes☐ No

100% >



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6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

HISTORY

Adopted by Ord. [2005-12-O](#) on 10/1/2005

Repealed & Reenacted by Ord. [2018-02](#) on 4/18/2018

Amended by Ord. [2018-03](#) on 5/2/2018

Adopted by Ord. [2019-09](#) on 6/12/2019

BEFORE AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

AFTER AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the town county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

SECTION 3: AMENDMENT “6.04.030 Examination And Investigation” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the county to determine whether owners of such property are complying with the provisions of this chapter.

AFTER AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the town county to determine whether owners of such property are complying with the provisions of this chapter.

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

Donkey Stories or Not, That's the Question?

Why bother with doing anything about the Donkey Stories?

1. Do our citizens deserve to know the truth? Or, let them believe what they want?
2. We are having a hard time getting volunteers to serve on our Planning Commission, because they get bullied and harassed by the Donkeys.
3. We are having a hard time getting anyone to volunteer to run for Town Council, because they are getting bullied and harassed by the Donkeys.
4. We need a new Mayor next year and I have been unable to convince anyone to run for Mayor, because they do not wish to be bullied, harassed, get their character and reputation destroyed, death threats, and being sued individually by the Donkeys and others.

What Should we do about all the Donkey Stories?

1. Nothing?
2. Sue them?
3. Answer Donkey stories, by sharing the Donkey Story along with the truth by providing a copy of the ordinance they are attacking, so people can easily see both sides and determine for themselves, if it's a Donkey Story or Truth? Include a survey for the answer?
 - a. Include with Utility Bill (I think everyone would read it)?
 - b. Do Separate mailing when needed?
 - c. Share on Town Facebook Page?
 - d. Share on Town Home Page?

All that is necessary for the triumph of evil,
is that good men do nothing.

Edmund Burke

