



TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 22, 2024 at 6:00 PM

MINUTES

Mayor | Michael Farrar |

Council Members | Kevin Sair | Janet Prentice | Annie Spendlove | Scott Taylor |

CALL TO ORDER- Mayor Farrar called the meeting to order at 6: 02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Janet Prentice

Council Member Annie Spendlove

Council Member Scott Taylor

DECLARATION OF CONFLICTS OF INTEREST

None declared.

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

Mayor Farrar reminded attendees of the town council's meetings rules, emphasizing that these meetings are primarily for council members to discuss and vote on town issues. Public comments are allowed at the beginning, limited to three minutes, and are at the discretion of the mayor or chair.

The mayor noted that several property owners, both large and small, had submitted their applications for agricultural zoning, encouraging others to do so before fees apply. He also mentioned the upcoming July 4th event, including a celebration of life for Debbie Cox, and reminded everyone about the importance of adhering to local fireworks regulations.

Regarding water conservation, the mayor announced a voluntary conservation effort for Cedar Point system, urging residents to conserve water to avoid using a higher radium well. He emphasized that restrictions would be implemented if necessary.

Council members discussed several updates, including the completion of painting and striping at the Gateway entrance and the new parking lot, and the establishment of a mobile office for the water department. The mayor highlighted the relocation of the coffee shop to the Chevron parking lot, with a building inspection pending before opening.

The council addressed the water rate increase, which was necessary to balance the budget and ensure proper maintenance and improvement of the water system. The increase would allow impact fees to be used correctly for system improvements rather than debt payment.

The mayor also mentioned ongoing lawsuits, with optimism about one being dismissed. Council Member Prentice expressed satisfaction with the coffee shop's move, and Council Member Taylor thanked volunteers for cleaning the Cedar Point west entrance.



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Finally, the mayor announced the hiring of a new maintenance person, Richard Nootenboom, who will be cross trained and certified as a water operator to provide additional support to the water system.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

Mayor Farrar opened public comments.

No public comments.

Mayor Farrar closed public comments.

PUBLIC HEARING

1. Amend Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2024-20.

Mayor Farrar opened the public hearing.

No public comments.

Mayor Farrar closed the public hearing.

2. Amend Title 5.09.060 Special Events Fees and 5.09.100 Violation Fees, Ordinance-O-2024-21.

Mayor Farrar opened the hearing.

Mayor Farrar explained the proposed amendment included a \$250 drone license fee for event organizers, requiring drone operators to adhere to state laws, including not flying over private property without permission. Violations would result in a \$1,000 fine per incident. This amendment was prompted by complaints from residents about drones disturbing horses and livestock during events.

Additionally, a non-asphalt road access fee was proposed to address damage caused to roads during events. This fee would be \$1,000 per day of violation, ensuring funds for road repairs.

The proposed amendments aimed to enhance regulation of drone use and road maintenance during events to address residents' concerns and ensure responsible event management.

No public comments.

Mayor Farrar closed the public hearing.

DISCUSSION AND ACTION - NEW BUSINESS

3. Open bids and possibly award contract for Building Inspector Services.

Mayor Farrar explained the current issue with their contract with the building inspector, emphasizing that hourly billing expenses was leading to the town losing money. The previous arrangement involved the inspector taking a percentage of the building permit fees, which had been simpler and more cost-effective. The mayor proposed returning to this percentage-based system.



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The town clerk, Jenna Vizcardo, handed over sealed bids, and the mayor opened them. One bid from Layton Ventures and one bid from Shums Coda Associates both proposed a rate of 60%, slightly cheaper than the previous 70% rate but still within the increased building permit fees. It was noted that bidder, Kyle Layton with Layton Adventures, had withdrawn his bid due to accepting another job offer.

The council discussed the bids, noting that both met the town's requirements. With the withdrawal, the decision was simplified, and Shums Coda Associates was chosen as the new building inspector. The council acknowledged the need to officially vote on accepting the proposal and then work out the contract details. Council members agreed that the new arrangement would help ensure the town does not lose money on building permits and would reduce the administrative burden on town staff.

Motion: Council Member Sair motioned that we accept Shums Coda's bid proposal to be a building inspector.

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

Voting Yea: Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

4. Resolution-R-2024-24, Appointing Events Committee Members.

The mayor explained the committee was expanded from five to seven members due to additional interest.

The mayor and council members expressed their gratitude to the new appointees. They briefly discussed logistical details for the upcoming ice cream socials, including the placement of a freezer in the park for easy access. Council members noted the importance of these events in bringing the community together.

Motion: Council Member Spendlove motioned that we approve Resolution-R-2024-24, appointing Events Committee members, Linda Noyes, Delila Russon, Shay Russon, Rae Robertson, Maree VanDerzee, Dianne Hope, and Lisa Farr.

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

Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

5. Amend Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2024-20.



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Mayor Farrar discussed removing the clause that exempted owners of buildings with two or fewer rental units from needing a business license. This change aimed to standardize the business license requirements for all property owners.

Motion: Council Member Sair motioned to amend Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2024-20.

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

Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

6. Amend Title 5.09.060 Special Events Fees and 5.09.100 Violation Fees, Ordinance-O-2024-21.

The mayor reiterated the previously mentioned issues regarding drones and dirt road dust, confirming that fees were raised for events. It was noted that the fee increases had already been voted on in a previous meeting. The council expressed support for the changes.

Motion: Council Member Taylor moved that we amend Title 5.09.060 Special Events Fees and 5.09.100 Violation Fees, Ordinance-O-2024-21.

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

Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

7. Resolution-R-2024-21, Amend Section II Procurement Processes of the Apple Valley Policies & Procedures.

The mayor explained that the changes involved removing references to newspapers from the policy. The town clerk noted that the state code had finally aligned with this update, making the change necessary and eliminating an unnecessary expense.

Motion: Council Member Taylor moved that we accept Resolution-R-2024-21 amend Section II Procurement Processes of the Apple Valley Policies & Procedures.

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

Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor



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The vote was unanimous and the motion carried.

8. Resolution-R-2024-22, Amendment to Public Body Meeting Policy and Procedures.

The council addressed item number eight, resolution R-2024-22, which proposed amendments to the public body meeting policies and procedures. The amendment involved removing references to newspapers.

Motion: Council Member Prentice moved to approve Resolution-R-2024-22 amendment to Public Body Meeting Policy and Procedures.

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

Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

9. Resolution-R-2024-23, Adoption of the Tentative Fiscal Budget for the Fiscal Year 2025.

*Public Hearing will be set for June 26, 2024.

The council addressed item number nine, Resolution R-2024-23, regarding the adoption of the tentative fiscal budget for the year 2025. The official public hearing for the budget will be set for June 26, 2024.

Discussion included:

- Acknowledgment of the upcoming public hearing.
- Concerns about the Gateway project and its long-term timeline.
- Specific details about budget allocations, including property taxes, impact fees, and capital projects.
- The ability to adjust the budget even after its adoption.
- Mention of maintenance and potential upgrades for town vehicles and equipment.
- Future projects, such as road maintenance and improvements to the cemetery, dependent on incoming impact fees.
- The importance of maintaining a balanced budget for the town.



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Motion: Council Member Taylor moved that we approve Resolution-R-2024-23, Adoption of the Tentative Fiscal Budget for the Fiscal Year 2025 with a note of public hearing will be set for June 26, 2024.

Motion made by Council Member Taylor, Seconded by Council Member Sair.
Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

10. Approval for Michael L. Farrar to have a credit card and/or debit card with State Bank of Southern Utah.

The council discussed the approval for Michael Farrar to have a credit or debit card with the State Bank of Southern Utah.

Motion: Council Member Prentice motioned to approve Michael Farrar to have a credit or debit card with the State Bank of Southern Utah.

Motion made by Council Member Prentice, Seconded by Council Member Sair.
Voting Yea Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION - PLANNING COMMISSION BUSINESS

11. Recommendation of Approval to Amend Title 10.02.070 Site Plan Required, Ordinance-O-2024-18.
*Planning Commission recommended approval on May 1, 2024.

The council discussed amending Title 10.0 2.070 regarding site plan requirements. The Planning Commission recommended approval on May 1, 2024. These amendments include requirements that were previously informally required but are now being officially added to the ordinance. The changes mainly relate to information needed for preliminary plans, such as details about roadways and fire hydrants. Council Member Prentice noted the importance of these amendments, citing past issues with incomplete site plans. Mayor Farrar mentioned the Chief's role in suggesting these changes and emphasized the need for thoroughness in reviewing site plans. The council was in favor of the amendments.



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Motion: Council Member Prentice moved to approve the PC recommendation on 5/1/2024, to amend Title 10.02.070 Site Plan Requirement, Ordinance-O-2024-18.

Motion made by Council Member Prentice, Seconded by Council Member Sair.
Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

12. Amend Title 10.14.020 Short Term Vacation Rental Rules and Regulations, Ordinance-O-2024-19.

*Planning Commission recommended approval on May 1, 2024.

The council discussed amending Title 10.14.020 regarding short-term vacation rental rules and regulations. The Planning Commission recommended approval on May 1, 2024. These changes were made in response to new state laws scheduled to take effect on May 1. The amendments include requiring a sales and use tax license from the state tax commission for short-term rental operations, and prohibiting rentals of one-bedroom units to more than two additional people per bedroom, with a maximum occupancy of 10 people per home. The fine for non-compliance was also increased from \$750 to \$1000 to align with the new fee schedule. Mayor Farrar emphasized the importance of these changes in maintaining the safety and integrity of short-term vacation rentals.

Motion: Council Member Sair motioned to amend Title 10.14.020 Short Term Vacation Rental Rules and Regulations, Ordinance-O-2024-19.

Motion made by Council Member Sair, Seconded by Council Member Prentice.
Voting Yea (Roll Call): Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

CONSENT AGENDA

13. Disbursement Listing for April 2024.
14. Budget Report for Fiscal Year 2024 through May 13, 2024.
15. Approval of Minutes: April 4, 2024.
16. Approval of Minutes: April 9, 2024 (Work Session).
17. Approval of Minutes: April 9, 2024.



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18. Approval of Minutes: April 24, 2024.

The council reviewed the consent agenda items, including the disbursement listing, budget reports, and approval of minutes from previous meetings.

The budget report showed that the town is at 91.67% of the fiscal year, with income slightly short at 6.94%. Expenditures were generally in line, with Admin at 87.06% and Fire at 1.73% of the budget. Mayor Farrar noted that any leftover funds from departments would be carried over to the next year, rather than spent unnecessarily. The disbursement listing included a refund to a coffee shop due to a court case, and expenses related to drain work and heavy equipment operations. The council also discussed the challenges of moving heavy equipment on highways and expressed appreciation for a new trailer that is being borrowed from the District's water operator to transport equipment safely.

Motion: Council Member Sair motioned to approve the Disbursement Listing for April 2024, Budget Report for Fiscal Year 2024 through May 13, 2024, Approval of Minutes from April 4, 2024, Approval of Minutes from April 9, 2024 (Work Session), Approval of Minutes from April 9, 2024, and Approval of Minutes from April 24, 2024 for the town council meeting here.

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

Voting Yea: Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

ADJOURNMENT

Motion: Council Member Prentice motioned to

Motion made by Council Member Prentice, Seconded by Council Member Spendlove.

Voting Yea: Mayor Farrar, Council Member Sair, Council Member Prentice, Council Member Spendlove, Council Member Taylor

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:56 p.m.



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Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo

DRAFT