



## APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley  
Thursday, April 21, 2022, at 6:30 PM

### MINUTES

**Mayor** | Frank Lindhardt |

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

**CALL TO ORDER**-Meeting called to order by Mayor Frank Lindhardt at 7:00pm

#### PLEDGE OF ALLEGIANCE

#### PRAYER

Prayer led By Robin Whitmore

#### ROLL CALL

##### PRESENT

Mayor Frank Lindhardt

Council Member Robin Whitmore

Council Member Andy McGinnis

##### ABSENT

Council Member Kevin Sair

Council Member Barratt Nielson

Recorder Jenna Vizcardo present taking minutes

#### DECLARATION OF CONFLICTS OF INTEREST

Declaration of Council member Andy McGinnis for Agenda item # 22 declares conflict of interest appointing Town Administrator-Jauna McGinnis which is Council member Andy McGinnis' wife. Council Member Andy McGinnis declares conflict of interest for Agenda item #24 due to Jauna McGinnis being his wife.

#### CONSENT AGENDA

1. Disbursement Listing--3.01.2022-3.31.2022

**Motioned to approve Disbursement Listing for 3.01.2022-3.31.2022.**

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

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

**The vote was unanimous, and the motion carried.**

2. Budget Report-7.1.21-3.31.22

**Motioned to accept Budget Report for 7.1.21-3.31.22.**

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

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

**The vote was unanimous, and the motion carried.**



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3. Minutes: January 19, 2022

Correction on page 3 by Mayor Lindhardt, 4th paragraph starting with Fire Dept. Change Road width to 26 feet rather than inches. Add "if not recorded" after Final Plat sunset date at the bottom of the same page.

**Motioned to approve the minutes for January 19, 2022.**

**Motion made by Council Member Whitmore, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

4. Minutes: January 27, 2022

**Motioned to approve minutes from January 27, 2022.**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

5. Minutes: February 16, 2022

**Motioned to accept minutes from February 16, 2022.**

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

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

**The vote was unanimous, and the motion carried.**

6. Minutes: February 17, 2022

Mayor Lindhardt, correction on page 5, motion to adopt new road standards which add more design standards. Adopting new design standards and getting rid of old one.

**Motioned to approve the draft minutes from February 17, 2022.**

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

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

**The vote was unanimous, and the motion carried.**



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7. Minutes: March 2, 2022

Mayor Lindhardt, Correction on page 3 emergency “condonation” should read “emergency condemnation possibilities and ok to speak with the water lawyer about it to run the water line.”

**Motioned to accept minutes for March 2, 2022, with corrections.**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

8. Minutes: March 9, 2022

**Motioned to accept the minutes for March 9, 2022.**

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

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

**The vote was unanimous, and the motion carried.**

9. Minutes: March 17, 2022

**Motioned to accept the minutes from March 17, 2022.**

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

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

**The vote was unanimous, and the motion carried.**

10. Minutes: March 16, 2022

**Motioned to accept the minutes from March 16, 2022.**

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

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

**The vote was unanimous, and the motion carried.**

### MAYOR'S TOWN UPDATE

The mayor has a lot of activity to get our code and subdivisions code functioning. He is working on getting a public works director to work with the developers. Engineers are working on the general plan. We have an amazing staff and volunteers to get this done. Mayor Lindhardt directed, no personal attacks on anyone. Not a forum to report anything negative on others. Use email to deliver to Town instead.

### PUBLIC COMMENTS

**Motioned to open public comments.**



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

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

**The vote was unanimous, and the motion carried.**

Rich Osoki 1024 W little Pinion Way: Commented Easter celebration was a big improvement. He thinks the chili cook-off is a great thing for the Town. The chili cook off is this Saturday at 10am.

Libby Wells from Wells Estates: Asked on zoom about her project regarding a resolution. Mayor will meet with her to explain everything.

Margaret Osoki: 1024 W little pinion way. Trees are dying out there. Mayor Lindhardt directed Town Administrator, Jauna McGinnis to get someone to look at them.

**Motion to close public comments**

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

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

**The vote was unanimous, and the motion carried.**

### DISCUSSION AND ACTION

#### 11. CIB APPLICATION FOR URBAN TYPE 2 FIRE VEHICLE.

Town Administrator, Jauna McGinnis explained the application was put in by prior administration. She discussed this with Chief Zolg who recommended to cancel and reapply for a better rate and better information.

**Motioned to cancel CIB application currently with CIB Board and put in a new one.**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

#### 12. PARTICIPATION IN HABITAT CONSERVATION PLAN (HCP)

Tabled from meeting on March 17, 2022, for more information.

Council member Whitmore discussed the HABITAT CONSERVATION PLAN (HCP) that protects desert tortoise. We don't have desert tortoise in this elevation. Council would like to change from mandatory to voluntary and the landowners choose if they want to participate.

**Motioned as a Town to drop the mandatory participation in the HCP Plan and make it voluntary for the individual property owners and builders.**

**Motion made by Mayor Lindhardt, Seconded by Council Member Whitmore.**

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

**The vote was unanimous, and the motion carried.**



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13. ZONE CHANGE APPLICATION FOR AV-1329-B FROM OST TO SF-1.0; APPLICANT LADD MACDONALD.  
PLANNING COMMISSION RECOMMENDED DENIAL ON 12.1.21. TABLED BY APPLICANT ON 1.27.22 and 3.17.22.

Tabled at the request of applicant for one month.

**Motioned to table the zone change application for AV-1329-B until our next meeting.  
Motion made by Council Member McGinnis, Seconded by Council Member Whitmore.  
Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis  
The vote was unanimous, and the motion carried.**

14. ZONE CHANGE APPLICATION FOR AV-1313-D-1 FROM AG TO SF 1/2; APPLICANT 2000 MAIN LLC / TRAVIS HOLM.

TABLED BY APPLICANT AT TC ON 1.27.22 and 3.17.22.

**Agenda Item #14-18, Applicant requested to withdraw application prior to meeting.**

**Motioned to accept the withdrawal of the applications for AV-1313-D-1, AV-1318, AV-2184, AV-2165, AV-1319-A, and Av-1345, 1327, 1326, 1346, 1348-A.  
Motion made by Council Member Whitmore, Seconded by Mayor Lindhardt.  
Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis  
The vote was unanimous, and the motion carried.**

15. ZONE CHANGE APPLICATION FOR AV-1318 FROM AG TO SF 1/2; APPLICANT STANDARD DEVELOPMENT LLC / TRAVIS HOLM; OWNER NANCY BRADSHAW.

PLANNING COMMISSION RECOMMENDED DENIAL ON 12.1.21. TABLED BY APPLICANT ON 1.27.22 and 3.17.22.

**See motion in item #14.**

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16. ZONE CHANGE APPLICATION FOR AV-2184 AND AV-2165 FROM OST TO CABIN/TH, PD AND RE-1; APPLICANT STANDARD DEVELOPMENT / TRAVIS HOLM.  
ON 1.27.22 APPLICANT TABLED AT TC. PC RECOMMENDED DENIAL ON 1.20.22.  
Requested to be tabled by Travis Holm due to engineer being sick on 3.17.22.  
Tabled to next council meeting in April 2022.

**See motion in item #14.**



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17. PRELIMINARY PLAT APPLICATION (MILES MARK) FOR AV-1319-A; APPLICANT 2000 MAIN / TRAVIS HOLM.

PLANNING COMMISSION RECOMMENDED DENIAL ON 1.20.22. TABLED BY APPLICANT ON 1.27.22 AND 3.17.22.

NOTE FROM LAST TOWN COUNCIL MEETING (3.17.22) THAT AFFIDAVITD NEEDS TO BE VERFIED WITH OWNER.

**See motion in item #14.**

18. PRELIMINARY PLAT APPLICATION (REDSTONE) FOR AV-1345,1327,1326,1346,1348-A; APPLICANT 2000 MAIN / TRAVIS HOLM.

PLANNING COMMISSION RECOMMENDED DENIAL ON 1.20.22. TABLED BY APPLICANT ON 1.27.22 AND 3.17.22.

NOTE FROM LAST TOWN COUNCIL MEETING (3.17.22) THAT AFFIDAVITD NEEDS TO BE VERFIED WITH OWNER.

**See motion in item #14.**

19. APPOINTMENT TO THE SOUTHWEST MOSQUITO ABATEMENT AND CONTROL DISTRICT--RESOLUTION R-2022-21

Table to next meeting regular Town Council Meeting.

**Motioned to table item #19 appointment to the Southwest Mosquito Abatement and Control District.**

**Motion made by Mayor Lindhardt, Seconded by Council Member Whitmore.**

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

**The vote was unanimous, and the motion carried.**

20. A RESOLUTION APPOINTING EVENTS COMMITTEE MEMBERS--RESOLUTION-R-2022-22

**Motioned to accept Resolution R-2022-22, appointing Events Committee Members.**

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

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

**The vote was unanimous, and the motion carried.**

21. DISCUSSION ON BUDGET REVIEW

Discussion on budget review to help with decision of upcoming appointments. Mayor Lindhardt has reviewed them all and we are pleasantly surprised on this information. It was only slightly higher than previous budget. He wanted to be comfortable on voting for spending money by knowing where the Town stood.



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#### 22. APPOINTMENT OF TOWN ADMINISTRATOR--RESOLUTION NO. R-2022-23

Jauna McGinnis was the only one to respond to the application process. Mayor Lindhardt requested this position to be filled as he would not have the time to perform the duties. Council Member Whitmore commented Jauna McGinnis has volunteered countless hours to help our community and to help our office learn. Everyone goes to her for answers.

**Motioned to accept Jauna McGinnis application and hire her as the new Town Administrator.**

**Motion made by Mayor Lindhardt, Seconded by Council Member Whitmore.**

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

**The vote was unanimous, and the motion carried.**

#### 23. APPOINTMENT OF TOWN FINANCE DIRECTOR--RESOLUTION NO. R-2022-24

Jauna McGinnis, Town Administrator explained the clerk has recorder duties and financial duties. We are able to split that up. This position is part time up to 16 hours per week.

**Motioned to approve appointment of Michelle Kinney as Town Finance Director resolution no. R-2022-24.**

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

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

**The vote was unanimous, and the motion carried.**

#### 24. APPOINTMENT OF TOWN PURCHASING AGENT--RESOLUTION-R-2022-25

**Motioned to approve Resolution-R-2022-25 for the appointment of Jauna McGinnis for Town Purchasing Agent.**

**Motion made by Council Member Whitmore, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

#### 25. APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND THE BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT--RESOLUTION-R-2022-26

This is a formal agreement of how to split the expenses between the District and the Town. Council Member Whitmore mentioned there hasn't been one in place for a few years.

**Motioned to approve the Interlocal Agreement between The Town of Apple Valley and The Big Plains Water and Sewer Special Service District, Resolution-R-2022-26.**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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



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**The vote was unanimous, and the motion carried.**

26. TOWN DUMP TRUCK UP FOR BID

Council Member McGinnis reported that Council Member Sair is in the process of putting it up for bid. Town Administrator, McGinnis added he is needing approval from Council.

**Motioned to approve putting the Town dump truck up for bid.**

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

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

**The vote was unanimous, and the motion carried.**

27. SPECIAL EVENT PERMIT APPLICATION FOR RUNNING EVENT ON SEPTEMBER 10, 2022.

**Motioned to approve application, same fee as last year with conditions of portable toilets emptied regularly, water trucks to always keep roads moist to prevent clouds of dust and event lights faced away from residential areas.**

**Motion made by Mayor Lindhardt, Seconded by Council Member McGinnis.**

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

**The vote was unanimous, and the motion carried.**

28. CONSIDER APPROVAL OF MEETING DATE CHANGE

Mayor Lindhardt has discussed this with planning commission who had no preference. Council Member McGinnis has a conflict since Thursday is also, the Fire Department meeting time.

**Motioned to move Planning Commission and Town Council meeting to Wednesdays, including the Water District meeting.**

**Motion made by Mayor Lindhardt, Seconded by Council Member Whitmore.**

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

**The vote was unanimous, and the motion carried.**

29. IMPLEMENT AN EXCEPTION BY TOWN COUNCIL VOTE TO ALL ORDINANCES REGARDING EXCAVATION--O-2022-11

Mayor Lindhardt explained the subdivision ordinance does not allow a subdivider to do grading until construction plans, preliminary plat and bond have been completely approved. This will allow builders to grade more than one phase due to irregularities, i.e., valley on one phase, mountain on another.

**Motioned to Implement an Exception by Town Council Regarding Excavation, Ordinance O-2022-11.**



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**Motion made by Council Member McGinnis, Seconded by Council Member Whitmore.  
Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis  
The vote was unanimous, and the motion carried.**

30. UPDATE 11.02.080 CONSTRUCTION DRAWINGS--O-2022-12

Mayor Lindhardt explained this is to do updates of the requirements for construction drawings by adding phone utilities and approval of plans to be done by a public works consultant and to pay a fee.

Correction to replace all "Public Works Director" with "Public Work Director or Consultant."

Changing "Big Plains Water and Sewer" to "Big Plains Water". The county has approved our request to have sewer taken over by Ash Creek. Waiting on 60-day protest period now.

**Motioned to update Title 11.02.080 Construction Drawings Ordinance O-2022-12 with changes  
replace all "Public Works Director" with "Public Work Director or Consultant."**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**

31. UPDATE 11.02.170 FEES--O-2022-13

Mayor Lindhardt explained this is to add the fee.

**Motioned to update Title 11.02.170 Fees as proposed in the Ordinance, O-2022-13.**

**Motion made by Mayor Lindhardt, Seconded by Council Member Whitmore.**

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

**The vote was unanimous, and the motion carried.**

32. UPDATE 10.10.060 SF SINGLE FAMILY RESIDENTIAL ZONE--O-2022-14

Mayor Lindhardt explained a table added the minimum area.

Planning Commission approved changes as written recommended approval.

**Motioned to approve update to 10.10.060 SF Single Family Residential Zone as Ordinance, O-2022-14**

**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**

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

**The vote was unanimous, and the motion carried.**



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33. UPDATE 10.28.260 DELETE SECTION ACCESSORY DWELLING UNITS FOR AN OWNER OR EMPLOYEE--O-2022-15

Mayor Lindhardt explained we have two identical ordinances on the book. This is to eliminate the duplicity.

**Motioned to approve the change to Accessory Dwelling units 10.28.260, Ordinance O-2022-15.**  
**Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.**  
**Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis**  
**The vote was unanimous, and the motion carried.**

34. UPDATE 10.28.270 ACCESSORY DWELLING UNITS ADD WORD (DETACHED)--O-2022-16

Planning Commission approved changes as written and recommended approval.

**Motioned to accept the update to 10.28.270 Accessory Dwelling Units adding in the word "detached" as Ordinance, O-2022-16.**  
**Motion made by Council Member McGinnis, Seconded by Mayor Lindhardt.**  
**Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis**  
**The vote was unanimous, and the motion carried.**

### REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Chili Cook Off is April 23rd at 10am.

### REQUEST FOR A CLOSED SESSION, IF NECESSARY, WILL BE ANNOUNCED FOR EITHER PENDING LEGAL OR PERSONNEL MATTERS

**Motioned to go into a closed session for litigation discussion.**  
**Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.**  
**Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis**  
**The vote was unanimous, and the motion carried.**

### ADJOURNMENT

Meeting called back to order by Mayor Lindhardt at 8:32 pm.  
**Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.**  
**Voting Yea: Mayor Lindhardt, Council Member Whitmore, Council Member McGinnis**  
**The vote was unanimous, and the motion carried.**



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Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_

Mayor Frank Lindhardt

Attest BY: \_\_\_\_\_

Recorder/Clerk Jenna Vizcardo

DRAFT