



TOWN COUNCIL SPECIAL MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, April 14, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER- Mayor Pro Tem | Council Member Sair calls meeting to order at 6:00pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Mayor Frank Lindhardt after Agenda item #1.

PRAYER- Prayer was read by Jim Kinser, Chaplain and Firefighter.

DECLARATION OF CONFLICTS OF INTEREST

Council Member Sair declared conflict of interest for Agenda item #1 due to being a Town Council Member.

Council Member Nielson declared conflict of interest due to Frank Lindhardt being his Brother-in-law for Agenda item #1.

PUBLIC COMMENTS

Richard Kopp- 2222 E Ranch Rd has comment about the administration and thanks the new administration.

Motioned to close public comments.

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

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

The vote was unanimous, 4-0 and the motion carried.

Motioned for appointment of Andy McGinnis as temporary Mayor Pro Tem for the meeting on April 21st.

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

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

The vote was unanimous, 4-0 and the motion carried.

DISCUSSION AND ACTION

1. DISCUSSION AND POSSIBLE ACTION FOR APPOINTMENT OF MAYOR. --RESOLUTION NO. R-2022-17.

Kevin Sair starts by thanking citizens for supports. He explains his qualifications. Makes statement about Mason Walters and her resignation. Makes statement about his support at local level with



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positive influences, and he is devoted patriot. (Please see attached vision statement-Attachment A). He supports involvement on those who have chosen to run for our community. He states we have a great Team. Goal is to heal this community and prepare for the future. He believes in property rights but also supports our community.

Frank Lindhardt explains why he stepped in to help out in November. (Please see attached vision statement-Attachment B). He states his background. He explains he bought property in Apple Valley 15 years ago and wanted to get land. He states he loves the connection in this community. We need to unite more than ever. We may have to rely on each other in the future. There is no room for negativity and there is no reason to talk badly about anyone. He is very much a patriot. Constitution of the United States is an amazing document. We need to make sure we are all united. He has a unique set of skills. States driven by doing what is right. States makes sure we as citizens don't have to pay for the future developments and the General Plan to be the guiding light for Apple Valley.

Council Member Whitmore asks what ideas they have to benefit the community.

Kevin Sair: He would like to reinstate community events and using the parks for holiday. He wants to ask for suggestions in the community.

Frank Lindhardt: Hi goal is to keep everyone informed with newsletters in the monthly utility bill regarding, planning, public works progress, building department and simply keeping people informed will help us a lot and being transparent with everything.

Council Member Whitmore asks Frank Lindhardt about "wily/nilly" zoning/roads and his plans to avoid that and to keep Apple Valley beautiful.

Frank Lindhardt is Planning Department Manager and is a firm believer in zoning. Zoning protects your property rights. Zoning allows us to choose where the Town wants to have different place in zoning/map. Makes comments about implementing conditional use permit. Makes comment about sending survey to residents to see how to feel for example re: shipping containers. That would help unite use. Frank Lindhardt thanks his wife. He asks for peace and to be loving and kind. We can disagree and we can still be friends and unite and get the peace we need. Talks about we have a good team and so blessed. Comments that we have a lot of work ahead of us.

Mayor Pro Tem McGinnis calls for a motion.

Motioned that we appoint Frank Lindhardt for Mayor of Apple Valley.

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

Roll Call Vote:

Council Member Nielson- Aye

Council Member Whitmore- Aye

Council Member McGinnis- Aye

Council Member Sair- Aye

The vote was unanimous, 4-0 and the motion carried.

Frank Lindhardt took his oath of office administered by recorder, Jenna Vizcardo.



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2. DISCUSSION AND POSSIBLE ACTION FOR UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS--RESOLUTION R-2022-18.

Mayor Lindhardt asks for clarification and asks the Council Members if they need any other discussion.

Motioned that we move for vote for action for the Utah Public Treasurers' Investment Fund Certification of Authorized Individuals, Resolution R-2022-18 putting Frank Lindhardt Mayor of The Town of Apple Valley on that account.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Nielson- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

3. DISCUSSION AND POSSIBLE ACTION FOR A RESOLUTION REQUESTING ADMISSION TO THE FIREFIGHTERS RETIREMENT SYSTEM--RESOLUTION NO. R-2022-19.

Town Accountant Jauna McGinnis explained the Firefighter fund vs public employees fund the Town already participates in.

Mayor Lindhardt calls for motion.

Motioned for authorizing admission to the Firefighters Retirement System, Resolution No. R-2022-19.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

4. DISCUSSION AND POSSIBLE ACTION FOR A RESOLUTION ESTABLISHING THE APPLE VALLEY WILDLAND FIRE MITIGATION ADVISORY BOARD --RESOLUTION R-2022-20.

Council Member McGinnis, who is also the captain of the fire department, explained the purpose of this board and how it can help the community.



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Mayor Lindhardt calls for a motion.

Motioned for a resolution establishing the Apple Valley Wildland Fire Mitigation Advisory Board, Resolution R-2022-20.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

5. **DISCUSSION AND POSSIBLE ACTION TO ADD/DELETE AUTHORIZED BANK ACCOUNT SIGNERS FOR SBSU.**

Council discusses adding Mayor Lindhardt to SBSU checking accounts as a signer.

Mayor Lindhardt calls for a motion.

Motion to add Frank Lindhardt as authorized bank account signer for SBSU.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

6. **DISCUSSION AND POSSIBLE ACTION ON OPENING REQUEST(S) FOR PROPOSAL FOR LEGAL SERVICES AND AWARDED CONTRACT.**

Mayor Lindhardt opens the proposal from Ruesch and Reeve, LLC, and distributed the copies of the proposal. This is the attorney that currently works with the SSD.

Mayor Lindhardt states on page 4 of hourly rate at \$250.00 for an hour and paralegal and staff is for \$100.00 an hour. This is a reduced rate for a legal rate. States this is a competitive rate. Makes statement that we need to make sure we don't have to pick up the phone to call the attorney. Only use services as needed. Makes comment about this being a difficult position. He feels this is a good option.

Motioned to award our legal services to Ruesch and Reeve, LLC.



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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

7. DISCUSSION AND POSSIBLE ACTION ON OPENING REQUEST(S) FOR PROPOSAL FOR PROSECUTORIAL SERVICES AND AWARDDING CONTRACT.

Opens the contract from James R Weeks and distributes to the council members and reads the bid.
Conversation among the council members.

Motioned that we award contract for prosecutorial services to James R Weeks, Esquire.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

8. DISCUSSION AND POSSIBLE ACTION 10.10.030- REMOVE CABINS, RV PARK OR RV RESORT AND TINY HOME PARK. -O-2022-02.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt discussed the ordinance and asked if there are any questions and calls for a motion.

Motioned to remove Cabins, RV Park Or RV Resort And Tiny Home Park from Ordinance O-2022-02, removing from the commercial zones.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye



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Council Member Sair- Aye

The vote was unanimous, and the motion carried.

9. DISCUSSION AND POSSIBLE ACTION 10.28.190 CURBS, GUTTERS, SIDEWALKS AND ROAD IMPROVEMENTS.--O-2022-03.

Add "and Road Improvements" and other grammar changes (,). As amended Planning Commission approved changes recommended approval to Town Council.

Mayor Lindhardt reads the amended changes on Ordinance-O-2022-03.

Recording stopped/glitched and meeting stopped to fix recording technicality.

Mayor Lindhardt calls for a motion.

Motioned to accept Ordinance O-2022-03 amendment to 10.28.190 Curbs, Gutters, Sidewalks And Road Improvements.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

10. DISCUSSION AND POSSIBLE ACTION 11.02.090 FINAL PLAT APPROVAL PROCESS. --O-2022-04.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains the amendment of final plat approval process. Explains who can review and will use the consent calendar and everyone will be on same page.

Correction: "Public Works Consultant" from Public Works Director.

Mayor Lindhardt comments if no other discussion and called for a motion.

Motioned that we accept Ordinance O-2022-04 amendment to 11.02.090 Final Plat Approval Process with the correction to Public Works Consultant.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye



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Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

11. DISCUSSION AND POSSIBLE ACTION 11.02.100 FINAL PLAT REQUIREMENTS. --O-2022-05.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains streamlining different parts of our ordinance and calls for a motion.

Motioned that accept Ordinance O-2022-05 amendment to 11.02.100 Final Plat Requirements.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

12. DISCUSSION AND POSSIBLE ACTION 11.02.180 PENALTY; VALIDITY & RESTRICTIONS. --O-2022-06.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt comments this pertains to people who illegally split their lot (splitting lot without notifying Town and going through the Towns process). This is protection to discourage these types of things happening. Council Member Whitmore asks about the fines and the fines associated.

Mayor Lindhardt calls for a motion.

Motioned that we accept Ordinance O-2022-06 amendment to 11.02.180 Penalty; Validity & Restrictions of the Apple Valley subdivisions.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.



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13. DISCUSSION AND POSSIBLE ACTION 11.08.020 WASTE DISPOSAL SYSTEMS.O-2022-07.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains simply adding letter that they have confirmed with the district that water is available for services availability.

Mayor Lindhardt calls for a motion.

Motioned that we accept Ordinance O-2022-07 amendment to 11.08.020 Waste Disposal Systems.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

14. DISCUSSION AND POSSIBLE ACTION 11.08.030 STORM DRAINAGE REQUIREMENTS. --O-2022-08.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains the information that is needed and retaining the water that you create.

Motioned that we accept Ordinance O-2022-08 amendment to 11.08.030 Storm Drainage Requirements.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

15. DISCUSSION AND POSSIBLE ACTION 11.08.080 WATER. --O-2022-09.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains this is a letter for water and that they have consulted with the water district.

Motioned to accept Ordinance O-2022-09 amendment to 11.08.080 Water.



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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

16. DISCUSSION AND POSSIBLE ACTION 11.12.020 DESIGN STANDARDS. --O-2022-10.

Planning Commission approved changes as written and recommended approval to Town Council.

Mayor and Planning Department Manager Lindhardt explains adding gated communities should be discussed with The Town.

Motioned that we accept Ordinance O-2022-10 with the amendment to 11.12.020 Design Standards.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

REQUEST FOR A CLOSED SESSION

Mayor Lindhardt requests for closed session to discuss pending litigation.

Motioned to go into closed session to discuss pending litigation.

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

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.



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ADJOURNMENT

Motioned to adjourn meeting.

Motion made by Council Member Nielson, Seconded by Mayor Pro Tem | Council Member Sair.

Voting:

Council Member McGinnis- Aye

Council Member Whitmore-Aye

Council Member Nielson- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

The vote was unanimous, and the motion carried.

Meeting adjourned at 8:30pm.

Date Approved: _____

Approved BY: _____

Mayor, Frank Lindhardt

Attest BY: _____

Recorder, Jenna Vizcardo

Wednesday, April 13, 2022

Letter to Apple Valley Town Council

VISION: My reason for applying is that I want to be involved on a local level in order to have a positive influence upon decisions that are made in our community. I am a devoted patriot of our United States and am concerned at the loss of freedoms that we are experiencing on every level. I want to be involved on a local level so that I can preserve our God given natural and inalienable rights and to defend, uphold, and promote our liberties and freedoms according to the laws in our Constitution. I believe that wise and courageous men were inspired by heaven and created this document for us using divine truths. I care about our community and am aware of the many current and future issues that have, and will have, impact upon us now and hereafter.

With that said, I'm here today to apply for the position of town Mayor. I have listed below the positions in which I have served in Apple Valley.

- town councilman
- mayor pro-temp
- liaison to the fire department, the planning commission, and the water board.
- volunteer on the fire department.
- I have also worked for the town doing maintenance, SSD, code enforcement, and helping out where needed.

I resigned after serving on the town council for 6 years and began working for the town to maintain the park, gateway project, road improvements, culvert installations, weed abatement, code enforcement, and other projects and needs within our town. I also worked with the water department on system upgrades and maintenance.

Kevin Sair

Frank G. Lindhardt
1325 South 2050 East
Apple Valley
Utah, 84737

April 13, 2022

To Apple Valley Town Council

Why am I interested in serving as Mayor?

I love living in Apple Valley and think we have one of the most beautiful locations in the world, and I want it to remain that way.

The biggest challenge our town has right now, is how to deal with the overwhelming growth. With the previous administrations already approving over 1260 new lots (and developers knocking on our door to try to get thousands more lots approved), it's clear that we need a mayor that will know how to deal with the growth of the town...and also how to deal with developers and builders, so we can ensure that we the existing residents, do not end up paying for any of this growth. New growth needs to pay for itself, and it needs to be built so it does not become a burden upon the town.

The town is over 4 million in debt, all of which is because we did not have administrations in the past that were able to hold developers' feet to the fire... either because they did not understand, or chose not to follow all our ordinances. They allowed them to not install all the required improvements or installed sub-standard improvements, thus causing us to spend millions on replacing and/or fixing all these mistakes and missing items. This will never happen with me as Mayor. I know and understand what a developer is supposed to do, and I will make them follow all of our ordinances and design standards.

With my over 28 years of developing, building and selling over 800 homes in Southern Utah, and almost 4 years on the planning commission in Hurricane, I feel like I have the experience that Apple Valley needs in a mayor.

I have learned throughout my life, that in order to succeed in my business, I have to surround myself with people that have expertise in areas that I am not as proficient at, and then leave them alone to do their job. Trust but verify, goes a long way with most people, allowing them to prove themselves.

I feel that we already have an incredible team within our town staff, Town Council and our Planning Commission. All independent thinking people, ready, willing and able to serve our town, and I will be a good addition to this team.

I am ready, willing and able to serve as our new Mayor. I also have the thick skin needed to deal with the town antagonists and the knowledge and stamina it takes to be a productive Mayor that will lead with integrity and unity, here in our beautiful town of Apple Valley.

Thank you for your consideration.

Sincerely

Frank G. Lindhardt