



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER

Mayor Lindhardt called meeting to order at 6:35pm

PLEDGE OF ALLEGIANCE

Pledge Of Allegiance led by Council Member McGinnis.

PRAYER

Prayer led by Harold Merritt.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

ABSENT

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

Mayor Lindhardt declared conflict of interest for Agenda item #8. Abstaining from participating on the vote because hired for personal matter since last meeting.

CONSENT AGENDA

1. Disbursement Listing--5/1/22-5/31/22

Council Member Sair asks about line for 5130 for Lance Gifford. Answer: That is the last payment besides what is pending.

2. Financial Report--7/1/21-5/31/22

Motion to accept Disbursement Listing for 5/1/22-5/31/22 and Financial Report for 7/1/21-5/31/22.

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

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

Motion 4-0. Motion carries.



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APPROVAL OF MINUTES

3. Approval of Minutes: October 20, 2021

Attorney recommended for council to review audio recording to verify minutes since not all council members currently were on the council at that meeting.

Motion to table approval of minutes for October 20, 2021 until next meeting and/or council has reviewed recording.

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

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

Motion 4-0. Motion carries.

4. Approval of Minutes: May 18, 2022

Council Member McGinnis makes motion for approval of minutes for May 18, 2022.

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

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

Motion 4-0. Motion carries.

MAYOR'S TOWN UPDATE

Mayors update never ending with all the changes, desperately trying to stay on top of it all. Extremely difficult because we are so small. Looking back from January a lot of progress has been made. Met with engineer who is working on General Plan that trying to get adopted before end of moratorium. Developers wanting to develop and we struggle with the water. Finding balance and having resources. Sewer will be transferred to Ash Creek Special Service District. We have come along way to protect the people that live here and prepare for changes.

Council Member Sair discusses burying the 28-year-old lawn mower. Volunteers to help has been great. New lawnmower was purchased. People are stepping up on there own free will to help volunteer. The community is coming together.

Rich Kopp from the Fire Department make comment to add this or other to mitigation log available on the town website.

PUBLIC HEARING

5. Proposed Fiscal Year 2023 Budget

Motion to move into public hearing for Proposed Fiscal Year 2023 Budget and Amendments to Fiscal Year 2022 Budget.



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

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

Motion 4-0. Motion carries.

No public comments.

Motion to close public hearing for Proposed Fiscal Year 2023 Budget and Amendments to Fiscal Year 2022 Budget.

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

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

Motion 4.0. Motion carries.

6. Amendments to Fiscal Year 2022 Budget

See motion in item #5.

PUBLIC COMMENTS

Margaret Ososki 1024 W Little Pinion Way: On mitigation form can it be edited differently as the current form is confusing.

Rich Ososki 1024 W Little Pinion Way: Want to thank Dale Harris for taking care of shutting the water off and putting padlock on that code violation, questions is there a penalty for that.

Rich Kopp 2222 E Ranch Rd: Thank you for clearing helping a with USDA grant. Town has to get control of people doing private roadwork.

DISCUSSION AND ACTION

7. Adopting Fiscal Year 2023 Annual Budget and Amending Fiscal Year 2022 Annual Budget-Resolution-R-2022-31

Mayor Lindhardt question on capital project funds, this was originally a CIB grant for a grant, optipsm is fine.

Town Administrator, Juana McGinnis states that \$250,000 for grant and \$250,000 for loan. Council member McGinnis states this cost has likely increased.

Council member Whitmore question on fuel tax refund, since not done 2018. Figures come from fuel receipts.

Council member McGinnis states on administration salary we have saved quite a bit on line 4141.10 on page 3.



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Motion to accept and approve Fiscal Year 2023 Annual Budget and Amending Fiscal Year 2022 Annual Budget-Resolution-R-2022-31.

Kevin Sair read resolution out loud.

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

Roll Call Vote

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

Motion 4-0. Motion carries.

8. Award contract for Building Inspector Services

I make a motion that we award contract for Building Inspector Services for Apple Valley for Kyle Layton of Layton Adventures LLC to begin July 20, 2022.

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

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

Voting Abstaining: Mayor Lindhardt

Motion 3-0. Motion carries.

9. Accept Chief Zolg's resignation

Council member McGinnis states appreciates Chief Zolg's hard work.

He will be working at the county as Fire Warden.

I make a motion that we accept Chief Zolg's resignation.

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

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

Motion 4-0. Motion carries.

10. Add Andy McGinnis as a signer on the SBSU Fire Bank Account and issue a debit card

I make a motion that we add Andy McGinnis as a signer on the SBSU Fire Bank Account and issue a debit card

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

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

Motion 4-0. Motion carries.



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11. Approval of printer maintenance agreement

I make motion that we accept Les Olson quarterly maintenance agreement on our printers.

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

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

Motion 4-0. Motion carries.

12. Organizational structure of Big Plains Water and Sewer Special Service District--Resolution-R-2022-32

Mayor Lindhardt read resolution aloud.

I make a motion to accept Resolution R-2022-32, A Resolution of The Apple Valley Town Council Reinstating Its Delegation to An Administrative Control Board of Its Rights, Powers, And Authority Related to The Big Plains Water and Sewer Special Service District.

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

Roll Call vote

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

Motion 4-0. Motion carries.

13. Appoint SSD Board Members-Resolution-R-2022-33

Mayor Frank Lindhardt read resolution aloud.

I make a motion to accept Resolution R-2022-33, A Resolution Appointing Board Members for The Big Plains Water and Sewer Special Service District.

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

Roll Call Vote

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

Motion 4-0. Motion carries.

14. Update Employee Handbook-Resolution-R-2022-34

Updating Mayor to be taken out and replaced with Town Administrator on majority of handbook.

Question raised about meal policy.

Resolution aloud by Council Member Whitmore.

Correction on page 84 of Agenda packet, page 21 of Handbook section 11 from district to Town.

Move to accept amending Employee Handbook-Resolution-R-2022-34 with the change on page 84 of agenda packet, page 21 of Handbook change "District" to "Town".



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

Roll Call Vote

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

Motion 4-0. Motion carries.

15. Approval of HB313 Ballot Box / Interlocal Agreement--Resolution-R-2022-35

Agreement read aloud by Mayor Lindhardt

I make motion that we approve Resolution R-2022-35, A Resolution to Adopt an Interlocal Cooperation Agreement with Washington County Regarding Official Ballot Drop Boxes with correction to change to "without" from "within."

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

ROLL CALL VOTE

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

Motion 4-0. Motion carries.

16. Adopt A Cooperative Agreement with Washington County Habitat Conservation Plan-Resolution-R-2022-36

Mayor Lindhardt read resolution aloud.

I make a motion that we accept Resolution R-2022-36, A Resolution to Adopt a Cooperative Agreement with Washington County Habitat Conservation Plan.

Roll call vote

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

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

Motion 4-0. Motion carries.

17. Assemble a Cemetery Research Committee

Mayor Lindhardt states Town Property that was donated for cemetery thought is to put committee together for research.

I make a motion for approval to assemble a Cemetery Research Committee.

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

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



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Motion 4.0. Motion carries.

18. Name Change for Apple Valley Roads, Re: Rome Avenue, Main Street, and Apple Valley Drive

Main street as same in Hurricane.

Put together letters/surveys for the residents that it involves and have them participate.

Main St community involvement on that one. Last administration would like to put Louie Ford Pkwy-letter to community for their input.

Due to less people living on Apple Valley Way this will be the street to be changed rather than Apple Valley Drive.

I make motion to move forward and start the process for Name Change for Apple Valley Roads, Re: Rome Avenue, Main Street, and Apple Valley Way

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

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

Motion 4-0. Motion carries.

19. Approval of Ordinance Enacting a Temporary Land Use Regulation Establishing a Restriction on All Water Well Drilling and Requiring All Development Applications to Acknowledge Water Supply Conditions--Ordinance O-2022-25

I make motion to approve on ordinance and changing section 2 as follows:

Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley, to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District"); and

Roll Call vote

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

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

Motion 4-0. Motion carries.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member McGinnis comments on fires, many man made fires in county. Fire Dept has been busy, accident at mile marker 9 recently on 2 vehicle accident. On standby for wildland fire. Rich Kopp makes



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comment mitigation fire meeting on Monday June 27th at 12:00pm. Helped others with cleaning up brush. Get people to become more fire wise.

Please report any mitigation to community.

Ice Cream Social Saturday June 18th at 6pm

REQUEST FOR A CLOSED SESSION

Motion to go into closed session to discuss pending litigation.

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

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

Motion 4-0. Motion carries.

Mayor called meeting back to order and no other action taken.

ADJOURNMENT

Meeting adjourned at 9:32pm.

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

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

Motion 4-0. Motion carries.

Date Approved: _____

Approved BY: _____
Mayor | Frank Lindhardt

Attest BY: _____
Clerk-Recorder | Jenna Vizcardo