



TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 31, 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 6:25 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer was offered by Council Member Sair.

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Janet Prentice (via zoom)

Council Member Annie Spendlove

Council Member Scott Taylor

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S TOWN UPDATE

Mayor Farrar began by reiterating key points from a previous discussion. He emphasized that after extensive research, he found that the matter previously discussed was not as problematic as initially believed. The town has no financial liabilities related to this issue. Oculca Roca development is seeking approval for a Public Improvement District (PID). They plan to present this proposal at the upcoming planning commission or town council meeting. They aim to expedite the process, with the expectation of having funds available within four to six months. Oculca Roca intends to fund a concrete million-gallon water tank at no cost to the town, and the tank could be operational within a year, subject to construction timelines.

Mayor Farrar addressed several topics:

1. **Water Pressure Issue:** There are concerns about water pressure at higher elevations. Engineers suggested that increasing the height by 25 feet could resolve the pressure issues, but this will need further investigation.
2. **Paved Roads Vote:** The vote for paved roads was overwhelmingly in favor. The next step is to secure funding for this project. Mayor Farrar committed to seeking funding but made no guarantees.
3. **Light Ordinances:** Warning letters have been sent to some residents regarding violations of light ordinances. The goal is to resolve these issues through warnings rather than penalties. Efforts are underway to ensure compliance.
4. **Zoning Changes:** A special mayoral meeting will be scheduled in the coming weeks to discuss the elimination of the Single-Family Zone and the potential rezoning of Cedar Point to Rural Estates Zone, a different classification.
5. **Open Forum:** Mayor Farrar invited any reports, recommendations, or announcements from the council.



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REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair discussed the installation of rocks in Gateway.

The Mayor thanked everyone for their hard work.

Council Member Taylor reported that meetings with the fire chief and others are focused on enhancing the emergency management webpage. Updates, including new links, are expected in a month or two. The goal is to establish a Community Emergency Response Team (CERT) and improve emergency management, including evacuation routes. The community will be informed as these developments progress.

Linda Noyes, Event Committee going strong, Ice Cream Social August 18th calendar.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

Mayor Farrar opened the public comments.

Rich Ososki, a resident, inquired about the ownership of the water resources, asking whether the state or the town owns the water underneath their jurisdiction.

Linda Noyes, Events Committee Member and resident, announced that the event committee is actively working on community events, including an upcoming ice cream social and Founders Day. She encouraged residents to contribute ideas and assist in bringing the community together.

Council Member Sair expressed a personal fondness for ice cream socials.

Mayor Farrar closed the public comments.

PUBLIC HEARING

1. Amend Town Fee Schedule, Resolution-R-2024-32.

Mayor Farrar opened the public hearing to amend the Town Fee Schedule, Resolution-R-2024-32.

No public comments.

Mayor Farrar closed the public hearing to amend the Town Fee Schedule, Resolution-R-2024-32.

2. Amend Title 16.02.030 Civil Enforcement Fee Schedule, Ordinance-O-2024-61.

Mayor Farrar opened the public hearing to amend Title 16.02.030 Civil Enforcement Fee Schedule, Ordinance-O-2024-61.

Mayor Farrar explained that the town plans to add a fee for individuals who ignore and do not correct their violations. After 30 days, a "red tag" would be issued. Previously, misdemeanors were handled by the town prosecutor, but the town now seeks to recover some of the costs through civil prosecution.

The intention was included in the original fee schedule, but the wording was unclear. The new measure aims to clarify this and ensure no confusion remains.



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Rich Ososki, a resident, inquired about whether the town is still using an outside prosecutor or handling legal matters in-house.

Mayor Farrar explained that the town still utilizes the town prosecutor and has the option to escalate issues to misdemeanors if necessary. The town prosecutor continues to work for the town, but the mayor recently discovered that when someone cannot pay fines, the town covers the cost of a public defender. This has led to unexpected bills. To address this, the mayor is seeking to shift towards handling violations through civil means to avoid additional expenses.

Mayor Farrar closed the public hearing to amend Title 16.02.030 Civil Enforcement Fee Schedule, Ordinance-O-2024-61.

DISCUSSION AND ACTION

3. Resolution-R-2024-32, Amend Town Fee Schedule.

Mayor Farrar stated that the town is adding a \$1.50 credit for paperless billing to the fee schedule. The credit is intended to encourage paperless billing. It is noted to add parentheses to clarify that it represents a savings rather than an additional charge.

Motion: Council Member Sair motioned we amend R-2024-32, the Fee Schedule amendment with the parentheses put on the \$1.50 credit.

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

Roll Call 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. Ordinance-O-2024-61, Amend Title 16.02.030 Civil Enforcement Fee Schedule.

Mayor Farrar discussed Ordinance-O-2024-261, which amends Title 16.02.030 Civil Enforcement Fee Schedule.

Key points include:

- After an initial violation notice, if the violation is not corrected within 30 days, a second notice will be sent.
- If the violation remains unaddressed after the second notice, civil penalties of up to \$1,000 per day may be imposed, starting after 60 days.
- An exception is available if an extension is granted by the mayor.
- Red tag violations that are not corrected within 30 days will also incur civil penalties of up to \$1,000 per day.

The ordinance aims to clarify existing provisions to avoid confusion.



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Motion: Council Member Sair motioned that we amend Ordinance-O-2024-61 amend Title 16.02.030 Civil Enforcement Fee Schedule.

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

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

The vote was unanimous and the motion carried.

5. Resolution-R-2024-30, Appointment of Alternate Planning Commission Member (Stewart Riding).

Motion: Council Member Prentice motioned that we accept Stewart Riding as an alternate planning commissioner as a neighbor and a friend, I'm pleased to have him on board, motioned that he is appointed to Alternate Planning Commission Member.

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

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

The vote was unanimous and the motion carried.

6. Resolution-R-2024-31, Appointment of an additional Events Committee Member (Auralee Thompson).

Mayor Farrar expressed appreciation for the appointment of Auralee Thompson as an additional member of the events committee, increasing the committee's size to eight members. He emphasized that the more members involved, the better.

Motion: Council Member Taylor moved that we approve Resolution-R-2024-31, appointment of an additional Events Committee Member (Auralee Thompson).

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

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

The vote was unanimous and the motion carried.

7. Ordinance-O-2024-27, Amend Title 10.28.140 Requirements For Bed And Breakfast Inn.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar discussed Ordinance O-2024-17, which amends Title 10.20.140 to align Bed and Breakfast requirements with those of short-term rentals. The ordinance aims to standardize regulations. Town Clerk/Recorder Jenna Vizcardo noted that the Planning Commission recommended approval of the ordinance on July 3, 2024, and confirmed that it includes similar fire inspection



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requirements as short-term rentals. Council Member Taylor inquired about the consistency of fire inspection requirements with short-term rentals, which was confirmed.

Motion: Council Member Taylor moved that we approve Ordinance-O-2024-27, amend Title 10.28.140 Requirements For Bed And Breakfast Inn.

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

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

The vote was unanimous and the motion carried.

8. Ordinance-O-2024-34, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1362, AV-1378-A. Applicant: Kenstall LLC.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar discussed Ordinance-O-2024-34, which concerns a zone change application from Open Space Transition (OST) to Agricultural (AG-X). The applicant is seeking to convert 200 acres of land located north of the highway. The change is intended to facilitate agricultural use of the property.

Motion: Council Member Taylor moved that we approve Ordinance-O-2024-34, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1362, AV-1378-A. Applicant: Kenstall LLC.

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

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

The vote was unanimous and the motion carried.

9. Ordinance-O-2024-35, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1-3-23-210, AV-1-3-23-241, AV-1-3-23-240. Applicant: Circle 9 LLC.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar introduced Ordinance-O-2024-35, which addresses a zone change application from Open Space Transition (OS-) to Agricultural (AG-X). The applicant is seeking to rezone 20 acres south of the highway.

Motion: Council Member Taylor moved that we approve Ordinance-O-2024-35, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1-3-23-210, AV-1-3-23-241, AV-1-3-23-240. Applicant: Circle 9 LLC. Planning Commission recommended approval on July 3, 2024.



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

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

The vote was unanimous and the motion carried.

10. Ordinance-O-2024-36, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1366-A-4, AV-1366-A-9, AV-1366-A-22. Applicant: Dale Anderson.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar introduced Ordinance-O-2024-36, which involves a zone change application from Open Space Transition (OST) to Agricultural (AG-X). The applicant is seeking to rezone 112 acres, which currently includes both OST and a small portion of institutional zoning, to AG-X. This property is located northwest of Cedar Point. The Planning Commission recommended approval on July 3, 2024.

Motion: Council Member Spendlove motioned that we approve Ordinance-O-2024-36, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1366-A-4, AV-1366-A-9, AV-1366-A-22. Applicant: Dale Anderson.

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

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

The vote was unanimous and the motion carried.

11. Ordinance-O-2024-37, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1372-A. Applicant: Bob Scow.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar presented Ordinance-O-2024-37, which pertains to a zone change application from Open Space Transition (OST) to Agricultural (AG-X). The applicant is requesting to rezone 45 acres from OST to AG-X. This parcel is located south of the highway, near the Fishers. The Planning Commission recommended approval on July 3, 2024.

Motion: Council Member Prentice motioned that we approve Ordinance-O-2024-37 Zone Change Application from Open Space Transitional to A-X Agricultural Zone for parcel: AV-1372-A. Applicant: Bob Scow, approved by the Planning Commission on July 3, 2024.

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

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

The vote was unanimous and the motion carried.



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12. Ordinance-O-2024-38, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1365-C-4. Applicant: Lee and Diane Fralish.

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar introduced Ordinance-O-2024-38, which involves a zone change application from Open Space Transition (OST) to Agricultural (AG-X). The applicants are seeking to rezone 5 acres from OST to AG-X. The Planning Commission recommended approval on July 3, 2024.

Motion: Council Member Taylor moved that we approve Ordinance-O-2024-38, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1365-C-4. Applicant: Lee and Diane Fralish. Planning Commission recommended approval on July 3, 2024.

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

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

The vote was unanimous and the motion carried.

13. Ordinance-O-2024-39 Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1328-C, AV-1321-A, AV-1328-B. Applicant: Beautiful Valley, LLC

*Planning Commission recommended approval on July 3, 2024.

Mayor Farrar presented Ordinance-O-2024-39, concerning a zone change application from Open Space Transition (OST) to Agricultural (AG-X). The applicant is requesting to rezone 36 acres of property located east of the Wells Estates subdivision from OST to AG-X.

Motion: Council Member Spendlove motioned we approve Ordinance-O-2024-39 Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1328-C, AV-1321-A, AV-1328-B. Applicant: Beautiful Valley, LLC. Planning Commission recommended approval on July 3, 2024.

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

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

The vote was unanimous and the motion carried.

14. Ordinance-O-2024-43, Amend Title 10.10.050 RE Rural Estates Zone.

*Planning Commission recommended approval on August 30, 2023.



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Mayor Farrar addressed Ordinance-O-2024-43 concerning updates to Title 10.10.050 RE Rural Estates Zone related to accessory buildings and shipping containers. This ordinance had previously been discussed but not finalized by the town council.

The ordinance aims to set limits on the use of shipping containers and accessory buildings to prevent misuse and maintain aesthetic standards.

Mayor Farrar emphasized that the ordinance balances property rights with community standards, aiming to prevent potential issues like excessive storage use while allowing reasonable flexibility for property owners.

Motion: Council Member Sair motioned that we accept Ordinance-O-2024-43, amended Title 10.10.050 RE Rural Estates Zoning, that was approved by the Planning Commission on August 30, 2023.

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

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

The vote was unanimous and the motion carried.

Rich Ososki, a resident, inquired about the benefits of changing a property's zoning from Open Space Transition (OST) to Agricultural (AG-X).

Mayor Farrar explained that the benefit of changing zoning from Open Space Transition (OST) to Agricultural (AG-X) is to align the zoning with practical land use and existing development. OST zoning, meant for future open space, often doesn't reflect current or planned land use, making it challenging for property owners and developers. By transitioning to AG-X, the town facilitates the development of properties, allows for residential use, and simplifies land management. This change helps clean up outdated zoning classifications and supports effective land use planning.

Council Member Prentice added that the state had previously recommended these changes to the Planning Commission, aiming to make zoning more flexible and aligned with future needs.

15. Ordinance-O-2024-44, Amend Title 10.10.060 SF Single Family Residential Zone.

*Planning Commission recommended approval on August 30, 2023.

Mayor Farrar discussed Ordinance-O-2024-44, which proposed amending Title 10.10.060 to address single-family residential zoning. The Planning Commission had recommended approval on August 30, 2023. The Mayor noted that the ordinance was somewhat redundant due to the planned elimination of single-family zones, which had not yet received council approval. The intent was to implement the ordinance as a precautionary measure in case the elimination did not proceed as planned.

Council Member Sair requested clarification on the differences between single-family and rural estates zoning. Mayor Farrar explained that rural estates zoning allowed for larger accessory buildings and more flexibility, such as accommodating more animals, compared to single-family zoning, which had



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stricter limitations. The Mayor mentioned that the town aimed to move towards rural estates zoning, reflecting a more flexible approach similar to other nearby communities.

Council Member Sair inquired about the impact on existing properties if single-family zoning were removed. Mayor Farrar clarified that properties with existing single-family designations would not be forced to change their buildings. The plan involved transitioning new properties to rural estates zoning, while maintaining existing rules for properties already in place. The Mayor noted that feedback from the community showed general support for rural estates zoning, particularly regarding allowances for animals.

The council had a discussion on the need for a town-initiated zone change to address properties currently under single-family zoning.

Motion: Council Member Taylor moved that we approve Ordinance-O-2024-44, Amend Title 10.10.060 SF Single Family Resident Zone. Planning Commission recommended approval on August 30, 2023.

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

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

The vote was unanimous and the motion carried.

CONSENT AGENDA

16. Disbursement Listing for June 2024.
17. Budget Report for Fiscal Year 2024 through June 2024.
18. Minutes: Events Committee, June 11, 2024.
19. Minutes: Events Committee, July 9, 2024.
20. Minutes: June 26, 2024.

Mayor Farrar addressed the consent agenda, which included several items to be approved in one motion.

The Mayor invited any questions regarding disbursements or the budget. Town Clerk/Recorder Jenna Vizcardo noted an updated disbursement listing that had been displayed on the screen, highlighting changes from the packet.

Council Member Prentice expressed gratitude for the updates, and Council Member Sair confirmed having reviewed the materials. No further questions or concerns were raised.

Motion: Council Member Spendlove motioned that we approve the Consent Agenda, Disbursement Listing for June 2024, Budget Report for Fiscal Year 2024 through June 2024, Minutes: Events Committee, through June 11, 2024, Minutes: Events Committee, July 9, 2024, Minutes: June 26, 2024.



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Motion made by Council Member Spendlove, 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.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

ADJOURNMENT

Motion: Council Member Sair motioned to adjourn the meeting.

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

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 7:07 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo