



**SPECIAL APPLE VALLEY TOWN COUNCIL PUBLIC  
HEARING AND MEETING**  
1777 N Meadowlark Dr, Apple Valley  
Wednesday, July 12, 2023 at 5:30 PM

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**MINUTES**

**Mayor** | Frank Lindhardt |

**Council Members** | Barratt Nielson | Kevin Sair | Robin Whitmore | Jarry Zaharias |

**CALL TO ORDER-** Mayor Lindhardt called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE-** Council Member Whitmore led pledge of allegiance.

**PRAYER-** Prayer offered by Fire Chief Gross.

**ROLL CALL**

**PRESENT**

Mayor Frank Lindhardt

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Jarry Zaharias

**ABSENT**

Council Member Kevin Sair

**DECLARATION OF CONFLICTS OF INTEREST**

None declared.

**PUBLIC COMMENTS**

No public comments.

**PUBLIC HEARING**

1. Update Title 8.10 Burning And Burn Permits, Ordinance-O-2023-28.

Fire Chief Gross explained in the past burn permits were submitted in the Town office and dispatch was notified. The proposed is with the State website already in place and a link will be added to our website. Also, the clearing index is verified automatically and dispatch is notified. Fire Chief also commented and presented to the Town Council on 8.10.040 adding C "The department may perform prescribed burns, which must be pre-approved by the Fire Chief or Officer in Charge, on an individual basis. Send an email to [firedepartment@applevalleyut.gov](mailto:firedepartment@applevalleyut.gov) to request a prescribed burn. The definition of a prescribed burn is any pre-planned burn utilizing fire department resources."

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

**DISCUSSION AND POSSIBLE ACTION**

2. Update Title 8.10 Burning And Burn Permits, Ordinance-O-2023-28.



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**MOTION:** Council Member Whitmore motioned we approve Ordinance-2023-28 including the C amendments under 8.10.040 Other Exceptions.

**SECOND:** The motion was seconded by Council Member Zaharias.

**VOTE:** Mayor Lindhardt called for a Roll Call vote:

Council Member Whitmore - Aye  
Council Member Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

3. Appoint SSD Member, Resolution-R-2023-25.

Mayor Lindhardt commented Jarry Zaharias was on the Water District Board and now is appointed to the Town Council. We are proposing to put Andy McGinnis back on the Board due to his expertise.

**MOTION:** Council Member Nielson motioned that we approve the appointment of Andy McGinnis to the Big Plains Water Special District Board, Resolution-R-2023-25.

**SECOND:** The motion was seconded by Council Member Whitmore.

**VOTE:** Mayor Lindhardt called for a Roll Call vote:

Council Member Whitmore - Aye  
Council Member Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

Oath of Office administered to Andy McGinnis by Town Clerk/Recorder Jenna Vizcardo.

4. Consider Approval to Revoke Resolution R-2023-23 and Reissue a New Resolution to Cancel the Interlocal Agreement Contract with Washington County to Assist with Municipal Elections, Resolution-R-2023-26.



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Town Administrator Jauna McGinnis explained she's gets to blame the county attorney. When originally discussed what date to have on the termination she had told me September 1<sup>st</sup> and that was our last resolution that we did. When we turned that in, we were told by the county attorney the date needed to be after the general election not just the primary. We are redoing this again and the new date will be December 1<sup>st</sup> because it is after the general election, it's also 30 days before the contract ends.

**MOTION:** Council Member Nielson motioned that we approve Resolution-R-2023-26 Revoking Resolution R-2023-23 and Reissue a New Resolution to Cancel the Interlocal Agreement Contract with Washington County to Assist with Municipal Elections.

**SECOND:** The motion was seconded by Council Member Whitmore.

**VOTE:** Mayor Lindhardt called for a Roll Call vote:

Council Member Whitmore - Aye

Council Member Zaharias - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

5. Regarding Negotiations with Washington County Water Conservancy District and Big Plains Water Special Service District.

Mayor Lindhardt discussed how they have been digging into issues, problems, and challenges that there has been and is in our Water District. He continued; they go back a long time. We have discovered it is a big challenge to make sure all regulations and requirements are fulfilled. It really requires professional people to do those things. The only reason we have water in Apple Valley in his opinion is because Ross Gregerson and Harold Merritt (Board Members of the Water District) have been out doing and fixing everything for us. Both have decided that they want to retire and not be there for us. We are looking at options of how we solve the problems and the best ways to do it. We have discovered we, the citizens of Apple Valley, pay almost \$70,000 a year to Washington County Water Conservancy District (WCWCD) and we get absolutely nothing for our money. We are thinking about talking with the WCWCD and seeing what we can get for our money and how they can help us take care of our problems without having to raise rates. The Water District and Town Council are ordinary citizens not professionals. We are looking for help and this is what this is all about, to see what they can do for us and to make sure we solve some of the problems we have. The problems we have are significant and they have been for a long time. They need to get fixed. We are not far away from delivering water or could with just a few things going wrong, then we have lots of trouble. We



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have got to stop that. This is an exploration but they wouldn't talk with us without being discussed as a Council and that we have voted on it, then they will talk to us. Council Member Zaharias commented that we have had a Water Master for several years and once he quit, we started looking at the things that were supposed to be done. He continued, we heard from the State and County. A lot of the testing that should have been done on various wells was not done and we need to do something to make sure that these things happen and you will have to have a qualified person to do these things. Training from the State and County is needed to do these things. It is something that we need to address soon. Mayor commented that the Town is the owner of District, that is why the Town is making the decision. According to State law, The Town created the District and they are they owner of it. Mayor Lindhardt commented there are absolutely no decisions made at this point, this is simply to find out what they can do for us and can we work something out and what can we if we can. We have made absolutely no agreements with Washington County Water Conservancy District at this point.

**MOTION:** Council Member Nielson motioned we get into negotiations with Washington County Water Conservancy District and Big Plains Water Special Service District about the District with Barratt Nielson and Frank Lindhardt doing the negotiations.

**SECOND:** The motion was seconded by Council Member Zaharias.

**VOTE:** Mayor Lindhardt called for a vote:

Council Member Whitmore - Aye  
Council Member Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

6. Hurricane City Peach Days - Parade Invitation for Town of Apple Valley.

Mayor Lindhardt directed staff to run it through the Events Committee. Discussion only.

**DISCUSSION**

7. \$1000 Walmart Community Grant.

Fire Chief Gross explained the \$1000 Walmart Community Grant will be used for gear and training materials. They are big supporters of the community and thanked them for the donation. It was much appreciated. Discussion only.



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**CONSENT AGENDA | APPROVAL OF MINUTES**

- 8. Minutes: June 14, 2023.
- 9. Minutes: June 21, 2023.

**MOTION:** Council Member Whitmore motioned to approve the minutes for 6.14.23 and 6.21.23.

**SECOND:** The motion was seconded by Council Member Nielson.

**VOTE:** Mayor Lindhardt called for a vote:

Council Member Whitmore - Aye  
Council Member Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

**REQUEST FOR A CLOSED SESSION**

No request.

Mayor Lindhardt announced the Summer Party this Saturday, July 15<sup>th</sup> 5-7pm and the Town Hall Meeting next Wednesday, July 19<sup>th</sup> starting at 5:30 pm for a community gathering, with meeting starting at 7pm.

**ADJOURNMENT**

**MOTION:** Council Member Whitmore motioned to adjourn the meeting.

**SECOND:** The motion was seconded by Council Member Nielson.

**VOTE:** Mayor Lindhardt called for a vote:

Council Member Whitmore - Aye  
Council Member Zaharias - Aye  
Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



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The meeting was adjourned at 6:06 p.m.

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

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

Mayor | Frank G. Lindhardt

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

Town Clerk-Recorder | Jenna Vizcardo

DRAFT