



# SPECIAL APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, November 29, 2023 at 6:00 PM

## 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**- Resident and Planning Commission Member Bradley Farrar led pledge of allegiance.

**PRAYER**- Prayer offered by Council Member Whitmore.

### ROLL CALL

#### PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

#### ABSENT

Council Member Jarry Zaharias

### DECLARATION OF CONFLICTS OF INTEREST

None declared.

### MAYOR'S TOWN UPDATE

Mayor Lindhardt congratulated the newly elected officials and thanked them for serving. Michael Farrar for Mayor, Janet Prentice and Barratt Nielson for Town Council.

### PUBLIC COMMENTS

Mayor Lindhardt opened the public comments.

Mike Farrar, resident of AV. Just wanted to comment on a couple things on tonight's agenda the approval of the Hidden Rock Development Group. I'm a little confused on page 6 of 16 or 7.3 where it says preparation and adoption of impact fees facility, the town hereby agrees to promptly initiate and schedule amendments to the town's current impact fees facilities plan. I have no idea what any of this means, can you explain.

Mayor Lindhardt explained the impact fees that we just adopted in the water district and two years ago we adopted the town's impact fee and that's done with a study. The applicant is asking us to allow us to agree to amend our impact fee study and they're asking us to pay for it. He continued, I objected to it and said if you want to do that then you must pay for it.

Mike Farrar, resident of AV. Also under 9.2, I have a little concern where they note the non-curb and gutter road. I don't know why that would be a non-curb and gutter road. Then, we go on further to say the road crossing at Gould Wash Road shall be built to requirements as dictated by Town Design Standards approved by Town Engineer. Does that mean they'll need to build a bridge to standards.

Mayor Lindhardt explained that in the first versions of the development agreement their engineer got to pick but this was objected to as our Engineer's design and approve the bridges.



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Mike Farrar, resident of AV. Another thing, I had 26ft of road base and then the non-curb and gutter. Down below 9.5 the water, they haven't got approval yet to say that there is enough water for their project.

Mayor Lindhardt closed the public comments.

### DISCUSSION AND POSSIBLE ACTION

1. November 21, 2023 General Election Canvass.

Mayor Lindhardt reviewed the official results provided by Washington County. (Attachment A – 2 pages)

Council Member Whitmore discussed the positive experience at the appointment for the Apple Valley Board of Canvassers for the 2023 Municipal Election with the Town Clerk/Recorder Jenna Vizcardo. She continued, pleased to have them allow us to inspect all the envelopes, we saw all the signatures and everyone's name was recognized. We were also shown the adjudication process. She will always stand firm on paper ballots, in person voting and hand counting will always be the best way.

**MOTION:** Council Member Whitmore motioned that we certify the Municipal General Election from November 21, 2023 with Mike Lee Farrar as Mayor, and Janet Prentice and Barratt Eric Nielson as Town Council.

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

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

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

The vote was unanimous and the motion carried.

2. Consider Approval of the Development Agreement for Oculta Roca (Hidden Rock Development Group, LLC).

The Council discussed amongst regarding the roads in the development agreement. The pavement was originally there as the motion stated at the Town Council meeting. It was taken out of the development agreement.

Dallin Jolley with Hidden Rock Development Group admitted to removing it due to cost. He continued, the road base would look more natural and paved road is a huge expense. Ultimately with the Development Agreement the Town has the final say.

Council Member Nielson discussed dedicated roads as paved roads because we don't want to pay taxes on road base roads.



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Mayor Lindhardt discussed it was recommended that it was paved in our minutes from our council meeting and the motion itself read that the road is supposed to be paved with the secondary access not paved.

Town Design Standards discussed and why asphalt is required. A pioneering agreement, whenever people come on the road in the future, they must pay their share with a reimbursement to the developer was discussed. Dallin Joley discussed how they have been in contact with the landowners personally and prefer to work out individually. Mayor discussed in a JUC meeting from the beginning with the developer and asphalt roads were discussed. It was a known requirement from the beginning of their project.

Mayor Lindhardt discussed that a Development Agreement is needed with Big Plains Water Special Service District.

Mayor Lindhardt discussed the services, wells, and loop system requirement. He continued, an item that was never discussed in the first version of this agreement was the single family lots for vacation rentals. The Town's short-term rental ordinance allows 10% in any subdivision rental. That allows 2 homes in this subdivision, incorporating what our ordinance has into this development. Also, he would feel more comfortable on 6.2, add "upon attaining a liquor license."

Planning Commissioner Bradley Farrar raised concerns about approval tonight with so many changes needed to the Development Agreement.

The Council raised concerns about the amendments that were made previously changing the original motion and an in-depth review must be done of this development agreement in the future.

**MOTION:** Council Member Nielson motioned that we table this Development Agreement until the corrections have been made, (added/amended by Mayor Lindhardt with Council Member Nielson's consent) the corrections we expect to see in the development agreement is 6.2 after "and bars" add in "upon obtaining a liquor license/permit from the Town." 9.5 is that they need to get a Development Agreement worked out and approved with the District before this agreement will be brought before the Council for approval again. And, 9.2 1, 2, 3, 4, 5, 6 on the line that starts with shoulders four feet on either side, we're striking out "capable of supporting an imposed load of 75,000 pounds" to the curb and gutter road shall be paved and built as per Town Design Standards.

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

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

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

The vote was unanimous and the motion carried.



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### REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Fire Chief Michael Gross discussed a recent site visit with UDOT after the recent flooding and it would greatly improve the safety of the Cedar Points access if the trees within the UDOT Right Of Way were removed. This would allow for better visibility. Also, the large landscaping rocks need to be removed; they are within the roadway clear zone, and are a hazard to the traveling public.

3. Consider Approval of the Personnel Policy and Procedures Manual Update, Resolution-R-2023-36.

Town Administrator Jauna McGinnis discussed this amendment is a benefit that has been in place for years and this is to make it official. This is a nominal fee for their services provided.

**MOTION:** Council Member Nielson motioned that we approve Resolution-R-2023-36, resolution amending the Town of Apple Valley Personnel Policy and Procedures.

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

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

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

The vote was unanimous and the motion carried.

### CONSENT AGENDA

4. Disbursement Listing for October 2023.
5. Budget Report for Fiscal Year 2023 through October 2023.

It was discussed that impact, cemetery, and storm drainage fees collected are transferred quarterly over to PTIF accounts.

**MOTION:** Council Member Whitmore motioned that we approve the Consent Agenda, the Disbursement Listing for October 2023, and the Budget Report for Fiscal Year 2023 through October 2023.

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

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

Council Member Sair - Aye



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

The vote was unanimous and the motion carried.

#### APPROVAL OF MINUTES

6. Minutes: September 19, 2023 (Board of Canvassers Appointment).

**MOTION:** Council Member Whitmore motioned that we approve the minutes from September 19, 2023.

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

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

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

The vote was unanimous and the motion carried.

7. Minutes: September 20, 2023.

Council Member Sair commented kudos to the Fire Chief as he got that fire truck donated from Dammeron Valley.

**MOTION:** Council Member Whitmore motioned that we approve the minutes from September 20, 2023 for the Town Council.

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

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

Council Member Sair - Aye  
Council Member Whitmore - Aye  
Council Member Nielson - Abstain  
Mayor Lindhardt - Aye

The vote was three aye and one abstain and the motion carried.



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8. Minutes: October 18, 2023.

**MOTION:** Council Member Nielson motioned that we approve the minutes from October 18, 2023.

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

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

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

The vote was unanimous and the motion carried.

### REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Nielson and Chairman of Big Plains Water SSD reported we have water flowing and tank staying full at 80%.

Council member Sair reported on the road maintenance and showed pictures to the council and public. They have been busy working on the storm drainage issues.

Mayor Lindhardt reported that he has had a few meetings with developers regarding planning and zoning.

Council Member and Treasurer Whitmore reported on the election results and usual treasurer financial duties.

### REQUEST FOR A CLOSED SESSION

No request.

### ADJOURNMENT

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

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

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

Council Member Sair - Aye  
Council Member Whitmore - Aye



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Council Member Nielson - Aye  
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:56 p.m.

Date Approved: 12/20/23

Approved BY:   
Mayor | Frank G. Lindhardt

Attest BY:   
Town Clerk/Recorder | Jenna Vizcardo



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Statistics	TOTAL
Registered Voters - Total	583
Ballots Cast - Total	339
Ballots Cast - Blank	0
Voter Turnout - Total	58.15%

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Apple Valley Town Mayor Special 2 Year Seat  
Vote For 1

	TOTAL
MICHAEL LEE FARRAR	231
WALTER EARL JOSEY	102
Total Votes Cast	333
Overvotes	0
Undervotes	6
Contest Totals	339

Apple Valley Town Council  
Vote For 2

	TOTAL
JANET PRENTICE	230
BARRATT ERIC NIELSON	208
MARGARET OSOSKI	96
RAYMOND LESTER JESSOP	79
Total Votes Cast	613
Overvotes	0
Undervotes	65
Contest Totals	678



**Apple Valley, Utah  
Municipal General Election  
November 21, 2023**

**Summary Ballots Cast – 583 Active Registered Voters**

	<b>Votes</b>	<b>Turnout</b>
<b>Official Election Results</b>	<b>339</b>	<b>58.15%</b>

**By Mail Ballot Summary**

Ballots Returned and Counted	339
Ballots not Counted (see below)	12
Provisionals not Counted (see below)	0
<b>TOTAL Ballots</b>	<b>351</b>

<b>Reasons for not counting</b>	<b>Qty</b>
Returned Past Deadline	0
Undeliverable	5
Returned unsigned	3
Signatures did not match voter record	4
Needs ID	0
Provisional Ballots not counted	0
Spoiled Ballots	0
<b><u>Totals</u></b>	<b><u>12</u></b>

*Each voter whose ballot was not counted was notified of the reason their ballot was not counted and given instructions on how to correct the deficiency.*

**Provisional Ballot Summary Qty**

<b>Provisional Ballots Cast</b>	<b>0</b>
<b>Provisional Ballots Counted</b>	<b>0</b>
<b>Ballots Not Counted</b>	<b>0</b>
Invalid	0
Incomplete Application	0
Already Voted	0
No Proof of Residency	0
No ID	0

**In-Person Voting:        2**