



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 16, 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- Council Member Whitmore led pledge of allegiance.

PRAYER- Prayer offered by Council Member Sair.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Jarry Zaharias

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S TOWN UPDATE

1. Update on Crimson Peaks and West Temple subdivisions.

Mayor Lindhardt commented that Highway 59 was not on the most dangerous list of Utah roads. Mayor Lindhardt gave an update on Crimson Peaks subdivision. He continued, there were 12.5 acres that was zoned half acre in 1996 and mistakenly never got put on the new zoning map but their zone did not change from the original 1996 zone change due to Apple Valley zoning a stoppable in 2006. A zoning stoppable is when you accept or adopt the zone change. On that one we are going to accept what they did in 2006 as zoned as half-acre. The West Temple subdivision illegal lot split was discussed and our ordinances state we don't recognize until it has been fixed. Per our Town attorney Shawn Guzman, the fix is to record a new description on top of and we can't require them to do that because their preliminary plat that they apply for will be corrected. The two preliminary plat applications will be coming to the Planning Commission.

PUBLIC HEARING

2. Update Title 14.13.090 Restrictions On Burial, Ordinance-O-2023-29.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.



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PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

3. Consider Approval of Zone Change Application for AV-1365-D from Planned Development to RE Rural Estates Zone (RE-5.0), Reason for Request: Ament the current PUD to obtain rural estate large lot zoning. Applicant: Jerry Eves. Ordinance-O-2023-30.

Mayor Lindhardt commented, the planning commission recommended approval on August 2, 2023. He continued; this was on planning commission agenda for a preliminary plat application but the property zoned PD (Planned Development) years ago for a RV park. The Planning Commission recommended a zone change first and it was recommended approval. The general plan is met as it shows low density and this 5-acre zone qualifies.

MOTION: Council Member Nielson motioned we approve Ordinance-O-2023-30, Zone Change of parcel AV-1365-D from Planned Development to RE Rural Estates Zone (RE-5.0).

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

The vote was unanimous and the motion carried.

4. Consider Approval of Preliminary Plat Application for AV-1365-D. Proposed Use: 2 Single Family Lots. Owner: Dean Monson. Agent: Jerry Eves.

Zach Isaac from Civil Science is here representing the applicant tonight. Mayor Lindhardt commented, the planning commission recommended approval on August 2, 2023. The Town Council discussed the flooding issues. The road improvements were discussed and on master plan they are designated as collector roads. The road needs to be improved to deal with the wash and design standards followed. and issue has not put in storm drainage facilities. Our ordinance does require anyone who subdivides to provide detention basin. The perfect answer is a curb and gutter that leads into a detention basin because you can't send water out into the street. You as engineers need to find out where the water



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needs to go. A drainage study is needed. A detention basin should be down on the south parcel. It was discussed to include in the motion to follow design standard and improvements pertaining to subdivisions and improve both north and south roads.

MOTION: Council Member Nielson motioned that we approve the preliminary plat application for AV-1365-D, two 10-acre parcels on this preliminary plat and we want road improvements on the east side of the two lots, 1800 and 2000. And they follow the Design Standards for subdivisions and the subdivision ordinances.

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

The vote was unanimous and the motion carried.

5. Consider Approval of Adopting Title 10.40 Private Cemeteries For Human Interment, Ordinance-O-2023-26.

Mayor Lindhardt commented, the planning commission recommended approval on August 2, 2023.

MOTION: Council Member Whitmore motioned that we adopt Ordinance-O-2023-26 10.40 Private Cemeteries For Human Interment.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
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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6. Consider Approval of Updating Title 14.13.090 Restrictions On Burial, Ordinance-O-2023-29.

MOTION: Council Member Nielson motioned we adopt Ordinance-O-2023-29 updating 14.13.090 Restrictions On Burial.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

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

The vote was unanimous and the motion carried.

7. Consider Approval of Additional PTIF Accounts for Cemetery Funds, Resolution-R-2023-28.

MOTION: Council Member Whitmore motioned we approve Resolution-R-2023-28, addition of PTIF accounts for cemetery.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

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

The vote was unanimous and the motion carried.

8. Consider Approval of Fee Schedule Amendment, Resolution-R-2023-27.

MOTION: Council Member Nielson motioned that we approve Resolution-R-2023-27, amending the Town Fee Schedule.

SECOND: The motion was seconded by Council Member Whitmore.



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VOTE: Mayor Lindhardt called for a Roll Call vote:

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

The vote was unanimous and the motion carried.

9. Consider Approval of AUP Engagement Letter.

MOTION: Council Member Nielson motioned that we approve the AUP Engagement Letter with Hinton Burdick, CPA.

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

The vote was unanimous and the motion carried.

10. Consider Approval of Fraud Risk Assessment for FY2023.

Town Administrator Jauna McGinnis explained every year we are required to look at our fraud risk and look at how we can make things better in the Town. This is for FY 2023 which ended on June 30, 2023. She continued, we are at the moderate assessment level and that's where we have been for quite a few years. However now that we have a CPA on board, we will become at a low risk level next fiscal year.

MOTION: Council Member Whitmore motioned that we approve the Fraud Risk Assessment for FY2023.

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a vote:



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

The vote was unanimous and the motion carried.

11. Regarding Quarterly Dumpsters.

Town Administrator Jauna McGinnis explained the Town has had several complaints from the public works department on quarterly dumpsters being abused. One of the suggestions was to have a fenced area and have personnel there during certain hours. This will eliminate the mess. The suggestion for monitoring and issues as they present themselves. Discussion only.

CONSENT AGENDA

- 12. Disbursement Listing for July 2023.
- 13. Budget Report for Fiscal Year 2023 through July 2023.

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

SECOND: The motion was seconded by Council Member Zaharias.

VOTE: Mayor Lindhardt called for a vote:

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

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair commented that the valve cans are being repaired.



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REQUEST FOR A CLOSED SESSION: IF NECESSARY

MOTION: Council Member Nielson motioned that we go into closed session for pending or imminent litigation.

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

The vote was unanimous and the motion carried.

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

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:12 p.m.



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Date Approved: 9/20/23

Approved BY: [Signature]
Mayor | Frank G. Lindhardt

Attest BY: [Signature]
Town Clerk/Recorder | Jenna Vizcardo

