



TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 24, 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 5:58 p.m.

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Annie Spendlove present on zoom until agenda item six, then present in person.

Council Member Scott Taylor

ABSENT

Council Member Janet Prentice

DECLARATION OF CONFLICTS OF INTEREST

None Declared.

DISCUSSION AND ACTION - VOTE TO FILL VACANCY

1. Resolution-R-2024-19, Vote to fill vacancy per UCA 20A-1-510 Midterm vacancies in municipal offices.

During the town council meeting, the mayor noted the presence of a quorum and proceeded to address the first agenda item Resolution-R-2024-19, which involved filling a vacancy in accordance with Utah Code Annotated Section 20A-1-510. The mayor identified three applicants: Walter Josey, Richard Nootenboom, and Scott Taylor, mentioning that Richard Palmer had withdrawn from consideration.

Applicant Walter Josey addressed the council, expressing a desire to serve on the town council, citing his qualifications and long-standing presence in the community. He voiced disappointment in elected officials who resign before completing their terms, emphasizing the importance of commitment to the role once elected. Walter highlighted his reluctance to apply for previous mayoral and town council positions due to a lack of community consensus, emphasizing the significance of being elected by the people. He concluded by inviting questions from the council.

Applicant Richard Nootenboom, a resident of Apple Valley for a couple of years, expressed a desire to be involved in the town's affairs and contribute to the community. Richard highlighted his commitment and work ethic, citing his tenure at Home Depot as evidence. He emphasized his availability and determination, noting his 25-year marriage as a testament to his persistence. Richard stated his intention to be a valuable asset to the city and expressed readiness to work diligently.

Applicant Scott Taylor, a resident of Apple Valley for over three years, expressed a deep affection for the area and its community. Scott's wife had previously served on the Apple Valley events committee, allowing them to connect with many residents. Scott, retired along with his wife, emphasized his willingness to dedicate his time, skills, and energy to serve the town and its council. He highlighted his



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experience serving on governor-appointed committees in Nevada, which taught him the value of unity, communication, and community collaboration. Scott expressed gratitude for the opportunity to be considered for a position and expressed a desire to work together with the council to serve the residents of Apple Valley.

Council Member Sair directed a question to applicant Scott Taylor, asking for their outlook on the community.

Applicant Scott Taylor expressed a desire for Apple Valley to experience controlled, well-managed growth that benefits all residents, not just a specific group. They emphasized a sense of unity among residents, regardless of their location within Apple Valley, and stressed the importance of collective success and productivity for the community.

Applicant Richard Nootenboom shared their experience of moving from a small town, Big Bear, California, which experienced rapid growth followed by challenges. They emphasized the importance of controlled growth for Apple Valley to avoid negative consequences. Richard expressed support for growth that is mindful of water availability, timing, and other factors, suggesting that managed growth could benefit the community financially while maintaining its small-town feel.

Applicant Walter Josey reflected on their 30 years in Apple Valley, recounted their initial attraction to the area for its affordability and rural lifestyle opportunities. They highlighted the importance of affordable land and water rates, which allowed them to engage in rural activities like farming and gardening. However, they expressed concern that as Apple Valley became incorporated and water rates increased, the affordability of rural living has diminished. They emphasized the value of rural life and the need to promote and preserve it in Apple Valley to maintain its character and appeal. The speaker suggested that promoting affordable rural living could attract more residents who desire a more rural lifestyle.

Mayor Farrar thanked all three applicants for their willingness to serve and volunteer their time for the community. The mayor acknowledged that maintaining the rural character of Apple Valley is challenging and requires ongoing effort.

The council proceeded with a ballot vote to fill the vacancy. After the votes were cast and counted, it was announced by Town Clerk/Recorder Jenna Vizcardo that Scott Taylor had won the vote. He was then given the oath of office.

MAYOR'S TOWN UPDATE

The mayor provided updates during the meeting, including a request for proposals for a new building inspector to address cost issues, a job opening for an assistant maintenance water operator, and implementation of civil violations for short-term rental operators without licenses. The mayor also mentioned an upcoming coffee with the mayor on May 1st at 9:30a.m., progress on the budgets, and a funded aquifer study by the Conservancy to assess water resources and growth sustainability. Legal progress was noted, with one lawsuit likely to be dismissed, reducing the total from 11 to two. A special town council meeting was scheduled with the Water



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Conservancy to clarify their role and intentions on April 30th. Additionally, a State of the Town Address was planned for May 8th at 6:00 p.m., providing updates on town developments and goals.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair reported on progress regarding major projects, including mitigation work on roadsides and addressing drainage issues in various locations. The mayor also discussed the need to gather residents' input on paving roads in Gooseberry before making decisions on grants and budgets.

PUBLIC COMMENTS

Mayor Farrar clarified the procedure for public comments, allowing individuals to speak either immediately or when the relevant agenda item is discussed. Mayor Farrar acknowledged this difficulty but affirmed the current approach.

Public comments were then opened.

Walter Josey, resident of Apple Valley, sought clarification on the procedure for commenting on agenda items, confirming that they could either comment immediately or wait until the specific agenda item was discussed.

Tish Lisonbee, resident of Apple Valley, addressing health insurance benefits for spouses and dependents, sought clarification on the proposed changes.

Mayor Farrar explained that the current policy covers employees and dependents, and the proposed change would add coverage for spouses to align with standard practice. Mayor Farrar indicated willingness to discuss the topic further when it comes up on the agenda.

Linda Noyes, resident of Apple Valley, proposed adding a summer event for children to play in the water at the park, suggesting a monthly event to give kids a fun activity and give parents a break. She expressed a desire to work on the event committee, acknowledging that other priorities had taken precedence.

Mayor Farrar agreed that it was a priority and mentioned having more serious volunteers willing to help. He noted the success of past ice cream socials and agreed that a summer event was needed. Mayor Farrar confirmed that the event committee would be restructured, thanked Linda for her suggestion, and said he would contact her and other volunteers to start planning.

Public comments were closed.

PUBLIC HEARING

2. Adopt Title 6.04.040 Nuisance Complaint Procedures and Amend Title 6.04.110 Penalty, Ordinance-O-2024-17.

Mayor Farrar discussed the adoption of nuisance complaint procedures and amendments on Ordinance-O-2024-17. The proposed nuisance complaint procedure aimed to formalize existing practices and address resident complaints more effectively. The procedure required complaints to be within 300 feet



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of the alleged violation and directly affect the complainant's pursuit of happiness. The amendment also included provisions for civil penalties.

Mayor Farrar opened the public hearing.

Richard Ososki, resident of Apple Valley expressed concerns about the proposed nuisance complaint procedures, suggesting that they could restrict residents from reporting violations if they are not within 300 feet of the violation. He argued that this could lead to fewer code violations being reported and suggested changing the term "nuisance complaint" to "harassment complaint." Richard emphasized the importance of having clear codes and enforcement without subjective interpretations.

Mayor Farrar responded, stating that the town needs codes and enforcement but also expressed the desire to change and adapt. Richard continued to express skepticism about the town's willingness to change and criticized the attitude towards citizens, raising concerns. Despite the three-minute time limit for public comments, Richard continued to voice his concerns about the potential impact of the proposed changes.

Mayor Farrar closed the public hearing.

DISCUSSION AND ACTION - NEW BUSINESS

3. Adopt Title 6.04.040 Nuisance Complaint Procedures and Amend Title 6.04.110 Penalty, Ordinance-O-2024-17.

Mayor Farrar addressed Richard Ososki's concerns, stating that while he hears and values input from residents, the town needs rules and enforcement. He emphasized the need to balance property rights with the greater good of the community and acknowledged that ordinances are not perfect. Council Member Sair shared similar sentiments, noting the challenges of code enforcement and the need for rules despite disagreements.

MOTION: Council Member Sair motioned I will honestly say that we just table this to the next meeting when we have a full council and take a second look at it before we go forward.

SECOND: No second, motion died.

MOTION: Mayor Farrar motioned that we adopt Title 6.04.040 Nuisance Complaint Procedures and Amend Title 6.04.110 Penalty, Ordinance-O-2024-17.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

Council Member Spendlove - Aye



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The vote was unanimous and the motion carried.

4. Resolution-R-2024-17, Amend QSEHRA Health Plan.

Mayor Farrar introduced agenda item three regarding the renewal of the QSEHRA Health Plan. The plan allows the town to keep any unused funds, which is seen as a beneficial feature. The proposed change involves increasing the town's contribution from a fixed amount to 75% of the federal government's allowed maximum for both single and family plans. This change aims to prevent employees from bearing the burden of increasing health insurance costs. The plan also includes adding spouses to the coverage, eliminating the need for employees to engage in tax-related complications. It was clarified that this plan is a reimbursement plan, allowing employees to use it to pay premiums and receive reimbursements for medical costs. The benefits of this plan were highlighted, such as any unused funds remaining with the town instead of going to an insurance company. The discussion emphasized that these changes are part of a renewal and are already in place, aiming to improve employee benefits and streamline the process.

MOTION: Council Member Taylor motioned we amend QSEHRA Health Plan through Resolution-R-2024-17.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

Council Member Spendlove - Aye

The vote was unanimous and the motion carried.

5. Remove Robin Whitmore and add online access for Michelle Kinney (Finance Director) to include transfers, with no signer access to State Bank of Southern Utah.

The council discussed item number five, which involved removing Robin Whitmore and adding online access for Michelle Kinney, the finance director, to handle transfers without being a signer for the State Bank of Southern Utah. This change was necessary since Robin Whitmore is no longer the treasurer. Michelle Kinney's access will allow her to transfer funds between accounts, but she will not have signing authority for checks or other financial documents. The ultimate responsibility for signing remains with Treasurer Kevin Sair and Mayor Farrar. This change is a procedural adjustment to ensure smooth financial operations following Robin Whitmore's departure.



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MOTION: Council Member Sair motioned that we remove Robin Whitmore and add online access for Michelle Kinney as the Finance Director to handle the transfers, with no signer access to State Bank of Utah.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye

Council Member Spendlove - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

The vote was unanimous and the motion carried.

6. Resolution-R-2024-20, (PTIF) Utah Public Treasurers' Investment Fund Certification Of Authorized Individuals.

The council discussed Resolution R-2024-20. Due to changes in personnel, Robin Whitmore, who previously had access, needed to be replaced. Michelle Kinney, Finance Director and Kevin Sair, Treasurer were added to have access to transfer funds between accounts.

MOTION: Council Member Sair motioned we accept Resolution-R-2024-20, to the PTIF account, Utah Public Treasurers' Investment Fund Certification Of Authorized Individuals and the names were previously stated.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye

Council Member Spendlove - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION - OLD BUSINESS

7. Resolution-R-2024-18, Amending the Town Fee Schedule.

*Tabled on March 27, 2024.



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The council discussed Resolution R 2024-18, which involved amending the town meeting schedule. After a work meeting and further discussions, several changes were made. The short-term rental business license fee was increased from \$150 to \$300, but the prior inspection fees remained unchanged at \$150. Additionally, cabins, tiny homes, RV parking, and lodges were included in the short-term rental regulations based on the size of the units. The mayor also added a drone license fee and a drone violation fee, as well as a non-asphalt road access fee. These changes were prompted by recent events, including complaints about dust and drone disturbances. Despite some public opposition, the council justified the fee increases by citing the costs of business operations and the need to ensure compliance and safety. The meeting also included a discussion about agritourism events, with clarification that these events would fall under existing business licenses. Public comments were allowed by Walter Josey but limited to three minutes per person. Overall, the council emphasized the need for these changes to address various concerns and maintain the town's quality of life.

MOTION: Mayor Farrar motioned that we approve Resolution-R-2024-18, Amending the Town Fee Schedule.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye

Council Member Spendlove - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION - PLANNING COMMISSION BUSINESS

8. Adopt Title 10.10.05 Temporary Ordinance For Zone Change to A-X Agricultural Zone, Ordinance-O-2024-15.

*Planning Commission recommended approval on April 10, 2024.

The council discussed agenda item eight, which involved a temporary ordinance for a zone change to an agricultural zone (Ag-X). This ordinance aims to encourage agriculture and maintain the town's rural character. Under this ordinance, parcels containing a minimum of five acres may apply for a zone change, with the town waiving the usual fees for a temporary period of four months. The ordinance does not guarantee approval for a zone change; each application will be reviewed to ensure it aligns with the town's general plan and surrounding zoning. The council emphasized the importance of maintaining agricultural land to deter high-density development. The ordinance allows only one house per parcel in the zone. The council also discussed streamlining the notification process for affected property owners, proposing to follow state guidelines for notification requirements to reduce the number of stamped



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envelopes residents would have to send out. Overall, the council viewed this ordinance as a way to promote and protect agriculture in the area, addressing concerns from residents and working to keep the town's rural character intact.

MOTION: Mayor Farrar motioned that we adopt Title 10.10.05 Temporary Ordinance For Zone Change to A-X Agricultural Zone, Ordinance-O-2024-15 with the following addition "For requirement F, we will go by state code. Stamped envelopes will only be required for property owners that share property lines with property applying for the zone change.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye
Mayor Farrar - Aye
Council Member Sair - Aye

The vote was unanimous and the motion carried.

9. Amend Title 10.10.020 A Agricultural Zone, Ordinance-O-2024-14.

*Planning Commission recommended approval on April 10, 2024.

The council discussed an amendment to the agricultural zoning ordinance labeled as Ordinance O-2024-14. The Planning Commission had recommended approval on April 10. Overall, this change aims to streamline the zoning process while maintaining the town's agricultural character.

MOTION: Council Member Sair motioned we amend Title 10.10.020 Agricultural Zone, Ordinance-O-2024-14.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye
Mayor Farrar - Aye
Council Member Sair - Aye

The vote was unanimous and the motion carried.



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10. Amend Title 10.10.121 Purpose and Objectives of the Planned Development Overlay Zone, Ordinance-O-2024-16.

*Planning Commission recommended approval on April 10, 2024.

The council discussed an amendment to Title 10.10.121, regarding the purpose and objectives of the Planned Development Overlay (PDO) zoning ordinance, labeled as Ordinance O-2024-16. This amendment clarified that a PDO is not considered final until a signed development agreement (DA) is in place. This change was made to ensure consistency in the approval process for PDO zones. The amendment aims to prevent any oversight or omission in mentioning the requirement for a DA when approving a PDO zone.

MOTION: Council Member Sair motioned we amend Title 10.10.121 Purpose and Objectives of the Planned Development Overlay Zone, Ordinance-O-2024-16.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a roll call vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye
Mayor Farrar - Aye
Council Member Sair - Aye

The vote was unanimous and the motion carried.

CONSENT AGENDA

11. Disbursement Listing for March 2024.
12. Budget Report for Fiscal Year 2024 through March 2024.
13. Approval of Minutes: March 27, 2024.

The council reviewed several items, including the distribution listing for March 2024, the budget report for fiscal year 2024 through March 2024, and the minutes from March 27, 2024.

During the discussion, it was mentioned that a developer had applied for a zone change, but their check for the application fee bounced due to insufficient funds. As a result, the application was closed, and the fee was charged back to the town.

Overall, the budget was reported to be in good shape, with the town's finances being well-monitored. The council also discussed the importance of training the next generation of council members.

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all in favor

MOTION: Council Member Sair motioned that we accept Disbursement Listings for March 2024. And a Budget Report for Fiscal Year 2024 through March 2024, and the minutes from March 27th.

SECOND: The motion was seconded by Mayor Farrar.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye

Council Member Spendlove - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

The vote was unanimous and the motion carried.

TRAINING

14. Open and Public Meeting Training 2024.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request.

ADJOURNMENT

MOTION: Council Member Sair motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye

Council Member Spendlove - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:35 p.m.



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Date Approved: 5/22/24

Approved BY: [Signature]
Mayor | Michael L. Farrar

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

