



## APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, May 18, 2022 at 6:30 PM

### MINUTES

**Mayor** | Frank Lindhardt |

**Council Members** | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

#### CALL TO ORDER / PLEDGE OF ALLEGIANCE/ PRAYER/ ROLL CALL

Mayor Lindhardt called meeting to order at 6:30 pm

Prayer led by Council Member Sair

#### PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

#### DECLARATION OF CONFLICTS OF INTEREST

None declared.

#### CONSENT AGENDA

1. Disbursement Listing--04/01/2022-04/30/2022
2. Budget Report-- 07/01/2022-04/30/2022

Mayor Lindhardt states that overall, we are in good shape. Councilmember Sair states he has just started ordering road supplies. Correction Budget Report on Agenda Item # 2 (07/01/2021-04/30/2022). The agenda item was listed as Budget Report-- 07/01/2022-04/30/2022 and correction on Budget Report on Agenda Item # 2--**07/01/2021-04/30/2022**.

**Motion to approve Disbursement Listing 04/01/22 -04/30/22 and Budget Report 07/01/2021-04/30/22.**

**Motion made by Council Member Whitmore, Seconded by Council Member Sair.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

#### MAYOR'S TOWN UPDATE

Mayor Lindhardt has no updates at this time.

Council Member Whitmore thanked those involved with the recent park clean up that took place last Monday.



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#### PUBLIC COMMENTS

Rich Ososki 1024 Little Pinion Way: He has two questions about building permit re: septic approval. Questions is do you need an approved set of plans for Septic Tank Approval prior to building permit approval and what is required to tie into the water. Councilmember Sair states they will look into it.

Denise Pilkington 1333E Big Pinion Lane: Has questions about the water situation. The next thing is on the impact fees. Are the impact fees being paid by the builders. Do we have copies of the impact fees. Does believe they help the community. Copies of Town and State approvals for each house, does the state have all their approvals. Want to make sure everyone is above board. Mayor Lindhardt states will be happy to meet re: these generic questions.

Peter Smith 824 W Foothill Dr: Concern of over excavations on new development. What is the required code. See new construction not following through. If it's code, why are we not enforcing this. Mayor Lindhardt states willing to spend time and answer questions. It is based on soil report and varies from lot to lot.

Tom Turner 852 W Smithsonian Way: Question on will serve letter. Asked about getting his will serve letter approval. Asked clarification on standby fees.

Tim Farr 981 W Smithsonian Way: In gooseberry mesa re: approval of cabins. Mayor Lindhardt states anything under 200 feet typically doesn't need building permit.

Lawrence Howard 350 N 2630 W, La Verkin: Looking at piece of property outside of town on Coyote Rd. Mayor Lindhardt states would be happy to get with him when he gets back from vacation.

**Motion made to close public comments.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

#### DISCUSSION AND ACTION

3. Open bids and award contract for Building Inspector Services.

Recorder Jenna Vizcardo gave two closed bids to Mayor Lindhardt to open.

Robin asks about being a certified Building Inspector. Mr. Kyle Layton one of the applicants is here.

Mayor Lindhardt asks Councilmember Nielson do we have to have someone who is a certified building official. Councilmember McGinnis asks about the red tag process of the county of Washington to Mr. Layton.

Councilmember Nielson asks for clarification on the building official title. Mayor Lindhardt states he is uncomfortable with one RFP being in contract format. Councilmember reads qualifications of Mr. Layton. Mr. Layton states he is familiar with enforcing town codes.



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Mayor Lindhardt asks whether to postpone or move forward. Councilmember Nielson wants to research and have a little more time before making this decision.

**Table to next Town Council Meeting.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

4. Zone Change Application for AV-1329-B from OST to SF-1.0; Applicant Ladd Macdonald. Planning Commission Recommended Denial On 12.1.21. Tabled By Applicant On 1.27.22, 3.17.22, 4.21.22.

Mayor Lindhardt states the application was withdrawn at request of applicant's attorney. An email is on file.

5. Appointment to the Southwest Mosquito Abatement and Control District--Resolution R-2022-21. Tabled from meeting on April 21, 2022.

**Motion to appoint Margaret Ososki to Southwest Mosquito Abatement and Control District--Resolution R-2022-21.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

6. Update 10.28.200 Dumping, Storing or Disposal--O-2022-17

Planning Commission approved changes on 2/3/22 as written recommended approval.

Mayor Lindhardt states this has already gone to Planning Commission and Town Council. Recorder Vizcardo clarifies that this has been approved at Planning Commission only approving changes on 2/3/22 as written recommended approval.

Councilmember Sair asks about definition of junk. Mayor Lindhardt states there are other ordinances that discuss shipping containers more in detail. He states striking shipping containers out of this ordinance and revise the other shipping container. Councilmember Nielson makes comment about being too restrictive and Mayor Lindhardt asks what about modifying wording to the front yard.

Mayor Lindhardt makes suggestion to send back to Planning Commission with instructions of concerns about front yards facing the street and other add description for personal property. Mayor Lindhardt states we need to tell Planning Commission to work up definitions for some of those things. Town Administrator, Jauna McGinnis: We have an ordinance that covers definition of junk.

**Motion made to send back Ordinance-O-2022-17 to Planning Commission**



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Mayor Lindhardt suggested to send back to Planning Commission with instructions to focus on front of yard and define what junk is and remove shipping containers since it will be addressed elsewhere.

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

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

7. Adopt 10.28.280 Time Restriction on Completion of The Exterior of Buildings--O-2022-18

Planning Commission recommended approval. Town Council approved on 2/17/22. This is to Adopt the Ordinance.

**Motion to adopt 10.28.280 Time Restriction on Completion of The Exterior of Buildings-Ordinance-O-2022-18**

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

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

8. Update 11.02.040 Necessity Of Plat; Exemption From Plat Requirements--O-2022-20

Planning Commission recommended approval. Town Council approved on 2/17/22. This is to Adopt the Ordinance.

**Motion to adopt 11.02.040 Necessity Of Plat; Exemption From Plat Requirements - Ordinance-O-2022-20**

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

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

9. Adopt 10.28.290 Building Permit Expiration and Renewal--O-2022-21

Planning Commission recommended approval. Town Council approved on 2/17/22. This is to Adopt the Ordinance.

Mayor Lindhardt states this is a complete copy from the building code. This is to adopt and make visible in Town Code.

**Motion to Adopt 10.28.290 Building Permit Expiration and Renewal-Ordinance-O-2022-21 ok changes: on page 1 add sentence: Fees may be waived at the discretion of the Building Department.**



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**Motion made by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

10. Update 11.02.020 Scope and Limitations--O-2022-22

PC recommended approval. TC approved on 2/17/22. This is to Adopt the Ordinance.

**Motion to adopt 11.02.020 Scope and Limitations-Ordinance-O-2022-22**

**Motion made by Council Member McGinnis, Seconded by Council Member Sair.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

11. Update 11.08.040 Street Improvements--O-2022-23

PC recommended approval. TC approved on 2/17/22. This is to Adopt the Ordinance.

**Motion to adopt 11.08.040 Street Improvements amendments-Ordinance-O-2022-23**

**Motion made by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

12. Application to Appear Before Town Council to discuss code violations.

Rich Ososki 1023 W Little Pinion Way

Read Statement: May 18, 2022

"TO: Mayor and Town Council members FROM: Richard Ososki

SUBJECT: Code Enforcement for agenda

I want to thank the Town Council for allowing me to address Code Enforcement. When we first moved to AV 12 years ago, the administration, at that time, was supportive in their efforts to enforce the codes for a total of 8 years. Since then, AV has had 5 different mayors in little over 4 years. What has suffered the most during that time were the codes and enforcement to the residents. Unfortunately, development was a priority. I know because during one of these administrations I was a volunteer Code Enforcer and united were not. There are a number of residents, including myself, that would like this administration apply the Town codes equally and in a timely and give a disposition of the results. The days are gone when you can say "it's my property I can do what I please" without any thought about your neighbor or any consequence. A good example would be motion detector lighting, noise, or animals you may have. There is a silent majority that want some type of structure and codes. This was evident at the last election. Since the previous administrations passed a number of developments, the codes will need to be updated on a regular basis as growth continues. This is for the protection of our



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town and neighbors. Whether you like it or not, with any town, city municipality there are rules. As the town grows so will the codes. As for me I am willing to invest in the future of AV, even at the cost of new codes if it improves my life along with my property values. Without any type of code enforcement, the residents that live on dirt roads have to put up with speeders, ATV spinning circles, ruining what little road base we have. The dirt roads are now becoming a health hazard to residents because of the drought and lack of rain. Two previous administrations passed ATV codes but again they are not enforced. My question to the Mayor and TC members, are you going to move forward with AV's future by controlling growth and protect our water source and enforcing the codes on the books or are you going to let a few, who complain the loudest, dictate what the future of AV should look like?"

Mayor Lindhardt would like to speak openly. See what the other counties and other cities have. His own thoughts are we don't have the funds. He feels that Nuisance Complaints should be done on a neighborhood complaint basis. But if you don't live in the neighborhood, it wouldn't make sense for someone to complain. Discussed taking code violation from criminal to civil penalty. Mayor Lindhardt states we have sent out letters. Mayor Lindhardt states we do intend to enforce all of our ordinances.

13. Add Town Administrator as check signer for SBSU accounts.

**Motion to add Town Administrator, Jauna McGinnis as check signer for SBSU accounts.**

**Motion made by Council Member Nielson, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

14. Purchasing Policy Repeal and Replace. --Resolution-R-2022-29

**Motion to accept Resolution-R-2022-29, Purchasing Policy Repeal and Replace.**

**Motion made by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

15. Add Authorized Individuals on PTIF Accounts--Resolution R-2022-30

**Motion to Add Authorized Individuals, Treasurer, Robin Whitmore and Town Administrator, Jauna McGinnis on PTIF Accounts--Resolution R-2022-30**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**The vote was unanimous and the motion carried.**

16. Adoption of FY2023 Tentative Budget, and set Public Hearing date.



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Motion adopt FY2023 Tentative Budget, and set Public Hearing date for June 15th.

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

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

Motion to add Organizational structure of Big Plains Water and Sewer Special Service District to next Town Council Meeting

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

#### REQUEST FOR A CLOSED SESSION

Motion to go into closed session to discuss pending litigation.

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

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

#### ADJOURNMENT

Adjourn at 8:28pm

Motion made by Council Member Nielson, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous and the motion carried.

Date Approved: 6/15/22

Approved BY: [Signature]

Mayor | Frank Lindhardt

Attest BY: [Signature]

Recorder | Jenna Vizcardo