



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 Sair led pledge of allegiance

PRAYER- Prayer offered by Mayor Lindhardt.

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

1. Public Notice of Vacancy - Big Plains Water Special Service District.

Mayor Lindhardt updated and informed the council about changes to the process of appointing new members to the waterboard. The new procedure involves advertising the vacancies, accepting applications, and conducting interviews by the council to fill the positions. Two seats are turning over, with one applicant, Harold Merritt, reapplying. The Town Clerk/Recorder Jenna Vizcardo posted the vacancy. The seats are scheduled to be filled in the Town Council meeting in January. Other applicants mentioned were Kenneth Younger, who had water company experience, and Matt Politte, currently employed by Hurricane City. Bradley Farrar was also noted as a candidate. The mayor expressed gratitude to all applicants and acknowledged the need to update the bylaws to reflect the new changes, with the district attorney already in possession of the updated information.

2. Adopting Title 2.09 Office Of The Mayor scheduled for January 2, 2024.

Mayor Lindhardt discussed adopting title 2.09 office of the mayor as recommended by the town attorney Shawn Guzman. The title pertains to the legal structure for adopting the office of the mayor. This ordinance brings back responsibilities under the mayor's authority per state code.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Lindhardt provided an update on Sunrise Engineering's involvement in a project in Apple Valley. The town engineer and district engineer Nate Wallentine collaborated on documents related to a water line extending from Apple Valley to Cedar Point, specifically to the million-gallon tank. These documents were prepared for submission to the Division of Water Rights. The mayor expressed encouragement at the readiness to submit, although there



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were no engineering details included. During the discussion, grants with loans were mentioned. The engineer Nate Wallentine emphasized the inability to submit to federal authorities until all engineering work was completed. Council Member Nielson and Chairman of the Big Plains Water SSD highlighted a location along the pipeline that would require a booster pump. The meeting also covered the interim treatment of water and the challenge of managing waste without an existing sewer system. Overall, the meeting with Sunrise Engineering was deemed productive.

Mayor Lindhardt took a moment during the town council meeting to express gratitude to all staff and council members. He described the experience as incredible, acknowledging the ability to agree to disagree. Mayor Lindhardt expressed hope and prayers for the continuation of this cooperative approach with the next council. Mayor Lindhardt mentioned his enjoyment in addressing and finding solutions for problems, as well as collaborating with developers. A heartfelt thank you was extended.

Council Member Whitmore thanked Mayor Lindhardt for creating a family-like atmosphere, standing up for shared goals despite criticism and name-calling. Also providing essential support and the backbone to pursue the objectives set at the beginning.

Mayor Lindhardt thanked everyone and assured them that, despite not seeking re-election, he remains available for assistance and cares deeply about Apple Valley and its future. He offered his skills and willingness to help, emphasizing that not being in office doesn't diminish his commitment to the community.

Council Member Sair provided an update on flood mitigation efforts. He reported that four out of the five flooding issues had been addressed, achieving a 99% completion rate. Some pending bids for concrete and additional rip rock were awaited to finalize these projects. Notably, progress was made on Cedar, Canyon, Rome, and AV1, with the installation of catch basins and clean-up efforts. He highlighted the ongoing work on a major project to address flooding in a specific area where large catch basins were being installed. They commended the effectiveness of catch basins, citing an example on Ross Gregerson's property that successfully addressed a persistent flooding problem. He emphasized the positive impact on the community, eliminating the need for emergency responses during floods. Looking ahead, the focus would be on continued preventative maintenance to avoid future issues, including the cleaning out of tumble weeds and implementing mitigation measures throughout the town.

Council Member and Chairman of the Big Plains Water SSD Nielson, along with Board Member Ross Gregerson, shared their efforts in significantly reducing IPS points through diligent paperwork, including the submission of updated protection zones. He recognized Council Member Sair for assisting with system fixes, brush removal, and spring painting, resulting in a streamlined process. He highlighted the positive direction of the district and the successful collaboration on a pipeline project from the Apple Valley Ranches (Proper) to Cedar Point. He emphasized the exceptional quality of the water in the Apple Valley Ranches (Proper) area, noting the absence of significant issues during an inspection.

Council Member and Treasurer Whitmore addressed the council, informing them about the monthly tax distribution that was missing in November. They took the initiative to track it down and confirmed today that both November and December's sales tax distributions, along with other funds, were successfully deposited into the account. Initially concerned about the delay, she reassured the council that the funds are now secured in the bank, alleviating any worries about potential issues.



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PUBLIC COMMENTS

Janet Prentice, resident of AV. Thanked Mayor Lindhardt for work as Mayor.

DISCUSSION AND ACTION

3. Consider Approval of Dispatch Contract.

Mayor Lindhardt shared that he received a call from the town attorney Shawn Guzman the previous night, who pointed out flaws in the contract originating from Colorado City, Arizona. Some aspects of the contract were deemed inapplicable to Utah. He explained that our attorney questioned the need for payment when the city already pays for 911 services through phone bill and he suggested tabling the issue for the new council to address. The conversation briefly touched on a tax-related matter, which was tabled for the next year due to disagreements among other cities like St. George and Hurricane. The council expressed gratitude for Colorado City's ongoing support.

MOTION: Council Member Sair motioned to table the Intergovernmental Cooperative Agreement between town of Colorado City, Arizona.

SECOND: The motion was seconded by Council Member Nielson.

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.

4. Consider Approval of Amending Title 10.10.070 Open Space Zone, Ordinance-O-2023-36. *Planning Commission recommended approval on 12/6/2023.

Mayor Lindhardt reviewed the ordinance presented in the agenda packet.

MOTION: Council Member Sair motioned that we adopt O-2023-36, 10.10.070 Open Space Zone, amendment.

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



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Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

5. **Consider Approval of Amending Title 10.10.080 Open Space Transition Zone, Ordinance-O-2023-37.**
***Planning Commission recommended approval on 12/6/2023.**

Mayor Lindhardt reviewed the ordinance presented in the agenda packet.

MOTION: Council Member Nielson motioned that we adopt Ordinance-O-2023-37, 10.10.080 Open Space Transition Zone, amendment.

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

6. **Disbursement Listing for November 2023.**
7. **Budget Report for Fiscal Year 2023 through November 2023.**

APPROVAL OF MINUTES

8. **Minutes: November 29, 2023.**

MOTION: Council Member Whitmore motioned that we approve the Consent Agenda, item 6. Disbursement Listing for November 2023, the Budget Report for Fiscal Year 2023 through November 2023, and the minutes from November 29, 2023.

SECOND: The motion was seconded by Mayor Lindhardt.

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.

REQUEST FOR A CLOSED SESSION

Mayor Lindhardt addressed the ongoing legal matter related to the Bitter Bean lawsuit. He referenced the attorney and informed the council that they had received the response to the appeal from the opposing party. The attorney was expected to file it either on the same day or the following day. He expressed hope that this development would mark the conclusion of the lawsuit.

No request for a closed session.

ADJOURNMENT

- MOTION:** Mayor Lindhardt 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 Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:41 p.m.



Date Approved: 1/10/2024

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

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