



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, January 10, 2024 at 4:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, January 10, 2024**, commencing at **4:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Michael Farrar |

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice |

Please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/82661513795>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 826 6151 3795

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENTS

DISCUSSION AND ACTION

1. Add Michael Lee Farrar and Kevin Sair as signers and remove Frank Lindhardt and Jauna McGinnis as signers to State Bank of Southern Utah.
2. Approval of Fiscal Year 2023 Agreed Upon Procedures Financial Review, Resolution-R-2024-02.

APPROVAL OF MINUTES

3. Minutes: January 2, 2024.
4. Minutes: December 20, 2023.

MAYOR'S TOWN UPDATE

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION: IF NECESSARY

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.



OFFICE OF THE STATE AUDITOR

Town of Apple Valley

Under penalty of perjury, I, Michael Farrar, Mayor and Robin Whitmore, Town Treasurer, certify that the annual financial report of Town of Apple Valley for the year ended June 30, 2023 fairly presents in all material respects the financial condition and results of operation of Town of Apple Valley.

Signature: _____
Chief Administrative Officer

Signature: _____
Chief Financial Officer

Notes:

- a. This certification is to be submitted with the annual financial report to the Office of the Utah State Auditor.
- b. *Utah Code* 11-50-202 designates the **chief administrative officer** as the individual appointed as the chief administrative officer of the political subdivision in accordance with statute; or if a chief administrative officer is not appointed in accordance with statute, the individual designated as the chief administrative officer by the governing body of the political subdivision. In designating a chief administrative officer, the governing body shall designate the individual who holds a managerial or similar position to perform administrative duties or functions for the political subdivision.
- c. *Utah Code* 11-50-202 designates the **chief financial officer** as the individual appointed as the chief financial officer of the political subdivision in accordance with statute; or if a chief financial officer is not appointed in accordance with statute, the individual designated as the chief financial officer by the governing body of the political subdivision. In designating a chief financial officer, the governing body shall designate the individual who has primary responsibility for preparing the annual financial report.



**INDEPENDENT ACCOUNTANT’S REPORT ON
APPLYING AGREED-UPON PROCEDURES**

To the Town Council &
Juana McGinnis, Town Administrator
Town of Apple Valley, UT

In accordance with *Utah Code 51-2a-201*, we have performed the procedures enumerated below, which were agreed to by Juana McGinnis, Town Administrator, of the Town of Apple Valley and the Office of the Utah State Auditor, related to the Town’s Financial Survey, accounting records, and compliance with applicable state laws, rules, and requirements for the period July 1, 2022 to June 30, 2023.

The Town’s management is responsible for its Financial Survey, accounting records, and compliance with applicable state laws, rules, and requirements. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

This agreed-upon procedures engagement was conducted in accordance with the attestation standards established by the AIPCA and the standards applicable to attestation engagements contained in Government Auditing Standards, issued by the Comptroller General of the United States.

The procedures that we performed and our findings are summarized as follows:

PROCEDURES	RESULT
LARGE FINANCIAL SURVEY	
GENERAL	
1. We obtained a copy of the entity’s Large Financial Survey which was completed by the entity.	We noted no exceptions as a result of these procedures.
2. We agreed amounts reported on the Online Financial Survey to the entity’s general ledger.	We noted no exceptions as a result of these procedures.
REVENUES	
3. We compared each revenue account on the Online Financial Survey to the corresponding prior period amounts. For changes greater than 5% of total revenues and 10% of the individual line item from the prior year, we inquired of management and reviewed applicable supporting documentation and determined whether the entity’s explanation for the change was in accordance with the entity’s policies and procedures, GAAP, and State and/or Federal policies as applicable.	We noted no exceptions as a result of these procedures.

PROCEDURES	RESULT
<p>DISBURSEMENTS</p> <p>4. We compared each expense account on the Online Financial Survey to the corresponding prior period amounts. For changes greater than 5% of total expenses and 10% of the individual line item from the prior year, we inquired of management and reviewed applicable supporting documentation to determine whether the entity's explanation for the change was in accordance with the entity's policies and procedures, GAAP, and State and/or federal policies as applicable.</p>	<p>We noted no exceptions as a result of these procedures.</p>
ACCOUNTING RECORDS	
<p>GENERAL</p> <p>5. We inquired with those charged with governance, the chief administrative officer, and the chief financial officer (as designated in UCA 11-50-202) of any instances of fraud, illegal acts, or noncompliance.</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>DISBURSEMENTS</p> <p>6. We determined whether financial reports were prepared monthly or quarterly as required, and reviewed by the governing body. We selected one financial report and (1) scanned the general ledger and determined that all funds were included in the report, and (2) agreed the lesser of 10% or 15 line items from the report to the general ledger.</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>7. We inquired with the chief administrative officer and the chief financial officer whether there were disbursements to related parties. We also scanned disbursement records for disbursements to related parties and determined who has credit cards or purchasing cards issued by the entity. We selected the lesser of 25 disbursements or 10% of disbursements ensuring that the selection includes disbursements to related parties as well as credit card or purchase card disbursements made by members of the governing body and executive level of management.</p> <p>For each transaction selected, we determined the whether the disbursement:</p> <p>a. Was consistent with the entity's purpose.</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>b. Agreed to the receipt or invoice supporting the amount and payee.</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>c. Was authorized consistent with the entity's policies and procedures.</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>d. Was in compliance with the entity's purchasing policy (bids, quotes, etc.).</p>	<p>We noted no exceptions as a result of these procedures.</p>
<p>e. Was classified and recorded in accordance with the entity's chart of accounts and policies and procedures, GAAP, and State/Federal policies as applicable.</p>	<p>We noted no exceptions as a result of these procedures.</p>

PROCEDURES	RESULT
8. For each credit or purchasing card used, we selected one month during the period and determined whether card purchases were reconciled to receipts monthly by someone other than the card holder.	We noted no exceptions as a result of these procedures.
9. Through inquiry with management and scanning receipt records, we determined what restricted revenue was received by the entity and selected the lesser of 10% or 5 disbursements from restricted funds and determined whether the disbursements were in compliance with restrictions placed on the funds.	We noted no exceptions as a result of these procedures.
CASH	
10. For each depository account, we obtained the year-end bank reconciliation and one additional month's bank reconciliation and performed the following: a. Traced the bank balance on the reconciliation to the balance per the bank statement.	We noted no exceptions as a result of these procedures
b. Traced the reconciled book balance to the general ledger and the amount reported on the Financial Survey.	We noted no exceptions as a result of these procedures
c. Tested the clerical accuracy of the reconciliation.	We noted no exceptions as a result of these procedures
d. For reconciling items greater than 5% of annual revenues, inquired of management and reviewed applicable supporting documentation to determine that the items were consistent with the entity's policies and procedures, GAAP, and State/Federal policies. Traced the lesser of 10% or five reconciling items to a subsequent bank statement.	We noted no exceptions as a result of these procedures.
e. Traced the lesser of 10% or five deposit transactions and 10% or five disbursement transactions to the general ledger.	We noted no exceptions as a result of these procedures.
11. For each depository bank reconciliation selected above, through inquiry of management and review of the reconciliation, we determined whether the bank reconciliation was performed by someone who does not have access to receipts or disbursements. If the individual did have access to receipts or disbursements, we determined whether a separate individual reviewed the completed bank reconciliation.	We noted no exceptions as a result of these procedures.
MEETINGS	
12. We reviewed the governing board's meeting minutes for the period applicable to the engagement through the date of the engagement. For all financial transactions discussed in the minutes exceeding 5% of total revenues, and a sample of the lesser of 10% or 3 less-significant financial transactions discussed, we traced the transactions to the entity's accounting records and determined whether the transactions were recorded and reported in accordance with the entity's policies and procedures, GAAP, and State and/or Federal policies, as applicable.	We noted no exceptions as a result of these procedures.

PROCEDURES	RESULT
COMPLIANCE	
MEETINGS	
13. We selected and obtained the agenda and meeting minutes for two public meetings held during the engagement year and performed the following:	We noted no exceptions as a result of these procedures.
a. Determined if the entity gave proper notice of the meeting at least 24 hours before each meeting by posting the notice on the Utah Public Notice website.	We noted no exceptions as a result of these procedures.
b. Determined if the agenda was reasonably specific to enable lay persons to understand the topics to be discussed.	We noted no exceptions as a result of these procedures.
c. Determined if the public body took any final actions on a topic in the meeting that was not listed under an agenda item.	We noted no exceptions as a result of these procedures.
d. We determined whether the minutes were posted to the Utah Public Notice Website within three days of the minutes being approved. (Exceptions: Charter schools are required only to <u>make the meeting minutes available</u> to the public within three days of being approved.)	We noted no exceptions as a result of these procedures.
e. If a portion of the meeting was closed to the public, determined that 1) before the meeting was closed, the reason for holding the closed meeting was documented in the meeting minutes and a roll call vote was taken, 2) the reason for closing the meeting was permitted under UCA 52-4-205, and 3) an audio recording of the closed meeting was made, or in the case of meetings closed to discuss Section 52-4-205(1)(a)(i)(f) or (2), the presiding person had executed a sworn statement that the sole purpose of the closed meeting was to discuss those issued.	We noted no exceptions as a result of these procedures.
BUDGET	
14. We determined if a budget was approved before the start of the budget year and if the budget presented to the public and governing body contained the required financial information.	We noted no exceptions as a result of these procedures.
15. We determined if the entity provided the required 7-day notice for its original and final budget adoption hearing.	We noted no exceptions as a result of these procedures.
16. We examined the entity's records and financial reports and determined whether the total expenditures by department stayed within the amounts appropriated in the final adopted budget.	We noted that the General Government expenditures were over budget by \$9,072.
FUND BALANCES	
17. Deficit Fund Balances: For any fund that had a deficit fund balance in the year under audit, we determined whether the entity included in the subsequent budget year an appropriation to retire the deficit of an amount equal to or greater than 5% of the fund's total actual revenue of the year under audit.	We noted no exceptions as a result of these procedures.



PROCEDURES	RESULT
<p>18. General Fund Balance Limitations:</p> <p>[Municipalities:] We determined whether the entity's unrestricted (committed, assigned, and unassigned) general fund balance did not exceed 35% for cities or 100% for towns of the total revenue of the general fund for the engagement year.</p>	We noted no exceptions as a result of these procedures.
<p>TRAINING</p> <p>19. Through inquiry with officials of the entity and observation of meeting agendas, certificates or other relevant evidence, we determined whether the following training had occurred as applicable:</p> <p>a. Annual training on the requirements of the Open and Public Meetings Act.</p> <hr style="border-top: 1px dashed black;"/> <p>b. Annual online training by the entity's designated records officer on the requirements of GRAMA.</p>	We noted no exceptions as a result of these procedures.
<p>GRAMA (GOVERNMENT RECORDS ACCESS MANAGEMENT ACT)</p> <p>20. We verified that the entity has adopted a uniform fee structure.</p>	We noted no exceptions as a result of these procedures.
<p>Fraud Risk Assessment</p> <p>21. We reviewed the entity Fraud Risk Assessment and verified that it was signed by the appropriate officers and discussed by the governing body as represented in the minutes.</p>	We noted no exceptions as a result of these procedures.
<p>OTHER COMPLIANCE</p> <p>22. We verified that the mayor of the municipality does not also serve as the municipal recorder or treasurer.</p>	We noted no exceptions as a result of these procedures.
<p>23. We verified that the recorder of the municipality does not also serve as the municipal treasurer.</p>	We noted no exceptions as a result of these procedures.
<p>24. We verified that all individuals who hold a municipal elected office do not, at the same time, also hold a county elected office.</p>	We noted no exceptions as a result of these procedures.
<p>25. We verified that the entity requires and maintains a conflict of interest disclosure for all officials and employees with decision-making or management responsibilities that is updated annually.</p>	We noted no exceptions as a result of these procedures.
<p>26. If the entity collects Personally Identifiable Information (PII), we determined if it is collected in compliance with the requirements for collecting PII found in Utah Code 63D-2-103</p>	We noted no exceptions as a result of these procedures.
<p>PUBLIC TREASURER'S BOND</p> <p>27. We determined whether the Treasurer was bonded or insured in accordance with Money Management Council Rule R628-4-4.</p>	We noted no exceptions as a result of these procedures.



PROCEDURES	RESULT
Government Fees 28. We determined that Government Fees collected by the entity were approved, tracked and reasonable according to the prescribed criteria.	We noted no exceptions as a result of these procedures.

We were not engaged to and did not conduct an examination or review, the objectives of which would be the expression of an opinion or conclusion, respectively, on the Town of Apple Valley’s Financial Survey, accounting records, or compliance with applicable state laws, rules, and requirements. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

In accordance with Government Auditing Standards, we are required to report significant deficiencies, material weaknesses, instances of fraud, noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse that come to our attention during our agreed-upon procedures that warrant the attention of those charged with governance. Our agreed-upon procedures disclosed the following matters that warrant the attention of the Town’s officials:

- We noted the General Government expenditures were over budget by \$9,072.

The purpose of this report is solely to describe the scope of our testing of the Town of Apple Valley’s Financial Survey, accounting records, and compliance with applicable state laws, rules, and requirements and the results of that testing, and not to provide an opinion or conclusion on the Financial Survey, the accounting records, or compliance with applicable state laws, rules, and requirements. Accordingly, this communication is not suitable for any other purpose.

HintonBurdick, PLLC

St. George, Utah
December 21, 2023



12/27/23

Hinton Burdick CPA's & Advisors
Po Box 38
At. George, UT 84770

RE: Response to findings and recommendations, FY2023 AUP

Dear Hinton Burdick,

Our response to findings and recommendations of the FY2023 AUP are as follows:

Budget

Finding: We noted that the General Government expenditures were over budget by \$9,072.

Management Response:

Our accounts payable journal amount did not match the ledger amount. This was discovered in September of 2023 (during preparation of financial statements for the AUP) after the budget amendment of June 30, 2023 was already made. We believe this was an accumulation over time; we searched back two prior fiscal years and found that these accounts were not reconciled. In order to reconcile the journal and ledger, Pelorus made this change to our accounts, which effected accounts payable and bad debt expense.

Although this caused us to go over budget in the specific department, our overall budget was still in compliance with the amended budget on June 30, 2023.

The discovery of this was due to the incorporation of checking journals to ledgers and has since been incorporated as a monthly task for reconciliation purposes.

Regards,

Jauna M McGinnis
Town Administrator

TOWN OF APPLE VALLEY

RESOLUTION R-2024-02

A RESOLUTION FOR APPROVAL OF THE FISCAL YEAR 2023 AGREED UPON PROCEDURES (AUP) FINANCIAL REVIEW AND FINANCIAL STATEMENTS

WHEREAS, the Town of Apple Valley (“Town”) is required to have an AUP Financial Review completed on an annual basis pursuant to Utah Code Annotated 51-2a-201(2); and

WHEREAS, the Town engaged Hinton Burdick CPA’s and Advisors as the independent CPA firm to perform the annual AUP Financial Review; and

WHEREAS, the Town acknowledges the exceptions, which have been addressed and corrected; and

WHEREAS, Town Council acknowledges the financial statements as complete and approved.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley that the Fiscal Year 2023 AUP Financial Review and Financial Statements are hereby approved. AUP exceptions have been addressed and corrective action has been taken.

PASSED this 9th day of January 2024. This resolution shall be in full force and effect from the date of passage and after any required publication.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____



SPECIAL TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Tuesday, January 02, 2024 at 10:00 AM

MINUTES

Mayor | Michael Farrar |

Council Members | Kevin Sair | Robin Whitmore | Barratt Nielson | Janet Prentice

CALL TO ORDER- Mayor Farrar called the meeting to order at 9:59 a.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

Council Member Janet Prentice

DECLARATION OF CONFLICTS OF INTEREST

None declared.

OATH OF OFFICE CEREMONY FOR NEWLY ELECTED OFFICIALS

Oath of Office administered by Town Clerk Recorder Jenna Vizcardo to, Michael Lee Farrar, Mayor, Barratt Eric Nielson, Town Council, and Janet Prentice, Town Council.

PUBLIC COMMENTS

No public comments.

It was discussed amongst the Council that prayer would be added to the agenda.

Prayer offered by Council Member Whitmore.

PUBLIC HEARING

1. Repeal Title 2.15 Town Administrator and Adopt Title 2.09 Office Of The Mayor, Ordinance-O-2024-01.

Mayor Farrar opened the public hearing.

During the town council meeting, the proposal to eliminate the town administrative position and reassign its duties to the mayor was discussed. Mayor Farrar highlighted that this position is a common practice in many towns, but mentioned that Apple Valley lacks the financial resources to support a full-time mayor. He noted that previous mayors typically held full-time jobs alongside their mayoral responsibilities, leading to the need for a town administrator.

No public comments.

Mayor Farrar closed the public hearing.



SPECIAL TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Tuesday, January 02, 2024 at 10:00 AM

MINUTES

DISCUSSION AND POSSIBLE ACTION

2. Repeal Title 2.15 Town Administrator and Adopt Title 2.09 Office Of The Mayor, Ordinance-O-2024-01.

MOTION: Council Member Whitmore motioned to repeal Title 2.15 Town Administrator and adopt Title 2.09 Office Of The Mayor, Ordinance-O-2024-01.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye
Mayor Farrar - Aye

The vote was unanimous and the motion carried.

3. Approval of Appointing Planning Commission Member, Resolution-R-2024-01.

Annie Spendlove, resident of Apple valley gave brief introduction, goal is to keep Apple Valley agricultural at the center and keep us rural.

MOTION: Council Member Nielson motioned that we approve Resolution-R-2024-01, appointing Annie Spendlove to fulltime planning commission.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye
Mayor Farrar - Aye

The vote was unanimous and the motion carried.

Oath of Office administered by Town Clerk Recorder Jenna Vizcardo to Annie Spendlove, Planning Commission.



SPECIAL TOWN COUNCIL MEETING AND HEARING

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4. Approval of 2024 Annual Meeting Schedule.

MOTION: Council Member Nielson motioned that we approve the 2024 Annual Meeting Schedule.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye
Mayor Farrar - 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 Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Nielson - Aye
Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Prentice - Aye
Mayor Farrar - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 10:12 a.m.



SPECIAL TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Tuesday, January 02, 2024 at 10:00 AM

MINUTES

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, December 20, 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 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



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to the Division of Water Rights. The mayor expressed encouragement at the readiness to submit, although there 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



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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.

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.



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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.

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.



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, December 20, 2023 at 6:00 PM

MINUTES

SECOND: The motion was seconded by Mayor Lindhardt.

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.

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.



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, December 20, 2023 at 6:00 PM

MINUTES

Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo

DRAFT