



SPECIAL APPLE VALLEY TOWN COUNCIL

1777 N Meadowlark Dr, Apple Valley
Monday, January 03, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Monday, January 03, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Mason Walters |

Council Members | Kevin Sair | Robin Whitmore | Andy McGinnis |

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, 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/82670781333>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 826 7078 1333

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

1. ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS
2. NOTICE OF TOWN COUNCIL VACANCY

PUBLIC COMMENTS

DISCUSSION AND ACTION

- [3.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-01: APPOINTMENT OF TOWN TREASURER
- [4.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-02: UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS
- [5.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-03: APPOINTMENT OF PLANNING COMMISSION MEMBERS
- [6.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-04: APPOINTMENT TO THE WASHINGTON COUNTY SOLID WASTE BOARD OF DIRECTORS
- [7.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-05: APPOINTMENT OF FRANK LINDHARDT AS PLANNING DEPARTMENT MANAGER
8. DISCUSSION AND POSSIBLE ACTION TO ADJUST THE HOURS OF OPERATION FOR THE TOWN OFFICE
9. DISCUSSION AND POSSIBLE ACTION TO ADD/DELETE AUTHORIZED BANK ACCOUNT SIGNERS
10. REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Clerk 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 on December 30, 2021.

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

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

TOWN OF APPLE VALLEY
RESOLUTION R-2022-01
APPOINTMENT OF TOWN TREASURER

WHEREAS, the Town of Apple Valley is a Utah municipality; and

WHEREAS, the Mayor, with the advice and consent of the Town Council, is required to appoint a qualified person to the office of town treasurer pursuant to Utah Code Annotated § 10-3-916(1); and

WHEREAS, Mayor Dina Mason Walters has determined that Robin Whitmore is a qualified person to be appointed to the Office of Town Treasurer; and

WHEREAS, the Town Council gives its advice and consent to the appointment of Robin Whitmore to the Office of Town Treasurer.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that Robin Whitmore is hereby appointed to the Office of Town Treasurer.

EFFECTIVE DATE This Resolution shall be in full force and effect from January 3, 2022.

PASSED this 3rd day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

 Jenna Vizcardo, Town Clerk

 Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted _____
 Council Member Whitmore voted _____
 Council Member McGinnis voted _____
 Mayor Walters voted _____

TOWN OF APPLE VALLEY**RESOLUTION R-2022-02****UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS**

WHEREAS, the Town of Apple Valley invests funds in the Utah Public Treasurers' Investment Fund (PTIF) as authorized by the Utah Money Management Act; and

WHEREAS, the Town Council has the authority to designate individuals to make changes to PTIF accounts, such as adding or deleting users to access and/or transact with PTIF accounts, add, delete, or make changes to bank accounts tied to PTIF accounts, open or close PTIF accounts, and complete any necessary forms in connection with such changes; and

WHEREAS, The Utah State Treasurer requires that the Town Council designate the individuals authorized to make changes to PTIF accounts by adopting the Public Entity Resolution attached hereto; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 3rd day of January, 2022, and upon motion duly made and seconded:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley that Dina Mason Walters, Apple Valley Town Mayor, and Robin Whitmore, Apple Valley Town Treasurer, are designated as authorized individuals for PTIF transactions outlined above.

_____ is designated as an authorized user for online management. Mayor Dina Mason Walters is hereby authorized to execute the Public Entity Resolution attached hereto. This resolution is effective immediately.

EFFECTIVE DATE This Resolution shall be in full force and effect from January 3, 2022.

PASSED this 3rd day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted _____

Council Member Whitmore voted _____

Council Member McGinnis voted _____

Mayor Walters voted _____



1. Certification of Authorized Individuals

I, Dina Mason Walters (Name) hereby certify that the following are authorized: to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of Town of Apple Valley (Name of Legal Entity). Please list at least two individuals. Each individual must have a unique email.

Name	Title	Email	Signature(s)
<u>Dina Mason Walters</u>	<u>Mayor</u>	<u>mwalters@applevalleyut.gov</u>	
<u>Robin Whitmore</u>	<u>Treasurer</u>	<u>rwhitmore@applevalleyut.gov</u>	

The authority of the named individuals to act on behalf of Town of Apple Valley (Name of Legal Entity) shall remain in full force and effect until written revocation from Town of Apple Valley (Name of Legal Entity) is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned, Mayor (Title) of the above named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the 3 day of January, 2022, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

Signature	Date	Printed Name	Title
		<u>Dina Mason Walters</u>	<u>Mayor</u>

STATE OF UTAH)
) §
COUNTY OF _____)

Subscribed and sworn to me on this 3 day of January, 2022, by
Dina Mason Walters (Name), as Mayor (Title) of
Town of Apple Valley (Name of Entity), proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature _____

TOWN OF APPLE VALLEY
RESOLUTION R-2022-03
APPOINTMENT OF PLANNING COMMISSION MEMBERS

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint regular members of the Planning Commission; and

WHEREAS, Mayor Dina Mason Walters along with the Town Council has nominated Forrest Kuenhe, _____, and _____ for appointment to the Planning Commission as regular members.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 3rd day of January 2022, and upon motion duly made and seconded;

SECTION 1: ADOPTION "R-2022-03 Appointment Of Planning Commissioners"
of the Apple Valley Municipal Resolutions is hereby added as follows:

A D O P T I O N

R-2022-03 Appointment Of Planning Commissioners

Forrest Kuehne is appointed as regular member of the Town of Apple Valley Planning Commission whose 2-year term will expire on Monday, January 1, 2024; and

_____ and _____ are appointed as regular members of the Town of Apple Valley Planning Commission whose 3-year terms will expire on Monday, January 6, 2025 ;

EFFECTIVE DATE This Resolution shall be in full force and effect from January 3, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted _____

Council Member Whitmore voted _____

Council Member McGinnis voted _____
Mayor Walters voted _____

TOWN OF APPLE VALLEY

RESOLUTION R-2022-04

APPOINTMENT TO THE WASHINGTON COUNTY SOLID WASTE BOARD OF DIRECTORS

WHEREAS, the Town of Apple Valley is located within the County of Washington, Utah; and

WHEREAS, the Town of Apple Valley is entitled to appoint a Town Council Member to the Washington County Solid Waste Board; and

WHEREAS, the Town Council has determined that the Town's interest would be best served by the appointment of _____ to the Washington County Solid Waste Board of Directors.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley to appoint _____ to serve on the Washington County Solid Waste Board of Directors.

EFFECTIVE DATE This Resolution shall be in full force and effect from January 3, 2022.

PASSED this 3rd day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted _____

Council Member Whitmore voted _____

Council Member McGinnis voted _____

Mayor Walters voted _____

TOWN OF APPLE VALLEY
RESOLUTION R-2022-05
APPOINTMENT OF PLANNING DEPARTMENT MANAGER

WHEREAS, the Town of Apple Valley is a Utah municipality; and

WHEREAS, the Town of Apple Valley is in need of someone to serve as Planning Department Manager; and

WHEREAS, the Mayor, with the advice and consent of the Town Council, can appoint individuals to assist in administrative positions; and

WHEREAS, Mayor, Dina Mason Walters, has determined that Frank Lindhardt is a qualified person to be appointed as Planning Department Manager; and

WHEREAS, the Town Council gives its advice and consent to the appointment of Frank Lindhardt as Planning Department Manager.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that Frank Lindhardt is hereby appointed as Planning Department Manager.

I. Term

1.1 Term. The term of this Agreement begins on January 3, 2022, and will continue until Mr. Lindhardt voluntarily resigns, the Town Council appoints a replacement, or the Town Council terminates Mr. Lindhardt.

II. Employment

2.1 Duties. The Town Council appoints Mr. Lindhardt as Planning Department Manager "Manager" to perform the following duties:

a. Work with landowners, developers and their engineers regarding applications for general plan map changes, zoning changes, preliminary plat approvals, preliminary site plan approvals, development agreements, and Planned Development details.

b. Ensure that all applications are done according to Town codes and that applications are complete 14 days prior to being placed on the Planning Commission and Town Councils agendas.

c. Ensure that all applications are submitted by the record property owners or their authorized representatives.

d. Ensure that all application fees are paid prior to being put on an agenda for Planning Commission and Town Council consideration.

e. Write and present reports and recommendations to the Planning Commission and Town Council on applications to be considered by the Commission or Council. Reports are submitted in writing to the Planning Commission, Town Council and the applicants, no later than 7 days prior to the meetings, and shall be published in the meeting packets along with the application.

f. Assist the Planning Commission and Town Council with research on applications and creation of agendas for meetings.

g. Ensure that the General Plan, zoning maps, and master road plans are up to date.

h. Coordinate development agreements between the Town, Town Attorney, Planning Commission, and Town Council.

i. After approval of preliminary plats or preliminary site plans, forward approvals to the Public Works Manager.

j. Review final plats for compliance with planning codes and collects signatures from relevant parties such as Planning Commission Chairman, Mayor, Town Engineer, BPSSD Water Master, and Town Attorney.

k. Collect and review preliminary title reports on properties submitted for final plats.

l. Be responsible for taking fully executed final plats and title reports from developers to the Town Attorney for his legal review of the title report to ensure roads etc that's being deeded to the town, is free of all liens and incumbrances, prior to recording.

m. Participate in all monthly Planning and Development meetings.

n. Advise the Planning Commission and Town Council on zoning and development matters and applications.

2.2 Performance of Duties. The Manager shall perform his duties in accordance with all Applicable Law, Town Ordinances, and Town Policies.

2.3 Meetings. If requested by the Planning Commission Chair, the Manager shall attend the scheduled Planning Commission meeting. If requested by the Mayor, the Manager shall attend the scheduled Town Council meeting. The Manager shall attend each monthly Planning and Development meeting.

2.4 Indemnification. To the extent permitted by applicable law, the Town agrees to

defend, hold harmless, and indemnify Manager from any demand, claim, suit, action, judgment, and any legal proceeding brought against Manager in the Manager's individual or official capacity as a volunteer employee and as Planning Department Manager, provided that the basis for the legal proceeding relates to an act or omission of the Manager, as an employee or volunteer of the Town, acting within the course and scope of the Manager's employment or volunteer work with the Town. However, the Manager is not entitled to any indemnity rights provided in Section 2.4 if it is established that the Manager committed official misconduct, a willful or wrongful act or omission, an omission constituting gross negligence, or a bad-faith act. Additionally, the indemnity rights provided in Section 2.4 do not cover any costs, fees, expenses, or damages that are recoverable or payable under an insurance contract, held either by the Town or by the Manager. The Manager's legal counsel must be selected with the mutual agreement of the Manager and the Town if that legal counsel is not also the Town's legal counsel. If the legal defense is provided through insurance coverage, the Manager's right to agree to legal counsel provided for him will depend on the terms of the applicable insurance contract. The provisions of this Section 2.4 survive the termination, expiration, or other end of this Agreement and the Manager's employment with the Town.

III. Compensation

3.1 Salary. Manager is operating as a volunteer employee and receives no monetary compensation. Manager shall qualify as an employee pursuant to Utah Code section 63G-7-102(3) (2019) and shall be entitled to all protections afforded thereby by the Governmental Immunity Act of Utah.

IV. Miscellaneous

4.1 Severability. If any part of this Agreement exceeds the authority provided by law or violates the limitations imposed by law, the Agreement must be construed and modified accordingly, but the remainder of the Agreement must remain in full effect.

4.2 Waiver. A party's waiver of any breach of this Agreement must not constitute a waiver of any other breach. Forbearance or omission by a party in enforcing any of its remedies upon breach will not constitute a waiver of any of that party's remedies.

4.3 Binding Nature of Agreement. This Agreement is binding on the Town and the Manager, as well as their heirs, assigns, executors, personal representatives, and successors in interest.

4.4 Dispute Resolution. Any dispute relating to this Agreement must first be submitted to mediation. The parties must jointly appoint an acceptable mediator. The Town agrees to pay the full cost of mediation. If mediation fails, either party may then seek court relief.

4.5 Applicable Law. This Agreement must be governed by and construed in accordance with the laws of Utah.

4.6 Integration. This Agreement sets forth and establishes the entire understanding

between the Town and the Manager relating to the Manager's employment. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement.

EFFECTIVE DATE This Resolution shall be in full force and effect from January 3, 2022.

PASSED this 3rd day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted _____

Council Member Whitmore voted _____

Council Member McGinnis voted _____

Mayor Walters voted _____