



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 17, 2023 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 **Wednesday, May 17, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

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

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/87607542551>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 876 0754 2551

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- [1.](#) Disbursement Listing for April 2023.
- [2.](#) Budget Report for Fiscal Year 2023 through April 2023.
- [3.](#) Minutes: March 22, 2023.
- [4.](#) Minutes: April 26, 2023.

MAYOR'S TOWN UPDATE

PUBLIC COMMENTS

PUBLIC HEARING | DISCUSSION AND ACTION

- [5.](#) **Public Hearing:** Consider Approval to Rename Main Street, Ordinance-O-2023-26.
- [6.](#) **Discussion and Action:** Consider Approval to Rename Main Street, Ordinance-O-2023-26.
- [7.](#) **Public Hearing:** Consider Approval of Adopting the WUI Map, Ordinance-O-2023-27.
- [8.](#) **Discussion and Action:** Consider Approval of Adopting the WUI Map, Ordinance-O-2023-27.

DISCUSSION AND ACTION

- [9.](#) Application To Appear Before Town Council: Colton Winder and Sophia Dailey, Purpose of Request: Request a waiver on Storm Drainage Impact fees.

- [10.](#) Application To Appear Before Town Council: Aaron and Susanna Barlow, Purpose of Request: Denial of business license.
- [11.](#) FY2024 Tentative Budget Approval, Resolution-R-2023-13.
- [12.](#) Consider Approval for Appointment of Town Deputy Clerk, Resolution-R-2023-14.
- [13.](#) Consider Approval of Canceling Interlocal Agreement with Washington County, Resolution-R-2023-15.
- [14.](#) Consider Approval of Updating Title 10.07.130 Building Permit, Ordinance-O-2023-23.
- [15.](#) Consider Approval of Updating Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.
- [16.](#) Consider Approval of Updating Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.
- [17.](#) Consider Approval of the Qualified Small Employer Health Reimbursement Arrangement Plan, Resolution-R-2023-16.
- [18.](#) Consider Approval to Amend the Personnel Policies and Procedures Manual, Resolution-R-2023-17.
- [19.](#) Consider Approval of Asset Capitalization Policy, Resolution-R-2023-18.
20. Consider Approval of Removal of Frank Lindhardt, Kevin Sair & Andy McGinnis as signers from the SBSU Fire Account.
21. Cemetery Update and Approval for Next Steps.
- [22.](#) Consider Approval of Town Administrator Jauna McGinnis Resignation.
23. Consider Approval of Town Councilman Andy McGinnis Resignation.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION

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.

**Town of Apple Valley
Disbursement Listing
SBSU Operating - 04/01/2023 to 04/30/2023**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Blackburn Propane Inc.	5366	02/09/2023		04/04/2023	\$781.27	Purchasing
Amazon Capital Services	5407	04/01/2023	\$1,420.24			Purchasing
CivicPlus LLC	5396	04/01/2023		04/01/2023	\$1,277.40	Purchasing
CivicPlus LLC	5397	04/01/2023	\$1,277.40			Purchasing
James R Weeks	5406	04/01/2023	\$162.50			Purchasing
Big Plains Water SSD	5401	04/03/2023	\$40,824.78			Purchasing
Chase Paymentech	DEBIT0403202	04/03/2023	\$236.42			Purchasing
Department of Workforce Services	DWS040323	04/03/2023	\$454.45			Purchasing
Google LLC	G04032023	04/03/2023	\$180.00			Purchasing
Superior Technical Solutions LLC	STS04032023	04/03/2023	\$883.89			Purchasing
Utah State Tax Commission	USTC040323	04/03/2023	\$1,697.52			Payroll
Washington Hart	WH04032023	04/03/2023	\$105.33			Purchasing
Blackburn Propane Inc.	5402	04/04/2023	\$781.27			Purchasing
Home Depot	HD04042023	04/04/2023	\$399.06			Purchasing
Stop payment on check number 5366 Ch		04/04/2023	\$25.00			JE: 693
Layton Ventures LLC	5408	04/05/2023		04/05/2023	\$5,094.81	Purchasing
Layton Ventures LLC	5409	04/05/2023	\$5,094.81			Purchasing
Rawlins, Darwin	5404	04/05/2023	\$195.77			Purchasing
Revco Leasing	5405	04/05/2023	\$302.51			Purchasing
Sherwin Williams	Debit 040523	04/05/2023	\$154.32			Purchasing
TXFR excess funds to PTIF savings		04/05/2023	\$75,000.00			JE: 695
TXFR Qtr 1 Storm Drain Fees		04/05/2023	\$11,909.36			JE: 696
GS Distributing	Debitcard	04/06/2023	\$471.30			Purchasing
Sid's HVAC LLC	5412	04/06/2023	\$400.00			Purchasing
South Central Communications	5410	04/06/2023	\$441.77			Purchasing
USPS	USPS04062023	04/06/2023	\$252.00			Purchasing
XPress Bill Pay	XBP04062023	04/06/2023	\$242.68			Purchasing
Zions Bank	5411	04/06/2023	\$12,927.65			Purchasing
Payroll	0407231200	04/07/2023	\$4,128.91			Paycheck
Basic American Supply	BAS04072023	04/07/2023	\$82.25			Purchasing
Fralish, Lee W	5403	04/07/2023	\$46.17			Paycheck
Internal Revenue Service	EFTPS0407202	04/07/2023	\$940.94			Payroll
Utah Retirement Systems	URA04072023	04/07/2023	\$561.03			Payroll
Apparatus Equipment & Service Inc.	5418	04/12/2023	\$2,628.60			Purchasing
GS Distributing	GSD4122023	04/12/2023	\$32.24			Purchasing
PCS Communications	5413	04/12/2023		04/12/2023	\$2,378.12	Purchasing
PCS Communications	5419	04/12/2023	\$2,227.74			Purchasing
State of Utah-Dept of Commerce	5414	04/12/2023	\$74.25			Purchasing
Utah League of Cities & Towns	5415	04/12/2023	\$672.08			Purchasing
Washington County Sheriff's Office	5416	04/12/2023	\$3,750.00			Purchasing
Washington County Solid Waste	5417	04/12/2023	\$4,965.21			Purchasing
Habitat for Humanity of St. George	HFH4142023	04/14/2023	\$86.00			Purchasing
Rocky Mountain Power	RMP04172023	04/17/2023	\$280.95			Purchasing
Blackburn Propane Inc.	5423	04/18/2023	\$79.65			Purchasing
Hood, Tara	5422	04/18/2023	\$160.31			Purchasing
Lapetina, Paul	5420	04/18/2023	\$31.40			Purchasing
Weiks-Campbell, Brittany	5421	04/18/2023	\$9.39			Purchasing
Zoom Video Communications Inc.	Z04192023	04/19/2023	\$15.99			Purchasing
Payroll	0420231200	04/20/2023	\$1,298.84			Paycheck
Costco	C04202023	04/20/2023	\$99.64			Purchasing
Internal Revenue Service	EFTPS4202023	04/20/2023	\$282.71			Payroll
Payroll	0421231200	04/21/2023		04/21/2023	\$5,832.51	Paycheck
Payroll	0421231200	04/21/2023	\$5,832.51			Paycheck
Gross, Michael J	X999	04/21/2023	\$0.00			Paycheck
Home Depot	HD4212023	04/21/2023	\$58.12			Purchasing
Internal Revenue Service	EFTPS4212023	04/21/2023	\$1,248.06			Payroll
Utah Retirement Systems	URS04212023	04/21/2023	\$813.70			Payroll
NFPA	NFPA04242023	04/24/2023	\$1,550.25			Purchasing
Barlow, Anthus	5427	04/25/2023		04/25/2023	\$63.14	Purchasing
Barlow, Anthus	5428	04/25/2023	\$63.14			Purchasing
Gross, Michael & Jennifer	5424	04/25/2023	\$174.94			Purchasing
Little Creek Station	5429	04/25/2023	\$742.86			Purchasing
Road Groom Mfg.	5425	04/25/2023	\$853.00			Purchasing
Sunrise Engineering Inc.	5426	04/25/2023	\$483.25			Purchasing
Dalmation Fire Equipment, Inc	5430	04/26/2023	\$17,959.61			Purchasing
GEM Awards	GA04262023	04/26/2023	\$401.37			Purchasing
Scholzen Products	5431	04/26/2023	\$515.20			Purchasing
Basic American Supply	BAS042023	04/28/2023	\$7.59			Purchasing
Bee's Marketplace	B04282023	04/28/2023	\$38.70			Purchasing
Zions Premium Meats	ZPM04282023	04/28/2023	\$61.72			Purchasing
			\$209,098.35		\$15,427.25	

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 04/01/2023 to 04/30/2023**

Item 1.

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Tractor Supply	TS04172023	04/17/2023	\$51.84			Purchasing
			\$51.84		\$0.00	

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 04/30/2023
83.33% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	129,070.55	4,470.91	135,763.15	128,557.00	105.61%
3120 Prior Year's Taxes-Delinquent	5,139.11	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	94,237.16	13,691.03	153,588.41	130,000.00	118.14%
3140 Energy and Communication Taxes	17,038.14	3,917.33	38,192.07	35,000.00	109.12%
3150 RAP Tax	14,641.96	1,897.21	14,353.81	17,000.00	84.43%
3160 Transient Taxes	5,746.97	979.02	11,914.69	7,200.00	165.48%
3170 Fee in Lieu of Personal Property Taxes	1,584.85	0.00	0.00	8,400.00	0.00%
3180 Fuel Tax Refund	0.00	0.00	826.53	0.00	0.00%
3190 Highway/Transit Tax	10,097.04	1,299.73	14,353.34	12,550.00	114.37%
Total Taxes	277,555.78	26,255.23	368,992.00	346,707.00	106.43%
Licenses and permits					
3210 Business Licenses	7,350.00	937.50	9,678.00	8,000.00	120.98%
3221 Building Permits-Fee	63,031.12	1,564.02	41,447.11	75,000.00	55.26%
3222 Building Permits-Non Surcharge	8,884.68	234.60	6,021.12	11,250.00	53.52%
3223 Building permit - HCP Valuation	3,723.52	0.00	0.00	0.00	0.00%
3224 Building Permits Surcharge	332.22	6.92	(114.14)	750.00	-15.22%
3225 Animal licenses	420.00	0.00	800.00	500.00	160.00%
Total Licenses and permits	83,741.54	2,743.04	57,832.09	95,500.00	60.56%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	57,577.59	0.00	87,796.00	82,000.00	107.07%
3358 Liquor Control Profits	755.59	0.00	1,037.25	800.00	129.66%
3370 State Grants	13,236.51	0.00	0.00	0.00	0.00%
Total Intergovernmental revenue	71,569.69	0.00	88,833.25	92,800.00	95.73%
Charges for services					
3230 Special Event Permit	3,000.00	0.00	2,480.00	3,000.00	82.67%
3410 Clerical Services	160.32	12.94	272.84	250.00	109.14%
3416 Other Interdepartmental Charges	0.00	3,638.13	9,038.93	16,000.00	56.49%
3431 Zoning and subdivision fees	54,045.13	11,811.75	22,034.00	40,000.00	55.09%
3440 Solid Waste	41,856.17	5,055.48	47,138.78	53,350.00	88.36%
3441 Storm Drainage	35,353.20	4,104.99	38,226.65	42,800.00	89.31%
3461 GRAMA Requests	0.00	28.13	313.65	200.00	156.83%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3615 Late Charges/Other Fees	1,451.24	125.76	(732.51)	2,500.00	-29.30%
Total Charges for services	135,866.06	24,777.18	118,772.34	158,200.00	75.08%
Fines and forfeitures					
3510 Fines	7,756.74	632.80	4,624.65	1,000.00	462.47%
Total Fines and forfeitures	7,756.74	632.80	4,624.65	1,000.00	462.47%
Interest					
3610 Interest Earnings	2,071.48	3,517.79	22,692.10	3,000.00	756.40%
Total Interest	2,071.48	3,517.79	22,692.10	3,000.00	756.40%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	0.00	5,000.00	0.00%
3690 Sundry revenue	3,887.26	190.31	18,738.13	2,800.00	669.22%
3692 Fire Department Fundraisers/Donations	1,165.73	0.00	1,500.00	2,000.00	75.00%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	18,627.00	0.00	5,064.00	25,320.00	20.00%
3801.2 Impact fees - Police	2,508.00	0.00	0.00	0.00	0.00%
3801.3 Impact fees - Roadways	56,374.00	0.00	15,960.00	79,800.00	20.00%
3801.6 Impact fees - Storm Water	30,058.95	0.00	22,307.15	86,550.00	25.77%
3801.7 Impact fees - Parks, Trails, OS	16,091.00	0.00	4,350.00	21,750.00	20.00%
Total Miscellaneous revenue	128,711.94	190.31	67,919.28	224,020.00	30.32%
Contributions and transfers					
3890 Fund balance appropriation	0.00	0.00	0.00	15,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	15,000.00	0.00%
Total Revenue:	707,273.23	58,116.35	729,665.71	936,227.00	77.94%
Expenditures:					
General government					
Council					

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 04/30/2023
83.33% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council/PC Salaries and wages	13,775.00	1,750.00	13,450.00	21,000.00	64.05%
4111.130 Council/PC Employee benefits	1,300.50	133.93	1,296.77	2,410.00	53.81%
4111.210 Council/PC Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%
4111.220 Council/PC Training	60.00	0.00	0.00	1,500.00	0.00%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	500.00	0.00%
Total Council	15,135.50	1,883.93	14,746.77	26,910.00	54.80%
Administrative					
4141.110 Admin Salaries and Wages	75,473.52	13,180.59	89,661.44	99,445.00	90.16%
4141.130 Admin Employee Benefits	6,426.24	1,027.43	7,911.11	11,377.00	69.54%
4141.140 Admin Employee Retirement - GASB 68	1,117.46	1,701.49	11,860.07	13,553.00	87.51%
4141.210 Admin Dues, Subs & Memberships	3,443.57	1,949.48	6,742.24	4,000.00	168.56%
4141.220 Admin Public Notices	733.24	0.00	41.95	1,200.00	3.50%
4141.230 Admin Training	195.00	0.00	743.17	1,000.00	74.32%
4141.240 Admin Office/Administrative Expense	14,299.74	2,054.24	14,850.40	5,000.00	297.01%
4141.250 Admin Equipment Expenses	5,544.23	1,186.40	14,309.67	2,000.00	715.48%
4141.260 Admin Building & Ground Maintenance	1,769.33	54.95	4,340.66	1,500.00	289.38%
4141.270 Admin Utilities	4,923.99	360.60	6,331.02	5,800.00	109.16%
4141.280 Admin Telephone and Internet	6,754.70	441.77	6,379.90	4,800.00	132.91%
4141.290 Admin Postage	2,435.35	252.00	2,446.51	3,000.00	81.55%
4141.320 Admin Engineering Fees	28,196.84	340.25	6,678.23	20,000.00	33.39%
4141.330 Admin Legal Fees	56,828.15	3,028.75	41,961.57	25,000.00	167.85%
4141.331 Admin Assessment legal fees	2,028.84	0.00	0.00	0.00	0.00%
4141.340 Admin Accounting & Auditing	16,823.74	0.00	4,400.00	7,500.00	58.67%
4141.350 Admin Building/Zoning/Planning Fees	52,717.48	5,094.81	29,761.89	35,000.00	85.03%
4141.360 Admin Education-General	247.83	0.00	0.00	500.00	0.00%
4141.390 Admin Bank Service Charges	3,462.10	25.00	140.00	4,600.00	3.04%
4141.410 Admin Insurance	6,088.77	0.00	13,275.25	7,000.00	189.65%
4141.490 Admin Travel Reimbursements	319.54	162.90	1,242.71	500.00	248.54%
4141.500 Admin Weed Abatement	0.00	0.00	0.00	1,500.00	0.00%
4141.610 Bad Debt Expense	0.33	0.00	2,015.13	0.00	0.00%
4141.740 Admin Capital Outlay	0.00	0.00	(958.64)	15,000.00	-6.39%
4170 Elections	2,288.46	0.00	0.00	0.00	0.00%
Total Administrative	292,118.45	30,860.66	264,134.28	269,275.00	98.09%
Total General government	307,253.95	32,744.59	278,881.05	296,185.00	94.16%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	13,200.00	3,750.00	15,000.00	15,000.00	100.00%
4210.250 Police Expenditures	4,762.58	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	63.25	0.00	0.00	100.00	0.00%
Total Police	18,025.83	3,750.00	15,000.00	15,100.00	99.34%
Fire					
4220.110 Fire Salaries & wages	25,643.05	4,615.41	31,288.96	40,100.00	78.03%
4220.130 Fire Employee Benefits	4,236.63	1,122.51	7,762.69	11,254.00	68.98%
4220.140 Fire Contract Salaries & Wages	0.00	0.00	0.00	6,680.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	355.00	0.00	1,591.11	500.00	318.22%
4220.230 Fire Travel, Mileage & Cell	57.19	250.00	250.00	600.00	41.67%
4220.240 Fire Office & Other Expenses	0.00	401.37	486.81	0.00	0.00%
4220.250 Fire Equipment Maintenance & Repairs	1,807.47	4,392.60	9,124.15	1,500.00	608.28%
4220.360 Fire Training	389.27	1,650.67	1,980.67	8,000.00	24.76%
4220.450 Fire Small Equip/Supplies	638.00	638.68	5,219.73	17,536.00	29.77%
4220.460 Fire Supplies-Fundraisers	514.18	0.00	0.00	500.00	0.00%
4220.465 Fire Gear	1,062.79	17,959.61	17,959.61	4,400.00	408.17%
4220.560 Fire Equipment Fuel	574.84	705.99	1,236.94	1,800.00	68.72%
4220.610 Fire Principal	10,241.25	0.00	11,985.58	14,590.00	82.15%
4220.620 Fire Interest	980.25	0.00	(778.76)	1,165.00	-66.85%
4220.740 Fire Capital Outlay	27,500.00	0.00	0.00	15,000.00	0.00%
Total Fire	73,999.92	31,736.84	88,107.49	123,625.00	71.27%
Total Public safety	92,025.75	35,486.84	103,107.49	138,725.00	74.33%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	0.00	320.00	770.00	7,500.00	10.27%
4410.130 Road Employee Benefits	0.00	24.48	58.92	858.00	6.87%
4410.380 Road Department Services	720.00	0.00	2,154.20	3,000.00	71.81%
4410.450 Road Department Supplies	1,616.79	553.18	9,799.44	30,000.00	32.66%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 04/30/2023
83.33% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.550 Road Equipment Maintenance	3,029.05	853.00	1,980.60	6,000.00	33.01%
4410.560 Road Equipment Fuel	1,589.88	0.00	1,613.01	2,500.00	64.52%
4410.810 Road Principal	41,028.35	12,915.34	54,409.26	44,100.00	123.38%
4410.820 Road Interest	30,564.86	12.31	29,432.66	29,531.00	99.67%
4415.110 Public Works Wages and Contract Labor	0.00	680.00	4,097.00	32,500.00	12.61%
4415.130 Public Works Employee benefits	0.00	52.03	382.26	858.00	44.55%
4415.320 Public Works Engineering/Professional Fees	0.00	0.00	107.25	0.00	0.00%
4415.450 Public Works Supplies	3,799.22	0.00	4,442.22	4,000.00	111.06%
4415.550 Public Works Equipment Maintenance	1,435.48	0.00	1,377.26	1,700.00	81.02%
4415.560 Public Works Equipment fuel	(52.00)	241.84	485.03	2,000.00	24.25%
4415.570 Public Works Travel Reimbursement	0.00	0.00	77.51	200.00	38.76%
4415.610 Public Works Storm Drainage	0.00	0.00	3,300.81	5,000.00	66.02%
4415.710 Public Works Principal	14,919.85	0.00	15,479.43	15,500.00	99.87%
4415.720 Public Works Interest	1,140.15	0.00	580.57	585.00	99.24%
4415.740 Public Works Capital Outlay	0.00	0.00	11,000.00	11,000.00	100.00%
Total Highways	99,791.63	15,652.18	141,547.43	196,832.00	71.91%
Sanitation					
4420.460 Solid Waste Service	45,052.62	4,965.21	38,921.21	52,128.00	74.66%
Total Sanitation	45,052.62	4,965.21	38,921.21	52,128.00	74.66%
Total Highways and public improvements	144,844.25	20,617.39	180,468.64	248,960.00	72.49%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	2,755.00	330.00	4,913.00	7,500.00	65.51%
4540.130 Park/Rec Employee benefits	0.00	25.25	375.85	858.00	43.81%
4540.250 Park/Rec Department Expenses	0.00	0.00	272.62	1,000.00	27.26%
4540.460 Park/Rec Community events supplies	157.85	160.31	1,449.75	4,000.00	36.24%
4540.740 Parks Capital outlay	4,586.00	0.00	0.00	0.00	0.00%
Total Parks	7,498.85	515.56	7,011.22	13,358.00	52.49%
Total Parks, recreation, and public property	7,498.85	515.56	7,011.22	13,358.00	52.49%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	25,579.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	25,320.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	79,800.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	86,550.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	21,750.00	0.00%
Total Transfers	0.00	0.00	0.00	238,999.00	0.00%
Total Expenditures:	551,622.80	89,364.38	569,468.40	936,227.00	60.83%
Total Change In Net Position	155,650.43	(31,248.03)	160,197.31	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2022 to 04/30/2023
83.33% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	8,013.04	1,833.88	37,492.59	0.00	0.00%
Total Miscellaneous	<u>8,013.04</u>	<u>1,833.88</u>	<u>37,492.59</u>	<u>0.00</u>	<u>0.00%</u>
Total Expenditures:	<u>8,013.04</u>	<u>1,833.88</u>	<u>37,492.59</u>	<u>0.00</u>	<u>0.00%</u>
Total Change In Net Position	<u>(8,013.04)</u>	<u>(1,833.88)</u>	<u>(37,492.59)</u>	<u>0.00</u>	<u>0.00%</u>



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, March 22, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Council Member Nielson led pledge of allegiance.

PRAYER- Prayer offered by Council Member Sair.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Barratt Nielson

ABSENT

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Disbursement Listing for January 31, 2023 through February 28, 2023.
2. Budget Report for Fiscal Year 2023 through February 2023.
3. Minutes: February 15, 2023.

MOTION: Council Member Whitmore motioned we approve the three items on the consent agenda, the Disbursement Listing for January 31, 2023, Budget Report for Fiscal Year 2023, and minutes from February 15, 2023.

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.

MAYOR'S TOWN UPDATE



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, March 22, 2023 at 6:00 PM

MINUTES

Apple Valley Spring Celebration, Saturday, April 8th, 11am-2pm announced by Mayor Lindhardt. He continued a 6-month update meeting will be forthcoming soon.

PUBLIC COMMENTS

Margaret Ososki, 1024 W Little Pinion Way. I want you guys to really consider your vote on the ADU. In a PC meeting on 11/2/22 the Mayor stated that Apple Valley was almost a city and 1000 people was the magic number as far as the law is concerned. Once we reach 1000 people, we need to have accommodation for low-income housing, this is not correct. The state only needs a plan for moderate income housing aka accessory dwelling units which is already in the general plan. AV is not a city yet and not until the population reaches 5,000 residents do we need to provide any type of low, moderate-income housing. Residents are allowed now to have a casita for their family and friends. This is ultimately going to end single-family zoning. It could double the population of Apple Valley. Why do we need to put another code on the books that will not get enforced. Thank you.

Mayor Lindhardt discussed at the last Town Hall meeting he did correct that information with attorney's clarification and that is not one of the reasons this on the agenda tonight.

Joanie Moses, 2888 N Foothill Dr. After the water study that just came out, I don't know how we can approve ADU's. It's going to add to the population and drain the water we do have.

Stewart Riding spoke on behalf of resident Roxanne Naylor at 1582 N Mt Zion Dr. Against street name changes and this has created undue stress. The post office doesn't deliver to houses.

Hildegad Simion, 1483 N Zion Cir. Against street name change.

Shelby Brewer, 1542 N Zion Cir. Has lived at address for 28 years. In 28 years, he has never heard of any problems. Objects to the street name. Patent office, national and international advertising, and trademarked name so can't just be taken. Just because a small group doesn't feel it merits this abuse.

DISCUSSION AND ACTION

4. Discussion and Action: Special Event Permit Application for April 14-16, 2023. Event: Zion Ultra.

Lyle Anderson with Vacation Races is here representing this event. He explained April 14th is going to be the expos day at Ruby Rider Ranch at the end of Main Street. There are different running events, with some on the 14th and others on the 15th. He confirmed not crossing on State Highway 59 and running mostly on the mesa, Gooseberry mesa and dropping into Virgin. Protocols on the special event permit application were discussed. Regarding campfires, the applicant confirmed he will be staying on site to supervise and make sure there are no campfires.

MOTION: Council Member Nielson motioned that we approve the special event permit application for Zion Ultra for Ruby Rider Ranch Vacation Races for April 14th through 16th.



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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.

- 5. Discussion and Action:** Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space Transition Zone (OST) to Rural Estates Zone (RE-5.0). Applicant: Aaron and Jill Hamblin. Ordinance O-2023-17.

Jill Hamblin applicant is here and commented we have been in contact with Fire Chief. The biggest question is the road crossing. They are pending improvements installed that will be needed for a building permit. They also discussed investing in a well.

Planning Assistant Kyle Layton gave the JUC report. Comments: Applicant has put in application with the stated purpose to change the property to an A-5 zone with the intention of building a residence. Planning Commission recommendation recommend approval for RE-5 zoning. This property consists of 5.00 acres that is undeveloped and is currently zoned OST. It is bordered by OST and RE-1 properties to the North, RE-20 Property to the East, OST Property to the South, and OSC Properties to the West. Surrounding properties are currently undeveloped however, there are residential properties in the close vicinity.

Application was submitted to the Joint Utility Committee through email and received the following feedback: Rocky Mountain Power: Stated that they have spoken with the applicant and they will require an extension of power to their property. They are also requesting an easement along the access road to install the new lines. They will need to continue to work with the power company to get a detailed power design and cost when they are ready to build their home.

Roads: There is currently no access to the property. There is an access easement onto the property. There was a "road" pushed into the property but it does not meet any town standards and will need to be upgraded before a building permit will be issued.

Fire: The access easement is a long dead end and will need turn arounds for EMS access. Access will also need to meet requirements for an all-weather road that can handle EMS vehicles.



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MINUTES

Ash Creek SSD: They are fine with the application the lot meets the requirements for an alternate septic systems. The applicant will also need to provide Ash Creek with the required septic agreement.

The following is based upon the property location and other facts:

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

I. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

- The General plan shows this property as a medium density residential. A zone change to A-5 is consistent with the general plan.
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
- Property is bordered by undeveloped land however, there are some residences in the vicinity. The proposed change would most likely be harmonious with future development in that area.
3. The extent to which the proposed amendment may adversely affect adjacent property; and
- There appears to be no negative affect to neighboring properties cause by this zone change.
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.
- The applicant will have some challenges when it comes to utilities. Mainly with the road access and fire protection. These items have been discussed in the JUC notes.

End report.

MOTION: Council Member Sair motioned that we approve zone change application for AV-1351-D from OST to Rural Estate 5, Ordinance O-2023-17.

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.

6. Discussion and Action: Zone Change Application for AV-2194-D, AV-2194-B, AV-2-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space Transition Zone (OST) and General Commercial (C-3) to Planned



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Development Overlay Zone, Cabin Zone (CTP) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. Applicant: Hidden Rock Development Group. Ordinance O-2023-18.

Zoom failure, restarted recording.

Planning Assistant Kyle Layton gave the JUC report. Comments: Applicant is requesting a zone change to agricultural 5 acre and cabin with a planned development overlay. The intent is to develop a horizontal hotel. The property is currently surrounded by C-3 property to the West and North, as well as some BLM property to the East and South. The general plan shows this property as well as all surrounding properties as agricultural land.

This project was presented to the Joint Utility Committee on November 16th, 2022. Several concerns were brought up during this meeting and while the applicants have addressed some, the following are still concerns from staff:

The first concern is access to the property. It is currently accessed through Cinder Hill Road as well as Gouldwash Road. Both roads are not currently roads that have been dedicated to the town and run through multiple private properties. The transportation master plans show only a portion of Gouldwash road to be used for future planning. The master plan shows these roads as a collector street and would require major improvements to bring them up to town standards. Due to the size of the project the applicants would be required to have a primary access as well as a secondary access in case of emergency. Another concern with access would be approval from UDOT for access off highway 59 as far as staff knows there hasn't been any information on whether this would be possible.

The second concern is the site plan that was provided shows quite a bit of development on the hillside. The applicants did a good job of keeping the buildings on relatively flat ground but there are concerns on the road running through their property for emergency vehicle access. Much of their development is on a slope greater than 30% which is not allowed by Apple Valley's hillside ordinance. The hillside ordinance allows slopes up to a maximum of 12% for the road if the road is brought up to full improvements including pavement. It may be difficult to develop roads to meet these requirements.

The last concern is with the water the applicant has added property since their first proposal. The main reason for adding that property is to obtain some existing wells that would be dedicated to the project. It is unknown if the wells are working and could provide the water to the project.

The following is our report based upon the property location and other facts:

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

The town General Plan shows this property as Agricultural. This zone change would not be consistent with the General Plan

5. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;



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There is not currently much development in the vicinity of this project. The location is the old kokopelli golf course. So, there is part of a clubhouse as well as the golf cart paths which are being proposed to be integrated into this project.

6. The extent to which the proposed amendment may adversely affect adjacent property; and

There is not currently any development on the adjacent property. This zone change would most likely set the course for how the property would be developed in this part of town.

7. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

There are not currently any utilities for this area. The applicant would need to provide all utilities and road access.

End report.

Planning and Zoning Assistant Kyle Layton discussed the hillside ordinance concern. Also discussed the road concerns with the Fire Department. Our ordinance states nothing over 10% and if full improvement road it can be 12% grade. Anything over 30% grade is no development allowed at all. Based on the slope analysis they have strategically tried to place cabins. General Plan as agricultural zone. Not a lot of development out there.

Planning Commission recommendation for approval of project with the stipulation that they reach an approved Development Agreement with the Town within one year.

Dalin Joley applicant of project discussed they are trying to achieve a high level very low-density hotel resort with 22 residential homes. This doesn't drive additional traffic into Apple Valley Town. The water has been discussed with the Water Board. Discussed water and other property owners that have access to water, understanding that this is contingent. Hillside ordinance with civil engineering was discussed and no building, structures or roads are over 30%. Discussed cut and fill analysis and that they have had a conversation with Ash Creek Sewer. All is single level and low density. 44 keys villas/cabins as well as residential component. Council Member Sair asked about open space. A vegetable garden, event space, and horse stable were mentioned. Discussed road access and the General Transportation Plan. No building permit or construction until at least a year was mentioned. There is an issue that the road can't be in the middle of the wash. Another issue is meeting our Hillside Ordinance and this purpose avoids cutting up our mesas. Mayor Lindhardt recommended that due to Planned Development we need to make sure Hillside Ordinance is met. Visual walk through requested by the Council. Mayor Lindhardt asked Fire Chief about code. Showing it meets code and the Hillside Ordinance was discussed with the Fire Chief.

MOTION: Council Member Sair motioned we approve this.

SECOND: No second, motion died.



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Mayor Lindhardt commented not comfortable to approve as is. The Fire Chief asked can it be approved contingent on the Fire Code and Hillside Ordinance being met, as well as a pending walk through. Mayor Lindhardt commented about how he can't visualize this project. Development Agreement assurance was discussed from the applicant.

MOTION: Mayor Lindhardt motioned that we approve this plan subject to a Development Agreement and the actual zone change will not take place until, the combination of the zone change is when the Development Agreement is signed, sealed, and delivered. Also, with the understanding that roads need to be moved and changed from the site plan that we are approving tonight if they do not meet our Hillside Ordinance. You need to improve the access off the highway like UDOT required. You need to improve the roads, asphalt from the highway to your project the main Cinder Rd. The secondary road should just meet Fire Code which would be 25 feet of road base not cinders but road base that actually meet Fire Code. You need to work out a separate agreement with the water District pertaining to your water whether you can actually get enough water for the project, whether they require a tank but all that is hammered out with the District and not with the Town. Of course, you need to do the sewer system as required by Ash Creek. And just so you are aware there may be two separate sewer systems, I don't know how they are going to work that because you're lots are separate from your development. Subject to Fire Chief signs off on the final, that he's happy with the final results because without him it won't happen. He actually has way more power than we do. I want this Development Agreement to be done within one year from today and if it's not then you can come and request an extension but if it's not done within one year then you're essentially back to square one unless you apply for an extension say two weeks before so we have a little timeline on there. This is not subject to; I still want the tour. But this is a Zone Change for Av-2194-D, AV-2194-B, AV-2-2-27-432 and which one of them are the Ag. The last one, so the zone change for that is AG, that is the underlying Zone, the underlying zone for the other two parcels is our Cabin Ordinance that controls the density. And then a PD is on top of all of it. And this is Ordinance number O-2023-18.

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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

- 7. Discussion and Action:** Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

Mayor Lindhardt discussed the employee housing ordinance that was repealed in April 2022. He commented a year or two ago we had 2 similar ordinances but unrestricted. This proposal is reasonable but still restrictive enough to not let a bunch of houses on a single lot. Discussed renting out casitas especially since we are restricting size so it doesn't come with a bunch of giant houses on a single lot. He feels we should not be more restrictive and not everyone is well off as other people. Reviewed ordinance changes allowing people to rent out casitas for extra income. Planning Commission recommendation reviewed. Council Member Sair commented about the ADU's. He continued, ADU's are not considered rural. He commented about squeezing people in dense areas and how this eliminates single family homes and zoning. He doesn't feel we need this right now. In his opinion, ADU would be the worst nightmare for Apple Valley. The ADU is not what you think it is.

MOTION: Council Member Sair motioned to remove this right off agenda and never see it again.

SECOND: No second, motion died.

Council Member Whitmore commented every time we have talked about this, she doesn't know what it is but something is telling her not to vote for it. Mayor Lindhardt discussed current ordinance allows the same just the difference is you can rent it out. Council Member Sair commented if we approve the ADU ordinance we are selling our Town out. The terminology of ADU was discussed amongst the Council. Council Member Whitmore is not comfortable voting yes on this tonight. Mayor Lindhardt asked the Council for direction in accomplishing what changes we are trying to make to give people freedom, less restrictive, and more property rights. Council Member Nielson commented about needed changes to the current casita ordinance, giving people rights back that they should have. The ability to rent out gives people freedom and more property rights. Mayor Lindhardt commented about an example of elderly people, that this could give them an option to rent out their casita and make extra income, possibly allowing someone to not work for their entire life.

MOTION: Council Member Sair motioned that we deny the ADU.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye

Council Member Whitmore - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Nay



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The vote was three aye and one nay and the motion carried.

8. Discussion and Action: Consider approval of appointing Event Committee members, Resolution-R-2023-09.

Mayor Lindhardt commented that we are appointing Tara Hood, Delila Russon, Pam Taylor, Isela Gollehon, and Kimberly (Kim) Wood to the Events Committee. He continued they have agreed to be on our Events Committee. The Council thanks and gave appreciation to the members as well as past members.

MOTION: Council Member Whitmore motioned that we adopt Resolution-R-2023-09, A Resolution Appointing Events Committee Members.

SECOND: The motion was seconded by Council Member Sair.

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.

9. Discussion and Action: Street name changes.

Mayor Lindhardt discussed street name changes and fully agreed with the recourse. He continued, the only one to change that could be beneficial is Main Street due to Hurricane having Main Street with the same zip code. Mayor Lindhardt commented that he would like to put a survey to the Town for their input on the Main Street name change. He commented something for example like Gateway to Zion that reflects the name of our area.

MOTION: Mayor Lindhardt motioned that we do not change any street names other than Main Street but put it out for a survey for request for names amongst the citizens of Apple Valley.

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



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MINUTES

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

10. Discussion and Action: Consider approval of appointment of a member to the Southwest Mosquito

Mayor Lindhardt commented Lincoln Wood has volunteered to be our member and he has experience in this field. The Council appreciates his appointment.

MOTION: Council Member Whitmore motioned to adopt the Resolution number R-2023-10, A Resolution For The Appointment Of A Member To The Southwest Mosquito Abatement And Control District Board, that member being Lincoln Wood.

SECOND: The motion was seconded by Council Member Nielson.

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.

11. Discussion and Action: Consider approval of amendment to the Interlocal Agreement, Resolution R-2023-11.

MOTION: Council Member Nielson motioned that we approve Resolution R-2023-11.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye



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The vote was unanimous and the motion carried.

12. Discussion and Action: Decision on Municipal Alternate Voting Methods pilot project (Ranked Choice Voting).

The Council discussed election integrity at the community level. Council Member Nielson commented about the canvassing that will be happening before the election.

MOTION: Council Member Sair motioned to deny.

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.

13. Discussion and Action: Contracting with County Clerk for election.

MOTION: Council Member Nielson motioned to deny contracting with the County Clerk for election.

SECOND: The motion was seconded by Council Member Whitmore.

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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
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MINUTES

14. Public Hearing: Adopt Title 14.13 Cemeteries, Ordinance O-2023-16.

Mayor Lindhardt questioned the money for this. He asked if this is the first step. The Town Administrator Jauna McGinnis commented about the sale of plots. She continued, suggested getting a loan for the first phase and then selling lots to fund the next phases. Mayor Lindhardt discussed a survey for the community to see if people are willing to buy plots here. Council Member Nielson loves the idea of a cemetery here. It was discussed about community volunteering for the labor portion of the work.

Mayor Lindhardt opened the public hearing.

Pam Verkin, 205 N 560 W, La Verkin, UT. She is looking at purchasing property in Apple Valley. She loves the beautiful design and agrees with starting small, fundraising, and growing from there. She is a patriot and all for it.

Annie Spendlove, 1260 E 2000 S. She asked the clerk to bring up the plot map. She discussed east and west placing as cultural and half of these graves are north/south. Also, reading through the transferring of plots from one person to another is not allowed and she would like that to be considered.

Mayor Lindhardt closed the public hearing.

15. Discussion and Action: Adopt Title 14.13 Cemeteries, Ordinance O-2023-16.

The Council discussed passing and nothing happens until funding. Also, discussed the survey and nothing lost by doing a survey. The land donated by Ira Bradshaw was mentioned and obligation that comes with the donation of the gift.

MOTION: Council Member Whitmore motioned that we adopt Ordinance O-2023-16, 14.13 Cemeteries.

SECOND: The motion was seconded by Council Member Nielson.

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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

16. Discussion and Action: Cemetery Process.

Town Administrator Jauna McGinnis and Council discussed the plan. The original plan was approved and recorded by a previous administration. They discussed volunteers and making sure the cemetery is the way we want it. With this design of circular, you lose about 5% space. Discussed plots facing east/west. The process of survey, redesign and then go from there was discussed. Discussed pre-selling with understanding of disclaimer but survey would be first. Burial rights were discussed.

MOTION: Mayor Lindhardt motioned we are voting on here the process is do a survey, and then redraw the cemetery after the survey, and then figure out how to fund it.

SECOND: The motion was seconded by Council Member Whitmore.

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.

17. Discussion and Action: Addition of PTIF Accounts for Cemetery Funds, Resolution R-2023-07.

18. Discussion and Action: Fee Schedule Amendment Cemetery Fees, Resolution R-2023-08.

The Council discussed amongst to table agenda items # 17 and # 18 until after the cemetery for the survey is completed.

MOTION: Council Member Whitmore motioned we table Resolution 2023-07, 2023-08.

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



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MINUTES

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair reported the roads are messy due to the weather. Mayor Lindhardt commented he has received a call from a citizen about vacation rental on a county road that has been washed out. He continued, the road that he received a complaint about is not owned by the Town of Apple Valley. We are just 1000 people; 4000 homes and we can't afford to fix private roads. Council Member commented about the flooding prevention that has been done in some areas. There is road base built up for when the new budget comes out and major improvements that are needed in Town. He discussed the grader maintenance and is currently looking for a person to help the Town. The Town insurance policy requires people to be employees and not volunteers so this is a way to incentivize the volunteers.

Town Administrator Jauna McGinnis reported on the CIB grant that is coming up for projects forthcoming. This will be coming to the Council and for a public hearing. These include road improvements, storm drainage and fire engine.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

MOTION: Council Member Whitmore 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 9:22 p.m.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, March 22, 2023 at 6:00 PM

MINUTES

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 26, 2023 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:16 p.m.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Robin Whitmore

Council Member Barratt Nielson- present online (zoom)

ABSENT

Council Member Kevin Sair

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Minutes: March 22, 2023.

Mayor Lindhardt removed item #1 from the agenda.

PUBLIC COMMENTS

No public comments.

DISCUSSION AND ACTION

2. Open Building Inspector, Planning and Zoning Assistant & Public Works Consultant Combined Services RFP's and Consider Approval of Contract Award.

One RFP was received and given to the Council by Town Clerk/Recorder Jenna Vizcardo to open and review.

Mayor Lindhardt commented that the RFP received was from Shums Coda Associates. Jason Bullock and Corey Bundy are present online from Shums Coda Associates. Mayor Lindhardt reviewed the contract and the services will be done at the hourly rates as follows: Inspector- \$90, In-House Plan Review- \$95, Plan Review Engineer/Architect- \$110, Fire Protection Engineer/Fire Inspector- \$125, Permit Technician- \$65, and Clerical Support- \$55-\$65.

MOTION: Council Member Whitmore motioned that we accept this proposal of Shums Coda Associates and award the contract to Shums Coda Associates.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 26, 2023 at 6:00 PM

MINUTES

Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Council Member Whitmore motioned that we adjourn this meeting.

SECOND: The motion was seconded by Mayor Lindhardt.

VOTE: Mayor Lindhardt called for a vote:

Council Member Whitmore - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:26 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

Submitted Names for Main Street

Gateway Drive

Butte Gateway Drive

Rockville Road

West Temple Way

Central Street

Jonagold Ave

Sego Lily Drive

Fischer Blvd

Crybaby Parkway

Crybaby Street

Crybaby Road

Scenic Byway

Mesa Drive

Butte Byway

Nimby Road

Old Grafton Road

East Mountain Road

Scenic Drive

Adventure Hwy

Yellow Man Drive

Grifter Lane

Grafton Connect (Connects to Grafton Rd. Too close to same name)

Smithsonian Butte Byway (May cause confusion due to road in Gooseberry)

Smithsonian Butte Road (May cause confusion due to road in Gooseberry)

Smithsonian Way (Already have this in Gooseberry)

Smithsonian Drive (Too close to Gooseberry)

Smithsonian Blvd (Too close to Gooseberry)

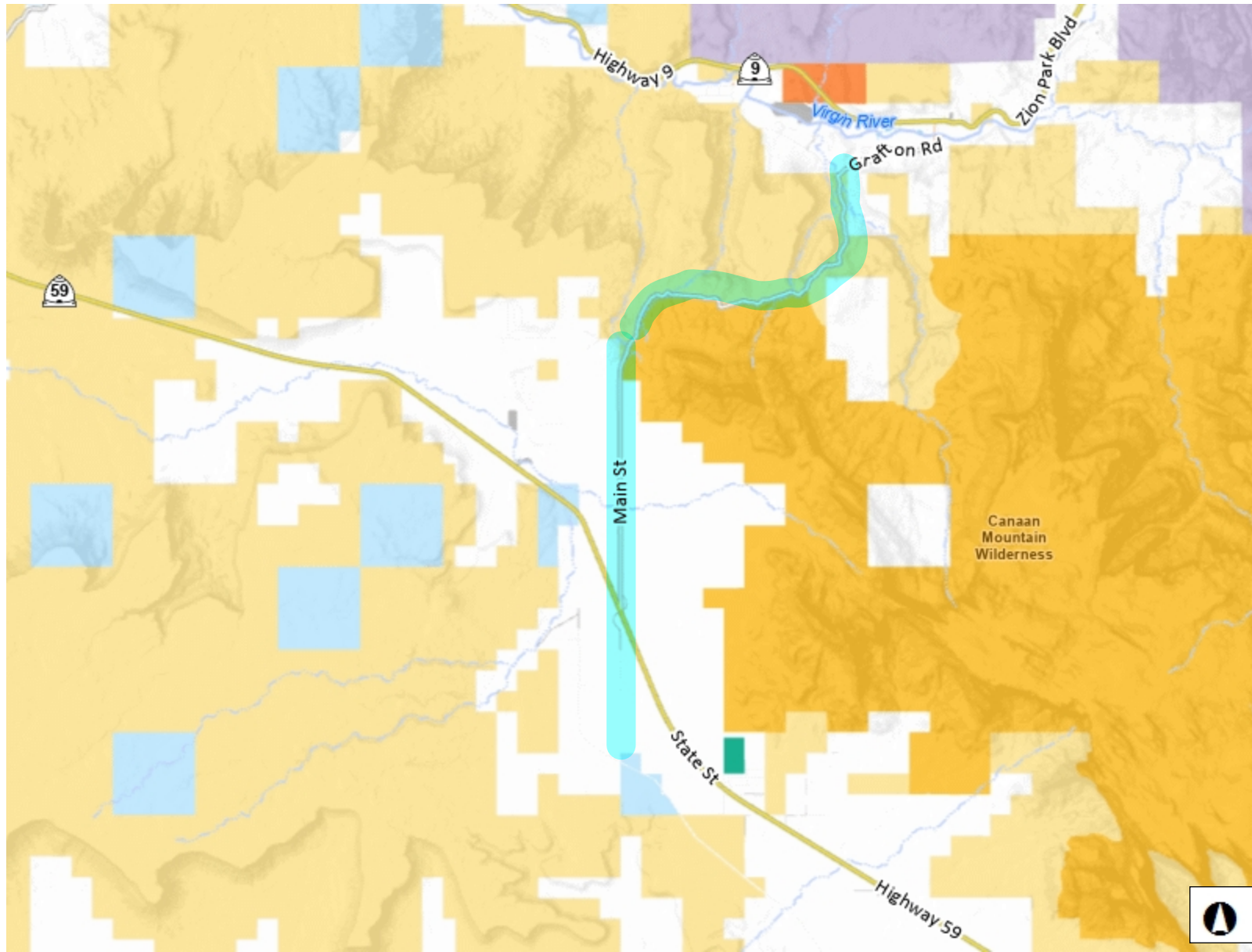
Apple Valley Parkway (Already have 2 roads with Apple Valley in name)



MAIN STREET NAME CHANGE MAP



Item 6.



Legend

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wild
- National Park Service
- Shivwits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

24,074.6 0 12,037.30 24,074.6 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

**TOWN OF APPLE VALLEY
ORDINANCE O-2023-26**

AN ORDINANCE CHANGING NAME OF MAIN STREET

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

WHEREAS, Town has the authority to change the names of streets pursuant to Utah Code §10-8-32; and

WHEREAS, the Town Council has determined that Main Street needs to be changed to remove duplication with Hurricane, Utah, which shares the same zipcode; and,

WHEREAS, all adjoining property owners were given notice of the hearing; and

WHEREAS, the Town Council held a public hearing on May 17, 2023 to receive comment on the proposed name change; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 17th day of May 2023, and upon motion duly made and seconded:

BE IT HEREBY ORDAINED, by the Town Council of Apple Valley, Utah that the name of Main Street shall be changed to _____ effective immediately.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 17th day of May 2023.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____



Apple Valley Wildfire Hazard Potential



Item 2

Legend
Wildfire Hazard Potential (USDA/USFS)

NA

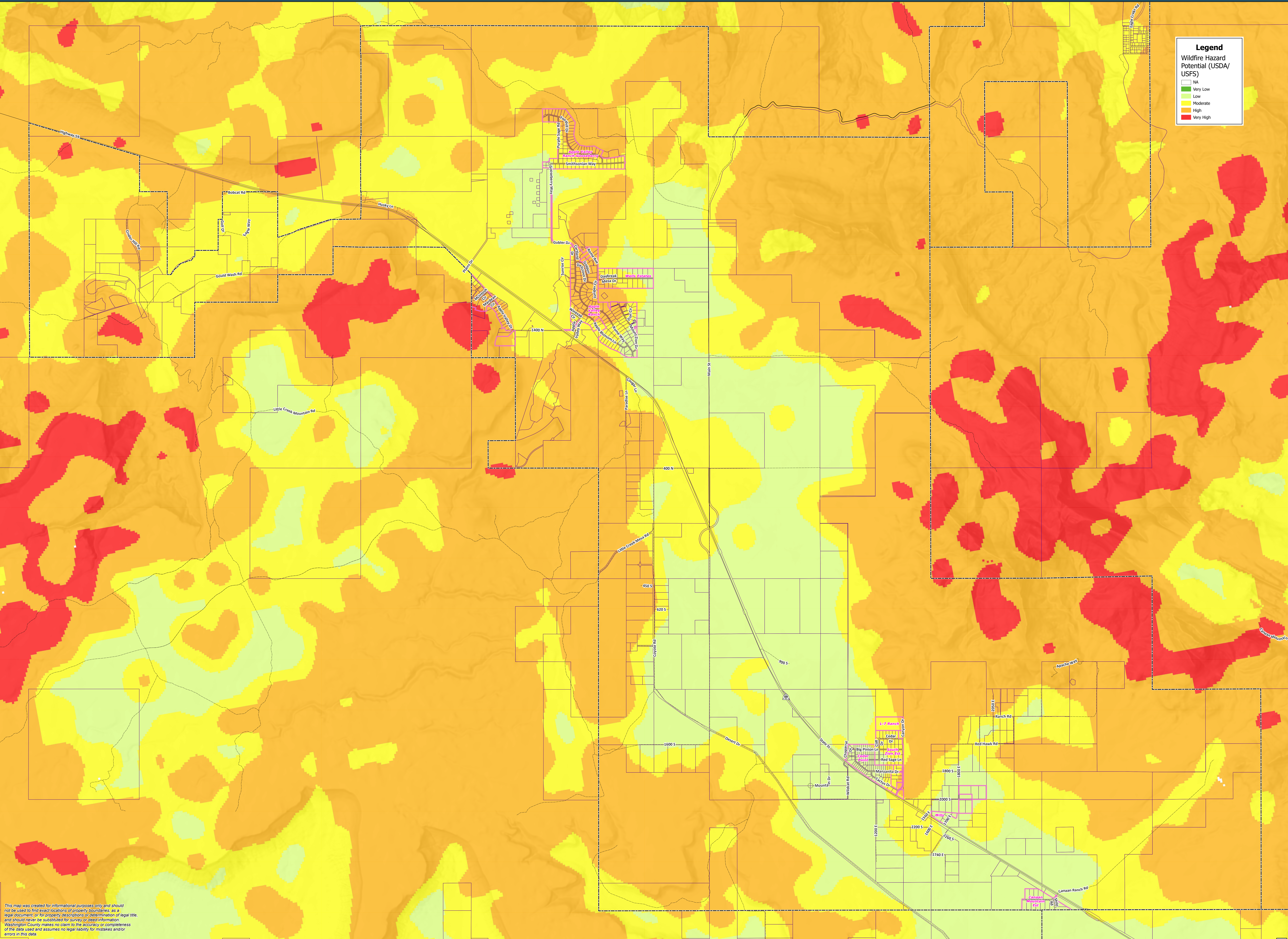
Very Low

Low

Moderate

High

Very High



This map was created for informational purposes only and should not be used to find exact locations of property boundaries, as a legal document, or for property descriptions or determination of legal title, and should never be substituted for survey or deed information. Washington County makes no claim to the accuracy or completeness of the data used and assumes no legal liability for mistakes and/or errors in this data.

**TOWN OF APPLE VALLEY
ORDINANCE O-2023-27**

**AN ORDINANCE OF THE TOWN COUNCIL OF APPLE VALLEY ADOPTING THE WILDLAND URBAN
INTERFACE (WUI) MAP**

WHEREAS, the Town of Apple Valley ("Town") has adopted International Urban Wildland Interface Code, 2003 edition (AVMC 12.02.040); and

WHEREAS, the Town of Apple Valley ("Town") has the statutory authority to adopt a Wildland Urban Interface (WUI) map to be used in conjunction with the adopted WUI code; and

WHEREAS, the Town Council held a public hearing on May 17, 2023 to receive comment on the proposed map; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed, and held on the 17th day of May 2023, and upon motion duly made and seconded:

WHEREAS, the Town Council of Apple Valley, Utah now deems it necessary and desirable for the preservation and protection of the public health, safety, and welfare of the residents of Apple Valley, Utah to approve and adopt said WUI Map for incorporation into the ordinances of the Town of Apple Valley,

BE IT HEREBY ORDAINED, by the Town Council of Apple Valley, Utah that the WUI Map, updated, a copy of which is attached hereto and incorporated herein as Exhibit A, is hereby approved, adopted, and incorporated into the ordinances of the Town of Apple Valley.

BE IT FURTHER ORDAINED, that this ordinance shall take effect as soon as allowed by law after publication and posting and shall supersede all prior maps.

DATED this ____ day of _____, 2023.

[Signature Block on Next Page]

TOWN OF APPLE VALLEY
PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

The foregoing Ordinance was presented at a regular meeting of the Apple Valley Town Council held at the Apple Valley Town Office Building at 1777 North Meadowlark Drive, Apple Valley, Utah, on the _____ day of _____, 2023, whereupon, a motion to adopt said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

ATTEST:

Jenna Vizcardo, Town Recorder



Town of Apple Valley
 1777 N. Meadowlark Dr., Apple Valley, Utah 84737
 Phone: (435) 877-1190 Fax: (435) 877-1192
 www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE TOWN COUNCIL

Name: Colton Winder & Sophia Daley Date: 4/3/23

Address: [REDACTED]
AV-1354-NP-6-A

Phone: 435-680-1785

Date of Town Council meeting for this agenda item to appear: April 2023

Purpose of Request:

Request a waiver on Storm Drainage Impact fees.

Note: Final approval of this application is subject to all necessary paperwork being submitted, as well as Town staff requirements being met. When other earlier deadlines are not specified, this application must be submitted no later than 4:00 p.m. the Wednesday, one week and one day prior to the regularly scheduled Council meeting.

Colton Winder / 4/3/23
 Applicant Signature Date

_____/_____
 Town Administration Date



Town of Apple Valley
 1777 N. Meadowlark Dr., Apple Valley, Utah 84737
 Phone: (435) 877-1190 Fax: (435) 877-1192
 www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE TOWN COUNCIL

Name: Aaron Barlow Date: 5-3-23

Address: [REDACTED]

Phone: 801-381-5165

Date of Town Council meeting for this agenda item to appear: May 17, 2023

Purpose of Request:

Redress denial of business license
for an existing operation.

Note: Final approval of this application is subject to all necessary paperwork being submitted, as well as Town staff requirements being met. When other earlier deadlines are not specified, this application must be submitted no later than 4:00 p.m. the Wednesday, one week and one day prior to the regularly scheduled Council meeting.

Aaron Barlow

Applicant Signature

5-3-23
 Date

Town Administration

Date

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

10 GENERAL FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
REVENUE									
Taxes									
3110 General property taxes-current	70,677	105,007	136,103	132,000	135,763	128,557	140,000	132,000	Certified Tax Rate not yet posted
3120 Prior year's taxes-delinquent	10,460	12,804	5,139	8,000	0	8,000	8,000	8,000	
3130 General sales and use taxes	99,678	105,307	179,393	130,000	153,588	130,000	186,600	190,000	
3140 Energy and communication taxes	14,771	15,889	25,250	35,000	38,192	35,000	45,700	45,700	
3150 RAP Tax	10,052	10,459	18,739	17,000	15,719	17,000	18,500	18,500	
3160 Transient Taxes	659	1,979	11,598	7,200	11,915	7,200	14,600	14,600	
3170 Fee in lieu of personal property taxes	10,142	8,634	456	8,400	0	8,400	8,400	8,400	
3180 Fuel Tax Refund	0	119	0	0	827	0	1000	1,000	
3190 Highway/Transit Tax	0	0	16831	12,550	14,353	12,550	17,100	17,100	
Total Taxes	216,439	260,197	393,508	350,150	370,357	346,707	439,900	435,300	
Licenses and permits									
3210 Business licenses	4,113	2,775	7,350	8,000	9,191	8,000	9,300	9,500	
3221 Building Permits-Fee	47,301	34,309	69,238	80,000	43,661	75,000	45,000	45,000	
3222 Building Permits-Non Surcharge	0	4,295	9,816	10,500	6,274	11,250	6,750	6,750	
3223 Building permit - HCP Valuation	9,669	1,732	0	4000	0	0			Removed from ordinance
3224 Building Permits Surcharge	347	1,178	339	1000	(113.00)	750	450	450	
3225 Animal licenses	1,340	970	420	500	800	500	800	800	
3430 Assessment fee income	2,006	0	0	0	0	0	0	0	
Total Licenses and permits	64,775	45,258	87,163	104,000	59,813	95,500	62,300	62,500	
Intergovernmental revenue									
3342 Fire Dept-State Wildland Grant	0	0	0	0	0	10,000	10,000	10,000	
3356 Class C" road allotment"	63,285	80,259	94,066	82,000	87,796	82,000	117,000	130,000	
3358 Liquor control profits	1,171	697	756	800	1,037	800	1100	1100	
3370 State Grants	0	0	13237	45,000	0	0	0	0	
3371 State Highway Grants	0	0	0	0	0	0	0	0	
3373 CARES Revenue	0	0	0	0	0	0	0	0	
Total Intergovernmental revenue	64,456	80,956	108,058	127,800	88,833	92,800	128,100	141,100	
Charges for services									
3230 Special Event Permit	0	0	3500	3000	2,480	3000	4500	4500	
3410 Clerical services	25,323	21	225	250	320	250	400	400	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
3415 SSD Payroll Services	48,566	0	0	0	0	0	0	0	
3416 Other Interdepartmental Charges	0	4,903	2,010	10000	9039	16,000	16,000	44,203	From BPW
3420 Fire Department Contracts	2,000	300	0	0	0	0	0	6000	
3431 Zoning and subdivision fees	17,105	33,854	37,218	60,000	24,734	40,000	26,000	20,000	
3440 Solid waste	40,815	42,442	50,917	50,850	47,072	53,350	57,200	61,000	
3441 Storm Drainage	35,399	37,778	42,921	42,800	38,177	42,800	46,400	49,000	
3461 GRAMA requests	36	0	0	200	314	200	500	500	
3470 Park and recreation fees	60	55	0	100	0	100	100	100	
3481 Sale of Cemetery Lots								310,500	
3482 Perpetual Care								129,300	
3615 Late charges/Other Fees	21,026	-2,307	1,740	2,000	(766)	2,500	2,500	2,500	
Total Charges for services	190,330	117,045	138,531	169,700	121,370	158,200	153,600	628,003	
Fines and forfeitures									
3510 Fines	6,000	5,360	10,845	11,000	4,625	1,000	5,000	5,000	
Total Fines and forfeitures	6,000	5,360	10,845	11,000	4,625	1,000	5,000	5,000	
Interest									
3610 Interest earnings	2,676	5,493	3,308	3,000	22,692	3,000	29,800	42,200	
Total Interest	2,676	5,493	3,308	3,000	22,692	3,000	29,800	42,200	
Miscellaneous revenue									
3640 Sale of capital assets	26,182	650	0	0	0	5000	0	0	
3670 Debt proceeds	77,000	48,074	0	0	0	0	0	0	
3690 Sundry revenue	1	420	1734	5000	19,897	2,800	20,300	5,000	
3692 Fire department fundraisers	2,636	947	1166	1300	1,500	2,000	1,500	6,500	
3697 Park department fundraisers	819	884	0	800	0	800	800	800	
3801.1 Impact fees - Fire	2,589	767	19471	20000	5,064	25,320	6,800	6,800	
3801.2 Impact fees - police	0	0	0	0	0	0			Removed from ordinance
3801.3 Impact fees - roadways	10,014	6,682	59,034	65,000	15,960	79,800	24,600	24,600	
3801.6 Impact fees - storm water	2,924	2,728	32,945	45,000	22,307	86,550	31,000	31,000	
3801.7 Impact fees - parks, trails, OS	2,115	1,833	16,816	17,000	4,350	21,750	6,600	6,600	
Total Miscellaneous revenue	124,280	62,984	131,165	154,100	69,078	224,020	91,600	81,300	
Contributions and transfers									
3802.2 Contributions - public safety	0	0	0	300	0	0	0	0	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to-Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
3802.7 Contributions - parks and recreation	594	100	0	100	0	0	0	0	
3802.8 Contributions - Contingency	0	0	0	100000	0	0	0	0	
3890 Fund balance appropriation	0	0	0	15,000	0	15000	0	0	
Total Contributions and transfers	594	100	0	100,400	0	15,000	0	0	
Total Revenue:	669,550	577,394	872,578	818,813	736,768	936,227	910,300	1,395,403	
EXPENDITURES									
General government									
Council									
4111.110 Council Salaries and wages	17,031	8,311	16,875	17,000	13,450	21,000	21,000	21,000	
4111.130 Council Employee benefits	9,962	2,610	1,580	2,400	1,297	2410	2410	2,400	
4111.210 Council Travel Reimbursement	0	453	0	2,100	0	1,500	1,500	1,500	
4111.220 Council/PC Training	0	1,630	60	500	0	1,500	1,500	1,500	
4111.610 Council Donations and discretionary spending	1,344	0	0	500	0	500	500	500	
Total Council	28,337	13,004	18,515	22,500	14,747	26,910	26,910	26,900	
Administrative									
4141.110 Admin Salaries and Wages	87,583	91,128	91,048	91,800	89,661	99,445	102,500	110,500	
4141.130 Admin Employee Benefits	19,568	7,444	8,191	13,400	7,911	11,377	11,800	24,500	Includes non-taxable Health Stipends for FT Employees.
4141.140 Admin Employee Retirement-GASB 68	6,454	4,272	3,214	4,700	11,860	13,553	14,000	15,100	
4141.210 Admin Dues, Subs & Memberships	1,135	1,257	4,846	4000	6,742	4,000	6,900	5,500	
4141.220 Admin Public Notices	1,251	1,290	1,017	1200	42	1200	100	100	
4141.230 Admin Training	0	1,299	420	900	743	1000	1500	1,500	Combined w/4141.360 Redundant
4141.240 Admin Office/Administrative Expense	5,126	4,688	17,802	18,000	15,619	5,000	16,000	8,000	
4141.250 Admin Equipment Expenses	5,134	5,924	6,108	7,500	16,054	2,000	16,700	10,000	
4141.260 Admin Building & ground maintenance	2,379	1,027	1,999	2,000	4,944	1,500	5,500	4,500	
4141.270 Admin Utilities	4,365	5,987	5,730	5,800	6,673	5,800	7,600	7,600	
4141.280 Admin Telephone and Internet	4,518	16,834	7,601	10,000	6,822	4,800	7,800	7,800	
4141.290 Admin Postage	1,149	1,899	2,976	3,500	2,447	3,000	3,500	3,700	
4141.320 Admin Engineering/Professional Fees	36,457	7,975	29,586	40,000	6,678	20,000	7,000	3,500	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

	2020	2021	2022	2022	2023	Original	Initial	Initial	
10 GENERAL FUND	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
4141.330 Admin Legal	13,078	5,644	58,165	65,000	42,862	25,000	50,000	50,000	
4141.331 Admin Assessment legal fees	6	0	0	0	0	0	0	0	
4141.340 Admin Accounting	7,512	12,868	16,824	17,000	4,400	7,500	4,400	4,400	AUP
4141.350 Building Fees-Inspector/85% Surcharge	0	20,656	64,548	70,000	35,796	35,000	40,000	30,000	
4141.360 Admin Education-General	1,462	0	248	500	0	500			Combined w/4141.230
4141.390 Admin Bank service charges	2,301	2,902	3,462	4,600	140	4,600	200	200	
4141.410 Admin Insurance	10,987	10,129	6,089	7,000	13,275	7,000	13,500	13,500	
4141.490 Admin Travel reimbursements	5,208	760	438	500	1243	500	1300	1,300	
4141.500 Admin Weed abatement	0	387	0	1500	0	1,500	500	1,500	
4141.550 Admin Cares Act	0	0	0	0	0	0	0	0	
4141.610 Bad debt expense	0	0	0	0	2026	0	2030	250	
4141.740 Admin Capital outlay	2,068	1,060	0	0	-	15000	0	0	
4170 Elections	1,885	0	2288	2500	0	0	1,500	1,500	
Total Administrative	219,627	205,429	332,602	371,400	275,938	269,275	314,330	304,950	
Total General government	247,964	218,433	351,117	393,900	290,685	296,185	341,240	331,850	
Public safety									
Police									
4210.110 Police Salaries & Wages/Contract	9,522	1,080	13,200	16,950	15,000	15,000	18,500	15,000	\$3,750/QTR
4210.130 Police Employee benefits	736	83	0	100	0	0	0	0	
4210.230 Police Travel & mileage	628	0	0	0	0	0	0	0	
4210.250 Police Expenditures	0	0	4763	4800	0	0	0	0	
4210.470 Police Building Permits	35,999	0	0	0	0	0	0	0	
4253.250 Animal Control Supplies	64	63	63	100	0	100	100	100	
Total Police	46,949	1,225	18,026	21,950	15,000	15,100	18,600	15,100	
Fire									
4220.110 Fire Salaries & wages	14,625	20,400	28,181	32,000	31,289	40,100	40,100	67,200	\$48k Chief, \$19.2K Volunteers
4220.130 Fire Employee Benefits	910	1,976	4,808	6,000	2,660	11,254	10,500	13,600	
4220.135 Fire Employee Retirement - GASB 68	0	0	0	0	5,103	0	6,700	8,100	
4220.140 Fire Contract Salaries & Wages	0	0	0	0	0	6680	775	4500	
4220.150 Fire Contract Expense	0	0	0	0	0	0	0	1500	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

10 GENERAL FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
4220.210 Fire Dues, subscriptions & memberships	94	109	355	500	569	500	600	600	
4220.230 Fire Travel, Mileage & Cell	271	28	57	300	250	600	600	600	
4220.240 Fire Office expenses	78	329	765	0	1209	0	1600	500	
4220.250 Fire Equipment maintenance & repairs	1,823	705	2514	2700	9,124	1500	11000	11000	
4220.260 Fire Rent expense	720	0	0	850	0	0	0	0	
4220.360 Fire Training	440	1,248	389	800	2201	8000	8000	13100	
4220.450 Fire Small Equip/Supplies	1,196	458	2026	1,200	5,351	17,536	8,000	15,000	Radios/Hoses
4220.460 Fire Supplies-Fundraisers	604	544	514	550	0	500	500	500	
4220.465 Fire Gear	0	9,383	1,518	3,000	401	4,400	4,400	15,000	Bunker Gear
4220.475 Fire Other Grant Expenditures	0	0	0	0	0	0	0	0	
4220.550 Fire Cares Act	0	0	0	0	0	0	0	0	
4220.560 Fire Equipment Fuel	1,290	2,047	1,251	1,800	1,347	1,800	2,700	4,000	
4220.610 Fire Principal	0	0	12351	13,400	11,986	14,590	12,000	0	
4220.620 Fire Interest	0	0	1115	2,400	(779)	1,165	0	0	
4220.740 Fire Capital outlay	1,386	305	27500	30,000	17,960	15,000	17,960	0	
Total Fire	23,436	37,532	83,344	95,500	88,671	123,625	125,435	155,200	
Total Public safety	70,385	38,758	101,370	117,450	103,671	138,725	144,035	170,300	
Highways and public improvements									
Highways									
4410.110 Road Wages and Contract Labor	13,037	879	0	3,500	770	7,500	3,000	15,200	
4410.130 Road Employee benefits	5,204	67	0	300	59	858	350	1750	
4410.270 Road Flood damage	-9,929	9,008	0	0	0	0	0	2000	
4410.380 Road Department Services	0	0	720	850	2,154	3000	2500	2500	
4410.450 Road Department Supplies	1,474	10,873	2,181	5,000	9,799	30,000	33,500	45,000	Asphalt/Road Repairs/Signs/Barricade Equip
4410.550 Road Equipment Maintenance	11,383	19,999	3,029	10,000	1,990	6,000	4,000	2,500	
4410.560 Road Equipment Fuel	337	2,674	1,590	2,000	1,613	2,500	2,500	5,000	
4410.740 Road Capital outlay	0	48,076	0	0	0	0	0	0	
4410.810 Road Principal	35,000	31,000	42,668	42,700	54,409	44,100	54,500	35,000	Gateway (final pmt 10/2046)

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

	2020	2021	2022	2022	2023	Original	Initial	Initial	
<u>10 GENERAL FUND</u>	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	Worksheet Notes
4410.820 Road Interest	32,950	32,200	30,686	35,000	29,432	29,531	29,500	28,150	
4415.110 Public Works Wages and Contract Labor	56,049	10,965	0	2,500	4,097	32,500	11,000	30,300	
4415.130 Public Works Employee benefits	13,391	702	0	200	382	858	1300	9400	
4415.140 Public Works Employee Retirement - GASB									
68	7,153	0	0	0	0	0	1850	8100	
4415.320 Public Works Engineering/Professional Fees	0	0	0	0	107	0	150	0	
4415.450 Public Works Supplies	313	207	3825	4500	3,722	4,000	6,000	6,000	
4415.550 Public Works Equipment Maintenance	374	3,753	1,806	2000	2,306	1700	5000	3,000	
4415.560 Public Works Equipment fuel	1,881	742	-25	500	485	2000	2000	2,000	
4415.570 Public Works Travel Reimbursement	0	202	0	200	78	200	200	500	
4415.610 Public Works Storm Drainage	0	0	0	0	3,301	5000	5000	5,000	
4415.710 Public Works Principal	14341	24585	14920	15,000	15,479	15,500	15,500	0	
4415.720 Public Works Interest	1999	6063	1140	1,140	581	585	585	0	
4415.740 Public Works Capital Outlay	84,598	3,700	0	0	11000	11000	11000	9,000	Fuel Tank-\$4,000, Bldg-\$5,000
Total Highways	269,557	205,696	102,540	125,390	141,764	196,832	189,435	210,400	
Sanitation									
4420.220 Solid Waste Postage	481	0	0	0	0	0	0	0	
4420.460 Solid Waste Service	37,436	37,475	54,200	44,500	38,921	52,128	49,000	60,000	
Total Sanitation	37,918	37,475	54,200	44,500	38,921	52,128	49,000	60,000	
Total Highways and public improvements	307,475	243,171	156,741	293,100	180,685	248,960	238,435	270,400	
Parks, recreation, and public property									
Parks									
4540.110 Park/Rec Wages and Contract Labor	0	0	2785	6,000	4,913	7,500	7,500	5,100	
4540.130 Park/Rec Employee benefits	0	0	3	1000	376	858	858	600	
4540.250 Park/Rec Department Expenses	325	243	128	0	394	1000	2000	1000	
4540.460 Park/Rec Community events supplies	1,584	760	297	1500	1450	4000	4000	4000	
4540.740 Parks Capital outlay	0	0	4586	12,000	0	0	0	0	
4590.250 Cemetery Maintenance							0	0	
4590.460 Cemetery Supplies and Equipment							0	0	
4590.470 Cemetery Capital Outlay							0	0	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

<u>10 GENERAL FUND</u>	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
Total Parks	1,909	1,003	7,799	20,500	7,133	13,358	14,358	10,700	
Total Parks, recreation, and public property	1,909	1,003	7,799	20,500	7,133	13,358	14,358	10,700	
Transfers									
4804 Transfer to Fund Balance	-1	0	0	31410	0	25,579	59,532	88,353	
4805 Transfer to capital projects	0	0	0	40000	0	0	43,700	265,000	Cemetery-\$250k, Fire Bldg-\$15K
4807 Transfer to Assigned Balance - Fire Impact Fees	0	0	0	20000	0	25,320	6,800	6,800	
4808 Transfer to Assigned Balance - Police Impact Fees	0	0	0	0	0	0			
4809 Transfer to Assigned Balance - Roadway Impact Fees	0	0	0	65000	0	79,800	24,600	24,600	
4810 Transfer to Assigned Balance -Storm Water Imp Fees	0	0	0	45000	0	86,550	31,000	31,000	
4811 Transfer to Assigned Balance - Parks & Rec Fees	0	0	0	17000	0	21,750	6,600	6,600	
4812 Transfer to Assigned Balance - Perpetual Care	0	0	0	0	0	0	0	129,300	
4813 Transfer to Assigned Balance - Cemetery Funds	0	0	0	0	0	0	0	60,500	
Total Transfers	-1	0	0	218410	0	238,999	172,232	612,153	
Total Expenditures:	627,732	501,364	617,026	920,150	582,174	936,227	910,300	1,395,403	
Total Change In Net Position	41,818	76,030	255,552	0	154,594	0	0	0	

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual-to- Date	Original Budget	Initial Amended 2023 Budget	Initial 2024 Budget	Worksheet Notes
10 GENERAL FUND									
41 CAPITAL PROJECTS FUND	2020 Actual	2021 Actual	2022 Actual	2022 Budget	2023 Actual	2023 Original Budget	2023 Revised Budget	2024 Proposed	
Revenue:									
Intergovernmental Revenue									
3340 Grant Revenues-General	0	0	0	0	0	0	-	3,320,000	CIB for Storm Drainage/Road Upgrades
3345 Grant Revenues-Fire	0	0	0	0	0	0	-	410,000	Water Tender Truck
Total Intergovernmental Revenue	0	0	0	0	0	0	-	3,730,000	
Interest									
3610 Interest earnings	0	0	0	0	0	0	-	-	
Total Interest	0	0	0	0	0	0	-	-	
Miscellaneous Revenue									
3675 Fire Capital Proceeds	0	0	0	0	0	0	-	-	
Total Miscellaneous Revenue	0	0	0	0	0	0	-	-	
Transfers & Contributions									
3810 General Fund Transfer	0	0	0	0	0	0	58,700	540,000	CIB Matches (restricted funds) \$260k, Cemetery proceeds - \$250k, Tender-\$10k, Fire IF-\$15K, Budget-\$15K (FY23-\$15k/Fire Impact Fees - Bal is from budget)
Total Txfrs & Contributions	0	0	0	0	0	0	58,700	540,000	
Total Revenue:	0	0	0	0	0	0	58,700	4,270,000	
Expenditures:									
Miscellaneous									
4141.740 Capital Outlay expenses	4,996	210	0	0	27,160	0	33,700	-	Gen Plan, Fence
4220.740 Fire Capital Outlay	0	0	0	0	8,277	0	15,000	450,000	Total Project Costs-\$420k Tender, \$30k Bldg (FY23-\$15K Office
4410.740 Road Capital outlay	0	0	0	0	0	0	-	1,050,000	Total Project Costs-Coyote Rd/Bubbling Wells

Town of Apple Valley

Budgeting Worksheet-Tentative Budget-May 17, 2023

Lines Changed From Last Mtg

10 GENERAL FUND	2020	2021	2022	2022	2023	Original	Initial	Initial	Worksheet Notes
	Actual	Actual	Actual	Budget	Actual-to- Date	Budget	Amended 2023 Budget	2024 Budget	
4415.740 Public Works Capital Outlay					990			2,520,000	Total Project Cost-Storm Drain
4590.470 Cemetery Capital Outlay					741		10,000	250,000	Total Project Costs
Total Miscellaneous	4,996	210	0	0	37,168	0	58,700	4,270,000	
Total Expenditures:	4,996	210	0	0	37,168	0	58,700	4,270,000	
Total Change In Net Position	-4,996	-210	0	0	(37,168)	0	-	-	

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2023-13

ADOPTION OF THE TENTATIVE FISCAL BUDGET FOR THE FISCAL YEAR 2024

WHEREAS, the Town of Apple Valley is required to adopt an annual budget for the expenditure of certain of the Town's funds pursuant to the Uniform Fiscal Procedures Act for Utah Towns (the "Act"); and

WHEREAS, the Town of Apple Valley is required to adopt a tentative budget to be in compliance with the Act's provisions and by setting and conducting a public hearing on the Fiscal Year End 2024 Annual Budget; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 17th day of May 2023, and upon motion duly made and seconded:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley to adopt a tentative Fiscal Year End 2024 Annual Budget as provided by the Act, attached hereto as Exhibit A, including all schedules thereto and set a hearing date of June 21, 2023.

PASSED this 17th day of May 2023.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSTAIN	ABSENT
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

TOWN OF APPLE VALLEY, UTAH

RESOLUTION NO. R-2023-14

A RESOLUTION APPONTING TOWN DEPUTY CLERK

WHEREAS, the Town of Apple Valley is a Utah municipal corporation; 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 Recorder pursuant to Utah Code Annotated § 10-3-916(1); and

WHEREAS, the appointed Town Recorder is a position which from time to time requires additional support in the fulfillment of those duties; and

WHEREAS, the Mayor has determined Michelle Kinney is a qualified person to be appointed to the office of Town Deputy Clerk; and

WHEREAS, the Town Council gives its advice and consent to the appointment of Michelle Kinney to the office of Town Deputy Clerk.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council that Michelle Kinney is hereby appointed to the office of Town Deputy Clerk.

RESOLVED this 17th day May 2023.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____



VICTOR IVERSON, COMMISSIONER | DEAN COX, COMMISSION CHAIR | GIL ALMQUIST, COMMISSIONER

May 22, 2019

Mayor,

In Commission Meeting on May 21, 2019 the Commissioners passed a Resolution approving the execution of interlocal agreements between Washington County and Towns, Cities and Special Service Districts regarding county assistance in 2019 elections. I have enclosed the documents and marked where your signature is requested. Could you please sign the document, keeping a copy for your records, and return to me at:

Washington County Commission
Attn: Rikki Almaraz
197 E Tabernacle St.
St. George, UT 84770

Please feel free to contact me if you have any questions at 435-634-5700 or
rikki.almaraz@washco.utah.gov.

Sincerely,

Rikki Almaraz
Deputy Clerk

Enclosure

RESOLUTION NO. R-2019-2471**A RESOLUTION APPROVING THE EXECUTION OF INTERLOCAL AGREEMENTS BETWEEN WASHINGTON COUNTY AND TOWNS, CITIES AND SPECIAL SERVICE DISTRICTS REGARDING COUNTY ASSISTANCE IN 2019 ELECTIONS**

WHEREAS, under the Utah Election Code (Utah Code Ann. § 20A-1-101 et seq.) the Washington County Clerk-Auditor is charged with many duties pertaining to conducting fair elections in Washington County;

WHEREAS, due to those duties, the County regularly conducts county-wide elections and has the equipment, experience and applicable contracts in place to efficiently conduct elections within the County;

WHEREAS, municipalities and special service districts within Washington County are responsible for conducting elections within their own jurisdictions;

WHEREAS, the County recently switched to vote by mail elections in 2018 and secured contracts for printing, mailing, distributing, and returning mail-in ballots;

WHEREAS, under the Utah Code, local political subdivisions may enter into interlocal agreements with the County for services that are more efficiently provided by the County;

WHEREAS, the following municipalities are holding municipal elections in November 2019 and have requested that the County assist in their elections: Apple Valley, Hildale, Hurricane, Ivins, La Verkin, Leeds, Santa Clara, St. George, and Washington;

WHEREAS, the following special service districts are holding elections in 2019 and have requested that the County assist in their elections: Dammeron Valley, Diamond Valley, Dixie Deer, and Northwestern;

WHEREAS, the County and the municipalities and special service districts have negotiated the attached Interlocal Cooperation Agreements, by which the County will administer the municipal elections and the municipalities and special service districts will compensate the County for its use of time and resources; and

WHEREAS, it is in the best interest of Washington County that the County execute the Agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF WASHINGTON COUNTY, UTAH, that the attached interlocal agreements are approved and shall be executed.

(Signature block on following page.)

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE 21st DAY OF MAY, 2019.

WASHINGTON COUNTY

Dean Cox

DEAN COX, Chair
Washington County Commission

ATTEST:

Kim M. Hafen

Kim M. Hafen
Washington County Clerk-Auditor

Commissioner Cox voted Aye
Commissioner Iverson voted Aye
Commissioner Almquist voted Aye

Approved as to Form:

[Signature]

Deputy Washington County Attorney

INTERLOCAL COOPERATION AGREEMENT REGARDING ELECTION SERVICES

This INTERLOCAL COOPERATION AGREEMENT (the "Agreement") is between Washington County, Utah ("the County") and the Town of Apple Valley ("the City", "the Town" or "Municipality") located within the geographic boundary of the County (collectively, "the Parties").

RECITALS

WHEREAS, under the Utah Election Code (Utah Code Ann. § 20A-1-101 et seq.) the Washington County Clerk-Auditor is charged with many duties pertaining to conducting fair elections in Washington County;

WHEREAS, due to those duties, the County regularly conducts county-wide elections and has the equipment, experience and applicable contracts in place to efficiently conduct elections within the County;

WHEREAS, municipalities within Washington County are responsible for conducting municipal elections within their own jurisdictions;

WHEREAS, the County recently switched to vote by mail elections in 2018 and secured contracts for printing, mailing, distributing, and returning mail-in ballots;

WHEREAS, under the Utah Code, local political subdivisions may enter into interlocal agreements with the County for services that are more efficiently provided by the County;

WHEREAS, the County and the Municipality acknowledge the mutual benefit and efficiency of having the County assist in the Municipality's elections;

WHEREAS, for the purpose of conducting more efficient and cost-effective municipal elections, the County is willing to assist municipalities located within the County in their responsibilities to conduct elections;

WHEREAS, it is in the best interest of the citizens of Washington County that the County assist in conducting municipal elections.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, the covenants contained herein, and pursuant to the Interlocal Cooperation Act, the Parties agree as follows.

A. SPECIFIC TERMS

Section 1. County.

(a) The County agrees to assist and support the Municipality in conducting municipal elections;

(b) In accordance with the County's contract with a selected printer, the County will order ballots and envelopes for the municipality based on the number of registered voters within the municipality;

(c) The County will provide electronic marking devices, precinct level scanners, and on-demand printers in the County's usual voting precincts within the Municipality's boundaries, as shown on the precinct map attached as "Exhibit A". The County may provide equipment in additional locations within the Municipality based on the availability of equipment;

(d) The County will use its available counting machines to count ballots for the municipalities; however, the County will not hand count ballots without a separate written agreement;

(e) The County will continue to conduct all statutorily required obligations, including signature verification, in accordance with applicable state and local codes.

(f) The County will provide the Municipality with a cost estimate for upcoming election services by December 31 of the year preceding the election.

Section 2. Municipality.

(a) The Municipality agrees to reimburse the County for all costs and expenses related to the municipality's election, including all printing expenses incurred under the County's contract with the printer, within 30 days of receiving an invoice from the County;

(b) The Municipality agrees to collect its election items from the County Clerk-Auditor's Office within a week after the canvas date.

(c) The Municipality agrees to notify the County in writing by January 31 of the election year if the Municipality does not accept the county-provided cost estimate and therefore does not desire to receive the County's election services as outlined in this Agreement.

Section 3. Term. This Agreement shall become effective on the date it is duly executed and shall expire December 31, 2020. This Agreement shall automatically renew for a period of one (1) year, unless thirty (30) days prior written notice of intent to not renew is given by either Party. There is no limitation on the number of times this Agreement may automatically renew.

B. GENERAL TERMS

Section 1. Purpose. The purpose of this Agreement is to allow the Parties to comply with State law to accomplish the intentions and purposes referred to in the recitals above.

Section 2. Termination. Either party may, at its sole discretion, terminate this Agreement at any time and for any reason by notifying the other Party in writing of its intent to terminate the Agreement. Any costs incurred by County must be reimbursed by the municipality upon termination.

Section 3. No Waiver of Governmental Immunities. The Parties are governmental entities under the Governmental Immunity Act of Utah, Title 63, Chapter 30d of the Utah Code. None of the Parties waive any defenses otherwise available under the Governmental Immunity Act.

Section 4. Indemnity. Each party agrees to indemnify, save harmless, and release the other party and all its officers, agents, volunteers, and employees from and against any and all loss, damages, injury liability, suits, and proceedings arising out of the performance of this Agreement which are caused in whole or in part by the negligence of that party's officers, agents, volunteers, or employees, but not for claims arising from the other party's negligence.

Section 5. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Cooperation Act in connection with this Agreement, the Parties agree as follows.

(a) This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Utah Code Section 11-13-202.5.

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the Utah Code Section 11-13-202.5(3).

(c) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Utah Code Section 11-13-209.

(d) No separate legal entity is created by the terms of this Agreement. The Parties designate the Chairman of the County Commission as the Administrator responsible to administer this Agreement and the accomplishment of the purposes of the cooperative action contemplated hereby and specified herein pursuant to Utah Code Section 11-13-207.

(e) The term of this Agreement shall commence on the date of full execution of this Agreement by all Parties.

(f) No real or personal property shall be acquired jointly by the Parties as a result of this Agreement.

(g) Following the execution of this Agreement by the Parties, either Party may cause a notice regarding this Agreement to be published on behalf of the Parties in accordance with Utah Code Section 11-13-219.

Section 6. Notices. All notices, requests, demands and other communications under this Agreement shall be in writing and shall either be delivered personally or sent by first-class mail, postage prepaid, and properly addressed to the Parties at the following addresses:

Town of Apple Valley
Attn: Clerk
1777 North Meadowlark Dr.
Apple Valley, UT 84737

Washington County
Attn: Commission Chair
197 East Tabernacle
St. George, UT 84770.

Section 7. Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter and supersedes all prior and contemporaneous agreements, representations and understandings of the Parties. No supplement, modification, amendment, or waiver of any obligation of this Agreement shall be binding unless executed in writing by all the Parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

Section 8. No Third-Party Beneficiaries. This Agreement is not intended to confer upon any person other than the Parties any rights or remedies.

Section 9. Governing Law. This Agreement shall be governed by the laws of the State of Utah.

Section 10. Counterparts; Filing. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(Signature block on following pages.)

ELECTION SERVICES INTERLOCAL AGREEMENT
R-2019-2471

Item 13.

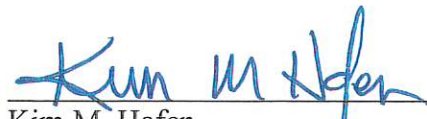
DATED this 21st day of May, 2019.

WASHINGTON COUNTY



Dean Cox
Washington County Commission Chair

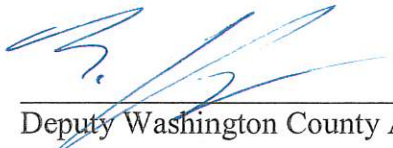
Attest:



Kim M. Hafen
Washington County Clerk-Auditor

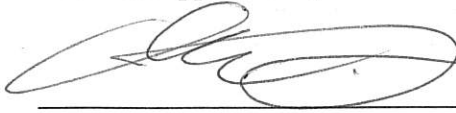
Date: 5-21-19

Approved as to Form:



Deputy Washington County Attorney

Town of Apple Valley



Mayor

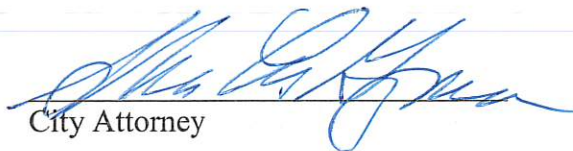
Attest:



City Recorder

Date: 6/5/2019

Approved as to Form:



City Attorney

TOWN OF APPLE VALLEY, UTAH

RESOLUTION NO. R-2023-15

A RESOLUTION TO CANCEL INTERLOCAL AGREEMENT CONTRACT WITH WASHINGTON COUNTY TO ASSIST WITH MUNICIPAL ELECTIONS

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

WHEREAS, municipalities within Washington County are responsible for conducting municipal elections within their own jurisdictions; and

WHEREAS, the Town Council, at a regular meeting on March 22, 2023, voted to conduct the municipal elections to ensure the vote by hand-count, rather than contracting with Washington County; and

WHEREAS, it was discovered a contract with Washington County to perform as the vendor for municipal elections in Apple Valley was entered into on May 21, 2019 as an automatic renewal contract; and

WHEREAS, the time frame to cancel the contract had cured for this upcoming election; and

WHEREAS, to prevent the subsequent administration from being subject to the automatic renewal contract, the Town Council hereby resolves to cancel this contract effective immediately, giving the opportunity for subsequent administrations to make this decision.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council that the interlocal agreement contract dated May 21, 2019, named INTERLOCAL COOPERATION AGREEMENT REGARDING ELECTION SERVICES with Washington County is hereby cancelled.

RESOLVED this 17th day May 2023.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

When Recorded Return To:
 Town of Apple Valley
 1777 N. Meadowlark Dr
 Apple Valley, UT 84737

Parcel ID#: _____

Legal Description: _____

Acknowledgement, Waiver and Release

In consideration of the agreement by the Town of Apple Valley to issue the undersigned property owner a building permit for the construction of a home, structure or other improvement upon the real property described below, the undersigned acknowledges, covenants, and agrees as follows:

1. I am aware that subsurface water, high groundwater, unstable soil conditions, or other geological hazards have been found to exist in areas of the Town of Apple Valley, which may include the property described below.
2. I acknowledge that I have obtained or have been advised by the Town of Apple Valley to obtain from a competent engineer a geotechnical report which analyzes subsurface water, groundwater and soil conditions on my property described below.
3. I acknowledge that it is my responsibility to cause the construction of my structure to be completed in strict compliance with the recommendations of any such geotechnical report, and I understand and agree that the inspections performed by the Town of Apple Valley will not include inspection for compliance with said geotechnical report.
4. I understand and assume all risk and responsibility for any damages to, diminution in value of, or payment of all costs and expenses for maintenance, repair or replacement of any home, structure or other improvement constructed on the property.
5. In view of the foregoing, I agree on behalf of myself, my heirs, successors and assigns to waive any and all claims as against the Town of Apple Valley, and, further, do hereby release said Town from any and all liability for damages to, diminution in value of, and payment of all costs and expenses for maintenance, repair or replacement of any home, structure or improvement which is in any way attributable to subsurface water, groundwater, unstable soil conditions and/or any other geological hazards upon or under the property described below, or by reason of my own or my agent's or contractor's violation of any applicable laws, ordinance, or town standards.

The covenants and agreements herein made shall run with the land and shall be binding upon the heirs, successors, and assigns of the undersigned.

THE REAL PROPERTY AFFECTED BY THIS AGREEMENT IS DESCRIBED AS:

Address: _____

Subdivision: _____ Phase: _____ Lot: _____

DATE: _____

 Property Owner Signature

 Please Print

 Property Owner Signature

 Please Print

STATE OF UTAH)
)§
 COUNTY OF WASHINGTON)

On the ____ day of _____, 20____, personally appeared before me _____,
 the signer(s) of foregoing instrument, who did say that he/she/they is/are the owner(s) of the above-described property and that
 he/she/they has/have signed the foregoing instrument for the reasons stated therein.

 Notary Public

APPLE VALLEY ORDINANCE O-2023-23

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.07.130 Building Permit” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.07.130 Building Permit

A. Purpose. This section sets forth procedures for determining zoning compliance of a building permit application. B. Authority. The Zoning Administrator is authorized to review building permits for zoning compliance as provided in this section. C. Initiation. Any person may apply for a building permit as provided in the building codes adopted by the Town. D. Procedure. A building permit application shall be reviewed for zoning compliance as provided in this subsection.

1. A complete building permit application shall be submitted to the Building Official in a form established by the Building Official along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any; and b. A plot plan showing the following:

(1) Applicant's name; (2) Site address; (3) Property boundaries and dimensions; (4) Layout of existing and proposed buildings, parking, landscaping, ~~and~~ utilities, fences, retaining walls, all easements, on-site detention and retention storage facilities; and (5) Adjoining property lines and uses within 100 feet of the subject property.

2. After the application is determined to be complete, the Building Official shall transmit the application to the Zoning Administrator. The Zoning Administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards. 3. After making a decision, the Zoning Administrator shall give the Building Official written notice of the zoning compliance decision. 4. A record of all zoning compliance reviews shall be maintained in the office of the Building Official.

E. Approval standards. The following standards shall apply to determine zoning compliance of a building permit application:

1. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this title and any applicable conditions of approval required under a permit applicable to the subject property. 2. No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this Code and has been improved according to Town standards, except where a variance has been approved by the Appeals Board, or as follows:

a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half of the additional footage is dedicated by the owner of said property for use by the public as a Town street. b. In lieu of requiring completion of all improvements to a dedicated Town street prior to the issuance of a building permit, a building permit may be issued if:

(1) The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles; and (2) A written agreement is executed by the owner of the property for which the building permit is to be issued, stating the owner will deposit with the Town an amount equal to the cost of improving the street frontage of the owner's lot before receiving a certificate of occupancy for which the permit is issued. At the option of the Town, the owner could, in lieu of paying for or installing the missing improvements, sign an Improvement Delay Agreement to promise to pay for or install the missing improvements at a future date, if requested to do so by the Town. Said agreement shall be recorded at the County Recorder's office.

F. A written agreement is executed by the owner of the property for which the building permit is to be issued, stating an understanding of awareness, risks, and responsibility of geological hazards, and a waiver and release of claims against the Town.

G.F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding zoning compliance of a building permit may appeal to the Appeals Board in accordance with the provisions of section 10.07.090 of this chapter. H.G. Effect of approval. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process. The requirements of this section shall be in addition to any other requirements for the issuance of a building permit, as contained in this Code. I.H. Amendments. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section. J.I. Expiration. A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the Town.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from May 17, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

Planning Commission Recommendation on May 3, 2023

Update Title 10.07.130 Building Permit, Ordinance-O-2023-23.

MOTION: Commissioner Farrar motioned that we recommend approval to Town Council to update Title 10.07.130 Building Permit, Ordinance-O-2023-23 with the changes adding “fences, retaining walls, all easements, on-site detention and retention storage facilities” and adding “F. A written agreement is executed by the owner of the property for which the building permit is to be issued, stating an understanding of awareness, risks, and responsibility of geological hazards, and a waiver and release of claims against the Town.”

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

**APPLE VALLEY
ORDINANCE O-2023-24**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.02.070 Site Plan Required” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.070 Site Plan Required

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

1. Scale used.
2. Direction of north point
3. Lot lines, adjacent streets or rights of way, easements, etc.
4. Location of all existing structures on the property, including driveway entrances, utility poles, etc.
5. Location of the proposed construction and improvements, including setbacks, location and dimensions of signs, location of garbage receptacles, fences, retaining walls, all easements, on-site detention and retention storage facilities, etc.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations.
7. Any necessary explanatory notes.
8. Name, address and telephone number of building contractor and owner.
9. All other information that may be required as may be determined by the building inspector.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from May 17, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

Planning Commission Recommendation on May 3, 2023

Update Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.

MOTION: Commissioner Hood motioned that we recommend approval to the Town Council 10.02.070 Site Plan Required, under item 5 that we add “fences, retaining walls, all easements, on-site detention and retention storage facilities.”

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

**APPLE VALLEY
ORDINANCE O-2023-25**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.02.170 Completion Of Improvements” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.170 Completion Of Improvements

1. No building permit will be issued until the subject lot has received will serve letters for water, power, and sewer.
2. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, storm drainage, culverts, borrow ditches, easement encroachments and all other required improvements, shall be completed prior to the issuance of a certificate of occupancy. In the event that improvements or easement encroachments cannot be completed prior to receiving said certificate, due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashier's check, cash, letter of credit or other financial guarantee acceptable to the town, shall be provided to the town guaranteeing that such required improvements will be fully completed as required.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from May 17, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Frank Lindhardt, Mayor, Apple Valley

Planning Commission Recommendation on May 3, 2023

Update Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.

MOTION: Commissioner Palmer motioned that this goes to the Town Council, 10.02.170 Completion Of Improvements to add to 2 “easement encroachments” and “or easement encroachments.”

SECOND: The motion was seconded by Commissioner Farrar.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

TOWN OF APPLE VALLEY

QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT (QSEHRA) PLAN

This Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) Plan (the “Plan”) is made and effective July 1, 2023,

RECITALS

WHEREAS, Town of Apple Valley (the “Company”), a municipal corporation organized and existing under the laws of the State of Utah, with its head office located at:

1777 N. Meadowlark Dr
Apple Valley, UT 84737

desires to establish a plan to reimburse eligible medical expenses in lieu of a cost-prohibitive group health insurance plan.

RESOLVED, The Company shall fully fund this arrangement for each eligible employee from which covered expenses (as defined in Section 213 of the Internal Revenue Code) for the employee or their dependents shall be reimbursed. Reimbursements shall not exceed the maximum statutory limits established for the year.

RESOLVED, the submission of medical expenses must be in a form and in sufficient detail to meet the requirements of the Company. Expenses may be submitted until March 31 for the previous calendar year.

RESOLVED, the Plan shall be administered in a nondiscriminatory manner (as defined in Section 150(h) of the Internal Revenue Code) and shall remain in effect until modified or terminated by a later resolution.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Company adopts this Plan as follows:

ARTICLE I. PURPOSE AND ESTABLISHMENT

1.1 Purpose

Effective as a July 1, 2023, Company establishes a QSEHRA Plan under the Cures Act of 2016 effective July 1, 2023 for the benefit of all eligible employees under Section 105(b), (e) of the internal Revenue Code as from time to time amended.

1.2 Name

The name of the Plan is Town of Apple Valley Qualified Small Employer Health Reimbursement Arrangement (QSEHRA).

1.3 Plan Not Subject To a Cafeteria Plan

This Plan may only be fully funded by the Company. No salary reduction contributions may be made under this arrangement.

1.4 Effective Date

The provisions of the Plan, as set forth herein, shall only apply to an eligible employee who is in the active employ of the Company on or after July 1, 2023.

1.5 Termination

This plan shall continue on a year-to-year basis until terminated by the Employer.

ARTICLE II. DEFINITIONS AND CONSTRUCTION

2.1 Definitions

Where the following words and phrases appear in this Plan, they shall have the respective meanings set forth in this Article, unless the context clearly indicates to the contrary.

- a) Plan: The HRA Plan for Employees working for the Company, the Plan set forth herein, as amended from time to time.
- b) Employer: Town of Apple Valley, a municipal corporation organized and existing under the laws of the State of Utah, or its successor.
- c) Committee: The person or persons appointed pursuant to Section 6 to assist the Employer with the Plan Administration in accordance with said Section.
- d) Employee: Any person who, on or after the Effective Date, is receiving remuneration for personal services rendered to the Employer.
- e) Dependents: An individual who is a dependent of a Participant within the meaning of Section 152(a) of the Code, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof, and includes any child (as defined in Code Section 152(f)(1) of the Participant, including a child under a Qualified Medical Child Support Order, who

as of the end of the taxable year has not attained age 27. A Spouse is an individual who is legally married to a Participant.

- f) Participant: An Employee participating in the Plan in accordance with the provisions of Section 3.1.
- g) Fiduciaries: The Employer and the Committee, but only with respect to the specific responsibilities of each for Plan administration, all as described in Section 6.1.
- h) Participation: The period or periods during which an Employee participates in this Plan as determined in accordance with Section 3.1.
- i) Compensation: The total of all amounts paid to a Participant for a given Year by the Employer for personal services and reported as wages for purposes of income tax.
- j) Effective Date: July 1, 2023, the date on which the provisions of this Plan became effective.
- k) Year: The 12-month period commencing on January 1 and ending on December 31.
- l) Code: The Internal Revenue Code and any other Codes relating to issues contained in this Plan, as amended from time to time.
- m) Qualifying Medical and Health Care Expenses: Expenses as defined in Section 213(d) of the Internal Revenue Code.

2.2 Construction

The masculine gender, where appearing in the Plan, shall be deemed to include the feminine gender, unless the context clearly indicates to the contrary. All references to the plural herein shall also mean the singular and to the singular shall also mean the plural unless the context otherwise indicates. The words “hereof”, “herein”, “hereunder” and other similar compounds of the word “here” shall mean and refer to the entire Plan and not to any particular provision, Section or Article. Article and Section headings are for convenience of reference and not intended to add to or subtract from the terms of this Plan.

ARTICLE III. PARTICIPATION, ENROLLMENT, NOTIFICATIONS, AND TERMINATION

3.1 Participation

An eligible Employee shall participate in the Plan for any Year in which he meets the following requirements:

- a) He/she has performed services for the Employer at some time during the Year for at least 90 days
- b) He/she is a Full-Time Employee, working 30 hours or more per week
- c) He/she is not subject to collective bargaining
- d) He/she is not a non-resident alien
- e) Individuals who are self-employed as described in section 401(c) of the Internal Revenue Code, including sole proprietors, or partners in a partnership

3.2 Enrollment

The Employee shall enroll in the Plan on an approved form approved by the Committee after being notified of eligibility.

3.3 Notifications

The Company shall notify an Employee in writing when he first becomes a Participant. Subsequent notices shall be given at least 90 days before the beginning of each Year. Such notification shall include information required to be furnished by IRS.

3.4 Termination

An Employee is automatically terminated as a Participant from the Plan on the earliest of the following dates:

- a) The date on which this Plan is terminated by the Employer;
- b) The date on which the Participant's employment is terminated, whether termination is initiated by the Participant or the Employer.

ARTICLE IV. BENEFITS

4.1 Generally

This Plan provides for the payment of, or the reimbursement of, medical expenses (as defined in the IRS Code Section 213(d)) of an eligible Employee and Dependents as follows:

- a) Employee must provide proof of Minimum Essential Coverage (MEC) at the beginning of the Plan Year or when Employee becomes eligible to participate in the Plan. This proof must consist of either (a) a document from a third party (for example, the insurer) showing that the Employee and dependents have coverage (for example, an insurance card or an explanation of benefits) and an attestation by the Employee that the coverage

is MEC; or (b) an attestation by the Employee stating that the Employee and Dependents have MEC, the date coverage began, and the name of the provider of the coverage. If employee is not covered under MEC for any month, the Employee may be subject to tax under the individual mandate requirement of the Affordable Care Act and reimbursements may then be includable in gross income.

- b) Payments and reimbursements for any year shall be no more than the statutory limit of that Year. In the case of an Employee who is not covered for the entire year, the limitations are prorated.
- c) Reimbursements shall be included as a line item in the Employee's payroll checks as a non-taxable addition.

4.2 Qualifying Health and Medical Care Expenses

For this purpose, "medical expenses" means expenses for medical care, as defined in section 213(d) (which includes premiums for other health coverage, such as individual health insurance policies).

4.3 Carry-Forward

Benefits not used in a prior year may be carried forward subject to the maximum statutory limit. If an Employee's participation in the Plan ends, the period of coverage ends on the day of the terminating event. Any expenses incurred after that date are ineligible for reimbursement. If the Employee has not incurred Qualified Expenses equal to the amounts allocated on their behalf under this Plan before that date, the unused amount is forfeited to the Employer. All forfeited amounts become the property of the Employer.

4.4 Refund of Duplicate or Non-Qualifying Reimbursement

A reimbursement made to an Employee that is not a qualifying expense (i.e., duplicate reimbursement, or reimbursement for an expense not covered by an MEC, or non-medical expenses) shall be deemed taxable or may be repaid with after-tax funds. The repayment must be paid by March 15 of the year following the year in which the error was identified.

4.5 Reporting Requirement

Reimbursed medical expenses are excludable from gross wages. However, the Employee's permitted (maximum benefit allowed by Employer) benefit shall be reported on the W-2 in Box 12 with a code of FF. Any non-qualifying reimbursements not repaid shall be included in the Employee's gross wages as taxable.

ARTICLE V. ADMINISTRATION

5.1 Fiduciary Responsibility

The Fiduciaries shall have only those specific powers, duties, responsibilities and obligations as are specifically given them under this Plan. The Employer shall have the sole responsibility for funding the Plan and shall have the sole authority to appoint and remove members of the Committee, and to amend or terminate this Plan. The Committee shall have the sole responsibility for the administration of this Plan, which responsibility is specifically described in this Plan.

5.2 Funding

There are no segregated funds or Plan assets required or established to maintain this Plan. Reimbursements shall be made from the Company's general assets. Annual allocations designated by the Employer shall be monitored for each enrolled Participant in a manner deemed appropriate by the Employer.

5.3 Committee

The Plan shall be administered by a Committee consisting of at least two people who shall be the Town Administrator and Payroll Processor of the Employer.

5.4 Claims Procedure

The Committee shall make all determinations as to the eligibility of any Employee for Plan Participation or an Employer contribution. Any denial by the Committee of the claim for benefits under the Plan by an Employee shall be stated in writing by the Committee and delivered or mailed to the Employee; and such notice shall set forth the specific reasons for the denial, written to the best of the Committee's ability in a manner that may be understood without legal or actuarial counsel. In addition, the Committee shall afford a reasonable opportunity to any Employee whose claim for benefits has been denied for a review of the decision denying the claim.

5.5 Records and Reports

The Committee shall exercise such authority and responsibility as it deems appropriate to comply with governmental regulations relating to records of the Employer contributions made hereunder, notifications to Participants, and reports, if any.

5.6 Other Committee Powers and Duties

The Committee shall have such duties and powers as may be necessary to discharge its duties hereunder, including, but not by way of limitation, the following:

- a) To construe and interpret the Plan and decide all questions of eligibility;
- b) To prepare and distribute, in such manner as the Committee determines to be appropriate, information explaining the Plan;
- c) To receive from the Employer and form Participants such information as shall be necessary for the proper administration of the Plan;
- d) To furnish the Employer, upon request, such annual reports with respect to the administration of the Plan as are reasonable and appropriate;

The Committee shall have no power to add to, subtract from or modify any of the terms of the Plan, or to change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility under the Plan

5.7 Decisions

All decisions of the Committee shall be uniformly and consistently applied to all Participants in similar circumstances. When making a determination or calculation, the Committee shall be entitled to rely upon information furnished by a Participant, the Employer or the legal counsel of the Employer.

5.8 Notifications and Forms

The Committee may require a Participant to complete and file with the Committee any and all forms approved by the Committee, and to furnish all pertinent information requested by the Committee. The Committee may rely upon all such information so furnished it, including the Participant's current mailing address.

ARTICLE VI. EMPLOYER RIGHTS

6.1 Non-Guarantee of Employment

Nothing contained in this Plan shall be construed as a contract of employment between the Employer and any Employee, or as a right of any Employee to be continued in the employment of the Employer, or as a limitation of the right of the Employer to discharge any of its Employees, with or without cause.

6.2 Action by Employer

Any action by the Employer under this Plan may be by any person or persons duly authorized to take such action.

6.3 Amendments

The Employer reserves the right to make from time to time any amendment or amendments to this Plan which do not cause any part of Employer contributions hereunder to be used for, or diverted to, any purpose other than the exclusive benefit of Participants, provided however, that the Employer may make any amendment it determines necessary or desirable, with or without retroactive effect, to comply with the Code or any other federal law and regulations issued pursuant thereto.

6.4 Right to Terminate

The Plan is intended to be permanent, but the Employer reserves the right to terminate the Plan at any time.

IN WITNESS WHEREOF, the Employer has executed this Agreement with full knowledge of its content and significance and intending to be legally bound by the terms hereof the day and year first above written.

TOWN OF APPLE VALLEY

Frank Lindhardt, Mayor
Authorized Signature

Jenna Vizcardo, Clerk/Recorder
Attest Signature

**Town of Apple Valley Qualified Small Employer HRA (QSEHRA)
Summary Plan Description**

Plan Number: The Plan Number, if not stated elsewhere, is 501.

Adopting Employer/Plan Administrator:

Name: Town of Apple Valley
Address: 1777 N. Meadowlark Dr, Apple Valley, UT 84737
Phone Number: 435-877-1190
EIN Tax Number: 30-0294253

The Employer will accept service of process for this Plan as Plan Administrator. The Plan Administrator has the discretionary authority to:

- Interpret the Plan in order to make eligibility and benefit determinations,
- Make factual determinations as to whether any individual is eligible and entitled to receive any benefits under the Plan, and
- Terminate or amend this Plan.

Plan Year: January 1st through December 31st

Waiting Period: 90 days, (not to exceed 90 days)

Maximum Benefit:

This is the maximum amount of benefits that will be paid out during the course of the Plan Year. Employees enrolled in this QSEHRA will be eligible to receive reimbursements from the general assets of the Employer for services incurred in a Plan Year or the remaining portion of a Plan Year in which they are enrolled.

Employee Only: One hundred percent (100%) of the statutory maximum
Family: \$0

Carry Over:

This is the amount of unused benefits that can be carried over from one Plan Year to the next Plan Year. The maximum amount allowed for any Plan Year, including any amount carried over from the prior Plan Year, cannot exceed the QSEHRA Annual Maximum Benefit as defined by The Cures Act. The Maximum Benefit noted above may not be the same as the QSEHRA Annual Maximum Benefit defined by The Cures Act.

Important Information about Your QSEHRA Coverage for 2023

Effective July 1, 2023, the Town of Apple Valley sponsors a new type of medical reimbursement plan—called a qualified small employer health reimbursement arrangement (or QSEHRA)—for eligible employees. A recent change to the federal tax laws makes it possible for small employers like this company to sponsor this type of employee benefit. The QSEHRA is an important benefit because it can be used to pay (or reimburse you) for premiums for individual health insurance policies and/or other out-of-pocket medical expenses allowed in the IRS Code Section 213(d).

Please read below for key information regarding your QSEHRA coverage.

- Maximum Annual Benefit:** The maximum benefit under the QSEHRA for this year is \$5,850 for employee only and \$11,800 for employee with dependents. Your final benefit will be determined once your 2023 health insurance premium is established and reported on the Health Expenses Reimbursement Form.
- Exchange Coverage:** If you purchase health insurance through an Affordable Care Act (ACA) Exchange and you apply for advance payment of the premium tax credit, **you will need to provide the Exchange with information about your maximum QSEHRA benefit.**

 There are special rules for coordinating your QSEHRA coverage with your eligibility for a premium tax credit. If your QSEHRA benefit makes your health insurance coverage “affordable” under a federal definition, you will not be eligible for a premium tax credit. If your coverage is not affordable, you may still be eligible for a premium tax credit, but the amount of the credit will be reduced by your QSEHRA benefit.
- Tax Rules:** In general, payment or reimbursements from the QSEHRA are not included in your income for federal tax purposes. **However, if you do not have health insurance coverage that qualifies as “minimum essential coverage” for any month, you may be subject to a penalty under the ACA for that month and any reimbursements you receive from the QSEHRA may be taxable to you.**

For more information on your QSEHRA coverage, contact Jauna McGinnis or Michelle Kinney at 435-877-1190.

Please sign and date this notice below. Return as soon as possible.

Signature: _____

Date: _____

(Please Print All Information)

ATTESTATION

I am attesting to the following:

I, _____ (insert name), am covered under the above stated health coverage(s). The coverage began on the date as stated above. The coverage is MEC.

Complete the following if a family member's expenses can be reimbursed from the QSEHRA.

The above stated family member(s) is/are covered under the above stated health coverage(s). The coverage began on the date as stated above. The coverage is MEC.

I hereby affirm that the above information is true and accurate.

Employee Signature: _____ Date: _____

HEALTH EXPENSES REIMBURSEMENT FORM

IDENTIFICATION

Employee Name: _____

HEALTH INSURANCE PREMIUMS (check one) ____ Single Reimbursement ____ Recurring

Effective Date	Name of Insurance	Monthly Premium
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEDICAL EXPENSES for (check all that apply) ____ Employee ____ Employee Dependent

Date of Service	Physician or Other Provider	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

*****Attach copy of Invoice or EOB*****

I certify that the statement and information on this reimbursement form are accurate and true. I also certify that I am claiming reimbursement for only eligible expenses incurred during the plan year and only for eligible plan participants. I certify that these expenses have not been or will not be reimbursed under this or any other health plan. I further certify I will not claim these, or any other expenses reimbursed through this plan, as an income tax deduction and I assume all liability for taxes and penalties out of any disallowed deduction/credit.

I am covered under the following health coverage: _____ (insert name of the health coverage). The coverage continues to be minimum essential coverage (MEC).

Complete the following if a family member's expense is being reimbursed from the QSEHRA.

The following family member _____ (insert name(s)), is/are covered under the following health coverage: _____ (insert name of the health coverage). The coverage continues to be MEC.

I hereby affirm that the above information is true and accurate.

Employee Signature: _____ Date: _____

INSTRUCTIONS FOR MEDICAL REIMBURSEMENT

Only employees participating in the plan can submit a reimbursement form; employees may be reimbursed from the plan at any time during the plan year.

Reimbursements may only be made for eligible expenses incurred during the plan year.

Complete the information on the reimbursement form for each amount claimed.

If you receive reimbursement for expenses, you may not claim these expenses for income tax purposes.

You must sign the form, thereby swearing that you have not and will not submit these expenses for reimbursement from another plan.

Documentation must be invoices or other written statements from the third parties that provided the services.

The documentation must show the providers name and address, the dates the services were provided, the amounts charged for the services, and a brief description of the services.

For services that you have insurance coverage, you **MUST** submit the Explanation of Benefits from your insurance company.

In general, the types of expenses for medical services that can be reimbursed by the Plan are the same types of expenses that the Internal Revenue Service would allow for the health expense deduction under Internal Revenue Code Section 213. Further information can be found by obtaining IRS Publication 502.

TOWN OF APPLE VALLEY

RESOLUTION R-2023-16

**A RESOLUTION ADOPTING THE QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT
ARRANGEMENT (QSEHRA) PLAN**

WHEREAS, the Town of Apple Valley has an adopted Personnel Policy and Procedures manual; and,

WHEREAS, the Town Council of the Town of Apple Valley deems it necessary and appropriate to add health benefits administered by a QSEHRA plan; and,

WHEREAS, the Town Council of Apple Valley held a public meeting duly called, noticed and held on the 17th day of May 2023; and,

WHEREAS, a motion duly made, seconded, and accepted by majority vote in regard to the QSEHRA plan; and,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, to adopt the QSEHRA plan, the associated documents, and set the initial reimbursable amount as attached hereto.

PASSED THIS 17TH DAY OF MAY 2023. This resolution shall be in full force and effect from the date of passage.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

 Frank G. Lindhardt, Mayor

 Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

SECTION 1: AMENDMENT “Benefits” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Benefits

A. WORKERS COMPENSATION.

1. All employees are covered by workers compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation payments. For exact compensation coverage, check the workers compensation contract on file with the Town Administrator, or designee.
2. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.
3. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
4. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the Town Administrator immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
5. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, an employee must contact their supervisor or the Town Administrator to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
6. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
7. At the time of final release or settlement of a workers compensation claim, if no vacancy exists; and, if a reasonable effort which have proven to be unsuccessful, has been made to place the employee in another position, they

may be terminated and paid any accrued benefits due to them.

- B. SOCIAL SECURITY/FICA. All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and Apple Valley will be made in accordance with the provision of the law.
- C. STATE AND FEDERAL UNEMPLOYMENT. All employees, whether regular, part-time, or temporary, are covered by the benefits of State and Federal Unemployment.
- D. CONTINUING EDUCATION. Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Town Administrator, or designee.

- 1. Required by Apple Valley. When Apple Valley requires an employee to attend any education or training course, conference, seminar, or certification course, Apple Valley will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.
- 2. Encouraged by Apple Valley. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the Town Administrator, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:
 - a. A certificate indicating successful course completion, if applicable.
 - b. A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
 - c. A grade pass on a pass/fail grading system.

- E. RETIREMENT BENEFITS. The Town fully funds an employee pension plan through the Utah Retirement System (URS) for certain classes of employees as follows:

- 1. ELIGIBLE:

- a. Regular full-time employee. Eligibility begins after probationary period.
- b. URS Tier 1 Employees: Based on the monthly pay established annually by the URS, currently \$1,148.
- c. URS Tier 2 Appointed Officers are Part-Time Ineligible except for the following positions, which are deemed Full-Time Eligible if the employee meets the Town's definition of Full-Time:
 - i. Town Administrator
 - ii. Finance Director
 - iii. Town Clerk
 - iv. Fire Chief
- d. URS Tier 2 Elected Officers are Part-Time Ineligible.
- e. Appointed Full-Time Positions are eligible for URS vesting exemption purposes, if available.
- f. Under the Fire Fighter URS, all volunteer fire fighters currently on the roster are eligible for Death and Disability benefits while performing

in the line of duty.

F. HEALTH BENEFITS

1. Health benefits are administered through the Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) Plan.
2. Eligibility: Regular full-time employee. Eligibility begins after probationary period.
3. The amount will be set as per the QSEHRA Summary Plan Description and shall be reimbursed on a monthly basis at the beginning of the month.

TOWN OF APPLE VALLEY

RESOLUTION R-2023-17

**A RESOLUTION AMENDING THE TOWN OF APPLE VALLEY PERSONNEL POLICIES AND
PROCEDURES MANUAL BENEFITS SECTION**

WHEREAS, the Town of Apple Valley has an adopted Personnel Policy and Procedures manual; and,

WHEREAS, The Town Council of the Town of Apple Valley deems it necessary and appropriate that the Policies and Procedures manual be amended; and,

WHEREAS, The Town Council of Apple Valley held a public meeting duly called, noticed and held on the 17th day of May 2023; and,

WHEREAS, a motion duly made, seconded, and accepted by majority vote in regard to these changes was made; and,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, that the Policies and Procedures Manual be amended to reflect the changes and additions as attached hereto.

PASSED THIS 17TH DAY OF MAY 2023. This resolution shall be in full force and effect from the date of passage.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Frank G. Lindhardt, Mayor

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION R-2023-18

A RESOLUTION APPROVING A CAPITALIZATION POLICY FOR ASSETS

WHEREAS, the Town of Apple Valley ("Town") is a Utah municipal corporation; and,

WHEREAS, the Town is required to prescribe uniform accounting and reporting procedures in conformity with generally accepted accounting principles pursuant to Utah Code Section 10-5-105; and,

WHEREAS, certain expenditures for assets above a certain threshold and useful life should be capitalized and depreciated; and

WHEREAS, the Town has determined the threshold to be \$5,000.00 and with a useful life of one year or more; and

WHEREAS, The Town Council of Apple Valley held a public meeting duly called, noticed and held on the 17th day of May 2023; and,

WHEREAS, a motion was duly made, seconded, and accepted by majority vote in regard to capitalization; and,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, that the capitalization policy threshold shall be \$5,000.00 with a useful life of one year or more.

PASSED THIS 17TH DAY OF MAY 2023. This resolution shall be in full force and effect from the date of passage.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Frank G. Lindhardt, Mayor

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Jauna McGinnis

775 N Cougar Ln, Apple Valley, UT 84737

May 14, 2023

Town Council
Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley, UT 84737

Council,

Wow, what a ride it has been for the past year and almost a half of serving our fellow citizens! This team has been the most rewarding to work for in all my experience with government agencies. The respect and care for each other's opinions, ideas, and solutions as well as the community as a whole is extraordinary.

When I took the position as the Town Administrator, my employer graciously allowed me to waive my exclusivity with them in order to serve my home town. But it is time now that I give them my focus.

There is no regret for moving in this direction as I will be leaving this place much better than I found it (for the 2nd time). Other than the one project remaining (unfinished minutes, ordinances and resolutions from the prior administration), the work is timely and moving forward. My only hope is that I do not need to return a 3rd time. Every "bean" is accounted for. Plus we have a good crew in place, with more services being provided, or in the process of being provided, to this town in a much more coordinated and proper fashion.

It is imperative we stop taking backwards steps. With that in mind, my end date is not hard set in concrete. My intent is to remain with you until the right person is at the helm and fully trained. Now that we have all the ducks going in one direction, the new administrator should be able to focus on those things that I could not get to.

I intend to transition out smoothly with all intricacies of this position relayed and understood, especially the financial end. Training will certainly be necessary to ensure that smooth transition and I offer to remain part-time through that process.

Thank you for your trust, your friendship, and most of all your service to this community. It truly has been rewarding to be part of the legacy of saving this town of which, I hope, most will recognize now rather than in the future, or when it's too late.

My Best to You,


Jauna M. McGinnis

I. INTRODUCTION

This Stormwater Impact Fee Facilities Plan has been prepared for the Town of Apple Valley, located in Washington County, Utah, east of St. George and Hurricane along State Route 59. The Town of Apple Valley was established in 2004 with approximately 700 residents. Since then the town has continued to experience growth. As this growth has occurred, the construction of homes, roads and other improvements typical of developed communities has altered the natural terrain upon which the community was built. These alterations have resulted in an increase in stormwater runoff generated by storm events and have changed the routes by which storm runoff is directed through the Town.

The Town's existing stormwater drainage improvements include borrow ditches, street culverts, a bridge, and a curb and gutter with integrated storm drain inlet boxes and piped systems. These improvements have been analyzed with regard to build out conditions based on current zoning.

This study analyzes those areas which are currently developed and/or which directly route stormwater runoff through the Town. Undeveloped drainage basins falling within the Town boundary were not analyzed in this study. It is assumed that runoff from these areas will flow directly into Little Creek.

This Plan includes general requirements for the sizing, maintenance, and configuration of a stormwater management system in the Town of Apple Valley and makes recommendations for addressing specific problem areas in the Town.

In addition, this Plan provides operation and maintenance recommendations for existing and future stormwater improvements.

It is intended that this 2019 Stormwater Master Plan will help the Town of Apple Valley manage current and future stormwater routing scenarios.

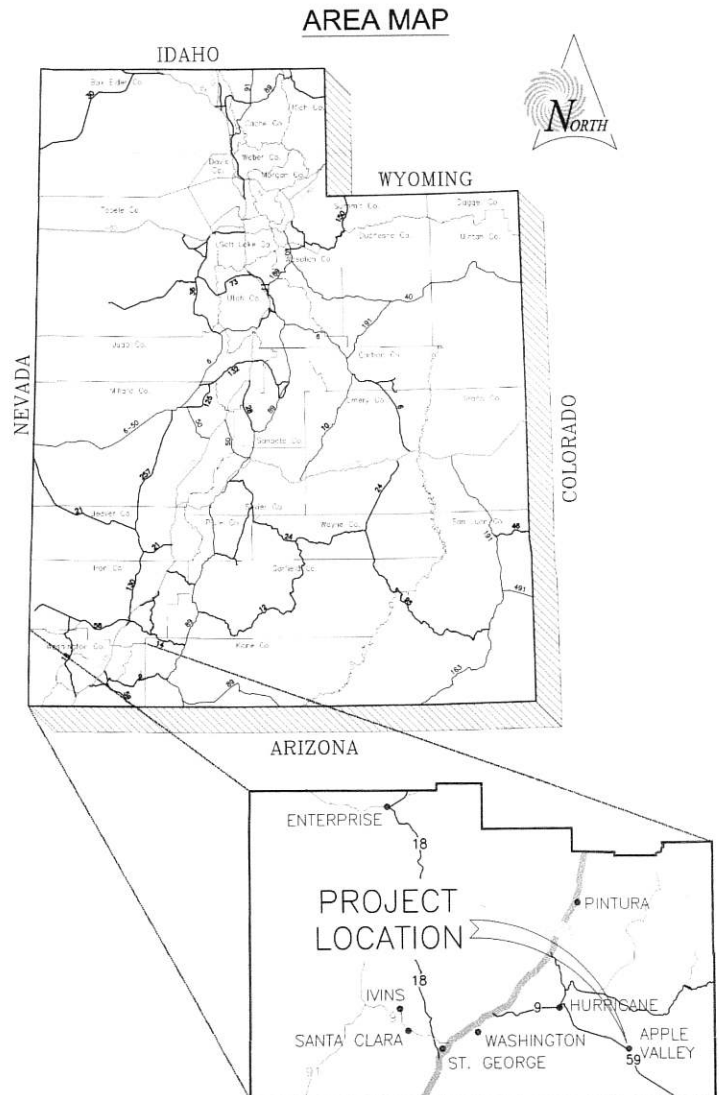


Figure I-1: Area Map

V. COST & PROPOSED IMPACT FEES

A. SYSTEM IMPROVEMENT

The recommended storm drain improvements were outlined in the Recommended Improvements list given in the previous section of this study. Unit costs were applied to the recommended improvements and cost estimates were derived for the purpose of future financial planning. Table V.A.1 in Appendix E is the Engineer's Opinion of Probable Cost for each of the recommended improvements. It should be noted that these cost estimates are based on current, 2020, market prices.

K. STORM DRAIN IMPACT FEES

As detailed throughout this report, Apple Valley Town is in need of additional storm drain system infrastructure to meet the needs of current and future drainage scenarios. The Town is responsible for the current deficiencies in the storm drain system, but future development that occurs within the drainage area analyzed will further add to the deficiencies in the system. Because of this, an appropriate share of the costs associated with the recommended improvements should be borne by development.

To determine this appropriate share, the total area of undeveloped land within the drainage area analyzed, but understood to be developable, was divided by the total area of the drainage area. This percentage was taken to be the portion of the improvement costs that is impact fee eligible. The figure delineating the undeveloped versus developed land is included as Figure V.B.1 in Appendix A. The current Build-out Study prepared by the Eastern Washington

County Rural Planning Organization was used as the basis for this delineation.

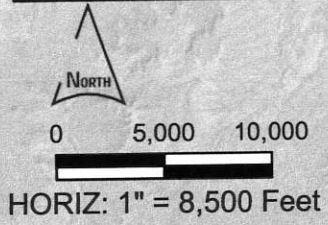
Table V.B.1 in Appendix E shows the calculations used to determine the maximum impact fee per acre of land. The interest from new debt service shown in the calculation is based on a 30-year loan using an interest rate of 2.5%.

The maximum impact fee allowable based on this calculation is \$2,886 per acre. It is the responsibility of the Town to set the actual impact fee, but it is recommended that the impact fee be set so that the Town will have sufficient funds to cover annual expenses resulting from improvement projects.

It should be noted that no estimate was included for curb and gutter improvements recommended in this report and costs for these improvements were not included in the impact fee calculation. The primary reason for this is because curb and gutter improvements for areas that have previously been developed are understood to be ineligible to be paid for using impact fees. In addition, it is understood that curb and gutter improvements will be constructed by developers in areas where new development takes place.

It should also be noted that this study recommends not charging impact fees for development falling outside of the major drainage basins which route storm water flow through the Town. The reason for this is because the areas falling outside of this boundary route storm water directly to the Little Creek without first passing through the Town. In other words, these developments will not impact the existing infrastructure of the Town. The developers will be responsible to construct adequate storm water improvements without increasing the

Figure II.E.1
Apple Valley Zoning Map



Legend	
AG	RE-10
C-1	RE-2.5
C-2	RE-20
C-3	RE-40
CABIN/TH	RE-5
I-1	SF-1-10.0
OST/OSC	SF-1/2
PD	
RE-1	Town Boundary

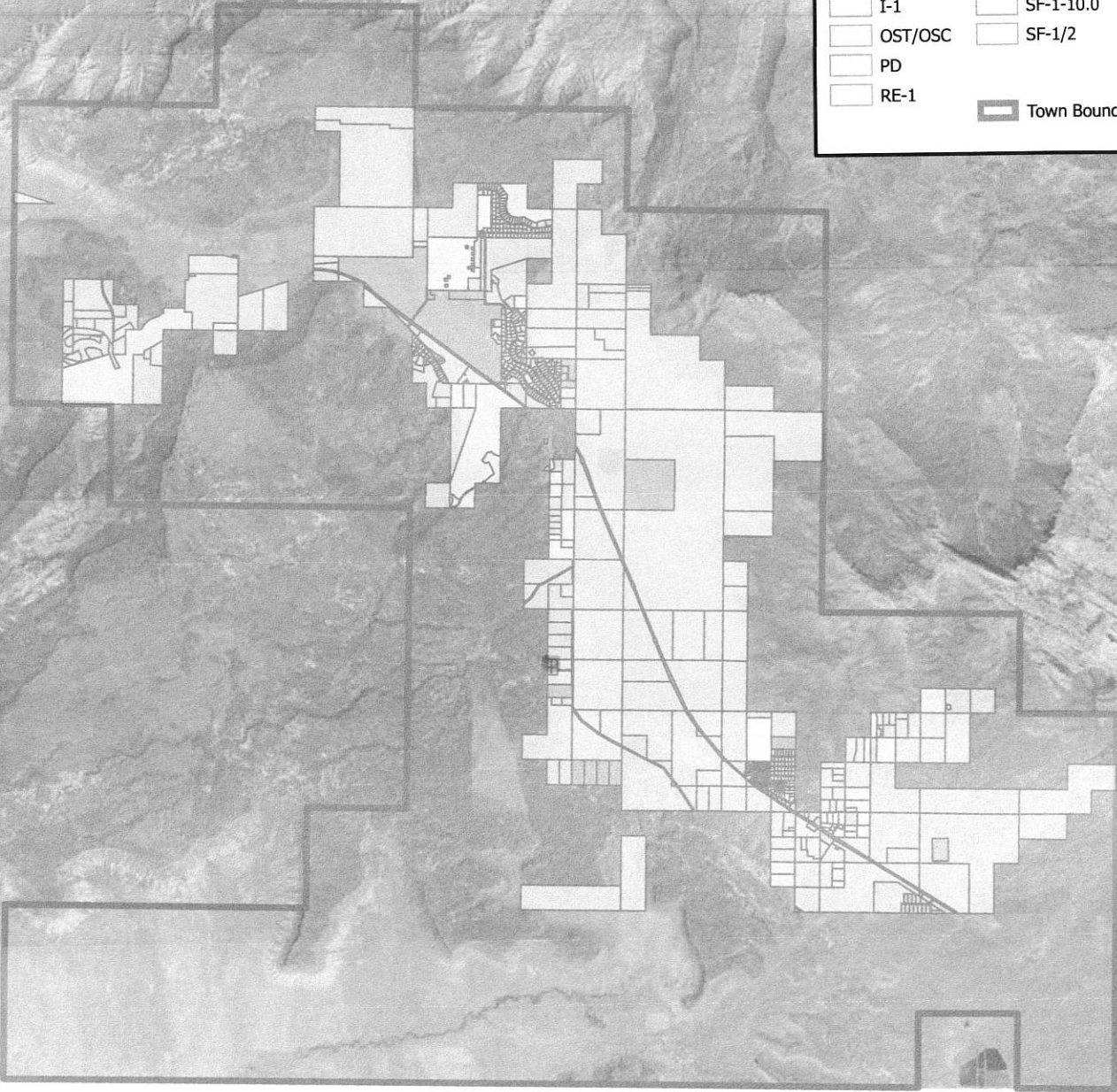


Figure IV.C.3

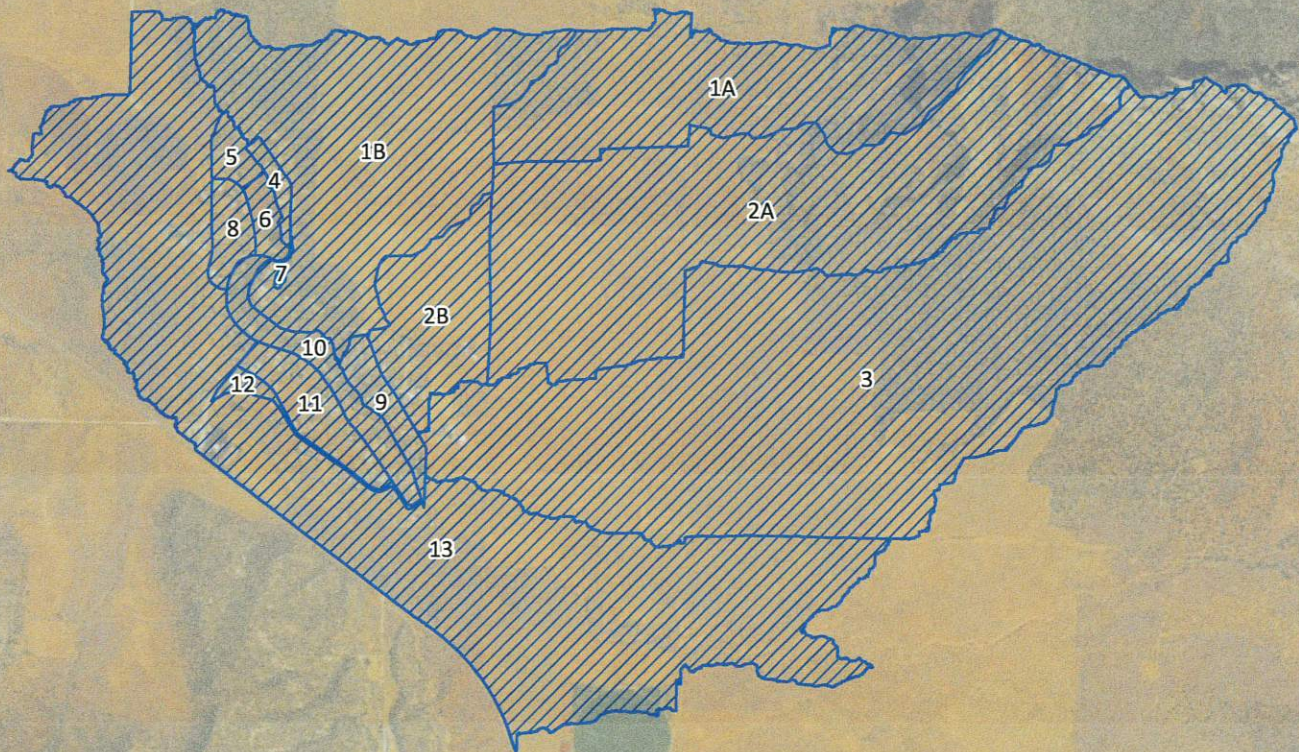
DRAINAGE BASINS AFTER IMPROVMENTS



0 2,500 5,000



HORIZ: 1" = 2,200 Feet



Legend

 Existing Drainage Basins

assumptions for the Town and general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

HISTORY

Adopted by Ord. [2008-4](#) on 4/3/2008

Adopted by Ord. [2019-09](#) on 6/12/2019

14.02.060 Endangered Species Impact Fees

REPEAL

HISTORY

Adopted by Ord. [2006-1-O](#) on 5/4/2006

Adopted by Ord. [2019-09](#) on 6/12/2019

Repealed by Ord. [O-2022-50](#) on 10/19/2022

14.02.070 Police Impact Fee

The Town Council hereby ordains that the impact fee imposed for police under the Town's prior impact fee enactment is rescinded and no impact fee shall be charged for police until such time as the Town Council determines otherwise by the adoption of an appropriate impact fee chapter. All police impact fees collected to date shall be refunded by the Town Treasurer, within a reasonable time, to the person paying such fee. Interest earned on such amounts shall be prorated and paid to the person entitled to receive the impact fee refund.

HISTORY

Adopted by Ord. [2014-03](#) on 3/6/2014

Adopted by Ord. [2019-09](#) on 6/12/2019

14.02.080 Impact Fee Schedules And Formulas

Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum impact fees which the Town may impose on development within the defined Impact Fee Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code § 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Town determines that a user would create a greater than normal impact on any of the systems. The Town may also decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code § 11-36-202(3)(a)).

Impact Fee Schedules:

STORMWATER IMPACT FEES: The impact fees for stormwater as set forth in the attached Table 3, shall be paid at the time of application for a building permit for any property located within the drainage boundary.

Table 1 - Storm Water Impact Fee

Zoning		Adopted Impact Fee Per Acre within Drainage Boundary
Residential		\$2,885.79/acre
Commercial		\$2,885.79/acre

PARKS, TRAILS, AND OPEN SPACE IMPACT FEES. The impact fees for parks, trails and open space as set forth in the attached Table 2, shall be paid at the time of application for a building permit.

Zoning		Adopted Impact Fee Per Household (2.38 Persons)
Residential		\$725
Commercial		None

NON-STANDARD PARK IMPACT FEES: The Town reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a land-use will have upon public facilities. The adjustment for Non-Standard Park Impact Fees could result in a different impact fee if the Town determines that a particular user may create a different impact than what is standard for its land use. The non-standard impact fee is calculated based on the following formula:

$$\text{Estimated Population per Unit} \times \text{Estimate of Impact Fee Per Capita } (\$305) = \text{Impact Fee per Unit}$$

FIRE AND EMS IMPACT FEES. The impact fees for public safety as set forth in the attached Table 3, shall be paid at the time of application for a building permit.

	Cost per SFE	SFE Conversion	Total Impact Fee per Unit
Residential			
Single Family Dwelling Unit	\$844	1.00	\$844
Multi-Family Dwelling Unit	\$844	0.68	\$571
Non-Residential			
Shopping Center (per 1K SF)	\$11,443	2.81	\$32,117
General Office (per 1K SF)	\$11,443	1.43	\$16,413
Light Industrial (per 1K SF)	\$11,443	0.84	\$9,594

NON-STANDARD FIRE AND EMS IMPACT FEES: The Town reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. This adjustment could result in a different impact fee if the Town determines that a particular user may create a different impact than what is standard for its land use. To determine the impact fee for a non-standard use, the Town should use the following formula:

14.02 Impact Fee Enactment

14.02.010 Purpose

14.02.020 Definitions

14.02.030 Written Impact Fee Analysis

14.02.040 Impact Fee Calculations

14.02.050 Capital Facilities Plan

14.02.060 Endangered Species Impact Fees

14.02.070 Police Impact Fee

14.02.080 Impact Fee Schedules And Formulas

14.02.090 Fee Exceptions And Adjustments

14.02.100 Appeal Procedure

14.02.010 Purpose

This Impact Fee Chapter establishes the Town's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. This Chapter establishes impact fees for water, wastewater, transportation, storm water, parks, trails and open space and public safety within the Impact Fee Service Area, describes certain capital improvements to be funded by impact fees, provides a schedule of impact fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing impact fees.

HISTORY

Adopted by Ord. [2008-4](#) on 4/3/2008

Adopted by Ord. [2019-09](#) on 6/12/2019

14.02.020 Definitions

Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Chapter. The following words and phrases shall have the following meanings:

"Capital Facilities Plan" means the plan required by Section 11-36-201 of the Act. In Section 11-36-201(2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Town meets this exception but has chosen to perform and adopt the Capital Facilities Plan attached hereto.

"Development activity" means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential, commercial, and institutional users who are not currently connected to any of the Town's public facilities systems, but will locate within the Impact Fee Service Area.

"Development approval" means any written authorization from the Town that authorizes the commencement of development activity.

"Drainage Boundary" means the boundary defined as a drainage area in the Town's latest stormwater impact fee study.

"Town" means the Town of Apple Valley, a local political subdivision of the State of Utah.

"Impact fee" means a payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.

Chapter 36a Impact Fees Act

Part 1 General Provisions

11-36a-101 Title.

This chapter is known as the "Impact Fees Act."

Enacted by Chapter 47, 2011 General Session

11-36a-102 Definitions.

As used in this chapter:

(1)

(a) "Affected entity" means each county, municipality, special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:

- (i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
- (ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, special district, special service district, school district, interlocal cooperation entity, or specified public utility.

(b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.

(2) "Charter school" includes:

- (a) an operating charter school;
- (b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit Enhancement Program; and
- (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

(4) "Development approval" means:

- (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
- (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
- (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
 - (i) to reserve or provide:
 - (A) a water right;
 - (B) a system capacity; or
 - (C) a distribution facility; or
 - (ii) to deliver for a development activity:

- (A) culinary water; or
- (B) irrigation water; or
- (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
 - (i) to reserve or provide:
 - (A) sewer collection capacity; or
 - (B) treatment capacity; or
 - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
 - (a) a municipal ordinance, for a municipality;
 - (b) a county ordinance, for a county; and
 - (c) a governing board resolution, for a special district, special service district, or private entity.
- (6) "Encumber" means:
 - (a) a pledge to retire a debt; or
 - (b) an allocation to a current purchase order or contract.
- (7) "Expense for overhead" means a cost that a local political subdivision or private entity:
 - (a) incurs in connection with:
 - (i) developing an impact fee facilities plan;
 - (ii) developing an impact fee analysis; or
 - (iii) imposing an impact fee, including any related overhead expenses; and
 - (b) calculates in accordance with a methodology that is consistent with generally accepted cost accounting practices.
- (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, special district, special service district, or private entity.
- (9)
 - (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
 - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (10) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (11) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (12) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (13)
 - (a) "Local political subdivision" means a county, a municipality, a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or the Point of the Mountain State Land Authority, created in Section 11-59-201.
 - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 11-36a-206.
- (14) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
 - (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or

- (b) a school district; or
 - (c) a charter school.
- (22)
- (a) "System improvements" means:
 - (i) existing public facilities that are:
 - (A) identified in the impact fee analysis under Section 11-36a-304; and
 - (B) designed to provide services to service areas within the community at large; and
 - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
 - (b) "System improvements" does not mean project improvements.

Amended by Chapter 16, 2023 General Session

Part 2

Impact Fees

11-36a-201 Impact fees.

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

11-36a-202 Prohibitions on impact fees.

- (1) A local political subdivision or private entity may not:
 - (a) impose an impact fee to:
 - (i) cure deficiencies in a public facility serving existing development;
 - (ii) raise the established level of service of a public facility serving existing development; or
 - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement;
 - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
 - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
 - (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
 - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
 - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
 - (iii) on a school district or charter school unless:

Renumbered and Amended by Chapter 3, 2018 General Session

Part 3

Establishing an Impact Fee

11-36a-301 Impact fee facilities plan.

- (1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.
- (2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
- (3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
 - (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and
 - (b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

11-36a-302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.

- (1)
 - (a) An impact fee facilities plan shall:
 - (i) identify the existing level of service;
 - (ii) subject to Subsection (1)(c), establish a proposed level of service;
 - (iii) identify any excess capacity to accommodate future growth at the proposed level of service;
 - (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and
 - (v) identify the means by which the political subdivision or private entity will meet those growth demands.
 - (b) A proposed level of service may diminish or equal the existing level of service.
 - (c) A proposed level of service may:
 - (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
 - (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.
- (2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

- (a) grants;
 - (b) bonds;
 - (c) interfund loans;
 - (d) impact fees; and
 - (e) anticipated or accepted dedications of system improvements.
- (3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).
- (4)
- (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
 - (i) through the planning process; or
 - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
 - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
 - (c)
 - (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
 - (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

11-36a-303 Impact fee analysis.

- (1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.
- (2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011 General Session

11-36a-304 Impact fee analysis requirements.

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:

- (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
- (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;
 - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
 - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
 - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
 - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
 - (g) extraordinary costs, if any, in servicing the newly developed properties; and
 - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

11-36a-305 Calculating impact fees.

- (1) In calculating an impact fee, a local political subdivision or private entity may include:
 - (a) the construction contract price;
 - (b) the cost of acquiring land, improvements, materials, and fixtures;
 - (c) for services provided for and directly related to the construction of the system improvements, the cost for planning and surveying, and engineering fees;
 - (d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements; and
 - (e) one or more expenses for overhead.
- (2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Amended by Chapter 35, 2021 General Session

11-36a-306 Certification of impact fee analysis.

- (1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following:

"I certify that the attached impact fee facilities plan:

 - 1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or



Tish Lisonbee <4tishl@gmail.com>

Utah Code for Elections

1 message

Melanie Abplanalp <Melanie.Abplanalp@washco.utah.gov>
To: "4tishl@gmail.com" <4tishl@gmail.com>

Wed, May 17, 2023 at 2:30 PM

Tish

Thank you for your call. Hopefully this brief email will help. If I think of anything else I will send you a second email later.

1. Interlocal Agreement for Elections Services is still in place. Neither entity has notified the other of wanting to rescind the agreement. According to the interlocal, the deadline has passed for the Town to make modifications, however, talk with your attorney and have them reach out to ours.
2. Utah is a BY MAIL state, all active registered voter will receive a ballot in the mail. Changes to this would done by the State Legislature.
3. You would be breaking the law if you had in person voting ONLY.
4. I can give you the name and contact information for another election vendor if you would like.
5. The County would need to verify signatures if you chose to use another vendor.
6. The county, according to the interlocal will not hand count ballots.

Best Regards

Melanie



Melanie Abplanalp
ELECTIONS ADMINISTRATOR

☎ 435.301.7223
✉ melaniea@washco.utah.gov
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