

**NOTICE AND AGENDA
TOWN COUNCIL
Town Council - Regular Meeting**

Public notice is given that the Town Council of the Town of Apple Valley, Washington County, Utah will hold a **Town Council - Regular on Wednesday, December 4th, 2019** at the **Apple Valley Town Hall, 1777 N Meadowlark Dr, Apple Valley, Utah**, commencing at **6:00 PM** or shortly thereafter. In accordance with state statute, one or more council members may be connected via speakerphone. This meeting will be available for live stream at www.youtube.com. Search: Town of Apple Valley Utah.

The Agenda for the meeting is as follows:

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

MAYOR'S TOWN UPDATE

CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the Council for approval. 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.

- A. Approval of Minutes for 11.04.2019
- B. Approval of Minutes for 11.13.2019
- C. Approval of October Expenditure Report
- D. Approval of Monthly Operational Budget Update

DISCUSSION AND ACTION

1. Review recommendation from Planning Commission on September 25, 2019 on changes to Town Code 10.26 Outdoor Lighting
2. Review recommendation from Planning Commission on September 25, 2019 on changes to Town Code 10.28.100 Parking Requirement of Private Recreational Vehicles in Residential Zones

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp
Planning Commission – Cynthia Browning/Michael McLaughlin
Fire Department – Chief Dave Zolg, Jr
Big Plains Water and Sewer SSD – Harold Merritt
Code Enforcement – Rich Ososki/Paul Edwardsen
Roads and Storm Drainage –
Mosquito Abatement- Margaret Ososki
Council-

PUBLIC COMMENTS

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **27th day of November, 2019**.

Dated this 27th day of November, 2019

Ben Billingsley, Deputy Recorder
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Town Clerk Michelle Kinney
Town Attorney Shawn Guzman
Attorney Bryan Pattison
County Attorney Eric Clarke
County Commissioner Victor Iverson
County Community Development Director Scott Messel
County Clerk Kim Hafen

PUBLIC HEARING

Mayor explains the process for the hearing. He asks that everyone who would like to speak fill out a slip of paper that will be put in a box so names will be drawn randomly. He asks that comments stay close to 3 minutes.

PETITIONED TOWN DISCONNECT HEARING CONSISTING OF T43S R11W SECTIONS 10, 11, 12, 13, 14, 15, 22, 23, 24 AND T43S R10W SECTIONS 18 AND 19

MAYOR OPENS THE HEARING FOR PUBLIC COMMENTS

Joan Dinneen is listed on the disconnect petition as one of the contacts, the mayor gives her the opportunity to speak first.

Joan Dinneen- She begins by expressing her opinion about the SSD disbandment, increasing taxes, pipeline disbandment and that the town council doesn't hear the residents and look out for everyone. She believes Washington County provides all of the services on the East side of town. The town has intruded on the SSD and she believes the council will remove all of the board and other employees of the SSD. She discusses the FEMA grant. She feels that the items she is talking about benefit the Mayor personally and not the town as a whole. The \$10.00 a month drainage fee that she feels should be used to clean the ditches and debris has not been used at all instead sits in an account. She speaks to the 2 million dollar drainage plan that is planned. She talks about a storage tank in Cedar Point for the Canaan Springs. Well 59 serves the entire Cedar Point area.

The district regularly receives complaints about the cleanliness of the water in Cedar point and she would like to see the springs used to feed water to the area. We currently have professionals in the water district. The Disconnect Citizens recognize water is the lifeblood of any community. We ask the Town council to rescind the SSD take over quickly. And that the area of disconnect be returned to the county as she states they already receive the majority of services from the county. She would like the county to fully maintain and repair the roads that the town has not touched. She then invites Ross Gregerson to speak.

Ross Gregerson- This disconnect will help remove him from the troubles, contentions, and false accusations that he feels are disseminated by the mayor. He has no interest in paying for services that he doesn't receive in his area. He doesn't like the flood plans that will address issues only within the area the mayor lives. He addresses the issues with the SSD that he doesn't like. He feels that water quality is safe and reliable and he doesn't like that the mayor threatened to remove employees and volunteers of the district and did remove the bookkeeper. He suggests that the mayor denied the SSD access to their accounting program and meddled in the pipeline funding process. As per the SSD Manual, all money within SSD should be deposited within the SSD account. Currently the money is deposited in the town account and trickles down to the SSD account and he suggests the District has no way to verify the money is reaching their account or being handled appropriately. He welcomes an audit of the town and the SSD. He submits his comments into public record.

Mayor Lisonbee responds to the comments of Ross Gregerson- the Mayors home has retention basins on the property, they retain their water and the flooding has nothing to do with his property. The Canaan area and the Apple Valley Chevron areas have issues and we are trying to take all of this into consideration as we address these problems.

He addresses the issues mentioned with the SSD. The state auditor's office contacted the town and mentioned issues about the co-mingling of funds and issues with the town of nepotism. This was brought up because the town was turned in for having the mayor's wife helping the town while between accountants. Ben is the bookkeeper for the town and in March he set up a meeting with the state auditor's office to find out about best practices for our situation. He was told that the town collecting this money was fine and for efficiency they felt this was the best way to handle it. The mayor mentions that the town created the district so it's the town's district. The mayoral oversight of SSD is not a new concept and we are there to look out for the town. The money saved can then be put toward other projects. By working together we have been able to reduce the operating cost of the district by 86 thousand dollars. Coyote doesn't even have water lines for fire protection. He mentions that the district saving money is important because the town has areas that need water lines and saving money will allow the district to one day provide the service to these areas that they need.

Ross Gregerson- asks how the town saved the district 86 thousand dollars. The Mayor responds by saying that the money the district would have spent on their bookkeeper is still in the account because Ben is doing the bookkeeping at no cost to the district. He explains that the average amount they paid their bookkeeper in October, November and December times 12 is being used

to come up with her wages in addition to an estimated cost for stamps, and other office related expenses.

Marcelle Irrebarren- Asks who owns the water district.

Ross Gregerson mentions that the town created the SSD but operates separate from the town. He feels the town wants to treat the SSD like an arm of the town.

Jay Kleinfeldt- Jay is angry that this has turned into an argument between the town and the water board. As a cedar point resident he is opposed to this effort to disconnect and separate our community. Splitting the town will not create the desired results. If this is successful it will lower property values and have long lasting negative effects on our future. While other parts of the county grow and prosper we would be another unincorporated community low on the list for the County. This will not achieve the goals they want. He urges that the petition be rejected. He submits his full written statement.

Frank Lindhardt- He lives in the disconnect area. He is a developer and builder. He has no plans of developing in Apple Valley. He was born and raised in the Denmark, worked in Russia. He was raised under socialism and worked under communism. He was happy to move here where we live in a republic that contains checks and balances. County ordinances and town ordinances are almost identical. He believes the reason for this disconnect petition is because some people are upset with the town council or the town. He urges people who are unhappy with how things are being run to volunteer, run for office, or attend the meetings and let your voice be heard. Many of these people don't attend meetings. We have elected these folks, if you are unhappy with them vote. He urges the council to vote no to the disconnect petition.

Harold Merritt- The separation from the town would not separate the service district. And things would continue as they are now. Who owns the services district is owned by the town citizens. The boundaries of the district do not necessarily have to be the same as the town.

Tish Lisonbee- She has lived here 27 years and all 3 homes she has owned have flooded. She has lived through 4 disconnect petitions. She lived here when this area was in the county. They had absolutely no voice. The Sherriff works for us under an MOU. We pay them for coming out here. That is a service we get. She disagrees that a few people are making this decision for the rest of us. We either cease to exist as a town or our taxes go up 40 %. She urges the council to vote no.

Annette Fallentine- She has lived here for 9 years and pleads that the council save our town. We love it here with the rights we have we already lived in the county we don't want to do that again. We have services now that the county won't provide and the town will cease to exist. Our water is a precious commodity. She warns that if we are not a town then Hurricane would love to take our water. We have a fire department its volunteer. If you think this is all terrible sale your house and move out. She would like to see the SSD, Fire Department and the Town Council to work together. Save our town and Vote NO!

Forrest Kuehne-He would like to see the figures for the 50% of owners that is required for the disconnect petition; the mayor mentions that this is part of public record and available. He donates the rest of his time to **Harold Merritt**-The pipeline from Canaan is still underway and will go to Cedar Point. We hope to get another 150,000 gallon tank here on the hill for culinary and fire protection. The district operates 3 separate systems. The mayor asks Mr. Merritt to step down as his comments are not disconnect related.

Jared McGregor-He moved here a year ago and lives in Cedar Point. He owns the tiny home business. They were forced to do their business in a certain way. He just wants to run his tiny home nightly rental business. He feels they have been harassed for the last 2 years. It's not just one person in the governing body but the entire body. They are trying to push rules and regulations for landscaping that don't make sense for the project. He feels that there is corruption within the city and would like to disconnect. He says they followed all the plans and rules.

Roland Hall- Not a resident but owns property here. In 1944 he came and harvested wheat right here where the fire department sits. He is a long standing land owner in Apple Valley. He would like to see the town stay together.

Rich Kopp- He came here from a big city. With big county and cities you see big bills. He mentioned doing the leg work to know what the rules are when you move in. He would like to see the town come together and make things fair for everyone. The ordinances are to help protect the residents. The council and the mayor are trying to help individuals. He would like to see the disconnect petitioners come to meetings.

Pat Baker- has concerns with the way the town is moving and supports the disconnect petition. He feels the mayor yells and screams at people. He feels there are political lies going on. Water should not be political, He mentions the 65 years of experience the members of the water board have and compares it to how much experience the council members have. He isn't sure if he should support the disconnect petition but because of the issues over the past few months he thinks he should. It won't cost the county anything to pull the disconnect area into the county. We need to do what is right and he doesn't feel the council will do that. We have a drainage funds that have been collected for years now, let's dip into that fund and fix the drainage issues. He supports the disconnect petition.

Russ Volk- He opposes any effort to disconnect. He is grateful for those who are willing to step up and serve or run for office. Come to the meetings and express your view point. He encourages those who are unhappy to run for office. Many of people on the petition don't reside in Apple Valley but want to determine the outcome for those who do live here.

Susan Walsh- She believes developers want the disconnect area to leave the town in an effort to line their pockets. How much money it will cost every one of us if we disconnect. She cites the ordinance that requires the land owners within the disconnect area to pay thousands of dollars in

code 10-2-506 “Taxes to meet municipal obligations”. She respectfully asks the council to vote no to the disconnect petition.

Nancy Batty- She was in the county when they built their house and she remembers being told then by the county not to expect any services. The county never stood behind them when they ran into issues. All small towns have growing pains. Codes and ordinances are in place to keep order in the community. We need to avoid special interest and work together as a town as we work to grow. Flash flooding in a desert is a fact of life. She is against the disconnect petition and would like us to come together.

Margie Ososki- She would like someone to explain why they want to disconnect other than the conflict between the town council and the water board.

Walter Jose- He could canoe when we have a major rain and it has been this way for as long as he can remember. Marty building his home has nothing to do with the flooding. It is the same houses that are being flooded that were being flooded 20 years ago.

Marcelle Irrebarren- She doesn’t like all the arguing and is wondering if this is about water or the town. She mentions that everyone in town has flooding problems. She cleans her own ditch. She would like to see us as a community helping one another as the town of Apple Valley.

The Mayor speaks to the drainage- that is why we are trying to get as much money as possible so we can fix as much as possible. He mentions the process we are in right now to get a grant so we can leverage the money we have for more projects. He stopped the \$172,000 loan so we could do more for less. The studies will give the modeling diagrams to help bring an understanding of what needs to happen in many areas within the town limits.

Joan Dineen asks for the FEMA map. But the map hasn’t been completed. She asks about the drainage funds that have been stored. She would like to see the money be used to clean ditches.

Mayor Lisonbee- The \$10 that has been collected hasn’t been collected to clean ditches. This money is for capital improvements so the town saves the money until we have enough for drainage projects.

Peggy Mammen- She is against the disconnect petition. She believes there is a developer that has pitted us against one another. The purpose of this disconnect is to help the developer not us as residents.

Alan Angel- He mentions that Marty is being blamed for the flooding and he mentions that he was blamed for all the flooding as well. He mentions that the \$10.00 a month (or \$120 a year) wouldn’t be enough money to clean out all the ditches in town. It would cost more than \$120.00. He likes the idea for long term planning. He believes that the laundry list of reasons for the disconnect petition won’t be changed by going to the county. He hopes the council votes no.

Coleen Kuehne- She suggests that those who want to leave disconnect and leave everyone else alone. This way the large land owners can go. The disconnect people should rethink the map and leave all those who want to stay.

MAYOR CLOSES PUBLIC COMMENT

Councilmember McLaughlin addresses the issues with the SSD. This is not about getting rid of people. Before Mayor Campbell resigned the SSD didn't like that they had a member of the council and mayor on the board. He doesn't understand why the SSD wanted to disconnect from the town. If you take the mayor and the council member out of the SSD then the people of this town have less say. The council is open to creating an inter-local agreement but we haven't had cooperation from the district in order to do so.

Councilmember Edwardsen- He addresses the comments made about "council corruption". He was appointed to this position. This is a hard place to be. The planning commission has been working hard to work on issues with ordinances. People must follow the rules. If you want to build this town you have to follow the plans that are approved. The council expects projects to be finished according to the approved plans.

Mayor Lisonbee- Mentions that we need to follow the ordinances but we can change certain things. The mayor invites people to help the town by volunteering and maybe even helping on the Planning Commission. Many of our ordinances are similar to the county. He would like to have an open dialogue to fix any issues you see. When he went to the disconnect meeting in January people mentioned things they wanted fixed and he has worked on many of those things.

Brad Mammen- What is the process for the disconnect petition.

They mayor discusses the guidelines for disconnect. The town council will vote to approve or disapprove the disconnect petition. Then disconnect people can take us to court if they would like to pursue it. The Attorney mentions that the council can make a determination within 45 days but it doesn't have to be a vote. It doesn't have to go to court, that is only if the petitioner or the County wants to appeal the decision made by the council. If it goes to court it is a very high burden on the petitioner. The petitioner has a burden for legal costs but there would be a determination made on that.

MacNamara- Requests that the community is notified of the outcome. He mentions this will help with the gossip at the Chevron.

ADJOURNMENT

MOTION: Councilmember Kopp moves to adjourn tonight’s special meeting
SECOND: Councilmember Edwardsen
VOTE: Councilmember Kopp - Aye
Councilmember Bass- Aye
Councilmember Edwardsen Aye
Mayor Lisonbee – Aye
Councilmember McLaughlin Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 8:07 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

OPENING

Mayor Lisonbee brought the meeting to order at 6:01 p.m. welcoming all in attendance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Town Recorder Michelle Kinney
Kim Hafen County Assessor is here to give the final election results

MAYORS TOWN UPDATE

The Mayor extends an apology about the Disconnect public hearing not being broadcast over YouTube. The internet signal was weak and caused some technical difficulties during the meeting. He iterates that the entire meeting is preserved on 2 audio recordings.

DISCUSSION AND ACTION

1. Approval and Certification of Election Results for the 2019 General Election

Kim Hafen, County Assessor, is here to give the election results. He presents us with the ballots and presents the election results. He goes through the process for the election. They started counting two weeks before the election by clearing out the drop box each day and counting the votes. On election night the highest votes were for Denny Bass, Paul Edwardsen, and Mayor Lisonbee. The additional ballots counted after Election Day did not change those who received the highest number of votes. They do check and verify each signature. The turnout rate was 69% for Apple Valley. In general, the turnout is much better for by mail elections.

MOTION:	Councilmember Kopp moves to approve certification of the election results for the 2019 General Election as presented by Kim Hafen.	
SECOND:	Councilmember Bass	
VOTE:	Councilmember Kopp -	Aye
	Councilmember Denny Bass-	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee –	Aye
	Councilmember Edwardsen	Aye

The vote was unanimous and the motion carried.

2. Changes to the Main Street Realignment project and vacating existing roadway.

This shows the new alignment plan and makes the intersection with 90 degree angles from the highway going into an S curve to Main Street. Hildale has offered to help us with the realignment work. The existing road needs to be abandoned and given back to the land owner as the land owners will be giving the town new easements.

- MOTION:** Councilmember McLaughlin moves to accept the changes to the Main Street realignment project and that we vacate the existing roadway area and give it back to the landowners.
- SECOND:** Councilmember Kopp
- VOTE:**
- | | |
|---------------------------|-----|
| Councilmember Kopp - | Aye |
| Councilmember Denny Bass- | Aye |
| Councilmember McLaughlin | Aye |
| Mayor Lisonbee – | Aye |
| Councilmember Edwardsen | Aye |

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

3. Approval of Minutes for 10.2.2019

Item 2 and 3 have a couple nay votes so the statement at the bottom that the motion carried and is unanimous is incorrect.

- MOTION:** Councilmember Bass moves to accept the minutes for Oct 2nd, 2019 as written with those 2 exceptions.
- SECOND:** Councilmember Edwardsen
- VOTE:**
- | | |
|---------------------------|-----|
| Councilmember Kopp - | Aye |
| Councilmember Denny Bass- | Aye |
| Councilmember McLaughlin | Aye |
| Mayor Lisonbee – | Aye |
| Councilmember Edwardsen | Aye |

Approval of Minutes for 10.16.2019

- MOTION:** Councilmember Bass moves to accept the Oct 16th minutes as written
- SECOND:** Councilmember Edwardsen
- VOTE:**
- | | |
|----------------------|-----|
| Councilmember Kopp - | Aye |
|----------------------|-----|

Councilmember Denny Bass-	Aye
Councilmember McLaughlin	Aye
Mayor Lisonbee –	Aye
Councilmember Edwardson	Aye

The vote was unanimous and the motion carried.

Mayor Lisonbee adds an item to the agenda that is not an action item.

During the public hearing last week on the disconnect petition public comments that were made by Ross Gregerson are addressed. Finance Director Ben Billingsley felt these comments reflected poorly on his professional conduct and as such he responded to these comments in an email that was sent to each board member. This email outlines the ways in which he makes the district financials open and transparent for the board members. He identifies all the records that are sent directly to the Board Chairman each month after the month end reconciliation is completed. The mayor received this email as a member of the board and elects to read it during the todays meeting the mayor then submits it into public record.

Councilmember Bass states that he is doing a very good job for the town and district.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee- Tish Lisonbee/Debbie Kopp- The next event is Hot Chocolate and Santa. We had a great turn out for the trunk or treat. Pet Clinic will be held January 25 1:30-2:30.

Planning Commission- Cynthia Browning/Michael McLaughlin- Nothing to report

Fire Department-Chief Dave Zolg, Jr. – Excused

Code enforcement- Rich Ososki/Paul Edwardson- We had a deputy come out on one situation. This resulted in a petition being filed with the town. And everything seems to have worked out. He mentions the public hearing and a comment that was made that the code enforcer is out of control and he addresses the issue. Mr. Ososki doesn't feel like he is out of control. It is his job to follow-up on nuisance complaints. He feels that we have had more cooperation in town.

Roads- Mayor Lisonbee mentions the F-450 breakdown. He is concerned about the equipment that is parked behind the building. He would like to create a fenced yard for the equipment and use the ground just in front of the building. He would like to possibly use the mayors salary to help pay for this.

Joan Dinneen asks if there has been theft or vandalism to warrant this move. The mayor

mentions that batteries were stolen out of the dump truck and a few other things that have happened are unexplained. If we have an area that is secure we can have a diesel tank to fuel our vehicles and this would keep the price lower on diesel
Councilmember Kopp suggests talking to the neighbors to make sure they would be okay with having that equipment stored next to their back fence.

Mosquito abatement- It's warm enough that we still have mosquitoes and West Nile is active.

PUBLIC COMMENTS

MAYOR OPENS PUBLIC COMMENT

Rich Kopp- He would like to see a conclusion on the shipping containers before we make a move on purchasing another shipping container. He also hopes that we can bring the town back together now that the election is over.

Janet Prentice- She thanks the candidates for removing their campaign signs on Wednesday.

Pam Quayle- She appreciates the efforts of the council on behalf of the town.

MAYOR CLOSSES PUBLIC COMMENTS

ADJOURNMENT

MOTION:	Councilmember Kopp moves to close tonight's meeting	
SECOND:	Councilmember Bass	
VOTE:	Councilmember Kopp -	Aye
	Councilmember Bass-	Aye
	Councilmember Edwardsen-	Aye
	Mayor Lisonbee –	Aye
	Councilmember McLaughlin-	Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:58 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

**Town of Apple Valley
Check Register
Checking - SBSU - 10/01/2019 to 10/31/2019**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
Big Plains Water and Sewer SSD	4333	093019	09/30/2019	10/02/2019	22,373.84	Aug19 Water Sales Receipts	102340 - Due To/Big Plains Water P
Washington County Solid Waste	4344	83589	09/30/2019	10/17/2019	3,553.40	Solid Waste	104420.460 - Solid Waste Service
Big Plains Water and Sewer SSD	4333	093019	09/30/2019	10/02/2019	2,762.21	Aug19 Water Standby Receipts	102340 - Due To/Big Plains Water P
Gifford, Lance	4349	2019-017	10/29/2019	10/30/2019	1,701.93	2019-017 Inspector Fees	104141.350 - Building Inspector Fee
Ensign Engineering	4337	63318	02/28/2019	10/17/2019	1,500.00	Jepson Canyon Review - Pass thru Rcpt 2217	104141.320 - Admin Engineering/Pr
Washington County Treasurer HC	4335	093019	09/30/2019	10/16/2019	1,301.71	2019 Q3 HCP Fee Remittance	103223 - Building permit - HCP Valu
Washington County Noxious Weed	4343	176	10/10/2019	10/17/2019	975.00	Thistle abatement 6/12-14/19	104141.500 - Admin Weed abateme
Geotechnical Testing Services, Inc.	4348	20171	09/30/2019	10/30/2019	953.90	Park Bathroom Geotechnical Testing	104540.740 - Parks Capital outlay
Komatsu Equipment Company	4330	H16295	09/20/2019	10/02/2019	939.55	Grader Maintenance	104410.550 - Road Equipment Main
Ford Motor Credit Company	10041910	18 - 2017 F550 V	10/04/2019	10/04/2019	907.16	Principal - 2017 F550 Vehicle Lease	104220.620 - Fire Principal
Rock Canyon Resources, LLC	4340	722	10/01/2019	10/17/2019	850.00	Mardean Cir Survey	104141.320 - Admin Engineering/Pr
Zions Bank	10251912	4 - 2008 Dump T	10/25/2019	10/25/2019	751.03	Principal - 2008 Dump Truck	104410.810 - Road Principal
WICO Site Management, LLC	4352	2684	10/21/2019	10/30/2019	741.60	Annual Repeater Bldg Rental Fee	104220.260 - Fire Rent expense
Backyard Services	4327	8288	08/31/2019	10/02/2019	725.00	Aug19 Lawn Service	104540.110 - Park/Rec Wages and
Backyard Services	4346	8296	09/30/2019	10/30/2019	580.00	Sep19 Lawn Service	104540.110 - Park/Rec Wages and
South Central Communications	4341	100119	10/01/2019	10/17/2019	384.38	Phone and Internet	104141.280 - Admin Telephone and
RDB Law, PC	4332	30	09/30/2019	10/02/2019	300.00	Sep19 Prosecutor	104141.330 - Admin Legal Wages a
Gifford, Lance	4329	2019-016	09/26/2019	10/02/2019	262.50	Utility Bldg 2019-016	104141.350 - Building Inspector Fee
Hurricane Tire Pros	CC	102619	10/26/2019	10/26/2019	236.78	Backhoe front tires	104415.550 - Public Works Equipme
Revco Leasing	4339	545537	10/10/2019	10/17/2019	230.69	Printer Monthly Lease	104141.250 - Admin Equipment mai
Ford Motor Credit Company	10041910	18 - 2017 F550 V	10/04/2019	10/04/2019	214.99	Interest - 2017 F550 Vehicle Lease	104220.610 - Fire Interest
Absolute Power	4325	108	10/01/2019	10/02/2019	213.00	Generator Service	104141.260 - Admin Building & grou
AT&T	CC	102119	10/21/2019	10/21/2019	211.37	Cell Phones	104141.280 - Admin Telephone and
Century Equipment Company	4347	CP77747	10/24/2019	10/30/2019	205.32	Backhoe Glass	104415.550 - Public Works Equipme
Mobile Text Alerts	CC	102119	10/21/2019	10/21/2019	200.64	Mass Text Service Oct19-Sep20	104141.270 - Admin Utilities
Barlow, Melinda	NA	RFD 555.102919	10/29/2019	10/30/2019	200.00	Deposit Refund: 555 - Barlow, Melinda	102330 - Customer security deposit
Little Creek Station	4350	100119	09/30/2019	10/30/2019	200.00	Backhoe fuel	104415.560 - Public Works Equipme
XPress Bill Pay	ACH	42864	10/01/2019	10/01/2019	182.35	Xpress Monthly Support	104141.250 - Admin Equipment mai
Kopp, Debbie	4331	093019	09/30/2019	10/02/2019	131.20	Treasurer mileage reimbursement Aug19	104111.210 - Council Travel Reimbu
Zions Bank	10251912	4 - 2008 Dump T	10/25/2019	10/25/2019	129.35	Interest - 2008 Dump Truck	104410.820 - Road Interest
Rocky Mountain Power	ACH	102519	10/25/2019	10/25/2019	110.71	Monthly Power	104141.270 - Admin Utilities
Republic Services	4338	645248	10/17/2019	10/17/2019	95.59	Park Portable Toilet	104415.450 - Public Works Supplies
Arizona Strip Landfill Corporation	4326	092019	09/20/2019	10/02/2019	80.00	Town Dumpster	104420.460 - Solid Waste Service
Arizona Strip Landfill Corporation	4345	102019	10/20/2019	10/30/2019	80.00	Town Dumpster	104420.460 - Solid Waste Service
Little Creek Station	Correction	9845	08/20/2019	10/02/2019	80.00	Town Dumpster	104420.460 - Solid Waste Service
The Spectrum	4342	2826956	10/17/2019	10/17/2019	75.37	Public Notices	104141.220 - Admin Public notices
Big Plains Water and Sewer SSD	4333	093019	09/30/2019	10/02/2019	75.00	Aug19 Will Serve Letters	102340 - Due To/Big Plains Water P
Little Creek Station	4350	100119	09/30/2019	10/30/2019	75.00	Brush 1912 Fuel	104220.560 - Fire Equipment Fuel
Amazon.com	CC	101719	10/17/2019	10/17/2019	69.79	Nozzles for Water Tender	104410.450 - Road Department Sup
Oreilly Auto Parts	CC	102419	10/25/2019	10/25/2019	55.50	F450 Fuel Filter	104410.550 - Road Equipment Main
Tink's Superior Auto Parts	CC	102819	10/28/2019	10/28/2019	53.36		104410.550 - Road Equipment Main
Little Creek Station	Correction	032619	04/01/2019	10/02/2019	50.00	Rescue 191 Fuel	104220.560 - Fire Equipment Fuel
State of Utah-Dept of Commerce	4336	093019	09/30/2019	10/16/2019	42.04	2019 Q2 Bldg Permit Surcharge	103224 - Building Permits Surcharg
Sapio, Peter & Patricia	4351	Refund: 1191	10/17/2019	10/30/2019	33.88	Refund: 1191 - Sapio, Peter & Patricia	101311 - Accounts receivable
Buck's Ace Hardware	4328	082619	09/30/2019	10/02/2019	21.98	Stihl Polycut Heads	104415.550 - Public Works Equipme
Hurricane Tire Pros	CC	100419	10/07/2019	10/07/2019	15.00		104415.550 - Public Works Equipme
Buck's Ace Hardware	4328	082719	09/01/2019	10/02/2019	7.47	F450 Key Copies	104415.550 - Public Works Equipme
Ooma	CC	103019	10/30/2019	10/30/2019	7.06	Ooma	104141.280 - Admin Telephone and

**Town of Apple Valley
Check Register
Checking - SBSU - 10/01/2019 to 10/31/2019**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>
Ooma	CC	093019	10/07/2019	10/07/2019	7.04	Ooma	104141.280 - Admin Telephone and
Amazon.com	CC	101719	10/17/2019	10/17/2019	6.74	Pens	104141.240 - Admin Office supplies
USPS	CC	101019	10/10/2019	10/10/2019	1.30	Postage	104141.290 - Admin Postage
Little Creek Station	4350	100119	09/30/2019	10/30/2019	-1.50	Fire Fuel Discount	104220.560 - Fire Equipment Fuel
Little Creek Station	4350	100119	09/30/2019	10/30/2019	-4.00	Public Works fuel discount	104415.560 - Public Works Equipme
Little Creek Station	Correction	093019-1	09/30/2019	10/02/2019	-50.00	Duplicate reversal	104220.560 - Fire Equipment Fuel
Little Creek Station	Correction	093019	09/30/2019	10/02/2019	-80.00	Invoice Correction	104420.460 - Solid Waste Service
					\$44,826.23		

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 10/31/2019
33.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General property taxes-current	112.89	832.53	2,132.25	107,216.00	1.99%
3120 Prior year's taxes-delinquent	2,187.40	908.44	1,794.07	6,500.00	27.60%
3130 General sales and use taxes	27,091.64	8,454.42	28,476.90	96,969.00	29.37%
3140 Energy and communication taxes	3,971.18	2,893.10	10,942.36	38,016.00	28.78%
3150 RAP Tax	2,697.92	910.86	2,919.53	9,846.00	29.65%
3160 Transient Taxes	476.44	130.90	393.04	1,360.00	28.90%
3170 Fee in lieu of personal property taxes	1,912.75	35.27	920.89	8,338.00	11.04%
3180 Fuel Tax Refund	119.28	0.00	0.00	0.00	0.00%
3190 Highway/Transit Tax	0.00	598.78	598.78	0.00	0.00%
Total Taxes	38,569.50	14,764.30	48,177.82	268,245.00	17.96%
Licenses and permits					
3210 Business licenses	(150.00)	300.00	475.00	3,464.00	13.71%
3221 Building Permits-Fee	7,460.84	3,618.59	10,499.77	38,513.00	27.26%
3222 Building Permits-Non Surcharge	497.60	487.09	1,228.99	6,286.00	19.55%
3223 Building permit - HCP Valuation	874.93	1,005.70	(726.72)	0.00	0.00%
3224 Building Permits Surcharge	33.18	36.18	(1,141.57)	0.00	0.00%
3225 Animal licenses	20.00	0.00	60.00	1,263.00	4.75%
Total Licenses and permits	8,736.55	5,447.56	10,395.47	49,526.00	20.99%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" road allotment	25,470.24	0.00	28,048.42	78,681.00	35.65%
3358 Liquor control profits	0.00	0.00	0.00	875.00	0.00%
3370 State Grants	0.00	0.00	0.00	50,000.00	0.00%
Total Intergovernmental revenue	25,470.24	0.00	28,048.42	139,556.00	20.10%
Charges for services					
3416 Other Interdepartmental Charges	4,902.50	0.00	0.00	0.00	0.00%
3420 Fire Department Contracts	300.00	0.00	0.00	0.00	0.00%
3431 Zoning and subdivision fees	2,412.00	1,500.00	19,114.50	17,121.00	111.64%
3440 Solid waste	14,011.36	3,687.50	14,795.23	43,400.00	34.09%
3441 Storm Drainage	12,420.50	3,227.09	12,944.43	38,080.00	33.99%
3461 GRAMA requests	0.00	0.00	113.50	0.00	0.00%
3470 Park and recreation fees	0.00	25.00	55.00	0.00	0.00%
3615 Late charges	2,545.00	538.25	1,358.05	3,500.00	38.80%
Total Charges for services	36,591.36	8,977.84	48,380.71	102,101.00	47.39%
Fines and forfeitures					
3510 Fines	1,256.51	297.74	1,255.16	4,015.00	31.26%
Total Fines and forfeitures	1,256.51	297.74	1,255.16	4,015.00	31.26%
Interest					
3610 Interest earnings	1,233.05	447.33	2,443.51	3,226.00	75.74%
Total Interest	1,233.05	447.33	2,443.51	3,226.00	75.74%
Miscellaneous revenue					
3640 Sale of capital assets	600.00	0.00	0.00	0.00	0.00%
3690 Sundry revenue	121.25	0.00	120.00	0.00	0.00%
3692 Fire department fundraisers	128.00	0.00	200.00	1,000.00	20.00%
3697 Park department fundraisers	121.76	0.00	6,049.19	12,000.00	50.41%
3801.1 Impact fees - Fire	118.00	59.00	236.00	1,003.00	23.53%
3801.3 Impact fees - roadways	1,028.00	514.00	2,056.00	8,738.00	23.53%
3801.6 Impact fees - storm water	860.00	1,720.00	2,050.24	2,924.00	70.12%
3801.7 Impact fees - parks, trails, OS	282.00	141.00	564.00	2,397.00	23.53%
Total Miscellaneous revenue	3,259.01	2,434.00	11,275.43	28,062.00	40.18%
Contributions and transfers					
3802.7 Contributions - parks and recreation	100.00	0.00	0.00	0.00	0.00%
3890 Fund balance appropriation	0.00	0.00	0.00	57,000.00	0.00%
Total Contributions and transfers	100.00	0.00	0.00	57,000.00	0.00%
Total Revenue:	115,216.22	32,368.77	149,976.52	651,731.00	23.01%
Expenditures:					
General government					
Council					
4111.110 Council Salaries and wages	3,060.99	225.00	1,650.00	17,400.00	9.48%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 10/31/2019
33.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.130 Council Employee benefits	2,196.60	17.22	132.33	1,331.00	9.94%
4111.210 Council Travel Reimbursement	45.58	0.00	402.56	1,764.00	22.82%
4111.220 Council Training	405.00	0.00	370.00	2,800.00	13.21%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	1,000.00	0.00%
Total Council	5,708.17	242.22	2,554.89	24,295.00	10.52%
Administrative					
4141.110 Admin Salaries and wages	17,783.01	6,912.98	26,266.20	86,100.00	30.51%
4141.130 Admin Employee benefits	1,417.06	583.40	2,534.83	11,800.00	21.48%
4141.140 Admin Employee Retirement - GASB 68	388.83	829.66	3,251.39	6,400.00	50.80%
4141.210 Admin Dues, subs & memberships	416.91	0.00	453.18	905.00	50.08%
4141.220 Admin Public notices	530.89	75.37	108.47	1,200.00	9.04%
4141.230 Admin Clerk training	278.64	0.00	185.00	930.00	19.89%
4141.240 Admin Office supplies	1,748.78	6.74	1,131.05	4,300.00	26.30%
4141.250 Admin Equipment maintenance	2,437.36	413.04	1,633.95	3,700.00	44.16%
4141.260 Admin Building & ground maintenance	1,026.61	213.00	400.38	1,900.00	21.07%
4141.270 Admin Utilities	1,403.67	311.35	956.48	4,300.00	22.24%
4141.280 Admin Telephone and Internet	4,394.76	666.91	3,173.70	9,700.00	32.72%
4141.290 Admin Postage	705.25	1.30	1,321.30	2,200.00	60.06%
4141.320 Admin Engineering/Professional Fees	3,400.00	850.00	850.00	105,000.00	0.81%
4141.330 Admin Legal Wages and Contract Labor	2,660.00	2,482.42	11,225.05	41,300.00	27.18%
4141.340 Admin Accounting	11,418.13	0.00	2,550.00	4,500.00	56.67%
4141.350 Building Inspector Fees	5,938.70	1,961.83	5,439.48	25,418.00	21.40%
4141.360 Admin Education-general	0.00	0.00	0.00	299.00	0.00%
4141.390 Admin Bank service charges	1,768.41	223.09	1,062.73	2,500.00	42.51%
4141.410 Admin Insurance	0.00	0.00	0.00	9,900.00	0.00%
4141.490 Admin Travel reimbursements	32.86	111.36	111.36	1,000.00	11.14%
4141.500 Admin Weed abatement	386.99	975.00	975.00	0.00	0.00%
4141.740 Admin Capital outlay	1,060.00	0.00	0.00	0.00	0.00%
4170 Elections	0.00	7.45	7.45	2,500.00	0.30%
Total Administrative	59,196.86	16,624.90	63,637.00	325,852.00	19.53%
Total General government	64,905.03	16,867.12	66,191.89	350,147.00	18.90%
Public safety					
Police					
4210.110 Police Salaries & wages	1,080.00	0.00	0.00	0.00	0.00%
4210.130 Police Employee benefits	82.63	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	62.50	0.00	62.90	70.00	89.86%
Total Police	1,225.13	0.00	62.90	70.00	89.86%
Fire					
4220.110 Fire Salaries & wages	6,276.96	1,569.24	6,276.96	20,400.00	30.77%
4220.130 Fire Employee Benefits	484.95	120.06	496.72	1,700.00	29.22%
4220.210 Fire Dues, subscriptions & memberships	55.12	0.00	0.00	200.00	0.00%
4220.230 Fire Travel & mileage	55.04	0.00	0.00	600.00	0.00%
4220.250 Fire Equipment maintenance & repairs	9.21	0.00	145.42	6,533.00	2.23%
4220.260 Fire Rent expense	0.00	741.60	741.60	0.00	0.00%
4220.360 Fire Training	263.34	36.07	75.49	0.00	0.00%
4220.450 Fire Small Equip/Supplies	295.47	0.00	89.58	1,524.00	5.88%
4220.460 Fire Supplies-Fundraisers	273.05	0.00	0.00	0.00	0.00%
4220.465 Fire Gear	891.33	0.00	0.00	12,234.00	0.00%
4220.560 Fire Equipment Fuel	607.58	0.00	271.19	2,000.00	13.56%
4220.610 Fire Interest	0.00	214.99	886.74	2,497.00	35.51%
4220.620 Fire Principal	0.00	907.16	3,601.86	10,969.00	32.84%
4220.740 Fire Capital outlay	304.50	0.00	0.00	0.00	0.00%
Total Fire	9,516.55	3,589.12	12,585.56	58,657.00	21.46%
Total Public safety	10,741.68	3,589.12	12,648.46	58,727.00	21.54%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	789.00	0.00	0.00	10,000.00	0.00%
4410.130 Road Employee benefits	60.36	0.00	0.00	795.00	0.00%
4410.270 Road Flood damage	138.25	0.00	0.00	2,100.00	0.00%
4410.450 Road Department Supplies	473.25	123.18	280.25	3,000.00	9.34%
4410.550 Road Equipment Maintenance	541.73	108.86	1,076.53	3,600.00	29.90%
4410.560 Road Equipment Fuel	601.18	0.00	344.38	2,300.00	14.97%
4410.740 Road Capital outlay	0.00	0.00	20,185.00	20,000.00	100.93%
4410.810 Road Principal	31,000.00	751.03	34,991.61	33,027.00	105.95%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 10/31/2019
33.33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.820 Road Interest	32,200.00	129.35	31,954.91	41,314.00	77.35%
4415.110 Public Works Wages and Contract Labor	6,986.00	0.00	1,200.00	7,110.00	16.88%
4415.130 Public Works Employee benefits	543.49	0.00	96.96	358.00	27.08%
4415.450 Public Works Supplies	93.93	95.59	1,737.62	300.00	579.21%
4415.550 Public Works Equipment Maintenance	1,877.30	472.10	585.85	2,100.00	27.90%
4415.560 Public Works Equipment fuel	304.29	0.00	366.44	1,800.00	20.36%
4415.570 Public Works Travel Reimbursement	196.10	0.00	101.76	0.00	0.00%
4415.610 Public Works Storm Drainage	0.00	0.00	0.00	40,000.00	0.00%
4415.710 Public Works Interest	0.00	0.00	2,199.36	2,199.00	100.02%
4415.720 Public Works Principle	0.00	0.00	13,860.64	13,861.00	100.00%
4415.740 Public Works Capital Outlay	3,700.00	0.00	0.00	0.00	0.00%
Total Highways	79,504.88	1,680.11	108,981.31	183,864.00	59.27%
Sanitation					
4420.460 Solid Waste Service	13,421.80	3,666.10	18,043.40	41,000.00	44.01%
Total Sanitation	13,421.80	3,666.10	18,043.40	41,000.00	44.01%
Total Highways and public improvements	92,926.68	5,346.21	127,024.71	224,864.00	56.49%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	0.00	0.00	1,885.00	0.00	0.00%
4540.250 Park/Rec Department supplies	205.56	0.00	61.76	500.00	12.35%
4540.460 Park/Rec Community events supplies	759.63	0.00	0.00	500.00	0.00%
4540.740 Parks Capital outlay	0.00	0.00	1,761.35	15,000.00	11.74%
Total Parks	965.19	0.00	3,708.11	16,000.00	23.18%
Total Parks, recreation, and public property	965.19	0.00	3,708.11	16,000.00	23.18%
Debt service					
4141.810 Debt service - principal	17,591.97	0.00	0.00	0.00	0.00%
4141.820 Debt service - interest	4,078.78	0.00	0.00	0.00	0.00%
Total Debt service	21,670.75	0.00	0.00	0.00	0.00%
Transfers					
4811 Transfer to Fund Balance	0.00	0.00	0.00	1,993.00	0.00%
Total Transfers	0.00	0.00	0.00	1,993.00	0.00%
Total Expenditures:	191,209.33	25,802.45	209,573.17	651,731.00	32.16%
Total Change In Net Position	(75,993.11)	6,566.32	(59,596.65)	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2019 to 10/31/2019
33.33% 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	1,060.00	0.00	0.00	0.00	0.00%
Total Miscellaneous	1,060.00	0.00	0.00	0.00	0.00%
Total Expenditures:	1,060.00	0.00	0.00	0.00	0.00%
Total Change In Net Position	1,060.00	0.00	0.00	0.00	0.00%

**APPLE VALLEY
ORDINANCE O-2019-13**

AMENDMENT OF TOWN CODE 10.26 OUTDOOR LIGHTING

WHEREAS, The Planning Commission of the Town of Apple Valley found it necessary to amend the Outdoor Lighting Code, and

WHEREAS, The Planning Commission held a public hearing on 25th day of September, 2019, and

WHEREAS, The Planning Commission recommended to the Town Council that the following changes should be made, and

WHEREAS, The Town Council of the Town of Apple Valley adopted these changes in a public meeting held on the 4th, day of December, 2019.

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

SECTION 1: **AMENDMENT** “10.26 Outdoor Lighting” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.26 Outdoor Lighting

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

- A. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.

- B. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

A. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 6900 lumens shall not emit any direct light above a horizontal plane and shall be shielded and pointed downward.~~through the lowest direct-light-emitting part or the luminaries.~~
2. Any luminaries with a lamp or lamps rate at a total MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 6900 lumens, shall be mounted at a height equal to or less than the value 3 feet + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet. Flood or spot lights may be temporarily operated and should be equipped with a motion sensor or timer to automatically shut off; not to exceed 15 minutes of non-use.

B. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of 18200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 9600 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated 9600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

C. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

D. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 - a. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 - b. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

E. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaires that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
2. Pole Height / ~~Wattage~~-Design. Luminaires mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 - a. review of the Site plan,
 - b. proposed land uses,
 - c. surrounding land uses,
 - d. Parking area size,

- e. Building mass,
 - f. Location of the site with respect to other lighting sources,
 - g. Impact on the adjacent properties,
 - h. Topography of the site, and
 - i. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 - a. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 - b. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 - c. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 - a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 - b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 - c. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

F. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.

G. Exemptions The following shall be exempt form the requirements of this Ordinance.

1. Holiday lighting (October 1- February 1)~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE~~
2. Traffic control signals and devices

3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
- H. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

- A. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
 - B. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
 - C. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. ~~The applicant must bring such~~ Light fixtures shall be brought into compliance with the code with any exterior building permit and/ or by 2025, whichever comes first. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
 - D. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
- A. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not

necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
 3. Photo data, such as the ~~at~~ furnished by manufacturer~~s~~, or similar data showing the angle of cut off or light emissions.
- B. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
- C. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
- D. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting doe no need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: ~~H~~luminaires Luminaries utilizing AC and / or DC power.

Outdoor Lighting: Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember Edwardson	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Town Recorder
Apple Valley

**APPLE VALLEY
ORDINANCE O-2019-XX**

**AMENDMENT TO TOWN CODE 10.28.230 "PARKING REQUIREMENTS FOR PRIVATE
RECREATIONAL VEHICLES IN RESIDENTIAL ZONES"**

WHEREAS, The Planning Commission of the Town of Apple Valley found it necessary to amend the Parking requirements for recreational vehicles, and

WHEREAS, The Planning Commission held a public hearing regarding this on September 25, 2019, and

WHEREAS, Upon motion duly made and seconded forwarded the following changes to the Town Council for approval.

WHEREAS, The Town Council of the Town of Apple Valley Adopted these changes in a public meeting held on the 16th day of October, 2019 and upon motion duly made and seconded,

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

SECTION 1: **AMENDMENT** "10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones" of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones

~~The location or storage of m~~Mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment ~~owned by the property owner~~, may be parked, subject to the following:

- A. Recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles kept in reasonable repair and operable condition, may be ~~located~~parked in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard. ~~and screened from front yards and streets by a wall, fence, gate, landscaping or other suitable screening material.~~
- B. A mobile home, travel trailer, recreational vehicle, boat, camping trailer or truck camper may be ~~located~~parked in the front yard for the purposes of loading and unloading for a period not to exceed forty eight (48) hours.

C. A legally parked recreational vehicle may be occupied temporarily by family members or guests of the owner. ~~However, no boat, trailer,~~A motor home, travel trailer or similar recreational vehicle ~~shall~~may be occupied, with a permit, for a period no greater than ~~30~~one hundred twenty (120) days and may be ~~Renewable renewed once~~line at the town website for a total of 60 days per calendar year. -

SECTION 2: CUSTOM CLAUSE NAME

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember Edwardson	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Town Recorder
Apple Valley