

**NOTICE AND AGENDA  
TOWN COUNCIL  
Regular Meeting**

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, June 17<sup>th</sup> 2020**, commencing at **6:00 PM** or shortly thereafter at 1777 N Meadowlark Dr, Apple Valley.

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/83896071078>

To call into meeting, dial (253) 215 8782 and use Meeting ID 838 9607 1078

The Agenda for the meeting is as follows:

**Call to Order / Pledge of Allegiance / Roll Call**

**Declaration of Conflicts of Interest**

**Mayor's Town Update**

**CONSENT AGENDA**

- A. Approval of minutes for April 15, 2020

**DISCUSSION AND ACTION**

1. Discussion and possible action on Fiscal Year 2020-2021 Annual Budget. Resolution R-2020-06
2. Discussion and possible action on adoption of Financial Policies. Resolution R-2020-07
3. Discussion and possible action on amendments to the Apple Valley General Plan Map (Tourist Commercial). Ordinance O-2020-09. Planning Commission recommended 5/0
4. Report on the June 8, 2020 Apple Fire. Chief Zolg
5. Discussion and possible action on zone change of parcel AV-1364-A from OST/OSC Open Space to AG-5 Agricultural 5 acre. Applicant Nuance Management, LLC. PC recommended approval 5/0 conditional on zoning code adjustment to only allow pigs on properties not adjacent to a residential zone. Ordinance O-2020-10
6. Discussion and possible action on zone change of parcel AV-1377-F-1 from PD Planned Development to RE-1 Rural Estates 1 acre. Applicant Morrell Utah Holdings. PC recommended 5/0. Ordinance O-2020-11
7. Discussion and possible action on amendments to 10.14 Short Term Vacation Rental. PC recommended 5/0. Ordinance O-2020-16

**REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS**

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

**PUBLIC COMMENTS**

**REQUEST FOR A CLOSED SESSION**

**ADJOURNMENT**

CERTIFICATE OF POSTING: I, Ben Billingsley, 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](http://www.applevalleyut.gov) on the **16<sup>th</sup> day of June, 2020**.

**Dated this 16<sup>th</sup> day of May, 2020**

Ben Billingsley  
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.

**TOWN OF APPLE VALLEY**

**RESOLUTION R-2020-06**

***ADOPTION OF THE FISCAL BUDGET FOR THE FISCAL YEAR 2020-2021 FOR THE TOWN OF APPLE VALLEY***

**WHEREAS**, the Town of Apple Valley is required to adopt an annual budget for the Town’s funds pursuant to the Uniform Fiscal Procedures Act for Utah Towns (the “Act”); and,

**WHEREAS**, the Town of Apple Valley has complied with the Act’s provisions by adopting a tentative budget for the Fiscal Year End 2020-2021 Annual Budget; and

**WHEREAS**, a public hearing was held in regards to the Tentative Budget on June 3<sup>rd</sup>, 2020; and,

**WHEREAS**, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 17<sup>th</sup> day of June, 2020, and upon motion duly made, seconded, and accepted by majority vote the Budget for fiscal year 2020 was adopted;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Town Council of the Town of Apple Valley that the attached Fiscal Year End 2020-2021 Annual Budget is adopted as provided by the Act.

**PASSED** this 17<sup>th</sup> day of June 2020. This Resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

\_\_\_\_\_  
Marty Lisonbee, Mayor

ATTEST:

\_\_\_\_\_  
Apple Valley Deputy Clerk

Council Member Debbie Kopp voted \_\_\_\_\_  
Council Member Michael McLaughlin voted \_\_\_\_\_  
Council Member Paul Edwardsen voted \_\_\_\_\_  
Council Member Denny Bass \_\_\_\_\_  
Mayor Marty Lisonbee \_\_\_\_\_

Town of Apple Valley  
 FY 2020-2021 Final Budget

	FY18	FY19	FY20 YTD Feb20	FY20 Budget	FY21 Budget Total
<b>Revenue:</b>					
<b>Taxes</b>					
3110 General property taxes-current	\$70,677	\$105,007	\$108,648	\$107,216	\$104,098
3120 Prior year's taxes-delinquent	\$10,460	\$12,804	\$7,816	\$6,500	\$8,000
3130 General sales and use taxes	\$99,678	\$105,307	\$69,693	\$96,969	\$85,000
3140 Energy and communication taxes	\$14,771	\$15,889	\$25,347	\$38,016	\$34,200
3150 RAP Tax	\$10,052	\$10,459	\$7,817	\$9,846	\$9,000
3160 Transient Taxes	\$659	\$1,979	\$1,131	\$1,360	\$1,500
3170 Fee in lieu of personal property taxes	\$10,142	\$8,634	\$4,006	\$8,338	\$8,500
3180 Fuel Tax Refund	\$0	\$119	\$0	\$0	\$0
3190 Highway/Transit Tax	\$0	\$0	\$2,798	\$0	\$9,600
<b>Total Taxes</b>	<b>\$216,439</b>	<b>\$260,197</b>	<b>\$227,256</b>	<b>\$268,245</b>	<b>\$259,898</b>
<b>Licenses and permits</b>					
3210 Business licenses	\$4,113	\$2,775	\$3,475	\$3,464	\$3,400
3221 Building Permits-Fee	\$47,301	\$34,309	\$20,478	\$38,513	\$15,092
3222 Building Permits-Non Surcharge	\$0	\$4,295	\$2,843	\$6,286	\$2,264
3223 Building permit - HCP Valuation	\$9,669	\$1,732	-\$1,732	\$0	\$0
3224 Building Permits Surcharge	\$347	\$1,178	\$0	\$0	\$0
3225 Animal licenses	\$1,340	\$970	\$760	\$1,263	\$700
3430 Assessment fee income	\$2,006	\$0	\$0	\$0	\$0
<b>Total Licenses and permits</b>	<b>\$64,775</b>	<b>\$45,258</b>	<b>\$25,824</b>	<b>\$49,526</b>	<b>\$21,456</b>
<b>Intergovernmental revenue</b>					
3341 EMP Grant \$5,000/\$10,000	\$0	\$0	\$0	\$0	\$0
3342 Fire Dept-State Wildland Grant	\$0	\$0	\$0	\$10,000	\$10,000
3356 Class "C" road allotment"	\$63,285	\$80,259	\$71,423	\$78,681	\$72,000
3358 Liquor control profits	\$1,171	\$697	\$845	\$875	\$800
3370 State Grants	\$0	\$0	\$10,901	\$50,000	\$45,000
3371 State Highway Grants	\$0	\$0	\$0	\$0	\$0
3372 Federal Fire Grants	\$0	\$0	\$0	\$0	\$0
<b>Total Intergovernmental revenue</b>	<b>\$64,456</b>	<b>\$80,956</b>	<b>\$83,169</b>	<b>\$139,556</b>	<b>\$127,800</b>
<b>Charges for services</b>					
3410 Clerical services	\$25,323	\$21	\$25	\$0	\$0
3415 SSD Payroll Services	\$48,566	\$0	\$0	\$0	\$30,000
3416 Other Interdepartmental Charges	\$0	\$4,903	\$0	\$0	\$0
3420 Fire Department Contracts	\$2,000	\$300	\$0	\$0	\$0
3431 Zoning and subdivision fees	\$17,105	\$33,854	\$23,170	\$17,121	\$15,000
3440 Solid waste	\$40,815	\$42,442	\$29,622	\$43,400	\$48,750
3441 Storm Drainage	\$35,399	\$37,778	\$25,945	\$38,080	\$38,880
3461 GRAMA requests	\$36	\$0	\$114	\$0	\$0
3470 Park and recreation fees	\$60	\$55	\$55	\$0	\$0
3481 Sale of cemetery lots	\$0	\$0	\$0	\$0	\$0
3483 Opening and closing - cemetery	\$0	\$0	\$0	\$0	\$0
3615 Late charges	\$21,026	-\$2,307	\$2,421	\$3,500	\$2,000
<b>Total Charges for services</b>	<b>\$190,330</b>	<b>\$117,045</b>	<b>\$81,350</b>	<b>\$102,101</b>	<b>\$134,630</b>

Town of Apple Valley  
 FY 2020-2021 Final Budget

	FY18	FY19	FY20 YTD Feb20	FY20 Budget	FY21 Budget Total
<b>Fines and forfeitures</b>					
3510 Fines	\$6,000	\$5,360	\$4,038	\$4,015	\$4,800
<b>Total Fines and forfeitures</b>	<b>\$6,000</b>	<b>\$5,360</b>	<b>\$4,038</b>	<b>\$4,015</b>	<b>\$4,800</b>
<b>Interest</b>					
3610 Interest earnings	\$2,676	\$5,493	\$4,657	\$3,226	\$4,800
<b>Total Interest</b>	<b>\$2,676</b>	<b>\$5,493</b>	<b>\$4,657</b>	<b>\$3,226</b>	<b>\$4,800</b>
<b>Miscellaneous revenue</b>					
3640 Sale of capital assets	\$26,182	\$650	\$0	\$0	\$2,000
3670 Debt proceeds	\$77,000	\$48,074	\$0	\$0	\$0
3690 Sundry revenue	\$1	\$420	\$128	\$0	\$0
3692 Fire department fundraisers	\$2,636	\$947	\$1,200	\$1,000	\$800
3697 Park department fundraisers	\$819	\$884	\$6,049	\$12,000	\$800
3698 Miss Apple Valley fundraisers	\$0	\$0	\$0	\$0	\$0
3699 Miss AV scholarship fund	\$0	\$0	\$0	\$0	\$0
3801.1 Impact fees - Fire	\$2,589	\$767	\$472	\$1,003	\$472
3801.2 Impact fees - police	\$0	\$0	\$0	\$0	\$0
3801.3 Impact fees - roadways	\$10,014	\$6,682	\$4,112	\$8,738	\$4,112
3801.4 Impact fees - culinary water	\$0	\$0	\$0	\$0	\$0
3801.5 Impact fees - wastewater	\$0	\$0	\$0	\$0	\$0
3801.6 Impact fees - storm water	\$2,924	\$2,728	\$2,418	\$2,924	\$1,376
3801.7 Impact fees - parks, trails, OS	\$2,115	\$1,833	\$1,128	\$2,397	\$1,128
<b>Total Miscellaneous revenue</b>	<b>\$124,280</b>	<b>\$62,984</b>	<b>\$15,507</b>	<b>\$28,062</b>	<b>\$10,688</b>
<b>Contributions and transfers</b>					
3802.2 Contributions - public safety	\$0	\$0	\$0	\$0	\$0
3802.7 Contributions - parks and recreation	\$594	\$100	\$0	\$0	\$0
3880 Class C" balance appropriated"	\$0	\$0	\$0	\$0	\$0
3890 Fund balance appropriation	\$0	\$0	\$0	\$57,000	\$15,000
<b>Total Contributions and transfers</b>	<b>\$594</b>	<b>\$100</b>	<b>\$0</b>	<b>\$57,000</b>	<b>\$15,000</b>
<b>Total Revenue:</b>	<b>\$669,550</b>	<b>\$577,394</b>	<b>\$441,802</b>	<b>\$651,731</b>	<b>\$579,071</b>
<b>Expenditures:</b>					
<b>General government</b>					
<b>Council</b>					
4111.110 Council Salaries and wages	\$17,031	\$8,311	\$3,975	\$17,400	\$17,200
4111.130 Council Employee benefits	\$9,962	\$2,610	\$315	\$1,331	\$1,316
4111.210 Council Travel Reimbursement	\$0	\$453	\$1,107	\$1,764	\$2,040
4111.220 Council Training	\$0	\$1,630	\$370	\$2,800	\$1,850
4111.610 Council Donations and discretionary spending	\$1,344	\$0	\$0	\$1,000	\$500
<b>Total Council</b>	<b>\$28,337</b>	<b>\$13,004</b>	<b>\$5,532</b>	<b>\$24,295</b>	<b>\$22,906</b>
<b>Administrative</b>					
4141.110 Admin Salaries and wages	\$87,583	\$91,128	\$58,550	\$86,100	\$85,000
4141.130 Admin Employee benefits	\$19,568	\$7,444	\$5,339	\$7,480	\$13,403
4141.140 Admin Employee Retirement - GASB 68	\$6,454	\$4,272	\$7,815	\$10,720	\$4,616

**Town of Apple Valley  
FY 2020-2021 Final Budget**

	FY18	FY19	FY20 YTD Feb20	FY20 Budget	FY21 Budget Total
4141.210 Admin Dues, subs & memberships	\$1,135	\$1,257	\$473	\$905	\$700
4141.220 Admin Public notices	\$1,251	\$1,290	\$492	\$1,200	\$800
4141.230 Admin Clerk training	\$0	\$1,299	\$654	\$930	\$900
4141.231 Admin PlanComm Training	\$0	\$0	\$0	\$0	\$0
4141.240 Admin Office supplies	\$5,126	\$4,688	\$3,053	\$4,300	\$3,550
4141.250 Admin Equipment maintenance	\$5,134	\$5,924	\$3,557	\$5,049	\$5,048
4141.260 Admin Building & ground maintenance	\$2,379	\$1,027	\$400	\$1,900	\$1,000
4141.270 Admin Utilities	\$4,365	\$5,987	\$3,166	\$4,546	\$4,430
4141.280 Admin Telephone and Internet	\$4,518	\$16,834	\$7,907	\$11,694	\$10,646
4141.290 Admin Postage	\$1,149	\$1,899	\$2,870	\$2,900	\$2,970
4141.320 Admin Engineering/Professional Fees	\$36,457	\$7,975	\$22,877	\$105,000	\$55,000
4141.330 Admin Legal Wages and Contract Labor	\$13,078	\$5,644	\$31,565	\$41,300	\$55,000
4141.331 Admin Assessment legal fees	\$6	\$0	\$0	\$0	\$0
4141.340 Admin Accounting	\$7,512	\$12,868	\$3,999	\$4,000	\$4,000
4141.350 Building Inspector Fees	\$0	\$20,656	\$14,604	\$25,418	\$13,151
4141.360 Admin Education-general	\$1,462	\$0	\$0	\$299	\$0
4141.390 Admin Bank service charges	\$2,301	\$2,902	\$2,603	\$4,403	\$3,600
4141.410 Admin Insurance	\$10,987	\$10,129	\$9,579	\$9,900	\$10,000
4141.490 Admin Travel reimbursements	\$5,208	\$760	\$155	\$200	\$500
4141.500 Admin Weed abatement	\$0	\$387	\$975	\$0	\$0
4141.540 Admin Contributions to SSD	\$0	\$0	\$0	\$0	\$0
4141.610 Bad debt expense	\$0	\$0	\$0	\$0	\$0
4141.740 Admin Capital outlay	\$2,068	\$1,060	\$0	\$0	\$0
4141.741 Admin Capital outlay - Enginerr CDBG	\$0	\$0	\$0	\$0	\$0
4170 Elections	\$1,885	\$0	\$867	\$900	\$0
<b>Total Administrative</b>	<b>\$219,627</b>	<b>\$205,429</b>	<b>\$181,735</b>	<b>\$329,144</b>	<b>\$274,314</b>
<b>Total General government</b>	<b>\$247,964</b>	<b>\$218,433</b>	<b>\$187,267</b>	<b>\$353,439</b>	<b>\$297,220</b>
<b>Public safety</b>					
<b>Police</b>					
4210.110 Police Salaries & wages	\$9,522	\$1,080	\$0	\$0	\$15,000
4210.130 Police Employee benefits	\$736	\$83	\$0	\$0	\$0
4210.230 Police Travel & mileage	\$628	\$0	\$0	\$0	\$0
4210.250 Police Expenditures	\$0	\$0	\$0	\$0	\$0
4210.470 Police Building Permits	\$35,999	\$0	\$0	\$0	\$0
4210.740 Police Capital outlay	\$0	\$0	\$0	\$0	\$0
4253.250 Animal Control Supplies	\$64	\$63	\$63	\$70	\$100
<b>Total Police</b>	<b>\$46,949</b>	<b>\$1,225</b>	<b>\$63</b>	<b>\$70</b>	<b>\$15,100</b>
<b>Fire</b>					
4220.110 Fire Salaries & wages	\$14,625	\$20,400	\$14,908	\$20,400	\$20,400
4220.130 Fire Employee Benefits	\$910	\$1,976	\$1,293	\$1,700	\$1,621
4220.140 Fire Contract Salaries & Wages	\$0	\$0	\$0	\$0	\$0
4220.145 Fire Contract Benefits	\$0	\$0	\$0	\$0	\$0
4220.150 Fire Contract Expense	\$0	\$0	\$0	\$0	\$0
4220.210 Fire Dues, subscriptions & memberships	\$94	\$109	\$0	\$200	\$0
4220.230 Fire Travel & mileage	\$271	\$28	\$282	\$600	\$300

**Town of Apple Valley  
FY 2020-2021 Final Budget**

	FY18	FY19	FY20 YTD Feb20	FY20 Budget	FY21 Budget Total
4220.240 Fire Office expenses	\$78	\$329	\$0	\$0	\$0
4220.250 Fire Equipment maintenance & repairs	\$1,823	\$705	\$210	\$1,533	\$300
4220.260 Fire Rent expense	\$720	\$0	\$742	\$0	\$750
4220.360 Fire Training	\$440	\$1,248	\$310	\$0	\$800
4220.450 Fire Small Equip/Supplies	\$1,196	\$458	\$1,130	\$1,524	\$1,200
4220.460 Fire Supplies-Fundraisers	\$604	\$544	\$0	\$0	\$200
4220.465 Fire Gear	\$0	\$9,383	\$670	\$2,234	\$2,500
4220.470 Fire EMPG grant expenditures	\$0	\$0	\$0	\$0	\$0
4220.475 Fire Other Grant Expenditures	\$0	\$0	\$963	\$0	\$0
4220.560 Fire Equipment Fuel	\$1,290	\$2,047	\$1,054	\$2,000	\$1,800
4220.610 Fire Interest	\$0	\$0	\$1,702	\$2,497	\$2,362
4220.620 Fire Principal	\$0	\$0	\$7,276	\$10,969	\$11,103
4220.740 Fire Capital outlay	\$1,386	\$305	\$0	\$5,000	\$5,000
<b>Total Fire</b>	<b>\$23,436</b>	<b>\$37,532</b>	<b>\$30,538</b>	<b>\$48,657</b>	<b>\$48,336</b>
<b>Total Public safety</b>	<b>\$70,385</b>	<b>\$38,758</b>	<b>\$30,601</b>	<b>\$48,727</b>	<b>\$63,436</b>
<b>Highways and public improvements</b>					
<b>Highways</b>					
4410.110 Road Wages and Contract Labor	\$13,037	\$879	\$15	\$3,000	\$3,500
4410.130 Road Employee benefits	\$5,204	\$67	\$1	\$230	\$268
4410.270 Road Flood damage	-\$9,929	\$9,008	\$0	\$0	\$0
4410.380 Road Department Services	\$0	\$0	\$350	\$350	\$0
4410.450 Road Department Supplies	\$1,474	\$10,873	\$651	\$3,000	\$1,000
4410.550 Road Equipment Maintenance	\$11,383	\$19,999	\$3,786	\$10,786	\$10,000
4410.560 Road Equipment Fuel	\$337	\$2,674	\$3,945	\$5,500	\$5,400
4410.740 Road Capital outlay	\$0	\$48,076	\$20,185	\$20,185	\$51,000
4410.810 Road Principal	\$35,000	\$31,000	\$38,017	\$41,076	\$41,113
4410.820 Road Interest	\$32,950	\$32,200	\$32,451	\$32,914	\$32,076
4415.110 Public Works Wages and Contract Labor	\$56,049	\$10,965	\$1,448	\$2,948	\$2,500
4415.130 Public Works Employee benefits	\$13,391	\$702	\$117	\$358	\$191
4415.140 Public Works Employee Retirement - GASB 68	\$7,153	\$0	\$0	\$0	\$0
4415.450 Public Works Supplies	\$313	\$207	\$2,462	\$3,012	\$300
4415.550 Public Works Equipment Maintenance	\$374	\$3,753	\$646	\$1,600	\$500
4415.560 Public Works Equipment fuel	\$1,881	\$742	\$558	\$1,000	\$500
4415.570 Public Works Travel Reimbursement	\$0	\$202	\$102	\$0	\$200
4415.610 Public Works Storm Drainage	\$0	\$0	\$0	\$36,000	\$0
4415.710 Public Works Interest	\$0	\$0	\$2,199	\$2,199	\$1,680
4415.720 Public Works Principle	\$0	\$0	\$13,861	\$13,861	\$14,381
4415.740 Public Works Capital Outlay	\$84,598	\$3,700	\$0	\$0	\$0
<b>Total Highways</b>	<b>\$253,217</b>	<b>\$175,048</b>	<b>\$120,793</b>	<b>\$178,019</b>	<b>\$164,609</b>
<b>Sanitation</b>					
4420.220 Solid Waste Postage	\$481	\$0	\$0	\$0	\$0
4420.240 Solid Waste Office supplies & expense	\$0	\$0	\$0	\$0	\$0
4420.460 Solid Waste Service	\$37,436	\$37,475	\$32,354	\$43,553	\$44,445
<b>Total Sanitation</b>	<b>\$37,918</b>	<b>\$37,475</b>	<b>\$32,354</b>	<b>\$43,553</b>	<b>\$44,445</b>

Town of Apple Valley  
 FY 2020-2021 Final Budget

	FY18	FY19	FY20 YTD Feb20	FY20 Budget	FY21 Budget Total
<b>Total Highways and public improvements</b>	<b>\$291,135</b>	<b>\$212,523</b>	<b>\$153,146</b>	<b>\$221,572</b>	<b>\$209,054</b>
<b>Parks, recreation, and public property</b>					
<b>Parks</b>					
4540.110 Park/Rec Wages and Contract Labor	\$0	\$0	\$2,465	\$0	\$4,560
4540.130 Park/Rec Employee benefits	\$0	\$0	\$0	\$0	\$0
4540.250 Park/Rec Department supplies	\$325	\$243	\$462	\$500	\$500
4540.450 Park/Rec Miss AV-special dept supplies	\$0	\$0	\$0	\$0	\$0
4540.460 Park/Rec Community events supplies	\$1,584	\$760	\$0	\$500	\$0
4540.740 Parks Capital outlay	\$0	\$0	\$2,651	\$15,000	\$4,000
<b>Total Parks</b>	<b>\$1,909</b>	<b>\$1,003</b>	<b>\$5,578</b>	<b>\$16,000</b>	<b>\$9,060</b>
<b>Cemetery</b>					
4590.250 Cemetery Maintenance	\$0	\$0	\$0	\$0	\$0
4590.460 Cemetery supplies and equipment	\$0	\$0	\$0	\$0	\$0
4590.470 Cemetery Capital Outlay	\$0	\$0	\$0	\$0	\$0
<b>Total Cemetery</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Parks, recreation, and public property</b>	<b>\$1,909</b>	<b>\$1,003</b>	<b>\$5,578</b>	<b>\$16,000</b>	<b>\$9,060</b>
<b>Debt service</b>					
4141.810 Debt service - principal	\$14,341	\$24,585	\$0	\$0	\$0
4141.820 Debt service - interest	\$1,999	\$6,063	\$0	\$0	\$0
<b>Total Debt service</b>	<b>\$16,340</b>	<b>\$30,648</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Transfers</b>					
4810 Transfer to capital projects	\$0	\$0	\$0	\$0	\$0
4811 Transfer to Fund Balance	-\$1	\$0	\$0	\$11,993	\$301
<b>Total Transfers</b>	<b>-\$1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$11,993</b>	<b>\$301</b>
<b>Total Expenditures:</b>	<b>\$627,732</b>	<b>\$501,364</b>	<b>\$376,592</b>	<b>\$651,731</b>	<b>\$579,071</b>
<b>Total Change In Net Position</b>	<b>\$41,818</b>	<b>\$76,030</b>	<b>\$65,210</b>	<b>\$0</b>	<b>\$0</b>

**TOWN OF APPLE VALLEY**

**RESOLUTION R-2020-07**

***ADOPTION OF POLICIES FOR THE TOWN OF APPLE VALLEY***

**WHEREAS**, the Auditor’s Office of the State of Utah issued a Fraud Risk Assessment to be completed prior to the close of Fiscal Year 2020; and

**WHEREAS**, the Assessment included certain policies not yet incorporated into the Policies and Procedures for the Town of Apple Valley; and

**WHEREAS**, the Town Council of the Town of Apple Valley has determined that the attached policies are in the best interest of the Town in order to protect Town resources and provide governance principles to elected officials and staff; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Town Council of the Town of Apple Valley that the attached Policies are incorporated into existing Town Policies.

**PASSED** this 17<sup>th</sup> day of June 2020. This Resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

\_\_\_\_\_  
Marty Lisonbee, Mayor

ATTEST:

\_\_\_\_\_  
Apple Valley Deputy Clerk

Council Member Debbie Kopp voted \_\_\_\_\_  
Council Member Michael McLaughlin voted \_\_\_\_\_  
Council Member Paul Edwardsen voted \_\_\_\_\_  
Council Member Denny Bass \_\_\_\_\_  
Mayor Marty Lisonbee \_\_\_\_\_



# Conflict of Interest Policy

## *Overview*

Town officers individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers must avoid even the appearance of impropriety to ensure and maintain public confidence in the Town. Officers owe a fiduciary duty to the Town and must not act in a manner that is contrary to that duty or to the interests of the Town. Officers must place the interests of the Town over their own personal interests with respect to the governance, policy, strategic direction and operations of the Town.

## *Policy*

It is the intent of the Town Council to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer has a personal interest in a matter that is or may be in conflict with or contrary to the Town's interests and objectives to such an extent that the officer is or may not be able to exercise independent and objective judgment within the context of the best interest of the Town. For the purposes of this policy, an officer's "personal interest" includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

1. The following provisions shall serve as a guide to officers with respect to the affairs of the Town:
  - a. Town officers shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers are required to submit a report to the Town Council and the Town's Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
  - b. The complete confidentiality of proprietary business information must be respected at all times. Officers are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the Town, or to individually conduct negotiations or make contacts or inquiries on behalf of the Town unless officially designated by the Town Council.
  - c. Officers are prohibited from acquiring or having a financial interest in any property that the Town acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the Town does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the Town and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the Town is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the Town.
  - d. If members of the immediate family of an officer have a financial interest as specified above, such interest shall be fully disclosed to the Town Council which shall decide if such interest should prevent the Town from entering into a particular

transaction, purchase, or engagement of services. The term “immediate family” means officer’s spouse, parent, dependent children, and other dependent relatives.

- e. When a conflict of interest exists, the officer shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- f. Officers may not realize, seek, or acquire a personal interest in a business that does business with the Town.
- g. Officers shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed and notarized. Completed Forms shall be submitted to the Town Recorder and made available to the public upon request.
- h. The Town Recorder shall provide copies of all completed Forms to the Town Council Chair at the end of January each year.
- i. The Town Council Chair shall review all completed forms and consider the disclosures. The Town Council Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the Town.

## Ethical Behavior Policy

### *Prohibited Conduct*

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Town of Apple Valley Business.
  - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
  - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
  - c. Fail to disqualify him or herself from acting on any transaction which involves Town of Apple Valley and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
  - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Town of Apple Valley or any Town agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Town of Apple Valley or Town agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
  - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Town of Apple Valley; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;

- b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any Town funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
  - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Town; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
  - d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Town of Apple Valley, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
- a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
    - i. Unsolicited flowers, plants, and floral arrangements;
    - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
    - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
    - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the Town;
    - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
    - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
    - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the Town;
    - ix. Travel costs, lodging, and tuition costs associated with Town sanctioned training or education when not provided by a private entity under contract with the Town;
    - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
    - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
    - xii. Campaign contributions; and
    - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Town of Apple Valley. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Town of Apple Valley.

6. Nepotism.

a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

a. Retain secondary employment outside of Town of Apple Valley employment, which, as determined by Town Council, and according to Utah Administrative Code R477-9-2:

- i. Interferes with an employee's performance.
- ii. Conflicts with the interests of Town of Apple Valley or the State of Utah.
- iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

a. Except as otherwise provided by law:

- i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Town of Apple Valley may not provide a basis for denying employment to the applicant.
- ii. A Town of Apple Valley officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
- iii. A Town of Apple Valley employee may not engage in political campaigning or solicit political contributions during hours of employment.
- iv. A Town of Apple Valley officer or employee may not use Town equipment while engaged in campaigning or other political activity.
- v. A Town of Apple Valley officer or employee may not directly or indirectly coerce, command, or advise another Town officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
- vi. A Town of Apple Valley officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

b. A Town of Apple Valley employee who has filed a declaration of candidacy may:

- i. be given a leave of absence for the period between the primary election and the general election; and
    - ii. Use any vacation or other leave available to engage in campaign activities.
  - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  - d. Nothing in this chapter shall be construed to:
    - i. prohibit a Town of Apple Valley officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    - ii. Permit a Town of Apple Valley officer or employee partisan political activity that is prohibited under federal law.
  - e. No Town of Apple Valley officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Town of Apple Valley property.
  - f. No Town of Apple Valley officer or employee shall promise any appointment to any position with Town of Apple Valley as a reward for any political activity.
  - g. A Town of Apple Valley employee who is elected to an office with the Town shall terminate Town employment prior to being sworn into the elected office.
- 10. Fair and Equal Treatment.
  - a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
  - b. No Town of Apple Valley officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- 11. Prohibited Conduct After Leaving Town of Apple Valley:
  - a. No former employee shall, during the period of one (1) year after leaving Town of Apple Valley office or employment:
    - i. Disclose or use any privileged or proprietary information gained by reason of his/her Town employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
    - ii. Assist any person in proceedings involving an agency of Town of Apple Valley with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
    - iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Town of Apple Valley employee;
    - iv. Participate as a competitor in any competitive selection process for a Town contract in which he or she assisted the Town in determining the project or work to be done or the process to be used.

## Reporting Fraud or Abuse

"Improper governmental action" means any action by a Town of Apple Valley employee:

- 1) That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

- 2) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

### *Reporting Fraud or Abuse*

Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Mayor or such other person as may be designated by the Mayor to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.

The Mayor shall take prompt action to assist Town of Apple Valley in properly investigating the report of improper governmental action. Town of Apple Valley officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Town of Apple Valley employees may report information about improper governmental action directly to the Mayor if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Town of Apple Valley employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by Town of Apple Valley in these procedures.

### *Complaints, Investigations, Review and Enforcement*

- A. Any person may file a complaint alleging a violation of this policy.
- B. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the Mayor who shall provide a copy to the person charged with a violation. The complainant shall provide the Mayor with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Town of Apple Valley employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and

embarrassment, and may, at most, result in discipline or termination of employment. Town of Apple Valley is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Town of Apple Valley policy. A thorough investigation of complaints is Town of Apple Valley's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, Town of Apple Valley reserves the right to decline to investigate any complaint that is provided anonymously.

If a complaint is received anonymously it shall be directed to the Clerk for a recommendation on the processing of the complaint. Upon review of the complaint, the Clerk will recommend to the Town Council either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the Clerk's recommendation the Town Council shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.

- D. Within thirty (30) days after receipt of a complaint, the Clerk or another person appointed by the Town Council shall conduct a preliminary investigation. If the Clerk or a member of the Town Council or the governing board are implicated in the complaint, the Town Council will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.
- E. If the Clerk determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Clerk shall advise the Town Council to dismiss the complaint. If the Town Council does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.

### *Whistleblower Protection*

*Utah Code* § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.

## IT and Computer Security Policy

Town of Apple Valley furnishes computers for employees' use in conducting Town business.

This includes access to e-mail and the Internet. The internet contains many useful features, including email to non-Town resources, access to research materials, and information exchange. The purpose of this policy is to establish basic rules for employees' use of the Town's computer system, including the Internet and email.

Computer System, Internet and E-mail Use Policies

The Internet can be misused in a variety of ways, including but not limited to:

1. Downloading files that contain viruses, thereby endangering Town information services;

2. Accessing objectionable material;
3. Wasting work time by performing unauthorized research or accessing non business related information and people or for computer games, or online games.

*Individual Responsibilities:*

Internet users are responsible for complying with this and all other Town policies when using the Town's resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination.

*General Policies for Use of the Entity's Computer System, Including the Internet:*

An employee does not have a right to privacy when using the Internet via Entity resources and employees should not expect or assume any privacy regarding the content of email communications. The Entity reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using Town resources are the Town's records and property of the Town; such records are subject to potential review and disclosure under the public disclosure law of the State of Utah. Even after an email message has been "deleted," it may still be possible to retrieve it.

The Town Council has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination.

Internet use via Town resources is for Town business. Except as outlined here, use of Town's computer, Internet and email services are for Town business only. Some limited personal use is permitted, so long as it does not result in cost to the Town, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of Town business and does not compromise the security or integrity of Town information or software. Such limited use shall not occur on "paid time," but is permitted immediately before or after work hours and during an employee's breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet, or transmitting email to a family member to assure safe arrival at home. Any personal use of Town of Apple Valley's computer, Internet and email services must comply with all applicable laws and Town of Apple Valley policies, including anti-discrimination policies and Internet usage policy.

Internet use must comply with applicable laws and Town policies including but not limited to all federal and state laws, and Town policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of Town resources, information and data security.

All Internet use must be consistent with the Town's Personnel Policies Manual.

Town of Apple Valley's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of Town business. Employees are prohibited from gaining unauthorized access to another employee's email messages, or sending messages using another employee's password.

In order to prevent potential Town liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of Town of Apple Valley.



Town of Apple Valley has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The Town may disclose all such information to any party (inside or outside the Entity) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the Town for any purpose, as well as the public if a proper request is made for public records.

Good judgment should always be employed in using the Town's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with the Town's policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the Town's policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the Entity. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

The safety and security of the Town's network and resources must be considered at all times when using the Internet. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from the Mayor and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone.

There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the Town has no control over available information on the Internet and cannot be responsible for the content of information.

#### *Prohibited Uses of the Internet:*

The following is a non-exclusive list of prohibited uses of the Internet and email:

- Commercial use – any form of commercial use of the Internet is prohibited;
- Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
- Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
- Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;
- Political – the use of the Internet for political purposes is prohibited;
- Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description, or position with the Town is prohibited;

- Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity business purposes;
- Instant messaging;
- Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding Town business is prohibited;
- Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-Town related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
- Unauthorized attempts to access another's network or e-mail account;
- Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
- Spamming email accounts from the Town's email services or Town machines.

Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

## Cash Receipting and Deposit Policy

### *Purpose*

Establish a uniform control design the Town of Apple Valley cash receipts. This policy has been developed by the Finance Director and approved by the Town Council who ultimately is responsible for the overall design and implementation of organizational controls. Over time it is expected this policy will be adjusted for changes in systems and organizational structure at which time the Treasurer, Finance Director, or Clerk will propose changes to the Town Council for review and approval.

### *Cash Receipts*

1. All funds received are entered into the accounting system at the time of the transaction or if the transaction occurs at a location without access to the accounting system the funds will be logged into a pre-numbered receipt book with enough detail to determine where/who the funds came from, the purpose for receiving the funds, the method of payment; cash, check, credit card etc., and designate the appropriate account. Manual receipts should have three copies; Customer copy, a Treasurer copy and a location copy.
2. At the end of each day the person responsible for receiving cash place it in a secure (locked) place for deposit on the next business day.
3. Every effort should be made to ensure large quantities of cash are not on hand at any location overnight. If a location has a large transaction or series of transactions leaving cash on hand over \$1,000 the deposit should be made in the same day.
4. The Treasurer's office takes funds to the bank.
5. Mail will be opened in the presence of two or more employees and any correspondence containing payments will be removed and processed prior to distributing mail to individual persons or departments.
6. Copies of deposit slips are maintained and used to reconcile bank statements to the accounting records.

7. A member of the Town Council will serve as the Treasurer, who shall review transactions and trace them to bank deposits. The Treasurer shall have access to all bank accounts and monitor the activity to ensure proper recording of transactions including adjustments, credits and withdrawals from the account.

**TOWN OF APPLE VALLEY  
ORDINANCE O-2020-09**

**AN ORDINANCE CHANGING THE GENERAL PLAN MAP DESIGNATION FOR THE MAIN  
STREET/HIGHWAY 59 AREA**

**WHEREAS**, the Planning Commission has reviewed the General Plan map and determined that the current General Plan designation of Commercial does not fit with the long-term objectives of the area; and,

**WHEREAS**, the area in question shall be defined from the intersection of Highway 59 and Main Street, and shall be contained within 500 feet of either side of the roadways as follows; one mile Northwest on Highway 59, one mile Southeast on Highway 59, one mile North on Main Street, one mile South on Main Street; and

**WHEREAS**, the Planning Commission has recommended that this area be changed on the general plan to Tourist Commercial as defined by the Apple Valley General Plan; and,

**WHEREAS**, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and,

**WHEREAS**, in making this review the Town Council finds that the Planning Commission’s recommendation to amend the General Plan is rationally based; and,

**WHEREAS**, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 17<sup>th</sup> day of June, 2020, and upon motion duly made and seconded:

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH**, that

The General Plan be amended to show the area encompassed by Attachment A be designated as Tourist Commercial as defined in the Apple Valley General Plan.

**Effective Date:** This amendment shall be effective upon passage, without further publication.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah this 17<sup>th</sup> day of May, 2020.

\_\_\_\_\_  
Marty Lisonbee, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___	Nay ___
Debbie Kopp	Aye ___	Nay ___
Michael McLaughlin	Aye ___	Nay ___
Denny Bass	Aye ___	Nay ___
Paul Edwardsen	Aye ___	Nay ___

Attachment A



**TOWN OF APPLE VALLEY  
ORDINANCE O-2020-10**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1364-A FROM OPEN SPACE OST/OSC to AGRICULTURAL 5-ACRE AG-5**

**WHEREAS**, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification for parcel AV-1364-A from OST/OSC to AG-5; and,

**WHEREAS**, the Planning Commission has reviewed pertinent information in the public hearing held on the 10<sup>th</sup> day of June, 2020. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

**WHEREAS**, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and,

**WHEREAS**, in making these reviews the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

**WHEREAS**, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 17<sup>th</sup> day of June, 2020, and upon motion duly made and seconded:

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH**, that

**SECTION I:** The zoning classification of Parcel AV-1364-A is changed from OST/OSC to AG-5.

**SECTION II:** Update of Official Zoning Map. The Official Zoning Map is amended to reflect the adoption of this ordinance.

**Effective Date:** This amendment shall be effective upon modification of land use code 10.10.020 A Agricultural Zone to only permit raising of pigs on a parcel which is not adjacent to a residential zone, without further publication.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah this 17<sup>th</sup> day of June, 2020.

\_\_\_\_\_  
Marty Lisonbee, Mayor

ATTEST:

\_\_\_\_\_  
Ben Billingsley, Deputy Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___



**Town of Apple Valley**  
 1777 N Meadowlark Dr  
 Apple Valley UT 84737  
 T: 435.877.1190 | F: 435.877.1192  
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee	
1 – 100 Acres:	\$50.00/Acre
101 – 500 Acres:	\$25.00/Acre
501 + Acres:	\$10/Acre

## Zone Change Application

**Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting**

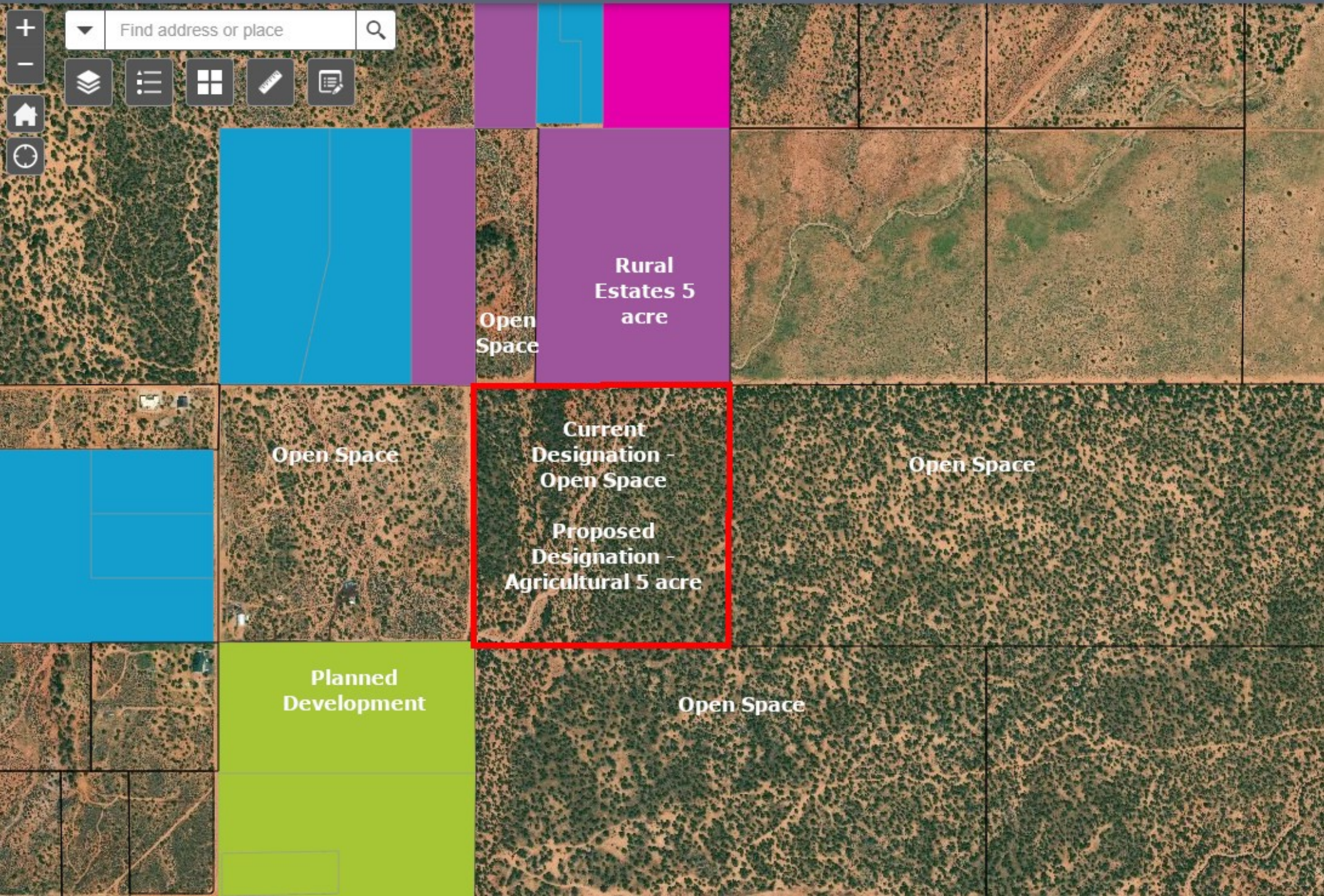
Name: <b>NUANCE MANAGEMENT, LLC</b>		Phone: <b>435 - 467 - 2717</b>	
Address: <b>PO BOX 840701</b>		Email: <b>ANTHUS@SPEEDMAIL.US</b>	
City: <b>HILDALE</b>	State: <b>UT</b>	Zip: <b>84784</b>	
Agent: (If Applicable)		Phone:	
Address/Location of Property: <b>AV-1364-A HWY 59</b>		Parcel ID: <b>AV-1364-A</b>	
Existing Zone: <b>OPEN SPACE</b>		Proposed Zone: <b>A-5</b>	
Reason for the request: <b>Land use shows the parcel as agriculture, zone map shows open space. This will make zoning same as land use.</b>			

**Submittal Requirements: The zone change application shall provide the following:**

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

**Note:** To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. **Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.**

Official Use Only	
Date Received: <b>5/26/20</b>	By: <b>Bur B</b>
Date Application Deemed Complete: <b>5/27/20</b>	By: <b>Bur B</b>





# Account 1033118

## Location

**Account Number** 1033118  
**Parcel Number** AV-1364-A  
**Tax District** 45 - Apple Valley Town  
**Acres** 40.00  
**Situs** 0, 0  
**Legal S:** 14 T: 43S R: 11W NORTHWEST QUARTER OF THE  
 SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 43  
 SOUTH,  
 RANGE 11 WEST SALT LAKE BASE & MERIDIAN.

## Owner

**Name** NUANCE MGMT LLC  
 1125 W FIELD AVE  
 PO BOX 701  
 HILDALE, UT 84784

## Value

**Market (2019)** \$0  
**No taxable value types**

**Parent Accounts** 0155427

**Parent Parcels** AV-1364

**Child Accounts**

**Child Parcels**

**Sibling Accounts**

**Sibling Parcels**

## Transfers

### Entry Number

[00457718](#)  
[00467764](#)  
[20110031703](#)  
[20110031704](#)  
[20160044334](#)  
[20190000956](#)  
[20190010295](#)  
[20190042123](#)

### Recording Date

[02/10/1994 12:29:00 PM](#)  
[05/19/1994 03:00:00 PM](#)  
[10/18/2011 02:16:28 PM](#)  
[10/18/2011 02:16:28 PM](#)  
[11/21/2016 02:07:54 PM](#)  
[01/09/2019 11:15:43 AM](#)  
[03/21/2019 12:59:24 PM](#)  
[10/11/2019 11:49:50 AM](#)

[B: 794 P: 168](#)  
[B: 821 P: 592](#)

## "Tax"

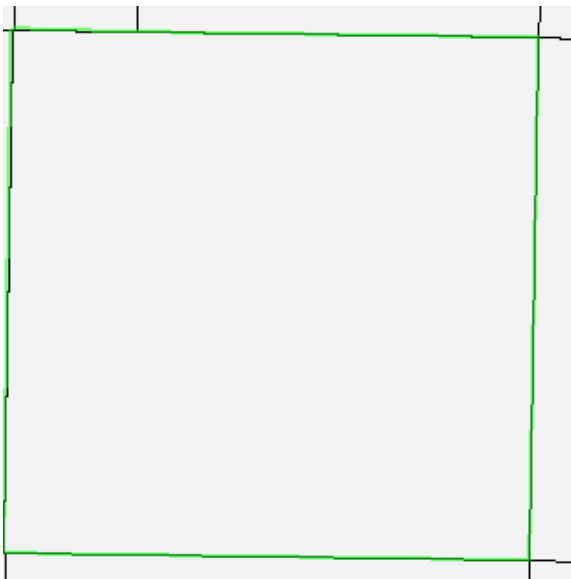
## Images

### Tax Year

### Taxes

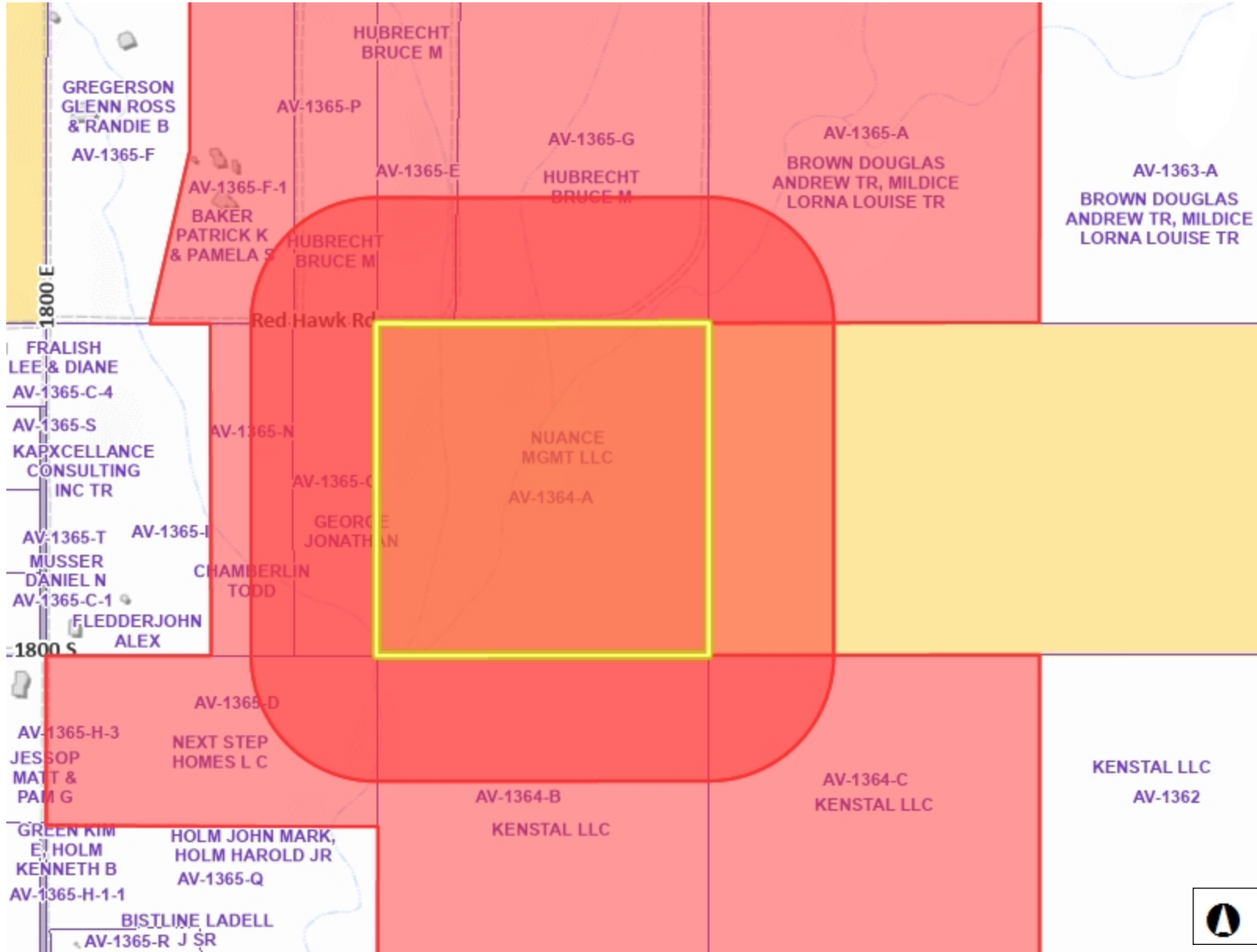
2019 \$0.00  
 2018 No Tax Values

- [GIS](#)





# Nuance 500' Radius



## Legend

- Parcels
- Ownership**
  - U.S. Forest Service
  - U.S. Forest Service Wilderness
  - Bureau of Land Management
  - Bureau of Land Management Wilde
  - 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
  - Water
  - Water Conservancy District
  - State Assessed Oil and Gas
  - Mining Claim



## Notes

1,504.7                      0                      752.33                      1,504.7 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.*

**HUBRECHT BRUCE M**  
AV-1365-P  
2463 E APACHE WAY  
APPLE VALLEY, UT 84737

**HUBRECHT BRUCE M**  
AV-1365-E  
2463 E APACHE WAY  
APPLE VALLEY, UT 84737

**NUANCE MGMT LLC**  
AV-1364-A  
1125 W FIELD AVE PO BOX 701  
HILDALE, UT 84784

**KENSTAL LLC**  
AV-1364-B  
2221 E WELDON AVE  
PHOENIX, AZ 85016

**CHAMBERLIN TODD**  
AV-1365-N  
1775 S 1800 E  
HURRICANE, UT 84737

**BAKER PATRICK K & PAMELA S**  
AV-1365-F-1  
1925 E RED HAWK RD  
APPLE VALLEY, UT 84737

**GEORGE JONATHAN**  
AV-1365-O  
PO BOX 824  
SPRINGDALE, UT 84767

**HUBRECHT BRUCE M**  
AV-1365-G  
2463 E APACHE WAY  
APPLE VALLEY, UT 84737

**NEXT STEP HOMES L C**  
AV-1365-D  
P O BOX 175  
MORGAN HILLS, CA 95038-0175

**KENSTAL LLC**  
AV-1364-C  
2221 E WELDON AVE  
PHOENIX, AZ 85016

**BROWN DOUGLAS ANDREW TR, ET AL**  
AV-1365-A  
8271 RUN OF THE KNOLLS  
SAN DIEGO, CA 92127

AFFIDAVIT  
PROPERTY OWNER

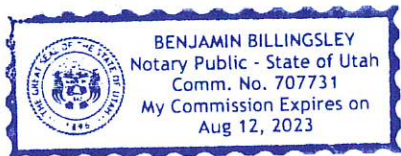
STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) Anthony A. Barlow, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]  
Property Owner

Property Owner

Subscribed and sworn to me this 26<sup>th</sup> day of May, 2020.



[Signature]  
Notary Public

Residing in: Washington

My Commission Expires: 8/12/23

AGENT AUTHORIZATION

I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Regarding Public Notice for June 10 Planning Commission

As a resident, and specifically an affected resident, my input regarding the June 10 Planning Commission Public Hearing is that I don't believe receiving the Agenda packet 2 days before the meeting was adequate to comply with the intent of Utah State Code 10-9a-205 "Notice of Public Hearings and Public Meetings on Adoption or Modification of Land Use Regulation."

Per Section 4a and 4b of that code, there is a specific list of information that affected residents should receive 10 days prior to hearing. Most of that information was in the Agenda packet but it was not made available to me or anyone else, including the planning commission, until Monday June 8.

Reading State Code is difficult and maybe there is some Town activity that occurred that I missed but it seems reasonable that the intent was to assure the public would have the adequate time to review enough information to form an opinion.

I suggest that this meeting be rescheduled and that moving forward, the Town does not start the 10 day notification calendar until the Agenda packet is complete and available to the public.

I also suggest that this will make it possible for all members of the public who are being asked their opinion to be equally involved in the process.

Regards,

Mary Cannady and Bruce Hubrecht

RECEIVED MAY 11 2020



**Town of Apple Valley**  
1777 N Meadowlark Dr  
Apple Valley UT 84737  
T: 435.877.1190 | F: 435.877.1192  
www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee  
1 - 100 Acres: \$50.00/Acre  
101 - 500 Acres: \$25.00/Acre  
501 + Acres: \$10/Acre

### Zone Change Application

**Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting**

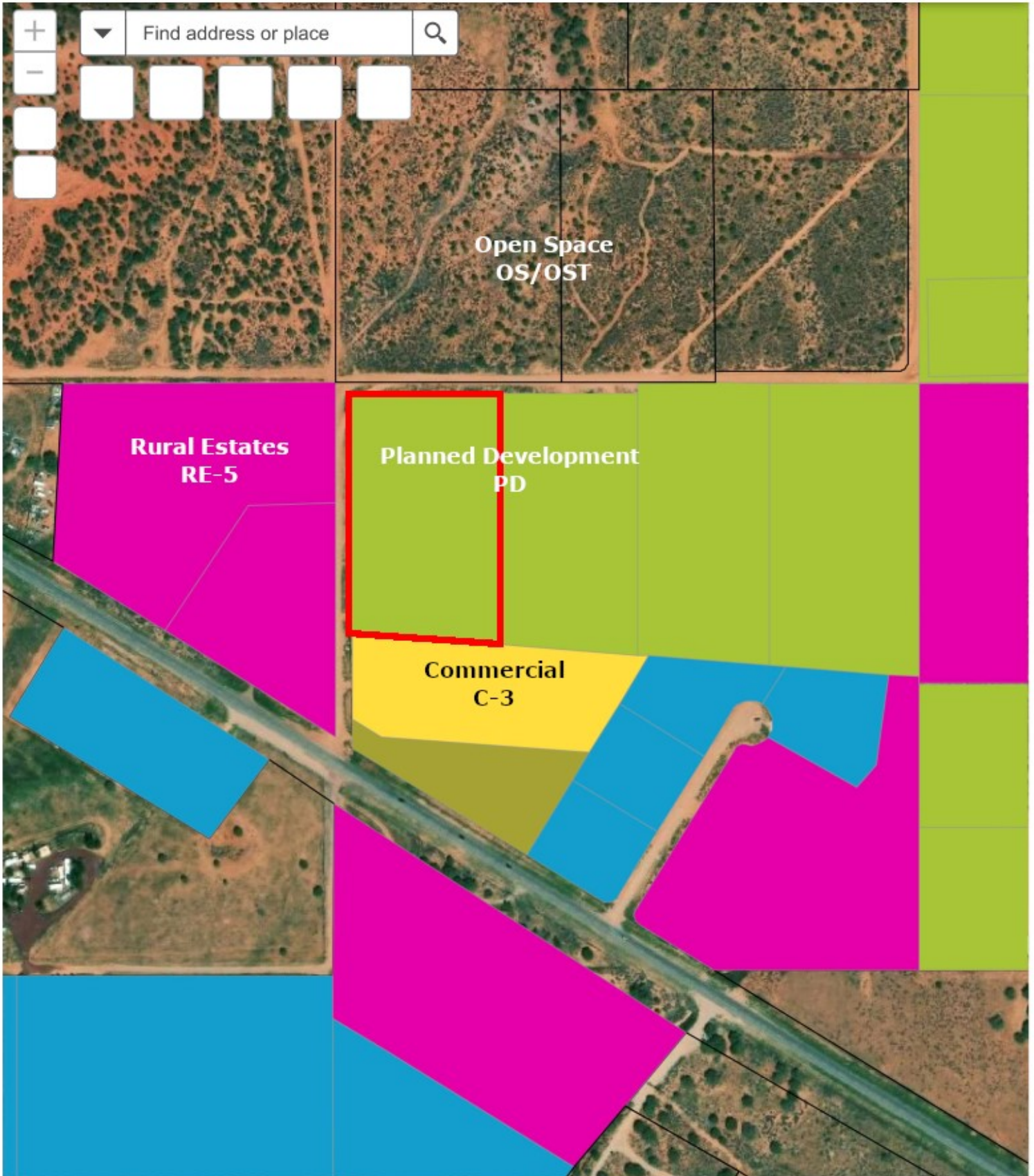
Name: Morrell Utah Holdings		Phone:	
Address: 2368 E. Cottonwood Lane		Email:	
City: Holladay	State: Utah	Zip: 84117	
Agent: (If Applicable) Adam Morrell		Phone: 801-928-6792	
Address/Location of Property: 2012 S. Bubbling Well Lane		Parcel ID: AV-1377-F-1	
Existing Zone: plan Development		Proposed Zone: RE-1	
Reason for the request change zones from p-d. to Rural Estates RE-1			

**Submittal Requirements: The zone change application shall provide the following:**

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. **Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.**

Official Use Only	
Date Received: 5/11/20	By: Ben Billingsley
Date Application Deemed Complete: 5/18/20	By: Ben Billingsley



300ft

-113.068 37.039 Degrees

# Account 0381700

Location

**Account Number** 0381700  
**Parcel Number** AV-1377-F-1  
**Tax District** 45 - Apple Valley Town  
**Acres** 4.39  
**Situs** 0, 0

Owner

**Name** MORRELL UTAH HOLDINGS LLC  
 2366 COTTONWOOD LN  
 SALT LAKE CITY, UT 84117

Value

**Market** (2019) \$51,000  
**Taxable** \$51,000  
**Tax Area:** 45 **Tax Rate:**  
 0.009803  

Type	Actual	Assessed	Acres
Non			
Primary	\$51,000	\$51,000	4.390
Land			

**Legal S:** 23 T: 43S R: 11W COMMENCING AT THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 11 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S89°59'42"E, ALONG THE SECTION LINE, 373.16 FEET THENCE S00°01'24"E, 25.00 FEET TO THE POINT OF BEGINNING. SAID POINT BEING LOCATED ON THE SOUTH LINE OF 2000 SOUTH STREET; THENCE DEPARTING SAID STREET LINE AND CONTINUING S00°01'24"E, 562.53 FEET; THENCE N85°34'33"W, 349.32 FEET TO A POINT LOCATED ON THE EAST LINE OF 1600 EAST STREET (SOUTH BUBBLING WELL LANE); THENCE N00°00'43"W, ALONG SAID LINE, 510.60 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AND A CENTRAL ANGLE OF 90°01'01"; THENCE NORTHEASTERLY ALONG SAID CURVE, 39.28 FEET TO A POINT LOCATED ON THE SOUTH LINE OF SAID 2000 SOUTH STREET; THENCE S89°59'42"E, ALONG SAID LINE, 323.15 FEET TO THE POINT OF BEGINNING.  
 SUBJ & TOG W/ EASEMENT

**Parent Accounts** 0345291  
 0484777

**Parent Parcels** 1377-B  
 1377-H

**Child Accounts** 0392152  
 0484777  
 0959952  
 0959969

0983502

**Child Parcels** 1377-G  
 1377-H  
 AV-1-3-23-440  
 AV-1-3-23-441  
 ROADWAY  
 AV-1-3-23-442

**Sibling Accounts**

**Sibling Parcels**

Transfers

**Entry Number**

[00312044](#)  
[00327992](#)  
[00641316](#)  
[00725581](#)  
[00835037](#)  
[20080018039](#)

**Recording Date**

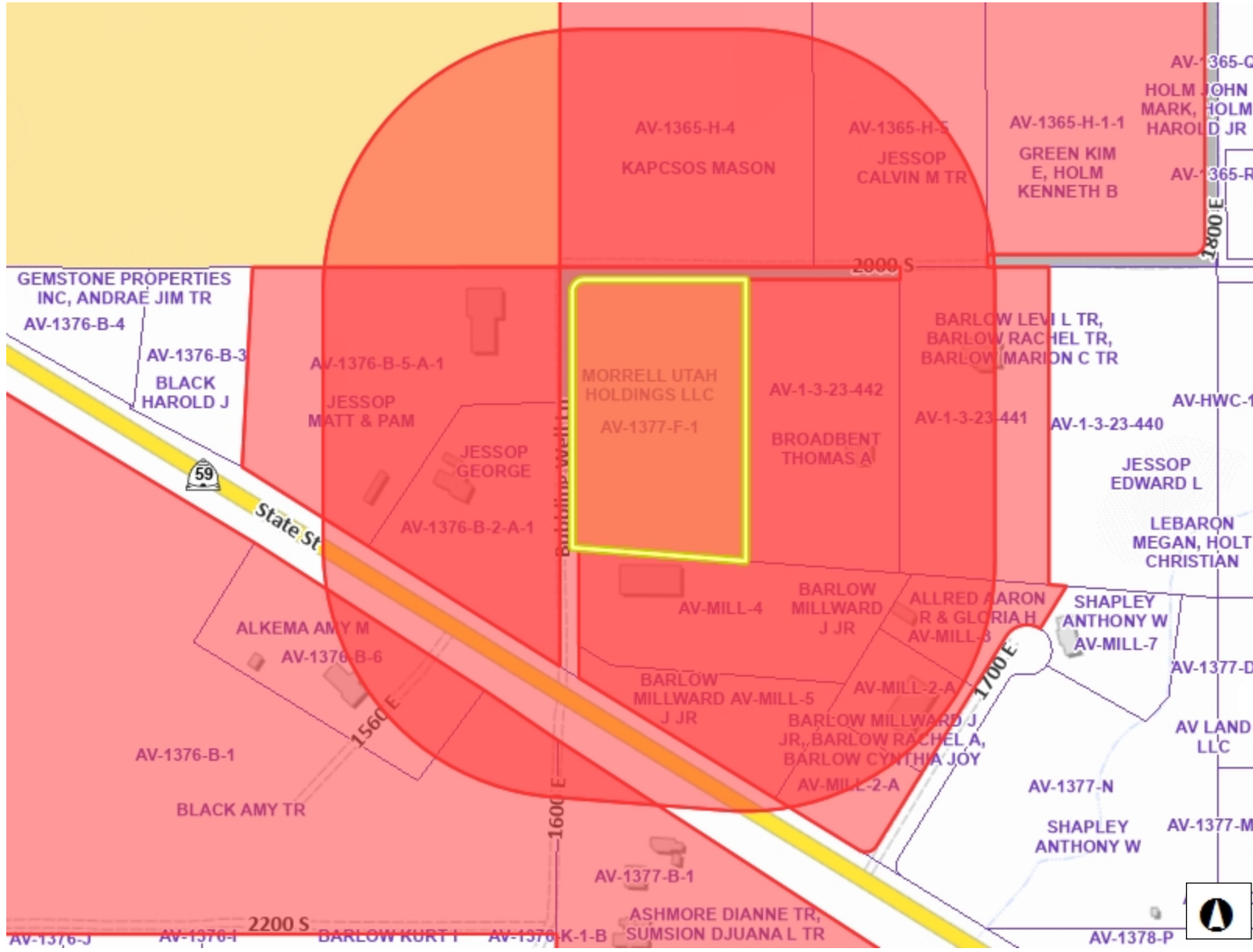
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[03/26/1999 10:20:00 AM](#)  
[06/20/2001 02:50:00 PM](#)  
[08/13/2003 03:53:00 PM](#)  
[05/02/2008 10:46:58 AM](#)

[B: 445 P: 937](#)  
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[B: 1414 P: 842](#)  
[B: 1572 P: 2525](#)





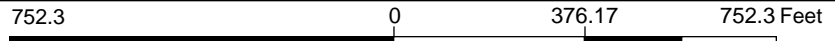
# Morrell 500' Radius



### Legend

- Parcels
- 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



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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**BARLOW LEVI L TR, ET AL**  
AV-1-3-23-441  
PO BOX 13  
LA VERKIN, UT 84745-0013

**BARLOW MILLWARD J JR, ET AL**  
AV-MILL-2-A  
2132 S 1700 E  
HURRICANE, UT 84737-4860

**BARLOW MILLWARD J JR**  
AV-MILL-4  
2132 S 1700 E  
HURRICANE, UT 84737-4860

**ALKEMA AMY M**  
AV-1376-B-6  
2142 S 1560 E  
APPLE VALLEY, UT 84737

**ASHMORE DIANNE TR, ET AL**  
AV-1377-B-1  
2125 S STATE ST  
APPLE VALLEY, UT 84737

**BARLOW MILLWARD J JR, ET AL**  
AV-MILL-2-A  
2132 S 1700 E  
HURRICANE, UT 84737-4860

**BARLOW MILLWARD J JR**  
AV-MILL-5  
2132 S 1700 E  
HURRICANE, UT 84737-4860

**JESSOP GEORGE**  
AV-1376-B-2-A-1  
1599 E STATE ST  
HURRICANE, UT 84737-4804

**MORRELL UTAH HOLDINGS LLC**  
AV-1377-F-1  
2366 COTTONWOOD LN  
SALT LAKE CITY, UT 84117

**JESSOP CALVIN M TR**  
AV-1365-H-5  
1552 S WAGONMASTER RD  
WASHINGTON, UT 84780

**BLACK AMY TR**  
AV-1376-B-1  
HC 65 BOX 506 1725 S HWY 389  
FREDONIA, AZ 86022-9614

**GREEN KIM E, ET AL**  
AV-1365-H-1-1  
PO BOX 870047  
WOODS CROSS, UT 84087

**BROADBENT THOMAS A**  
AV-1-3-23-442  
PO BOX 554  
COLORADO CITY, AZ 86021-0554

**JESSOP MATT & PAM**  
AV-1376-B-5-A-1  
1854 S 1800 E  
HURRICANE, UT 84737

**KAPCSOS MASON**  
AV-1365-H-4  
782 S RIVER RD # 172  
SAINT GEORGE, UT 84790

**ALLRED AARON R & GLORIA H**  
AV-MILL-3  
2112 S 1700 E  
APPLE VALLEY, UT 84737

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH

COUNTY OF WASHINGTON

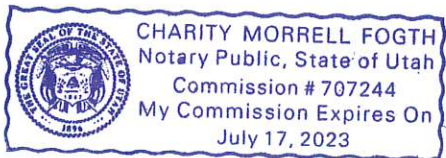
)  
)S  
(Morrell Utah Holdings LLC)

I (We) Adam Morrell/Phil Morrell being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]  
Property Owner

[Signature]  
Property Owner

Subscribed and sworn to me this 18 day of August, 2019.



[Signature]  
Notary Public

Residing in: UTAH

My Commission Expires: July 17, 2023

**APPLE VALLEY  
ORDINANCE O-2019-16**

**SHORT TERM VACATION RENTAL AMENDMENT**

**WHEREAS**, upon advise of legal counsel, the Planning Commission reviewed the language pertaining to the advertisement located in 10.14 Short Term Rental Code; and

**WHEREAS**, the Planning Commission held a public hearing on the 10th day of June, 2020, and after hearing and taking into consideration public comments, the Planning Commission made recommendations to update this code to be compliant with State Code; and

**WHEREAS**, in reviewing the Planning Commission's recommendation, the Town Council finds the adjustment to this language to be rationally based and consistent with Town and State Code; and

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

**SECTION 1:            AMENDMENT** “10.14.020 Rules And Regulations” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.14.020 Rules And Regulations

- A. Business License Required: No dwelling in a residential zone shall be occupied or used as a short term vacation rental, ~~or advertised for use as a short term vacation rental~~, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this Section.
- B. Conditions for Issuance of a Business License for a Short Term Vacation Rental: In addition to any other requirement of this Section, a short term vacation rental business license shall be approved by the Town Clerk if:
  - 1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy, or a building permit has been issued for the construction of a single family dwelling unit. If a certificate of occupancy has not yet been issued, the business must be operational within six (6) months of the issuance of the business license. If the business is not operating within this time period, the business license may be revoked to enable another business to license a Short Term Vacation Rental in the area. For purposes of this section, “operational” is defined as accepting reservations and being available at least two weeks per month, including the next full month. Portions of a single family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the

regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling.

2. The owner of a single family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Town of Apple Valley limits. For purposes of this paragraph, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling,
  3. The property line of another dwelling licensed as a short term vacation rental is not located within 300' (three hundred feet), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. No more than 10% of the homes in any subdivision phase or designated area to be defined by the Town, may be licensed as a short term vacation rental.
  4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section. This person shall be a permanent resident of the Town and be ready and willing to receive phone calls at any hour to promptly deal with complaints, violations, or any other safety or nuisance issues.
  5. The contact information of the responsible individual will be given to all property owners/residents within a 300 ft. radius of the short term vacation rental property in question, so they will be able to make direct contact with the responsible individual in the case of a complaint, violation, or any other safety or nuisance issue.
  6. The application includes a valid Utah State Tax number for remittance of transient lodging taxes.
- C. Parking Regulations: The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:
1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
  2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
  3. All guest parking shall be contained on the site.
  4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
  5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.
- D. Maintenance Standards: Any property that contains a dwelling which is licensed as a

short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
  2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
  3. Each sleeping room must meet current International Residential Code for egress and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.
- E. Prevention of Noise, Nuisance or Trespass: The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:
1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
  2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
  3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
  4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
  5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
- F. Required Posting: The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:
1. a copy of the vacation rental business license
  2. the name, address, and phone number of the owner or property manager
  3. the location of all fire extinguishers
  4. a list of all rules applicable for vacation rentals
  5. the maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
- G. Miscellaneous Rules and Regulations: The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:
1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.
  2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Apple Valley Fire Department, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.

3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a town approved location on the exterior of the property an approved sign containing the name and 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12" X 18" and shall be the only sign other than an address permitted on a short term vacation rental property. All neighbors surrounding the property in question shall be furnished the same contact information.
4. The owner or property manager shall provide information on current occupants to police, emergency, or town personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The Town of Apple Valley finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.
6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license issuance and renewal each year. There shall be a fee charged for such inspection, to be set by the Town Council. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the Town.
7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes and all other applicable sales and use taxes to the Utah State Tax Commission.

#### H. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the Town of Apple Valley who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000, imprisonment for up to 6 months, or any combination thereof for each such violation.
2. Any owner of any dwelling in a residential zone within the Town of Apple Valley, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished

by a fine of not less than \$750 for each such violation.

3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.
5. In the event of three (3) or more violations of this ordinance committed by an owner or guest, or any combination of the two, within any 12 month period, the town council may proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.

**SECTION 2:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately following the required approval and publication according to law.

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

**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.



PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Bass	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____
Councilmember Edwardsen	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Marty Lisonbee, Mayor, Apple Valley

\_\_\_\_\_  
Michelle Kinney, Clerk Apple Valley