



TOQUERVILLE CITY COUNCIL MINUTES

Thursday, July 9, 2015

6:00 PM, Work Meeting; Regular Meeting, 7:00 PM

Held at 212 N. Toquerville Blvd, Toquerville Utah

6:00 PM WORK MEETING:

Attendance: Mayor Darrin LeFevre, Councilmembers: Mark Fahrenkamp, Paul Heideman, Daren Cottam, Brad Langston (who arrived at 6:19 p.m.); Staff: Planning Commission Chair Keen Ellsworth, Maintenance Assistant Randy Johnson, Building Inspector John Postert, Treasurer June Jeffery; Public: Blair Gubler – Ash Creek Sewer District, Heath Snow – Attorney, Wayne Olsen, Jessica Russo, John Manning, Lynn Olds, Manning Butterworth. Councilmember Ty Bringhurst was excused.

Meeting called to order by Mayor Darrin LeFevre at 6:10 p.m.

1. Sewer Update: Blair Gubler reported that the District bid out a \$360,000 project to replace lines in Hurricane. They do this every year in different communities to upgrade lines. They will be meeting with the State on July 22nd regarding the project. The new superintendent is smart and is doing a good job. They have an employee that has been injured and is out of commission for a couple of months.
2. Staff Reports: Administrator Mike Vercimak was not in attendance.
3. Planning Commission Update: Chair Keen Ellsworth gave background about the C3 item on the regular meeting agenda. Russo applied for a bed & breakfast establishment. Vercimak believed that the property was zoned A1, but was actually located in MU20. MU20 allows for private camp or resort. In researching on the internet, there are B&B establishments that are defined under the resort definition. The Planning Commission approached this application from that direction. A resort is a conditional use in MU20 and the allowance is broader than in the A1 definition. Planning Commission recommended approval. There was discussion about curb, gutter and sidewalk being required. Discussion among Council that when the log cabin was built, the improvements should have been required. Any new building would require it, but this is an existing building consensus was that there is no requirement. The B&B is to be in a detached garage. MU20 states that an accessory building could be used and Commission felt that with the accessory building and original residence on the same property, there is the same unified control required by the B&B ordinance. There was brief discussion among the Council and Ellsworth regarding short-term rentals concerning neighbors' rights and the expectation of single-family use when someone buys into a neighborhood. There were concerns about parking. There was discussion comparing B&B allowance and short-term rentals. Mayor LeFevre stated that under the proposed ordinance, short-term rent is an exception to the ordinance, not a conditional use. A conditional use runs with the land. Lynn Olds suggested that short-term rentals could have a six-month review for the first two years to discover problem rentals. Enforcement is an issue. Councilman Heideman pointed out that long-term rentals bring the same kinds of problems, but with short-term rentals people are gone within a week. Long-term renters are still there and it's hard to get rid of them. Russo inserted that she understands the concern for parking and the number of people in a short-term situation. But if her family just came to visit her, there would be 12 cars at one house. There was a comment that that may happen occasionally, but it isn't every week. Mayor asked that this conversation continue in the regular meeting.
4. Water/Maintenance Update: Randy Johnson represented Lance Gubler. (1) He showed pictures of the irrigation ponds taken that morning at 11 a.m. The new restrictions are allowing the ponds to recharge. The ponds looked nearly full in the pictures. Mayor LeFevre has been watching the ponds on SCADA. The pumps are keeping up with the new arrangement. There were 50 wrong day/time of day violations this week. The WCWCD has been doing the policing and notifying users. There were questions from the audience regarding non-irrigation water users and restrictions. Mayor explained that the outside use restrictions are the same because it is the same water source whether irrigation or culinary water. (2) Randy continued his report showing a picture referring to a leak at the Cottam Well. The Toquerville crew helped repair the line because it could have been the City's concern. The leak was actually in the 14" line that feeds Virgin. (3) The crew also worked on a Terrace Circle line that was imbedded in rock. The main line was cast iron. They replaced both services that were on the line in question. (4) Johnson showed a graph depicting water use in the last couple of years. The graph showed that since the water project on Toquer Heights, water use is really steady. Currently water disparity per month is 15-16% in the entire system. Prior to the project loss was 55-60%. Residential water has been used at about the same rate in 2014 and 2015. The major leaks in the system were in the main lines. (5) Staff is looking at a couple of water hook-up issues in Anderson Junction. There is a paintball business that wants to go in, and there is a resident that paid into the SID and wants to be able to use city water. The Anderson Junction tank is a 500,000 gallon tank so there is water. But the concern comes when you have to chlorinate that much volume and it doesn't turn over – the system has to be flushed and the water is wasted. There were questions from the Attorney about possibly connecting the people in question, to another tank, but that isn't feasible to install a new line. Crew was directed to work with the Water Conservancy District to see if they could help. (6) Johnson showed pictures of a couple of dwellings that are located in the R-1 zone, currently being used as multiple family residences.

These are multiple houses with one water meter and one sewer service. Some houses like this have complaints from neighbors. There is no allowance for these dwellings in the Code.

Mayor asked that the Attorney write letters. Snow asked if there was the possibility of dividing these properties where there is more than one dwelling. Generally that would not be possible. The created lots would not fit the current zoning requirements. Blair Gubler stated that the sewer district charges per unit, but follows the cities in their enforcement. (7) Randy next reported that when he and Lance approached Century Equipment to break the backhoe lease in favor of a skid steer and mini-ex, they were told that the State contract was with John Deere this year. John Deere has a deal to rent a backhoe for \$891.10 per year with a 5-year lease, with 300 hours per year. The mini-ex would be \$6,000/yr and the skid steer would be \$5,000/yr. It makes sense to keep the backhoe under this presented lease and rent a mini-ex as needed for about \$100/day. With the new trailer that was just purchased, transportation isn't a problem anymore. Council voiced support of the lease.

John Postert, building inspector, requested code clarification. He stated that a building permit for 932 S. Peachtree wanted to install a secondary structure that measured 24 feet. Mike Vercimak had denied it at staff level because it exceeded 18 feet in height. Postert showed in the R-1 zone, Title 10-10A-4 charts regarding height in every residential zone state that a secondary structure may be 18-35 feet conditionally. Heath explained that the height variation was set so that if a secondary building sat back in a property or was placed in such a way that there was no obstruction to surrounding properties, it could be built higher than the prescribed 18 feet. It isn't a conditional use, but could be determined on a case by case scenario by City Council. Postert then stated that the property in question is on the downhill side of Peachtree. The 24 feet requested is not going to be any higher than slab-on-grade level homes on Westfield. The building will be two-story with a garage on the bottom and guest quarters above. Guest quarters are allowed in the code. There was discussion that at Planning Commission, restrictions with a signature should be placed on the building so that it doesn't become a secondary dwelling. Heath advised that the Council could send it to Planning Commission or they could address it. Postert informed Council that the plans were at the city office and could be reviewed if they chose, so that they could give a decision at the meeting. Council would like to review the plans and presentation at the next city council meeting. In the meantime, direction was given that each councilmember should go visit the site and get a visual as to what is being requested. Discussion that there should be a process for the future that sends the item to Planning Commission before coming to City Council.

5. City Engineer Karl Rasmussen was not in attendance.

6. Review Business of the Regular Meeting Agenda: No review

Additional Regular Meeting Attendance: Public: Devin English, Karen Walker, Greg Walker, David Hawkins, Marilyn Hawkins, Ken Hill, Sara Hirschi, Richard Hirschi, Kollean Campbell, Carolyn Heideman, Deaun Williams, David Munden, Merry Walsh, Dan Walsh, Annette Kleinman, Fay Reber, Neil Schwendiman, Shelllie Singleton, Calleen Olsen

7:00 PM - CONVENE REGULAR MEETING:

1. Call to Order by Mayor LeFevre at 7:00 p.m. Pledge: Council Mark Fahrenkamp. Invocation: Council Brad Langston
2. Requests for any Statements of belief from any present, and Disclosures and Declarations of Conflict from Council: None

A. CONSENT AGENDA:

Review and possible approval of CC Meeting Minutes June 11, 2015, as corrected & City Expenditures review for June 2015. Heideman wondered about expenditures on the financial statement that showed expenditures over 100% in the Cemetery Fund. June Jeffery explained that those expenditures were okay because they were balanced by expenditures in the same fund that were less than 100%. He also wondered about the expenditures and revenues by the previous royalty. Jeffery said that there is a Fund Balance account for the royalty. They did have higher than budgeted expenses because of the calendar purchase, but they also made money on the calendars. That will all be balanced with the year-end adjustments that will be done with the auditor. Cottam questioned expenses in the Street Fund regarding dumpsters and drainage expenses. There was some work done in Shangri-La using storm water monies. There was brief discussion that office staff will review expenditures in the Street line items and make sure they are applied correctly.

Motion to approve the consent agenda was given by Paul Heideman and second by Brad Langston. Vote: All Aye.

PRESENTATION: Miss Toquerville Royalty introduced themselves to City Council: Prince Rebecca Harris, 1st attendant Abbie Elison; 2nd attendant Alayna Hirschi; Miss Congeniality Audrey Campbell. Council congratulated the girls and thanked them for their service.

PRESENTATION: Cholla Creek HOA on Traffic concerns for Cholla Drive by Greg Walker: Walker presented a drawing of the Cholla Subdivision. There were orange hash marks showing "blind" areas where speeding occurs (near lots #61, 10, & 11; lots 20, & 22; and lots 44 & 47.) The red dots represented stop signs. The stop sign at lot #5 was behind a bush.

There are about 40 kids that live in the subdivision and there are a lot of dangerous situations that happen because of speeding vehicles. He asked if there could be things done to calm the traffic, including speed humps – similar to speed bumps but longer and not so steep, water "chasers" at lots 11 & 12, and lots Y & B designated on the drawing by green marks, road striping, or any other "slow down" reminders.

Cottam said that the 32' wide street isn't wide enough for parking and the kids in the streets don't make it an easy situation. He informed the residents that when a new home is built anywhere in Toquerville they will be required to install sidewalk which will help the pedestrian concerns. There was brief discussion that some people like speed bumps and others don't and it's not possible to make everyone happy. The HOA will invite councilmembers Bringhurst and Langston to their next meeting to see what could be done.

B. PUBLIC FORUM: Mayor LeFevre opened the public forum and stated that this was for comments & requests for future agenda items, that these requests are not action items in this meeting and he requested that comments be held to three minutes.

- (1) Carolyn Heideman stated that she understood conservation of water, but she felt that the TSWS should represent the citizens of Toquerville. She said that everyone is so tied to water. There is no flexibility in the current restrictions. She felt that the city should stop issuing building permits if there isn't enough water.
- (2) David Norr reported that he was supposed to use the water from 6-9 tonight and there was no water coming. Even if the pumps were off he generally would receive gravity-flow water. Mayor mentioned attending TSWS meetings, reading the posts on the website, and contacting the WCWCD. The District annual assessment meeting is in August. There were several comments from the crowd. Mayor calmed them and pointed out that the ponds were dry without the rationing. Agriculture users were taking all the water. By moving them to the morning and the residential users to the evening, it has allowed the ponds to recharge. The springs are only producing half the water they produced last year.
- (3) Annette Kleinman is in favor of speed bumps. She thinks the TSWS should represent the city. She requested that the paper information that the council looks at in the meeting, be put on computer so it could be shown on the TV so that all could see.
- (4) Richard Hirschi wondered how the irrigation board was elected, and "are they there until they die?" Hurricane and LaVerkin get their water from the same pond. He used to live in Hurricane and they were never asked to do anything different except water in the middle of the night. There were no restrictions on water in Hurricane last year, nor this year. Toquerville has had restrictions both years. He wants the TSWS to support Toquerville.
- (5) Dave Hawkins felt that there was no plan. The conservation plan isn't adequate. Residents are not getting enough water to keep things alive, and some are losing thousands of dollars in landscaping. There is still plenty of primary water; the city is still issuing building permits. Excess primary water should be transferred to irrigation. Most of the residents that are having trouble can't wait until the WCWCD meeting in August; it will all be dead by then.

Mayor LeFevre stated that he will request a special meeting with the TWS Board and Ron Thompson as soon as possible to fit Ron's schedule and talk about the concerns.

- (6) Merry Walsh wondered about water from the Cottam Well and the need to stop building permits and new subdivisions.
- (7) Richard Hirschi wondered why (the restrictions), if this is not a culinary issue. There should be proper information from the WCWCD. No one told him when he got his building permit that he would be under lock-down and restriction.
- (8) Dan Walsh said there was a lot of confusion concerning actual water use time. He remember Langston saying at the 4th of July that 2" users would have 6-9p.m. and 1" lines would be in the morning. Discussion agreed that Langston stated it correctly at the 4th of July. At any rate, the letter stated it correctly and was sent to every property owner in Toquerville.
- (9) Wayne Olsen told the audience that he hasn't cut his lawn for a month and it is doing well. Once lawn grows 6" it stops and lays over. He has seen it worse than this in the past. The concern will probably last until October. His problem is that he has only one service line and can't cover his whole property in the period given. The pictures of the ponds show that the restriction is working. He suggested a flyer telling people not to mow their lawns.
- (10) Manning Butterfield was concerned about the lighting business on the agenda tonight. He wonders if the cobra head lights will be changed so that the light is shed down and not all over. Mayor LeFevre said that the item on the agenda is a proposal for an audit of the city's lighting. Manning wants to make sure the night sky ordinance is followed. Richard Hirschi inserted that there are grants available to help with the conversion.

Mayor LeFevre closed the public forum.

C. BUSINESS: Ordinances and Resolutions will be designated with a number after passage.

1. Consideration and possible approval of Capital Facilities Plans for Water, Parks, Trails, Roads, and Drainage. Mayor has not been able to get with Meg Ryan of the ULCT. He feels that this plan was created by a licensed engineer and the council should respect that. Attorney Snow reminded that the engineering is not in question, but it is the open way that the plan was structured. The ULCT is an organization that has experience seeing plans of all kinds and is a great resource. Mayor will see if the office staff can contact Meg before the next meeting. There isn't any urgency in the passage of this plan, though it needs to move forward.

Motion to table the Capital Facilities Plan was given by Paul Heideman and second by Brad Langston. Vote: All Aye.

6. Consideration and possible approval to support Curbside Recycling program by Ordinance, Resolution, and/or Agreement. Fay Reber, attorney for the Solid Waste District gave background of the move for recycling. There is currently a 10-year contract with all the cities that have solid waste service that expires at the end of 2019. There is a growing interest in recycling in the county. It saves landfill space and helps to conserve resources. This tonight would give the city's support for recycling, and then the city will need to pass an ordinance and a resolution either requiring mandatory participation or "opt-out" participation. The District is suggesting a 60-day period to opt-out. Anyone who opts-out then moves would automatically be mandatory. Also anyone moving into the premises would be mandatory. However, they are leaving it up to each city that selects opt-out, to make its own rules regarding opting out. Right now, the District has a tentative agreement with Dixie Waste for the service. When the 10-year contract is renewed in 2020 it will be part of the contract. Cost for opt-out users will be \$3.92. When county-wide participating area reaches 70%, the price will drop to \$2.94. If a city selects mandatory participation, cost is immediately \$3.62 for that city. Time frame leading to January 1, 2016 service start was discussed with 60 day opt-out starting September 1, 2015 and ending October 31. Collection will be every two weeks. The district will supply containers. The recyclable materials are defined in the resolution/ordinance as accepted by Dixie Recycling. Current land fill has life expectancy of 60-100 years. Land fill area is difficult to find. Attorney Snow referenced the process Toquerville will need to go through. Both the resolution and the ordinance will go on the agenda for the August meeting as two items. The Council needs to decide if they are going to be mandatory, or opt-out, and if opt-out what are the rules they want with that. Reber stated that the more regulations attached to the opt-out, the more difficult it will be for office staff to administer. Binnies will remain in place. The only thing that will move the binnies is if they are empty and not being used. Suggestion was made to include keeping binnies in place as part of the contract. Right now there are about 50,000 waste users county-wide. Those that are not going to use the recycling program include 2,500-3,000 in the unincorporated county, Enterprise, and Apple Valley. Discussion covered notification so that every resident knows about opt-out. Council will not take action tonight. Snow will make sure the resolution "approving Curbside Residential Recycling Collection Agreement between Washington County special Service District No. 1 and Dixie Waste Services, and authorizing the execution of an agreement between Washington County Special Service District No. 1 and the City of Toquerville"; and the "ordinance establishing the City of Toquerville Curbside Residential Recycling Collection Program, including rules and procedures for implementation and enforcement of said program" are ready for the August meeting. **Motion** to table approval of the Curbside Recycling program was given by Brad Langston and second by Paul Heideman. Vote: All Aye.

4. Consideration and possible approval of expenditure of fund for donation to the Hurricane Valley Wrestling Club for and on behalf of Dylan English who will represent Toquerville City at the State Wrestling meet. This will be a \$250.00 donation made to the Hurricane Valley Wrestling Club. It is the same amount that would be given to a scout project.

Motion to approve the donation was given by Paul Heideman and second by Brad Langston. Roll Call Vote: Fahrenkamp, aye; Cottam, aye; Langston, aye; Heideman, aye. Motion carried unanimously.

2. Consideration and possible approval of Resolution 2015.XX Uniform Fee Schedule to amend Impact fees and possibly dog licensing fees. Since the Capital Facilities Plan was not approved tonight, the fee schedule will not change in respect to impact fees. The change on the dog licensing fees lowers the cost for the 3rd and 4th dog.

Motion was given by Brad Langston to approve Resolution 2015XX Uniform Fee Schedule amending the dog license portion of the resolution but not updating the impact fees. The second was by Daren Cottam. Roll Call Vote: Heideman, aye; Langston, aye; Cottam, aye; Fahrenkamp, aye. Motion carried unanimously.

3. Consideration and possible approval of an Application for Conditional Use Permit of a bed and breakfast business, "Zion View Bed And Breakfast, LLC": Jessica Russo at 245 W Sunset Avenue, Parcel #T-109. Keen Ellsworth reintroduced the item to the regular meeting attendees. In MU20 zone Bed & Breakfast is a conditional use permit for a resort. The accessory building is allowable use. Planning Commission felt that the request met the resort definition. Heideman restated the limitations for the conditional use: 1. The owner shall limit total occupancy on the dwelling to no more than 10 persons. 2. The bed and breakfast room shall be limited to sleeping area, bathroom area and living area, but shall not include a kitchen. 3. The applicant shall obtain all Local, State and Federal licenses required and agrees to abide by all rules and regulations of each such jurisdiction. 4. The applicant must obtain and maintain a current business license with City of Toquerville and pay the required Bed Tax to State of Utah. 5. This permit cannot be altered, enlarged, expanded or changed otherwise without express written consent of the Toquerville City Council. 6. This permit shall receive an annual review for compliance by the Toquerville Planning Commission. It was stated that no bond is required for this use.

Motion by Daren Cottam to approve the application for condition use permit of a bed and breakfast business "Zion View Bed and Breakfast LLC" by Jessica Russo at 245 W. Sunset Avenue was second by Mark Fahrenkamp. Vote: All Aye.

5. Consideration and possible approval of expenditure of funds of \$600.00 for lighting audit and study by DiVi Energy, to address Street Light upgrade to LED and in compliance with Night Sky Ordinance. Mayor LeFevre introduced this item. This is an analysis to look at all the city's lighting and give direction to replace or retrofit lighting fixtures. Rocky Mountain Power allows this to happen and will still keep the contract for maintenance.

Tom Shirley was the contact with RMP. He can provide savings numbers. There may be grants to help in replacement. Richard Hirschi, who works with a power company, said that he would recommend the replacement, the city would see a great savings. A 60-watt bulb would compare to 13 watts in LED. The city expects to recoup the savings of installation/replacement in 5-10 years. There was discussion about more than one vendor. The city has only discussed with this vendor. Heideman wondered if there was someone who would do it for free. Manning Butterfield thought that the paperwork that was provided showed that the work had already been done. Discussion that the paperwork shows only pre-audit work as a sample of the work and savings that would be received.

Motion by Daren Cottam to approve the expenditure of \$600 for the lighting audit and study by DiVi Energy was second by Mark Fahrenkamp. Amendment to Motion by Paul Heideman to see if other analysis could be had for free. Restated second by Mark Fahrenkamp. Roll Call Vote: Langston, Aye; Heideman, Aye; Cottam, Aye; Fahrenkamp, Aye. Motion carried unanimously.

7. Consideration and possible approval of contract with Engineer Karl Rasmussen to do Hillside/Cotton Gin Project. Daren Cottam discussed the contract with Karl Rasmussen to do the engineering. Engineering proposal is for \$19,000 to include design, survey and property line concerns, and plat and road dedication. The project would incorporate some of Spring Drive past the intersection, replace water line, asphalt and storm control on Hillside and Cotton Gin, new curb and gutter on Hillside and both sides of Cotton Gin. The proposed cost of the project is about \$222,000. Fahrenkamp wondered if it was being rushed as far as money was concerned. He felt it would be better to wait a year and let some money build up rather than spend it all down. Cottam reviewed the spreadsheet provided by the accountant. There is currently \$361,000 cash balance in the bank in the water account. Unrestricted funds are \$174,000 of that with \$125,000 set aside as a safety net. There was discussion that prior to the Toquer Heights project and the Westfield Road project there was about \$5-600,000 in the water fund and there is a desire to build it back up for depreciation coverage. Also discussed was that the project won't get cheaper if it is put off. The money is actually there. The project would cut into the \$100,000 that the council would like to set aside for depreciation. There is work that needs to be done on Terrace Circle, and a new tank that needs to be purchased. Epoxy for the tank is expected to be \$40,000. The water portion of the project is \$85,000. The rest will come from the \$60,000 that was set aside to capital projects in the budget, \$76,000 in street impact fees, other street funds, and water impact fees. Discussion led to the idea of bidding this project in December when it is possible that contractors are looking for work to do. There are possible USDA grants for Engineering at 100% and matching for the project. It is possible that by the end of the 2015 when this goes to bid, there will be more impact fees and cash on hand to support the project. There is concern that this project drains funds. Cottam referred to the sidewalks on Toquerville Blvd and that they really need to be torn out and replaced. The Cotton Gin/Hillside project was estimated in 2011 as part of another project, but didn't get done. Discussion that drainage could be managed by a box at the bottom of Cotton Gin and a retaining wall at 15 Springs Dr.

Motion by Brad Langston to approve the contract with Engineer Karl Rasmussen to do the Hillside/Cotton Gin Project was second by Daren Cottam. Roll Call Vote: Heideman, Nay; Langston, Aye; Cottam, Aye; Fahrenkamp, Aye. Motion carried 3 Aye, 1 Nay.

8. Consideration and possible approval to amend Title 10 by Ordinance (2015.XX) to allow under condition certain short term leases or rentals of properties in residential, agricultural and other zones, previously denied by vote in May City Council meeting. There had been request from public to have Mayor LeFevre put this item back on the agenda even though it had been denied. LeFevre wondered about the percentage of ownership, that it should be 100% rather than 51% as stated in ordinance section 10-9-4-A-1. He also wanted clarification in 10-9-4-C regarding any other parcel owned by owner. Attorney Snow said that if the Council wanted substantial changes in the ordinance, it should go back through the Planning Commission process again. Lynn Olds and Wayne Olsen addressed their concerns. Olds said that if the rental is long-term, and the tenants are not good neighbors, the surrounding owners are bothered by that more than someone that is in and out. He reiterated that the fire laws require sprinkling and monitored alarms for ten or more occupants. In the agreement for the short-term rental license, there should be verbiage from the State Fire Code to notify the owner. The concern for off-street parking should also be covered in the license. Olds also suggested that the business be reviewed every six months for two years. If there have been no complaints or violations, the license would go through a yearly review. It would be important that the business send out notification to the neighbors with their application. He compared short-term to long-term by saying that long-term rental doesn't require any notice, and there are generally no problems. Council supported that there are long-term rental problems as well. Olds stated that if there are problems with the short-term rentals, neighbors should call the police just like they would with any complaints. The property owner should then be approached to fix the problems. Mayor invited Olds and Olsen to the next Planning Commission meeting. There was much discussion about whether the owner should be local or at least nearby. Snow pointed out that the City wouldn't want to make short-term rental a conditional use as that runs with the land, but only a business license with conditions.

The business license would be easy to revoke by non-renewal. Snow would like to know if the City was looking to allow the use everywhere, with or without local ownership, and what conditions they would apply to every request including off-street parking. Keen Ellsworth supported that the Planning Commission would like to have direction from the Council about what they would approve.

He is interested not only in the property rights of the short-term landlords, but the property rights of the neighboring owners. The question arose about what would happen if any neighbor didn't want an application for the use to be approved. Ellsworth commented that the City can't discriminate. Wayne Olsen has a property that he intends to rent out, located next door to his own residence. He doesn't see any difference between his requested use and the bed and breakfast that was approved in the meeting tonight as far as management. He would prohibit dogs, the tenants can come and go any time they want, and he has plenty of parking for his home. Snow stated that the ordinance needs to be recrafted, have a public hearing and receive feedback. He also reiterated that the use shouldn't run with the land as in a conditional use permit. The requirements should be as strict as a bed and breakfast. Again there was conversation about parking, on-site management, and the owner being a resident of town. Snow stated preference to the landowner exception with the same regulations as the bed and breakfast. Ellsworth stated concern about enforcement if the landowner is not on site. Calleen Olsen said that the only difference between her short-term rental and a bed and breakfast is there is no breakfast served. Several people voiced that the bed and breakfast has been in the code, this short-term rental is a new concept. The Council and Planning Commission will have a combined work meeting to discuss this item. Snow and Ellsworth will work together on the meeting, to be held on July 22nd at 6:00 p.m.

No motion.

D. REQUEST FOR AGENDA ITEMS: To be heard on August 13, 2015, Council Meeting: (1) Curbside Recycling resolution and ordinance; (2) Capital Facilities Plan; (3) Short Term Rental; (4) Tree Board; (5) Height restriction on 932 S Peachtree; (6) Cholla Creek Subdivision traffic calming.

E. CITY DEPARTMENTS AND COUNCIL REPORT TO THE CITY

1. Economic Development/ Emergency Preparedness/ Water Dept. Asst. / Safety Committee: Ty Bringhurst was absent.
2. City Hall Maintenance/ Cemetery/ Solid Waste/ Fire District/ Tree Board: Brad Langston reported that the Tree Board will be discussing removal of some plants in the cemetery. Solid Waste is working with the curbside recycling program. He wondered if the water in the cemetery was Agriculture irrigation water.
3. Subdivisions/ Water Dept. / Park Maintenance/Park Committee: Mark Fahrenkamp had no reports.
4. Culture & Recreation/ Sewer District/ Beautification Committee: Paul Heideman said that the new royalty didn't want to do the calendar fund raiser. He thought there was good participation from the residents. There are committee members who are interested in doing it and putting the funds in the existing royalty fund balance. There was mention that this year's calendars did make some money, but a lot of them were given away. Kudos were given to the 4th of July committee. It was estimated that 200-250 people attended the celebration.
5. Streets/ MPO/ Risk Management / Confluence Park/Trails Committee/ Mosquito Abatement District: Daren Cottam had no report.
6. Attorney's Report: Heath Snow had no report.
7. Mayor's Report: M Darrin LeFevre had no report.

Motion to Adjourn was given by Brad Langston and second by Paul Heideman. 10:00 p.m.

M. Darrin LeFevre, Mayor

Date: 8-13-15

/s/ Renee Garner, Toquerville City Recorder

Minutes taken by June Jeffery

