



TOQUERVILLE CITY COUNCIL MINUTES

Thursday, October 8, 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, Council members (Council): Daren Cottam, Mark Fahrenkamp, Brad Langston & Ty Bringhurst (who came in at 6:13 pm); Staff: Planning Commission (PC) Chair Keen Ellsworth, Recorder Renee Garner, Public Works/ Maintenance Supervisor Lance Gubler, Treasurer June Jeffery, and Zoning and Staff Administrator Mike Vercimak. Others: Wayne Olsen, Calleen Olsen, Nate Wells, Layne Garner, Jerry Eves, Nate Torgerson, Celeste Maloy, Annette Kleinman, and Donna Peterson.

Meeting called to order by Mayor Darrin LeFevre at 6:06 pm. Mayor announced Paul Heideman would not be here for work meeting and may be late for the regular meeting.

1. Sewer Update: a) Blair Gubler let us know that his board is still talking about changing the rules to allow septic tanks on smaller lots. There is a lot of controversy about it. He expressed the importance of doing things right the first time so you don't have to fix a problem. He talked about the nitrate levels that need to be less than 10 parts per million in the sewage so it doesn't pollute groundwater. b) The district was getting an engineering firm to work on a capital facilities plan. c) Leeds is still on the fence about joining the sewer district. d) He thanked our Maintenance Supervisor for telling him about renting trucks from John Deere. That looks like it will be a good deal.

Daren C asked him where the sewer ran on Shadow Creek Lane. Blair said it ties along the Naegle fence line and then circles around in Cholla Creek at Staghorn Circle.

2. Staff Reports: Administrator Mike Vercimak had nothing to report.

3. Planning Commission (PC) Update: Chair Keen Ellsworth a) gave a report on PC's discussion and findings on the energy company's conditional use permits applied for by Jerry Eves, D-1 and D-2. Both the natural gas generation and the wind farm were given a recommendation for approval to Council. However, after further review of the gas generator system Keen wanted to express his concern that the facility may not be conducive to our city environment. He wondered if smoke stacks next to our exit off the freeway would give the passersby the impression we were hoping for. The four stacks will be 80 feet high and there may be some air pollution.

b) Keen praised PC for the clever regulations they added to the vacation rental ordinance draft, D-3. He explained that it was a split vote with three for and two against. He strongly stated his opposition to allowing any vacation rentals in Toquerville. He felt that businesses care nothing for neighborhoods, only for profits. He felt the traffic would increase and that children might be put in danger. He talked about 10-17-4-C-1; that owners must be residents of our city. In 10-17-4-C-3; the owner cannot have the nightly rental as a secondary structure on his primary residential property. 10-17-4-C-5; limits the number of occupants to no more than ten. 10-17-4-C-6; curbs the noise from the facility in the evening. 10-17-4-C-8; states that there must be a public hearing and that 75% of the neighborhood must not object to the facility. 10-17-4-C-9; limits the number of nightly rentals allowed in the city by 2% of the total number of residences and they must be at least 1000 feet apart from each other. 10-17-4-C-10; requires the PC to review them semi-annually. 10-17-4-C-11; requires off street parking. He asked Council to call the permit something other than a "home occupation" permit. He liked the term "waiver". Keen wanted to make sure that there is a clear distinction between a bed and breakfast and a nightly rental/vacation rental. Bed and breakfasts will have the owner on the premises to monitor behavior. Keen also read 10-17-4-C-14; no separate cooking facilities in any bedrooms for nightly rentals, and 10-17-4-C-15; owner must maintain current contact information with the city. 10-17-4-C-16; delineates the penalties for violations.

Keen summarized that he felt this ordinance had been well thought through and that if Council insisted on passing some allowance for vacation rentals this would be the best solutions. He mentioned that PC also wanted to limit them to a special zone, residential/commercial, or overlay zone, but couldn't figure out how to do that with our current city zoning as it is. Keen cautioned Council that allowing vacation rentals could seriously change the landscape of the community. He said that Hurricane had applications for fifty of them within a two week period. Mike V opined that there are so many things that could come up that there's no logically realistic way to consider every possible problem that could arise.

Heath commended PC on their work and explained that he wanted to use the "home occupation permit" as the procedural guide for the permit. Heath also mentioned that the reason the bed and breakfast changes were added to this ordinance was because an old 1996 law was added to the new code by Sterling codifiers and passed by Council when they accepted the code. He explained that he felt section 10-17, "Supplemental", was the most reasonable place to put both the bed and breakfasts and the vacation rental codes. He agreed that we should change the term "home occupation permit" to "nightly rental"

4. City Engineer update: Karl Rasmussen was not present. a) Mayor mentioned that Karl is currently working on the design for the Cotton Gin/Hillside water/drainage/street improvement.

b) Mayor said he'd been asked by UDOT about the sidewalk grant for \$30,000.00 they'd allocated to us. He had told them that the bids for work originally planned along Toquerville Blvd came back much higher than expected. We're now looking at using it for part of our Cotton Gin/Hillside project and UDOT said they would try to continue to hold that grant for us. Ty mentioned work he'd done on the by-pass road concept. Mayor added that he'd gotten an email from Lorin Lowe asking the city to now stake the two options for the road. Mayor said he'd give more details during his report.

5. Water/Maintenance Update: Lance Gubler a) talked about the drainage work his team had done in Cholla and the repair of the sidewalk. He recommended not putting in the second drop box until after the next storm to see what the work does. b) He said the retention basin made at the tank/shed was very helpful in the last rain. It worked as planned but it wasn't enough to keep the flood from coming down Cotton Gin and through the Evan's driveway. The drainage at Elisons brought a lot of mud. Mayor recommended putting in a series of ponds/retention areas and a drop box at Elisons. Lance mentioned that the design that Karl was doing would make a huge difference.

b) Lance said half the fences are done at the cemetery. The crew is now watering at different times than Naegles fields so the cemetery is getting enough water and the grass is coming back. The trees have been removed that were requested. The cemetery and ballfield were both fertilized before the storm. Mayor asked if the park was getting more water now. Lance said no, but that it wasn't necessary. He just needed to get some sprinkler heads fixed.

c) There were four culinary water line breaks last month, Pioneer Rd, Terrace Circle and two on Westfield. The Pioneer line was a main that goes south to Pearson's property. It's 6" not 8" and it's live (meaning active). Lance didn't know there was a live line there and said he'll need to talk to Karl about it.

Mayor dismissed the work meeting at 6:52 pm.

7:00 PM REGULAR MEETING: Additional Regular Meeting Attendance: Paul Heideman came in at 7:53 pm.

1. Call to Order by Mayor LeFevre at 7:04 pm. Pledge: Council Brad Langston. Invocation: Council Ty Bringhurst.
2. Requests for statements of belief from any present, and disclosures and declarations of conflict from Council: None given.

A. CONSENT AGENDA:

Review and possible approval of Council meeting minutes from September 3, 2015, as corrected & city expenditures review for September 2015. Mayor called for a vote.

Motion to approve the consent agenda was given by Mark Fahrenkamp and second by Ty Bringhurst. Vote: All aye.

PRESENTATION: Celeste Maloy, Deputy Washington County Attorney explained the County Resource Management Plan, and the Bureau of Land Management (BLM) Resource Management Plan. Celeste displayed a huge book about 14"x 9"x 3" and told us it was the draft of the BLM Resource Management Plan for the two national conservation areas in the County. It also makes two amendments to the St George Field office general plan. The two areas are the Red Cliffs national conservation area and the Beaver Dam national conservation area.

She stated that this draft was supposed to follow the 2009 land bill and it doesn't seem to follow the bill or the negotiations that lead to the bill. She reported that it took BLM six years to draft this plan and then they gave everyone 90 days to respond. The draft was open for public comment until Thursday, the 15th. The County attorney's office has applied for an extension but we don't know if they'll get it. The County has assumed that all comments must be made by Thursday have asked municipalities to give input to counteract national comments from special interest groups that do not live here or use the land. She said County is also working with our State Senators to bring political pressure to insure that BLM cooperates more with local people.

This draft was created without asking for input from any other agency, county, city, local BLM, etc. When asked why they didn't include the local governments in the process the BLM countered that County was invited to attend a number of hearings. She said County did attend those and responded in writing to each. None of their objections were addressed in this draft. There are a number of red flags that are of concern to local land users. She said we're hoping to get BLM to make the plan more land user friendly. Using the bullet points provided by Celeste the list is as follows:

1. Collaboration and cooperation (with state, county, and local governments) language was pervasive in old plan, but that language is gone in alternatives B, C, & D. Lack of cooperation is troubling.
2. The Northern Corridor Road is not shown in the Preferred Alternative B. Northern Corridor is required by OPLMA and needed for county growth. This is a connecting highway on the north side of St George at exit 13 from I-15 going west.
3. BLM proposes 3 new ACEC's. The county has 8 existing ACEC's. Just adds another layer of unneeded protection.
4. A new area (87,000 acres) of protection is proposed in Alternative B called the Bull Mountains Multi Species Management Area. Nobody even knows what that extra layer of protection even means.
5. A new area or corridor called the Old Spanish Trail Corridor (12,506 acres) is proposed in Alternatives B C & D. This corridor could possibly restrict and impede ROW priorities on Old Highway 91 along with other road corridors.

6. In both the Beaver Dam and Red Cliffs NCA's BLM is proposing to:
 - a) Make grazing unavailable on some allotments over the life of the RMP. (The Taylor grazing Act does not allow closing allotments to grazing.)
 - b) Impose a 40% utilization level (arbitrary figure, not based on science)
 - c) Reduce permitted grazing in the NCA's by using a 20 year average of actual use. (No scientific study has been done to show that grazing is environmentally damaging. This is harmful to grazers who are good stewards)
7. BLM plans to obtain all water rights in the NCAs (surface, groundwater, and point source) and prohibit water from leaving the NCAs. This would affect municipal water supplies. Water rights are managed by State law. There are questions of whether this is legal or if this would be a usurpation of State power. The Navajo Aquifer would be in jeopardy.
8. BLM is proposing to use the new designation of Special Recreation Management Area (SRMA). The better alternative is leaving the area as an Extensive Recreation Management Area (ERMA) with the upper and lower zone concept to protect the Desert Tortoise.
9. BLM needs to delete entire section on page 255 dealing with Wilderness Characteristics! The lands bill OPLMA P.L. 111.11 specifically states that all land in Washington County has been adequately studied for wilderness designation. All WSA lands were released and no longer subject to section 603 9c for FLPMA!
10. Introduction of California Condors is proposed. Any condor population in the NCAs would be under full ESA protection. Currently the Condors in our area are not under a special and not treated as an endangered species because they are artificially introduced to the area.
11. Recreational uses eliminated in Draft RMP: (low impact uses, currently allowed)
 - a) Collection of fossils and petrified wood
 - b) Competitive equestrian and motorized events
 - c) Metal detecting and geo-caching
 - d) * Dispersed camping and OHV use allowed, but further restricted
12. Activities unnecessarily restricted in the future: (could be easily managed through permitting rather than completely eliminated)
 - a) Closing grazing allotments
 - b) No new ROWs (right of way)
 - c) Only native seed planting – even after fires
 - d) No wildland fire as a management tool
 - e) Restrictions on off road travel around Hilldale

Celeste promised to send the power point and an email address to the city for information and comment. If County is given the extension they will have until May 30th for filing. Moving forward and not relying on that, she again reiterated that she's working with all communities to make this information available. If County is given more time then the appropriate studies could be done. Attorney Heath Snow will put together our city's response.

Mayor thanked Celeste Maloy for her work and the information.

B. PUBLIC HEARING: Mayor called for a motion to go into a public hearing to hear public comment on the proposed amendment to Title 10 by ordinance (2015.XX) amending & restating title 10, chapter 17 of the Toquerville city code to limit the number of guests that may stay in bed and breakfast service establishment and to prohibit nightly or short term rental of residences within the city except in certain instances.

Motion by Ty Bringhurst to move into a public hearing to hear public comment on the proposed amendment to Title 10 by ordinance as stated was second by Daren Cottam. All agreed unanimously. Mayor asked for public comment.

1. Wayne Olsen commended PC for their careful study in amending the code. He stated that as a long-term resident of Toquerville he feels cautious to change the nature of the community at all. He thought this was a good compromise between the property rights of the individual and the property rights of the neighborhoods.

Mayor asked for any comment. Hearing none he called for a motion to leave the public hearing.

Motion by Brad Langston to leave the public hearing was second by Ty Bringhurst. All agreed unanimously.

C. PUBLIC FORUM: Mayor LeFevre opened the public forum asked for comment.

1. Keen Ellsworth said he would like to see the city limit the number of bed and breakfasts similar to the way the proposed ordinance limits nightly/vacation rentals.
2. Wayne Olsen talked about his concern that a natural gas generation plan near the freeway would cause pollution and would be a terrible first impression for people driving by Toquerville with its 80 foot stacks. He talked about the wind farm also making a bad first impression as well.

Mayor closed the public forum.

D. BUSINESS: Ordinances will be designated with a number after passage.

1. Consideration and possible approval of Application for Conditional Use Permit for Renewable Energy or Natural Gas Power Generation. Applicant: Jerry Eves, et al DBA Strata Blue Energy, LLC. Location of proposed Use: Property Parcel T-3-0-22-322 and T-3-0-22-3211, on Property of Private Entities, (West side of I-15-Anderson Junction). Proposed use of property: Renewable Energy or Natural Gas Power Generation.

Mayor gave a brief history of this item and its status as recommended for approval. He identified the location west of the freeway near Anderson Junction. This was the land approved for a conditional use permit for a wind farm three years ago. In approving this item, Staff and PC still had questions on air, water, groundwater, light and noise pollution. Planning Commission did approve this for recommendation to Council with the following conditions:

1. Application should receive a complete review by staff.
2. A comprehensive site plan showing all required utilities, roadways, structures, and appurtenances shall be submitted for review.
3. All local, state and federal licenses and permits need to be acquired.
4. Proper identification and legal standing of all required signatories.
5. This permit cannot be enlarged, expanded, or changed otherwise without express written consent of Toquerville City.
6. This permit shall require a completion bond in sufficient amount to cover costs of completion and restoration in the event of failure of applicant.
7. Buildings, structures and all appurtenances will require a Toquerville building permit and may require special inspections to be paid for by the owner/developer.
8. This permit shall receive an annual review from the Toquerville Planning Commission.

Mayor asked if we needed to see plans. Mike V stated that was not a part of the conditional use process but would be addressed as building permits were sought. Site plans would then be needed. Brad asked if it would be like Payson Utah's plant. Jerry Eves answered it was similar in size to Payson's but not exposed to weather. There would be four stacks that are 80 feet tall. Originally the plan for this land was for a wind farm that would've covered this 34 acres plus 60 acres of SITLA land. The natural gas generator would just use the 34 acres of private land.

Mayor asked Heath if, as a conditional use for that land, Council could deny the permit. Heath said only if we could not impose reasonable conditions to mitigate problems or factors created by it. We have to be able to regulate it. Heath said that the process allows for regulations to be imposed but approval of this conditional use permit will specifically allow the land to be used for natural gas generation.

Some unsolicited comments from the public brought Mayor to respond that the original concerns from Anderson Junction residents were considered three years ago for the wind farm and noted. But allowing the property to be used for commercial/ industrial use was agreed to at that time. This would have a lower profile than the wind mills which were approved.

Mike V asked if the height of the structures was against building code, and asked Heath about the development agreement. Heath explained that energy would be generated here but not necessarily used here. The city would be paid on the generator's ability not on actual power generated. Jerry said that he would be spending \$11.0 million extra to recycle steam. He estimated that the facility would run about 200 megawatts and bring \$240,000.00 per year to the city. Heath said that the Council may allow a height variance. Addressing questions about noise, Jerry stated that at one meter away it would sound like a lawn mower. At 100 meters it would be the noise level of a refrigerator. The Freeway was much noisier.

Discussions lead to agreement that more information would be needed before approval.

Mayor called for a motion.

Motion to table the Application for Conditional Use Permit for Renewable Energy or Natural Gas Power Generation; Applicant: Jerry Eves, et al DBA Strata Blue Energy, LLC was given by Ty Bringhurst and second by Brad Langston. Mayor asked for comments. Paul felt this would have less of an impact than the windmills. Mayor called for a vote: Bringhurst, Langston, Cottam, and Fahrenkamp, were all ayes. Heideman voted nay. Motion carried.

2. Consideration and possible approval of Application for Conditional Use Permit of a Wind Farm. Applicant: Jerry Eves, et al DBA Southwest Wind Energy LLC. Location of proposed Use: North by Northeast of Anderson Junction straddling both sides of Interstate 15 past but not including Pintura. Proposed use of property: Wind Powered Electric Utility;

Mayor identified the location west of the freeway near and south of Pintura. Staff and PC still had questions on air, water, groundwater, light and noise pollution. Planning Commission did approve this for recommendation to Council with the following conditions:

1. A comprehensive site plan be submitted for staff review for any part of the project scheduled for construction. This plan should detail access, utilities, structures and buildings proposed for construction.

2. Need to obtain all local, state and federal permits required.
3. Require a completion and restoration bond in an amount sufficient to cover costs of completion and/or restoration in the event of failure by applicant.
4. Buildings, structures and all appurtenances will require a building permit issued by Toquerville City and may require special inspections, the cost of which is to be borne by the applicant.
5. This permit cannot be enlarged, expanded, or changed otherwise without express written permission from Toquerville City.
6. This permit shall receive an annual review by Toquerville Planning Commission.

Mayor asked how many mills would be going up. Jerry answered 30 towers. Jerry said that mills were usually set on a grid but with our wind corridor these towers will be directed to the wind which blows the same direction 97% of the time. This is called micro-citing, and will increase capacity. Mayor reminded Council that this plan was the reason we annexed that property. A wind farm was approved by County in that area and the mills would have gone up regardless. Now that we've annexed the property, Mayor stated, the city will have the benefit of regulation and revenue.

Mayor called for a motion.

Motion to approve the Application for Conditional Use Permit of a Wind Farm, Applicant: Jerry Eves, et al DBA Southwest Wind Energy LLC was given by Brad Langston and second by Paul Heideman. Mayor asked for comments. None given, he called for a vote: Fahrenkamp, Bringhurst, Langston, Cottam, and Heideman, all ayes. Motion carried unanimously.

Jerry asked for direction on the tabled item. Council requested an elevation plan and also asked him to come to the work meeting next month to hash out the details.

3. Consideration and possible approval of ordinance (2015.XX) amending & restating title 10, chapter 17 of the Toquerville city code to limit the number of guests that may stay in bed and breakfast service establishment and to prohibit nightly or short term rental of residences within the city except in certain instances. Heath directed Council to 10-17-4-C; exceptions which PC had worked hard to amend. He explained that the ordinance defines nightly and short term rentals and prohibits them with those exceptions, which are:
 1. The owner must have his primary residence in the city
 2. A business license is required and that license is nontransferable
 3. The owner cannot have the nightly rental as a secondary structure on his primary residential property
 4. The owner of the Short-term Rental must maintain a log with the following information:
 - a. Name and number of occupants
 - b. Number of vehicles with license plate numbers
 - c. Dates of Occupancy
 - d. Verification that Occupants have agreed to comply with all applicable rules and regulations
 5. Maximum number of occupants shall be no more than 2 persons per bedroom and maximum of 10 occupants per home
 6. Amplified sound that can be heard outside the home shall not be allowed before 9 am or after 8 pm
 7. The owner must comply with all applicable laws, rules, ordinances and regulations
 8. Applicant must pay for and provide notification to neighbors within a 300 ft radius for a public hearing, Seventy-five percent of the property owners within the 300 ft. radius of the residence must not object to the application. Failure of property owner within 300 feet to submit an objection (either vocally at the public hearing or in writing prior to the start of the public hearing) to the application will be deemed consent
 9. There shall be no less than 1000 feet between each Short-term Rental, and in no case shall the total number of Short-term Rentals in the city of Toquerville exceed 2% of the entire number of homes within the city,
 10. A mandatory review by the Planning Commission of the license granted herein must be had every six months
 11. The Short-term Rental must provide parking in designated areas only, and no parking may occur on the streets
 12. Payment of initial application fee of \$1,000 to cover additional oversight
 13. Modifications to the home must be in keeping with the residential character of the neighborhood
 14. No separate cooking facilities in any bedrooms
 15. Owner must maintain current contact information to the city
 16. The following penalties shall apply
 - a. First violation: \$1,000
 - b. Second violation: \$5,000
 - c. Third violation: \$10,000
 - d. Fourth violation: license automatically revoked
 17. Upon the second violation, there shall be a mandatory review required before the Planning Commission, who shall have the ability and right to revoke a business license at that hearing in its sole and absolute discretion, Revocation of business license, for any reason, shall result in a minimum 12-month waiting period prior to any new application, which revocation shall run with the land. Upon revocation, there is no guarantee of any future license

Mayor reminded Council of earlier discussions and comments made by the public and Staff. He called for a motion.

Motion was given by Paul Heideman to Approve the ordinance (2015.XX) amending & restating title 10, chapter 17 of the Toquerville city code to limit the number of guests that may stay in bed and breakfast service establishment and to prohibit nightly or short term rental of residences within the city except in certain instances, noting that any reference to "home occupation" would be amended to "nightly rental permit". Second was given by Brad Langston. Mayor asked for comments. Daren C opined that this code was too restrictive. Ty and Brad remarked on the need for regulation to protect neighbor's property rights. Mayor called for a vote: Langston, Heideman, Fahrenkamp, and Bringhurst, were all ayes. Cottam voted nay. Motion carried.

4. Consideration and possible approval of expenditure of funds for Street Light upgrade to LED and in compliance with Night Sky Ordinance. Mayor asked Lance to give a report on the second and/or third bid(s) and getting an LED light up for residents to view. He said he had the bids but not with him and that Rocky Mountain Power is slow to give approval to put up the sample lights.

Mayor called for a motion.

Motion was given by Ty Bringhurst to table the expenditure of funds for street light and facility lighting upgrade to LED until 60 days after sample streetlights were put up in order to allow residents time to assess their worth. Second was given by Paul Heideman. Mayor asked for comments. Mayor called for a roll call: Heideman, aye; Langston, aye; Fahrenkamp, aye; Bringhurst, aye; and Cottam, aye. Motion carried unanimously.

5. Consideration and possible approval to show support to Washington County by writing a comment to the BLM regarding the proposed County and BLM Resource Management Plan bill before the State.

Mayor called for a motion.

Motion was given by Brad Langston to approve a show support to Washington County by writing a comment to the BLM regarding the proposed County and BLM Resource Management Plan bill before the State. Second was given by Ty Bringhurst. Mayor asked for comments. None given, Mayor called for a vote: Heideman, Langston, Fahrenkamp, Bringhurst, and Cottam, all ayes. Motion carried unanimously.

6. Consideration and possible approval of actual expenditures to fund street oiling/ fog seal in Toquer Heights, Terrace Circle and other streets done in September. Mayor reminded us that this item was approved at the last meeting but that he wanted it back on the agenda to allow Council the opportunity to make sure that all expenses were as represented. This protects Councilman Daren Cottam from any suspicion that he made any profit on the work. Daren C explained the work that was done. He stated that he was not compensated for his work. Mayor pointed out that Council approved the project for the amount of \$17,000.00, but the actual cost was less than \$13,000.00. Daren C estimated it would be good for five years and used the word "guarantee" which brought some teasing by Council.

Mayor called for a motion.

Motion was given by Brad Langston to approve the actual expenditures to fund street oiling/ fog seal in Toquer Heights, Terrace Circle and other streets done in September. The second was by Mark Fahrenkamp. Mayor asked for comments. Hearing none, called for a roll call: Heideman, aye; Langston, aye; Fahrenkamp, aye; Bringhurst, aye. Daren Cottam recused himself. Motion carried.

E. REQUEST FOR AGENDA ITEMS: To be heard on the November 2015, Council Meeting: (1) Conditional Use Permit for Renewable Energy or Natural Gas Power Generation. (2) Crack-fill and street striping in Cholla Creek Subdivision. (3) Water Rights software company presentation and action item. (4) Council desk plans ready for approval.

F. CITY DEPARTMENTS AND COUNCIL REPORT TO THE CITY

1. Subdivisions/ Water Dept. / Park Maintenance/Park Committee: a) Mark Fahrenkamp told us the park ball field was being re-seeded. b) The Council desk/podium project will have final drawings soon. He's hoped to have it for approve next month.
2. Culture & Recreation/ Sewer District/ Beautification Committee: a) Paul Heideman said the Christmas Lighting Program was going forward. All agreed that we could wait until the last minute to decide if we're setting up inside or outside, depending on the weather.
3. Streets/ MPO/ Risk Management / Confluence Park/Trails Committee/ Mosquito Abatement District: a) Daren Cottam reported that the Mosquito district had found West Nile Virus in the County. Sean Amoldt is keeping the costs down. b) Daren C wanted Council to consider doing crack-fill in Cholla Creek Subdivision. He put bids out on it. The low bid was \$5,000.00. He hoped to start the project in November. Renee was directed by Mayor to put crack-fill bids for approval on the November agenda. c) He reported that the person that owns Shadow Creek Lane is willing to deed us the part that's in front of neighbor's homes to make a cul de sac there. He said the biggest problem is access at the SR-17 intersection and dragging their garbage cans up to there. He felt the city allowed this problem to develop and we should fix it. Mayor remarked that the UDOT easement is just too big to make this work and they won't let it happen. Heath recommended a special assessment area (SAA) which is like a SID. Mayor asked if Council wanted to allow funds for engineer assessment.

His fee would be about \$1,000.00. Daren C thought the project would be about 200 feet at about \$35,000.00. Lance said we'd have to upgrade the water line from 2" to 6" and put in a hydrant. All agreed to allow Karl to look at it, but no more.

4. Economic Development/ Emergency Preparedness/ Water Dept. Asst. / Safety Committee: a) Ty Bringhurst told us that Bill Jackson will be giving us the revised concepts for the parks master plan soon. b) He said that Keen is working on collecting funds for City "Welcome" signs as well as renderings.
5. City Hall Maintenance/ Cemetery/ Solid Waste/ Fire District/ Tree Board: a) Brad Langston reported that the Department of Natural Resources gave us a grant for our Shangri-La tree project of up to \$8,000.00 in matching funds. He read the paragraph stating why we were selected, "met the goals ... and is worthy of funding", and thanked Randy Johnson and Renee Garner for all their hard work. Renee put the project together for submittal and created the city's Urban Forestry Management Plan, and Randy put together the grant request. b) Brad asked Renee to estimate how many people have opted out of the recycling program. She guessed about 150 or more at this point. Council discussed their concern that everyone be informed about the option to say no to having the recycling service. That option will end this October 31st. We've sent out letters and put it on bills, posted it on notices, put it on the website, and posted it on facebook. Word of mouth is the only way to get it out any further. c) Mayor remarked that the fire district is talking to Leeds about joining. It would be a good move for both Leeds and the fire district as Leeds has their own equipment. Lance mentioned that Chief Kuhlman will be putting fully functional ambulance in our bay as well as the bush truck.
6. Attorney's Report: Heath Snow had no further comment.
7. Mayor's Report: a) M Darrin LeFevre let us know about a request for a proclamation to set aside a month as childhood cancer awareness month. The State did this last month in September so maybe we should do it for that month too for next year. All agreed. b) He announced that Steven Heneger's College is willing to give a resident of Toquerville a scholarship for an Associate's degree of \$5,000.00 and a four year degree of \$15,000.00. This would be given out just for this coming year. It would be a "Mayor's Scholarship". If Council agrees we would just post for applications. Then Council would approve the candidates from applications submitted to the city. Renee was directed to post that as well as put it on the water bill. He hoped we could get the churches to announce it as well. Renee asked for the application so she could post it on the website. c) Mayor informed us that in reading the rules and regulations for the TSWS, he realized that we need to call new members. Also, it doesn't state that the Mayor has to be one of them. d) He told us that when he was at the ULCT training he talked to a company that has software to allow us to access the State records of water rights. It would cost about \$2,000.00 initially and then \$200.00 per month. Ty explained that it wouldn't be a long term expense but it would help us get things understood. Council agreed that we need to resolve our questions about our water rights. They'll be down here in November so maybe we'll want them to present to Council. Mayor talked about moving our lower spring rights up to the upper spring. Ty opined that we'd need to look at that, because our upper spring is at 50% so we wouldn't want all our rights from that spring. Mayor said he would be attending a tri-city meeting with Ron Thompson on November 2nd at 12:00 pm to discuss the water in the east side of the County. He invited Council to attend. e) He also talked to some State sponsored economic development people. They can help with a master plan and would be paid by the State. It would help us with our by-pass road. Ty said that could bring in funding from other sources than UDOT. f) Mayor informed us that he emailed Lorin Lowe about Lorin's requests regarding the by-pass road. Mayor asked Lorin to call him regarding the costs his requests were incurring to the city. Lorin said that if he can see it staked out he would be in favor of the right of way if it really is ready to go. But he needs to see it mapped out. Karl will be staking both proposed locations for the road. One is less than ¼ mile and the other just over 1 mile. Karl is doing it for just \$400.00. Mayor said he will write Lorin a letter with questions. Lorin's agreed to respond to those questions in writing. Daren C added that the by-pass would have fewer access points than Toquerville Blvd. Mayor said he'd talk to Dana Meyers at the next MPO meeting.

Motion to Adjourn the Council meeting was given by Ty Bringhurst and second by Brad Langston. All agreed and Council meeting was adjourned at 9:32 pm.

Minutes of the October 8, 2015, Toquerville City Council Meeting will be presented for review and approval in the November Meeting.



M. Darrin LeFevre, Mayor

Date: 11-12-15



/s/ Renee Garner, Toquerville City Recorder

