



TOQUERVILLE CITY COUNCIL MINUTES

Thursday, November 12, 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, and Paul Heideman(who arrived at 6:45pm); Staff: Planning Commission (PC) Chair Keen Ellsworth, Recorder Coleen Orth, and Recorder Trainer Renee Garner, Public Works/ Maintenance Supervisor Lance Gubler, Treasurer June Jeffery, Zoning and Staff Administrator Mike Vercimak Sewer District Representative Blair Gubler. Others: Wayne Olsen, David Hawkins, Manning Butterworth, Caleen Olsen, and Taelyr Richmond.

Meeting called to order by Mayor Darrin LeFevre at 6:03 pm. Mayor announced Paul Heideman would be late.

1. Sewer Update: Blair Gubler reported; a) the district is still discussing allowing septic tanks in smaller lots. b) They're planning to extend the sewer pipe lines in city streets in Hurricane City. c) The budget is at \$3.5 million for next year. d) There are several big projects planned, one is upgrading the main line from 18" inch to 30". Its 30 years old. The new one should last between 30-80 years. It will be PVC pipe. Another plan is to put in a treatment plant in Confluence area to service Toquerville and La Verkin. A third is the gradual replacing of old systems in Hurricane City. They'll be working on 100 E to replace old cracked and leaking pipes.

Brad asked about an optional agreement that some city's offered to residents. It would insure sewer lines at a nominal cost. Blair stated that it was not done here with our district, but some cities up north are offering that through private companies.

2. Staff Reports: Administrator Mike Vercimak remarked; a) There are a number of bed and breakfasts (bnb) starting up in the city. b) Almond Heights subdivision has two amendments proposed, one is a subdivision of two lots into three, and the other is changing the nature of one lot and adding a second larger lot into the plan in order to gain access to the larger lot.

b) He mentioned that Jerry Eves was asked to bring in plans clarifying his natural gas generation project. Jerry, instead, brought in plans for a green house plant that would work in conjunction with the gas project. Mike V said he could see that Jerry was frustrated by the process, but expressed that Staff was here to help him. Mike V hoped Jerry would work with us. Daren C mentioned that he and Brad went out and looked at the property. Daren was worried about the planned height of the stacks and the city's height restrictions for that zoning. Mayor agreed that this would have to go through the process of approvals to make sure all was done correctly. He wondered if the development agreement would need to be amended.

3. Planning Commission (PC) Update: Chair Keen Ellsworth stated that; a) the Whiting conditional use application for a bnb was in order and PC recommended its passage.

b) He asked about progress on action against the illegal vacation rentals. Renee stated that the city had sent Attorney Heath Snow information on three properties in August. In September he said he was working on the letters. Renee has sent him several inquiry emails but has not gotten a response. Keen recommended that the city send the citation letters now and not wait any longer on Heath. Council agreed. Keen recommended that the wording explain the law and ask for compliance.

c) Keen proposed changing the building code to require that all construction of dwelling areas in single family residential areas (R-1), share a common wall. Council discussed the reason and need for the change. Height of secondary structures was also discussed. Public concern was noted about the size of secondary building being allowed in R-1. The main concern is that these buildings eventually become rental apartments. That creates multi-family living in a single family zone. Mark said he prefers raising the secondary structure height to 25 feet in order to accommodate larger vehicles for garages. Daren C felt that the set-backs should also be studied for possible change.

4. City Engineer update: Karl Rasmussen was not present. Mayor asked for a meeting to discuss the direction to take the capital facilities plan. He reminded us that the State Ombudsman did not like the way we'd planned to do it. (Paul Heideman arrived at 6:45 pm). Daren C asked if we could also discuss creating a five year plan in order to qualify for grants. Mayor opined that it was a lot of work to chase down those grants and we'd need a council member to commit to doing it. Daren C said that the submission date was January 8, 2016. All agreed to meet on November 30, at 6:00 pm for a work meeting only.

5. Water/Maintenance Update: Lance Gubler reported; Last month's water loss report showed we're down to 10% water loss in the system.

b) There are two fire hydrant meters currently rented out for construction. Lance worried that the fees for fire hydrant meter rentals are not covering the cost to repair them. We charge \$25.00 per Month. Other cities charge \$100.00. Our agreement states they're to call in once per month with their water usage, one person's had our meter for three months. We have a penalty fee of \$200.00 that we've never charged. Lance said he needed to repair several of them and they are often treated roughly and broken without any penalty from us. Lance asked for a fee revision. Council agreed to review that for change. The fee schedule resolution will need to be on the next month's agenda.

June asked if she should deposit the deposit checks and then cut them a check back for the amount that should be returned. This would be a new office policy, since we just hold the checks and return them when the hydrant is returned.

Council agreed to that. Lance said he needed to repair several of them and they are often treated roughly and broken without any penalty from us.

c) The sand and rock stored at the Trail Ridge Park has been separated out and it's ready to move Westfield park area. We'd have to rent a truck to haul it. Mayor responded to hold off on moving it.

d) We've got about 3000 feet of 2" inch water lined to use when we need it. It's accumulated from other projects, some donated from other entities.

e) At the Washington County Water Conservancy District (WCWCD) water meeting the talked about the reservoir, it's still going forward.

f) The WCWCD will no longer use HCVP pipe for culinary systems. It's been shown to break down from chlorine. We did use it on the east side of Toquerville Blvd from the post office to Spring Drive and we'll need to keep track of that. Our irrigation is in that pipe but that won't be a problem.

g) Sidewalks were replaced, one on Ashcreek near Dwayne Ewell's and one by the Church. It was about two sections each.

h) Paul asked if the new Christmas candy canes had made it in. Lance affirmed that they did and all 20 were shipped separately. Brad asked that he be informed before any roots were dug up to repair sidewalks.

i) The sample LED street lights have been installed. One is on the west side of the Toquerville Blvd and Westfield intersection. The other is south of the post office on the east side of Toquerville Blvd. One company's is called a Smart light. You can set the brightness with an app on your phone. We've asked for another one in yellow to see if that would look better than the white ones. H&D lighting will send us a list of other lights that might be of interest. They are just a distributor and would not install like DiVi. DiVi is a complete package that includes installation on six blocks of street lights. The other two companies are only selling the lights. We are talking to Rocky Mountain to see what they would charge to install the new lights as they're taking down their old ones. The sample lights have been donated for 30 to 60 days.

Daren C remarked that the road at Cholla Drive near the park looks like its settling and may need attention.

PRESENTATION: Open and Public Meeting Act Training for Council with Video by David Church. Mayor stated that we didn't have time to show this today but he would like to make it a part of the work meeting now scheduled for November 30.

Mayor dismissed the work meeting at 7:07 pm.

7:00 PM REGULAR MEETING:

1. Call to Order by Mayor LeFevre at 7:07 pm. Pledge: Council Mark Fahrenkamp, Invocation: Mayor M Darrin LeFevre.
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 October 10, 2015, as corrected & city expenditures review for October 2015. Mayor called for a vote.

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

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

1. Manning Butterworth said he was in favor of changing the street lights to LED but there are many different types of LED lights. He was concerned that we follow the Night Sky Ordinance in our choice and: 1) use an appropriate color temperature. Blue/white lighting has been shown to negatively affect plant and animal life. He recommended warm colors such as yellow. 2) The fixtures need to be shielded and the light must be directed downward. He opined that Colbra Head lights are not shielded enough.

Hearing no further comment, Mayor closed the public forum.

C. BUSINESS:

1. Election review, Consideration and possible approval of Election Canvass Report for Three Council Seats. Mayor asked Renee Garner to present the report. Renee explained that the municipal election for three council seats held on November 3rd was well attended. Out of 823 registered people 341 voted. The percentage of participation is 41%. On election night the tally was taken. The three poll workers, Dawn Everett, Barbara Watkins, and Claudia Young, tallied the vote with two people taking the count separately to avoid error. Renee commended them for their diligence and hard work.

Renee said that the four provisional ballots sent to Washington County for verification of voter registry came back as previously registered and current residences of Toquerville. This allows the City to count them as valid ballots.

The election night tally for the 2015 municipal general election for the city of Toquerville, three seats open:

David Hawkins:	160 votes
Paul Heideman	184 votes
Keen Ellsworth	181 votes
Wayne Olsen	180 votes
Ty Bringhurst	217 votes

Renee opened the four provisional ballots and added their votes to the election tally. The final Totals are:

David Hawkins:	163 votes
Paul Heideman	186 votes
Keen Ellsworth	184 votes
Wayne Olsen	180 votes
Ty Bringhurst	221 votes

Renee announced that the vote gives the new council members as Paul Heideman, Keen Ellsworth and Ty Bringhurst. The new members will be seated on January 1st, and will be sworn in at the first City Council meeting on January 14th, 2016.

Mayor called for a motion.

Motion to accept the Election Canvass Report for Three Council Seats and certify the election was given by Brad Langston. He read the names of the winners: Paul Heideman with 186 votes, Keen Ellsworth with 184 votes and Ty Bringhurst with 221 votes. Second was given by Mark Fahrenkamp. Mayor asked for comments. None given, Mayor called for a vote: Heideman, Bringhurst, Langston, Cottam, and Fahrenkamp, were all Aye. Motion carried unanimously.

2. Consideration and possible approval of Application for Conditional Use Permit of a bed and breakfast business, "Zion's Garden Bed & Breakfast": Susan Whiting at 250 W. Peachtree Dr., Parcel #T-AHP-A-5. Mayor gave a brief history of this item and its status as recommendation for approval. Conditions recommended by Staff and Planning Commission are:
 1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
 2. Parking on Peachtree Drive shall not be permitted in conjunction with the business.
 3. The applicant shall obtain all Local, State and Federal licenses and permits required and agrees to abide by all rules and regulations of each such jurisdiction.
 4. The applicant will meet with the Hurricane Valley Fire District and comply with all rules, regulations and inspections of the district.
 5. This permit shall not be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.
 6. Applicant will be required to meet with Ash Creek Special Service District to pay additional impact fees for the business.
 7. Separate entrances into guest rooms is prohibited and no cooking facilities are allowed in guest rooms.
 8. This permit will receive an annual review by the Toquerville Planning Commission.
 9. Other conditions deemed necessary by the Toquerville Planning Commission.

Mayor called for a motion.

Motion was given by Brad Langston to approve the Application for Conditional Use Permit of a bed and breakfast business, "Zion's Garden Bed & Breakfast": Susan Whiting at 250 W. Peachtree Dr., Parcel #T-AHP-A-5 with all conditions recommended by planning commission. Second was by Ty Bringhurst. Mayor asked for comments. None given, he called for a vote: Fahrenkamp, Bringhurst, Langston, Cottam, and Heideman, were all Aye. Motion carried unanimously. Renee was directed to hold the permit and business license until the sewer district was paid.

3. Consideration and possible approval of expenditure of funds for Crack-fill and street striping in Cholla Creek Subdivision. Daren C said he took bids for this project. It's been four years since it was last done. Bids were for longitudinal cracks, not the alligator cracks. Companies that bid: Straight Stripe, and Superior Asphalt. Straight Stripe was low bid for the painting at \$4,932.47 total and Superior Asphalt was lowest for the crack fill at \$6,448.00 total. Straight Stripe calculated 14,300 linear feet and Superior Asphalt calculated 13,910 linear feet. Daren C brought up that council need to approve the payment for striping in Cholla Creek subdivision. Brad noted that Daren C had \$14,000.00 left in his budget out of \$32,000.00 originally set for this fiscal year. He asked if Daren C thought this expenditure was in line with what he planned for the year. Daren C affirmed that it was.

Daren mentioned that he still hopes to convince the council to approve street work on the private lane designated Shadow Creek Lane. He estimated the cost at \$5,000.00. Karl Rasmussen has been instructed to look at it. Council approved his fee of \$1,000.00.

Mayor called for a motion.

Motion was given by Daren Cottam to approve the low bid of Straight Stripe and the expenditure of funds for Crack-fill for up to \$5,000.00 and street striping up to \$750.00 in Cholla Creek Subdivision. Second was given by Brad Langston. Mayor asked for comments. None given, Mayor called for a roll call: Heideman, aye; Langston, aye; Bringhurst, aye; Cottam, aye; and Fahrenkamp, aye. Motion carried unanimously.

4. Consideration and possible approval of Mayor's Scholarship applicants selected for two year degree Scholarship of \$15,000.00 and for four year degree Scholarship of \$25,000.00 to Stevens-Henager College. Mayor explained that the amounts for the loans were misquoted on the agenda according to the information given by Stevens-Henager. The flyer for this was just put out this week so no applicants have come in yet. The college's procedure is to require the applicant to talk to an admissions councilor before they can apply.

The application will be a paper submitted to the Mayor explaining why they think they're the best choice for the scholarship. He said the scholarship will cover approximately 3/4 of the cost of the college. Coleen explained that enrollment dates are different for each field of study.

Mayor asked for this to be on the January agenda. No motion was given.

5. Consideration and possible approval of the newest Council Desk/Podium Plans and approval of expenditure of funds for same. Mark said a template was made for the proposed work. The estimate was originally \$6,000.00 but the lowered it to \$4,500.00. He thought the original amount the change was approved for was \$3,500.00 so would like that raised. The company doing the work is Stone Brook Cabinets.

Mayor called for a motion.

Motion was given by Mark Fahrenkamp to approve the newest Council Desk/Podium Plans and approval of expenditure of funds up to \$4,500.00. Second was given by Ty Bringhurst. Mayor asked for comments. Mayor called for a roll call: Fahrenkamp, aye; Cottam, aye; Bringhurst, aye; Langston, aye; and Heideman, aye. Motion carried unanimously.

6. Consideration and possible approval of new members appointed to the Toquerville Secondary Water Board. This is the Toquerville Secondary Water System (TSWS) board that is under the care of the WCWCD. Mayor informed us that He and one other person represent Toquerville City on the board. Than Naegle has had that position since the beginning. The agreement states there must be two representatives but does not designate that one has to be the Mayor. He explained that there is one "At Large" member who is picked by both the city and the WCWCD. That is Dave Theobald. The other two members are Ron Thompson and Morgan Jensen who are appointed by the WCWCD. Brad felt that one representative should be a residential secondary water user. Ty wondered if it should be a council member since council is elected to represent the people. Mayor volunteered to stay on the board or step down as council directs. Council agreed to post it asking for a volunteer. Paul felt that agricultural users are more involved and care more about the issue. The board started in 1998. Council agreed to keep Mayor or a member of council on and look for a volunteer to be the council's appointee. The new term would begin in January.

All agreed to ask for volunteers to fill the board. No motion was given.

D. REQUEST FOR AGENDA ITEMS: To be heard on the December 2015, Council Meeting: (1) Amend the Fee Schedule Resolution to amend fire hydrant meter fees and possibly recycling fees -action item. (2) Approve the payment for striping in Cholla Creek subdivision -action time. (3) Hillside/Cotton Gin Project approval -action item. (4) Bill Jackson work meeting Presentation for parks master plan, (may be put in November 30 work meeting).

E. CITY DEPARTMENTS AND COUNCIL REPORT TO THE CITY:

1. Subdivisions/ Water Dept. / Park Maintenance/Park Committee: Mark Fahrenkamp had nothing further.
2. Culture & Recreation/ Sewer District/ Beautification Committee: Paul Heideman mentioned the upcoming Christmas Program on November 28; at 6:00 pm. Dave Hawkins will be putting up the lights.
3. Streets/ MPO/ Risk Management / Confluence Park/Trails Committee/ Mosquito Abatement District: Daren Cottam asked Mayor to talk about the field trip he attended with Utah Division of Transportation (UDOT). Mayor said that early this day was the UDOT Commissioners meeting. Commissioners appointed by Governor Gary Herbert and representatives from each city went together to tour each project that had been presented to UDOT. Mayor had the opportunity to show them our by-pass road plan and the road acquisitions we'd obtained. Dana Meyers and Rick Torgerson advised him to focus on the economic development and how this would help our city, so Mayor and steered his presentation that direction. He told them that it would be less expensive for UDOT as well at \$22-25.0 million, and reminded UDOT that the plan to widen SR-17 would cost them \$35.0 million. He informed us that on November 9, he had a presentation with them where he would go over the alignment of the road and he'll give them an overview of all the work the city has done to get to this point. Mayor mentioned he'd met a guy who could take out the hog's back and will get with him again to get an idea of procedure and cost. Mayor felt that the reason it's taken so long to get to this point is that in the passed the city hasn't kept it in front of UDOT. He advised that we needed to keep it on their radar going forward.
4. Economic Development/ Emergency Preparedness/ Water Dept. Asst. / Safety Committee: Ty Bringhurst had no comment.
5. City Hall Maintenance/ Cemetery/ Solid Waste/ Fire District/ Tree Board: a) Brad Langston reported that Washington County Solid Waste's recycling agreement with Rocky Mountain Recycling has gone through tentatively. There was a problem as Rocky Mt raised the maximum fee that County would have to pay from \$5.00 per ton to \$15.00 per ton. The cost to bury a ton of waste is at \$16.50 so it's still less but negotiations are proceeding. Brad mentioned that the County has gotten 87% of the population to say yes to the recycling plan. That will lower the monthly rate to \$3.00. He advised lowering the city's rate to match. b) Tree Board's Arbor Day celebration is scheduled for Saturday at 9:00 am. That event will be chronicled for Tree City to stay eligible for our grant.
6. Attorney's Report: Heath Snow did not attend.
7. Mayor's Report: a) M Darrin LeFevre had attended the Fire District meeting. He told us that Leeds will be joining the district which will bring the number of members from Toquerville from two members to one.

11-12-15 CC Minutes Continued

He opined that it was worth it because Leeds brings money and equipment. The district will raise costs and can do so a little bit without having to go through a Truth in Taxation. He explained that there are only six full time fire fighters. The rest are volunteers. We train them but they don't stay because we don't pay them enough. Lance mentioned that the district wants to donate the Bush truck to Toquerville. We're the only ones the use it. b) M Darrin LeFevre asked council to have alarm system updated to have phone calls go out to a selected list of phone numbers when the alarm goes off. The Sheriff's department should be one of the names on the list.

Lance reminded us that the cemetery had been recently surveyed and we're working on accuracy. Renee is marking all the plots that are occupied and that are sold. He mentioned that the last two graves he dug were mistakes so he's really glad we're getting on top of this. The cemetery fence is down to the last side.

Mayor asked for an executive session to discuss personnel issues. Mayor excused the public at 8:10 pm.

F. EXECUTIVE SESSION: for personnel issues.

Attending: Mayor M. Darrin LeFevre, Council Members: Mark Fahrenkamp, Brad Langston, Paul Heideman, Ty Bringhurst, and Mark Fahrenkamp.

Mayor asked for a motion to go into an executive session.

Motion by Ty Bringhurst to go into Executive Session or the purpose of discussing personnel issues was second by Paul Heideman. Mayor asked for a vote: Heideman, Langston, Bringhurst, Cottam, and Fahrenkamp, All agreed.

Mayor asked to authorize the executive session by affidavit because it was about personnel issues.

Mayor closed the executive session.

Motion to adjourn the November City Council meeting was given by Ty Bringhurst and second by Mark Fahrenkamp. All agreed and meeting was adjourned at 9:09 pm.

Minutes of the November 12, 2015, Toquerville City Council Meeting will be presented for review and approval in the December, 2015, City Council Meeting.

Date: _____

M. Darrin LeFevre, Mayor

/s/ Coleen Orth, Toquerville City Recorder

Created by Renee Garner