

TOQUERVILLE CITY COUNCIL
Regular Meeting Minutes
June 9, 2016 - 6:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor and Council: Mayor Darrin LeFevre, Mark Fahrenkamp, Keen Ellsworth, Paul Heideman, Brad Langston; Staff: Heath Snow- Attorney, Mike Vercimak, Lance Gubler, Mike Chandler, June Jeffery
Public: Jake Peart, Jaron Cordova, Jason Cordova, Talmage Peart, Eli Peart, Lynn Olds, Branton Dutton

A. CALL TO ORDER:

1. **Call to Order** – Mayor LeFevre at 6:00 p.m.; Pledge of Allegiance by Jaron Lynn Cordova, Invocation by Raymond Cordova.
2. **Disclosures and Declarations of Conflict from Council Members** - None
3. **Requests for Statements of Belief from Anyone Present** – None
4. **Mayor LeFever** asked Branton Dutton to inform everyone present, of the recent work completed in the Town Hall Meeting Room. Mr. Dutton cleaned up all wiring and hooking the data connectivity applications into a high voltage system. The TV is now hard wired to provide network connectivity. A HDMI jack has been installed on the side wall, as well as HDMI connectivity ports from the Council's desk.

B. CONSENT AGENDA:

1. City Council Work Meeting Minutes from May 5, 2016
2. City Council Regular Meeting Minutes from May 12, 2016
3. City Expenditures from May, 2016

Motion to approve the Consent Agenda by Councilmember Ellsworth, second by Councilmember Langston. Motion carried unanimously.

C. STAFF REPORT:

1. Mike Chandler – Sewer District (Ash Creek Special Services) reporting for Blair Gubler who is on vacation and will not be at the next couple of meetings. They are beginning to work on large capital projects. One of the projects concerning Toquerville, is the process of getting a pump back from Intermountain Motor Service up in Orangeville, they had our backup pump for the Toquerville Pump Station. The Sewer District continues to have discussions on their Capitol Facilities. In planning meetings with the Washington County Water Conservancy district for the Anderson Junction reservoir project it has by conveyed that now they've submitted for the pipeline. They've shifted a lot of their attention to the environmental assessment for the reservoir, and emphasis of National Parks and access to Zion. This may increase interest towards the bypass road project. The Confluence Treatment Plan's Flow Study showed close to half a million gallons going across the bridge a day. They are looking at moving that up in their timeline and the irrigation plan. There was question on hook-ups with the Sewer District for residents that are still on their own sewer system. It was reported that those residents will have to pay the impact fees to hook up the Ash Creek Sewer District system. The sewer district has recently applied gypsum to the fields which results in a doubling of the crop yield.

2. Lance Gubler – Water / Maintenance

We are using 2/3 of water allotted for water rights. Lance believes the mayor has a meeting with the Water Conservancy District about buying our excess water. The district is raising their rates 10% in the next 5 years. The result will be the cost of water is going to be higher. There was discussion whether or not to raise the rate now or later. Mr. Gubler reporting that the irrigation ponds are staying full.

The City Park turf had some fungus due to the heat, to remedy this issue they put more water on it. The Public Works crew has plugged the grass, adding some grass seed and mulch on it to

remedy the affected area, pushing more nutrients into turf without shocking it. This treatment was also done on the ball field area and the cemetery sections. Public works did receive a thank you letter that expressed they were very impressed by the maintenance of the cemetery. There were no concerns on the removal of cemetery decorations.

Regarding the Hillside/Cotton Gin project they don't believe there are any leaks and the water tested well for the line. Storm drains are complete and the next step in this project will be the installing of curb and gutters, possibly next week.

Regarding the Diamond wall project, there has been resolution on decision making. Tree removal has been done in this area to preserve the stability of the wall. Councilmember Langston was concerned that the cemetery grounds were dry, in which Gubler reported it is on a scheduled watering system. There are no exact guidelines of project water usage for these grounds. Gubler has replaced approximately \$600.00 worth of sprinkler materials as of this time in both the cemetery and ball park area to effectively water and maintain these community areas. Mayor LeFevre would like to install meters that will document irrigation water usage and assist the district in effectively gauging the percentage rates of water rights. It was explained that the ponds cannot be depleted for irrigation.

Vandalism on parks at the bathrooms: The girls bathrooms recently had garbage sacks flushed down the commodes and littering of cans. The boys restrooms have had evidence of illegal smoking in that area. Councilmember Bringhurst was concerned for safety issues and is requesting to for personnel to lock the bathroom doors at a certain time every day. Gubler stated that he receives more vandalism when the doors are locked vs not locked. The town needs to invest in specific directional lighting for that area.

3. Mike Vercimak – Zoning Administrator: The Planning Commission had questions about deleting the term “minor utility” from the BMP ordinance.

Councilmember Paul Heideman entered meeting

Vercimak reported on the perspective buyer for one of Lavon Edner's lots. The question is whether or not it was originally properly subdivided. After researching records at the courthouse, there were concerns of roadway dedication. There is a 50 foot section that belongs to the City for a roadway on Springs Drive. The dedication is true but it's not where the road is. This plan was given to Karl Rasmussen to see if the lot could be staked. Mayor LeFevre has prior knowledge that the existing asphalt which cuts thru the middle of the property should not have been done. In essence, the dedicated road is at the bottom of the creek area.

Mr. Porter is trying to get the signatures drawn up for Almond Heights and further leg work to be done. There is concern on the storm drain; special attention to those plans will need to be addressed prior to approval.

4. Mike Ruesch – Not in Attendance / Excused

5. John Postert – Not in Attendance / Excused

6. Karl Rasmussen – Not in Attendance / Excused

7. Heath Snow – City Attorney – Briefly spoke about the contract with TDS that will be discussed in the business order portion of this meeting. There were a couple of concerns in regards to following ordinances and requiring a bond on the encroachments of our streets and roadways. Councilmember Bringhurst requesting a response time allotted in that contract to warranty the work performed, that would adversely affect our roadways and streets. Discussion amongst council members took place in regards to what is a reasonable time frame for TDS to respond to utility issues. It was agreed upon that 30 days is a reasonable time frame. Lance

Gubler requesting that TDS provide updated contact numbers in regards to notifying the company of reporting issues they are involved in.

D. PUBLIC FORUM:

No Comments

E. PRESENTATIONS:

No Presentations.

F. PUBLIC HEARING:

1. Public Discussion of FINAL AMENDED BUDGET, #RES.2016.10 – Fiscal Year July, 2015 thru June, 2016.
2. Public Discussion of FINAL PROPOSED BUDGET, #RES.2016.11 – Fiscal Year July, 2016 thru June, 2017.

Motion to open with the Public Hearing by Councilmember Fahrenkamp, second by Councilmember Heideman. Motion carried unanimously.

Report by June Jeffery – City Treasurer: There is only one amended item in the 2016 budget. It is on the building inspection area regarding the building inspector wages, and contract services for the zoning official. There has been more building, training, and costs accrued. The City did get the mil levy worksheet, which gives us an additional \$6,032.00 increase in property taxes in 2017. Those funds can be added to the fund balance or can be used in the 2017 budget. Councilmember Langston would like this fund for the cemetery fence. Jeffery advised there was a request for possible park allocation of these funds as well. Jeffery also voiced to the public they may speak to the council, where they believe the money should be spent as well. Mayor LeFevre announced to the public if anyone would like to speak up in regards to this matter they are welcome to do so. There was no response.

Motion to close Public Hearing Councilmember Langston, second by Councilmember Bringhurst. Motion carried unanimously.

G. BUSINESS:

Mayor LeFevre requesting a motion to modify the order of business of item G4, to G2 for purpose of Mil Levy for Budget Approval.

Motion to move item G4, to G2 by Councilmember Langston, second by Councilmember Ellsworth. Motion carried unanimously. Mark Fahrenkamp-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Brad Langston-aye, Paul Heideman-aye,

G1. Proposal of basketball court modification to turn into pickle ball courts.

Presentation by Jaron Lynn Cordova – Eagle Scout Project – This is a request for painting court line dedicated for pickle ball courts with removable nets. No fencing of this area is needed, other than the possible area of Creekside, not near the court. There is a possibility of a future concrete project to extend the court outwards from the original pad. Paint colors are blue and white in color. Councilmember Bringhurst referred to the Park Master Plan to make this pickle ball court a permanent court installation, and not a temporary area. New financial figures will be collected and further discussion on this project will need to be administered at the next council meeting. Mayor LeFevre advised that there is \$250.00 allotted for Eagle Projects. Several council members were willing to donate as well as Cordova's grandfather to donate money to this project. Since there are changes to this project, additional research in the cost to finish this project will be brought forth at the next meeting. Treasurer Jeffery asked about the timing to the purchase of these items since the budget changeover is July 1st. There are funds in June 2016 and different funds available in July 2016. This project could essentially provide 3 juveniles with their Eagle Scout projects. More

information, quotes for paint and new quotes on netting will be gathered to further discuss this project. Councilmember Bringhurst would like further communication with the contractor in regards to the way this project is done since it's one of the Master City Plans.

G2. Approval and Certify Mil Levy for FY2017:

June Jeffery reported that because the city has not gone through the process to raise taxes, the Mil Levy actually reduces the amount of property tax received. This process was explained. Attorney Snow further explained how property taxes have been assessed by the county. As you vote to certify this Mil Levy, the recorder will sign this form and send it back to the county to receive those funds for our budget.

Motion to approve the Mil Levy by Councilmember Brad Langston, Second by Councilmember Keen Ellsworth. Roll call Councilmember Paul Heideman-aye, Councilmember Brad Langston-aye Councilmember Ty Bringhurst-aye, Councilmember Keen Ellsworth-aye Councilmember Mark Fahrenkamp-aye. Motion carried unanimously.

G3. Discussion and possible approval of FY2016 Amended Budget/ Resolution 2016.10

Motion to approve the 2016 Budget/ Resolution made by Councilmember Paul Heideman, Second made by Councilmember Mark Fahrenkamp. Roll call Councilmember Mark Fahrenkamp-aye, Councilmember Keen Ellsworth-aye, Councilmember Ty Bringhurst-Aye, Councilmember Brad Langston-Aye, Councilmember Paul Heideman-aye. Motion carried unanimously.

G4. Discussion and possible approval of FY2017 Final Budget / Resolution 2016.11.

Motion to approve the Final 2017 Budget Resolution made by Councilmember Mark Farhenkamp, allocating the 6,032.00 evenly split between two items of Tree City, 10-64-655 and Parks Capitol Expenditures, 10-64-700, Second by Councilmember Brad Langston. Roll Call Councilmember Paul Heideman-aye, Councilmember Ty Bringhurst-aye, Councilmember Keen Ellsworth-aye. Motion carried unanimously.

G5. Discussion and possible approval of ORD#2016.03 Building Valuation Data fee schedule.

Motion to approve Ordinance 2016.03, Building Valuation Data Fee Schedule by Councilmember Ty Bringhurst, Second by Councilmember Keen Ellsworth. Motion carried unanimous.

G6. Discussion and possible approval of ORD#2016.04 – BMP Zone – Public Hearing held in Planning Commission May 18, 2016. Planning Commission recommended approval 4-0. Jake Peart was at the meeting on May 18th, everyone was in agreement except Jake. This is to allow the power plant to have a designated stack height, located at the Browse Junction. He did agree with some ideas that were presented at this location but was opposed to a conditional use permit for this process. He would rather have the area zoned differently. Mayor LeFevre explained to him that you actually would have a benefit to have this agreement as a conditional permit use because you need to look at the permit usage closely and it can be renewed or not renewed for future use.

Councilmember Paul Heideman made a motion to approve Ordinance 2016.04 BMP Zone, Second by Councilmember Brad Langston. Motion carried.

G7. Review and Possible Approval of a Franchise Agreement between Toquerville City and TDS Baja Broadband, LLC doing business locally as TDS Communications for the license to construct, repair and maintain a cable system through rights of way, easements, streets and infrastructure owned by the City.

Attorney Snow stating this is a contract with TDS to provide the citizen of Toquerville with tv and internet services. This gives TDS rights to hang wires on our poles and be present during certain

utility conditions. We don't charge them a franchise fee. Customers are provided with basic coax cable TV, data, and VOIP telephone systems for a specific fee. TDS owns their own cable system. TDS contacted us last month wanting to renew this contract. There is a copy of the legal department included to enter this agreement with land usage. The only modification on this agreement is the accountability response time.

Motion to accept the contract with TDS, with the additional provision on 30 days response time of warranty issues made by Councilmember Keen Ellsworth, Second by Councilmember Brad Langston. Motion carried.

G8. Discussion of Grandfathering Existing Duplexes

Mayor LeFevre added this to the agenda due to the fact that we have received information of non-conforming rentals. They were illegal conversions. We are receiving double bills from the solid waste district for several addresses. If someone is purchasing a home with single family zoning, that is what should be there. Councilmember Keen Ellsworth proposed a document that he drafted regarding non-conforming use, to notify citizens and allow for a certain amount of time to become compliant. They will need to come forward and apply for this conditional use permit. We need to notify the public of the standard, and encourage them to become compliant. Attorney Snow advised that the description of these duplexes in question need to be classified as "legal non-conforming", and not to be an applicant for a conditional use permit. This is not a "use", it's a permit by the Planning and Zoning commission. In regards to the city utility hook up, citizens would need to start paperwork in regards to secondary locations on the same property that was purchased. This is an increase of the impact on the utilities department. Ellsworth requested that the Planning Commission receive all this information and seek their opinion. Jake Peart voiced his concern where he resides on Westfield Road in conjunction with this issue. Mike Vercimak stated that this is why historically in the past everyone was against the federal low income housing act to be placed into effect for Toquerville. Future discussion on this item will occur after speaking with the Planning Commission.

G9. Ball Park Fee Waiver and Costs for Local Leagues

Each team is required to pay the \$200.00 fees for the summer tournament league. They are asking for a reduction of this fee since they are from Toquerville and having fewer games. This group will play 8 games instead of 12. Further decision will need to be made on the fee schedule. This will be on next month's agenda.

G10. Discussion of Cemetery Code / Policy

Brad Langston requested language change on some of the city codes. Attorney snow will give examples of other city ordinances. Lance Gubler needs clarification on what they will and won't allow in regards to benches in the cemetery. There needs to be consistency in the language.

G11. Discussion of Holiday Park Reservations

When people request to reserve the ball park and park on holidays it excludes other residence from using the park and requires staff to work on holidays. There is a request to change the wording to exclude holidays from being reserved. Decision will be made next month.

H. COUNCIL REPORTS AND CITY DEPARTMENTS:

1. Ty Bringhurst – Water Department/Streets/MPO/Emergency Preparedness/Safety Committee; Bringhurst will be meeting with an individual in Cedar City regards to the chip seal on The Frontage Road.

Bringhurst left at 08:20 p.m.

2. Keen Ellsworth - Economic Development/Subdivisions/Planning Commission Oversight/Mosquito Abatement : Nothing to report.

3. Mark Fahrenkamp - Park Maintenance/Park Committee/Risk Management/Trails Committee: Nothing to report.
4. Paul Heideman - Sewer District/Culture and Recreation/Confluence Park : Miss Toquerville Pageant Royalty Court will be at the meeting next month. June Jeffery needs the names of the winning members to make contact with them. Heideman will meet with the mothers of girls to give them a packet of rules at orientation where extra emphasis will be placed on budget process per Mayor's request.
5. Brad Langston – Solid Waste/ Tree Board / Cemetery / City Hall/ Maintenance/ Beautification Committee : Would like to thank the city crew for the work out at the cemetery but there are some voluntary mulberry trees popping up. Lance Gubler will investigate further action is needed. Councilmember Langston will be able to attend the next work meeting, but will be out of town for the next City Council Meeting.
6. Mayor LeFevre - Fire District/Irrigation Board: Discussion on chain of command was discussed. Open communication needs to be present with staff and councilmembers with exception, if there is conflict to involve the Mayor in future dialogue.

I. REQUEST FOR AGENDA ITEMS for Future Meetings

1. Open Public Meeting Training – LeGrand Bitter from the UT Association of Special Districts
2. Public Hearing for Fee Schedule on Ball Park Fees
3. Resolution for Holiday Park Reservations
4. Toquerville Royalty Introduction
5. Cemetery Board
6. Frontage Road
7. Ratify Scout Project

J. POSSIBLE EXECUTIVE SESSION:

To discuss Personnel; Potential or Imminent Litigation; Security; Purchase, Exchange/ Lease of Real Property

Motion to go into Executive Session to discuss Personnel issued made by Councilmember Paul Heideman, Second by Councilman Mark Fahrenkamp. Motion carried unanimously.

Motion to leave executive session made by Councilmember Paul Heideman, Second by Councilmember Mark Fahrenkamp. Motion carried unanimously.

K. ADJOURN

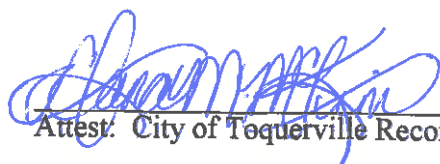
Motion to made by Councilmember Brad Langston, Second by Councilmember Keen Ellsworth. Motion carried unanimously.



 Toquerville Mayor – Darrin LeFevre



 Date



 Attest. City of Toquerville Recorder – Dana McKim