

**TOQUERVILLE CITY COUNCIL**  
**City Council Regular Work Meeting Minutes**  
**February 1, 2018 at 6:00 p.m.**  
**Held at 212 N. Toquerville Blvd, Toquerville Utah**

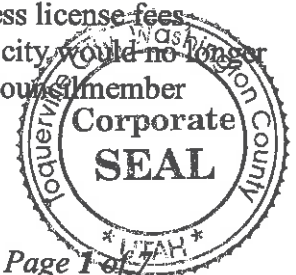


Present: Mayor Lynn Chamberlain, Councilmembers: Paul Heideman, Mike Ruesch, Ty Bringham, Keen Ellsworth, Justin Sip; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Public: Jessica Russo, Curtis Biggs, Renee Biggs, Alysen Tarrant, Katie Campbell, Joey Campbell, Greg Turner, Keith Rigrup, Manning Butterworth, G. Brent Bluth, Brooke Albrecht, H. Bruce Wallace, Rebecca Hansen, Gary Chaves, Scott Otterstrom, Leah Matheson, Newell Matheson, Patty Otterstrom

Meeting called to order at 6:00 p.m. by Mayor Lynn Chamberlain.

**A. STAFF REPORTS AND UPDATES:**

1. Washington County Sheriff's Department Representative-Chief Deputy Nate Brooksby:  
Chief Brooksby has worked for the Washington County Sheriff's Department since 1996. He gave a brief overview of their department and presented call-type volume statistics with citation and arrest totals from the past two years. The stats will be available for review and sent to city councilmember by the city recorder. Brooksby provided the city recorder with business cards to disseminate to the public. The Sheriff's Department received some ATV traffic complaints in the Cholla Creek area subdivision. The traffic flow was researched and the road is a private road. The county will provide some extra patrol in the area to reduce speeding.
2. Ash Creek Sewer District Representative, Mike Chandler:  
The district is moving forward with the SR17 project and projects noted in their Capital Facilities Plan. At the next district meeting they will discuss their projects slated for the next ten year time frame.
3. Hurricane Valley Fire Department Representative, Merlin Spendlove:  
Spendlove gave a brief call volume report of their department responses in Toquerville's jurisdiction. There were two small brush fires and a small vehicle fire at the corner of Ash Creek Road and South Westfield Road. Spendlove provided 1st Aid/CPR training for Toquerville staff and stated he was willing to teach a class to anybody interested.
4. Planning Commission Chairman, Alex Chamberlain:  
The yearly conditional use permits were reviewed at the last planning commission meeting where one application was tabled until further information may be obtained. The upcoming planning commission will hopefully have some commissioner appointments filled and the commission will be able to appoint a pro tem position.
5. Public Works Director, Lance Gubler:  
Gubler explained some changes to the fee schedule. Changes would affect business license fees, hydrant meter deposit fees, the word "town" would be replaced with city, and the city would no longer rent out the council chambers due to the expensive equipment in the chambers. Councilmember



Ellsworth suggested removal of the fine for parking in the setback since there is nothing in code to enforce the scheduled fee. The resolution will be complete by next week.

A slurry bid from Hurricane was obtained to slurry some of the roads in Toquerville. All the roads in the Westfield area will be done, except Mountain Charm Road.

Gubler is working with the developer in phase seven of the Almond Height's Subdivision to mitigate the drainage concerns of the future proposed park area.

The basketball court and pickleball court extensions at Center Street Park will be poured tomorrow. The conduit for the new sprinkler system has been installed at the park. Washington County Water Conservancy District has agreed to assist with the funding of the new sprinkler system.

The pavilion at the cemetery has been completed. Gubler suggested future Eagle Scout projects could be done in conjunction with the cemetery pavillion. The TRE (Trail Ridge Estate) restroom concrete has been poured and nearly complete. There have been some vandalism occurrences in the park area. Law Enforcement has been notified of the incident. Gubler would like a camera system installed in the area to deter vandalism.

Two concrete slabs have been poured alongside Lake Lane to relocate the post office boxes and the information kiosk in the Westfield area. Councilmember Sip has contacted the adjoining property owners and the US Postal service to relocate the structures.

A water line blew a gasket at the Anderson Junction pump station which ruined some electrical equipment. The breakage and electrical damage was fixed.

## **B. BUSINESS:**

***Public input will be taken after Councilmembers discuss each item.***

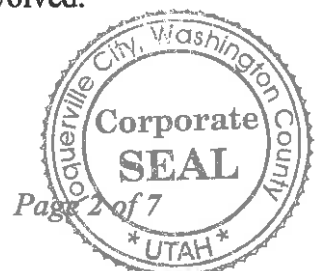
***Public discussion will be limited to 90 seconds per person, and two minutes per organization.***

1. Discussion on a Conditional Use Permit Application for a Bed and Breakfast Establishment submitted by Curtis and Renae Biggs, located at 1245 S Toquerville Boulevard in Toquerville, UT 84774. Property Tax ID# T-115-C. Zoning is A-1. *(PC recommended approval 3-0.)*:

Planning Chairman Alex Chamberlain gave a brief description of the application. The application complies with the city requirements. The commission reviewed the staff recommendations and recommended approval. Heideman asked if the location of the establishment may cause a small increase in traffic since the approach and exit of the home is on blind corner. Alex Chamberlain thought the traffic suggestion was beyond the scope of the commission to assess. There was no recommendation from the zoning official to provide a traffic study.

2. Discussion of Anderson Junction Road Usage:

Mayor Chamberlain gave brief overview of the road situation. A gravel extraction permit was granted by the county on the Gilbert property. To access the permit Gilbert trucks travel on a private road, Diamond G Road and then travel southwest onto Anderson Junction Road, which is a city street. The route of travel takes trucks through a single family residential zoned neighborhood. Gilbert has applied with the BLM to change their route of travel. Some of the residents are frustrated have expressed concern of the truck traffic. The area is a 25mph speed zone. The city has installed a stop sign as a reminder for the trucks to stop upon entering the city street. Chamberlain suggested the item to be discussed on the agenda to try and mitigate the concerns for both parties involved.



Heideman had concern of the wear and tear of the truck traffic on the city road. Bringhurst stated the road was old and commented how both the city and Gilbert's have paid to fill in potholes. The application through the BLM would include continued use of the Anderson Junction road. Keith Rigtrup, a field officer through the St. George BLM office did confirm there was an application submitted by Gilbert to access BLM property. He will forward the proposed map to the city council. Chamberlain gave a brief description of the location and route of travel proposed. Rigtrup's attendance of the meeting was to gather information of how to proceed with the application and retrieve public input. The BLM application would take the pressure off the Diamond G road but would still affect the residents on Anderson Junction Road.

Gubler believed with the future growth and development of the area the gravel extraction permit will be exercised for a long time and foresees more truck traffic in the area. A stop sign is not required at the intersection of Diamond G Lane and Anderson Junction Road. Gubler stated that Gilbert has offered to help the city within reason of the maintenance of the road. Deputy Brooksby stated traffic rules require vehicles to stop at the intersection of a private drive before entering a city owned roadway. Installing a yield sign would negate the requirement of stopping at the intersection. The stop sign was installed by the city as a reminder to the truck drivers to stop.

**Scott Otterstrom from Anderson Junction Road:**

Otterstrom has submitted a protest for the access of the road due to noise, child safety, increase of speed and traffic, and the negative impact on the community. The suggested new route of travel would impact more Anderson Junction residents. He believed Gilbert should pursue a different route towards the Browse exit, and chose to not do so due to the cost. He didn't believe Gilbert has given the city any money to improve the city road, but has improved the Diamond G road, Gilbert's private road. Otterstrom stated the council should protect the citizens who reside in Anderson Junction.

**Newell Matheson from Anderson Junction:**

The Matheson's built their house in Anderson Junction 28 years ago. Gilbert was not involved during that time frame. Matheson moved the prescriptive right of way years ago where the road sits now, alongside his property. Gilbert's BLM application will lengthen the roadway for the city to maintain a longer stretch of road.

**Leah Matheson from Anderson Junction:**

She would like to thank the Mayor for directing personnel to install the stop sign. She has concerns of traffic safety in the area and the amount of trucks that continually run the posted stop sign. She has witnessed these trucks not only do not stop but fail to slow down.

**Alysen Tarrant representing Diamond G:**

The right of way application was submitted to the BLM to eliminate the traffic on Diamond G Lane and increase traffic safety. The trucks coming from the North to the South increase the view of the road and provide a longer time from trucks to stop if there is a safety concern. The trucks will have more control on a straightaway rather than negotiate a turn. Gilbert is more than willing to help assist the city with the maintenance of the roadway and could be written into the BLM right of way application. The city could impose a lower speed limit if they felt it would assist in the safety of the community. All of the truck drivers are certified drivers. Gilbert Development's goal is to bring growth to the city and the county as a whole.



Ellsworth asked why Gilbert chose their proposed right of way instead of another alternate route. Tarrant stated the grade of the road and the length would be a significant increase of gradient and would compromise the safety of the truck travel, as well as the difficulty of obtaining access through SITLA land and private land. The overall cost ability of the product would increase as well operating time.

Patty Otterstrom from Anderson Junction:

She was concerned about the amount of truck traffic. She counted six trucks from Diamond G to Anderson Junction where only one truck stopped. Otterstrom is a proponent of safety, but if rules aren't followed she is worried about the safety of her grandchildren whom reside in the area. She believed the proposed straight route of travel would encourage the trucks to travel at a higher rate of speed, rather than the curved route where the trucks have to slow down to make the turn onto Diamond G Lane. She has followed trucks in the past in front of her where they are traveling 30-35 mph.

Heideman asked if six trucks was an accurate average of how many trucks go into the pit a day. Scott Otterstrom stated it varies from day to day. He counted 7-8 trucks with doubles, which would make 14 trips. Only a few of the trucks actually came to a full complete stop.

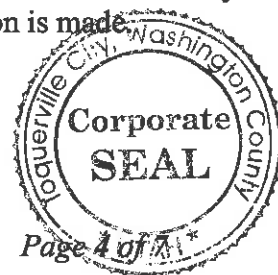
Chief Deputy Brooks stated regardless of a posted stop sign, trucks are required to stop upon entering a public road.

Patty Otterstrom stated there was one incident in December where her 10yoa grandson was riding his bicycle on Anderson Junction road, level with Diamond G Lane where a semi-truck narrowly missed her grandson.

Scott Otterstrom petitioned last year for a stop sign on both sides of the road at the intersection. The sheriff's department required the stop sign to be posted on the right hand side of the road. He also requested posted stop signs to be erected. He would like a tonnage requirement and study done due to the damage of the roadway. He was told by the staff the tonnage was in accordance to the roadway. In January and February there was an excess of 28 trucks running past their house, traveling well above the speed limit, and failing to stop at the stop sign.

Alysen Tarrant gave a brief statement in support of the mining of local aggregate mining and the need for the product in the area for road creation. Gilbert owns the land where the pit is located and is able to provide a material at a lower rate than other producers. The production of this material will not stop and would like to increase the safety by creating a longer stretch of roadway that would increase visibility in a controlled manner. If a more northern route is required it would be cost prohibitive to pursue.

Mayor Chamberlain stated he and the city council understand the responsibility to the citizens of Toquerville and feel that very deeply. He pointed out that Steve Gilbert is a citizen of Toquerville as well, and has a right to work his gravel pit. The council's responsibility is reach a mutual agreement for everyone involved. That resolve may not make everyone happy but will try and work for everyone involved. These hard decisions will be discussed and mulled over until a decision is made.



Scott Otterstrom asked what the cost of maintenance would be to the city and how these routes would diminish the property values of the immediate area and future revenues for the city.

3. Discussion of Mayor Pro Tem:

Heideman would like to suggest Ellsworth as Mayor Pro Tem. Jeffery gave a brief explanation of what the responsibilities of a pro tem would involve.

4. Discussion of Planning Commissioner Appointments:

Mayor Chamberlain suggested the appointment of four open planning commission members to the councilmembers. He recommended Manning Butterworth to replace Dave Hawkin's term. Rebecca Hansen to fulfill Jerome Gourley's term, and Greg Turner to fulfill Mike Ruesch, both terms ending in 2021. He suggested Kris Smedley would replace Manning Butterworth's alternate position.

5. Discussion of Fire District Resolution:

Spendlove spoke with Gubler and believed the fire hydrants are all operational in the Almond Heights Park area and fire hydrant pressures have been tested. Spendlove wanted to note there is proposed new legislation that would affect firework restrictions.

The Fire Chief, their attorney, and Attorney Snow are working on the review of the resolution. The fire department would like the new homes to be constructed with sprinkler systems and realize the requirement would increase the build of new homes. The fire department's main concern is preserve public safety. The fire department would rather pursue an evacuation route rather than a static safe zone. Another concern was how the safety plan would be disseminated to the public.

Spendlove suggested councilmembers when Anderson Junction starts to develop the city should provide a secondary access point to the area. The fire department most concerned if the bridge were to fail to the Westfield road area and how they would assist the public when the route of travel would be cut off during a disaster. Due to the geographic features of the land there are cuts and valleys on the back of the Westfield area which would make a secondary route difficult to develop. The Fire Department's attorney has contacted Attorney Snow and hopefully next week a decision can be made. Brief discussion ensued about the secondary route for Trail Ridge Estates area and the Cholla Subdivision. Toquerville staff has added the Washington County Citizen Alert link to the main page of the Toquerville website. Bringhurst would like the safe routes to be clearly marked via signage and visible to the public.

Manning Butterworth from the Toquerville Heights area:

He asked where the secondary route was for Toquerville Heights. Spendlove believed the secondary route would travel from the populated are of the heights towards the Toquerville Cemetery.

Gary Chaves from Mountain Charm Road:

Had concern for the increase amount of building in the area and would suggest the council look at an evacuation route rather than a safe zone area, especially if the bridge is compromised to the entrance of the Westfield populated area. He suggested building permits to be held until a safety route for evacuation may be secured.

Brent Bluth from Self Help Homes:



He respectfully urged councilmembers to reach a resolution regarding the item and made councilmembers aware of the financial commitment Self Help has with each passing month of no resolution.

6. Discussion of Toquerville Welcome Signs-Ellsworth & Gubler:

Ellsworth received a proposed agreement for the placement of the southern sign but will submit the document to the HOA. The front and back designs were shown for the southern sign to councilmembers. There was brief discussion of Toquerville's established date between councilmembers and staff.

Ellsworth would like to add lighting to both of the signs. Jeffery asked if UDOT made contact with Ellsworth regarding the sign placement of the north end sign and the approved setback. Ellsworth stated the sign was surveyed and was in compliance. The southern sign will be surveyed as well. He briefly discussed the history of why the sign was placed on the available property on the north end of town. He would like input about different lighting options of the north end sign. Lights may be installed three different ways.

Manning Butterworth thought the sign was beautiful in design but was unable to spot while traveling down the road. He suggested Alex Chamberlain could create different simulations for different lighting options and present them to the council.

7. Discussion on the Purchase of Rocky Mountain Power Poles:

Jeffery gave a brief explanation of the LED project installation and how Rocky Mountain Power assessed the pole ownership in the city of Toquerville. Rocky Mountain Power assessed ownership through billing files, and it was presumed by both parties the city owned all the poles excluding the power poles located in the Cholla subdivision. The LED lights were installed throughout the city. It was later discovered there were several poles in the city where LED lights were installed on Rocky Mountain Power poles. Rocky Mountain Power had incorrectly billed the city for lighting since 2009. The power company will now evaluate each power pole located in the city and evaluate a purchase price for those modified power poles. More information will be forthcoming.

Ruesch suggested Toquerville should purchase the lights and not the poles. Gubler suggested to staff the franchise money obtained from the power company should be set aside for power pole and light upkeep.

8. Discussion of Impact Fee Waiver for Affordable Housing Units to be constructed under Utah Housing Corporation (CROWN) Program:

The CROWN program submitted an application for an impact fee waiver for three homes located in Toquerville. Jeffrey read a letter from the CROWN program. Jeffrey submitted the request to Attorney Snow and he suggested the request would be an administrative partial waiver fee and would recommend if passed the application should allow to be recorded against the homes, like a restrictive covenant that would say the homes can only be used as rentals to persons with the income below sixty percent of the median income in Washington county.

Gary Chaves from Mountain Charm urged the council to look at the financials of the Crown Program and weigh in if the organization should ask for a waiver of impact fees.

**C. COUNCIL REPORTS AND CITY DEPARTMENTS:**



1. Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance
2. Keen Ellsworth-Economic Development/Fire: No report
3. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC:  
Hurricane's slurry bid for Toquerville to slurry streets in the city totaled in the amount of \$63,400.00 which was considerably lower than the projected price. Bringhurst would like the approval of such the item to be on the upcoming agenda. Jeffery suggested a phone call vote could be done to expedite Hurricane's bid acceptance. The vote would be ratified at the next city council meeting. Bringhurst is obtaining quotes to install a track around the outside of Main Street Park. A storm drain quote was obtained for the Almond Height Park subdivision phase 7 park property. He gave a brief description of the drainage problem and the proposed solutions.
4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:  
Heideman attended the confluence park meeting where a field trip was taken and evidence of vandalism to the old dairy was assessed. The board will hopefully clean and restore the damages in the future. The sewer district is working on getting irrigation to the pastures to green them up for grazing capabilities.  
Miss Toquerville will be having their pageant on April 27, 2018.
5. Mike Ruesch-PC Liaison/Beautification Committee/Cemetery/Tree Board/Trails: No report given.
6. Mayor Chamberlain-TSWS/EMC/DTEC:  
There will be a TSWS meeting on February 15 at 5:00 at the city hall if anyone is interested in attending.

**D. ADJOURN**

Meeting was adjourned at 8:03 p.m.

  
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Mayor - Lynn Chamberlain

3/8/2018  
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Date

  
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Attest, City Recorder - Dana M. McKim

