

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
February 8, 2018 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Paul Heideman, Mike Ruesch, Ty Bringhurst, Keen Ellsworth, Justin Sip; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Other: Attorney Heath Snow, Zoning Official Mike Vercimak, Hurricane Valley Fire District Representative Kevin Gildea, Planning Chairman Alex Chamberlain; Public: Kelly Peterson, Brent Bluth, Alysen Tarrant, Steve Gilbert, Greg Turner, Jodi Turner, Rebecca Hansen, Mike Plaizier, Curtis Biggs, Renae Biggs, Keith Rigtrup, Chris Lister, Jessica Russo, Manning Butterworth, Joyce Reynolds, Terry Reynolds.

A. CALL TO ORDER:

The meeting was called to Order at 6:00 p.m. by Mayor Lynn Chamberlain. The Pledge of Allegiance was led by Councilmember Keen Ellsworth and invocation delivered by Councilmember Justin Sip. There were no disclosures, declarations of conflict from councilmembers, nor any statements of belief.

B. CONSENT AGENDA:

1. Review and possible approval of CC Work Meeting Minutes from January 4, 2018, and of CC Regular Meeting Minutes from January 11, 2018.
2. Review and possible approval of City Expenditures from January 2018.

City Councilmember Keen Ellsworth made a motion to approve the consent agenda items. Motion was seconded by Councilmember Mike Ruesch. The motion unanimously carried 5-0. Roll call: Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.

A. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:

Vercimak had a question about the west end of Sunset Avenue where a water and power line was located. There was a building permit request for a home. At the location there is a 60 foot easement but a road dedication needs completed. He asked if the cost should be done at the homeowners expense, which would range around \$12 to \$15,000.00. Bringhurst thought the city should pay for it. He asked what the city has done in the past. The roadway was dedicated but never was recorded. Vercimak will discuss the matter with Public Works director.

The Almond Heights Park subdivision is nearing their subdivision completion. Construction drawings have been received and are being signed on the Ash Creek Overlook subdivision.

2. Hurricane Valley Fire Department Representative: Kevin Gildea

The Fire Department has been testing new applicants for full time fire fighters and emts.

There has been discussion between the district and Springdale Fire Department of how the district would take over the management of their services.

Gildea briefly spoke about the proposed safe zone area and would rather pursue an evacuation route, than create safety zones. The district would like to find a way around



it. The latest suggestion was to create an exit route for emergency purposes through the Lichfield and Shangri-La lane area.

6:11 Attorney snow enters meeting.

There was a concern for possibility wildland fires in the area, but the Westfield area is lucky to not be a high fire risk. The route of evacuation proposed is not up to city standards. Gubler suggested the power line road could be accessed and concrete the river area. Sip thought there would be an area by Perkins near the city park where citizens could gather. If UDOT will build the bypass road, it would help alleviate the secondary route for the Westfield Road area. The escape route doesn't need to support emergency responding vehicles, just civilian vehicles.

3. Public Works Director, Lance Gubler:

UDOT will be crack sealing SR17 from the bridge in Toquerville just north of town. They plan to roto mill the roadway through town and then install an overlay outside town. UDOT will crack seal from the Laverkin bridge to the stop sign at Davis Farmers Market.

The rocks down at TRE have been moved. Painting, plumbing, electrical are in the process of being done at the TRE Restroom. The city has spread seven loads of dirt for the ballfield to level it out as best as they could. The basketball court and pickleball extensions have been formed up and rebarred for preparation of concrete to be poured.

At the Anderson Junct pump house the crew tried starting up pumps and wouldn't fire them up. They failed because it was found there was moisture in them. New bearings were installed and heat sealed.

The debris on the park parcel in AHP will be cleaned up with the developer.

4. Attorney Heath Snow:

Snow provided the recorder with a new city ordinance procedure for future zone changes. When zones are changed it amends the zoning map. In lieu of recent case law each municipalities should pass an ordinance. Snow created a canned resolution for various board appointments which are external to the city.

D. PUBLIC FORUM:

Limit three (3) minutes per person; please address the microphone, state full name and address.

Brent Bluth-Self Help Homes Representative out of Provo, Utah

Bluth questioned the council about the emergency access plan. He asked if the council could include in the resolution of how the plan will be disseminated. He suggested the city could send a copy out with utility billing and put information on the website. He asked if the fire department believed there wouldn't be any new development until a secondary access was created, excluding all the platted properties. He asked if there is some language missing if the council could please modify it now. The fire department would prefer evacuation routes rather than create safe havens.

There was brief discussion about property in the westfield area which could be used for evacuation routes or safe haven areas. Gubler will contact some possible property owners. Jessica Russo, who was present at the meeting offered for the city to look at her property.

Gildea suggested the safety zones would be more effective if they were square or rectangular in size, than skinny parcels. If modifications were done, the fire department may be amenable to those changes. Bringhurst spoke about the Westbrook property as an option to look into.

Closed public forum at 6:38



E. BUSINESS:

1. Discussion and Possible Appointment of Mayor Pro Tem.

Councilmember Mike Ruesch made a motion to recommended Councilmember Keen Ellsworth as Mayor Pro Tem. Motion was seconded by Councilmember Paul Heideman.

Motion unanimously carried 5-0. Sip-aye, Ellsworth-aye, Bringhurst-aye, Ruesch-aye, Heideman-aye.

2. Discussion and Possible Appointment of Planning Commissioners:

Mayor Chamberlain made recommendations for the four open planning commissioner positions. Chamberlain suggested Manning Butterworth move from the alternate position, and replace David Hawkins position with a term that ends in 2020. Rebecca Hansen to fulfill Jerome Gourley's term which ends in 2021, and Greg Turner to fulfill Mike Ruesch's term, which ends in 2021. Chamberlain suggested the alternate position be filled by Chris Smedley.

Councilmember Paul Heideman made a motion to approve the Mayor's suggested appointment of Planning Commissioners. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Sip-aye, Heideman-aye, Ruesch-aye, Ellsworth-aye, Bringhurst-aye.

3. Discussion and Possible Approval of 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.)

Councilmember Mike Ruesch made a motion to approve a Conditional Use Permit for a Bed and Breakfast Establishment at 1245 S Toquerville Boulevard with staff recommendations 1-7. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously passed 5-0. Ruesch-aye, Heideman-aye, Sip-aye, Ellsworth-aye, Bringhurst-aye.

1. Discussion and Possible Action on Resolution 2018.XX Fire Code Requirement Compliancy and Secondary Access of the Westfield Road Area

Councilmember Keen Ellsworth made a motion to approve Fire Resolution (2018.06) with the addition to disseminate a copy of the plan to each resident via mailing on the city website, post on the city kiosks, and at the city office. Motion was seconded by Councilmember Ty Bringhurst. Motion was unanimously carried 5-0. Sip-aye, Heideman-aye, Ruesch-aye, Ellsworth-aye, Bringhurst-aye.



1. Discussion and Possible Action Resolution 2018.07 Fee Schedule Change for Business License / Hydrant Meters / City Hall Chambers.

Councilmember Mike Ruesch made a motion to approve Resolution 2018.07 with suggested changes. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 5-0. Sip-aye, Heideman-aye, Ruesch-aye, Ellsworth-aye, Bringhurst-aye.

2. Discussion and Possible Action on Anderson Junction Road Usage.

Mayor Chamberlain spoke about the two different concerning factors with the Anderson Junction Road and Diamond G Lane road usage. To help mitigate these concerns a stop sign was installed at the intersection of these two roads. Gilbert has submitted an application with the BLM for an alternate road access. Chamberlain has scheduled a meeting this next upcoming Wednesday at 9:00 with the WCWCD to talk about their haul road for the reservoir. There is not be a quorum present.

Councilmember Mike Ruesch made a motion to table the item until next month. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Sip-aye, Heideman-aye, Ruesch-aye, Ellsworth-aye, Bringhurst-aye.

Discussion about Gilbert's need for the road ensued. BLM Rep Keith Rigtrup stated the BLM would not application but did state an environmental study will need to be done. Gilbert could build a road and go up other direction and connect at the Browse exit but was found to be cost prohibitive. Snow suggested Gilbert should contact the WCWCD to see their proposed roadway for the reservoir creation. Bringhurst stated Gilbert has offered to assist with the maintenance of the city road. Bringhurst was told Gilbert is willing to pay for half of asphalt and city will pay for second half. Gilbert is also willing to patch the road.

3. Discussion and Ratification of Vote for Street Expenditures-Slurry Seal Bid.

Hurricane approached surrounding cities about the purchase of slurry so roads could be improved in the area at a more affordable purchase rate. Toquerville received bids from Hurricane's project. The winning bid will be awarded to M&M Asphalt pending the council's approval. Toquerville's portion of the bid will be in the amount of \$63,400.00.

Councilmember Paul Heideman made a motion to ratify the phone pole vote done on February 2nd to approve the slurry seal bid in the amount of \$63,400.00. The original vote was unanimously passed 5-0. Motion was seconded by Councilmember Bringhurst. Roll call: Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye. Motion unanimously carried 5-0.

4. Discussion and Possible Action on South End Toquerville Welcome Signs Placement.



Attorney Snow suggested the city survey the land for the sign placement before signing the agreement with the property owner.

Ellsworth suggested to table the item until the city engineer is able to survey the sign placement.

5. Discussion and Possible Action of Toquerville Welcome Sign Illumination Expenditures.

Ellsworth has yet to receive quotes for the welcome sign and requested the item be tabled until those quotes are obtained.

6. Discussion and Possible Action for the Purchase of Rocky Mountain Power Poles.

The City has not received any new information regarding this item and Jeffrey suggested the item could be tabled until the city receives an update from Rocky Mountain Power.

7. Discussion and Possible Action to Waive Impact Fees-Utah Housing Corporation (CROWN) Program:

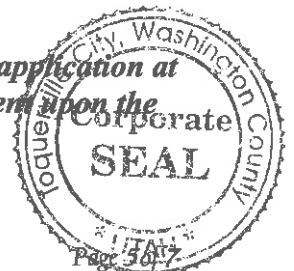
Crown representatives, Mike Plaizier and Kelly Peterson gave a small presentation and explained their program. Attorney Snow wondered if the renters of these homes are acquired by income of a modest means and if so, suggested the council should create a restrictive covenant.

Snow asked Crown representative how they obtain an approximate rent rate for the area. Ellsworth asked if a waiver would benefit the tenant or the organization. Peterson stated the tenant would receive the benefit. The purchase price is the outstanding amount of debt. Jeffery asked if the applicant's wage changes and if the assessment is done once at the time of the application or if there was a renewal assessment. The representatives explained there were annual certifications done. The reviews are renewed or waived every other year. Impact fees are assessed at the end of the agreement. If the renter doesn't fulfill the mortgage then the Utah housing has the right of first refusal. CROWN purchases the home and offers the homes to housing plus or they will put it on market to another low income housing program at a raise 80% AMI.

Jeffrey asked if Crown about whose name would be on the utility billing. Russo made a suggestion to council to request some history of the percentages of homes in the program which have gone back into the rental market. Ruesch asked about tax credits. Plaizier explained how there is a tax credit investor and will purchase those tax credits to help pay for those homes. Approximately 70 % of the home is purchased by tax credits.

Ellsworth would like to support the effort but don't think the citizens of Toquerville should bear the impact fee waiver and would like a trial fee waiver at a reduced 50 to 75 percent discount.

Councilmember Keen Ellsworth made a motion to approve the fee waiver application at a fifty percent reduction for the three homes, with an amendment contingent upon the



city attorney's review. Motion was seconded by Councilmember Justin Sip. Motion failed 3-2. Heideman-ney, Ruesch-ney, Bringhurst-ney, Ellsworth-aye, Sip-aye.

Discussion and Possible Action of Re-Zoning Ordinance Requirement.

Snow explained to councilmembers the process of a re-zone, and explained when a zoning map is modified the council is making law or administrating law. When a map is re-zoned council is acting in legislative manner and would prefer an ordinance with a property description.

H. REPORTS:

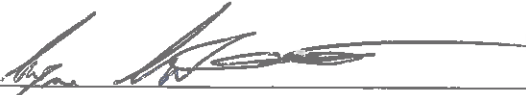
1. **Keen Ellsworth-Economic Development/Fire**
Ellsworth asked if at the meeting Wednesday they could include the scope of the bypass meeting. Bringhurst believed the meeting was for the Anderson Junction interchange.
2. **Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC**
Joy Anderson advised Bringhurst Toquerville was selected as the key city for the upcoming county fair.
There will be a TSWS meeting on Thursday. Residents should note that water is turned on but cannot use the water until March 1st.
3. **Paul Heideman-Sewer District/Culture and Recreation/Confluence Park**
The Sewer District projects the Lighthouse development will triple the sewer system capacity and the solutions to accommodate the need. The State of Utah changed how impact fees are derived, and the fees may have to be increased.
Heideman briefly discussed some future building down in the Confluence Park which may occur.
4. **Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance**
Sip will attend a solid waste meeting next week. The relocation of the Almond Height Park mailbox and kiosk has been approved by the US postal service and agreed upon with the adjacent property owners. The property owners picked the spot where the concrete has been poured. It was suggested to pursue a written easement with the owners to avoid future problems for when and if the home changes ownership.
5. **Mike Ruesch-PC Liaison/Beautification Committee/Cemetery/Tree Board/Trails:**
Ruesch spoke with St. George Dixie State college about playground equipment. The district is removing some playground equipment and Ruesch was working about obtaining financial figures for the possible purchase of said equipment.
6. **Mayor Chamberlain-TSWS/EMC/DTEC:**
Chamberlain attended his first COG-Council of Government meeting. At the meeting he was apprised of some grant programs available for roads projects and right of way acquisitions. Jeffrey requested if Chamberlain could send her the email link provided at the meeting for further research.

I. POSSIBLE CLOSED SESSION: None




J. ADJOURN:

Mayor Chamberlain adjourned meeting at 8:03.



Mayor - Lynn Chamberlain

3/8/2018
Date



Attest: City Recorder - Dana M. McKim

