

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
April 12, 2018 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Keen Ellsworth, Ty Bringhurst, Mike Ruesch, Paul Heideman; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Others: Attorney Heath Snow, Planning and Zoning Official Mike Vercimak, Planning Commission Chair Alex Chamberlain, Hurricane Valley Fire District Representative Merlin Spendlove. Public: Brent Bluth-Self Help Home Representative, Jake Peart, Greg Turner, Rebecca Hansen, Manning Butterworth.

A. CALL TO ORDER:

Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. Councilmember Mike Ruesch led the Pledge of Allegiance and Councilmember Mike Ruesch offered the invocation. There were no disclosures, nor conflict declarations. There were no statements of belief.

B. CONSENT AGENDA:

1. Review and possible approval of CC Work Meeting Minutes from March 1, 2018, CC Special Business Meeting and CC Regular Meeting Minutes from March 8, 2018, and March 22, 2018 Special Business Meeting.
2. Review and possible approval of City Expenditures from March 2018.

Councilmember Paul Heideman made a motion to approve the items on the consent agenda. Motion was seconded by Councilmember Mike Ruesch. Motion unanimously carried 5-0. Roll Call: Paul Heideman-aye, Mike Ruesch-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:
Vercimak was in favor of the city councilmembers and planning commission to hold an open house to receive public input on short-term rentals.
2. Hurricane Valley Fire Department Representative, Merlin Spendlove:
The fire department received a phone call from a party wanting to build in the Almond Heights Park Subdivision. He wondered if the subdivision was complete and if the emergency access easement was signed. The easement has not been signed but the developer may apply for a building permit.
3. Planning Chair, Alex Chamberlain:
The commission is looking forward to the public meeting/open house on April 19th to discuss and gain public input regarding short-term rentals.
Ellsworth asked Chair Chamberlain how the Planning Commission was going to handle the open house. Chamberlain was under the assumption the city council would direct the agenda.
Ellsworth asked Chamberlain what his expectations were on how the meeting should be



conducted. Chamberlain would like everyone attending the meeting should come prepared with suggestions of how the code could be modified. Chamberlain suggested if the council could prepare a questionnaire for the public to fill out. Heideman would like to have the goals of the community clarified and then the regulations could be modified. Chamberlain believed the meeting should facilitate the gathering of intel only. The information obtained could then be extrapolated and taken into consideration when modifications to the code are proposed. Ellsworth suggested the moderator should facilitate the meeting and suggested Mayor Chamberlain be tasked with that responsibility.

He spoke about the need for board members to strike a balance between the interests of establishment owners and neighbors. Mayor Chamberlain's desire was to create an organic dialogue between board members and the public. The commissioners and councilmembers will be tasked with sitting down with residents and take notes of their concerns and possible changes to the code.

Attorney snow enters the meeting at 6:14.

4. Public Works Director, Lance Gubler:

Gubler encouraged councilmembers to set aside some dedicated time with the treasurer to finalize their future projects and budget concerns.

Yucca Portables set up a portable restroom at the city's request in the Trail Ridge Estate Park area quite some time ago. Last December the restroom was hit by a vehicle and destroyed. The crime was reported to law enforcement but there were no findings of a suspect, nor an arrest. Yucca Portables would like the City of Toquerville to pay for the replacement of the unit. Gubler asked Attorney Snow if the city was obligated to pay for the station. A rental contract was never signed by a city employee. Attorney Snow stated the rental should be covered by Yucca's insurance.

The basketball court's back fence is up and ready to go. A sidewalk will be installed in front of the fence.

5. Attorney Heath Snow:

No report was given.

D. PUBLIC FORUM:

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

Jake Peart from Peachtree Drive:

Peart inquired about the status of the road dedication bordering the Maxwell Property on Pecan Lane. He was under the assumption the deed conveyance was accepted.

The property has the required frontage to issue a building permit from Center Street. The proposed road dedication dedicates half the roadway width. Vercimak showed the council the property parcel. Snow stated the road could be dedicated to the city but the city would then be responsible for road improvements. Vercimak stated when a building permit is pulled on the property, the owner will have to improve the roadway or defer the agreement if the access point is derived from Pecan Ave and not Center Street.

E. BUSINESS:

1. Discussion and Possible Appointment of Washington County Fair Grand Marshall and Pioneer Award:



Chamberlain would like to nominate Cherrie and Than Naegle for the Grand Marshall appointment. The Naegle's have have written some publications which have resulted in the preservation of Toquerville's rich history. The Mayor would like to suggest a nomination to designate Annette and Van Kleinman for the Pioneer Award. Annette was involved with the fair seed display, was instrumental in the Confluence Park Development, and served on the Planning Commission for several years.

Councilmember Paul Heideman made a motion to appoint the Washington County Fair Grand Marshall designees to Cherrie and Than Neagle; and the Pioneer Award designation to Annette and Van Kleinman. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Sip-aye, Ellsworth-aye, Bringhurst-aye, Ruesch-aye, Heideman-aye.

2. Discussion and Possible Action on a Donation Request from the Hurricane High School for Grad Night:

Jake Peart offered to donate \$300.00 at the city council work meeting on behalf of the city to Hurricane High School for grad night. Councilmember Sip recommended the city should donate \$300.00 and Peart could donate directly to school as well on behalf of Toquerville City.

Councilmember Mike Ruesch made a motion to donate \$300.00 to the Hurricane High for Grad Night. Motion was seconded by Councilmember Justin Sip. Motion unanimously passed 5-0. Roll Call: Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.

3. Discussion and Possible Appointment for Board of Adjustment Members:

One full-time member will need to replace Mona Lowe's position and appoint two alternates. Councilmember Bringhurst would like Caleen or Wayne Olsen, or possibly Steve Roah to be approached and asked. Councilmember offered the appointment of possibly Marlan Olds. Lance Gubler thought Mr. Hooper or Mr. Schmidt who both reside in the Almond Heights Park subdivision would be ideal candidates. Alex Chamberlain thought maybe Randy Ashby would be interested. Attorney Snow educated the council about the 2008 land management changes which encouraged municipalities to change from a board of adjustment (BOA) to an appeal authority which consists of one person. Rather than cities spending money to train several people for a BOA, cities opted to hire a third party to be the appeal authority. Ideally, attorneys with municipal law experience serve as the city's appeal authority because the individual would understand the city ordinance and derive a reasonable decision. All challenged appeal authority rulings then move to district court.

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

4. Discussion and Possible Action on a Recreational Trails Program Grant to Fund Confluence Park - LaVerkin Community Trail and Trailhead:

The grant to fund the Recreational Trails program would not require a financial commitment with the city of Toquerville. A letter of support for the proposed changes to the park was requested by the grant writer.



Councilmember Paul Heideman made a motion to approve the support letter for the changes to Confluence Park. Motion was seconded by Councilmember Mike Ruesch. Motion unanimously carried 5-0. Sip-aye, Heideman-aye, Ellsworth-aye, Bringhurst-aye, Ruesch-aye.

5. Discussion and Possible Action on the LeRay McAllister Critical Land Conservation Grant to Fund Restoration and Clean-Up of Hillside and Power Station Area:

The LeRay McAllister Critical Land Conservation Grant would not require a financial obligation with the City of Toquerville, but rather a letter of support towards the project.

Councilmember Paul Heideman made a motion to approve support letter for the LeRay McAllister Critical Land Conservation Grant. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Sip-aye, Heideman-aye, Ellsworth-aye, Bringhurst-aye, Ruesch-aye.

6. Discussion and Possible Action on a Final Plat Application for the Ash Creek Overlook Subdivision submitted by Brent Bluth from Self-Help Homes. Subdivision will create 16 lots located on Property Tax ID# T-138-A-2A and T-138-C. Zoning is R-1-12. (PC recommended 5-0).

Chair Chamberlain spoke with the council regarding the item. The Commission approved the application with staff recommendations. The plat map was acceptable to the city engineer and the city surveyor. In the last city council meeting there was a question of whether or not the cul-de-sac frontage requirements were met. The Commission has not met since the concern was voiced. He suggested if the council wanted to discuss the cul-de-sac requirements they should do so now. Attorney Snow asked if the frontage requirements were met. Vercimak stated Toquerville code, nor does the standard and specifications clarify cul-de-sac requirements and rarely do they meet frontage requirements due to the curvature of a cul-de-sac. The lots all meet the size requirements. Attorney Snow suggested the council should not approve the plat if the lots do not meet the frontage requirement.

Brent Bluth-Representative from Self-Help Homes:

Bluth inquired about the council's concern. He believed most cities have a reduction of cul-de-sac frontages. He asked if the council would consider a supplemental code revision. To redesign the subdivision would be an expense. Snow thought it would be reasonable if the city wanted to revise the cul-de-sac set back frontage requirement they could reduce it a certain percentage. Councilmember Ellsworth believed the engineer who designed the plat should have looked up Toquerville frontage requirements and designed the cul-de-sac according to setback requirements. There was brief discussion on whether or not the design creates a density concern. Bluth didn't believe it was density concern, but a frontage concern. Councilmember Sip did think to require an 80-foot frontage on a cul-de-sac was a large obligation. Ellsworth would like to table the item until a revision can be drafted. Bluth asked the council if an 80-foot frontage was realistic.

Councilmember Keen Ellsworth made a motion to table the item for 30 days where the self help home engineers may propose a city code amendment for submittal to the city attorney for cul-de-sac frontage percentage reduction. Motion was seconded by Councilmember



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

7. Discussion and Possible Action on the Final Draft of the Master Transportation Plan. (PC recommended 5-0):

Councilmember Mike Ruesch wanted to thank the Planning Commission for the efforts in reviewing and approving the Master Transportation Plan. He believed the document is ready for approval.

Councilmember Ty Bringhurst made a motion to approve the Master Transportation Plan. Motion was seconded by Councilmember Mike Ruesch. Motion unanimously carried 5-0. Sip-aye, Bringhurst-aye, Ellsworth-aye, Ruesch-aye, Heideman-aye.

8. Discussion and Possible Action on Ordinance 2018.03 Employee Bond Requirements-June Jeffery:

Jeffery gave a brief description of the new money management bonding requirements. The ULGT will not renew fidelity bonds but cover with crime bonds, but create a blanket bond.

Councilmember Keen Ellsworth made a motion to approve Ordinance 2018.03 Employee Bond Requirements. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Heideman-aye, Ruesch-aye, Ellsworth-aye, Bringhurst-aye, Sip-aye.

9. Discussion and Possible Action on the Toquerville Welcome Signs and Illumination Expenditures-Keen Ellsworth:

A couple of bids were obtained. He would like to recommend approval for expenditures to be spent on lights for the north end Toquerville sign. He would also like to purchase some “barn doors” on the lights to eliminate light pollution.

Councilmember Keen Ellsworth made a motion to approve the purchase of lights for the north end Toquerville sign in the amount of \$3,000.00. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Roll Call: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Mike Ruesch-aye, Paul Heideman-aye.

F. REPORTS:

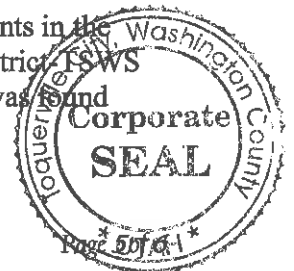
1. Keen Ellsworth-Economic Development/Fire:

The Simon’s emergency easement agreement was finalized by Attorney Snow. The agreement will be sent to the city recorder to forward to the property owner.

The south end Toquerville City sign easement agreement was submitted to the property owner for their review. They will sign the document and send it to the city. The property will then be surveyed for finalized assurance the sign is not in the State Route 17 (SR17)’s right of way.

2. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC:

The slurry seal project will start 1st April. Bringhurst was contacted by a few residents in the Ash Creek Point subdivision after receiving letters from the Water Conservancy District (Toquerville Secondary Water System). The district reviewed hook-up fees and it was found



only two of the residences in the subdivision paid the hookup or impact fee. Bringhurst asked for a copy of the letter the district sent out. All residents with questions should contact the Conservancy District.

3. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:
Discussion of Toquerville's involvement of Confluence Park could be a discussion item for next month's meeting. The 2018 Miss Toquerville Pageant will be held April 27th at the Hurricane Community Center.
4. Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance:
The last solid waste meeting gave an update on how the blue can program is losing money. They are asking for an additional \$35.00 per ton. A 30-day extension was granted for the program to come with a different proposal.
The mosquito abatement team will be spraying for mosquitos around hogs back area.
5. Mike Ruesch-PC Liaison/Beautification Committee/Cemetery/Tree Board/Trails:
No report was given.
6. Mayor Chamberlain-TSWS/EMC/DTEC:
No report was given.

Councilmember Ty Bringhurst made a motion to move to an executive session to discuss the purchase, exchange, or lease of real property and to discuss the character, professional competence, or physical or mental health of an individual. Motion seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Sip-aye, Bringhurst-aye, Ellsworth-aye, Ruesch-aye, Heideman-aye.

G. POSSIBLE CLOSED SESSION:

Executive session started at 7:40 p.m. and ended at 8:22.

Councilmember Keen Ellsworth made a motion to move back into regular session. Motion was seconded by Paul Heideman. Motion unanimously passed 5-0. Sip-aye, Bringhurst-aye, Ellsworth-aye, Ruesch-aye, Heideman-aye.

H. ADJOURN:

Mayor Chamberlain adjourned meeting at 8:22



Mayor - Lynn Chamberlain

5.10.2018

Date



Attest: City Recorder - Dana M. McKim

