

**TOQUERVILLE CITY COUNCIL**  
**Regular Business Meeting Minutes**  
**May 10, 2018 at 6:00 pm**  
**212 N. Toquerville Blvd, Toquerville Utah**



Present: Mayor Lynn Chamberlain; Councilmembers: Paul Heideman, Mike Ruesch, Justin Sip, Keen Ellsworth, Ty Bringhurst; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Others: Attorney Heath Snow, Zoning Official Mike Vercimak, Planning Chair Alex Chamberlain, Hurricane Valley Fire Department Representative Merlin Spendlove; Public DRMC Representative Terri Draper, Self Help Representative Brent Bluth, Annette Kleinman, Rebecca Hansen, Manning Butterworth, Jake Peart, Wayne Olsen, County Fire Warden Adam Heyder, Steve Harris, Gabe Renolfson, Devyn Pope, Jordan Hall, Michell Cloward, Brian Chadaz, James Stone, Brigham Darger.

**A. CALL TO ORDER:**

Mayor Lynn Chamberlain called the meeting to order at 6:01 p.m. The Pledge of Allegiance was led by Councilmember Justin Sip, an invocation offered by Councilmember Paul Heideman. There were no disclosures, conflict declarations, nor statements of belief.

**B. ANNOUNCEMENTS:**

1. Introduction of the 2018 Toquerville Royalty:

The 2018 Toquerville Royalty, Devyn Pope and Jordan Hall introduced themselves to the council. Miss Toquerville, Addy Lichfield was unable to attend the meeting. Mayor Chamberlain thanked the girls for their future service. Heideman will make contact them in the near future to coordinate help at the 4th of July celebration. The young women will help cut melons and serve breakfast for the event.

**C. PRESENTATION:**

1. Dixie Regional Medical Center – Brian Chadaz Announcement of Grand Opening in September and new services available:

Brian Chadaz, the Chairman of the governing board for the Dixie Regional Medical Center and CEO Michell Cloward gave the council a brief report about the new services available at their hospital. Also in attendance from the hospital was Terri Draper, the director of public relations. He spoke about the new addition, which doubled the hospital in size. The addition cost approximately three million dollars. The addition should increase some specialized services and expand on existing services. Dixie Regional Medical Center is an economic stabilizing force. It runs neck and neck with the school district as being the biggest employer in Washington County. The hospital is a not for profit entity. Profits are returned back into services provided at the hospital.

Michell Cloward spoke about a neurosurgeon employed at the hospital with special skill sets. He briefly spoke about the specialized services. The hospital is looking at creating an active senior living center with the integration of health services.

**D. CONSENT AGENDA:**

1. Review and Possible Approval of the City Council Meeting Minutes from April 5, 2018 Special Work Meeting, April 12, 2018 Regular Business Meeting, and April 19, 2018 Special Work Meeting/Open House Meeting:



*Councilmember Justin Sip made a motion to approve the meeting minutes from April 5, April 12th, and April 19th. The motion was seconded by Councilmember Keen Ellsworth. Motion unanimously approved 5-0. Bringhurst-aye, Sip-aye, Heideman-aye, Ellsworth-aye, Ruesch-aye.*

2. Review and possible approval of City Expenditures from April 2018:

*Councilmember Ty Bringhurst made a motion to approve the April 2018 city expenditures. The motion was seconded by Councilmember Keen Ellsworth. Roll Call: Bringhurst-aye, Sip-aye, Heideman-aye, Ellsworth-aye, Ruesch-aye. Motion unanimously approved 5-0.*

#### **E. CITY DEPARTMENT REPORTS:**

1. Zoning Administrator, Mike Vercimak:  
Construction drawings for Mesa View phase two of two were received. Bringhurst asked Vercimak if Interstate Rock could be reminded to be more diligent in administering dust control in conjunction with their extraction permit in the Trail Ridge Estate subdivision.
2. Hurricane Valley Fire Department Representative, Merlin Spendlove:  
Merlin Spendlove and Gabe Renolfson explained the importance of the Utah Division of Forestry, Fire and State Lands fire mitigation plan and the need for Toquerville to adopt the cooperative agreement. The plan was adopted by the city council and will need a signed copy of the contract. The Hurricane Valley Fire Department will assist the city with tracking prevention and in-kind measures. Adam Heyder, the County Fire Warden explained how the fire department will track those projects and the need for the signed contract.
3. Planning Commission Representative, Chairperson Alex Chamberlain:  
The cul-de-sac ordinance was recommended approval at a special meeting. Approval of the ordinance was not unanimous. There was a concern with the narrow frontage, parking problems may occur. There was a suggestion to prohibit any on-street parking, but was not unanimous. The commission was favorable of this reduction in an R-1-12 zone only.
4. Public Works Director, Lance Gubler:  
The slurry seal project was completed. The DNR (Department of Natural Resources) will reimburse the 7200 dollars for the matching tree city grant.  
He would like to know if he could install a surplus of pipe in the ground at the Trail Ridge Estate Park. The council seemed agreeable to the suggestion.  
Gubler gave a brief report of the gopher problems at the cemetery and some dead grassy areas at Center Street City Park.  
He stated the SR17 project has started and the city will experience some construction within the next sixty-day time frame.  
The lights were installed on the north end Toquerville welcome sign. Additional shielding will be added from next year's budget.
5. City Attorney, Heath Snow:  
No report was given.



## **F. PUBLIC FORUM:**

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

Rebecca Hansen from Westfield Road:

Asked about the recent TSWS (Toquerville Secondary Water System) impact fee collection and if the city attorney could give any helpful information.

Councilmember Sip gave his opinion on the subject. The district is trying to collect fees which were not collected at the time of the construction of the home. Several of these homes have changed ownership and it is unclear how these fees will be collected. Councilmember Ellsworth gave a brief rundown of his personal experience with his TSWS connection. There was a discussion on whether or not the fee was an impact fee, or a connection fee. Attorney Snow spoke about impact fees and how those fees have a statute of limitations.

Bringhurst has an upcoming appointment with the district and will report on the item next month. Mayor Chamberlain encouraged the public to attend all TSWS meetings.

Jake Peart from Peachtree Drive:

Peart, a planning commissioner had a concern about the recent cul-de-sac reduction. He believed the cul-de-sac should be limited on-street due to the radius of the turn.

Justin Sip reviewed the plat and thought since the frontages are smaller; the placement of the home will require to be placed deeper into the lots and will create long driveways. He is hopeful the width of the driveway will allow for the needs of the parking.

Wayne Olsen from the north end of Toquerville:

He gave his opinions from the last city council and planning commission special work meeting where short-term rentals and bed and breakfast establishments were discussed. He was unsure if he liked the idea of combining the two different uses. In doing so, it would allow for more vacation rentals within a 1000 foot radius. He was not supportive of adding an annual permit fee. He paid \$1000.00 for his permit and believed the fee should cover all the city fees accrued with his permit. He also had a concern with the idea of not having a requirement of lodging per room. He didn't feel 10 people staying in a room would be safe. He did admit maybe he didn't fully understand what the council and commission's goal was regarding occupancy.

Lance Gubler from Sunset Avenue:

Gubler had unease about the amount of short-term rental and bed and breakfast establishments in his neighborhood. He stated there are 10 of these businesses within a 1400 foot radius of his home. He would like a density requirement implemented. He believed these different uses should be separated and not combined. He would also discourage the council and commission to approve these uses to be exercised when two dwellings are located on a single parcel.

Mayor Chamberlain suggested public comment and involvement will occur when a public hearing is conducted to modify this chapter.

Jake Peart from Peachtree Drive:

Peart asked Attorney Snow how the existing establishment will conform to new standards. Snow stated these uses will be classified as legal non-conforming uses and will continue to be legal unless the use is abandoned for a period of 12 continuous months. A bed and breakfast is a conditional use permit, whereas a nightly/short-term rental is not.

Attorney Snow gave a reason as to why a moratorium was not recommended for short-term rentals.



***Councilmember Paul Heideman made a motion to move into a public hearing to discuss the FY2019 Toquerville Tentative Budget. The motion was seconded by Councilmember Ty Bringhurst. Motion unanimously passed 5-0. Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.***

#### **G. PUBLIC HEARING**

1. Public Discussion on the FY2019 Toquerville Tentative Budget.

No public comment was made.

***Councilmember Paul Heideman made a motion to move out of the public hearing to discuss the FY2019 Toquerville Tentative Budget. The motion was seconded by Councilmember Mike Ruesch. Motion unanimously passed 5-0. Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.***

#### **H. BUSINESS:**

1. Discussion and Possible Action on Ordinance 2018.04 Cul-De-Sac Setback Reduction:  
Heideman asked Brent Bluth to discuss parking concerns. Bluth expressed his gratitude to the Planning Commission for holding a special business meeting where the reduction was recommended approval.  
He stated the Ash Creek Overlook subdivision meets the parking requirement. Two spaces will be provided for each residence. The developer does not govern on-street parking requirements. Bluth believed if there was no on-street parking it could possibly create parking problems in the outlying areas of the neighborhood. The ordinance would reduce not the frontage, but the setback requirement on the lot.  
Attorney Snow gave options to the staff and council on how to mitigate parking concerns. The city could exercise the parking ordinance currently in effect that requires vehicles to be moved within a certain time period. He also suggested if needed, the city could evaluate parking concerns and mark parts of the frontage as “no parking” zones.

***Councilmember Ty Bringhurst made a motion to approve Ordinance 2018.04. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Ruesch-aye, Ellsworth-aye, Sip-aye, Heideman-aye, Bringhurst-aye.***

2. 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.)

***Councilmember Justin Sip made a motion to approve the Ash Creek Overlook Subdivision Final Plat application. Motion amended by Sip to approve the subdivision with the new cul-de-sac reduction requirement in an R-1-12 zone. Amended motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Ruesch-aye, Ellsworth-aye, Sip-aye, Heideman-aye, Bringhurst-aye.***

3. Discussion and Possible Action of Proposal by Scott Fuller and Kenneth Bentley to Purchase Municipal Property Tax ID# T-3-1-2-1-342 – (City Water Tank Shop and Storage Facility)



Bringhurst reached the possibility of obtaining alternate land for the construction of a new shop. The water district suggested the new Toquerville Reservoir site may be an ideal location for a new shop. The ash creek sewer pump station will be relocated and Bringhurst asked if the council would be interested in making the station a part of the city yard. A building 40x40" with three 12 foot doors, a man door, a small office area with a window would be approximately \$100.00 a square foot. He would like to explore more options before entertaining the proposal. Fuller stated in the last meeting he would plan on presenting an official purchase proposal in the next month. Bringhurst believed the shop property should not be on residential zoned property. He gave further detail of the conservancy's district future purchase of land and how Toquerville could use part of the land. Snow stated if municipal property is sold or abandoned the city will need to follow state legislature requirements for the sale of such land and explained the procedure. Jeffrey suggested the construction of a new building would need to be budgeted for. To use water impact fees, the building would need to be defined in one of the capital facility projects.

Bringhurst also gave the suggestion if the landowner would like to lease the tank access to the property for a designated time until a new shop could be built was another viable option. Ellsworth suggested there should be a certain amount of compensation in the purchase price for the property to be sold since the facility will need to be relocated. The council agreed with Bringhurst to pursue with the conservancy district the option to obtain land near the future reservoir.

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

4. Discussion and Possible Action on FY2019 Tentative Budget; Set Public Hearing Date for Final Budget Approval:

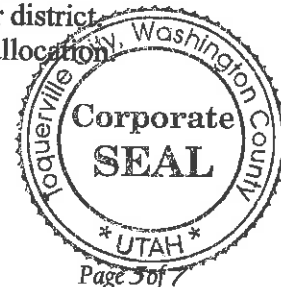
Jeffrey explained there were no changes from the last meeting and briefly discussed the expenditures appropriated to the future budget. She suggested to council a hearing date could be set for June 14, 2018.

***Councilmember Paul Heideman made a motion to approve the FY2019 tentative budget and set the hearing date for June 14, 2018, at 6:00. The motion seconded by Keen Ellsworth. Motion unanimously carried 5-0. Roll Call: Sip-aye, Ellsworth-aye, Bringhurst-aye, Ruesch-aye, Heideman-aye.***

5. Discussion of Municipal Water Right Classification:

Gubler gave a brief explanation on how the city should change some of the Toquerville irrigation shares to culinary shares, and request if the water district could reimburse the city for unused water. The shares are designated as municipal shares. It was suggested all the unused water rights could be purchased by the water conservancy district. Attorney Snow suggested the benefits should be evaluated prior to any request for a water classification change. Snow suggested the rights and current water agreement should be investigated for future price negotiations. There was a brief discussion about impact fees assessed by the water district. Mike Vercimak suggested the water rights would not be a reclassification but a reallocation.

***Councilmember Ty Bringhurst would like to table this item until further notice.***



6. Discussion of Old Church Bridge Redesign/Upgrade:

Alpha Engineering submitted a quote for the redesign of the bridge on Old Church Road. These improvements will increase the tonnage rates of the bridge. Future construction will start on this road and the bridge needs to be reinforced. No expenditures can be spent until July 1st. The bid is for a design and not inclusive of the construction.

**I. REPORTS:**

1. Keen Ellsworth-Economic Development/Fire:

Ellsworth asked the council if they would be any objections to him modifying the recreation plan with the water district to change the number of allowable campsites to be constructed. After receiving the SUU (Southern Utah University) cost analysis study, it showed there would be a need to increase the number of campsites to create profitability. There were no objections from the council. Ellsworth will plan a future meeting with the district to discuss these changes.

Bringhurst suggested a lease agreement with the water conservancy district for land expansion should be investigated.

The southern welcome sign easement was sent to the owner, will be signed and sent back to the city office. A survey will be done in July and the document will be recorded with the property.

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

No report was given.

3. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:

Requested if the staff could write a letter to last year's lighting competition were selected as judges for the next lighting ceremony in December of 2018. Tammy Young and her young women will start on the county seed display.

4. Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance:

He attended the mosquito abatement meeting today. Citizens will see their crews out in the field working to minimize the mosquito population.

5. Mike Ruesch-PC Liaison/Beautification Committee/Cemetery/Tree Board/Trails:

Ruesch pursued a park modification proposal of the Almond Heights Park to change the parking lot location. No money has been expended.

6. Mayor Chamberlain-TWSW/EMC/DTEC:

No report was given.

***Councilmember Ty Bringhurst made a motion to move into a closed session for the purpose of land acquisition. The motion was seconded by Councilmember Mike Ruesch. Motion unanimously carried 5-0. Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.***

Mayor Chamberlain moved out of business items at 7:40 p.m.

**J. POSSIBLE CLOSED SESSION:**

An executive session was declared for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property. City Councilmembers, Attorney Snow, Jeffery, and McKim were in attendance.

***Councilmember Paul Heideman made a motion to move out of executive session. The motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Heideman-aye, Ruesch-aye, Bringhurst-aye, Ellsworth-aye, Sip-aye.***



**K. ADJOURN:**

Mayor Chamberlain adjourned the regular business meeting at 8:15 p.m.

  
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Mayor Pro Tem Keen Ellsworth

6-14-2018  
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Date

  
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Attest: City Recorder - Dana M. McKim

