



**TOQUERVILLE CITY COUNCIL**  
**City Council Regular Work Meeting 6:00 p.m.**  
**October 4, 2018**  
**Held at 212 N. Toquerville Blvd, Toquerville Utah**

Present: Mayor Lynn Chamberlain, Councilmembers: Justin Sip, Keen Ellsworth, Alex Chamberlain, Paul Heideman; Staff: Treasurer June Jeffery, Public Works Director Lance Gubler, Recorder Dana McKim; Others: Hurricane Valley Fire Department Representative Merlin Spendlove, Planning Chair Manning Butterworth, Ash Creek Special Service District Representative Blair Gubler; Public: Greg Turner, Michelle Madsen, Gary Chaves, DC Young, Chris Butterworth, Andrew Goble; Absent: Councilmember Ty Bringhurst.

**A. CALL TO ORDER:**

The city council work meeting was called to order at 6:00 p.m. by Mayor Lynn Chamberlain. The Pledge of Allegiance was led by Councilmember Justin Sip, and invocation by Councilmember Paul Heideman. There were no disclosures or conflicts declared by councilmembers, nor belief statements.

**B. PRESENTATION:**

1. DC Young to present awareness of the Alpha-1 Antitrypsin Deficiency a genetic condition, and request proclamation by Toquerville City to declare November as Alpha-1 Awareness month:

DC Young, a representative for the Alpha-1 foundation has partnered with the State of Utah to ask the City of Toquerville to declare the month of November as Alpha-1 Awareness Month. He described the Alpha-1 condition and how it has affected his personal lifestyle. On November 7th, Young will go to the state capital and partake in an awareness walk and meet with government leaders to discuss the genetic condition in an effort to raise awareness and encourage testing. Their goal is to increase the quality of life for people with the condition and to support research efforts to find a cure. Young answered questions from the council and public regarding how a person gets tested for the condition.

**C. STAFF REPORTS AND UPDATES:**

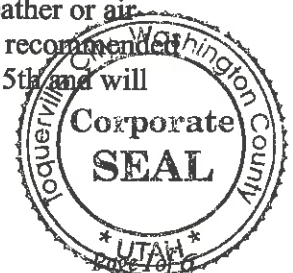
1. Ash Creek Sewer District Representative, Blair Gubler:

Gubler gave a brief summarization of the last special service district meeting. The district recently approved a 4.2 million dollar bond to start the development project of the bench lake area. The board also discussed the pros and cons of expanding the number of board members to serve on the panel with the end result staying with six representatives.

2. Fire District Representative, Merlin Spendlove:

Six new members were hired on with the department and their agency has been busy. The wildland fires have slowed down, but depending on whether that may change. The recent rain increase really helped with the fire up near the Payson Canyon Utah area. Some of the wildland crews have worked on mitigation measures by logging areas to create slash piles to be burned later on this winter. Spendlove met with Gubler to preplan a strategy for flooding and the logistics of sandbagging measures.

Heideman asked how someone obtains a burn permit. Spendlove suggested people needing to burn can call the Hurricane Valley Fire Department or log onto their website. Weather or air quality conditions dictate whether or not a burn will be allowed or not. He highly recommends everyone call in when they plan on burning. The burn season started September 15th and will



end the 15th of November. He encouraged property owners to clear fire hazards from their property. Ellsworth also promoted people to call in their controlled burns and believed the fire department will grant more leniency or understanding if the burn becomes out of control. People can and do get cited for out of control burns. Spendlove will not be in attendance at the upcoming regular city council business meeting.

3. Planning Commission Chairman, Manning Butterworth:

The Planning Commission unanimously recommended approval to the city council regarding the new short-term rental ordinance at the last commission meeting with a few suggestions. There was a grammatical change to the preamble and an addition to the parking requirement. The commission agreed there shall be no overnight on-street parking by guests or residents at a nightly rental. The commission also desired to change the phraseology of the owner requirement. They suggested the controlling owner shall have a primary residence within the city rather than declare the owner to be a primary resident.

4. Public Works Director, Lance Gubler:

Toquerville City will be sponsoring a grant workshop with the Utah Recreation Department to encourage agencies to apply for grants to improve their trails and recreation plans. The workshop will be held at city hall on October 15th at 11:00 a.m. He would like to work towards adopting a general trail plan. Most of the grants are a 50/50 match.

During the last rain storm, Scott Coleman's yard in Almond Heights Park Subdivision was flooded. The city crew dug a trench alongside his wall to divert the water onto the city park property. Gubler explained the drainage plan for the area to fix drainage concerns.

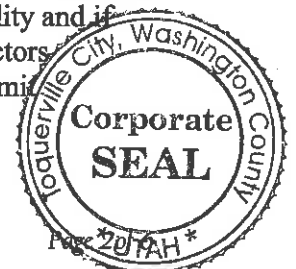
Mayor Chamberlain asked if the home being constructed on Pioneer Ave has any drainage concerns. Gubler met with the building inspector and believed any problems have been mitigated. Before the city issues a certificate of occupancy they will re-evaluate the final project. Gubler mentioned a possible drainage concern on the northeastern corner of Peachtree Drive. Water drainage from Sunset Ave drains onto Westfield Road, continues eastbound on Peachtree and pools in a small cul-de-sac. The city may need to install a drop box further up on the roadway to maintain water drainage. A drop box was recently installed on the southeastern corner of Grassy Lane and Peachtree to fix drainage concerns. He presented the 2017 and 2018 Toquerville water usage report.

The water tanks were internally inspected by a submersible camera to look for rust and damage. All tanks seem to be in good condition.

Gubler recently attended a walkability class in St. George and discussed the need for cities to provide wider sidewalks. The class encouraged cities to be mindful of installing planter boxes, trees, bushes, and other items that take up valuable walking space. Sidewalk development should promote pedestrian walkability. They discussed different key measurements, types of crosswalks, and ADA standards. He suggested the city should construct a walkway down into the center city park. It would benefit people who walk to the park on a regular basis and for the city-sponsored park celebrations that occur throughout the year.

The city had an inspector onsite during the Ash Creek Overlook sewer and water installation to ensure the trenches were bedded properly and the lines were set up to meet the city's standards and specifications.

Gubler showed a picture of a home recently constructed in the Almond Heights Park Subdivision where the lights do not meet the dark sky ordinance. He urged the council to designate a lighting administrator. There was discussion about who should be tasked with the responsibility and if the building inspector will be able to fulfill that commitment. He notified the contractors building homes in Toquerville of the requirement, which is noted on the building permit



application that certificate of occupancies will not be granted unless they reach compliancy. Councilmember Chamberlain believed the ordinance required lights to be installed with shields and positioned in a downward position.

The Old Church Road Bridge may need to be reassessed for future improvements due to some recent land development proposals. He suggested the council should evaluate whether or not to reinforce the bridge or build a new, wider bridge. He briefly discussed sewer and water. The south end Toquerville welcome sign footings will be poured later on this week and the sign will be delivered.

The Utah State Trust inspection indicated the city should appoint a safety inspector. He would like to send Ryker Steiglich to attend the training and become the inspector.

The center street city park retaining wall project has commenced. The large boulders have been removed and a large concrete wall with an aggregate finish will be poured, which should look nice. The lawns at the cemetery and the park were aerated and seeded. The addition to the cemetery shed was also started and he spoke about the prices of the trusses and the sliding door. The lawn appearance should improve with the recent work done to the property. Gubler explained why the goat heads and weeds were a problem this last year. Section A of the cemetery has been the biggest struggle of the cemetery. He has tried to establish grass in the area and was hopeful it will look better next year. To find an employee to dedicate solely to the grounds was difficult due to the recent water leaks and subdivision development. The increase of the gopher population did not help ground keeping efforts either. A pre-emergent product was purchased but was unable to be applied due to the spike of increased temperatures this last spring. Mayor Chamberlain briefly discussed the low hanging tree branch hazards located on Toquerville Boulevard. On the west side of the boulevard, trees located on the east side of the sidewalk are within the UDOT highway right of way. Gubler asked if the city engineer should survey and mark the boulevard to designate where the property line lies. Mayor Chamberlain directed Gubler to get a survey done.

**D. BUSINESS: Council Discussion followed by public input after each item.  
Please limit 90 seconds per person and two minutes per organization.**

1. Discussion of Resolution 2018.XX-National American Indian Heritage Month:  
Michelle Madsen, a representative from the Daughters of the American Revolution Color Country Chapter presented a resolution to recognize November as American Indian Heritage Month. Their chapter will host a meeting in November with a guest speaker, Karma Grayman. Grayman is a Paiute language teacher who teaches the Paiute language to children in Washington County. She explained how the number of people fluent in the Paiute language has dwindled over the years. She gave suggestion to the council how other cities and organizations have observed the National Indian Heritage month.  
The council may plant a tree behind Chief Toquer's memorial to observe the National American Heritage Month.
2. Discussion of Engineer Expenditure-Revision of Standards and Specifications Manual:  
Alpha Engineer gave a quote to redo the standard and specifications manual. The book needs to be stamped by the city engineer. The quote was in the amount of \$2490.00. The council would like to proceed with the expenditure but doesn't need a consenting vote because it is under \$2500.00.



3. Discussion of City Code Title 3-Business and License Regulations:

Mayor Chamberlain would like the council and staff to re-evaluate how Toquerville administers business licenses. Every business in the city requires either a conditional use permit or a home occupation permit. To obtain a business license is approximately a three-month process. He would like to streamline it and encourage businesses to come to Toquerville. Jeffery suggested home occupation permits could be issued by staff, especially regarding small home offices. It was suggested there were several items lacking in the code and would like a total rewrite by Attorney Snow. Butterworth would like Mike Vercimak to be a part of this revision process since it does affect Title 10, land management.

4. Discussion of Modifications to Policy and Procedure:

Attorney Snow sent the modifications to the councilmembers to update their policy and procedures due to recent legislative changes. Councilmembers may direct any questions to legal counsel at the next city council meeting.

5. Discussion on Rocky Mountain Power Street Lighting Facilities Purchase and Sale Agreement:

Rocky Mountain Power received the city's projected agreement and there has been no further communication from the power company. The city will wait to hear from the power company. There was discussion of what the city's responsibility for wires and poles were briefly discussed.

6. Discussion of Street Expenditures-Chip Seal Project Overage:

When the county came in and helped Toquerville chip seal the road there was an overage. The council will need to approve the expenditure in the amount of \$1650.00.

7. Discussion of Ordinance 2018.XX - Special Event Business License:

The council sent a short list of proposed events that would not require a special event business license. There have been no changes. Mckim will make contact with the city attorney to see if he has changed the proposed ordinance.

8. Discussion of Ordinance 2018.XX - An ordinance revising and restating in its entirety Sections 3 and 4 of Chapter 17 of Title 10 as well as amending Chapter 3 of Title 4, and Chapters 2, 9, 10, 12 and 22 of Title 10 of the Toquerville City Code for the purposes of eliminating the concept of bed and breakfast transient lodging use and bringing their regulation under the umbrella of amended and expanded regulations regarding the nightly rental of dwellings within the city. (PC recommended approval 5-0):

Mayor Chamberlain was impressed by the detail oriented and diligence the Planning Commission exerted when the ordinance was revised. Ellsworth believes the changes strikes a balance between property owners of these establishments and the surrounding neighbors. Greg Turner asked how the existing establishments will be enforced. Will the old permits fall under the new requirements at the yearly renewal or will they be vested or "grandfathered" in the old code at the time they were granted. The city attorney will be asked this question and provide clarification. There was a brief discussion how the city will enforce illegal rentals and how recent legislative changes prohibit cities by solely investigating those types of businesses via the internet. If a complaint is received the city may investigate.

McKim asked the council if a person who holds a primary residence in Toquerville, but is out of town for months at a time will be able to rent out their home. She asked if this would negate the reason for the owner to live in Toquerville because of contact purposes. Ellsworth believed



under the new ordinance they would be able to rent the home out and as long as the city can contact them it shouldn't be a problem.

Butterworth wanted to thank the council and commission for the willingness to meet together to describe the goals and derive a common consensus.

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

**1. Justin Sip-Solid Waste/Mosquito Abatement/Tree Board/Trails Committee/Parks:**

Sip is working on getting a new trails committee formed. He will also plan a park committee meeting. A tree will be planted to honor National Arbor Day and observe the Native American Indian Heritage month.

He gave a brief report on the solid waste district and the continued efforts by the district to find alternative ways to recycle.

**2. Keen Ellsworth-Economic Development/Fire Department Liaison**

Ellsworth would like feedback on the Anderson Junction and frontage road area, including the SR17 approach and off-ramp to the interstate. He would like to approach the Washington County Water Conservancy District to start an easement agreement to develop open areas and develop a roadway with Gilbert Development and the route they use for their extraction permit. Ellsworth's desire is to create some open space in the area so it's not overdeveloped at a main intersection and thoroughfare.

The council agreed Ellsworth should proceed forward and present something to the council at a later date.

He suggested the council should develop a master plan for the Anderson Junction area. There was a discussion on how to best develop each side of the interstate.

Ellsworth would like the city to develop a social media interface with the public. Whether the site can be locked down to only push information out to the public and not receive comment will be further researched. He suggested the city should also adopt a social media policy.

Councilmember Chamberlain discouraged any conversation on unofficial city-sponsored pages by the council or staff, but was supportive of creating an official Toquerville facebook and twitter page. McKim suggested a PIO (public information officer) should be named in the policy to administer and respond to the social media requests and postings. The desire for social media communication was to educate the public and not a medium to submit complaints. The public needs to contact the city office via phone or email and follow the proper communication channels.

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

No report was given. Bringhurst was absent from the meeting.

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

Heideman gave a brief report on the Ash Creek Special Service District's revenue received from the hay and livestock projects.

He will be contacting and coordinating with different people to plan for the upcoming Christmas Lighting Celebration Program and to decorate the outside of the city hall. The Christmas Celebration will be November 24, 2018 at 6:00 p.m.

The city has yet to receive any bids on the nativity scene. If anyone is interested in purchasing the old nativity scene items please submit the bid to McKim or Jeffery.

**5. Alex Chamberlain- Planning Commission Liaison/Beautification Committee/Cemetery Risk Management/City Hall Maintenance:**



A piece of machinery, possibly a harrow machine ran over a headstone located in the Toquerville Cemetery. The headstone received some damage and wondered if the city would fix the headstone. It is presumed the harrow was driven by a city employee. Gubler will contact bids and get the headstone replaced.

Chris Butterworth thanked the council and the commission for all their hard work to revise the nightly rental ordinance.

- 6. Mayor Chamberlain-TSWS/EMC/DTEC:  
No report was given.

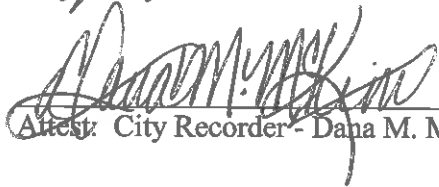
**F. POSSIBLE CLOSED SESSION:**  
A closed session was not declared.

**G. ADJOURN:**

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

  
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Mayor - Lynn Chamberlain

  
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Date

  
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Attest: City Recorder - Dana M. McKim

