

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
October 11, 2018 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Paul Heideman, Alex Chamberlain, Ty Bringhurst, Keen Ellsworth, Justin Sip; Staff: Treasurer June Jeffery, Recorder Dana McKim; Others: Zoning Official Mike Vercimak, Planning Chair Manning Butterworth; Public: Gene and Darlene Wilder, Greg Turner, Gregg Leiby, Dan James, Chris Butterworth, Claudia Young, DC Young, Valerie King, Gary Chaves. Absent: Public Works Director Lance Gubler

A. CALL TO ORDER:

1. The meeting was called to order by Mayor Lynn Chamberlain at 6:00 p.m. The Pledge of Allegiance was led by Councilmember Paul Heideman and invocation offered by Councilmember Alex Chamberlain. There were no disclosures, nor conflict declarations from the council. There were no belief statements voiced.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from the Special Work and Business Meeting held on September 6, 2018:

Councilmember Keen Ellsworth made a motion to approve the meeting minutes as written from September 6, 2018. The motion was seconded by Councilmember Keen Ellsworth. Motion unanimously approved 5-0. Vote: Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye, Alex Chamberlain-aye, Paul Heideman-aye.

2. Review and possible approval of City Expenditures from September 2018.

Councilmember Paul Heideman made a motion to approve the September 2018 expenditures. The motion was seconded by Councilmember Justin Sip. Motion unanimously approved 5-0. Roll call vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:

Jeff Fry submitted a zone change application for his property located on Cholla Drive. The property is currently zoned agriculture and will be rezoned to a residential zone. He would like to subdivide the property after the change is adopted and add two lots to the property. At the last development staff meeting, he met with a property owner who owns land at the end of Old Church Road. He would like to submit a large parcel subdivision into three lots. One of the lots would result in a subdivision of approximately 56 lots. The remaining lots would be large parcels where the owner has plans to build a home. The council may want to revisit the plans to reinforce the Old Church Road Bridge and instead build a wider bridge to accommodate the future increase of traffic. The owner has spoken with the Ash Creek Special Service district about how and where to install a lift station for the sewer. The city will need to see a water model for added connections.

The application for a grading permit was received on the 60-acre development southwest of the Toquerville heights area was received. A building permit may be pulled once access is obtained.



2. Planning Commission Representative, Manning Butterworth:
Butterworth described the recommended changes to the nightly rental ordinance where the Planning Commission unanimously recommended approval. He asked legal counsel if the ordinance would have to re-state or affirm any current ordinance regulations in city code for enforcement measures. Snow stated the permit holder would have to adhere to any current code regulations, and it would not have to be in the nightly rental portion of the code. To expand upon the permit would require a re-evaluation by the Planning Commission. These expansions would not include any prior conditional use permits granted by the city. The old conditional use permits would have to reapply for a permit under the new legislation.
3. Public Works Director, Lance Gubler:
No report was given. Gubler was absent from the meeting.

D. PUBLIC FORUM:

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

Gene Wilder from Pecan Lane-

He inquired why the roadway had never been improved upon, even after a portion of the road was dedicated to the city. He asked if the street could be marked for future improvements. The concern was listed as a business item and will be discussed during the business portion of the meeting.

E. BUSINESS:

1. Discussion and possible action on Resolution 2018.XX-National American Indian Heritage Month.

Valerie King from the Daughters of the American Revolution, Color Country Chapter explained the importance to preserve the history of the Native American culture. She discussed the different options their chapter chose to recognize the month-long observance. Justin Sip suggested a tree could be planted behind Chief Toquer’s plaque at city hall to commemorate the event.

Councilmember Keen Ellsworth made a motion to approve Resolution 2018.16, National American Indian Heritage Month. The motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 5-0. Vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringham-aye, Keen Ellsworth-aye, Justin Sip-aye.

2. Discussion and possible action on Resolution 2018.XX-Alpha One Antitrypsin Deficiency (Alpha-1) Awareness Month:

D.C. Young and his wife, Claudia Young briefly explained the resolution and thanked the council for considering the adoption of the Alpha-1 resolution. Young gave a brief description of the condition and the importance for people to get tested.

Councilmember Alex Chamberlain made a motion to approve Resolution 2018.17, which observes the month of November as Alpha-1 Antitrypsin Deficiency Awareness Month. The motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringham-aye, Alex Chamberlain-aye, Paul Heideman-aye.



3. Discussion and possible action on Resolution 2018.XX-Arbor Day Proclamation:

The Arbor Day resolution will designate the 2019 Arbor Day celebration to occur on November 1, 2018 at 5:00 p.m. A tree will be planted in front of City Hall near the Chief Toquer memorial.

Councilmember Justin Sip made a motion to approve Resolution 2018.18-Arbor Day Proclamation. The motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Vote: Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye, Alex Chamberlain-aye, Paul Heideman-aye.

4. Discussion and possible recommendation of Toquerville Boulevard right of way:

There was a discussion about the Utah Department of Transportation right of way on Utah State Route 17. Trees planted in the right of way have become pedestrian hazards due to the low hanging tree branches. The city engineer surveyed and marked the right of way. The survey showed the right of way encompassed the trees. The council discussed the liability of whether or not the trees should be trimmed. The local power company periodically will trim trees on the boulevard and not require permission for the adjacent property owner. The power company has the duty to keep the lines clear and there was a suggestion the city should do the same. The city has historically encouraged property owners to take care of the trees. Mayor Chamberlain and Councilmember Sip planned to do a physical walk-thru on the west side of the boulevard to assess the trees and evaluate potential hazards.

5. Discussion and possible action of modifications to Toquerville Policy and Procedure:

Attorney Snow wrote a policy and procedure for City Councilmembers to follow due to recent legislative changes. His intent was to obtain feedback. A future resolution will be drafted for adoption in Chapter 3 of City Code. He encouraged the council to go over the document and bring any changes to the next council meeting.

Councilmember Keen Ellsworth made a motion to table the item for 30 days. The motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

6. Discussion of possible road improvements to Pecan Ave. - Applicant, Gene Wilder:

A map of the property was displayed to show city ownership. The street would require a road base to be installed and then it could be possibly paved in the future. Bringhurst suggested the city could rent a motorized grader and do all the dirt roads in Toquerville that have residence access. It was suggested the road should be given an evaluation by development staff to figure out where the existing infrastructure lays to properly assess the roadway.

7. Discussion and possible action for Street Expenditures - Chip Seal Project Overage:

When the chip seal project was done there were charges that were unaccounted for. Washington County will need an additional \$1650.10 to fulfill the financial obligation.

Councilmember Ty Bringhurst made a motion to approve the chip seal expenditure overage in the amount of \$1650.10. The motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 5-0. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye.



8. Discussion and possible action on Ordinance 2018.XX - Special Event Business License:

Councilmember Chamberlain suggested the city should include a specific list of activities and events require a special event business license, rather than cast a wide net requiring most events obtain a license. Some events need certain types of requirements. The council suggested a redraft of the ordinance and to leave the list of events requiring a license smaller than larger. Ellsworth disagreed and believed Toquerville was not at the stage in their development where a license should be required. Vercimak brought to light how Hurricane manages event permits. Their facilities are booked for every weekend and suspects some of these events will filter out to surrounding towns. He suggested the city should plan for that type of increase of events. Any time a road is closed or would interfere with public services, the city should be notified. Mayor Chamberlain suggested the council re-evaluate the permit and provide a list of events the city should require a permit to be obtained.

Councilmember Keen Ellsworth made a motion to table the item until more clarity is obtained and the council has a definite idea of what the city wants. The motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Vote: Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye, Alex Chamberlain-aye, Justin Sip-aye.

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

Mayor Chamberlain suggested a rewrite of Title 3 of City Code to streamline the process of obtaining a business license. The chapter is lacking some basic requirements and should include requirements for sexually oriented businesses. The code is out of date and should receive a full update with recent state requirements. Heideman suggested requirements for solicitors could also be modified. It was suggested home occupation permits and conditional use permits could be evaluated and granted by staff and the Planning Commission.

10. Discussion and possible action on 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):

Councilmember Keen Ellsworth would like to applaud the efforts of Chairperson Butterworth, his wife Chris Butterworth, and Councilmember Chamberlain on the work done to modify the nightly rental ordinance.

Councilmember Keen Ellsworth made a motion to approve Ordinance 2018.06, the nightly rental ordinance as written. The motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye.

Councilmember Chamberlain was apprehensive to approve the parking requirement to not allow overnight on-street parking by guests or residents when the ordinance in the prior sentence requires applicants to have sufficient off-street parking spaces for all guests and residents. He will approve the ordinance but wanted to caution the council and public they are doing so with their eyes wide open. Heideman asked if any of the nightly short-term rental application fees



could be refunded the monetary difference since the fee of the application was lowered. The city had two establishments that received their permits over one year ago. It was decided a refund would not be given.

11. Discussion and possible recommendation of Toquerville City's social media policy:

Councilmember Ellsworth suggested the City of Toquerville should connect to social media mediums to notify citizens of city government meetings and disseminate out public information. He offered to write a policy and procedure for the city. He did not want to make the sites for the public to be able to post or comment, but rather for the purpose of education. If a citizen wanted to contact the city office, they should call the office and go through the proper channels and chain of command. There was a suggestion to include an administrator or public information officer to manage the different applications. Ellsworth will provide a draft policy for the next council meeting.

F. REPORTS:

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

The state will host a trails committee grant writing workshop on October 15th between 11:00 am and 1:30 p.m.

2. Keen Ellsworth-Economic Development/Fire:

The south end welcome sign was delivered and will be set up in the next week or so. He will obtain quotes for lighting features and possible landscaping. There was a suggestion to include some colored gravel to surround the sign. Ellsworth asked Snow how large the easement was to receive quotes. Snow will have to review the agreement.

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

A water conservation plan through the state will need to be obtained since the state requires a plan for each municipality. He will contact Alpha Engineering and get a quote, but he thought it should be around \$1,000.00. Since Gubler was absent from the meeting he wanted to inform the council the public works crew will install a fence around the Springs Drive tank in the near future.

He would like the noise ordinance to be modified to include hours noise would be restricted and wanted to include construction hours.

A resident who resides on the end of a cul-de-sac on Peachtree experienced some drainage concerns. When it rains her driveway and front yard floods and she has to remove a large amount of rock and silt. Bringhurst will go out to the property and assess the drainage concern.

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

Debbie Valentine will be in charge of the Christmas lighting program on November 24, 2018. Russ and Cindy Larsen from the Westfield area will be in charge of decorating the city hall. The Ash Creek Special Service District will obtain some loans to cover development in the Hurricane and LaVerkin area. The Confluence Park meeting in November was cancelled.

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

The damaged headstone at the cemetery was removed and a new one was ordered. He appreciated the public works director for responding to the problem in an expedited manner.



June Jeffery wanted the council to know that Alex Chamberlain was named by Dixie State University to receive the Outstanding Faculty Award.

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

Councilmember Ty Bringhurst made a motion to enter into a closed session for land acquisition and possible litigation. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye.

Time of regular meeting closed at 8:07 p.m. Closed session started at 8:12 p.m.

G. POSSIBLE CLOSED SESSION:

H. ADJOURN:

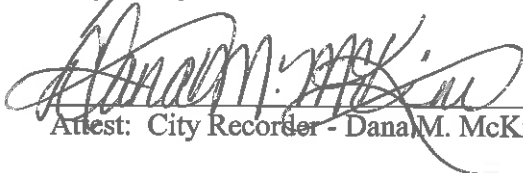
Councilmember Ty Bringhurst made a motion to move out of the closed session and back into the regular session. The motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Paul Heideman-aye, Alex Chamberlain-aye.

Meeting adjourned at 8:49 by Mayor Chamberlain.



Mayor - Lynn Chamberlain

11/9/2018
Date



Attest: City Recorder - Dana M. McKim

