



TOQUERVILLE CITY COUNCIL
City Council Regular Work Meeting Minutes
November 1, 2018
Held at 212 N. Toquerville Blvd, Toquerville Utah

Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Keen Ellsworth, Ty Bringhurst, Paul Heideman; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Other: Planning Chair Manning Butterworth, Hurricane Valley Fire District Representative Merlin Spendlove, Ash Creek Special Service District Representative Blair Gubler, Attorney Heath Snow; Public: Greg Turner, Ryker Steglich, Anita Eaton, Wayne Olsen, Stacy Eaton.

A. CALL TO ORDER:

Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilmember Justin Sip; an invocation offered by Mayor Lynn Chamberlain. There were no statements of belief voiced.

B. STAFF REPORTS AND UPDATES:

1. Ash Creek Special Services District Representative, Blair Gubler:

The district's last meeting held a public meeting to approve their capital facility project for the installation of a line on Bench Lake. There was no public comment. The bond awarded will be approximately 4.5 million dollars. They discussed the conceptual budget for next year and will be up for adoption on December 11, 2018. He wanted everyone to know the November meeting will be canceled.

The district finished up the last cutting of hay and there are no more bales available for purchase. Councilmember Sip mentioned he purchased some of the hay and was happy with the product. Chamberlain asked Gubler to provide a summary of their farming production. The district made approximately \$220,000.00 from the hay agribusiness. The profits help pay for all the electricity of the treatment plant and part of the farming labor costs. The hay operation helps subsidize costs, which in turn assist the taxpayers who reside in the Hurricane Valley. They discussed the future Confluence Park treatment plant and the steps that taken to move the project forward and future plans to institute the program.

2. Hurricane Valley Fire District Representative, Merlin Spendlove:

The fire district was busy during the month of October. They had thirteen calls in the Toquerville area. Burn season will end November 15th. Citizens are encouraged to call or log onto the Fire Department website page to schedule a controlled burn. Spendlove described a couple of fires they responded to, as well as some EMS call outs. He gave a quick update on the LaVerkin Fire Station and how the upgraded building will benefit the fire department.

Heideman asked if fires contained within burn barrels are required to be called into the district or into dispatch as controlled burns. Spendlove suggested it would be better to call in those types of fires so resources aren't expended to check out unfounded fires that don't pose a fire threat. Citizens can burn in small fire pits in their backyards.

The designated safe zone area may no longer have a padlock on the gate. There was a report about people trespassing on the property. The land acquired was for the purposes of emergency evacuation only and is not open for regular public use.

Bringhurst asked Spendlove about the future roadway development near the 60 acres southwest of town. Mr. Jones will meet with the Chief Guilda to arrange fire protection for the proposed home to be constructed on the property.



3. Planning Commission Chair, Manning Butterworth:

At the last meeting, the Commission discussed the purpose of a highway commercial zone. An applicant attended a development staff meeting and how his property would need to be rezoned to construct an RV storage and storage facility near the Anderson Junction area. Currently, Toquerville city code does not allow for those types of storage facilities in the city. The property is zoned as single-family residential, R-1-20. They asked if they were to rezone the property what use would fit the zone. Due to the time constraints of the work meeting the proposed resort zone, which has not been adopted was not discussed. A public hearing was held for the Fry property located at 1180 South Cholla Drive. The property is not part of the Cholla subdivision and is zoned A-1, agriculture. The property is surrounded by R-1-20, single-family residential property, which they have requested to change it to. The commission felt it was an appropriate zone change and recommended approval. The applicant does have plans to subdivide the property with a result of three lots. Two of the lots will be accessed by a private roadway. The third lot will access the property from Cholla Drive. The applicant is aware of the subdivision requirements and will install the improvements to the city standards and specifications.

Heideman asked if a new nightly rental could be attached by a breezeway would be considered as an establishment being under one roof. Butterworth stated this item could be discussed during a planning commission meeting.

4. Public Works Director, Lance Gubler:

Gubler was approached by the City of Hurricane if Toquerville would be interested in partnering with Hurricane to host a tri-city run. The run would begin at the Toquerville City Park, travel through the Westfield area, and continue down through the Lichfield property, then up and over the Shangri-La roadway. The run would also run through the Confluence Park area through LaVerkin and end in Hurricane. The proposed run would go through private property.

Arrangements will need to be made with the private property owners.

The public works crew erected the beautiful new south end Toquerville Welcome sign. They added some large boulders at the base of the sign, with an area left for future landscaping possibilities. He obtained a bid for the lighting of the sign. The sign is double sided, they discussed if lights needed to be on both sides. Gubler was concerned about the lighting option and the need to conform to the city dark sky ordinance.

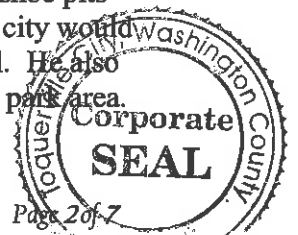
Gubler showed pictures of drainage concerns in the Toquerville Heights area, specifically, Rim View Drive. He and Bringhurst discussed different option how to mitigate water and flooding matters.

Gubler would like the council to brainstorm ideas and come to a decision on an unfinished fence line alongside Peachtree drive that borders Hurricane City property. The fence line is located in an inactive homeowners association. At one time the city was approached to see if the fence could be completed. The project is at a standstill. He asked if the council could provide some direction. He brought to the council's attention there are several motorhomes throughout Toquerville where people are living in the home for extended periods of time.

The city crew worked on the city park retaining wall. The top of the wall originally included a planter box but was scratched, for safety reasons. A handrail will be installed instead.

A six-foot sidewalk was installed at the city park. A trail was established from the pickleball court to the basketball court and included a small picnic area. He received a request for a fence to be constructed at the pickleball court and is working on obtaining a quote.

Gubler would like to install a trail called the Riverwalk Trail. It will start near the horseshoe pits at Center Street Park and travel southbound towards the Westfield area. He asked if the city would be interested in purchasing private property belonging to Mr. Perkins to develop the trail. He also suggested the site could also include a city shop be constructed down in the center street park area.



Bringhurst would like the council and public works to also entertain the property adjacent to Naegle's to construct a shop area.

Gubler wanted the council to know about the Ash Creek Overlook subdivision and a possible property line dispute with the neighbors to the south of the subdivision. Snow suggested property owners that dispute the line should hire a surveyor to clear up the dispute. Different surveys are taken from different points and may show different results. He recommended the city does not desire to get involved in a possible future civil dispute.

Gubler was approached by some citizens in the Westfield area about the city curb, gutter, and sidewalk installation and how the property was surveyed starting at Lake Lane and how it juts in and out along the east side of Westfield Road.

Ryker Steiglich attended a floodplain conference and suggested the city update the code to coincide with the state requirements. They suggested the city name a floodplain manager. If the city ever is subjected to a natural disaster or man-made disaster where FEMA funds would be requested, a floodplain manager along with an Emergency Management Coordination would need to be designated with updated flood and emergency plans.

5. City Attorney, Heath Snow:

The request for proposals for a new Toquerville Appeal Authority deadline has passed. The city received one application. He asked the council if they wanted to re-post the application or go with the one applicant. Snow received inquiries, and the most asked question by applicants were how many appeal applications are usually received. Snow thought maybe one application submitted to the city every one to three years was appropriate to quote. The applicant who submitted his proposal suggested an hourly rate. The rate is slightly higher than Snow's municipal rate. Snow guesstimated each appeal would include six to ten hours for each appeal. Discussion ensued how the rate would be paid for the service. He suggested the city should have a variance application and an administrative appeal authority request. He suggested the variance application should be lower than an administrative appeal authority application. A variance application should start at \$800.00. The council decided to not extend the application date and make a determination at the next city council regular business meeting. The application was received by the city recorder tonight and will forward the information to the councilmembers for next week's decision.

The Washington Water Conservancy District is in the process of updating their water supply agreement, otherwise known as the Pooling Agreement. Municipal attorneys were invited to attend a meeting to discuss the proposed changes. The document is approximately 84 pages. There were a few hot topics, but for the most part, there were minimal modifications. The district wanted the city to collect the impact fees. There was a discussion of when a line is determined as abandoned and how a seven-year lapse would constitute a new impact fee. There was some pushback on this item, but ultimately their administrative board will determine a decision. He briefly conferred on how recent changes in developing capital facility plans have transformed with a more truncated period. Water development projects historically take longer to develop and do not have a longer planning time frame may create higher impact rates.

An individual to inquire if the city would be interested in purchasing 1962 water shares out of Washington approached Mayor Chamberlain. Snow suggested the item be discussed during a closed session.

C. PUBLIC FORUM:

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

No public comments were voiced.

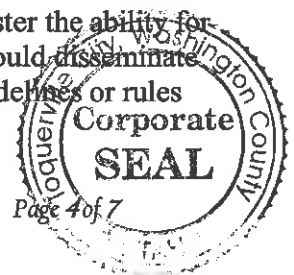


**D. BUSINESS: Council Discussion followed by public input after each item.
Please limit 90 seconds per person and two minutes per organization.**

1. Discussion on a Zone Change Application submitted by Jeff Fry located at 1180 South Cholla Drive, Toquerville, UT 84774. Tax ID# T-110-A-1. Property is currently zoned A-1: Agriculture (minimum lot size of one acre). Proposed zoning is Single-Family Residential, R-1-20 (minimum lot size of 20,000 square feet). *PC recommended approval 5-0:*

Bringhurst thought the zone change and subdivision development would help clear the property from being an illegal non-conforming property to a conforming property.

2. Discussion on Ordinance 2018.XX ~ Special Event Business License:
Councilmember Chamberlain was not present at the meeting. He previously gave Snow suggestions concerning what type of events would require a license. The council wished to wait until Chamberlain was available to give input at the meeting before discussing the item further. There were questions if the council wanted to require a permit for specific events or to require exceptions for specific events.
3. Discussion on Ordinance 2018.XX~Noise Nuisance :
It was recently discovered Toquerville City city code does not note time frames regarding noise nuisances. Mayor Chamberlain suggested the council should look at the code and pursue a rewrite to include time frames and construction operation hours. There was a discussion on how the city would enforce the ordinance. Jeffery suggested a timeframe from 11:00 pm. to 6:00 am would be an appropriate timeframe to adopt where noise made during that time would constitute a violation. Snow made a point the code does not define how the sound would be measured to establish it as a violation. The council discussed how construction companies pour concrete during the early morning hours, especially in the summer months. Gubler brought to light the concern of ATV and off-road vehicle noise in his neighborhood. He noted on several occasions he heard the gas engines racing between 1:00 and 2:00 a.m. on the weekends. McKim offered to research and provide copies of different examples of surrounding city noise ordinances. There was a discussion on adopting a noise prohibition for any time of the day, where a permit may be required; and prohibiting certain noises during a specific time frame.
4. Discussion on Resolution 2018.XX~Fee Schedule-Nightly Rental Application:
The resolution changed the uniform fee schedule to include the fee for a nightly rental application and a large parcel subdivision application.
5. Discussion on Resolution 2018.XX~Utah Local Governments Trust Agreement:
The Utah Local Government Trust sent an interlocal agreement and resolution for adoption by the city council. The agreement and resolution would declare the city is officially a member of the trust. Attorney Snow reviewed the document and a gave recommendation for adoption.
6. Discussion on modifications to Toquerville City Council Policy and Procedure:
Snow provided the council with a general guide on types of meetings, order of business, officer and duties, types and motion and reconsiderations, ordinances, resolutions, agreements, public hearings, and rules of conduct. It was decided the twelve-page document with a full explanation was preferred over a one-page agreement.
7. Discussion on Toquerville City's Social Media Policy:
Ellsworth provided a draft for a proposed Toquerville Social Media Policy. It would foster the ability for the city to relay information to the public via social media. The city-sanctioned page would disseminate information and would not be open for public comment. The policy did not address guidelines or rules



regarding city personnel or city official public comments or postings on unofficial or personal pages. It was suggested if employees or officials post information on other sites they should declare in the comment the statement is not representative of the City of Toquerville. Discussion ensued on the rights of the employee and the right to exercise their constitutional right for freedom of speech. Ellsworth will look at other policies to possibly add some additional clauses regarding personnel social media posting guidelines.

8. Discussion on Chapter 11-Flood Control and Emergency Management Coordinator:

The council discussed and the pros and cons of combining a flood control manager and the emergency management coordinator into one position. Gubler was comfortable with the council designating one of his employees, Ryker Steglich with the dual certification. Bringhurst voiced his concern to delegate one of the public works employees would deplete the available resources in the event of an emergency and suggested the EMC should be a responsibility of the mayor. Gubler and Jeffery both believed it was vital to delegate a city employee with these titles due to the cost of the continued education and for the value of cumulative training. To delegate a private citizen as an EMC would require the city to spend money on training and would not guarantee response during an emergency event. Bringhurst believed the mayor would be involved in the EMC process and suggested the city should continue to delegate the mayor as the EMC. The resolution at the next meeting will be updated to include both responsibilities of a floodplain manager and an emergency management coordinator.

9. Discussion on Baseball Field Rentals:

Gubler suggested an increase to the non-local ballfield rental because of the added time and resources needed to prepare and clean up the fields. Over the past two years, the public works crew had to replace a door and fix damages to a building tied to the non-local rental. Other surrounding cities have lower rental fees because the event brings commerce to their local businesses. This type of event would not benefit any of the local Toquerville businesses. Sip suggested the city should triple the non-local rental rate to cover costs.

E. COUNCIL REPORTS AND CITY DEPARTMENTS:

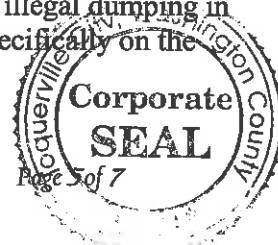
1. Justin Sip-Solid Waste/Mosquito Abatement/Tree Board/Trails Committee/Parks:

A group of people planted a tree behind the Chief Toquer plaque to honor National Arbor Day and National American Indian Heritage Month. Sip invited various members of the community to be a part of a trails committee. He plans on setting up a meeting with these individuals in the near future. His long-term plans for the committee would be to develop a master trail plan. Jeffery briefly described how a capital facility plan dictates the creation of trails. She suggested Sip should meet with her to discuss the future trails and their possible expenditures.

Councilmember Sip gave a brief report on the Toquerville Boulevard field trip. On October 25th Councilmember Sip, Mayor Chamberlain, Lance Gubler, JD Adams, and Dana McKim walked on the west and east side of the Boulevard to evaluate trip hazards, low lying tree branches, and any obstacles prohibiting walkability of the sidewalk area. An itemized list was created to track what needed to be done to mitigate these hazards.

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

He would like to see some landscaping designs drawn up for the south end Toquerville Welcome sign. Ellsworth met with Commissioner Iverson and a representative from the Utah State University to discuss economic growth and development for Toquerville. They discussed how the county could assist the city with future development plans and was hopeful to see forward movement in the next couple of months. Ellsworth wanted to voice his concern about seeing tree branches and various piled up debris near the river crossing of the Cholla and Trail Ridge Estate subdivision. While he did not witness the illegal dumping in progress, but it made him wonder why someone would choose to unload these items, specifically on the



Cholla side of the river. It seems that someone may be blocking a prescriptive easement at the river for some reason. It does not seem coincidental some large boulders were placed at this same location earlier this year. Gubler suggested he could notify the president of the homeowners association of these acts in case they continue to happen.

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

He met with Alpha Engineering about the construction drawings for the Almond Heights Park park drainage plans. They are redesigning the parking lot area. There will be 13 parking spots. The detailed drainage plans should be complete by next week. The revised standard and specification plans by Alpha and should be complete by November.

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

Heideman asked Jeffery to send out a letter to the winners of the last year's lighting competition to coordinate a time they can judge this year's lighting competition. The winners will be announced at the December 13th city council regular business meeting.

Missy Kleinman will be coordinating the next Miss Toquerville Pageant.

Planning Chair, Manning Butterworth asked the council if a lighting administrator could be named. The building inspector will enforce the lighting requirements during the construction phase, but any other violations would be enforced by the zoning official. Bringhurst would like input from the building inspector regarding the item. Gubler offered to take care of any other lighting violations that are not initially caught during the building period.

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

No report was given, Chamberlain was absent.

6. Mayor Chamberlain-TSWS/EMC/DTEC:

No report was given.

Councilmember Keen Ellsworth made a motion to move into a closed session for the purpose to discuss an acquisition or sale of real property and pending or imminent litigation, provided they are given a five-minute restroom break. Councilmember Ty Bringhurst seconded the motion. Vote: Paul Heidman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye. (Alex Chamberlain-absent). Motion unanimously carried 4-0.

The open session closed at 7:58 p.m.

The closed session began at 8:07 p.m.

F. POSSIBLE CLOSED SESSION:

Councilmember Justin Sip made a motion to move out of closed session and back into the regular session. Councilmember Keen Ellsworth seconded the motion. Vote: Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye. (Alex Chamberlain-absent). Motion unanimously carried 4-0.

G. ADJOURN:

Mayor Chamberlain adjourned the meeting at 9:14 p.m.





Mayor - Lynn Chamberlain

12/13/2018
Date



Attest: City Recorder - Dana M. McKim

