



TOQUERVILLE CITY COUNCIL
City Council Regular Work Meeting Minutes
December 6, 2018
Held at 212 N. Toquerville Blvd, Toquerville Utah

Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Ty Bringhurst, Alex Chamberlain, Paul Heideman; Staff: Treasurer-June Jeffery, Recorder-Dana McKim, Public Works Director-Lance Gubler, Public Works Department Representative, J.D. Adams, Hurricane Valley Fire Department Representative-Merlin Spendlove, Planning Chair-Manning Butterworth, Ash Creek Special Service District Representative Blair-Gubler; Public: Greg Turner, Wayne Olsen, Kaymen Gubler, Rebecca Hansen, Troy Wall, Jordan Wall, Gregg Leiby, Dan James, Katie Christensen, Brandee Walker, Mark Fahrenkamp, Ralph Christensen, Gene Wilder. Absent: Councilmember Keen Ellsworth

A. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Mayor Lynn Chamberlain. The Pledge of Allegiance was led by Councilmember Ty Bringhurst, and an invocation was offered by Justin Sip. There were no disclosures or Declarations of Conflict from Council Members. There were no voiced statements of belief.

B. STAFF REPORTS AND UPDATES:

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

The final budget adoption meeting will be held next Tuesday at 5:00 p.m. Members of the public are invited to attend. The budget is approximately 4.7 million dollars. The district is working on three different projects to start in the near future.

2. Hurricane Valley Fire District Representative, Merlin Spendlove:

He gave a report on call volumes in Toquerville. There were twelve medical calls and five fires, including alarms and other fires. Mayor asked if any of the prescribed burns got out of control. He didn't believe there were and encouraged Agriculture burning still needs to be reported as controlled burns. Councilmember Sip asked how the fire department evaluates weather conditions and what the ideal conditions are derived for burning. Spendlove stated the times are set forth by the EPA and the weather index. Hurricane Valley Fire Department sets the window. Sip had concern for the small window frame people are allowed to burn. The fire department has to follow the guideline set by the state.

3. Planning Commission Chair, Manning Butterworth:

The last planning commission meeting included discussion of where to allow storage facilities for RV's, boat, and self-storage buildings. The commission gave consideration to amend the light industrial zone for these locations as a conditional use. An ordinance will be drafted and discussed at the next meeting.

There were a few public hearing items, one item with quite a bit of interest and public participation was a zone change. The zone change would modify the property located at the end of Old Church Road from R-1-20 zoning to R-1-12. The PC recommended denial on a fact-finding basis of what conditions exist today and not what the future conditions will be. There were nine conditions and he believed that approximately four of the conditions would create an impact on the current conditions. The width of the road and the inadequate bridge for the increase of traffic was one of the highest concerns.



4. Public Works Director, Lance Gubler:

A six-foot concrete trail was constructed around the park ballfield area. The retaining wall and railing are up. Four trees will be planted in each tier to set off the wall. The stairs to the wall are yet to be done and the wall has been patched. The asphalt will need to be replaced near the top of the ballfield area.

He would like to create a trail from the center street park bridge down alongside the river and end near the Westfield Road bridge. The walking trail, or "River walk" trail will be approximately 1800 feet with a 34-foot difference of elevation from bridge to bridge.

A water leak on Pioneer Drive was fixed, as well as three water leaks on Ash Creek road in the past two months.

The Ash Creek Overlook subdivision had to sleeve the pipe due to the rocky terrain. All-Start construction had to run seven different lines to install water and sewer lines to the subdivision.

Since the water district started installing meters they have found at least four different hook-ups without backflow requirements, causing cross-contamination occurring in the Trail Ridge Estate area. The district has shut down the secondary water system and requiring property owners to install a swing arm connection, and a pressure reducer to control the backflow.

The cemetery shed is almost complete. The lawn mower can now easily park in the shed without tearing up the lawn deck equipment.

A new fence was installed around the upper reservoir water tank due to the recent vandalism.

Gubler has noticed several people are parking vehicles on Peachtree for extended periods of time. The crew will be red-tagging the vehicles to encourage people to not park on the street.

He recently attended a SWIFT training. At the class, they taught common practices of stormwater drainage and how the city needs to be aware of how to improve storm drainage. A lot of time sand fills up culverts and interferes with effective drainage.

Gubler gave a brief statement about the trimmed trees on the Toquer Boulevard and why the city would want to create a safe walkable sidewalk. He was asked about the uneven sidewalks and the need to install root barriers. He suggested the crew will have to cut the roots out from underneath the sidewalk. All the cut wood was delivered to people who voiced a need for it within the community.

The district can't give a specific time of when construction will start on the Chief Toquer Reservoir, but hopefully, the bids will be done this summer and they will begin construction in the fall of 2019.

He and Councilmember Keen Ellsworth met with Ron Thompson from the WCWCD to pursue an alternative route for the Anderson Junction area. The city will need to acquire property from the district, which they are willing to donate to the Gilbert's haul road. Mayor Chamberlain would like a meeting with the residents of Anderson Junction to gain input of the roadway. Gilbert has no plans to quit hauling in conjunction with his extraction permit.

Utah House Representative, Brad Last is the head for the funding appropriation committee. Ron Thompson suggested Toquerville City should hold a meeting for the bypass road and what the city wants to get done.

Public Works Employee, Ryker Steiglich was sent to a training in Moab to get certified as a playground inspector. The Utah State Trust asked the city to send someone to the



training to keep safety as a priority for the parks. The training was essential since Toquerville is interested in creating more parks.

Gubler touched base on contractors who are pouring concrete mud at 4:00 am in the morning. The Toquerville specs and standards do not allow construction to begin prior to 7:00 a.m. The city may want to revisit the nuisance ordinance and elaborate in code those construction times.

JD Adams gave the council a brief presentation and voiced his interest to become the future building inspector for the City of Toquerville. He has been a dedicated employee for the past three years and will be building a home in Toquerville. He would like to attend the building inspector exam in Colorado. He thought with the classes, wages, and motel rooms would cost the city approximately \$10,000.00. Mayor Chamberlain asked Treasurer Jeffery if the budget would allow for the expense. Jeffery stated the city did not budget for the classes, but it could be done. She suggested it would be a good idea to have Adams sign an employee contract associated with longevity requirements to the city. Mayor Chamberlain asked if the responsibility would stretch the public works department thin. One of the public workers is the Emergency Management Coordinator and Floodplain Manager. Would the addition of a second PWD employee responsible for building permits cause the department to lack support? Gubler stated so far, the crew has been able to stay consistent with the workload. Chamberlain suggested some financial information should be obtained before making a decision. Gubler will meet with Jeffery and present something at the city council meeting in January. Spendlove thought the city should be proactive and obtain certification for a second person before the construction near the bypass road starts. The current building inspector, John Postert is able to do commercial building inspections and it was suggested he could continue with those inspections and Adams could start with the residential inspections. Jeffery referenced the practical knowledge Adams could gain from shadowing Postert would be a great idea.

Councilmember Heideman looked at the list of trees Gubler provided the council with and thought they would not be conducive to the area.

5. Treasurer, June Jeffery:

Jeffery advised the council the auditor will be attending the regular business meeting to go over the budget audit report. There was only one finding that the general fund has too much money in the line item, which is a good thing for the city. The city is a tax-based revenue and is important to take some the money to budget benefits for the community. The city budgeted more expenditures to go towards road improvements. Towards the end of the fiscal year, she closely watches the budget to make sure spending doesn't get out of control. She believed the budget is right where it needs to be. Because the budget is small the city is only able to retain 25% of the total budget amount. The only amount the city can maintain is \$250,000. Toquerville tries to retain \$500,000.00 to be able to spend money on various projects. The audit report was received today and was emailed to councilmembers. If there are any questions please direct them to the auditor next week. Heideman asked what projects will be done with the \$250,000 excess. Jeffery suggested some roads could be improved, maybe some park projects, or LED lighting purchasing. She explained how the extra money was carried from last year's budget and how the general fund works regarding maintenance projects. She also explained how capital projects are funded and how they are expended to help with road projects and park projects.



C. PRESENTATION: Toquerville Cemetery Eagle Scout Project~ Kaymen Gubler
Boyscout Gubler explained his proposed Eagle Scout project to the council. He would like to purchase a stainless-steel sign on a stand be erected underneath the pavilion at the cemetery. The sign would show the layout of the cemetery plot grid and will cost approximately \$300.00. Future Eagle Scout Projects could expand upon the plaque and laser engrave the names of people buried in the Toquerville Cemetery. He showed examples of how the plaques would look and the different signs. A short video from the sign company was presented to the council.

D. PUBLIC FORUM:

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

Rebecca Hansen 457 Westfield Road-

Wanted to know if the Dominguez Escalante trail located just north of the hairpin turn on SR17 could be developed. There are some cement markers for the trail and wanted to know if a public easement could be obtained. She wondered if there was an easement for the trail. Out of the 18 historic trails in the US, one is in Toquerville and asked if the city would be interested in preserving or improving the trail.

Councilmember Sip stated at the last trails meeting they discussed the trail and would like to develop the trail and expand upon it.

Greg Turner 263 N Toquerville Boulevard-

Thanked Lance Gubler and the Public Works Crew for trimming the trees on the boulevard. The sidewalk is now a place where he and his wife can walk together.

E. BUSINESS: Council Discussion followed by public input after each item.

Please limit 90 seconds per person and two minutes per organization.

1. Discussion on Ordinance 2018.XX ~ Appeal Authority Revisions *(PC recommended approval 4-0)*

The ordinance would clear up any discrepancies throughout the code to replace the terminology of Board of Adjustment to the Appeal Authority. There was no discussion from the council.

2. Discussion on Ordinance 2018.XX ~ R-1-12 Cul-De-Sac Minimum Frontage Setback and Building Attached Definition Removed *(PC recommended approval 4-0)*
A brief discussion of the ordinance was explained. The ordinance would clarify the setback of the R-1-12 minimum frontage setback. The commission also wanted to remove the term "Building Attached" from the definitions. The definition assumed if a building is not attached, but is less than 10 feet from another building it is classified as attached. There was no reason to continue that practice and would like to remove it from the city code. The council and staff discussed what constitutes an attached or unattached structure. Butterworth believed the structures need to share a common wall. Building code would dictate whether or not the building would be considered officially attached or not.
3. Discussion on a Zone Change application submitted by Troy Wall and Wall Family Rentals located at the west end of Old Church Road, Property Tax ID # T-91-A-1-A-2. Parcel is approximately 23.86 acres. Current zoning is R-1-20. Proposed zoning is R-1-12. *(PC recommended denial 4-0)*



Heideman inquired about the bridge on Old Church Road. To approve the zone change, which would create more density to the neighborhood, would the developer bear responsibility to improve the bridge? Councilmember Chamberlain didn't know if Heideman's question should be addressed during a zone change or during a preliminary plat process. There were some informal plans on how the property will be developed in the future but wondered if the zone change was the appropriate time to discuss the bridge. Bringhurst looked at the nine criteria's which addresses traffic and safety. Part of the construction is to resolve two accesses and bridge adequacy. He believed the criteria's were applicable to the zone change application.

Mark Fahrenkamp, a resident of Old Church Road-

The access on the north side is a problem and should be addressed. To change the zoning would go against what is consistent in Toquerville. The property was zoned R-1-20 and abuts agriculture property. To slip a bubble of high-density zoned property between the two just doesn't make sense to him.

Troy Wall is the applicant and the owner of the property. He attended the Planning Commission meeting. He was unprepared for the first meeting and normally doesn't do this for a living. He designed the parcel for the capability for him to build his personal home on a section of it. The bypass road would be a connector road. A few of the reasons why they are asking for the zone change is the elevation on the hill. In an R-1-20 there would be a 20-foot retaining wall on each lot which is not feasible for the lots. The depth would be on the backside, resulting in long lots with large retaining walls. The bypass will have commercial zone alongside the bypass road and will abut his property. There is plenty of room for custom homes and none of the homes will be rentals homes. The subdivision will have an active CC&R. They plan to require each lot have 2-3 trees on each lot. He found out at the staff meeting the fire chief notified him they will need a secondary access which would come down the public easement on Center street. They have to install a lift station with Ash Creek Special Service District on Center Street. He would like to know where the city would like the lift station installed.

He suggested lift station should be on Old Church near the trail and would provide connectivity to sewer systems of residents in the area. There were a couple of possible locations near the center street park the station could be constructed for gravity feed the flows.

Annette Kleinman is concerned about the road and bridge rebuild, and asked who would be responsible to bear those costs? She wanted to make sure there are two access points. Mayor Chamberlain believed during the preliminary plan the developer will have to contribute funds for the bridge improvements.

Wayne Olsen from Old Church Road-

Believed the proposed zone would not compatible with the existing neighborhood. If approved, the increased density would eventually create nuisance problems for the A-1 property owners. Years ago, the previous owner requested to change the zone to R-1-12 zone and was denied because they didn't want a higher density neighborhood.

If the secondary access was a gravel road, he wondered how many people would use the roadway to get to their residences. The current roadway isn't wide enough to allow a higher density zone and asked the council to take consideration the safety of the children on Old Church Road. He didn't want the city to build another island like the Westfield area. The homes in the Westfield road don't have the privacy of the larger lots. The buyer knew the property was R-1-20 when it was purchased. He would like the zone to stay as such. "It's the People", is the Toquerville



town motto. There was a lot of public input at the Planning Commission who were against the application. The council will have to weigh if “the people” are the current residents or the people coming in. He wanted to preserve the small town feel Toquerville has.

Troy Wall-

The Toquerville Master Transportation Plan has Old Church Road planned for a connector road to the bypass road. He was a proponent of controlled growth. One of the reasons he purchased the property was water. Sometimes those larger lots are dumping grounds for old vehicles and dry weedy lots. He would like to keep the subdivision clean and nice as possible. He believed his proposal would be an appropriate buffer zone right up against industrial or commercial property. The proposed zone would not be classified as a high-density zone. There will be a large cost for them to put the road in for sewer improvements. He appreciated the public comments, but if the connector road is developed it should be in such a way with controlled development.

Katie Christensen from Old Church Road

She had a concern when they purchased their home on Old Church Road. The property they purchased from have already given up part of their property for a new road and doesn't want to give up more width for a new road. The road isn't wide enough for a higher concentration of homes. She said growing up in southern California and Utah, the CC&R's eventually go to the wayside. She would like the council to consider the increased population and how it will increase crime rates.

Ralph Christensen from Center Street-

Asked how the increase in traffic to the subdivision will be mitigated on Old Church Road and Center Street. He didn't think those roads can handle any more traffic. There are no sidewalks due to the narrow width of the roadway.

4. Discussion on Designation of a Lighting Administrator:

Bringhurst believed the lighting administrator responsibilities would fall in place of the code enforcement official. Butterworth suggested the building inspector should double check the lighting standards during the construction phase. Heideman thought any violations after the construction should be enforced by staff.

The lighting ordinance states all lights are to be shut off at 11:00 p.m. There was a brief discussion concerning the requirement.

Mark Fahrenkamp suggested Toquerville should take a look at Springdale's lighting ordinance. Alex wondered if Toquerville would need to go Springdale because their lighting standards are different because of the lack of commercial property and businesses in Toquerville City.

It was suggested a little blurb in the next city newsletter should make citizens aware of the lighting requirements to preserve the night sky.

Annette Kleinman suggested residents should install shields to aim the light down and was a proponent of downlighting.

Manning Butterworth asked about the existing homes and if they would be granted a grandfathered use. Staff will look at the ordinance and give more information to the council in the near future.



5. Discussion of Noise Nuisances :
Toquerville has a basic noise nuisance ordinance, but it was found to be lacking in specificity. The city recorder provided the council with several other examples of neighboring nuisance ordinances. The council will look at the examples and give some direction at the next council meeting.

6. Discussion on Ordinance 2018.XX ~ Special Event Business License Revisions-Alex Chamberlain
Councilmember Chamberlain sent some suggestions to Attorney Snow. He would like to see the following changes:
 - A. Any event held on city property, that requires city staff to be on site for safety considerations or to operate city-owned equipment or facilities.
 - B. Any event held on city property where sales tax should be collected.
 - C. Any event that will have a significant impact, as determined by the city public works director, on the normal function and/or traffic flow of a neighborhood or city street for more than 90 minutes.
 Large events, as defined by the State of Utah, shall comply with all applicable state laws. Councilmember Chamberlain wanted to avoid a short list of things that don't have to have a permit and an infinite list of everything else where a permit is required. Heideman asked about the city league baseball tournament and if they will be required to obtain a special event permit. Sip believed the reservation of the ballfield would take care of that event. Jeffery suggested there should be a mass gathering as defined by the state code to be included in the ordinance.

7. Discussion on Resolution 2018.XX ~ Ash Creek Special Service District Representatives Appointment
The Ash Creek Special Service District representative is comprised of one councilmember and the mayor. Councilmember Paul Heideman would like to continue serving on the board.

8. Discussion on Resolution 2018.XX ~ Hurricane Valley Fire Department Representative Appointment
Councilmember Keen Ellsworth contacted Councilmember Bringhurst and voiced to him he is still interested in serving on the board.

9. Discussion on Resolution 2018.XX ~ Southwest Mosquito Abatement and Control Representative Appointment
Councilmember Sip agreed to continue to serve on the board.

10. Discussion on Resolution 2018.XX ~ Special Service District #1 Representative Appointment
Councilmember Sip agreed to continue to serve on the Solid Waste District Board.

11. Discussion on Resolution 2018.XX ~ Annual Meeting Schedule for City Council and Planning Commission
City Code dictates council work meetings will occur on the first Thursday of each month and the regular business meeting to occur on the second Thursday of each month. If the council decides to cancel a meeting or combine a meeting they can cancel or combine a meeting date. The resolution is to only provide a guide for when those meetings will occur.



E. COUNCIL REPORTS AND CITY DEPARTMENTS:

1. Justin Sip-Solid Waste/Mosquito Abatement/Tree Board/Trails Committee/Parks
Sip gave a quick report about the last trails meeting. They looked at the planned trails and would like to change some of the trails. To do so would require a change to the capital facilities plan. He would like to combine the trails and park committee together. He gave a quick solid waste district update and how the recycling program is working with the district. Jeffery suggested the committee start with a master plan for trails and then proceed with the process of updating the capital facility plan.
2. Keen Ellsworth-Economic Development/Fire Department Liaison-absent
3. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC-
Bringhurst received a report of a contractor pouring cement at 4:00 a.m. and creating a nuisance during the early hours of the morning. He suggested if that happens again for staff to red tag the property and require the contractor to pay the fee to progress with the construction. Alpha Engineering is assessing the connection of both the south and north end connection of the bypass road. They are also working on the Standards and Specs within the next week. He would like to modify some of the requirements. Bringhurst would like to survey the south side of the cemetery to expand the cemetery. The adjacent property owner is amiable to make a deal with the city.
He suggested to the council could brainstorm and come up with an official name for the bypass road. Wayne Olsen suggested, "Dream Street". If council will think on that idea and give input. Another item he wanted feedback on was for traffic pillows. These large speed bumps are more effective in lowering traffic speeds. He suggested they could install them on center street and ash creek. Alex was supportive of them. He suggested the city should evaluate strategic places where they would be best served. He has also looked into calming visual effects but thought the maintenance costs would be higher.
Alex Chamberlain would like to see six-foot sidewalks on North Ash Creek Drive on the west side of the road. A new standard and spec will need to be developed or a trail for the standard. Greg Turner suggested the idea of traffic pillows on streets like Spring Drive, Center Street, and Old Church Road. Someone also suggested to install one on Creekside.
4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:
The Christmas decorating contest was discussed and the winner will be announced at the next meeting. The winners will be notified and hopefully, they can attend the meeting to get their prize. The city hall was decorated by the Larsen family and it looks great. If Lance Gubler could look at the illuminated Candy Canes he would appreciate it, several of them are out. Every time it rains the electrical cords blow the fuses. Jeffery suggested the package decorations need to be replaced, as they are starting to look shabby.
At Confluence Park they are trying to obtain some grants to construct a bridge across ash creek. LaVerkin is proposing a small park to connect to the Confluence Park area.
5. Alex Chamberlain- Planning Commission Liaison/Beautification Committee/Cemetery/Risk Management/City Hall Maintenance:
There was a recent lighting concern on a new home built by Bjarnson Construction on Mulberry Drive. The builder told the city the lights were being replaced to comply with the dark sky ordinance.



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

Councilmember Justin Sip made a motion to enter into a closed session to hold a strategy session to discuss the purchase, exchange, or lease of real property and pending or reasonably imminent litigation. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 4-0. Council vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Justin Sip-aye.

The business meeting was closed at 8:29 p.m. by Mayor Chamberlain.

F. POSSIBLE CLOSED SESSION:

Mayor Chamberlain moved out of the closed session at 9:05 p.m. Councilmember Paul Heidman made a motion to move out of the closed session. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Council vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Justin Sip-aye.


G. ADJOURN:

Mayor Chamberlain adjourned the meeting at 9:06 p.m.



Mayor - Lynn Chamberlain

1/10/2019
Date



Attest: City Recorder - Dana M. McKim

