

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
December 13, 2018 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Ty Bringhurst, Justin Sip, Keen Ellsworth, Paul Heideman; Staff: Public Works Department JD Adams, Treasurer June Jeffery, Recorder Dana McKim, Planning Chair Manning Butterworth, Zoning Official Mike Vercimak; Attorney Heath Snow; Public: Ralph Christensen, Ryan Moore, Sammi Shroeder, Cayla Moore, Samantha Hinton, Greg Turner, Joey Campbell, Wayne Olsen, Katrina Burns, Carson Tait, Bruce Wallace, Scott Coleman, Ryan Stout, Justin Douglas, Tiffany Douglas, Andrew Goble, Tragen Jones, Dave Wittwer, Dan James, Gregg Leiby, Jessica Russo, Heather Crocket, Mike Crocket, Mark Fahrenkamp, Caleen Olsen, Troy Wall, Anita Eaton.
Absent: Councilmember Alex Chamberlain

A. CALL TO ORDER:

1. Mayor Chamberlain called the meeting to order at 6:02 p.m. The Pledge of Allegiance was led by Councilmember Keen Ellsworth and an invocation was offered by Councilmember Justin Sip. There were no disclosures or declarations of conflict from councilmembers. No statements of belief were voiced by members present.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from the City Council Regular Work Meeting on November 1, 2018, and from the Special and Regular Business Meeting on November 8, 2018.
2. Review and possible approval of City Expenditures from November 2018.

Councilmember Paul Heideman made a motion to approve the consent agenda items. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Council Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye.

C. PRESENTATION:

A presentation of the 2018 Fiscal Year Audit Report was given by David Wittwer from Hinton Burdick CPA's and Advisors. The audit was prepared by Keddington & Christensen, LLC. The only finding the auditor found was there was an excess of funds in the General Fund balance. The city continues to be in a good financial condition and he appreciates the efforts of staff, management, and council. Jeffery explained the importance of keeping true to the budget, especially during the end of the budget year. A copy of the report can be viewed by the public at the city hall office.

Councilmember Paul Heideman made a motion to accept the 2018 Fiscal Audit Report. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Council Vote: Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

D. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:

Staff received a grading permit submitted by Carson Jones. Jones asked about the performance and restoration bond required. He also asked why a bond would be required if the road was a private access on private property. When the road is built the standards need to be upheld, but right now they are just looking for access to the property.

Bringhurst believed the dust and drainage plans need to be addressed. To require a performance bond is a little overkill because the utilities will be installed when the building occurs. Snow recited Chapter 18 of Title 10, under 18B-2(D) "may" require a performance bond. Sip and Bringhurst would like the bond not to be required at this time.



2. Planning Commission Representative, Manning Butterworth:
The commission recommended approval of the ordinances concerning the cul-de-sac minimum frontage requirement in an R-1-12 zone. They also approved an ordinance to clean up throughout the city code to remove the definition “board of adjustment” and replace the term with, “Appeal Authority”. The request for the zone change from R-1-20 to R-1-12 brought quite a bit of public input. The final decision of recommending denial was derived from the commission going through the finding of facts. One of the findings was it did not fit the character of the surrounding areas. There was another concern of impacts on the current infrastructure greater than able to sustain, i.e. access and bridge. Page 6 of the Toquerville City General Plan was to maintain the same level of density with the current conditions that exist today. It is unknown how those conditions will be developed in the future. The commission had to make a decision based on what is currently in place. The commission is looking at where boat, RV, and self-storage facilities would be best placed in the appropriate zone.
3. Hurricane Valley Fire Department, Merlin Spendlove:
No report was given, as the representative was absent.
4. Public Works Department JD Adams:
No report was given.
5. City Attorney, Heath Snow:
Snow has not had time to address the special event business license. He suggested the council table item E5 on the agenda.

E. PUBLIC FORUM:

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

Scott Coleman 1244 S Westfield Road-

He knows the council is aware of what he wanted to report, but just wanted to put it on record. On August 22, 2018, his backyard was flooded with an inch of rainfall in less than an hour. Tens of thousands of gallons of water filled his backyard from underneath his wall. The city approved a plan drafted by their engineer to channel runoff from Mulberry down the south side of his property onto Westfield Road. A retention basin was dug out to hold excess water which filled with excess water to capacity and breeched filling his backyard with a foot of sandy water. Approximately a year ago, when he saw the retention basing being dug he contacted Mike Ruesch and told him the plan was unacceptable and believed it would flood his backyard. Nothing happened for 9 months until the storm came in and damaged the wall. His wall continues to settle when saturated. He now has ¼ inch and ½ cracks in his wall. He would like to know what could be done to fix his wall.

Councilmember Bringhurst has design and approved plans to bid for the drainage plan to get started and should receive bids on the project. He suggested the council should meet with Coleman and address the wall. Jeffery suggested the residents should file a claim with the city’s insurance company.

Paul Heideman announced the winners of the 2018 Christmas Lighting Contest. The winners from last year’s contest were the judges for the 2018 competition. The 2018 winners were:

- 3rd Place-Chuck Williams located at 589 S Westfield Road
- 2nd Place-Randi Ashby located at 282 W Old Church Road
- 1st place-Randy Stout located at 41 W Willow Lane

F. BUSINESS:

1. Discussion and possible action on an Eagle Scout Cemetery Project submitted by Kaymen Gubler:

Kaymen Gubler presented his Eagle Scout project at the last work meeting. He plans to order a stainless steel sign showing a map outlay of the cemetery. The sign will be attached to a metal display stand and will be placed underneath the cemetery pavilion.



Councilmember Justin Sip made a motion to approve the Eagle Scout Project in the amount of \$250.00. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 4-0. Council Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye.

2. Discussion and possible action 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):

Troy Wall:

Within two months into the development process of his property, they asked for the zone change because of elevation concerns. He has heard the term "High Density" and didn't know what the city considered high density, but does not agree that R-1-12 was high density. The access in and out of the area may be a big deal. They would like to plan for an increase of traffic on those roads. He would like to ask the City Council if they could make a decision on a location for a lift station for sewer.

Councilmember Heideman asked if the zone change is denied and there are changes to the plan will he have to apply for a new application.

Bringhurst met with the applicant and discussed several items. He spoke about creating a cushion or buffer zone with the zone change, and to look at requiring a development agreement. Wall is agreeable to change the plan to work through changing the plan and create a buffer zone around the existing properties. He suggested the council table the item to give more time for modifications.

Councilmember Ty Bringhurst made a motion to table the item, until the zone can be revised with a buffer zone and the application goes back to Planning Commission, where a public hearing will occur if the changes are substantial. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 4-0. Council Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye.

Mike Vercimak thought if the changes were substantial, a public hearing would be required at the Planning Commission level.

Wayne Olsen asked about the public hearing process and didn't believe the process was working. He wanted the council to know years ago the previous property owner wanted to change it from R-1-12 to R-1-20 and was denied for a reason.

Bringhurst shared some of his thoughts to Olsen. If the zone stays the same, the applicant could keep the zoning and put approximately 80 homes in the area. The zone change, as proposed would have approximately 56 lots in the R-1-12 zone and two to three larger lots in the R-1-20 zone. To create a buffer zone around the larger existing lots would help the neighborhood. He stressed the importance of creating a development agreement with the developer with less impact on the neighborhood. The developer could add less than 30 lots without a secondary access. Bringhurst met with the developer and they seem to be very straight forward with their plans. Olsen wanted the council to take into account the public input and make the right decision for the neighborhood.

3. Discussion and possible action on Ordinance 2018.XX ~ Appeal Authority Revisions (PC recommended approval 4-0)



The codifier noticed there were several areas in the city code where the term, "Board of Adjustment" needed to be replaced by the term, "Appeal Authority" after the council decided to adopt an appeal authority, rather than keep a board of adjustment.

Councilmember Ty Bringhurst made a motion to approve the proposed ordinance. Councilmember Paul Heideman seconded the motion. Motion unanimously carried 4-0. Council Vote: Keen Ellsworth-aye, Ty Bringhurst-aye, Justin Sip-aye, Paul Heideman-aye.

4. Discussion and possible action on Ordinance 2018.XX ~ R-1-12 Cul-De-Sac Minimum Frontage Setback and Building Attached Definition Removed (*PC recommended approval 4-0*)

The ordinance would allow the minimum frontage in an R-1-12 zone may be reduced by 30% on a cul-de-sac lot, as measured along the line that follows the minimum front setback for the lot, and as long as the total lot area exceeds 12,000 square feet.

Councilmember Justin Sip made a motion to approve the proposed ordinance. Councilmember Ty Bringhurst seconded the motion. Motion unanimously carried 4-0. Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye

5. Discussion on Ordinance 2018.XX ~ Special Event Business License

Councilmember Paul Heideman made a motion to table item E5. Councilmember Bringhurst seconded the motion. Motion unanimously carried 4-0. Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye

6. Discussion and possible action on Resolution 2018.XX ~ Authorization to file eminent domain action to acquire real property for the purpose of building a bypass road for Highway 17.

Bringhurst gave a brief report regarding the bypass road status. The city has entered into negotiations with the Lowes to agree to terms on how to proceed with forward movement. The Lowes have been moving forward with various items and have agreed to keep this item on the agenda. Bringhurst suggested to table the item as long as forward progression occurs. Ellsworth would like to discuss what the agreement is. He doesn't know what the terms are and so he isn't inclined to table the item. He explained how difficult to encourage businesses to come into Toquerville if there isn't a bypass road. He appreciates the efforts made by various councilmembers and the Lowes but unless the agreement is in writing, there is nothing binding. He voiced his frustration as being the Toquerville Economic Development representative. This item will be discussed further during a closed session.

Councilmember Keen Ellsworth made a motion to move this item to the last item on the agenda and vote after the closed session discussion. Motion dies for the lack of a second.

Bringhurst met with the Lowes and they have agreed to a few items, which are in motion now. He had a fair amount of confidence in what is going on at this time.

Councilmember Ty Bringhurst made a motion to table the item and leave the item on the agenda for next month and move forward. Councilmember Paul Heideman seconded the motion. Motion carried 3-1. Council Vote: Justin Sip-aye, Ty Bringhurst-aye, Paul Heideman-aye, Keen Ellsworth-nay.



7. Discussion and possible action on Resolution 2018.XX ~ Ash Creek Special Service District Representatives Appointment:

Councilmember Ty Bringhurst made a motion to approve the proposed resolution to appoint Pau Heideman as the city council representative for the Ash Creek Special Sewer District. Councilmember Keen seconded the motion. Motion unanimously carried 4-0. Council Vote: Ty Bringhurst-aye, Justin Sip-aye, Keen Ellsworth-aye, Paul Heideman-aye.

8. Discussion and possible action on Resolution 2018.XX ~ Ash Creek Special Service District Mayoral Representation Appointment

Councilmember Paul Heideman made a motion to approve the proposed resolution. Councilmember Ty Bringhurst seconded the motion. Motion unanimously carried 4-0. Council Vote: Ty Bringhurst-aye, Justin Sip-aye, Keen Ellsworth-aye, Paul Heideman-aye.

9. Discussion and possible action on Resolution 2018.XX ~ Hurricane Valley Fire Department Representative Appointment

Councilmember Ty Bringhurst made a motion to approve the proposed resolution to appoint Keen Ellsworth as the Hurricane Valley Fire Department Representative. Councilmember Justin Sip seconded the motion. Motion unanimously carried 4-0. Council Vote: Justin Sip-aye, Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye.

10. Discussion and possible action on Resolution 2018.XX ~ Southwest Mosquito Abatement and Control Representative Appointment

Councilmember Paul Heidman made a motion to approve the resolution to appoint Councilmember Justin Sip as the Southwest Mosquito Abatement Representative. Councilmember Ty Bringhurst seconded the motion. Motion unanimously carried 4-0. Ty Bringhurst-aye, Justin Sip-aye, Keen Ellsworth-aye, Paul Heideman-aye.

11. Discussion and possible action on Resolution 2018.XX ~ Special Service District #1 Representative Appointment

Councilmember Keen Ellsworth made a motion to approve item F11 with Councilmember Justin Sip as the city representative to the Solid Waste District. Councilmember Paul Heideman seconded the motion. Motion unanimously carried 4-0. Council Vote: Justin Sip-aye, Ty Bringhurst-aye, Paul Heideman-aye, Keen Ellsworth-aye.

12. Discussion and possible action on Resolution 2018.XX ~ Annual Meeting Schedule for City Council and Planning Commission

Councilmember Paul Heideman made a motion to approve item F12. Councilmember Keen Ellsworth seconded the motion. Motion unanimously carried 4-0. Council Vote: n-aye, Paul Heideman-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye.

G. REPORTS:

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

The trails and park committee will meet every first Monday of the month at the City Hall office. The meetings start at 4:00 p.m.



Recycling Blu-Can program is losing money and will continue to lose money until 2020.

2. Keen Ellsworth-Economic Development/Fire:

He and Lance Gubler met with Washington County Water Conservancy District about rerouting the road near the Anderson Junction area. The roadway will be designed in such a way to create a more conducive traffic plan for the local area residents, which in turn will create a better intersection for future development and reroute trucks that access the road. The frontage road is too close to the highway. The district is interested in the city developing a park area near the petroglyphs. Utility easements will need to be obtained from the district.

The southern Toquerville welcome sign is in place, but lighting and landscaping will need to be installed and encourage public input and some ideas. Mrs. Christensen asked if the front of the sign could include the Toquerville established date. Ellsworth stated the two-sided sign does have the established date as you are leaving Toquerville headed towards LaVerkin. He will take the suggestion under consideration.

At the last Hurricane Valley Fire Department meeting, they discussed the safety concerns for residents living up in the Westfield area. They do not have a secondary emergency access. Ellsworth voiced his compassion on how important the creation of bypass road for a secondary access to the Westfield area for those residents. The city did adopt safety zones, but he is uncomfortable with the zones being a long-term plan.

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

No report was given.

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

Heideman thought the city looked pretty festive with the addition of all the residential Christmas lights.

The Confluence Park committee is pursuing grants to make a new trail. LaVerkin is going to install a new park on the south end of town, and the trail will be tied into the park.

The sewer District reviewed and approved their final budget at the last meeting.

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

No report given, councilmember was absent.

6. Mayor Chamberlain-TSWs/EMC/DTEC:

No report was given.

Councilmember Paul Heideman made a motion to move into a closed session for the purpose of discussing the acquisition of real property. Councilmember Justin Sip seconded the motion. Motion unanimously carried 4-0. Council Vote: Justin Sip-aye, Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye.

Meeting recessed at 7:18 p.m.

Closed session of meeting began at 7:29 p.m.

H. POSSIBLE CLOSED SESSION:

Councilmember Paul Heideman made a motion to move out of a closed session and into a regular session at 8:21 p.m. Councilmember Justin Sip seconded the motion. Motion unanimously carried 4-0. Council Vote: Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

I. ADJOURN:

Mayor Chamberlain adjourned the meeting at 8:21 p.m.





Mayor - Lynn Chamberlain

1/10/2019

Date



Attest: City Recorder - Dana M. McKim

