

TOQUERVILLE CITY COUNCIL
Combined Work and Business Meeting Minutes
February 7, 2019, at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Alex Chamberlain, Paul -Absent:
Councilmember Ty Bringhurst

A. CALL TO ORDER:

Mayor Lynn Chamberlain called the combined work and business meeting to order at 6:00 p.m. The regularly scheduled business meeting on February 14th was canceled due to the fact it will be Valentines Day. The Pledge of Allegiance was led by Councilmember Alex Chamberlain and an invocation was offered by Mayor Lynn Chamberlain. There were no disclosures made by councilmembers, nor conflict declarations voiced. There were no statements of belief made by anyone present.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from the regular work meeting on January 3, 2019 and the regular business meeting held on January 10, 2019.
2. Review and possible approval of City Expenditures from January 2019.

Councilmember Keen Ellsworth made a motion to approve the consent agenda items. The motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 4-0. Roll Call Vote: Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye, Justin Sip-aye

C. CITY DEPARTMENT REPORTS:

1. Planning Commission Representative, Manning Butterworth:

The Planning Commission meeting will be held on February 20, 2019. If the council approves the changes to the light industrial to allow boat, RV, and self-storage as a conditional use there is a pending zone change application to change a parcel of property up near the Anderson Junction to include the conditional use.

The Troy Wall Rental company made significant changes to an application for a zone change on a property parcel located at the end of Old Church Road. They also submitted a preliminary plat for partial development of the property to meet R-1-20 zoning.

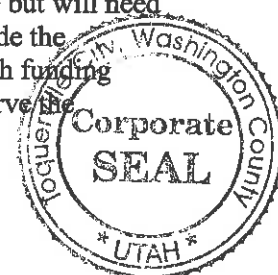
The commission has worked on revising the home occupation process in Chapter 23 and other various land management code changes to streamline the application and approval process. The commission would like to separate home occupations as conditional uses, and rather issue them as permitted uses.

2. Hurricane Valley Fire Department, Merlin Spendlove:

The Fire Department continues to stay busy will call responses in the Hurricane Valley. The department has responded to 318 calls as of this date. There were 6 fire calls and 7 EMS call outs in Toquerville's jurisdiction. The increase in moisture has helped with fire call outs and hopefully, the creek won't rise and cause flooding concerns.

3. Public Works Director, Lance Gubler:

Gubler has conferred with several individuals regarding the tree selection for the upcoming Tree City Project, which includes the removal and planting of several trees along Toquerville Boulevard. They told Gubler the Bradford Pear are good trees to plant in the area, but the city will need to trim the trees to keep them out of the powerlines. Utah State University gave a list of recommended trees to Gubler, where they gave a suggestion to plant the Chinese Pistache. The Bradford Pears are also a preferred tree but only if the trees are maintained. The Texas Red Oak is a brilliant tree but will need to be maintained, just like the Bradford Pear. Twenty new trees will be planted alongside the Boulevard. The council will make a decision of which tree varieties will be planted with funding from Tree City USA. Irrigation lines will be installed along with a root barrier to preserve the sidewalks.



The Mesa View at Trail Ridge Estate will start construction in the second phase of phase two. Interstate Rock performed an extraction permit of the area last year and are near complete. They will meet with the developer to see what the next step will be. There are questions whether or not they will submit a preliminary plat application for the development of the next phase, or start on the reclamation plan of the extraction permit. The seeding of the land is ready to go, but there is no need to plant the area for six months and then dig up the area for the next phase.

The Almond Heights Park drainage project has commenced and is planned to finish in three weeks, weather permitting.

The Ash Creek Overlook Subdivision picked up nine building permit applications. Construction of the subdivision is almost complete. Councilmember Chamberlain inquired about the traffic detours and if traffic has resumed on Westfield Road. Gubler stated the roads were opened back up. There were some large trucks hauling rocks that presented some problems to the sidewalks, but believed the problems were addressed.

The trails committee is working on implementing a cantilevered walking path on the Westfield Road Bridge. They would like to install the walkway on the east side of the bridge. The bridge is a Utah Department of Transportation (UDOT) bridge and conversations have commenced how to proceed forward with the plan.

The proposed Troy Wall subdivision located at the end of Old Church Road would provide a sewer lift station to the area near the Center Street City Park. A retaining wall and lift station will be constructed at the same elevation of the parking lot. An existing septic tank is in place and hopefully, it won't emit odors if properly maintained. Heideman assured the lift stations are managed in a way there shouldn't be a nuisance. The station will be required to meet the Ash Creek Special Service District standards. Ellsworth asked if the area would be landscaped in an appealing way and not leave the area with a large brick wall. Heideman thought the area would not be developed in such a way it would not be an eyesore.

The rights of way on Old Church Road and Center Street were staked to let the city and local area residents know the actual street boundaries for future street development. The bridge is approximately 46' wide. Photos of the area were shown from a power point presentation. The city noticed a fire hydrant will need to be adjusted if the roads are improved upon on Old Church Road. The public works crew replaced several sections of sidewalk on Toquerville Boulevard to alleviate trip hazards due to tree roots.

New stop signs were put up at the intersection of Center Street and Ash Creek Drive, creating a four-way stop to help slow down traffic.

The nine-hole golf frisbee course down in Trail Ridge Estate (TRE) subdivision was revamped to include new poles. The old poles were starting to rust out and were replaced with stainless steel posts. The course was reconfigured with a larger footprint.

Gubler spoke with Sip about reworking the capital facilities plan for the next fiscal budget. The trails committee would like to list nine different trails to add to the list. The city will need to work with property owners of the proposed trails to develop public walking, bicycle, ATV, and horse trails. Gubler briefly discussed the stormwater drain plan and new state standards. He also updated the council on recommendations from Alpha Engineering firm to extend the life of one of the water tanks. He would like to pursue the property purchase of adjacent land to the cemetery to construct a new city shop.

He suggested some of the municipal irrigation shares should be transferred through the district as culinary water shares. The water district is experiencing an administrative change and suggested the change should be pursued sooner than later.

He reminded councilmembers they should pursue getting a food handlers permit for the upcoming 4th of July breakfast and Pioneer Day celebration involves councilmembers handling food. The permit can be obtained via an online interface.

4. City Attorney, Heath Snow:
No report was given.

D. PUBLIC FORUM:



Councilmember Ellsworth asked if the complainants have approached the property owner and asked them to adjust their lights. She has not made contact with the owner and didn't feel comfortable enforcing an ordinance. Ellsworth suggested the good neighborly thing to do is talk to the property owner to verbalize the concern and find a solution in a neighborly manner. Faust does not know the property owner and did not feel comfortable approaching the property owner. Wendy Merritt stated she is one of the closer properties to the outdoor lighting violation and is located approximately 900 feet away from the luminaires.

Councilmember Chamberlain drove to the area and believed the lighting was out of conformity and the lights are quite bright. Merritt did try to make contact but the driveway was blocked with a gate. Chamberlain reassured the complaint has been addressed by the city and the process has started.

E. BUSINESS:

1. Discussion and possible appointment of an Alternate Planning Commission Member:

Mayor Chamberlain suggested councilmembers should think about who may be willing to fulfill the position and let him know by next month. Emily Lowe was unable to be sworn in as an alternate planning commissioner.

Councilmember Alex Chamberlain made a motion to table the item until next month. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Justin Sip-aye, Alex Chamberlain-aye, Keen Ellsworth-aye, Paul Heideman-aye.

2. Discussion and possible direction to change the City Council Work and Business Meeting Schedule:

Mayor Chamberlain suggested combining the work and regular business meeting into a combined meeting. He wondered if the meetings could be streamlined into one meeting. Councilmember Ellsworth was supportive of one meeting but voiced a concern. The reason the city separated the meeting into two was that councilmembers seemed to be unprepared to make a decision upon first hearing of items. He suggested if the meeting is modified to one meeting to encourage the council to attend the meeting with prior knowledge of items to be voted on. Councilmember Chamberlain appreciated the opportunity of having two meetings. The work meeting is where public input is given and a week later the council has time to research and digest the pros and cons of each item. Ellsworth asked Attorney Snow if public input is required unless the item is listed as a public hearing item. The mayor can open up each item for public comment, the council discussion, and then the item can be voted on. Items can always be tabled.

Rebecca Hansen from Westfield Road:

She was approached by citizens asking what meeting is the best meeting to attend. If one meeting is held, it may clear up any confusion of when public comment is encouraged.

Pratt Call from Ash Creek Drive:

Asked if more information could be made available on the website prior to the meeting. He suggested the public would then have the ability to research and give an informed opinion to the council. All support documentation is listed on the Utah State Public Notice website with the approved meeting minutes. It was suggested draft copies of ordinances, resolutions, preliminary plats, final plats, or zone change maps could be made available to the public.



He suggested some of the municipal irrigation shares should be transferred through the district as culinary water shares. The water district is experiencing an administrative change and suggested the change should be pursued sooner than later.

He reminded councilmembers they should pursue getting a food handlers permit for the upcoming 4th of July breakfast and Pioneer Day celebration involves councilmembers handling food. The permit can be obtained via an online interface.

4. City Attorney, Heath Snow:
No report was given.

D. PUBLIC FORUM:

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

Pratt Call from Ash Creek Drive:

He is not an arborist or a botanist but would recommend to not plant the Bradford Pear trees in the Tree City Project. His concern was based on the future tree growth capabilities and the danger of the trees to split in half in windy weather conditions. He recommended to the Texas Oak Tree.

He would also like to request a dead-end sign at the intersection of Berry Lane and Ash Creek Road. Ash Creek Road runs through Toquerville proper and then continues through the Heights area.

Planning Chair Manning Butterworth:

Concurred with Mr. Call's opinion. Butterworth used to have a large Bradford Pear tree in his yard that had four large limbs. Three of the four branches broke off from weather conditions. Mayor Chamberlain stated the trees were good for the area and have been for approximately 60 years. Due to the lack of trimming the trees were the only issues the trees had.

Wendy Merritt from South Peachtree Drive:

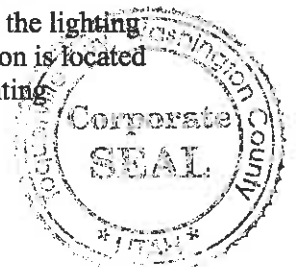
She was against the choice to plant Bradford Pears. Down in the south, many towns planted the variety and later regretted the decision. The Bradford Pear tree is a fragile structured tree and invasive. The Eastern Redbuds are prone to borers. The Chinese Pistache is not native and not animal-friendly, which may cause issues for the animals including gastrointestinal problems from the sticks. She would rather see options obtained from a cooperative extension office and seek native trees to reduce the amount of care and watering. Mayor Chamberlain wondered why the city has had very different experiences with the Bradford Pear trees than explained by the public. He appreciated the input.

She appreciated the new stop signs at the intersection but wondered what the criteria was to install the signs. Gubler explained the purpose was to slow down traffic. She suggested the width of the road should be evaluated and an impromptu traffic experiment could be conducted by local law enforcement to see the true results of how many vehicles are speeding on the particular roadway. She would like more traffic control presence on Westfield Road, due to the increase of pedestrian traffic in that area.

She suggested the proposed walking bridge on Westfield could mimic the same walking bridge at the Center Street City Park. Sip was agreeable to the proposed idea but thought the cantilevered bridge would be considerably less expensive.

Merrily Faust from South Westfield Road:

She had filed a lighting complaint violation with the city. The lights are excessively bright and explained the problem. The lights shine directly into the homes located on Peachtree Drive, Westfield Road, and on Mulberry Drive. She would like the lighting administrator to go to the violation site and test the brightness of the luminaires. She also noted the lights are left on all night long and believed the lighting ordinance requires all outdoor lights should be turned off by 11:00 p.m. The lighting violation is located on Toquerville Boulevard. She would like the property owner to conform to the current lighting ordinance.



Heideman suggested the items should be posted a week prior to the meeting. A problem presented if the agenda changes more than 24 hours ahead of time the documents may not be available. Gubler was supportive of having two meetings. Sometimes the work meetings are the only time he has to discuss items with councilmembers. Jeffery would like to have a work meeting to discuss budget items. She suggested councilmembers should start to think of items for the upcoming budget. Butterworth tried to attend as many council meetings as he could prior to becoming the Planning Chair. He wanted the council to be aware of the meetings are combined into one, they may run longer. Attorney Snow suggested if applications could be vetted prior to the business meeting could avoid longer approval waiting periods.

Wayne Olsen from Old Church Road:

He would like the council to absorb public opinion prior to reaching a vote. When an important opinion needs to be made, he would rather hear input and then wait a short time frame before a decision is made.

Ellsworth and Mayor Chamberlain discussed the options of allowing public input at the different meetings and how to best streamline the process. The recorder provided an ordinance revision to combine the meetings and resolution to change the meeting schedule for the council to review.

Justin Douglas from Westfield Road:

Suggested if prior documentation could be provided to the public, the more educated input would be given. If the item is a controversial subject, the council may have the option to table the item until the next month.

Mayor Chamberlain asked if the website could be a forum for public comment online. The current website does allow for people to contact the city.

Kay Chamberlain from Toquerville Boulevard:

If the deadline for the agenda is set a week in advance, it may be too early for applications to be considered prior to the meeting.

Wayne Olsen from Old Church Road:

Suggested anyone requesting to submit public input should either write a letter or come to the meeting. Internet trolling may become an issue.

The item will be discussed at the March work and regular business meeting.

3. Discussion and ratification of vote to accept the bid submitted by Royal T for the Almond Heights Park Subdivision Drainage Project:

A phone call vote was taken and approved earlier.

Councilmember Justin Sip made a motion to accept the bid submitted by Royal T for the Almond Heights Park Subdivision Drainage Project, and not to exceed \$90,000.00. The motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 4-0. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.



4. Discussion and possible action to accept a list of permitted trees for the Tree City Project-Toquerville Boulevard:

Councilmember Justin Sip thought the current Bradford Pear trees haven't had limb damage on the Boulevard due to the north to the south location of where the trees are planted. He would like to support all the trees Gubler presented. Mayor Chamberlain did state the Bradford Pears are a showy tree Toquerville has been known for. To maintain uniformity makes a striking statement. Councilmember Chamberlain was supportive of the Bradford Pear variety. The list would provide a guideline to staff on what species of trees will replace dead trees. Root barrier will provide protection to keep the sidewalk from lifting up, as well as watering practices. Rebecca Hansen suggested if Toquerville could preserve the historical feel of replanting the same variety of trees would be ideal.

Heideman was supportive of planting different varieties of trees to provide different visual interest during various seasons of the year.

Kay Chamberlain stated this discussion is not a new item. It has been discussed over the past two years.

Councilmember Alex Chamberlain made a motion to approve the Bradford Pear as the tree to be planted on the Toquerville Boulevard. The motion was seconded by Councilmember Justin Sip. Motion carried 3-1. Vote: Alex Chamberlain-aye, Justin Sip-aye, Paul Heideman-aye, Keen Ellsworth-nay.

5. Discussion and possible action on Ordinance 2019.XX-An ordinance amending Title 10, Chapter 14, Article A: M-1 Light Industrial Zone, Section 3 - Conditional Uses to include RV, boat, and self-storage facilities and remove automobile wrecking yard and junk or salvage yard as a conditional use. (PC recommended 4-0).

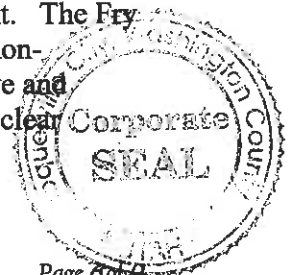
Attorney Snow explained the modification to the city code to members present. The council also explained to the public how the nuisance complaint process is administered.

Motion to approve the ordinance made by Councilmember Keen Ellsworth. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Vote: Paul Heideman-aye, Alex Chamberlain-aye, Keen Ellsworth-aye, Justin Sip-aye.

6. Discussion and possible action on a Preliminary Plat Application submitted by Jeffrey Fry for the development of a three-lot subdivision "The Terraces at Cholla Creek" located at approximately 1180 Cholla Drive. Tax ID# T-110-A-1. Property is zoned R-1-20. (PC recommended 3-1):

Jeff Fry would like some questions answered about the next steps the applicant needs to take to proceed forward and if a development agreement is needed. Attorney Snow explained the steps he needs to take to move forward, including construction plans and an application for a final plat. If improvements need to be made, the installation of improvements needs to be done before the final plat is recorded. Not all small subdivisions need development agreements and explained how a bond is required. Snow will explain the bond process to Fry after the meeting.

Ellsworth thought the lot was developed prior to the subdivision and road development. The Fry family has made efforts to develop the property to try and find a solution to the legal non-conforming property by bringing it into conformity. Jeffery suggested the private drive and addressing will need to be identified on the final plat. The driveway should designate clear



signage for emergency responders. Snow discussed the importance of an easement and maintenance of the first lot to grant access to the back two lots.

Councilmember Justin Sip made a motion to approve the preliminary plat application submitted by Jeffrey Fry. The motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 4-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.

7. Discussion and possible action on Resolution 2019.XX ~ Authorization to file eminent domain action to acquire real property for the purpose of building a bypass road for Highway 17:

Councilmember Bringhurst was not present at the meeting but told Mayor Chamberlain the landowner and their engineer are ahead of schedule. A zone change application has not been submitted to staff as of this time.

Councilmember Ellsworth doesn't believe forward progress is occurring. He has asked the family to sign a memorandum of understanding and provide a timeline of when a zone change will be submitted. Neither of those requests has been satisfied. The residents of the Westfield area need an emergency secondary access. He does not see why the council is not approving the resolution for eminent domain. If the action is passed it holds the landowner's feet to the fire. Attorney Snow advised the council if a zone change application is submitted by next month, they would fulfill the 6-month agreement. If the application is submitted in April, the council is looking at seeing the change closer to a 7-8 month time period. Ellsworth suggested the city should move forward with the resolution. He wondered why the Westbrook group and Lichfield's were able to come to an agreement several years ago and not the last landowner. He believed this issue has been hanging for two years and wondered when a resolve will occur.

Councilmember Alex Chamberlain made a motion to table the item until March 2019. The motion was seconded by Councilmember Paul Heideman. Motion carried 3-1. Vote: Justin Sip-aye, Paul Heideman-aye, Alex Chamberlain-aye, Keen Ellsworth-nay.

8. Possible action of a water right purchase:

Attorney Snow suggested a councilmember table the item until after the executive session and make a motion to move into executive, closed session for the purpose of land acquisition and threatened or potential litigation.

Mayor Chamberlain suggested to move into the council reports and then the suggested motion could be made after the reports are given.

F. REPORTS:

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

Sip has combined the trails and park committee meeting into one combined meeting. The public meeting will be held on the first Monday of each month at 5:00 p.m. The public meeting will be posted on the local and state website and citizens are encouraged to attend. Darrin LeFevre has some ideas on trails and how they can be funded. He briefly discussed the upcoming solid waste district meeting and how the recycling program works.



2. Keen Ellsworth-Economic Development/Fire:

In residential zones the allowance of heavy equipment prohibited. He wondered if the council would like to change the code to allow heavy equipment to be parked in residential zones as long as it's parked in the backyard and screened from the public view and not causing nuisance problems. Councilmember Chamberlain didn't believe the allowance should be made. Mayor Chamberlain wasn't supportive of the allowance because if property owners are trying to sell their property it may be an eyesore, and the noise made when safety alarms sound for heavy equipment when backed up. The ordinance was read by Councilmember Chamberlain to provide clarification. To store heavy equipment is more of an industrial or commercial use.

Gubler advised the council all the city property is zoned as residential and suggested the city should create a municipal zone.

Ellsworth would like to draft a revision to the noise nuisance ordinance. He asked if the council had any input. The council was agreeable to add hours to the code and address construction acts. Gubler is working on obtaining lighting bids for the southern welcome sign. Ellsworth wanted to get input from the council if they wanted to landscape the area around the sign. He would like to surround it with a few trees, to include Cathedral Elms or Sycamores. Mayor was against the elm variety that reseeds. Ellsworth will verify, but the Cathedral is a seedless elm. He will need to obtain permission from the HOA to pursue an easement agreement. An oak tree may be another option. The Hurricane Valley Fire Board will demolish the chevron in downtown Hurricane and rebuild the structure soon.

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

No report was given.

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

The next Ash Creek Special Service District meeting was canceled. The Confluence Park committee evaluated the cliff areas and will assess the possibility of adding climbing routes. Sip asked who would be liable for those routes. Heideman believed the cities would be liable.

4. Mayor Chamberlain-TSWS/EMC/DTEC:

No report was given.

Councilmember Paul Heideman made a motion to move into an executive session for the purpose of acquisition of land and threatened or potential litigation. The motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 4-0. Vote: Alex Chamberlain-aye, Justin Sip-aye, Keen Ellsworth-aye, Justin Sip-aye.

The regular meeting ended at 8:11 p.m.

G. POSSIBLE CLOSED SESSION:

Council went out of closed session at 9:25 p.m.

Councilmember Paul Heideman made a motion to table the water right purchase item, Item E8 until next month. The motion was seconded by Councilmember Justin Sip. Motion unanimously passed. Vote: Justin Sip-aye, Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye.

H. ADJOURN:




Mayor Chamberlain adjourned the meeting at 9:26 p.m.



Mayor - Lynn Chamberlain

03/14/2019

Date



Attest: City Recorder - Dana M. McKim



