

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



Present: Mayor Lynn Chamberlain; Councilmembers: Alex Chamberlain, Paul Heideman, Justin Sip, Ty Bringhurst, Keen Ellsworth; Staff: Planning Commissioner Manning Butterworth, Treasurer June Jeffery, Public Works Director Lance Gubler, Recorder Dana McKim, Ash Creek Special Service District Representative Mike Chandler, Hurricane Valley Fire Department Representative Merlin Spendlove; Public: Wayne Olsen, Greg Turner, Jodi Turner, Wendi Merritt, Jackson Ream, Justin Douglas, Tiffany Douglas, Troy Wall, J Wall, Annette Kleinman, Gary Chaves, Anita Eaton, Chuck Williams.

A. CALL TO ORDER:

1. Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m and led the Pledge of Allegiance. Invocation offered by Councilmember Ty Bringhurst. There were no disclosures or conflict declaration, nor statements of belief.

B. CITY DEPARTMENT REPORTS:

1. Planning Commission Representative, Manning Butterworth:

There will be a Planning Commission public hearing on March 20 at 7:00 p.m. Items for public discussion will be a livestock permit for Donna DuCrest at 1632 South Ash Creek Drive for the keeping of 24 chickens, a home occupation permit for Alejandro Trujillo for the on-line sales of clothing and jewelry located at 746 South Peachtree Drive, and a home occupation permit for Anita and Stacy Eaton for the assembly and sales of powered parachutes, parts, and accessories at 290 South Ash Creek Drive.

There will be draft material available for a proposed ordinance change to streamline the home occupation chapter. A home occupation is woven during several different areas of City code and follows the conditional use permit process.

2. Ash Creek Special Service District, Mike Chandler:

Their staff has reworked the line on Center to try and attribute the changes to the new subdivision and pump station. Money set aside for other pipe replacement may have to be redirected to account for this project and the pump station. The confluence park plans continue to forge ahead. The hurricane valley is experiencing lots of growth and will continue to keep the district busy.

3. Hurricane Valley Fire Department, Merlin Spendlove:

There were 14 medical and 4 fire calls last month. Spendlove implored the public to be extra vigilant with traffic between mpm 22-36 on the interstate, due to the construction and the increase of traffic due to the time of year and weather conditions. The HVFD is grateful for the recent rain. They would like to host a wood chipping event for the community during the off fire season. This would aid property owners in fire prevention mitigation.

4. Public Works Director, Lance Gubler:

Showed pictures of the trees planted on the Toquerville Tree City Boulevard project. The center street city park received new pea gravel and sled. Gubler recently went to a DTAC meeting by request of Councilmember Bringhurst. Data presented at the meeting showed the growth rates of the past, present, and future. Gubler suggested the city should take a look at the growth rates and start to calculate for water rates. He also learned that St. George has noticed an increase of single detached home building permit applications.



The revised water pooling agreement will need to be approved at the upcoming city council meeting. The city attorney reviewed the document and the changes were minor.

Gubler briefly discussed the sales tax house bill regarding transportation and wanted the council to know how it will affect Toquerville.

According to the state requirements for funding water rates, the standard rate is supposed to be assessed at 1.75 times the median income to provide for municipal water systems. Rural Water representative Terry Smith met with Gubler and the treasurer to discuss the base rate and different scenarios on how to create projected increases. Toquerville water rates do not cover the suggested depreciation rate. The city does not have any other means to subsidize the water rates. Councilmember Heideman would like to see the interactive interface to project different rates. Jeffrey encouraged Heideman to come into the office and she could explain how the program works. Jeffrey explained the two different scenarios they worked out. She will send the information to the councilmembers after the meeting. They just received the report today. The state suggested the water rate should be \$60.00 to meet any state funding programs. Gubler explained there are two rates where irrigation is not offered to residents. The city allowed those locations to have more water during the water months. They learned the practice may not be fair to the rest of the residents. Toquerville has the highest median income in Washington County. Gubler showed video footage of the flowing rivers during the last heavy rainstorm. The Ash Creek Overlook subdivision is wrapping up and building permits will be issued.

The ash creek bridge owned by UDOT to construct a cantilevered bridge is still under research on the state level. Without the plans, the city will not be able to pursue the bridge.

Gubler showed a picture of where they plan to hydroseed the Trail Ridge Estate Park (TRE) area. He would like to see the capital facilities plan amended during the next budget year. The projected trail and park projects need to be studied and changed. The trails committee would like to list nine different trails.

The service laterals and water main needs to be replaced on Ash Creek Drive, along with storm drains. They would also like to upgrade the water tanks and install a new tank for the new zone near the proposed bypass road.

The Utah Trust made several suggestions to Gubler regarding the maintenance shop. They found the shop area to have poor ventilation and road access is not ideal.

C. PUBLIC FORUM:

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

Wendi Merritt- Peachtree Drive:

There was some misinformation about the Bradford Pear Tree at the last meeting. She thought they were selected because they "look pretty". The tree selected will be planted underneath power lines. These trees can reach up to 50 feet tall and can reach 20 feet wide. They have a shallow root system. The information was brought to the council and believed it was an ill-informed decision. There were two other people who spoke out against the trees. She asked if the council takes into account public input. She suggested information should have been received from a master gardener, rather than an arborist and urged the information to be reviewed prior to the council meeting.

Lance Gubler wanted the council and public to know this tree selection has been taken under consideration for more than three years. He contacted Utah state and the Washington Extension office. The people residing on the boulevard wanted the Bradford Pear.

Greg Turner-Toquerville Boulevard:

Wanted the council to know of the wild chicken problem on Spring Drive. There are several wild chickens in the area. He doesn't think the chickens belong to anyone specific, but are feral and are



breeding rapidly. They are roosting in the trees and traveling down to Toquerville Boulevard. He asked if the problem could be addressed.

Anita Eaton wanted to comment about the chickens. The chickens have been a problem for quite some time near her late mothers' home. The chickens do not belong to her family. She suggested the city contact the Washington County Sheriff's Department and ask for a variance or allowance for shotguns to be discharged within the city limits, her family would be willing to shoot the chickens. Pellet guns are not effective with this situation. The chickens, specifically the roosters have become very keen or smart to the trapping measures.

Gary Chaves from the Westfield area:

He wanted the council to know there is a turkey problem on the Westfield area. The Division of Wildlife Resources could be called to trap and relocate the wildlife. They have become a traffic hazard.

He wanted to voice his opinion about the growth Toquerville is experiencing without the needed infrastructure. He quoted from the general plan, "As a priority, the city will maintain and enforce land use policies that would protect the rural lifestyle and character." One of the strategies is to avoid rezone residential areas to high-density areas and to maintain an existing general density. He would like to emphasize his opinion to maintain the zoning Toquerville has now. He would like the city to pursue the secondary access for the Westfield road area and water infrastructure projects, as well as new and improved bridges.

D. BUSINESS: Items are discussion items only. No vote will be taken at this meeting.

1. Discussion on a Zone Change Application submitted by Matt Wathen located between Anderson Junction Road and I-15, Property Tax ID # T-3-0-22-233. Parcel is approximately 7 acres. Property is zoned R-1-20. Proposed zoning is M-1 Light Industrial. (*Planning Commission recommended denial 5-0*):

Bringhurst asked Butterworth where the commission decided to put the conditional use of RV, boat, and self-storage facility zone designation. Butterworth stated the commission felt the use would be best in the M-1 light industrial zone. While reviewing the zone there were slight modifications to the zone to exclude a few uses like a junkyard or mobile wrecking yard. The ordinance was modified to accommodate the use. The zone change was recommended denial because it did not fit with the surrounding residential area. Bringhurst asked if the property to the west is I-15. He asked why the property couldn't be zoned as light industrial or commercial. Property located to the west is zoned highway commercial. Butterworth explained the commission denied the application because it failed to meet several of the nine criteria from city code. Bringhurst asked the council if the desire was to create an area for commercial uses.

Wayne Olsen from Old Church Road-

Back in 2002 when the SID project started and the area was rezoned, the council and residents chose to preserve the residential area. There were several workshops where Anderson Junction area residents had the voice to choose how the property would be designated. All of the property on the west side of Old Hwy 91 is residential.

2. Discussion on a Zone Change Application submitted by 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. (*Planning Commission recommended denial 4-1*).



Butterworth stated the zone change did not meet all the nine criteria's for the zone change. Anita Eaton spoke on the item. During the first public hearing one of the commissioners suggested a buffer zone between the current R-1-20 zoning and the proposed R-1-12 zone. The applicant modified the application and a second hearing occurred. She was unsure why the application did not meet the criteria. She spoke about the different zoning areas in town. The applicant indicated due to the topographical area, R-1-12 would fit the property rather than an R-1-20 zone with the cuts and fills with the land. She explained she purchased smaller lots outside of Toquerville, one of which was in a parade of homes. Smaller lots don't always mean the lots will not be taken care of. Sometimes larger lots become dumping grounds and are harder for people to take care of.

Annette Kleinman wondered why a development agreement couldn't be made with the property owner. She suggested the city should offer the option to the applicant. She used to attend meetings in St. George where development occurred to create unique subdivisions and open spaces, or trails.

Troy Wall, the applicant stated the application was tabled by the city council to reconfigure the land and provide a buffer zone. The existing homes would be surrounded by R-1-20 lots. He suggested another buffer zone should be placed to the west of his property as well since the city development agreement with the property owner will be zoned as commercial. He suggested increasing the zoning to R-1-12 before it tapers into commercial. He met with the engineer and looked at what Toquerville already has. To ask for a zone change is not an unusual request. He gave examples of how smaller lots can be beautiful homes. He is not planning on developing the R-1-12 zone to be several tract homes. He would be willing to enter into a development agreement with the city. Approximately 96 lots could be placed on the property with the zoning. The main reason for the development of smaller lots is due to the lay of the land and the elevation measurements. He suggested in the northwest corner they could develop the land with smaller lots and retain larger lots towards the currently developed area.

Councilmember Bringhurst was favorable for a development agreement for the remaining property to address the remaining acres left after the preliminary plat application. Wall explained some possible scenarios if the zone change was approved. He thought the nine criteria could be interpreted differently. He thanked the council for their time.

Tiffany Douglas from Westfield road but are building a new home on Old Church Road: She was in attendance at the last Planning Commission meeting. There were several citizens that are not happy about the zone change. She thought people are confused about which meeting they should attend. Approximately 10 people were against the proposal. They moved to Toquerville approximately two years ago from up north. When they found Toquerville they fell in love with the area and the small town charm. They moved away to get away from the city and the increased crime rates. The Douglas family have two special needs kids and would like to raise them where they feel safe. If more people and traffic comes to the area it will change the integrity of the beautiful town. She is against the zone change proposal.

Wayne Olsen from Old Church Road:

The people in attendance at the Planning Commission were mostly against the proposed zone change. He thought the application did not meet five of the criteria. He encouraged anyone to drive on Peachtree, Westfield, and Mulberry Drive. It seems that many people park their vehicles on the street side. He is worried about the safety of the children in the area. He is against the zone change and doesn't want the smaller lot development off of Old Church Road or Center Street. He didn't think the developer could fit more than 73-75 lots on the proposed property to include roadways. He believed the Planning Commission took into account the public input and made conscious decisions when determining if the application met the nine



criteria. He didn't think the buffer zone was much of a buffer for the residents who live on the road now. Two public hearings occurred and both times the application was denied. He encouraged the council to deny the application.

3. Discussion on a Preliminary Plat Application submitted by Wall Family Rentals for the development of a 15 lot subdivision, "Park View at Desert Mountain" located at the west end of Old Church Road, Property Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Parcel is approximately 9.86 acres. Current zoning is R-1-20. (*Planning Commission recommended approval 5-0*):

No comments or discussion were made.

4. Discussion on a Final Plat Application of Mesa Views at Trail Ridge Estates~Phase 2, submitted by Mesa View at Trail Ridge Estate LLC for the development of 18 lots on Tax ID# T-3-1-12-33001. Current zoning is R-1-20. (*Planning Commission recommended approval 5-0*):

Bringhurst asked if they are looking to contribute to the park plans. Ream said, yes they were. He wanted to talk to the council about the benefits of development agreements. Utah is looking at developing smaller lots with open spaces for the future of Utah for various reasons, including water conservation and cost savings of infrastructure. Ream will provide a revised master plan for the subdivision to the city recorder. Bringhurst explained how the lots are smaller, but a development agreement was adopted to grant trails, parks, and open spaces.

5. Discussion of Resolution 2019.XX ~ Reclamation Grant:

Jeffery and Gubler have been working on a grant on how to upgrade water meters. One of the requirements is for the city to bear the extra cost that isn't met by the grant. The state will contribute up to \$75,000.00 if the grant is awarded. There are funds in the depreciation fund to contribute to this project, which cannot start until October 1, 2019. The application is due April 24, 2019. Gubler gave the council input on the importance of upgrading the water meters from a 3G to a 4G network. 620 meters will need to be replaced. Hurricane and Springdale are looking at replacing all of their meters. Bringhurst asked why the Master meters are not lasting their life expectancy. Gubler advised the city is replacing twenty meters out at a time. Bringhurst suggested the representative should be honoring the meter replacement if they aren't lasting. Gubler explained how Master Meter is remedying the meter problems but the fix isn't effective for the hard water and battery life issues. Bringhurst wanted to make sure the grant doesn't tie the city to a specific meter brand. Jeffery explained how financial costs will play into the equipment and replacement of the project.

6. Discussion of filling an Alternate Planning Commission Member vacancy:
Councilmember Ellsworth spoke with an individual by the last name of Call. He may be willing to serve if asked to do so. Councilmember Chamberlain did not have any names to offer.
7. Discussion on modification of the City Council Work and Business Meeting Schedule.
The council discussed the pros and cons of combining the work and regular business meeting into one monthly meeting. Bringhurst liked the two different meeting because it gives him time to become more educated on the items before voting on them. Ellsworth suggested if the council were to look at the packet information prior to the meeting they should be prepared to make a decision. If the meetings were combined it makes for a longer meeting. Councilmember Chamberlain liked the current format because it gives time to digest the items and public comment.

E. REPORTS:

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



The first Monday of the month is now the Parks/Trail meeting. He suggested the capital facility should be modified to include new projects. He would like to plan for a splash pad to be installed for the Almond Heights Park.

Arbor Day will be scheduled on April 11th prior to the city council meeting. A resolution will be drafted and adopted at the next council meeting.

2. Keen Ellsworth-Economic Development/Fire:

He would like to see some trees planted near the southern Toquerville City sign. Ellsworth will meet with Ream regarding the easement agreement.

3. Ty Bringhurst- Water Department/Streets/MPO/TSWS-2nd water system/DTAC-Dixie Metropolitan Planning:

Bringhurst was in contact with the Lowe family on Monday. Lorin Lowe will have some plans to show Bringhurst in approximately two weeks. He thinks the Lowes are meeting the requirements of land planning within the time frame given by the council. Alpha Engineering provided an analysis for the north and south connecting routes of the bypass road into SR17. They provided options on the north end of whether the council will decide to do a bridge or box culverts, as well as the route through the Hogsback area. He will provide the cost analysis to the city recorder to disseminate out. He described how the Hogsback area could be constructed.

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

The cemetery is looking better and he appreciated the work done by the Public Works Crew.

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

The Miss Toquerville pageant will be held sometime April. He should have a date by next week. The upcoming Confluence Park meeting was cancelled. The park committee has developed the area to mitigate flooding issues beautifully.

6. Mayor Chamberlain-TSWS/EMC/DTEC

No report was given.

Councilmember Paul Heidman moved to take a small break and then move into a closed session for the purpose of land acquisition. Motion seconded by Councilmember Bringhurst. Motion unanimously carried 5-0. Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.

Mayor Chamberlain closed the open meeting at 7:55 p.m.

F. POSSIBLE CLOSED SESSION:

Closed session began at 8:03 p.m.

Closed session ended at 8:30 p.m.

G. ADJOURN:

Councilmember Justin Sip moved to adjourn the meeting. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Council vote: Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.

Mayor Chamberlain adjourned the meeting at 8:30 p.m.

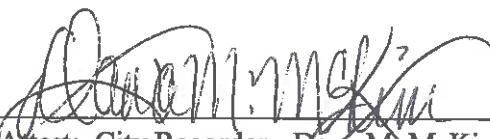




Mayor Pro Tempore – Keen Ellsworth

4.16.2019

Date



Attest: City Recorder - Dana M. McKim

