

TOQUERVILLE CITY COUNCIL
Work Meeting Minutes
April 4, 2019 at 6:00 p.m.
212 N. Toquerville Blvd, Toquerville Utah



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

A. CALL TO ORDER:

1. Call to Order~Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. Councilmember Keen Ellsworth led the Pledge of Allegiance and an invocation was given by Councilmember Justin Sip. There were no disclosures, nor conflict declarations from councilmembers. No statements of belief were voiced.

B. CITY DEPARTMENT REPORTS:

1. Planning Commission Representative, Manning Butterworth:
On April 17th at 7:00 p.m. the Planning Commission will conduct a public hearing on three items. One item will be a home occupation permit application submitted by Brady Turnblom for a home office for a mobile handyman business located at 952 South Mulberry Drive. The second application is a conditional use permit submitted by Natalie Cheney for a dance and exercise studio at 86 East Kolob Circle. Lastly, the public will also get the chance to review the home occupation ordinance. Proposed changes will streamline the application and review process while simultaneously striking a balance between property owners and their neighbors.
2. Ash Creek Special Service District Representative, Mike Chandler:
Last Thursday, the district had a board member field trip tour of the current district projects including the cut at the Dixie Springs water tank and Confluence Park. The LaVerkin City Council approved the LaVerkin city council approved the zone change for their treatment plant to be constructed in the area of Confluence Park.
Chandler met with Troy Wall, a developer of the Parkside at Desert Mountain subdivision located on the west end of Center Street. The location of the sewer pump station will be located in a different area. The station was going to be near the Center Street city bridge but was relocated on the property to be subdivided. Construction drawings were submitted to development staff. The station will be developed to not only handle the currently approved subdivision but to also handle flow levels for future development west of the pump station. The district had plans to update some lines in Toquerville, but those funds will be reallocated to help assist this project.
3. Hurricane Valley Fire Department, Merlin Spendlove:
Last month there were nine medical callouts and four fire calls. Three of the four fire calls were canceled prior to arrival, due to false alarms. The district discussed how to best mitigate the problem and came up with a response fee for all false alarm callouts. False alarms stretch the resources thin to the Hurricane Valley area. These types of callouts can also foster complacency with responding personnel. The department doesn't really want to charge for the false alarms, but encourage people to fix the problem which causes the alarm to signal.



The Fire Department and Wildland Fire Division would like to host a biyearly event where citizens can drop off their tree limbs for them to be chipped and take the chips back to their homes for landscaping possibilities.

4. Public Works Director, Lance Gubler:

Spring has approached and the cemetery grass was reseeded. All the lawns at the park and cemetery were fertilized. The center street ball field park had some upgrades recently. A company came in and donated sand and reworked the ballfield. Hurricane City would like to use the Toquerville ballfield for dedicated baseball practices. They would like to offer a trade for ballfield rentals in exchange for a free rental of their fine arts building for the Miss Toquerville pageant. It is sometimes difficult to find a venue to host the pageant and they would guarantee a free rental of their building. Hurricane doesn't have enough ball fields to meet the number of baseball team practices. They would like to set a dedicated time each week each Wednesday for the next few months to use the field from 4:00-8:00 p.m. Councilmember Chamberlain had reservations to dedicate that much time of use and suggested the scope should be shortened. Heideman asked if the added wear and tear would make a difference on the field. Chamberlain suggested the city should strike a better balance to preserve one of the only rare resources Toquerville has for other city uses.

C. PUBLIC FORUM:

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

Laurie Mangum from South Toquerville Boulevard-

She wanted to talk about exterior lighting, not the Toquerville lighting ordinance. She works for the power and light company for the City of St. George. She has degrees in lighting and energy management. She sits on several boards regarding lighting and has some expertise on street lights. St. George recently changed out over 2000 street lights in the last four years. They are changing the lights out to LED lighting. She described a little bit about lighting history and how the older yellow lighting diffuses light around them. She explained how LED lighting became popular and how many areas in the United States installed these long lasting lights. She stated to the council there was nowhere in St. George where you can't look up and see the stars at night. The city has people go out and evaluate the night sky. Residential street lighting has little effect to do with night light pollution. Street lights, on the other hand are where the biggest light pollution occurs. She would like to discuss exterior lighting with anyone who is interested.

Ralph Christensen from West Center Street-

He wanted to know if a decision was made if the main transportation route to the Parkside at Desert Mountain subdivision would access Center Street or Old Church Road. He suggested property should be developed so both streets could access the subdivision. Mayor Chamberlain believed the new subdivision would access Center Street because the bridge on Old Church Road needs to be reinforced and widened to accommodate two-way traffic more effectively. Christensen has not seen the preliminary plat of the subdivision. Councilmember Chamberlain offered to show Mr. Christensen the plans for the subdivision. He would like the council to reconsider the traffic route to the new subdivision.

Johnathan Jones from South Toquerville Boulevard-

Would like to propose a zone change from Randy Pearson's property to Van Kleinman's place on the west side of the highway to change the zoning from R-1-20 to A-1, Agriculture Zone. He believed livestock has been on the property for over 100 years. It would benefit him to rezone the property to agriculture. A zone change would incur engineering costs to the city. If a group of citizens wanted to get together and file a zone change application the city they are more than welcome to do so.

Anita Eaton from South Ash Creek Drive-



She noticed today some loud noises coming from the street and witnessed two Toquerville City public works employees installing a dead end street sign on the property next to her home. She asked if the crew members if they obtained permission from the property owner to place the sign there. She understood the city may work in the easement for public utilities, but that does not include signage. She suggested the sign should be moved at the intersection of Berry Lane and Ash Creek Drive would be a better location. To place the sign would be trespassing and viewed as debris by the property owner. Lance Gubler spoke regarding the concern. He stated he spoke with Mrs. Eaton's husband, Stacy and he thought the sign placement was a good idea. Anita Eaton replied by saying the property owner should have been contacted regardless of what Mr. Eaton thought.

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

1. Discussion of filling an Alternate Planning Commissioner vacancy:

The city received a letter of intent from Dan Catlin. Councilmember Alex Chamberlain suggested the council review the letter which includes his long list of credentials.

2. Discussion of Ordinance 2019.XX Toquerville City Policy and Procedures:

The amendment would adopt new city council standards for governing public meetings. A resolution will also be adopted for the council concerning meetings, agendas rules of order, ordinances, resolutions, agreements, creation of committees, boards and commissions, public hearings, and rules of conduct. Councilmember Ellsworth reviewed the document and believes everything seems to be parallel with how the council conducts business currently and in future meetings.

3. Discussion on Resolution 2019.XX Fee Schedule Changes to increase the culinary water base rate, stormwater drain fee, resident and non-resident cemetery plot perpetual fees, and removal of the walking tour guide:

Jeffery and Gubler have been discussing culinary water base rates. They have asked for input regarding the rate. The last time the rate was increased was six years ago. Staff suggested a \$3.79 rate increase to keep with maintenance and operating costs. Mayor would like a study to be done to make sure the costs will cover the rate increase. The public works director would also like to increase the storm drain rate a dollar to cover training costs to the city and updated storm drain infrastructure. Bringhurst agreed the city should obtain some research to quantify the increase. Jeffery suggested the reason the city had to have a study when the rates were originally created it was because it was tied to a loan. The water rate increase doesn't necessarily require a study. Paul Heideman had a few questions regarding the water rate increase. He wanted to know what the annual water expenses six years ago before the new lines in and what are the annual water expenses now. How much water income do we get from the rates now? What is our depreciation charge per year? What is the rate of inflation is used for the depreciation rate? He thought the original rate used was at 3% and believed that rate has lowered since the city was done. He asked how much the city has saved for depreciation, and should the city of saved for depreciation. Jeffrey suggested those are questions that should be included in the study. She suggested a \$60.00 increase to the perpetual care of cemetery purchase plot purchases. The walking tour should not be on the fee schedule. It is not a fee, but an item for sale at the city office.

4. Discussion on a possible turn lane at the intersection of SR17 and the Cholla Creek Subdivision

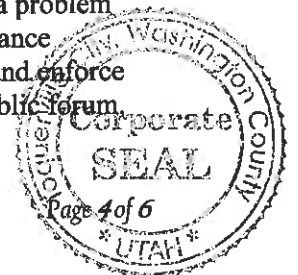


Bringhurst met with Robert Dowell from the Utah Department of Transportation (UDOT). If the city obtains the property, the state will generally do a match of 50% for the cost of the property. Bringhurst will need to obtain a cost estimate from two different engineering firms. UDOT suggested he contact Jones and DeMille and Sunrise Engineering. He briefly spoke with Alpha Engineering, the city engineer to make them aware of the project. Ellsworth encouraged Bringhurst to obtain those cost estimates. Bringhurst explained the history of the UDOT and Cholla Subdivision development and why a turning lane was not constructed during the second phase of the subdivision. Dowell suggested if the city paid for engineering and land acquisition costs those expenditures could be applied to as an in-kind match for the 50% commitment.

5. Discussion on Almond Heights Park drainage project expenditures:
When the project was approved, the city council stated in the motion the expenditure would not exceed \$90,000.00. During the construction of the park, it was discovered the park drainage plans ended at the sidewalk and it was suggested, instead to run the pipe out to the river. The changes are not an exchange order but extended the bid item. The council will need to approve the bid item of an extra \$1,080.04.
6. Discussion on Toquerville Cemetery hydroseeding expenditures:
At the last staff meeting, the mayor suggested Gubler meet with Joey Campbell to evaluate the cemetery grass. The grounds were seeded last fall and for some unknown reason, the seedling rate was less than desirable. Mr. Campbell suggested one section of the cemetery should be hydroseeded. Gubler contacted three hydroseeding vendors and picked the lowest bid. Section A of the cemetery was hydroseeded. Section B was hand seeded heavily as an experiment to see which area would flourish faster. The area was watered as directed, fertilized, and weeds were cut down to ensure a higher success rate.

E. REPORTS:

1. Justin Sip-Solid Waste/Mosquito/Tree Board/Trails/Parks:
UDOT has agreed for the city to install a cantilevered walking bridge on the Westfield Bridge if the designs are engineered. Sip spoke with Alpha and they quoted the city \$5,000.00 for the plans. He thought the quote was high. Bringhurst has a few names to obtain bids from who specialize in structural engineering. Jeffery and Sip briefly discussed the different options of how the plans will be paid for.
The Parks committee met out at the future Almond Heights Park to discuss different options of how the park could be modified. Jeffery suggested a new plan should be developed since it has deviated from the original park plan. The Almond Heights Park is approximately two acres.
2. Keen Ellsworth-Economic Development/Fire:
The night sky ordinance presents some issues for city staff. One of the concerns is enforcement and secondly, the ability to monitor. He suggested a balance between personal property rights and the health, safety, and welfare of the neighborhood should be obtained. This evaluation may require a change to the lighting chapter. The enforcement of lighting violations becomes a problem. He drove through Toquerville at 11:30 p.m. the other night and he noticed the majority of the homes all have exterior lighting turned on. Lights are supposed to be shut off after 11:00 p.m. Lighting is also supposed to be shielded for indirect lighting. There was a discussion of who would be tasked with regularly monitoring exterior lighting throughout the city.
Alex Chamberlain did some informal research on lumen measurement. He doesn't have a problem with the city purchasing the equipment. He believed citizens should be able to file a nuisance complaint regarding light trespass and the city should have the equipment to investigate and enforce the ordinance. He disagreed with the comments regarding exterior lighting during the public forum.



He wished Mrs. Mangum would have stayed after the meeting to discuss the item. He posed a question to the council of how much light trespass or light pollution is allowed before it becomes a nuisance to neighbors. He explained why ordinances are important and how citizen expectations come into play during the drafting and adoption of regulations. Ellsworth asked if all lights to be shut off at 11:00 was reasonable or not. Emergency services would prefer some sort of lighting in responding to a medical call out. Butterworth suggested the city should try and educate the citizens before enforcement measures are exercised. Jeffery stated the information and reference to the website article written by Manning Butterworth was put in the yearly newsletter and it will be mailed out as soon as the annual water drinking report is received.

Anita Eaton asked to speak at the podium. Mayor Chamberlain entertained the request. Eaton stated in her subdivision there are not street lights installed but rather the property owners were required to install their own light posts. There isn't a universal light post for the Ash Creek Point subdivision. Security is an issue and a concern. The Toquerville area has recently experienced some car burglaries. She would love to look into the night sky and see the stars but would also like for her residence and neighborhood to be secure.

Mr. Jones wanted the council to know he is surrounded by larger open fields and livestock. The area is well lit and he can still see the night sky and stars. The lights are beneficial to him due to the fact he has seen coyotes chasing sheep during the middle of the night and witnessed the prowling of cougars in his backyard. If there were no lights, how would he be able to see these predators during the night lurking on his property? He didn't think the lights were disruptive from his back porch. Wayne Olsen will continue to keep his porch light on. If the lights are shut off his property is burglarized. Mayor Chamberlain suggested Alex Chamberlain present a lighting presentation at the May meeting.

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

One of the items he discussed with Mr. Dowell from UDOT was a crosswalk agreement. The crosswalks will be designated at the four-way intersections at Center Street and Old Church Road. There was a brief discussion of a crosswalk and if the city will assume some liability of the crossing. He also discussed how a speed study is quantified. UDOT could change the 50 mph speed zone on the south end of town to 45 mph. The council will need to decide if they want to pursue a speed limit reduction.

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

A Mondale pine tree will need to be removed from the cemetery. He discussed the tree with Gubler and it will be taken out.

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

The Miss Toquerville Pageant will be held April 27th at the old white church in LaVerkin. It is unknown what time the event will be, but the staff will get the time and disseminate it out to the public. The county fair has changed and there is not a theme. The St. George Chamber of Commerce is planning the fair and believed a seed display will no longer be active.

6. Mayor Chamberlain-TSWS/EMC/DTEC:

No report was given.

7:20 Mayor Chamberlain closed the open session and called the convening of a closed session to discuss the acquisition of real property.

F. POSSIBLE CLOSED SESSION:



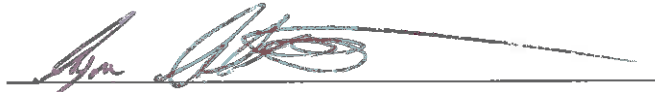
At 7:27 p.m. Mayor Chamberlain called the closed session to order at 7:27. Members present were June Jeffery, Lance Gubler, Dana McKim, Paul Heideman, Alex Chamberlain, Lynn Chamberlain, Ty Bringhurst, Keen Ellsworth, Justin Sip.

At 7:42 p.m. Mayor Chamberlain went out of the closed session and into the regular business meeting session.

Councilmember Bringhurst briefly discussed the possibility of a water right purchase in Washington City and updated the council on his negotiations.

G. ADJOURN:

Mayor Chamberlain adjourned the meeting at 7:44 p.m.



Mayor - Lynn Chamberlain

5.14.2019

Date



Attest: City Recorder - Dana M. McKim

