

TOQUERVILLE CITY COUNCIL
Work Meeting Minutes
May 2, 2019 at 6:00 p.m.
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers Justin Sip, Keen Ellsworth, Alex Chamberlain, Paul Heideman; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Support Staff: Planning Chairman Manning Butterworth, Ash Creek Special Service District Representative Mike Chandler, Hurricane Valley Fire Department Representative Merlin Spendlove; Public: Merrily Faust Jodi Turner, Dan James, Gregg Leiby, Natalie Cheney, Jon Cheney, Greg Turner, Wendi Merritt, Chris Butterworth, Annette Kleinman, Wayne Olsen, Gary Chaves, Anita Eaton, Bob Robinson.

A. CALL TO ORDER:

1. Mayor Lynn Chamberlain convened the meeting at 6:00 p.m. Councilmember Justin Sip led the Pledge of Allegiance and Councilmember Paul Heideman offered an invocation. There were neither council disclosures nor conflict declarations made. No statements of belief were voiced.

B. CITY DEPARTMENT REPORTS:

1. Planning Commission Representative, Manning Butterworth:

The Planning Commission may need to reschedule the meeting in May, due to the fact there is not a 10-day window to advertise public hearing items from the development staff meeting date.

2. Ash Creek Special Service District Representative, Mike Chandler:

The City of Hurricane approved four or five new subdivisions. The district will be busy with those developments. The district recently had some pipe collapse. The engineer's estimate to fix the line was near \$300,000.00. The lowest bid for the job was granted to Interstate rock. The district's goat production continues to rise in numbers. They now have 360 baby kids on the place. They project they will have around 400 goats by the end of the season and only 20 were stillborn. The first cutting of hay started today and they do plan to cover it. They plan to get about 9000 bales from the first cut, and 19000 bales from a second cutting. Ellsworth asked when the south end sand hollow project to Bench Lake will commence. The engineer was contacted and promised his part of the job will be done by the end of the month. They have obtained their loan from the state and hopefully, it will begin this year. The Confluence Park plant is under design and will take at least a year to design. He gave a brief summary of the planned project and how it will increase the amount of waste for future development.

3. Hurricane Valley Fire Department, Merlin Spendlove:

He wanted to remind everyone the Ironman competition will be held on Saturday and advised to avoid sand hollow. The fire department responded to 12 medical calls and 8 fire alarms.



of the 8 were false fire alarms. There was a motor vehicle accident this morning on the interstate. The burning season is currently in progress and hopefully will last through May 30th. Many times the burn season is cut short because of weather and dry vegetation conditions. The water department will be burning on Spring Drive on Friday morning near the gas line and the pond area. The hillside behind the fire station has some large vegetation growth. They plan on weed eating the area soon to lower the fire risk.

4. Public Works Director, Lance Gubler:

Attended the MPO meeting and produced some maps of UDOT's future projects. The Toquerville bypass road was moved up to Phase 1 on their project list. He described the UDOT project cycle and how projects are prioritized. One of the maps showed population growth and traffic congestion. Mayor Chamberlain suggested the road development may help with traffic congestion to Zion. A draft copy of maps and future projects were given to the council. Toquerville Boulevard has now been classified as a main arterial road. The water tank on Spring Drive was discussed and how they would like to surround the tank with a dirt berm and spray the inside of the tank to extend the lifespan. Quotes have been obtained for this project.

The Public Works Crew went to a presentation in Virgin where a paving company showcased a new product to repair roads. It is a mastic aggregate type product that fills in large cracks and creates a seamless installation. The product is ideal for hot weather conditions. An example of the material was passed around for the council to inspect.

The old City Hall church looks like the roof is sagging. A roofing company suggested a structural engineer assess the roof. When the roof was replaced supports were installed, but they are not adequate for the structure and have broken down over time.

The Toquerville Reservoir new campsite plan was shown, including 10 campsites with sewer hookups and some primitive campsites with a pavilion. There will be a trail surrounding the reservoir. A grinder and pump will facilitate the sewer system. A two-inch pressurized line will be the city's responsibility. When the reservoir is turned over to the city it will create revenue for the city. A study done by SUU was performed and they came up with a business plan of how many campsites will turn a profit with the assumption the occupancy rate stays at 85%. The Washington County Water Conservancy district is working with the city to make sure the site will be a success. Councilmember Ellsworth believes the plan will work well but believes the reservoir won't be up and running for two more years. The district wanted the city to start budgeting for a recreation plan.

A water rate study is being done by the city engineer. The current water rate is not able to fully fund the operating and maintenance costs. To build a new tank or fix water lines by staff is not feasible with the current rate. Toquerville needs a hydrology study done for the west part of the city so the city can appropriately plan for future development to occur in that area. The water supply will come from the Anderson Junction tanks.

A water system meter upgrade is needed. Approximately 20 meters each month are not reading correctly and to replace the meters is not cost effective. The Badger system is used by the Water Conservancy District and is a recommended system for the city to pursue.

The Capital Facilities Plan needs to be updated. Several of the park, streets, trails, water projects are outdated or no longer need to be in the plan. Jeffery suggested modifying the



plan should be sooner than later because public notification needs to occur before a new plan is adopted.

The WCWCD had a water leak on Glen Canyon Drive. The large leak took out half of the road. When he visited the site today the water cut away the sidewalk and he notified the district. There was an assumption the pipe installed was not able to take the high pressure of the water line. Ellsworth asked if the installation of the pipe contributed to the failure of the line. Gubler did not confirm nor deny if the installation played a part of the failure but did notice there were several large boulders when the district dug up the line. When a pipe is excavated it usually shows more rock than sand because the water washes the bed lining material.

Gubler gave a map of the possible land acquisition of the cemetery expansion. The city would like to build a shop at the cemetery and expand the cemetery plot availability.

The city was awarded a grant for the Trail Ridge Estate and Cholla bridge in the amount of \$50,000.00. Gubler submitted a second grant to help out with the project and hopefully will hear back soon. Sip asked if the school district could help out with the cost of this project since it was primarily pursued as a safe way for children to ride the school bus. Those safe routes are administered through UDOT and are not available for this project.

Gubler had a list of park projects for the three different parks in Toquerville but advised the council those projects will be funded through the Capital Facilities Plan which needs to be updated.

The Tree City Project on Toquerville Boulevard is now complete. He suggested the city should apply for a new Tree City Project for trees to be planted at the south end Toquerville sign and at the Almond Heights Park area.

Gubler would like to crack seal the streets in the Cholla subdivision. The current pricing for a contractor to crack seal is twenty-six cents a foot, whereas the county can price the job at twelve cents a foot. A short discussion ensued about if the county is willing or able to come to Toquerville to crack seal the roads. Gubler explained the importance of surfacing the road and extending the life of the current roads.

A curb project bid was obtained for a storm drainage project on Rim View Drive. Public Works employee Adams has enrolled in a GIS class and should be obtaining his certification in the near future. To GIS all the infrastructure, including meter and hydrant locations and will be an asset for the city.

Gubler gave information and what it would cost to have an in-house employee to be certified as a building inspector for the city.

C. PRESENTATION:

Preservation of Dark Skies and the Toquerville Exterior Lighting Ordinance~Alex Chamberlain:

Councilmember Alex Chamberlain explained the importance of preserving the dark sky steps the city and its residents can take to lessen light pollution. He showed comparative photos taken at the same location and time of day on March of 2017 and March 2019. Mrs. Kleinman asked if Chamberlain was able to identify the bright lights or "hot spots" where light pollution was evident. Chamberlain said he could but the reason for the photos taken was to physically show the difference in color temperature and how the city can improve their street lights. The Planning Commission was asked to revisit the exterior lighting



chapter to re-evaluate the restrictions of night lighting. A point was brought up that the requirements may be a little heavy handed and the commission will need to strike a balance with the ordinance practicability.

Chamberlain showed pictures and pointed out the amount of blue presence in one of the photos, which clearly showed the diminished ability to see the star structure in the sky. Approximately a month ago he asked Gubler assist with the lighting issues and requested he turn the street lights pollution down approximately 50%. In doing so, the structure of the Milky Way is more visible and the ground is illuminated more evenly. The photos were taken by the same camera with the same settings. While this act was done, it doesn't fix all the problems, he believed the streets were more evenly lit during his walks at night. He wanted to clarify that dark sky advocates are not out to eliminate lighting, but to illuminate the surroundings more evenly and efficiently. Studies show that even lighting or dimming lighting creates a safer area. He briefly discussed how natural and artificial lighting effects overall health.

Lighting technology is advancing and suggested the city should choose a warmer light temperature, rather than a brighter light.

Chamberlain thanked Gubler for helping out with the lighting experiment. The city app cannot change the temperature but a filter can be added to the light fixture. Chamberlain gave a similar presentation in April to the City of Hurricane. They were very interested in the project and the information presented. Mr. Imlay has experimented with different lighting fixtures and will be asking UDOT in the near future to see if the lighting on their main street can be adjusted.

The current lighting requirements call out a lighting administrator and the tools to measure lighting violations. All residential lighting should be off at 11:00 p.m. Many residents may be unaware of that restriction and are unknowingly out of compliance. Spendlove suggested the city should allow porch lights to be left on during the night hours for EMS personnel to find home addresses for medical call outs. Wendi Merritt asked when the Planning Commission will discuss revisit the exterior lighting ordinance. Butterworth was unsure of when the item will be discussed, but it will be soon.

D. PUBLIC FORUM:

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

No public comments were made.

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

1. Discussion of a Conditional Use Permit Application submitted by Natalie Cheney at 83 E Kolob Circle for a Dance/Workout studio. (*Planning Commission recommended approval 5-0*):

Councilmember Chamberlain attended the Planning Commission and gave a brief report on the concerns for the proposed use. The business will be conducting classes early in the morning. The applicant assured the commission that the music or noise coming from the building wouldn't be a problem. The garage will be soundproofed.



2. Discussion of Ordinance 2019.XX Home Occupation Revisions (*Planning Commission recommended approval 5-0*):

Modifications to the Home Occupation Chapter would eliminate the need for the Planning Commission to evaluate home occupation applications and would streamline the process for staff to review and grant these uses. Changes to the chapter removed a home occupation as a conditional use, which no longer would run with the land. Home occupations were listed as a permitted use in each allowable zone.

3. Discussion of Title 10, Chapter 17-3: Nightly Rental Ordinance ~ Lynn Chamberlain:

The nightly rental ordinance does not require the owner of the rental to be in the area during the rental period. Nightly rental owners are required to be residents of Toquerville. The idea behind the requirement was they would be in the area during the rental period. Residents that live in the city 182 days could potentially rent out their homes during their absence. While currently, it would not violate the letter of the law with the current code, it would violate the spirit in which the code was drafted. The council would like the Planning Commission to rework the verbiage to provide clarity regarding the requirement.

Wendi Merritt is not against nightly rentals but gave her experience of living in a town that was subjected to a wildland fire and experienced the difficulty of finding housing due to the saturation and unavailability of purchasing a new home. Merritt has used nightly rentals in the past but always chooses to pick an owner-occupied rental.

4. Discussion on the Toquerville Reservoir sewer line~Lance Gubler:

Gubler covered this item during his report. The district will cover approximately 80% of the expenditure. The city may apply for a grant for the remaining amount.

5. Discussion on Fiscal Year 2020 tentative budget~June Jeffery:

When she spoke with the council last month about the budget where she had concerns about last-minute spending and the expected revenue amounts. She had concerns about the projected budget and the future projects discussed with the current cash flow. She explained how the overage fund balance is not a negative aspect for the city and would rather see the auditors give a finding to the city for having too much money in that area of the budget than be short.

Since the city received a grant for \$50,000.00, she would like to take the RAP tax money as a matching amount for the grant. The Trail Ridge Estate second phase will create some impact money for the parks.

Ellsworth asked about street projects and if the future street projects will be less than last year. Every year the city has to plan to improve the streets. The b&c road funds are expended and the remaining expenditures were covered by general fund money. Money has been set aside out of the capital facility fund to cover bypass road expenditures.



city had \$50,000.00 budgeted for trails, but it was changed to \$100,000.00 since the city received the trails grant money.

The bottom line makes Jeffery a little apprehensive at the end of the budget year. The city never wants to fully expend the budget so there are areas that can cover emergencies and last-minute costs. She gave balances of the current revenue and expenditures.

Ellsworth and Jeffery briefly discussed the current property tax rate and how the city may want to pursue a truth and taxation process during the next budget year. Toquerville has the fourth lowest property tax rate in Washington County. Ellsworth appreciated Jeffery's concern about the budget and suggested the city is able to maintain a lower property tax because of careful spending. He believed in the near future the county may partner up with the city to create some sources of revenue for the city.

Jeffery explained how capital projects are spent with impact fees. The water fund currently has four years of impact fees and suggested new projects should be expended for water projects.

She also stated that trail money can be spent once the Capital Facilities Plan is modified and the study can be paid with impact money.

Eight new building permits for the self-help homes were received this last week. These homes, combined with the future Wall subdivision will create more impact fee money to fund future impact fee projects.

Ellsworth would like a comprehensive list of each department and the possible future projects with expected expenditures. The reservoir project most generally will be put into the general fund and not an enterprise fund. She projected \$250,000.00 for the water enterprise fund where funds will be taken out of the depreciation account for the purchase of the new water metering system for tank upgrades. The perpetual cemetery fund is over \$65,000.00. The city can only spend the interest from that fund, which is \$6,000.00. The perpetual fund was recently increased and hopefully, the interest will grow at a faster rate.

Jeffery will be attending training next week and will work on the final budget. There was a brief discussion about the reclamation grant the city applied for and the circumstances involved with the grant, resulting in the city not obtaining those funds.

6. Discussion on obtaining an engineered water study~Ty Bringhurst:

Gubler stated the study will cost between \$5,000-\$10,000.00 and he covered the item during his presentation.

7. Discussion of secondary water connections~Lynn Chamberlain:

Mayor Chamberlain explained how future development will take away the total amount of water allocated from Toquerville water rights from the current residents. He suggested the council should look at doing away with the requirement of new homes to be hooked up to the secondary water system. Anita Eaton asked if this direction would be taken if the reservoir is not built. Chamberlain stated no, but the water availability would diminish. Eaton said the agriculture users have a set amount of water usage.

Chamberlain doesn't want to diminish those water amounts to current users. Eaton verbally called out the importance of past agriculture users for the acquisition of



secondary water for Toquerville residents. Jeffery asked if this item needed to be included in the water study to be done by Alpha Engineering. Chamberlain believed it may be beneficial.

Gary Chaves believed a second water agreement for future development will occur in the future with the Washington County Water Conservancy District. He suggested information should be obtained and planned for future growth.

8. Discussion on plans to revise the Capital Facilities Plan:

Gubler suggested the council should direct Alpha Engineering to revise a new Capital Facilities plan next week.

9. Discussion on the 2019 updated Water Conservation Plan~Ty Bringhurst:

Councilmember Bringhurst was absent at the meeting. Alpha Engineering drafted the plan and the state approved the plan. An ordinance is required to adopt the updated Water Conservation Plan. Attorney Snow was advised and the city recorder is awaiting a response.

10. Discussion on updated Toquerville Standards and Specifications~Ty Bringhurst:

Alpha Engineering revised the Standards and Specifications. The speed pillows and large sidewalk designs need to be reviewed by Councilmember Bringhurst.

11. Discussion on upgrades to the north end water tank~Lance Gubler:

Item was covered during Gubler's report. The tank currently sits on BLM land and the plan will need to be reviewed by the BLM and UDOT.

12. Discussion on city hall repair and maintenance projects~Lance Gubler:

Item was covered during Gubler's report. Councilmember Heideman would like hooks to be added to the trim of the building to facilitate the holiday lighting decorating of city hall.

13. Discussion of a possible land acquisition for expanding the Toquerville Cemetery~Ty Bringhurst:

Gubler stated that Councilmember Bringhurst is working with the property owner on obtaining an agreement and a possible purchase price. The city may want to pursue a grant for the purchase of the land and the possibility of getting CBDG to help cover the cost of a new public works department.

14. Discussion of North end Toquerville sign expenditures~Keen Ellsworth:

Annette Kleinman approached Councilmember Ellsworth and suggested the slogan "City of the People" could be added to the north end sign. Councilmember Chamberlain asked



how malleable the motto was. To expend funds for a slogan that may change in the future may not be an ideal situation. Ellsworth provided two different design options for the council to review. Kleinman believed the addition could be changed out if the addition is attached to the bottom of the sign. Gubler asked if the modification would be big enough to see, or if it would be a distraction to the sign.

15. Discussion of the Westfield Road walking bridge~Justin Sip:

An engineered study is needed for this bridge. Anita Eaton noticed several vehicles or trailers parked near the intersection of SR17 and Westfield Road. She has difficulty sometimes maneuvering traffic on the turn with parked vehicles on either side of the road. She suggested the city could implement an ordinance for trailers being parked for extended periods of time without being attached to a vehicle to mitigate those safety concerns.

Sip received information from UDOT that the walking bridge can be constructed on the east side of the bridge, but the added structure will need to be engineered. Alpha gave the city a quote of \$5,000.00 for the design of the addition. Sip believed he could find a lower quote and asked if he could obtain bids for the project.

Jeffery advised the council the trail fund has \$5,000.00 and the suggested the plan could be paid for with impact fee money once the capital facility plan is revised.

16. Discussion 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:

There is no further information. Councilmember Ellsworth stated that Bringhurst told him the discussions with the property owner is moving forward.

F. REPORTS:

1. Justin Sip-Solid Waste/Mosquito/Tree Board/Trails/Parks:
No report was given.
2. Keen Ellsworth-Economic Development/Fire:

Ellsworth visited with a county commissioner about how Toquerville could start fostering economic development and controlled growth. They discussed different options and the possibility of possible businesses to generate revenue for the city, without creating more of a traffic impact on Toquerville Boulevard. The meeting was to begin the process of how the county can assist Toquerville in the future. Ellsworth would like the projected developments to be funded by the county or state funds.

The commissioner asked about the process of the bypass road. Ellsworth told him the plan was progressing. The county believed the bypass road will play an instrumental part in Toquerville future growth. The city needs to draw businesses to the area which are compatible with the current feel Toquerville has. The city's desire is to preserve the quiet and comfortable surroundings. Currently, the city has very little income and suggested the council should start planning for the future where residents can work, live, and play.



reservoir is a great start for and will be one of the first anchors to start a domino effect of the future of Toquerville.

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

Chamberlain met with the school board recently and they wanted to know what Toquerville's education concerns were. He thought the intermediate school started too early in the day. He stated from his family's experience they have enjoyed the current immersion programs. He also encouraged the district to look for more creative decisions for fostering diversity. Ellsworth asked if the school district has plans to build a school in Toquerville. Chamberlain stated they did not, but would like to see a school in the city. Sip believed the Westbrook group was looking at a 40-acre parcel on the west side of town where a future school may be constructed.

4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park/Miss Toquerville Pageant/Memorial Day:

The sewer district will be busy installing and replacing lines. Confluence Park has parking to the north of the construction zone and will be building a new trail on the north side to that entrance.

The Miss Toquerville Royalty winners were announced and will be in attendance at the next city council meeting.

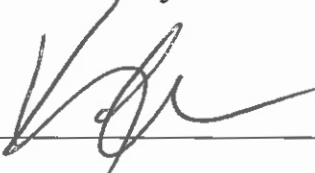
5. Mayor Chamberlain-TSWS/EMC/DTEC:
No report was given.

G. POSSIBLE CLOSED SESSION:

A closed session was not called at this meeting.

H. ADJOURN:

Mayor Chamberlain adjourned the meeting at 8:10 p.m.



Mayor Pro Tempore, Keen Ellsworth

6.13.2019

Date



Attest: City Recorder - Dana M. McKim

