

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
August 1, 2019 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



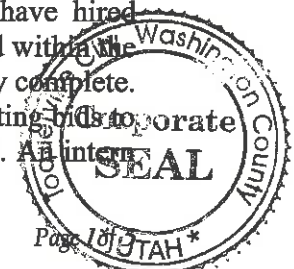
Present: Mayor Lynn Chamberlain; Council Members: Justin Sip, Ty Bringhurst, Paul Heideman, Keen Ellsworth and Alex Chamberlain; Staff: Treasurer June Jeffery, Public Works Director Lance Gubler, Recorder Dana McKim; Support Staff: Planning Chairperson Manning Butterworth, Hurricane Valley Fire Department Representative Merlin Spendlove; Public: Scott English, Dan James, Jack Alexander, Chuck Williams, Sandra Feagin, Amos Bunker, LaRue Brough, John Powell, Anita Eaton, Todd Young; Absent: City Attorney Heath Snow, Zoning Official Mike Vercimak, Ash Creek Special Service District Representative.

A. CALL TO ORDER:

1. Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. Councilman Alex Chamberlain led the Pledge of Allegiance. Councilman Keen Ellsworth gave the invocation. There were no disclosures, nor conflict declarations from Council Members. There were no statements of belief voiced.

B. CITY DEPARTMENT REPORTS:

1. Planning Commission Representative Manning Butterworth reported on the Planning Commission meeting held July 17, 2019. Mr. Butterworth gave an update to the modifications on three ordinances and that they would be discussed as separate items at the next Planning Commission meeting. Mayor Chamberlain asked about progress on updating the animal ordinance. Mr. Butterworth reported the commissioners are looking into it.
2. Ash Creek Special Service District Representative was not present.
3. Hurricane Valley Fire Department Merlin Spendlove reported that they are staying very busy. The department is beginning to man the new station that is between Washington and Hurricane by the freeway. This new station is to increase response times to the freeway. Mr. Spendlove reported that most residents were compliant with the firework ordinances. On the 24th of July, there were no major incidents, just a few small brush fires due to people shooting off fireworks from their homes. Mr. Spendlove reminded everyone that there are burn seasons and to be careful when having a backyard fire or burning weeds in a burn barrel, and to make sure to get a burn permit. Mayor Chamberlain asked if the Fire Department could practice putting out brush fires on vacant lots, but Mr. Spendlove said they do not have the extra manpower and that it is too much liability for the department.
4. Public Works Director Lance Gubler reported on the Trail Ridge Estates/Cholla bridge project. Gubler has received a couple of bids for the project. The bridge will sit over the current utility easement. There is a water meter presentation next week about upgrading equipment; however, the city is not necessarily looking to change anything yet. There is also a Water Efficiency grant coming up where the city can receive up to \$200,000 to improve our water system. The Water Conservancy District and BLM have met regarding the reservoir and the BLM have hired additional people for this purpose. The BLM wants to hold a public meeting to be held within the next few weeks. The road for Carson Jones project and water line installation is nearly complete. Gubler reminded everyone the property is still private property. Mr. Gubler is still getting bids to complete the work on the town hall that the state architect asked the city to complete. All items



has been doing all the paperwork necessary to get on the National Historical Society and get the \$10,000 grant. At the end of the month, Mr. Gubler and Ryker Steglich will be attending a cemetery restoration seminar in Park City UT on how to clean, restore, and move headstones properly. There have been hoods placed on the lights at the south sign that deflect the light. This was done at the request of the Planning Commission. Mr. Gubler talked with Steve Harris with Wildland Fire and they would like to set a date in early spring or the fall for the city to sponsor a day of clean up/beautification. He would have a wood chipper available for branches, tree limbs, etc. and then the public would be able to take the mulch for free. Signatures are being gathered for the Troy Wall subdivision and they should be ready to begin within the next 30 days. Mesa Trails subdivision above Trail Ridge Estates is waiting for Blue Stakes to come in and then they should be ready to start in about a week. The city has purchased a new side by side vehicle with a sprayer that should serve the city departments well.

C. PUBLIC FORUM:

1. No comments from the public.

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

1. Discussion on a Nightly Rental Application submitted by Tami Young at 131 North Toquerville Boulevard, Tax ID T-57-B. Property zoned R-1-12. *(PC recommended approval 5-0):*

Council discussed that there are no specific conditions for this application, only general conditions as previously given. The applicant will have to submit a yearly application where a notification process and public hearing will occur. This item will come up for a vote next week.

2. Discussion on a Parking Options for the Area on Westfield Road near the intersection of SR-17:

Public Works Director Lance Gubler re-stated the problem that the road is narrow and there have been several accidents there, as well as multiple complaints about people parking on both sides of the road, essentially making it a one-lane road where two cars cannot pass simultaneously.

Resident Sandra Feagin lives on the corner and sees the concern with the road but also sees the harmful consequences that come with excessive restrictions. Ms. Feagin wondered if the city would try other options, other than restricting the residents of that road. A much better option would be to restrict parking on one side of the road.

Resident Anita Eaton reported these issues before the accident on Westfield Road occurred. Historically, parking has not been a problem, but with population increase, traffic has increased also. Ms. Eaton is concerned about children on the road, especially with school starting soon. There are other restricted roads in Toquerville, specifically, on the south side of Pecan, there are No Parking signs. Ms. Eaton wondered about parking within so many feet of an intersection, and what the current laws are regarding that. There are also concerns about individuals that park on the streets and have their cars facing the wrong direction.

Amos Bunker spoke on behalf of resident LaRue Brough and wondered when the bypass road would be put in. Mr. Bunker stated that speed pillows might be a good alternative, instead of parking restrictions. It would slow down traffic enough to let people pass each other. There does not need to be parking restrictions on both sides of the road.



Resident John Powell said he was the resident whose car was hit on Westfield, but it was not hit because of parking issues. Common courtesy while passing needs to be addressed on Westfield Road, not parking restrictions. Mr. Powell is not in favor of parking restrictions.

Resident Scott English is not in favor of parking restrictions in front of his home. Parking on both sides of the road is speed control. The current posted speed limit needs to be adhered to rather than imposing parking restrictions. Mr. English is in favor of painting the curb red close to the intersections.

Councilman Ty Bringhurst would like some action taken on painting the curbs red 30' back from the intersection. The Council would like Public Works Director Lance Gubler to look at these intersections and into possibly repainting them. Mayor Chamberlain would like more research to be done on this and be ready to take action on these options at the next City Council Meeting.

3. Discussion on the 2019 Water Conservation Plan:

The Council discussed how the plan needs to be updated every 5 years. The plan is pretty straight forward and in line with the previous year's plans.

4. Discussion on the Cholla/TRE Access Bridge:

Councilman Justin Sip reported there was a very favorable bid received for the bridge. It comes in under budget. There will be an open house for Trail Ridge Estates and Cholla residents so they can voice their opinions. This will be a footbridge but ATV/UTV's will be allowed. ATV/UTV's will be encouraged to use the bridge to avoid erosion and excessive mud on the streets from the ATV/UTV's. The bridge will be 36" above the existing banks to address flood concerns. The bridge will be approximately 6' wide and 72' long. Mayor Chamberlain expressed safety concerns over pedestrians and ATV/UTV's on the bridge at the same time. One option would be to make the bridge 4' wide and only allow pedestrians.

Resident Jack Alexander lives right next to the creek and does not see the concern about mud from the ATV/UTV's. Mr. Alexander brought up that there are some UTV's that are just as wide as the bridge, creating additional problems.

5. Discussion on an updated MOU for the Toquerville Reservoir:

Councilman Keen Ellsworth spoke regarding the reservoir, that the city would like to manage it, provided there would be campgrounds that could be rented out to offset the city's costs. This is the final version of the MOU, which states the purpose of the reservoir is primarily for water storage, not recreation. Water levels are projected to drastically change every year, with levels varying up to forty feet. Exact designs have not been finalized. The state would not take over the management of the reservoir and campgrounds unless it is a larger operation. The city would like to manage and maintain them. SUU did a study to find out how many campsites would be needed and what the estimated charge would be for each campsite for the city to make a profit. This project needs to be built in a way that it could be expanded if the demand was high enough. The trail/road around the reservoir will be approximately 10' wide.

6. Discussion on Ordinance 2019.XX ~ Business Licensing:

Attorney Heath Snow is re-writing the Business Licensing chapter of the city code. The Council will wait for the changes to be presented and will discuss this item at that time.



7. Discussion on Resolution 2019.XX ~ Transient and Itinerant Merchants/Vendors:

Attorney Heath Snow is working on revisions which address short-term business such as door to door salesmen, food stands, etc. The Council will wait for the changes to be presented and will discuss this item at that time.

8. Discussion on Ordinance 2019.XX ~ Noise Nuisance Modification for Construction Hours of Operation:

The Council discussed the changes to this ordinance and were in favor of the modifications, such as certain times set aside to pour concrete. The proposed times are between 6:00 a.m. and 10:00 p.m., with any concrete pouring outside of these times needing City approval.

9. Discussion on the Toquerville Cemetery Expansion Project:

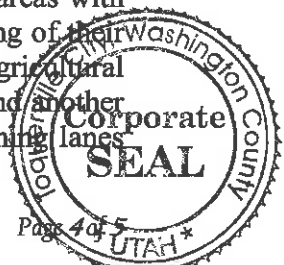
The Council discussed how to proceed with the purchase of 3.1 acres for sale to expand the cemetery. The seller is willing and ready to move forward. Treasurer June Jeffrey confirmed this purchase is within the budget. Councilman Ty Bringhurst will get an offer sheet drafted. Alpha Engineering has specifically identified the parcel of land for sale. Attorney Heath Snow will review these documents.

10. 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:

Councilman Ty Bringhurst reported that the property owner for the last section of access for the Bypass road has not submitted any new information. Councilman Justin Sip recommended this item be removed from future agendas. Councilman Keen Ellsworth is pleased with the progress that has been made so far.

E. REPORTS:

1. Councilman Justin Sip reported that the mosquitos have been very bad this year. There is a meeting next week regarding mosquitos. Public Works Director Lance Gubler and Treasurer June Jeffrey have put in a lot of work on the Tree City USA grant. Some of these trees are for the Westfield Park. The grant allowance has been raised from \$8,000 to \$10,000. There is a meeting regarding solid waste later this month. Mr. Sip could not comment further because of pending litigation, and reports on this topic will be forthcoming. Westfield Park design plans are coming together. They have plans to install six-foot-wide continuous sidewalks and an amphitheater area.
2. Councilman Keen Ellsworth reported he is working to get a sports park toward the north end of town. This multi-use sports park will have multiple fields for sports (soccer, football, lacrosse, etc.) that bring in revenue. There will also be an area for small aircraft. There is a lot of progress being made toward the reservoir. Mr. Ellsworth is optimistic that the reservoir project will begin by the first of the year.
3. Councilman Ty Bringhurst requested Public Works Director Lance Gubler get an estimate for two speed pillows, one for Center Street and one for Ash Creek. There are multiple areas with zoning issues. An application needs to be sent to the Lowe family to change the zoning of their property. There are other properties in Toquerville which need to be changed to agricultural zones. There is a meeting planned with UDOT on Tuesday, August 6th at 3:00 p.m. and another meeting with Clayton Wilson on Monday, August 5th at 3:00 p.m. regarding the turning lanes.



planned for Cholla Creek Subdivision, funding options for the bypass road, and the Anderson Junction re-alignment. There needs to be discussion regarding secondary water for the Troy Wall Subdivision and other areas. Mr. Bringhurst wondered whether this is a TSWS issue or city issue and if the city should install dry systems in new subdivisions that could be used in the future. There are concerns about how much secondary water is available to current residents and for future residents. There has been an agreement between Westbrook Group and Carson Jones property to start putting in center line stakes for the bypass road, which will connect with Old Church Road.

4. Councilman Alex Chamberlain did not have anything to report.
5. Councilman Paul Heideman reported there is work being done in Confluence Park. Miss Toquerville is working on calendars; residents can submit photos until August 17th. Winners will be notified August 31st. There is a sewer district meeting August 22nd. Ash Creek Sewer District is planning a new sewer line on Ash Creek, the city needs to be on the same page with them when they start this project.
6. Mayor Chamberlain reported briefly from the DTEC meeting, about the progress on the St. George Airport. They removed five layers of clay in an area over one mile long, 200' wide and 17' deep. They are laying a new road base and are ahead of schedule. They are also going to redo the Cedar City Airport.

Councilmember Alex Chamberlain moved to enter into a closed session. Councilmember Paul Heideman seconded the motion. Motion unanimously carried, 5-0. Alex Chamberlain – aye, Keen Ellsworth – aye, Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye.

Mayor Lynn Chamberlain adjourned the business meeting at 7:37 p.m. and informed the public the council would enter a closed session.

F. POSSIBLE CLOSED SESSION:

The closed session was called at 7:40 p.m. to discuss possible litigation.

The closed session was adjourned at 8:04 p.m.

G. ADJOURN:

Mayor Lynn Chamberlain adjourned the combined regular work and business meeting at 8:04 p.m.



Mayor - Lynn Chamberlain

9/9/2019

Date

Attest: City Recorder - Dana M. McKim

