

TOQUERVILLE CITY COUNCIL

Special Business Meeting Minutes

August 15, 2019 at 6:00 pm

212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Council Members: Justin Sip, Ty Bringhurst, Paul Heideman, and Alex Chamberlain; Staff: City Attorney Heath Snow, Public Works Director Lance Gubler, Recorder Dana McKim, Deputy Recorder Ruth Evans; Support Staff: Planning Chairperson Manning Butterworth, Hurricane Valley Fire Department Representative Merlin Spendlove; Public: Steve Carpenter, Jonas Welch, David Welch, Wendi Merritt, Kelly Wilson, Karsten, Gary Young, Bradyn Kleinman, Lincoln Lomeli, Kade Young, Gage Huntsman, Jack Crockett, Brigham Darger, Greg Turner, Todd Young, Scott McCall, Ruby Stone, Carson Jones, Evan Clank, Rebecca Hansen, Darrell LaFevre; Absent: Councilman Keen Ellsworth, Treasurer June Jeffery, Zoning Official Mike Vercimak.

A. CALL TO ORDER:

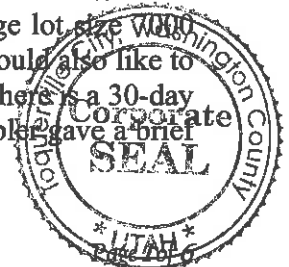
1. Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. Patrol leader Gary Young of Boy Scouts of America Troop 357 led the Pledge of Allegiance. Councilman Justin Sip gave the invocation. There were no disclosures, nor conflict declarations from Council Members. There were no statements of belief voiced.

B. PRESENTATION:

1. David and Jonas Welch from Hydro Specialties in Bluffdale Utah gave a presentation regarding smart flow meters. They specialize in providing these meters to municipalities. This is a cloud-based system and would update every fifteen minutes. The data from these meters could be accessed online by the city and by the customer. Residents could view their usage times and days. Water leaks could be detected very early.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator Mike Vercimak was not present.
2. Planning Commission Chair Manning Butterworth reported on the ordinances the Planning Commission is working on. These ordinances include exterior lighting, nightly rentals, animal control, and building permits.
3. Ash Creek Special Service District Representative was not present.
4. Hurricane Valley Fire Representative Merlin Spendlove responded to a fire call and had to leave the meeting. Recorder Dana McKim read the information left by Mr. Spendlove; there was a total of 10 EMS transport calls, 6 EMS refusal calls, and 8 fire calls from Toquerville.
5. Public Works Director Lance Gubler reported on an additional water conservation plan the State would like to implement. They would like to see Toquerville City reduce its water usage by 14% by 2030. The State would like the county to make the average lot size 7000 square feet. These are recommendations from the Governor. The Governor would also like to see every city with smart water meters, as well as charging a new water tax. There is a 30-day comment period on these recommendations beginning August 26th, 2019. Gubler gave a brief



update of the Powell Pipeline proceedings and the Washington County involvement. Regarding the Prometheus Water project, the water line has been installed and has passed, just need the impact fees paid and agreement returned. The Troy wall subdivision needs to have new sewer lines tied into existing sewer lines. Mr. Gubler recommended that it would be a good idea to re-do the sidewalk in that area at the same time these new lines would be installed. In approximately 10 days we will know the status of the DNR grant that was applied for. This grant is for trails and is in addition to the parks service recreation grant. A bid has been received from Vector Engineering for the bridge. There is an open house for the Trail Ridge Estates/Cholla bridge on September 4th. The city is applying for a water-smart grant. The current system is 3G, it could be upgraded to 4G. The National Historical Society came by and inquired about the date that the old church building used to be a school. The date is needed for the National Historical Society grant the city is applying for. Mesa Trails project has started excavation and construction and should be done in a few weeks. Attorney Heath Snow inquired about the Surety Bonds, and if they have expired. A bid has been received regarding the Scott Coleman project to replace his wall adjacent to the Westfield Park property. The detention pond that goes through a drainage ditch north of the park on the west side needs to be removed. The new GIS system is in place and all meters and water lines are being marked. There are pine trees that are leaning in the cemetery, those are in the process of being removed. FEMA has a flood risk management control plan. The City and the engineer will need to look at it and approve it. If federal assistance for flooding is applied for, the city already needs to be a part of this flood management control plan. Mr. Gubler inquired if there are current flood plain maps. The City is currently trying to acquire a skid steer with a mower attachment for the purpose of mowing down weeds.

6. Attorney Heath Snow reported that every 20-30 years the State Engineers Office does an adjudication of water rights for each range. They are presently looking at Ash Creek and this part of the Virgin River drainage. The purpose is to look at beneficial uses and water rights. This has been going on for over five years and is pending action in 5th district court. Notice was received stating they are ready to submit their final motion for adjudication. Attorney Snow has looked at into this and does not believe this will affect Toquerville's water rights. At the Council's request, Attorney Snow contacted Utah Local Governments Trust claims adjuster regarding the Coleman's damage claim and they indicated they will assist the city and participate in settling the claim, once a firm cost has been decided.

D. PUBLIC FORUM:

1. Resident Rebecca Hansen spoke regarding the smart meters and wondered whether the citizens would be trading privacy for convenience. There is no practical reason why water usage needs to be monitored constantly. Freedom depends upon our privacy. Water being used at a home should not be public knowledge, which brings up safety concerns that come with others having this data.
2. Resident Manning Butterworth addressed the condition of the road on Rim View Drive. There are large cracks in the road that need to be repaired. Mr. Butterworth also requested a mailbox kiosk at or near Rim View Drive.
3. Greg Turner reported a drainage ditch on the west side of Toquerville Boulevard that is hazardous. Mr. Turner wondered if a grate could be placed over this ditch.



5. Discussion and possible action on the 2019 Water Conservation Plan.

The Council discussed the Water Conservation Plan as previously submitted.

Councilman Ty Bringhurst moved to approve the 2019 Water Conservation Plan. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

6. Discussion and possible action on an updated MOU for the Toquerville Reservoir.

Councilman Keen Ellsworth has been working on this item. Public Works Director Lance Gubler reported Ash Creek Sewer District and BLM have met regarding the reservoir. The Council discussed tabling this item until Councilman Ellsworth can be present.

Councilman Ty Bringhurst moved to table the updated MOU for the Toquerville Reservoir until next month. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

7. Discussion and possible action on Ordinance 2019.XX ~ Noise Nuisance Modification for Construction Hours of Operation.

Councilman Ty Bringhurst sees issues with having the Mayor or the Public Works Director being designated as the one to approve the construction applications. It was suggested to amend the ordinance to have a member of the staff approve the applications instead. The council discussed enforcing this ordinance and if the certificate of occupancy could be withheld if this ordinance was violated during construction.

Councilman Alex Chamberlain moved to table the item and amend Ordinance 2019.XX Noise Nuisance Construction Hours of Operation. Councilman Paul Heideman seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

8. Discussion and possible action on the Toquerville Cemetery land acquisition.

Councilman Ty Bringhurst reported the Naegles have a legal description of the property, an aerial view of the parcel and an offer from the City. They should have an answer for us in a couple of weeks.

Councilman Justin Sip moved to table this item until a decision has been received from the Naegles. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

9. Discussion and possible action on a water agreement with Prometheus St. George Property Holdings LLC.

The Council briefly discussed the current status of the waterline project. The agreement still needs to be returned. Developer Carson Jones reported that there was an error in the



E. BUSINESS:

1. Discussion and possible action of appointing an individual for the open alternate planning commissioner seat.

Three applications were submitted for the vacant seat. The Council discussed the applicants generally and that this position is appointed by the Mayor and the Council sustains his vote. Mayor Chamberlain requested feedback and input from the Council. Councilman Alex Chamberlain requested an executive session to discuss the applicants in greater detail. Action will be taken in the executive session immediately following this public session.

2. Discussion and possible action on a Nightly Rental Application submitted by Tami Young at 131 North Toquerville Boulevard, Tax ID T-57-B. Property is zoned R-1-12. (Planning Commission recommended approval 5-0)

There was no additional discussion on this item.

Councilman Alex Chamberlain moved to approve this application with the conditions that have been previously discussed. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

3. Discussion on a Conditional Use Application submitted by Edgar Chavez at 1736 South Rim View Drive for a cabinetry business.

Mr. Chavez was not present. Planning Commission Chair Manning Butterworth reported that Mr. Chavez did attend the Development Staff meeting where the staff discussed his application with hi. It was suggested that Zoning Official Mike Vercimak was looking for further direction regarding zoning and permitted uses from the Council. The Council would like a list of permitted uses for reference for next month. It was decided there can be no further discussion at this time without Mr. Chavez being present.

Councilman Justin Sip moved to table this item until next month. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

4. Discussion and possible action of parking options on Westfield Road near the intersect of SR-17.

The Council decided to move forward with marking and painting the curbing red 30' back from each intersection to try and alleviate some of the parking issues on Westfield Road. Public Works Director Lance Gubler has already marked the curbing and has plans to paint them. The Council would like to see if the painted curbs will alleviate any parking issues and revisit the issue in approximately six months.

Councilman Ty Bringhurst moved to approve the plan of marking and painting the curbing red on Westfield Road. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.



documents. Prometheus is a Delaware LLC, not a Florida or Utah LLC. This needs to be corrected in the documents.

Councilman Ty Bringhurst moved to approve the Prometheus water agreement with the indicated changes. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

10. Discussion on a Master Plan (MPDO) Concept Submission. Parcels affected are T-3-0-27-321, T-3-0-34140, T-3-0-34-3000, T-3166, T-103, T-101-A, and T-3167.

Councilman Ty Bringhurst reported that the Council has been provided with a copy of this master plan. The Council needs additional time to read through this plan. A special council meeting should be held to discuss this item. Attorney Heath Snow will work on getting a template agreement to the Lowe's before this meeting. The meeting is tentatively planned for August 27th at 5:00 p.m.

F. COUNCIL REPORTS:

1. Councilman Justin Sip reported that Wasatch Recycling has dropped the contract on Blu-can recycling. Republic Service is doing the recycling now. There needs to be a campaign to educate the residents on material that can and cannot be recycled. There is no increase in cost to residents at this time. A large rock has gone in at the Westfield Park. Additional work is being done at the Center Street Park. The Parks & Trails Committee has put lists together for the Capital Facilities Plan.
2. Councilman Ty Bringhurst did not have anything to report.
3. Councilman Alex Chamberlain did not have anything to report.
4. Councilman Paul Heideman reported that the Miss Toquerville Royalty won a prize for their float in the County Fair Parade.
5. Mayor Lynn Chamberlain did not have anything to report.

Councilman Alex Chamberlain moved to enter into a closed session to discuss the character and confidence of the prospective planning commissioners. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.

Mayor Lynn Chamberlain adjourned the business meeting at 8:20 p.m. and informed the public the Council would enter a closed session.

G. POSSIBLE CLOSED SESSION:

The closed session was called at 8:20 p.m. to discuss the character and confidence of prospective planning commissioners.

The closed session was adjourned at 8:33 p.m.



H. ADJOURN:

Mayor Lynn Chamberlain appointed David Browning as Alternate Planning Commissioner.

Councilman Justin Sip moved to approve David Browning as an Alternate Planning Commissioner. Councilman Alex Chamberlain seconded the motion. Motion unanimously carried, 4-0. Justin Sip – aye, Ty Bringhurst – aye, Paul Heideman – aye, Alex Chamberlain – aye.


Mayor Lynn Chamberlain adjourned the combined regular work and business meeting at 8:35 p.m.



Mayor - Lynn Chamberlain

9/5/2019

Date



Attest: City Recorder - Dana M. McKim

