

TOQUERVILLE CITY COUNCIL
Special Combined Work and Regular Business Meeting Agenda
September 5, 2019, at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Ty Bringhurst, Keen Ellsworth, Paul Heideman, Justin Sip; Staff: Attorney Heath Snow, Treasurer June Jeffrey, Public Works Director Lance Gubler, Recorder Dana McKim, Deputy Recorder Ruth Evans; Support Staff: Planning Chairman Manning Butterworth, Hurricane Valley Fire District Representative Merlin Spendlove, Ash Creek Special Services District Representative Mike Chandler; Public: Tammy Henderson, Claudia Young, DC Young, Wendi Merritt, Gary Chaves, Karen Shuman; Absent: Councilman Alex Chamberlain, Zoning Official Mike Vercimak.

A. CALL TO ORDER:

Mayor Lynn Chamberlain called the meeting to order at 6:02 p.m. The Pledge of Allegiance was led by Councilman Ty Bringhurst. The invocation was offered by Councilman Justin Sip. There were neither disclosures nor conflict declarations from Council Members. There were no statements of belief voiced.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from August 1, August 15, and August 21, 2019

The Council reviewed the meeting minutes.

Councilman Keen Ellsworth moved to approve the meeting minutes from August 1, August 15, and August 21, 2019. Councilman Paul Heideman seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

2. Review and possible approval of City Expenditures from August 2019.

The Council reviewed the August 2019 expenditures.

Councilman Keen Ellsworth moved to approve the City Expenditures from August 2019. Councilman Paul Heideman seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

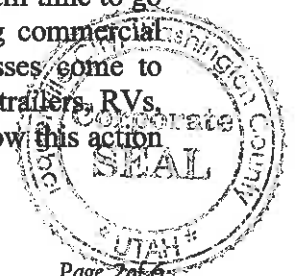
C. CITY DEPARTMENT REPORTS:

1. Planning Commission Chair Manning Butterworth reported there is a zone change application to change from MU-20 to MU-1 for the purpose of an RV storage facility. There is a conditional use permit that will be discussed, as well as four public hearing items. Three ordinances are under discussion for revisions. The next Planning Commission meeting will be September 18, 2019.
2. Hurricane Valley Fire Department Representative Merlin Spendlove reported that last month they received a total of 229 calls; 19 of those came from Toquerville. There were 14 medical calls, 12 of which were transports. There were 5 fire calls, which were false alarms. Mr. Spendlove is concerned that the RV storage facility would need a lot of water, which is the main concern of the Fire Department.



3. Ash Creek Special Service District Representative Mike Chandler reported that a contractor and engineer has surveyed the Center Street Park and will be working to get an extension of water and sewer across the bridge. There has been an increase in interest for RV storage facilities, and the concern is that the existing facilities are not full. The other concern is how the proposed RV facility at Anderson Junction will tie into the existing pump station. Ideally, the Conservancy District would be ahead of such developments, possibly with new pump stations. There is a renewed interest in developing the north end of Toquerville. The County is not prepared for the increase in developments; they will probably be referred to the nearest city. The District is looking forward to the new bypass road.
4. Public Works Director Lance Gubler turned the time over to Alpha Engineering to present information on a water rate study for Toquerville City. Russ Vernon with Alpha Engineering presented information regarding the water system and current rates. Rates need to be increased due to a shortfall in the budget. These funds are needed to replace the current water system. \$200,000 needs to be in an appreciation fund to pay for the replacement water system and if no increase occurs, there will only be \$150,000 in the fund. A water system needs to be replaced approximately every 10 years. Current culinary rates are currently discounted to irrigation rates during summer months and the proposed single rate structure would make culinary rates more in line with current irrigation rates. This increase is estimated to almost double the current culinary rate. The proposed rate schedule is a conservation rate schedule; the more water you use, the more you pay per unit. Additional discussion items between Mr. Vernon and the Council included the current base rate, usage per household, current rates compared to nearby cities, charging higher rates for businesses, and that the State monitors how much the City charges for water.

Public Works Director Lance Gubler reported that the Sewer District is going to clean the storm drains within the next month. The crack sealing products will show up around October 1st. Upcoming water projects include looping the dead-end water line on Mount Charm and to extend the water line on Old Church Road into the new Troy Wall Subdivision. A development agreement from the previous owners of the Wall's property has never been received by the City or the District. Mr. Wall has stated he has this agreement, and it may have been sent to Darwin Hall. Mr. Gubler will try to obtain this development agreement. The Public Works department has hauled mulch to the cemetery and mixed it with dirt. This soil will go toward finishing the planter boxes at the City Park and to re-seed areas where the grass is dying. The Coleman's fence will be dismantled starting next week, and the fencing material will be disposed of in Hurricane. Bark was delivered to the City Park to put around the trees. The Toquerville Community Cleanup days are scheduled for October 11th through the 14th. Dumpsters will be located at Center Street Park, Westfield/Sunset, 820 S Westfield Road, Toquerville Heights (Rim View/Chaparell) and the Trail Ridge Estates Park. Mayor Chamberlain would like to see letters go out advertising the cleanup days. The City did not receive the \$25,000 DNR grant for the proposed Trail Ridge Estates and Cholla bridge. The City did not receive the Tree City grant for this year. Please take the time to look at the Governor's conservation plan. The plan will impact Toquerville by reducing lot sizes and dictating that only 20% of your property can be landscaped. Councilman Heideman commented that this plan goes against the City's general plan. There is still time to go online and voice your opinions about this plan. The lighting ordinance regarding commercial lighting needs to be addressed. There could be issues in the future as businesses come to Toquerville. There are currently 28 instances where there are secondary dwellings (trailers, RVs, tiny homes, etc.) on parcels that only allow one residence. The council discussed how this action



goes against the current City code. They suggested letters need to be sent out to these residents letting them know of the current City ordinance prohibiting more than one dwelling unit per parcel of land. Mr. Gubler spoke with Keith at the BLM office regarding the environmental study and it should be done by the first of October and then it will go to the public for comment. Mr. Gubler attended a cemetery headstone restoration training that was held in SLC and learned a lot.

5. City Attorney Heath Snow gave a report at the end of the meeting regarding water rights.

D. PUBLIC FORUM:

Resident Wendi Merritt commented that in regards to commercial lighting there is an option to have internal lighting, instead of exterior lighting. Concerning the new water rate presented this evening, having a lower threshold encourages more conservation. Ms. Merritt contacted Waste Management regarding our recycling program. There is a concern that our recyclables are going directly to the landfill. Councilman Sip is aware of this issue and said that we have a contract to fulfill, then the City can go with another recycling company. There is a meeting on the 16th at 5:00 p.m. at the county building regarding recycling.

Resident DC Young commented on a culvert drainage issue in the Almond Heights subdivision between lots 47 and 48. He requested the city take action to run drainage pipe from the existing culvert to the cliff edge of Ash Creek to eliminate the ditch and cleanout problem. Mr. Young also commented that the correct name of the road is Toquer Boulevard, not Toquerville Boulevard and would like the city to take steps to rectify the misname. The road was mistakenly renamed when an engineering firm did a study and inadvertently named the boulevard Toquerville instead of Toquer Boulevard.

Resident Manning Butterworth reported that a tree on Shangri-La that is falling down and it needs to be re-staked.

E. BUSINESS:

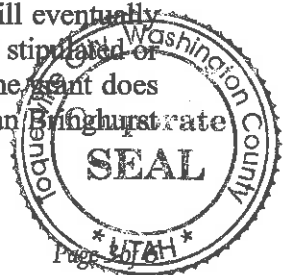
1. Discussion and Possible Action on Resolution 2019.XX Constitution Week.

Karen Shuman from Daughters of the American Revolution reported that this is the 64th anniversary of Constitution Week. The DAR made their own resolution for Constitution Week which was adopted on April 21, 1955. Following the passage of the resolution by both Houses of the Congress, President Eisenhower issued his proclamation on August 19, 1955. Constitution Week has since been designated annually as of September 17-23. The resolution was adopted on July 23, 1956.

Councilman Keen Ellsworth moved to approve Constitution Week as presented. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

2. Discussion and Possible Action on Resolution 2019.XX Reclamation Grant.

Treasurer June Jeffrey reported the Reclamation Grant is due by October 3rd. This grant would go to replace current water meters with the smart water meters. The current meters will eventually need to be replaced. Councilman Bringhurst is not in favor of this grant if the City is stipulated or bound to buy a particular brand of smart meter. Treasurer Jeffrey responded that the grant does require the name and/or brand of the meter the City intends to purchase. Councilman Bringhurst rate



would like the grant to be approved only if the City is not bound to a particular meter. Treasurer Jeffrey said the purpose of this grant is to upgrade the water meter technology and reminded the Council of the deadline.

Councilman Keen Ellsworth moved to approve the Reclamation Grant with the caveat that the City is not committed to a particular vendor, and that the City may decide later on which vendor to use. Councilman Justin Sip seconded the motion. Motion carried 3-2 with a tie-breaking vote cast by Mayor Lynn Chamberlain. Ty Bringhurst – nay, Keen Ellsworth – aye, Paul Heideman – nay, Justin Sip – aye, Mayor Lynn Chamberlain – aye.

3. Discussion and Possible Action to approve bid received for the sale of the Toquerville City stage.

Treasurer June Jeffrey reported that one bid of \$100 has been received, and advised the Council that they can accept this bid, deny it, or keep the asset. Mayor Chamberlain said the initial cost was around \$2500.00 and would like to see the City use the stage more.

Councilman Justin Sip moved to deny the \$100 bid and keep the stage as an asset. Councilman Paul Heideman seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

4. Discussion and Possible Expenditure Approval for the Toquerville Pedestrian Bridge.

Councilman Justin Sip requested funds from the Council to pay for the engineering of the abutment of the bridge. Funds are also needed for surveying and staking of the bridge site. Estimates are around \$5000 for engineering and surveying.

Councilman Justin Sip moved to approve no more than \$5000 for the engineering, surveying, and staking of the abutment for the bridge. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

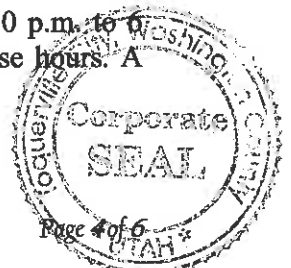
5. Discussion and Possible Action on an updated MOU for the Toquer Reservoir.

Councilman Keen Ellsworth reported this is the final MOU, which includes the agreement to manage campgrounds. Attorney Heath Snow would like the agreement to include language that says the City will not subsidize any shortfalls, and the City will not occur any negative expense. Councilman Ellsworth said the City can get out of the contract at any time and the City will charge what is necessary to be profitable.

Councilman Keen Ellsworth moved to adopt the updated MOU for the Toquer Reservoir. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

6. Discussion and Possible Action on Ordinance 2019.XX ~ Noise Nuisance Modification for Construction Hours of Operation.

The Council discussed the details of the ordinance, that the quiet hours are from 10 p.m. to 6 a.m., and neighbors will need to be notified if work has been approved during these hours. A



form has been created to obtain a permit to operate within these hours and is available at the City Offices. This noise ordinance is for residential and commercial construction work.

Councilman Paul Heideman moved to approve Ordinance 2019.XX Noise Nuisance Modification for Construction Hours of Operation. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

7. Discussion and Possible Action on the Toquerville Cemetery Land Acquisition.

Councilman Ty Bringhurst reported that all the information has been given to the property owners. The City will pay a down payment and then the property owners will carry the contract.

Councilman Ty Bringhurst moved to table the Cemetery Land Acquisition until there is more information. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

8. Discussion and Possible Expenditure Approval for upgrades to the Toquerville Schoolhouse/ Chapel.

Public Works Director Lance Gubler reported that one bid has been received so far, it is for \$250,000 to tear down the building. Mr. Gubler is still waiting for additional bids to come in.

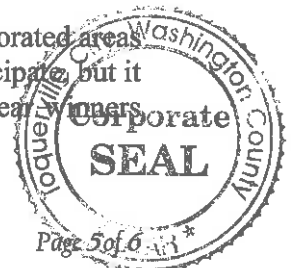
Councilman Ty Bringhurst moved to table the Expenditure approval for the Toquerville Schoolhouse/Chapel until next month. Councilman Paul Heideman seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

9. Discussion of Utah Regional M&I Water Conservation Goals.

Councilman Keen Ellsworth commented that there was a survey online, but that it was already closed. The Council discussed that conservation is a good thing, but that the State should not be mandating how that happens.

F. COUNCIL REPORTS:

1. Justin Sip did not have anything to report.
2. Ty Bringhurst reported that the State is mandating subdivision and water line plans be sent in for approval before construction can begin. Attorney Snow was asked to look into this and the purpose behind it. The Troy Wall subdivision has been approved, however, there is a storm drain easement issue that needs to be resolved so the City can get streets named.
3. Keen Ellsworth did not have anything to report.
4. Paul Heideman reported the sewer district will become more involved in the unincorporated areas of Washington County. The County agreement will require the sewer district to participate, but it will not cost the City any money. The Christmas program is coming up, and last year winners



have been notified to be judges again. Confluence Park trailhead received a grant and improvement plans include restrooms, paved trailhead, and stairs with handrails. The old power plant may become a historical site.

5. Mayor Lynn Chamberlain did not have anything to report but asked for any additional comments.

Attorney Heath Snow reported on an individual that came forward with water rights to possibly sell to the City. It is 24-acre feet of water out of La Verkin Creek that has been designated for irrigation use. The Council discussed uses for this water and possible offers.

Recorder Dana McKim asked the council if a date could be set for a special meeting regarding the purchase, exchange, sale or lease of real property. The meeting will be held on September 17th at 5:00 p.m.

Councilman Justin Sip moved to enter into a closed session to discuss the purchase, exchange, sale, or lease of real property. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Paul Heideman – aye, Justin Sip – aye.

Mayor Lynn Chamberlain adjourned the work and business meeting at 8:29 p.m. and informed the public the Council would enter a Closed Session.

G. POSSIBLE CLOSED SESSION:

The Closed Session to discuss the purchase, exchange, sale or lease of real property was called to order at 8:30 p.m.

Minutes of the Closed Session were recorded and are now on file as a Protected Record.

The closed session adjourned at 8:50 p.m.

H. ADJOURN:

Mayor Lynn Chamberlain adjourned the combined regular work and business meeting at 8:50 p.m.



Mayor - Lynn Chamberlain



Date



Attest: City Recorder - Dana M. McKim

