

TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
March 5, 2020, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Justin Sip, Gary Chaves, Chuck Williams; Staff: Deputy Treasurer Dana McKim, Public Works Director Lance Gubler, Zoning Official Mike Vercimak, Recorder Ruth Evans; Support Staff: Hurricane Valley Fire District Representative Merlin Spendlove; Public: Natalie Cheney, Teila Huntsman, Shaun Huntsman, Gregg Leibe, Dan James, Greg Turner, Anita Eaton, Polly Peart, Tana Hall, Kevin Towt, Randy Durda, John Norris, Stacey Eaton; Absent: Councilman Ty Bringhurst, Treasurer June Jeffrey, Planning Chairman Manning Butterworth, Ash Creek Special Services District Representative Blair Gubler.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Chaves. The invocation was offered by Councilman Ellsworth. There were no opening comments given. There were no statements of belief voiced.

B. APPROVAL OF AGENDA

The Council reviewed the agenda. Councilman Ellsworth disclosed a possible conflict of interest with item #6, a simple subdivision submitted by his company.

Councilman Keen Ellsworth moved to approve the Regular Work Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CITY DEPARTMENT REPORTS:

Hurricane Valley Fire Department Representative Merlin Spendlove reported that burn permits have been issued so there will be smoke around. Residents were cautioned to be careful with open burns and have water ready. Last month there were 15 calls from Toquerville; 3 transports, 8 refusals, and 4 false alarm fire calls.

Public Works Director Lance Gubler reported last month there were 120 water reads. The Public Works Department recently attended a water conference. Badger would like to give the City 6 cellular water meters to test out. The sewer and storm drain will be hooked up to the subdivision at the end of Center Street soon. Dennis Tolman has been supervising the tree pruning project on Toquer Boulevard. The trees will be pruned to be lower than the power lines. Trees will be planted around the south Toquerville sign soon. A grant for recreation trails has been applied for. Crack sealing the city streets has been finished. There will be a trail on the front side of the Toquer Reservoir. The flags for Toquer Boulevard have been purchased. There has been an increased demand for use of the City's baseball fields by little league teams and from neighboring cities. The pine tree at the cemetery that was leaning has been cut down.

Deputy Treasurer Dana McKim read a statement from Ash Creek Special Services District Representative Mike Chandler that stated the District has finished the sewer line on Center Street and will finish the asphalt soon.



D. PRESENTATION:

Resident Natalie Cheney gave a short presentation on her desire to have a community/recreation center in Toquerville. Ms. Cheney is a well-qualified, licensed and certified dance and fitness instructor and also has experience in running a rec center. Ms. Cheney would love to see a positive healthy environment for kids and families to gather in Toquerville and expressed her desire to be involved in the planning of this center.

E. PUBLIC FORUM:

Resident Anita Eaton expressed concern over a large billboard sign on the frontage road that broke and fell down in a recent wind storm. The City may want to require safety checks for these large billboard signs.

F. WORKING AGENDA:

1. Discussion on a zone change at 234 N Toquer Blvd – submitted by Polly Peart. Current zoning is Single Family Residential – R-1-12. Proposed zoning is Neighborhood Commercial – NC. *(PC recommended approval 5-0)*

Resident Polly Peart would like to change the zoning on her property to Neighborhood Commercial to allow her to operate a small tea, art, and meditation shop.

2. Discussion on a zone change on Parcel #s T-92, T-10, and T-148-A – submitted by Lowe Land TK, LLC. Current zoning is Single Family Residential – R-1-12 and R-1-20. Proposed zoning is Agriculture – A-1. *(PC recommended approval 3-2)*

The Council discussed the purpose of this change is to allow the Lowe's to have Agriculture zoning on these parcels. It is believed that the land has always been Agriculture and at some point in the past it was inadvertently changed to Single Family Residential. The City has no record of a zone change to Single Family Residential. The Lowe family would like it changed back to Agriculture. Resident Anita Eaton commented that some residents believe the use of the land would change with this zone change but that is not true. The land has always been used for agriculture purposes and will continue to do so. Resident Kevin Towt commented that he lives next to this property and would not have purchased his land if the Lowe's land was zoned Agriculture. Mr. Towt also believes that there are diseases transferred by animals to humans and is not in favor of this land being zoned Agriculture.

3. Discussion on a proposed nightly rental located at 1565 S Chaparell Dr. – submitted by Tana Hall. *(PC recommended approval 5-0)*

Resident Tana Hall requested approval of a nightly rental located at her home at 1565 S Chaparell Dr. The Council asked if this was going to be a bed and breakfast, to which Ms. Hall responded no, it will be a nightly rental.

4. Discussion on a proposed nightly rental located at 540 E Spring Dr. – submitted by Shaun & Teila Huntsman. *(PC recommended approval 5-0)*

Resident Shaun Huntsman requested approval of a nightly rental located at 540 E Spring Dr, which is next door to their home and will be used in conjunction with their current wedding and events business. The Council had no questions or comments about this nightly rental.



5. Discussion on a proposed nightly rental located at 96 S Toquer Blvd – submitted by Sandra Feagin. *(PC recommended approval 5-0)*

The Council discussed the location of this proposed nightly rental.

6. Discussion on a simple subdivision located at 12 S Toquer Blvd – submitted by EAL Investments. Property is zoned R-1-12. *(PC recommended approval 5-0)*

The Council discussed the location of this simple subdivision, and this one acre parcel will be split in to two parcels of approximately one half-acre each.

7. Discussion and direction on commercial design standards draft proposed by Planning Commissioner Dan Catlin.

Councilman Ellsworth commented that the proposed draft that Commissioner Catlin is working on is a good starting point and all Councilmen should read through it. The Council briefly discussed some wording that needs to be changed, commercial design for the bypass road, and that the City Code needs to be referenced in the commercial design standards. The direction for Commissioner Catlin is to have him work on the suggestions given and have another draft ready for the City Council meeting in May. Councilman Chaves was assigned to follow up with Commissioner Catlin and the Planning Commission.

8. Discussion on Rocky Mountain Power Agreement.

Public Works Director Lance Gubler reported that an agreement with Rocky Mountain Power is forthcoming. The agreement has been sent to the accountant for Rocky Mountain Power and once approved; it will name Rocky Mountain Power as the entity responsible for maintaining all power poles and lights in the City.

9. Discussion on zone change petition.

The Council discussed the petition that has been submitted and the City needs a letter from each property owner stating they would like their property changed back to an Agriculture zone. A zone change from Agriculture to Single Family Residential was never recorded in the City records. The Council discussed researching the City records back to when zoning was first implemented to try to pinpoint the alleged zone change. Resident Anita Lowe commented that the properties in question have always been zoned Agriculture and many residents have been surprised to find out it was changed to Single Family Residential.

10. Discussion on ownership of the trail connecting Trail Ridge Estates to Cholla Creek subdivision.

Councilman Sip reported it was found out that the City already owns the trail itself and a portion of dedicated land. Resident Randy Durda commented it was just discovered that back in 2016 the trail and the park were deeded over to the City. The current Trail Ridge Estates Home Owners Association President was not aware of this. The Council discussed the trail and the area surrounding the trail and if it is proven the City owns these areas, the City will assume maintenance. Mr. Durda requested a letter from the City releasing the HOA of all liability for the trail and surrounding area. Councilman Ellsworth commented that a letter like that would have to come through the City's attorney. Resident John Norris, who is the Vice President of the HOA, commented he is excited to work with the City on this and other projects.



11. Discussion on increasing water rates.

The Council decided to have this discussion next week when Councilman Bringhurst would be in attendance. There were no further comments from the Council.

12. Discussion on ORD.2020.XX Light Trespass as a Nuisance – An ordinance amending the definition and enumeration of light trespass as a nuisance.

Councilman Ellsworth made minor changes to section 4-1-2 paragraph H – Garbage; to address improper placement and protected areas of refuse. Paragraph J Light Trespass was also modified to remove foot-candles as a measurement. The Council discussed following up with Commissioner Dan Catlin regarding what term of measurement to use, the definition of light trespass, how to quantify light trespass, shielding the source of light, and measuring light trespass with a light meter. Resident Stacey Eaton commented that current subdivisions do not comply with lighting ordinances. Councilman Sip replied that current light ordinances apply to new subdivisions; current residents would not have to retrofit their light fixtures. The Council will vote on this again once the Planning Commission has revised the light measurement verbiage.

13. Discussion on Standards and Specifications.

Councilman Ellsworth commented that Councilman Bringhurst has done extensive work on revising and updating the Standards and Specifications and would like the other Councilmen to read it before the vote next meeting.

14. Discussion on Capital Facilities Plan.

Councilman Ellsworth reported that he and Councilman Bringhurst have gone over this updated version in detail and would like the input of the Council on these updates. The Council discussed that to pay for a project; it needs to be listed in the Capital Facilities Plan, projects that are split into different categories, if there are plans to build a rec center, and updated impact fees.

15. Discussion on ORD.2020.XX Animal Control – An ordinance amending Title 5, Chapter 1 Animal Control.

The Council discussed the revision of the point system and that it replaces the previous table. Councilman Chaves commented that Commissioner Greg Turner has done a great job on the modifications. The Council discussed a few areas that need further revisions; the number of hens allowed for smaller lots, requiring conditional use permits for a small number of animals, and if the point system should replace conditional use permits. The Council discussed the pros and cons of keeping conditional use permits.

16. Discussion on the contract with the Water District regarding the Toquer Reservoir and roadway.

Councilman Ellsworth reported that the agreement states after the Water District is finished using the road that will be used for building the reservoir they will deed that road over to the City. This road will be a benefit to the City by helping to clear up any traffic issues near the Anderson Junction area. The agreement also states the City will guarantee them a permit to



build the reservoir; however, the City cannot contractually obligate itself. City Attorney Heath Snow will review this agreement before it is signed.

17. Discussion on the Toquerville Parkway Resolution.

Councilman Ellsworth reported that the City needs assistance from UDOT to build Toquerville Parkway to its final four-lane stage. Once the City builds the Parkway to two lanes, UDOT will abandon the current SR-17 and take over Toquerville Parkway as the new SR-17. Toquer Boulevard will then become a regular city street. It is expected that UDOT will adopt this resolution at their upcoming commission meeting later this month. Mayor Chamberlain and Councilman Williams will contact Utah State Legislators Brad Last and Don Ipson to bring awareness for our region, increase funding for and encourage the bypass road project.

18. Discussion on vote ratification on an improvement deferral agreement for Joel Timo. *(Council approved the deferral agreement via phone call vote: 4-1 on February 25, 2020).*

Councilman Sip was absent for the vote, making the final vote 4-1. There was no further discussion from the Council.

19. Discussion on policies for Public Infrastructure Districts.

Councilman Ellsworth commented that the City will need to adopt policies and procedures for upcoming Public Infrastructure Districts. It was recommended that Attorney Randall Larsen's law firm be retained by the City because he is very knowledgeable regarding these PIDs. Retaining fees related to the PID will be paid for by the developer and/or property owners. Councilman Ellsworth said Attorney Snow was in favor of retaining Randall Larsen as the attorney to represent the City on this matter.

20. Discussion on a Memorandum of Understanding provided by American Development Corporation regarding International Sports Center and Academy.

Frank Tusieseina from American Development Corporation was in attendance and reported on the reasons they want to come to Toquerville and what their plans are. They have proposed to build approximately 30 outdoor multi-use sports fields, an indoor facility for indoor sports, and an academy for athletes, among other amenities. There will also be areas that are free for public use. American Development Corp. has submitted a non-binding Memorandum of Understanding to the City for the acquisition of property to build this Sports Center. Some of this land is BLM land and some land is located in Leeds. The Mayor of Leeds has agreed to annex the land requested. Councilman Williams would like to see visuals, pictures, maps, etc. of the proposed Sports Center. Councilman Ellsworth would like the Council to read over the MOU and if there are no objections, the Mayor can sign and finalize it.

21. Discussion on ORD.2020.XX Cross Connection – An ordinance amending Title 8-1-8 Backflow and Cross Connections.

Public Works Director Lance Gubler presented information regarding the newly enforced State regulation of testing all residents for cross-contamination in water systems. Chlorine has been found in the secondary water system which means there is contamination between the secondary and culinary water systems. This backflow device would be required for all



new construction and each device would have to be tested annually. Each resident will have to be inspected and educated on cross-contamination.

G. COUNCIL REPORTS:

Justin Sip reported on the Trail Ridge Estates Cholla Creek bridge that has been completed. It looks great and the TRE side is ADA compliant. Handrails are being made for the bridge. There will be a Parks & Trails meeting this Tuesday and perhaps the City can look into a low-interest loan for the Westfield Park. The Council recommended Councilman Sip use grants or money from the County instead of put the City into debt. The Solid Waste District is working on new contracts with Republic Services. Blucan will probably be going away. The Public Works Department will GIS the City trails and then add them to the County trails maps.

Keen Ellsworth requested a proposed legal service agreement regarding the PID and an impact fee analysis be added to the agenda for next week's meeting.

Gary Chaves reported the Planning Commission needs direction on code revisions. Do they need to revise every chapter or only change what is deemed to not be working properly? The Mayor responded that they can suggest code changes when they see fit and then send the revisions to the City Council for review. Councilman Ellsworth would like to see the residential and commercial design standards reviewed as soon as possible. The Council discussed consulting with a City Planner to devise these standards and assist to plan the new portions of the City. Councilman Williams has city planning experience and will work with Councilman Chaves on a proposal.

Chuck Williams reported on the progress of becoming more familiar with the Cemetery and working with Ryker Steglich on emergency preparedness.

Mayor Chamberlain did not have anything to report.

H. CALENDAR OF EVENTS:

There is a Special City Council Meeting March 12, 2020 at 12:00 p.m. Community Clean up days are scheduled for April 17-20, 2020.

I. ADJOURN:

Councilman Justin Sip moved to adjourn the City Council Work Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the meeting at 8:34 p.m.



Mayor – Lynn Chamberlain

04/21/2020

Date



Attest: City Recorder – Ruth Evans

