

TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
June 4, 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: Treasurer June Jeffrey, Deputy Treasurer Dana McKim, Assistant Water Manager JD Adams, Zoning Official Mike Vercimak, Recorder Ruth Evans; Support Staff: Planning Chairman Manning Butterworth, Hurricane Valley Fire District Representative Merlin Spendlove; Public: Dee Gorder, Karen Gorder, Summer Kirby, Greg Turner, Sandy Cordova, Wendi Merritt, Wayne Olsen, Anita Eaton, Stacey Eaton, Randi Ashby, Rebecca Hansen, Lynn Olds; Absent: Councilman Ty Bringhurst, Public Works Director Lance Gubler.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 6:02 p.m. The Pledge of Allegiance was led by Councilman Williams. The invocation was offered by Councilman Sip. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

The Council reviewed the agenda. There were no disclosures, nor conflict declarations from Council Members.

Councilman Justin Sip moved to approve the Regular Work Meeting Agenda. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 3-0. Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CITY DEPARTMENT REPORTS:

Hurricane Valley Fire Department Representative Merlin Spendlove reported on 21 total calls from Toquerville last month. There were 8 medical calls, 3 calls cancelled prior to arrival, and 10 fire calls. There were 55 total wildfires in the district in May. Citizens are encouraged to continue to be responsible during fire season. Mr. Spendlove addressed agenda item #6, discharge of fireworks and discussed with the Council the days and times to set off fireworks, and the safest places around town to set them off. Residents are encouraged to keep the area immediately around your home clear of brush and debris. Mr. Spendlove is in favor of the proposed firework resolution.

Councilman Ellsworth entered the meeting at 6:12 p.m.

Planning Commission Chair Manning Butterworth reported on the comments he and the Planning Commissioners have provided to Staff regarding the Lowe zone change and MPDO.

Assistant Water Manager JD Adams reported that 18 gunshot dents were repaired on the water tank. Wood chips are available for free at the Center Street Park for pickup.

D. PUBLIC FORUM:

Councilman Williams introduced his daughter Hannah and her friend Alyssa who addressed the Council. The girls admitted to painting some graffiti on the bridge and expressed remorse for their actions. They committed to clean off the graffiti and repaint the entire area and stated they were very sorry for their actions.



Resident Anita Eaton commented on how a recent fire was started from a spark from a power pole that goes into nearby trees. The City should be aware of these hazards and should trim trees that are too near to power poles or lines.

Resident Wendi Merritt commented that there are vacant lots around town that are full of weeds which are fire hazards. Ms. Merritt would like to see the City address these vacant lots.

E. WORKING AGENDA:

1. Discussion on increasing culinary water rates.

This discussion was postponed due to Councilman Bringhurst's absence. The Council will discuss this item next week.

2. Discussion on ORD.2020.XX 3-1-2 Business License approval procedure.

The Council and Staff discussed the current and proposed business license approval procedure. The proposed changes would streamline the business license process and have staff issue the license as an administrative function once their business was approved by Planning Commission or City Council.

3. Discussion on RES.2020.XX Budget Amendment Resolution.

Treasurer June Jeffery explained the amendments to the budget, the breakdown of the budget and the transfers that need to be made to balance the budget for year end.

4. Discussion on appointment of City Treasurer, Dana McKim.

Treasurer June Jeffery explained to the Council that Dana has been Deputy Treasurer for six months and is ready to be appointed Treasurer. June will be retiring at the end of this month.

5. Discussion on RES.2020.XX PTIF Designation Resolution.

Treasurer June Jeffery explained the persons named, such as the Treasurer, Auditor or Accountant, should be authorized to sign on this Public Treasures Investment Fund account and that it be designated by an official resolution. This resolution will be updated to reflect the new Treasurer, Dana McKim.

6. Discussion on RES.2020.XX Discharge of fireworks.

The Council continued the discussion of where to set off fireworks, and how many days before and after a holiday they can be set off. Hurricane Valley Fire Representative Merlin Spendlove commented that Hurricane will be setting off their fireworks at Sand Hollow Reservoir this year.

7. Discussion on 4th of July Celebration.

Councilman Williams is in charge of this celebration and commented that it should go ahead as planned while observing any State restrictions that are still in place. The Council discussed how to social distance, cook and serve food, and ideas for a program. Resident Stacey Eaton commented that older residents should be encouraged to stay home for safety reasons.



8. Discussion on ORD.2020.XX Animal Control.

Planning Commissioner Greg Turner commented that there were two recommended revisions since the Council last reviewed this ordinance; to not allow chickens on parcels smaller than 6,000 sq. feet and to keep animals and livestock conditional use permits.

9. Discussion on ORD.2020.XX A Zone Change petition to change Tax ID parcel #s T-125-C, T-149, T-125-D-1-A, T-139-C, T-123-B-1, T-139-B-1-A, T-125-G-1, T-125-A-1, T-121-A-1-A-1-A-2, T-123-A-1, T-123-A-2, T-121-A-1-F, T-121-A-1-D, T-121-A-1-E, T-121-A-1-C-1, T-121-A-1-B-1, T-125-G-1, T-125-A-1, T-121-A-1-A-1-A-2, T-123-A-1, T-123-A-2, T-121-A-1-F, T-121-A-1-D, T-121-A-1-E, T-121-A-1-C-1, T-121-A-1-B-1, T-166-B-1-A-1-A, T-121-E-1 and T-121-A-2 from current zoning R-1-20 Single Family Residential to proposed zoning AG Agriculture. *(PC recommended 5-0 to approve all parcel #s except T-149, T-121-A-1-D, and T-121-A-2)*

The Council discussed the Planning Commission's recommendation of excluding the three parcels that are less than one acre and agreed they should be omitted from this zone change. These three parcels will remain R-1-20 Single Family Residential zoning.

10. Discussion on managing Toquerville Falls access.

Assistant Water Manager JD Adams stated that there are outdoor recreation grants available to get equipment to maintain trails. This grant along with a possible partnership with the BLM could help maintain the traffic to and from Toquerville Falls. The Council discussed partnering with the BLM to solve traffic and sanitary issues at Toquerville Falls, possible moving the access street from Springs Drive, creating a new access further north on BLM land, and possible charging an access fee for tourists to use Toquerville roads. Resident Wendi Merritt commented that Toquerville Falls is being heavily advertised on several websites and social media. Resident Lynn Olds commented that the City should look into a permitting process to gain some control over the traffic that comes through Toquerville.

11. Discussion on Rocky Mountain Power agreement.

Councilman Ellsworth commented that there has been no new agreement and requested this item be taken off the agenda until the agreement is ready.

12. Discussion ORD.2020.XX A Zone Change application submitted by Toquerville City and Lowe Land TK, LLC for Tax ID parcels T-101-A, T-103, T-3166, T-3-0-34-3000, T-3-0-34-140, T-3-0-27-321, T-3167 consisting of approximately 715.74 acres. Proposed zoning is R-1-20 or R-1-12 Single Family Residential. Current zoning is MU-20 Multiple Use.
13. Discussion on a Master Planned Development Overlay conceptual proposal consisting of approximately 715.74 acres to be known as Toquer Ridge, a master planned mixed-use development, submitted by Toquerville City and Lowe Land TK, LLC.
14. Discussion of Development Agreement for Toquer Ridge (a master planned mix-use development) to occur upon Parcel Nos. T-103, T-3-0-34-3000, T-3-0-34-140, T-3-0-27-321, T-3166 and T-101-A consisting of approximately 715.74 acres submitted by Toquerville City and Lowe Land TK, LLC.

The zone change application was updated to reflect an R-1-20 zoning request. The updated application reflects an increase in the number of homes allowed. The Council discussed the



adjustments the applicant was asked to make and the updated materials, the formula used to calculate density, and the differences between the previous R-1-12 application and the current R-1-20 application. Additional items discussed were minimum lot size requirements, managing growth in the City, affordable housing requirements, density calculations, options for financing the bypass road, and how this zone change application fits into the City's General Plan. Resident Sandy Cordova asked the Council how frequently they and the Planning Commission refer to the Master (General) Plan. The Council responded they have read the General Plan and consider it with every decision. Resident Rebecca Hansen commented that most people are not familiar with density bonuses and it can be viewed as misleading. Ms. Hansen also asked if the current bonus structure was too generous. The Council responded and explained that R-1-20 does not necessarily mean all lots will be ½ acre lots. Clustering with open spaces allows for parcels to fit in and around natural shapes of land and preserve open spaces, which fits the lay of the land better and is more desirable for a City. Resident Stacey Eaton commented that several years ago he and Mona Lowe annexed several thousand acres of property and at that time it was suggested to the City Council to review their ordinances and development code. BLM is registered as disposable land and is open for purchase and development. Growth is coming to Toquerville and it is nice to have clusters to preserve the natural landscape. If the City wants to change any of these procedures, now is the time to do it. The Council continued to discuss the MPDO, that it is a conceptual proposal only. The development agreement will be tied to the land forever. Resident Lynn Olds wondered when the development agreement will be available for viewing. The Council responded the development agreement is not ready yet, and the attorneys are still reviewing it. Mr. Olds then asked about the percentage that is commercial and any deductions, minimums, and maximums for commercial areas. The Council reviewed the formula to calculate density and residential areas.

15. Discussion on the proposed creation of Pine View Public Infrastructure District Nos. 1-6.

Councilman Ellsworth commented that a PID, or Public Infrastructure District, is a mechanism to fund infrastructure such as roads. There will be a public hearing on Thursday the 11th, followed by a vote by the Council in July. There would be no debt to the City with this option; and the district will be controlled by the developer. All roads will be built to City and UDOT standards. The developer will pay for engineering costs.

F. COUNCIL REPORTS:

Justin Sip reported the Solid Waste District considered taking over the landfill, however their Board did not allow it. There was a Sewer District meeting last week. There is still an issue with the Sewer District selling hay cheaper than market rate. Trails and Parks Committee meetings will tentatively start again in August.

Keen Ellsworth met with the Washington County Sheriff's Office to talk about them enforcing our City ordinances. The cost is slightly higher and the City would have to adopt a criminal code, enter an agreement to hire a prosecutor, decide to use the Washington County courthouse, or decide to use our own courthouse. If the City uses its own courthouse, the City would then need to identify a judge. The County would provide a bailiff. The City may have to provide a public defender. The County could do some or all of the City's enforcement. Mayor Chamberlain commented that he received a call from La Verkin City, who is interested in establishing a unified police force with Toquerville. Resident Wendi Merritt commented she met with Lieutenant Bentley and believes the hourly rate is great; however it might not be the best agreement to do an hourly rate only which would limit the amount of patrolling time. Councilman Ellsworth met with the Water District to discuss the demands of water in



Toquerville. There are concerns with water allocations and future growth. Developments should only be approved if there is enough water to support them. There is water available, but we need to be wise about water usage.

Gary Chaves reported ground has been broken on the new Confluence Park trail and restrooms.

Chuck Williams did not have anything to report.

Mayor Chamberlain did not have anything to report.

G. CALENDAR OF EVENTS:

There is a training meeting on June 8th at 5:00 p.m. for Planning Commissioners and Council members about density and land use.

H. ADJOURN:

Councilman Justin Sip moved to approve the Regular Work Meeting Agenda. Councilman Keen Ellsworth 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 7:54 p.m.



Mayor – Lynn Chamberlain

7/16/2020
Date



Attest: City Recorder – Ruth Evans

