

TOQUERVILLE CITY COUNCIL MEETING

Special Business Meeting Minutes

June 18, 2020, at 4:00 pm

212 N. Toquer Blvd, Toquerville Utah



This meeting was conducted electronically via Zoom.

Present: Mayor Lynn Chamberlain; Councilmembers: Gary Chaves, Justin Sip, Keen Ellsworth, Ty Bringham, Chuck Williams; Staff: Attorney Heath Snow, Planning Commission Chair Manning Butterworth, June Jeffrey, Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Public: Lynn Olds, Lorin Lowe, Greg Turner, Hoyt Cousins, Bruce Wallace, Sandy Cordova, Emily Lowe, Patricia Otterstrom.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 4:32 p.m. The Pledge of Allegiance was led by Councilman Ellsworth. The invocation was offered by Councilman Sip.

B. BUSINESS:

1. Discussion and possible action to approve an increase to the Certified Property Tax Levy Rate.

Treasurer Dana McKim reported on the process for approving an increase to the Certified Property Tax Levy rate. There will be a public hearing in August to address public comments and concerns. The proposed increase for the average home valued at \$336,000 would be \$150.00 or \$12.50 a month. Residents are currently paying \$154.68 or \$12.89 a month. Toquerville has one of the lowest tax rates in the County. The last time property taxes were raised was in 2007. The State requires cities to show their need for raising taxes. The City needs a City Manager to help plan and manage the growth that is coming. This increase would go towards a wage to hire a City Manager. The State Auditor's office says there are two options: the first is to stay at the current tax levy rate and do not increase the property taxes, and the second is to certify the tax rate that was adopted in the preliminary budget which would increase the property taxes. The Council will have the opportunity to increase or decrease the rate at the hearing in August. Mayor Chamberlain expressed concerns about doubling the tax rate, that it is a sizeable increase and may pose a hardship on some residents. Councilman Bringham is also concerned about raising property taxes on top of possibly raising water rates and that the public needs to be involved and have adequate time to give input. Treasurer McKim responded that the County will mail out notices to all residents about the public hearing so they will have adequate notice and the option to give input on this matter. Resident Sandy Cordova commented that public input should come first and the Council shouldn't approve what they don't understand. Resident Lynn Olds wondered if the budget could be tightened instead of raising rates. Resident Sandy Cordova commented again that multiple budgets should be presented and discussed with the residents. The Council discussed that this approval would start the process and discussion on possibly increasing the certified property tax levy rate, it does not mean it is automatically increased.

Councilman Justin Sip moved to approve going forward with the process to possibly increase the Certified Property Tax Levy Rate at .001650 and hold a public hearing on August 12, 2020 at 6:01 p.m. at Toquerville City Hall. Councilman Ty Bringham seconded the motion.



Councilman Ellsworth understands this motion, but is not in favor of the timing of an increase and can't vote for this motion. Councilman Bringhurst commented that he appreciates Councilman Ellsworth's comments, however the Council has been talking about this increase for many years and the staff does need an additional person. The Council discussed this motion is only to approve the process of discussing an increase. Resident Lynn Olds asked if the public has to wait until August to give public comment. Mayor Chamberlain responded that the information needs to be distributed to the public first before a discussion can be held. June Jeffery commented that the City would benefit greatly from having a City Manager before the growth comes. Councilman Bringhurst asked Treasurer McKim to have more information to present at the July meetings.

Mayor Chamberlain called for a vote on the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

2. Discussion and possible action on a 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 715.72 acres submitted by Toquerville City and Lowe Land TK, LLC.

Attorney Snow summarized the development agreement to the Council and explained why there is a development agreement. The definitions and exhibits were explained and clarified. The 80 acre parcel has been omitted from the application. The agreement includes exhibits on safety standards, building codes, UDOT road standards, UDOT transfer agreements, the Toquerville Parkway right of way and deed of dedication. The parties will need to agree to the applicant's re-zone request and their MPDO application being approved and recorded before this agreement becomes effective. Any specific development plans will need to come before the City through the normal approval process for an approval as this is just their conceptual overlay plan. This agreement clarifies which modifications are allowed and what is not to be expanded on. The maximum residential density is 1834 which is calculated by taking 2 times 715 acres and including their density bonuses. Attorney Snow explained how the commercial building density is calculated. The Council discussed the developers have to comply with the City code. Attorney Snow continued explaining commercial building density, mixed use developments, transfer densities, dwelling units, equivalent dwelling units, CC&R's, the general rights of the developer and the specific rights of the City. The Council discussed how the City and Washington County Water District could supply culinary water service to the proposed developments. The agreement identifies three acres for a future fire station or police station, public trails master plans, future church sites, and future school sites. The first phase of the parkway is scheduled to be finished by March 15, 2027. The parkway will then be transferred to UDOT. The agreement states the City will construct a 12 x 12 livestock pen, utility sleeves, install storm drains, construct intersections, water lines, and sewer lines. The parkway right of way will be donated from the Lowe family to the City within 15 days of this document being signed. The applicant will need to locate and identify a water storage site prior to the recording of the first subdivision.

The applicant Lorin Lowe commented this development agreement is the vehicle with which he and his family are gifting the bypass road to the City. The 20 year time frame being proposed by the City seems to obligate his family to building subdivisions and spending millions of dollars. The City can't guarantee any applications would be approved. The revisions and suggestions will be considered.



Attorney Snow recognized Mr. Lowe's concerns and explained the reason for the revisions and noted the City is also making agreements with the Lowe's. The MPDO plan was approved on the condition that the City's hillside ordinance was modified so the application did not violate the City's ordinances. This agreement will run with the land and will bind all successor owners to this agreement. The Council discussed the legal description of SR-17, amending the hillside ordinance, and the amount of open space for this development.

Resident Joey Campbell commented on the change to the hillside ordinance, that it could be changed simply by stating that MPDO developments with acreage larger than X and then changing the wording to say occurred through bonus densities. Resident Lynn Olds commented that the Lowe family knew the master plan idea with density buildouts of one half acre lots. The southern land owners did not do that. Everyone should be treated fairly. The land along SR17 is very valuable.

Councilman Keen Ellsworth moved to approve the development agreement excluding Item G Exhibit C for Toquer Ridge submitted by Lowe Land TK, LLC.

Councilman Bringhurst suggested the motion include the revision to Item 11 section C, clarifying the 20 year development start time line. Attorney Snow commented that this section is still under review. The suggestion would be to approve the development agreement as written. The applicant can always propose additional language to revise that section at a later time.

Councilman Keen Ellsworth moved to approve the development agreement excluding Item G Exhibit C for Toquer Ridge submitted by Lowe Land TK, LLC. Councilman Justin Sip seconded the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – nay, Chuck Williams – aye.

Lorin Lowe commented that if Item G Exhibit C is removed then he loses 91 acres towards his density and would not be in favor of signing the agreement. Councilman Ellsworth commented that the intention is not to take away his density but to approve the agreement as it is written. Mr. Lowe commented that this agreement may not hold up in court. Attorney Snow commented that the development agreement was approved in a way that challenges and contradicts code. The hillside ordinance needs to be revised; however, the Mayor is authorized to sign the agreement at this point. Mr. Lowe is hesitant about the approval of this agreement but will check with his legal counsel before signing. Councilman Bringhurst commented that the Planning Commission should move forward with revising the hillside ordinance while the Lowe's and the City Council can work on making any further adjustments. Councilman Ellsworth commented that the agreement should move forward as voted on. Mr. Lowe commented that there are legal issues with this agreement and it is not appealing to sign.

D. ADJOURN:

Councilman Justin Sip moved to adjourn the Special City Council Business Meeting. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

The meeting was adjourned at 7:32 p.m.





Mayor – Lynn Chamberlain

Date 7/16/2020



Attest: City Recorder – Ruth Evans

