



TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
April 7, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah

Present: Councilmembers: Ty Bringhurst, Justin Sip, Gary Chaves, Chuck Williams; Staff: Treasurer Dana McKim via YouTube, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Dan Catlin, Ash Creek Special Services District Representative Blair Gubler; Absent: Mayor Lynn Chamberlain, Hurricane Valley Fire District Representative Merlin Spendlove, Councilman Keen Ellsworth.

A. CALL TO ORDER:

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

B. APPROVAL OF AGENDA:

The Council reviewed the agenda and discussed moving item F14 to F1. There were no disclosures, nor conflict declarations from Council Members.

Councilman Chuck Williams moved to approve and amend the Regular Work Meeting Agenda and move item F14 to F1. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

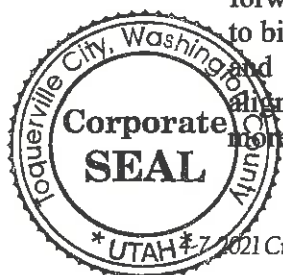
C. CITY DEPARTMENT REPORTS:

Ash Creek Special Services District Representative Blair Gubler reported the bench lake area is finished. The pipe project that goes from the old bowling alley down to the lagoons is on hold until the fall. An engineer has been selected for the Confluence Park treatment plant. There was a trip back east to visit a treatment plant that this one will be modeled after.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Dan Catlin reported the Planning Commission approved six annual renewals and recommended two items for City Council discussion at their last meeting. The proposed subdivision was tabled and will be heard again at the April meeting.

Public Works Director Lance Gubler reported on the water capacity limits from the Regional Water Conference. These levels are very low, and we are in a county wide drought. The Water District is considering county wide water restrictions this summer. The City owns two rods on Springs Drive which means the City owns more property than previously thought. The impact fee study is still being worked on. The Public Works Department will need a new vehicle this budget year because one truck broke down and is no longer usable. The iHydrant at Anderson Junction had a failed valve that will be fixed. The iHydrant notified the Public Works Department of this failed valve so that software is working properly. The Toquerville Reservoir is finally moving forward and will be on the Federal Registry for 45 days for public comment. After that it will go to bids to start construction. The City will need to come up with some money to fix the sewer line and the water line in the Anderson Junction area. The City will also need to budget for re-aligning the frontage road at Anderson Junction interchange. The City is anticipating receiving more COVID money, and with some of that money the City would like to buy generators to run



water pump houses to continue to supply water to residents during a blackout. Some surrounding cities have been asked to not use newer water rights due to water shortages.

D. PRESENTATION:

Lindsay Brooks and Jake Hansen from iWorQ Systems presented information on their public works software. This software allows the public works department to maintain schedules, work orders, track assets, track street projects, plan and project budgets, log equipment used during projects and more. The cost is \$5,000 annually and would be a great asset and organizational tool for the City.

Curtis Nielson and Justin Christensen from Ensign Engineering presented information regarding their engineering firm. They are a Utah based firm and can offer expertise in municipal engineering and water resources. They would be happy to provide additional and objective opinions and project reviews if needed.

E. PUBLIC FORUM:

There were no comments from the public.

F. WORKING AGENDA:

1. Discussion on proposed park improvements to the Trail Ridge Estates Park.

Councilman Sip discussed ideas for a multi-use park which would include a dog park. The City does not currently have the funds for this project, but a resident is doing a fundraiser and has said he would donate these funds to the City for these improvements. The Council would like citizens input on these ideas.

Resident John Norris, the Trail Ridge Estates HOA President, commented that a dog park would be an attraction that would invite tourists and more residents to come. There are some for this dog park and some against it. There should be a poll taken to see who wants it.

Resident Honeybee Brenchley commented that dog parks in general increase property values and would benefit all of Toquerville residents. It is more maintenance for the city maintenance crew, but it is a wonderful idea.

Resident Brad Langston is totally in favor of the dog park and echoes Honeybee's comments.

Resident Jeff Wilmott commented that he is the resident who is doing the fundraiser. He is doing this fundraiser in honor of his late mother and to be a good citizen and contribute to the community. The intent was not to offend anyone, but to generate some money for these improvements. Mr. Wilmott has committed to match every dollar donated and was drawn to Toquerville because of its motto, "It's the People."

Resident Dennis Rhodes commented that he doesn't have an issue with a dog park but consider the cost of the ongoing maintenance. Creating a dog park might be a step toward saying dogs are only allowed in certain areas. A little dog park probably won't be sufficient for large dogs. There are some responsible dog owners and there are some that are not. We would hate to see responsible dog owners punished.

Resident Corey Bott commented that he moved here two years ago and came from large parks up north. Those larger cities have full time clean up people. There is a lot of maintenance required and excess trash created. What will the impact on the river be? With a



dog park comes additional things such as dog bites and is the County Sheriff available to help with these issues?

Resident Barry Chandler commented that in his research of dog parks through the American Animal Association, you will have dog bites, added liability, insurance claims against the city, increased spreading of diseases, and other health issues. Please consider these issues before making a decision.

Attorney Snow commented that the City has governmental immunity from insurance claims.

Resident Cathy Johnson is in favor of the dog park and separate areas for small dogs if the signage is right. Dog owners want to protect their dogs and other people's dogs.

Resident Dan Catlin commented that anything to improve any of the parks is good. Those residents over on the other side of town are still waiting for a park. Prioritize the parks that don't have any improvements first.

Resident Grady Johnson had questions about young people in organized or school sports using the park fields. Where are these teams coming from? If you fence or divide these fields, how will that affect these children's sports? Someone will have to be responsible for maintenance, who will that be?

Resident Cathleen Lee questioned if dogs are not allowed in the parks now? Improvements and advertising will bring more people to the parks and the maintenance will increase. The community next to the park should help with the maintenance. At the end of the day, how much more will this cost the city?

Resident Bryan McNary commented that small cities that grow fast don't know what is coming. The efforts of the resident who is raising money is appreciated. The main concern is the cost of the project. If the funds are donated, then go for it. But the city shouldn't pay for all the improvements and future maintenance costs. Mr. McNary is neither for nor against the dog park.

Resident Lee Bergstrom is not opposed to a dog park but proposed a more central location in the city rather than one satellite park.

2. Discussion on possible property transfer for Clint Perkins.

Councilman Sip explained that there are some parcels of land that should have been deeded over to Clint Perkins but never had happened. The Council discussed possibly redefining property lines to straighten out Center Street which would affect some of these parcels of land that Mr. Perkins owns. Mr. Perkins commented that the Council should stick to the original issue of the overlooked pieces of property that should have been in his name. The redefining of property lines can be dealt with another time. Attorney Snow commented that the City may dispose of surplus property and transfer it back to Mr. Perkins. The Council was in favor of transferring the pieces of property to Mr. Perkins. Councilman Sip was assigned to get a legal description and execute the property transfer. Mr. Perkins commented that mistakes are sometimes made in recording properties and he to pay additional taxes on the greenbelt because of this mistake.



3. Discussion on possible road realignment for Darren Bradshaw.

Resident Darren Bradshaw commented that the road curves and goes through his piece of property and asked the Council if there were plans to straighten out the road. This would take the road from off his property and allow him to build the home he has plans for. Mr. Bradshaw also asked about moving power lines and internet wires that go through his property. The Council referred him to Rocky Mountain Power and TDS. Councilman Bringhurst stated the City has no plans to straighten out Shangri La road anytime soon but may do so in the future.

4. Discussion on bypass road and construction traffic on Westfield Road by Councilman Williams.

Councilman Williams presented information regarding building the bypass road and what that will look like and the impacts to the City. Councilman Williams proposed a staging area out on the race track. The developer could keep their heavy construction equipment out there to keep the construction traffic off of Westfield Road. The road out to the staging area would be accessed by the road going to the reservoir, which is right after the bridge. This plan would keep the majority of the traffic off of Westfield, but the developer is ultimately responsible and needs to come up with a plan for this construction equipment.

Resident Sandy Cordova commented that this plan is not going to alleviate tradesman and contractor's traffic.

Resident Wayne Olsen commented that we have deviated from the agreement. We are working too hard to give them access. This needs to come in the easiest route. The city is going against years of planning and the city needs to protect the citizens. The Council is being driven by the almighty dollar.

Councilman Bringhurst reminded everyone that no houses that will be built until the bypass road is completed and that there will have to be construction access, but the City's goal is to minimize that traffic.

Matt Loo, who represents SRC Land Holdings, commented that the residents' thoughts are appreciated, and the first priority is protecting the citizens. The developer understands that no building permits will be issued until the secondary access is put in. The developer has a preliminary plat going through the approval process right now and will come with some options for staff and elected officials to consider and approve. The project and the traffic needs to be managed with practical solutions that everyone is comfortable with.

Resident Sandy Cordova commented that living on the Boulevard is madness. The amount of traffic on the Boulevard is insane. It makes sense to sacrifice other city street traffic to move the Boulevard traffic over to the bypass road.

Resident Wayne Olsen commented that if the secondary access is a dirt road no one will use it. They will still use Westfield Road.

Zoning Official Mike Vercimak commented that all residents, including current and future residents, have every right to use city streets. Emergency access is provided only for an emergency. The City cannot stipulate which city streets residents can use.



Resident Wayne Olsen replied to Mr. Vercimak that he is from Hurricane and he is making mistakes. The construction access needs to be dealt with in the building phase of the bypass road.

5. Discussion on increasing culinary water rates and base gallon usage.

Public Works Director Lance Gubler reported that the city needs to be at a certain water rate in order to apply for loans or grants. That rate is calculated using the median adjusted gross income, or MAGI, of residents and is calculated by the State. Toquerville's MAGI is a base rate of \$55.81. There are multiple funding sources to finance water interests for the City. The Council discussed coming up with a rate to present to citizens to approve.

Resident Darrin Lefevre commented that he met with staff about the water budget. The City should be doing smaller incremental raises to the water rates. Lowering the gallon usage is not the way to go. Growth doesn't pay for itself, but rates should be incrementally raised. The City has more cost with more growth and needs to budget for depreciation. The City is on the right path with the \$55.00 base rate and the budget numbers look valid. For the non-irrigation users, they will need more gallons per month. They should not get any freebies and should pay the same rate as the secondary water annual fee. Most non-irrigation users are okay with paying that annual fee to get the extra gallons. According to public records for secondary water users, their average usage in June of last year is 30,000 gallons a month. Please consider giving non-irrigation users that same average usage.

The Council discussed that non-irrigation users have historically been given 20,000 gallons in the high watering months and possibly charging an annual fee similar to that of current secondary water users. Public Works Director Lance Gubler commented that TSWS is going to reevaluate the City's lease in 2027 and they currently subsidize the TSWS system very heavily. The City will need to budget and conserve water for future use. The Council discussed moving the rate to \$55.00 or \$60.00 a month for 10,000 gallons.

Resident Cathleen Lee commented that it is irritating that the water bill keeps going up and down every month and is not in favor of any increase. The residents will complain no matter what, so get the water rate in the black and where it needs to be. The water expenses need to be covered. There is no water in the Toquerville heights area. There is a water shortage everywhere. Look at the high water users to conserve. We need to come together as a community and conserve. There needs to be some water for non-irrigation users, and they need to continue to be subsidized. Those users are concerned about the hot weather months and keeping trees alive.

Resident Bill Patrick agreed with all the comments so far. Those with gardens use over 20,000 gallons easy just to maintain it. His front yard is completely desertscape. We are in a desert and we need to remember that.

Resident Wayne Olsen is against paying more for water and against subsidizing the non-irrigation users. They bought their property knowing they did not have secondary water. They should not be given special privileges.

The Council discussed continuing to subsidize the non-irrigation users during the summer months but adding an annual fee equal to the TSWS customers. The Council decided on a monthly base rate of \$60.00 for 10,000 gallons, with an over minimum charge of \$3.00 per 1,000 gallons usage from 10,001 gallons to 15,000 gallons, an over minimum charge of \$5.00



per 1,000 gallons usage from 15,001 gallons to 20,000 gallons, and an over minimum charge of \$7.00 per 1,000 gallons usage from 20,001 gallons and higher. During the months of March through October, non-irrigation users shall have a monthly minimum charge of \$60.00 for water usage of 0-35,000 gallons, with an over minimum charge of \$3.00 per 1,000 gallons usage from 35,001 gallons to 40,000 gallons, an over minimum charge of \$5.00 per 1,000 gallons usage from 40,001 gallons to 45,000 gallons, and an over minimum charge of \$7.00 per 1,000 gallons usage from 45,001 gallons and higher. Those properties without irrigation availability shall pay the annual irrigation fee. These rates will be discussed at a public hearing at the Business Meeting on April 21st.

Resident Than Naegle wondered if there are water rights available and where the City would buy them from. When the secondary water system was put in, those residents declined to have secondary water. Is it fair to give them a break now, or not? Those current secondary water users are using all that water because they have a water right to use it. Toquerville looks green because of irrigation water. When the Washington County contract comes due, the citizens are not going to get their water rights.

Resident Dan Catlin commented that being a low water user, everyone should be treated the same. Regardless of if you have secondary water or not, everyone should pay the same. All residents should be treated equally.

6. Discussion on Resolution 2021.XX Fee Schedule, culinary water rates and base gallon usage.

The Council discussed this Resolution was part of the water rates discussion.

7. Discussion on Ordinance 2021.XX Business license term and payment dates.

The Council discussed the changes include identifying the term, late fees, when a license is no longer renewable, and due dates of a business license.

8. Discussion on Resolution 2021.XX Modifications to Specs and Standards, standard road cross section.

The modifications to the road cross section diagrams have been updated to include different widths of roads and a striping plan.

Resident Darrin Lefevre commented that in the master transportation plan that was adopted, none of these plans are bicycle or walking friendly. These are old fashioned cross sections and should be updated to include bike lanes.

The Council discussed contacting the Engineer to include bike lanes on all road widths 50' and wider.

9. Discussion on Ordinance 2021.XX A zone change application submitted by Bryant30 LLC for Tax ID parcel T-3126. Current zoning is M-1 Light Industrial. Proposed zoning is HC Highway Commercial.

The Council discussed the application and that the Planning Commission recommended approval. This parcel is located at the Browse exit and seems to be a good fit for the proposed purpose.



10. Discussion on Ordinance 2021.XX 10-15C MPDO density bonus.

The Council discussed the Planning Commission's recommended modifications which bring consistency and promote comprehensive planning of large parcels. The Council would like to see the minimum acreage for an MPDO to be 100 acres. Making this change would require it to go back through and have a public hearing at the Planning Commission meeting before the Council can pass it.

11. Discussion on Ordinance 2021.XX Officers and employees, City Administrator.

The Council discussed the addition of the City Administrator position to the city code, the term of the position, the severance pay clause, and the differences between a manager and an administrator. There are pros and cons to each. The Council discussed the job functions and reducing the Mayor's monthly pay once an administrator or manager is hired.

Resident Sandy Cordova asked why the Council is not going with a manager and is choosing an administrator? This position would be an employee.

The Council discussed the differences of an administrator and a manager. Attorney Snow advised keeping the term date paragraph in the code and changing the term date to automatically renew every year unless 30 days notice of non-renewal is given. The Council will discuss these changes with the Mayor at the next meeting.

12. Discussion on expenditure approval in the amount of \$12,057.98 for Center Street project.

Councilman Bringham explained the water line project on Center Street and these two invoices are part of this ongoing project.

13. Discussion on interlocal agreement for Washington County HCP impact fee.

This agreement will renew the current contract for the City to collect and remit the HCP impact fees to the County. The Mayor and the Attorney will need to sign the agreement.

14. Discussion on 4-1-2J Enumeration of nuisances, light trespass and 4-1-4 Enforcement.

The Council will wait to discuss this item until next meeting when Councilman Ellsworth is present.

G. COUNCIL REPORTS:

Justin Sip reported the Blucan rate has increased. A fundraiser for the Westfield Park is tentatively scheduled for September 24th through the 26th. The playground equipment has been ordered and paid for. The pedestrian bridge design for the Westfield bridge is still waiting on the engineer.

Ty Bringham reported the design for the Cholla turning lanes is in the process of approval from the State. The City will do part of the work and will probably start in the fall. All roads in the city have been inventoried and some discrepancies have been discovered. These changes have been submitted to Alpha.

Gary Chaves reported on the progress of the stairway down to Confluence Park.



Chuck Williams did not have anything to report.

City Attorney Heath Snow updated the Council on the status of the water rights purchase agreement.

H. ADJOURN:

Councilman Chuck Williams moved to adjourn the meeting. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Councilman Bringhurst adjourned the meeting at 9:36 p.m.



Mayor – Lynn Chamberlain

5/19/2021
Date



Attest: City Recorder – Ruth Evans

