

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



Present: Councilmembers: Keen Ellsworth, Ty Bringhurst, Justin Sip, Chuck Williams; Staff: Attorney Heath Snow, City Manager Kent Page, Treasurer Dana McKim, Recorder Ruth Evans, Jadee Adams from Public Works; Support Staff: Planning Commission Chairman Joey Campbell, Absent: Mayor Lynn Chamberlain, Ash Creek Special Services District Representative, Hurricane Valley Fire District Representative Merlin Spendlove, Public Works Director Lance Gubler, Councilman Gary Chaves.

A. CALL TO ORDER:

Councilman Ellsworth called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Williams. The invocation was offered by Councilman Bringhurst. 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 Ty Bringhurst moved to approve the Regular Work Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Justin Sip – aye, Chuck Williams – aye.

C. CITY DEPARTMENT REPORTS:

Councilman Ellsworth reported that the City has passed an ordinance allowing non-aerial fireworks at the Westfield Park only but Hurricane and La Verkin have banned them completely. The Hurricane Valley Fire Department would like to see no fireworks at all this year in Toquerville. The Fire Department and the Sheriff's Department would like the City to reconsider and ban fireworks completely due to the extreme fire danger.

Planning Commission Chair Joey Campbell reported there is still an opening for one Alternate Commissioner. If anyone is interested, please submit your name to the Mayor for consideration.

JD Adams from Public Works reported they have filled most of the potholes out at Anderson Junction with mastic, there are still asphalt repairs in the road that need to be done because of the recent water leaks, the sprinklers need to be adjusted next to the pickleball court, and the trees by the south Toquerville sign were recently trimmed and cleaned up.

City Attorney Heath Snow did not have anything to report.

City Manager Kent Page encouraged the Council to look into redoing the City mission statement to be more useful and give more direction to the city. There needs to be an in-depth discussion on code enforcement and the process and standards of enforcement. The city should determine a minimum maintenance standard. The Sheriff's office is recommending we have a city prosecutor in place for code enforcement and an agreement with the County to prosecute violators in County court. The striping that was recently done on a few streets will need to be enforced with citations and fines. The Sheriff's office will enforce the City's no parking areas. The City is expecting a large increase in building inspections and will be looking at Shums Coda, a third-party plan reviewer to help. They want to present at the next work meeting. Communication needs to be increased



between staff, the Council, and the Mayor. Mr. Page encouraged the Council to let him know about all meetings with developers and professional staff. The staff is looking into a cell phone policy and vehicle use policy. The City should apply for all available grants to help stretch the budget. The City is going to be receiving American Rescue Plan funds from the state and we will need to decide on how to use these funds. HB 82 is new legislation regarding internal accessory housing units as long-term rentals in single family homes. The state is trying to address affordable housing.

D. PUBLIC FORUM:

Resident DC Young asked if there are ordinances that the city doesn't want to enforce. The road striping doesn't affect him either way, but speeds on certain roads are increasing because of the striping. There needs to be a center line. The lanes should be 11' wide. Some are abusing privileges and that is not acceptable. The Planning Commissioners have tried and done a good job of trying to live by the ordinances and it is sad to see it change.

Resident Gene Wilder inquired about the end of Pecan Lane being paved. He has requested this many times before. Six families would benefit from this road being paved. There should be a moratorium on new work until the old work is all caught up. Every other road is paved except the end of Pecan which has been grossly neglected. Please finish paving Pecan Lane.

Councilman Bringhurst responded that the City can only pave the portion of Pecan they own and cannot pave on private property. This project is being worked on.

Resident Greg Turner commented that the famous Candy Bomber Gayle Halverson was recently flown around in a helicopter in St. George by Toquerville's own Joey Campbell! Regarding short term rentals and enforcement, there are 12 illegal short-term rentals here in Toquerville. The Planning Commission worked long and hard on the new short-term rental ordinance and it is being completely ignored. There needs to be some City oversight and enforcement. The City is losing revenue on these illegal short-term rentals and it undermines the legal short term rentals and the citizens who went through the process to get licensed.

Resident David Pope commented that he lives next door and there is a stripe right in front of his house. Previous City Councils have made promises that need to be kept. Pecan Avenue went to a pressurized irrigation system that was installed by the City and they messed up the sidewalks. There are no parking signs on the south side of Pecan Avenue but no traffic on that road. You can't justify striping a road that has no traffic on it. The City made a mistake in striping the roads. Will the stripes be removed on the streets that were not supposed to get striped? The City destroyed his garage when they dropped the street by two feet. He cannot use his garage or have parking on his property. The contractors did a very poor job. He put up the retaining wall on the side of his house. He paid over \$6000 for that wall and the city only reimbursed him \$2500. The city lied to him about that line in front of his house and it should not be enforced for him.

Councilman Ellsworth responded that these are serious concerns and would like them in writing so it can be discussed in further detail.

Resident Valerie Pope commented that the heavy striping truck broke a water main in the street and it is a mess out there. The repairs have not been done yet. What is the reason behind striping our street? Our kids do not play in the street, so it is not for safety. There have been no incidents of anyone being hurt on our street. Where are our children and grandchildren supposed to park when they come to visit? Streets are public. This street is my personal property.



Attorney Snow commented that streets are the city's property, and they have the right to regulate and improve city property. It is not the inherent right of the public to park on the street. The city can make a determination to designate no parking areas.

Resident Dan Catlin handed out papers to the Council but did not give a copy to the City office be included in the minutes. Mr. Catlin commented that from a citizen's standpoint, our taxes paid the engineer to cross section the roads and the right roads need to be striped. The roads need to be painted according to what the engineer specified. If you don't, then the money to the engineer was wasted. It is better to follow the new road guidelines.

Councilman Ellsworth left the meeting at 6:50 p.m. and Councilman Bringhurst took over as Chairman.

Resident Anita Eaton commented that her property on parcel T-148-A, which is not on the west side of Berry Lane, was asphalted by the City, even though it is private property. It needs to be put back the way it was before. The cement collar needs to be put back on the berm side. The City still has their backhoe parked there and it needs to be moved. The project needs to be completed.

E. WORKING AGENDA:

1. Discussion on a vote ratification of Ordinance 2021.11 4th of July firework ban. *(Phone call vote taken June 28, 2021 with a vote of 5-0)*

The Council discussed this Ordinance was already discussed and passed.

2. Discussion on Ordinance 2021.XX 24th of July celebration and fireworks restrictions.

The Council discussed having one location to set off fireworks in the City because some are saying the City cannot do an outright ban on fireworks. Attorney Snow disagreed and stated the City can in fact ban fireworks within the City limits. The Council would like Attorney Snow to follow up with the County attorney to make sure the City is in compliance and can uphold the city-wide ban.

3. Discussion on a conditional use permit application submitted by Brian Beddo for an over-height garage located at 1258 S Mulberry Dr. Tax ID # T-AHP-A-69. Zoning is R-1-20.

The Council discussed this application is for an over-height garage. The maximum allowed for a permitted use is 18'. The applicant is seeking a 26' tall garage. The maximum allowed with a conditional use permit is 35'. This permit would be a one-time permit and would not need an annual review.

4. Discussion on a zone change application submitted by Maria Blanco for Tax ID # T-7-A-2. Current zoning is AG – Agriculture. Proposed zoning is RM-2 – Multiple Family District.

The Council discussed this application and the Planning Commission's concerns of a single access, increased traffic, and not having a guarantee that it would become a veteran's home once the zone is changed. The applicant's intent is to have a disabled veteran's home. The Council discussed the access concerns on Springs Drive and how having a multi-family housing unit would increase the already heavy traffic on that narrow road.



Resident Dan Catlin handed out a document to the Council but did not give a copy to the City office be included in the minutes. Mr. Catlin stated this use is already a conditional use in another zone. The agriculture zone could be amended to have multiple dwellings. Once this zone is changed for multi-family housing, anything could go in there and increase the traffic on that road.

The proposed zone would allow for ten units per acre. The applicant Virgil Blanco called in to the meeting and stated he has parking for 38 cars and the project is to provide housing for disabled veterans. The Council discussed the general plan and what infrastructure is in place on Springs Drive.

Resident Anita Eaton commented that the Planning Commission did not bring up the general plan during their meeting. The general plan states there is to be no spot zoning allowed. She is not opposed to a veteran's home but it does not fit in with the general plan.

The Council discussed a possible solution would be to amend the language in the physical restrictions on units then the applicant could apply for a conditional use permit. The City could then have the option of putting certain restrictions or requirements on the permit. The City needs to decide if allowing the increase in density and traffic is the best use of that area.

5. Discussion on Ordinance 10-9 Agricultural zone. An ordinance amending the permitted and conditional uses of the Agriculture zone.
6. Discussion on Ordinance 10-10 Single Family Residential. An ordinance amending the permitted and conditional uses of the Single Family Residential zone.
7. Discussion on Ordinance 10-10 Multiple Family Residential. An ordinance amending the permitted and conditional uses of the Multiple Family Residential zone.
8. Discussion on Ordinance 10-11 Multiple Use Districts. An ordinance amending the permitted and conditional uses of the Multiple Use Districts zone.
9. Discussion on Ordinance 10-12 Highway Commercial District. An ordinance amending the permitted and conditional uses of the Highway Commercial District zone.
10. Discussion on Ordinance 10-12 Neighborhood Commercial District. An ordinance amending the permitted and conditional uses of the Neighborhood Commercial District zone.
11. Discussion on Ordinance 10-12 Planning Commercial Zone. An ordinance amending the permitted and conditional uses of the Planning Commercial zone.
12. Ordinance 10-13 Business and Manufacturing zone. An ordinance amending the permitted and conditional uses of the Business and Manufacturing zone.
13. Discussion on Ordinance 10-14 M-1 Light Industrial zone. An ordinance amending the permitted and conditional uses of the Light Industrial zone.

The Council discussed the intent is to clean up and streamline the language on each of the zones to allow public and quasi-public uses in each zone. This would use a singular term instead of listing each public use separately. The Planning Commission recommended a private cemetery be left in as a conditional use to the agriculture zones. The Council had concerns about leaving a private cemetery in residential and agriculture zones, because farmland can turn into subdivisions, and it would be very difficult for the City to keep records of those who bury family members on private land.

Resident Dan Catlin handed out a document to the Council but did not give a copy to the City office to be included in the minutes. Mr. Catlin stated he would like private cemeteries and private parks to be left in residential and agriculture zones.



Attorney Snow commented that it would be difficult and unreasonable to allow private cemeteries in single family and multi-family residential zones. The Council decided to remove private cemeteries from single and multi-family residential zones.

14. Discussion and ratification of City entering into SRC Reimbursement Agreement, authorizing the Mayor Pro Tem's previous execution of said agreement.
15. Discussion and ratification of City entering into NEPA Services Contract, authorizing the Mayor Pro Tem's previous execution of said agreement.

The Council discussed this agreement states the City has requested a right-of-way from the Bureau of Land Management to get the NEPA study done on behalf of SRC Land Holdings. SRC has agreed to reimburse the City for the cost in the NEPA services contract. The Council would need to ratify the signing of these agreements.

16. Discussion on an estimate for Toquerville Cultural Survey Request.

The Council discussed this request was to survey and catalog archaeological items that may or may not be on the Lichfield's property, which is on the south end of the bypass road. The property owner contacted the state to investigate the area. If anything is found, it would most likely be put in a museum.

17. Discussion on Toquerville Parkway updates.

City Manager Page reported on updates from UDOT and Horrocks regarding an air quality and environmental report. Councilman Bringhurst commented there will be two bid schedules for the bypass road. 5 million dollars will be set aside to pay for the bridge. There is another update meeting scheduled on July 29th.

18. Discussion on Toquerville Reservoir updates.

The Bureau of Land Management has issued all the permits for the rights-of-way and recreation areas. City Manager Page will contact Sunrise Engineering regarding the recreation areas. There is engineering for sewer lines and the pump around the reservoir that still needs to be addressed. Alpha needs to be contacted and start on this project.

19. Discussion on purchasing Badger water meter software in the amount of \$3,850.00.

Jadee Adams from Public Works commented that the new meters are working well and there has been positive feedback from the residents who are using them. The Master Meters are failing at a rapid rate, and about 200 per month are unable to read. Public Works was given the okay to purchase some Badger meters to try them out. The Council discussed that it was never discussed to move entirely over to Badger meters and purchase their software.

20. Discussion on adopting 2021 International Building code for tiny homes.

The Council discussed there is nothing in our code that references inspecting tiny homes and it has been suggested to adopt Appendix Q from the International Building Code. The Council discussed how the building department will inspect prefab homes that are constructed offsite. The City could require inspection tickets from a third-party company for all offsite construction. Section 9-1-2 of the code needs to be updated to include inspection procedures and the most current version of the IBC.



21. Discussion on 2021 International Code Council residential building valuation.

The Council discussed the City is currently assessing \$66 per square foot for a residential home inspection and the latest valuation should be at \$123 per square foot. The City needs to update the fee schedule to include this recommended amount. The current building permit fees are currently at 75% of the home value. The Council discussed increasing this to 85% or 100% valuation. The uniform fee schedule will need to be updated to reflect these changes.

22. Discussion on possible purchasing of software programs.

Staff is looking into software programs that will help automate applications and increase office productivity. Research is being done on iWorq, Granicus, Blubeam and others. These software companies could help with building inspections, code enforcement, future development, and public works projects. More information needs to be collected such as any set up fees, annual fees, and if other municipalities use any of these programs.

23. Discussion on Toquerville Falls updates.

There is another Toquerville Falls update meeting next week with the BLM and Greater Zion Tourism group to discuss a possible staging area and other improvements. The meeting is July 15th at 9:00 a.m. The City's concerns should be voiced at this meeting. There is an idea that if the area is improved, there will be more tourists and the City could possibly benefit monetarily from transient room tax or other tourist funds.

24. Discussion on landscape ordinance requirements.

The Washington County Water Conservancy District is proposing a county wide ordinance addressing water efficiency and landscape requirements due to the extreme drought conditions and increased growth in the county. Attorney Snow will review the ordinance to see if the City wants to adopt these requirements.

25. Discussion on addressing for Anderson Junction.

Treasurer McKim reported that the addresses at the Anderson Junction area are unclear and confusing. There have been new roads added and the addresses aren't lining up the way they should, and some addresses are not in numerical order. The addresses need to be clear in order to accommodate growth and emergency services. The City will look into correcting and possibly readdressing the area. The County and Alpha Engineering will need to be involved in this process.

26. Discussion on ongoing staff trainings.

The Council discussed the staff and the Council need ongoing training. These trainings need to be identified and budgeted for. Some of these trainings are required for certain positions. City Manager Page has put together a spreadsheet and would like everyone to fill it out so the City can plan for these trainings.

COUNCIL REPORTS:

Justin Sip reported on the fundraiser for the Westfield Park is still being planned. Flyers have been made and are being passed out. More details on pavers, the concert, and meal tickets will be



coming. The Sewer District is looking for another manager. The Solid Waste District has hired a new assistant superintendent.

Ty Bringhurst requested an executive session.

Chuck Williams reported on clarifying the signs at the cemetery regarding clean up after holidays. The 4th of July event went well but had about half the attendance of other years. The City needs to have an emergency plan in place.

G. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session to discuss the purchase, exchange, or lease of real property.

Councilman Justin Sip moved to enter a closed session to discuss the purchase, exchange, or lease of real property. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 3-0. Ty Bringhurst – aye, Justin Sip – aye, Chuck Williams – aye.

Councilman Bringhurst adjourned the regular meeting at 8:15 p.m.

H. CLOSED SESSION:

The closed session for the purpose of discussing the purchase, exchange, or lease of real property was called to order at 8:32 p.m.

Minutes of the closed session were recorded and are now on file as a protected record.

The closed session adjourned at 8:53 p.m.

I. ADJOURN:

Councilman Bringhurst called the meeting back into open session at 8:53 p.m.

Councilman Justin Sip moved to adjourn the Regular Work Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 3-0. Ty Bringhurst – aye, Justin Sip – aye, Chuck Williams – aye.

Councilman Bringhurst adjourned the regular business meeting at 8:54 p.m.



Mayor – Lynn Chamberlain

9/29/21

Date



Attest: City Recorder – Ruth Evans

