

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



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Ty Bringhurst, Gary Chaves, Chuck Williams; Staff: Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans, City Manager Kent Page, City Intern Afton Moore; Support Staff: Planning Chairman Joey Campbell, Ash Creek Special Services District Representatives Mike Chandler and Matt Goodrich; Absent: Councilman Justin Sip, Hurricane Valley Fire District Representative Merlin Spendlove.

A. CALL TO ORDER:

Mayor Chamberlain 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 Chaves. 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 Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CITY DEPARTMENT REPORTS:

Planning Commission Chair Joey Campbell reported the Commissioners are working on revising the ERU numbers for the MPDO ordinance, and a resort overlay zone.

Public Works Director Lance Gubler reported the ballfields and lawns are being aerated and prepared for winter.

City Manager Kent Page introduced the City's new intern, Afton Moore. She is finishing her master's degree in public administration and will be working with the City until mid-December. Public Works is advertising for a worker and will interview soon. There is new development out in the grapevine area and will probably necessitate a new exit off of I-15. The ULCT conference was recently attended by himself and Councilman Williams. There is a floodplain conference in November. The Planning Commissioners are discussing creating a smaller residential zone. The City Manager from Vineyard met with Staff and had great resources for cities that experience growth quickly. Staff is working on ways to measure and enforce the dark sky ordinance.

Ash Creek Special Service District Representatives Mike Chandler and Matt Goodrich entered the meeting at 6:09 p.m.

City Attorney Heath Snow entered the meeting at 6:10 p.m.

Ash Creek Special Service District Representative Mike Chandler introduced Matt Goodrich who has taken over for Blair Gubler as the new assistant superintendent. The Anderson Junction pump station will start the bidding process in November. Ash Creek has been working with the Firelight Development and their engineers on preliminary plans for a pump station on the west side of their development. Plans for the Confluence Park treatment plant are moving ahead.



City Attorney Heath Snow requested an executive session to discuss pending litigation.

D. PRESENTATION:

1. Fred Philpot from Lewis Young Robertson & Birmingham reported on the findings of the Impact Fee Analysis they have been working on for Toquerville City. The City charges impact fees to maintain a level of service for city amenities and facilities and current and future projects. The population forecast necessitates a raise in impact fees. There are many factors that determine an impact fee amount. After reviewing all these factors and the expected growth, the proposal is to raise the impact fees approximately \$4,628.00. The Council can choose to adopt, modify, or reject this proposed increase. The Council cannot adopt an amount higher than the proposed amount. The next steps are to finalize the impact fee documents and ordinance and then hold a public hearing. If the impact fee is increased, there is a 90 day wait period to implement the higher fee. The Council decided to review this information and discuss it at November's Work Meeting.
2. Kent Heideman gave updated information regarding his proposed subdivision, Hunter's Cove. This subdivision was approved back in 2008 but due to the economy crash, it was not finished. Mr. Heideman would like to resurrect this old plat and pick up where he left off and requested that concessions be made and have the cooperation of the City Council. Other cities have longer or no time limits on plats and give extensions. We can work together on what was approved in 2006 and hopefully get a final plat approval. Attorney Snow commented that the code does allow for some deferments on the final plat from the City Council, but the code is very general. Some standards may have changed since 2008. The Council asked the applicant why they would not just resubmit the plat application so Staff could review it against the updated ordinances.
3. Gary Nielsen gave a presentation on an affordable housing plan for Toquerville. Their company would like to supply housing for working class people in Washington County. It would be affordable housing that sells for way under market value. The request is for multi-family zoning in hopes of building smaller homes and get deserving people good housing. The homes would be approximately 1000 – 1300 sq. feet. Mr. Nielsen is requesting a place in Toquerville that would be a good fit for these affordable homes and the support of the City Council.

The Council commented that the applicant would need to find the land first and in the right area of town and then make the request for creating a new zone for multiple single-family homes. It was suggested that possibly an MU-20 zone with a conditional use permit that modifies the frontage setback requirements could be used. The City would also have to modify the Standards and Specs for this dense of a zone.

E. PUBLIC FORUM:

Resident Stacey Eaton commented that his company is having a parachute fly-in event from the 15th to the 17th at the racetrack area. Special thanks to Councilman Bringham for helping with the grading and access to the event and to Recorder Ruth Evans for helping with the special event permit. And thanks to the landowners for allowing this event on their property. People from all over the country are coming to this event and it will promote Toquerville. This is a huge event for the powered parachute community. The City needs hotels and restaurants, so we are not sending our revenue to neighboring cities. Certain areas of the event will be blocked off to the public for safety reasons and signs have been put up to alert the public. The public is welcome to come and view the competitions.



Resident Jake Peart commented that he is in favor of high-density housing ideas for Toquerville.

F. WORKING AGENDA:

1. Discussion on Levi Savage Monument at the Toquerville Cemetery.

Rex Jensen commented that the descendants of Levi Savage, many of whom still live in Toquerville, would like to erect a suitable monument at the front of the cemetery for him. It is proposed to be four feet wide and seven feet high. Levi Savage had a great legacy and lived in Toquerville for 45 years. Randy Paul will build the monument out of concrete and steel. Annette Everett will make the sculpture portion. The cost is approximately \$50,000 and there is no cost to the city. The monument will take 4-6 months to construct and complete. The Council directed the Public Works Staff to ensure proper placement in the cemetery.

2. Discussion on Resolution 2021.XX National American Indian Heritage Month.

Judy Lehman from the Daughters of the American Revolution presented this resolution and proclamation to honor National American Indian Heritage Month and requested the City adopt this official resolution.

3. Discussion on Hunter's Cove subdivision.

Planning Commission Chair Joey Campbell commented the hillside ordinance was not addressed at the staff meeting regarding this subdivision. If anything is over a 10% slope, it falls under the hillside ordinance and that can change the construction design and can alter the final plat. There is one road that goes into the uphill portion of the property that dead ends into another property which could be an issue. The second issue is there has not been a zone change on the property previously. It is currently zoned Agricultural. This exact plan was submitted by another developer and was denied last year for the same density issues. The Fire Department has stated they do not have a turn-around for their trucks. The road connecting to the state highway may not be approved by UDOT and may be another issue. Public Works commented that the culinary water line dead-ends and was not looped. There are slope and hillside ordinance issues. The Council discussed why the applicant wants to skip the normal policies and procedures and why they wouldn't reapply to go through the process. These issues can and would be addressed during the regular review process.

Resident Darin Lafevre commented that back in 2006 the plat was derived on 40% to 50% slopes. The density is outdated and should comply with the new hillside ordinance. An extension was given at that time for the preliminary plat.

Resident Dan Catlin commented that the Council should follow their own ordinances.

The Council discussed what rules applied back then and the updated ordinances the applicant would need to follow now. The Council discussed whether or not they would recognize the old plat, bypass the process outlined in city code, and move them on to construction drawings. The Council asked for more research to be done and to review the minutes and plats from 2006 to 2008.

Discussion on Ordinance 2021.XX – An ordinance vacating a portion of North Chaparell Drive adjacent to property owned by Jack Kohler LLC and Litchfield Family Trust and authorizing the City to sell said vacated parcel to adjacent landowner.



The Council discussed this is the property in the heights and the city owns a right of way for North Chaparell. This portion of land is needed to cut through the hogsback for the bypass road. The land exchange agreement states the City will abandon and vacate the property and Jack Kohler will then purchase it. There will need to be a public hearing on this ordinance.

5. Discussion on updated Toquerville Parkway UDOT agreement.

Councilman Bringhurst commented this agreement is being modified again and is waiting for the updated agreement.

6. Discussion on affordable housing – Gary Nielsen.

The Council discussed the presentation given by Gary Nielsen. The example from Vineyard is a city needs three lots per half acre to pay for infrastructure and growth. They had to lower their density to pay for their infrastructure. Mr. Nielsen is asking for 11 per acre with is very high density. How does the City accommodate future high density needs? MU-20 zoning might be a good fit for this project. The Council could then approve or deny it with a conditional use permit. The Council gave direction to the Planning Commission to look into creating a smaller zone.

7. Discussion on Cholla Turning Lanes.

The Council discussed the need for turning lanes into the Cholla Creek subdivision. It is a dangerous section of road and lives have been lost. The City and UDOT have agreed to each pay half of the cost. The City's portion would be approximately \$143,000. Attorney Snow will review the proposed agreement.

8. Discussion on changes to plat approval process – WCWCD payment of water impact fees.

Attorney Snow explained that the District had all the cities join a pooling agreement that required the impact fees to be collected at the time of plat instead of at the time of permit issuance. The City signed a promissory note allowing this to be deferred. Staff will need to be aware that the impact fee will need to now be collected at the time of platting. The developer will need to show their receipt from the Conservancy District before the City can sign off and record their final plat.

9. Discussion on Ordinance 2021.XX 7-7 Cemetery.

Attorney Snow is still working on the final version of this ordinance.

10. Discussion on Resolution 2021.05 – Secondary water connections for new construction.

Councilman Bringhurst commented that TSWS will require secondary connections in some areas of the City. A map will be created to identify these areas. The definition of an available secondary line that runs in the street in front of their home needs to be clarified.

11. Discussion on maintenance of La Verkin creek.

Resident Randy Durda commented that there are three issues with the creek. It is so overgrown it impedes the flow of water which creates flooding issues. It was last worked on in 2005. When the City built the bridge, they took out the pipe which creates a big pond. That



drainpipe needs to go back in. In addition to flooding hazards, this overgrowth creates a fire hazard. The City needs to fix these issues. The Council directed Public Works to reinstall the drainpipe and assess the overgrowth issues.

12. Discussion on Policy & Procedures – Hiring new employees.

The Council discussed the current policy states a new employee is on probation for six months and has to wait for benefits. In order to update this policy and be more competitive to attract good employees, it was suggested to change the probation period to three months or even have benefits to start immediately upon hire.

13. Discussion on a nightly rental application submitted by Corey Turner for a nightly rental located at 728 S. Westfield Rd. Tax ID # T-142-A-2-B-2-A.

The Council discussed the Planning Commission recommended approval of 5-0 with staff recommendations and found no issues with this application. The applicant plans to rent out his basement.

G. COUNCIL REPORTS:

Keen Ellsworth did not have anything to report.

Ty Bringhurst did not have anything to report.

Gary Chaves reported on the Westfield Park fundraiser for Councilman Sip. \$47,638.56 was raised of the \$50,000 goal. The fundraiser was a success.

Chuck Williams did not have anything to report.

Mayor Chamberlain did not have anything to report.

H. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session to discuss pending or reasonably imminent litigation.

Councilman Ty Bringhurst moved to enter a closed session to discuss pending or reasonably imminent litigation. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular meeting at 8:56 p.m.

I. CLOSED SESSION:

The closed session for the purpose of discussing pending or reasonably imminent litigation was called to order at 9:02 p.m.

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

The closed session adjourned at 9:12 p.m.



J. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 9:12 p.m.

Councilman Ty Bringhurst moved to adjourn the Regular Business Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular business meeting at 9:12 p.m.



Mayor – Lynn Chamberlain

Date 11/17/2021



Attest: City Recorder – Ruth Evans

