

TOQUERVILLE CITY COUNCIL MINUTES

Work Mtg; 6:30 – Work Mtg;

7PM - Regular Mtg

Held October 08th, 2009, at City Offices, 212 Toquer Blvd.

Attending: Mayor Darrin LeFevre; ATT. Snow (excused); **Council Members:** Lynn Olds, Randy Scott, Paul Heideman, Daren Cottam, Mark Fahrenkamp; B.Gubler, Sewer Dept.; D. Gubler (excused); **Board Members:** Annette Kleinman; DC Young,; Carol Pogue (excused); Pam Jarman (Treasurer); **Public Attendees:** Terry Watson, Brig Darger, Katie LeFevre, Shawn Crosby, Jordan Petersen, Evelyn Isham, Laurie & Gary Lunt.

6:33PM – Work Mtg is called to order by Mayor Darrin LeFevre, asking for Item #1, Water/Sewer Update.

Blaire Gubler (ASSD) reported nothing new for the City and asked if Council had any questions. Councilman Olds asked if the TRE (Trail Ridge Estates) Tank Checklist had been signed off? Blaire said he would look at that tomorrow and asked if the one-year “mark” was coming up (reference to Subdivision inactivity); he stated the Sewer Dist. would “TV” the system for Contractor to come back. L. Olds added the completed items needed to be checked so those lots can be cleared for permits.

Item #2. Neighborhood Watch Update; Mary Thayer (Coordinator) reported the City Wide Mtgs of Nov. 12 and Dec. 10 would be held at 6PM, prior to the normal CC Mtg. In the new year, this mtg will be changed to the 4th Wednesday at 7PM, allowing time for special speakers, etc. The “Area Coordinator Committee” Mtg (currently held prior to the City-Wide Mtg) will also be held the 4th Wed. prior to the City-Wide at 6 PM for Committee. Mary T. also reported how helpful our Coordinators are; W. & C, Olsern, J. & M. Rowan, the Reuschs, J. McCombs, DC Young, M. & K. Craine, A. Pozernik. Greg Walker (Cholla Crk) has signed up tonight for his Area Coordinator. We have a Scout Project for the “watch” signs; we also suggest another project for message boards at Anderson Junction and Westfield Road.

Councilman Olds asked if they had the areas determined for placing the signs? Mary answered yes, we have ten suggested sites for CC approval. Mayor LeFevre asked if the Scout could contact her? Mary gave her phone number: 635-2409, and told CC that DC Young had researched the cost for signs; we also left a message with UDOT for question of using the State road sign posts; Delos Elison had said he did not think they allowed use.

Item #3.(a). Board of Adjustments vacancy; Mayor LeFevre reported he had asked Joel Timo (Cholla Creek) to accept the “Alternate” position and he had accepted.

(b). Fire District Update; Lynn Olds reported this would be on next month Agenda and the Board is still discussing the funding issues after the County had put off the County-wide vote this year. Mayor added the public will be notified when the next meeting is held.

(c) CDBG Update; Daren Cottam attended the last Mtg for Grant Application Training; he reported they had forms and deadlines and he had spoken to Randy Scott about a couple projects. During the last couple years of City proposals, there were higher priorities; Randy S. would like a community center, CDBG money comes mainly for housing development or upgrades for low income. There are surveys to be done by the City for eligibility; Pam Jarman added the paperwork she has received required a random selection for 247 homes.

Councilman Cottam stated he would like to apply for grant money to upgrade the old Town area Water System. Randy S. said last year there were \$700,000 in grants made; Daren Cottam added these funds are ranked over a period of 20 years. He also stated the non-profit organization is hard to get without City or County sponsorship; this is due to the non-profit “sell for gain” in the past. Daren C. spoke to Joe Phillips (Sunrise Engrg) for cost of Grant application; Sunrise would like to carry that, start to finish. Five-County also has on-line application help and Daren C. would like this proposal put on the Agenda for November CC Mtg.

Mayor LeFevre asked CC to review a **request for Eagle Project from Jordan Petersen;** Troop 1663, 3rd Ward.

Jordan had reviewed (from the Mayor) a list of required insurance fixes for “risk management” in the City and chose a Park Railing Project to build and install rails at Park locations: (1) Baseball Diamond steps from parking area; and (2) Concession Stand guard rails for ADA requirements to back stairs; diagrams were given to the CC.

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Estimated cost would include pipe, welding material, cement, paint, etc. – approximately \$200. Councilman Olds stated this amount was “low” – there is also a need for two rails on the Concession Stand – one to the upper story. Mayor LeFevre suggested both sides of back stairs need rails for up and down traffic; he added these projects will keep our rates down with insurance inspections. It was also noted this project could be split into two with all the work needed; one Eagle project is an 80 hour requirement. Jordan mentioned there would be metal donated; Mayor asked him to bring more detail costs to next month mtg. Jordan said he would also bring drawings and pictures. Councilman Olds told CC they could not approve tonight, but would give \$250 to start the Project.

7:07 PM – Mayor LeFevre called the Regular Mtg to Order – Daren Cottam led the Flag Salute; Mayor LeFevre gave the invocation; no Statements of Belief or Conflicts for Agenda were given.

A. Consent Agenda; Mayor asked for any questions or discussion – none received. **Lynn Olds MOTIONed to accept the Consent Agenda; 2nd by Daren Cottam; all in favor? Yes, unanimously.**

B. Unfinished Business; Item #1. Tiffany Walsh (Washington County Victim Advocacy Update) reported they are now funded by a ballot, covering victims of crime, child services, etc. They also have a grant from Walmart (\$2,000) for the Child’s Car Seat Project; Tiffany also stated they had 60 cases of domestic violence just last month and now have more funds to help, along with the outreach to spread the “word”. This program covers east of St George, except Hilldale and Washington City; they also work with a polygamous support group, educating for domestic violence as well as other services. Tiffany (answered the question) there has been a couple cases reported in Toquerville; Mayor LeFevre thanked T. Walsh for her report and “good work”.

B. Item #2. RES.2009.04; Amending Administrative Fees, Utility Late Charges and Billing , formal ratification of previous approval by Council. Pam Jarman (Treasurer) passed a handout to Council and explained the Utility Late Charges and billing fees to be charged at deadline and cut-off dates, including a reconnect fee of \$50 (formerly \$100). She told CC the Utility Bill notice (printed on bill) has warned of the proposed changes due to the Council approval; tonight is a ratification of last month’s approval (final Motion not being made last month). Councilman Scott asked if we know what the St George policy is; Pam stated they do hold a contract for payment with customer and if they miss, shut-off occurs. Mayor LaFevre explained the enforcement issue was discussed between Pam and himself (with Council permission last Mtg); considering other City processes; he said some TOQ accounts have reached six months past due and he considered these “interest free loans”, costing the City extra administration; we need to stop repeated offenders. Pam J. added most of these offenders know they have the extra time to push for delaying payment; also, that other local Cities don’t even go to the second month before the shut-off date. **Paul Heideman MOTIONed to approve RESD.2009.04; nd by Mark Fahrenkamp; Mayor L. asked for any further discussion; none was given; all approve? Yes, unanimously.** Brig Darger (PC Board) asked if the City notification could include amount of late charges to the public; Pam J. answered they could and would also include the \$6.00 Storm Water Fee on the Billing.

C. New Business; Item #1. Amending Land Management Code (LMC), ORD.2009.11; (a) Flag Lot (red-lined) Specifications, and (b). Sign Ordinance Zone Changes. Public Hearing and recommendations were held at the Planning Commission level. Mayor LaFevre explained the “land-locked” situations occur in certain areas; the “minor lot subdivision” process must be done, including the recording of plat, construction drawings, etc. Council also discussed issues and concerns of required easements through properties; the PC (Planning Commission) felt this “flag lot” specification should be the exception. Councilman Cottam has concern for requirement language for curb and gutter, sidewalks and drainage as “may be required by City”; he noted his experience in LaVerkin for roads (as “all-weather”) turning into a ten-foot driveway with weeds.

Councilman Heideman spoke of Mary A. Hunter flag-lot example; if the 30 ft access to her lot was used, could she sell that driveway and have them give her the easement? Mayor LeFevre noted there will be exceptions; yet if she gives the easement there will be possible frontage, fire hydrant, drain and storm problem, etc. Daren Cottam added we should check the LMC issues of two homes on a private driveway. Lynn Olds stated if a flag lot is owned in the back, separate utilities must be done. Annette Kleinman (PC) said there are too many possibilities on different problem areas. Councilman Cottam told of LaVerkin having 25 ft access to flag lots – the all-weather surface is needed to avoid breakdown and weeds. Mayor LeFevre asked if Council would like to Table this item for further discussion; Councilman Fahrenkamp added we need to discuss 30 ft roadways with fenced sides of property lines and 100 ft for turn-around – we need to check with Fire Department.

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Brig Darger (PC & retired Fire Dept) added the Fire Dept rigs need good supporting surfaces to get in and out of area with preferred 30 ft width and turn-around. Mayor LeFevre said we can red-line these copies and get them back to Mike Vercimak. Daren Cottam stated we don't want to encourage flag lots; Lynn Old added the redlines amend the LMC "flag lots", and fire hydrants need to be addressed.

Mayor LeFevre noted that ORD.2009.11 may be approved for Signage portion only; **Lynn Olds MOTIONed to TABLE the Flag Lot portion of ORD.2009.11 to Nov. CC Mtg; 2nd by Mark Fahrenkamp; Mayor asked for any further discussion; none given; all in favor? Yes, unanimously**

Mayor asked for further discussion for Signage portion; Lynn Olds MOTIONed to approve ORD.2009.11 Amending LMC, Signage Ordinance Zones, omitting the Flag Lot portion of this Ordinance for review of that portion next CC Mtg and assigning a new ordinance number; Mark Fahrenkamp 2nd the Motion; request for any further comments? None given; all approve? Yes, unanimously.

Item #2. CDBG Application, Streets Department Project; Mayor reported this discussion was held in the Work Meeting.

Item #3. Review and possible approval for City use of Trail Ridge Estates (TRE Subdivision) Construction Bond monies held for repair and completion of the Water Tank. Mayor LeFevre reported the total amount in the Bond is about \$97,000; Pam J. confirmed a little over with interest. Total cost from the Engineer (Sunrise handout) is \$74,600; Item #2 on the list, Tank Repairs (MDPE Tank Liner), Joe Phillips has informed us he has been delayed in this response due to finding someone to do the "injection mold patch". This includes the injection of a fiber polymer, then backfill done from the outside; they have told the backfill was not done to protect patches previously, and Sunrise is now ready to estimate with new procedure.

Councilman Scott commented the reason (he recalled) for fixing this Tank is to allow use for Cholla Creek? Mayor LeFevre responded yes, that is a million-dollar water system and infrastructure; Pam Jarman added (it is her understanding) that water from the (TRE) Tank belongs to the Conservancy District "System". She stated TRE is the first Toquerville Subdivision going on that System from the 2007 Agreement; that if we use that water, it goes on their system. Mayor LeFevre said he and Lynn O. were discussing that earlier; they will talk to Ron Thompson (WCD). (NOTE: There was a subsequent '08 Addendum to '07 Agreement between TOQ City and the District.)

Mayor LeFevre noted the City has a pipeline going under the LaVerkin Creek – some say we can't co-mingle water or we have to pay the District; if true, we could use the valve. Councilman Olds added we do that now when we have emergency need – we open the valve and use District Water. Pam said those areas before the cut-off date ('07) may be a different, as sending water back to Cholla Creek. Councilman Fahrenkamp added the Tank becomes part of our long term water system and we need to use the Bond money to repair; Mayor LeFevre stated the Tank, infrastructure and roads become ours, except for water. Councilman Cottam believes the amount of usage per month plays a part in charges to the District. Pam J. also stated the City had paid for filling the Tank for testing and paid the District (believed after TRE had defaulted).

Mayor LeFevre stated there are other possible options as "feeding" the City side to keep water moving through; it's not just the patches, it's backfill, fencing, signs, etc.; he asked if Council was ready to give direction for putting this cost out to bid? Lynn O. said we could check on prices for leaks and testing, breaking down the costs. Mayor LeFevre stated we can verify the legality of that (process); he asked for a motion. **Paul Heideman MOTIONed to approve Item C.3, using Construction Bond to repair TRE Water Tank; possibly multiple bids and the most effective way to get this repaired; 2nd by Daren Cottam; any further comments? Mark Fahrenkamp added this Motion is only for approval for use of Construction Bond; answered yes.**

Brig Darger (PC) asked if the rule was \$25,000 (or more) cost requires this to go out to multiple bids? answered yes; he continued, so you're trying to find less than \$25,000 costs; answered yes. Mayor LeFevre added we will make sure of the legality; **there is a 2nd to the Motion, all in favor? Ayes were unanimous;** Lynn O. also stated the (Bond) money use must be a concern for Council. Daren C. stated if we didn't want to pay Sunrise Engrg to bid this out, we could advertise.

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D. Request for Agenda Items to November 12th, 09 Council Mtg; none were given.

E. Department Reports

1. Economic Development / Water Dept; Lynn Olds had nothing to report.

2. Cemetery / Park / Maintenance; Randy Scott reported from last month the money charged for use of the Town Hall should be raised to \$100 for cleaning deposit – resident and non-resident. Pam J. said the non-resident and resident always deposits \$100 for cleaning; Randy wanted to make sure that is charged to all users.

3. Culture & Recreation; Paul Heideman reported the Christmas season is coming; Randy Scott added Dwayne Ewell (last year) volunteered his boys to put the lights on the roof if they are contacted. Paul also commented that his search for small Cities (our size) with similar requirements for Animal Ord. issue of 10,000 SF requirement for pasture seemed to be normal – am still inquiring.

4. Streets; Daren Cottam reported his attendance at the RPO Mtg last month; each year the list of projects (50) around Hurricane Valley is given and we can add to that from our area. He will add widening of SR-17 at Westfield Rd, one of our busiest intersections in Town; that Pioneer Rd could be a one-way road or a dead-end. Mayor LeFevre reported a call from UDOT study on our “main drag”, suggesting the three lanes coming in and possibly barricading Pioneer Rd; one of the problems coming over the top of that hill is line of sight for those pulling out at the Winery – with their parking problems.

DC Young (Brd of Adj.) added the problem with making Pioneer Rd a one-way is someone will invariably ignore that – the only real solution is to block the road; Mayor LeFevre confirmed that being one recommendation from UDOT. Lynn O. stated there's a much bigger concern (emergency, etc.) than just barricading that. Terry Watson (public) said the biggest concern coming out of there is the limited parking at the “winery” (private property); you cannot see around the parked vehicles. Councilman Olds felt the City should just make that a one-way south – this will upset some people but will be safer; using signs, noticing, etc.

Councilman Cottam asked if there were any other concerns along the State Highway that Council would like to discuss. DC Young (Brd) stated we have basically three lanes going through TOQ; someday we need that third lane and wider road all the way to Cholla Creek. Daren C. said they also have the “Bypass” Road on this list; safety is the main concern and cost in the area; they may vote for something in Hurricane before coming here; we will prioritize this list next Mtg (copies were made available). Daren C. noted the ARRA Bond Money for Washington County - \$63 M; a Committee is being formed – Scott Hershi said this money will not help us. There is also private money for new business and job creation. Councilman Cottam asked if there were any questions or comments; Councilman Fahrenkamp told of his safety concern up SR-17; each year with narrow shoulders and more people using bicycles, the danger of someone getting hit is greater; we need to widen those.

5. Subdivisions Report; Councilman Fahrenkamp reported Trail Ridge Estates (TRE) review and Tank repair has been on-going. Mayor also reported that Greg Walker has volunteered to remove some tumbleweeds in that area, they will check with the Fire Department.

6. Planning / Zoning had no further discussion.

7. a. Sheriff Patrol Costs; Mayor LeFevre reported the proposal with Chief Tersigni is for cutting Toquerville extra patrol from \$15,000 down to \$7,500; this adds one extra hour (down from two) over the normal response to City calls and County wide coverage. Councilman Olds added the City should let the Patrol know where to go for our needs; Pam noted that when the Officer comes to check in with the Office and lets them know of calls and problem areas. Mayor said he would be calling the Council decision in to the Sheriff's Office tomorrow. Councilman Heideman suggested looking into the “speed caution” equipment used on streets, reported to work in other area Cities. Council discussion followed about last few months of vandalism and theft reported in the City. Councilman Fahrenkamp added the \$7,500 is well spent for the Patrol presence.

Councilman Olds MOTIONed to approve this amount \$7,500 for the one hour Sheriff’s Patrol per day (extra service) as approved by Mayor LeFevre and Washington County Sheriff’s Office; seconded by Mark Fahrenkamp; Roll Call vote: Paul Heideman – No; Randy Scott – No; Lynn Olds – Yes; Daren Cottam – Yes; Mark Fahrenkamp – Yes; Mayor declared the Motion carried.

7.b. Mayor LeFevre updated the 2010 Census (handout); the City needs an accurate count, as these numbers are used for Community Development Block Grant (CDBG) applications. Mayor said there has only been 67% of citizens filling out the forms of about ten (10) questions; the people who “sleep regularly” in the residence will be counted. Another meeting will be held with the State representatives this next month; Mayor invited Council Members to attend the Mtg (Nov. 19th, noon to 3:30 at City Office) and help gather information. The State has used the GPS systems to mark the amount of homes in City Boundaries and will proceed with the hiring of Census Takers (wage is approx. \$12/hr); workers will be identified with badges and identification. Mayor LeFevre is urging CC support and hopeful TOQ 2010 Census will be successful.

Mayor LeFevre asked the Council to be aware of the Eagle Scout Projects in Town; the Utah Local Government Trust (City Insurer) has given their risk assessment and list of areas needing repair or upgrade. Jordan Peterson has taken one of the projects for areas of the Park to install handrails at walkways and stairs; if there are Scouts interested, please have them call the City. Mayor added that the Maintenance Dept is working on this list, we also have safety fencing around the Water Tanks that will prevent vandalism.

Mayor LeFevre announced the LaVerkin people have asked us to enter a float in their Christmas “Winterfest” parade on Dec. 7th; Toquerville Princess (McCarty Amy) was contacted.

8:25 – MOTION was made by Paul Heideman to adjourn to Executive Session for pending litigation; Randy Scott seconded the Motion; all in favor? Yes, unanimously.

PRIVATE EXECUTIVE SESSION IS SUBMITTED TO COUNCIL MEMBERS FOR APPROVAL.

8:55 – Regular Mtg was reconvened and MOTION for Adjournment was made by Mark Fahrenkamp; seconded by Paul Heideman; all agreed and Mayor LeFevre closed the City Council Meeting.

Minutes of the Oct. 8th, 2009 Toquerville City Council Work, and Regular Meetings, and Executive Session will be presented for review to CC Members; approval will be made in the Nov. 12th, 2009 City Council Meeting;

Approved: _____ Dated: _____
M. Darrin LeFevre, Mayor

Attested: _____
Recorded by Pam Jarman, Typed by Carol Pogue, City Recorder