

TOQUERVILLE CITY COUNCIL MINUTES

6:30 PM - Work Mtg; 7PM – Regular Mtg
Held June 18TH, 2009, at City Offices, 212 Toquer Blvd.

Attending: Mayor Pro-Tem Lynn Olds; **Council Members:** Randy Scott, Darrin LeFevre, Paul Heideman, Daren Cottam; ATT. Heath Snow; Mike Vercimak, (Inspection/Planning/Zoning); D. Gubler & B.Gubler (Water & Sewer Depts)- Excused; Anita Lowe (PC Chair); Brig Darger (Brd of Adj.); Carol Pogue (Recorder); Pam Jarman (Treasurer); DC Young (Brd of Adj./Website); Public Attendees: Mona Lowe,

6:30PM – Work Meeting is called to order by Mayor Pro-Tem L. Olds; Item #1: Doug and Blair Gubler (Water / Sewer) are excused, Darwin is here for Blair from the SSD and reported the new Bldg is coming along; asked if the City needed anything. Mayor said no and thanked him for their service.

Item #2; Council Discussion for: (b) UDOT Safety & Speed Study for Toquer Blvd; Darrin LeFevre reported a phone call he's had with Kevin from UDOT Public Relations. He said they (UDOT) would get back with the assessment on areas between the Ashcreek Bridge on the north through Town to the LaVerkin Bridge; noting they were aware of the problems of Westfield Rd coming onto the Blvd.

(c) Neighborhood Watch; Dave Pope (City Emergency Mgr) reported on requests from residents after recent vandalism and robberies in Town; current fiscal year lack of funds for police protection has prompted request. Dave P. had contacted Chief Trescini (Wash. Cnty Sheriff) for support; they will meet with and train the City volunteers for the Committee. There are also National programs covering restrictions, emergency numbers, safety and prevention training. St George and Hurricane Programs will also help with resources and support. Mayor Pro-Tem Olds said the Council will support and meet with a Committee; Pam Jarman (Treasurer) also stated there are funds from the "liquor tax" that can be used to help with any supplies. Dave P. said statistics show that crime is deterred up to 60% with just signs posted for systems in Cities. Paul Heideman had some concern for law enforcement discouraging public in the past, yet this program requires people to be involved. DC Young (City Web/Brd Member) said they need to realize this is a "watch and report" for neighborhoods. Dave P. agreed and said the training for safety and risk to the City is very important. Mayor Olds said there should be a meeting set up for Council and Resident information; Dave P. stated his need to talk with Interim Mayor (after tonight) and select the needed program for Toquerville, then post the time for meeting and request all interested to attend.

Mayor Pro-Tem Olds asked for questions from CC for Treasurer, Pam J. before Budget Public Hearing Session; or any information she would like to give. Pam J. stated she hoped CC has reviewed the Amended past Fiscal Budget, and the new Budget for Fiscal '09-'10. She noted there was a financial statement for the past month along with the final Amended Budget for expenditures; these are sent to the State Auditors as well.

Councilman Randy Scott asked about some line items on the new Budget for '09-'10: #3170 "Fee-in-Lieu of Property Taxes", what does that mean (from \$9800 down to \$50)? Pam J. explained that is a (small %) State tax fee we charge on the Bldg Permit and remit back to them; City has gone from lots of permits down to very few over the past two yrs and those are not new builds. Randy S. asked about #4134, "personnel - payroll expenses" going from \$8,500 to \$13,000. Pam explained the \$8,500 was actual '07-'08 expenditure and \$13,000 approved for last year as payroll taxes paid from deductions, etc. Randy also stated that item #4111, Council & Mayor Expense, was \$24,000 and he suggested (before) this be cut down to \$500 for Mayor and zero to Councilmen per month. Pam responded until she is given the directive to make changes, she has made them the same as last year. Randy S. continued that it would make a savings from \$24,000 down to \$6,000 for whoever the Mayor will be. Carol Pogue stated they need an action item for the Agenda next month. Daren Cottam said he would not agree to lower the Mayor's compensation due to all the work he does. Randy S. said when that raise was given, there was a lot of revenue coming in – including the Council being raised to \$200 vs the \$50 they were getting with that excess; this is not the case today. Pam J. stated with the new tax revenue expected from utility franchise, they would have enough to leave them as is.

Councilman Scott also brought up the Fire Protection costs of \$38,000 budget; asking if we'd gotten back to Leeds about costs and possibly using them for protection. Pam J. said that negotiation is also a CC decision.

Darrin LeFevre stated the response time is dramatically different and is a discussion that needs to take place; even the LaVerkin Fire people have said they are able to respond quicker than Leeds could get there. **The CC will continue to be in discussion for the Fire District with Lynn Olds representing the City.** Daren Cottam stated the \$38,000 per year fire protection cost is \$84 approximate cost per household. DC Young also stated there is a minimum distance and response time for required fire protection; ATT. Snow agreed this is something to be reviewed for insurance purposes. Lynn O. stated insurance costs would probably go up a little with a new District.

Mayor Pro-Tem Olds asked if there were any further changes for the Amended Budget? Pam J. stated we do have a surplus due to the holding back on spending and conservative budgeting (with the Mayor) from last fiscal on sales tax and property tax, etc.; we did receive more than budgeted and turned it back to General Fund. She explained on pg 8 of the Amended Budget for '08-'09, on line #4880, there is a surplus amount of \$73,998, of which (approximately) \$38,000+ is D. Cottam's (Streets) restricted from B&C. The remainder will be back to General Fund. Daren C. said we need to know the actual amount held for Streets. Paul H. asked about the excess funds from utility tax; Pam told him this is going on new '09-'10 Fiscal (figured only from Oct.) for nine months with a three-month start-up from the State after Ordinance adoption.

Mayor Olds asked for any further changes or amendments before we go to Public Hrg. Pam J. stated not all the expenses and final monthly actuals are in, we have to project the June costs and revenues – allowing more than less to cover those costs. Randy S. stated he had looked at his home utility bills and asked if the City could recover any past costs? Pam said she was talking to Tax Commission on those items and when the Ordinances are sent to them, we'll find out if the request is retroactive. ATT. Snow answered, generally not, in his experience. It was noted these "City taxes" are an auto deduction until City requests.

Pam J. added that she has copied the Council about a **possible auto-pay system from Zion's Bank to have this service for residents to pay their water bill.** We don't have interest or late fees on our bills, we're carrying these balance amounts and I was asked to look into this service for taking this liability from the City. Carol P. asked about charging fees for this service; Pam said we can cover the charge for base and costs but asked ATT. Snow if we can charge administrative costs? ATT. Snow said it can be built into the rates, then pass an ordinance. Pam J. stated she had asked CC before about adding late fees or interest fees, but Council did not go that direction.

7:05 - Mayor Olds asked to convene Regular Mtg; Pledge of Allegiance was led by Brian Scott (Scout present); Paul Heideman offered the Invocation. No Statements of Belief were given; nor conflicts and disclosures from Council. **Daren Cottam MOTIONed for Council to convene the Public Hearing; Paul Heideman seconded; all in favor? Yes, unanimously.**

Item #1: Proposed Final Amended Budget, Resolution #RES.2009-02, Fiscal Year July, 2008 to June, 2009. Mayor asked for comments or questions from the public? Annette Kleinman asked about the B&C Road Funds being different? Pam replied they are the same, these are just the way the State Forms are listed. No further discussion was had.

Item #2: Proposed Final New Budget, Resolution #RES.2009-03, Fiscal Year July, 2009 to June, 2010; do we have any comments or questions from the public? Carol Pogue stated Mayor Powell, Treasurer Jarman, myself (Recorder) and Councilman Olds have sat together several times to go over this Budget. Mayor Olds stated there was a copy in the City Office for the public to review at any time. No further discussion was had.

Paul Heideman MOTIONed to go out of Public Hearing and reconvene the Regular CC Mtg; Darrin LeFevre seconded the Motion; all in favor? Yes, unanimously.

Mayor Olds asked for review of Consent Agenda, including the May 14th Minutes, Expenditures for May, '09; ATT. Snow asked for Item #3. Council Appointment of Interim Mayor be removed and placed in Unfinished Business as a separate motion; all CC agreed. **Darrin LeFevre MOTIONed to approve the Consent Agenda as now revised; seconded by Randy Scott; all in favor; yes, unanimously.**

- B. Unfinished Business, first Item placed from Consent Agenda for appointment of Interim Mayor by CC;** Mayor Olds stated the Council had discussed the Interim Mayor position and will appoint Darrin LeFevre to fill this position to the end of the Term Year. **Daren Cottam MOTIONed to approve the name of Darrin LeFevre to be the Interim Mayor to the end of the year; seconded by Randy Scott; any further discussion? No; all in favor? Yes, unanimously. Mayor Pro-Tem Olds rendered the Mayor's seat to the new Interim Mayor**

Interim Mayor D. LeFevre proceeded to Council discussion from **Work Mtg for the appointment to Planning Commission for new regular member.** Darrin L. stated he had received recommendation for two members, one is Ty Bringham and the other is Aaron Langston; and Don Tait is the Alternate. Anita Lowe stated she understood Don T. did not want to change from Alternate position. **Mayor LeFevre said he would get with those suggestions after he returns from Scout Camp next week;** he also said there is a vacant Council Member Seat to be filled as was this Mayor position, and do we want to do it the same way as Interim Mayor. ATT. Snow said the rule is Council appoints, but you may publish and ask for interest as you did for Mayor. Mayor LeFevre believes **a letter of interest is appropriate and can be posted at the four locations in the City; Carol P. will post announcement.**

- B. Unfinished Business. Review re-title of Hillside Ord. to Sensitive Lands, Chpt. 14, LMC;** including PC recommendations for corrections to Introduction and omitting "environmentally sensitive" references. Mayor LeFevre asked if the PC had done anything with the 'map' they brought up in last mtg? Anita Lowe (PC Chair) said it was never a part of the revisions. ATT. Snow stated there was some confusion last mtg about the coordination of changes and his office had gone back to update then returned to City Office. Carol P. said the Agenda last month had mis-quoted the intent of the recommendation and item was tabled to confirm the corrections had been coordinated as well from Attorney. Anita L. said no, she had not received it; ATT. Snow said then it **needs to be tabled again for PC recommendation, as a land use issue.** Randy Scott asked why the references for "environmentally sensitive" were removed? Mayor LeFevre said – to be politically correct; ATT. Snow explained it was not identifiable as PC had problems with; did they want the federal statutes, or just go back to the Hillside interpretation we already had with current ordinance and a few other sensitive lands references. **Lynn Olds MOTIONed to TABLE this Ordinance request for July Mtg; seconded by Randy Scott; any further discussion? No; all in favor? Yes, unanimously.**

- B. Update Scout Project;** Mayor LeFevre stated Eric Canfield is not here and asked for Brian Scott, Troop 357, to move up on the Agenda. **Brian distributed a handout and explained the Eagle Project he was proposing; it includes extending the sidewalk on the corner of Springs Dr. and Toquer Blvd.,** in front of the Mona Lowe residence. He explained the dangers and walking hazards for pedestrians with mud, rain and drivers turning fast. This will cost about \$1,000 and Brian will raise funds and seek help from others to help and instruct with the cement work and technical work. Lynn O. asked if they would be going around the turn? Brian said yes; Mayor LeFevre asked about the property lines and Brian said he would like the City to help stake out those lines. Mona Lowe stated she knew where the property lines were at the edge of her yard and was staked, but did not know if that was professionally done. Mayor LeFevre explained that was important to prevent having to tear it out in case the right of way was incorrect; the Project is good yet the concerns should be answered.

Anta Lowe pointed on the map where some lines were there and others were not; Mayor LeFevre said there were easements; and others said the old ditch easement is there also. Mona L. stated there was a buried pipeline going to Hurricane around that corner, but deep. Mayor said they may come to dig out a utility like that next year or tomorrow; you need to **work out the property owner's right-of-ways; we can approve with that condition for it to be a "do-able" project.** Daren Cottam reminded Brian of the UDOT permit also. Anita L. asked if the maintenance of the sidewalk become the responsibility of the property owner? Mayor LeFevre said no, the City has that responsibility, which is why they don't want it on the owner's property. Lynn O. asked Mona L. (owner) if she had any problems with sidewalk over her property; she answered no, she did not. **Lynn O. also said they could get someone to stake it out with Mona L. to witness and tell them of any concerns.**

Mayor LeFevre said if we hire a land surveyor, the costs would be between \$800-\$1,000 with recordings, etc.; is not an easy survey area. Lynn O. stated if City did have a survey, there was other concerns in the past for water drainage (on that turn area) down through Slack's and Horrocks residences. Paul Heideman also said if the \$250 Scout Project Fund would not cover, unless they could get a volunteer surveyor. Mike Vercimak (Planning/Zoning) said they could call Blue Stakes after determining where the sidewalk should go.

Mayor LeFevre directed Brian S. to try and rectify the concerns; Lynn O. asked about where the material would come from? Brian S. said he would do fund raising. **Lynn Olds MOTIONed to approve this Project with issues addressed: property owners and easements, Blue Stakes, Survey, UDOT, etc., and approval of City funds for \$250.; seconded by Paul Heideman; Roll Call: Paul Heideman, Yes; Randy Stcott, Yes; Lynn Olds, Yes; Daren Cottam, Yes. Vote is unanimous.**

- C. **New Business – Public Hearing Item #1: possible approval for Amended Budget, RES.2009-02, Fiscal Year, Fiscal Year , July 2008 – June, 2009. Daren Cottam MOTIONed to approve as stated; seconded by Randy Scott; any further discussion? None; all in favor? Yes, unanimously.**

Public Hearing Item #2: possible approval for Final New Budget, Resolution #RES.2009-03, Fiscal Year July, 2009 – June, 2010. Paul Heideman MOTIONed to approve #RES.2009-03 for Fiscal Year July 2009 – June, 2010; seconded Lynn Olds; any further discussion? Councilman Cottam asked question of balance on the B&C Road Funds; Pam J. explained City had budgeted \$50,000 (conservatively) but took in a little over \$72,000. This next year we budgeted \$50,000 due to the uncertainty of State Gas Tax revenue and our portion; we know we'll reach that much and more will be good. Randy S, asked about actuals; Pam explained the actual for this year on the Amended Budget Revenue is \$72,415, and restricted to roads. Mayor LeFevre asked for a **roll call vote for approval of Final New Budget and Amended past Fiscal Budget: Paul Heideman, Yes; Randy Scott, Yes; Lynn Olds, Yes; Daren Cottam, Yes; Both votes were unanimous in approval.**

Item #3: Review and possible approval for proposed TOQ. Municipal Energy Sales & Use Tax; #ORD.2009-04. Pam Jarman explained that this was not on public hearing and deferred to ATT. Snow instruction informing the Office Staff there is no State Statute requiring one, therefore, this can be passed tonight. ATT. Snow explained this is an indirect tax and does not need a "truth in taxation" process with public notice and hearing, yet it will indirectly affect taxpayers, and I do recommend that it's good to allow public comment. Councilman Cottam asked if this tax was on the gas and power? Answered yes. He also asked if the tax is currently being charged? Answered yes.

Item #4: Review and possible approval for proposed TOQ. Telecommunications Sales Tax; #ORD.2009.05. Councilman Heideman asked if the Telecommunications Tax is currently being charged? ATT. Snow answered that it is two-fold, the land-line and the mobile phone charges are triangulated to determined if originated in the Town; the Quest land-line is a charge, but I can't tell you of the cellular phone providers that are. Pam stated on current Quest land-line bills, you are being charged a local tax but am not sure if this isn't another tax at 1%; ours will be a 3.5% tax. Carol P. asked if these taxes would raise the rates? Pam said it would be a minimal raise and will generate a great amount for the City. For this first year, we will lose the first three months of revenue and being conservative with this, I anticipate approximately \$42,000 with the three months lapse for set-up with the '09 – '10 Fiscal.

Paul H. suggests, due to the 3-month lapse, and knowing we should be getting this tax, recommends we pass these Ordinances tonight and get the three-month to begin as soon as possible; then having a public meeting next month – if there is much resistance, we can withdraw. ATT. Snow addressed this acceptability, saying you may want to amend the effective date, but not sure about the Tax Commission's lag time, I think we could repeal if necessary; the Tax Commission will be the collecting agent to pass through revenue after receiving signed documents. Paul H. said we can adopt today and make the date 90 days effective to avoid delay; the citizens are already paying 90% of this tax; .DC Young (Board member) added if it's there already, why delay and lose that money and control. Pam stated if it was signed today, our 3-month period would start the first of July with remitting funds by the first of Oct.'09.

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Anita L. asked with many telecommunications carriers, she would like all listed at the public hearing. ATT. Snow added some of them have a franchise agreement and are factoring tax charges into that; you won't see that much effect because their tax payment under this change is a credit toward their agreement.

Anita L. said her carrier (infowest) does not charge. Pam stated the State Tax Commission had instructed if a carrier working in our City was not remitting on the Tax Form Reports from the State, to let them know and they would notify. Mayor LeFevre asked for further comments. Mona L. asked about the transferring of cell number origination. ATT. Snow said they triangulate your location by the cell towers in the area showing the origination call; Hurricane does have a telecom tax; for Toquerville tax, they must originate here.

Paul Heideman MOTIONed for approval of, with a Public Hearing to be held for the City comments to be held next month, July 9th, 2009, ORD.2009.04, initiating the TOQ Municipal Energy Sales & Use Tax; and also ORD.2009.05, initiating the TOQ Municipal Telecommunications Sales Tax. Lynn Olds seconded the Motion; Mayor LeFevre asked for a roll call: Paul Heideman, yes; Randy Scott, yes; Lynn Olds, yes; Daren Cottam, yes; vote is unanimous.

Item C.6 – TrafficSlowing Device; Ralph Christensen referred to his handout and described the “traffic calming” device drawing with the high point at 4 inches high by 12 feet long and inclines on each direction of the road for vehicle traffic. He noted the painting should highlight the high point with warning signs at each end; City Insurer (ULGT, Travis Garten) said there should not be any liability to City if the proper warning is used. Ralph C. feels this would keep speed around 30 mph without law enforcement; that statistics prove this works particularly on narrow roads, roads without line of sight, and those without sidewalks for pedestrians. Ralph C. stated the “bumps” cost from the July, '06, CC Mtg was \$864 each (AT Asphalt), which probably has gone up; and if done at time of new road construction, there's no added cost. Mayor Powell said (at that time) he would give to Wayne Olsen (Streets Dept) for follow-up, but no action was taken.

Councilman Heideman asked which roads in Town did they want the bumps on? Ralph C. responded, any with a speed problem – Ashcreek, Center, and Westfield were among those named. Mayor LeFevre asked (considering length of roads) if they had “spacing” suggestions, and noted there are other areas to consider in Cholla Creek, Toquer Heights, etc.; he asked for Daren Cottam (Street Dept) opinion. Daren C. stated he was told by many engineers these were not legal; David Theobald (public) added he worked for the State Roads Dept and according to State Maintenance Engineer, they were legal.

Councilman Cottam stated TOQ. has \$2.5 mil in road construction needs. Mayor LeFevre spoke of the Westfield Rd and a “chip & seal” road job done about ten years ago which was almost worthless (with current conditions) because they really needed a new road; also noting that Toquer Estates (Hts) roads are terrible. He added parts of Ashcreek and others need to widen or fix, then asking where do you put the money? Daren C. also noted the current costs of asphalt and City right-of-ways, etc. David Theobald offered he could get signs for \$22 each. Mayor LeFevre said the City could meet with volunteers to help find an affordable solution; it was noted that City has a backhoe.

Carol Christensen commented she understood the **City position of dealing with roads in bad conditions** as a resident of 16 years, and as a citizen would like to know if there's no money (for bumps), what is the priority and timeline for the use of those funds? She also believes there is point in time when foot traffic and cars going over narrow roads together will create liability for the City to consider, with Westfield and center both having curves and line of sight problems to avoid danger; her point that the cost of liability would be much higher than the cost of fixing the road. Mayor LeFevre stated Daren Cottam also had other suggestions for fixing roads with his experience in LaVerkin.

Councilman Cottam (comparing cost) stated when TOQ saved the B&C funds for Old Church Rd here by the new Office, it took \$85-\$100,000 (plus infrastructure work); we've worked on streets with overlays that only last four years. **TOQ Street Impact funds are at approximately \$300,000 for use on major arterial roads**, one being Westfield which (in his professional opinion) has the most liability. He stated the City had also completed a Roads Master Plan a couple years ago and gave us the estimate of \$2.5 mil in improvements.

Right now, if you put speed bumps on these roads, they won't last very long; you might be able to do better on Center or Ashcreek (with newer asphalt), or on streets with curb and gutter.

Carol C. asked for current additional costs for adding the 4 ins. Of bump (on new road)? Daren C. said it is close to your listed cost (\$864); plus signs are about \$250 each (includes posts).

Brig Darger (PC Member) asked if the Sheriff does speed enforcement; Mayor LeFevre responded the costs have become too much for the City to continue the patrol after this month – it will be limited thereafter, or the City would have to raise taxes. Daren C. added the County does respond to calls if you have consistent problems with speeders.

Councilman Cottam said the City must start some road reconstruction plans at some point; last year he had made a **proposal to add a “storm drain fee” to our utility billing which would add \$3-\$6 per month to the bill and add \$200-\$300,000 to our road improvement revenue** – this did not get approved. He noted the City also has water improvements to be done at \$2.5 mil.

Councilman Heideman asked about the **automatic radar equipment to monitor speed**; ATT. Snow added you can do it but statistics say they are more easily challenged than Officer held devices, yet are somewhat successful. (NOTE: Officer Gates (Wash. County) told City Office these devices are very expensive, that the monitoring trailers in the County are successful just to warn drivers of their speed; he will contact the Office about availability after the July 4th holiday.)

Carol Christensen said she believes we should try the bumps first; DC Young (City Board) stated he's seen these “calming” bumps all over his travels, primarily in residential neighborhoods and usually they've made the decision to put them in – we should check on the speed monitors. Daren Cottam also stated there is another issue with picking up speed after passing the bump, creating a need for a series of them in longer areas. DC Young added if the people had one bump in (a trial), they might be more aware; Mayor LeFevre agreed. Anita Lowe (PC Chair) stated in her experience, some drivers go to the shoulder of the road just to drive around the bump.

Mayor LeFevre instructed Carol P. to set up a meeting for Carol & Ralph C., Dave T., Daren C. and anyone interested to join them to discuss a possible trial – not on a deteriorated road. They determined the 2nd July, 10AM at City Office would work.

Annette Kleinman (PC) also asked if the **Transportation MP had a prioritized list of projects** the residents could see? Daren C. said the plan is not totally complete; **ATT. Snow added the Engineers did do a categorized Plan showing which roads to do first, project cost, and order of importance over a 5-10 year time.** Annette K. said her question is how will TOQ implement the plan? ATT. Snow stated with the projection of growth and impact fees, you may try to estimate that, but with current economic decline, you can do as Daren C. suggests, save for revenue to accomplish it (project.)

Mike Vercimak (Zoning/Planning) added with \$72,000 B&C Road Funds for the year, it would easily be consumed just in maintenance; Daren C. added, right now we do emergency fixes, as water breaks, etc.. He also stated the year before he came to CC, W. Olsen did some seal-coating on some streets; we really need to push this storm drain to help us. If we took the \$72,000 per year and put another \$30,000 (storm drain fee) for curb and gutter, and with Impact Funds, we could probably do Westfield Rd right now if we had that fee. **We could bond for about \$500,000 (with the \$300,000) which would tie our monies up for ten years** (paying the bond). Daren C. stated that 6 yrs before he was on the LaVerkin Council, they just finished paying the Ashcreek Sewer Bond Project for hook-up; then saved \$1.5 mil. in PTIF funds. We spent half on water tank bringing new water to the City, than the other \$700,000 to roads with bonding B&C Funds (\$200,000 / year) to fix 1/3 of the Town. TOQ could do this and in the next 5 yrs, we could get enough for small deteriorated roads and do Westfield; we need to set those priorities. Annette K. said we should have some accountability, than waiting for 5 years driving old roads.

Mayor LeFevre said this is a reasonable request and we can use the Sunrise Engrg MP in conjunction with a five-year budget – Daren C. can help us accomplish that; Daren C. added, we need help from the Storm Drain Fee; Mayor agreed we need that in place to build those road funds.

E. City Department Reports; Mayor LeFevre asked for updates or reports for:

- (1) Economic Development / Water Dept; Lynn Olds had no updates.
- (2) Cemetery / Park / Maintenance; Randy Scott also had no updates.
- (3) Culture & Recreation; Paul Heideman reported the 4th of July breakfast will be coming and asked Carol to post flyers; this will be supported by the City with a donation box for the residents; the Mayor and Council Members are the traditional cooks.
- (4) Streets: Daren Cottam has no updates; he asked about Trail Ridge Estates report.
- (5) Subdivisions; Mayor LeFevre asked if there was any response to the “Check List” from Sunrise Engrg. Mike Vercimak stated the Staff had been through that with Sunrise on the water tank who said it’s ready for backfilling; we need the State DEQ to give us their blessing so we can get the system going, then make building permits available. Daren Cottam stated we need to add those TRE roads to the B&C Road Funds; ATT. Snow said with plats recorded, they are dedicated and should be on that list as City roads.

Mayor LeFevre asked Carol to check with Maintenance Dept. for putting the “no shooting” signs back on that Tank; he also asked about the DEQ response. Mike V. said he would get with Doug Gubler to check on that. ATT. Snow asked if dry lines and empty tank were of any detriment; Mayor LeFevre answered it was not good for system. Mike V. said the Tank and lines are full, ready, and disinfected at this time. Daren C. asked if that water is going through and tied into Cholla lines; Mike V. stated he couldn’t say for sure that Doug Gubler had done that – and with the pressure from this new line would have to be closed off from Cholla. Mayor LeFevre also has concerns with the pressure on the lines in other areas of Town.

(6) Planning / Zoning / Staff Reports; Anita Lowe (Chair) reported this month’s PC Mtg was cancelled. Last month’s report had three conditional use items for public hearing; one was Geri Bommarito (on the corner of Ashcreek and Old Church) for a Home Occupation / Conditional Use permit. She does art with ceramic tile and sells off-site, fairs, etc.; she will have an annual review by the Planning Commission for no “enlargement” without permission and no outside signage. PC recommends approval.

Another Home Occupation / Conditional Use permit for taxidermy; Sean Jaggi in Cholla Creek is a school teacher and during summer months does taxidermy. There is no solicitation – all “word of mouth”; the process includes sending to Idaho then sent back for the stretching and mounting. There is not expansion, more a hobby and no commercial interest. PC recommends approval.

Last is the Lowe Conditional Use which I removed myself (as part of the Lowe family) from the PC discussion and actions. It was recommended that the Permit would receive annual review by PC with no expansion without permission; types of animals permitted to graze will be compliant with Animal Ord. adopted in Nov., ’06; applicant will assure fencing and that animals will not be a nuisance to adjoining property owners. One condition imposed by the PC is no irrigation will be allowed on the east side (unusually shaped property - 5.33 acres) from Westfield Rd. down to Almond Heights down the Creek; and on the frontage road branching off from Pioneer; watering is prohibited south and east of “the point” in the Ashcreek Subdivision up to the frontage road.

ATT. Snow asked what the purpose was for “no watering”? Anita L. responded it was to keep the animals off the area once the grass is gone, due to comments from the neighbors. Anita also stated their family had fenced their animals completely; and that Utah has a “fence out” law, which means that the animal owner does not have to fence, but if adjacent owner wants them “out”, they must fence. She also said the Lowe family believes in fencing their animals “in”. Paul Heideman said his understanding was that this is not the case in Cities and Towns, the owner must fence them “in”.

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Anita L. said in the City Law, it does state the animal must be contained, not running at large as “open range”. Randy Scott asked how many animals they had in the area and why they would go to that expense? Anita stated there are none presently with feed gone; there were three horses and we added another for about three weeks. It was expensive and there were personal reasons along with use of agriculture property.

Randy Scott had concerns about the length of the watering time sprinklers on the Lowe property at the north end of Town; he witnessed excess amounts of watering on the previous night. Anita L. said she had left it on longer than the normal 3-4 hours, for deep soaking. Mayor LeFevre noted there are water restrictions in effect with the District; Anita confirmed these are in place until October.

Anita L. stated there was another agenda item PC had last month, PC passed for the twelve month extension for preliminary plat for Hunter Cove Subdivision, extended to June 12, 2010.

Brig Darger (PC Member) added his statement of the Lowe Conditional Use Permit in regard to three or four residents on the east side of Ash Creek with animal fences very close to their back yards. He heard their concern and comments at the Public Hearing about the animals being close and with heat bringing the smell and flies with that close proximity; they appreciated the animals being gone during this time. Anita L. said the family had plenty of acreage per animal according to the Ordinance; Brig Darger again stated the fact of being only 25 ft from the house was the issue and better for animals to be out during those hot months. Mayor LeFevre stated the Council appreciated the cooperation of all parties involved.

Mike Vercimak updated the Staff review with the Van Valkenburg (Stroud family) property; he felt they could figure how to legally build their home through a “simple subdivision” on eleven acres, dedicating some public access. Mr. Stroud is suppose to generate some construction plans for water, sewer, etc. location; we have not heard back from him at this point.

Paul Heideman asked about the donation of a Church building lot from the Ashcreek Crossing group (Doug Westbrook, etc.). Mike V. answered he needed to talk to ATT. Snow about an agreement; right now with our current codes, they would have to subdivide and bond for improvements, or put them in. They didn’t want to donate as well as do all the improvements. ATT, Snow suggested a simple deferral agreement would move that requirement to the building permit stage when the Church could put in the road, etc..

Mayor LeFevre asked if ATT. Snow had any updates for the Council. ATT. Snow informed them of the Morgans, Scott Stratton, Brent Holdaway, etc. having filed a petition, after the City Board of Adjustment denial to grant variance (30% slope development.) They’ve filed with District Court and I’ve worked with City Recorder to prepare a transcript of everything that was used in the Hearing; certified and date stamped for the Court. This month we’ll prepare an answer for the City; the Court is reviewing the decision of the Board of Adjustments for correctness. The Judge will only look at what was presented at the Variance Hearing with the recording and all documents used and presented; this is the record and cannot be changed or new issues added. ATT. Snow added Council was to be aware of this pending in District Court; Paul Heideman asked if the Judge denies this, what options do they have, and can they appeal that? ATT. Snow said we will ask for recovery of Attorney’s fees.

8:50 PM; Paul Heideman MOTIONed to adjourn this CC Mtg; seconded by Randy Scott; all in favor? Yes, unanimously. Mayor LeFevre adjourned the meeting.

ACTIONS & ASSIGNMENTS

1. Mayor LeFevre – Suggestions for CC & PC Positions Vacated
2. Lynn Olds – Fire District Proposal Update
3. Mike Vercimak – (a) Check State DEQ response on TRE Tank.

CC Mtg, 6-18-09 (Cont.)

5. Carol Pogue – (a) Call Stroud for Staff requirements; (b) call UDOT) about the “speed & safety” assessment; (c) Dave P. & Mayor LeFevre select “Neighborhood Watch” program for Toquerville and post meeting ; (d) 4th of July breakfast posting; (e) Set up meeting for Carol & Ralph C., Dave T., Daren C., 2nd July, 10AM at City Office; (f) Call Sheriff Gates about availability of speed monitor devices after the July 4th holiday; (g) Follow-up with Scout B. Scott for sidewalk Project; (h) Post CC & PC vacated positions; (i) Table “Sensitive Lands”.
6. ATT. Snow – (a) Prepare an answer for the City to District Court on the “Morgan (etc.) Variance request”; (b) AshCreek Crossing - Church lot donation Agreement.

The Minutes of the June 18th, 2009 Toquerville City Council Work, and Regular Meetings will be presented for review and approval in the July 9th 2009 City Council Meeting:

Approved: _____ Dated: _____
Mayor M. Darrin LeFevre

Attested: _____
Recorded and Typed by Carol Pogue, City Recorder