

# **TOQUERVILLE CITY COUNCIL MINUTES**

**6:30 PM - Work Mtg & Public Hearing; 7PM – Regular Mtg**

**Held July 09, 2009, at City Offices, 212 Toquer Blvd.**

**Attending:** Mayor Darrin LeFevre; **Council Members:** Lynn Olds, Randy Scott, Paul Heideman, Daren Cottam; ATT. Heath Snow (excused); Mike Vercimak, (Inspection/Planning/Zoning); D. Gubler (excused); B.Gubler (Sewer Depts); Anita Lowe (PC Chair) Annette Kleinman, Mark Fahrenkamp (PC); Brig Darger (Brd of Adj.); Carol Pogue (Recorder); Pam Jarman (Treasurer); DC Young (Brd of Adj./Website); **Public Attendees:** Bob Olsen, Wayne Olsen, Daniel Curitis & Mother (Scout Project).

**6:34PM –Item #1. Work Meeting is called to order by Mayor Darrin LeFevre;** Doug Gubler is excused and Mayor asked for Sewer Report. Blair Gubler reported their new building is framed and the roof is on; is at the side of Sand Hollow area. He also stated the “T.V.” work has been completed for LaVerkin and Toquerville, explaining this reports any cracks or line breaks. He said Toquerville streets have been repaired, patches done and lowering of two manholes at Cholla were also completed; Blaire asked if there were any questions.

**Councilman Paul Heideman (Toq. Sewer Brd)** reported the District was delaying the start-up of the proposed sewer plant at Confluence Park area; Blaire G. added they would review this at 6-month intervals until this is needed; he noted Mayor LeFevre also sits on the Sewer Board. Mike Vercimak asked what type of treatment plant will be built – underground or roof? Blair answered they had looked at various types to be “appealing” to the area. He stated the water coming through would be crystal clear and back to the irrigation system – not drinkable yet.

**Blaire G.** reported there will be no rate increase this year; probably not next year as well without the need for budget increases. He reported the cost of the new building at about one million, with conference room, offices, showers for workers, and future growth offices planned. Councilman Cottam thanked Blaire G. for his repair work at Cholla.

**Item #2.a. Mayor LeFevre** reported two letters of interest were submitted for the Interim Council Member position (vacated by his own appointment as Mayor); Council Members will consider Brig Darger and Mark Fahrenkamp tonight; Mayor announced the Council would meet briefly to finalize the decision at the end of the Work Mtg. He also stated there are other names recommended for Planning Commission and Board of Adjustments vacancies he will be reviewing.

**Item #2.b. Councilman Heideman** asked the Council to review the 30% Hillside restriction and possible lawsuit consideration; he feels Council needs to justify this restriction. Mayor LeFevre reminded Council of the eastern slope Heideman/Kleinman Development allowing 40% development in eastern area also. Paul H. stated he had no personal concerns in the matter; that he was concerned that we consider adequate justification (if challenged). Councilman Scott commented that the 30% was good in his opinion; Councilman Olds also stated St George was now going back to 30% (hillside restriction).

**Mayor LeFevre** stated he knew of two or three reasons why there are restrictions, mostly due to the “scarring” that happens at 30%; he recalled Sunrise Engineering 3-D drawing with perspective of a 50 ft road cut across a hill with 30-40% grade; both showed a 75 ft cut before catching a two-to-one slope. He noted there are communities all over the US with 40% slopes, but in (UT) north, problems are fires, floods, rock problems, and slides with lack of vegetation. He stated Mike Vercimak recommended the 30% slopes, as well as other Cities were going that direction; our reasoning was from Engineer recommendation as well.

**Mike Vercimak (Planning/Zoning)** asked what this potential lawsuit was; Mayor LeFevre said it was in reference to an appeal currently made against the Board of Adjustment for denial of the 40% hillside development request for the Morgan Bros. and Stratton Group on the southeastern slopes of the City. Paul H. stated there was also another case in northern Utah not completed. Anita Lowe (PC Chair represented the PC opinion at the Appeal to Board) felt this should not be a response to a “potential threat” for the City; and in this property petition, they purchased (Morgans) “well after” the 30% slope was adopted. Paul H. stated this was not the case with Scott Stratton property; (Note: Stratton property was purchased approximately eight years prior, during 40% restriction).

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Anita L. said this was never brought before the PC and there was no opposition to the new restriction; then he came back saying he wasn't "personally notified" as a property owner, which is not City responsibility – he should be paying attention to those Codes, whether one acre or 100 acres. Lack of property owner action should not cause the City to react; we have valid Codes. Paul H. said he believes when we say "we don't want this (hill) to look like this, it's close to "taking" (property rights). Anita L. answered this was not a "taking" as in pinpointing of specific areas; we're talking about a 30% hillside.

Mayor LeFevre asked if Council would like to have Planning Commission review this request for revision of Hillside Ordinance to a (previous) 40% restriction rather than 30%? Mike V. said he didn't think that property qualified even at 40%. Paul H. stated his feeling of it being correct not to change (LMC) because of a lawsuit threat, but the City just went through a lawsuit and spent a "bunch of money". He feels we should use caution, look ahead and not waste money, and be sure we have good justification; property owners have rights to develop and I have the philosophy of siding on their rights rather than being too stringent.

Anita Lowe commented, as an owner of significant property over 30%, I personally would not develop on that steepness; and would need to consider safety and emergency responders, so it's more than just "scarring" of the hillside. Paul H. stated that he believes there should be solid, defensible reasons for the request and agreed that the applicants had not done a well-thought out job. Councilman Scott said he remembered the hillside map showing the difference of 30% to 40% cuts; and the 70 ft drop-off back yards of those lots. Lynn O. also said with road cuts, sidewalks, yards, etc., you have some extreme walk-outs. Mark Fahrenkamp (PC) said he believed they made a wise and sound decision and if not defensible, ATT. Snow can let us know. Carol Pogue reminded CC of the Morgan Appeal (Brd of Adj.) charge of "taking" was mainly made by the property owner (Stratton) who had purchased his land (8) eight years prior to the new restriction; Paul H. added that whatever happens, CC should be together and prepared.

Mark Fahrenkamp stated during his last two years with PC, there was much talk about preserving these areas; we don't want to "take a step backward", the Hillside Ordinance is one of our strongest ways for this preservation. Councilman Heideman said we should not expect the land owner to "pay" for this (preservation). Daren Cottam stated the Council also had to consider the issue of getting roads up to those properties, and consider those vertical cuts. Mayor LeFevre asked if the Council wants to wait for further information on the lawsuit? Councilman Olds felt the City Ordinance is in place and legitimate; DC Young (Brd of Adj.) added this is City Law and approved by the City Council; challenging (variance request) or asking for review are different questions.

Paul H. stated his question is how can we justify our reason for making this law? Mike V. answered we can compile "volumes of engineering" that can justify restrictions with issues of safety in just negotiating those kinds of grades. Paul H. felt that wasn't justification enough when there are "vehicles doing it all over the country"; snow country in Salt Lake is an example. Mike V. noted some of those SLC areas have had that snow melt and floods wash the hills away; then people pointed fingers at the City for allowing it. I guarantee anything over 30% slope is a defensible issue; our Ordinance is and was in place at the time and this challenge is against the decision of the Board of Adjustments (acting in compliance with that Ordinance).

**Mayor LeFevre stated the consensus of the Council is to leave the restriction for hillside development at 30%.** Mike Vercimak noted the other issues facing the Morgan / Stratton, etc. application included lack of two legal accesses to the area; and that (Heyman/Stratton) previous concept plans were denied for several reasons, along with no access. Lynn Olds said even Hunter Cove (Heideman/Kleinman property) has problems of access on the north end. Mark Fahrenkamp (PC) stated his belief was this (proposed 40% restriction to Hillside Ord.) would open City to other liabilities for the future.

Mayor LeFevre (due to time of Public Hrg) placed Work Mtg Items 2.(c) Roads MP, & (d) Irrigation Right of Way, after the Hearing. He noted David Pope was not in attendance for (e) Neighborhood Watch; Carol P. reported that he had called in to say a meeting will be held on the 16<sup>th</sup> here at the Offices and posted. Mayor LeFevre also stated item (f) UDOT Speed Study for Toquer Blvd (process for proposed speed request) was in work and UDOT will be back to the Mayor in 2-3 months.

**Bob Olsen (Historical Society) brought the suggestion to turn the Historic Town Hall into a City Museum;** he feels with how current use is showing wear to the interior that this action will preserve the restoration work. He told of Lynn Olds bringing donated glass cases from Ace Hardware and he will volunteer to restore them. Bob suggests City close the Town Hall for public use at the end of September to allow the work to go forward with possible aid from the County Historic Society. The public will then be able to come and enjoy the artifacts already donated, and others are holding donations until we have the building secure for them to be placed. Bob O. said he would “spearhead” the project and donate his time along with Lynn Olds help; he requests the Council approval on this project.

Mayor LeFevre said Council can discuss this item and we will add Agenda action item in August for final decision. Councilman Olds said he was in favor of preservation for old floors, etc.; Carol P. stated the public has grown to the extent that we can’t hold City gatherings. She said the few weddings held there each year have been too large for the building and created wear and damage with food being served (there are no kitchen or bathroom facilities inside). Councilman Heideman feels this “great tradition” of public use should not be limited or stopped; Bob answered they could have it open 2-3 days a week with volunteers to answer questions and those historical items could be protected. Pam J. reported there was no money made in renting to non-residents (95% of the use); deposits are returned to residents if no permanent damage occurs. It was asked if City could charge cleaning fees; Carol noted the issue is more restoration than cleaning.

Councilman Cottam noted that Parowan had an Old Church turned into a Museum – it would be nice; but there’s also the question of what other facilities can we use. Carol P. said we’ve had a few weddings in and out of our facilities; Miss Toquerville was held here and you can barely get 120 people packed inside. D. Cottam asked what year was this built? Bob Olsen answered 1882; and with all the time and money in the restoration, we don’t want that to go “down hill”; Mayor LeFevre agreed and said the public would be able to respond at next Mtg. Mayor suggested a “use fee” might discourage use; Councilman Scott said he felt the building is a landmark, should be used until we have something bigger. **Mayor LeFevre said to put this (Twn Hall Museum) on next month’s Agenda for public discussion and a decision.**

**7:15 - Daren Cottam MOTIONed to adjourn for a brief Executive Session to reach consensus on review of appointment for Interim Council Member; 2<sup>nd</sup> by Paul Heideman; Council met in the Mayor’s Office.**

**7:20 – Mayor LeFevre reconvened the Regular Council Meeting and asked to finish the Work Mtg, Item 2.(a) for Interim Council Member.** Mayor stated he will have City Recorder perform the “swearing in” for both he and new Council Member. He stated we have had two letters of interest, Brig Darger and Mark Fahrenkamp, serving with the Planning Commission, and we feel both are well qualified. The Council decision is to appoint Mark Fahrenkamp to the position and we wish to thank Brig Darger for his interest as well as announcing two positions are open for the November Election and encouraged participation. City Recorder, Carol Pogue, asked both Mayor LeFevre and Mark Fahrenkamp to repeat the Oath and Mark was invited to take his Seat.

Mayor LeFevre invited Daniel Curtis to lead the Pledge of Allegiance; Randy Scott gave the invocation. No statements of belief, conflict, or declarations were given.

**7:28 – Paul Heideman MOTIONed to go into Public Hearing; 2<sup>nd</sup> by Randy Scott; all approve? Yes.** Mayor LeFevre stated CC approved the items of Municipal Energy and Telecom Tax last month and does not require a public hearing, but due to Council request, decided to bring this information before the City for your questions or concerns. The following Ordinances are in place: **ORD.2009.04, Energy Sales & Use Tax (authorized and collected by Questar, Rocky Mtn, etc.); and ORD 2009.05, Telecom Tax (also collected by phone, cable, etc.).** Mayor LeFevre explained this tax is collected by providers and without Ordinances in place, City cannot claim the funds. He asked if there are any questions or comments? Carol Pogue said there are copies of the Ordinances for any who would like them; she also asked Pam Jarman if there would be any raises to the customer bills? Pam Jarman answered the City request could raise the existing fees if they are not taking the allowable percentage, possibly 0-2%. Mayor LeFevre asked if she knew of any that are not collecting? Pam stated it is her understanding that most are already taking the maximum; she heard Infowest provider does not, and State Commission has told her they will notify the providers with the Ordinances in place. Pam confirmed that she has sent this information on to the State and they will process this request and remit back to the City.

Mayor LeFevre asked for any further comments; Council decision to hear any opposition from residents allows the Council Members to rescind this Ordinance if necessary. Annette Kleinman stated her approval and support for this decision. DC Young stated many residents are already paying this tax and feels City should claim their portion. Ron Horrocks said he believes City has obligation to collect, even retroactive if possible; DC Young said he had heard some of those claims are being made by “class action”; Pam J. added she would check with Tax Commission and Attorney Snow about this. No further comments were made.

**7:35 – Lynn Olds MOTIONed to go out of Public Hearing; Paul Heideman seconded the Motion; all approved? yes, unanimously. Mayor LeFevre reconvened Regular Meeting**

- A. **Consent Agenda;** Council Members were asked if they had any comments for review of Mtg Minutes (June 11<sup>th</sup> and June 18<sup>th</sup>), and Expenditures for June; no comments were given. **Daren Cottam MOVED to accept the Consent Agenda; Paul Heideman seconded the Motion; all approve? Yes, unanimously.**
- B. **Unfinished Business; Item #1 – Review of Hillside Ordinance to be re-titled “Sensitive Lands”,** Chapter 14 of the Land Management Code (LMC). Anita Lowe (PC Chair) explained this proposal does not include a map yet; PC approved all corrections with Attorney Snow draft. She sent this copy to PC Members, Annette Kleinman, Don Tait, and Mark Fahrenkamp; they returned their agreement for changes and corrections. Copies of these e-mails were submitted. Mayor LeFevre asked Mike Vercimak (Planning/Zoning Admin.) for comment; Mike V. said incorporation of the “Introduction” and “Sensitive Lands” verbiage will then be followed by the (current) Hillside Ord. as it stands; together they will be called the “Sensitive Lands Ordinance” in the LMC. Mark Fahrenkamp (served PC in this review) said in the long term, other language can be reviewed and incorporated. **Councilman Lynn Olds MOTIONed to approve as stated; Mark Fahrenkamp seconded; all in favor? Yes, unanimously.**

**Item #2 – Scout Project; Daniel Curtis proposed to post signs in “off-road” areas** to educate drivers to respect private, State and Federal lands. Daniel passed a handout to CC; he outlines five access points for sign construction: Ashcreek Bridge area; Almond Heights; Water Conservancy District Line; Babylon Mills Road; and top of Sunset Road. Words proposed on signs: “Welcome Off-Road User; the land which you are riding on is private, etc, etc.. Mayor LeFevre asked if the property owners had been contacted? Councilman Olds reported he had talked to Doug Westbrook (Ashcreek Crossing) who said he had no problem with the signs; also Stacey Eaton (Babylon Valley) said he would help buy signs. Mayor LeFevre stated there are private owners who don’t want people riding on their property and asked about posting any signs as “stay out of prohibited areas”? and what are the liabilities to City? Lynn Olds added the areas proposed will be going around the fenced (private) areas. Mayor LeFevre stated there are private areas also unfenced, as “devils hole”. Anita Lowe said her concern as private property owner, was that this sign actually gives permission to ride or trespass on private property; and how are these signs enforced, or if not compliant with them will they be denied the privilege? She noted Hurricane City had a “Trails Proposal” over private property without permission from owners and many riders do pass over private lands without knowing this; example is the “sand diggers knoll” which was exchanged for “turtle property” with our family. She also said the County Maps should be referenced (current land owners) and the sign should say “crossing private, State, or Federal lands, remain on trails, etc. Councilman Fahrenkamp added they should also state “respect all signage”, as “no trespassing”.

Mayor LeFevre informed Scout Curtis that the City cannot be involved with funds for this Project, which he feels is well intended but on private lands; he also said all owners need to be contacted for approval. DC Young added many “outsiders” use those trails; Councilman Cottam added Cholla Creek posted their HOA properties for liability issues. Mayor LeFevre also stated he had spoken to the City Insurance Co. about liability costs for the BMX track and feels this Scout proposal could be a good Project but with the owners involved. Daren C. also stated the City needs a Master Trails Plan in the Community; Mayor LeFevre added residents should be involved with that. Council Heideman believes the City has no objection but no authorized funds; Mayor asked Daniel C. (Scout) to work on the issues discussed (to report back.)

**Item #3 Proposed City Charge Card for utility payments.** Pam Jarman explained the handout from Zions Bank; this proposal shows the “base fee” which requires (in her estimation) fifteen (15) residents paying a

minimum fee of \$2.37/month for using the service to recuperate first year monthly charges (\$37.80); second year could be higher. Councilman Scott asked if there are requests for this option? Pam J. answered seven or eight. Councilman Fahrenkamp asked if “debit” payments are requested? Pam said more asked to pay by credit. Councilman Cottam asked if we have current trouble collecting payments? Pam answered there are out of approximately eight out of 450 accounts who never have a zero balance (over long term); Church paid accounts are minimal. She added this charge card service has a \$35 service fee plus a \$10 Statement fee with a bank contract probably at one year before you can cancel. Randy S. said his business has a three-year contract, but in the last year and a half, his card use went from 20% to 80%; people are carrying less cash. Pam J. agreed we do have more requests but the Caselle programs we have for on-line payments is limited and expensive programs (around \$5,000) would have to be added to billing process. Randy S. stated perhaps we could use an “across the board” charge to accommodate this use; Pam’s concern was the “water related” costs only as a justification to raise rates. Anita Lowe said other Cities (Logan City is one), might be a resource to check out this process.

Councilman Heideman asked what percentage are there of auto-payments from the bank? Pam answered possibly 15-17%. Carol Pogue said with many seniors on fixed incomes in Toquerville, they generally don’t respond favorably at raises to their water billing – even a \$2 raise to a \$32 or \$56 payment is a lot to them. Pam added it would probably take more like a \$4 per month raise to break even due to the few who may use the charge card service. Councilman Fahrenkamp asked if they could also use the charge service for Park or Town Hall rental? Pam J. said we might could use it for the building permit charges. Mayor LeFevre asked how many billings are there? Pam answered 467 (last count). Mayor asked for any further comments; none were given; **Randy Scott MOTIONed to NOT approve this proposal for charge card use in the City; Paul Heideman seconded the Motion; all approve? Yes, unanimously.**

- C. **New Business; Item #1 – Toquerville Right-of-Way for the Conservancy District Irrigation Line with BLM.** Councilman Olds explained this is an easement request from the District for use of City original easement for an irrigation pipeline at Anderson Junction; their line is now going on the southwest side of the Tank and will have to cross our line further down; if they stay on their side (of easement), there will be no conflict. Lynn O. displayed a map to show existing line, with them on the north side (proposed); they want to come alongside our lines. Mike Vercimak asked how close do they want to be to our line? Mayor LeFevre said it looks about ten (10) feet, with our line at about three (3) feet deep; what is (required) separation? Mike Vercimak stated we should have written agreement to maintain DEQ (State) separation requirements for culinary lines. Paul H. asked what size is the irrigation line? (response) shows 14”. Lynn O. said there was a pond up there to clean out and collect sediment, then remove. Mayor L. said our line is a 12” and we need to have the 10 ft separation agreement. Carol informed them a draft letter was sent; BLM Office and Water District (Doug Wilson), are waiting for Council input and permission signature from the Mayor with any additions or changes on right-of-way.

Councilman Heideman asked if this (line) would connect to the new reservoir Ron Thompson has said will come in the next five years? Lynn O. answered this would be for the Anderson Junction infrastructure and may eventually tie in. Anita L. cautioned the verbiage on easements are either “exclusive” or “blanket” type easements; asking does the City own this easement - and is granting the easement without charge? Mayor L. answered it does belong to the City. Lynn O. explained the Water District asked BLM and Toquerville to review a proposal for permitting use of easement. Mayor L. asked for further discussion; none given. Lynn **Olds MOTIONed to approve this Right-of-Way Agreement with ten (10) feet stipulated separation of lines for the BLM new Irrigation Pipeline; seconded by Daren Cottam; all approve? Yes, unanimously.** Lynn Olds will get with Carol Pogue to get final verbiage on the letter for Mayor LeFevre’s signature.

**Items #2 – City Municipal Energy Sales & Use Tax Collection from Providers; and #3 – City Municipal Telecom Sales Tax Collection from Providers.** Mayor LeFevre explained that City ORD2009.04 and 2009.05 were approved by Council last month under instruction by City Attorney to initiate the tax collection and remittance by State Tax Commission. The Council decided to allow a public hearing this month to explain their actions and to hear from residents; no objections were made by the attendees heard earlier tonight. The minutes reflect that response and Mayor LeFevre stated there was no ratification of Council decision necessary on the approved Ordinances: ORD2009.04 and ORD2009.05.

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**Work Mtg Item #2.(e) – Neighborhood Watch Follow-Up.** David Pope is not in attendance but other attendees were asked if they wished to comment. Rick Conely on Springs Dr. said there was “great concern” on his street with theft, attempted theft and vandalism increasing in the area; he said a car was also abandoned last week and towed away. He believes these are underage vandals and asks the City to help stop this before the whole Town is involved. Carol Pogue stated there were seven or eight reports from residents (mostly from the Spring Dr. area) during the last few weeks; police have left report papers for residents to fill out and return to City Office, whether you are a victim or witness to help “build the case”. The Sheriff’s Office has been and are visiting with residents and are talking to the young people in Town to help document. Mayor LeFevre told attendees the City is doing what we can and he will attend the first “Neighborhood Watch” meeting next Thurs, 16<sup>th</sup> July; the Sheriff’s Office will send our Deputy to inform and instruct; it was noted that this is a Resident Organization and not ran by the City or the County. Mayor LeFevre also reported there is a definite need for such an Organization and the Sheriff’s Office encourages our participation with statistics of less crime reported with this in place.

- D. **Requests for Agenda Items for August 13<sup>th</sup> Mtg?** No actions will be taken tonight; Councilman Scott asked for the Mayor and Council Compensation to be reviewed next meeting.
- E. **City Departments:** (1) Economic Development – Lynn Olds had reported no changes since last CC Mtg. (2) Cemetery / Park / Maintenance – Randy Scott reported the Beatty Family has donated another 15 trees to the City and plan to donate more; Maintenance guys have planted them at the Park playground area and the Cemetery, one is at the Town Hall. Lynn Olds suggested we ask for (if possible) blossoming pear type on west side of Toquer Blvd. to replace those damaged by the Power Company trimming of trees on the east side which are taller and a different type of tree; the shorter type will also match the west side of the street. (3) Culture & Recreation – Paul Heideman thanked the Council cooks at the July 4<sup>th</sup> Celebration; Anita L. said it was one of the “best breakfasts they’ve had” and should charge for the food next year. (Note: City funds are more limited due to economy and a donation box was there, earning \$91.) Randy Scott said he prefers the “free breakfast tradition” as long as possible. (4) Streets – Daren Cottam had a matrix printed for CC and reported his study for “Street Reconstruction” and “City Street Maintenance”; a list of costs for street work throughout the City with sq. ft., descriptions for maintenance and/or reconstruct. He said this will tell us where funds should be used; City can use the Roads Master Plan (MP) completed a couple years ago (\$21,000) as a guide to prioritize.

Councilman Heideman asked Daren C. if he knew how much the City would pay for the use of flashing signs (speed control). Carol Pogue reported (last Mtg D. Cottam request) that the County Sheriff said the City can use their machine for a two-week period but it is in repair now; Daren Cottam added he would follow that up with the Sheriff’s Office. He also stated the proposed “road bumps” for slowing traffic on certain streets would take badly needed (bonding) funds from the Streets Budget (\$72,000); he asked Council Members to note the costs shown on the handout at \$3 mil. He also stated the need to look at the Water MP to cover their requirements for infrastructure (during streets repair). The handout listing covers streets north to south and Councilman Cottam requests all Council Members ride those streets and prioritize their findings.

Daren C. commented on the condition of Westfield Rd being most expensive and broken down, with costs at around \$800-\$1mil. He also stated his personal opinion of **the need for a “Storm Drain Fee” to help (bond) pay for this project. A monthly utility fee at about \$6./month will give us approximately \$30,000 per year to help bond for this work with our B&C Road Funds.**

Councilman Cottam also spoke to City Accountant at Hinton Burdick to help clear up the previous Street Impacts collected; last year the figures listed at \$270,000 are those only for Westfield Rd. He also spoke to Zion’s Bank about Municipal Bonds, saying if we gain the Storm Drain Fee along with the B&C Funds, and with current revenue, we can bond with approximately \$400,000. We can also keep back about \$40,000 for regular maintenance every year or two. Mayor LeFevre added if we bonded to fix \$1mil for Westfield, what happens if we have a water line break? Daren C. said we have about \$500,000 in Water Impacts and could get low interest loans from Utah Water Resources. Mayor also mentioned Dave Everett (past Mayor) had contact for those bond resources; he will talk to him.

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Councilman Heideman said the City should go for interest-free money, or we could raise the utility rates to get the money. Daren C. said the Municipal Bond rate is 4-5% now; two years ago he estimated the road fix costs at \$2.4 mil. – now they are \$2.9 mil.; we can get larger portion of work done with today’s dollars and be farther ahead; Paul H. added that will happen if inflation goes up, and good chance it will.

Councilman Scott also asked if the water impacts can be used for upgrading the system while Westfield is torn up? Lynn O. answered yes, the system is old and needs upgrades and fixes. Daren C. stated the question is whether we want that Storm Drain Utility fee for extra bond money with our B&C Funds; together they would bring approximately \$102,000 and can bond up to about \$800,000 to \$1 mil. – plus our Impacts; we could fix one-half of Westfield and all the side streets in Town. Old Church (longest piece) from SR-17 to Don Tait’s would be about \$240,000, but not too many travelers on that. We need Council Members opinion on which roads need priority, then cost estimates and how to pay. Mark Fahrenkamp said they could do a simple rating while they drive around – 1-5 or 1-10; Daren C. said most are in about the same condition.

Councilman Cottam said there was some County Stimulus proposals he could check on; Mark F. asked what ever happened to that Storm Drain Fee proposal – wasn’t it already written up? Mayor LeFevre said it was not acted on due to people hitting “hard times”. Daren C. asks when do you plan for the future? Growth happens; and you can leave roads as is but that \$270,000 impacts needs to be used in the next couple years. Randy S. asked if that could be used for curb and gutter? Daren C. answered Old Church Rd (by Office) and Pecan are good examples how that works well. Paul H. asked about using “trails” grant money for sidewalks; Daren C. added trails are a right-of-way issue; Mayor L. said you can’t use utility rights-of-way for that. Daren C. proposed the CC meet at 6PM next Work Mtg for 30 mins. To discuss the “roads priority list”. Lynn O. emphasized the needs on Westfield with the traffic they have – even a “band-aid fix”. Daren C. stated it’s better not to waste funds – we should do that Westfield portion most traveled from SR-17 past the bridge.

Brig Darger (PC) asked about chances of stimulus or grant money for small community upgrades? Councilman Heideman said the Sewer District had been checking but most funding was going to larger Cities. Mike Vercimak said Hurricane found they (Gov’t Stimulus) wanted “shovel ready” projects; with the environmental study and engineering taking about two years; Hurricane actually had one ready but they require horrendous paper management. **Mike V. also reminded the CC of the Storm Drain Ordinance Draft (last year) only had a couple items to decide on**, one being the ERU (equivalent residential unit) equals average residential surface. If you have (say) 5,000 SF surface gross base evaluation, then how much per month is charged for each ERU; could only be \$6 per resident property and if a truck stop had 50,000 SF, he would pay for ten (10) ERUs or \$60 / month. Mike V. will bring his draft copy back for review.

Mayor LeFevre asked if CC would like to pursue this Utility Tax again? Mark F. said there is the current economy issue, but this would be a long-term effort to fix our streets and I think we should go forward. Paul H. asked if Council thought this Utility Fee would give us enough gain; Mayor L. answered based on ERUs, it would. Mike V. stated with 460+ ERU, at \$6 / month, this would bring \$33,000+ per year. Anta Lowe (PC) said she would support this to get better roads for cars and the pedestrians. Daren C. reminded this doesn’t happen over night and will take planning and paying for rights-of-way or getting donations from property owners in exchange for the improvements. **Mayor LeFevre asked Carol P. to put this on next month Agenda for review and approval of taxation for Storm Drain Utility, allowing Residents comments; and we also will meet at 6PM to discuss the prioritization of roads list.**

**(5) Subdivisions – Mark Fahrenkamp** has no changes to report;

**(6) Planning Commission – Anita Lowe** reported PC will not meet unless CC has something for us. Mayor LeFevre stated the **“flag lot” issue is something for PC to review in our Subdivision Ordinance (LMC)**; this has been addressed previously but there is enough Council interest with some large lots in Town being looked at with difficult issues, such as private lanes, family pieces, driveways, loop roads, cul-de-sacs, etc.. Anita L. commented the review should consider the entrance road widths. Mayor L. asked for the review of these issues, along with Mike Vercimak input. Councilman Cottam added in the old part of Town, there are parking areas that cannot be maintained (due to flag lots), and other pieces that are so large you cannot create fifteen flag lots. Anita L. said this is where a cul-de-sac or loop road could subdivide.

CC Mtg, 7-9-09 (Cont.)

Mayor LeFevre asked if there were any **Staff updates?** Mike Vercimak responded he was hoping **Doug Gubler would be here to report whether he was able to contact the State DEQ to check out the TRE Tank;** he feels the Tank is still leaking and Sunrise Engineering felt it was OK. Another item is **“keeping of livestock” in residential zone; City requires a Conditional Use Permit with \$250 fee.** We have 18-20 chickens is part of “livestock” listed and the fee is out of line. I know CC reviewed this with Occupational permits and fees, but do we need to re-visit this?

Mayor LeFevre asked if this fee was justified - adding this was established when ATT. Ronnow helped in the comparison TOQ conducted with other City schedules, including the time (and resources) it takes for meetings, engineering review, etc. Carol Pogue asked (resident question) if the review could include small animal for family use (as limited chickens), vs. commercial use of large animals? Mike V. said all fees are arguable with different people and families; the listed “livestock” include chickens and could evolve to cow / sheep / etc. Mayor LeFevre said you’d have to revisit the Ordinance and determine which animal at what (permit) price. Paul H. stated the residents need to follow the (established) Ordinance. Anita L. said large animals need 10,000 sf and 500 sf for small; she believes reduced fees should apply to all size animals; that ignorance is not an excuse for those who fail to find out what City restrictions apply. Mayor L. stated the Animal Ordinance is a “thorn” and brings complaints; I’m willing to leave this as a zoning issue. Councilman Scott added his belief that people come to live in rural areas partly for keeping of animals.

**Mayor LeFevre reported on the Babylon Valley Annexation;** ATT. Mike Day will confirm the final approved Plat and legal description by the end of this week for TOQ review of Map and final Agreement before sign-off. The Lowe Family asked for a copy; Carol P. said there are (draft) copies in the CC packets and she will copy that to the Lowes.

Mayor LeFevre answered the question of ATT. Snow not in attendance; he spoke to Attorney for his review of the Agenda and asked if he felt there was a need for him to attend; ATT. Snow said not for this Agenda. Mayor L. agrees to carry out this policy to avoid extra charges to the City unless required.

**9:15 PM – Paul Heideman MOTIONed to adjourn this Council Meeting; Randy Scott seconded the Motion; all approve? Yes unanimously.**

ACTIONS & ASSIGNMENTS

1. Mayor LeFevre – (a) Review PC openings with Anita Lowe and Brd of Adjust. vacancies; (b) CC Mtg – 6PM on Aug. 13 – Streets List; (c) Attend first Neighborhood Watch; (d) Dave Everett about bond resources;
2. Council Members – Drive Town Streets - 6PM next Work Mtg for 30 mins. – Discuss “roads priority list”.
3. Daren Cottam – (a) County Stimulus Proposals for Streets; (b) Check w/County for use of Speed Monitors.
3. Mike Vercimak – Draft copy of Storm Drain Utility Fee for CC Pub. Hrg.
4. Carol Pogue – (a) Check with ATT. M. Day on Leeds Annexation update; (b) **CC Agenda** Items: Roads Priority List Mtg @ 6PM on 13<sup>th</sup> Aug., Storm Drain Utility Fee, Twn Hall Museum Proposal, Mayor/Council Comp Review; (c) Post Neighborhood Watch, July 16<sup>th</sup> at Offices; (d) Water District (Doug Wilson) / BLM letter & signature for TOQ Right-of-Way permission; (f) ATT. Mike Day follow-up for Leeds Annex.;
5. Pam Jarman – (a) PC Agenda – “flag lot” review in Subdivision Ordinance (LMC); (b) Call Tax Commission on “retro energy/telecom” Tax claims.

The Minutes of the July 9<sup>th</sup>, 2009 Toquerville City Council Work, and Regular Meetings will be presented for review and approval in the Aug. 13<sup>th</sup> 2009 City Council Meeting:

Approved: \_\_\_\_\_ Dated: \_\_\_\_\_  
Mayor M. Daren LeFevre

Attested: \_\_\_\_\_  
Recorded and Typed by Carol Pogue, City Recorder