

TOQUERVILLE CITY COUNCIL MINUTES
6PM – Special Streets Work Mtg; 6:30 – Regular Work Mtg;
7PM - Public Hearing and Regular Mtg
Held August 13th, 2009, at City Offices, 212 Toquer Blvd.

Attending: Mayor Darrin LeFevre; **Council Members:** Lynn Olds, Randy Scott, Paul Heideman, Daren Cottam, Mark Fahrenkamp; ATT. Heath Snow; Mike Vercimak, (Inspection/ Zoning); D. Gubler & B.Gubler (Water & Sewer Depts Excused); P.C Members: Anita Lowe (Chair), Annette Kleinman; Carol Pogue (Recorder); Pam Jarman (Treasurer); **Public Attendees:** Mona Lowe, Ralph & Carol Christensen, Norm & Lindea Merrill, Dave Theobald, Andy Tomkinson, Jeff Stevenson, Terry Watson, Todd Crappa, Doug Pingel & Steve VanWagoner (Elevate Communications); Tom Kuhlman (Hurricane Fire Chief).

6:05PM – Quorum has arrived, Special Streets Work Meeting is called to order by Mayor Darrin LeFevre. Mayor stated the Council had been assigned to prioritize the Streets Reconstruct / Repair list presented by Daren Cottam last month; agreed as top priorities were Westfield, Center, Old Church (up to SR-17), and Toquerville Estates (Heights). Mayor LeFevre mentioned the Doug Westbrook (Ashcreek Crossing) site was “tied” to the Westfield Rd needs; they have started the paperwork process for a one-lot subdivision for the LDS Church site (south-west area, residential zone approved); this will also bring traffic through Westfield.

Daren Cottam brought in a new street list, matrix of reconstruct/repair for Council; there were no engineering costs (he has done the work himself) including priorities listed with project costs. Funding will be a key factor and the analysis does not take in water or sewer improvements. Daren C. spoke with City Engineer, Joe Phillips (Sunrise) to discuss the Water Master Plan (completed March, '08). Suggestions for raising funds were made to cover the 2.7 million dollars for City needs; if City raised our water rate to \$43/month (from about \$22), we could get a one million dollar grant with our \$500,000, and pay for all of the Master Plan (MP). Joe Phillips (Sunrise) will take D. Cottam roads Matrix for analysis of water line replacement; Doug Gubler (Water Dept) said these are mainly 4” lines. Mayor LeFevre felt another important concern was pressure control; as in Cholla Creek area, this “fix” could happen by turning on the TRE site.

Daren Cottam stated that currently, with Doug Gubler time and costs, **there is approximately \$2,000 - \$4,000 in repairs to water breaks and road patches, etc.** Mayor LeFevre believes Doug’s time accumulates more than that – Doug Gubler added the (down time) includes drying time along with the breaks. D. Cottam told Sunrise he considered a raise to \$43 to be out of the question, with economic impact to citizens and a debt for thirty (30) years; the water system could last 30 years, yet the “good part” would be the “free” grant money along with our City revenue (if the rate increased) saved to about \$500,000.

Councilman Cottam reported that (Sunrise Engrg, Joe P.) told us Ivins and St George used CDBG (Community Development Block Grant) funds to build roads; if Sunrise were to pursue that funding, it would cost the City approximately \$5,000 to 7,000. He also called Zion’s Bank, who does four of five community bond fundings; (CIB) Community Impact Board is a good bond source at 0% - 2% (Five County Assoc.); City can pay back (bonds) with B&C Road Funds (State Gas Tax distribution – minimum guarantee for ten years).

Paul Heideman stated he had spoken to Zions Bank to determine the payment eligibility, City books would be checked for excess funds and past history; then asked about amounts; Daren C. added when he stated an amount of eligible funds (say) \$100,000, he was told bond amount could be \$780,000. He also stated Pam (City Treasurer) and Auditor (Hinton/Burdick) were working to determine those available funds. Councilman Heideman asked if we need to increase taxes? Daren C. answered no, this will be covered with current revenue and proposed Storm Drain Fee (monthly utility).

Mayor LeFevre asked for discussion on (Cottam) matrix for road costs; Councilman Fahrenkamp commented on various areas of concern, including Westfield, Center, Old Church (down to Ashcreek); also that Shangrila up to the Heights looked good, but patchwork and roads on top were “sad”. Mayor LeFevre agreed, noting Anderson Junction roads are in need; also high volume of traffic is on Westfield, Old Church, and up on the “Heights” (Toquerville Estates).

Daren Cottam stated they had reviewed the Water Study (Sunrise Master Plan) and three areas were broken out for necessity of fire flows on the roads; that some improvements are in Shangrila and Springs Dr. **He noted that (new) water lines need new asphalt. Mayor LeFevre also noted that the cost matrix does not include total engineering and infrastructure.**

Councilman Olds thanked Daren Cottam for this cost sheet; he reminded that Old Church Rd has 6 inches of roadbase; Daren C. said when reconstruct does takes place, contractors will figure according to tests, soils, etc., and costs may change. Mayor LeFevre said the concern now is whether to commit B&C Funds for ten (10) years to bond; Daren C. added that some B&C will be held back for maintenance and repairs; he has a schedule for \$38,000 to “crack & seal”, then hold back \$10-20,000 for maintenance.

Councilman Olds commented watching Hurricane build out roads to Sand Hollow, by Walmart and the golf course **without curb and gutter, even though we know roads hold up better with them; we could do this out on Westfield.** Daren C. said most of that roadway is without driveways; Mark Fahrenkamp added, maybe 3-4 up to Adams Lane. Mayor LeFevre agreed we could save dollars by not doing that now. Lynn Olds said the developers do assist with that when they come in. Mayor LeFevre reminded Council of the “minor lot subdivision” requirements, if they come in; Councilman Cottam added that may become a problem. He also stated that Hurricane has a good program, where the resident puts in the curb and gutter, then City paves up to that and across the front.

Randy Scott asked if curb and gutter was used rather than sidewalks; Daren C. answered yes, the sidewalks are expensive. Councilman Scott noted that many Town residents still use the street when walking; Mayor L. added this would be an issue with Westfield road easements and curves. Lynn O. said the roads that don't need the curb/gutter should be part of this consideration.

Mayor LeFevre brought Council back to the funding issue. Daren C. said they would need approximately \$15,000 for right-of-way survey, deeds, etc.. **Mayor L. added the Westfield angled turn (west to south) needs to be surveyed and (proper ownership) and alignment done – his thoughts were a T-angle being more appropriate for safety, etc..** He explained the deeds and dedications were previously done for the City on certain parts of Westfield. Councilman Heideman suggested an information sheet be done for residents, helping them understand the costs and needs of the roads (City Newsletter). Mayor LeFevre noted they could notify property owners and have a public meeting for input.

Councilman Scott suggested City should prioritize and start with Westfield, than go to Old Church, etc. going from the top down; have a plan for funding and bring down costs as much as possible. Mayor LeFevre added there is engineering and water line needs also; Daren C. stated there are Impact Fees for water lines – about \$500,000 unrestricted funds for that and should be used where needed. Randy S. asked about the sewer lines; Mayor LeFevre answered the Special Sewer District would take care of that. Paul H. (Sewer Brd) said if the need was there, they would want to fix while the road was done rather than tear up later. Mayor L reminded CC of the “TV” work completed for Toquerville.

Randy Scott asked if there were exact figures on the fix at Westfield; Daren C. responded he would look at the funds and see what the City can afford – need the Council to think about curb / gutter, stretching out the funds, checking with the financial statements and available monies. Councilman Fahrenkamp asked if we used most of the road money for Westfield right now – what about other projects? Councilman Olds answered that's where we must come up with additional funds. Daren C. stated current funds are about \$60,000 in B&C (last year) with about \$70,000 for this next year, also a pay back on this City Office road (done with curb/gutter to last a long time) from the General Fund (to pay back). We need to list roads by priority, do a little at a time but put in priority order for a “game plan” with all of Westfield as #1.

Pam Jarman suggested the CDBG (5-County, Community Development Block Grant) will be meeting in Sept. and provides service for the Cities to save money – there is “stimulus” money available. Daren C. noted that in the past years, this money was small compared to the needs, storm and water projects get more support. Pam said they sent a recent newsletter about doing a community hall for City of Hatch recently in Garfield County; plus they have done curb/gutter. Daren C. said LaVerkin also has done sidewalks / curb & gutter with some grant money.

Annette Kleinman (PC) noted the list shows Hillside Dr. to SR-17, yet is completed. Lynn Olds also asked about about the “Heights” – what is the sewer plan, maybe they can help with Shangrila over to the west end? Daren C. said Sewer District does help. Paul H. reminded when SSD installs new lines, they require those within 200 ft to hook up.

Mayor LeFevre asked for any further comment or questions, CC action? Daren C. asked if the Council would like Sunrise (Joe Phillips) to look at funding options? Mayor LeFevre said Sunrise (Engrg) shouldn't be cost to us for them to look at it. Lynn O. feels we should spend some B&C funds to find out if money is available, rather than lose the opportunity. Pam J. reminded the Engrg Budget is very limited, about \$3,000 for the year; Daren C. added we could use the B&C or Water funds. Mayor LeFevre said Dave Everett obtained Grants for City in the past and can get “up to speed”; he's retired and volunteered to help; Lynn O. added D. Curtis may be of help.

Councilman Cottam stated the TRE Project has 1.5 miles of asphalt and road base; we may be able to add the secondary access up to 1.8 miles (for B&C assessment). Councilman Olds added we should be able to add in that and any annexed areas, as by “Homespun” (Leeds).

Mike Vercimak asked if Council had considered a “special district” as Hurricane did on 600 W; Lynn Olds added it's a good way with subsidies; Mike V. added the City can do half or a quarter costs. Mayor LeFevre stated there is a lot of administrative work and costs; Daren Cottam said costs are 10-12% (added in). Attorney Snow confirmed this can be added into the SID and administered by another – as Lewis, Young does for our SID at Anderson Jct. Lynn O. said we could ask Sunrise for an idea of costs and availability – then poll the Council. Mayor LeFevre spoke to Joe P. (Sunrise) about a contract written to include construction drawings / engineering, etc.. Lynn Olds also reminded CC about required bid process for large dollar projects.

Pam Jarman asked Mike V. about the TRE Project being in a position to claim B&C funds? Mike V. answered that the plat was recorded; also should mention the secondary access was in LaVerkin and not ours to claim. Councilman Cottam said at the present time, TOQ has 12.29 miles of paved road; 5 miles of graveled.

6:55 – Mayor LeFevre called Work Mtg to order; Item #1 – Neighborhood Watch Update (Mary Thayer) and City Youth Curfew request, ORD.2009.08. Carol Pogue reported Mary had to leave for a Scout Merit Badge assignment. Mary reported earlier that the meetings are going forward for the various coordinators and block captains; they felt the curfew suggestions would be a great help in the neighborhoods. The ORD. is in the packets and patterned after the Washington County and City of Washington Ordinances, with 12 Midnight for weekends; except Toquerville was moved to 11 PM for school nights. Councilman Scott asked who would be enforcing this? Mayor LeFevre answered the County Sheriff would be called and respond with any emergency.

Mayor asked for **Item #2 – Water and Sewer Updates;** Doug Gubler reported he had taken last water sample to SLC; all was OK. Lynn Olds asked about the leak up on Mulberry (has big dip before it); Doug G. explained it was not compacted enough. Sewer Dept (Blair G.) will report next month.

Item #3(a); Toquer Blvd curb painting. Carol explained some resident calls came in asking when that would be done; Mayor LeFevre said there were Scouts preparing the project for State (UDOT) and Council approval.

Item #3(b); Compensation for Council and Mayor (Randy Scott). Councilman Scott submitted a letter requesting a reduction of Council Compensation from \$1,000 to \$500 for Mayor, and \$200 to -0- for Council Members. He stated that the current increase was given a couple years back during more prosperous times (Study and recommendation by appointed Committee of residents); he feels that this reduction would be less burden on the City due to impacts of current economic recession on Toquerville. Mayor LeFevre asked Pam J. (Treasurer) if this current compensation was “pushing the Budget”; Pam answered the \$24,000 was already budgeted, along with the anticipated “energy tax” revenue surplus (possible \$40,000 for first year).

Mayor LeFevre informed Council of the **new Fire District costs bringing that expense down in the next year,** along with rebates the following year; Pam added the first year (for new District) would be about the same for fire protection (\$38,000 already budgeted). Councilman Heideman commented that if CC Members had to turn in (only) their expenses, it would still give costs to the City.

Councilman Scott noted the employees do not have benefits, nor have had a raise in pay; that when Carol Pogue retires after the first of the year, we need money to allow for training her replacement. Councilman Cottam feels there's a need for qualified people (elected officials), as City does not have a Manager; and that skills and experience of officials of benefit to the City should be considered - aside from their "civic duty". Councilman Fahrenkamp stated the Council Members could give up compensation, but feels the Mayor should not, with all the meetings and responsibility of the office. **Mayor LeFevre added that during the past month he (and Council Members) had attended several meetings with Rocky Mountain including an all-day trip and tour of the Milford power plant; these mtgs included time away from work and vehicle expense.** I'm for saving the City money but need to turn in expenses; he also plans to attend the ULCT Mayor's training in Sept at his expense.

Councilman Olds said he had attended ULCT in past years (City cost), taking time from work schedule in supporting the City and the Mayor; he feels the \$200 / month is a small amount for Council Members. Mayor LeFevre stated this is one of the reasons for looking to add revenue for the City, including the "power grid" and Anderson Junction commercial possibilities; adding that the final decision (Council Compensation question) goes to the Council.

7:10 - Mayor LeFevre will hold the remaining Work Mtg Items until Regular Mtg and convened the Regular City Council Mtg. Daren Cottam led the pledge; Paul Heideman gave the prayer; no statements of belief were given. Councilman Cottam declared conflict with City expenditure for AT Asphalt. **Paul Heideman MOTIONed to convene Public Hearing; Lynn Olds seconded; all approved.**

Item #1. Proposed Funding for the Hurricane Valley Fire District, presented by Councilman Olds and Fire Chief, Tom Kuhlman.

Lynn Olds explained the past year of Fire District Board review of all issues to create a more functional setup for the Fire District; that Hurricane has had more than their share of the expenses. Toquerville, LaVerkin, etc. has put some funds, and the new District is inviting Virgin and unincorporated areas of Smith's, Kolob, and County lands. The Fire Board would like the County tax levy to raise taxes to establish a budget for funding this District, including these extra areas, lessening the burden for everyone; he turned the time to Chief Kuhlman.

Chief Kuhlman told of **Hurricane Valley Fire Dist. created by the County in Dec.'07;** this happened before he came to Hurricane position. The Cities of Hurricane, LaVerkin, Toquerville and Virgin conducted Hearings and passed Resolutions of Support for this proposal, providing many services – fire, rescue, etc. They gave planning authority to the Fire District Board, including proposals of an "independent district" or "special service district" (SSD) to generate the funding for operations, which we are an SSD. We are funded by Hurricane City and contributions from the other Cities, based on assessments and their funds. He reported 68 volunteers with eight full-time and two part timers. There are two full time and one part time administrators; and **during this fiscal year, we expect 3200 calls. During the last weekend, we generated 20 EMS service calls;** during my meeting at last Thursday Council Mtg, the twenty-third call was coming in for the day. We had two ambulances out but it is not uncommon to have four; we have had fire service calls for Hurricane/Toquerville areas already this year.

There are four Fire Stations within the District - (2) Hurricane, (1) LaVerkin, (1) Virgin; four engines, one ladder truck, five brush engines, four ambulances, three water tenders (hydrants), one rescue unit, and (one each) utility and staff vehicles. The 1008-'09 funding for those services include \$264,000 for debt services in apparatus, and a building and operational budget of approximately 1.3 mil dollars. The unincorporated areas of the County paid nothing for their services; **in the last four weeks we've probably been to Kolob no less than a dozen times, generating zero revenue.**

Chief Kuhlman is still reviewing the boundary with County Board; suggestion is that this District will cover from Iron County to the Stateline, basically from the Black Ridge down. We also have State contractual agreements to provide paramedic service up to New Harmony. **Virgin's contribution was approximately \$12,500; Toquerville - \$26,800; LaVerkin - \$87,500; and Hurricane with the bulk - \$1.5 mil.** With Budget comparison percentage, you can see TOQ pays 1.7%, etc., etc.. Call volume? Hurricane pays almost 92% with 72% of property impact. Toquerville has 12% impact with a 7% pay. County is paying nothing with a 4% impact; all have a good bargain for the service.

Some discussion followed about the budget constraints for Cities; cutting costs and positions not replaced with administration, etc.; **City of Hurricane doesn't have the resources to cover the Operational Budget; this is a vital service for our neighbors but we don't know how long we can provide.** This is growing concern – whether the Fire District will be here tomorrow or in ten years; we require a “truth in taxation” Hearing on the District level; City Hearings to ask the public what they want to do with the District – should the Board enact the levy for a more stable environment? There would be a **property evaluation at the County level; boundary outline with the District; the budget for levy funding (before and after).** With “ballpark” figures, Toquerville had \$38,000 this year, to pay their fair share – would bring an increase of \$75,000. As the assessment brings that kind of cost to the City, the General Fund nor property value funding can bear the impact – with the levy, it will be more equitable (over the County lands as well).

To give you a comparison – Leeds Fire District has one Station, one paid Chief, two Engines, two Brush Engines, one squad, etc.; roughly about 15 trained personnel to keep risk reasonable and insurance happy. Cost to residents for '08-'09 on the levy was .001147 to property value; ours looks like below that level. **Our County is looking at just below \$10 to \$11.25 to property with much more extended service and equipment.** Currently, Chief Kuhlman is training 22 new recruits, certification, EMT, etc.; just protective clothing represents about \$4,500. If City wanted to do their own Department, with minimum equipment, etc., first year cost would be \$241,000; year two of own service would be about \$181,000. Chief Kuhlman feels the Board administrative control has done a good job keeping the costs of this new District fundamental, conservative, and fiscally sound, yet considering future years for citizens of the District.

There are three agencies in the County that can provide the level of service this District has: Hilldale and Colorado City have paramedic and firefighter certification similar to ours. St George Fire relies on Dixie Ambulance with one paramedic serving the entire County, except for this District and Hilldale. In Hurricane, we can handle four paramedic calls without assistance. Chief Kuhlman related an incident early that morning with a business fire call where three fire trucks and nineteen people were on the scene; quick response saved the building and a fifth-wheel parked next to it including records; they opened the business by nine and continue to operate. If I had only five people there, we would have lost the trailer, building, and possibly four more trailers; but because the people were there it was all saved. There were other calls as well, **paramedics had a potential heart victim and responded in three minutes at the other end of Town; this is the level of service we can provide.**

Chief Kuhlman explained the next step is for **Administrative Control Board to take action (Nov.-Dec.) for a “truth in taxation” hearing and proposed budget;** Toquerville will hear from citizens through your Board Representative; a budget will be put in place and value assessment by the County for levy calculations; he asked for questions. Councilman Scott asked about costs, noting that most homes are about the \$200,000+ range. Chief said we're **looking at approximately \$7.12 per month for \$100,000 value Randy S. added this would be reasonable at about \$15 / month for average home.**

Councilman Heideman stated last year the State allowed districts to be formed independent of the County; is this what you are thinking, or one like the Ash Creek Sewer District? Chief Kuhlman said more like Ash Creek, with Resolution in 2007, I wasn't there during presentation, but they looked at independent districts and the special service district – choosing that. Paul H. stated this could be, due to the County Levy being used, but would be interested to know; with independent district, you have no County involvement. Chief K. added, historically, they leave Fire Districts separate from the County, other than enabling; the District will function on it's own.

Todd Crappa (public) asked, **with the Fire District and budget already in existence, about any trends or forecasts for anticipation of where we need to be in the next five years?** Chief K. answered this is a rough estimate for five-year forecast allowing for managed growth - and instead of City General Fund, it will come from the Mil Levy. There is a rudimentary impact fee allowing for growth, but my feeling is to avoid another “truth in taxation” process, **we want to sustain the District with this Levy. He also feels in a year or two, the amounts needed should be collected (bringing costs down);** Lynn O. added in the beginning, monies will be tight and any additions will be controlled. Chief K. said there will be a debt service for apparatus and facility, perhaps \$100,000 more, but sustainable by the Cities. He also said they would look at other models – two in the State with similar levy operation; one very aggressive; and will look at the budgeting and revenue issues that require tough decisions.

Question was asked of City representation on the Board? Chief K. stated **each of four Cities has one elected Official and one “at large” elected position; three positions will be changed out this year and posting will be at five locations for these; eligibility is any citizen within the District.**

Item #2 – Proposed ORD.2009.06 (LMC Amendment to ORD.2008.01); Re-Title of Chpt. 14, Hillside Regulations to “Sensitive Lands”. Anita Lowe (PC Chair)

Mayor LeFevre stated he did not think he had a final (typed) Draft; Anita Lowe stated we had gone through this before with a change of name (Title) from Hillside Ord. to “Sensitive Lands”; adding the Introduction, Definitions, etc. Mayor LeFevre said when it came back, **all changes and corrections were to be done to the LMC as listed – in Chapter 14, the re-title on the Land Management Code (LMC) Contents, etc.** Anita L. stated the “Hillside” verbiage was to stay the same with the additions and corrections; Carol P. said this Ord. states the addition to the Hillside (not changing verbiage) and Title Change; my omission was in not changing the Chpt 14 Header to your copy to say “Sensitive Lands” – even though that fact is stated in the Ordinance description. Mayor LeFevre stated there should be exact LMC changes made before the approval; Mike Vercimak felt it was appropriate to leave Chpt 14, Hillside Regulations (title) in because as the “Sensitive Lands Ordinance” expands, we might also see Chpt 14, Riparian Lands Section, or Rolled Hillside Sections.

Attorney Snow stated what you have is an Ordinance that approves and adopts a Chapter of the LMC; this so-called addendum needs the whole “body” of the Chapter for public review. **We are approving the Ordinance, but the body should have (as an Attachment) the complete version, not just insertions. Mayor LeFevre stated we should have the entire document for review.**

Item #3 – Proposed Storm Drain Utility ORD.2009.07; and Storm Drain Utility Fee, RES.2009.05; Streets Department, Daren Cottam.

Councilman Cottam explained this request for Ordinance was submitted last year (Mike Vercimak draft), then dropped due to the economy. Mike V. explained there two items to make this a functioning document; first, we need to decide how big a unit we need to assess – usually based on a residential home. Say, average TOQ home is (to be) 5,000 sf as the Equivalent Residential Unit (ERU). Second is the amount to be assessed for each ERU as monthly fee, based on the impermeable surface, etc. If we have a large manufacturing facility at Anderson Junction with (say) 50,000 sf, assessment would be ten times the 5,000 sf., etc.

ATT. Snow stated his agreement of this ORD after review; he likes the way it is setup for the Utility – and agrees for the two main reasons for the policy, the size of unit and fee or rate. He does feel when City adopts, it should include the amounts and the Amended City Fee Schedule to include this Utility; Carol P. stated we have included this in RES.2009.05; Amending Administrative Fees on the “New Business” Agenda. **Councilman Cottam proposed a \$6 per month fee to be approved, generating approximately \$30,000 per year for the Storm Drain Utility;** the residential units all having that assessment. Daren C. said St George has this fee (not sure of amount); Hurricane does not have assessment; LaVerkin has \$6 assessed.

Annette Kleinman (PC) asked if this amount is arbitrary – why \$6 / month for Toquerville? She would like more information on how and why the number is set. Councilman Fahrenkamp said the amounts (projected costs of repair and reconstruct by D. Cottam, Streets Dept) are being set for building up of road funds, which are very minimal with our B&C State Taxes; (then) bonding will take place to help gain enough monies to make those fixes. **Councilman Cottam explained B&C only covers about one-third of road funds budget; we feel this Utility Fee (as in LaVerkin - \$6) is a “fair amount”** – he also feels anything is better than nothing!

Pam Jarman asked if the fee for ERU would go to all Toquerville open land as well? Mayor answered, just impervious areas. Terry Watson (public) stated concern of charging these fees, because the biggest share of Toquerville doesn’t have a storm drain system, other than Ashcreek Rd and the Boulevard; Councilman Cottam added that’s the problem. Terry W. said if the City was going to charge a fee, than some of us could charge a fee for collecting that water; I have a lot of water in my driveway, but the storm drain improvements may go around my area. Mayor LeFevre said that’s the question, how do we get the money to put this system in? Terry W. agrees we need to come up with a system, but this is just “something we want to do”, then charge everyone; I would like to do that for myself.

CC Public Hearing, 8-13-09 (Storm Drain Utility, Cont.)

Mayor L. asked if he had an alternate solution to help us get the storm drain? ATT. Snow explained there are (most) areas of Town that do not have storm drain; areas of the Town will develop and will need those facilities. Toquerville needs to have a “storm drain impact fee” charged to new development for expansion of storm drain, or connection to the limited system we have; new development should pay for itself. **How do we pay for the existing portion or expand the system of the Town? the City needs to have a source of revenue** --- Terry W. interrupted, “not on the backs of the taxpayers”; ATT. Snow continued ---- and if you gain the benefit of the facilities ----- Terry W. said he would not see Pioneer Dr. and Berry Ln getting a system coming in during his lifetime. ATT. Snow continued, you may have a perception of when and if it will come, but you have to start before it will come, then to explain two ways you’re going to get ----- Terry W. said I understand what you are saying ----; ATT. Snow continued - I haven’t even gotten to it; you need to listen before ----- Terry W. said I haven’t agreed with you yet.

ATT. Snow continued, if I could, I’ll explain how to get a pumping source to put a storm drain system into parts of Town that don’t have it. First, you have a funding source to bond with, and pay to put the system in. **If you bond against future revenue, you must show a revenue source like this proposed fee; or, you may need to get a “special improvement district” (SID) where everyone will equally pay to put in storm drain facilities adjacent to their property**; these are two ways and your choice is to give input to City Council. The Council and Staff have looked at the Utility Fee to help generate a history of revenue to get the bonding and the system.

Terry Watson said he looked at this “like what Obama is trying to do with health care – taxation won’t work – just tax the people and you’ll run them out, they’ll say I’ve had enough”. ATT. Snow answered that’s your personal opinion and the beauty of politics is for you to express that, but I’ve just explained why you would have this ---- Terry W. stated he still doesn’t agree.

Todd Crappa (public) asked if the City has done an assessment to show costs of putting in the storm drain system; and based on this cost with the levy, how long would it take? **Councilman Cottam said right now we have 2.6 mil dollars of improvements to make; of that, curb & gutter is \$286,000; Mayor LeFevre added the “storm drain system” doesn’t only refer to (infrastructure) pipes, etc., it includes curb & gutter to help control storm drainage.** Mayor explained our City Engineer (Sunrise) had completed a Water Study (MP) a couple years ago at approximately \$16,000; ATT. Snow added this gives the City (Water Dept and Utility Fees) needed cost projections for facilities, capital projects, and utility fee projections - including the storm drain throughout the entire City.

Annette Kleinman stated she agreed with Todd C. regarding a study and appropriate fee to be able to bill it to the residents, showing the “bottom amount”. ATT. Snow said that’s what a Special Improvement District (SID) does, if you choose that option. Mayor LeFevre said to really project that kind of study throughout the City (as St George did ten years ago), you’re looking at Engineering review costs of possibly \$300,000. Annette K. asked if that would have to be done before they start? **Mayor answered we have the MP Study now, as well as our best projection of costs for our streets, curb & gutter, etc (from D. Cottam).** Councilman Cottam added this also helps us determine the capacity (collected amounts) to bond, which is approximately \$770,000 which includes the “Storm Drain” annual collected fee (≈\$30,000).

Daren C. stated the City needs to “start somewhere”; that SID’s are more equitable but costly to put together; he related a LaVerkin south-end subdivision a few years ago with water drainage problems; the people wanted to fix it and the City used their funds with a \$150,000 grant to put in a 48 inch pipe. This also helped with other distribution lines as well to drain into the Virgin River. Toquerville would be a lot further ahead if the plan had been started 10-15 years ago. **When you only have 300-400 residents, you don’t think of storm drainage very much; then the growth happens - St George finally had to fix their drainage system.** Toquerville doesn’t have enough money, but we must start planning; or you can just put it off again.

Andy Tomkinson (public) asked where does the money go; and what if nothing is happening? **ATT. Snow said usually it takes two years of revenue (history) to bond against the amount; City will then do a capital facility study showing impacts (fees) to new development, etc..**

Councilman Olds added the Council is forming a priority list now of the roads to fix; we'll add the Water Department funds to do the fixes so they will be done when the new roads go in – this fee needs to be passed and the bonding money ready for the work to be done right and in a timely manner. Councilman Heideman asked if the City could be more “prudent” with this fee, due to the levy being placed for the Fire District; then after first year projected costs come down, the City will have more funds they can add to the Utility Tax; Daren C. added this must be a designated fund. ATT. Snow also said this would be General Fund (GF) money (only to a general obligation bond) and would Council want to obligate the assets of the Town for storm drain when it should be specific funds designated?

Paul H. asked if this was the case if you were building a road? ATT. Snow answered after B&C Road funds bonding, you may also take out general obligation bonds. Lynn O. added we have to hold on to General Funds just to pay for those items we've had to cut back, as the Sheriff Patrol. Pam J. (Treasurer) asked ATT. Snow if her understanding was correct that excess GF monies can be allocated to the Storm Drain Fund without obligating all of City GF? **ATT. Snow explained the Bond purchaser is not going to look at a one-time source of income; Councilman Cottam added we could lower the Fire Dist. Levy (when the time comes) to our citizens, but we cannot plan with GF money to the Storm Drain, we must plan with designated Utility Fee.**

Terry Watson (public) agreed citizens should do their fair share; in the economic time we're in, trying to get these projects done without budget and shuffling monies, it's the same for the people. Even though it's only \$6 per month, we're not saying it's not important - but can we wait until next year? D. Cottam asked how long he felt we should wait? T. Watson responded we should do with what monies we have and not create ways of getting more (which citizens don't have) to get the projects done. He said even if you wanted to do Westfield Rd, what will it take to do the storm drain in that area if that were the only thing you can handle right now? He feels that most are “stretched to the max or beyond...”, and over-burdening the people. This is a good thing to do but bad time to do it.

Mike Vercimak (Staff) reminded of the “**clean water act**”, **mandated to the Cities**, stating there will come a time when Toquerville cannot run the storm water into the Creeks. You will catch and treat the water before putting it back; it is not too soon to be thinking about the Storm Drain Utility Fee. Councilman Cottam related the discussion he had in City Council of LaVerkin ten years ago, there was an uproar about who was to pay for the storm drain. There was an old gentleman who helped settle the community doing all he could to bring water in – good until the year 2000 when the City had to buy more from the Conservancy District. Sure, times are hard and we hope they'll get better but nothing comes free and last year we dropped this proposal because of the recession.

Dave Theobald (public) agrees with T. Watson as far as us putting together a list of “most in need” areas; he asked D. Cottam how LaVerkin did this? Councilman Cottam said they did get a storm drain in the ground but we didn't have enough money without the bonding. Mayor LeFevre said **the four areas most in need – Westfield up to Sunset, Mountain Charm cul-de-sac, Cholla Creek, Springs Dr. and Toquer Heights.**

Norm Merrill (public) said these are good points, and feels we should base monthly fee on TOQ jobs rather than what LaVerkin had charged. Councilman Cottam stated the reason for \$6 is that it will generate enough money for the first project (after two years collection with bonding) and obligate payment for ten years. **If we did all the work on the list, there is 2.4 mil dollars for all. If we can bond \$800,000 three different times to complete, it would take 30 years to do it; it could be a \$25 tax to do it all at once.**

Councilman Fahrenkamp said one point we miss is that we keep going back to the storm drain problem yet several streets in this Town are down to the ground; we need to find a way to repair these roads, and **the bonding money will help fix the storm drains and the roads.** D. Cottam agreed this was a concern for both and good to put the curb & gutter in (for storm drain) at the same time. Mayor LeFevre said this is confusing to some; basically the road creates the storm drain needs. Councilman Cottam added the water lines have been assessed and we have money in that fund; with that, we can go for grants; when you do “piece meal”, you don't go very far. Mayor L. added we fix about one road in four years – you don't get very far with the money. Todd Crappa (public) feels the City should prioritize list with most critical and look at funding the best way.

Mayor LeFevre stated they had looked at water rates a few years ago; past Councils had put this off due to the concern over raising taxes on “the backs of citizens”. We got to the point where the **water fund was in the “red” and (instead of small raises) rates jumped from \$18 to \$22; we’re not doing the future justice when we don’t consider the costs to cover major breaks and maintenance costs.** The two or ten years may go from \$6 to \$45 per month, the City Council may be the “bad guys” for failing to plan for the future.

Lynn Olds MOTIONed to go out of Pubic Hearing; Paul Heideman seconded; all approve? Yes, unanimously.

8:35 PM, Regular Meeting was convened; Mayor LeFevre asked for Item A., Consent Agenda questions or approval. Councilman Scott asked question on expenditures – Cemetery roadway asphalt was quoted from the Mayor at approximately \$6,000; final cost was over \$11,000; can you break that down (Daren C.)?

Councilman Cottam said they had a prior bid a few years ago to pave the Cemetery at 52,000 SF of paving – I thought the road (going up) was included, but was not; that came to about 65,000 SF measured up – we covered entire width of road. The plan (with this coverage) was for it to be more like asphalt with a coat of oil next spring/summer. This was originally a \$50-60,000 job; I retrieved the product from another job, had to make a quick decision and it did benefit the City with the last day of the SR-9 project. We charged to the Streets Department and Mayor LeFevre called for approval of the Council Members; ATT. Snow confirmed this was below the limit of \$25,000 required for “out to bid”. Pam J. asked if the re-oiling next spring would be additional cost? D. Cottam answered yes. Councilman Scott also asked if the Sheriff charges were suppose to be ending? Carol P. said this should be a last billing, billed by weeks. Randy S. asked if ATT. Ronnow billing was almost over? Mayor L. stated that is close; any more questions?

Lynn Olds MOTIONed to approve the Consent Agenda; seconded by Paul Heideman; all approve? Yes, unanimously.

Mayor LeFevre asked to go to Unfinished Business, Item 1. Approval of ORD.2009.06; Re-title of Hillside Ord. to Sensitive Lands, Amending Chpt 14, LMC. Lynn Olds MOTIONed to TABLE for re-submittal of complete Chapter in final format; Paul Heideman seconded; all in favor? Yes, unanimously.

Item #2. Scout Projects Update. Mayor LeFevre asked for this report to go to Councilman Olds or the Mayor, rather than be on the Agenda; having already made Motion to give \$250 for Projects, this report is to determine the progress and he asked Pam if the monies have gone out? Pam J. said no.

Item #3. Proposed lowering of Council and Mayor Compensation. Councilman Scott asked Mayor for estimation of hours he spends in this position; Mayor LeFevre responded about two hours each time (up to 3 & 4 days per week) along with the meetings attended – perhaps 20-30 hours per week. **Randy Scott MOTIONed to leave the compensation for Mayor at \$1,000 and the Council Members go to zero -0-; no second was given; Motion dies. Lynn Olds MOTIONed to leave the compensation as it stands; Paul Heideman seconded; all in favor? Roll Call? ATT. Snow said not required; your choice; Response was four to one to leave as is.**

Item #4. Proposed “Passive/Non-Passive” Speed Control on Designated Streets. Dave Theobald related that Hurricane has no speed bumps; LaVerkin does not; Mesquite has HOA’s and doesn’t want on main streets – they have an “active police force”. Virgin does not have bumps, have gone to speed control (electronic) boxes; has been very effective and cost is about \$5,000. Springdale has posted 25 mph and fines at \$350-500; this has controlled the speeders. SLC has “traffic calming” information meetings for neighborhoods to determine what action will be taken; No. Las Vegas has the same. American Fork Engineer has “speed tables”. Rockville has radar trailer; West Valley City had 20 speed bumps, now gone to electronic speed control box. Councilman Cottam asked for cost of machine? Dave T. said he’s not sure, will get back with costs; will also check on the “painted speeds”. He said the speed table has about a 4 in. raise by 4 ft. Mayor LeFevre asked for those costs to come back for next CC Mtg; he explained the “painted speeds” are directly on the road to calm traffic and statistics show this helps and is a cheaper way. Norm Merrill (public) asked if was in the City power to lower the 50 mph speed coming down into Toquerville – question of why it is higher than other Towns? Mayor L. said in the past, after City request, the State raised from 35 to 40 mph through Town after study; this is a State Rd and they are working on a new (speed) study after the recent striping on Toquer Blvd. They put speed check lines across the Blvd and are analyzing to see if we can get it changed; it is up to UDOT.

Item #5. Request for transition date for Historic Town Hall to City Museum. Bob Olsen passed a picture of a plaque hanging in the Town Hall, which states the purpose of the purchase from the LDS Church was for it to be used for a Pioneer Museum and Town Hall; right now it's being used for everything. Throughout the years, Virginia Olsen (Bob's wife) had raised monies for restoration and never set aside for that purpose; the old Relief Society Bldg was torn down and it was in better condition than the Town Hall. Right now, the Park is a good place to have your parties; this is still a normal place for Town Hall meetings and I'm not asking for money to preserve this building. Reservations for weddings can be made at the LDS Chapel; the birthday parties are causing destruction to this old Town Hall. Bob stated how hard he worked to restore the window wells, and last big meeting, the kids were standing in them. **I'm asking permission to have a museum for placing of artifacts,** many of our citizens have donations but want them protected. There are showcases donated and I'm willing to restore them, along with other volunteers.

Bob Olsen told CC there is another Washington County Historical Society Mtg in our Town Hall next month. They have donated some funds previously for restoration and will probably help again; I believe there are many in the City who want to see this happen and it's up to Council decision; I would like to tell the Society we will be able to have our Museum.

Annette Kleinman (PC) asked if this could be placed on a public hearing to get feedback; Mayor LeFevre said yes, we can do that. Randy Scott said the original project was done so that we can utilize, not make it a Museum. **This is the major bldg in the Community and we need another facility for large gatherings before we make this a museum.** We do have the Park and basketball court; we could enclose it and make it slightly larger; maybe have the Miss Toquerville Pageant, the yearly Christmas Program – there are many occasions we could use it for. Fifty years ago the people could fit in the old building, now it's too small; I asked Lynn Olds if he could give me an idea how much a metal bldg would cost, making it a little bigger than the basketball court, a kitchen and storage area with bathrooms. Lynn O. said it would be about 50 x 100 ft; with accessories, bathrooms, etc., maybe about \$120,000.

Randy S. said he had checked with Treasurer about funds or grants; Pam J. found some paperwork for Five-County possibilities; she said there was a similar bldg done in Hatch this year. **Randy S. said if we were able to raise the funds without taxing, we'll have the facility – still carry on the basketball, and it would be available for a dance or other activity** – protected from the wind, etc. He will be checking on funds to report back to CC, and parking is also available. Annette K. feels we must have another community center before we make a museum. Carol P. stated there were about three weddings this past year – mostly too crowded; the RS ladies have met and also small parties; Miss TOQ had people standing outside; Lynn Olds added when the Christmas Lighting was held, some did not come because they know there's not enough seating.

Randy Scott MOTIONed to leave it as is until we are able to provide a new meeting place; Paul Heideman seconded; all in favor? Yes; Mayor asked for roll call; three to two in favor of leaving the Town Hall as is.

C. New Business, Item #1 – Review RES.2009.04; Utility Late Charge, Amending City Administration Fees.

Pam Jarman stated there is a handout in Council packets showing the proposed policy; the City is giving interest-free loans (in her estimation) to about one-quarter of the residents. She believes this is due to no late fees in place to push collection – allowing them to go three levels or days of billing (1st, 30th & 60th days) before late notices are sent. With 457 utility bills, there are 17-25 (on average) late notices with \$169.50 balance due (at the 3rd billing or 60th day); City must pay these bills (sewer / trash / water) and is losing interest on the money (until resident payment is received).

Pam stated, as Treasurer and fiduciary of City funds, she feels the City can gain some return (on unpaid bills) if we approve a late fee after the one month level of billing (due at 21st day) without reaching the shut-off level. **Her suggestion (with Council permission) is to follow other City's policy by establishing a 5% fee for balance after first billing due date, or 21st of the month. After 2nd month billing, another 5% is assessed and a \$10 fee for administration and postage to mail the final "shut-off" notice with reconnect fee charged at (currently) \$100;** she noted that Mayor Powell had allowed her to waive the fee if it was a first time shut-off and asked Council to review this proposed process.

Councilman Scott said every creditor charges a late fee; Councilman Fahrenkamp believes (not having this fee) is why residents wait three months. Pam J. said a few lower billed people (septic users) at \$32.50 per month, do push to the allowed limit due of \$169.50 – which is much longer than the three months allowed for regular \$56.50 users; consequently, she began using the “three month” limit notice rather than an amount. She also mails the “past due” and “shut-off” in an envelope for privacy, calls the home to make sure of residency; if there is no answer, she drives to the home to make sure notice is understood, then orders the notice posted on the door. Mayor LeFevre stated some feel if this is “hard times”, we should give them a break; this is why he has asked Pam to present this policy for use of City funds, we must treat everyone the same by our approved City Fees.

Councilman Olds felt **Pam could make the Mayor aware of those people having “hard times”**. Councilman Heideman said perhaps more “lead time”, before it’s considered “late”, would help. Pam stated they get the bills by approximately the 3rd day and are due the 20th (most City’s amount of days) and estimated her fees of administration and postage at about \$12-\$14. ATT. Snow noted the Resolution of Administration and Public Works Fees should state the associated costs, which are resident responsibility. Pam J. said many residents are paying their bill before due, or on time; she will give warning of this new charge at least one month before.

B. Unfinished Business”, Item #1, ORD.2009.06, Re-Title of Hillside Ordinance to SENSITIVE LANDS, Amending Chpt 14, LMC; Councilman Heideman MOTIONed to TABLE for completed and final typed document to be presented next month; seconded by Daren Cottam; all approve? Yes, unanimously.

C. New Business, Item #5. Review proposal from “Elevate Communications”; Doug Pingel. Mr. Pingel stated he was here to show how the City can bring revenue by participation in their program; saying for every resident, we can give \$5-10 to the City. We offer **digital phone, internet service (by locals), and satellite TV for about \$89 / month - \$60-70 cheaper than Quest offers;** using TKS wiring out of Hilldale and covering 98% of the area from Virgin to Ivins. We would go to residents offering these services; if only 100 purchased, we would have about \$6,000 per year for Toquerville, paid by Elevate Communications in SLC, and not a taxation. Questions? Mayor LeFevre asked if we were allowed to show preference over the BAJA provider currently in the City? Mr. Pingel said we’re asking for permission to go to the residents; Councilman Olds said he personally felt they should not use the City name as approving or endorsing.

ATT. Snow asked how this revenue is generated and what the contract says, is it like a franchise? Doug P. stated they would set up a contract with the City (depending on participation) for your review. Enterprise City is in a “simpler deal” with South Central Com.; and because they recommend doesn’t mean the others can’t be looked at. ATT. Snow explained the City has passed a telecom license tax for internet service at 3%; if you’re providing that same service, it would also be your obligation. **Doug P. said their program offers additional incentive for revenue as well as referral for free City services. ATT. Snow told them we need the contract before going forward;** Carol P. asked if the tax and payment were the same? Doug P. said no, the tax was separate from the “referral” payment. Mayor LeFevre asked for a roll call vote to allow this company to proceed; Lynn Olds – No, Daren Cottam – Yes, Mark Fahrenkamp asked if this was a referral or endorsement in the contract from the City? Doug P. explained it would be a recommendation and approval for us to go to the resident and sell our package. Mark F. said then he would have to see the contract; ATT. Snow added this could be a standard draft to the City – let us look at this so the City is protected from a preferred provider liability issue of competition. Mayor L. asked them to bring a copy to the City Office and we’ll forward to ATT. Snow.

C. New Business, #2. Review of proposed ORD.2009.07, initiating a Toquerville Monthly Storm Drain, and RES.2009.05 Utility Fee, providing for future City specified street upgrades and repairs. Mayor LeFevre stated discussion was held at Public Hearing and Work Mtg and was now open for further discussion or Motion. **Daren Cottam MOTIONed to approve the City Utility Storm Drain ORD.2009.07 and RES.2009.05; to set a Utility Fee (on the Administrative & Public Works Schedule) for 5,000 square footage of the Equivalent Residential Unit (ERU) at \$6 (six dollars); Lynn Olds seconded the Motion;** further discussion? Mark Fahrenkamp felt with earlier discussion on this issue, the \$6 fee is fair. Paul Heideman feels there should be more research before adding new taxation; Randy Scott asked how this would be billed? Mayor LeFevre said it would appear on the Utility billing, along with trash, water and sewer, as a \$6. charge; Mike Vercimak added the \$6.00 fee would be charged to every single-family residence.

Item #2. ORD.2009.07, Monthly Storm Drain (Cont.). Mayor L. asked for a roll call vote: Paul Heideman, No; Randy Scott, Yes; Lynn Olds, Yes; Daren Cottam, Yes; Mark Fahrenkamp, Yes. Mayor LeFevre stated the Motion carried by four (4) to one (1) in favor.

Item #3. Appeal to Council for Conditional Use Permit (CUP) for the Lowe Family property (T-10 and T-148-A). Mayor LeFevre explained the packet information has PC Minutes (noted unapproved) and pertinent information regarding the granting of Permit. The Conditional Use was granted May 20, 2009, and City mailed notice of Permit on July 22nd, '09. Planning Commission (PC) listed six conditions; Anita Lowe explained her brother, Lorin Lowe has written the letter of **Appeal to remove Finding #5, with term “nuisance” already in effect by the Animal Ordinance; and #6, no irrigation allowed to the property after restrictions were already imposed by the Animal Ord., in compliance by the Lowes.** Mayor LeFevre stated the Variance Fee for \$550 is also requested to be cancelled due to the City error of (LMC) land use notification actions.

Councilman Olds questioned the Appeals Authority (City Council) 30 day deadline; ATT. Snow clarified the “final decision” is rendered with written notice of Permit Issuance. City should do a letter or permit form for every CUP; when given, the appeal (then) can be made within 30 days by the applicant. The City may also appeal the PC granting of decision, or an unreasonable condition. **In our CUP Permit, it is identified that PC can issue or grant these permits; the Appeal Authority is the City Council.** The City Board of Adjustments is the Appeal Authority for variance requests, Staff decisions, etc.; but the CUP must go to the Council.

Lynn O. asked if they (Lowes) had gone back to the Planning Commission to discuss this – he felt it could have been handled at that level; Anita Lowe added the requirement was to appeal to Council and she stepped down from the Chair position for this CUP to Staff. Mayor LeFevre asked for CC to make decision of upholding the PC findings and conditions, or accept the changes requested on this appeal.

Mike Vercimak (Staff Admin.) asked to clarify some history on this CUP; the public hearing did bring a considerable amount of people from the area who came to state their opinions. During the discussion, it was brought out that the irrigation of top eastern portion for the animals should not be allowed; he specified the Animal Ord. restricted the amount of animals allowed to the area, regardless of the watering, which made the watering a “mute point”. The Motion was then made to include the “not allow irrigation”, but I think we were still in the parameters of the Animal Ordinance.

ATT. Snow added that if the CC decided to uphold the PC granting of CUP conditions, the Lowes will have exhausted their appeal remedies with the City and could opt to District Court where **the City would have to justify whether the decision of the PC was “arbitrary or capricious” – showing there was a reasonable basis for their decision.** The neighbors would have to prove (scientifically) the “keeping of animals” on the property would create a substantial problem for the health, safety, and welfare of the citizens; that with prohibiting irrigation, it would mitigate their concerns, and then prove that in Court.

Mayor LeFevre also noted the letter of granting the CUP from the City was late, stating this affected the appeal process. Anita Lowe commented the conditional use also stated (#6) “... no irrigation allowed on the slope areas on the east side of the subject property”; being the property has an east or west slope if we were to add any water to the east side, we violate this conditional use. She added, if we wanted to plant vegetation or beautify, we could not - to stay in compliance; this would affect the City as we'd have to let the area die.

Councilman Fahrenkamp (sat with the PC on Lowe CUP) explained why **PC allowed the condition, stating there was “public clamor” at the meeting about animals, safety of children along the fence, etc.. The protest was that irrigation would bring animals in all the time;** watering was being considered for a “sliver of property” between the lots from SR-17 down to Ash Creek. The intent was to minimize the amount of time animals spent in that area; the Lowe intent to beautify with plants and trees is another issue, encouraging animals to come in there was the concern.

ATT. Snow said the #5 condition issue is covered by the Animal Ordinance as Appeal states; and he believes CC could look at #6 condition with an arbitrary and capricious standard – **why one portion of property is allowed irrigation and another portion is not – never in City history has this been applied.** ATT. Snow said the only reason they can regulate is in times of scarcity according to Utah Code.

Norm Merrill (public) stated he is adjacent to this property, that if the Lowes drag a hose to water trees, or put in sprinklers up there on the slope, they better be ready for a lawsuit when the water washes down into the lady's swimming pool; or the lady's property with the autistic child, and others. Norm M. feels that if this property is watered, it will not soak in and wash into homes below. ATT. Snow replied that (occurrence) would be an appropriate reason for protest in a formal matter. The Council must now discuss whether to grant this request for appeal by the Lowes, to modify or overturn conditions (by the PC).

Paul Heideman MOTIONed for CC to open an Executive Session for this discussion; seconded by Daren Cottam; all in favor? Attorney added, for purpose of pending or potential litigation. CC answered Yes, unanimously; Mayor LeFevre excused the public in attendance from the room.

NOTE: THE EXECUTIVE SESSIONS (#1 & #2 HELD TONIGHT) WILL BE RECORDED, TRANSCRIBED AND PRESENTED TO THE CITY COUNCIL FOR APPROVAL AT NEXT MONTH'S MEETING. They are considered for legal purposes only and not for public view; Public Meeting will continue after the private session is complete and public invited to return for the Regular Meeting.

10:05 PM – Regular Meeting is Reconvened by Mayor LeFevre.

Mayor L. asked Council Members if there was any further review or discussion for Item C.3, the Lowe CUP Appeal? No response; **Lynn Olds MOTIONed to alter Condition #5, clarifying and defining the Animal Ordinance, Nuisance Control; and to strike Condition #6, allowing the Lowe Family to irrigate the property in question. Paul Heideman seconded the Motion; Mayor asked for a Roll Call: Paul Heideman, Yes; Randy Scott, Yes; Lynn Olds, Yes; Daren Cottam, Yes; Mark Fahrenkamp, Yes; unanimous in favor of Motion.**

Mayor LeFevre asked for any missed items from Agenda; Paul Heideman stated his **Work Meeting Item #3.(e), Fees and Conditional Use Permit in relation to our Animal Ordinance** was requested to delete the requirements of PC review to only a Staff review for CUP, and requiring CC public hearing for the Land Management Code (LMC) changes. Mayor LeFevre asked for CC Agenda Item to be placed next month to review the Animal Control Ordinance and Permit Fees for residential. ATT. Snow said you could add an amendment to strike CUP if (Animal Ord.) requirements were met and reviewed by Staff, then no need for special permit; Paul Heideman added that there should be no need for the CUP with the Ordinance in place,

Mike Vercimak addressed CC - drawing a diagram of housing on the board with open area behind the lots; he said these are half acre (residential) lots with houses backed up to an open area. Are you saying that someone could buy in back of these lots and with enough property put a horse in, without even a notice to the neighbor? Councilman Heideman stated the Ordinance does say that. **ATT. Snow said the "conditional use" says you must notice them; the question is whether we should have this as a conditional use.** Mike V. also stated the Planning Commission should review and recommend before the CC hears this; ATT. Snow confirmed, yes we should hear from Planning Commission first. Anita Lowe (PC Chair) said she would have this on the next Work Meeting Agenda, including review of permit fees for different size animals.

Item C.4 – Review and possible approval of Minors Curfew, ORD.2009.08; this in line with County Ordinance. Mayor LeFevre opened for discussion; Council Members asked if this was necessary; Carol P. explained this was the **Neighborhood Watch request to help with current problems of vandalism,** etc. The times are requested for 11PM until 5AM Monday through Sunday; brief review was held over exceptions providing for legitimate work, emergencies, returning from school functions or various events, etc. It was noted this was under Washington County Police enforcement and parent responsibility.

Councilman Lynn Olds MOTIONed to approve all days from twelve (12) midnight to five AM; seconded by Paul Heideman; any further discussion? None given; all in favor? Yes, unanimously.

Mayor LeFevre asked if there were any Agenda Items for next month? Councilman Fahrenkamp asked "Sensitive Lands" back on for approval; Lynn Olds agreed we need to make sure the Ordinance is complete and written as it is presented for approval; Carol P. will bring that completed.

CC Regular Mtg. 8-13-09 (Cont.)

Work Mtg Item 3.(d); review CC / PC Mtg nights schedule. Mayor L. stated the problem occurs in timing from PC review to CC Mtgs – sometimes moving the item out to the next full month or more. Anita Lowe (PC Chair) said even if we move it one week, PC is still after (or before) depending how far you move; Mark F. added the concern for publishing and posting has certain time requirements hearings, etc. Carol Pogue said the Spectrum is not required other than legal – as elections, etc.; we can use the Website and four posting boards. Mike Vercimak asked what is the problem? Mayor L. said there are times the PC doesn't have the time to review then put together before CC; Mike added he doesn't see the urgency – we don't need to get in a rush to get on the books. Problems come with the first application following something getting on the books by not giving due consideration; we can't expect (that) from council direction, that PC should be reacting in just a few days. Mayor LeFevre stated for now, the meetings will remain as is.

Work Mtg Item 3.(f); Park Flagpole proposed removal. Councilman Scott said the Flagpole has been bent on an annual basis; I recommend a steel shaft to keep from swinging; DeLos Elison suggests a lock box (as the Church pole has) or to cut it off at the base and use a portable flag pole.

Work Mtg Item 3.(G); Board of Adjustments Vacancies; Mayor LeFevre asked for suggestions and would like names from different parts of the Town. Mona Lowe was suggested, recommended as one who attends all meetings and stays informed; she agreed and Carol reminded another name is needed for an alternate member. Other names from Cholla Creek or Toquer Heights area were given: Leif Bjarnson, Joel Timo, Jeff Manwaring and Darrin Heaton. Mayor LeFevre will make contacts.

Mayor Lefevre asked for Department Reports:

1. Economic Development / Water Dept – Lynn Olds: nothing further to report.
2. Cemetery / Park / Maintenance – Randy Scott: nothing further to report.
3. Culture & Recreation – Paul Heideman: nothing further to report.
4. Streets – Daren Cottam: Reported new figures on his Matrix of Costs for Council Review.
5. Subdivisions – Mark Fahrenkamp: nothing to report.
6. Planning / Zoning / Staff – Anita Lowe: Violation of Ordinance Requirement? Mayor L. stated his understanding was three nuisance calls, the City has procedure process of a letter from the Mayor. Carol P. stated they did make a call prior to that.

10:25 – Executive Session #2 request was MOTIONed by Paul Heideman for purpose of discussing personnel issues; seconded by Lynn Olds; all in favor? Yes.

NOTE: THIS EXECUTIVE SESSION #2 WILL BE PRESENTED FOR APPROVAL AT NEXT CC MTG.

10:45 – Regular Mtg was reconvened and MOTION for Adjournment was made by Paul Heideman; seconded by Lynn Olds; all agreed and Mayor LeFevre closed the City Council Meeting.

Minutes of the August 13th, 2009 Toquerville City Council Special Streets Mtg, Work, and Regular Meetings, Public Hearing and Executive Sessions #1 & #2 will be presented for review to CC Members; approval will be made in the September 17th, 2009 City Council Meeting:

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

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