

TOQUERVILLE CITY COUNCIL MINUTES

Work Mtg; 6:30 – Regular Work Mtg;

7PM - Public Hearing and Regular Mtg

Held September 17th, 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); B.Gubler, Sewer Dept.; (D. Gubler, Water Dept -Excused); P.C Members: Anita Lowe (Chair); DC Young, M. Lowe (Var. Brd); M. Thayer (Neighbor Watch); Carol Pogue (Recorder); Pam Jarman (Treasurer); **Public Attendees:** Terry Watson, Todd Crappa, Brig Darger, W. Heyman, G. Hardman, D. Morgen, S. Stratton, ATT. G. Hardman

6:31PM – Mtg is called to order by Mayor Darrin LeFevre and asked (while waiting for the Water/Sewer Update), for Item #2, Neighborhood Watch Update from Mary Thayer. She thanked CC for the Curfew ORD adopted last month; this gives citizens the option now to call County Sheriff and report those violations. The City Wide (umbrella) Program heads up the seven autonomous Neighborhood Watch Programs around the City; City Program is registered with the National Program and we are meeting at 6PM monthly prior to City Council. This 30-minute meeting (all residents invited) will allow for area announcements, contacts and training; Mary takes about 10 mins for crime report and current updates, then breaks into areas for their individual updates.

The second mtg will be held on the 3rd Wed. for Coordinators, to exchange and update area information; they have individual and various levels of “watch” plans to adopt and use – or not use, which two City areas do not - Cholla Crk and Toq. Heights. There are some names submitted, but areas are still not complete in organizing; there is no pressure to organize until they are ready or willing and are all invited to join the City Mtgs. Mary reported the remaining five areas are organizing and coming along well; they also attend meetings. Area plans are low, medium and high involvement – another plan covers “special needs”; they hope to have a long-term sustainable program with not too time demand on the people. The area Coordinators are doing a great job, particularly in “old Town south” (Rowan) and “Westfield south” (DC Young), who are organized on “facebook” and doing e-mails. Mary thanked the City Office for their support and asked for questions? CC and Mayor thanked Mary for work; DC Young asked if there were City funds to help buy “neighborhood watch” signs to place around Town, on Stop sign posts, etc; good quality can run \$18-\$24 each and Coordinators Mtg can come up with a request. Mayor asked for a cost for possible Scout Project; L. Olds has names of Scouts who may be able to earn the money to fund this.

Item #1, Water and Sewer Updates; Doug Gubler is excused; **Blaire Cubler (Sewer) reported that the public will be noticing odors this time of year with temperature transitions.** He cautioned City Office for any phone calls coming in about odors in the house, this is NOT natural and should be reported to SSD. He gave example of one customer flushing downstairs – he was upstairs and the water came up in the bowl which indicates a (small) vent problem – pushing water out of the “pee trap”; when resident calls, they will help diagnose the problem. He told Council to let the people know Sewer Dist. is aware of the extra odor in the “main” at this time; cool nights and hot days draw the odor and must have ventilation. Blaire asked for and questions.

Councilman Olds asked Doug Gubler for explanation of the ASSD (Ashcreek Special Service District) Rules of Operation and Construction Standards on Agenda for adoption. He explained we bring this up about every three years for law changes, etc.; biggest change this year is incorporating part of the County into District. We changed construction standards in two or three spots to reflect clean-out changes and rules of operations; LaVerkin has approved. With the County changes, came protection for the Communities; County will pay for septic tanks when they build them. Subdivisions will build a system – this goes from I-15 to Black Ridge area, around Apple Valley (all County) – except east side of County and Kolob. Carol Pogue (Recorder) noted these documents have been accepted in April by ASSD. ATT. Snow also pointed out the reasons for individual Cities to adopt these District rules, standards, etc.; because if new construction not in compliance, ASSD can only do so much; if City adopts, they can “red tag” and govern all building within their boundaries, as they’ve done in the past participation with ASSD. Doug G. explained they also have done an “in-depth” Impact Fee Study.

Councilman Heideman (Sewer Brd) also stated the Cities (Hurricane, LaVerkin, Toquerville) from original District have separate financial reporting from the County; as when we get extra expenses due to County, this does not affect our City expense. Blaire G. said they would be “paying their way”. Questions? Councilman Cottam asked about the manpower and facilities for that eastern portion; Blaire explained they have only the east side and will still be based where they are, the west side and Kolob is under Ron Thompson (Water Conservancy Dist. Sewer Dept.) – they will issue septic tanks, etc. We (ASSD) issue them (outside of City limits) in existing subdivisions and bill a fee for our work, etc.; we don’t want Cities to pay anything for County. L. Olds asked if the acreage requirement was still the same for septic? Blaire responded this is applied to any new construction (not existing subdivisions) according to the Allen & Leuse Study.

Item #3(a). Mayor LeFevre asked for suggestions to fill the Board of Adjustments Alternate position; Mayor said previous names have declined and would like to get a name from the south side of Town. Council suggested J. Timo, B. DeMille, G. Walker, and L. Parkinson; Mayor will make calls for interest in serving.

Item #3(b). Water & Streets Impacts (estimated by Auditor) paper was addressed; Mayor asked for CC comments. Daren Cottam said there were \$216,887 in Impacts for roads; \$62,996 remain from Parks reimbursement – with both funds in same account, this will be resolved – Park Dept owes the Streets. He also stated there needs to be individual accounts (Impacts funds) set up for each to avoid this happening again; these (PTIFs) should be in agreement with the income statement. Carol P. reported Auditing begins in October; preparation is going on now.

Councilman Cottam has told the Accountant that we should move reimbursement funds (to be paid back) into another account – showing (actuals) - as in the Water Fund Impacts; there is \$282,000, but reference is to “significant amount of unrestricted funds in the water fund” (different from the statements). Daren C. stated we have 2.5 mil dollars of repairs to water system, fire flows, etc. Mayor LeFevre added some of the fund goes for breaks, etc. Daren C. responded our Impacts don’t go for that, unrestricted funds do; this is like the Streets B&C funds – amounts kept in account for repairs, etc. Lynn Olds mentioned the reimbursement from the Water District listed as \$89,479 is still not complete (involving previous shares, etc.); Councilman Olds will check on the (signed?) agreement made with Ron Thompson and Mayor Powell.

7:05 - Mayor LeFevre dismissed the public; Mayor and Councilman Cottam requested Executive Session to discuss possible or pending litigation and employee issues. MOTION made to convene Exec. Session by Daren Cottam, 2nd by Paul Heideman; agreement was unanimous; Executive Session was convened.

Mayor LeFevre asked to return to Regular Meeting; MOTION for that action was made by Paul Heideman, seconded by Randy Scott; all in favor? Yes, unanimously.

7:56 PM – Mayor LeFevre reconvened the Council Meeting; Mark Fahrenkamp led the Flag Salute; Randy Scott gave the Invocation; no Statements of belief were given, and no Conflicts declared.

Mayor LeFevre announced a Public Opinion and Discussion time for (citizen request) possible Town Hall transition to City Museum. Bob Olsen announced the Historical Society Mtg will take place this Sat. (Sept.19th) at 10AM; the visitors will tour the Town historic homes and have a presentation by C. Naegle; the public is invited. He also spoke of his feelings for transitioning of Town Hall to a City Museum and had previously asked to prohibit public use; he now believes it could be used for smaller weddings and gatherings with supervision and cleaning fees, but not disturbing any interior settings or decorations to protect what is there for the enjoyment of all. He told of the funds raised by the County Historical Society (\$200-\$300,000) by rental and maintenance fees charged to the public. This money is used solely for the buildings needs; it was asked if TOQ Town Hall has requests and revenue? Carol P. answered the main users are the residents with “no fees”, just a deposit; non-residents use is very limited. Bob believes ALL users should be charged rental and a cleaning fee for the upkeep of the building.

Virginia O. spoke of the time and labor, making quilts with volunteers, and other donations that have gone into the restoration and maintenance of this building; she feels it is falling into disrepair again. She stated there are others in Town who have artifacts and donations for a Museum if there was a secure and protected place for them. She believes the Hall could be used for small historic and patriotic gatherings, with control and supervision of children; this would be respectful of the hard work of all their great-grandparents.

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Bob O. told Council that the new TOQ representatives to the Historical Society will be Carol & Ralph Christensen.

Councilman Olds commented that the owners (Habibian) of "Lava Heights - Girls Home" (renovation and expansion) going on up Springs Dr. indicated they would allow their large amphitheatre to be used for City functions.

Councilman Scott told of a Five-County Mtg the 24th of this month to talk about available grant money from government sources; he would like to qualify with required surveys to convert the Park basketball court to be turned into a covered facility with portable stage, bathroom, kitchen and bathrooms. This could seat 500 people and accommodate the City for large gatherings, vs. not enough room to use the old Town Hall.

Bob O. stated TOQ needs to be on the Historical Register to better qualify for grants (maintenance & museum restoration) for the Town Hall. Councilman Scott said he's all for making a museum when we have something else to go to; Bob O. said in the meantime, we need to charge for upkeep and cleaning with inspection; most are charging about \$20/hr. Councilman Fahrenkamp agreed City should charge these fees and feels having to pay will bring more user respect for the facility.

Anita Lowe brought information from Provo City Center; they charge rental fees and deposit of \$150, twice the amount for weddings; extra fees for after hours, set-up and take-down, clean-up, etc.. Citizen's business, special interest and non-profit groups – many fees are considered and are higher for weekends and holidays. You must ask why people want to have it outside their home; it's so convenient and no charges to residents. Anita stated everyone should be charged – citizens and non-residents. Another issue is for Park use – we should be in line with charges on that also. Councilman Scott said he would be giving this much thought – what should and should not be allowed in the Town Hall. Mayor LeFevre felt the CC Motion (last month) for retaining use of the Town Hall as established is sufficient at this time, but perhaps requirements need to be in place for more stringent care and upkeep. Bob O. agrees that better care is necessary.

8:20 PM - Mayor LeFevre asked to reconvene the Regular Meeting, A. Consent Agenda; he asked Council for review of expenditures. Mark Fahrenkamp had a question of engineering cost to Litchfield area; Mayor explained the trade of property for south end of "bypass road" easements and description, as the Westbrook Ashcreek Crossing Development has done. Litchfield survey was required at total cost of \$4,200 with City paying \$2,100; Lynn Olds added the location will be staked and dedicated as easement. Randy S. asked if there was any progress on the northern access? Lynn O. stated he's expecting a letter from Lorrin Lowe in behalf of the Lowe Family. Daren Cottam asked about expense for Leeds Annexation protest; do we get reimbursed for most of that? Mayor LeFevre answered yes; we are trying to finish that up with the Crowe property group Attorney doing the legal description for our review; Lynn O. added we must assure the legals match up with ours.

Lynn Olds MOTIONed to approve Consent Agenda; seconded by Randy Scott; all in favor? Yes, unanimously.

B. Unfinished Business, Item #1. "Hillside Ordinance" re-title to SENSITIVE LANDS, Amending Chpt 14, LMC, ORD.2009.06; Public Hrg held Aug. 13th CC Mtg. Final typed Ordinance review and approval. Mayor LeFevre stated the Ordinance is corrected and complete as requested last month; Carol P. noted a few page numbers needing to be corrected before LMC replacement copies are made; he asked for any further discussion. **Mark Fahrenkamp MOTIONed to accept the Amended SENSITIVE LANDS ORD.2009.06, approved and revised Chapter 14 with correction to page numbers; seconded by Paul Heideman; all in favor? Yes, unanimously.**

Item #2; County Victim's Advocate Program, Tiffany Welsh has cancelled tonight, will attend next month.

Item #3; Passive/Non-Passive Speed Control on Designated Streets – D. Theobald is not in attendance. Mayor instructed this be removed from Agenda until they come back for this request.

C. New Business, Item #1. EASTERN WASHINGTON COUNTY RURAL PLANNING ORG. (RPO), ACCESS AGREEMENT; TOQ. ORD.2009.09. Mayor LeFevre explained this request is for all Cities on the Eastern side of the County to include rules and regulations to follow "Access Management Agreement" set forth by the County Transportation Executive Council of Est. Wash. County RPO.

Sept. 17, '09 CC Mtg (Cont.)

Mayor read over parts of the Agreement Items including: (1) City Transportation Plan adopt and review regularly; (2) adopting this Ordinance Agreement as part of the MP; (3) new development impact on jurisdiction's transportation system, as determined by Jurisdiction's Engineer, will include a Traffic Impact Study (TIS); (4) new development in Jurisdictions, and cooperating with neighbors for impacts to be minimized; (5) includes UDOT as a technical resource for projects accessing or impacting State roads, determined by Jurisdiction's Engineer. Mayor stated the RPO's Engineer is Arthur LeBaron from Hurricane.

Councilman Scott asked why do we need this? Mayor LeFevre explained this will keep the RPO Standards the same for all connecting Cities; example: if developments come in with bordering Cities, requirements for Traffic Studies may impact both. He feels this is important for City, but we do not have to adopt this; the intent is to keep us "on the same page" with similar standards of other Communities. Councilman Cottam added that UDOT also wants enforcement capability for the State Roads impact from City roads emptying onto State Hwy. Mayor stated this was presented to the Mayors at RPO – Hurricane, LaVerkin, Toquerville and Virgin. Randy Scott asked what the other Cities felt about this. Mayor said they discussed with the Engineer (LeBaron) about possible hardships on small Cities like Toquerville; TOQ Council may want to hold off and attend the RPO to hear more.

ATT. Snow stated from his review that he didn't know if the adoption by ordinance was necessary; this was an RPO Agreement with other Municipalities. This would make us contractually obligated to adopt a Transportation MP – with Ordinances; Then the Traffic Impact Study (TIS) requirement for developments having more than 100 trips during "peak hrs", etc., etc.; and involving UDOT guidelines for resource IF certain situations - as listed. ATT. Snow is not sure that UDOT as a "technical resource" is the same as following the standards. Mayor LeFevre told RPO that TOQ Council would be consulted and have to reach a consensus for this Agreement request. ATT. Snow said this involves City MP, TIS, and preparation – then we must consult the UDOT, asking them to be a "technical resource", whatever that means; that what this Agreement says is City requires every plat application to submit information of peak hour traffic, etc., etc.

Mike Vercimak (Staff Admin.) said "you don't want to be a part of access management"; Hurricane City entered an access management partnership program where a property owner wanted to build a wall; UDOT asked them to preserve and protect for possible interchange use. If City said we don't have money set aside to buy property for this use; they could write back and say you didn't protect this (Agreement). ATT. Snow added you would have to make a conditional approval for a project and the property owner may claim a "taking" without reason; City has to look at following UDOT wishes or face a lawsuit. Mayor LeFevre stated this proposal came from last RPO Mtg; Mike V. noted the Hurricane Council presentation of this Agreement was also going on tonight; Mayor feels this was somewhat like a "big brother" situation with UDOT. Mike V. added the partnering or "working together" is different than an "access management" agreement.

Mayor L. asks about the statement, "each jurisdiction to adopt a transportation master plan" and review on a regular basis – how frequent – 40 years? this is not specific, but they wanted to leave up to the Towns discretion. Paul Heideman feels this could take authority from City Council; also feels coordination is necessary. Daren Cottam said they're not doing any "strong arm" with UDOT requests; ATT. Snow added he felt that (agreement) portion to be vague. Paul H. stated there are some requirements in this that could be interpreted wrongly "down the road". ATT. Snow advised (as an Attorney) this is "non-enforceable and without teeth". Daren C. said to benefit the area is what the RPO's intent was; also to work together and communicate for better "flow" of transportation. Toquerville has a 300-lot subdivision coming off a UDOT right-of-way and they didn't even know about it; another example (of UDOT not informed) is of that an approved Brianhead subdivision where ingress and egress lanes were needed.

Mayor LeFevre said much of this development comes in at subdivision construction; Mark F. added the study costs, etc., would be passed to the developers. Mayor said he could return with a "no interest" if Council decides. Todd Crappa (public) stated this Agreement sounds like a future mandate for the City to communicate with UDOT and they may be dictating to us – perhaps even involving lawsuits. ATT. Snow added this is also an issue of giving inter-agency respect; we don't disregard UDOT requests, then expect their response to our needs; we should always ask for proof of access with UDOT for developers coming in. Terry Watson (public) commented he knew of a "couple incidences where UDOT strong-armed Toquerville"; the latest was four lanes through on the highway; the City should have the opportunity to say no.

Mayor LeFevre asked for motion to TABLE until next discussion with RPO; so MOTIONed by Lynn Olds; seconded by Randy Scott; all in favor? Yes, unanimously.

Item C.2. Ashcreek Special Service District (ASSD) Rules of Operation and Construction Standards, adopted May 28, 2009; approval and adopted by Toquerville ORD.2009.10. Mayor LeFevre asked for any discussion or comments. **Lynn Olds MOTIONed to adopt these ASSD Rules and Standards as described by ORD.2009.10; seconded by Paul Heideman; all in favor? Yes, unanimously.**

D. Request for Agenda Items to be heard Oct. 8th, 2009 Council Meeting; do we have any requests? Anita Lowe (PC Chair) requested public hearing for two changes to LMC; one is Flag Lot Specifics and two, Sign Ordinance Zones; Mike V. will forward the amended documents.

E. **Mayor Lefevre asked for Department Reports:**

1. Economic Development / Water – Lynn Olds had nothing to report; he also reminded the Council that all Executive Sessions need to be held at the end of the Mtg rather than removing the public for an hour, as tonight's caused public to leave.

Mayor LeFevre **updated the meeting with Hurricane Valley Fire District**, already formed by the Washington County Commissioners and passed by Resolution R-2007-1203; public hearings have been held and the funding questions at this meeting went on with Virgin and Hurricane talk of dissolving the District. There will be a public forum with Chief Tom Kuhlman and any resident who would like to attend or call for information; also, if the public wants to do this, we need truth in taxation and a ballot for funding. Mike V. added some late news from Hurricane CC Mtg tonight; yes, the Fire District is in place, and the County ATT. has asked for a vote by the people as to HOW the funding will be done. Chief Kuhlman said this can be on the ballot in Nov. as a question of Assessment from City or a levy on the County Tax. Lynn O. said they had agreed last month to request the County take care of a levy.

Mayor L. agreed two nights ago, the attendees were told differently. He also stated that TOQ has never paid it's fair share; we must go to Hurricane for fire protection - either raise taxes as a City or go to the County Levy. Lynn O. said they may have to look at a three-City District with Virgin, LaVerkin and Toquerville. Brig Darger (Fire Dist Committee) said Virgin hasn't paid their fair share either, why was there a request to dissolve? Mayor L. stated the reason (he felt) when presented a year and a half ago, was it was to go to a vote – now we're here without that vote – most still wanting to go to the District, but also wanting to be able to vote; all I know our taxes will have to go up to pay for fire protection.

Daren Cottam stated if this was to go up for vote and/or be dissolved; Mayor Powell (last year) had sent a request for CDBG grant (\$700,000) for this need; we know it would be better to go in together. Mayor L. said if incorporated with a District, the County (assessments) would pay their portion for fires in their parcels, with or without structures. Daren C. said his cabin in Kolob burned in the winter; if they had a station up there, it would not have been lost.

Mike V. commented that Hurricane City has enough votes to kill this or make it go, and doesn't want the smaller Cities to feel that intimidation; Brig D. added the Committee felt they had heard fairly from the various Communities. Lynn O. said they had understood with all that had been completed that it was just the funding issue of which way to go – not a matter of pushing this on little Cities during this last year and a half; I didn't feel there was too much opposition. Mayor LeFevre's concern is if they keep prolonging, it will push out another year.

2. Cemetery / Park / Maintenance – Randy Scott: nothing further to report.
3. Culture & Recreation – Paul Heideman reported the Seed Display had received a ribbon and thanked Carol for sending the thank you letters.
4. Streets – Daren Cottam reported the CC packets have his prioritization roads from last month;; we've not listed the "lower priorities" – this is top six roads with costs broken out. We'll check with Sunrise for help on several Bonding options; they have the expertise in going after project money with State agencies.

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Councilman Cottam stated Sunrise told him it would be a \$5-7,000 cost for stages of the projects; he explained the CC would want to bid that project cost out to the public, and asked Sunrise for a proposal to take it from beginning to end. If they were to obtain the grant, it would provide funds for 90% of the engineering cost. He noted there were smaller engineering firms in the area but large offices are better able to do the research for funding. Daren C. also told Sunrise there were water improvements in coordination with the streets on this list; perhaps with CIB and Water Resources, funds can be applied for that also.

Mayor LeFevre said the CDBG (Five County) Grant “workshop” is being held on the 24th at 6:30 PM this month; Council Members R. Scott and D. Cottam planned to attend. Randy S. wants to find funds for a Community Center; Daren C. wants help with the roads. Councilman Cottam stated the CDBG Engineer had said their Grant priority was the necessities as water lines, storm drain problems, etc. Mayor LeFevre commented that Aaron Langston (now serving on the PC) may also have some CIB information.

Paul Heideman commented that perhaps any engineering firm could give a lower bid – if the grant money was NOT available. Daren C. said the Bond Company or State Agency will look at the City’s eligibility. Lynn O. feels that Sunrise would be fair; Mayor added he works for engineers and also likes Sunrise. Council Members discussed the options of proposals for grants going through the City Engineer (Sunrise), using bids or initiating through them, estimating both with and without engineering, and possible use of the Five County Government office. Daren C. said the CIB Office must have application by Oct. 15th, for Feb. Grant time; CDBG needs by Oct. 15th for coming year. Mayor stated this estimate would be a cost estimate without engineering; Daren C. said he would get information at this CDBG Mtg next Thursday.

5. Subdivisions – Mark Fahrenkamp: nothing further to report.
6. Planning / Zoning / Staff – Anita Lowe reported the PC has had two meetings (due to CC moving their Mtg last month); review items: the proposed CC request for Animal Ord. Conditional Use Permit (CUP) to a Permitted Use for Residential Zones was held; PC felt (unanimously) it should remain as is. During the August Mtg, there was a request for CUP (keeping large animals in R-1 Zone) from Spencer Richens on 5.3 acres on Westfield Rd, south of the old rock house. This is pending sale/exchange of his private property in SLC. This CUP was approved with various conditions (animal nuisance violations, etc.) and annual reviews of compliance, to be calendared with the City; this calendaring will be done for all City CUPs and reviewed on a monthly basis, as required.

Another CUP is for Janice Crowe and a cleaning business, home office; Randy Scott asked why the necessity of coming to the City for a business in the home? Anita L. answered the LMC and Council requires a public hearing and notice to the neighbors. Mayor LeFevre added the home business requires a City License to conduct business - required by State Tax Commission, etc.; the reviews keep the citizens informed in the residential areas. Anita L. stated that Mike V. had attended UT League of Cities & Towns (ULCT) in SLC; he’s been told there are only certain LMC types requiring public hearings – Land Use: General Plan, Land Management Code, Subdivisions and Zone Change.

Anita L. stated her opinion that opening to public also opens to “public clamor”; the PC is doing review and approving CUPs; they would recommend City do a public “notice” for the neighbors living within 300 ft from property of applicant. She also recommends they go through all the LMC requiring a public hearing and eliminate those not associated with the four areas stated above. ATT. Snow stated most Municipalities require home-based business in residential zone to allow public input; there could be illegal use or fire hazards and dangerous equipment, etc. The people should have ability to give some public input; City may NOT want to create the least amount of input possible – not sure this is the way the political process should be. Anita L. added this may just be a question and answer process to avoid public clamor.

Anita L. said the last PC Mtg review included two more Home Office Occupations; one is internet marketing and the other is a private investigation services; both with annual review, etc. Another review was held for a CUP with Lava Heights Academy; the owners had let this expire and PC Tabled until Staff Mtg review was held with new expansion information.

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Anita L continued - The other two items discussed were that “Flag Lots” may be allowed under certain circumstances; and Sign Ordinance to include AG and Multi-Use areas. This information will be given to Carol P. for CC Mtg.

Councilman Heideman asked for PC clarification to his request; (the CUP to keep animals in residential areas), asking was the \$250 fee applicable to keeping chickens? Anita L. answered yes, recommended by the PC Members; this could be the same requirement for one to three horses. Councilman Olds said this also could be reviewed by the Council. Mayor L. stated the Lowe Animal Ord. petition to the City cost for their CUP with administrative and professional services was about \$1,000; potentially could cost more than the \$250. Anita L. suggested if there were Chickens being raised in all Residential Zones, the City should be checking for compliance to City requirements.

Mike Vercimak said the ULCT Attorney, D. Church, had told League Members that ULCT keeps a “pulse” of the State and Cities; that his opinion was those legislative items for public hearing (as General Plan, etc.), there could not claim “public clamor” and people have the right to speak. If administrative items are heard, as Conditional Use Permits or home occupations, the public input may be considered for public clamor. Mike V. also feels if business comes into his own residential area, he would like to have input; if the CC feels we should continue as is with public hearings, it is fine with him. Councilman Fahrenkamp asked if the public notice would still be used? Anita L. answered yes, a “notice” would go out to all those affected.

ATT. Snow asked if we were publishing in a newspaper (answered City had been doing that); he said it was not as the General Plan notice, that City did not have to publish but it was to be posted and mailed notice to those within 300 ft., then left to the Chair’s discretion to take public input? Anita L. said yes but this action would change the LMC; there was no Council decision made.

- 7. **Mayor’s Report:** Mayor LeFevre stated during the last CC Mtg, the Resolution for changing the Public Works Fee Schedule for late charges and shut-offs on the Utility Billing was not Motioned for approval. Council decision was to bring this back on next Mtg Agenda before enforcement begins.

Mayor also reported the TRE Tank repair estimate is expected from Sunrise and not arrived yet; we need to discuss with ATT. Snow for going out to bid on the completion. Mayor said it would be used for Cholla Creek, reduce pressure on lines, etc. ATT. Snow said that should be an action item for use of the TRE Bond on next Agenda. Mayor LeFevre explained Sunrise (Joe Phillips) told him if this Tank had been back-filled there should not be any leaks. Councilman Olds said the Rural Water Org. told him it was not supposed to leak.

Mayor LeFevre requested an Executive Session; Paul Heideman MOTIONed to convene Executive Session for litigation and personnel issues; seconded by Randy Scott; all in favor? Yes, unanimously

9:45 – Executive Session #2 request was MOTIONed by Paul Heideman for purpose of discussing pending litigation and personnel issues; seconded by Randy Scott; all in favor? Yes.

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

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

Minutes of the September 17th, 2009 Toquerville City Council Work, and Regular Meetings, and Executive Sessions #1 & #2 will be presented for review to CC Members in the October 8th, 2009 City Council Meeting:

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

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