

## **Tropic Town Council Meeting**

Minutes of the Tropic Town Board Meeting  
Held June 11, 2015 at 6:00 p.m. in the Tropic Town Heritage Center

**PRESENT:** Mayor WaLon Brinkerhoff **BOARD MEMBERS:** Mike Burbidge, Jason Bybee; Shilo Richards and Travis LeFevre excused. Marie Niemann – Tropic Town Clerk & Sydney Syrett – Tropic Town Treasurer.

**OTHERS:** Gaia Greenhalgh, Brett Chynoweth, Bob Sudweeks, Dennis Pollock, Gary Bybee, Nathaniel Steed, Zakk, Levi, Scout Holm, Danny Brinkerhoff, Karleen McInley, Joseph McGee, Peggy McGee, Alfred Foster

**CALL TO ORDER:** Mayor WaLon Brinkerhoff

**PRAYER:** Marie Niemann

**PLEDGE:** Gaia Greenhalgh

**APPROVAL OF MINTUES:** A motion was made by Mike Burbidge to approve the minutes of the Tropic Town Board Meeting and 2015-2016 Budget Hearing held May 14, 2015, also the minutes of the Local Building Authority Bond Hearing held May 21, 2015. Second by Jason Bybee. Motion carried.

**APPROVAL OF THE AGENDA:** A motion was made by Mike Burbidge to approve the agenda. Second by Jason Bybee. Motion carried.

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### **THE COMMUNITY**

No Report

### **FINANCIAL/WARRANTS**

Financial support of \$100 for the Bryce Canyon ½ Marathon was approved by Jason Bybee – Second by Mike Burbidge. Motion carried.

Question regarding the cost of the bounce houses/inflatables for the 4<sup>th</sup> of July celebration – follow up will be made. A motion was made by Mike Burbidge to approve the warrants as reported – Second by Jason Bybee. Motion carried.

### **PLANNING COMMISSION**

Joseph McGee: A building permit application was reviewed by the planning commission for a “Tuff” shed ~ all was found to be in order. A motion was made by Mike Burbidge to approve the building permit – second by Jason Bybee. Motion carried.

Ellen Clarke: A building permit application was submitted and reviewed for a garage and room addition to Wes and Ellen Clarke home. All was found to be in order. A motion was made by Jason Bybee to approve the building permit. Second by Mike Burbidge – Motion carried.

Bryce Valley Lodging: Before the review of the project, Mayor Brinkerhoff expressed concern with the filing of sales and resort taxes; documents showing they’re current in 2014 taxes were provided. The planning commission reviewed a third project of 11 cabins, one being used for an office; the setbacks, shared and emergency access, parking, etc. that needed addressed were found to be in order.

Discussion: Councilman Mike Burbidge expressed concern with the appearance of the property, given its location is on Main Street; landscaping should be a priority, not just for the appearance of Main Street, but for your business as well. Zakk agreed, reporting improvements have been made, but would do more.

Addressing information regarding limited water and sewer connections, Zakk provided a printout showing Tropic's monthly water usage, which he felt was evidence there is enough water to purchase connections. Mayor Brinkerhoff gave a brief history of where and how the Town receives culinary water; it is not through a Well, and that the Town is currently working on redeveloping Dr. Goode Springs to produce the 200 gmp required, as to the agreement with the irrigation company. Zakk's research included the cost to run Cannonville Town's well (\$350 month), believing it would not cost a lot for Tropic to begin using its well. Public Works Director Brett Chynoweth reported that Cannonville and Tropic's well are both in the Navajo, the difference is Cannonville's well is 500 ft. deep; Tropic's is 2,500 ft. deep. Both sources have arsenic; Tropic also has antimony, which is more difficult to remove from water. Not only will it use additional power, it also requires water sampling/testing, man power.

Councilman Jason Bybee asked Brett the status of the Town's water connections and being able to provide. Brett reported during the peak month – July/August the Town is using up to 175 gpm, but about sixty (60) water connections are not being used; if they were all active, Tropic would be using more than 200 gpm. In addition, there is a problem with the Town's sewer capacity; it was designed in 1977. Brett explained that the sewer capacity is based on BOD – solid waste; sewer is designed for 230, currently it is running 255 over capacity and it's not peak season. Zakk asked for data backing up Brett's sewer lagoon information; continuing, Zakk asked that instead of shutting connections down, work on finding a solution to resolve the issue to allow growth. Brett responded that yes, hindsight is 20/20; but it wasn't until recently the State required BOD testing for smaller systems. Jason added that the Council is currently working with engineers to find a solution; but we also have a budget to follow. If this information was available two-three years ago, we might be further along with possibly expanding the lagoon or some other solution; this isn't something that is going to be resolved overnight.

Jason followed up stating the Council by no means wants to halt growth; but we need to do what is in the best interest of the Town. Tropic would be in a world of hurt, referring to Brett's comment regarding activation of all installed water connections.

Gary Bybee made comment, stating that he came before the Council inquiring about a project he would like, and was told the same thing; making note he isn't against Zakk's project, but his concern is with the declining enrollment our schools. If he was on the council and had to choose between homes and cabins, he would choose the homes; this too would increase the tax base and putting students in schools. Councilman Mike Burbidge asked that the Council focus on the project before them; is this project going to have a negative effect to the capacity of the sewer lagoon.

Repeating the question water connections, Zakk asked what the use of the Well, is it for emergency or future growth? Mayor Brinkerhoff explained we are using water we don't have; again emphasizing Tropic is currently working on the redevelopment project of Dr. Goode Springs to produce more water and fulfill the Town's agreement with the Irrigation Company. We have not turned people/projects away – noting the Town approved Zakk's two previous building permit projects. Continuing, Mayor asked Zakk where is the shutoff, knowing the Town's current situation allowing your project, and not Gary Bybee's project; possibly Alfred Fosters, or Karleen McNelly who may want connections. Does the Town continue to issue connection until we run out of water, then we deal with the problem or look at it and figure out a solution now. Again, Mike asked about the project before them, what impact is it going to put on the system; and before he approves this project, what Main Street is going to look like and see evidence of it. Zakk reminded them of the improvements they have already made; that this project would finish the development of this property.

Mayor Brinkerhoff asked for the Council's thoughts. Jason concurred with Mayor Brinkerhoff, stating other alternatives have been suggested; when you're limited to what water is available with what your sewer can hold.

There are limiting factors beyond our control, we can't pull up water from nowhere; yes, we can turn the water on, but at what cost. Mike again asked does the Town have enough water to supply the project before them; Jason stated according to the BOD testing, No we do not; the system can handle 230 lbs. we are at 255 lbs. Zakk stated Tropic shouldn't have any growth then; should say no to everyone. Zakk question the current homes being built; many commented stating these are exiting meters. Mayor asked for Brett input. Brett stated Tropic is overloaded. We've got 200 gpm in the Well, but it will change the water rates, change employee work structure ~ the biggest problem is the sewer capacity; it is going to be expensive to purchase 10 acres of land to put in a new primary cell; other alternatives are to clean it out or to discharge it. Continuing, Brett stated the air-raters are constantly running, the Town's power bill is high; turn off them off and in three days dead bacteria will be present and the smell will return.

The debate continued with Zakk made stating he has looked into the cost of providing water and sewer for this project, showing what Cannonville Town and Ruby's Inn is doing, we are more than happy to pay impact fees. The information received today shows that Tropic is still pondering options, whether they are going to team up with the other two towns for a lagoon and how to treat it. As previously reported there are about 60 w/s connections not currently in use, Nathaniel Steed asked about buying them. Mayor Brinkerhoff stated this was one of the options he spoke with Zakk about. Continuing, Zakk feels that the State should need to provide a letter shutting the Town off and having no more growth. Mayor Brinkerhoff responded stating no one wants to shutoff or stop growth, but these are not easy decisions for the Council to make; people have to pay higher rates to make improvements, expand the water/sewer systems, etc. Brett and Mike made comments regarding the usage in the winter month, bring the tourist in then when there is water; this brings up the issue of storing water that is running down the wash – funds for storage tank.

Due to two Council Members are not in attendance, Mayor stated that a decision cannot be made. Zakk stated he wasn't going to come back in a year for another construction project; approve this project and he'd be done. Mayor Brinkerhoff stated he wished there was an endless supply of resources for them to keep going. Debate continued with Zakk stating he came with a project to develop 28 units; the first phase of the project we were approved for eight-(8), we felt there was a premonition or feeling that it was okay to continue; second phase we were approval for six-(6); this is the last phase for 10 cabins and the development will be done, noting he has modified the project by reduced the four-(4) cabins. Jason responded stating the modifications are due to egress and ingress of the fire/emergency safety codes, it had nothing to do with the Council.

Continuing, Zakk said the bottom line is unless the State can write a letter stating Tropic Town cannot sell at all; he can't see why the Town cannot approve this project. Mayor Brinkerhoff responded stating it isn't the State decision; it is the governing body that will decide. Mike hoped that Zakk has done a feasibility study, that the project will be profitable. Suggested that he be creative, taking some of the ideas the Council's suggested and discussed with his father in previous meetings, that of a retail shop, sports bar/grille, etc. instead of making this cabin village. Zakk took the suggestion and he with his family can ponder, but as of now he wants the 10 cabins. Mayor Brinkerhoff feels there is a way to work this out, but it is impossible with the current format and system. Comments, questions, debate continued; Tropic cannot take 200gpm when Dr. Goode springs isn't producing it. Zakk again asked for the Town to activate the Well, it cost Cannoville \$3,600 a year to use their Well; Marie Niemann expressed concern, stating Tropic Town cannot pass the cost of activating the Well to residents, just to supply water to new businesses. Mayor Brinkerhoff stated he doesn't speak or answer for any other Town, only for Tropic. Cannonville pays double for what Tropic pays for water. Nathaniel asked if Zakk could purchase three of the dormant meters, would the Town approve the project. Mayor Brinkerhoff stated he would feel better about it.

In closing, Zakk presented a letter from a municipal attorney in Nevada to the Mayor and Town Council, reminding them of Zakk's rights as a property owner "to develop their property as they see fit". Zakk asked that the project be tabled, in order for Mayor and the Council to review and come up with valid data to support the Town claim of not having the sewer capacity or the water connections. A motion was made by Jason Bybee to table this issue – Second by Michael Burbidge. Motion carried.

## **CULINARY/SEWER**

In preparation for a public hearing, a work meeting will be scheduled to review the recommendations given by the water committee to raise rates.

Follow up will be made with Security Title regarding the sale of properties that have a debt with the Town; is contact made with town before sale is made.

## **ROADS/STREETS**

With the recent rains and flooding, the Council asked for Brett/Bob to assist Bob Harmon in clearing the road through the wash that accesses his home.

Regarding road repair/maintenance, Brett reported County was out of the ground up asphalt “roto-mill”, more will be available after the Hyw12 project is completed.

## **FIRE DEPARTMENT**

No Report

## **EMPLOYEE REPORT**

No Report

## **MAYOR’S REPORT**

Follow Up Items: Council will address the Dog Ordinance, Vacation Rental Ordinance along with the water/sewer connection issues during the work meeting.

## **ADJOURN**

A motion was made by Jason Bybee to adjourn – Second Mike Burbidge. Motion carried.

Approved this 9<sup>th</sup> Day of July 2015  
Marie H. Niemann