

## **Tropic Town Council Meeting**

Minutes of the Tropic Town Board Meeting  
Held July 14, 2016 at 6:00 p.m. in the Tropic Town Heritage Center

**PRESENT:** Mayor WaLon Brinkerhoff **BOARD MEMBERS:** Jason Bybee, Travis LeFevre, Dennis Pollock and Brook Wiseman. Marie Niemann – Tropic Town Clerk & Sydney Syrett – Tropic Town Treasurer.

**OTHERS:** Gaia Greenhalgh, Brett Chynoweth, Bob Sudweeks, Annette Chynoweth, Steve & Barbara Duke, Lance & Sara Syrett, Pete Mangum, Levi Holm, Cary & Teresa Deccio, Paul Krauth, and Dan Griffin

**CALL TO ORDER:** Mayor WaLon Brinkerhoff

**PRAYER:** Marie Niemann

**PLEDGE:** Gary Bybee

**APPROVAL OF MINTUES:** A motion was made by Travis LeFevre to approve the minutes of the Tropic Town Board Meeting held June 9, 2016 - Second by Dennis Pollock. Motion carried.

**APPROVAL OF CIB PUBLIC HEARING MINUTES:** A motion was made by Dennis Pollock to approve the minutes of the CIB Public Hearing for Road Funds held June 9, 2016 – Second by Brook Wiseman. Motion carried.

**APPROVAL OF THE PUBLIC MEETING MINUTES:** A motion was made by Brook Wiseman to approve the minutes of the Public Meeting for Vacation Rentals held June 30, 2016 – Second by Travis LeFevre. Motion carried.

**APPROVAL OF THE AGENDA:** A motion was made by Dennis Pollock to approve the agenda. Second by Travis LeFevre. Motion carried.

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### **THE COMMUNITY**

Public Relations: Over the past several months a number of subjects have been discussed and debated which have sparked contention in the community as well as in Town Board and Planning Commission meetings. Council Member Travis LeFevre expressed concern with the atmosphere that has been present during these meetings and asked, with permission from the Mayor, to address and implement a “code of ethics”; having it posted, so as the community and Town Council meet it is visible and a reminder of Civility.

Comments: Mayor Brinkerhoff liked the idea and that currently the Town has “Rules and Procedures”; of which copies are present and available at every meeting. Council Member Dennis Pollock expressed it would create a better environment and is something to look at. Other comments pointed out the Town’s vision statement already addresses the conduct that should be upheld “*To Maintain a Clean, Economically Diverse Community with a Country Atmosphere, which provides for all community needs through strong planning efforts, while drawing upon the historical significance of the area*”; also the question on what procedure/enforcement is when and if the public doesn’t comply; Mayor Brinkerhoff stated that Tropic hasn’t had to succumb to that yet; and hope it never does.

Travis addressed the value of Respect; stating that respect will be returned if first given; he encouraged the Mayor and Council to read the information he presented and consider implementing a code of ethics in which to conduct public meetings.

## PLANNING COMMISSION

Gary Bybee: A business license application was reviewed by the planning commission for a vacation rental. Upon verifying the zoning was commercial and reviewing construction approval procedures, the recommendation to approve a business license was given to the Town Council. It was reported that fencing was being installed with the neighboring property owner, Tyson Brinkerhoff. Currently fencing ordinance is 7ft; but would like to receive a variance to install an 8ft fence.

Pete Mangum: A building permit application for a room addition was reviewed; setback, zoning, etc. were all in order; no water/sewer connection is needed. A motion was made by Travis LeFevre to approve – Second by Dennis Pollock – Motion carried.

Annette Chynoweth: The construction of extending the roof covering the front porch was red tagged; there was confusion on whether or not a building permit was required. Annette reported she spoke with Riley regarding the project, which he did not clearly understand the extent of the project; it was determined she would need a building permit. A motion was made by Brook Wiseman to approve a building permit – Second by Dennis Pollock. Motion carried.

Kevin Poe- Dark Ranger Program: The recommendation from the planning commission regarding the Night Sky Star Gazing program was presented to the Council. It was determined that the business does Not fit the intent of the zone as outlined under Permitted Uses in Tropic Town's Agricultural Zone. The Commission decision was based on the location of the business, not the program itself. A motion was made by Travis LeFevre to accept the planning commission recommendation to deny the renewal the business license – Second by Brook Wiseman. Motion carried. It was expressed the program clearly outside the scope and from what it was originally presented as. Mayor and Council expressed approval of the business and would like him to pursue relocating the activity; possible assisting him in using Town property temporarily. A letter will be sent notifying him of the decision and offering the Town's assistance in relocating; they do not want to lose the program.

Vacation Rentals: After much discussion and debate over the past several months, the planning commission gave to the Town Council a recommendation regarding STR's in Residential Zoned areas. It was determined that the business does Not fit the intent of the zone as outlined under Permitted Uses in the Town's Residential Zone; there are alternative areas zoned for this type of business – Residential Recreation Commercial and General Commercial. No New request for Vacation Rentals/Holiday Homes/STR's in Residential, Agricultural, Pristine, or Non-Commercial Zone areas. As with the Dark Ranger Program, the decision is not based on the business itself, but the location.

Addressing those currently invested, it was recommended that existing businesses be allowed to continue under an exemption with conditional uses as outlined in the proposed conditional use permit. It was also recommended that when the currently property sales/changes ownership the business will discontinue and the home will revert back to traditional residential neighborhood zone and additional business license for these locations will not be granted.

The Commission also recommended that the Town re-evaluate the Town Zoning Ordinance, that STR's Business License/Exemptions renew annually and implement Commercial utility service billing, sales/resort/transit taxes.

Comments: Travis expressed concern with sale or being willed to a family member as a business. Mayor questioned other type of businesses currently residentially zoned - does the Town ban everyone who comes in wanting to operate a home business, and grandfather all other existing businesses in residential zones?

Dennis responded that ordinances do allow for home occupied businesses – there are parameters, only 25% of the home is used to run the business; just like B&B’s owner lives onsite. Other questions addressed concerns regarding current “home occupied” business – Mayor cautioned the Council to be careful what is put into place; it will be scrutinized by all sides. Brook commented that it has been addressed from all sides, Council cannot make everyone happy; and it needs to start somewhere. Continuing, Mayor asked does the Town continue to allow business in residentially zoned areas or does the Council focus on certain areas. Travis responded stating they focus on the zoning ordinance, it clearly states what the distinguishing factor(s) are of what type of businesses are allowed in residentially or any zone.

Mayor opened the discussion up to the public; Lance Syrett expressed support of what has been discussed – there is a difference between a home-occupied business, such as a telephone call center and a vacation rental. Mayor asked if he was in favor of more businesses in residential areas; responding Lance agreed if the business, as it is outlined the ordinance, doesn’t occupy more than the 25% of the home. Cary & Teresa Deccio also agreed with Lance – there is a difference between the two types of businesses. As a resident living next to a vacation rental, what recourse do they have when there are problems? Dennis reported he spoke with Jared Wooley County Building Inspector regarding this; they have a Life Safety Inspection – which is s National Code and it sets perimeters for maximum occupancy, allowing for 2 people per bedroom; this could address parking concerns - Dennis would like to see Tropic implement this.

In conclusion, Mayor Brinkerhoff called for a motion to accept the Planning Commission’s recommendation to deny any new Vacation Rentals/Holiday Homes/STR’s in Residential, Agricultural, Pristine or other Non-Commercial zones. A motion was made by Travis LeFevre to accept and approve the Commission’s recommendation as presented/outlined. Second by Brooke Wiseman – Motion carried.

Steve & Barbara Duke: It is noted that by mistake their project did not get on the agenda; and as set forth by the Council projects are to be posted; Mayor Brinkerhoff stated they would review the project, and asked that it be post on August’s agenda. The building permit application was reviewed for a kitchen addition; the only recommendation was to verify the setback was 25 feet from the street; everything was found to be in compliance. A motion was made by Travis LeFevre to approve a building permit – Second by Dennis Pollock. Motion carried.

## **WARRANTS**

Sydney gave the report of the warrants; a number of items were approved: \$200 sponsorship to the Garfield Memorial Hospital golf tournament, Sydney attended a conference – Tropic/Bryce Canyon City – cost was split 50/50.

Questions regarding the repairs on the leased equipment – broken air conditioning hose should be covered by Century Equipment under lease agreement/warranty; Tropic should not be responsible for these repairs. Brett will follow up. A motion was made by Travis to approve the warrants are reported – Second by Brook – Motion carried.

## **CULINARY/SEWER**

Paul Krauth: An update was given regarding the progress of the sewer lagoon and what steps are to be taken before the cleaning begins and its use; Dan Griffin from Division of Water Quality was also present to discuss the sampling and the procedure once completed. They reported Cell #1 the surface is dry, underneath is not; should be dry by next summer; with the second cell a couple years after. Discussed the options to haul to the County landfill or farmers can use if on their fields – if sample testing is cleared.

The Water Environment Association of Utah awarded Tropic Town for “Outstanding Lagoon”; a plaque was received by Mayor Brinkerhoff and Brett Chynoweth.

Mr. Griffin reported how extremely impressed the Committee is on the care and maintenance of the lagoon; it is extremely difficult screening the committee does to choose a recipient.

## **ROADS/STREETS**

Longpoint Consulting Services: Darren Cottam presented a street analysis proposal to assist Tropic in the securing a CIB grant for a road project – it would include pricing, maintenance plan, etc. The cost of the analysis is \$1,100.00 – can have it ready within a week. Mr. Cottam is not an engineer, but the analysis is less expensive, with the same result as an engineering firm. There are two engineering firms interested, Rosenberg and Ensign. Josh Nowell from Ensign was present to discuss their proposal ~ is willing to work with the information collected from Mr. Cottam.

The deadline for grant application is September; the Council would meet July 30<sup>th</sup> at Noon to choose an Engineering Firm.

Signage: Travis reported that signage is needed on 100 South 200 West – stop/yield sign; one sign three open roads. Also, a sign is needed on 200 North as the road bends onto 500 West.

Drainage Pipe: There is a disagreement between Mr. Mecham (property owner) and Council Member Travis LeFevre – Road Department, with placing a drainage pipe on 100 South 200 West – Viva Mecham home. Travis explained that a drainage pipe will plug off; being that corner is a collection area. Town feels it would be better to dig a ditch. Brett suggested leaving the corner open, placing a 24” culvert so Lowell can access the property. Brett will follow up with Mr. Mecham on this option.

Vacating ROW's: Begin the process of vacating right-of-ways; contact Les Barker verifying and matching up what roads need to be abandoned; also follow up with those needing to sign-off on “T-Hill” easements accessing the lower water tank. Travis asked about the agreement the Town had with Dean Wintch – accessing it through the field; it was reported the Town abandoned the right-of-way.

Dennis reported he spoke with Jeff Johnson-UDOT regarding asphaltting the skirting of 550 North; while they were in the area. Mr. Johnson is retiring and will pass the request on; if not done this year, they have some work that they could work in next season.

## **PARKS/RECREATION**

Splash Pad: A number of phone calls and inquiries have been received by the Mayor, Town Council and Staff regarding the repairs needed; hoping to have it ready for Pioneer Day Celebration. Brook is having a difficult time locating the UV light; splash pad can be used without the UV light.

Travis expressed concern for the Town to implement a health code and getting a license to operate; the Town is 100% liable; discussed the requirements needed for a pool – is it the same (health code and a certificate/license) to operate? Should be the looked into; and PH testing should be also be made. Brett discussed signage, those same used as pools – Southwest Public Health.

Fourth of July Celebration: A large crowd attended this year’s festivities, many expressed their appreciation for the patriotic program ~ thank and appreciation to Brook and Phebe Wiseman. A new refrigerator is needed for the public facility; Travis will be going to Cedar City and will pick it up.

Town Property Purchase: As discussed in June’s meeting, a proposal to purchase property adjacent to the Town Park was considered ~ having no quorum present, Mayor Brinkerhoff tabled the proposal. Jason Bybee was unable to attend either meeting, but a written statement in favor of purchasing the property was received.

Travis stated he wasn't against the purchase itself, but sees additional cost/maintenance ~ not able to keep up or repair the Town's current needs to roads, heritage center, sidewalks, etc. Mayor Brinkerhoff felt the Town needed to secure the property for future expansion; and will move forward with the purchase.

Kiosk/Main Street sidewalk: Council discussed kiosks ~ replacing/relocating the one that was taken down for the Veteran's Memorial – Brook is working on it. The other kiosk was to be placed on Main Street by the Holm's property; discussed the project to replace the sidewalk as their construction was taken place. The project has since been delayed – notification will be sent to Levi reminding him of the agreement made with the Town to restore the sidewalk to its original state; it was asked that the letter be sent certified.

## **FIRE DEPARTMENT**

No Report

## **ANIMAL CONTROL**

No report

## **EMPLOYEE REPORT**

Nothing to report

## **MAYOR'S REPORT**

Rodeo Survey: Mayor and Dennis contact persons – Public meeting to receive input.

Hughes Waste Haulers: A dumpster was provided to the community to deposit their appliances and other metal items in; was not sure why it was taken away. Council discussed providing the service again ~ \$75 a month or \$200 when requested ~ it was agreed to the later of \$200 when needed; post notification of this service on the webpage/Facebook etc.

Alarm on Water Tank: Dennis will follow up

## **ADJOURN**

A motion was made by Brook Wiseman to adjourn – Second by Travis LeFevre. Motion carried.

Approved this 11<sup>th</sup> day of August 2016  
Marie H Niemann – Tropic Town Clerk