

Tropic Town Council Meeting

Minutes of the Tropic Town Board Meeting
Held June 9, 2016 at 6:00 p.m. in the Tropic Town Heritage Center

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

OTHERS: Gaia Greenhalgh, Brett Chynoweth, Bob Sudweeks, Daniel Fagergren, Gary Bybee, Gary Tanner, Riley Roberts, Jan Stock, Kevin Poe, Slate & Penny Stewart

CALL TO ORDER: Mayor WaLon Brinkerhoff

PRAYER: Gary Bybee

PLEDGE: Riley Roberts

APPROVAL OF MINTUES: A motion was made by Travis LeFevre to approve the minutes of the Tropic Town Board Meeting held May 12, 2016 ~ Second by Dennis Pollock. Motion carried.

APPROVAL OF BUDGET MINUTES: A motion was made by Dennis Pollock to approve the minutes to amend the 2015/2016 Budget and the 2016/2017 Budget ~ Second by Brook Wiseman. Motion carried.

APPROVAL OF THE AGENDA: A motion was made by Travis LeFevre to approve the agenda ~ Second by Brook Wiseman. Motion carried.

THE COMMUNITY

Board Game Night: For many years Gary Tanner and his wife have hosted a community game night; using the Cannonville LDS church house and their home. The monthly activity continues to grow and a larger meeting place is needed, Mr. Tanner asked the Council for permission to use the conference center for this activity; no fee is charged. A motion was made by Dennis Pollock to approve the use of the conference center for board game night ~ Second by Travis LeFevre. Motion carried. Council reviewed cleaning responsibilities and checking with the office regarding possible conflicts with other scheduled activities.

PLANNING COMMISSION

Vacation Rentals: Discussion continues over the debated issue of vacation rentals. For the past several months there has been talk on scheduling a public meeting to address the issue; with no action taken. Planning Commission Chair Dan Cloud called for a moratorium on new STR's applications until the issue is resolved. Addressing those currently operating, the recommendation to grandfather them with conditions be made by resolution; Travis LeFevre & Brook Wiseman agree.

Discussion continued with Mayor Brinkerhoff reminding the Council that two attorney from the ULCT have stated that STR's cannot be banned if it's not written in the Town's ordinance. Gary Bybee reported that the City of St. George has recently, by code, banned all STR's in residentially zoned areas; suggested looking into how was done. Riley reported he too has been in contact with the ULCT; Tropic doesn't have to wait until the State put something in place. Travis expressed putting a hold on the approval of new applicants, until both sides of the issue has been heard and addressed – Council is here to do the “will of the people”.

Continuing, Gary Bybee declared he would like to use his mother's home as a vacation rental and questioned why he had go before the planning commission if his property is already commercially zoned; responding Mayor Brinkerhoff stated that the Council & Commission made the decision that all new businesses, whatever zone it's in, will need to be reviewed by the Commission; Gary's project is zoned properly, but has not been approved for a business license.

Discussing the "business license conditional use permit" Riley stated once in place if that is the consensus, will be used to help regulate, until a resolution/ordinance is adopted; and as the topic of "Vacation Rentals" is on the agenda, the Council can schedule a public meeting to address the issue. Travis attempted to schedule the meeting, but was interrupted with comments from Gary Bybee as well as from Dan Fagergren which had asked to be on the agenda and was not. Comments revealed that Gary asked for a business license application and a building permit; not that he was to be added on the agenda. Also, a call was made by Amy Fagergren last evening, after the Town Office was closed, to added Dan on the agenda after receiving a call from the Mayor; the message was not received until morning. Dan asked the Council for an exception by taking action on "grandfathering" the possible use of his home as a vacation rental ~ looking after his financial security. This led to spirited discussion regarding the adding and posting of an agenda. Sydney expressed frustration, can she ask for an exception; she followed protocol for a business license, and due to no quorum at planning commission will have to wait until July before action/approval can be given; will the Town "grandfather" her in as well ~ this is why the Town gets in trouble because they make exceptions. Brook replied that it is not the Town's responsibility to look after everyone's financial interests. Dan replied stating that he still stands firm on his views on STR's as documented in previous meetings, and can accept the Council's decision to not grandfather him in; but the Council needs to come down hard and fast getting regulations in place and following through on penalizing those who are not complying. Mayor Brinkerhoff agreed with Dan, stating there are those who have received a business license for a STR and others who have not; following up, Travis replied stating the Council cannot go back and change what action was or was not taken, but we can move forward . The motion on the table, which was made by Travis, is to place a moratorium on all new Vacation Rentals/STR until after public input and until the Town, as required by State, puts into place laws; whether that is regulating current and any future STR's with a conditional use permit or banning them all together. Second by Brook Wiseman – Vote taken: Dennis * Yes; Mayor against ~ Jason was absent ~ Motion passes. Mayor apologized to Dan Fagergren

With Dan Fagergren moving to Springdale and the issue of not have a quorum at planning meeting, Mayor Brinkerhoff asked for a letter be drafted and sent to each member of the planning commission verifying their interest in serving and taking serious the position. Comments made explaining reasons why there was not a quorum present, which led to discussion on attending via electronic devices – Marie made a call to David Church asking about this method and was told that it had to be written in the Town's code; Mayor Brinkerhoff interjected it can be if preapproved and placed on the agenda. In light of this information, future use of electronic devices will be an option if needed.

FINANCIAL/WARRANTS

A review of the Town's financial activity was reported by Town Treasurer Sydney Lamas – All was found to be in order. On the 2015-2016 amended budget addition was made in the Water Revenue Fund adding \$20,000 to for w/s impact fees for Bryce Valley Lodging (5 cabins); will still need \$20,000 for the other 5 cabins approved & \$2,000 for the office; also, \$10,000 was added to the baseball park. Dennis Pollock made the motion to approve the warrants, the 2015-2016 Amended Budget & the 2016-2017 Budget. Second by Brook Wiseman ~ Motion carried.

CULINARY/SEWER

Brett reported a problem with the Well pump; explained its function and how to resolve the problem. Council discussed implanting a maintenance schedule once repaired.

A motion was made by Dennis Pollock for Brett to follow up with Alma Fletcher and his recommendation, which upon repairing the pump, a monthly maintenance schedule be looked into – Second by Travis LeFevre – Motion carried.

Dennis proposed while the redevelopment project is still underway, for Tropic to approach the CIB Board for additional funds for drudging and collection line cleaning. Travis was hesitant, unless it is an emergency should hold off; Tropic is just beginning to collect funds from the rate increase, agrees it needs to be done. Not sure if this is possibility, something to look into while the grant is still open. This led to a discussion on Larry Rose and the work not being done on Dr. Goode Spring.

Splash Pad: Chemical reaction - overheated; blew the water line. Discussed what training is needed to maintain the splash pad; schedule a monthly maintenance; UV bulb is needed to repaired it.

Slate Stewart: Revision to the w/s ordinance charge a residential home with multiple renters' additional base rates for water/sewer; as to Slate and Penny Stewart's home two w/s base rates are charged. Slate disagrees with the charges, asking if there was a greater demand on the system because there are two families renting their home; they do not believe so, the allotted 12,000 gallons is not being used and shouldn't be charged. Responding, Travis stated the increase was not based on usage it was based on financial gain; what was the home begin used as, being used as two residential units.

Slate continued stating the Town cannot turn off a meter that is assigned an account that is paid in full, because they refuse to pay the bill on an imaginary account assigned to an imaginary meter. Dennis responding stated the only recourse the Town would have is to require that an additional meter be put in; which is a greater expense on the resident. Penny asked if the Town is willing to require that of every home that has a basement and the capability /possibility of renters'; Dennis stated the Town set the cutoff when there are non-related families living in separate living quarters. Continuing, the Town is billing a meter that that has two & three services for employee housing; but only pays one overage fee. Penny responded saying it looks shady for a municipality to decipher who lives where and who pays the bills; comments from both sides opened up remarks regarding integrity. Recalling the w/s ordinance, Slate didn't read anywhere there was a charge for duplexes – Travis responded that they'll have to revisit and look into it; Slate also felt that charging full rate for a meter not in use was not right. Dennis responded stating that meters are ready to serve; the Town still maintains the line and provides water when requested; if one wants to vacate the meter, that's a choice the owner will need to make.

Council reported a w/s committee consisting of business owners and residents was formed and documentation provided showing the revenue as well as debt; in addition to this, two (2) public hearings were held before the increase was made which included the recommendation from the committee. Continuing, Council reported this increase was not treated lightly, it wasn't made on a whim; Tropic didn't have a choice, the town was in a deficit and funding was needed; rates were raised to the minimum to meet the Town's obligations and be able to build up a reserve to maintain and make needed improvements; Tropic's rate are still way below where the State wanted, water alone should be \$45; residents don't seems to care, until the something takes place.

Slate discussed resolving T-Hill road easements over private properties accessing the water tank. Brett reported the decisions made where to place the water tank and how to access it was all done with Dean Wintch; when the Town wanted to purchase the property, Dennis Wintch discover it wasn't on the Wintch property. The project to resolve the conflict(s) by getting permission and recording the easements was started when Doug Ahlstrom and Max Stewart were on the Board – it is believed that easements were acquired from Stan & Nellie Mecham; will follow up with Jason.

Water/Sewer Agreements: Still some confusion on the details to the agreements; clarification: Skyler will receive 100% of the \$1,000 impact fee for each connection made onto the water line he installed on 550 North; the line was not dedicated to the Town, and legally needed to be done before put into use.

Regarding the sewer line installed by Ruby's Inn, 50% of the \$1,000 impact fee for those connections made to Doug Ahlstrom's line; 100% of the \$1,000 impact fee for those connections made onto Bryce Meadow's line. Changes will be made to the documents and recorded.

ROADS/STREETS

Water drainage road project beginning on 100 South continues. Brett reported Daren Cottam is interested in contracting with the Town for its road project(s); as the project(s) get underway a request for bids will be going out.

Travis was contacted by a student needing 150 service hours; assigned him to clean Main Street and will be burying the pipe on 100 South; Brett and Bob will work with him.

PARK/RECREATION

Following up on a number of items, Brook reported Scouts will be putting the information kiosk back up on Monday. Jones Paint and Glass took measurements of the office window opening and the doors; should be receiving a bid on the projects. After continuing to research cost of resurfacing the conference flooring, and with what options and timing, a motion was made by Dennis to revisit in the fall – Second by Brook Wiseman; Travis abstained from the vote – possible helping with the project. Motion carried.

Regarding fencing at the Heritage Center, Kelly Shakespear is still interested in finishing the project. Brook would like to use the remaining grant funds toward restoring the Scout House.

A proposal to purchase property adjacent to the Town Park was brought to the table by Mayor Brinkerhoff and Councilman Dennis Pollock ~ comments were received; Travis felt that it was a good idea, but that \$20,000 could be put towards roads or water project. Travis opened up the discussion to the public ~ Majority (7) voted no, agreed with Travis funds need to be used for road improvement; the Park is not used enough to expand it. Four-(4) residents were in favor ~ expressed road projects are ongoing; B&C road funds and other resources are available for repairs, development, maintenance; but the opportunity to expand the Town Park doesn't come around often; good investment. The Town Park does get used more than just on the 4th of July and Pioneer Day; family and class reunions, birthday parties, YM & YW activities, Park Service/NHA, among others use the facility the Park is used quite regularly; not a lot of grass/lawn area to recreate - many structures, playground equipment, that take up a lot of the area. A motion was made by Brook Wiseman not to purchase the property at this time – Second by Travis LeFevre; Mayor Brinkerhoff & Dennis Pollock opposed – item tabled pending input from Jason Bybee.

FIRE DEPARTMENT

Fire Chief's truck eventually needs to be replaced, discussed how it is and was funded; when first acquired, it was funded by the County – now that there is a separate emergency response truck the County funds, currently the Town funds the general maintenance and repairs; not fuel.

ANIMAL CONTROL

No problems ~ if any dogs are at large, contact is being made and a copy of the ordinance is given to the owner.

EMPLOYEE REPORT

No Report

MAYOR'S REPORT

Kevin Poe expressed concerns on where the Council's stand is on granting a conditional use permit for his Night Sky program. Rehearsing the latest actions taken to rezone the area, which neighboring residents were opposed with the fear for future commercial development, Kevin asked for the Council to provide a conditional use permit for his amphitheater and sale of merchandise relating to astronomy; which would be renewed annually – if he is not in compliance, the license isn't renewed. Brook asked what were the original conditions agreed to with the first business license was approved. It was stated that there weren't any; interjecting, Marie stated that when Kevin first presented his proposal two years ago, he wanted to use the area to set up telescopes to view the stars and use of the conference/council room for the media presentation; being that this has grown into a bigger venue, Council will need to revisit the conditions before approving the license. Brook clarified with Kevin asking that he is doing a commercial business in an agricultural area selling "Dark Ranger" products; responding Kevin said yes, there has been a lot of question on that; thus the use of conditional permit. Kevin explained he is trying to adhere to the visual and architectural character of the land; not trying to be evasive by calling it a gift shop, but he visualizes it as a wood posts sale stand, instead of zucchini product relating and focusing astronomy; it isn't crucial to his business, wanting to make it more professional; he could continue as it currently sits. Comments expressed concern that structures have been built or put up that was not originally agreed to. Responding, Kevin stated the use of the conference room was until he had something in place onsite. Currently he has lawn chairs, would eventually install permanent sitting like a real amphitheater, stage, etc. Before making any decision, Mayor Brinkerhoff would like to receive recommendation from the planning commission; which we expect to have next board meeting. Kevin stated that it's been two month and last two meetings cancelled, reported he was told to bring it to the Council; that Dan Cloud told him the planning commission was just an advisor board and not the determination.

Continuing, Travis stated that anyone can put up telescopes, whether in their backyard, park, etc., but when it comes to building structures the planning commission recommends approval. Brook identified issues as previously discussed in past meetings, asking if this was the only area suited for the venue; Kevin responded yes; adding he has tried to address the concerns of the residents by placing additional information on the website regarding traffic, children, etc. Brook stated that the speeding/traffic isn't the Council's biggest concern, all road in town have this problem; agrees with Mayor Brinkerhoff to receive the recommendation from the planning commission. Concluding, Mayor Brinkerhoff hopes something can be reached, it is a good program – Town needs nighttime activities. Kevin expressed his appreciation and emphasized he doesn't want to be shut down and doesn't want to make people unhappy; he like what he does though it may be on a small scale.

This discussion led to the subject of posting of agendas ~ items, timeframe, etc. calling to mind the confusion of posting one item and the planning commission prepared to discuss another. Planning Commission member Riley Roberts reported the Commission will be prepared to give their recommendation to the Council on the subject of Vacation Rentals and the Dark Ranger program for July's meeting. Direction was given for a meeting agenda log listing items to be discussed, who requested it, the date and the reason for; need to give public notification of the 24 hour posting and any request needs to be made before the office closes at 2 pm.

ADJOURN

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

Approved this 14th day of July 2016
Marie H Niemann – Tropic Town Clerk