

Tropic Town Council Meeting

Minutes of the Tropic Town Board Meeting
Held March 10, 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, Merrilee Mecham, Scott & Marie Barton, Dan Cloud, Jean & Spring Seiler, Levi Holm, Karleen McNelly, Nathaniel Steed, Carson DeMille

CALL TO ORDER: Mayor WaLon Brinkerhoff

PRAYER: Jean Seiler

PLEDGE: Merrilee Mecham

APPROVAL OF MINUTES: A motion was made by Jason Bybee to approve the minutes of the Tropic Town Board Meeting held February 11, 2016 Second by Brook Wiseman. Motion carried.

APPROVAL OF AUDIT: A motion was made by Dennis Pollock to approve the minutes of the 2014-2015 Audit meeting – Second by Travis LeFevre. Motion carried

APPROVAL OF THE AGENDA: Travis LeFevre asked that item “e” under planning commission be first of the agenda to discuss. A motion was made by Brook Wiseman to approve the agenda with the change. Second by Dennis Pollock. Motion carried.

THE COMMUNITY

Merrilee Mecham: A number of items were brought before the Council for discussion: landscaping on Main Street, w/s rate increase and better use of Town employee’s time. Addressing Main Street landscaping, business owner Merrilee wanted to bring attention to the repairs needed on the water source for maintaining plants/trees etc., and ant beds that are forming and becoming a nuisance. Brett reported there are areas where lines have been pulled up and more decorative rock is needed. As the weather is warming Travis will follow up with Brett in getting this taken care of. The second issue addressed questioned the w/s increase on her vacation rental and having town employees notifying her and others their water will be shut off for non-payment; is this the best use of employee time? Councilman Dennis Pollock explained a courtesy call is made to those who are delinquent before shutting the water off. Merrilee made comment regarding the use of common sense; there are circumstances why her and others may have not paid the difference in the rate increase – most need to change their paying online amount; did not merit the Town to shut off water. Merrilee also addressed the increase for w/s in her vacation rental when they use less water. Dennis discussed the difference in residential rate and commercial rate – that being for profit and short term rental less than 30 days. Discussion identified that Merrilee does not charge people to stay in the guest house – it is used for family and friends; it was used four-(4) times due to overbooking at the Inn; but is not primarily use for nightly rental. In conclusion, the Council agreed to remove her guest house from charging the commercial rate.

Scott & Marie Barton: A business license request was brought before the Town Council for a vacation rental. Under current residential zoning nightly rentals, other than B&B’s, are not a permitted use. Many comments contributed to the discussion on this issue; both for and against. Dan Cloud expressed views from a planning perspective and discussed in planning commission ~ nightly rental should not be allowed in residential zoning; by doing so the character of the area will change; it will no longer be a residential area.

Comments expressed the financial benefit for the town, benefit of vacant lots being cleaned and put to use, nightly rentals vs. long term monthly rentals, being resort community, the need for long term family growth, addition stress to the water/sewer system, etc. Sydney Lamas – Town Treasurer, expressed from the financial aspect it is great, but as a resident and living next to a vacation rental she hates it; lifestyle for her family changed as well as the other families in the neighborhood. Dan called for a public meeting to get the community's input addressing the issue.

Addressing the current business licensing codes and those being proposed, the Council presented a copy of a Business License Conditional Use Permit Application, noting it is draft form; which, once adopted all vacation rentals will be subject to. Commercial w/s rates and impact fees will apply. The motion was made by Brook Wiseman to approve a vacation rental business license for Scott and Marie Barton – Second by Dennis Pollock. Motion carried.

Jean & Spring Seiler: Mr. Seiler present a project being discussed among his children to purchase and subdivide property located on Center Street and build two vacation rental homes; located in the residential zone. Before moving ahead, Mr. & Mrs. Seiler asked is this something the Council would approve. This project would have the future possibility of selling them as single-family homes. Timing of the project is a year away – 2017 season.

Previous discussion regarding vacation rental continued, Council Member Dennis Pollock explained currently they are not allowed in Residential zone, whether they are newly built or existing homes being converted into vacation rentals. Before permitting this service legally, revisions to the current zoning ordinance will need to be made by amending the “conditional uses”. You cannot allow new construction of a business in a residential zone, without amending the zoning ordinance. Council member Jason Bybee voiced it is essential to call the community together, do they want changes in residential areas; if there are enough people that do not want this, we have to do what is best – what the general consensus of the residents is.

Dan Cloud brought up another point that has been previously mentioned, there is a difference in B&B's and vacation rental; B&B's have onsite management, some vacation rental do and other do not. Ordinance should stipulate that onsite/in town property management is required. Mayor addressed the additional stress on the w/s systems – the current vacation rentals and those being approved currently have w/s connections.

Addressing Jean & Spring's request – Mayor Brinkerhoff stated he didn't foresee the Council denying this project; once the public meeting is held and stipulation/conditions are address to approve vacation rentals in residential districts. Added to this were comments from the Council noting unless those not wanting it outweighs those in favor. Mayor Brinkerhoff again stated that according to State Legislature the Town cannot deny existing vacation rentals.

Business License Conditional Use Permit: No action was taken to formally adopt and record this document – a public meeting will be held to discuss and finalize the vacation rental issue. The newly approved w/s ordinance stipulated a 5-year waiting period before a newly built home could become a vacation rental – in a residential zone. Reflecting back over this statement, an error or a mix-up in the thinking of the Mayor and Council was acknowledged. It should state that those homes being converted over to a business should be subject to commercial fees. Discussion on Federal building codes, time-frames, owner/builder vs contractors, etc. A motion was made by Dennis Pollock to remove the phrase referring to a “5-year” waiting period. Second by Travis LeFevre – Motion carried.

Discussed procedures taken to proof read, assure accuracy, codification of ordinances. Sending out to David Church ULCT Attorney takes months to get back. Current Town procedure: a draft is prepared ~ copy is sent to Mayor, Council, employees ~ feedback, corrections received ~ final document adopted signed.

PLANNING COMMISSION

Brett Chynoweth: The project to build a hay barn was reviewed; the building its self is being relocated from Kodachrome state park. Plot plans and set backs were in order. A motion was made by Travis LeFevre to approve a building permit – Second by Brook Wiseman. Motion carried

Nathaniel Steed: Mr. Steed has three lots he would like to develop located in Bryce Meadows; on one lot he would like the approval to storage shed/barn; this barn is also from Kodachrome. The only requirement the PC asked Mr. Steed to conform to residential setbacks. A motion was made by Travis LeFevre to approve a building permit with the setbacks outlined by the Planning Commission - Second by Dennis Pollock. Motion carried.

For the 2nd and 3rd lots, Mr. Steed would like to build 1,200 sq. ft. single-family dwelling no basement – price about \$100,000.00 w/fencing. Regarding water/sewer, those connections were forfeited – Mr. Steed will need to purchase new connections; once purchased monthly fees will be applied. Returning to the previous approval, Nathaniel discussed a possible connection for the storage shed/barn; as with the others it will also be billed monthly as residential connection. Amending of the first motion, Travis LeFevre made the motion to approve these building permits. Second by Brook Wiseman – Motion carried.

Levi Holm: Mr. Holm would also like approval to convert a house into a vacation rental. As with the other vacation rentals, commercial w/s rates will apply and a conditional use permit will be required once it is adopted. This home is located at 80 North 400 West - A motion was made by Dennis Pollock to allow this house to be used as a vacation rental and when approved a conditional use permit will be filed with the office – Second by Travis LeFevre. Motion carried.

Planning Commission also reviewed revisions to Bryce Valley Lodging development. Ten-(10) additional cabins were approved in October 2015; Levi would like to add two-(2) more. Commission expressed a number of concerns with 24 hour access – emergency, fire lane, patron parking and accesses. Levi was asked to provide a drawn to scale plan with the revisions and a signature from Fire Chief Ron Harris signing off on it. Dennis presented a copy of the plans sign off on by Ron Harris; setbacks, footage and other concerns did not reflect what was discussed on commission meeting. Council expressed that this is a commercial development; parking, emergency access, setbacks, landscaping, drainage, cabin locations, drawn to scale is required; all commercial businesses have been required to have an engineered plot plan. Regarding the landscaping, a sidewalk agreement defining terms and conditions was signed; due to unfortunate circumstances project was delayed and the agreement will need to be reviewed.

Another concern expressed was a building permit from the county for the existing project has not been issued; Levi reported it's in the process, need to pay the fees. Council pointed out that this permit does not include the two additional cabins – they have not been approved. Also, new w/s fees are in place ~ which Scout was aware when the original project was discussed; proof of a building permit is required before the w/s fees/connections are approved.

FINANCIAL/WARRANTS

A review of the Town's financials' given; the motion was made by Jason Bybee to approve the warrants as reported. Second by Brook Wiseman – Motion carried. A number of items were discussed and action taken: Scout house funding, an account will be set up at SBSU – Marie will follow up with Kelly Shakespear; changing of propane providers Garkane vs. AmeriGas – before making the switch, Sydney will contact AmeriGas, what additional charges/hidden fees are there. Written request received from David and Janet Reffert forfeiting their water/sewer connection.

CULINARY/SEWER

Brett asked for direction regarding installing the stock water meter for Mate & Ruth Baugh. Since the request from Mrs. Baugh in February's meeting, Mr. Baugh approached Brett and told him not to install it. A letter was received from Attorney Carl Boyd addressing the imposition they felt the Town place on them regarding the monthly charge on a stock watering connection not installed; this was forwarded to the Town's legal counsel. A letter outlining the conditions currently in Town codes of owning a water connection; choose to forfeit or pay the monthly charge.

Jones & DeMille: Discussed what actions are to be taken regarding the cleaning of the sewer lagoon. Short-term solution is to file a land application permit; long-term is to do a sewer expansion project; discussed funding options CIB 50/50 grant or a hardship grant. To determine what project, a water study will need to be done – Jones and DeMille did a water study in 2004; needs to be updated. Comments made on a GIS mapping system for w/s; after much discussion and exchanging of ideas, a motion was made by Dennis Pollock to move forward with a water study, funding it through a hardship grant. Second by Jason Bybee – Motion carried.

Regarding the water re-development project, Dr. Goode is 50% completed; no work has been started on Spring Creek – contract ends tomorrow March 11th; if extended engineering cost will increase. There is a \$700 a day penalty, need to visit with Larry Rose.

ROADS/STREETS

Mayor asked if Rosenberg has been contacted to discuss road project; Travis felt an engineer isn't needed to begin working on the roads. Discussed project time management for road projects; addressed drainage problems throughout town; open the old irrigation ditches – residents purchasing the culverts, Town putting them in. Brett will follow up with Travis and get a plan together.

Merrilee Mecham discussed accessing their property using the road around the baseball diamond, is this a public road – Hunter would like to build a taxidermy shop? Response identified it was a Town road accessed to the public; Mayor directed her to attend Planning Commission.

PARKS/RECREATION

Scouts will be continuing to work on the veteran's memorial, now that the weather is warming. A thank you note was received from the 12 Eagle Scouts expressing appreciation for the Council's support. Follow up on the relocation of the kiosk.

Conference center flooring – Carpeting or Cement, Council favored the cement flooring; bids for both cement flooring and carpeting. Decision on the alarm system – take it out place them on interior doors. Motion sensors are located throughout the building; Brook with follow up with the security company.

Baseball season is coming – LaMar Feltner will be getting supplies for the care of the fields.

FIRE DEPARTMENT

No Report

EMPLOYEE REPORT

Implementation of Dog Ordinance: Approved in February's meeting ~ Affective Immediately! Post online, post office, etc.

Tropic Town was nominated the Small Lagoon System award. Brett reported on the Rural Water Conference – went well. Water testing for Bob unsuccessful – Brett reported problems DEQ is having, training is done on the old rules, test questions based on the new rules, confusing many; retesting in 30 days. Sewer training and testing will be take place at the Northern Rural Water Conference is August.

MAYOR'S REPORT

ADJOURN

A motion was made by Jason Bybee to move into Executive Session – Second by Brook Wiseman - Motion carried.

A motion was made by Dennis Pollock to move from Executive Session in to Town Board and adjourn – Second by Travis LeFevre. Motion carried.

Approved this 17th Day of April 2016
Marie H Niemann – Tropic Town Clerk