

**TOQUERVILLE CITY COUNCIL**  
**Regular Business Meeting Minutes**  
**July 12, 2018 at 6:00 pm**  
**212 N. Toquerville Blvd, Toquerville Utah**



Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Keen Ellsworth, Ty Bringhurst, Paul Heideman; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Others: Attorney Heath Snow, Zoning Official Mike Vercimak, Planning Commission Chair Alex Chamberlain; Public: Jones and DeMille Representative Brady Shakespear, Greg Turner, Jodi Turner, Chuck Williams, Manning Butterworth, Dan James, Gregg Leiby, Gary Chaves, Bruce Wallace

**A. CALL TO ORDER:**

Meeting called to order by Mayor Chamberlain at 6:00 p.m. The Pledge of Allegiance led by Councilmember Heideman, an invocation was given by Mayor Chamberlain.

There were no disclosures or conflict declarations from council members, nor statements of belief.

**B. CONSENT AGENDA:**

1. Review and possible approval of the City Council Work Meeting Minutes from June 7, 2018, City Council Regular Business Meeting Minutes from June 14, 2018, and City Council Special Meeting Minutes from June 27, 2018.
2. Review and possible approval of City Expenditures-June 2018.

*Councilmember Justin Sip made a motion to approve the consent agenda items. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 4-0. Roll Call: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye.*

**C. CITY DEPARTMENT REPORTS:**

1. Zoning Administrator, Mike Vercimak:

The last two weeks have been quiet. Himself, along with the Planning Commission have been reviewing the nightly rental ordinance and other housekeeping items in City Code. The nightly rental ordinance should be ready for a public hearing in August.

2. Planning Commission Chairperson, Alex Chamberlain:

The commission has been working on the short-term rental ordinance and it is getting close to a consensus. There was some debate about the notification process to neighbors within a 300-foot radius of the proposed rental.

3. Public Works Director, Lance Gubler:

The Public Works Department has been busy. There were six water leaks in the last two weeks and approximately 10 tons of asphalt were laid down in the last two days. The water leaks were on Mountain Charm, Peachtree, and Sunset. He believed the majority of those leaks were caused by the original installation process.

The County and City chip seal work will be scheduled for August 14. The material will be delivered the week after July 24th. Washington County believed the work should be completed in one to two days.



Gubler did order the south end welcome sign property to be surveyed. Ellsworth will request an updated bid for the sign purchase. The expenditure will be submitted to the city council for approval in August.

Gubler wanted everyone to know UDOT will not be installing crosswalks on SR17. UDOT stated it was not in the scope of the project during the design phase. The newly constructed crosswalks would need to be torn up at four corner locations and re-install the curbs as bi-directional handicapped ramps. The city would be financially responsible for the upgrade. Ellsworth asked if crosswalks were present prior to construction. Gubler stated there were not. Members of the council believed crosswalks were installed approximately 15-20 years ago and it was unsure why the crosswalks were ever taken out of the road design years ago. Gubler recently found out, after the fact, there was a design meeting where Toquerville was not invited to discuss and determine the design of the SR17 roadway. Ellsworth was disappointed by decisions made by UDOT about a major roadway that goes through the city, and the lack of communication with the city about the road. Mike Vercimak suggested the city should contact the UDOT district engineer's office in Richfield to be attached to their email notification list.

Attorney Snow entered the meeting.

4. City Attorney, Heath Snow:  
No report was given.

#### **D. PUBLIC FORUM:**

*Limit three (3) minutes per person; please address the microphone and state full name and address.*

No comments were made.

#### **E. BUSINESS:**

1. Discussion and Possible Action of Councilmember Vacancy Appointment:

Attorney Snow advised the councilmembers state statute dictates applicants will need to interview for the vacant position during a public meeting. If an executive session is needed during the meeting to discuss the character, professional competence, or physical or mental health of an individual, the council may do so. Applicants may give a small speech to the council during the open meeting and questions would be asked during that time frame.

***Councilmember Keen Ellsworth made a motion to table the Councilmember appointment, and hold a special meeting on July 26, 2018, at 4:30 p.m. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Vote: Keen Ellsworth-aye, Justin Sip-aye, Ty Bringham-aye, Paul Heideman-aye.***

Attorney Snow will not be at the meeting on July 26th. He suggested the council should submit one or two questions to the city recorder. Those questions will be disseminated to the applicants prior to the meeting. The mayor suggested each applicant could prepare a 3-5 minute presentation about themselves and why they have decided to run for office.

2. Discussion and Possible Action on Property Disposal/Donation of Toquerville Nativity Scene to the Town of Virgin:



The City staff received word from the Town of Virgin regarding the donation and they are unable to accept the nativity scene due to the lack of storage. It was suggested the city will contact other towns like Apple Valley, Leeds, or Kanaraville to see if they would be interested in the display.

***Councilmember Paul Heideman made a motion for city staff to check on the few different towns and inquire if they would be interested in receiving the nativity scene as a donation, and if there is no interest, the scene will be disposed of via public auction Motion was seconded by Councilmember Justin Sip. Motion carried unanimously 4-0. Vote: Paul Heideman-aye, Justin Sip-aye, Keen Ellsworth-aye, Ty Bringham-aye.***

3. Discussion and Possible Action on Ordinance 2018.05 - Special Event Business License:

This item was procured in response to an inquiry made to staff about one day or multiple day type events and uses, i.e. a Farmer's Market or craft fair. The license would assist the city in assessing the needed level of services for each event. The license would be issued and modified if needed by staff. Snow explained penalty provisions and conduct requirements.

Alex Chamberlain mentioned his concern in last week's meeting about the new license requirement. He would rather use a list of events that require a permit, rather than an exclusionary list. He mentioned to the council where he recently participated in a church service project in LaVerkin. A large group of youth and adults helped clean up the gun range. If someone decides to do a service project in Toquerville a special event license would be required. He felt the special permit may create several events accidentally illegal, unbeknownst to the public.

Heideman asked if this license would only include events related to commerce. Snow stated it wouldn't. Non-profit organizations, support and demonstration rallies would need to apply for a license.

Alex Chamberlain brought up an example from a few years ago where the Chamberlain family hosted a concert on their front lawn to help raise funds for a family in need of medical expenses. If the special event requirement had been in place, the event probably would not have happened. He didn't want to discourage those types of events to occur in Toquerville. Jeffery suggested the permit could possibly only apply to city-owned property.

Attorney Snow gave the definition of a special event: Any event, march, parade, ceremony, show, exhibition, pageant, race, festival, circus, carnival, outdoor dance, community fair, concert, or activity of any kind, or any similar display, in or upon any street, park, parking lot, or any other public place in the city where more than fifty (50) persons are expected to be involved and/or the event is likely to increase the need for City personnel.

Manning Butterworth asked how the proposed ordinance would affect block parties.

***Councilmember Ty Bringham made a motion to table the item until next month. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 4-0. Vote: Keen Ellsworth-aye, Ty Bringham-aye, Justin Sip-aye, Paul Heideman-aye.***

Vercimak suggested the event application would assist the city for notification purposes. He suggested block parties could fill out the application and the city would notify emergency personnel to let them know in case they need to respond to the area regarding the event, or to an unrelated incident.

4. Discussion and Possible Action on Resolution 2018.12 - Washington County Desert Tortoise Habitat Conservation Plan Expansion Bill:



***Councilmember Ty Bringhurst made a Motion to approve the resolution. Motion seconded by Justin Sip. Motion unanimously carried 4-0. Vote: Justin Sip-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye.***

5. Discussion and Vote Ratification on a Deed of Dedication Agreement for a Portion of Property Parcel-Tax ID# T-TOTE-7, Applicant Jonathan W. And Claudia G. Zundel:

***Councilmember Keen Ellsworth made a motion to approve the vote ratification. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Vote: Ty Bringhurst-aye, Justin Sip-aye, Paul Heideman-aye, Keen Ellsworth-aye.***

6. Discussion and Possible Action of Bypass Road Alignment Evaluation/Master Transportation Amendment Expenditure:

Brady Shakespeare with Jones and Demille recently worked with Toquerville City on the newly adopted Master Transportation Plan. Their firm recently attended a meeting with Lorin Lowe and his engineer, Karl Rasmussen to discuss the bypass road alignment evaluation, schedule, and fees. Mr. Lowe suggested to the group he would like to explore some different roadway placement options. The council discussed if there was a need for the design and cost analysis to occur now or later. Ellsworth asked if the alignment to be built would have to be designed during this time or would it be a better option to do it later. The Lowe's are proposing two alternate routes and they will pay for those alternate routes. The costs will be compared with the proposed route the city has in the Master Transportation Plan. The estimate will include Jones and DeMille to double check the Lowe's engineer's work.

Bringhurst didn't believe if the city pursued a cost analysis, it would not save any money in the long run. It would assist to determine severance damages to the land for condemnation purposes. Pros and cons were discussed of whether it would be cost-effective to approve this expenditure or not.

***Councilmember Paul Heideman made a motion to move forward, but with skepticism to approve the expenditure. Motion was seconded by Councilmember Justin Sip. Vote: Justin Sip-aye, Keen Ellsworth-nay, Ty Bringhurst-nay. Tie break vote: Mayor Chamberlain-aye.***

Ellsworth wanted to make note there were two votes against the expenditure. He was against the added costs to the city and citizens of Toquerville and believed the ongoing delays were not validated. He suggested the attorney should move forward with a land condemnation.

#### **F. REPORTS:**

1. Keen Ellsworth-Economic Development/Fire:

The Toquerville southern welcome sign status the sign will be surveyed by the city engineer hopefully by next month. Ellsworth will contact the sign designer and get an updated quote for the purchase of the sign. He will meet with Lance Gubler to order some barn doors for the north end sign lighting.

The Springdale and Rockvale fire department has officially merged with the Hurricane Valley Fire Department.

2. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC:

Bringhurst would like to discuss the possibility of creating a resort zone to include short-term rentals in the Anderson Junction area. Vercimak stated he and the Planning Commissioner have



a proposed resort zone ordinance and will discuss the item at the next Planning Commission meeting.

3. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:  
All the mayors were invited to Confluence Park to look at the design of the park to include restrooms, a walking bridge, and designated trails. The district would like to re-establish a farming operation by using waste water. The new nativity scene items were received and look like quality pieces. They will be a great addition to the Christmas display.
4. Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance  
Asked if anyone has seen any mosquitoes in the area. If anyone sees any he can let the Mosquito Abatement crew know and they are very pro-active to respond.  
The Washington County Solid Waste is planning a trip to Germany to look at a new recycling system. They have discussed on whether to continue with the Blu-Can Program or not. The facility reports it pays for itself and pays the county back with money from metal and other various recyclable products.
5. Mayor Chamberlain-TSWS/EMC/DTEC/Council Assignments:  
No report was given.

***Councilmember Ty Bringhurst makes a motion to enter the meeting into a closed session for strategy sessions to discuss pending or reasonable imminent litigation. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 4-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye.***

**G. POSSIBLE CLOSED SESSION:**

Strategy session to discuss pending or reasonably imminent litigation.

The closed session ended at 7:44 p.m.

***Councilmember Justin Sip made a motion to enter into a regular business meeting. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 4-0. Justin Sip-aye, Keen Ellsworth-aye, Paul Heideman-aye, Ty Bringhurst-aye.***

**H. ADJOURN:**

Meeting adjourned by Mayor Chamberlain at 7:45 p.m.

  
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Mayor - Lynn Chamberlain

8.9.18  
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Date

  
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Attest: City Recorder - Dana M. McKim

