

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
April 11, 2019 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Pro Tempore Keen Ellsworth; Councilmembers: Ty Bringhurst, Justin Sip, Alex Chamberlain, Paul Heideman; Support Staff: Zoning Official Mike Vercimak, Planning Chair Manning Butterworth, Hurricane Valley Fire Department Representative Merlin Spendlove, Attorney Heath Snow, Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Public: Jonathan Zundel, Annette Kleinman, Dan Catlin, Scott Coleman, Joey Campbell, Chuck Williams, Darrin LeFevre, Rebecca Hansen; Absent: Mayor Lynn Chamberlain

A. CALL TO ORDER:

Mayor Pro Tempore Keen Ellsworth called the meeting to order at 6:00 p.m. He informed the public that because he is acting in the capacity of mayor pro tem, he has the ability to vote on items as a councilmember. The Pledge of Allegiance was led by Keen Ellsworth and an invocation was given by Councilmember Justin Sip. There were no disclosures or declarations of conflict from councilmembers. There were no voiced statements of belief.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from March 7 and March 14, 2019:

Councilmember Justin Sip moved to approve the meeting minutes from March 7 and March 14, 2019. Councilmember Ty Bringhurst seconded the motion. Motion unanimously carried 5-0. Council vote: Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Justin Sip-aye.

2. Review and possible approval of City Expenditures from March 2019:

Councilmember Justin Sip moved to approve the March 2019 city expenditures. Councilmember Ty Bringhurst seconded the motion. Motion unanimously carried 5-0. Council roll call vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Justin Sip-aye, Keen Ellsworth-aye.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:

No report was given.

2. Planning Commission Representative, Manning Butterworth:

Butterworth gave notice the upcoming Planning Commission meeting on April 17th will have a public hearing with three items for public input. A home occupation conditional use permit submitted by Brady Turnblom to run a small home office at 952 South Mulberry Drive for a mobile handyman business. A conditional use permit submitted by Natalie Cheney for a dance and workout studio at 86 East Kolob Circle. The third item is an ordinance revision to the home occupation chapter and the various chapters it affects.

3. Hurricane Valley Fire Department, Merlin Spendlove:



Sip asked Spendlove about the fire response to a home on main street in the last couple of days. Spendlove stated the fire department agency assisted the Washington County Sheriff's Department and is not at liberty to disclose the nature of the call. The fire department was busy last night with several lift assist calls.

4. Public Works Director, Lance Gubler:

No report was given

5. City Treasurer, June Jeffery:

Jeffery spoke about the resolution from last month to discuss the possibility of raising culinary water rates to cover water operating and maintenance costs. The council discussed the item last week and suggested an engineered water study should be conducted to validate the water rate increase. Jeffery spoke with the city accountant and they suggested the water rate study should be acquired. She explained where the current water fund budget. Heideman asked Jeffery asked about the depreciation fund and if the account was where it should be. Currently the account has \$780,000.00, but the city will expend some of those funds to cover the future projects.

The accountant did agree the rates should be reassessed since the last time they were raised was quite some time ago. The district increased their rates to the city, and it would be responsible to raise the rates a small amount, rather than a larger amount at a later date.

She is concerned about the cash flow into the general fund. At the current time the city has 61% of the expected revenue received in the account and 83% of the budget year has passed. For the last couple of years, the city has received an audit finding with the general fund balance being over the allowed 25% amount of the budget. The council decided to draw \$250,000.00 from the fund to balance the budget as expenditures are projected over expected revenues and finish some projects. The city has thus far spent \$152,000.00 out of the expected \$250,000.00 overage. She explained how a journal entry will be taken out of the fund balance at the end of the year to balance the budget. If all the funds are spent during this budget year the city won't be able to do any projects out of the general fund starting at the beginning of August 2019. She needed the council to know if money is continued to be expended at the same rate, it will cause the budget to be tighter next year. She is glad to hear about the future projects to occur in Toquerville, but cautioned the council about expenditures in the next couple of months. There is approximately \$50,000.00 in RAP tax money. She suggested RAP tax funds could help pay for projects at the beginning of the next fiscal year budget. Jeffery tracks the storm drain and the b&c road funds separately and gave the totals of each fund. She discussed how some storm drain projects were funded through the general fund. She encouraged the councilmembers to meet with her to discuss any of the budgets they are in charge of overseeing.

6. City Attorney, Heath Snow:

As of last month they discussed about acquiring some water rights that were offered to the city. Because the proposed water rights are of a nature that cannot be transferred to our well or point of diversion, a three way trade was discussed. Although, Washington City is interested in additional irrigation water they can put into their pressurized system, they are not attracted in trading in giving up pieces of their water inventory system to the water district. They are willing to purchase the water, but a water trade was not a viable option for negotiations.

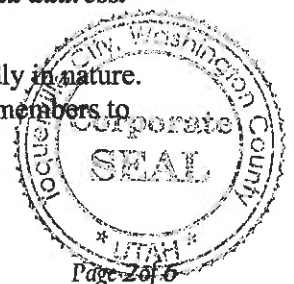
D. PUBLIC FORUM:

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

Manning Butterworth from South Rim View Drive-

Since the last meeting there was discussion about exterior lighting, which is dark sky friendly in nature.

He recently purchased a light metering device. He passed the meter around for the councilmembers to



inspect and provided a handout of possible product lines of the device. Other models can be hooked to a PC and for GPS logging and the detection of sky brightness levels. The device was affordable and suggested the council could look into these types of monitoring devices to measure exterior lighting.

Jonathan Zundell on behalf of Steve Labrie, owner of Almond Heights Lot #62- About six months ago he wanted to build a home on lot 62. The lot where the house will be constructed is approximately five to six feet lower than the curb. They went to the development staff meeting to discuss the item. They created a drainage plan for the construction. A building permit was submitted but it hasn't been approved. Zundell has been in contact with councilmember Ty Bringhurst where information was conveyed to the owner regarding the lot. Mr. Labrie is requesting in writing a status of the permit and whether the permit is approved or denied with the city engineer's review.

E. BUSINESS:

1. Discussion and possible action to recommend and consent to the mayor's appointment of an individual to the Toquerville City Planning Commission to fill current vacancy:

Mayor Chamberlain is absent but spoke with the recorder and officially appointed Mr. Dan Catlin to serve as the second alternate position on the Toquerville Planning Commission.

Councilmember Ty Bringhurst moved to approve Mayor Chamberlain's recommendation to appointment Dan Catlin to serve on the Planning Commission as a second alternate. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Council vote: Justin Sip-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye.

2. Discussion and possible action on Resolution 2019.XX Adoption of City Council Policy and Procedures:

The resolution would allow the council to adopt the city council policy and procedures. The item was discussed at the work meeting and the document was available for review by the council.

Councilmember Justin Sip moved to approve the resolution listed on the agenda as item E2. The motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 5-0. Council vote: Paul Heideman-aye, Justin Sip-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Keen Ellsworth-aye.

3. Discussion and possible action on Resolution 2019.XX Fee Schedule Changes to increase the culinary water base rate, storm water drain fee, resident and non-resident cemetery plot perpetual fees, and removal of the walking tour guide:

Councilmember Bringhurst would like to remove the culinary water base rate until an engineered water study is done. There was a brief discussion about water escalation fees and if the clause was added in the last water study done by Pro Value Engineering.

Councilmember Ty Bringhurst moved to approve the resolution listed on the agenda as item E3 with the removal of the increase to the culinary water base rate. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Council vote: Justin Sip-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye.



4. Discussion and possible action on Ordinance 2019.XX City Council Policy and Procedures: ***Councilmember Alex Chamberlain moved to approve the City Council Policy and Procedure ordinance. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Council vote: Alex Chamberlain-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye, Paul Heideman-aye.***
5. Discussion and possible action on a cooperative crosswalk agreement between UDOT and Toquerville City:

Councilmember Bringhurst recapped from the last work discussion meeting. UDOT performed a pedestrian crosswalk study of the Toquerville Boulevard. The study did not justify a designated crosswalk or signage. The city may incorporate a crosswalk agreement with UDOT where the city will install pedestrian flags at two major intersections of State Route 17. Those designated intersections are Center Street and Old Church Road. The council would like to know if the city would be assuming some sort of liability if an accident were to occur at the crosswalks. There was brief discussion between the attorney and the council regarding possible liability concerns. The city wouldn't be creating new crossing areas, but using the already established four way legal intersections. There was a general assumption made if the city provides flags to pedestrians it wouldn't be any less safe. The goal for the crosswalk agreement is to try and direct people to use the designated cross walks so when the next pedestrian crosswalk study is preformed it may result in a higher need for a signage and a designated crosswalk. If a pedestrian accident does occur in the future, the reason for the accident could include many different factors. Snow assumed the flag installation benefit would outweigh the liability. Chamberlain wondered if the crosswalks would be used, or if pedestrians would cross the street haphazardly. To walk either north or south to a designated intersection to then cross the street may not be the majority practice. McKim asked if the crosswalks were designated would it give law enforcement the opportunity to issue jaywalking citations.

Councilmember Justin Sip moved to accept the crosswalk agreement with UDOT for Toquerville Boulevard. The motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Council vote: Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Justin Sip-aye, Alex Chamberlain-aye.

6. Discussion and possible action on Almond Heights Park drainage project expenditures:

The Almond Heights Park drainage project needed more pipe to effectively drain water from the City Park area. The overage was \$1,080.40.

Councilmember Ty Bringhurst moved to approve the added expenditure in the amount of \$1080.40 for the Almond Heights Park drainage project. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Council roll call vote: Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.

7. Discussion and vote ratification on Toquerville Cemetery expenditures:

A phone call vote was taken on March 26, 2019 to reseed section A of the Toquerville Cemetery with expenditures not to exceed \$3,000.00. Councilmember Alex Chamberlain moved to approve the motion on that date. The motion was seconded by Councilmember Justin Sip. Council vote: Alex Chamberlain-aye, Justin Sip-aye, Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-abstain/absent.



Councilmember Alex Chamberlain moved to approve the vote taken on March 26, 2019 to include the original vote and roll call action taken. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Council vote: Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Alex Chamberlain-aye, Paul Heideman-aye.

8. Discussion and possible action on Resolution 2019.XX ~ Authorization to file eminent domain action to acquire real property for the purpose of building a bypass road for Highway 17:

Councilmember Justin Sip moved to table the item until next month. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Council vote: Keen Ellsworth-aye, Paul Heideman-aye, Justin Sip-aye, Ty Bringhurst-aye, Alex Chamberlain-aye.

F. COUNCIL REPORTS:

1. Justin Sip-Solid Waste/Mosquito/Tree Board/Trails/Parks:
Today was Arbor Day. At 4:30 p.m. Toquerville staff members, Councilmember Justin Sip, Planning Commission Chair Manning Butterworth, and Brad Langston planted two Bradford Pear trees alongside Shangri-La Drive.
The mosquito season is approaching. If someone spots these small insects please let him know and he will get the abatement team out to fog or spray for them.
The trails and park committee has contacted UDOT to try and get a plan to construct a walking bridge off of the east side of the Westfield Road bridge. He is working on getting a cost estimate for bridge designs.
2. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC:
He received a surveyed map of the property adjacent to the Toquerville cemetery for a possible land expansion of the cemetery. He will meet with the property owner and see what the financial expectations may be.
A motor grader will be blading various roads throughout the city. Roads like Mills Drive, Hunter Lane, Berry Avenue, Spring Drive, the Almond Heights areas and Center Street parking lot will see road improvements. Bringhurst suggested the roads near the cemetery may need to be evaluated as well. Chamberlain will try and drive the road and let Gubler know.
3. Alex Chamberlain-PC Liaison/Beautification Committee/Cemetery/Risk Management/City Hall Maintenance:
No report was given.
4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:
The Miss Toquerville Pageant will be held at the little white church in LaVerkin on April 27th at 7:00 p.m. He heard the county fair won't have a seed display. Annette Kleinman thought there would be community display for each community.
5. Keen Ellsworth-Economic Development/Fire:
Ellsworth met with a tree company and discussed the options of planting trees near the southern sign. When the company went to dig the first hole they were stopped by the gas company. They were fortunately in the immediate area believed the dig was near a main gas line. The area had been blue staked but apparently wasn't marked properly.
Ellsworth wanted to wait to discuss the exterior lighting ordinance until next month when councilmember Alex Chamberlain can present some information to the public and the council.



Attorney Snow advised the council they will need to go into an executive closed session to discuss possible litigation.

Councilmember Alex Chamberlain moved to enter into a closed executive session for strategy session to discuss pending or reasonably imminent litigation. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Council vote: Ty Bringhurst-aye, Paul Heideman-aye, Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye.

The business portion of the meeting ended at 6:50 p.m.

G. POSSIBLE CLOSED SESSION:

The closed/executive session began at 6:51 p.m. Members presents were Mayor Pro Tempore Keen Ellsworth; Councilmembers: Justin Sip, Ty Bringhurst, Paul Heideman, Alex Chamberlain; Staff members: June Jeffery, Dana McKim, Lance Gubler, and Zoning Official Mike Vercimak.

Ellsworth moved out of the closed session at 7:15 p.m.

H. ADJOURN:

Mayor Pro Tempore closed the meeting at 7:15 p.m.



Mayor - Lynn Chamberlain



Date



Attest: City Recorder - Dana M. McKim

