

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Agenda
June 13, 2019 at 6:00 pm
212 N. Toquerville Blvd, Toquerville Utah



Present: Mayor Pro Tempore Keen Ellsworth; Councilmembers: Alex Chamberlain, Justin Sip; Staff Members: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Support Staff: City Attorney Heath Snow, Zoning Official Mike Vercimak, Planning Commission Chair Manning Butterworth, Hurricane Valley Fire Department Representative Merlin Spendlove; Public: Jonathan D. Jones, Wendi Merritt, Joey Campbell, Bruce Wallace, Gary Chaves, Chuck Williams; Absent: Mayor Lynn Chamberlain, Councilmembers Ty Bringhurst and Paul Heideman.

A. CALL TO ORDER:

Mayor Pro Tempore Keen Ellsworth called the meeting to order at 6:00 p.m. Councilmember Alex Chamberlain led the Pledge of Allegiance and an invocation was offered by Councilmember Justin Sip. Members of the council did not have any disclosures or conflict declarations. There were no belief statements voiced.

B. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from May 2 and May 9, 2019
2. Review and possible approval of City Expenditures from May 2019

Councilmember Alex Chamberlain noted that there was one typo in the meeting minutes from May 2, 2019. The word mailable needed to be changed to malleable.

Councilmember Alex Chamberlain moved to approve the Consent Agenda items with the suggested change. The motion was seconded by Councilmember Justin Sip. Motion unanimously carried 3-0. Roll Call Vote: Alex Chamberlain-aye, Keen Ellsworth-aye, Justin Sip-aye.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:
No report was given. The council did not have any questions for Mr. Vercimak.
2. Planning Commission Chair, Manning Butterworth:
The upcoming Planning Commission meeting will hear a final plat application submitted by Jeff Fry. There will be a change to the nightly rental where absentee renters may only occur during a time when the owner of the dwelling is residing in Toquerville. Another item for discussion will be exterior lighting requirements. Councilmember Chamberlain will provide Butterworth some suggestions discussed by council at the last work meeting. A few housekeeping items will be addressed in various chapters throughout Title 10 and will be prepared in one ordinance revision.
3. Hurricane Valley Fire Department Representative, Merlin Spendlove:
The Fire Department responded to 8 medical and 4 fire call outs.
~Attorney Heath Snow entered the meeting.
A small motor vehicle trailer fire on Mulberry was dispatched and put out. There were a couple of fire alarms and controlled burns. The increased temperatures are affecting the fire hazard. The fire department would like to host some informational classes to teach property owners how to effectively clear their property to lower the risk of fire hazards.
4. Public Works Director, Lance Gubler:
No report was given.

5. 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 public input was given.

E. PUBLIC HEARING:

Mayor Pro Tempore Ellsworth declared the public hearing open and explained the public hearing process.

1. Public Discussion of FINAL AMENDED BUDGET, Resolution #RES.2019.XX ~ Fiscal Year July, 2018 thru June, 2019:

No public input was given.

2. Public Discussion of FINAL PROPOSED BUDGET, Resolution #RES.2019.XX ~ Fiscal Year July, 2019 thru June, 2020:

No public input was given.

Mayor Pro Tempore Ellsworth closed the public forum and moved into the business portion of the meeting.

F. BUSINESS:

1. Announcement of the 2019 Municipal Election Candidates:
The following residents have declared their candidacy for the open council seat positions. There are three open seats to serve four-year terms. Those applicants are Ty Bringhurst, Keen Ellsworth, John C. 'Chuck' Williams, and B. Kent Havens. There is one two-year open seat. Those applicants are Gary Chaves and Wendi J. Merritt. A primary election will not be held for the 2019 Municipal election. A primary election is necessary if the number of candidates exceeds twice the number of individuals to fill the office. Ellsworth thanked the new applicants for participating and stepping up to run for office.
2. Discussion and Possible Action on Eagle Scout Proposal for Installation of a Cemetery Plot Legend at the Toquerville Cemetery ~ Ethan Jeppson:

Councilmember Justin Sip moved to approve the Eagle Scout Project for Ethan Jeppson and to not exceed expenditures in the amount of \$250.00. Councilmember Chamberlain seconded the motion. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye. The motion unanimously carried 3-0.

3. Discussion and Possible Action on Resolution 2019.XX ~ Discharge of Fireworks:
The city has the ability to designate areas in the city where fireworks can be discharged. A flyer will be disseminated to educate all citizens and visitors for public safety. Due to the high fire danger, it is important that everyone complies with this resolution.

Councilmember Alex Chamberlain moved to approve the proposed resolution. The motion was seconded by Councilmember Justin Sip. Council vote: Justin Sip-aye, Alex Chamberlain-aye, Keen Ellsworth-aye. Motion unanimously carried 3-0.

4. Discussion of Resolution 2019.XX Fee Schedule ~ Culinary Water Base Rate Increase:
Councilmember Keen suggested the item should be tabled until an engineered study is obtained.

Councilmember Justin Sip moved to table the item until an engineered study is completed. The motion was seconded by Alex Chamberlain. Council vote: Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye. Motion unanimously carried 3-0.

5. Discussion and Possible Action on Resolution 2019.XX ~ FY2018-2019 Budget Amendment:

June Jeffery changed the garbage collection by adding \$8,000.00 due to a miscalculation. The city has to account for an additional month.

Councilmember Justin Sip moved to approve the Resolution FY2018-2019 Budget Amendment. The motion was seconded by Councilmember Alex Chamberlain. Roll Call Vote: Alex Chamberlain-aye, Keen Ellsworth-aye, Justin Sip-aye. Motion unanimously carried 3-0.

6. Discussion and Possible Action on Resolution 2019.XX ~ FY2019-2020 Final Budget Adoption and Property Tax Levy Rate .000898:

Councilmember Alex Chamberlain moved to approve the FY2019-2020 Final Budget Adoption with the Property Tax Levy Rate .000898. The motion was seconded by Councilmember Justin Sip. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Alex Chamberlain-aye. Motion unanimously carried 3-0.

7. Discussion and Possible Adoption of the Wildland Fire Management Interlocal Agreement with Hurricane Valley Fire Special Service District:

Attorney Heath Snow reviewed the document and suggested the agreement would assist Toquerville if a wildland fire were to occur within the city.

Councilmember Justin Sip moved to approve the Wildland Fire Management Interlocal Agreement with the Hurricane Valley Fire Special Service District. The motion was seconded by Councilmember Alex Chamberlain. Council Vote: Alex Chamberlain-aye, Justin Sip-aye, Keen Ellsworth-aye. Motion unanimously carried 3-0.

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:

Ellsworth was advised by Councilmember Bringhurst to table the item until next month. The property owner will give a report to the Council at the July 11, 2019 meeting.

Councilmember Alex Chamberlain moved to table item F8 until next month. The motion was seconded by Councilmember Justin Sip. Council Vote: Justin Sip-aye, Alex Chamberlain-aye, Keen Ellsworth-aye. Motion unanimously carried 3-0.

Mayor Pro Tempore Ellsworth advised the public the work meeting, to be held on July 4th will be canceled. The work meeting will be combined with the City Council regular business meeting on July 11th.

F. COUNCIL REPORTS:

1. Justin Sip-Solid Waste/Mosquito/Tree Board/Trails/Parks:

No report was given. Councilmember Sip wanted the public to know the mosquito abatement team is unable to eradicate any gnat infestations.

2. Alex Chamberlain-PC Liaison/Beautification Committee/Cemetery/Risk Management/City Hall Maintenance:
No report was given.

3. Mayor Pro Tempore ~ Keen Ellsworth-Economic Development/Fire:
Ellsworth briefly discussed the problem with noise nuisances occurring during the early morning hours involved with construction, specifically the pouring of concrete. Concrete is poured during the early morning hours. He suggested the council should ponder this concern and give the city recorder feedback for a possible ordinance revision. Mike Vercimak suggested the requirements should be modified in the standard and specifications manual. Snow suggested a possible code revision may be needed for clarification in the nuisance chapter. The council discussed the pros and cons of adopting a requirement where the contractor would notify residents within a 300-foot radius and the city office either 24 or 48 hours in advance to the construction act.
Wendi Merritt wanted the nuisance to include all construction and if the notification to adjacent property owners would have an opportunity to object to the scheduled construction job. Snow gave the pros and cons to the notification process and if the exception would be arbitrary for enforcement or red tagging measures.

G. POSSIBLE CLOSED SESSION:

A closed session was not declared during the meeting.

I. ADJOURN:

Mayor Pro Tempore Keen Ellsworth adjourned the meeting at 6:35 p.m.



Mayor - Lynn Chamberlain



Date



Attest: City Recorder - Dana M. McKim