

**TOQUERVILLE CITY COUNCIL**  
**Regular Business Meeting Minutes**  
**January 9, 2020, at 6:00 pm**  
**212 N. Toquer Blvd, Toquerville Utah**



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Justin Sip, Ty Bringhurst, Gary Chaves, Chuck Williams; Staff: Attorney Heath Snow, Treasurer June Jeffrey, Deputy Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Manning Butterworth, Hurricane Valley Fire District Representative Merlin Spendlove; Public: Wendi Merritt, Joey Campbell, Katie Campbell, Chris Butterworth, Steve Gilbert, Cindi Gilbert, Troy Mangum; Absent: Zoning Official Mike Vercimak.

**A. CALL TO ORDER:**

1. Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. Councilman Ellsworth led the Pledge of Allegiance. Councilman Sip gave the invocation. The Oath of Office was administered to Councilman Ellsworth. There were no opening comments from Council Members or residents. There were no statements of belief voiced.

**B. APPROVAL OF AGENDA:**

1. The Council reviewed the agenda. There were no disclosures, nor conflict declarations from Council Members.

*Councilman Ty Bringhurst moved to approve the Regular Business Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

**C. CONSENT AGENDA:**

1. Review and possible approval of meeting minutes from December 5, 2010 Work Meeting, December 12, 2019 Special Meeting, December 12, 2019 Business Meeting, and December 23, 2019 Special Meeting.

The Council reviewed the meeting minutes.

*Councilman Justin Sip moved to approve the meeting minutes from December 5, 2019, December 12, 2019, December 12, 2019, and December 23, 2019. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

2. Review and possible approval of City Expenditures from December 2019.

The Council reviewed the City Expenditures.

*Councilman Ty Bringhurst moved to approve the City Expenditures from September 2019. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

Attorney Heath Snow entered the meeting at 6:12 p.m.



**D. CITY DEPARTMENT REPORTS:**

1. Planning Commission Chair Manning Butterworth reported on the upcoming Planning Commission Meeting agenda, the items that will be discussed and a simple subdivision that will need to wait until February because there is not enough time to have a public hearing. Councilman Ellsworth spoke about this item, because it is his subdivision up for review. A public hearing does not need to be held for a simple subdivision application so it does not need to be put off for a month. Attorney Snow clarified the process and confirmed it does not need to have a public hearing. Commissioner Butterworth will have the subdivision application item on the January agenda.
2. Public Works Director Lance Gubler attended a District water meeting and reported on the average household water usage per day and how the State wants the City to lower that usage. The County is working on creating a drought contingency plan at the County level. Water usage levels during a drought would be monitored by smart water meters. The State would charge a flat rate tax for excess water usage. The State wants the Cities to be more responsible for water conservation and usage and would oversee water usage by regulating lot size, eliminating front yards, and using smart meters. The permits for pipelines and the RFP for Toquerville Reservoir will be going out within the next 30 days. The City will need a cross contamination ordinance that states using culinary water in any way to irrigate is a hazard and cross check valves must be installed to prevent cross contamination. Mountain Land Lighting has the largest selection of dark sky approved light fixtures and is a good resource for new subdivisions. The City streetlights need to be added to Standards and Specs. There is a discrepancy on the ownership of the streetlights. Rocky Mountain Power said the City does not own the lights and wants the City to purchase the lights and poles from them. Rocky Mountain Power would also like the City to purchase and provide the service, infrastructure, and equipment for the underground power lines in Trail Ridge Estates, Cholla, and future subdivisions. The Council discussed the infrastructure is not up to City standards and specs. Councilman Ellsworth was assigned to make contact with Rocky Mountain Power over these issues.
3. City Attorney Heath Snow reported on the bypass road section that is almost ready for donation to the City. The City is waiting for the revised MPDO plan. Mayor Chamberlain suggested having a joint meeting with the Planning Commission to review the MPDO plan to expedite the process. The joint meeting is scheduled for January 22, 2020. Attorney Snow commented on the simple subdivision of Councilman Ellsworth, that it does not need a public hearing. The simple subdivision table needs to be updated to reflect the change.

**E. PUBLIC FORUM:**

Resident Manning Butterworth commented on a blind curve on Shangri-la. This is a dangerous section of the road and a recipe for accidents. If the City could stripe the road, it could lessen the chances for an accident. Councilman Bringhurst asked Public Works Director Lance Gubler to identify other sections of roads along with this section that need to be striped and to get it done as soon as possible.

**F. BUSINESS:**

1. Discussion and possible expenditure approval for James Grygla's Eagle Scout Project – City Park tennis and pickle ball court lights.



Public Works Director Lance Gubler reported that two bids have been received so far and are waiting for a third bid. Councilman Sip commented that the total budget for this project was around \$5,000 - \$6,000.

***Councilman Justin Sip moved to table the expenditure approval for James Grygla's Eagle Scout project until next month. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

2. Discussion and possible action on RES.2020.XX – Washington County Solid Waste District fee increase.

Councilman Sip reported the Solid Waste District has the ability to raise rates every four years. The proposed increase is \$0.25 per home per month. The District says the increase is not due to problems with Blucan.

***Councilman Justin Sip moved to approve RES.2020.XX Washington County Solid Waste District fee increase. Councilman Gary Chaves seconded the motion. Motion carried, 4-1. Ty Bringhurst – nay, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

3. Discussion and possible expenditure approval for Nathan Elison's Eagle Scout Project – Center Street pickle ball fence.

The additional expenditures of \$290 were due to a heavier gauge wire for the fence. The new total amount is \$4,050.

***Councilman Justin Sip moved to approve the additional expenditures for Nathan Elison's Eagle Scout project. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

4. Discussion and possible action on naming the bypass road.

Councilman Bringhurst reminded the Council that Toquerville Parkway was the name that won the survey. Councilman Ellsworth is concerned that Toquerville Parkway and Toquer Boulevard are too similar and could cause confusion. The Council discussed that there would be adequate street signage.

***Councilman Ty Bringhurst moved to approve naming the bypass road Toquerville Parkway. Councilman Justin Sip seconded the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

5. Discussion and possible action on lining Toquer Blvd with flags for holidays.

The Council discussed how the City would benefit by having the flags lining the Boulevard, the budget that would be needed, which Boy Scout troops and Wards could put up and take down the flags, having flags every 50 ft., which holidays to put them out on, the City



purchasing the flags, residents of Toquer Boulevard having one or two flags, and having the flags on both Toquer Boulevard and Toquerville Parkway.

***Councilman Justin Sip moved to table the discussion and action of lining Toquer Boulevard with flags for holidays until next month. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

Councilman Chaves disclosed he owns a nightly rental, which could be a possible conflict with items 6 and 7.

6. Discussion and possible action on ORD.2020.XX Nightly Rental Ownership – An ordinance amending Title 10, Chapter 17-3(F) – Nightly Rentals: to clarify primary residence ownership. *(PC recommended approval 5-0)*

The Council discussed the periods of time that owners can be gone from their nightly rental, which is 30 days total for the calendar year. Councilman Chaves does not agree with that interpretation. Resident Wendi Merritt commented on the 30-day window that an owner could be absent and does that mean if there are no rentals booked then the owner could be absent for any amount of time. Attorney Snow stated the owners that are absent from Toquerville for periods of time which exceed 30 days in total would be while rentals are occurring. The Council discussed the goal of this ordinance revision is to prevent absentee owners or property managers and for property owners to have greater accountability with their nightly rental. The Council discussed amending the definition of primary residence and the period of time an owner can be absent.

***Councilman Justin Sip moved to table ORD.2020.XX Nightly Rental Ownership until next month. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

7. Discussion and possible action on ORD.2020.XX Nightly Rental Annual Renewal – An ordinance amending Title 10, Chapter 17-3(K) – to remove public hearing requirement from the annual review process. *(PC recommended approval 5-0)*

***Councilman Gary Chaves moved to approve ORD.2020.XX Nightly Rental Annual Renewal. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

8. Discussion and possible action on ORD.2020.XX Building Permit Process – An ordinance amending Title 10, Chapter 18A Building Permits and building pad requirements. *(PC recommended approval 5-0)*

Councilman Bringhurst reported he is working on the amendments to this ordinance and will need additional time to finish the adjustments.



***Councilman Ty Bringhurst moved to table ORD.2020.XX Building Permit Process until next month. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

9. Discussion and possible action on ORD.2020.XX Building Permit Chart – An ordinance amending Title 10, Chapter 6-1 Building Permit submittal requirements. *(PC recommended approval 5-0)*

The Council reviewed the minor changes that were made to this ordinance.

***Councilman Ty Bringhurst moved to approve ORD.2020.XX Building Permit Chart. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

10. Discussion and possible action on ORD.2020.XX Exterior Lighting – An ordinance amending Title 10, Chapter 24 Exterior Lighting. *(PC recommended approval 5-0)*

The Council discussed defining the lighting ordinance, the City not having a lighting enforcement official, lighting complaints, exterior lighting used for safety and security reasons, and lighting as a nuisance. Resident Steve Gilbert spoke regarding his exterior lighting for ranching and security purposes. Mr. Gilbert talked about the need for common sense in lighting property, respecting one’s neighbor by not shining bright lights onto someone else’s property, and to encourage communication and open dialogue with your neighbors about their lights. Resident Wendi Merritt commented on the new homes under construction and the issue of enforcement. Ms. Merritt met with the Sheriff’s office and found that there is nothing for them to enforce. The City should have a special prosecutor to enforce lighting violations. There were no additional comments from the Council.

***Councilman Justin Sip moved to table ORD.2020.XX Exterior Lighting until next month. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

11. Discussion and possible action on Chapter 10-5 Enforcement Officials and Chapter 10-24-6 Lighting Administrator enforcement.

The Council discussed the City being able to enforce the entire City code, rather than just one ordinance, and hiring someone in the future to have the title as Code Enforcement. A lighting administrator has not been identified yet. Councilman Ellsworth would like the City to enforce the current code, or nothing at all. The Building Official is not currently enforcing the lighting ordinance. Residents need to be educated on the correct type of lights to install on new construction. Resident Cindi Gilbert commented that most new residents don’t know what the night sky ordinance is, and need to be educated. Possible exceptions to agriculture zoned properties were discussed. Information regarding night sky and correct light fixtures will be included in the City newsletter. Resident Steve Gilbert would like the City to keep it simple and not get buried in unnecessary administration. The Council discussed tabling this item indefinitely, or until the City is ready to name an enforcement official.



***Councilman Gary Chaves moved to table the discussion and action on Chapter 10-5 Enforcement Officials and Chapter 10-24-6 Lighting Administrator. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

12. Discussion and possible action on Chapter 4-1-2 adding Lighting Trespass as a nuisance.

The Council discussed the verbiage that needs to be added. Resident Troy Mangum felt the tension regarding this ordinance comes from the lights on his property. There have been many complaints regarding the lights on his property, and if others have issues with his lights, they can close off their window to shut out the lights or come talk to him to resolve any issues. Mr. Mangum has spent a lot of time and money to try to be in compliance with the City's lighting requirements. Resident Wendi Merritt commented on enforcement of all nuisances, that the City can go and fix any lighting issues. Ms. Merritt does not believe the City wants to be in that position. She also believes the City cannot meet the current night sky conditions, and that residents should be more neighborly and talk to their neighbors about any light issues. She has contacted Mr. Mangum about his lights but never heard back from him. Councilman Bringhurst is in favor of adding light trespass as a nuisance but would like to remove the stipulation of not having construction work done on Saturdays. The entire nuisance ordinance needs to be reviewed and any other issues resolved.

***Councilman Gary Chaves moved to approve adding lighting trespass as a nuisance in Chapter 4-1-2. Councilman Chuck Williams seconded the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

13. Discussion and possible action on RES.2020.XX Ash Creek Special Service District Representative Appointment.

***Councilman Ty Bringhurst moved to approve RES.2020.XX Ash Creek Special Service District Representative. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

14. Discussion and possible action on RES.2020.XX Hurricane Valley Fire Department Representative Appointment.

***Councilman Ty Bringhurst moved to approve RES.2020.XX Hurricane Valley Fire Department Representative. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.***

15. Discussion and possible action on RES.2020.XX Southwest Mosquito Abatement and Control Representative.



*Councilman Justin Sip moved to approve RES.2020.XX Southwest Mosquito Abatement and Control Representative. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

16. Discussion and possible action on RES.2020.XX Solid Waste Representative.

*Councilman Ty Bringhurst moved to approve RES.2020.XX Solid Waste Representative. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

17. Discussion and possible action on naming Mayor Pro Tempore for 2020.

The Council discussed re-naming Councilman Ellsworth as Mayor Pro Tempore.

*Councilman Ty Bringhurst moved to approve Keen Ellsworth as Mayor Pro Tempore for 2020. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

#### **G. COUNCIL REPORTS:**

1. Justin Sip reported there will be a Sewer District meeting on Thursday the 23<sup>rd</sup>.
2. Keen Ellsworth received a draft of a letter of intent to create a Public Infrastructure District from a proposed developer. They want to move forward as soon as possible. The International Sports Center would like to build about 30 sports fields in Toquerville, at the north end by the freeway. This business will be turning in a letter of intent with an executive summary and a conceptual drawing hopefully this month.
3. Ty Bringhurst would like the Council to read the Capital Facilities Plan and become familiar with it, as there have been a lot of changes. Councilman Sip, Alpha Engineering and others are still making changes. Standards and Specs will need to be on the February agenda for discussion. The Lowe family MPDO development agreement should be done by the first of next week. The Fry agreement needs the Mayor's signature to close out their funding source. Attorney Snow recommended they add a property description and they need a warranty bond before it gets signed.
4. Gary Chaves is waiting to hear back about any meetings he needs to attend from the Mosquito Abatement Board.
5. Chuck Williams is looking for documentation and information regarding his assignments.
6. Mayor Lynn Chamberlain reported that he and Councilman Ellsworth are assigned to DTEC and need to attend those meetings.

#### **H. CALENDAR OF EVENTS**

There will be a combined City Council and Planning Commission Special Meeting on January 22, 2020 at 6:00 p.m.



**I. ADJOURN:**

*Councilman Justin Sip moved to adjourn the regular business meeting. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

Mayor Chamberlain adjourned the meeting at 8:05 p.m.

  
\_\_\_\_\_  
Mayor – Lynn Chamberlain

2/13/2020  
Date

  
\_\_\_\_\_  
Attest: City Recorder – Ruth Evans

