

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
February 13, 2020, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Justin Sip, Ty Bringhurst, Gary Chaves; Staff: Attorney Heath Snow, Zoning Official Mike Vercimak, Treasurer June Jeffrey, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Manning Butterworth; Public: Jeff Fry, Joey Campbell, Dan Catlin, Kathleen Nielson, Katrina Burns, Leslie Campbell, Tynya English, Dale Cummins, Don Roundy, Jake Peart, Wendi Merritt, Russ Larsen; Absent: Councilman Chuck Williams, Hurricane Valley Fire District Representative Merlin Spendlove, Deputy Treasurer Dana McKim.

A. CALL TO ORDER:

1. Mayor Chamberlain called the meeting to order at 6:00 p.m. Councilman Bringhurst led the Pledge of Allegiance. Councilman Chaves gave the invocation. 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 Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from January 2, 2020 Work Meeting, January 9, 2020 Business Meeting, and January 22, 2020 Combined City Council & Planning Commission Special Meeting.

Councilman Ty Bringhurst moved to approve the meeting minutes from January 2, January 9, and January 22, 2020. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

2. Review and possible approval of City Expenditures from January 2020.

The Council reviewed the City Expenditures.

Councilman Justin Sip moved to approve the City Expenditures from January 2020. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

D. CITY DEPARTMENT REPORTS:

1. Zoning Administrator Mike Vercimak did not have anything to report.



2. Planning commission Chair Manning Butterworth reported there are two proposed zone changes and three proposed nightly rentals on the agenda for the next Planning Commission meeting.
3. Public Works Director Lance Gubler did not have anything to report.
4. City Attorney Heath Snow reported that there is a matter that needs to be discussed in an executive session.

E. PRESENTATION:

Kathleen Nielson from the Washington County Habitat Conservation Plan gave a brief presentation regarding Confluence Park, the projects that are planned, and the grants and financial support that will be needed. Ms. Nielson would like a letter from Toquerville City voicing support for their projects.

F. PUBLIC FORUM:

Resident Leslie Campbell wondered if the City was receiving a room tax from nightly rentals. Attorney Snow responded yes, the City receives a transient room tax.

G. BUSINESS:

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

The Council discussed the expenditures had already been approved through a phone call vote. This is the same discussion as item # 14.

The phone call vote on January 22, 2020 was as follows: Councilman Ty Bringhurst moved to approve \$10,000 in expenditures on James Grygla's Eagle Scout Project. 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.

2. Discussion on the creation of a Public Infrastructure District submitted by Attorney Devin Snow on behalf of SRC Holdings, LLC.

Councilman Ellsworth commented that the City is waiting on a letter of request from Attorney Devin Snow. Until that letter is received, there is nothing more that can be discussed. Attorney Snow clarified that before they can move forward with the PID, they must request the same services from the municipality. If the municipality denies the request, the PID can be created.

3. Discussion and possible action on ownership of the trail connecting Trail Ridge Estates to Cholla Creek subdivision.

Councilman Sip commented that the City will need a legal property description of the trail and surrounding land before any further action can be taken.



Councilman Justin Sip moved to table the discussion on ownership of the trail connecting Trail Ridge Estates and Cholla Creek. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringham – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

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

Councilman Chaves reported on the number of residents currently paying for flags, those not paying for flags and having the flags 100' apart instead of 50'. The Council discussed purchasing new flags, drilling holes in the curb to hold the flag, not putting flags on the bypass road, and the youth groups who would be involved in putting up and taking down the flags.

Councilman Gary Chaves moved to approve expenditures not to exceed \$2,000.00 for the purchase of flags and lining Toquer Boulevard with flags for holidays. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringham – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

5. 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)

Mayor Chamberlain commented on the reason for revising this ordinance was to make sure Toquerville does not get overrun with nightly rentals. These nightly rentals are businesses and businesses tie people down. The best action is to be present and run your business. The Council discussed the different versions of the revised ordinance and the days an owner could be absent. Councilman Chaves reported on the feedback he received from other nightly rental owners. They are not in favor of the 30 days and prefer 7 days absent. Two nightly rental owners were opposed to any revisions and felt the current code is working for them. The majority of the nightly rental owners felt this was a trivial issue. Resident Wendi Merritt commented that there are more nightly rentals in Toquerville than the City is aware of and there is no enforcement. The Council responded by stating that a formal complaint would need to be filed with the City. Resident Jake Peart commented that nightly rentals are in decline and are not very lucrative anymore. Resident Russ Larsen wondered why there are extra restrictions on invested property owners. Owner occupied homes are more often in disrepair than nightly rental properties are. Councilman Ellsworth commented on keeping this ordinance simple by stating property owners need to be present while they have renters. Councilman Sip wondered if any revisions need to be made at all. The Council discussed the objective was to keep the City from being overrun with nightly rentals. The Council discussed the revisions stating that all nightly rental owners need to have an emergency contact on file and cannot be absent for more than 14 calendar days per month. Councilman Ellsworth was not in favor of the revisions.

Councilman Justin Sip moved to approve ORD.2020.XX Nightly Rental Ownership with stated revisions. Councilman Gary Chaves seconded the motion. Motion carried, 3-1. Ty Bringham – aye, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye.



6. 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)*

The Council discussed the revisions and was in favor of adding an exception to the building pad requirement.

Councilman Ty Bringhurst moved to approve ORD.2020.XX Building Permit Process with stated revisions. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

7. 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 was in favor of Commissioner Rebecca Hansen’s proposed revisions and discussed enforcement, measurements, lighting curfews, possible exceptions, dark sky approved light fixtures, prohibited color temperatures, and requirements for new construction. The Council discussed deleting the sentence stating 3000k as a prohibited color from 10-24-4-A-4 and deleting the word residential from section 10-24-2-B-2 Applicability.

Councilman Justin Sip moved to approve ORD.2020.XX Exterior Lighting with stated revisions. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

8. Discussion on increasing water rates.

Councilman Bringhurst commented that there is not sufficient information to have an informed discussion on increasing the water rates.

Councilman Ty Bringhurst moved to table the discussion on increasing water rates until March. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

9. Discussion and possible action for Truth and Taxation.

The Council discussed the need to move forward with Truth and Taxation.

Councilman Ty Bringhurst moved to approve going forward with the Truth and Taxation process. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

10. Discussion and possible action on City sponsored events; Turkey Trot, Toquer Fest.

The Council discussed what sponsoring means and that the City should support community events. Resident Wendi Merritt likes city and community events and would prefer the City to give in-kind donations. Ms. Merritt is concerned with tax payer money going to support private entities. Attorney Snow commented that the City should be providing parks and recreation opportunities to its residents. The Council would like any person or business who



wants the City to sponsor an event to come before the City Council and request a donation or waiver of rental fees for each event.

11. Discussion and possible action on ORD.2020.XX Vacation of portion of Parcel # T-CHCR-1B-34 to be included in the Terraces at Cholla Creek Subdivision.

Councilman Ty Bringhurst moved to approve ORD.2020.XX Vacation of portion of Parcel # T-CHCR-1B-34 to be included in the Terraces at Cholla Creek Subdivision. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

12. Discussion and possible action on ORD.2020.XX Light Trespass as a Nuisance – An ordinance amending the definition and enumeration of light trespass as a nuisance.

The Council discussed how to measure light trespass, foot-candles vs. lumens, light shielding, offensive flood lights, any complaints the City has received, and reflective surfaces such as solar panels being a nuisance. Resident Dan Catlin explained the foot-candles vs. lumen measurements and the meters used to obtain measurements. Mr. Catlin also presented some photographs taken from his home at night showing a neighbor's light trespass onto his property. Shielded lights would eliminate most of the light trespass issues. Resident Wendi Merritt would like the Council members to stop by her home at night and see the egregious light trespass issues she is faced with. Councilman Ellsworth commented that the paragraph referencing protected areas for garbage was concerning and needs some revisions.

Councilman Keen Ellsworth moved to table ORD.2020.XX Light Trespass as a Nuisance until next month. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

13. Discussion and possible action on approval for City Park fundraiser.

Councilman Sip requested the support of the Council members for holding a fundraiser to build a city park.

Councilman Justin Sip moved to approve a fundraiser to build a city park. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

14. Discussion and vote ratification on expenditures for the pickleball court lighting project. (Council approved expenditures via phone call vote: 5-0 on January 22nd, 2020.)

The Council discussed this item in conjunction with item # 1, James Grygla's Eagle Scout Project.

Councilman Justin Sip moved to ratify the vote on expenditures for the pickleball court lighting project. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.



H. COUNCIL REPORTS:

1. Justin Sip reported on the Blucan recycling program and that the contracts were extended with Blucan until January 2021. The local recycling bins will be staying.
2. Keen Ellsworth reported on the Dixie Transportation Expo and that Toquerville had a booth there showcasing Toquerville Parkway. Many organizations had significant interest in the bypass road project and it was well received. Representatives from UDOT were present and came out to Toquerville to survey the area. Attorney Randall Larsen who spoke previously about the PID has been contacted about representing the City if needed. Three trees will be planted by the southern Toquerville sign.
3. Ty Bringhurst reported on a UDOT meeting this Tuesday to review and finalize the Toquerville Parkway agreement. The UDOT commission meeting is on March 27th and Councilman Ellsworth will be doing a presentation on that day. They will also vote on the Toquerville Parkway agreement at this meeting. UDOT has given approval to drill holes in the curb along Toquer Boulevard. The Capital Facilities Plan and Standards and Specifications are ready and need to be discussed in March. The property at the end of Shangrila has a legal description and the paperwork to transfer this property will be sent to Attorney Snow for review. The monthly coordinating meeting with the engineer, zoning official and staff will be on March 12th.
4. Gary Chaves reported on the Mosquito abatement meeting, they are focused on finding and killing the larvae instead of the mosquito. West Nile virus has been found in Southern Utah so they are working hard to eradicate mosquitos.
5. Mayor Lynn Chamberlain reported on an upcoming COG (Council of Governments) meeting.

I. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session for the purpose of discussing the purchase, exchange, or lease of real property.

Councilman Ty Bringhurst moved to enter into a closed session for the purpose of discussing the purchase, exchange, or lease of real property. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the closed session at 7:39 p.m.

J. CLOSED SESSION:

The closed session to discuss the purchase, exchange, or lease of real property was called to order at 7:41 p.m.

Minutes of the closed session were recorded and are now on file as a protected record.

The closed session adjourned at 7:58 p.m.



K. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 7:59 p.m.

Councilman Justin Sip moved to adjourn the City Council Work Meeting. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular business meeting at 8:00 p.m.



Mayor – Lynn Chamberlain

3/12/2020
Date



Attest: City Recorder – Ruth Evans

