

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
March 12, 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, Zoning Official Mike Vercimak, Planning Chairman Manning Butterworth, Treasurer June Jeffrey, Deputy Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Hurricane Valley Fire District Representative Merlin Spendlove; Public: Teila Huntsman, Jodi Turner, Greg Turner, Rebecca Hansen, Wendi Merritt, Anita Eaton, Stacey Eaton, Randall Larsen.

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 Sip gave the invocation. Mayor Chamberlain commented on the Governor's statement about not holding public meetings during the Coronavirus pandemic. The City needs to have software in place to conduct a digital meeting that is compliant with the State and open to the public. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

1. The Council reviewed the agenda. Councilman Bringhurst and Councilman Ellsworth declared a possible conflict of interest with item F6; which is for their simple subdivision.

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, Chuck Williams – absent.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from February 6, 2020 Work Meeting and February 13, 2020 Business Meeting.

The Council reviewed the meeting minutes.

Councilman Keen Ellsworth moved to approve the meeting minutes from February 6 and February 13, 2020. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – absent.

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

The Council reviewed the City Expenditures.

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



D. CITY DEPARTMENT REPORTS:

1. Hurricane Valley Fire District Representative Merlin Spendlove reported on the cleanup days in April. There will be a wood chipper available for tree branches.
2. Zoning Administrator Mike Vercimak did not have anything to report.

Councilman Williams entered the meeting at 6:10 p.m.

3. Planning commission Chair Manning Butterworth reported he was unable to attend last week's meeting, so he is not sure where the discussion is at on the zone changes and nightly rentals up for approval tonight.
4. Public Works Director Lance Gubler did not have anything to report.
5. City Attorney Heath Snow was not present at this time.

E. PUBLIC FORUM:

Resident Wendi Merritt commented that the City's contract with the Sheriff's office needs to be reviewed because the City is not receiving the enough enforcement or traffic control from them. At the stop sign of Westfield and Lake, it was observed that in 30 minutes, 15 vehicles failed to stop. The City needs to reconsider the contract they have with the Sheriff's department.

Attorney Snow entered the meeting at 6:13 p.m.

Councilman Williams commented that he in attendance at tonight's meeting only because the Capitol in Salt Lake City has been closed due to the Corona virus. Consequently, no meeting was held regarding the Toquerville Parkway.

F. BUSINESS:

1. Discussion and possible action on a zone change at 234 N Toquer Blvd – submitted by Polly Peart. Current zoning is Single Family Residential – R-1-12. Proposed zoning is Neighborhood Commercial – NC. *(PC recommended approval 5-0)*

The Council did not have any problems with this application and no further discussion was had.

Councilman Keen Ellsworth moved to approve the zone change at 234 N Toquer Blvd to Neighborhood Commercial. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Ty Bringham – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

2. Discussion and possible action on a zone change on Parcel #s T-92, T-10, and T-148-A – submitted by Lowe Land TK, LLC. Current zoning is Single Family Residential – R-1-12 and R-1-20. Proposed zoning is Agriculture – A-1. *(PC recommended approval 5-0)*

Mayor Chamberlain commented that perhaps this zone change should be combined with the zone change petition that has been brought forth to the City. The Council decided to leave these two items separate and approve this item tonight.



Councilman Justin Sip moved to approve the zone change on Parcel #s T-92, T-10, and T-148-A to Agriculture. 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.

3. Discussion and possible action on a proposed nightly rental located at 1565 S Chaparell Dr – submitted by Tana Hall. *(PC recommended approval 5-0)*

There were no additional comments or discussion on this application.

Councilman Keen Ellsworth moved to approve the nightly rental application with staff comments located at 1565 S Chaparell Dr. 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 a proposed nightly rental located at 540 E Spring Dr – submitted by Shaun & Teila Huntsman. *(PC recommended approval 5-0)*

There were no additional comments or discussion on this application.

Councilman Justin Sip moved to approve the nightly rental application with staff comments located at 540 E Spring Dr. 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.

5. Discussion and possible action on a proposed nightly rental located at 96 S Toquer Blvd – submitted by Sandra Feagin. *(PC recommended approval 5-0)*

There were no additional comments or discussion on this application.

Councilman Keen Ellsworth moved to approve the nightly rental application with staff comments located at 96 S Toquer Blvd. 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.

6. Discussion and possible action on a simple subdivision located at 12 S Toquer Blvd – submitted by EAL Investments. Property is zoned R-1-12. *(PC recommended approval 5-0)*

There were no additional comments or discussion on this application.

Councilman Justin Sip moved to approve the simple subdivision with staff comments located at 12 S Toquer Blvd. 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 Rocky Mountain Power Agreement.

Public Works Director Lance Gubler reported that he has not received the agreement from Rocky Mountain Power yet.

Councilman Keen Ellsworth moved to table approving the Rocky Mountain Power Agreement 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.

8. Discussion and possible action on zone change petition.

The Council discussed the next steps to take in order to move the zone change forward. There are some residents who have not responded to the notice the City sent out. A public hearing is needed to complete this zone change. Councilman Ellsworth commented on the history of the zone changes in the City from 1978 until the present time and no zone change has ever been recorded for these properties. It was concluded that the change from Agriculture to Single Family Residential must've been changed at the time the City's zoning map was created. City staff will proceed and contact all the residents on the petition list to see who would like to have their property zoned Agriculture.

Councilman Keen Ellsworth moved to table the zone change petition. 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 Standards and Specifications.

The Council discussed the recent revisions that were made, the design elements that were patterned after St. George City and the updated guidelines that have been coordinated with Alpha Engineering. Councilman Williams has not had a chance to review this document.

Councilman Keen Ellsworth moved to approve Toquerville City's Standards and Specifications. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – abstain.

10. Discussion and possible action on Capital Facilities Plan.

Councilman Bringhurst reported that there was one document which identified some infrastructure improvements that was omitted from the document. Alpha Engineering will add it and update the Capital Facilities Plan.

Councilman Ty Bringhurst moved to approve the Capital Facilities Plan with the additional document. 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 impact fee analysis.

The Council discussed the impact fee analysis was very well done. There is a need to identify what the City should charge for a commercial impact fee. Any commercial impact fees would default to residential rates which are lower than they should be. Three proposals have been submitted. The Council was in favor of going with the Lewis Young Robertson & Burningham, Inc. proposal even though they charge a higher fee. This company is very knowledgeable, have municipal experience, and will take care of the entire process, including overseeing a public hearing.

Councilman Ty Bringhurst moved to approve \$27,600 for the Lewis Young Robertson & Burningham, Inc. impact fee analysis. 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.

12. Discussion and possible action on ORD.2020.XX Animal Control – An ordinance amending Title 5, Chapter 1 Animal Control.

The Council discussed the new revisions that Commissioner Greg Turner and the Planning Commission worked on, including the number of allowed chickens in residential zones, the procedure for obtaining a conditional use permit, keeping conditional use permits or allowing for staff approval, and if livestock or the keeping of animals should be moved out of Title 10. The Council agreed that this ordinance needs some additional revisions and that it should go back to Planning Commission for further review.

Councilman Ty Bringhurst moved to table ORD.2020.XX Animal Control. 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.

13. Discussion and possible action on the contract with the Water District regarding the Toquer Reservoir and roadway.

Councilman Ellsworth commented that this contract is for the Water District to deed over the roadway at Anderson Junction. The Council discussed a paragraph in the contract that seems to contractually obligate the City to ensure appropriate zoning in some areas. Attorney Snow responded that the paragraph needs to be amended to say the City will use its best efforts to assist the District in sponsoring zone changes.

Councilman Keen Ellsworth moved to approve the contract with the Water District to include the stated changes. 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.

14. Discussion and possible action on the Toquerville Parkway Resolution.

Councilman Bringhurst reminded the Council this Resolution is an agreement with UDOT for the bypass road and needs to be signed by the Mayor. This agreement ties all the land to



the design standards, identifies the phases of building the road, states which items are binding to the City, defines bridge standards, identifies intersections, who maintains the road, who has jurisdiction over the road, and that the City has the obligation to perpetually maintain the landscaped median.

Councilman Ty Bringhurst moved to approve the Toquerville Parkway Resolution and agreement with UDOT subject to them correcting the name of the City. 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.

15. Discussion and possible action on vote ratification on an improvement deferral agreement for Joel Timo. *(Council approved the deferral agreement via phone call vote: 4-1 on February 25, 2020.)*

There were no additional comments or discussion on this application.

Councilman Keen Ellsworth moved to approve the vote ratification on February 25, 2020. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 5-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

16. Discussion and possible action on policies for Public Infrastructure Districts.

Councilman Ellsworth commented that the City was given some potential policies to adopt and wanted input from the Council on whether to proceed with the policies presented or make modifications. Attorney Randall Larsen commented that the policies can be amended at a later time. Attorney Snow recommended the Council retain Randall Larsen as their Special Council and table the discussion on adopting any policies. Mr. Larsen can then make any modifications or revisions and bring that to the Council for adoption.

Councilman Keen Ellsworth moved to table the discussion on policies for Public Infrastructure Districts. 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.

17. Discussion and possible action on approval of legal services agreement for Public Infrastructure Districts.

Councilman Justin Sip moved to approve the legal services agreement for Public Infrastructure Districts with Gilmore Bell. 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.

18. Discussion and possible action on a Memorandum of Understanding provided by American Development Corporation regarding International Sports Center and Academy.

The Council discussed the requesting party would like to build on BLM land. The City would need to acquire the land from the BLM, which would then be sub-leased to American



Development Corporation. The Council also discussed the concern and availability of water, and that any development will go through the established development process.

Councilman Keen Ellsworth moved to approve the Memorandum of Understanding provided by American Development Corporation. 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.

19. Discussion and possible action on ORD.2020.XX Cross Connection – An ordinance amending Title 8-1-8 Backflow and Cross Connections.

The Council discussed that Alpha Engineering has reviewed and it was discussed in detail last week. Public Works Director Lance Gubler commented that this ordinance is for new construction and is found in the updated version of Standards and Specifications.

Councilman Ty Bringhurst moved to approve ORD.2020.XX Cross Connection. 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.

G. COUNCIL REPORTS:

1. Justin Sip reported on the status of the fundraiser for the park. Due to the restrictions on large gatherings, the City may not be able to hold the fundraiser. The proposed date for the fundraiser is June 1st, but may need to be postponed. Flyers will be designed and paperwork will be started in anticipation of having the event.
2. Keen Ellsworth did not have anything to report.
3. Ty Bringhurst clarified that the UDOT agreement will have utility easements inside the right-of-ways. The Lowe family has given the updated requirements for Zoning Official Mike Vercimak and the City to review. A development agreement has been drafted and is ready to be signed by the Lowe family. Due to delays with an application for development at Anderson Junction, it is requested that the City Council meetings be pushed back one week to accommodate a timely approval for this project. The new meeting dates would be April 9th and April 16th. The Council was in favor of rescheduling the April City Council meetings.
4. Gary Chaves has not been able to meet with Commissioner Dan Catlin regarding commercial design standards. There is a need for the City to purchase back braces and safety vests for the Public Works Department to wear while working on the roads. Safety should be a top priority.
5. Chuck Williams asked Public Works Director Lance Gubler where the trees were being planted. Mr. Gubler responded the trees were going in next to the south Toquerville sign.
6. Mayor Lynn Chamberlain clarified the need for digital meetings and asked Attorney Snow his suggestions on how to handle open public meetings electronically. Attorney Snow gave his feedback and will revise the City's current digital meeting ordinance. Attorney Snow also responded to an inquiry from Councilman Bringhurst regarding procurement processes and policies and will look into the City's current procurement policy.



H. ADJOURN:

Councilman Ty Bringhurst moved to adjourn the City Council Business Meeting. 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.

Mayor Chamberlain adjourned the meeting at 7:26 p.m.



Mayor – Lynn Chamberlain

04/21/2020
Date



Attest: City Recorder – Ruth Evans

