

**TOQUERVILLE CITY COUNCIL**  
**Special Business Meeting Minutes**  
**April 16, 2020, at 6:00 pm**  
**212 N. Toquer Blvd, Toquerville Utah**



**This meeting was held electronically via Zoom.**

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; Public: Greg Turner, Melissa James, Dan Catlin, Wendi Merritt, Ken Hill; Absent: Zoning Official Mike Vercimak.

**A. CALL TO ORDER:**

1. Mayor Chamberlain called the meeting to order at 6:11 p.m. Councilman Williams led the Pledge of Allegiance. Councilman Chaves gave the invocation. Mayor Chamberlain requested those not speaking to please mute their microphones to avoid feedback and if there are any comments to type those in the chat box. 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 Keen Ellsworth moved to approve the Special Business Meeting Agenda. 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.*

**C. CONSENT AGENDA:**

1. Review and possible approval of meeting minutes from March 5, 2020 Work Meeting, March 12, 2020 Special City Council Meeting, and March 12, 2020 Business Meeting.

*Councilman Justin Sip moved to approve the meeting minutes from March 5, March 12, and March 12 meetings. 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.*

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

*Councilman Keen Ellsworth moved to approve the City Expenditures from March 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.*

**D. CITY DEPARTMENT REPORTS:**

1. Planning commission Chair Manning Butterworth reported that the City code does not require the Chair to sign conditional use permits and it is recommended that only the City Recorder sign these permits to avoid delays. The Planning Commission will be discussing the definition of household pets in light of the proposed livestock conditional use permit for the



keeping of one goose that is on the agenda tonight. Attorney Snow commented on the definition of a household pet, and which category it is determined to be in.

2. Public Works Director Lance Gubler reported that an employee inadvertently sprayed weed/grass killer on portions of the grass at the cemetery. Steps have been taken to re-seed and regrow the grass as fast as possible.
3. City Attorney Heath Snow inquired about the status of a water line located outside of the City's setbacks that needs to be relocated. Public Works Director Gubler responded it has not yet been relocated. Attorney Snow reported on an update with the Lowes proposed development agreement, their zone change application, and MPDO submittal. These items need to be on the May Planning Commission meeting agenda with a public hearing.

**E. PUBLIC FORUM:**

Resident Wendi Merritt asked about the ordinance changes and where the public may obtain copies for review. Attorney Snow responded they are made available to the public through the Utah Public Notice Website.

**F. PUBLIC HEARING:**

1. Public input is sought on Ordinance 2020.XX An ordinance vacating and changing the alignment of portions of Shangri-La Drive and authorizing the reversion of vacated portions of said street to adjacent property owners.

Attorney Snow explained the ordinance, the purpose for it, and that it assigns ownership for portions of Shangri-La Drive.

There were no comments from the public.

2. Public input is sought on Resolution 2020.XX A resolution amending FY 19-20 budget, fiscal year July 1, 2019 through June 30, 2020.

Treasurer Jeffery explained this resolution is to amend the current budget to cover the cost of the TRE Cholla bridge which went over budget.

There were no comments from the public.

*Councilman Ty Bringhurst made a motion to move out of the Public Hearing portion of the 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.*

**G. BUSINESS:**

1. Discussion and possible action on ORD.2020.XX An ordinance updating digital meetings.

*Councilman Justin Sip moved to approve ORD.2020.XX An ordinance updating digital meetings. 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.*



2. Discussion and possible action on a Livestock Conditional Use Permit for the keeping of one goose located at 1502 S Cholla Drive – Dan and Melissa James.

Attorney Snow commented that household pet should be defined and if a goose is a household pet then no conditional use permit is needed. Resident Melissa James commented that this goose is indeed her pet and it will be kept outside the majority of the time. The Council discussed the definition of a household pet but decided since Mrs. James had already filled out the conditional use application that it should be approved as a Livestock Conditional Use Permit.

***Councilman Keen Ellsworth moved to approve the Livestock Conditional Use Permit for Dan and Melissa James. 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.***

3. Discussion and possible action on waiving late fees on utility bills.

The Council briefly discussed the purpose for waiving late fees due to hardship or COVID-19. The City will need to establish policies and an application process before any action can be taken. There is one specific case that should be discussed during a closed session.

***Councilman Keen Ellsworth moved to table this item until policies have been established. 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.***

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

The Council discussed the two documents for Public Infrastructure Districts; the model Governing Document and the PID policy statement. Attorney Snow suggested a revision to remove the option for the PID to own infrastructure as stated in paragraph V. A. 1. Operations and Maintenance Limitation of the Governing Document. Councilman Ellsworth agreed that all infrastructure should be dedicated to the City.

***Councilman Keen Ellsworth moved to approve the policies for Public Infrastructure Districts with stated revisions. 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.***

5. Discussion and possible action on RES.2020.XX A resolution amending the Fee Schedule.

There are two changes to this fee schedule, adding the fees for the PID and removing the words Conditional Use from the Home Occupation Permit description. These PID fees will cover administration costs.

***Councilman Keen Ellsworth moved to approve RES.2020.XX A resolution amending the Fee Schedule. 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.***



6. Discussion and possible action on ORD.2020.XX An ordinance vacating portions of Shangri-La Drive.

***Councilman Justin Sip moved to approve ORD.2020.XX An ordinance vacating portions of Shangri-La Drive. 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.***

7. Discussion and possible action on RES.2020.XX Amending Budget for fiscal year July 1, 2019 to June 30, 2020.

***Councilman Ty Bringhurst moved to approve RES.2020.XX Amending Budget for fiscal year July 1, 2019 to June 30, 2020. 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 expenditure approval for purchasing cityinspect software.

The Council was impressed with the presentation and were in favor of purchasing the software. The Council discussed possibly amending the fee schedule to include a convenience fee to help pay for the software.

***Councilman Ty Bringhurst moved to approve expending \$6800.00 for the purchasing of cityinspect software. 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.***

#### **H. COUNCIL REPORTS:**

1. Justin Sip did not have anything to report.
2. Keen Ellsworth reported on the DTEC meeting which discussed the travel and tourism industry and the projected economic recovery later this summer. There was a meeting with the TRE HOA about the ATV crossing and the desire to look for an alternate trail. Any new crossing site will need to have that right-of-way in writing and given to the City.
3. Ty Bringhurst reported on an upcoming conference call to discuss designs for Toquerville Parkway.
4. Gary Chaves reported the Confluence Park meeting has been cancelled.
5. Chuck Williams discussed the trees in Toquerville need help preventing diseases that show up this time of year. The Cemetery is in need of some work and needs funds for repairs, maintenance, and improvements. The Miss Toquerville Pageant is making alternate plans and may hold a digital pageant.
6. Mayor Lynn Chamberlain reported that Solid Waste contracts are coming up for renewal this year and the curbside recycling rate will likely be raised. Residents may opt out of recycling service. Ash Creek Sewer District will hold a digital meeting next week.



**I. CALENDAR OF EVENTS:**

City Clean up Days are April 17-20.

**J. ADJOURN REGULAR SESSION:**

The Council discussed moving into a closed session for the purpose of discussing pending or reasonably imminent litigation.

*Councilman Justin Sip moved to enter into a closed session for the purpose of discussing pending or reasonably imminent litigation. 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.*

Mayor Chamberlain adjourned the regular session at 7:36 p.m.

**K. CLOSED SESSION:**

The closed session to discuss pending or reasonably imminent litigation was called to order at 7:38 p.m.

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

The closed session adjourned at 8:04 p.m.

**L. ADJOURN:**

Mayor Chamberlain called the meeting back into open session at 8:04 p.m.

*Councilman Keen Ellsworth moved to adjourn the Special City Council Business Meeting. 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.*

Mayor Chamberlain adjourned the regular business meeting at 8:04 p.m.

  
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Mayor – Lynn Chamberlain

  
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Attest: City Recorder – Ruth Evans

