

**TOQUERVILLE CITY COUNCIL**  
**Regular Work Meeting Minutes**  
**May 7, 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, Ty Bringhurst, Justin Sip, Gary Chaves, Chuck Williams; Staff: 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, Ash Creek Special Services District Representative Mike Chandler; Public: Fred Philpot, Jeff Fry, Greg Turner, Hoyt Cousins.

**A. CALL TO ORDER:**

Mayor Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Chaves. The invocation was offered by Councilman Bringhurst. There were no statements of belief voiced.

**B. APPROVAL OF AGENDA**

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

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

**C. CITY DEPARTMENT REPORTS:**

Ash Creek Special Service District Representative Mike Chandler reported on the Sewer District's intent to move the pump station at Anderson Junction to accommodate the reservoir.

Hurricane Valley Fire Department Representative Merlin Spendlove's report was given later in the meeting.

Planning Commission Chair Manning Butterworth reported the Planning Commission will be hearing two zone change requests at their next meeting.

Public Works Director Lance Gubler reported that portions of the cemetery, Trail Ridge Estates, and the ballfield have been re-seeded. The Public Works department would like to purchase an air compressor for \$6,000.00. There has been an increase in complaints from residents regarding trash not being contained at construction sites. Contractors and home builders need to be held accountable for not containing their trash.

Treasurer June Jeffrey reported on the process and explained the timeline for approving next year's fiscal budget. There were minor changes from last year's budget. There will be a public hearing at next week's City Council meeting. Mayor Chamberlain encouraged the Council members to meet with the Treasurer's office and get familiar with the budget proposal.



**D. PRESENTATION:**

Fred Philpot from Lewis Young Robertson & Burningham gave a presentation regarding the Impact Fee Analysis process the City is going to go through. These impact fees will be used for culinary water, storm drain, transportation, parks, recreation, and open spaces. The timeline, process, and what information is needed from the City was explained to the Council.

**E. PUBLIC FORUM:**

Lance Gubler would like to see the budget increased for extra patrol services in Toquerville. Councilman Ellsworth spoke with Lt. Bentley recently about increasing their presence and patrolling more.

Hurricane Valley Fire District Representative Merlin Spendlove joined the meeting at 6:45 p.m. and reported there were 15 total calls last month from Toquerville; 6 medical transports, 5 non-transports, and 4 fire response calls.

**F. WORKING AGENDA:**

1. Discussion on a deferral agreement application on Tax ID # T-TEA-B-10 for Michael and Patricia Delbarone.

The Council discussed the location for this deferral agreement and that there is no curb and gutter on this street currently.

2. Discussion on a request for an abatement of impact fees for one lot at The Terraces at Cholla Creek Subdivision Jeff and Kaesha Fry.

Resident Jeff Fry gave a brief history of the property owners, the building permits for his house, the improvements to the home, to the streets that have been made, and requested all or part of the impact fees that are due to be waived. The home is over 20 years old and some impact fees were paid back in the 1980's and 1990's. The Council discussed which parts of the impact fees could be waived and expressed appreciation for the improvements to the City the Fry's have made.

3. Discussion on RES.2020.XX A resolution authorizing application to the BLM for real property lease/patent for 300+/- acres of real property located west of I-15, south of Exit 27, identified as follows: Salt Lake Meridian, Utah; Township 40 S., Range 13 W., Section 28, lots 1, 2, and 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and Section 33, lots 5, 6, 7, and 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ . The real property has been identified for the development of a recreational park and school.

The Council discussed this resolution would authorize the Mayor to sign and submit an application to the BLM for the purpose of leasing the land to a developer interested in building a large sports facility. The Council also discussed the location of the land and that some of this land is located in Leeds, which would need to be annexed to Toquerville.

4. Discussion 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 that Paragraph J has been amended to use the measurement of lux to make the term easier to understand. The Council discussed light shielding, light trespass concerns, and omitting a light measurement term. Councilman Ellsworth will submit another draft updating the definition of light trespass.



5. Discussion on ORD.2020.XX A Zone Change application submitted by Lowe Land TK, LLC for Tax ID parcels T-101-A, T-103, T-3166, T-3-0-34-3000, T-3-0-34-140, T-3-0-27-321, T-3167. Proposed zoning is R-1-12 Single Family Residential. Current zoning is MU-20 Multiple Use.

The Council discussed the location of these properties. The Mayor reported that Zoning Official Mike Vercimak found a discrepancy in the total number of acres; new maps will be created to reflect the changes. The Council will take action on this item at the Special City Council and Planning Commission meeting May 21, 2020.

6. Discussion on a Master Planned Development Overlay submitted by Lowe Land TK, LLC.

The Council discussed which parcels are part of this submittal. The acreage discrepancy will be addressed with the applicant. Councilman Bringhurst recommended that a development agreement be signed and received by the City before approval. The Council will discuss this with Attorney Heath Snow.

7. Discussion on ORD.2020.XX A Zone Change petition to change Tax ID parcel #s T-125-C, T-149, T-125-D-1-A, T-139-C, T-123-B-1, T-139-B-1-A, T-125-G-1, T-125-A-1, T-121-A-1-A-1-A-2, T-123-A-1, T-123-A-2, T-121-A-1-F, T-121-A-1-D, T-121-A-1-E, T-121-A-1-C-1, T-121-A-1-B-1, T-125-G-1, T-125-A-1, T-121-A-1-A-1-A-2, T-123-A-1, T-123-A-2, T-121-A-1-F, T-121-A-1-D, T-121-A-1-E, T-121-A-1-C-1, T-121-A-1-B-1, T-166-B-1-A-1-A, T-121-E-1 and T-121-A-2 from current zoning R-1-20 Single Family Residential to proposed zoning AG Agriculture.

The Council discussed which parcels will be changed to an agriculture zone. Some parcels are smaller than one acre but the City may allow these smaller parcels to change to agriculture.

8. Discussion of the proposed creation of Pine View Public Infrastructure District Nos. 1-6 for the purpose of allowing public input on (A) whether the requested service is needed in the area of the proposed districts, (B) whether the service should be provided by the city or the proposed districts; and (C) all other matters relating to the request or the proposed districts.

There will be a public hearing on this matter at the Special City Council and Planning Commission meeting on May 21, 2020. The purpose of creating the PID's is to fund the Parkway. Maps identifying the 6 districts will be forthcoming.

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

Justin Sip reported that contracts will be finalized with the Solid Waste Department on Monday. There will be an opt-out option for BluCan. Trails and Parks meetings are scheduled to resume in June.

Councilman Sip left the meeting at 7:48 p.m.

Keen Ellsworth followed up with Public Works Director Gubler about the trees that were planted at the South Toquerville sign. Mr. Gubler responded the trees were all planted and are doing well.

City Bringhurst reported he has met with Treasurer June Jeffery and Russ from Alpha Engineering regarding the water rate proposals. The proposed increase of water rates should be back on the agenda as a discussion item in June or whenever regular meetings are able to be held again. The



water line from Ash Creek down to Center Street that will tie in to the Walls Subdivision will be put in shortly.

Gary Chaves reported there is a Mosquito Abatement meeting next week. The Confluence Park meeting has been cancelled but they are moving forward with construction on restrooms. Councilman Ellsworth is concerned that there is standing water near SR-17 by Trail Ridge Estates that could become a mosquito issue. Councilman Chaves will report this to the Mosquito Abatement.

Chuck Williams asked Public Works Director Lance Gubler if the trees on the east side of Toquer Blvd will be getting trimmed. Mr. Gubler responded that there are plans to trim these large trees soon. There will be a Memorial Day Celebration at the Cemetery at 8:00 a.m. to honor those who serve our Country. The Miss Toquerville Pageant was run by Missy Kleinman and held digitally. The girls who participated did great work. The winners of the Miss Toquerville Pageant are Avery Pope Princess, Grace Christensen 1<sup>st</sup> Attendant, and Alyssa Cox 2<sup>nd</sup> Attendant. The flags have been purchased and are ready to be put up for Memorial Day. Councilman Bringhurst will make a list of assignments and where the flags go.

Mayor Chamberlain reported that there are Mayor's meetings twice a week now. The County Commission and the Mayors of Washington County have drafted a letter addressed to Governor Herbert to move Washington County from orange to yellow. There have been several complaints about ATV's going up and down the Boulevard coming from and going to Toquerville Falls. People are camping at the Falls and there are no sanitary facilities at this location. There are concerns about water contamination. One idea is to talk with BLM to re-route a road up to the Falls to divert traffic off of residential streets. The City has re-opened the park, the playground, and the City Offices.

**H. CALENDAR OF EVENTS:**

There is a Combined City Council and Planning Commission Special Meeting May 21<sup>st</sup> at 6:00 p.m.

**I. ADJOURN:**

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

Mayor Chamberlain adjourned the meeting at 8:14 p.m.

  
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Mayor – Lynn Chamberlain

  
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Attest: City Recorder – Ruth Evans

