



TOQUERVILLE CITY COUNCIL
Special Business Meeting Minutes
July 16, 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 Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Manning Butterworth, Attorney Randall Larsen; Public: Jake Peart, Dan Catlin, Dave Browning, Tonya Browning, Dan James, Gregg Leiby, Jodi Turner, Greg Turner, Devin Snow, Anita Eaton, Stacy Eaton, Wendi Merritt, Dawn Everett, Cherlyn Call, Joey Campbell, Mary Ann Bate; Absent: Hurricane Valley Fire Department Representative Merlin Spendlove, Zoning Official Mike Vercimak.

A. CALL TO ORDER:

1. Mayor Chamberlain called the meeting to order at 6:00 p.m. Councilman Sip led the Pledge of Allegiance. Councilman Williams 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. Councilman Ellsworth declared a possible conflict with Business items 4-9 because he has provided consulting services to the developer who has requested the PID.

Councilman Ty Bringhurst moved to approve the Regular Business Meeting Agenda. 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.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from June 4, 2020 Work Meeting, June 11, 2020 Business Meeting, and June 18, 2020 Special Business Meeting.

Councilman Ellsworth requested a change to the wording for one of his comments in the June 18, 2020 minutes.

Councilman Keen Ellsworth moved to approve the meeting minutes from June 4, 2020 Work Meeting, June 11 Business Meeting, and June 18, 2020 Special Business Meeting with 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.

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

Councilman Keen Ellsworth moved to approve the City Expenditures from June 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.



D. CITY DEPARTMENT REPORTS:

1. Mayor Chamberlain commented on behalf of the Fire Department that he really appreciates all they do for Toquerville and to please be safe and smart with fireworks on the 24th.
2. Planning commission Chair Manning Butterworth reported the Planning Commission had discussed the hillside ordinance and requested further direction from the Council regarding what needs to be revised. The Commission is revising commercial design standards and would like to keep the booklet that Commissioner Dan Catlin put together along with the official ordinance. The booklet will be easier for the public to read and access.
3. Public Works Director Lance Gubler reported the storm drain at the City Park should be finished tomorrow. The Wall subdivision should be asphalted in the next 30 days. The water line down Center Street will be started within the next 30 days. Fiber-optic lines are going into the subdivision west of Westfield Road. The public works department would like to purchase a cargo container box to store equipment in. The equipment is currently stored outside and is being damaged by sun and rodents. The box would be approximately \$3000.00.
4. City Attorney Heath Snow requested a closed session at the end of the regular meeting.
5. Treasurer Dana McKim presented additional information about the proposed property tax increase. Toquerville has one of the lowest tax rates in the County. The purpose for the proposed increase is to hire additional staff and cover administrative costs. There will be a public hearing for residents to voice their opinion on August 12th at 6:01 p.m. The County will mail out notices for this meeting. The proposed increase on the average valued home of \$336,000 would be \$12 a month.

E. PUBLIC FORUM:

There were no comments from the public.

F. BUSINESS:

1. Discussion on increasing culinary water rates.

Councilman Bringhurst reported on several water rate options that have been put together by Alpha Engineering. The Council discussed these options and requested feedback and input from the public. The information from Alpha shows the need for an increase. The current base rate is \$36.21 for 10,000 gallons of water. Resident Wendi Merritt commented that she uses less than 1500 gallons per month which is well under the base rate for 10,000. Water usage should be charged like other utilities, meaning you should only pay for the water you use. The Council discussed that there needs to be a base rate charge to cover the minimum costs to the City. Resident Jake Peart commented there is no irrigation up on the heights and there are larger lots that will pay more for culinary water. The City should offer smaller lots so that less water is used. Resident Anita Eaton wondered why there is no secondary water on Peachtree and if this street was put in before TSWS required secondary water. The Council discussed encouraging water conservation, average single-family residence water usage, and decreasing the base rate to 7,500 gallons. Councilman Bringhurst requested input and more options from the Council. Resident Wendi Merritt asked the Council if the three options presented tonight were the only three options. Hurricane City starts at a higher thousand-



gallon rate then the rate decreases by the thousands. There are huge disparities between paying equal share. Resident Dan Catlin commented that larger yards use more water and pay more. Don't penalize large families. A balance needs to be found between low and high water users. Chairman Butterworth commented that economic elasticity needs to be considered, meaning how elastic is the demand for the price. Usage patterns may go up or down depending on the price charged. Resident Dawn Everett asked if there is enough water for everybody, specifically for the new developments coming in. The Council responded the City's water system is set up for 2500 users and currently has about 650 so there is enough water. Resident Dan James wondered if the City could somehow charge the new developments a surcharge of some kind to offset the impact to the City. Councilman Bringhurst will modify the options based on the feedback given and will present revised options at the next meeting.

2. Discussion and possible expenditure approval on a quote from Tri-State Electrical for infrastructure and the installation of street lights to be installed within the Park Side at Desert Mountain subdivision.

The plans for the subdivision were inadvertently approved without streetlights. The developer and the City have agreed to split the cost to install a streetlight. The quote for the City's portion is \$2,255.64.

Councilman Justin Sip moved to approve the expenditure for Tri-State Electrical for streetlights not to exceed \$2,300.00. 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.

3. Discussion and possible expenditure approval for a comprehensive Financial Sustainability Plan proposed by Lewis Young Robertson and Burningham, Inc.

Councilman Ellsworth reported this financial study would forecast tax revenues to cover expenses for new developments along the bypass road. This study would benefit the City and developers. The total cost is \$25,000. The Council discussed the City paying \$10,000 and the developer paying the balance. The Council discussed waiting on this study until there is a City Manager or Engineer hired but decided the study needs to be done sooner rather than later for the maximum benefit to the City. Resident Jake Peart commented that to prevent growth this fee could be charged to the developer.

Councilman Ty Bringhurst moved to approve the expenditure for a comprehensive Financial Sustainability Plan not to exceed \$10,000. 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.

4. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 1.

Attorney Randall Larsen gave a quick summary of the PID and its purpose. The Council discussed these PID's would allow the developer to build the bypass road with no liability or debt to the City. The money from the bonds issued has to be used to build infrastructure. The resolutions before the Council tonight will create the six Public Infrastructure Districts.



Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 1. 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.

5. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 2.

Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 2. 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.

6. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 3.

Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 3. 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.

7. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 4.

Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 4. 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.

8. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 5.

Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 5. 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.

9. Discussion and possible action on RES.2020.XX the proposed creation of Pine View Public Infrastructure district No. 6.

Councilman Justin Sip moved to approve RES.2020.XX the proposed creation of Pine View Public Infrastructure District No 6. 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.

10. Discussion and possible action on ORD.2020.XX Title 3 Business and license regulations.

This title is being revised to streamline the business license approval process and to make the necessary updates to license regulations.



Councilman Gary Chaves moved to approve ORD.2020.XX Title 3 Business and license regulations. 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.

11. Discussion and possible action on ORD.2020.XX Title 10 chapter 16A Hillside ordinance.

The revisions will allow areas with slopes greater than 30% to be used for purposes of calculating project density in large master planned developments receiving MPDO overlay zoning designations and meeting certain criteria. If revised, the ordinance would bring the existing three MPDO's into compliance.

Councilman Ty Bringhurst moved to approve ORD.2020.XX Title 10 Chapter 16A Hillside ordinance. Councilman Justin Sip seconded the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – nay, Chuck Williams – aye.

12. Discussion and possible action on managing Toquerville Falls access.

The Council discussed the various issues with the access road leading to Toquerville Falls. Although the Falls are not located inside Toquerville City, the access road is. There are also sanitation concerns stemming from the lack of sanitation facilities at the Falls and overnight camping is becoming more common. There is a meeting on September 11th at the County building to discuss funding sources and possible solutions to these issues. Resident Anita Eaton does not support access road improvements that might encourage more visitors to the Falls. Resident Stacy Eaton commented that UPLA paid for half the cost of a portable toilet and BLM paid for the rest; perhaps the City can make a similar deal. Resident Anita Eaton asked where the parking and staging area is for trucks and trailers. Mayor Chamberlain and Councilman Sip will be on the committee formed by the County to address these issues.

13. Discussion on public access to Nephi's Twist.

Attorney Snow gave a brief history on the background of the public trail of Nephi's Twist and the Trail Ridge Estates Subdivision. An original property agreement shows the Nephi's Twist trail open to the public. The access to the trail has been blocked off by the property owners to prevent illegal activity that has been happening on their property near the trailhead. The Council discussed waiting for a court to decide if it is a public trail or meeting with the property owner to find a solution. Resident Dan James wondered about the right of ways for utility easements. Resident Greg Turner commented that maybe the County could offer some assistance on this issue.

14. Discussion on water meters and water system along Shangri-La Drive.

The Council stated they will discuss this item in a closed session.

G. COUNCIL REPORTS:

1. Justin Sip reported that the Solid Waste manager has resigned and they are looking for a new one. The solid waste contracts are up for a 10 year renewal.



2. Keen Ellsworth reported on a meeting with the Zions Landing Group who wants to develop a multi field sports complex on the far west side of Toquerville. The developer is moving forward with their plans and will submit information to the BLM to use their land.
3. Ty Bringhurst reported that Wasatch Builders are in the process of acquiring the Anderson Junction project from the previous developer. Sun River has awarded Horrocks Engineering the first phase of building the bypass road and they will start from the south end. The road will be built in phases. The first phase could start around April 2021. They are in communication with UDOT to build the road safely and to their specifications. The Planning Commission is still discussing revisions on density bonus calculations and definitions.
4. Gary Chaves reported the mosquito issues at the City Park to the Mosquito Abatement and Control District. The Confluence Park staircase is still under construction.
5. Chuck Williams reported there are no City sponsored celebrations or festivities planned for the 24th of July.
6. Mayor Lynn Chamberlain cautioned the citizens to be careful with fireworks in light of the recent fires in Toquerville.

H. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session for the purpose of discussing pending or reasonably imminent litigation and to discuss the purchase, exchange, sale or lease of real property.

Councilman Ty Bringhurst moved to enter into a closed session for the purpose of discussing pending or reasonably imminent litigation and to discuss the purchase, exchange, sale or lease of real property. 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 regular meeting at 8:46 p.m.

K. CLOSED SESSION:

The closed session for the purpose of discussing pending or reasonably imminent litigation and to discuss the purchase, exchange, sale or lease of real property was called to order at 8:53 p.m.

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

The closed session adjourned at 9:29 p.m.

I. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 9:29 p.m.

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 – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.



Mayor Chamberlain adjourned the regular business meeting at 9:29 p.m.



Mayor Pro Tem – Keen Ellsworth

8-17-20

Date



Attest: City Recorder – Ruth Evans

