

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
September 10, 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: Zoning Official Mike Vercimak, Treasurer Dana McKim, Public Works Director Lance Gubler; Support Staff: Hurricane Valley Fire District Representative Merlin Spendlove, Planning Chairman Manning Butterworth; Public: Larry Bennett, Dan Catlin, Tammy Hunter Henderson, Sandra Feagin, Wayne Olsen, Greg Turner, Jodi Turner, Stacey Eaton, Kay Chamberlain, Dawn Everett; Absent: Attorney Heath Snow, Recorder Ruth Evans.

A. CALL TO ORDER:

1. Mayor Chamberlain called the meeting to order at 6:00 p.m. Councilman Ellsworth led the Pledge of Allegiance. Councilman Sip 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 Justin Sip moved to approve the Regular Business Meeting Agenda. 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.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from August 6, 2020 – Work Meeting, August 12, 2020 – Special Business Meeting, and August 13, 2020 – Business Meeting.

Councilman Keen Ellsworth moved to approve the meeting minutes from August 6, 2020, August 12, 2020, and August 13, 2020. 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. Review and possible approval of City Expenditures from August 2020.

Councilman Keen Ellsworth moved to approve the City Expenditures from August 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:

Hurricane Valley Fire District Representative Merlin Spendlove reported there were 18 medical calls and 6 fire response calls in August. Wildland fire crews are in Nevada and Oregon helping fight fires there. The Fire Department is staying very busy with fires, emergency calls, and vacation rental inspections.

Zoning Administrator Mike Vercimak did not have anything to report.



Planning Commission Chair Manning Butterworth did not have anything to report.

Public Works Director Lance Gubler did not have anything to report.

E. PUBLIC FORUM:

Resident Manning Butterworth commented that there is an abandoned vehicle on Rim View that is being cannibalized. This is not very pleasing to look at and to have in the City. Councilman Bringhurst commented that the Sheriff's Department is looking into this and is trying to locate the owner of the vehicle to have it removed.

F. PUBLIC HEARING:

1. Public input is sought on Resolution 2020.XX increasing culinary water rates and base gallon usage.

Councilman Bringhurst commented that the water rates need to be increased to adequately fund the depreciation fund. Water rates have not been raised in some time. The Washington County Water Department will be incrementally raising their rates, and those raises need to be reflected in the City's rates. Councilman Bringhurst reviewed the three proposed rates.

Resident Wayne Olsen commented that it is not fair to raise the rates for current residents to pay for the new residents who are coming. If the City raises rates too much, people might conserve water too much and the City could lose its beautiful look.

Councilman Bringhurst commented that this raise does not pay for new growth. The raise goes to balance the current water fund.

Resident Stacey Eaton commented that this would just affect culinary water, not secondary water. Mr. Eaton clarified that the City is currently selling some of its water to the Water District and at some point will stop selling that water to the District.

Resident Sandra Feagin wondered when the City would talk about irrigation water. Councilman Bringhurst commented that irrigation water is discussed in the TSWS meetings, not in the City Council meetings. Ms. Feagin wondered if the town was able to vote on the three water rate proposals. Councilman Bringhurst commented that this is the purpose of this public hearing, to receive input from residents on the proposals.

Resident Manning Butterworth commented that option 3 has a section that is not included in the other proposals. Councilman Bringhurst explained that the section on proposal option 3 is for all three proposals.

2. Public input is sought on Resolution 2020.XX amending Toquerville's Uniform Fee Schedule, culinary water rates.

This Resolution will update the water rates and base gallon usage on the Fee Schedule after the Council votes on and adopts a new rate. There were no comments from the public.

Councilman Ty Bringhurst moved to close the public hearing portion of the meeting. 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.



G. BUSINESS:

1. Discussion and possible action on Resolution 2020.XX increasing culinary water rates and base gallon usage.

The Council has been given the updated proposed rate sheets. Councilman Bringhurst explained the updates and how the rates were figured. The Council discussed the pros and cons of each proposal. The Council will hold another public hearing in October with more accurate information.

Councilman Ty Bringhurst moved to table Resolution 2020.XX increasing culinary water rates and base gallon usage. 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 and possible action on Resolution 2020.XX amending Toquerville’s Uniform Fee Schedule, culinary water rates.

Councilman Ty Bringhurst moved to table Resolution 2020.XX increasing culinary water rates and base gallon usage. 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.

3. Discussion on city road widths and on-street parking requirements.

The Council discussed the feedback they have received from a few residents. Some residents would like abandoned cars towed to help clean up the streets. Some residents are not in favor of prohibiting on-street parking. Councilman Williams stated the City has a ten page parking ordinance, but no enforcement. The parking violations need to be enforced and the current ordinance followed. The large amount of on-street parking by cars and campers create unsafe driving conditions. Councilman Williams will take the lead on revising the current parking ordinance and requested feedback from the Council.

Resident Dan Catlin commented that doing away with on-street parking penalizes everyone for the few who are creating the problems. Residents should be able to have family and friends visit and park on the street for a short time. Having tow companies come and tow all the problem vehicles would create extra liability for the City and could over-burden the staff with complaints.

Resident Kay Chamberlain wondered if the Sheriff could enforce the current parking issues. Councilman Ellsworth commented that the Sheriff does not enforce City ordinances, but a contract could be negotiated where the Sheriff would enforce City ordinances.

Resident Dawn Everett commented the builders have torn up the streets on the way to the Park and wondered if they are going to fix it.

4. Discussion and possible action on vote ratification of Resolution 2020.21 New Springs Tank Water Resiliency Grant. *(Phone call vote taken on August 25, 2020. Motion unanimously carried 5-0)*



Councilman Ty Bringhurst moved to approve the vote ratification of Resolution 2020.21 New Springs Tank Water Resiliency Grant. 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.

5. Discussion and possible action on Resolution 2020.XX Constitution Week.

Councilman Justin Sip moved to approve Resolution 2020.XX Constitution Week. 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 expenditure approval of \$2,840.00 for fence slats on Old Church Road.

The Council discussed the reason for the fence slats is to provide privacy for the homeowner and the pedestrians who use this walking path. It is also a safety issue, as there are vicious dogs on the adjoining property and fence slats would prevent people from sticking their fingers through the fence and getting bitten.

Resident Kay Chamberlain commented that one end of the fence is broken and that is where the dogs could come through.

Resident Greg Turner commented that the animal control ordinance covers animal nuisance and the code should be enforced. The dogs are vicious and have bitten someone. They need to be dealt with.

The Council discussed the problem of the dogs could be solved by calling animal control and there may not be a need to purchase the fence slats. The homeowner could put up their own fence slats if they wanted privacy.

Resident Wayne Olsen commented that the City should not spend money on someone else's problem of a nuisance and vicious animal. The homeowners do not have a kennel license. The City could enforce that aspect as well.

Public Works Director Lance Gubler commented that putting in fence slats is one thing the City could do to protect the residents who walk that trail every day from the dogs. The Council discussed enforcing the animal control ordinance to deal with nuisance dogs.

Councilman Justin Sip moved to table the expenditure approval of \$2,840.00 for fence slats. Councilman Gary Chaves seconded the motion.

The Council discussed if the item is to be tabled, then there needs to be an alternative action that is taken immediately. Enforcement is key to nuisance issues. The Council discussed fixing the broken portion of the fence or installing the fence then calling animal control about the dogs. Mayor Chamberlain called for a vote on the motion.

Ty Bringhurst – nay, Keen Ellsworth – nay, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – nay. Motion failed, 3-2.



Mayor Chamberlain called for a new motion.

Councilman Keen Ellsworth moved to deny the expenditure approval of \$2,840.00 for fence slats.

Mayor Chamberlain commented the motion dies for lack of a second and called for a new motion.

Councilman Ty Bringhurst moved to approve the expenditure in the amount of \$2,840.00 for fence slats along the City property accessing the ballfields. Councilman Chuck Williams seconded the motion.

The Council discussed this issue is the homeowners problem, not the City's responsibility. Mayor Chamberlain called for a vote on the motion.

Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – nay, Gary Chaves – nay, Chuck Williams – aye. Motion failed, 3-2.

Mayor Chamberlain commented the Council cannot come to a consensus so no decision will be made.

7. Discussion and possible action on Ordinance 2020.XX Commercial Design Standards – an ordinance creating additional design standards applicable to only commercial developments within the corporate limits of Toquerville City. (*Planning Commission recommended approval 5-0*)

The Council discussed the revisions put forth by Commissioner Catlin of the Planning Commission and complimented the work that has been done.

Councilman Keen Ellsworth moved to approve Ordinance 2020.XX Commercial Design Standards. 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.

8. Discussion and possible action on city vehicle lease.

The Council discussed the new vehicle lease is cheaper, provides more miles, and is a better option overall for the City.

Councilman Justin Sip moved to approve the new city vehicle lease. 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 Cholla turning lanes.

The Council discussed the estimate is for \$600,000 with UDOT and the City splitting the cost. The City's portion would be \$300,000. The City will look into getting a loan for some or all of the City's amount. The Council discussed loan terms, rates available, the safety need for turning lanes, and who owns the street after the project is completed.



Councilman Justin Sip moved to approve the Cholla turning lanes project and acquire the necessary funding. 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.

H. COUNCIL REPORTS:

1. Justin Sip asked Public Works Director Lance Gubler to get bids from contractors to move the bridge between Trail Ridge Estates and Cholla Creek subdivisions and move it to Westfield Road. There have been some issues with both subdivisions' residents not wanting the other subdivision's residents to use the bridge. No trespassing signs were illegally put on the bridge, which is public property. The Sewer District is proposing a water treatment plant at Confluence Park which would allow the City to reclaim some of the waste water back into the City as irrigation water. The Solid Waste District is still looking for a new manager. The Blucan opt out period is going on now until November 30.
2. Keen Ellsworth reported on the proposed sports park complex project and that it is moving forward. They are waiting for approval from the BLM.
3. Ty Bringhurst asked if the City has received a bill from Straight Stripe yet, and will follow up with them.
4. Gary Chaves did not have anything to report.
5. Chuck Williams did not have anything to report.
6. Mayor Lynn Chamberlain had a meeting with the BLM, Mitt Romney's office, and several off-road groups to discuss the sanitation and traffic challenges with Toquer Falls. There is another meeting scheduled to discuss specific ideas.

I. CALENDAR OF EVENTS:

Toquerville City clean up days will be September 25-28. Dumpsters will be around town for residents to use.

J. ADJOURN:

Councilman Justin Sip moved to adjourn the regular business meeting. 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.

Mayor Chamberlain adjourned the meeting at 7:39 p.m.



Mayor – Lynn Chamberlain

10/8/2020

Date



Attest: City Recorder – Ruth Evans

