

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
January 20, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Justin Sip, Ty Bringhurst, Chuck Williams; Staff: Attorney Heath Snow, Zoning Official Mike Vercimak, Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Dan Catlin; Absent: Gary Chaves.

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 Ellsworth 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, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from December 3rd Work Meeting and December 10th Business Meeting.

Councilman Keen Ellsworth moved to approve the meeting minutes from December 3rd Work Meeting and December 10th Business Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

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

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

D. CITY DEPARTMENT REPORTS:

1. Hurricane Valley Fire Department Representative Merlin Spendlove reported in December there were 4 transports, 6 refusals, 5 cancelled prior to arrival, some false alarm calls, and 3 fire calls for a total of 18 calls. The safety zone on Westfield Road needs to be watered so the dry pasture does not become a fire hazard and the gate needs to be unlocked. The Fire Department is continuing with online training until in person training can resume.
2. Zoning Administrator Mike Vercimak did not have anything to report.



3. Planning Commission Chair Dan Catlin reported that two new members and one alternate member were sworn into the Planning Commission last week. One conditional use permit was tabled at last month's meeting and will be reviewed again in February. The last amendments to the MPDO ordinance have been finalized and it will move forward to a public hearing in February.
4. Public Works Director Lance Gubler reported 14 parking violations were handed out last Thursday. 11 of those have been fixed, 3 violations remain. The Council would like to see another warning given before any vehicles are towed. The headstones in the cemetery are being aligned and straightened in the older sections. There are 24 unknown graves that have been discovered during this process. Staff will make small plaques to mark these unknown graves. The teenagers that committed the vandalism at the park have started to repaint the bathrooms. The cost to replace the TV screens in the Council room will be between \$125 and \$325.
5. Attorney Heath Snow was not in attendance at the time of his report.

E. PUBLIC FORUM:

Resident Anita Eaton commented that she took a poll on Facebook regarding voting. There were 92 responses of which 50 preferred in person voting and 15 preferred mail in voting. The majority wanted in person voting with an option for mail in ballots.

F. BUSINESS:

1. Special recognition for Manning Butterworth and Rebecca Hansen.

Mayor Chamberlain presented a plaque to Rebecca Hansen who served for many years on the Planning Commission. Mayor Chamberlain was very thankful for all the work and invaluable input she has given to the City over the years.

The Council discussed rearranging the order of the agenda to allow more time for Attorney Snow to arrive at the meeting.

2. Discussion and possible expenditure approval of \$27,582.00 for Center Street water line project.

Councilman Bringhurst commented this is the final bill for the Center Street water line project and noted the amount listed on the agenda should be corrected to read \$27,528.00.

Councilman Justin Sip moved to approve the expenditure approval of \$27,528.00 for the Center Street water line project. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

3. Discussion and possible action on No Parking areas designation.

The Council discussed striping the narrow city streets with a center stripe and shoulder lines, which streets should be striped first, painting stop bars for all stop signs, the parking issues on Westfield Road, and which parking issues need to be addressed first. Streets narrower than



40' should have a center line to create a 12' traffic lane and shoulder stripes. Paint and other materials could cost upwards of \$15,000. This project will need to be done in phases and streets will need to be prioritized.

Councilman Justin Sip moved to table designating No Parking areas until February 17th meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

Attorney Heath Snow entered the meeting at 6:30 p.m.

Mayor Chamberlain paused to recognize Manning Butterworth as the Chairman of the Planning Commission and all the hard work he has put in. Mr. Butterworth's attention to detail and work ethic have been fantastic and much appreciated.

4. Discussion and possible action on Insight Recovery special permit review.

Josh Campbell from Insight Recovery Lions Gate Treatment Center presented information regarding their special permit. The permit was originally given a 10-bed capacity because of limited space inside the home. They have since expanded the available living space and several years ago were given the approval from the City to expand to a 16-bed capacity, with the caveat of not exceeding 20 beds. The treatment center would like to now remodel their garage and add two more bedrooms and additional living space so they can accommodate the full 20-bed capacity. The need for residential treatment for adults is great and they would like to continue to serve the community by offering these services. The Council discussed the request and had concerns over expanding a treatment center in a residential neighborhood. The Fire Department and Ash Creek Sewer District will need to be consulted on the expansion and remodel. All current conditions of this special permit will need to continue as previously approved. Mr. Campbell commented that they may need an additional social detox license from the State. The Council had concerns over this additional license and expanding the original permit approved by the City.

Councilman Justin Sip moved to approve and amend the special permit to not exceed 20 residents providing the remodel is up to code, approvals from the Fire Department and Sewer Districts, and all conditions of the existing permit continue to be met. Councilman Chuck Williams seconded the motion. Motion carried, 3-1. Ty Bringhurst – aye, Keen Ellsworth – nay, Justin Sip – aye, Chuck Williams – aye.

5. Discussion on 2021 Elected and appointed officials training.

Attorney Snow has been asked to conduct this year's required Open and Public Meeting Act training. The Council discussed having the training during February's regular work meeting at 6:00 p.m. All Council, Planning Commission members, and staff should attend.

6. Discussion and possible action on Ordinance 2021.XX Special event permits.

The Council discussed the requested changes have been made to the ordinance. Administrative fees and application fees will need to be decided upon and the fee schedule updated.



Councilman Keen Ellsworth moved to approve Ordinance 2021.XX Special event permits. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

7. Discussion and possible action on Ordinance 2021.XX 3-1-11 Reciprocal business licenses.

The Council discussed defining the primary place of business and what constitutes doing business in the City. Attorney Snow will expand the definition of engaging in business and update the ordinance.

Councilman Keen Ellsworth moved to table Ordinance 2021.XX Reciprocal business licenses. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

8. Discussion and possible action on Ordinance 2021.XX 10-23-4 Exceptions for home occupation permits.

Attorney Snow will add an exception to home occupation permits stating the permit will not be required where there is no foot traffic, storage of materials, or outside employees in a home-based business.

Councilman Ty Bringhurst moved to table Ordinance 2021.XX Exceptions for home occupation permits. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

9. Discussion and possible action on Ordinance 2021.XX WCSWD Amendment to municipal billing and collection agreement.

The Council discussed this amendment is to the previously passed Solid Waste ordinance which corrects the monthly fee from \$4.45 to \$4.55.

Councilman Justin Sip moved to approve Ordinance 2021.XX WCSWD Amendment to municipal billing and collection agreement. Councilman Ty Bringhurst seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

G. COUNCIL REPORTS:

1. Justin Sip did not have anything to report.
2. Keen Ellsworth requested a closed session.
3. Ty Bringhurst reported that three iHydrants have been ordered to place in three zones around the city. There is a water line easement through the Lichfield's property the engineers are verifying. Attorney Snow will need to review the legal description.

Chuck Williams reported that Mrs. Pope suggested that the current royalty serve for another year because they missed out on a lot due to covid. The pageant could be moved to the fall.



5. Mayor Lynn Chamberlain reported the city will be looking into hiring a city manager and will be reviewing the budget to accommodate another salary. A job description needs to be written up and given to the Council for review.

H. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session for the purpose of discussing the purchase, exchange, or lease of real property.

Councilman Ty Bringhurst moved to enter a closed session for the purpose of discussing the purchase, exchange, or lease of real property. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular meeting at 7:47 p.m.

I. CLOSED SESSION:

The closed session for the purpose of discussing the purchase, exchange, or lease of real property was called to order at 7:51 p.m.

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

The closed session adjourned at 8:45 p.m.

J. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 8:45 p.m.

Councilman Ty Bringhurst moved to adjourn the Regular Business Meeting. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular business meeting at 8:45 p.m.



Mayor Lynn Chamberlain

2/17/2021
Date



Attest: City Recorder – Ruth Evans

