

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



Present: Mayor Lynn Chamberlain; Councilmembers: Keen Ellsworth, Ty Bringhurst, Justin Sip, Gary Chaves, 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, Hurricane Valley Fire District Representative Merlin Spendlove, Ash Creek Special Services District Representative Mike Chandler.

**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. Councilman Williams announced the winners of the City Christmas lighting contest. Honorable mentions went to Mary Ann Bate and Wayne Olsen. 3<sup>rd</sup> place went to Gary Chaves, 2<sup>nd</sup> place went to Gradie and Kathy Johnson, and 1<sup>st</sup> place went to Karlene Young. Everyone did a great job, and everyone's efforts are appreciated. 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 Keen Ellsworth moved to approve the Regular Work Meeting Agenda. Councilman Ty Bringhurst 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 their bid to replace a 24" concrete pipeline from SR-9 to the Diamond Ranch Academy. A sewer concept plan for Ash Creek Crossing at Toquer Hills is being reviewed. The Confluence Park treatment plant project should be completed within 1 – 2 years. The Sewer District processed close to 700 building permits which was a new record.

Hurricane Valley Fire Department Representative Merlin Spendlove reported they are staying very busy with building permits and all the growth. There was a record 4,200 calls last year. There is only one access road in and out of the Westfields area and before more homes can be built out there, a secondary access must be built. The Fire Department is concerned about increased traffic and fire code violations. Later this year the La Verkin fire station will be staffed which will increase response time.

Planning Commission Chair Dan Catlin reported that the Planning Commission lost Manning Butterworth and Rebecca Hansen but gained Jason Grygla and Gary Tomsik as full time Commissioners and Cathleen Lee as an Alternate Commissioner. There is still an opening for another alternate. The Commissioners have been working on the MPDO density bonus ordinance and it should be ready for a public hearing in February. Several changes and updates have been made. The new meeting schedule will work out for the Commissioners.



Public Works Director Lance Gubler showed a power point presentation regarding the roads that needs to be striped. The presentation included maps, pictures of parking violations, and city construction standards. There was a meeting with the Water District, and they are asking each city to project their water needs. Large amounts of growth are coming to Washington County and they are trying to plan and prepare for it. There is a new product on the market called iHydrant which is a smart water hydrant and can send notifications if water is being stolen or if there is a water leak. One of these new hydrants has been installed in the Anderson Junction area.

**D. PRESENTATION:**

Darrel Moore from Kennedy Valves presented information about the iHydrant. This product is distributed by Scholzen and has the ability to monitor temperature and pressure changes. This hydrant can reduce damage and increase response time due to water leaks.

**E. PUBLIC FORUM:**

Resident Anita Eaton commented on the striping on city roads and how is the City going to enforce this? Mayor Chamberlain commented that the City should educate the residents first and ease into enforcement. That is the first step to correct the parking issues in the city.

**F. WORKING AGENDA:**

1. Discussion on Ordinance 2020.XX Special event permits.

The Council discussed this ordinance was first introduced back in 2018 but was never passed. The Council discussed what events, if any, should be exempt from the list, if events where money or sales tax is involved should be added, and other exceptions. There will need to be an application fee established in conjunction with this permit. The fee may need to be scaled depending on how many people would attend the event.

2. Discussion on Ordinance 2021.XX 3-1-11 Reciprocal business licenses.

The Council discussed there are businesses that are run out of other cities but that do business in Toquerville. The principal place of business needs to be defined. If the principal place of business is Toquerville, then the business needs to have a Toquerville City license. The Council discussed that if a business has a business license in another city, they do not need a Toquerville license, unless that business stores or warehouses goods or materials in Toquerville.

Resident Anita Eaton commented that if a business stores equipment in Toquerville, it impacts our city, and they should have a Toquerville license. A business should keep its equipment in the city where it has the business license.

3. Discussion on Ordinance 2021.XX 10-23-4 Exceptions for home-based businesses.

The Council discussed the home-based office may not need a business license if it simply a home office or if it a principal place of business. The Council discussed when a business license is required by the state, if exceptions should be granted, and creating a questionnaire to determine if a business license and a home occupation permit would be required. Attorney Snow will come up with a set of exceptions for home-based businesses.

Resident Anita Eaton commented the state requires a business license for some businesses for LLC's and other businesses. Some residents work from home for other companies and do not need a business license. Only those businesses doing business here need a license.



4. Discussion on city owned vehicle policy.

Attorney Snow drafted a policy for the accurate reporting of vehicle use to the IRS by employees. There are two types, part of a benefit plan or vehicles assigned for work purposes only. If the employee uses the city owned vehicle for personal use, it is considered a taxable benefit and the City reports this on the employee's W-2.

5. Discussion on Ordinance 2021.XX WCSWD Amendment to municipal billing and collection agreement.

The Council discussed this amendment and the Solid Waste District inadvertently put the wrong monthly amount. The amount has been updated and an amendment to the ordinance needs to be passed. The Council discussed that the City put in its own opt out period every January to the previously passed ordinance.

6. Discussion on Resolution 2021.XX Personnel policies and procedures, employee breaks.

The Council discussed the current personnel policy on employee breaks. Staff would like the ability to either take their two fifteen-minute breaks or combine them into one 30-minute break. Councilman Chaves commented that any break is a company benefit and not a state or federal law, and that state law only allows for 10-minute breaks. Councilman Chaves does not think the current policy needs to be changed.

7. Discussion on addressing for future development needs.

The Council discussed the areas for future development need either a numeric or street name system. There are pros and cons to each system and developers have a say in naming streets. The Council directed Treasurer McKim to continue with street names and work with developers to name future streets.

8. Discussion on impact fee study.

The Council discussed the last fee study was done about five or six years ago and the impact fees were redone at that time. There is a new study currently being done that will include commercial impact fees as well as identify the resources and personnel needs for future growth. Councilman Bringham commented that the Council needs to review the draft now and propose any changes before it is accepted. Alpha Engineering will do a separate review.

9. Discussion on the 2021 municipal election.

The Council discussed the pros and cons of having an in-person election versus a mail in ballot. The County would oversee the mail in ballots and election. The in-person election is run by the City. The Council leaned more toward having an in-person election.

**G. COUNCIL REPORTS:**

Justin Sip reported on an upcoming Trails meeting with the County. The County Commissioner would like Toquerville to de-annex everything north of the last house on Springs Drive so the County could maintain the road to Toquer Falls.

Ken Ellsworth reported the design of the entire two-lane bypass road is almost done. Horrocks would like feedback from the Council. Alpha Engineering will also review the design. The



developer would like to start building the road in the spring. The sports park is moving forward. They have a charter school agreement in place and are creating marketing videos. The reservoir is moving forward, all paperwork has been signed. Construction should start in early fall.

Ty Bringhurst reported Alpha is doing a survey and will add legal descriptions. The realignment for Anderson Junction is in process and Councilman Ellsworth is in the process of getting that road into the City's name.

Gary Chaves reported on the Confluence Park stairway is under construction and it should be done about February.

Chuck Williams reported on the good turnout for the Wreaths Across America program. Westfield Road needs a secondary access that is paved for the safety of the residents out there.

Mayor Chamberlain did not have anything to report.

Councilman Chaves asked Staff if there was a schedule set up for the flags along Toquer Boulevard for the 2021 holidays. Public Works Director Lance Gubler responded that three groups have been asked to help and there is a schedule set up.

#### **H. ADJOURN REGULAR SESSION:**

The Council discussed moving into a closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and the purchase, exchange, or lease of real property.

*Councilman Justin Sip moved to enter a closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and the purchase, exchange, or lease of real property. 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 regular meeting at 8:50 p.m.

#### **I. CLOSED SESSION:**

The closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and the purchase, exchange, or lease of real property was called to order at 8:56 p.m.

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

The closed session adjourned at 9:24 p.m.

#### **J. ADJOURN:**

Mayor Chamberlain called the meeting back into open session at 9:24 p.m.

*Councilman Justin Sip moved to adjourn the Regular Business Meeting. 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.*



Mayor Chamberlain adjourned the regular business meeting at 9:25 p.m.

  
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Mayor - Lynn Chamberlain

2/17/2021  
Date

  
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Attest: City Recorder – Ruth Evans

