**TOQUERVILLE CITY COUNCIL**

**Regular Business Meeting Minutes**

**February 17, 2021, 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, Recorder Ruth Evans; Support Staff: Planning Chairman Dan Catlin, Hurricane Valley Fire District Representative Merlin Spendlove; Absent: Attorney Heath Snow.

1. **CALL TO ORDER:**
2. 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.
3. **APPROVAL OF AGENDA:**
4. 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 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.***

1. **CONSENT AGENDA:**
2. Review and possible approval of meeting minutes from January 6th Work Meeting and January 20th Business Meeting.

***Councilman Keen Ellsworth moved to approve the meeting minutes from January 6th Work Meeting and January 20th 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.***

1. Review and possible approval of City Expenditures from January 2021.

***Councilman Keen Ellsworth moved to approve the City Expenditures from January 2021. 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.***

1. **CITY DEPARTMENT REPORTS:**
2. Hurricane Valley Fire District Representative Merlin Spendlove reported on the total calls for January. There were 9 medical responses and 5 fire responses for a total of 14 calls. The Fire Department will be coming to chip and shred branches soon. Burn season is still open and permits are being accepted online.
3. Zoning Administrator Mike Vercimak reported on two zone change applications and a final site plan application that are being reviewed by the Planning Commission and Staff. The final site plan application needs a traffic study to complete the application. An engineer is being consulted with for the bypass road.

1. Planning Commission Chair Dan Catlin reported that 15 renewals were approved at last meeting. The Pet Crematorium was under review and the Commission adjusted their hours of operation. The nightly rental for the old winery was recommended for approval. There were many concerns by residents over traffic and water availability with the new subdivision coming. This process of the MPDO needs to be explained better to the residents so they can understand and avoid potential communication issues.
2. Public Works Director Lance Gubler did not have anything to report.
3. **PUBLIC FORUM:**

Resident Clint Perkins commented that back in 2001/2002 when the Maxwell’s and the Perkins’ traded land with the City, a small piece was left out of that trade. It should have been transferred over from the City’s name, but it has just been discovered that it was inadvertently left out. Mr. Perkins requested a quit claim deed or other document giving the land back to the Perkins’.

Resident Sandy Cordova commented regarding the bypass road and alternate routes. In the Ash Creek Crossing development agreement, it states the construction mitigation plan shall provide all construction traffic shall be conducted on the bypass road or alternate routes. That is why the public feels the construction out in Westfields area should not happen.

1. **PUBLIC HEARING:**
2. Public input is sought on Resolution 2021.XX uniform fee schedule to modify the WCSWD billing fee.

The Council discussed the WCSWD is increasing the admin fees for trash collection. The Blucan fee has also been increased.

There were no comments from the public.

1. **BUSINESS:**
2. Discussion and possible action on a nightly rental application submitted by Tyler Whiting for a nightly rental located at 110 S Toquer Blvd. Tax ID # T-151. Zoning is R-1-12. *(Planning Commission recommended approval 5-0)*

The Council discussed the staff recommendations regarding parking and the historical restoration of the building. The applicant has agreed not to allow guest parking on the NE corner of the home which is in UDOT’s right of way.

***Councilman Justin Sip moved to approve the nightly rental application submitted by Tyler Whiting subject to staff conditions and to not allow guest parking on the NE corner of the 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.***

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

The Council discussed the changes and that the definition of engaging in business was updated.

***Councilman Gary Chaves moved to approve Ordinance 2021.XX 3-1-11 Reciprocal business licenses. 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.***

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

Councilman Bringhurst commented that information has not been received from Alpha Engineering to review so the item will need to be tabled.

***Councilman Ty Bringhurst moved to table designating the No Parking areas. 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.***

1. Discussion and possible action on Resolution 2021.XX city owned vehicle policy.

***Councilman Gary Chaves moved to approve Resolution 2021.XX city owned vehicle policy. 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.***

1. Discussion and possible action on Resolution 2021.XX increasing culinary water rates and base gallon usage.

Councilman Bringhurst explained that a six-month average of wages will be used to identify where the numbers need to be at in order to properly fund the water fund. The information that will be used to come to a final base gallon usage rate is the debt service amount, the cost per year of the water system, and employees’ wages. More specific information will be presented at the March Work Meeting and a public hearing will tentatively be schedule for the March Business Meeting.

***Councilman Ty Bringhurst moved to table Resolution 2021.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.***

1. Discussion and possible action on resolution 2021.XX uniform fee schedule to modify culinary water rates, base gallon usage, special event permit fee, and WCSWD billing fee.

The Council discussed the water rates will need to remain the same for now but the special event fee and the WCSWD billing fee can be approved.

***Councilman Gary Chaves moved to approve the special event permit fee of $100 per 100 people, $200 for 200 people, and $300 for 300 people and to approve the WCSWD increased billing and administration fee. 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.***

1. Discussion and possible action on city manager position.

The Council discussed the possible duties of a city manager and the Mayor distributed a draft copy of the requested duties and qualifications. The Council will review these duties and get any suggestions back to the Mayor for the next meeting. Planning Commission Chair Catlin requested a closed session to discuss personnel.

1. Discussion and possible action on modifications to Specs and Standards, standard road cross section.

The Council discussed the road cross section diagrams are not back from Alpha Engineering yet, so this item needs to be tabled.

***Councilman Ty Bringhurst moved to table the modifications to Specs and Standards, standard road cross sections. 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.***

1. Discussion and possible action on RES.2021.XX BLM ROW easement application.

Councilman Ellsworth requested the BLM right of way application be passed in a formal resolution. The application has already been approved by the Council.

***Councilman Keen Ellsworth moved to approve Resolution 2021.XX BLM ROW easement application. 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.***

1. **COUNCIL REPORTS:**
2. Justin Sip reported there was a meeting with the County and BLM regarding the sanitation and garbage issues at Toquer Falls. Blucans are in the process of being picked up for those residents who opted out of the program. The Sewer District will be interviewing engineers for the Confluence Park treatment plant.
3. Keen Ellsworth reported that he spoke with the developer regarding construction traffic on city roads. They are in the process of submitting a traffic study to the City and discussing alternate routes for the increased traffic.
4. Ty Bringhurst did not have anything to report.
5. Gary Chaves reported the Confluence Park meeting today was cancelled. The Planning Commission is using their alternate and their meetings are going well.
6. Chuck Williams reported that Dan Walsh’s funeral will be tomorrow.
7. Mayor Lynn Chamberlain reported that he attended the last Planning Commission meeting, and they are doing a great job and putting in a lot of hard work. They still need another alternate. Mike Vercimak is also doing a great job and is very much appreciated. Funding for the bypass road was discussed at the DTEC meeting by Councilman Ellsworth.
8. **ADJOURN REGULAR SESSION:**

The Council discussed moving into a closed session for the purpose of discussion of the character, professional competence, or physical or mental health of an individual.

***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. 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 7:22 p.m.

1. **CLOSED SESSION:**

The closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual was called to order at 7:24 p.m.

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

The closed session adjourned at 8:03 p.m.

1. **ADJOURN:**

Mayor Chamberlain called the meeting back into open session at 8:03 p.m.

***Councilman Ty Bringhurst moved to adjourn the Regular Business Meeting. 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 business meeting at 8:03 p.m.

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Mayor – Lynn Chamberlain Date

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Attest: City Recorder – Ruth Evans