**TOQUERVILLE CITY COUNCIL**

**Regular Business Meeting Minutes**

**April 21, 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: 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 Service District Representative Mike Chandler.

1. **CALL TO ORDER:**

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.

1. **APPROVAL OF AGENDA:**

The Council reviewed the agenda. There were no disclosures, nor conflict declarations from Council Members.

***Councilman Chuck Williams moved to approve the Regular Business Meeting Agenda. 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. **CONSENT AGENDA:**

Review and possible approval of meeting minutes from March 3 Work Meeting and March 17 Business Meeting.

***Councilman Justin Sip moved to approve the meeting minutes from March 3 Work Meeting and March 17 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.***

Review and possible approval of City Expenditures from March 2021.

***Councilman Ty Bringhurst moved to approve the City Expenditures from March 2021. 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. **CITY DEPARTMENT REPORTS:**

Hurricane Valley Fire District Representative Merlin Spendlove reported on the accident by Shadow Lane. There was a high-speed chase that resulted in one injury and one fatality. During the month of March there were 5 medical transports, 9 medical refusals, and 6 fire response calls.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Dan Catlin reported on four public hearing items that were all recommended for approval. Two annual renewal permits were approved. The SRC subdivision was recommended for approval with staff comments. Comments from the Council were used to revise the MPDO ordinance. The PDO ordinance will be done away with. There will be a public hearing in May for these ordinances.

Public Works Director Lance Gubler reported on a major water leak on Berry Lane that is still being repaired.

1. **PUBLIC FORUM:**

Resident Brad Langston commented that he has been working with Jeff Wilmett about the multi-use park in Trail Ridge and wondered how they should proceed. $21,310 has been donated so far for this park, what should be done with the money?

Councilman Sip responded that he is still looking at the maintenance costs for a dog park and will contact Jeff Wilmett. The Trails & Parks Committee will be having a meeting and will discuss it at that time.

1. **PUBLIC HEARING:**
2. Public input is sought on Resolution 2021.XX A resolution increasing culinary water rates and base gallon usage and non-irrigation water rates and base gallon usage.

Councilman Chaves presented information from the State on why the base rate is going up. The State has various forms of financial assistance available, but the City has to be at a certain base rate to qualify for that assistance.

Resident Wayne Olsen commented that at the last meeting the rate was at $55. Now it is at $66? The Council needs to explain. Toquerville is the highest water rate around here. Raising water rates $30 a month is out of line. It is frustrating to see different information put out. We are being penalized for having a higher median income. Are you sure you are correct with this rate? Why is Toquerville water so expensive? Give us the real story and don’t hurt the citizens. Our concerns are falling on deaf ears. Be honest with the citizens.

Resident Darrin Lefevre commented that there are other funding sources other than the State and Rural Water where you don’t have to meet the median income. Please look at other funding sources. A new water tank should come from the depreciation fund.

1. **BUSINESS:**
2. Discussion and possible action on Ordinance 2021.XX A zone change application submitted by Bryant30 LLC for Tax ID parcel T-3126. Current zoning is M-1 Light Industrial. Proposed zoning is HC Highway Commercial.

Mark Bryant from Bryant30 LLC commented that he is a partner of this business and is excited to do this project for Toquerville City. Change is inevitable and this business will have a minimum impact to the City. It would also be a tax base for the City.

The Council discussed this parcel is out at the Browse exit and the Planning Commission voted unanimously to recommend approval. The feedback at the Planning Commission meeting was positive, except for one comment where the resident thought it would bring more traffic to Toquer Falls and downtown Toquerville. This is an appropriate use of the Highway Commercial zone.

***Councilman Keen Ellsworth moved to approve Ordinance 2021.XX zone change application for Bryant30 LLC. 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 and non-irrigation water rates and base gallon usage.

Councilman Chaves commented that the fees from secondary water can be deducted from the MAGI number. This would put the average number at $53.32. We don’t have to get to that MAGI number tonight, but we need to work in that direction. The Council discussed the water fund has historically been underfunded and it needs to be self-funding as soon as possible. The Council also noted that there were very few people in attendance to give input to the water rate increase. Councilman Chaves proposed a $50 base rate for 10,000 gallons of culinary water. Councilman Sip proposed an additional $25 a month for non-irrigation users to be able to have access to 20,000 gallons March through May and then 35,000 gallons for June through October. Instead of having them pay one lump sum up front they spread that charge out across the eight hottest months. It was brought up that not all residents use all 10,000 gallons every month even though they pay for it. Maybe there is a way to donate the extra gallons one doesn’t use to another who may need to use it. Staff commented that would be very difficult to track.

Resident Wayne Olsen commented that he is not here to offend but he is stuck in the 60’s or 70’s where this town is made up of mostly older folks who may not be able to afford such a drastic increase all at once. The Council could pick a lower rate and try it out first. Please be a frugal government and be careful about overcharging the older folks who only live on social security.

Mayor Chamberlain responded that every Councilman cares about this city just as much as you do and is worried about the same things. However, the Council has a responsibility to keep the water budget in the black and that is what this increase is about. The objective is not to make money but to have the water fund and the depreciation fund itself. It is not helpful to accuse the Council of not caring about the city or the residents who do not make as much money as others. The Council has to be fiscally responsible and balance the water budget.

Councilman Bringhurst commented that the City will have to apply for all funding sources available and has been unable to put the budgeted amount into the depreciation fund. The general fund has been covering the water fund every year. The base rate needed to cover the water fund has to increase to around the $50-$60 range. The budget has already been pared down and all it takes is one major water leak to blow the whole budget. The water rate has not been increased in seven years.

Councilman Ellsworth commented that water from the Water District is limited to the city before we have to start paying for it. There are multiple sources for grant money including private lending. Government money always comes with strings and is not the only option for the City. The MAGI number is only one factor for the base rate. The people who don’t have irrigation opted out of that program. There are elderly persons who do operate on fixed budgets. Then you have large families who use a lot of water. Then you have people who are doing all they can to conserve every drop of water so you have all these groups that need to be balanced. Ultimately, the Council needs to balance the water budget. Perhaps the City could create different zones and water rates throughout the City to balance all these groups to their water needs.

Dan Catlin commented that the Council’s job is not easy and is not in favor of treating one group different than another and having different zones and rates. All citizens should be treated equally. Everyone should be taxed equally and held to the same standard. Get the water rate where it needs to be to balance the budget now and require the Council to look at the rate and increase it annually instead of a huge rate jump all in one year.

Councilman Williams asked if the intent was to come up with a new base rate tonight or should it be discussed at next months meeting. Councilman Bringhurst reminded the Council that they have been discussing this for a year and that a number should be decided on tonight. The base rate should be at either $50 or $55 a month for all culinary water users and non-irrigation users could have an increased usage providing they pay the same irrigation fee that current irrigation users pay. This additional annual fee will help balance out the budget.

***Councilman Ty Bringhurst moved to approve Resolution 2021.XX increasing the culinary water base rate to $55 a month for 10,000 gallons for all users, with overage amounts at $4 per 1,000 gallons up to 15,000, $6 per 1,000 gallons up to 20,000, and $8 per 1,000 gallons for over 20,000 and for non-irrigation users during the months of March through October a base rate of $55 for 30,000 gallons provided they pay an annual irrigation fee equal to the fee that current irrigation users pay, and to have the base water rate assessed annually and for the new rates to take effect May 1st 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. Discussion and possible action on Resolution 2021.XX Fee schedule, culinary water rates and base gallon usage.

The Council discussed this Resolution updates the fee schedule with the new water rates that were just passed and discussed clarifying who is a non-irrigation user by defining those users to be in finished subdivisions who are without irrigation.

***Councilman Justin Sip moved to approve Resolution 2021.XX Fee schedule with the stated modifications. 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.***

1. Discussion and possible action on Ordinance 2021.XX Business license term and payment dates.

The Council discussed the changes that were proposed during last week’s meeting. There was no additional discussion.

***Councilman Justin Sip moved to approve Ordinance 2021.XX Business license term and payment dates. 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.***

1. Discussion and possible action on Resolution 2021.XX Modifications to Specs and Standards, standard road cross section.

The Council discussed that with input from residents, bike lanes have been added to roads wider than 50’. These updated road cross sections are for a striping plan and will be added to the Standards and Specifications plan.

***Councilman Ty Bringhurst moved to approve Resolution 2021.XX Modifications to Standards and Specs, 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 Ordinance 2021.XX Officers and employees, City Administrator.

The Council discussed moving the Mayor’s salary of $1000 to $500 when there is a City Administrator hired. The Council discussed an Administrator answers only to the Mayor and a Manager answers to the Council and the Mayor. Attorney Snow commented that Managers provide more continuity for a city. The Council discussed the term length of renewing after one or two years, having a contract, the probation period, overseeing Code Enforcement, and changing Administrator to Manager.

***Councilman Ty Bringhurst moved to approve Ordinance 2021.XX Officers and employees, changing City Administrator to City Manager and updating the Mayor’s salary to be $500 a month when a City Manager is hired and changing the term to renew every 2 years.***

The Council discussed adding a probationary period of six months.

***Councilman Ty Bringhurst moved to approve Ordinance 2021.XX Officers and employees, City Manager and updating the Mayor’s salary to be $500 a month when a City Manager is hired and changing the term to renew every 2 years and adding a probationary period of six months. 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 expenditure approval in the amount of $12,057.98 for Center Street project.

The Council discussed these expenditures are for additional contract work for the water line project on Center Street.

***Councilman Ty Bringhurst moved to approve expenditures of $12,057.98 for the Center Street project. 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 on 4-1-2J Enumeration of nuisances, light trespass and 4-1-4 Enforcement.

Councilman Ellsworth had concerns that there are many residents who are not complying with the current light trespass ordinance. The City should be enforcing this ordinance before any more growth happens. The Council discussed that residents who are not in compliance have been sent notices in the mail but have ignored them. The Council discussed that the City needs to move forward with enforcement of all ordinances and that all code violators need to be cited.

1. **COUNCIL REPORTS:**

Justin Sip reported there is a Trails & Parks Committee Meeting on Monday to discuss the Trail Ridge Park and the Westfield Park fundraiser in September. There is a need for extra dumpsters during trash clean up days in October. There is a Sewer District meeting tomorrow night.

Keen Ellsworth reported that the call volume from the Hurricane Valley Fire Department is growing by 14% every year. Sapp Brothers Travel Center is looking at possibly coming to exit 27. The Bureau of Land Management applications for the right of way have preliminary approval. The Sports Park RMPP application is progressing, and the city should hear back soon.

Ty Bringhurst reported that bids are coming in for future water line replacement and asphalt replacement projects. Washington County Water Conservancy District will send letters to the residents out at Anderson Junction to encourage them to hook up to the city water system and to get off the outdated well system.

Gary Chaves reported the Confluence Park meeting was cancelled. Mosquitos are being captured and they are looking for employees to help catch them this summer. The Public Works employees need to wear back braces when they do heavy lifting.

Chuck Williams did not have anything to report.

Mayor Lynn Chamberlain reported on a Zoom meeting with BLM and Senator Romney’s people regarding Toquer Falls. There has never been any water testing done on the La Verkin Creek to see if it is being contaminated. Once that is initial test is done, it will be then be periodically tested. The reservoir should start construction around September 1st 2021.

1. **ADJOURN:**

***Councilman Ty Bringhurst moved to adjourn the 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 meeting at 7:51 p.m.

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Mayor – Lynn Chamberlain Date

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Attest: City Recorder – Ruth Evans