



**TOQUERVILLE CITY COUNCIL**  
**Regular Business Meeting Minutes**  
**May 19, 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.

**A. CALL TO ORDER:**

Mayor Chamberlain called the meeting to order at 6:00 p.m. Councilman Williams led the Pledge of Allegiance. Councilman Chaves gave the invocation. There were no opening comments from Council Members or residents. There were no statements of belief voiced.

**B. APPROVAL OF AGENDA:**

The Council reviewed the agenda and discussed moving the Water District Representative's presentation on item number 7 to number 1.

*Councilman Justin Sip moved to amend the Regular Business Meeting Agenda and move item number H7 to item number 1. 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.*

**C. CONSENT AGENDA:**

Review and possible approval of meeting minutes from April 4<sup>th</sup> Work Meeting and April 21<sup>st</sup> Business Meeting and City Expenditures from April 2021.

*Councilman Keen Ellsworth moved to approve the meeting minutes from April 4<sup>th</sup> Work Meeting and April 21<sup>st</sup> Business Meeting and City Expenditures from April 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.*

**D. CITY DEPARTMENT REPORTS:**

Hurricane Valley Fire District Representative Merlin Spendlove reported that the burn season is now closed. Farmers and ranchers can still do some burning, but they will need to call the Fire Department for approval. Homeowners are encouraged to clean around their house to help prevent the spread of fires. Monsoons are projected for this summer, which could bring lightning which increases fire danger.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Dan Catlin reported on three public hearings that were held. Those items are a zone change, the MPDO ordinance, and the PDO ordinance. They will be going to City Council for approval. An ordinance amending the lot line adjustment procedure will have a public hearing in June. The Planning Commission is working on amending the permitted uses in all zones to include public uses. The Commissioners also looked at amending the permitted and conditional uses in the agriculture zone and they do not feel any changes need to be made at this time.



Public Works Director Lance Gubler reported the Berry Lane water leak project is waiting for asphalt. There have been three other large water leaks in the city. The cost estimate and breakdown from Straight Stripe identifies the streets that will be getting white lane lines, stop bars, and arrows. There is money in the budget for this project and it will move forward as soon as it can get scheduled.

City Attorney Heath Snow reported on a successful variance hearing with the Appeal Authority and the Stewarts. The Stewarts own a pioneer home on Toquer Boulevard which leaves them with less than adequate frontage for a flag lot. They filed for a variance and were granted one based on certain stipulations. This will leave them with two legal non-conforming lots. An executive session is needed to discuss the water rights agreement.

**E. PRESENTATION:**

Clark Fawcett from the Peach Days Committee asked Toquerville City to do a seed display for Peach Days. The Committee would like to keep the seed display tradition going. Peach Days is September 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup>.

**F. PUBLIC FORUM:**

Resident Gene Wilder asked if Pecan Lane could be paved to the end of the lane. There is a portion of Pecan that is not paved. This road would serve 6 families including those who are disabled. It is a legitimate city street and should be paved all the way to the end.

**G. PUBLIC HEARING:**

1. Public input is sought on Fiscal Year 2021-2022 Toquerville tentative budget.

There were no comments from the public.

2. Public input is sought on a preliminary plat application submitted by SRC Land Holdings, LLC for a 96 residential lot subdivision within four phases. Tax ID # T-3-1-11-341. Zoning is R-1-12.

There were no comments from the public.

**H. BUSINESS:**

1. Discussion and possible action on Ordinance 2021.XX Time of day watering ordinance.

Karry Rathje from the Washington County Water Conservancy District presented information regarding the current water conditions in Washington County. The snowpack for this last winter was below average and the precipitation this spring was very low. These conditions have created an extreme drought in southern Utah. The District is asking all cities to pass a time of day watering ordinance to streamline the watering times for all cities. The District is recommending watering with culinary water to be prohibited from 10am to 8pm. Conserving water will help with the drought and meet future water demands.

2. Discussion and possible action on Fiscal Year 2021-2022 tentative budget.

Treasurer McKim commented that the tentative budget will have a public hearing at the next Council meeting on the 16<sup>th</sup>. The City is planning on doing truth in taxation again due to a \$36,000 budget shortfall. The Council discussed the surrounding cities have higher tax rates



and also a source of tax income. Toquerville only has property taxes as a source of revenue. Property taxes need to be raised in small incremental amounts. The date for the truth in taxation hearing will be August 17<sup>th</sup>, 2021.

***Councilman Ty Bringhurst moved to approve the tentative budget for Fiscal Year 2021-2022 and to schedule the truth in taxation public hearing for August 17, 2021 at 6:00 p.m. 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.***

3. Discussion and possible action on a preliminary plat application submitted by SRC Land Holdings, LLC for a 96 residential lot subdivision within four phases. Tax ID # T-3-1-11-341. Zoning is R-1-12. (PC recommended approval 5-0)

Councilman Ellsworth disclosed a possible conflict with the applicant, by previously doing consulting work for SRC Land Holdings for the bypass road.

Councilman Bringhurst commented that staff had inadvertently posted the wrong plat map on the public notice website, but it was quickly corrected. Mayor Chamberlain read aloud an email from residents Jerry Moser and Amy Erickson. The Council noted the developer has already addressed many of these concerns, while other concerns will be addressed at the construction drawing phase. The preliminary plat meets the city's requirements. Matt Loo from SRC Land Holdings commented that they met with staff and have met all the requirements and would like to meet with the residents who wrote the email and address their concerns.

***Councilman Justin Sip moved to approve the preliminary plat application submitted by SRC Land Holdings, LLC for a 96 residential lot subdivision with staff conditions. 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.***

4. Discussion and possible action on Clint Perkins land transfer agreement.

Councilman Sip commented the agreement was given to Mr. Perkins and he is looking it over. Two small parcels are being restored to Mr. Perkins and the agreement identifies that the City may need some portion of his property in the future if the intersection on Center Street is redone.

***Councilman Justin Sip moved to approve the Clint Perkins land transfer agreement on condition that Mr. Perkins signs. 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.***

5. Discussion and possible action on a nightly rental application submitted by Mary Ann Bate for a nightly rental located at 80 N. Toquer Blvd. Tax ID # T-32-A-2. Zoning is R-1-12. (PC recommended approval 5-0)

***Councilman Ty Bringhurst moved to approve the nightly rental application submitted by Mary Ann Bate with staff recommendations. 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.***

6. Discussion and possible action on a nightly rental application submitted by Craig Smith for a nightly rental located at 276 W. Mount Charm Rd. Tax ID # T-MTC-1-4. Zoning is R-1-20. (PC recommended approval 5-0)

***Councilman Ty Bringhurst moved to approve the nightly rental application submitted by Craig Smith with staff recommendations. Councilman Justin Sip seconded the motion. Motion carried, 4-1. Ty Bringhurst – aye, Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – nay.***

7. Discussion and possible action on a preliminary plat application submitted by Wall 2 Wall Construction for a 21 residential lot subdivision. Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Zoning is R-1-20. (PC recommended approval 5-0)

***Councilman Chuck Williams moved to approve the preliminary plat application submitted by Wall 2 Wall Construction with staff recommendations. 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.***

8. Discussion and possible action on Ordinance 2021.XX Time of day watering ordinance.

The Council discussed this earlier in the meeting but did not vote. The time of day watering applies to irrigating with culinary water only.

***Councilman Ty Bringhurst moved to approve Ordinance 2021.XX Time of day watering restrictions. Councilman Justin Sip seconded the motion.***

Attorney Snow advised that the word potable be changed to culinary for ease of understanding.

***Councilman Keen Ellsworth moved to approve Ordinance 2021.XX Time of day watering restrictions with stated changes. 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 city holiday flag expenditures.

The Council discussed the amount the City is paying the Boy Scout troops and the wards that are participating in putting out flags along Toquer Boulevard and the cemetery. The current amount being paid out is \$160/year. It was proposed to increase the amount to \$250, \$300, or \$500.

***Councilman Ty Bringhurst moved to pay each of the four participating organizations \$250 annually, not to exceed \$1000. 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.***



**I. COUNCIL REPORTS:**

Justin Sip reported the Solid Waste District is looking for a new manager. The Trails & Parks Committee is meeting twice a month to plan for the Westfield Park fundraiser in September. Flyers are coming and items have been donated already. If a splash pad goes into this new park, the level of service and park budget will go up.

Keen Ellsworth reported the Bureau of Land Management will need more information from the City on the RMPP application.

Ty Bringhurst requested an executive session to discuss land acquisition. The reservoir at Anderson Junction was discussed at a meeting with the Water District and the project is moving into the design phase. The design includes a campground site and the location for the reservoir.

Gary Chaves reported the construction of the stairway and bridge at Confluence Park is behind schedule.

Chuck Williams asked the Council if they wanted to celebrate the 4<sup>th</sup> of July on the 3<sup>rd</sup> or the 5<sup>th</sup>. The Council decided on Saturday July 3<sup>rd</sup> for the pancake breakfast and celebration.

Mayor Lynn Chamberlain did not have anything to report.

**J. 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 and to discuss 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 to discuss the purchase, exchange, or lease of real property. 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.*

Mayor Chamberlain adjourned the regular meeting at 7:36 p.m.

**K. CLOSED SESSION:**

The closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and to discuss the purchase, exchange, or lease of real property was called to order at 7:40 p.m.

Minutes of the closed session regarding the purchase, exchange, or lease of real property were recorded and are now on file as a protected record.

The closed session adjourned at 9:33 p.m.

**L. ADJOURN:**

Mayor Chamberlain called the meeting back into open session at 9:33 p.m.



***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 regular business meeting at 9:33 p.m.

  
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Mayor Pro Tem – Keen Ellsworth

6-16-21  
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Date

  
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Attest: City Recorder – Ruth Evans

