

TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
May 5, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Mayor Lynn Chamberlain; Councilmembers: Ty Bringhurst, Justin Sip, Gary Chaves, Chuck Williams; Staff: 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; Absent: Councilman Keen Ellsworth.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Sip. The invocation was offered by Councilman Williams. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

The Council reviewed the agenda. Councilman Bringhurst requested to have business item 10 moved to the first item for discussion. Councilman Williams disclosed a personal conflict with the applicant and will vote no on business item 3.

Councilman Ty Bringhurst moved to approve the Regular Work Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CITY DEPARTMENT REPORTS:

Ash Creek Special Services District Representative Mike Chandler was not in attendance at this time.

Hurricane Valley Fire Department Representative Merlin Spendlove reported that burn season has been shut down early for the season, but the ag burn season will be open for a little longer. There was a fire on Kolob that started in a shed and burned ½ acre before it was put out. There were 2 fire calls and a total of 13 calls.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Dan Catlin reported there will be three public hearings at the Planning Commission meeting. One for the MPDO ordinance, removing the PDO ordinance and a zone change application. The Planning Commission added 100 acres minimum to the MPDO ordinance.

Public Works Director Lance Gubler reported they are still working on the major water leak on Berry Lane. It should take about 2 more weeks to fix.

City Attorney Heath Snow was not in attendance at this time.

Ash Creek Special Services District Representative Mike Chandler entered the meeting at 6:08 p.m.

D. PUBLIC FORUM:

There were no comments from the public.



E. WORKING AGENDA:

1. Discussion on FY 2021-2022 tentative budget.

Treasurer Dana McKim reported on the draft budget for fiscal year 2021-2022 and presented this year's proposed budget. This year's budget was compared to last year's numbers. Treasurer McKim reported on the taxes the City receives, expected revenues, proposed expenditures, and the CARES Act money that was received. If the City receives more CARES Act money, Public Works would like to buy backup generators for the water tanks. The City has spent more this year in vehicle expenses due to unexpected breakdowns. The City plans on buying the vehicle that was on a lease. The City will do truth in taxation again this year to pay for the City Manager's wage. There is money set aside for the reservoir and for the major realignment project at the Anderson Junction frontage road. Treasurer McKim asked for Council input on finalizing the budget.

Resident Cathleen Lee asked how the generators will run without power and what amount has been budgeted for.

Councilman Bringhurst commented the generators will run on diesel or propane and will only turn on when they are needed.

2. Discussion on property transfer of parcel T-91-H and T-91-A-1-C to Clint Perkins.

The Council discussed this agreement was just received and they have not had a chance to review it yet. The Council will review it and vote on it at the next meeting.

3. Discussion 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.

The Council discussed this application and there are no issues or concerns. There were positive and negative comments at the public hearing. The Planning Commission voted unanimously to recommend approval.

4. Discussion on a nightly rental application submitted by Craig Smith for a nightly rental located at 276 W. Mount Charm Rd. Tax D # T-MTC-1-4. Zoning is R-1-20.

The Council discussed this application and that the Planning Commission recommended unanimously to recommend approval. There were positive and negative comments at their public hearing. Councilman Williams commented that the applicants conduct is not appropriate. He lives next door to the Smith's and has witnessed loud noises, swearing, drinking parties, nude bathing, and other lewd and lascivious behaviors. If allowed, he believes this nightly rental will turn into a huge party central and that is not good for Toquerville. Planning Commission Chair Catlin commented that none of these complaints were brought up in their public hearing and that there have been no criminal complaints with the Sheriff's Office. Mayor Chamberlain commented that these are personal issues and need to be addressed outside of a public meeting between neighbors.

5. Discussion on a conditional use permit application submitted by David Lundell for a woodworking shop located at 140 W. Sunset Ave. Tax ID # T-142-A-7. Zoning is AG.

Planning Commission Chair Catlin commented the Commissioners voted 4-1 to approve this application, and that he voted against this application because it is outside the approved and



conditional uses for the zone. Commissioner Catlin read the conditional uses for the agriculture zone, and a cabinet shop is not specifically listed there.

Applicant David Lundell commented that he is already using this woodshop but would like to create a business legally and sell his furniture. This is not a cabinet shop. Most pieces would be shipped so it would not create additional traffic to his home.

Commissioner Catlin commented that this use is outside the ordinance and the City should follow its own code.

The Council discussed the application and that an ag zone is probably the best zone to have a furniture business in. The Council asked the Planning Commission to review the approved and conditional uses for the agriculture zone and to review this application again.

6. Discussion on a preliminary plat application submitted by Wall 2 Wall Construction for a 12 residential lot subdivision. Tax ID # T-91-A-1-A-1 and T-91-A-1-A-2. Zoning is R-1-20.

The Council discussed this application and that the Planning Commission recommended unanimous approval.

7. Discussion on a preliminary plat application submitted by SRC Land Holding LLC for a 96 residential lot subdivision within four phases. Tax ID # T-3-1-11-341.

The Council discussed this application and that the Planning Commission recommended unanimous approval with Staff comments. After the public hearing, the developer modified their plans to appease the current residents. The Council will be holding a public hearing at the next meeting on the 19th. The developer needs to keep to the development agreement. The public has concerns about the zoning, traffic issues, drainage, construction equipment access, and the emergency or secondary access. Most of these issues will be resolved during the construction drawing phase where the developer will specifically address these concerns.

8. Discussion on Resolution 2021.XX Uniform Fee Schedule, Commercial water rates and hydrant meter rental deposit.

The Council discussed the current commercial water rates and that they need to be raised, whether nightly rentals would fall under a commercial rate, the Sewer District charging a higher sewer rate for nightly rentals, and the newly passed State laws regarding nightly rentals. The Council decided to table this item until June.

Attorney Heath Snow entered the meeting at 6:45 p.m.

9. Discussion on Ordinance 2021.XX 10.XX Public Facilities Zone.

The Council discussed that currently there is not a public facilities zone in the code. There are certain public facilities listed in various zones throughout the code, but nothing that specifically calls out one zone for all public facilities and utilities. Some public facilities are listed as conditional uses, but then the city would have to apply for conditional use permits. The Council would like the Planning Commission to come up with standardized language that includes all public facilities and then submit their changes to the Council for review.



10. Discussion on city holiday flag expenditures.

The City currently pays \$160 a year per group to put the flags out on holidays along Toquer Boulevard and at the Cemetery. There are three groups, a boy scout group and two church youth groups that participate. The Council discussed paying each group a higher amount or having the city do it. Each group does the flags three times per year. It was suggested to pay each group \$300, or \$100 for each time they put the flags out and pick them up. The Council will consider other amounts and decide at the next meeting.

11. Discussion on Ordinance 2021.XX Time of day watering ordinance.

Washington County Water Conservancy District is asking all cities in Washington County to conserve water and to adopt a time-of-day watering ordinance. The ordinance would prohibit watering between the hours of 10:00 a.m. and 8:00 p.m. This is a county wide conservation effort, and the cities would need to enforce it.

Councilman Bringhurst left the meeting at 7:04 p.m.

Matt Loo commented that he could help the public works department get new vehicles through different funding options. Other cities have programs of buying and reselling city vehicles and he could help the City navigate that process.

G. COUNCIL REPORTS:

Justin Sip reported there is a Sewer District meeting next Monday. The Trails & Parks Committee discussed the upcoming Westfield Park fundraiser and will meet again on the 17th to finalize assignments on the raffle, auction, donations, and food. The playground equipment for the Westfield Park has been paid for and will be delivered soon. The concrete border for the park equipment will be installed before it is delivered. Drawings for the Westfield pedestrian bridge are being redesigned by the City Engineer.

Gary Chaves requested the digital speed limit sign be moved by the 40-mph speed limit sign that is posted just as you enter town to help slow traffic down. The Confluence Park meeting was cancelled.

Chuck Williams reported the 4th of July celebration will be on the 5th and the program will be forthcoming.

Attorney Heath Snow requested a closed session and commented the agreement with Perkins gives the two parcels back to Mr. Perkins and outlines a land swap if the City wants to redo the Center Street intersection in the future.

Mayor Chamberlain did not have anything to report.

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 Justin Sip moved to enter a closed session for the purpose of discussing the purchase, exchange, or lease of real property, pending or reasonably imminent litigation, and personnel. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 3-0. Justin Sip – aye, Chuck Williams – aye, Gary Chaves – aye.



Mayor Chamberlain adjourned the regular meeting at 7:17 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 7:22 p.m.

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

The closed session adjourned at 7:56 p.m.

J. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 7:56 p.m.

Councilman Justin Sip moved to adjourn the Regular Business Meeting. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 3-0. Justin Sip – aye, Chuck Williams – aye, Gary Chaves – aye.

Mayor Chamberlain adjourned the regular business meeting at 7:56 p.m.



Mayor Pro Tem – Keen Ellsworth

6-16-21

Date



Attest: City Recorder – Ruth Evans

