

TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
June 2, 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: Treasurer Dana McKim, Public Works Employee Jadee Adams, City Manager Kent Page, Recorder Ruth Evans; Support Staff: Planning Chairman Dan Catlin, Ash Creek Special Services District Representative Blair Gubler; Absent: Hurricane Valley Fire District Representative Merlin Spendlove, Public Works Director Lance Gubler.

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. Mayor Chamberlain stated that Mr. Rajan Zed will be calling in to read in a statement of belief shortly and that Planning Commissioner Chairman Dan Catlin will be stepping down from the Commission. Mr. Catlin's service is greatly appreciated, and he has done much good for Toquerville. Commissioner Cathleen Lee will be replacing him on the board and Chair Pro Tem Joey Campbell will be taking over as Chairman.

B. APPROVAL OF AGENDA:

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

Councilman Ty Bringhurst moved to approve the Regular Work Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 5-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Mr. Rajan Zed called in and read his prayer and statement of belief. (see attached)

Mayor Chamberlain introduced and welcomed the new City Manager Kent Page. Toquerville has never had a City Manager before, and Mr. Page will be the first. The City is excited to have him.

C. CITY DEPARTMENT REPORTS:

Ash Creek Special Service District Representative Blair Gubler reported the District has brought in their second cutting of hay. The pump station by the Center Street Park is now up and running. The District will maintain and check on the station. If the alarm goes off, the District needs to be notified immediately. The District is very busy with growth throughout the entire county. The pump by Anderson Junction is on the schedule to be moved hopefully before the new subdivision comes in.

Councilman Ellsworth reported that he spoke with Hurricane Valley Fire Department Representative Merlin Spendlove regarding fireworks this year. Mr. Spendlove and the Fire Department are strongly encouraging cities to ban fireworks this year because of the drought and high fire danger.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Pro Tem Joey Campbell reported on four annual renewals, three public hearings, and three recommendations for the City Council that were discussed at the last meeting.



City Manager Kent Page expressed how grateful he was to be here in Toquerville.

Public Works employee Jadee Adams reported the city has had four water leaks in the past three weeks. They have been fixed and asphalt on Berry and Pioneer should be done next week. The Sewer District fixed one of their main pipes while these streets were exposed.

City Attorney Heath Snow did not have anything to report.

D. PUBLIC FORUM:

Resident Dan Catlin thanked the Council for their support over the last couple of years. Mr. Catlin believes the city would be better served with another chairman over the Planning Commission. Mr. Catlin expressed he is very black and white and that is not always the best position for the city to take and it is not always in line with the community feelings.

E. WORKING AGENDA:

1. 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. *(PC recommended approval 4-1)*

The Council had asked the Planning Commission to review the current permitted uses in this zone to see if this particular use could be included. The Planning Commission reviewed the zone and decided it was not necessary to change or update the permitted and conditional uses at this time. The Council discussed the proposed use and is comfortable with approving a woodworking shop in an agriculture zone because it fits in with the surroundings and character of the neighborhood, even though it is not specifically listed as an approved use in an agriculture zone.

2. Discussion on a final site plan submitted by Precept Holding LLC for an RV/tiny cabin resort. Tax ID # T-3-0-27-3410. Zoning is HC Highway Commercial. *(PC recommended approval 5-0)*

The Council discussed this RV resort will be the first thing people see as they take the exit to Toquerville. Councilman Ellsworth commented that the landscaping needs to be attractive and be in harmony with the area. Barry Thompson, the engineer for Precept Holdings, commented that the landscape plan has been submitted and includes two types of trees, grass, and other climate friendly plants and the design will be attractive and well maintained. The other side of their parcel is reserved for future development and will be left alone for now. Councilman Bringhurst commented that Settlers Drive needs to be renamed to Old Highway 91 for consistency. There is a land agreement between Bodega and Precept Holding LLC that needs to be reviewed by Councilman Bringhurst. Mayor Chamberlain wondered if this project is allowed in the city's current short term rental ordinance. Zoning Administrator Mike Vercimak commented that an RV park is an allowed use in the Highway Commercial zone.

3. Discussion on a zone change application for 8.31 acres submitted by BBBA LLC for Tax ID parcel T-107-B-1. Current zoning is MU-20 Multiple Use. Proposed zoning is R-1-20. *(PC recommended approval 4-0)*

The Council discussed there is a development agreement in place, but it doesn't address density. The developer still needs to do a zone change. This is for phase 3 of their subdivision. The Council asked the developer about opening Nephi's Twist trail back up to the public. Jackson Ream from BBBA LLC commented that the trail is not recorded as a



public trail yet. It is private property and there have been severe issues with dumping, illegal activity, and vandalism. This is an enforcement issue. The plan was to look at opening up the trail during phase 4.

Attorney Snow commented that it is a historical prescriptive trail, and a historic right of way. Having the trail open will be a condition of the City granting the zone change. Councilman Sip would like the City and the developer to come to an agreement to allow the public to use the trail and simultaneously protect private land.

Mr. Ream commented that the discussion needs to happen within the current development agreement parameters and the trail opening is not pertinent to the proposed zone change.

Attorney Snow responded that the development agreement allows the city to place reasonable conditions of approvals on subsequent phases of the development and strongly encouraged the Council to place the opening of the trail as a condition of approval of the zone change.

Mr. Ream asked to set up a meeting with the Council to discuss opening the trail in more detail and so they can get more information and come to a happy medium. The Council agreed and will set up a meeting with the developer.

4. Discussion on a deferral agreement for Pat Wilson. Tax ID # T-TEA-C-10.

Councilman Bringhurst commented this property is up in the heights and there is no existing curb, gutter, and sidewalks. These deferral agreements have been signed with previous homeowners in the area.

5. Discussion on public/private trails.

The Council discussed the public and private trails in the Cholla Creek and Trail Ridge Estates Subdivisions. There have been complaints of residents who do not live in Cholla Creek walking on their private trails and the public streets. There are some private trails, but the some are city owned and any resident may use public streets. John Norris, the TRE HOA president, acknowledged there are private trails in Cholla and typically the TRE residents stay off of those trails. The Council asked the home-owners association presidents who were in attendance to please educate their neighbors about private trials and public trails.

6. Discussion on Resolution 2021.XX Discharge of Fireworks.

Councilman Ellsworth spoke with the fire chief, and he is recommending all cities ban all fireworks this year because of the extreme fire danger. There is a state law that prohibits fireworks bans unless a city meets certain requirements. Toquerville qualifies due to its location next to rural land and therefore, could issue a firework ban. The Council discussed having one location in the city where fireworks can be set off instead of issuing a city-wide ban, having staff at the firework site with a water truck, and banning all aerial fireworks.

7. Discussion on 4th of July celebration.

This year's celebration will be held on Saturday July 3rd. The City will put on its annual pancake breakfast and a short program at the Center Street Park. Councilman Williams is in charge of the celebration and welcomes any additional ideas from the Council. Councilman Williams reported on the Memorial Day celebration at the cemetery. It was a short program and taps was played.



8. Discussion on Resolution 2021.XX Budget amendment resolution.

Treasurer McKim reported the budget amendment was prepared and then the city had a major water leak. The resolution needs to be redone to include those extra expenditures. There will be a public hearing at the next Council meeting on June 16th on this amendment.

9. Discussion on city vehicle lease options.

The Public Works Department is looking into leasing another vehicle. The new lease would be \$4,500.00 per year which includes 32,000 miles. The city has two older vehicles that have over 250,000 miles on them and one broke down last week. The Public Works Department needs a new truck to replace these older vehicles. The Council discussed buying a new truck verses leasing a new one and would like the new city manager Kent Page to look into options.

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

The Council discussed the current hydrant meter rental deposit amount is lower than other cities. The water rate for these hydrant meters is cheaper than regular culinary rates. The deposit amount and the per gallon rate probably needs to be raised to cover costs. Public Works will look into what the cost is for a replacement hydrant meter. The Council brought up application fees, and that it should be added that all application fees are non-refundable except at the discretion of the Council. The Council discussed commercial water rates need to be updated. Councilman Bringham will get with Treasurer McKim and update the fees.

11. Discussion on Ordinance 2021.XX 10-15C MPDO density bonus. An ordinance amending density bonus calculations definitions and basis for calculations. *(PC recommended approval 5-0)*

The Council discussed the changes the Planning Commission made to this ordinance which include requiring a minimum of 100 acres to be eligible for an MPDO, reducing the total available density bonus to 30%, requiring a buffer zone of the same zoning next to an existing residential area, removing the water conservation plan as a density bonus option, requiring any professionals used to be licensed in the state of Utah, and reconfiguring each amenity's max bonus available. The Council recognized the extensive work the Planning Commissioners put into revising this ordinance, especially the work by Dan Catlin. These revisions will streamline the MPDO process and balance the city's wants with the developer's bonuses.

12. Discussion on Ordinance 2021.XX 10-15B Planned Development Overlay Zone. An ordinance removing section 10-15B Planned Development Overlay Zone. *(PC recommended approval 5-0)*

The Council discussed this ordinance deletes the PDO section which was only one paragraph and an incomplete ordinance. The City has opted to use the MPDO ordinance in place of the PDO.

P. COUNCIL REPORTS:

Justin Sip reported on the Trails and Parks Committee meeting. The Committee discussed the Westfield Park fundraiser on September 24th and specific assignments for the committee members. The Solid Waste District is looking for a new manager. Alpha Engineering is still



redesigning the plans for the Westfield pedestrian bridge to allow sewer and water lines to go underneath it. Councilman Chaves asked if Alpha could come up with a map of all the trails in the city.

Keen Ellsworth reported on a meeting regarding the bypass road tomorrow. The design team is about 95% complete. The landowners have signed off on dedicating portions of their land to make Pond Hill Road, which will be south of the Westfield Road bridge. The developer will probably request to use this road for construction equipment. There is nothing new happening with the Sports Complex. There is a concern about the tiny cabin property's appearance, as it will be the first impression of Toquerville and needs to be landscaped appropriately. Sapp Brothers Travel Center is interested in coming into the property next to Anderson Junction. There are no plans for this yet, as they are in the beginning stages of planning.

Ty Bringhurst reported on working with UDOT on the Toquerville Parkway transportation plan. There will be a meeting on June 10th with the Water District to discuss the water situation for the residents who live at Anderson Junction. The turning lanes for Cholla Creek are in design with UDOT and should be done within the next 30 days. A closed session is needed to discuss real property acquisition.

Gary Chaves requested a closed session to discuss real property acquisition.

Chuck Williams asked if the City has an emergency management plan already in place. The Council recommended Councilman Williams contact resident David Pope who knows about emergency management.

City Manager Kent Page reported on the DTEC meeting and UDOT has questions about the bypass road funding. Councilman Bringhurst will respond to these questions.

G. CALENDAR OF EVENTS:

The Intermountain Hurricane Campus of St. George Regional Hospital is expanding and will be building another facility in Hurricane. The groundbreaking ceremony will be held June 16th at 8:00 a.m.

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. 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 8:10 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 8:22 p.m.

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

The closed session adjourned at 8:35 p.m.



J. ADJOURN:

Mayor Chamberlain called the meeting back into open session at 8:35 p.m.

Councilman Justin Sip moved to adjourn the Regular Work Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 5-0. Keen Ellsworth – aye, Ty Bringhurst – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Mayor Chamberlain adjourned the regular work meeting at 8:36 p.m.


Councilman Ty Bringhurst

7-21-21
Date


Attest City Recorder – Ruth Evans



Invocation for Toquerville City Council UT meeting; June 2, 2021

Rajan Zed, President, Universal Society of Hinduism

Sanskrit/English

Om
bhur bhuvah svah
tat savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental glory of the deity supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead us from the unreal to the Real.
Lead us from darkness to Light.
Lead us from death to immortality.

tasmadasaktah satatam karyam karma samacara
asakto hyacarankarma paramapnoti purusah

karmanaiva hi samsiddhimasthita janakadayah
lokasangrahavevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhivishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

samani va akutih
samana hridayani vah
samanam astu vo mano
yatha vah susahasti

United your resolve, united your hearts,
may your spirits be at one,
that you may long together dwell
in unity and concord.

Om Shanti, Shanti, Shanti.

Peace, Peace, Peace be unto all.

Om.

