

TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
June 16, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah



Present: Councilmembers: Keen Ellsworth, Justin Sip, Gary Chaves, Chuck Williams; Staff: Attorney Heath Snow, Zoning Official Mike Vercimak, City Manager Kent Page, Treasurer Dana McKim, Public Works Director Lance Gubler, Recorder Ruth Evans; Support Staff: Planning Chairman Joey Campbell; Absent: Mayor Lynn Chamberlain, Councilman Ty Bringhurst, Hurricane Valley Fire District Representative Merlin Spendlove.

A. CALL TO ORDER:

Councilman and Mayor Pro Tem Ellsworth called the meeting to order at 6:00 p.m. Councilman Sip led the Pledge of Allegiance. Councilman Williams gave the invocation. The Oath of Office was administered to City Manager Kent Page. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

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 Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

C. CONSENT AGENDA:

Review and possible approval of meeting minutes from May 5th Work Meeting, May 11th Special City Council Meeting, and May 19th City Council Business Meeting.

Councilman Justin Sip moved to approve the meeting minutes from May 5th Work Meeting, May 11th Special City Council Meeting, and May 19th City Council Business Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Review and possible approval of City Expenditures from May 2021.

Councilman Gary Chaves moved to approve the City Expenditures from May 2021. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

D. CITY DEPARTMENT REPORTS:

Hurricane Valley Fire District Representative Merlin Spendlove was not present. Councilman Ellsworth commented that he spoke with Chief Kuhlman regarding fireworks for the 4th of July. The Fire Department would really like to see them banned this year due to the drought and extreme fire danger.

Zoning Administrator Mike Vercimak did not have anything to report.

Planning Commission Chair Joey Campbell did not have anything to report.



Public Works Director Lance Gubler reported on the Berry and Pioneer water leaks. The roads have now been paved and these projects are almost done. There have been several other smaller leaks throughout the city. There have been 13 water leaks on the lower Ash Creek area so the lateral lines will need to be looked at soon. The street striping company is coming on Monday, so the streets that need to be striped need to be identified now. Councilman Bringhurst assigned this project to Councilman Williams. The streets that have been identified to be striped at this time are Westfield Road, Peachtree, and Mulberry. The streets will be striped for safety reasons due to the congestion and limited visibility on these roads. Councilman Chaves commented that perhaps the striping should be postponed until more details can get worked out. It was brought up that this street striping has been discussed for over a year. Concerns were expressed about striping Mulberry and Peachtree, so those streets were postponed for now. The Council discussed how to enforce this and that the enforcement provisions are already in place.

City Attorney Heath Snow requested an executive session to discuss the purchase of water rights.

City Manager Kent Page sent out a Managers Report to the Council on what he has been working on so far. The City and staff should work on being the example to the residents on water conservation and water usage and educating residents. The training budget needs to be looked at and code enforcement issues need to be addressed. The Council will also need to discuss and look at updating building evaluations, discussing the Capital Facilities Plan updates, and there is no city manager cell phone number established yet.

E. PUBLIC FORUM:

There were no comments from the public.

F. PUBLIC HEARING:

1. Public input is sought on Resolution 2021.XX A resolution amending FY 20-21 budget, Fiscal Year July 1, 2020 through June 30, 2021.

There were no comments from the public.

G. BUSINESS:

1. Discussion and possible action on annual Fraud Risk Assessment.

Treasurer McKim reported this is an annual report that needs to be updated and reported on. The few areas that are deficient are staff training, not having a conflict of interest policy, ethical behavior policy, and reporting fraud abuse policies. The Council discussed if the City has a formal auditing committee, if one is needed, or if the CPA firm counts as the 3rd party auditor. Attorney Heath Snow advised that the City's CPA firm is the auditing committee. Treasurer McKim will meet with the new City Manager and update the deficient staff policies and procedures and will update the auditing committee information on the form. Even with these deficiencies the City is still in the low risk category which is good.

Councilman Justin Sip moved to approve the annual Fraud Risk Assessment with stated changes. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.



2. Discussion and possible action 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)

Councilman Justin Sip moved to approve the conditional use permit application submitted by David Lundell for a woodworking shop. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

3. Discussion and possible action 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)

Councilman Justin Sip moved to approve the final site plan submitted by Precept Holding LLC for an RV/tiny cabin resort. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

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

Councilman Justin Sip moved to approve the deferral agreement for Pat Wilson Tax ID # T-TEA-C-10. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

5. Discussion and possible action on Resolution 2021.XX Discharge of Fireworks.

Councilman Ellsworth reported that Hurricane Valley Fire Chief Kuhlman requested that all cities ban fireworks due to the historic drought conditions and extreme fire danger. The Council discussed having one spot in the city to shoot off fireworks. That place could be the Westfield Park, as there is nothing but dirt there. The Public Works department could be there with the water truck and hoses to help put out any fires until the fire department arrives. The Council decided to allow non-aerial fireworks at Westfield Park on the 4th of July only. Hurricane City is going to shoot off fireworks over the lake this year.

Councilman Gary Chaves moved to approve Resolution 2021.XX Discharge of Fireworks, specifically limiting fireworks to the Westfield Park, prohibiting aerial fireworks, and having water available in case of fire. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

6. Discussion and possible action on Resolution 2021.XX A resolution amending FY 20-21 budget, Fiscal Year July 1, 2020 through June 30, 2021.

The Council discussed the budget resolution is to pay the expenses so the budget balances.



Councilman Justin Sip moved to approve Resolution 2021.XX A resolution amending FY 20-21 budget, Fiscal Year July 1, 2020 through June 30, 2021. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

7. Discussion and possible action on Resolution 2021.XX Uniform Fee Schedule, Commercial water rates, hydrant meter water usage rate, and application fee.

The Council discussed this resolution amends the fee schedule to address the water hydrant meter rental rates. It is proposed to raise it from \$4 to \$6 per thousand gallons. The fee schedule should only list the city's fees, and not the Sewer Districts or any other entities fees. The fee schedule will also state that all application fees are non-refundable, except at the discretion of the City Council.

Resident Wayne Olsen commented that the rate per thousand gallon fees for the hydrant meter rental are cheaper than regular culinary rates and that is not right to do to the residents.

The commercial water rates were not updated at the same time the residential water rates were amended. The commercial rates should have a base rate of \$100, with the tiered rates at \$3, \$5, \$10, and \$15 per thousand gallons. The Council discussed doubling the current rates for the hydrant meter and having a tiered fee schedule instead of a flat rate.

Councilman Gary Chaves moved to table this discussion until Councilman Bringhurst is present and can explain the water calculations.

Motion failed for lack of a second.

Councilman Justin Sip moved to Resolution 2021.XX Uniform Fee Schedule, amending the commercial water rates, increasing the hydrant meter water usage, adding the application fee note, and striking out non city fees. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

8. Discussion and possible action 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 Planning Commissioners put in a lot of great work into amending this ordinance and all were pleased with the outcome.

Councilman Justin Sip moved to approve Ordinance 2021.XX 10-15C MPDO density bonus. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

9. Discussion and possible action 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)



Councilman Justin Sip moved to approve Ordinance 2021.XX 10-15B Planned Development Overlay Zone. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

H. COUNCIL REPORTS:

Justin Sip reported the Sewer District is losing Blair Gubler in September when he retires but they have good applicants to replace him. The City is still waiting for drawings for the Westfield pedestrian trail. There is a Trails & Parks Committee meeting on Monday and the Westfield Park fundraiser will be planned. Attorney Snow advised that the City should not be involved in the raffle portion of the fundraiser.

Gary Chaves reported the Planning Commission is doing great but still needs another alternate. The stairway and power plant at Confluence Park is moving along.

Chuck Williams reported the cemetery is being maintained well. There were a few residents who objected to their flowers being removed after Memorial Day, but a sign saying the city would remove decorations was out for three weeks before that date. The 4th of July celebration will be held on the 3rd this year. There will be a breakfast served by the Council at 7:15 a.m. The state is getting ready to release a huge amount of money on a first come first serve basis. The city should have a list of needs ready.

Keen Ellsworth reported on a meeting tomorrow regarding the sports complex with the BLM. There are false rumors that this sports complex will fail, but that is not the case. The Governor will be stopping in to Toquerville to get updated on the bypass road and funding on Monday at 3:45 p.m.

I. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session to discuss the purchase, exchange, or lease of real property.

Councilman Justin Sip moved to enter a closed session to discuss the purchase, exchange, or lease of real property. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Councilman Ellsworth adjourned the regular meeting at 7:00 p.m.

J. CLOSED SESSION:

The closed session for the purpose of discussing the purchase, exchange, or lease of real property was called to order at 7:02 p.m.

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

The closed session adjourned at 7:25 p.m.

K. ADJOURN:

Councilman Ellsworth called the meeting back into open session at 7:25 p.m.



Councilman Justin Sip moved to cancel the water rights agreement. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Councilman Justin Sip moved to adjourn the regular Business Meeting. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.

Councilman Ellsworth adjourned the regular business meeting at 7:26 p.m.



Councilman Ty Bringhurst

7.21.21

Date



Attest: City Recorder – Ruth Evans

