

**TOQUERVILLE CITY COUNCIL**  
**Regular Work Meeting Minutes**  
**August 4, 2021, at 6:00 pm**  
**212 N. Toquer Blvd, Toquerville Utah**



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

**A. CALL TO ORDER:**

Mayor Pro Tem Councilman Ellsworth 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 Williams. There were no opening comments or statements of belief.

**B. APPROVAL OF AGENDA:**

The Council reviewed the agenda and decided to move item F4 to item 1. There were no disclosures, nor conflict declarations from Council Members.

*Councilman Justin Sip moved to amend the Regular Work Meeting Agenda by moving item F4 to item F1. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams – aye.*

**C. CITY DEPARTMENT REPORTS:**

Ash Creek Special Service District Representative Blair Gubler reported on the restoration work that has been done on pressurized sewer lines because of the recent heavy rains. 3,500 bales of hay were moved this morning and there will be one more cutting this season.

Hurricane Valley Fire Department Representative Merlin Spendlove reported on 13 medical calls and 4 fire response calls in Toquerville for July. Members of the Fire Department went to Enoch to help their residents with cleanup due to the recent flooding.

Planning Commission Chair Joey Campbell reported that next week a developer will be making a presentation on a possible resort, and everyone is invited to attend. The Council decided they would like to attend so the Planning Commission Meeting will need to be noticed as a combined meeting. The meeting will be August 11<sup>th</sup> at 6:00 p.m.

Public Works Director Lance Gubler reported on drainage problems on Peachtree, and some residents have had flooding on their property. More catch basins will need to be added. There was some minor flooding on Old Church Road and some minor flood damage at the park. The Water District is trying to have all the cities in Washington County adopt landscape guidelines and new construction recommendations that promote water conservation. The Water District wants the City to enforce this new ordinance.

City Manager Kent Page reported there is a conference in Moab on floodplain issues he will be attending. Staff is working on creating an official Toquerville Facebook page. The City is looking into grants in conjunction with the ARP funds to use for water infrastructure. Recorder Ruth Evans will be attending business license training next week and he will be attending a planning conference in November and the ULCT conference in September. Staff is looking into hiring an additional employee and increasing the square footage of the office building.



**D. PRESENTATION:**

Jason Bullock from Shums Coda Associates introduced their company and what services they provide. They provide consulting services on building inspection and plan reviews. The City can hire full time or on a contract basis as building increases in the city. They do all residential and commercial building inspections. All their inspectors are certified and have experience on small and large projects and would love to work with Toquerville.

**E. PUBLIC FORUM:**

Resident Gene Wilder commented that he would like to ask again for the City to pave Pecan. The City has not spent any money upgrading this road. Paving this road would benefit several families. Right now, it is only a rough dirt road. Having a paved road is a basic fundamental need. He has been told the City has not budgeted for this project this year, but when will it be in the budget? The residents want it paved but do not want curb, gutter, or a sidewalk.

Councilman Ellsworth commented that the City is aware of this road and working on a solution.

Resident Anita Eaton commented on the flooding on Old Church and those homes are in the floodplain. Another resident has approached her and said she is responsible for flooding on their property. The City needs to encourage residents who build in the flood plain to be responsible for their own property and their own drainage issues.

**F. WORKING AGENDA:**

1. Discussion on Ordinance 2021.XX 10-19G-2, G-3. An ordinance amending the review process which allows adjoining property owners to make adjustments in location of joint property lines.

The Council discussed this ordinance restates the process of recording a lot line adjustment for two adjacent property owners. These new updates align the city process with the County process.

2. Discussion on Resolution 2021.XX Constitution Week.

This Council discussed this resolution is passed every year to uphold and remember our Constitution.

3. Discussion on a nightly rental application submitted by Gordon Dotson for a nightly rental located at 1267 S. Shadow Lane. Tax ID # T-115-E-1. Zoning is AG – Agriculture. *(PC recommended approval 5-0)*

Councilman Chaves reported to the Council that it was discussed in Planning Commission that the applicant cannot have an active rental while he is out of town. The applicant understands and agrees to this and the other staff conditions that were presented in the Planning Commission meeting.

4. Discussion on Truth in Taxation Special Business Meeting held on August 17, 2021.

The Council discussed it has decided to hold a truth in taxation hearing every year to reevaluate the amount of property taxes coming into the city. The Council is considering raising the property tax rate again to accommodate the growing demands and needs of the city. The public is encouraged to attend and voice comments and concerns. A copy of the proposed budget is available for review at the city offices.



5. Discussion on August 18<sup>th</sup>, 2021 Primary Election Canvass.

The Election Canvass is when the official Primary Election results are accepted by the Council. The Primary Election narrows the candidates from five down to four. Those remaining four candidates will be on the ballot in the General Election in November.

6. Discussion on expenditure of American Rescue Plan funds.

City Manager Page reported that the City has received just over \$102,000 in American Rescue Plan funds. The State is offering some matching grants in conjunction with the use of this money. Staff has suggested some ideas on what to use the money for and will put together a list of potential purchases. The Council is welcome to give input.

7. Discussion on expenditure approval in the amount of \$8,000.00 for the purchase of iWorkQ software program.

Public Works Director Gubler reported this software is for public works and keeps track of water, roads, infrastructure, water meters, building inspections, and more. This information can be kept all in one place and will increase productivity, budgeting, and maintenance schedules. \$8,000 is the cost for the first year and each year after that would be \$5,000.

8. Discussion on Ordinance 2021.XX Adopting 2021 International Building Code for tiny homes/2021 International Code Council residential building valuation.

The Council discussed the revisions to this ordinance would state the City would be following the most current version of the IBC which includes the section of the code for tiny homes. The code currently uses a building valuation of 75% of the home value to calculate the building permit fee. The Council discussed increasing this percentage to 85% to be more in line with current valuations.

9. Discussion on Resolution 2021.XX Uniform Fee Schedule, residential building valuation.

The Council discussed this resolution adds the building permit fees and plan review fees and standardizes the amounts.

10. Discussion on Ordinance 2021.XX WCWCD Landscape ordinance requirements.

The Council discussed this draft ordinance comes from the Washington County Water Conservancy District and proposes new requirements regarding landscaping and water conservation for new construction. The District would like to see all cities in the county become more uniform in their landscaping requirements. Attorney Snow will take this draft and put it into city ordinance form and then the Council can decide what they would like to adopt or change.

11. Discussion on Ordinance 2021.XX 7-7 Cemetery.

The proposed updates for the Cemetery code update the rules and regulations regarding floral pieces left on headstones, financing on burial plots, and cleaning up similar outdated language. Public Works Director Gubler, who is also the Cemetery Superintendent, would like the Council to review the proposed changes.



12. Discussion on Policy & Procedures, Employee cell phone policy.

City Manager Page reported this policy would put in place guidelines on employee's cell phone usage and who qualifies for a city paid cell phone. It also outlines what information is subject to GRAMA. This policy would only apply to employees, not elected officials.

13. Discussion on nightly rental enforcement software.

City Manager Page commented that it has come to his attention that there are several illegal nightly rentals in the city, meaning they have not obtained their nightly rental permit or city business license. Granicus is a company that will come and present their software that identifies illegal nightly rentals if the Council is interested. The Council discussed the pros and cons and wondered how many illegal nightly rentals are actually in the city and if they would justify the cost of this software.

14. Discussion on buyout of lease for Ford F350.

This is the 2017 Ford F350 that public works uses to haul heavy equipment. The City can choose to pay the payoff amount of roughly \$25,000 or turn it back into the leasing company. Trucks are very expensive right now and the Council felt it was worth it to buy it outright.

**G. COUNCIL REPORTS:**

Justin Sip reported there is a meeting for the Solid Waste District next week. There is a Trails & Parks meeting coming up and the fundraiser is moving ahead with planning. The plans for the walking bridge on Westfield Road should be in any day.

Keen Ellsworth reported on flooding which was made worse by recent fires next to the mesa. Our local firefighters have helped with flooding and are still fighting fires. The athletic complex project is still moving forward with the Bureau of Land Management.

Gary Chaves reported the Mosquito Abatement and Confluence Park meetings are both next week.

Chuck Williams did not have anything to report.

**H. ADJOURN:**

*Councilman Justin Sip moved to adjourn the Regular Work 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 meeting at 7:41 p.m.

  
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Mayor – Lynn Chamberlain

  
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Attest: City Recorder – Ruth Evans

