



TOQUERVILLE CITY COUNCIL
Regular Business Meeting Minutes
August 18, 2021, at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah

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

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 Ellsworth. 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 Keen Ellsworth moved to approve the Regular Work Meeting Agenda. Councilman Justin Sip seconded the motion. Motion unanimously carried, 3-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye.

Councilman Chuck Williams entered the meeting at 6:02 p.m.

C. CONSENT AGENDA:

Review and possible approval of meeting minutes from July 7th Work Meeting and July 21st Business Meeting.

Mayor Chamberlain explained the minutes were not ready for review and approval so they will need to be reviewed and approved at the next meeting.

Review and possible approval of City Expenditures from July 2021.

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

D. CITY DEPARTMENT REPORTS:

Hurricane Valley Fire Department Representative Merlin Spendlove reported the wildland crews are very busy putting out fires in Idaho and California.

Planning Commission Chair Joey Campbell reported the training on zone changes during the last Planning Commission meeting went really well.

Public Works Director Lance Gubler reported the staff is putting together a wish list of items that can be purchased with the latest covid money. The Public Works department would like another programmable marquee and radar speed sign and a generator for the water tank. Costs of these items will be available at the next meeting.



City Manager Kent Page reported the Water District is having meetings once a week to discuss more efficient water usage. Staff is working on creating an official city Facebook page. With the latest round of Covid money received, there are specifics on how to use that money and matching grants are available from the State. The Council is welcome to give suggestions on how to use this money. There is a meeting tomorrow at 8 am with UDOT regarding the bypass road updates. Ruth just attended business license training. Gary Tomsik from the Planning Commission and I will be attending American Planning Association training. The ULCT training is coming up in September. If anyone would like to attend, please let him know. The Fall Community clean up days are September 25th through the 27th. Staff is continuing to look at different ways to get additional office space. The City Manager from Vineyard is coming on the 24th for a free consultation on how to navigate a quickly growing community. The City is looking for volunteers to help with various projects. There needs to be additional policies and procedures on how staff, Councilmembers, and Commissioners expend funds. Public Works Director Lance Gubler is working on researching different water meters and will present that information in September.

City Attorney Heath Snow entered the meeting at 6:13 p.m. and did not have anything to report.

E. PRESENTATION:

Mitch Cloward and Cyndi Gilbert from Intermountain Healthcare presented their annual update on the hospital and gave updates on the past and present efforts during this pandemic. There are a record number of patients, most of which are unvaccinated. Cyndi Gilbert was recently appointed as Chair of the Hospital board. There is a hospital expansion project planned for Hurricane. This will be a great resource for Toquerville and the surrounding residents. The new hospital will be built in phases and will provide great resources for the Hurricane Valley.

Matt Loo from Firelight Development representing Rocksteady Resorts Group gave a presentation on a proposed outdoor adventure resort. This would be located on the southern most 300 acres of Firelight's 1700-acre development. The resort would consist of 8 different zones which will include an outdoor amphitheater, shops, restaurants, a day spa, ATV trails, trampoline and skate parks, about 600 condos or townhomes, year-round snowboarding, a white-water rapid river, a wave pool for surfing, repelling, and rock climbing. The developer is in the process of securing 200-acre feet of water for these projects. This resort would be located off the bypass road behind the ridge and take advantage of the natural topography. This resort could bring in millions of dollars of revenue for the city and a thousand jobs to the area. This resort would be included in Firelight's entire MPDO submittal that will be forthcoming.

F. PUBLIC FORUM:

There were no comments from the public.

G. BUSINESS:

1. Discussion and possible approval of 2021 Primary Election Canvass.

Recorder Ruth Evans presented the official Primary Election results to the Council. The Primary election eliminated one candidate, David Pope. Justin Sip, Gary Chaves, Kent Havens, and Corey Turner will be on the ballot for the General Election in November. Melanie Abplanalp from the County presented additional information regarding the County's process on verifying signatures and how ballots are verified and counted. There were 441 ballots cast. 47 of those ballots were rejected due to various reasons. 394 ballots were officially counted.



Councilman Keen Ellsworth moved to approve the 2021 Primary Election Canvass. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

2. Discussion and possible action on Resolution 2021.XX Constitution Week.

Valerie King from the Daughters of the American Revolution presented this resolution to the Council regarding Constitution Week. This resolution declares the week of September 17th to the 23rd as Constitution Week and includes Bells Across America, which is a national event to commemorate the signing of the Declaration in 1787. This bell ringing event will take place at 4 pm Eastern time on September 17 and everyone is encouraged to ring a bell at that exact time. The Council discussed having resident Wayne Olsen ring the bell in the old church building.

Councilman Justin Sip moved to approve Resolution 2021.XX Constitution Week and have Wayne Olsen ring the bell. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

3. Discussion and possible action on final proposed budget and Property Tax levy rate, Resolution 2021.XX Fiscal Year July 2021 through June 2022.

The Council discussed the Property Tax levy rate was voted on and approved at the Special Business Meeting last night but that the budget resolution will need to be approved.

Councilman Keen Ellsworth moved to approve the final proposed budget, Resolution 2021.XX Fiscal Year July 2021 through June 2022. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

4. Discussion and possible action 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 Justin Sip moved to approve the nightly rental application submitted by Gordon Dotson with staff comments. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

5. Discussion and possible action 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.

Councilman Keen Ellsworth moved to approve Ordinance 2021.XX lot line adjustment. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

Discussion and possible action on expenditure of American Rescue Plan Act 2021 funds.



The Council discussed this is Covid money and some of the wish list items have been presented tonight, one is the generator in item #7. The matching grant applications need to be in by September 15th.

7. Discussion and possible action on expenditure of \$25,733.00 for a pump house generator.

Councilman Justin Sip moved to approve the expenditure of \$25,733.00 for a pump house generator. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

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

Councilman Keen Ellsworth moved to approve Ordinance 2021.XX adopting 2021 IBC code and ICC building valuation. Councilman Gary Chaves seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

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

The Council discussed amending the fee schedule to have the valuation be at 85% instead of 100%. The previous business item G8 will need to be amended as well.

Councilman Keen Ellsworth moved to approve Resolution 2021.XX Uniform Fee Schedule to include the amendment of 85% and amend item G8, Ordinance 2021.XX ICC valuation. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

Attorney Snow mentioned the Council did not have the correct version of the fee schedule so it should probably be tabled until the correct version could be reviewed.

Councilman Keen Ellsworth moved to table Resolution 2021.XX Uniform Fee Schedule, residential building valuation. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

10. Discussion and possible action on Ordinance 2021.XX WCWCD Landscape ordinance requirements.

The Council discussed this ordinance is still a draft from the Water District. It is still being revised and discussed. Attorney Snow modified their draft for the City and it can be further modified if the Council wants. The Council decided to wait to hear from the District about further modifications before the Council takes any action.

Councilman Keen Ellsworth moved to table Ordinance 2021.XX WCWCD landscape ordinance requirements. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

11. Discussion and possible action on Ordinance 2021.XX 7-7 Cemetery.



The Council discussed the proposed amendments and adopting the State Code on reclaiming plots. The City's cemetery certificate will need to have the sentence 'to have and to hold forever' removed.

Councilman Keen Ellsworth moved to table Ordinance 2021.XX Cemetery. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

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

The Council discussed what policies need to be in place for employees regarding cell phones and that phones used for city business are subject to GRAMA. The Council discussed including adding a reimbursement option for employees, if phones should be provided and paid for by the City, equipment reimbursement procedures, and insurance coverage.

Councilman Chuck Williams moved to table Policy & Procedures, employee cell phone policy. Councilman Keen Ellsworth seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

13. Discussion and possible action on nightly rental enforcement software.

The Council discussed this software would be to identify any illegal nightly rentals. The City would have to charge the compliant nightly rentals extra fees to pay for the software to enforce and find the non-compliant nightly rentals. The City has received a few complaints regarding illegal nightly rentals, however at this point the cost can't be justified.

Councilman Gary Chaves moved to not approve the purchase of nightly rental software. Councilman Justin Sip seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

14. Discussion and possible action on expenditure of \$25,380.73 for buyout of lease for Ford F350.

The Council discussed this truck has been leased for the past four years and this is the buyout amount if the City wants to own the truck. Comparable trucks are going for around \$80,000 so the Council felt this was a good investment.

Councilman Justin Sip moved to approve the expenditure of \$25,380.73 for the buyout of the Ford F350 lease. Councilman Chuck Williams seconded the motion. Motion unanimously carried, 4-0. Keen Ellsworth – aye, Justin Sip – aye, Gary Chaves – aye, Chuck Williams.

G. COUNCIL REPORTS:

Justin Sip reported the City would have a half booth at Peach Days to promote the Westfield Park fundraiser and sell raffle tickets. The goal is to raise \$50,000. The plans for the Westfield pedestrian bridge should be coming in shortly.

Keen Ellsworth reported the Bureau of Land Management approved the RMPP application for the athletic complex. This will be a City project, but the City will not go into any debt. This complex will generate great revenues and will be a good thing for the City. Regarding Firelight, the location



for that resort is away from the city and a good location. The developers have been reminded to bring their own water for their developments.

Gary Chaves reported there are more mosquitos out this year than last year and so far no West Nile Virus has been found.

Chuck Williams did not have anything to report.

Attorney Snow reported the draft agreement with the Kohler's for the last part of the bypass road is moving forward.

Mayor Chamberlain did not have anything to report.

H. ADJOURN:

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

Mayor Chamberlain adjourned the meeting at 8:12 p.m.



Mayor – Lynn Chamberlain

9/29/21
Date



Attest: City Recorder – Ruth Evans

