

TOQUERVILLE CITY COUNCIL
Regular Work Meeting Minutes
November 3, 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 Director Lance Gubler, Jadee Adams, Recorder Ruth Evans; Support Staff: Hurricane Valley Fire District Representative Merlin Spendlove; Absent: Planning Chairman Joey Campbell, Ash Creek Special Services District Representative.

A. CALL TO ORDER:

Mayor Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Bringhurst. The invocation was offered by Councilman Ellsworth. Mayor Chamberlain congratulated Councilmen Sip, Chaves, and Ellsworth on their successful elections. Their efforts and willingness to serve is appreciated. There were no statements of belief voiced.

B. APPROVAL OF AGENDA:

The Council reviewed the agenda and moved Mr. Jerome Gourley's item of business regarding Wreaths Across America to Presentation #2.

Councilman Keen Ellsworth moved to approve the Regular Work Meeting Agenda as amended. 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.

There were no disclosures, nor conflict declarations from Council Members.

C. CITY DEPARTMENT REPORTS:

Hurricane Valley Fire Department Representative Merlin Spendlove reported there were more than 400 calls during all of October. In Toquerville, there were 9 medical calls, 1 fire call, and 2 cancelled calls for a total of 12 calls. One call was to Toquer Falls which was difficult to get to. Burn permits are still open through the end of the year.

Mayor Chamberlain commented that the Public Works Department has been reorganized. Lance Gubler will be over streets and water and Jadee Adams will be over everything else.

Public Works Director Lance Gubler reported Landmark Testing accidentally broke a pipe while digging and testing for water. That water line is now being repaired. The Firelight Developers have been grubbing the bypass road. They may have firewood available for the public after they are done. The developers will be bringing the Pond Hill Road project to Planning Commission soon.

Jadee Adams from Public Works reported the cemetery has been reseeded. Concrete for the storm drain has been poured at the Westfield Park playground area.

City Attorney Heath Snow had not entered the meeting yet.

D. PRESENTATION:

1. Resident Jerome Gourley reported on the Wreaths Across America program and thanked the Council for their support. Greg Turner will be in charge of the Toquerville program this year.



American Flags will be placed on the veteran's headstones on December 11th. Volunteers are needed. There will be a short program at 10:00 a.m. and the wreaths will be placed on those headstones on December 18th. The wreaths will remain on the headstones until January 1st.

2. Works Director Lance Gubler presented information regarding two types of water meters the City could use. Badger Meter and Master Meter are both good companies and there are pros and cons to each meter. Badger Meter uses cellular technology and utilizes the cell towers to read the meters. Master Meter uses radio frequency, and the city would have to install 70' radio towers around town to read the meters. The 4G radio tower system would cost the city approximately \$100,000.00 but the city would then own the system. The City would also need to obtain an FCC license to operate the radio tower system. Badger Meter charges each end user \$0.93 a month to use their cellular towers, but there is no maintenance of the towers, no upfront costs, or large infrastructure purchases. Both systems provide the end user an app to keep track of water usage. The City currently uses Master Meter and has been having trouble reading the meters and with meters failing and needing to be replaced. Badger Meters have a 100% read rate and will notify a customer of a possible leak. Attorney Snow commented that a good rule of thumb is to buy technology that appreciates and rent technology that depreciates. If the City buys the Master Meter radio towers, that system would be outdated within 7 years. The Mayor would like to see the bottom-line costs for each system.

Attorney Heath Snow entered the meeting at 6:36 p.m.

E. PUBLIC FORUM:

Resident Jake Peart commented on a Restore the Vote event this Saturday at 10:00 a.m. in Cedar City and would encourage legislators to have an audit on their election. There are many who are concerned about the integrity of the voting system. Let Toquerville be an example of election integrity.

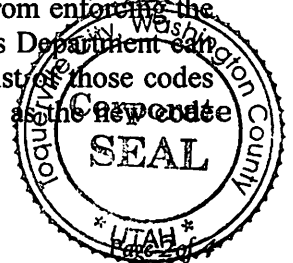
F. WORKING AGENDA:

1. Discussion on Impact Fee Analysis update. Fred Philpot, Lewis Young Robertson & Burningham.

The Council discussed the information presented last month from Fred Philpot regarding the proposed impact fee increase. The Council discussed whether the park impact fee level of service numbers are accurate because none of the parks are at 100% completion yet. The Council discussed each section of the impact fee and what it is proposed to be. The City hired experts to calculate the increases based on projected growth and that advice should probably be followed. Councilman Sip will review the proposed park impact fee and report back.

2. Discussion on RFP for City Prosecutor and interlocal agreement.

Attorney Snow reminded the Council of his previous presentation on options for code enforcement. If certain sections of the code are to be criminalized, meaning the infraction would be a class B misdemeanor, the City would need to have a justice court and a prosecutor. An example of an interlocal agreement and an RFP for a justice court and prosecutor was presented. This system has more teeth and separates staff from enforcing the code. The justice court would get 50% of the collected fines. The Sheriff's Department can enforce designated portions of our city code for a flat fee if they have a list of those codes that are criminalized. The Council needs to decide if they want to use this as the new code enforcement model.



3. Discussion on Ordinance 2021.XX Temp fireworks ban termination.

The Council discussed this ordinance was passed to ban fireworks due to the extreme fire danger and can be repealed with a vote from the Council. The Council was in favor of lifting the fireworks ban.

4. Discussion on expending ARP funds.

The Council discussed some ideas for expending ARP funds including a trailer to haul the mini ex, a generator for the pump house, another digital message board sign, hands free bathroom fixtures for the Westfield Park, and possibly wages for another public works employee to help with crack sealing.

5. Discussion on 2022 OPMA training.

The Council discussed combing with nearby towns to do the training or have Attorney Snow conduct the training like last year. The Council was in favor of Attorney Snow conducting the training during a Council meeting in January.

G. COUNCIL REPORTS:

Justin Sip reported there is a Solid Waste District meeting on Monday. The concrete storm drain for the Westfield Park is being installed. The playground equipment will be installed soon. Plans for this new park should be coming soon.

Keen Ellsworth reported he has been working on the new developments of Firelight and the ARC and will have more information soon.

Ty Bringhurst reported the agreement for a water line easement with Bob Lichfield has been signed. Attorney Snow is working on a developer reimbursement agreement policy that is associated with real estate development. There will also be a modified development agreement that will affect Center Street, Westfield, and Old Church Road. These will be coming before Council for approval. A landscape maintenance agreement with UDOT will be forthcoming for discussion. Sunrise Engineering is in design for the recreation plan for the reservoir. Bighorn Archaeological will have an estimate coming for their archaeological study on the bypass road. Pond Hill Road will have all the utilities relocated. The Parkway is in for advertising this and next Sunday. Plans will be sent out electronically. The anticipated start date for the bypass road is January 15th. The City will be hiring a consulting company that will take care of the bid project from start to finish. The amount is \$396,325.57 and will come before Council for approval. This amount will come out of the \$18 million from UDOT. The next election should have a drop box in Toquerville. The dirt roads in Toquerville will be graded within the next 60 days.

Gary Chaves reported the stairway for Confluence Park is finished. The Planning Commission is working on a resort zone overlay zone and an ordinance modifying ERU calculations.

Chuck Williams reported Wreaths Across America is December 18th at 10:00 a.m. and the Christmas lighting program will be November 27th.

Mayor Chamberlain did not have anything to report.



H. CALENDAR OF EVENTS:

The Toquerville Trails Turkey Trot will be Thanksgiving Day at the City Park. Wreaths Across America is December 18th. The City Council will hold a Special Business Meeting on November 10th at 5:30 p.m. to approve the official Election results.

I. ADJOURN REGULAR SESSION:

The Council discussed moving into a closed session to discuss the character, professional competence, or physical or mental health of an individual.

Councilman Justin Sip moved to enter a closed session to discuss the character, professional competence, or physical or mental health of an individual. Councilman Ty Bringhurst 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 meeting at 8:12 p.m.

J. CLOSED SESSION:

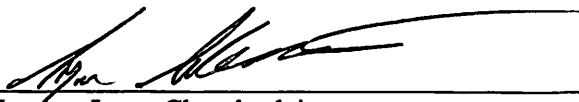
The closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual was called to order.

K. ADJOURN:

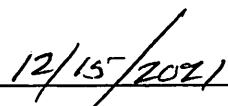
Mayor Chamberlain called the meeting back into open session at 8:45 p.m.

Councilman Justin Sip moved to adjourn the Regular Business Meeting. Councilman Ty Bringhurst 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 business meeting at 8:45 p.m.



Mayor – Lynn Chamberlain



Date



Attest: City Recorder – Dana McKim



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CLOSED MEETING AFFIDAVIT

STATE OF UTAH
COUNTY OF WASHINGTON
AFFIDAVIT OF MAYOR

I, Mayor Lynn Chamberlain swear as the person presiding at this closed meeting on
The 3rd day of November, 2021, that the sole purposed for conducting a closed
meeting was to discuss the following items:

- ☒ Discussion of the character, professional competence, or physical or mental health of an individual
- ☐ Discussion regarding deployment of security personnel, devices, or systems
- ☐ A meeting of the Health and Human Services Interim Committee to review a fatality review report
- ☐ A meeting of the Child Welfare Legislative Oversight Panel
- ☐ A meeting of a conservation district for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law



Mayor Lynn Chamberlain

11/8/2021
Date



Recorder, Ruth Evans

11-8-21
Date



Seal