

**TOQUERVILLE CITY COUNCIL**  
**Regular Meeting Minutes**  
May 12, 2016 - 6:00 p.m.  
Held at 212 N. Toquerville Blvd, Toquerville Utah



**Present:** Mayor and Council: Mayor Darrin LeFevre, Mark Fahrenkamp, Keen Ellsworth, Paul Heideman, Brad Langston; Staff: Heath Snow- Attorney, Lance Gubler, June Jeffery, John Poster, Mike Vercimak, Public: Mona Lowe, Annette Kleinman, Carol Christensen, Kayde Roberts – Jones & DeMille Engineering Councilmember Ty Bringhurst was excused.

**A. CALL TO ORDER:**

1. Call to Order – Mayor LeFevre at 6:01 p.m.; Pledge of Allegiance by Paul Heideman, Invocation by Brad Langston.
2. Disclosures and Declarations of Conflict from Council Members - None
3. Requests for Statements of Belief from Anyone Present - None

**B. CONSENT AGENDA:**

1. City Council Work Meeting Minutes from April 7, 2016. Shannon Hepworth was corrected to Shannon Ellsworth.
2. City Council Regular Meeting Minutes from April 14, 2016
3. City Expenditures from April, 2016

**Motion to approve the Consent Agenda as corrected - by Councilmember Ellsworth, second by Councilmember Langston. Motion carried unanimously.**

**C. PUBLIC FORUM:**

No comments.

**D. PRESENTATIONS:**

No presentations.

**E. PUBLIC HEARING:**

1. Public Hearing to discuss submitting an application to the Permanent Community Impact Board for funding of the General Plan and the Bypass Corridor study.

**Motion to move into the public hearing by Councilmember Heideman, second by Councilmember Ellsworth. Motion carried unanimously.**

Annette Kleinman asked who was on the CIB board. Heath Snow informed that the CIB is an agency that is a subset of the RDA Federal Agency. CIB helps to fund community development projects. Mayor LeFevre added that the board consists of about 16 people/agencies including UDOT, County Commissioners, Legislators and others. They provide grants and loans, and have helped with a couple of projects in Toquerville in the past, including the city hall building and the Westfield Road project a few years ago. This application is for some studies to be done – an update to the General Plan, and a Bypass Study. These two projects are looking for CIB money and also funds from the Dixie MPO – transportation board; Mayor sits on the board and Councilmember Ty Bringhurst sits on the advisory board.

Part of the application requires a public hearing to help inform people. The cost for the two project studies will run \$89,000. If the application is approved as the City hopes, the CIB will grant \$44,500, the MPO will grant \$25,000, and the City will pay \$19,500.

Kayde Roberts attended the meeting on behalf of Jones and DeMille Engineering – the company who will do the two projects. He used to work with UDOT and has an understanding of the process. By doing the Bypass Study and the General Plan it is expected that the Bypass Project could move up from the 10-30 year list to the 5-10 year list. These two projects act as triggers for development and the ability to receive grant and loan money from similar agencies.

Mayor LeFevre then read the information sent to him by Gary Zabriski of the 5-County Agency that oversees the CIB process.

Please review this and make sure this gets discussed at the Public Hearing and placed in the minutes:

**SPECIAL NOTE ON WHAT MUST BE STATED AT THE CIB PROJECT PUBLIC HEARING BY THE MAYOR (OR CITY STAFF) AND WHAT THE MINUTES MUST REFLECT WAS STATED:**

An especially important message needs to be EXPLICITLY told to the attendees at a CIB public hearing:

1. The public needs to be informed that while a request for funding as a GRANT may be made to the PCIFB for a particular project, the CIB Board may instead offer to an applicant (i.e. Toquerville City) the CIB funding in the form of an interest bearing LOAN, which would require repayment.
2. The meeting minutes need to clearly show that the above info (in #1) was in fact publicly stated to the public.
3. Please make sure that the preceding sentences were actually stated, and that it is also clearly shown in the minutes.

Then finally:

4. You may also state at the hearing after the above has been stated that in the case of a planning project funding request, such as this one, the CIB Board typically and historically has funded these planning projects at 50% of the project's overall cost as a GRANT. In the case of planning grants from the CIB, the applicant is required to cover the other 50% of the overall cost with the applicant's own funds.

There was brief discussion that the purpose of the requirement was to notify the public that it is possible that the grant will not be awarded, but that the award may be in the form of a loan that would have to be paid back. This application is only a request, nothing is set in concrete. Further comments that if the grant is not awarded, the City has the option of rejecting any other award – that the Council is not interested in any more debt service.

The Mayor reminded that the public hearing was open and the floor was available for any who would like to comment.

There were no further comments.

**Motion to close the public hearing by Councilmember Ellsworth, second by Councilmember Heideman. Motion carried unanimously.**

**F. BUSINESS:**

1. Discussion and possible approval of contract with Jones and DeMille

Council asked what would happen if the CIB and MPO funding was not approved, would the City be tied into this contract? There is a clause in the agreement that states that the contract is contingent upon receipt of all the applied for funding.

**Motion to approve the two contracts with Jones and DeMille for the General Plan and Bypass Study by Councilmember Langston, second by Councilman Fahrenkamp. Motion carried unanimously. Roll Call Vote: Langston- Aye, Heideman – Aye, Ellsworth – Aye, Fahrenkamp - Aye**

2. Discussion and possible approval of CIB Application

**Motion to approve signature on the CIB application for June 1<sup>st</sup> - by Councilmember Langston, second by Councilmember Ellsworth. Motion carried unanimously.**

3. Discussion and possible approval of Ordinance #2016.02 – Impact Fees and Capital Facilities Plan

Discussion that this Capital Facilities Plan was started about a year ago. The public hearing was held last month. This ordinance is the final step to make sure all the requirements are met so that the fees may be applied. Snow stated that the Capital Facilities Plan creates a conversion for Residential Units. He had suggested that the city look at creating a Commercial Unit as well. The Ordinance allows the City to raise impact fees without changing the ordinance if there is a spike in the cost the City bears. There is an instant trigger that adopts the binder that all the proper findings are in place and the public hearing has been held.

**Motion to approve Ordinance #2016.02 – Impact Fees and Capital Facilities Plan by Councilmember Fahrenkamp, second by Councilmember Heideman. Motion carried unanimously.**

4. Discussion and possible approval of Resolution #2016.08 – Fee Schedule Impact Fees, and Standard Building Permit Fee for Swimming Pool Applications.

Last week at the work meeting, John Postert suggested a flat rate for swimming pool building permit costs. The suggested building permit amount was for \$300.00. The final permit cost would include the \$1,000 clean-up deposit for all construction. This resolution includes the swimming pool flat rate and the impact fees as outlined in the Capital Facilities Plan.

**Motion to approve Resolution #2016.08 – Fee Schedule Impact Fees, and Standard Building Permit Fee for Swimming Pool Applications by Councilmember Fahrenkamp, second by Councilmember Langston. Roll Call Vote: Langston- Aye, Heideman – Aye, Ellsworth – Aye, Fahrenkamp – Aye Motion carried unanimously.**

5. Discussion of Ordinance amending percentage of fee recommendation as set forth in ICC valuation data.

John Postert explained that the ICC reviews building valuations a couple of times a year. The City currently charges 60% of the ICC valuation for construction/sq. ft. That is \$112.00 right now – so about \$66.00 for the Toquerville Building Permit Fee. As the City looks at commercial growth in the future, this raise would bring more revenue into the city because commercial buildings are rated higher than residential building.

The body that sets the valuation is part of the ICC but not part of the ICC that sets code. That is on a 3-year cycle, the valuation changes twice a year.

There was a question that the City passed an ordinance approving and updating building code. Counsel Snow read from Title 9-1-2 of the Toquerville City Code.

Discussion that the cost is minimal and will be passed on to the consumer, and may elevate the value of the home at time of sale. There was a feeling that the City is subsidizing the cost of building if fees are not charged high enough. The City can charge less, or more than the suggested valuation. Most cities go less. Toquerville is the lowest of all surrounding cities. Fahrenkamp suggested that 75% would be fair. Discussion that the City has held at 60% for at least three years and probably was that way since the 1980's.

The question was raised as to whether this would need to have a public hearing. Since it is in Code outside of Title 10 – which is Land Use and requires public hearings for everything – it is administrative and can be heard and passed without publication and hearing. Councilmembers agreed that the City should increase the collection percentage at the next meeting.

**Direction to prepare an ordinance to allow the City to charge 75% of Building Valuation ready for the next Council meeting in June.**

6. Discussion and Approval of FY2017 Tentative Budget; Set Public Hearing date

Mayor stated that this budget was presented at the work meeting last week and everything looked good. June Jeffery stated that there were a couple of suggestions that raised the budget by \$15,000, but that everything that had been discussed in work meetings with councilmembers had been worked in. Mayor stated that this is the Tentative Budget that will be presented in June at the next regular council meeting. At that public hearing, the vote will be taken and the Budget will become the Final Budget. June stated that the next regular City Council meeting where the budget will be approved is June 9<sup>th</sup>.

**Motion to Approve the Tentative Budget as presented and to set the Public Hearing Date for the regular City Council meeting in June by Councilmember Langston, second by Councilmember Heideman. Roll Call Vote: Fahrenkamp – Aye, Ellsworth – Aye, Heideman – Aye, Langston- Aye Motion carried unanimously.**

Comment from Annette Kleinman asking that the agenda items be shown on the monitor so that the audience can see what is being discussed.

7. Discussion and possible approval of Resolution #2016.09 – A resolution supporting the HB 362 (2015) authorized 0.25% Local Option General Sales Tax dedicated to Transportation, encouraging the County of Washington to submit the proposal to voters in November 2016.

Mayor informed that this item comes about in response to HB362 that passed last year in the State to allow Counties to charge .25% sale tax option that would be dedicated to transportation. The County has asked that cities show support of the tax by passing this Resolution. It is expected to go to the ballot in the fall.

Snow continued that the B&C Road funds are decreasing because of the number of non-gas vehicles on the roads, but those non-gas vehicles still use the roads and this is a way of collecting road funds. The greater portion of the revenue will go to St. George, but Toquerville should get 1% of that .25%. This is similar to the RAP tax that we now receive and brings in an extra \$12,000/yr.

Discussion that there were some northern cities that approved this last year and have seen the benefit of the tax. This Resolution expresses support to put the item on the ballot in the election in the fall.

**Motion to approve Resolution #2016.09 – with recommendation to the County as listed by Councilman Ellsworth, second Councilmember Fahrenkamp. Vote: Ellsworth, Fahrenkamp, Langston - Aye; Heideman - Nay. Motion carried with three (3) for and one (1) opposed.**

**G. COUNCIL REPORTS AND CITY DEPARTMENTS:**

1. Mike Vercimak – Zoning Administrator  
None
2. Heath Snow – Attorney  
None
3. Ty Bringham - Water Department/Streets/MPO/Emergency Preparedness/Safety Committee  
Absent
4. Keen Ellsworth - Economic Development/Subdivisions/Planning Commission Oversight/Mosquito Abatement:

Ellsworth reported that the Mosquito Abatement is working to keep things controlled. They also reported that there is no Zika Virus in Southern Utah as has been reported in the media. There were 6 mosquitos found 3 years ago that were infected and there have been none since. The way they attract the mosquitos is with a 5-gallon bucket with a pole and a pie tin on the top. There has been some vandalism to the collection buckets. Ellsworth suspects it is because the CO2 in the trap is the same as needed for paint ball guns...The mosquito level is low right now. The agency collects through the property taxes at about \$10.00/yr. per property owner.

Ellsworth is working to do some training with Planning Commission Chair Hawkins. They are working on the BMP Ordinance that will be in public hearing at the May meeting.

Mayor informed that City Council is working to put together an Open Meetings Training in June and would like the planning commissioners to come to the work meeting.

Mayor asked about the Bringham Annexation. Jeffery gave Mr. Bringham the format that Jerry Eves used for the Wind Farm and the excerpt from State Code directing Boundary Adjustments. Snow continued that this is not an annexation because the property in petition is already part of a municipality and so meets the requirements of a boundary adjustment. An annexation would bring in property from the County. Jeffery stated that she suggested they bring an engineer on board to fill the needs of the plats and code. Snow also informed that the applicant will need to meet the costs for both LaVerkin and Toquerville.

5. Mark Fahrenkamp - Park Maintenance/Park Committee/Risk Management/Trails Committee:  
Fahrenkamp discussed Caleen Olsen's request to reduce the cost of league play at the ball field. She is still interested in using the park, but instead of a 12-game season, they would like an 8-game season because they can attract more teams. She wondered if the cost could be reduced. Since the Council would be waiving a fee, it would need to be an action item on the next agenda. There was concern about timing and its effect on the season. All councilmembers in attendance were supportive of reducing the cost, but can't give that approval until it is done. She could go ahead with the plans, and the City could reimburse if there is a reduction.

6. Paul Heideman - Sewer District/Culture and Recreation/Confluence Park:  
The District has been measuring effluence from LaVerkin and Toquerville. They receive about 400,000 gallons/day. They plan to upgrade the system that already exists in the Confluence Park area. Should be finished in 1 ½ years. The District owns 30 acres in the Park. It is expected to be a mechanical plant. They also plan to use wastewater to irrigate down there.

Heideman would like input regarding changing the rules for the Miss Toquerville Scholarship. It has been traditional for the royalty to do a fund raiser to help with their expenses and the scholarship. This year there was no effort to do so. He would like to add into their contract that if there is no fund raiser, there will be no scholarship given. The scholarship is only given to Miss Toquerville. Discussion that the fundraiser may not even be successful, but the City would support and fund them if they made the effort. Councilmembers voiced support of going forward with the changes. Heideman will send the rules to June Jeffery in the office.

7. Brad Langston - Solid Waste/Tree Board/Cemetery/City Hall Maintenance/Beautification Committee:

Langston reported that the recycling is going well, but they are having trouble with people discarding items that create "contamination". The District was fined for the number of contaminants in the containers. The most frequent items are film plastics like bread bags and shopping bags. Other items not allowed are oils, tires and batteries.

Langston sent a letter this week to the DNR regarding the Tree City Grant that was awarded late in the year and won't be expended before the fiscal year is over. He asked for an extension. He reported that those who looked at the project on Toquer Estates believe that it will work well to place stone along the bottom, and terrace with trees planted in the terrace. They are waiting for the extension before moving ahead.

The cemetery is looking good. Staff put together a notice that will let those who are out-of-compliance with gravesite area planters etc. The notice also states that the City will remove decorations on June 9<sup>th</sup> after Memorial Day. Langston's contact information is on the notice.

Langston would like to approach using the Perpetual Fees to purchase the 1-acre parcel to the south of the cemetery that is owned by Naegles, to extend the cemetery.

8. Mayor LeFevre - Fire District/Irrigation Board:

The Fire District is growing because of the population growth. They are looking to hire more employees and cost is going up. They have a level of expectation of service and are possibly looking at a Truth in Taxation hearing.

WCWCD is looking at purchasing Toquerville City excess culinary water. They will have a public hearing on May 31<sup>st</sup> to raise rates from .84c to .94c/1000 gallons. Mayor has talked with Tina about the possible cost Toquerville will charge for its chlorinated water. There isn't a commitment at this point as far as how much, but it is highly expected that they will purchase water they have already been using – retro-active 2 years. The City is currently using only 1/3 of its water right, the rest goes to "waste". The City isn't selling its water – injuring its citizens – this is extra water. The amount will be calculated at the end of the year and the WC WCD will pay then. Ellsworth complimented the Mayor for monitoring and being aware enough to ask the right questions. Snow suggested setting the money aside to purchase more water right. Mayor sees this also as a way to replace water equipment like tanks. He reflected that the City has been able, in the last couple of years, to track loss – from 65% loss to about 20%. He also said that working with the WCWCD this way, as the City needs the water it comes back to us.

**H. REQUEST FOR AGENDA ITEMS for Future Meetings**

Mayor gave direction to staff to make it possible to show the agenda items on the big screen for the audience. Possibly inviting Lance Gubler to dropbox to receive the items.

1. Requested agenda items to be heard at the June 2, 2016 City Council Work Meeting:  
Open Public Meeting Training; BMP Zone Ordinance Change; ICC Valuation 75 %; Ball Park Fee Waiver.

2. Requested agenda items to be heard at the June 9, 2016 City Council Regular Meeting: FY2016 Budget Amendment; Approve FY2017 Final Budget; Certify Mil Levy; Items from work meeting.

**I. POSSIBLE EXECUTIVE SESSION:**

None

**J. ADJOURN: 7.21 p.m.**

Minutes Approved June 9, 2016

---

Mayor Signature

ATTEST:

---

Toquerville City Recorder – Dana McKim