



TOQUERVILLE CITY COUNCIL
City Council Regular Work and Special Business Meeting
September 6, 2018 at 6:00 p.m.

Held at 212 N. Toquerville Blvd, Toquerville Utah

Please Mute Cell Phones

Council and Staff Officials Discussion Only

BUSINESS MEETING

A. CALL TO ORDER:

1. Call to Order-Mayor Lynn Chamberlain; Pledge of Allegiance-Councilmember Keen Ellsworth
Invocation-Councilmember Justin Sip
2. Disclosures and Declaration of Conflict from Councilmembers
3. Requests for Statements of Belief

B. CONSENT AGENDA:

1. Review and Possible Approval of CC Work Meeting Minutes from August 2, 2018 and CC Regular Meeting Minutes from August 9, 2018.
2. Review and Possible Approval of City Expenditures from August 2018.

C. STAFF REPORTS AND UPDATES:

1. Ash Creek Sewer District Representative
2. Hurricane Valley Fire District Representative
3. Planning Commission Representative
4. Public Works Director, Lance Gubler

D. BUSINESS: Council Discussion followed by public input after each item.

Please limit 90 seconds per person and two minutes per organization.

1. Discussion, Appointment, and Consenting Vote of Two Vacant Alternate Planning Commissioner Positions.
2. Discussion and Possible Action on a Street Improvement Deferral Agreement Application for Property Parcel T-ACM-2-A; Applicants Justin and Tiffany Douglas.
3. Discussion and Possible Action on a Street Improvement Deferral Agreement Application for Property Parcel T-SDE-1; Applicants Shaun and Teila Huntsman.
4. Discussion and Possible Action of Rocky Mountain Power Street Lighting Facilities Purchase and Sale Agreement.
5. Discussion and Possible Action of Ordinance 2018.XX - Special Event Business License.

E. COUNCIL REPORTS AND CITY DEPARTMENTS:

1. Justin Sip-Solid Waste/Mosquito Abatement/Tree Board/Trails/Parks
2. Keen Ellsworth-Economic Development/Fire
3. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC
4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park
5. Alex Chamberlain-PC Liaison/Beautification Committee/Cemetery/Risk Mgt./City Hall Maintenance
6. Mayor Chamberlain-TSWS/EMC/DTEC

F. ADJOURN:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Dana McKim at the City Office 435.635.1094, at least 48 hours in advance. This Agenda will be posted on: the State website at <http://pmn.utah.gov>, on the Toquerville City website at www.toquerville.org posted in four places at least 24 hours in advance of this meeting. The four places are: (1) City Office Board; (2) Toquerville Post Office Kiosk; (3) Cholla Park Kiosk; (4) Westfield Road Kiosk, and sent to the Spectrum Newspaper. Posted this August 31st, 2018 by the Toquerville City Recorder, Dana M. McKim.



TOQUERVILLE CITY COUNCIL
City Council Regular Work Meeting Minutes
August 2, 2018, at 6:00 p.m.
Held at 212 N. Toquerville Blvd, Toquerville Utah

Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Paul Heideman, Alex Chamberlain; Staff: Treasurer June Jeffery, Public Works Director Lance Gubler, Recorder Dana McKim; Others: Ash Creek Special Service District Representative-Darrel Humphries, Hurricane Valley Fire Department Representative-Merlin Spendlove; Public: Jeff Fry, Gregg Leiby, Dan James, Greg Turner, Manning Butterworth, Kay Chamberlain. Excused absence: Councilmember Keen Ellsworth and Ty Bringhurst

A. CALL TO ORDER:

1. The meeting was called to order at 6:00 p.m. by Mayor Lynn Chamberlain; The Pledge of Allegiance was led by Councilmember Justin Sip, an invocation offered by Councilmember Alex Chamberlain. There were no disclosures, nor conflict declarations from Councilmembers. There were no statements of belief pronounced.

B. PRESENTATION:

1. Valerie King from the Daughters of the American Revolution - Color Country Chapter gave a brief history of their organization and requested a resolution of support to recognize Constitution Week. This year the week will be honored September 17-23rd. A copy of three different proposed resolutions was given to staff as examples. The resolution will be prepared and submitted to the council for possible approval at the next City Council regular business meeting.

C. STAFF REPORTS AND UPDATES:

1. Ash Creek Special Service District Representative-Darrel Humphries:
At the last board meeting, a new capital facilities plan was adopted and will be in effect October 25th. The district will begin working on some bigger projects in the bench lake area and anticipate the growth along the SR7 area.
2. Fire District Representative-Merlin Spendlove:
In the last few months, they responded to 14 medicals in July and 5 fire calls, some were alarm based incidents. There was a vehicle fire on Westfield road with no injuries.
Councilmember Sip inquired about the Springdale transition. Merlin believed once they receive the manpower needed for the transition things will be easier to cover. The district is in need of paramedics and EMT's. Each time a call out is paged out the fire department has to cover the valley. The transition has spread emergency services thin. The department is staying busy and each year their call volume is increased.
3. Planning Commission Representative Alex Chamberlain:
The last meeting the commission discussed the appeal Authority changes from 5 member board of adjustments to a single appeal authority. There was a lively discussion and the commission recommended approval but specifically wanted to inquire about the vetting process for the person chosen for the position and who assumes liability for the decisions made. Is the city liable, the

person, or if chosen from a law firm, does the firm assume liability. Attorney Snow will be asked to further describe the process at the next upcoming meeting.

The regular August Planning Commission will be rescheduled for August 29th.

4. Public Works Director, Lance Gubler:

Gubler had a slide show presentation prepared but the power went out and was unable to show the council pictures of projects and work performed.

The crew took nine trees were taken out of the ground on Ash Creek Drive. Fortunately, Toquerville was able to borrow a chipper shredder from LaVerkin. They also pulled out some dead trees and deadfall from the Trail Ridge Estate area. Heideman asked how the bark was disposed of. Gubler said a lady approached the city and all the mulch was taken by one individual.

Alpha Engineering gave the city a quote for the reinforcement project of the Old Church Bridge in the amount of 33,000.00-36,000.00.

Gubler would like to discuss in the near future water rates of the Anderson Junction area.

Gubler gave a brief report of a possible new project located on the south end of Toquerville, which is all-encompassing of 60 acres near the Lichfield property. Their desire was to create a roadway to a single residence. They have staked the center line of the road. The developer stated there were future plans of connecting their road into the bypass road. The developer is willing to install all the curb, gutter, and sidewalk improvements. No official plans or application has been submitted to the city as of this date. They did discuss water lines and whether or not the line will need to be looped. Gubler stated the city budgeted \$6900.00 for a GIS system. The system will allow the public works department to find water meters and valves in a database format.

The City tender truck needs to be sandblasted and recoated on the inside of the tank due to rust buildup. The improvement will extend the life of the equipment by approximately thirty years. Gubler spoke with Lynn Excel from Hurricane about obtaining a CERT Trailer. The trailer would help house and transport sandbags, pumps, and various emergency response equipment for natural and man-made disasters.

The crew mitigated a drainage concern on SR7, near the Mangum/Gilbert property. A 12" drainage line was installed to help with the reoccurring flooding problem.

Gubler gave a brief report about the future Toquerville Reservoir. He recently spoke with BLM. There was a new design configuration for the campsites. The Bureau of Land Management (BLM) will keep the City of Toquerville in the loop regarding the future project. They now have some email contacts from city employees to update us on their progress. The districted gave the city a quote for a projected pump station and grinder to be installed for the restrooms at the reservoir. Toquerville will work with the district for the installation of a sewer line and pump station.

The Utah Trust came down for an inspection and suggested 20 changes should be done to reduce liability. A few suggestions were given about placing bark material underneath the playground equipment for fall zones. They found several sidewalk trip hazards. The standard of a trip hazard is a vertical separation of ¼ inch. They suggested all tree limbs over a sidewalk, which are under 7 feet should be removed.

New barn doors, otherwise known as lighting shields were purchased and installed on the north end welcome sign to direct lighting so it will conform to the city dark sky ordinance.

Gubler stated during his five-year career with the city he had only one main line breakage. In the past couple of weeks, he and his crew have had to fix three main water line breaks. He believed the breaks were a result of improper installation. The trench lines not properly bedded, over time large rocks will rub on the line and breach the integrity of the pipe causing leaks. The leaks occurred on Old Church Road, Staghorn Drive, and out near the chlorinator.

**D. BUSINESS: Council Discussion followed by public input after each item.
Please limit 90 seconds per person and two minutes per organization.**

1. Oath of Office for Newly Appointed City Councilmember: Alex Chamberlain
Alex Chamberlain was sworn in as a Toquerville City Councilmember to serve on the board until December of 2020. He replaced the open seat originally held by Councilmember Mike Ruesch, who vacated his position in June of 2018.
2. Discussion of City Council Special Board Appointments and Responsibilities:
The council reassigned city council assignments due to the new appointment of Councilmember Alex Chamberlain. Councilmember Sip requested to be in charge of the Tree Board, the Trails Committee, and the City Parks. Alex Chamberlain agreed to be the new Planning Commission Liaison, direct the Beautification Committee, the Toquerville Cemetery, and take care of the needs regarding risk management and city hall needs. Commission Ellsworth will still be in charge of economic development and the fire district liaison. Councilmember Bringhurst will continue with the water department, streets, serve on the MPO, TSWS, and DTAC boards. Mayor Chamberlain will also serve the TSWS and DTEC boards, and serve as the Toquerville Emergency Management Coordinator (EMC).
3. Discussion of Planning Commissioner Appointment:
Mayor Chamberlain suggested the council email suggestions of viable applicants to fulfill the vacant Planning Commissioner seat. A closed session to discuss the character, professional competence, or physical or mental health of an individual will occur at the upcoming city council regular business meeting.
Mayor Chamberlain informed councilmembers the ULCT (Utah League of Cities and Town) conference will be held the second week of September. Since the second week is when the council holds their regular business meeting he suggested the work meeting and business meeting should be combined and business conducted on September 6th. Councilmember Chamberlain will be out of town and will be unable to attend. The council agreed to the recommendation.
4. Discussion of Rocky Mountain Power Street Lighting Facilities Purchase and Sale Agreement
Jeffery gave a report and explanation of the proposed sale agreement. The agreement will require the city to purchase street lights where only lights are present. The city will be responsible for the LED light and arm, and wiring attached to the pole. Rocky Mountain Power will give a price reduction for the lights owned by the city. Power poles the city currently owns are in the Zion view estates, a few on Peachtree and in the Trail Ridge Estate area. The city will be responsible for the maintenance of the newly purchased poles. Rocky Mountain Power submitted a purchase price for the poles in the amount of \$21,000.00. Mayor Chamberlain asked what the price would be per pole. Gubler offered to perform an inventory check prior to the purchase of the agreement. He would like someone from Hurricane's power company to evaluate the conditions of the lines and the poles to present it to Rocky Mountain Power.
5. Discussion of Ordinance 2018.XX - Appeal Authority Replacing the Board of Adjustment (PC recommended 5-0):
Mayor Chamberlain gave a brief description of the board of adjustment responsibilities. Due to the infrequent number of appeals and the hardship of training the members, an alternate approach was suggested. The alternate suggestion was to hire a single person that may or may not be a resident of Toquerville, and may or may not be a professional through an attorney's office. The mayor pointed

out the pros and cons of changing the process. Jeffery explained some of the ways an appeal process occurs.

Manning Butterworth asked if the appeal authority is a natural person or an entity. The appeal authority would be a named individual. The appointed person will serve a two-year term. At any point, the city may release or appoint a new individual.

6. Discussion of Ordinance 2018.XX - Special Event Business License:
Councilmember Chamberlain gave his opinion the ordinance forbids every event except a specific list of events. He suggested the list should include events that would require a permit. If abuse starts to occur he suggested an ordinance could be drafted to make changes. He believed the ordinance philosophically comes from the wrong direction. Mayor Chamberlain suggested councilmembers should email a list of events to the city recorder to submit to the city attorney. He asked if the city recorder could email the attorney to see if any revisions were done to include Chamberlain and Butterworth's suggestions from last month's meeting.
7. Discussion of Resolution 2018.XX Personnel Policy Amendment Toquerville Employee Medical Stipend:
Jeffery gave a report on the proposed resolution. A resolution would institute a \$300 stipend per month per employee in lieu of medical insurance. The total budget for the rest of the year would cost approximately \$15,000.00. The resolution was read by Jeffery during the meeting. Mayor Chamberlain suggested the water and sewer district provide full benefits for their employees and offering this benefit would be a way to keep city employees.
Gregg Leiby asked if the money obtained would be put into a health savings account and inquired about the stipend being pre-taxed. Jeffery stated the money would not be put into a specific account. He also didn't think the benefit would keep employees from seeking employment elsewhere.
8. Discussion of Resolution 2018.XX FY2018 Fund Transfer Within the General Fund:
The amendment would cover an overage of the building inspection wage. Around April or May, the budget is projected and isn't final until June. The building inspector went over budget by approximately \$300.00. Jeffery suggested to move \$1000.00 from the general fund to cover the building inspection professional service. Sip suggested if Toquerville should train a current full-time city employee as a building inspector to cover the building inspections. Staff suggested such a position could be created to cover a city manager position with building official inspections.
9. Discussion of South End Toquerville Welcome Sign Expenditure:
Councilmember Keen Ellsworth will present the item at the regular business meeting.
10. Discussion of Old Church Bridge Road Bridge Reinforcement Expenditure:
The state rated the bridge needs to be reinforced to bear the load of a cement or large truck. To modify the bridge will cost approximately \$36,000.00. Jeffery suggested when the motion is made to approve it in the amount of \$40,000.00 to help cover any overages.
11. Discussion of Toquerville Culinary Water Rates:
Gubler suggested the city should anticipate the future growth for Anderson Junction and create water rates since the water will come from a different water right and will be purchased directly from the district. The rates should make sure they cover the yearly operation and maintenance costs. Jeffery suggested a third tier could be created. The city currently charges \$36.21 for up to 10,000 gallons of culinary water. A \$4.00 charge per 1,000 gallons used over 10,000 gallons is the second tier. The third tier of \$6.00 per 1,000 gallons of usage over 30,000 gallons is charged to the customer. Future

water project the council may want to plan for was the replacement of the water tank on Spring Drive. It was suggested two rates for two different sources of water could be instituted.

12. Discussion of October 5th -8th / Fall City Cleanup Days:

Mayor Chamberlain would like to institute a community-based clean-up committee to tidy different areas of Toquerville for each subscribed cleanup day. The days set up will conflict with many individuals attending or turning into General Conference. He suggested a second cleanup day should be set up. The first project would focus on Toquerville Boulevard. Subsequent days would address the Heights area, Anderson Junction, and the Westfield area. The upcoming event will have dumpsters placed at various locations. The dumpsters will be placed at the following locations: one in Toquerville Heights near the newly placed post office boxes, one at the center street park, one at the trail ridge estate park, and two in the Westfield area-one on sunset and one on Grassy Lane. Manning Butterworth asked Gubler about the Toquerville pocket park project which runs alongside Shangri-La. The mini-park was created and showcases several beautiful trees, but unfortunately with the installed water line to the area has created a bit of a large sagebrush problem. He suggested if the citizens in the area could clean it up and chop out the weeds where would they transport the debris. There was a brief discussion about future clean up days and how to incentivize property owners to improve or clean up the frontage of their yards. It was suggested sometime in September or October the city could facilitate a service type project. The city would provide breakfast for patrons or volunteers who bring in filled bags of garbage collected from the designated cleanup project area. The group discussed the ownership and responsibility of the Toquerville Boulevard right of way.

E. COUNCIL REPORTS AND CITY DEPARTMENTS:

1. Justin Sip-Solid Waste/Mosquito/Risk Management/City Hall Maintenance
Sip commended the mosquito abatement in doing an awesome job this summer. He hasn't seen any in his area. If citizens do see mosquitos please contact him and they will get a team deployed to assess the area.
He recently attended a solid waste meeting and the district is losing money on the blu-can program. Every month more money is approved to subsidize the program and maintain the contract signed by the district.
2. Keen Ellsworth-Economic Development/Fire: Absent
3. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC: Absent
4. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:
Bed and Breakfast establishments and short-term rentals were put on commercial sewer rates. The district established their rates by the water used by the homeowners and did not take into account the homes where culinary water is used to water outdoor landscaping. In these instances, the usage would not be a true calculation of sewer usage. They are looking into giving a credit to homeowners where secondary water is not offered and they may receive a discount on their sewer rate.
5. Alex Chamberlain: No report given.
6. Mayor Chamberlain-TSWS/EMC/DTEC

F. ADJOURN:

The meeting was adjourned by Mayor Chamberlain at 7:37 p.m.

Mayor - Lynn Chamberlain

Date

Attest: City Recorder - Dana M. McKim



TOQUERVILLE CITY COUNCIL
City Council Regular Business Meeting Minutes
August 9, 2018, at 6:00 p.m.
212 N. Toquerville Blvd, Toquerville Utah

Present: Mayor Lynn Chamberlain; Councilmembers: Justin Sip, Keen Ellsworth, Ty Bringhurst, Alex Chamberlain, Paul Heideman; Staff: Public Works Director Lance Gubler, Treasurer June Jeffery, Recorder Dana McKim; Others: Zoning Official Mike Vercimak, City Attorney Heath Snow; Public: W. Jake Peart, Chuck Williams, Than Nagle, Alan Wright, Jodi Turner, Greg Turner.

A. CALL TO ORDER:

The meeting was called to order by Mayor Chamberlain at 6:02 p.m. The Pledge of Allegiance was led by Councilmember Keen Ellsworth and an invocation offered by Councilmember Paul Heideman. There were no disclosures or conflict declarations from council members, nor belief statements expressed.

B. CONSENT AGENDA:

1. Review and possible approval of the City Council Work Meeting Minutes from July 5, 2018, City Council Regular Meeting Minutes from July 12, 2018, and City Council Special Meeting of July 26, 2018.
2. Review and possible approval of City Expenditures from July 2018.

Councilmember Alex Chamberlain would like a revision to the meeting minutes on July 12, page 3 to reflect he wanted to include a short list of events to require a special permit rather than institute an exclusionary rule in the proposed ordinance.

Councilmember Keen Ellsworth made a motion to approve the consent agenda items with the proposed changes to the July 12, 2018 meeting minutes as stated by Councilmember Chamberlain. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 4-0. Roll Call Vote: Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye. Justin Sip-Absent.

C. CITY DEPARTMENT REPORTS:

1. Zoning Administrator, Mike Vercimak:

Mr. Vercimak gave a brief report about the property being developed by Carson Jones on the south end of Toquerville. Mr. Jones asked if he needs to obtain a grading permit. He was told he will need to apply for a permit. Vercimak is expecting to view a set of engineered plans for a road and copy of an easement from Mr. Westbrook to be submitted to the city in the near future. The plans will need to show the cuts and fills, and the width and length of the road.

Alan Wright, a representative to the owner of the property spoke on behalf of the project. The drawings are being drafted by the Bush and Gudgeon Engineering Firm at the present moment. Mr. Jones will be excavating the land for the property owner. Wright will relay the information needed for the roadway to the property owner. A second staking may occur in the near future. Councilmember Heideman asked Vercimak about how roads are approved and when is a grading permit required by the city. Bringhurst believed a permit would be needed because the roadway will cross another property owner's land. Vercimak would like a legal access obtained for the roadway.

Jeff Fry approached Vercimak about his property and the desire to split the land into three separate parcels. The building was originally purchased by Fry and was an illegal nonconforming property. They discussed with him regarding their options of how the land may be legally subdivided. Since the lot would be split into three sections it would not qualify as a simple subdivision. The lot splits will have to be carefully developed to provide each lot with adequate road right of way.

Attorney Heath Snow entered the room at 6:14 p.m.

A private road may be granted the city council. He asked the council if they would be willing to approve a subdivision where a private road is established. The road will be approximately 250-275 feet long.

This property is the old Bruggeman home in the Cholla subdivision but is not a part of the subdivision. There are two homes located on a single parcel. The process the applicant will need to pursue this option will include a zone change, a preliminary and final plat, but wanted to get a feel from the council if the council would be willing to approve a subdivision with a private drive. One of the lots will front Cholla Drive and will have a frontage of 100 feet. The other two lots will front the private road. The fire district will need to evaluate the development to make sure they have access to fire hydrants. There was a brief discussion of different road width requirements and what the property would require.

Councilmember Justin Sip entered the room at 6:17 p.m.

Mr. Bringhurst would like to support this development and is near his backyard. The lot is a large lot that will probably be the future of a weed patch. He would like the lot to be split so it may be more manageable for the homeowners. Vercimak stated the meter will be set on Cholla Drive and each home will have water and utilities ran to each individual home. Gubler suggested since it would create a new subdivision curb, gutter, and sidewalk improvements would need to be installed.

Mayor Chamberlain asked the council if it was the common consensus of the council for Mr. Vercimak to tell the Fry family they may proceed with their proposed subdivision plans. The council was in agreement to proceed ahead.

A second pre-construction meeting for the Ash Creek Overlook-Self Help Home subdivision will be scheduled for August 14, 2018, at 5:00 p.m. They recently changed their contractor and it would be wise to schedule a second meeting.

2. Planning Commission Representative-Greg Turner

The commission approved the ordinance replacing the board of adjustment for a one person appeal authority with a few questions for the council. They wanted to know who would assume the liability for decisions made and what the vetting process would be in obtaining an appeal authority.

A special meeting with two planning commissions, two councilmembers, the mayor and the city attorney will occur in the near future to discuss the changes to the short-term rental ordinance.

3. Hurricane Valley Fire Department Representative:

No report was given, as the representative was absent.

4. Public Works Director, Lance Gubler:

The city received a traffic complaint of a road hazard on the Westfield Road. Mr. Theobald requested the roadway on the s curve near his home to be striped and end at the bridge. He stated on several occasions people are crossing the center of the roadway traveling both southbound and northbound.

Mayor Chamberlain asked if Gubler is ready for the chip and seal project. He was contacted by Ron Whitehead the dirt from the recent flood needs to be cleaned off for the cracks to be sealed properly. The project is ready to go and if there is any leftover material he would like to chip seal the road from Ash Creek down to the city park. He would like a letter sent from the city to the county thanking for their cooperation with the project. The material purchased from the county made it affordable to resurface many roads in Toquerville. He explained how much money was saved by using the county versus a contractor. Jeffery will draft the letter.

5. Attorney Heath Snow:

Snow asked about the special event permit ordinance. He inquired if it was the desire of the council to create a short list of events to require a permit or use a list of exceptions. There was a brief discussion of if the permit would be required any time someone is using city property for commercial purposes and if the event is a re-occurring a permit would be needed. It was also suggested if the event exceeds 500 people they would need to get a permit.

Councilmember Chamberlain would prefer the ordinance state a short list of events where a permit would be required. The council would rather take a lenient approach, rather a stance of blanket prohibition with some exclusion. There was a brief discussion about baseball rentals, fundraiser projects, and different scenarios. The reason for the ordinance was to protect risk liability, increase safety, and keep city officials notified of upcoming events.

D. PUBLIC FORUM:

Limit three (3) minutes per person; please address the microphone and state full name and address.

Than Naegle from Toquerville Blvd:

He wanted to thank the council for the County Fair Grand Marshall appointment. The event had a good turnout and he was able to see people he hadn't seen in years. He prayed for cloud cover and rain for the parade. During his conversations, he spoke with a water conservancy district representative, Zach Renstrom. Mr. Naegle was disturbed to find out most of the complaints to the district originate from Toquerville area citizens about the secondary pressurized water system. The district maintains the secondary water system and is the best possible system anywhere in the county. He would like that type of negative rhetoric toned down. He reminded everyone, the agreement was for a thirty-year contract and the city is twenty years into the contract. He asked if the district decides to not renew the contract where does that leave Toquerville? The stockholders were paid in cash for their water shares. Ron Thompson did not steal water from Toquerville. The district purchased the water. He encouraged members of Toquerville to not bad mouth the district. Mayor Chamberlain thanked Mr. Naegle for his comments.

Councilmember Alex Chamberlain made a motion to enter into a closed session for the discussion of the character, professional competence, or physical or mental health of an individual. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Vote: Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Paul Heideman-aye, Alex Chamberlain-aye.

The regular meeting ended at 6:46 p.m.

E. POSSIBLE CLOSED SESSION:

Discussion of the character, professional competence, or physical or mental health of an individual.

The closed session was opened at 6:46 p.m. and ended at 7:03 p.m. Members present were Attorney Heath Snow, Councilmember Paul Heideman, Councilmember Alex Chamberlain, Mayor Lynn Chamberlain, Councilmember Ty Bringhurst, Councilmember Keen Ellsworth, Councilmember Justin Sip, Treasurer June Jeffery, Public Works Director Lance Gubler, and Recorder Dana McKim.

Councilmember Ty Bringhurst made a motion to enter back into regular session. Motion was seconded by Councilmember Paul Heideman. Motion unanimously carried 5-0. Vote: Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Justin Sip-aye.

The regular session was back in session at 7:04 p.m.

F. BUSINESS:

1. Discussion and Possible Action on Planning Commissioner Appointment:

Mayor Chamberlain made an appointment to replace the vacancy of Councilmember of Mike Ruesch to be fulfilled by Chuck Williams. Consenting Vote: Keen Ellsworth-aye, Ty Bringhurst-aye, Paul Heideman-aye, Alex Chamberlain-aye, Justin Sip Aye. Mayor Chamberlain will approach two people to serve as alternates on the Planning Commission. Tentatively those two individuals will be appointed at the September 6th meeting date. Snow suggested the alternates are numbered to clarify the order of which appointed member will be seated, i.e. one and two.

2. Discussion and Possible Action on Rocky Mountain Power Street Lighting Facilities Purchase and Sale Agreement:

June Jeffery explained how Rocky Mountain Power evaluates the price of each pole. Toquerville initially installed LED lights on power poles in the city jurisdiction after the city received information the city owned the poles. This initial information was incorrectly given. The original lights were removed and disposed of. Jeffery gave a brief of the proposed pricing of the poles. The city will purchase the poles where only lights are attached to them. Ellsworth asked what the benefit for the city to purchase the power poles. The benefit would be the energy savings and future expenditures of keeping the LED lights. If the city doesn't purchase the poles the city would be required to restore the lights to the original condition. Councilmember Chamberlain asked if there was room for negotiation for the replacement of the luminaires. After discussion of wooden pole discrepancy and terms of maintenance, and equipment restoration responsibility it was suggested a representative from Rocky Mountain power should meet with the mayor, the public works director, and the treasurer to discuss the equipment and the agreement. Mayor Chamberlain, councilmembers Ty Bringhurst and Keen Ellsworth will meet on August 23, 2018, with a Rocky Mountain Power representative to discuss the agreement.

Councilmember Justin Sip made a motion to table the item until September. Motion was seconded by Councilmember Ty Bringhurst. Motion unanimously carried 5-0. Vote: Alex Chamberlain-aye, Paul Heideman-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

3. Discussion and Possible Action on Ordinance 2018.XX Special Event Business License:

Councilmember Alex Chamberlain made a motion to table the item until next month when the resolution may be modified by the city attorney. Motion was seconded by Councilmember Paul

Heideman. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Ty Bringhamst-aye, Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth

4. Discussion and Possible Action on Ordinance 2018.XX Appeal Authority Replace the Board of Adjustment (*PC recommended 5-0*):

The Planning Commission wanted to know who would be liable for the decisions made by the appeal authority and how the vetting process would occur.

Snow advised the appeal authority is still considered a body of the city government and would have some governmental immunity. Their decisions may be appealed, just like a board of adjustment panel, and if could be sued personally. He suggested the appointment of the person could be sent out as a request for proposal. There are a handful of municipal attorneys in southern Utah who are well versed in municipal law. Snow will send the proposal to the city recorder. Applicants should be notified the application fee may not cover other professional fees incurred by the city during a variance. Councilmember Chamberlain felt like every time public comment had occurred on the item there was reservation to dissolve the board of adjustment. He suggested the fee should be affordable. Jeffery suggested the application fee could be less, but the applicant should know other fees could be incurred by other professional services. The pros of obtaining a one person appeal authority were the individual is usually a law-trained appeal authority where more efficient decisions are more and are less expensive. Their decisions are made by the findings of facts and conclusions of law. The decisions made are usually more refined and less expensive for the applicant and appeals to the city. Another pro would be the authority is trained and does not require the city to be responsible for training. Sip suggested it would be more affordable to adopt an appeal authority, rather than continue to educate a five-person board of adjustment.

Councilmember Justin Sip made a motion to approve Ordinance 2018.05 to replace the board of adjustments with a one person appointed appeal authority. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 5-0. Vote: Keen Ellsworth-aye, Alex Chamberlain-aye, Justin Sip-aye, Ty Bringhamst-aye, Paul Heideman-aye.

5. Discussion and Possible Action on Resolution 2018.XX Personnel Policy Amendment-Toquerville Employee Medical Stipend:

Councilmember Sip would like to provide this benefit to the full-time employees.

Councilmember Justin Sip made a motion to approve Resolution 2018.13 to modify the personnel policy amendment to grant a medical stipend to each employee. Motion was seconded by Ty Bringhamst. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Paul Heideman-aye, Alex Chamberlain-aye, Keen Ellsworth-aye, Ty Bringhamst-aye.

6. Discussion and Possible Action on Resolution 2018.XX FY2018 Fund Transfer Within the General Fund:

Jeffery suggested the council approve a fund transfer of \$1000.00 from account 10-45-300, the general fund to cover account 10-59-100, the building inspection expenditure. Building inspections exceeded the budget in the amount of \$630.33. The council is unable to open the budget back up but a fund transfer is allowed.

Councilmember Ellsworth made a motion to approve Resolution 2018.14 to transfer \$1000.00 from account 10-45-300 to 10-59-100 to cover building inspections. Motion was seconded by

Councilmember Sip. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-aye. Motion unanimously carried 5-0.

7. Discussion and Possible Action on Resolution 2018.XX Constitution Week Proclamation:

Councilmember Justin Sip made a motion to approve Resolution 2018.15 to support the Constitution Week Proclamation. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman.

Councilmember Ellsworth wanted documented on the record, "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The quote was from the Second Amendment of the United States Constitution. Ellsworth stated he was a constitutionalist.

8. Discussion of Toquerville Culinary Water Rates:

The Rural Water Association agreed they will present some current information to the staff and council for proposed future water rates once they obtain the data.

Councilmember Ty Bringhurst made a motion to table the item until further information is obtained. Motion was seconded by Councilmember Alex Chamberlain. Motion unanimously carried 5-0. Vote: Paul Heideman-aye, Keen Ellsworth-aye, Justin Sip-aye, Alex Chamberlain-aye, Ty Bringhurst-aye.

9. Discussion and Possible Action of South End Toquerville Welcome Sign Expenditure:

The expenditure is for the purchase of a double-sided welcome sign to be erected on the south end of the Toquerville. Councilmember Heideman did not like the artistic rendition of the Smith Mesa on the top of the sign. The illumination of the sign is not inclusive in the bid. The bid was in the amount of \$23,082.00. Jeffery suggested the motion be increased so the council doesn't have to approve added costs to incur during the project.

Councilmember Ty Bringhurst made a motion to approve the expenditure of the welcome sign not to exceed the amount of \$25,000.00. Motion was seconded by Councilmember Keen Ellsworth. Motion carried 4-1. Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Alex Chamberlain-aye, Paul Heideman-nay.

10. Discussion and Possible Action of Old Church Road Bridge Reinforcement Expenditure:

The city received a quote from Alpha Engineering in the amount of \$35,000.00. Gubler and Bringhurst discussed the future layout of the bypass road and the possibility of Old Church Road would connect to the bypass road. There was a discussion about a possible connection on Center Street, rather than Old Church Road. With the time frame in mind of the future widening of the road, Bringhurst believed the bridge should be reinforced.

Councilmember Ty Bringhurst made a motion to approve the Old Church Road Bridge reinforcement expenditure not to exceed \$36,000.00. Motion was seconded by Councilmember

Paul Heideman. Motion unanimously carried 5-0. Roll Call Vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

Councilmember Bringhurst directed Gubler to coordinate construction to occur this next winter during the slow season.

11. Discussion and Possible Action of Fall City Cleanup Days:

Mayor Chamberlain suggested a second date where a community-based cleanup crew will offer assistance to tidy up properties alongside Toquerville Boulevard. Bringhurst suggested the city could pay for three dumpsters to be delivered the first week of November in addition to the regular fall cleanup days. The regular cleanup day is scheduled October 5-8th. Mayor Chamberlain would like someone from the city council to contact the boulevard owners and let them know what the proposed project is and when it will occur. McKim suggested future cleanup days to occur at different locations throughout Toquerville should occur.

Councilmember Ty Bringhurst made a motion to institute two additional beautification cleanup days, once in the fall and once in the spring where 3 dumpsters will be rented, with an expenditure to not exceed \$1000.00. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Roll Call Vote: Paul Heideman-aye, Alex Chamberlain-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Justin Sip-aye.

G. REPORTS:

1. Justin Sip-Solid Waste/Mosquito/Tree Board/Trails/Park:
No report was given.
2. Keen Ellsworth-Economic Development/Fire:
The sign survey for the south end welcome sign placement was completed. The suggested sign placement will need to be moved north approximately 10 feet and east 3-5 feet so the sign will be placed on the property belonging to the owners in which the city has a signed easement agreement with. Lance will need to go out and mark the location of the sign before the markers are no longer visible.
Gubler wanted Ellsworth to know the Water District went out the proposed reservoir site and had Alpha Engineering do a cost estimate of what it would cost to bring water into the campsite area for water and sewer services. The estimate came out to approximately \$147,000.00 minus installation. The district agreed to purchase the pump and grinder in for sewer services. The city will need to be responsible for running the line into the proposed area. Bringhurst asked who will be responsible for maintenance of the grinder. Gubler believed the sewer district would maintain it.
3. Ty Bringhurst-Water Department/Streets/MPO/TSWS/DTAC:
No report was given.
4. Alex Chamberlain-PC Liaison/Beautification Committee/Cemetery/Risk Management/City Hall Maintenance:
No report was given.
5. Paul Heideman-Sewer District/Culture and Recreation/Confluence Park:
The county fair was a success. Toquerville was the spotlight city and was represented well.

Mayor Chamberlain-TSWS/EMC/DTEC:

Chamberlain asked if the council could discuss the reallocation of city council responsibilities. Justin Sip agreed to release the risk management and city hall maintenance to Councilmember Chamberlain. He was eager to take responsibility for the tree board, trails committee, and the parks. Councilmember Chamberlain will be the future Planning Commission Liaison, lead the beautification committee, budget and address any issues with the cemetery, take care of all risk management and city hall maintenance. Justin Sip offered to attend the ULCT (Utah League of Cities and Town) Conference held September 12-14.

Councilmember Ty Bringhurst made a motion to enter the meeting into a closed session to discuss pending or reasonable imminent litigation and strategy session to discuss the purchase, exchange or lease of real property. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye.

Open meeting closed at 8:28 p.m.

H. CLOSED SESSION:

A closed session called to order by Mayor Chamberlain at 8:33 p.m.

Strategy sessions to discuss pending or reasonably imminent litigation and strategy sessions to discuss the purchase, exchange, or lease of real property.

Councilmember Ty Bringhurst made a motion to move out of a closed session and back into a regular meeting. Motion was seconded by Councilmember Justin Sip. Motion unanimously carried 5-0. Vote: Justin Sip-aye, Alex Chamberlain-aye, Paul Heideman-aye, Keen Ellsworth-aye, Ty Bringhurst-aye

The closed session ended at 9:10 p.m.

I. ADJOURN:

Mayor Chamberlain adjourned the meeting at 9:11 p.m.

Mayor - Lynn Chamberlain

Date

Attest: City Recorder - Dana M. McKim

Report Criteria:

Invoices with totals above \$0.00 included.

Only paid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
General Fund							
10-21180 Construction Cleanup Deposit							
Dianne Price							
784	Building Deposit Refund	4633	4633-1310 S Grand Canyon Park	08/20/2018	1,000.00	1,000.00	08/20/2018
Cheney Construction							
784	Building Deposit Refund	4642	4642-340 W Lake Lane	08/20/2018	1,000.00	1,000.00	08/20/2018
Almond Heights LLC							
784	Building Deposit Refund	4654	4654-1185 S Mulberry Drive	08/07/2018	1,000.00	1,000.00	08/09/2018
Stan Dutton							
784	Building Deposit Refund	4673	4673-1512 Cholla Creek	08/09/2018	1,000.00	1,000.00	08/20/2018
Paradise Design							
784	Building Deposit Refund	4676	4676-1192 S Westfield Rd-Pool	08/20/2018	1,000.00	1,000.00	08/20/2018
Woody Bean							
784	Building Deposit Refund	4687	4687-862 S Peachtree Drive (sola	08/30/2018	1,000.00	1,000.00	08/30/2018
Total :					6,000.00	6,000.00	
Administration							
10-45-230 Travel & Training							
Dana McKim							
914	Dana McKim	08282018	ULCT Conference Travel Reimbur	08/28/2018	376.10	376.10	08/30/2018
John Williams							
951	John Williams	08282018	ULCT Convention Travel Reimbur	08/29/2018	376.10	376.10	08/30/2018
Justin Sip							
590	Justin Sip	08282018	ULCT Convention Travel Reimbur	08/28/2018	376.10	376.10	08/30/2018
10-45-270 Internet & Phone Service							
Executech							
855	Executech	65841	Website Creation & Support	07/31/2018	49.00	49.00	08/20/2018
TDS - BAJA Broadband							
482	TDS - BAJA Broadband	08112018	Internet Service	08/22/2018	177.78	177.78	08/28/2018
Verizon Wireless							
554	Verizon Wireless	9811887585	GUBLER-CELL	08/01/2018	106.37	106.37	08/20/2018
554	Verizon Wireless	9811887585	ADAMS-CELL	08/01/2018	53.42	53.42	08/20/2018
554	Verizon Wireless	9811887585	ON CALL CELL	08/01/2018	53.42	53.42	08/20/2018
554	Verizon Wireless	9811887585	TABLET	08/01/2018	40.01	40.01	08/20/2018
Zions Credit Card							
278	Zions Credit Card	JUL 18 JJ-A	gmail accounts	07/01/2018	68.94	68.94	08/09/2018
10-45-300 Professional Srv							
Caselle, Inc.							
39	Caselle, Inc.	89519	Computer Support	08/01/2018	165.00	165.00	08/09/2018
Hinton Burdick CPAs and Advisors							
349	Hinton Burdick CPAs and Advisor	188729	Professional Service	07/31/2018	825.00	825.00	08/09/2018
10-45-310 Engineering							
Alpha Engineering							
7	Alpha Engineering	29563	TQ Reservoir Recreation Plan	08/15/2018	83.50	83.50	08/20/2018
Alpha Engineering							
7	Alpha Engineering	29564	Old Church Bridge Final Design	08/15/2018	5,080.00	5,080.00	08/20/2018
10-45-320 Legal							
Bingham & Snow, LLC							
417	Bingham & Snow, LLC	35917	Legal Representation	07/31/2018	2,613.00	2,613.00	08/20/2018
Bingham & Snow, LLC							
417	Bingham & Snow, LLC	35918	Legal Representation	07/31/2018	483.00	483.00	08/20/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-45-610 Administration							
Davis Farmers Market							
683	Davis Farmers Market	041286866	plates and water-co	07/12/2018	14.97	14.97	08/09/2018
De Lage Landen Financial Inc							
656	De Lage Landen Financial Inc	60309346	COPIER LEASE	08/22/2018	53.56	53.56	08/28/2018
Steamroller Copies							
208	Steamroller Copies	87728	Copier contract	08/07/2018	53.31	53.31	08/20/2018
10-45-700 Dumpsters							
Republic Services							
174	Republic Services	023300062097	Dumpsters	07/25/2018	108.11	108.11	08/09/2018
174	Republic Services	023300062097	container refresh	07/26/2018	9.00	9.00	08/09/2018
174	Republic Services	023300062097	Dumpster on-call service 7/13	07/25/2018	30.75	30.75	08/09/2018
174	Republic Services	023300062097	admin fee	07/25/2018	5.95	5.95	08/09/2018
174	Republic Services	023300062097	Fuel Fee	07/25/2018	50.34	50.34	08/09/2018
Total Administration:					11,033.73	11,033.73	
Public Safety							
10-54-265 Streetlights							
Rocky Mountain Power							
235	Rocky Mountain Power	AUG/SEPT 18-	666070360025 - streetlights	08/10/2018	934.03	934.03	08/20/2018
10-54-680 Animal Control							
La Verkin City							
122	La Verkin City	SEPTEMBER 2	Animal Control-Dog Pound Agrmt	08/28/2018	500.00	500.00	08/28/2018
Total Public Safety:					1,434.03	1,434.03	
Building Inspections							
10-59-610 Contract Services							
Michael Vercimak							
367	Michael Vercimak	AUGUST 2018	Planning and Zoning	08/30/2018	717.50	717.50	08/30/2018
Michael Vercimak							
367	Michael Vercimak	JULY2018	Planning and Zoning	08/01/2018	525.00	525.00	08/09/2018
Total Building Inspections:					1,242.50	1,242.50	
Streets Department							
10-60-210 Storm Drain Utility							
Pinto Construction, LLC							
946	Pinto Construction, LLC	018	17"x18" concrete pad	08/16/2018	650.00	650.00	08/20/2018
Pride Rock Materials							
715	Pride Rock Materials	13407	Concrete, retardant, load charges	08/15/2018	600.00	600.00	08/30/2018
Rolling Rock Concrete							
737	Rolling Rock Concrete	10191	Clay drainage/storm drain 237 As	08/16/2018	106.00	106.00	08/28/2018
Scholzen Products							
188	Scholzen Products	6316188-00	12" x 20" N12.2 Hwy WTB Solid	07/30/2018	2,025.00	2,025.00	08/28/2018
Scholzen Products							
188	Scholzen Products	6320370-00	18" x 48" meter barrel whl-storm d	08/16/2018	70.83	70.83	08/28/2018
188	Scholzen Products	6320370-00	18" flat meter R&C	08/16/2018	79.65	79.65	08/28/2018
Scholzen Products							
188	Scholzen Products	6321742-00	2" discharge hose	08/22/2018	117.00	117.00	08/28/2018
188	Scholzen Products	6321742-00	2" female camlock x hose ahank	08/22/2018	39.00	39.00	08/28/2018
188	Scholzen Products	6321742-00	2" Male Camlock x Hose	08/22/2018	25.04	25.04	08/28/2018
188	Scholzen Products	6321742-00	2 1/2" fast lok clamp	08/22/2018	22.16	22.16	08/28/2018
188	Scholzen Products	6321742-00	5/8 x 6" barrel hinge per pair	08/22/2018	14.45	14.45	08/28/2018
188	Scholzen Products	6321742-00	1/2 HP 115V Sand/Solid Pump TS	08/22/2018	289.19	289.19	08/28/2018
188	Scholzen Products	6321742-00	2" Male Camlock x M.P.T	08/22/2018	13.21	13.21	08/28/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-80-440 Repair and Maintenance							
American Custom Crawlers							
959	American Custom Crawlers	323	sandblasting/refinish water tank	08/15/2018	2,499.99	2,499.99	08/20/2018
Bucks Ace Hardware							
97	Bucks Ace Hardware	299787	grade stake 2x2x12 (Mangum's Dr	08/17/2018	6.93	6.93	08/30/2018
Interstate Rock Products Inc.							
105	Interstate Rock Products Inc.	84273	chip seal rock	07/30/2018	5,429.04	5,429.04	08/09/2018
Interstate Rock Products Inc.							
105	Interstate Rock Products Inc.	84280	chip seal rock	07/30/2018	4,860.68	4,860.68	08/09/2018
Straight Stripe Painting							
845	Straight Stripe Painting	13782	Westfield Road pavement markin	08/22/2018	750.00	750.00	08/28/2018
Sunroc Building Materials							
931	Sunroc Building Materials	40693983	1/2 HMA Marshall City Mix	08/21/2018	866.88	866.88	08/28/2018
Western Emulsions							
980	Western Emulsions	17-364821	oil chip seal project	08/13/2018	16,531.77	16,531.77	08/28/2018
Western Emulsions							
980	Western Emulsions	17-354922	oil chip seal project	08/13/2018	13,339.38	13,339.38	08/28/2018
10-80-610 Streets Vehicles & Fuel							
Bucks Ace Hardware							
97	Bucks Ace Hardware	299395	tire repair kit	08/07/2018	2.50	2.50	08/30/2018
Fuelman							
79	Fuelman	NP53915390	fuel-pwd-streets	08/03/2018	216.76	216.76	08/20/2018
Hurricane Tire Pros							
676	Hurricane Tire Pros	64142	utility trailer tire	07/26/2018	19.00	19.00	08/20/2018
Zions Credit Card							
276	Zions Credit Card	JUL 18 LG-C	car wash card	07/06/2018	27.55	27.55	08/09/2018
Zions Credit Card							
276	Zions Credit Card	JUL 18 LG-E	jiffy lube- 2002 GMC 3500 TK	07/16/2018	13.83	13.83	08/09/2018
10-80-620 Other streets							
Hurricane Ready Mix							
84	Hurricane Ready Mix	27063	1 in decorative rock for Heights P	07/09/2018	33.12	33.12	08/09/2018
10-80-895 Tools							
Vermeer Rocky Mtn Inc							
768	Vermeer Rocky Mtn Inc	033478	bag house filter (freight)	08/23/2018	21.72	21.72	08/30/2018
Vermeer Rocky Mtn Inc							
768	Vermeer Rocky Mtn Inc	033478.01	bag house filter	08/23/2018	163.90	163.90	08/28/2018
Total Streets Department:					48,834.80	48,834.80	
Utility Collections							
10-42-360 Sewer Fees							
Ash Creek Special Service Dist							
13	Ash Creek Special Service Dist	07312018	Sewer Fees	07/31/2018	13,350.32	13,350.32	08/09/2018
Ash Creek Special Service Dist							
13	Ash Creek Special Service Dist	AUGUST 2018	Sewer Fees	08/30/2018	13,397.06	13,397.06	08/30/2018
10-42-360 Garbage collection							
WC Solid Waste							
255	WC Solid Waste	85341	Blu-Can Recycling	07/31/2018	1,048.64	1,048.64	08/09/2018
255	WC Solid Waste	85341	garbage collection	07/31/2018	6,180.30	6,180.30	08/09/2018
WC Solid Waste							
255	WC Solid Waste	85357	March 2018 Billing	08/08/2018	7,154.80	7,154.80	08/09/2018
Total Utility Collections:					41,129.12	41,129.12	
Parks							
10-64-140 Park Maintenance Supplies							
Bucks Ace Hardware							
97	Bucks Ace Hardware	299101	brass strip	07/30/2018	6.99	6.99	08/30/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
97 Bucks Ace Hardware		299101	receptacle wall plate	07/30/2018	.79	.79	08/30/2018
97 Bucks Ace Hardware		299101	wallplate switch	07/30/2018	.99	.99	08/30/2018
Bucks Ace Hardware							
97 Bucks Ace Hardware		299136	brass strip credit return	07/31/2018	6.99-	6.99-	08/30/2018
Eriks							
992 Eriks		SG082480	hydraulic hoses	08/29/2018	14.74	14.74	08/30/2018
Scholzen Products							
188 Scholzen Products		6318759-00	2-1/2" Hydrant Flushing Elbow w/it	08/09/2018	117.81	117.81	08/29/2018
Southern Utah Distributing							
624 Southern Utah Distributing		129129	toilet paper, park	08/21/2018	90.93	90.93	08/30/2018
624 Southern Utah Distributing		129129	garbage bags	08/21/2018	139.88	139.88	08/30/2018
624 Southern Utah Distributing		129129	clear garbage bags	08/21/2018	52.77	52.77	08/30/2018
Steve Regan Co							
209 Steve Regan Co		990094	2-4-d amline 2.5 gallons	07/23/2018	90.32	90.32	08/09/2018
209 Steve Regan Co		990094	Insecticide	07/23/2018	30.14	30.14	08/09/2018
TURF EQUIP.& IRRIGATION, INC.							
513 TURF EQUIP.& IRRIGATION, IN		98854100	TRE Sprinklers	07/13/2018	777.30	777.30	08/09/2018
513 TURF EQUIP.& IRRIGATION, IN		98854100	TT Bushings	07/13/2018	18.96	18.96	08/09/2018
TURF EQUIP.& IRRIGATION, INC.							
513 TURF EQUIP.& IRRIGATION, IN		99973600	TRE new sprinklers	07/19/2018	1,046.60	1,046.60	08/09/2018
10-64-150 Park Lighting							
Rocky Mountain Power							
235 Rocky Mountain Power		AUG/SEPT 18-	688070360074-250 W Center	08/13/2018	43.11	43.11	08/20/2018
Rocky Mountain Power							
235 Rocky Mountain Power		AUG/SEPT 18-	688070360090-ball field lights	08/13/2018	9.56	9.56	08/20/2018
Rocky Mountain Power							
235 Rocky Mountain Power		JUL/AUG 18-0	688070360173-1250 S Arches St	08/08/2018	20.90	20.90	08/20/2018
10-64-810 Parks Vehicles & Fuel							
Bucks Ace Hardware							
97 Bucks Ace Hardware		299395	tire repair kit	08/07/2018	2.49	2.49	08/30/2018
Fuelman							
79 Fuelman		NP53915390	fuel-pwd-cemetery	08/03/2018	216.78	216.78	08/20/2018
79 Fuelman		NP53915390	fuel-pwd-park	08/03/2018	216.78	216.78	08/20/2018
Hurricane Tire Pros							
676 Hurricane Tire Pros		64142	utility trailer tire	07/28/2018	19.00	19.00	08/20/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-C	car wash card	07/06/2018	27.54	27.54	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-E	jiffy lube- 2002 GMC 3500 TK	07/16/2018	13.92	13.92	08/09/2018
10-64-665 Tree Maintenance							
Ahern Equipment Rental							
5 Ahern Equipment Rental		192953211	Tree Removal TRE Park and 5 tre	07/23/2018	1,143.80	1,143.80	08/09/2018
10-64-695 Tools							
Vermear Rocky Mtn Inc							
768 Vermear Rocky Mtn Inc		033478	bag house filter (freight)	08/23/2018	21.71	21.71	08/30/2018
Vermear Rocky Mtn Inc							
768 Vermear Rocky Mtn Inc		033478.01	bag house filter	08/23/2018	163.89	163.89	08/28/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-I	Park cleaning supplies, sawzall bl	07/23/2018	126.18	126.18	08/09/2018
Total Parks:					4,376.79	4,376.79	
Cemetery							
10-65-125 Cemetery Supplies & Maintenance							
Bucks Ace Hardware							
97 Bucks Ace Hardware		299388	utility knife interlocks	08/08/2018	6.99	6.99	08/30/2018
97 Bucks Ace Hardware		299388	felt roofing paper 30 lb	08/08/2018	22.99	22.99	08/30/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Bucks Ace Hardware							
97 Bucks Ace Hardware		299892	fasteners	08/15/2018	1.47	1.47	08/30/2018
Eriks							
962 Eriks		SG082480	hydraulic hoses	08/29/2018	14.74	14.74	08/30/2018
Steve Regan Co							
209 Steve Regan Co		960094	2-4-d amine 2.5 gallons	07/23/2018	90.32	90.32	08/09/2018
209 Steve Regan Co		960094	Insecticide	07/23/2018	30.15	30.15	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-A	rodent smoka bomb, silicon water	07/05/2018	59.98	59.98	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-D	smoke bombs	07/12/2018	23.98	23.98	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-G	TS-grass seed and blaster penetr	07/20/2018	112.70	112.70	08/09/2018
10-65-140 Cemetery Power Bills							
Rocky Mountain Power							
235 Rocky Mountain Power		AUG/SEPT 18-	888070360116 - 1423 S Cemetery	08/13/2018	39.15	39.15	08/20/2018
10-65-610 Cemetery Vehicles & Fuel							
Bucks Ace Hardware							
97 Bucks Ace Hardware		299395	tire repair kit	08/07/2018	2.50	2.50	08/30/2018
Hurricane Tire Pros							
676 Hurricane Tire Pros		64142	utility trailer tire	07/26/2018	19.00	19.00	08/20/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-C	car wash card	07/08/2018	27.54	27.54	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-E	Jiffy lube- 2002 GMC 3500 TK	07/19/2018	13.82	13.82	08/09/2018
10-65-695 Tools							
Vermeer Rocky Mtn Inc							
768 Vermeer Rocky Mtn Inc		033478	bag house filter (freight)	08/23/2018	21.72	21.72	08/30/2018
Vermeer Rocky Mtn Inc							
768 Vermeer Rocky Mtn Inc		033478.01	bag house filter	08/23/2018	163.90	163.90	08/28/2018
Total Cemetery:					650.91	650.91	
Town Hall							
10-66-135 Town Hall Maintenance supplies							
Dust to Dawn							
836 Dust to Dawn		JULY 2018	Office Cleaning	08/14/2018	110.00	110.00	08/20/2018
G&A Services							
720 G&A Services		110	Deposit for railing (wagon) at town	08/30/2018	600.00	500.00	08/30/2018
10-66-140 Town Hall Electric & Gas Bills							
Dominion Energy							
805 Dominion Energy		JUL/AUG 18	Gas Service	08/20/2018	7.16	7.16	08/28/2018
Rocky Mountain Power							
235 Rocky Mountain Power		JUL/AUG 18-0	888070360017 - 212 N Toquer Bl	08/08/2018	269.53	269.53	08/20/2018
Total Town Hall:					986.69	986.69	
Misc. Donations Culture & Rec							
10-67-200 Fourth of July Celebration							
Davis Farmers Market							
683 Davis Farmers Market		011074944	4th of July fruit and meat	07/04/2018	498.94	498.94	08/09/2018
Davis Farmers Market							
683 Davis Farmers Market		021205938	4th of July milk & pancake mix	07/04/2018	53.48	53.48	08/09/2018
10-67-300 County Fair							
Lauree Cottam							
343 Lauree Cottam		038821858736	County Fair seed display supplies	08/08/2018	5.32	5.32	08/20/2018
Lauree Cottam							
343 Lauree Cottam		28241604002	County Fair seed display supplies	08/06/2018	15.48	15.48	08/20/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-57-500 Other Celebrations							
Zions Credit Card							
278	Zions Credit Card	JUL 18 LG-H	24th of July parade candy	07/23/2018	59.27	59.27	08/08/2018
10-57-860 Miss Toquerville Supplies							
Thora Moore							
796	Miss Toquer Royalty Remittances	06162018	Mermaid Costume Materials for P	06/16/2018	146.12	146.12	08/30/2018
10-57-861 Miss Toquerville Scholarship							
DIXIE STATE UNIVERSITY							
529	DIXIE STATE UNIVERSITY	00357202	Miss Toquerville Scholarship Fun	08/13/2018	500.00	500.00	08/20/2018
Southern Virginia University							
958	Southern Virginia University	248853	Miss Toquerville Scholarship-Ken	08/14/2018	500.00	500.00	08/20/2018
Total Misc. Donations Culture & Rec:					1,778.81	1,778.81	
Total General Fund:					117,466.98	117,488.98	
Capital Projects Fund							
Capital Projects							
40-40-700 Capital Projects - PARKS							
LeFevre Land Design							
941	LeFevre Land Design	1810	Center St Park retaining wall desi	08/28/2018	150.00	150.00	08/30/2018
Total Capital Projects:					150.00	150.00	
Total Capital Projects Fund:					150.00	150.00	
Enterprise Fund							
51-20210 Hydrant Rental DEPOSIT ONLY							
Travis Olds							
857	Hydrant Meter Refund	08012018.HYD	Hydrant / Meter Refund	08/01/2018	930.30	930.30	08/09/2018
Jessica Russo							
967	Hydrant Meter Refund	08162018.HYD	Hydrant / Meter Refund	08/16/2018	1,219.60	1,219.60	08/20/2018
51-23200 Hydrant & Renter Deposits							
John Chatwin							
873	Utility Refund	08132018.1075	Credit Due	08/13/2018	262.36	262.36	08/20/2018
51-34-100 Services:Daily Receipts							
Beth Morrison							
873	Utility Refund	1KDO5412GY2	Credit Due	08/20/2018	6.99	6.99	08/20/2018
51-34-800 Impact Fee - WATER FUND							
Mark Fahrenkamp							
479	Mark Fahrenkamp	4693	water impact refund	08/20/2018	1,795.00	1,795.00	08/20/2018
Total :					4,214.25	4,214.25	
Water Department							
51-40-200 Material & Supplies - WATER							
D Blake Electric & Refrigerati							
677	D Blake Electric & Refrigerati	17713	Anderson Junct Pump House wor	08/22/2018	142.50	142.50	08/30/2018
Erika							
962	Erika	SG062480	hydraulic hoses	08/29/2018	14.75	14.75	08/30/2018
Rolling Rock Concrete							
737	Rolling Rock Concrete	10174	1/2 yard concrete-old church/ash	08/09/2018	106.00	106.00	08/20/2018
Scholzen Products							
188	Scholzen Products	6316890-00	1" MIP x PE "G" Grip Joint Male A	08/01/2018	184.52	184.52	08/28/2018
188	Scholzen Products	6316890-00	1" PE X FIP G Grip Joint Female	08/01/2018	187.40	187.40	08/28/2018
188	Scholzen Products	6316890-00	3/4" MIP x PE "G" Grip Joint Male	08/01/2018	133.80	133.80	08/28/2018
188	Scholzen Products	6316890-00	3/4" PE X FIP Grip G Joint Female	08/01/2018	131.10	131.10	08/28/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
188 Scholzen Products		6318890-00	1" PE x PE "G" Grip Joint Couplin	08/01/2018	307.08	307.08	08/28/2018
188 Scholzen Products		6318890-00	1" Insert Stiffener IPS	08/01/2018	49.92	49.92	08/28/2018
188 Scholzen Products		6318890-00	3/4" Insert Stiffener IPS	08/01/2018	21.72	21.72	08/28/2018
Scholzen Products							
188 Scholzen Products		6318799-00	20304 slip top only	08/09/2018	21.12	21.12	08/28/2018
Scholzen Products							
188 Scholzen Products		6320451-00	2 sch 80 union TT PVC	08/16/2018	34.22	34.22	08/28/2018
Scholzen Products							
188 Scholzen Products		6322107-00	18" x 36" Meter Barrel White	08/23/2018	53.11	53.11	08/28/2018
51-40-250 Water Fund Administration							
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-F	Panda garden-lunch	07/19/2018	17.00	17.00	08/09/2018
51-40-390 Contractual Services - WATER							
Hinton Burdick CPAs and Advisors							
348 Hinton Burdick CPAs and Advisor		188728	Professional Service	07/31/2018	625.00	625.00	08/09/2018
Master Meter, INC.							
429 Master Meter, INC.		188493	Milink Vehicle Reader Software Su	08/17/2018	1,500.00	1,500.00	08/28/2018
WCWCD							
259 WCWCD		11894	July 2018 Water Surcharge Fees	07/31/2018	1,044.75	1,044.75	08/09/2018
WCWCD							
259 WCWCD		11704	Water usage per 1,000 gallons fro	07/31/2018	98.61	98.61	08/28/2018
WCWCD							
259 WCWCD		11706	Anderson Junction water fees	07/31/2018	51.07	51.07	08/20/2018
51-40-800 Water Vehicles & Fuel							
Bucks Ace Hardware							
97 Bucks Ace Hardware		289395	tire repair kit	08/07/2018	2.50	2.50	08/30/2018
Fuelman							
78 Fuelman		NP53915390	fuel-gubler-water	08/03/2018	650.34	650.34	08/20/2018
Hurricane Tire Pros							
878 Hurricane Tire Pros		64142	utility trailer tire	07/26/2018	19.00	19.00	08/20/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-C	car wash card	07/09/2018	27.55	27.55	08/09/2018
Zions Credit Card							
276 Zions Credit Card		JUL 18 LG-E	Jiffy lube- 2002 GMC 3500 TK	07/16/2018	13.82	13.82	08/09/2018
51-40-810 Other Expense - WATER							
Bucks Ace Hardware							
97 Bucks Ace Hardware		288973	cd safety heap 4 1/2 ZC	07/26/2018	5.79	5.79	08/30/2018
97 Bucks Ace Hardware		288973	now spy pnt fit blk 8oz	07/26/2018	2.59	2.59	08/30/2018
D Blake Electric & Refrigerati							
677 D Blake Electric & Refrigerati		17360	chlorinator cooler repair	08/02/2018	818.33	818.33	08/09/2018
De Lage Landen Financial Inc							
658 De Lage Landen Financial Inc		60303345	COPIER LEASE	08/22/2018	53.56	53.56	08/28/2018
Hurricane Ready Mix							
94 Hurricane Ready Mix		27023	fill dirt for water leaks	07/03/2018	21.90	21.90	08/09/2018
Hurricane Ready Mix							
94 Hurricane Ready Mix		27243	fill dirt for water leaks	07/31/2018	15.42	15.42	08/09/2018
94 Hurricane Ready Mix		27243	Road Base for water leaks	07/31/2018	26.05	26.05	08/09/2018
Interstate Rock Products Inc.							
105 Interstate Rock Products Inc.		50688	922 Peachtree Street water leak	07/03/2018	89.51	89.51	08/09/2018
Interstate Rock Products Inc.							
105 Interstate Rock Products Inc.		50688	1501 Staghorn water leak	07/27/2018	30.43	30.43	08/09/2018
Rocky Mountain Power							
235 Rocky Mountain Power		AUG/SEPT 18-	686070360033 - 800 N Spring Dr	08/13/2018	415.65	415.65	08/20/2018
Rocky Mountain Power							
235 Rocky Mountain Power		JUL/AUG 18-0	686070360082-242 N Hillside Driv	08/08/2018	85.29	85.29	08/20/2018
Scholzen Products							
188 Scholzen Products		6315485-00	Alpha-A-9.10 8.60-9.10 Repair Co	07/26/2018	688.12	688.12	08/28/2018

Payroll Register - Single-line Summary - Council Report
Check Issue Dates: 8/1/2018 to 8/31/2018Page: 3
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Date	Payee	Employee Number	Reference Number	Check Number	M	Gross	Expense	FICA	FVLT	SWFT	Deduct	Net	D	Info	FTT
08/31/2018															
PC															
08/30/2018	Gulker, Lance S.	15		1		19108		2,864.89		.00		228.77-	277.48-	144.28-	.00
08/30/2018	Paul B Heideman	24		2		19112		200.00		.00		15.30-	.00	.00	.00
08/30/2018	Ty A Bringham	28		3		19116		200.00		.00		16.30-	.00	.00	.00
08/30/2018	Jeffery, June	32		4		19110		1,744.00		.00		133.42-	163.43-	80.77-	.00
08/30/2018	Poole, John L	33		5		19113		4,280.00		.00		327.42-	167.63-	154.25-	.00
08/30/2018	Elsworth, Kean L	36		6		19107		200.00		.00		16.30-	.00	.00	.00
08/30/2018	Adams, Jadec	38		7		19104		2,100.00		.00		160.85-	284.11-	103.95-	.00
08/30/2018	McKinn, Dave	39		8		19111		1,743.00		.00		133.73-	170.85-	76.21-	.00
08/30/2018	Steglich, Ryker	44		8		19115		1,704.00		.00		130.30-	187.01-	84.35-	.00
08/30/2018	Slp, Justin	48		10		19114		200.00		.00		15.30-	.00	.00	.00
08/30/2018	Chamberlain, Lynn A	49		11		19106		1,000.00		.00		76.60-	.00	.00	.00
08/30/2018	Highwarden, Ray	50		12		19109		1,162.00		.00		88.12-	114.21-	49.88-	.00
08/30/2018	Chamberlain, Alex T	51		13		19106		200.00		.00		15.30-	.00	.00	.00
Total PC:		487		13		13		17,892.69		.00		1,363.47-	1,354.82-	893.89-	.00
												50.16-	14,240.44-		.00

PC Hour/Units/Types Summary

PC	Title	Hours	Units	Net Type	Amount	D	Info Type	Amount
1-00	Regular Pay	650.60	.00					
2-01	Overtime - Regular Employ	12.00	.00	Direct Deposit Net	.00	D	Informational	.00
3-01	Personal Time	7.00	.00	Net	14,240.44-		Info Type Reported	.00
							Fringe Benefit	.00
Grand Totals:		669.60	.00		14,240.44-			.00
Grand Totals:		1141	31	31	42,310.69	.00	3,179.36-	3,285.96-
							1,819.61-	150.48-
							34,086.28-	.00

Toquerville City

Payroll Register - Single-line Summary - Council Report

Check Issue Dates: 8/1/2018 to 8/31/2018

Page: 4
Aug 30, 2018 03:08PM

Date	Payee	Employee Number	Reference Number	Check Number	M	Gross	Expense	FICA	FWT	SWT	Deduct	Net	D	Info	F/T
Grand Totals: Hours/Units/Types Summary															
PC	Title	Hours	Units	Net Type	Amount	D	Info Type	Amount							
1-00	Regular Pay	1,553.00	.00												
2-01	Overtime - Regular Employ	35.25	.00	Direct Deposit Net	.00	D	Informational	.00							
3-01	Personal Time	48.00	.00	Net	34,085.28		Info Type Reported	.00							
7-00	Holiday Pay	40.00	.00				Fringe Benefit	.00							
8-04	On Call	100.00	.00												
Grand Totals:		1,786.75	.00		34,085.28			.00							

M=Manual Check D=Direct Deposit Net *=Includes EIC T=Type Reported F=Fringe Benefits

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Scholzen Products							
188	Scholzen Products	8317077-00	Alpha-A-8.10 8.60-9.10 Repair Co	08/02/2018	888.12	888.12	08/28/2018
Southwest Utah Public Health Department							
937	Southwest Utah Public Health De	286131	8-1-2018 Bacterial analysis Drinki	08/01/2018	40.00	40.00	08/09/2018
Steamroller Copies							
208	Steamroller Copies	S7728	Copier contract	08/07/2018	53.30	53.30	08/20/2018
51-40-710 Tools/Equipment - Water							
American Custom Crawlers							
959	American Custom Crawlers	323	sandblasting/refinish water tank	08/15/2018	2,500.00	2,500.00	08/20/2018
Vermeer Rocky Mtn Inc							
758	Vermeer Rocky Mtn Inc	033476	bag house filter (freight)	08/23/2018	21.71	21.71	08/30/2018
Vermeer Rocky Mtn Inc							
768	Vermeer Rocky Mtn Inc	033478.01	bag house filter	08/23/2018	163.90	163.90	08/28/2018
Zions Credit Card							
276	Zions Credit Card	JUL 18 LG-B	wood, pliers, tool set, bar clamps	07/08/2018	128.11	128.11	08/09/2018
Total Water Department:					11,274.86	11,274.86	
Total Enterprise Fund:					15,488.91	15,488.91	
Grand Totals:					133,105.89	133,105.89	

+ 42,310.59

175,416.48

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Invoices with totals above \$0.00 included.

Only paid invoices included.



PINTO CONSTRUCTION, LLC

pintoconstructionutah@gmail.com

3945 W 140 N

Hurricane, UT 84737

(760) 669-2454

License #: 10626583-5501

Proposal/Contract

Date: 9/4/2018

Proposal Submitted To: Lance Work to be Performed at: Toquerville City Park

We hereby propose to furnish all material and perform all labor necessary for the completion of work: Retaining Wall, Footings, and Steps \$9,000.00 (City to Pay for Concrete)

Materials for Decorative Wall \$2,500.00

1,600' x 5' = 8,000 Sq. Ft. \$16,000.00 (City to Pay for Concrete)

Prices Includes:

- | | |
|--------------|-------------------------------|
| 1. Layout | 3. Hand Tooled Control Joints |
| 2. Set Forms | 4. Clean Up |

Prices Exclude:

- | | |
|------------------------------------|--|
| 1. Permits and Fees | 5. Any Concrete Coverings in Colder Conditions |
| 2. Compaction and Soils Report | 6. Grading and Road Based Materials |
| 3. Concrete Pumping | |
| 4. Hoe Ram/ Solid Material Removal | |

Pinto Construction, LLC is not responsible for cracks.

All materials are guaranteed as specified, and above work to be performed in accordance with drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of: \$27,500.00

With payment to be made as follows: 100% upon completion

Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes accidents, or delays beyond control. Owner to carry fire, tornado, and other necessary insurance upon above work.

Respectfully Submitted by Pinto Construction LLC.

Note: This proposal may be withdrawn if not accepted within 30 days and/or job has not started in 30 days.

Acceptance of Proposal/Contract

Signature: _____ Date: _____

Tony Jones Concrete, LLC

99 South 400 West
La Verkin, Utah 84745
(435) 215-8911

Date: 9/1/2018

Bid #:

To: City of Toquerville
For: Retaining walls

Toquerville, UT 84774

[illegible]

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by General Insurance and Worker's Compensation Insurance (when applicable). This quote is valid for 30 days, after which a new quote must be issued. Payment must be submitted within 30 days of completion of all specified work (unless previously agreed otherwise).

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

You are authorized to do the work as specified. Payment will be made as outlined above:

Signature _____

Date _____

Thank you for your business!

Street Improvement Deferral
Application



Date: 8/23/18

Name of Applicant: Justin + Tiffany Douglas

Mailing Address: 1008 Mulberry Drive

Property Tax ID: T-ACM-2-A, T-ACM-3-A

Property Address 311 W. Old Church Rd.

Special Conditions - Reason for Deferral Request: No curbs + gutters are
in place on Old Church Rd in our area

Phone: 202-222-1111 Email:

***Date Of City Council Meeting Appearance Sept 6, 2018

***Time: 6:00 PM

[Signature]
Signature of Applicant

10-5- B-3: SECURITY FOR COMPLETION

3. Recorded Deferral Agreement: In lieu of any other type of security arrangement, upon submittal of a deferral application, the City Council, upon making a finding of unusual circumstances, such as the inability to determine the proper grade and dimensions of necessary public improvements or the likely construction of the public improvements and site work as part of a larger City project or special assessment area ("SAA") project, may allow an owner or developer to defer completion of required public improvements and site work pursuant to written deferral agreement recorded in the official records on file in the Office of the Recorder of Washington County, State of Utah. Said deferral agreement must be signed by all owners of the affected property and at a minimum shall require the owner to: a) covenant to pay for completion of the public improvements and site work relating to their property at such time as the City determines, in the City's sole discretion and in the manner the City determines, including but not limited to, through a special assessment area (SAA), and/or b) waive and release any objection to the creation of any SAA that would fund the completion of the improvements. When recorded, the benefits and the burdens of said deferral agreement shall attach to the entirety of the property and shall be a covenant that runs with the land.

CITY COUNCIL FINDING OF UNUSUAL CIRCUMSTANCES: _____

____ Approved ____ Not Approved

Mayor

Date

City Recorder, Attest

Date



T-ACM-2-A



Legend	
Parcels	Ownership
	U.S. Forest Service
	U.S. Forest Service Wilderness
	Bureau of Land Management
	Bureau of Land Management Wildlife
	National Park Service
	Shriverts Reservation
	Utah Division of Wildlife Resources
	Utah Division of Transportation
	State Park
	State of Utah
	Washington County
	Municipally Owned
	School District
	Privately Owned
	Water
	Water Conservancy District
	State Assessed Oil and Gas
	Mining Claim

Notes

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



WGS_1984_Web_Mercator_Auxiliary_Sphere

Account 0424864

Location

Account Number 0424864
Parcel Number T-ACM-2-A
Tax District 11 - Toquerville Town
Acres 1.40
Situs 0, 0

Legal Subdivision: ASH CREEK MEADOWS AMD
(T) Lot: 2 REVISED LOT 2: BEG AT NW COR OF
LOT 2, ACM SUB, RN TH S89°50'22" E 160.41 FT
ALGN L/L; TH S0°09'38" W 383.09 FT TO A PT
ON S B/L OF SD SUB; TH N87°13'41" W 160.57 FT
ALG B/L; TH N0°09'38" E 375.77 FT TO POB.

Parent Accounts 0107436
0424856
0474166

Parent Parcels T-91-B
T-91-D
T-ACM-3-A

Child Accounts 0474166
0474174
0474166

Child Parcels T-ACM-3
T-ACM-4
T-ACM-3-A

Sibling Accounts
Sibling Parcels

Owner

Name DOUGLAS JUSTIN & TIFFANY
1008 S MULBERRY DR
TOQUERVILLE, UT 84774

Value

Market (2018) \$54,000
Taxable \$54,000
Tax Area: 11 Tax Rate:
0.010984
Type Actual Assessed Acres
Non
Primary \$54,000 \$54,000 1.400
Land

Transfers

Entry Number

[00384686](#)
[00448084](#)
[00467701](#)
[00469479](#)
[00482212](#)
[00495474](#)
[00970780](#)
[20070005212](#)
[20070005944](#)
[20070005947](#)
[20090048182](#)
[20100006647](#)
[20100006648](#)
[20100043974](#)
[20110000235](#)
[20150011390](#)
[20170003947](#)
[20170003948](#)

Recording Date

[05/31/1991 10:16:00 AM](#)
[10/29/1993 03:53:00 PM](#)
[05/18/1994 04:37:00 PM](#)
[06/06/1994 04:09:00 PM](#)
[10/24/1994 03:53:00 PM](#)
[03/22/1995 03:22:00 PM](#)
[09/12/2005 04:01:00 PM](#)
[01/30/2007 04:40:23 PM](#)
[02/02/2007 04:30:23 PM](#)
[02/02/2007 04:30:24 PM](#)
[12/22/2009 03:58:25 PM](#)
[03/01/2010 04:23:46 PM](#)
[03/01/2010 04:23:46 PM](#)
[12/30/2010 10:52:48 AM](#)
[01/04/2011 09:18:39 AM](#)
[04/07/2015 02:58:52 PM](#)
[01/30/2017 09:59:37 AM](#)
[01/30/2017 09:59:37 AM](#)

[B: 604 P: 231](#)
[B: 768 P: 183](#)
[B: 821 P: 464](#)
[B: 825 P: 797](#)
[B: 859 P: 756](#)
[B: 895 P: 65](#)
[B: 1789 P: 291](#)

"Tax"

Tax Year

Taxes

*2018 \$593.14
2017 \$615.71

Images

• [GIS](#)

When Recorded Return To:

City of Toquerville
212 Toquerville Blvd
PO Box 27
Toquerville, Utah. 84774

Affects Parcel No. T-ACM-2-A

IMPROVEMENT DEFERRAL AGREEMENT

THIS IMPROVEMENT DEFERRAL AGREEMENT ("Deferral Agreement") is entered into this 8 day of August, 2018 by and between the TOQUERVILLE CITY, a municipal corporation ("CITY") and Justin & Tiffany Douglas, and their successors and assigns (collectively "Applicant"). Throughout this Agreement, the City and Applicant may be individually referred to as "Party" and collectively as "Parties".

RECITALS

WHEREAS, Applicant is the owner of the following parcel of real property located in Toquerville City, Washington County, State of Utah ("Property"), which is more particularly described as:

See Exhibit "A"

WHEREAS, Applicant has applied for a building permit to construct a single-family residence upon the Property ("Residence").

WHEREAS, Pursuant to Title 10, Chapter 5, Sections 2 & 3 of the Toquerville City Code ("City Code"), applicants seeking the approval of a building permit (and ultimately a certificate of occupancy) from the City must install curb, gutter and sidewalks and street improvements up to the centerline of any street that abuts or adjoins a lot where the construction of the Residence will occur ("Improvements").

WHEREAS, Section 2.C. of Title 10, Chapter 5 of the City Code also contemplates that if the installation of the Improvements are not prudent because other lots or areas along the same road or street are not ready for similar Improvements, that a property owner may obtain a certificate of occupancy only if they provide security for the City that Improvements will be completed at a later date at no additional expense to the City.

WHEREAS, pursuant to Section 3, of Title 10, Chapter 5 of the City Code, an applicant can provide the necessary security for the City by either:

- a) Cash Bond, paying to the City an amount that is equivalent to 125% of the estimated cost of labor and materials to construct the Improvements (as determined and certified by the City's engineer) ("Improvement Costs") and that the City can use said funds

to pay for the installation of the Improvements in the future when the City, in its sole discretion, determines it is proper.

b) Cash on Deposit Bond. Depositing an amount equivalent to 125% of the estimated cost of labor and materials to construct the Improvements with: i) a licensed and bonded escrow company, ii) a law firm with a Utah based IOLTA account, or iii) a state or federally chartered financial institution that is FDIC insured subject to an escrow or demand agreement entered into between the applicant, the City and the holder of the funds whereby the fund holder agrees to hold and not release/disburse the funds back to the applicant without the City's consent and which indicates that the holder of funds shall also disburse part or all of the escrowed/deposited funds to the City upon its request.

c) Recorded Deferral Agreement. Entering into written deferral agreement that is notarized by the applicant and capable of being recorded in Official Records on file in the Office of the Recorder of Washington County, State of Utah, wherein the applicant (or his/her/their successor) agrees to promptly pay their proportional share of the cost of installing the Improvements as part of a larger improvement project, upon demand by the City ("Deferral Agreement"). The Deferral Agreement shall also contain an affirmative covenant wherein the applicant, on behalf of themselves and their successors, agrees to waive the right to object to the City or Washington County creating a special assessment area to fund and construct the Improvements as part of a larger improvement project.

WHEREAS, the Applicant has applied for a deferral of its obligations to install the Improvements utilizing a recorded Deferral Agreement and the Toquerville City Council has found that unusual circumstances exist in that the street which adjoins the Property, is not built out sufficiently to determine the proper locations, elevations and dimensions of the Improvements and that their installation would not serve their intended purpose as they would not continue and extend to existing City infrastructure so as to provide safe and continuous vehicular travel surfaces, pedestrian travel surfaces as well as proper drainage, detention and dispersment of storm and surface water in the area.

WHEREAS, as a result of the City's findings of unusual circumstances, the City is willing to allow the Applicant to obtain a building permit, construct the Residence and obtain a Certificate of Occupancy (assuming all building codes and regulations have been complied with) as long as the Applicant executes this Deferral Agreement and authorizes it to be recorded against the Property so as to create a contractual obligation between the Applicant and the City whereby the City will be authorized, at any point in time it deems necessary and reasonable, to have the Improvements installed, it may do so and require the Applicant or successor owners of the Property to pay for the same (or their proportional share if part of a larger project) within 30 days of completion of the Improvements.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

1. Building Permit. Upon: a) the Applicant's notarized execution of this Deferral Agreement and delivery of the same to the City with authorization to record it in the Official Records of Washington County, State of Utah, such that it is a covenant that runs with the Property, and b) submittal of building and site plans in reviewed and found to be in compliance with Title 10, Chapter 6, Section 2 of the Toquerville City Code, the City agrees to issue Applicant a building permit for the Residence, upon the condition that Applicant fulfills all other requirements necessary to obtain a building permit under the laws and ordinances of the City, including the payment of application fees and impact fees.

2. Certificate of Occupancy. So long as Applicant has obtained a building permit, paid all necessary fees and costs, and have constructed the Residence in compliance with all applicable building and safety codes (as evidenced by passage of all necessary inspections), the City will issue a Certificate of Occupancy for the Residence.

3. Payment of All Costs to Install Improvements In The Future. If, and when, the City, in its sole discretion, determines it is necessary and proper to have the Improvements installed (regardless of whether it is installed exclusively adjacent to the Property or as part of a larger improvement project), the City shall give the Applicant or the current owner of the Property notice of the City's intent. Once the installation of the Improvements are complete, the City shall provide Applicant or the current owner of the Property a second notice containing information regarding the completion of the Improvements and the cost of said Improvements (or the proportional share of the cost allocable to the Improvements if they were installed as part of a larger improvement project) ("Payment Notice"). Thereafter, Applicant, or the current owner of the Property expressly covenants and agree to reimburse the City in full for the amount set forth in the Payment Notice within 30 days of its issuance.

4. Special Assessment Area ("SAA") Waiver and Agreement to Pay Proportional Share. If the City: a) determines it is appropriate to create a Special Assessment Area ("SAA") which includes the Property to fund the installation of the Improvements, or b) determines to install the Improvements as part of an City sponsored improvement project, the Applicant, and its successors and assigns, agree to affirmatively support, participate in, and cooperate with the formation of the SAA and will not object thereto. Furthermore, Applicant, expressly acknowledges and understands that SAAs may be created for the construction and installation of other types of public infrastructure other than the Improvements and thus agrees to be responsible for the payment of, and not object to, any SAA or component thereof, that the City deems necessary and prudent to be constructed which is over and above (or in lieu of) the Improvements.

5. Additional Terms. The following additional condition(s) must be complied with by Applicant as condition(s) and term(s) of this Agreement:

6. Default. In the event of default of Applicant, or its successors or assigns, of any of the terms of this Agreement, Applicant authorizes the City to install the Improvements of the Property's frontage. Applicant agrees to pay the City for all costs and expenses incurred in

installing the Improvements. Applicant agrees to pay the City Ten Percent (10%) interest on the total amount due from the date of completion of the Improvements, until paid in full.

7. Notices. All notices or communications to be given under this Agreement shall be given in writing and shall be deemed given when deposited in the mail to the last known address of the Party entitled to receive notice, postage prepaid, registered or certified.

8. Binding Effect. This Agreement shall be recorded in the Official Records in the Office of the Recorder of Washington County, State of Utah at the Applicant's expense and shall constitute notice to all successors in interest in the Property and shall act as a lien upon the Property until the above-described Improvement Costs, including interest, is paid in full. The Agreement shall run with the land and shall bind and inure to the successors and assigns of the parties.

9. Attorney's Fees and Enforcement Costs. Applicant agrees to pay the City all of its costs of enforcement of this Agreement, including reasonable attorney's fees and costs whether or not legal action is instituted.

10. Integration and Modification. All negotiations, understanding, representations, and preliminary agreements are hereby merged and integrated into this Agreement which shall be the final expression of the Parties understanding. This Agreement may not be modified, amended or revoked unless by a writing signed by all the Parties hereto, and/or their successors and/or assigns.


11. Governing Law. This Agreement shall be governed, interpreted, and construed by the laws of the State of Utah.

12. Survival. It is expressly agreed that the terms, covenants and conditions of this agreement shall survive any legal act or conveyance required under this Agreement. All of the terms and conditions of this Agreement are expressly intended to be construed as covenants as well as conditions.

Signature Pages to Follow

DATED that first date set forth above.

APPLICANT:


Justin Douglas


Tiffany Douglas

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

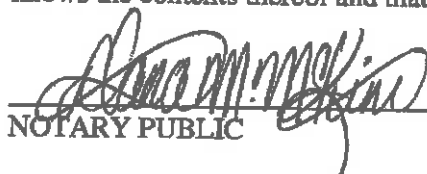
On this 8th day of August, 20 18, Tiffany & Justin Douglas (applicant), being first duly sworn, deposes and says that he has read the foregoing Deferral Agreement and knows the contents thereof and that he signed the said document for its intended purpose.


NOTARY PUBLIC



STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this 8th day of August, 20 18, Tiffany Douglas (applicant), being first duly sworn, deposes and says that she has read the foregoing Deferral Agreement and knows the contents thereof and that she signed the said document for its intended purpose.


NOTARY PUBLIC



CITY:

CITY OF TOQUERVILLE
A Utah Municipal Corporation

Attest:

Lynn A Chamberlain, Mayor

Dana McKim, Recorder

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me personally appeared LYNN A CHAMBERLAIN personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that he signed it voluntarily for its stated purpose on behalf of Toquerville City upon authority given him by the Toquerville City Council.

NOTARY PUBLIC

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me personally appeared DANA MCKIM personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that she signed it voluntarily for its stated purpose on behalf of Toquerville City by virtue of her appointment as the Toquerville City Recorder.

NOTARY PUBLIC

EXHIBIT "A"

(Legal Description of Property)

ALL OF LOT 2 A OF THE ASH CREEK SUBDIVISION, According to the Official Plat thereof in the Office of the Recorder of Washington County, State of Utah.

ASH CREEK MEADOWS AMD (T) Lot: 2 REVISED LOT 2: BEG AT NW COR OF LOT 2, ACM SUB, RN TH S89°50'22" E 160.41 FT ALG N L/L; TH S0°09'38" W 383.09 FT TO A PT ON S B/L OF SD SUB; TH N87°13'41" W 160.57 FT ALG B/L; TH N0°09'38" E 375.77 FT TO POB.

SUBJECT TO all easements, restrictions and rights of way appearing of record or enforceable in law and equity.

Parcel No. T-ACM-2-A

Street Improvement Deferral
Application



Date: 8-30-18

Name of Applicant: Shawn & Teila Huntsman

Mailing Address: P.O. Box 315

Property Tax ID: T-SDE-1

Property Address: 580 E Spring Drive

Special Conditions - Reason for Deferral Request:

Existing home, permit is for pavilion/
conditional use.

Phone: 435-635-1094 Email:

***Date Of City Council Meeting Appearance Sept 6, 2018

***Time: 6:00 PM

Teila Huntsman
Signature of Applicant

10-5- B-3: SECURITY FOR COMPLETION

3. Recorded Deferral Agreement: In lieu of any other type of security arrangement, upon submittal of a deferral application, the City Council, upon making a finding of unusual circumstances, such as the inability to determine the proper grade and dimensions of necessary public improvements or the likely construction of the public improvements and site work as part of a larger City project or special assessment area ("SAA") project, may allow an owner or developer to defer completion of required public improvements and site work pursuant to written deferral agreement recorded in the official records on file in the Office of the Recorder of Washington County, State of Utah. Said deferral agreement must be signed by all owners of the affected property and at a minimum shall require the owner to: a) covenant to pay for completion of the public improvements and site work relating to their property at such time as the City determines, in the City's sole discretion and in the manner the City determines, including but not limited to, through a special assessment area (SAA), and/or b) waive and release any objection to the creation of any SAA that would fund the completion of the improvements. When recorded, the benefits and the burdens of said deferral agreement shall attach to the entirety of the property and shall be a covenant that runs with the land.

CITY COUNCIL FINDING OF UNUSUAL CIRCUMSTANCES: _____

___Approved ___Not Approved

Mayor

Date

City Recorder, Attest

Date

When Recorded Return To:
City of Toquerville
212 Toquerville Blvd
PO Box 27
Toquerville, Utah. 84774

Affects Parcel No. T-SDE-1

IMPROVEMENT DEFERRAL AGREEMENT

THIS IMPROVEMENT DEFERRAL AGREEMENT ("Deferral Agreement") is entered into this 23rd day of August, 20 18 by and between the TOQUERVILLE CITY, a municipal corporation, ("CITY") and SHAUN D & TEILA HUNTSMAN and their successors and assigns (collectively "Applicant"). Throughout this Agreement, the City and Applicant may be individually referred to as "Party" and collectively as "Parties".

RECITALS

WHEREAS, Applicant is the owner of the following parcel of real property located in Toquerville City, Washington County, State of Utah ("Property"), which is more particularly described as:

See Exhibit "A"

WHEREAS, Applicant has applied for a building permit to construct a single-family residence upon the Property ("Residence").

WHEREAS, Pursuant to Title 10, Chapter 5, Sections 2 & 3 of the Toquerville City Code ("City Code"), applicants seeking the approval of a building permit (and ultimately a certificate of occupancy) from the City must install curb, gutter and sidewalks and street improvements up to the centerline of any street that abuts or adjoins a lot where the construction of the Residence will occur ("Improvements").

WHEREAS, Section 2.C. of Title 10, Chapter 5 of the City Code also contemplates that if the installation of the Improvements are not prudent because other lots or areas along the same road or street are not ready for similar Improvements, that a property owner may obtain a certificate of occupancy only if they provide security for the City that Improvements will be completed at a later date at no additional expense to the City.

WHEREAS, pursuant to Section 3, of Title 10, Chapter 5 of the City Code, an applicant can provide the necessary security for the City by either:

- a) Cash Bond. paying to the City an amount that is equivalent to 125% of the estimated cost of labor and materials to construct the Improvements (as determined and certified by the City's engineer) ("Improvement Costs") and that the City can use said funds

to pay for the installation of the Improvements in the future when the City, in its sole discretion, determines it is proper.

b) Cash on Deposit Bond. Depositing an amount equivalent to 125% of the estimated cost of labor and materials to construct the Improvements with: i) a licensed and bonded escrow company, ii) a law firm with a Utah based IOLTA account, or iii) a state or federally chartered financial institution that is FDIC insured subject to an escrow or demand agreement entered into between the applicant, the City and the holder of the funds whereby the fund holder agrees to hold and not release/disburse the funds back to the applicant without the City's consent and which indicates that the holder of funds shall also disburse part or all of the escrowed/deposited funds to the City upon its request.

c) Recorded Deferral Agreement. Entering into written deferral agreement that is notarized by the applicant and capable of being recorded in Official Records on file in the Office of the Recorder of Washington County, State of Utah, wherein the applicant (or his/her/their successor) agrees to promptly pay their proportional share of the cost of installing the Improvements as part of a larger improvement project, upon demand by the City ("Deferral Agreement"). The Deferral Agreement shall also contain an affirmative covenant wherein the applicant, on behalf of themselves and their successors, agrees to waive the right to object to the City or Washington County creating a special assessment area to fund and construct the Improvements as part of a larger improvement project.

WHEREAS, the Applicant has applied for a deferral of its obligations to install the Improvements utilizing a recorded Deferral Agreement and the Toquerville City Council has found that unusual circumstances exist in that the street which adjoins the Property, is not built out sufficiently to determine the proper locations, elevations and dimensions of the Improvements and that their installation would not serve their intended purpose as they would not continue and extend to existing City infrastructure so as to provide safe and continuous vehicular travel surfaces, pedestrian travel surfaces as well as proper drainage, detention and dispersement of storm and surface water in the area.

WHEREAS, as a result of the City's findings of unusual circumstances, the City is willing to allow the Applicant to obtain a building permit, construct the Residence and obtain a Certificate of Occupancy (assuming all building codes and regulations have been complied with) as long as the Applicant executes this Deferral Agreement and authorizes it to be recorded against the Property so as to create a contractual obligation between the Applicant and the City whereby the City will be authorized, at any point in time it deems necessary and reasonable, to have the Improvements installed, it may do so and require the Applicant or successor owners of the Property to pay for the same (or their proportional share if part of a larger project) within 30 days of completion of the Improvements.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

1. Building Permit. Upon: a) the Applicant's notarized execution of this Deferral Agreement and delivery of the same to the City with authorization to record it in the Official Records of Washington County, State of Utah, such that it is a covenant that runs with the Property, and b) submittal of building and site plans in reviewed and found to be in compliance with Title 10, Chapter 6, Section 2 of the Toquerville City Code, the City agrees to issue Applicant a building permit for the Residence, upon the condition that Applicant fulfills all other requirements necessary to obtain a building permit under the laws and ordinances of the City, including the payment of application fees and impact fees.

2. Certificate of Occupancy. So long as Applicant has obtained a building permit, paid all necessary fees and costs, and have constructed the Residence in compliance with all applicable building and safety codes (as evidenced by passage of all necessary inspections), the City will issue a Certificate of Occupancy for the Residence.

3. Payment of All Costs to Install Improvements In The Future. If, and when, the City, in its sole discretion, determines it is necessary and proper to have the Improvements installed (regardless of whether it is installed exclusively adjacent to the Property or as part of a larger improvement project), the City shall give the Applicant or the current owner of the Property notice of the City's intent. Once the installation of the Improvements are complete, the City shall provide Applicant or the current owner of the Property a second notice containing information regarding the completion of the Improvements and the cost of said Improvements (or the proportional share of the cost allocable to the Improvements if they were installed as part of a larger improvement project) ("Payment Notice"). Thereafter, Applicant, or the current owner of the Property expressly covenants and agree to reimburse the City in full for the amount set forth in the Payment Notice within 30 days of its issuance.

4. Special Assessment Area ("SAA") Waiver and Agreement to Pay Proportional Share. If the City: a) determines it is appropriate to create a Special Assessment Area ("SAA") which includes the Property to fund the installation of the Improvements, or b) determines to install the Improvements as part of an City sponsored improvement project, the Applicant, and its successors and assigns, agree to affirmatively support, participate in, and cooperate with the formation of the SAA and will not object thereto. Furthermore, Applicant, expressly acknowledges and understands that SAAs may be created for the construction and installation of other types of public infrastructure other than the Improvements and thus agrees to be responsible for the payment of, and not object to, any SAA or component thereof, that the City deems necessary and prudent to be constructed which is over and above (or in lieu of) the Improvements.

5. Additional Terms. The following additional condition(s) must be complied with by Applicant as condition(s) and term(s) of this Agreement:

6. Default. In the event of default of Applicant, or its successors or assigns, of any of the terms of this Agreement, Applicant authorizes the City to install the Improvements of the Property's frontage. Applicant agrees to pay the City for all costs and expenses incurred in

installing the Improvements. Applicant agrees to pay the City Ten Percent (10%) interest on the total amount due from the date of completion of the Improvements, until paid in full.

7. Notices. All notices or communications to be given under this Agreement shall be given in writing and shall be deemed given when deposited in the mail to the last known address of the Party entitled to receive notice, postage prepaid, registered or certified.

8. Binding Effect. This Agreement shall be recorded in the Official Records in the Office of the Recorder of Washington County, State of Utah at the Applicant's expense and shall constitute notice to all successors in interest in the Property and shall act as a lien upon the Property until the above-described Improvement Costs, including interest, is paid in full. The Agreement shall run with the land and shall bind and inure to the successors and assigns of the parties.

9. Attorney's Fees and Enforcement Costs. Applicant agrees to pay the City all of its costs of enforcement of this Agreement, including reasonable attorney's fees and costs whether or not legal action is instituted.

10. Integration and Modification. All negotiations, understanding, representations, and preliminary agreements are hereby merged and integrated into this Agreement which shall be the final expression of the Parties understanding. This Agreement may not be modified, amended or revoked unless by a writing signed by all the Parties hereto, and/or their successors and/or assigns.

11. Governing Law. This Agreement shall be governed, interpreted, and construed by the laws of the State of Utah.

12. Survival. It is expressly agreed that the terms, covenants and conditions of this agreement shall survive any legal act or conveyance required under this Agreement. All of the terms and conditions of this Agreement are expressly intended to be construed as covenants as well as conditions.

Signature Pages to Follow

DATED that first date set forth above.

APPLICANT:


SHAUN D HUNTSMAN


TEILA HUNTSMAN

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this 23rd day of August, 2018, Shaun D. Huntsman (applicant), being first duly sworn, deposes and says that he has read the foregoing Deferral Agreement and knows the contents thereof and that he signed the said document for its intended purpose.


NOTARY PUBLIC



STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this 23rd day of August, 2018, Teila Huntsman (applicant), being first duly sworn, deposes and says that she has read the foregoing Deferral Agreement and knows the contents thereof and that she signed the said document for its intended purpose.


NOTARY PUBLIC



CITY:

CITY OF TOQUERVILLE
A Utah Municipal Corporation

Attest:

Lynn A Chamberlain, Mayor

Dana McKim, Recorder

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me personally appeared LYNN A. CHAMBERLAIN personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that he signed it voluntarily for its stated purpose on behalf of Toquerville City upon authority given him by the Toquerville City Council.

NOTARY PUBLIC

STATE OF UTAH)
)ss:
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me personally appeared DANA MCKIM personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding document, and acknowledged before me that she signed it voluntarily for its stated purpose on behalf of Toquerville City by virtue of her appointment as the Toquerville City Recorder.

NOTARY PUBLIC

EXHIBIT "A"

(Legal Description of Property)

ALL OF LOT 1 OF THE SPRING DRIVE SUBDIVISION, According to the Official Plat thereof in the Office of the Recorder of Washington County, State of Utah.

LESS AND EXCEPTING ANY AND ALL WATER RIGHTS ASSOCIATED HEREWITH.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY APPEARING OF RECORD OR ENFORCEABLE IN LAW AND EQUITY.

Parcel No. T-SDE-1

Alex told me he wanted the following events listed in the ordinance to require a permit:

1. Any event held on city property, *and* requires city staff to be on site
2. Any event held on city property where sales tax will be collected

Keen suggested the following:

1. Events that have less than 100 people attending
2. Events that do not require the use of Toquerville employees
3. Events that are family reunions