



TOQUERVILLE CITY COUNCIL

Regular Business Meeting Minutes

December 15, 2021, at 6:00 pm

212 N. Toquer Blvd, Toquerville Utah

This meeting was broadcast via YouTube live on the Toquerville City YouTube channel at <https://www.youtube.com/channel/UCOn3wYhjwc2gKbc9IYPRIAA>

Present: Mayor Lynn Chamberlain; Councilmembers: Ty Bringhurst, Justin Sip, Gary Chaves, Chuck Williams; Staff: Attorney Heath Snow, Treasurer Ruth Evans, Recorder Dana McKim, City Manager Afton Moore, Planning Chairman Joey Campbell; Public: Matt Loo, Diane Sands, Todd Sands, Skyler McCaul, Tyler McCaul, Dan Catlin, Scott McCall.

Mayor Lynn Chamberlain called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Councilman Gary Chaves and an opening prayer offered by Councilman Ty Bringhurst. Upcoming mayor elect Keen Ellsworth gave a brief appreciation speech and a token was given to Mayor Lynn Chamberlain for his dedication of service as the mayor for the past four years. Mayor Chamberlain thanked the citizens of Toquerville for the opportunity to serve as Toquerville Mayor.

B. APPROVAL OF AGENDA:

1. Approval of Agenda Order:

Councilmember Ty Bringhurst moved to change the agenda order items. He would like to move item G5 - Discussion and possible action on award of Toquerville Parkway bid to the first discussion and action item. Motion was seconded by Councilmember Keen Ellsworth. Motion unanimously carried (5-0). Justin Sip-Aye, Keen Ellsworth-Aye, Ty Bringhurst-Aye, Gary Chaves-Aye, Chuck Williams-Aye.

There were no disclosures or conflict declarations from Councilmembers.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from November 3rd Work Meeting, November 10th Special Business Meeting, and November 17th Business Meeting:

Councilmember Keen Ellsworth moved to approve the meeting minutes. Motion seconded by Councilmember Justin Sip. Motion unanimously carried (5-0). Justin Sip-Aye, Keen Ellsworth-Aye, Ty Bringhurst-Aye, Gary Chaves-Aye, Chuck Williams-Aye.

- Review and possible approval of City Expenditures from November 2021:

Councilmember Keen Ellsworth moved to approve the city expenditures. Motion was seconded by Councilmember Ty Bringhurst. Councilmember Chaves inquired about an expense for modification of the General Plan. Explanation was given that proposed changes to the Impact Fee Analysis Plan triggered changes to the Capital Facilities Plan, not the General Plan. Motion unanimously carried (5-0). Roll Call Vote: Justin Sip-Aye, Keen Ellsworth-Aye, Ty Bringhurst-Aye, Gary Chaves-Aye, Chuck Williams-Aye.

D. PUBLIC FORUM:

There were no public comments.

E. PRESENTATION:



1. Presentation of the 2021 fiscal year audit report by Hinton Burdick CPA's and Advisors. Audit prepared by Keddington & Christensen.

Candus Tibbetts gave a presentation on the 2021 Fiscal Year Audit Report. She gave a brief description of why an audit is performed. Keddington & Christensen out of Salt Lake City came and did the audit. The city was able to give them all the information they requested. There were two findings as follows:

Finding 2021-001: Fund Balance

Management's Response: We concur with the auditor's finding and recommendation, and we are aware of the compliance requirements involving the fund balance limitations of the general fund. There were projects planned in the budget that were not completed in the fiscal year. The City has budgeted to use a significant portion of the fund balance for the year ending June 30, 2022, and the City will continue to strive to eliminate the excess fund balance.

Finding 2021-002: Cash Management

Management's Response: We concur with the auditor's finding and recommendation, and we are aware of the compliance requirements involving the deposit and investment report. Incorrect balances were inadvertently used in preparing the report for the period ended June 30, 2021. The City will ensure that the balances are accurate in future reports by making sure staff understand what is required and having someone review the report before it is submitted.

The final classification of the audit was a clean audit and no reason for concerns. She briefly showed the graphs including assets, fund balances, and restricted funds in the General Fund. She also touched on the bonds, debts, and retirement. She briefly discussed the cash funds, as well as the operating revenues and expenses associated with the water fund. She explained how the increase of water rates did bring the city closer to reaching the desired depreciation amount needed to support the water fund. If any of the council members had questions about the statement to please ask questions at any time. The council briefly discussed the excess fund balance and how specific projects can use those funds within the next year.

F. PUBLIC HEARING:

Mayor Chamberlain opened the public hearing.

1. Public input is sought on funding from the Utah Permanent Community Impact Fund Board (CIB).
2. Public input is sought on funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Utah, Housing and Community Development Division (HCD).

City Manager Afton Moore explained both funding sources. A video was shown on the Community Development Block grant from the Five County Association of Government website. She described how the CBDG grant assists cities to improve the standard of living for low to moderate-income residents. She encouraged the public to come forward and give feedback on what they would like to see Toquerville apply for within the parameters of these possible available grant applications.

Public Comments:

Jake Peart from 1661 S Chaparell Drive was against applying for grants from the government.

G. BUSINESS:

- Discussion and possible action on award of Toquerville Parkway bid.



Toquerville received five bids for the Toquerville Parkway on December 9, 2021. The winning bid was certified by Stanley Consultants. The full break down was given to councilmembers this evening by staff. William Charles Construction won the bid with their submittal of \$18,590,084.60. The bids ranged from \$21,556,000.00 to \$18,590,000.00. The council will be receiving approximately \$17,950,000 from UDOT via a PTIF account. The transfer will be forthcoming. \$4,000,000.00 will be set aside for Phase B and \$2,000,000.00 for professional services, which will pay for Stanley Consulting and Landmark testing expenses. A bill will be sent to Firelight for the remaining amount of \$5,794,373.60. Bringhurst would like the council to approve the bid and amount contingent on the funds to be deposited in the city's account within the next 10 days. Bringhurst gave a brief history on the William Charles Construction company and recent jobs they have finished in the Hurricane Valley area. The \$4,000,000 will cover the CLOMR application, and the removal of the hogsback area, which was a part of Schedule B. He briefly discussed the Shangri-La water line installation and how it will also be included in this project. There were no further questions or comments.

Councilmember Ty Bringhurst moved to approve the Toquerville Parkway, Project #22 from SR17-at LaVerkin Creek to SR-17 near Anderson Junction bid submitted by William Charles Construction in the amount of \$18,590.084.60 contingent on the city's funds to be in our possession within the next 10 days. Motion seconded by Councilmember Justin Sip.

Mayor Chamberlain wanted to make a note that this project was probably 20 years in the making, and how this roadway was discussed back in 1969. The proposed alignment back in 1969 was almost identical to the current route today. He wanted to let everyone know he was pleased to serve as mayor during this historic event.

Motion unanimously approved (5-0) Roll Call Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye.

- Discussion and possible action on the 2021 fiscal year audit report by Hinton Burdick CPA's and Advisors. Audit prepared by Keddington & Christensen.

Councilmember Justin Sip moved to approve the 2021 Fiscal Year Audit Report. Councilmember Ty Bringhurst seconded the motion. Motion unanimously approved (5-0). Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye.

- Discussion and possible action on a zone change application submitted by Firelight Development for Tax ID # T-3295-A-1. Current zoning is MU-20 – Multiple Use. Proposed zoning is R-1-20 – Single Family Residential. (PC recommended 3-0)

Councilmember Chaves would like to modify the item to include Tax Id # T-3295-B since the number was also listed on the application. Attorney Snow reviewed the ordinance and deemed it complete. In the future, the application and the ordinance can be combined in one action item.

Councilmember Ty Bringhurst moved to approve the zone change application to include Parcel T-3295-A-1 and T-3295-B from MU-20 to R-1-20. Councilmember Gary Chaves seconded the motion. Motion unanimously approved (5-0). Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye.



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- Discussion and possible action on Ordinance 2021.XX Zone Change for Firelight Development for Tax ID # T-3295-A.

Councilmember Chuck Williams moved to approve the Zone Change Ordinance for Firelight Development for Tax ID T-3295-A and T-3295-B. Councilmember Ty Bringhurst seconded the motion. Motion unanimously approved (5-0). Vote: Keen Ellsworth-aye, Gary Chaves-aye, Justin Sip-Aye, Chuck Williams-aye, Ty Bringhurst-aye.

- Discussion and possible action on a Conceptual Master Planned Development Overlay application submitted by Firelight Development for a 1,749-acre development. Located on the west side of Toquerville between I-15 and the new Toquerville Parkway bypass road.

Councilmember Sip was concerned about the wording of the agenda item that the MPDO is located on both sides of the road, not just on the west side. Chaves had concerns about the 32-page document and wanted to make sure it works out with the resort/recreation area. He also wondered if the issues brought up by Dan Catlin were addressed. Chaves would like to table the application until the document can be researched more. There was brief discussion about the road width and the current city ordinances of lot dimensions versus what they are proposing. They would like the items in the MPDO comply with the city ordinances. Dan Catlin spoke up and thought that the MPDO should not be put above the ordinances. There was discussion about the application submitted was for a conceptual stage and how the development agreement would need to be modified in a timely manner after the adoption of the MPDO. Ellsworth suggested to council that the Development Overlay could be adopted with contingency on future changes to the development agreement. Chaves was not comfortable to approve the concept plan as drafted and felt there needed to be more time to review the application. There was discussion between councilmembers, Attorney Snow, and Firelight representatives about the MPDO concept, and how the different standards and variations would not necessarily follow Toquerville City Code without a variance but would be addressed in the development agreement. Matt Loo requested direction or guidance from the council on what process or further clarification the developer should pursue or obtain to advance the application in a forward motion. Loo was under the impression that the conceptual would need to be obtained before changes would be made to the development agreement. Planning Chairman, Joey Campbell thought the application would be appropriate for approval because it was in the conceptual stages of a master planned development, which can be modified later. He believed that preliminary plans were where the shape of the development begins. There was a long-detailed discussion between Attorney Snow and the council regarding the land use process and what the city would be committing to. Ellsworth went through the city code and explained how a conceptual application applies to zoning and density. Mr. Catlin suggested that all councilmembers and legal review the document thoroughly in its entirety before approving the application.

Councilmember Chaves moved to table the item until next month. Motion seconded by Councilmember Ty Bringhurst. Motion carried (4-1). Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye, Keen Ellsworth-nay.

- Discussion and possible action on a nightly rental application submitted by Tyler & Skyler McCaul located at 22 W Center St. Tax ID # T-JLRS-1. Zoning is R-1-12. (PC recommended approval 5-0).

Councilmember Ty Bringhurst moved to approve the nightly rental permit subject to staff comments. Motion seconded by Justin Sip. Motion carried (5-0). Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Chuck Williams-aye, Gary Chaves-aye.



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- Discussion and possible action on a nightly rental application submitted by Thomas Lundell located at 158 W Sunset Ave. Tax ID # T-142-A-11. Zoning is AG – Agriculture. (PC recommended approval 5-0).

Councilmember Justin Sip moved to approve the nightly rental permit subject to staff comments. Motion seconded by Ty Bringhurst. Motion carried (5-0). Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye, Chuck Williams-aye, Gary Chaves-aye.

- Discussion and possible action on funding from the Utah Permanent Community Impact Fund Board (CIB).
- Discussion and possible action on funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Utah, Housing and Community Development Division (HCD).

Councilmember Ty Bringhurst moved to table item 8 and 9 (Utah Permanent Community Impact Fund Board Grant and the Community Development Block Grant) until further notice. Motion seconded by Councilmember Gary Chaves. Motion carried (5-0). Vote: Chuck Williams-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye, Keen Ellsworth-aye.

- Discussion and possible action on vote ratification on Ordinance 2021.XX Planning Commission. An ordinance updating when the Chairperson is elected. (Phone call vote taken December 2, 2021 with a vote of 5-0)

The ordinance would designate the election of the Planning Commission Chairperson to be fulfilled on the last meeting of the year and to take effect Jan 1st of the following year.

Councilmember Justin Sip moved to approve the vote ratification of the Planning Commission Ordinance designating the PC Chairperson appointment time frame. Motion was seconded by Councilmember Chuck Williams. Motion carried (5-0). Vote: Gary Chaves-aye, Justin Sip-aye, Ty Bringhurst-aye, Chuck Williams-aye, Keen Ellsworth-aye.

- Discussion and possible action on Ordinance 2021.XX 10-15C-6 MPDO Density Calculations. An ordinance adding density calculations (ERU's) to the general requirements of the MPDO.

Planning Chairman, Joey Campbell would like to modify the density calculations on residential ERU's for large homes that would be turned into large home rental properties. Residential properties that exceed 5,000 square feet would be calculated as an additional ERU for every additional 5,000 square feet.

Councilmember Justin Sip moved to approve the MPDO Density Calculations Ordinance and to include that each additional 5,000 square feet shall count as an additional ERU. Motion seconded by Councilmember Gary Chaves. Motion carried (5-0). Vote: Chuck Williams-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye, Keen Ellsworth-aye.

- Discussion and possible action on Impact Fee Facilities Plan, Impact Fee Analysis, and Ordinance 2021.XX Impact Fee Enactment.



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Councilmember Justin Sip would like to change the impact fee for Parks and Recreation from \$6607 to \$5500. The reason for this change is that the future development of subdivisions and ERU calculations will determine the amount of open space, parks, and trails to paid by the developer. He didn't think it was fiscally responsible to include the full proposed amount for park impact fees on each building permit application and suggested a more reasonable amount for the fees to designated between \$6607 and \$4375 and recommended \$5500 as a final proposed amount for the Parks and Recreation Impact Fee.

Councilmember Ty Bringhurst moved to approve the ordinance to adopt the Impact Fee Plan and Analysis and to modify the impact fee for Parks and Recreation to \$5500.00 per ERU. Motion was seconded by Councilmember Chuck Williams. Motion carried (5-0) Vote: Justin Sip-aye, Chuck Williams-aye, Keen Ellsworth-aye, Gary Chaves-aye, Ty Bringhurst-aye.

- Discussion and possible action on Resolution 2021.XX Fee Schedule – Updating impact fees, adding a Municipal Construction hydrant meter rental fee, and adding a water meter installation fee.

Councilmember Bringhurst inquired about the water installation fee and was under the impression that the installation fee would be inclusive of the water impact fee, which is paid during a building permit application. Recorder McKim advised that historically the water installation fee was a separate fee on the building permit and was not included in the fee schedule in the past. The designated fee tied to every building permit within the last couple of years is in the amount of \$500.00 and should be on the fee schedule. The amount was increased due to the lack of water meter inventory and when the water meter is installed, the city will have to go back and switch the meter out for a more permanent meter because of supply and demand issues at the present time. A proposed amount of \$650 was given to the council to review. There was discussion on if the water meter was included in the impact fee analysis because it is a part of the city's infrastructure. The fee would cover the meter and for the city employee to hook up the water.

Councilmember Ty Bringhurst moved to approve the proposed Fee Schedule Resolution with all proposed changes, but to modify the meter installation fee in the amount of \$150.00. Future water meter purchases will be paid from impact fees. Motion was seconded by Councilmember Gary Chaves. Motion carried (5-0). Vote: Gary Chaves-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Chuck Williams-aye.

- Discussion and possible action on Capital Facilities Plan update.

Proposed changes to the Capital Facilities Plan update were made while modifying the Impact Fee Analysis Plan. Changes were made to the Capital Facilities plan to update the storm drainage system.

Councilmember Ty Bringhurst moved to table this item, as it needs a public hearing in January. Motion was seconded by Justin Sip. Motion carried (5-0). Vote: Keen Ellsworth-aye, Justin Sip-aye, Gary Chaves-aye, Chuck Williams-aye, Ty Bringhurst-aye.

- Discussion and possible action on Resolution 2021.XX City Council and Planning Commission annual meeting schedule.



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Councilmember Keen Ellsworth moved to approve the Annual meeting schedule. Motion seconded by Councilmember Gary Chaves. Motion carried (5-0). Vote: Ty Bringhurst-aye, Chuck Williams-aye, Justin Sip-aye, Keen Ellsworth-aye, Gary Chaves-aye.

- Discussion and possible action on Ordinance 2021.XX 1-6-3 City Council Meetings.

This ordinance would modify the schedule city council meeting dates to be held on the first and third Wednesdays each month, rather than the first Thursday and second Thursday of each month.

Councilmember Keen Ellsworth moved to approve the ordinance. Motion seconded by Councilmember Chuck Williams. Motion carried (5-0). Vote: Gary Chaves-aye, Chuck Williams-aye, Justin Sip-aye, Ty Bringhurst-aye, Keen Ellsworth-aye.

- Discussion and possible action on Resolution 2021.XX WCSWD representative appointment.

Councilmember Justin Sip would like to continue serving on the board.

Councilmember Gary Chaves moved to approve the Resolution and to designate Councilmember Justin Sip to serve on the board for the 2022 Calendar year. Motion was seconded by Councilmember Ty Bringhurst. Motion carried (5-0). Vote: Chuck Williams-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye.

Justin Sip gave a brief report of a rate increase that the district approved, and the city will be getting an email of the small increase. There was a brief discussion about the Blucan opt out agreement with the solid waste district.

- Discussion and possible action on Resolution 2021.XX Southwest Mosquito Abatement representative appointment.

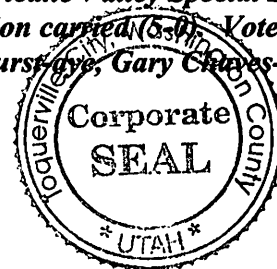
Councilmember Chaves was asked by Councilmember Bringhurst if he would be willing to continue to serve on the Southwest Mosquito Abatement board. Chaves agreed to do so.

Councilmember Ty Bringhurst moved to adopt the Resolution naming Gary Chaves at the Southwest Mosquito Abatement board representee. Motion seconded by Councilmember Justin Sip. Motion carried (5-0). Vote: Chuck Williams-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye.

- Discussion and possible action on Resolution 2021.XX HVFSSD representative appointment.

Councilmember Keen Ellsworth voiced his request to stay on the Hurricane Valley Special Service District board.

Councilmember Ty Bringhurst moved to approve the proposed resolution, appointing Mayor-Elect Keen Ellsworth as the Toquerville Representative on the Hurricane Valley Special Service District board. Motion seconded by Councilmember Justin Sip. Motion carried (5-0). Vote: Chuck Williams-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye.



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- Discussion and possible action on Resolution 2021.XX ACSSD Mayoral and Council representation to the Administrative Council.

Councilmember Ty Bringhurst moved to approve the proposed resolution, appointing Mayor-Elect Keen Ellsworth and Councilmember Justin Sip as the Toquerville Representatives to serve on the Ash Creek Special Service District. Motion was seconded by Justin Sip. Motion carried (5-0). Vote: Chuck Williams-aye, Keen Ellsworth-aye, Justin Sip-aye, Ty Bringhurst-aye, Gary Chaves-aye.

- Discussion and possible action on naming Mayor Pro-Tempore for 2022.

Councilmember Keen Ellsworth moved to table item. Motion was seconded by Councilmember Ty Bringhurst. Motion carried 5-0. Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye.

- Discussion and possible approval of Resolution 2021.XX Ratifying the appointment of Afton Moore as the Toquerville City Manager.

A resolution was not needed to appoint a City Manager. A resolution was not drafted for this meeting.

Councilmember Justin Sip moved to ratify the appointment of Afton Moore as City Manager. Motion seconded by Councilmember Ty Bringhurst. Motion carried (5-0). Vote: Gary Chaves-aye, Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Chuck Williams-aye.

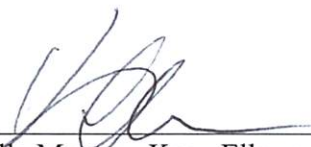
CALENDAR OF EVENTS:

*National Wreaths Across America – December 18, 2021 at 10:00 a.m.
108 wreaths will be placed on Toquerville Veteran Gravesites.

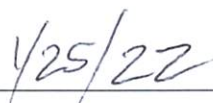
ADJOURN:

Councilmember Justin Sip moved to end the Toquerville City Council Regular Business meeting. Motion was seconded by Councilmember Chuck Williams. Motion carried (5-0). Vote: Justin Sip-aye, Keen Ellsworth-aye, Ty Bringhurst-aye, Gary Chaves-aye, Chuck Williams-aye.

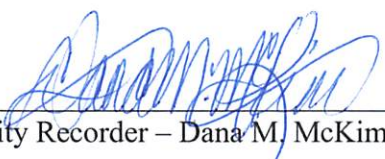
Meeting adjourned at 7:25 p.m.



Toquerville Mayor – Keen Ellsworth



Date



City Recorder – Dana M. McKim

