

TOQUERVILLE CITY COUNCIL MINUTES

Work Mtg; 6:30 – Regular Work Mtg;

7PM - Public Hearing and Regular Mtg

Held December 10th, 2009, at City Offices, 212 Toquer Blvd.

Attending: Mayor Darrin LeFevre; **Council Members:** Lynn Olds, Randy Scott, Paul Heideman, Daren Cottam, Mark Fahrenkamp, Brad Langston; ATT. Heath Snow; Mike Vercimak, (Excused); B.Gubler, Sewer Dept.; D. Gubler, Water Dept; P.C Members: A. Lowe (Chair), A. Kleinman, B. Darger; C. Pogue (Recorder); C. McNeil, D. Elison (Maintenance); DC Young (Web/Variance Brd), M. Lowe; Doug Westbrook (RD & CT Holdings); (Scout) Shawn Lefevre, K. LeFevre, S. Crosby; J. Phillips, R. Funk (Sunrise Eng.).

6:30PM – Mtg is called to order by Mayor Darrin LeFevre, asking for Item #1, Water Update. Doug Gubler had nothing new to report; asked if CC had any questions. Mayor asked for his recommendation on the backhoe purchase; Doug G. responded that he felt the City should go with the “warranty” equipment, the \$50,000 (J. Deere). Mark Fahrenkamp also asked Doug about his experience using the young convicts for week clean-up; Doug said they are supervised and he has worked with them quit a bit. He added they have been all around the County on work assignments (County Court). Councilman Fahrenkamp said there is a heavy amount of tumbleweeds at the TRE Subdivision site; Doug said you can poison those for next year but you’ll never get them all. Paul Heideman noted the last time the youth workers came, someone complained to the County and they won’t let them come back. Doug G. added the backhoe will do a good clean-up on those as well, but if you go for the (older) big convicts, you have to pay for their supervision. **Mayor LeFevre said City could call the Sheriff’s Office to check on this.**

Sewer Update; Blaire Gubler invited CC to tour the new ASSD Offices. He reported that last District Mtg, they discussed the proposed Church Site Lot Split and submitted some additions to the Deferral Agreement for City and the Developer (RD&CT Holdings). Mayor LeFevre noted ATT. Snow had received those and will bring the revised Agreement tonight. **Blaire G. asked for a signed copy be sent for their records.**

Item #2. Review Regular Mtg Agenda – B. & C (Unfinished and New Business); Mayor asked for comments or questions; he noted that (Item B.1.) Church Site Preliminary Plat Approval is on the Public Hearing tonight. Although this was reviewed last month, the publishing defaulted and was redone; CC decision (not mandatory) was to include the Final Plat as well and PC has reviewed this at their last Mtg.

Councilman Olds questioned (Item B.2.) Proposed Expenditure for Backhoe (CC has backhoe list in packets); Mayor LeFevre stated the Maintenance and Water Department had reviewed, inspected and compared a variety offers. Mayor reported on the two final selections from Maintenance Dept; the backhoes with approximate costs are: \$49,000 (with warranty), and \$34,000 (needing some work); Mayor LeFevre stated the \$49,000 machine is a 2007 model with warranty and full maintenance twice a year, plus option to extend warranty hours. Councilman Olds asked if there was a payment program; Mayor said the City could pay annual payments of \$4,000 for three years, then pay a “balloon payment”; (or) Mayor added the option of saving interest and paying outright. Councilman Cottam asked if City could have the option to return the equipment after a year if they didn’t like it? Mayor LeFevre answered City would have to sell it; and if we go to a lease, it’s about \$7,000 per year.

Councilman Olds asked about using **the General Budget or the Water Fund (and payback to that fund)**; Mayor stated the need to use Water Fund, being that Dept was the primary user. If City were to get a CIB Loan, we could spread over time but would pay interest; we’ll **check with Pam (Treasurer) and the Auditor (Hinton/Burdick) to schedule paybacks (to Water Fund) from monies for Cemetery/Parks budget.** Lynn Olds stated they could do that over long term – as ten(+) years. Councilman Scott asked about paying interest payments to the Water Fund; Mayor added you can amend that annual budget and pay interest to the Water Fund. Lynn O. added we need **to figure the annual percent useage for Parks/Streets/Cemetery Departments and figure annual payback to the Water Fund.** Mayor LeFevre commented the entire usage is projected at about 300 hours per year; this should give us 15-20 years of use. Councilman Heideman stated even at 500 hours per year service, the backhoe would last the City 20 years.

Work Meeting #3; Comments / Questions – Staff, PC, Attorney. Annette Kleinman (PC Member) reported no new requests for PC; also nothing to report from ATT. Snow.

Mayor LeFevre asked for Sunrise (City Engineer) update with the Streets/Water Lines Funding Project.

Joe Phillips said he and Russ Funk have been working with Darrin Cottam on the Road & Water Line Funding Project for a number of months; Russ F. passed the working proposal sheet to Council on the design and engineering services with a Project Map. He stated that Sunrise goal is to get multiple funding agencies involved with Phase 1 and 2, Replacing Water Lines with the Road Construction Project to avoid tearing up asphalt later. The two design Phases was addressed with CDBG funds, which are limited to “low to moderate income areas”. Daren Cottam and Russ Funk sat with Diane Lameraux (Five County Office) to show the proposed Project; the decision was to use Phase 1 for the “low-moderate income” request for CDBG funds on Engineering Design. Phase 2, outside qualifying area (low-mod.) will enable us to use as much funds as possible for construction on other grants/loans.

Councilman Scott asked about design and construction to maintain existing surface; Councilman Cottam added the City should combine this effort, tying in existing driveways, etc. Councilman Olds commented some streets were not conducive to sidewalks and curb/gutter; Daren C. agreed some were not, as Hillside Dr. and Cotton Gin. Russ F. added there is a right-of-way design to address along those roads. Councilman Heideman asked if funding was available for putting bike paths along the roads? Russ F. answered there isn't the CDBG “low to moderate income” money; CIB is a good funding source; City will use CDBG for Phase 1, then go back to them for the 2-5 year proposed projects.

Paul H. asked Sunrise to explain that funding; Russ F. said CDBG is grant funding; limited to \$150,000 per request and this is the 2010 fund cycle for that grant which can be used for engineering or construction. If the money is used for construction, it has a federal requirement to use the “Davis / Bacon” wage levels and costs go up 30-40% for higher wages; if used for professional services (engineering, etc.), the labor costs don't apply. Joe Phillips (Sunrise) added the CIB funds could be used for lower interest construction costs; also, the Drinking Water Board funding can replace water lines with a \$700,000 Grant. Russ F. added the CDBG request was submitted by the City on Dec. 4th deadline for the Phase 1, Design Project, identifying the fund sources of CDBG (\$150,000), CIB (\$450,000), and Drinking Water Board (\$600,000); there is also other private funding available. Councilman Cottam added the City has some Impact Funds available to Streets and Water. Mayor LeFevre reminded Council of the City Office / Town Hall and Water Tank being completed with CIB money, which we pay annual payments (copy of these payments are in your packets).

Russ F. (Sunrise) reviewed the proposal breakdown, showing Phase 1, acquisition with CDBG funds, hourly breakdown, etc... (on handout). Councilman Olds asked how close was Sunrise estimate of funding on other projects? Russ F. answered “pretty close”; some are “lump sum” and others allocated; some could be less than the quote. Joe P. added there is a fair amount of work involved with this quote, including water meetings, bond closing, lots of procedures. Russ F. continues – next is the Project Design (Phase 1) at \$170,900; then Construction Services (development of roadway and cross-section engineering calculations on water lines) with “lump sum”. Other fees are hourly inspectors and project management, etc. Construction management and additional services (as research) are budgeted in “to be safe”; also surveys, topos, etc. in Town, are estimated within \$2,000 of each other – “solid costs”.

Russ F. – Phase 2 Design will cover Westfield Rd where unqualified for CDBG funds; coordinating all work with Councilman Cottam (Streets). Mayor LeFevre asked if most of Sunrise Engineering service was covered with Bond funds or Grants? Russ F. answered the \$150,000 covers our \$107,000 and some other “professional services” can go there; then City funds with CIB or Drinking Water Brd. Mayor also asked if the “hard numbers” would be known before Project begins? Russ F. stated they need an Agreement drafted with their numbers, the Project Estimate with Construction costs, etc. for the Phase 1 Design; last is the Phase 2, Westfield Rd. Mayor also asked if we know the actual funds from CDBG and CIB? Russ F. explained the \$150,000 will be submitted and is on a time schedule for February; actual amount could be different; we need to consider that private funding (interest money) outside of City Funds; CDBG is in and we recommend City do CIB as well. Joe P. said when the multiple funding is considered, we do an affordability worksheet; lists at top of your page I CIB, CIB, Drinking Water Board, TQ money and private bonding.

When you develop and work these numbers, you adjust when monies are expected. Below that (on handout), you have Project Costs, then a payback rate with annual “debt service” fees. Working these numbers will help determine the size project you can afford to do.

Councilman Cottam also asked Sunrise to estimate for build-out design of roadway complete, then bill according to annual debt service rate, adjusting drawings over the years as money distribution is approved. Daren C. added the prioritizing of roads was completed with City Council to Phase 1 construction, including Toquer Heights; but City may not be able to do all those roads in ten years. Mayor LeFevre added we need to realize that all the money needed will not come in the next two years. Councilman Cottam added Phase 1 construction will be \$2.3 mil.; the \$150,000 CDBG Grant will get the design work done, then a required bid on roads that we can afford to do (with available funds), going forward from that point.

Daren Cottam reminded Council of City Water and Impact monies held, adding we cannot use all our “restricted” funds; we must keep a reserve and decide what bonding is needed. State Funding is guaranteed for the life of the bond, and City also has B&C (State gas tax) funds to use; Joe Phillips said you can use 75% of B&C (guaranteed funds) for ten years. Daren C. said he would get the latest B&C State funds received from Pam (Treasurer).

Russ F. stated there is no Sunrise Agreement yet; funding acquisition work (thus far) will be billed if City does not go forward; Mayor added this would be on the Agenda next month. Daren C. told CC he appreciated all the work by Sunrise and also the (low-mod. Income) survey work by CC; he added those residents not at home need to be re-contacted to help with qualifying requirements. There are no further deadlines, the voting for project funding awards is done in Five-County Meeting in February, '10; hopefully our three areas will be qualified for the “low-moderate” income; am not sure of cost amounts for each area. Russ F. said that would be divided and updated; the preliminary numbers “look good”; we haven’t spent too much.

Councilman Randy Scott asked about Item #13 & #14, Phase 1; we proposed curb/gutter/sidewalk on some roads need sidewalk, etc. on one side, yet we cannot take up roadways and do both sides – as in Toquer Estates. Joe Phillips said the work is projected for future needs; we can cut the construction costs as City directs. Daren C. stated the City will consider those needs with Westfield Rd priority having right-of-way for east side and undeveloped property on west side; future developers can help put that in.

Councilman Heideman commented his wish to see a bike path rather than sidewalk if the City could get government grant money for that. Russ F. replied this Project submittal is recommending curb/gutter/sidewalk as part of the proposed drainage system; you would have to get property right-of-way for any modifications. Councilman Scott asked if the design was flexible enough to add these (modifications)? Russ F. answered you could bid out alternate items (as this) if there were enough funds available.

Councilman Cottam explained we have given (CDBG) the one-year Phase 1, then the two-five year plan to finish Phase 2, which includes a Community Building request (Randy Scott proposal); CDBG wants us to stick to our goals and requests. There may be another funding source for trails, etc.; the CDBG is the “low income qualifying grant source; Russ F. added the CIB is the most likely funding for low interest bonding on those projects. Daren C. stated St George received 50% (matching) loans for trails.

Councilman Heideman commented the most complaints we have is on Westfield Rd; has there been any consideration for an SID (Special Improvement District) for people who move there – to “hurry it up”? Daren C. stated his opinion on SID’s is that it’s a very slow process to get approved. Mayor LeFevre agreed the Anderson Jct SID took 5-10 yrs, probably 7 yrs of planning when he was on the Planning Commission. Daren C. said he also wasn’t sure you could use everyone who uses Westfield Rd; Mayor added you need 51% of the people to agree who live from bottom up - probably 80% of road is pasture. Councilman Cottam said there is \$250,000 of Impact money for Westfield (streets); as well as the Water Impacts.

7:27 – CONVENE REGULAR MEETING

Mayor LeFevre asked Scout, Shawn LeFevre to lead the Pledge; Randy Scott gave the Invocation. No statements of belief were given; Disclosures or Conflicts of Interest; none given; Paul Heideman MOTIONed to go to Public Hearing; seconded by Randy Scott; all approved.

Mayor convened the Public Hearing for review of APPLICATION FOR PRELIMINARY AND FINAL PLAT APPROVAL for RD&CT Holdings, Toquerville West Church Site – 5 acres south of Sunset Rd and Mesa View. PC Chair (Anita Lowe) reported that Planning Commission had met and approved Final Plat with accepted “Deferral” condition. Mayor invited comments from the representative for RD&CT Holdings.

Doug Westbrook (RD&CT Holdings) stated since the last meeting, they had met with Ashcreek Sewer District (ASSD) and had the exception for our Deferral Agreement taken care of by ATT. Snow; Attorney added he had received a letter from Faye Reber (Counsel for ASSD), asking for a paragraph insertion. He had “taken this apart” because parts were already included in the body of the Agreement – made a couple modifications and CC should have that copy tonight. I inserted a couple things about installation of improvements pursuant to the construction standards of the District; the same obligation to install the sewer system improvements fit in with all other utility installation deferred – same “trigger point” for that. ATT. has execution copy of Deferral tonight and has given that to Doug Westbrook; some changes were made today after receiving the letter late yesterday.

Mayor LeFevre asked for any further comments to Public Hearing; hearing none there was a **MOTION by Lynn Olds to adjourn the Hearing; seconded by Paul Heideman; all in favor? Yes, unanimously.**

7:35 - Mayor reconvened the Regular Mtg and asked for comments to Consent Agenda; none were made and MOTION was made by Paul Heideman to approve Consent Agenda with Minutes and Expenditures for November; seconded by Mark Fahrenkamp; all approve? Yes, unanimously.

B. Unfinished Business; Item #1, Review and possible approval of Preliminary Plat for TOQ. West Church Site, RD&CT Holdings. Lynn Olds MOTIONed to approve the Preliminary Plat; seconded by Mark Fahrenkamp; ATT. Snow noted that the Final Plat will be reviewed for approval under (C) New Business.

Item #2. Review and possible approval for City expenditure – purchase of backhoe; explaining the previous discussion had indicated the \$49,000 selection was the desired equipment by Maintenance / Water Departments. Councilman Scott MOTIONed to approve purchase of the John Deere Backhoe with funds from the Water Department; seconded by Paul Heideman; Roll Call vote: Paul Heideman, Yes; Randy Scott, Yes; Lynn Olds, Yes; Daren Cottam, Yes; Mark Fahrenkamp, Yes. Vote is unanimous in the affirmative.

Item #3. Review approval for Waiver of partial fee on Encroachment Permit (Joel Jeppson property). Mayor LeFevre explained this approval was discussed with Mike Vercimak and Staff about the Permit being charged \$22,000 for calculations made on trenching dirt shoulder of Westfield Rd. Once it was completed and Mike V. (excused tonight) had inspected the asphalt requirements, he submitted the \$3 (of \$10/sf ; about \$800.) necessary to ensure replacement of asphalt to City specifications. City originally calculated wrongly into the asphalt and has refunded the excess charges made against trenching dirt instead of removing asphalt; Mayor stated that Mr. Jeppson added a hydrant and 8” line with sewer brought in 250 ft. – also of benefit to the City.

Item #4. Review City selection of Community Project – Recycling revenue of \$269. 57; Council decision was made to designate the Parks Department for these funds.

C. New Business – Item #2; Review and possible approval of Final Plat Approval of TOQ. West Church Site, RD&CT Holdings; any further comments? None were given; Paul Heideman MOTIONed to approve the Final Plat for TOQ West Church Site; seconded by Daren Cottam; all in favor? Yes, unanimously.

Item #3; Review Five-County AOG, Multi-Jurisdiction Local Hazard Mitigation Plan; Mayor LeFevre. Mayor reported that Five County AOG (Association of Governments) is asking us to prepare for natural disasters and qualify for Federal monies. Ken Sizemore (on FEMA Board) has sent letters to communities, new FEMA flood maps were finalized in Feb., '09, and Cities are asked to help mitigate risks affecting all Cities involved with various causes of disaster, as floodway hazards (boulders, etc.). **We will sign a letter of agreement and participate in the planning with the Rural Planning Org. (RPO).** Mayor stated this is for future preparation with FEMA Homeland Protection; Daren Cottam commented our fencing around water tanks would apply; Mayor answered yes, definitely. **Lynn Olds MOTIONed to approve Mayor signature for this Agreement; seconded by Daren Cottam; all in favor? Yes, unanimously.**

Councilman Olds asked if the City Annexation with Eaton / Lowe had been signed off? Mayor LeFevre answered Stacey Eaton came in to sign yesterday, ATT. Snow will sign tonight and we'll get Sunrise Engineering and then resubmit to County Surveyor to finish the process (Recording); Mayor continued with review of current Leeds Annexation Petition:

Item #6 – Leeds notice of Annexation Petition to Affected Entities – Grapevine Wash 3rd Addition, 229.154 Acres. This new Annexation Petition will touch our west boundary by the Homespun area and by I-15 – there are maps in your packets for this proposal of Grapevine Wash #3, expected before the end of the year. ATT. Snow explained there was a deadline on our previous Agreement to submit annexation request; the #2 Addition brought us contiguous to our boundaries. CC reviewed the map and Mayor explained the boundaries. ATT. Snow commented the Homespun area has chosen to remain outside of Leeds and “do their own thing” for now.

Return to Item #4 – Review and possible approval of inserting the Rural Planning Org. (RPO) Access Management Agreement (approved in Nov. CC Mtg) to City Master Transportation Plan; recommended by ATT. Snow as Addendum Exhibit. Mayor LeFevre requested that Planning Commission review and recommend guidelines to change the Land Management Code (LMC) for this Amendment to Subdivision Section. He also asked for a recommendation to make LMC changes on a regular basis (perhaps twice a year) to avoid continual updates; changes also need to be made for consistency of Code numbering system (DC Young). Anita Lowe (PC Chair) suggested March and October.

Item #5 – Eagle Scout Project; Shawn LeFevre presented his proposal with a handout for Council for **Neighborhood Watch signs** (8-9) to be placed around the City; cost for ten signs is \$175. Posts, bolts and cement bring cost of \$189; total costs will be about \$364. Mayor asked for plan to fund raise outside of \$250 donation from the City; Shawn said he would conduct a fundraiser. Question was asked if Scouts can accept resident donations for a project such as this? Annette Kleinman (Scouting Committee) answered no. **Councilman Cottam asked Shawn to include a sign for the Cholla Creek Subdivision Park.** Question was asked about size of sign; Shawn answered 18-24” burred pole at 7 ft – plus sign; total is about 12 ft high. Councilman Heideman reminded Shawn of his leadership requirement to organize and delegate the helpers. DC young asked what style of sign was chosen? Shawn said it was a red/white; Anita Lowe asked if sign meets the Code requirement and was the placement to be made on private or City property? Mayor answered that they would be mostly on the owner’s side of the sidewalk in one foot easement and with permission (if required). Annette K. asked for Scout to review Sign Ordinance requirements with the Planning Commission. Randy Scott explained to Scout LeFevre that higher fundraiser monies could also help save City expense. **Paul Heideman MOTIONed to approve Shawn LeFevre Eagle Project and funding of \$250; seconded by Randy Scott; Roll Call: Paul Heideman, Yes; Randy Scott, Yes; Lynn Olds, Yes; Daren Cottam, Yes; Mark Fahrenkamp, Yes; approval is unanimous.**

D. Request for Agenda Items on January 14th, '10 CC Mtg; (#1) Councilman Heideman asked for a proposal to be made for change of the Fee Schedule for Conditional Use of Animal Permit; Carol P. explained there is a breakdown of Permit Fees now according to Conditional Use and Business License, etc. Mayor added we could bread up in different categories; Paul H. said this is a minor change to discuss change of requirement for public hearing and noticing requirements, breaking out for a new animal permit fee. ATT. Snow asked if the Animal Ordinance identify this as a conditional use? Anita Lowe said it’s under R-1 to R-20 for application under Conditional Use requirements; there are a few who’ve had to pay \$250 for that permit to have animals in their residential area. ATT. Snow asked if she meant with a new Ord. adopted, these people should be refunded the fee? Anita said they were told to be compliant, the fee was required; is this going to be waived for residential in the future. ATT. Snow explained we have a fee for conditional use permit which was charged; this is a separate conditional use permit only for this proposed situation; Mayor LeFevre said this proposal request (resolution) is to “change the Land Use Fee Schedule” can be discussed on the next Agenda. Annette K. asked what the change was going to be; Paul H. said his request is to change from the (normal) \$250. to a \$25. fee for animal permit. **(#2) Councilman Cottam asked for the Sunrise Update for costs on work with CDBG; also to approve the CIB and Drinking Water applications to go forward.** He will be excused for that January Mtg and wanted to recommend his approval for this work to go forward. **(#3) Mayor LeFevre stated they would have the Auditors in for Annual Report in January.**

E. Mayor Lefevre asked for Department Reports:

1. Economic Development / Water – Lynn Olds (Excused from Mtg)
2. Cemetery / Park / Maintenance / Solid Waste Rep. & Dumpsters, including the Recycle Program. Randy Scott had finished his report earlier. Mayor announced the appointment of new Council Member, Brad Langston to this Department and the Census Bureau Rep. Mayor also assigned Brad L. to work with renewable energy companies.
3. Culture & Recreation – Paul Heideman reported his Budget report was again not separated or itemized, just totaled; Pam Jarman will be asked to forward that information. Councilman Cottam commented the holiday decorations were done very well.
4. Streets – Daren Cottam had nothing further to report.
5. Subdivisions – Mark Fahrenkamp said he was working on the TRE Subdivision weeds; he also said he would help Brad Langston with his assignments if needed. Councilman Cottam added he too would help.
6. Planning / Zoning / Staff – Anita Lowe reported at last PC Mtg and approval for Sign Permit with the Lowe family; and Final Plat approval for the west Toquerville Church site (previously discussed.) There was a home office permit for home interior design by Renee Garner. Anita has also been reviewing the (old and new) Conditional Use Permits throughout the City; older CUPs were in group files, some current are in “dead files” (discontinued use). She found some business have not paid current or some past business license fees, yet are still in operation; some have paid fees and have not applied for their CUP; PC will hold a work meeting to review these. Mayor LeFevre thanked her for volunteering this time and also asked Anita to let the PC Board know of the Land Use Training Mtg coming to St George on the 8th of January; it’s on the Friday evening – 6-8 PM and City will pay the \$10 materials fee.
7. Mayor’s Report - Darrin LeFevre reminded City Council Members of the Saturday, January 9th at Cedar City, “Newly Elected Officials” Training; this includes the new Powers & Duties Handbook. City will fund this and Carol Pogue will take care of registration for those who can attend; the fee (\$40) includes the meals and new \$30 Book; beginning at 8AM and attendees can carpool. Mayor would also encourage all other Board Members of PC and Board of Adjustment, along with other CC Members who can go, to attend on Thurs. night at St George City Chambers for Land Use Training.

8:30 – Paul Heideman MOTIONed to Adjourn the Council Meeting; 2nd by Daren Cottam; all in favor? Yes, unanimously. Mayor LeFevre announced refreshments and a farewell gathering for all those who’ve come to thank Randy Scott for his service as a Council Member

Minutes of the December 10th, 2009 Toquerville City Council Work, and Regular Meetings will be presented for review to CC Members; corrections and approval will be proposed in the January 14th, 2010 City Council Meeting:

Approved: _____ Dated: _____
 M. Darrin LeFevre, Mayor

Attested: _____
 Recorded and Typed by Carol Pogue, City Recorder

Please Note: Actions and/or Assignments will be highlighted.