

TOQUERVILLE CITY
RESOLUTION 2022.06



A RESOLUTION OF THE CITY COUNCIL OF TOQUERVILLE CITY, UTAH,
CREATING A SEPARATE AND DISTINCT CAPITAL PROJECTS FUND TO
BE KNOWN AS FUND 41 TOQUERVILLE PARKWAY PROJECT #22, AND
ADOPTING THE TENTATIVE BUDGET FOR FUND 41 TOQUERVILLE
PARKWAY PROJECT #22.

PREAMBLE

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized and operating under the laws of the State of Utah.

WHEREAS, the Toquerville City Council (“City Council”) is the governing body of the City vested with all legislative and administrative powers delegated to the City pursuant to Article 11, Section 5 of the Utah Constitution and Utah Code Ann. § 10-1-103.

WHEREAS, pursuant to the Utah Uniform Fiscal Procedures Act for Utah Cities (Utah Code Ann. § 10-6-108, each City is required to “maintain, according to its own accounting needs, some or all of the funds and account groups in its system of accounts as prescribed by the Uniform Accounting Manual for Utah Cities.

WHEREAS, the City, working in conjunction with the State of Utah, has acquired a one hundred twenty (120) foot wide right of way (“Parkway ROW”) and has commenced construction of a by-pass road to be known as “the Toquerville Parkway” or “the Parkway” which that will start at a point along the current State Route 17 (“SR-17”) near Anderson Junction and run South by Southwest out around present Toquerville City proper and ultimately turning East by Southeast to a point where it will cross over Ash Creek and ultimately re-connect with SR-17 near the southern end of the City near its border with LaVerkin.

WHEREAS, the City has obtained considerable funding assistance from the State of Utah and a private developer owning or under contract to purchase approximately 1750 acres of land which will be bisected by the Parkway (“Firelight Development”) - all of which has yet to be expended but rather has been deposited into separately created accounts maintained by the Utah Public Treasurers’ Investment Fund (PTIF) and Zions Bank.

WHEREAS, based upon input from the City’s accounting and compliance consultants, the City has been advised to create a separate capital improvement fund for the Toquerville Parkway project pursuant to Utah Code Ann. § 10-6-108 and adopt a separate budget for said fund pursuant to Utah Code Ann. § 10-6-109.

WHEREAS, the City, in conjunction with its project manager for the construction of Toquerville Parkway (“Parkway Project”), Stanley Consultants, Inc. (“Stanley Consultants”), have developed a tentative budget based upon the plans and specifications for the Parkway Project created by Horrocks Engineering, Inc. and the prime contract for the Parkway Project awarded to

William Charles Construction, the summary of which is attached hereto, marked ***Schedule “1”*** and incorporated herein by this reference (“Parkway Project Budget”).

WHEREAS, pursuant to Utah Code Ann. § 10-6-113, the City gave notice and conducted a public hearing on the creation of the proposed capital improvement fund for the Parkway Project and the Parkway Project Budget on the 15 day of June, 2022 at 6:00 pm in the Toquerville City Council Chambers (“the Public Hearing”).

RESOLUTION

NOW, THEREFORE, based upon the recommendation of the City’s staff, its financial and accounting compliance consultants and input from the public received at or before the Public hearing, it is hereby resolved by the City Council of Toquerville, Utah as follows:

1. Creation of Fund 41 Toquerville Parkway Project #22. Pursuant to Utah Code Ann. § 10-6-108 there is hereby created by the City Council a capital improvement fund separate and distinct from the City’s General Fund and other funds, to be known as the “Fund 41 Toquerville Parkway Project #22.” Said fund shall remain and not terminate unless or until the Toquerville Parkway has been completed and accepted by the City and UDOT as complete, and all of the monies within said fund have been accounted for, disbursed, or returned to its original donor in the event of surplus.

2. Adoption of the Parkway Budget for Fund 41 Toquerville Parkway Project #22. The Tentative Parkway Budget for Fund 41 Toquerville Parkway Project #22 is hereby adopted by the City as the actual “Parkway Project Budget” and said Budget is ordered to be filed and maintained as a public record, available for public inspection in the Office of the Toquerville City Treasurer (“Treasurer”) located at 212 North Toquer Blvd., Toquerville, Utah 84774.

3. Retention of Monies in Fund 41 Toquerville Parkway Project #22. The Treasurer shall maintain all monies received by the City for the Parkway Project in Fund 41 Toquerville Parkway Project #22 by depositing the same in the Toquerville PTIF Account and shall disburse the same only per written instructions from Stanley Consultants.

4. Repealer. This Resolution will not repeal, abrogate, annul, impair, or interfere with existing provisions of other resolutions, ordinances, or laws. The Parkway Project Budget approved and located in ***Schedule “1”*** attached hereto shall augment and clarify certain aspects City’s General Budget for the current budget year. Where the Parkway Project Budget contains more detail and delineation than the City’s General Budget, this Resolution and the Parkway Project Budget shall control.

5. Severability. If any provision or clause of this Resolution or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Resolution are declared to be severable.

6. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND APPROVED this 21 day of June, 2022.

Council Person:

Justin Sip	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Ty Bringhurst	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Rachel Peart	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
John 'Chuck' Williams	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Gary Chaves	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:


Keen Ellsworth, Mayor


Daisy Fuentes, City Recorder

SCHEDULE “1”
(To Toquerville Resolution 2022-XX)

Parkway Project Budget

Toquerville City
Amended Budget Report
41 Toquerville Parkway Project 22 - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	2022 Actual	2022 Original Budget	2022 Amended Budget	Amount Difference
Change In Net Position				
Revenue:				
Miscellaneous Revenue				
36-100 Interest Revenue	52,636	0.00	0.00	0.00
36-600 Revenue	23,744,474	0.00	23,800,000	23,800,000
Total Miscellaneous Revenue	23,797,110	0.00	23,800,000	23,800,000
Total Revenue:	23,797,110	0.00	23,800,000	23,800,000
Expenditures:				
General Government				
Administration				
45-800 Bank Charges	(15)	0.00	0.00	0.00
Total Administration	(15)	0.00	0.00	0.00
Total General Government	(15)	0.00	0.00	0.00
Capital Projects				
40-720 Administration	818,591	0.00	819,000	819,000
40-730 Construction	1,984,582	0.00	1,985,000	1,985,000
Total Capital Projects	2,803,173	0.00	2,804,000	2,804,000
Total Expenditures:	2,803,158	0.00	2,804,000	2,804,000
Total Change In Net Position	20,993,952	0.00	20,996,000	20,996,000