

# City of LaVerkin

435 North Main St., LaVerkin Utah, 84745  
(435) 635-2581 Fax (435) 635-2104  
www.laverkin.org

---

## LaVerkin City Council Meeting Minutes Wednesday, January 15, 2014 6:00 p.m. Council Chambers, 111 S. Main, LaVerkin, Utah

**Present:** Mayor Kerry Gubler; Council-Members: Chantelle Browning, Richard Hirschi, Brandon Stephenson, Ken Hooten, Randy Reeve; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Lloyd Watkins, and Christy Ballard; Public: Blair Gubler, Chief Tom Kuhlmann, Judge Meyers, Rayn & Gene Blair, Paul Gooch, Leon Gubler, Annette Stokes, Ray Justice, Travis Romney, Warren Steed, and Gary Wilcox.

**A. Called to Order** – Invocation and Pledge of Allegiance by Richard Hirschi at 6:00pm.

**B. Recognitions:**

1. Rayn Blair was presented a certificate and gift card for her help with the Christmas Eve Program.
2. Mayor Karl Wilson was not able to attend this meeting. This presentation will be continued to the next City Council meeting.

**C. Presentation:**

1. Count My Vote-Willie Billings was not able to be here so Paul Gooch presented for him.

Mr. Gooch started by introducing himself and explained the citizen initiative Count My Vote is trying to eliminate our caucus convention/primary dual system and replace it with a direct primary. They believe this would help with voter turnout.

Mr. Gooch reported there is no data that supports this theory, there are however studies that show voter turnout is not dependent on the nominating system it's dependent on how heavy the politics are and what the events of the world are.

Mr. Gooch feels it is important to take interest in this matter and explained that Utah has the purest form of the caucus convention type nominating system. He then explained how the system works. That republicans and democrats each meet in their caucus meetings to elect their delegates to go on to the convention for their respective party. At the convention, the delegates then decide who will go on to represent each party for either the primary or general election. If you don't like patrician politics and would like to be on the general election ballot you just need to gather the appropriate number of signatures. A direct primary does allow everyone to get a vote but the only involvement the citizens get is at the ballot box. California is a one state who has direct primary and they have a citizen's petition initiative this year trying to reinsert caucusing and neighborhood elections into California politics.

There are cities throughout the State who have passed votes of support to keep the caucuses in an effort to send out the message.

Mayor Gubler reported that the presentation was held tonight, the resolution of support will be on a different agenda allowing the councilmembers time to gather more information if they would like before making their decision.

2. Reappoint and swearing-in of City Recorder and City Treasurer.

Kyle Gubler and Troylinn Benson were sworn-in by Judge Meyers.

**D. Appointments:**

Councilmember Chantelle Browning-Historical Preservation, Youth City Council, Mosquito Abatement.

Councilmember Ken Hooten-Homeland Security/CERT, Confluence Park, fire District, Budget.

Councilmember Richard Hirschi-Public Safety, Sewer Board, Planning Commission, Zoning.  
Councilmember Randy Reeve-Recreation, City Festival, Economic Development, Solid Waste.  
Councilmember Brandon Stephenson-Public Works, Water, Beautification/Trails Committee, Utah Shooting Sports Park.

Kelly Wilson-Planning Commission.

Linda Prince-Planning Commission Alt 1.

Michael Hinckley-Planning Commission Alt 2.

**Motion was made by Councilman Ken Hooten to accept suggestions for Appointments for the different Committees and Boards as read by Mayor Gubler, second by Councilmember Brandon Stephenson. Motion carried unanimously.**

**E. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. December 4, 2013 regular meeting minutes and January 6, 2014 special meeting minutes.
4. Review Invoices and Checks: \$272,857.94

**Motion was made by Councilman Richard Hirschi to approve the consent agenda as written including the December 4, 2013 regular meeting minutes, the January 6, 2014 special meeting minutes and checks and invoices in the amount of \$272,857.94, second by Councilman Ken Hooten.**

**Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

**F. Committee Reports:**

1. Planning Commission – Councilman Hirschi reported that the Planning Commission is discussing zoning and permitted uses for the downtown area. They could possibly be making some changes that will be coming to the City Council for approval.
2. Water Board – The Water Board has not met.
3. Sewer Board-Blair reported the budget was approved at the last meeting along with a 30 lot subdivision in Dixie Springs.
4. Fire District-Chief Kuhlmann passed out the annual summary for the Hurricane Valley Fire District. Out of the 1935 calls they responded to, 228 were from La Verkin. HVFD covers Hurricane, La Verkin, Toquerville, Virgin and the unincorporated areas of the County. They are right now also helping out Washington City with their medical calls under the direction of the State while Washington determines what they want to do in the future.  
The special events are keeping them very busy. The District has also grown 13.5% since last year. The District is also trying to put together an information packet they will be giving to the Councilmembers.

**G. Citizen Comment & Request for Future Agenda Items:**

Annette Stokes said that on Monday of this week she saw a member of her family try to commit suicide. Later that evening the person was arrested. Annette stated she was contacted by a La Verkin police officer and told if she changed her statement from that evening he would make life hard for her and her husband. The next day she reported this to Chief Watkins. Since then she has tried on several occasions to contact Chief and he has not returned her calls. Today she waited for him at his office, when he got there he told her he would not be returning her phone calls, that he was sick of the case. The Utah State Constitution has an amendment for victims. She is not to be intimidated or badgered in anyway. She was arrested yesterday by that same police officer for filing a false police report. She is in the process of filing a complaint with another agency so they can investigate the La Verkin City Police Department. She is frightened of the police officer and Chief Watkins will do nothing about it. She wanted the Council to know what she is going through.

Mayor Gubler suggested to Mrs. Stokes she file an official complaint with the City.

Annette said she is in the process of filing a formal complaint with the Sheriff's Office. She has been a victim and the Sheriff's Office will be investigating her claim.

**H. Business:**

1. Discussion and possible action to approve Resolution R-2014-01; A resolution approving a new Council representative (Councilman Randy Reeve), to serve on the Administrative Control Board of the Washington County Solid Waste District.

**Motion was made by Councilman Brandon Stephenson to approve Resolution R-2014-01, a resolution approving Councilman Randy Reeve to serve on the Administrative Control Board of the Washington County Solid Waste District, second by Councilmember Richard Hirschi. Motion carried unanimously.**

2. Discussion and possible action to approve Resolution R-2014-02; A resolution approving a new Council representative (Councilwoman Chantelle Browning), to serve on the Southwest Mosquito Abatement and Control District Board.

**Motion was made by Councilman Richard Hirschi to approve Resolution R-2014-02, a resolution approving Councilwoman Chantelle Browning to serve on the Southwest Mosquito Abatement and Control District Board, second by Councilman Brandon Stephenson. Motion carried unanimously.**

3. Discussion and possible action to:
  - a. Award the bid for the 2014 Road Construction Pavement Preservation Project.
  - b. Award the contract for the 2014 Road Construction Pavement Preservation Project.

Derek gave the Councilmembers a map of what was proposed and bid on. The bid opening was yesterday. One section of road, 170 South down to the Ash Creek Sewer pump, had to be removed so the project could stay within the approved price range.

Derek read a letter from Sunrise Engineering clarifying a situation that arose after the bid opening. The lowest responsive bidder was Holbrook Asphalt LLC and Sunrise Engineering recommends awarding the contract to them. Holbrook was not the lowest bid, Straight Stripe Painting Incorporated came in under Holbrook but the product they plan on using does not meet the project specifications. In addition, all known applications of the proposed product in the Southern Utah climate have been completed within the last year leaving little time to verify its long term performance.

Based on these reasons Sunrise Engineering recommends giving the contract to Holbrook. This determination is not meant to make any judgments on Straight Stripe Painting Incorporated's ability to do the work or reflect on their reputation.

If Holbrook is awarded the bid, this situation does have the potential to result in a bid protest by Straight Stripe Painting, however Sunrise feels there is a greater potential for liability to the City if the bid is awarded to a contractor who cannot meet the recognized specifications.

Derek said that this has happened before. Straight Stripe should have the specifications we have set met by next year.

Derek has spoken with Kevin and Russ from Sunrise Engineering and they all agree to move forward with Holbrook Asphalt, they are the only company with accreditation from ATWA and have a history of how their product holds up in the Southern Utah heat.

Holbrook has gotten the contract the past four years. They also guarantee their product for five years. The section of road that was taken out this year will be included in next year's project.

Kevin mentioned Holbrook's product is guaranteed for five years but appears to be holding up for seven or eight years. He also asked Russ if Straight Stripe was given a couple of weeks would they be able to gather enough information on their product to become eligible and Russ told him they would not.

The contract needs to be awarded to the most responsive, responsible and the lowest bidder.

**Motion was made by Councilman Richard Hirschi to award the bid for the 2014 Road Construction pavement Preservation Project to Holbrook Asphalt in the amount of \$92,828.55, second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

**Motion was made by Councilman Brandon Stephenson to approve the contract for the 2014 Road Construction Pavement Preservation Project as written to Holbrook Asphalt, second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

4. Discussion and possible action to:
  - a. Award the bid for the 2014 Silver Acres CIB project.
  - b. Award the contract for the 2014 Silver Acres CIB project.

Kyle reported Interstate Rock was the low bid on the Silver Acres CIB project.

Derek explained where Silver Acres is located. There are 42 lots in that subdivision with only 1 vacant. This project will improve the entire infrastructure in that subdivision. Derek told the Councilmembers the City spends approximately \$10,000 annually on repairs in that area due to the quality of product used when the subdivision was built. There have been vehicles sink into holes created by water leaks and the porous ground. The water to the entire subdivision has to be shut down if there is ever a problem because it is fed only one way. This project will add another line so it will be fed by two lines. The City will also add irrigation to the subdivision.

The grant amount is \$456,700. Interstate Rock's bid was \$421,342.10. The grant is a half loan, half grant. The loan amount goes first so if there is any money left over it will come off the grant side. The payment for this grant will be \$17,000 per year.

Councilman Stephenson thinks we need to move forward with this project.  
Councilwoman Browning feels it is a good idea because it will fix the entire infrastructure.

**Motion was made by Councilman Ken Hooten to approve the bid for the 2014 Silver Acres CIB Project in the amount of \$421,342.10 and the contract as written to Interstate Rock Products, second by Councilman Brandon Stephenson. Roll Call Vote: Browning-yes, Hirschi-yes, Stephenson-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.**

5. Consideration for and adoption of a Bond Resolution authorizing the issuance of a \$274,000 Parity Water Revenue Bond, Series 2014 of La Verkin City, Washington County, Utah.  
Kyle explained this is the bond for the project that was just approved.

**Motion was made by Councilman Richard Hirschi to approve Resolution No. R-2014-03; A resolution authorizing the issuance of a \$274,000 Parity Water Revenue Bond for the 2014 Silver Acres Project, second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

#### **I. Staff, Mayor & Council Reports:**

*City Administrator- Kyle Gubler*

Kyle handed out a copy of his report. The Winterfest Celebration was held, there was a lot of snow. Because of that the Soap Box Derby was postponed and rescheduled for May 3<sup>rd</sup>. We are getting a lot of interest because of the warmer weather so we may start to have two derbies a year.

*Browning*- Nothing to report.

*Hooten*- He attended the Confluence Park meeting today. The main focus of the meeting was giving the historical background of what the Board has been able to accomplish to date with the grants they have received. They talked about budgeting issues which consisted primarily of grants, and what the future plans are. They will be working on the three main points of access in La Verkin. He encouraged everyone to hike Confluence and see all the changes that have been made.

*Hirshci*-Planning Commission is all he had to report on.

*Reeve*-Mosquito Abatement had a meeting. Mario Boisvert, the director has resigned, they were accepting applications. The budget was discussed and passed.

*Stephenson*-Nothing to report.

**J. Adjourn to Executive Session:**

**Motion was made by Councilman Ken Hooten to adjourn to an Executive Session at the location of 111 South Main in La Verkin Utah for the purpose of discussing the character, professional competence, or physical or mental health of an individual, and to also discuss strategy regarding pending or reasonable imminent litigation, second by Councilman Brandon Stephenson. Motion carried unanimously at 7:20pm.**

**K. Reconvene from Executive Session at 8:43 pm.**

1. Discussion and possible action on matters discussed during Executive Session, including but not limited to obtaining the legal services of employment counsel to assist with a legal matter.

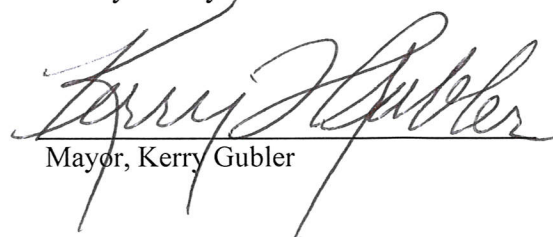
**Motion was made by Councilman Randy Reeve to obtain the legal services of Snow, Christensen & Martineau and authorize the Mayor to sign the letter of engagement, second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Hooten-yes, Stephenson-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

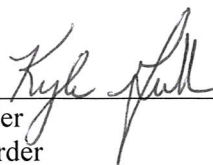
**L. Adjourn:**

**Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Brandon Stephenson. Motion carried unanimously at 8:45pm.**

Minutes were taken on behalf of the City Recorder by Christy Ballard.

February 5, 2014  
Date Approved \_\_\_\_\_

  
\_\_\_\_\_  
Mayor, Kerry Gubler

ATTEST:   
\_\_\_\_\_  
Kyle Gubler  
City Recorder

Economic Development- The Economic summit is January 16th.

Maintenance & Mileage report- It shows the City drove about 10,000 miles less this past year which did save the City some money but there were some reasons, we were down one police officer and an animal control officer for about three months. The cost of fuel is also less.

There is also included in Kyle's handout a prioritization list showing what Derek's crew will be working on over the next few months.

The training by Utah League of Cities and Towns for the newly elected officials has already been done. They may be hosting another training Kyle will look into that and let the councilmembers know.

*Public Safety- Chief Lloyd Watkins*

Chief passed out the December stats and the yearend stats. It has been busy with being down one officer.

Kate, the animal control officer, is back on light duty as of Jan. 6<sup>th</sup>. She did get run over by a sheep today so she went back to the doctor. Chief has restricted her to being in the office. She can take care of the animals in the shelter and work on getting grants. If there is an animal issue she will call one of the officers and they will take care of it.

*Director of Operations-Derek Imlay*

Derek passed out the nuisance list to the councilmembers. This list will be handed out at the first meeting of each month. Derek explained the process of handling nuisance complaints. Right now there are currently 58 active nuisances.

The Road Maintenance Project and the Silver Acres Project should both be starting the first week in February. The Road project should take 3-4 days to complete and Silver Acres should be completed in 90 days.

Councilwoman Browning asked if the citizens will be notified about the road work.

Derek replied that Holbrook will post notices on each individual house 72 hours before and again 24 hours before notifying the citizens their road will be worked on. They will not have access to drive to their homes for 24 hours. There have been two people in the past four years that had to be towed because they were out of town; the City took care of that cost.

Councilman Hooten asked about the criteria of tree pruning as a nuisance.

Derek explained if a person's tree or bush is growing onto City property such as the road or sidewalk the tree/bush needs to be 8-10 feet high over the sidewalk and 15-18 feet over the road. The tree nuisance letters are done once a year. There have been several instances where a bush is covering the entire sidewalk and a car has been parked next to it so children have had to go out into the road to get past it. That type of situation is what we are trying to fix with this nuisance.

*Treasurer-Troylinn Benson*

Kyle and Troylinn met with the directors to go over the budget and make sure everyone is on task. Everyone's budget looks good so far.

Troylinn will let Councilman Hooten know when they have the next meeting.

*Mayor Gubler-Nothing to report.*