

City of La Verkin

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La Verkin City Council Meeting Minutes

Thursday, September 14, 2023, 6:00 pm.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, Micah Gubler, and Chuck Hardy; Staff: Kyle Gubler, Chief Nick Nuccitelli, Christy Ballard, Kevin Bennett, and Derek Imlay.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Patricia Wise at 6:00 pm.

B. Presentation & Discussion:

1. Sunrise Engineering-Stormwater Drainage Impact Fee

Blaine Worrell went over the existing impact fees charged by La Verkin City. Only residents pay impact fees, and they are based on the zoning.

Sunrise Engineering has taken recommendations from City staff to approach impact fees differently. One is to create a commercial impact fee, and the second is an impact fee based on property size rather than the zone they are in.

The State Impact Fee Law allows a community to charge an impact fee to new developments to cover the impact that development will make on the existing infrastructure. That money will go toward building infrastructure to accommodate the new growth. Impact fees cannot be used to pay for existing issues.

The delineation from existing problems and growth is the level of service. The level of service for this study was the City Standard. All drainage improvements are based on a ten-year storm, and roadways are based on a hundred-year storm.

Some projects need to be done to help get us to this level, and new developments must contribute.

To establish the ratio of what is impact fee eligible for a project, Sunrise Engineering divided the City's lower bench into developed properties and undeveloped properties. The ratio for the major trunk line project would be 38.4%.

The project will be on the east and south sides of town to capture and move the water along the east bench.

A second project will be an update to the Impact Fee Study.

The Impact Fee Law allows inflation to be included in the projected project. It will also allow for bonding.

The trunk line project has been estimated at 7.8 million, with 38% of that impact fee eligible.

The Impact Fee study is 100% eligible. The impact fee cost in the planning window is just over 3 million dollars.

To determine the impact fee to be charged, you take the undeveloped property and divide that into the cost of the projects.

That puts the maximum allowable impact fee for an estimated Equivalent Residential Unit (ERU) at \$5,086.

Commercial properties have more hard surfaces and are anticipated to have 50% more runoff than residential properties.

There is a standard equation used to generate runoff over a site, and in that, there is a coefficient based on the percentage of hard surfaces. The average runoff for commercial is .6, and the average for residential is .4. That ratio is what Sunrise used to determine the commercial rate. That math puts the commercial rate at \$7,629 per acre. The proposition is to charge the fee based on actual acreage size.

Councilman Micah Gubler mentioned if the average residential building lot size is 8,000 square feet, the impact fee would be 22% of \$5,086.

Blaine stated the current R-1-14 parcel pays \$1,000; with this change, a .3-acre parcel would pay \$1,600.

Derek reported the Water Conservancy District, Ash Creek SSD, and the Fire District fees combined are higher than La Verkin City's. We currently have the lowest impact fee rates in the County. This increase will not change that.

Kyle pointed out impact fees are a hard topic, but we also have a 7.8-million-dollar project that needs to be paid for in six years. Impact fees are how that gets paid for.

Councilwoman Wise asked Kyle what the 2.5 million dollars for the current Road Project covers. She also asked where the east trunk line project would begin and end.

Kyle replied that the City bonded for that amount to install all infrastructure and asphalt, except sewer. Ash Creek SSD paid for that.

Blaine explained the road would be replaced with the trunk line project as well, and that cost has been included in the project. He then showed the Council members on a map where the trunk line would be installed.

Councilwoman Wise was concerned with the amount of water being dumped into Confluence Park.

Derek explained it daylight at the lava rock ledge east of the power plant and will not erode anything. The project will not increase what runs off there now. It puts the runoff into a pipe to move it more efficiently and avoid overloading our existing grade boxes, which causes flooding.

Kevin mentioned the plan is to utilize best practices so it will be better water going into Confluence and the River.

Councilwoman Wise asked if the State required the City to do a certain amount of remediation on the stormwater quality.

Derek answered that it is population-based, and La Verkin is not big enough right now for us to do that. The State would require the City to install a settling pond at the end of the drainage lines to settle all the debris before moving the water to the Virgin River.

Councilwoman Wise pointed out that the impact fees stated are part of the already approved user fee increase.

Kevin stated it would affect the fee. If this is what it costs to achieve the level of service and the Council decides to modify anything, we would need to either reevaluate that level of service or reevaluate the fees. The people already here are not only paying for the capital but the operations and maintenance.

C. 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. Meeting Minutes: August 2, 2023, and August 16, 2023, regular meeting
4. Checks & Invoices: \$192,160.82

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of the August 2, 2023, and August 16, 2023, regular meeting, and Checks & Invoices in the amount of \$192,160.82, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

D. Public Hearing:

1. Class B liquor license Local Consent-Red Fort Cuisine of India, Shamsher Singh

The public hearing opened at 6:34 pm

No comments were made.

The public hearing closed at 6:34 pm

E. Business:

1. Discussion and possible action to sign the Letter of Consent form for the Red Fort Cuisine of India Class B Liquor License.

Mayor Wilson explained this is the same license Stage Coach Grille and River Rock Roasting Company obtained.

Christy reported Mr. Singh did not get all the information submitted for the alcohol license, so this public hearing is only for the letter of consent needed for the State packet. There will be another public hearing for the actual alcohol license.

The motion was made by Councilwoman Patricia Wise to approve signing the Letter of Consent form for the Red Fort Cuisine of India Class B Liquor License, second by Councilman Richard Hirschi. Roll Call Vote: Hardy-no, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-no. The motion passes.

2. Discussion and possible action to accept the Primary Election Canvass.

Christy reported the County could not attend, so she passed out a copy of the report and Canvass of the Primary Election. There was an election turnout of 33%. Out of 2,152 active registered voters, 773 ballots were cast, with 710 ballots counted. She went over the breakdown for ballots not counted.

The results were 425-Micah T. Guber, 420-Darren L. Prince, 259-Richard M. Hirschi, 212-Justin Gifford, 205-Cody L. Barnes, and 200-Randy S Jaques.

The motion was made by Councilman Chuck Hardy to accept the Primary Election Canvass, second by Councilman Richard Hirschi. Hardy-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. Motion carried unanimously.

3. Discussion and possible action to approve Resolution No. R-2023-15; a resolution approving and adopting a Planning Loan Agreement with the Utah State Drinking Water Board to assist in the preparation of a Water System Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis.

Derek explained he approached the State for a grant to have Sunrise Engineering perform another Water Master Plan. Being current on these plans is important when applying for loans/grants for water projects. The Modified Adjusted Gross Income (MAGI) must be up to date to receive those monies.

The State is providing the funds for the Plan.

Kyle explained that water rates are one of the first things the State looks at on a grant/loan application.

Kevin reported it is called a no-principal loan, but it is a full grant.

The motion was made by Councilman Micah Gubler to approve Resolution No. R-2023-15; a resolution approving and adopting a Planning Loan Agreement with the Utah State Drinking Water Board to assist in the preparation of a Water System Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis, second by Councilman Chuck Hardy. Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Hardy-yes. The motion carried unanimously.

4. Discussion and possible action to approve Proclamation-2023-04; a proclamation designating September 17-23, 2023, as Constitution Week.

The motion was made by Councilman Richard Hirschi to approve Proclamation-2023-04; a proclamation designating September 17-23, 2023, as Constitution Week, second by Councilwoman Patricia Wise. Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Hardy-yes. Motion carried unanimously.

Kyle Gubler and Chief Nick Nuccitelli were excused at 6:46 pm.

5. Discussion and possible action to set a public hearing for an ordinance updating the Stormwater (drainage) Impact Fee for either Wednesday, October 18, 2023, or Wednesday, November 1, 2023.

Kevin explained the impact fee ordinance had not been written, so he included multiple public hearing dates.

Once it has been written, he will email it to the Councilmembers for input.

State law requires a ten-day public hearing posting period. The Engineers have prepared the one-page summary that will be posted when the ordinance notice is posted.

The motion was made by Councilwoman Patricia Wise to set a public hearing for an ordinance updating the Stormwater (drainage) Impact Fee for either Wednesday, October 18, 2023, or Wednesday, November 1, 2023, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

F. Mayor & Council Reports:

Blair Gubler-Solid Waste District has begun construction on the new building. CERT/Homeland Security-The Chief wants to do the Citizen's Police Academy with Hurricane City. Councilman Gubler would prefer to do it in La Verkin City.

Wise-She reported on the September 13th Planning Commission meeting.

The Beautification Committee would like to paint and light the "L".

Economic Development-ZRC has hired a new coordinator. They will be training with the current coordinator for the remainder of the year. La Verkin's contribution will be the same, \$6,500 for 2024. She and Kyle attended the groundbreaking of the Zion National Park Discovery Center. This is a private business, public partnership with the Park. Trails-Active Transportation has become an important consideration of the Governor's office. UDOT is managing a one-time 90-million dollars to build multi-mobile trails to get people from the hotels onto the trail and to their destination. There will be 45 million dollars available in 2023 and 45 million in 2024. A portion of the 2024 funding will be set aside to maintain the trails.

She is meeting with the County to discuss funding for the Cottonwood Hollow portion of the Zion Corridor Trail.

Interstate Rock has put together a map and cost design plan.

The project is now behind in terms of money because nothing has been done in the two-and-a-half years since it was awarded. Some of the previously mentioned 90 million dollars can potentially help with that.

The RFP for the Rim to River Trail is out.

At the work meeting with the State Representatives, she gave information to them regarding the Limitations of Liability Bill. She would like climbing activities added to the list. Representative Joe Ellison said he would consider sponsoring it. She reported on the ULCT Conference sessions she was able to attend.

Micah Gubler-Cops & Cars was well attended. It has grown into more of an event than a soapbox race. Maridee and the Chief will be discussing taking the next step.

Hirschi-Nothing to report.

Hardy-The Historic Preservation Association held their first meeting. James Gubler was elected chair, Eldon Pierce is the vice chair, and Cori Gubler is the secretary. The next meeting will be on October 3rd in the gym of 111 South Main. The first item of business will be to survey historic sites.

Mayor Wilson asked Blaine about the status of the 111 South Main renovation.

Blaine replied they are verifying some language, and then it will go out to bid.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

G. Adjourn:

The motion was made by Councilman Chuck Hardy to adjourn, second by Councilman Richard Hirschi. The motion was carried unanimously at 7:14 pm.

October 18, 2023
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson