

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, December 6, 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, and Christy Ballard Public; Blaine Worrell-Sunrise Engineering, Kyson Spendlove-Interstate Rock Products, and Darren Prince.

A. Called to Order –Councilman Richard Hirschi gave the invocation/thought and Pledge of Allegiance at 6:00 pm.

B. Recognition:

1. Mayor Wilson recognized Councilman Chuck Hardy for serving La Verkin City as a City Council member for four years. He was given a city coin in appreciation.

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: November 1, 2023, regular meeting
4. Checks & Invoices: \$312,456.52

The motion was made by Councilman Chuck Hardy to approve the consent agenda as written, including the minutes of the November 1, 2023, regular meeting and Checks and invoices in the amount of \$312,456.52, second by Councilman Richard Hirschi. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

D. Public Hearing:

1. Class B Liquor License Application-Red Fort LLC, Shamsher Singh

Mayor Wilson reported the Council previously approved the Letter of Consent to Mr. Singh for his application to the State. The State has approved them, and this is the next step in receiving an alcohol license. Many of our restaurants have this license.

Christy mentioned this is a limited liquor license.

The public hearing opened at 6:04 pm.

No comments were made.

The public hearing closed at 6:05 pm.

E. Business:

1. Presentation, discussion, and possible action to accept the fiscal year ending June 30, 2023, Financial Audit. Caleb Rees from Rees CPA passed out the financial audit. La Verkin continues to do well; however, there are a couple of findings this year.

The financial statements are yours. They are composed and prepared by your staff or Pelorus. His job is to review what is presented and ensure accuracy. The goal is for an unqualified opinion. That means nothing needs to be broken out from the opinion. La Verkin City received a pass, which is an unqualified opinion.

Page 54 talks about internal controls. There needs to be adequate checks and balances regarding accounts receivable, cash disbursement, and payroll. He is happy to report no material weakness in the internal controls. The City Council is a valuable part of the internal control. You approve the vendors and the disbursement when you review and approve the checks and invoices.

Page 56 is the list the State Auditor sets. Some are reviewed every year, and some are on a rotating schedule. There was only one issue in this area, which is explained on page 59.

The City did exceed the budget in two funds: the Capital Projects Fund and Debt Service Fund.

There was a misunderstanding with staff thinking that since the Capital Projects Fund had been budgeted last year but was not all spent, it could carry over. The budget needed to be set up for this year. As a result, the expenditures exceeded what was allocated, resulting in a finding.

Having a finding is not uncommon. The issue comes from a city getting the same findings year after year. That is when the State Auditor gets involved.

Kyle reported this will be taken care of in the upcoming budget amendment.

Caleb continued with his presentation by going to page 24. This shows the profit and loss for each enterprise fund. The only item he sees is the Irrigation Fund that ran into the hole. He is not highly concerned but feels it needs to be monitored.

Kyle said the City knows the irrigation system is subpar and that is most likely the cause for ending in the hole. We may need to look at our rates to get to the point where the system can be replaced.

Caleb reported this fund is doing much better than when he started. At that time the Irrigation Fund was completely subsidized by other funds. We need to watch it, so we don't get there again.

Pages 37-40 show how much the City is investing in long-term assets within the City. He reviewed those numbers. La Verkin is in a healthy spot.

The motion was made by Councilman Richard Hirschi to accept the fiscal year ending June 30, 2023, Financial Audit, second by Councilman Micah Gubler. Roll Call Vote: Blair Guber-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

2. Discussion and possible action to issue Red Fort LLC a Class B Liquor License.

The motion was made by Councilwoman Patricia Wise to issue Red Fort LLC a Class B Liquor License, second by Councilman Richard Hirschi. Hardy-no, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-no. The motion passes.

3. Discussion and possible action to ratify the Mayor's signature on Resolution R-2023-16; a resolution authorizing the execution and delivery of an Municipal Lease-Purchase Agreement with respect to the acquisition, financing and leasing of certain equipment for the public benefit within the terms provided herein; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution.

Mayor Wilson explained this is for the purchase of the two vehicles, Derek's public works vehicle and Chief Nuccitelli's police vehicle, already agreed to.

Councilwoman Wise mentioned that the City signed lease agreements for a specific vehicle in previous vehicle agreements. When we get these vehicles, will we sign a lease?

Kyle reported the City has the vehicles and they are leased. This is the lease agreement for them. The City is working with a different company. That may be why the procedure looks different.

Councilwoman Wise asked if an addendum could be added identifying the specific vehicles the agreement is for. That would make it easier for people to identify them in the future.

Mayor Wilson suggested that information be added to the resolution.

The motion was made by Councilwoman Patricia Wise ratifying the Mayor's signature on Resolution R-2023-16; a resolution authorizing the execution and delivery of an Municipal Lease-Purchase Agreement with respect to the acquisition, financing and leasing of certain equipment for the public benefit within the terms provided herein; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution, to include both of the vehicles make, model and VIN on the resolution, second by Councilman Blair Gubler. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

4. Discussion and possible action to approve Work Release No. 2023-3, Transportation Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis with Sunrise Engineering to update the existing Transportation Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis.

Kyle reported this is for the studies associated with the UDOT study. The application has been submitted.

Councilman Hardy asked if there was a cost associated with it for the city.

Kyle answered there is a cost to prepare the application. The City is committed to \$15,000 for the grant, which has been included in the budget.

The motion was made by Councilman Richard Hirschi to approve Work Release No. 2023-3, Transportation Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis with Sunrise Engineering to update the existing Transportation Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis, second by Councilwoman Patricia Wise. Roll Call Vote: Blair Gubler-no, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion passes.

5. Discussion and possible action to approve Work Release No. 2023-4, Wanlass Park Concept Plan with Sunrise Engineering for engineering work connected with the possible improvements made to Wanlass Park.

Kyle explained this authorizes Sunrise Engineering to create an overlay of the Park showing what we want it to become. Collette Cox works for the State Economic Development for Rural Communities and told Kyle La Verkin could apply for grants tied to economic development for parks if an element is utilized for that, such as a farmers market. The first step is having an overall plan for the Wanlass Park area. This will be a conceptual plan that can be modified. Pickle ball courts, a splash pad, a walking track, and a dog park are some ideas that have been suggested.

Councilman Blair Gubler asked if a grant would cover this.

Kyle answered the City would pay for the application, but grants would pay for the projects.

Councilwoman Wise said she thinks it looks good, but one component is missing: public involvement. Once a concept plan is done, other communities get the information to the public through social media or an open house. She feels that is important and would like a public open house included in the contract.

The motion was made by Councilwoman Wise to approve Work Release No. 2023-4, Wanlass Park Concept Plan with Sunrise Engineering for engineering work connected with the possible improvements made to Wanlass Park, amending it to add one open house after the initial concept plan is complete, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

6. Discussion and possible action to approve Ordinance No. 2023-14; an ordinance amending Ordinance No. 2022-08 of the La Verkin City Code relative to the City's regulations for landscaping and water conservation applicable to the development of land in La Verkin City.

Mayor Wilson explained this ordinance was passed in April of 2022 with the caveat that the Water Conservancy District would give La Verkin a letter stating they approve it. Instead of a letter, the District had some changes they wanted us to make to meet State requirements for compensation from conservation programs.

Derek worked with the Conservancy District on this ordinance to make sure it met the State requirements. This is for new construction only.

The motion was made by Councilman Chuck Hardy to approve Ordinance No. 2023-14; an ordinance amending Ordinance No. 2022-08 of the La Verkin City Code relative to the City's regulations for landscaping and water conservation applicable to the development of land in La Verkin City, second by Councilwoman Patricia Wise. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

7. Discussion and possible action to approve an agreement with Interstate Rock Products for engineering and design services for the Zion Corridor Trail through Cottonwood Hollow, contingent upon a reimbursement contract being approved and signed between Washington County and La Verkin City.

Kyson with Interstate Rocks Property (IRP) explained that this agreement with La Verkin City is contingent upon the City getting an agreement in place with Washington County to pay for the trail design in IRP's property. The trail will go from the east portion of the property, between Cottonwood Hollow Subdivision and Zion View Estates, down Main Street, across 740 North, through the future park (Donkey Hollow), eventually ending at UDOT's property. This agreement helps IRP get the design process in place.

Washington County holds the money for the Zion Corridor Trail which is why it is contingent on the agreement from them.

Councilman Blair Gubler pointed out there are no project dates in the paperwork.

Kyson said they would start the design process once this agreement was in place and should take about six months. The review process will take longer because there are no design standards for the Zion Corridor Trail. They are currently working on it so La Verkin would be one of the first communities to get the process done.

Councilwoman Wise reported that Leslie Fonger with Greater Zion, and the first step for the Zion Corridor Trail, expressed to her that the County was ready to write a check once the City had the contract with IRP. The agreement between the County and City could be based on that agreement.

The trail standards have one more meeting with the consultant company and are being spearheaded by St. George. This will specifically set trail standards for the Zion Corridor Trail so there is a connection between the cities.

She will get that draft to Kyson as soon as she has it so IRP can begin planning.

The motion was made by Councilman Chuck Hardy to approve an agreement with Interstate Rock Products for engineering and design services for the Zion Corridor Trail through Cottonwood Hollow, contingent upon a reimbursement contract being approved and signed between Washington County and La Verkin City, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

8. Discussion and possible action to set a public hearing for an ordinance amending Title 3, Chapter 2 of the La Verkin City Code adding definitions for a recreational facility, creating a Class C and Class D alcohol license, allowing on-site alcoholic beverage sales, setting quotas and licensing requirements for distribution of alcoholic beverages in a recreation facility, and amending and updating various sections of the Code, for Wednesday, January 3, 2024.

Mayor Wilson explained this is setting the public hearing. This ordinance has been sent to the attorney for review, so minor changes may occur.

Christy said the attorney will have it back to us before the public hearing needs to be advertised so the Council can review it.

Councilman Hardy asked if the ordinance limits the number of establishments that can serve alcohol in La Verkin.

Kyle explained the State of Utah regulates the limits. The City can be more strict but not less than the State. Some restrictions in the ordinance will prevent certain establishments, such as bars, from opening in the City. The attorney commented that this ordinance is more restrictive than any other community in the County and wanted to know if we were interested in adjusting that. We told her not at this time.

Councilwoman Wise asked how the property size was determined for the recreation facility. She is okay with it but thought it was an odd amount, 2 acres, but that could be amended easily.

Mayor Wilson said it may have been to keep smaller businesses from having the ability.

Christy explained the ordinance may need to be amended once the State determines how to move forward with the Zion Hot Springs.

The motion was made by Councilman Chuck Hardy to set a public hearing for an ordinance amending Title 3, Chapter 2 of the La Verkin City Code adding definitions for a recreational facility, creating a Class C and Class D alcohol license, allowing on-site alcoholic beverage sales, setting quotas and licensing requirements for distribution

of alcoholic beverages in a recreation facility, and amending and updating various sections of the Code, for Wednesday, January 3, 2024, second by Councilman Micah Gubler. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

9. Discussion and possible action to ratify an agreement between La Verkin City and the Law Office of Jenkins Bagley for legal services.

Kyle explained we were in a situation where we needed to sign the agreement. It is an hourly rate, so we only pay them when they are working with us. We need to give them 30 days' notice before terminating the agreement.

Councilman Hardy asked about the budget for attorney services.

Kyle replied that in the upcoming budget amendment, about half of Kevin's salary will be transferred to outside legal counsel.

They will be attending City Council meetings as needed.

Mayor Wilson reported this was the best agreement we received. Bruce Jenkins has a lot of experience with municipal law and offered us a very good deal.

The motion was made by Councilman Chuck Hardy to ratify an agreement between La Verkin City and the Law Office of Jenkins Bagley for legal services, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

10. Discussion and possible action to approve the Rim to River Trail proposal prepared by Singletrack Trails. Councilwoman Wise reported the money was approved some time ago. The trail will start near the animal control property and come out on the Confluence Park Trail. We have full support from the Red Cliffs Desert Reserve. The City is not going to sign the contract. The contract will be between Trails Utah, who applied for the grant on behalf of La Verkin City, and Singletrack Trail Builder.

Trails Utah will then enter into a service agreement defining all the terms already worked out.

La Verkin also pledged \$60,000 for the trail along with in-kind money. The early work for this was not included.

The grant was for \$60,000.

The County has a funding mechanism the City can apply to if we need help paying for it. Victor Iverson indicated to the Mayor that the County would be willing to help if needed.

She went over the scope of work for this project. There are some things necessary but not included in the budget that the County could help with such as signage. Other grants could potentially help with some of the wants, such as restrooms. Singletrack Trail would like to start the work in February.

This is approval to move forward with the project.

The motion was made by Councilman Chuck Hardy to approve the Rim to River Trail proposal prepared by Singletrack Trails, second by Councilwoman Patricia Wise. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

11. Discussion and possible action to approve the annual payment of \$6,500 to the Zion Regional Collaborative and authorize the Mayor to sign the Independent Contractor Agreement when received.

Councilwoman Wise explained there are some changes this year. Washington County is no longer going to be a funding partner. Commissioner Snow felt there was not enough action from the group even with the Zion Corridor Trail and the National Scenic by Way designation getting approved. Even though the County is not part of the funding, they are willing to work with the ZRC on specific projects.

Virgin Town agreed to contribute more to cover the deficit, and the new coordinator will be paid less.

The 2024 projects are a potential grant for a corridor management plan and NEPA work done at the guacamole biking/hiking area.

Iron County has joined the ZRC and Kane County may be joining.

La Verkin's contribution amount has not changed.

The motion was made by Councilman Richard Hirschi to approve the annual payment of \$6,500 to the Zion Regional Collaborative and authorize the Mayor to sign the Independent Contractor Agreement when received, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

12. Discussion and possible action to accept the General Election Canvass.
Christy passed out a copy of the report and Canvass of the General Election.

There were 822 votes and 70 were not counted for the reasons listed.

The city council four-year term results beginning in 2024 are Darren L. Prince-522, Richard M. Hirschi-342, Micah T. Guber-503, Justin Gifford-288, Cody L. Barnes-216, and Randy S Jaques-239.

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

13. Discussion and possible action to award the bid for the 2024 Council Chambers Remodel Project.
Blaine Worrell with Sunrise Engineering reported the bids were opened today. There was one bidder, and that bid was for \$564,190. Sunrise Engineering recommends the City award the bid to Platinum Construction Development, Micah Carlson from Santa Clara, Utah.

Kyle went over the remodel plan. The council chambers will be closed beginning January 11, 2024. The city council meetings will be held in the gymnasium of the same building.

The City will do some of the demolition and construction will start in February.

The bid does not include a sound system. That will be a separate project but will be during the remodel. The City will use the company that was awarded the State contract.

The money was set aside in the last budget and was not carried over into this budget under Fund 48. That was what the finding was in the audit. The upcoming budget amendment will include that \$600,000. This is the ARPA money. We can also use RAP Tax money if necessary.

Councilwoman Wise asked if video would be available.

Kyle replied that the Councilmembers will determine the priority on the electronic options. The goal is to ultimately allow for live streaming.

The City does have some money to spend on this project. He feels this building needs an upgrade.

Darren Prince stated he would be hesitant to hire them without some vetting. Why was it the only bid?

Blaine reported they called every construction company in town, and this was the only bid they could get. He thinks the project is small enough the larger companies didn't want to mess with it, but big enough the smaller companies were afraid they couldn't handle it.

Councilwoman Wise mentioned she thought vetting was already done.

Blaine explained the bid was delayed as long as possible to get as many bidders as possible, and he did not have time to check references before the meeting.

Councilman Blair Gubler suggested creating a committee to meet with Mr. Carlson, check references and permit them to sign the paperwork if they felt comfortable awarding him the contract.

Mayor Wilson assigned Councilmembers Blair Gubler and Chuck Hardy to meet with Platinum Construction Development by Friday, December 8. Approval will be based on their recommendation. Sunrise Engineering will set the appointment.

The motion was made by Councilman Chuck Hardy to award the bid for the 2024 Council Chamber Remodel Project to Platinum Construction Company, Micah Carlson, contingent on a recommendation from Councilman Blair Gubler and Councilman Charles Hardy after they meet with Mr. Carlson no later than Friday, December 8, 2023, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

F. Mayor & Council Reports:

Blair Gubler-Solid Waste District will have a meeting next week. They have hired SIRQ for the landfill-scale house and office building construction. The final budget will be approved at the upcoming meeting.

Wise-The Economic Development meeting will be on January 18th. The local business owners will summarize 2023 and where they see 2024 for their business. Kris Smedley will also give a Hurricane Valley Chamber update.

Micah Gubler-Winterfest was a huge success.

Kyle reported the firework location may need to change to the top of the hill. That will require the fireworks to be bigger and will cost more money.

Springdale is doing a drone show that is similar to fireworks. That would solve the noise and fire threat.

Hirschi-He reported on the December 4th Fire District meeting. They approved a 7-million-dollar budget.

Hardy-The Historic Preservation Association will meet in January to discuss the historic locations identified by the members. The Washington County Historical Society does a historical tour of one of the cities in the County every month. Mosquito Abatement is doing very well. The evaluation came out very well for them.

They did find an infestation of mosquito with West Nile Virus but there have been no human cases reported.

G. Citizen Comment & Request for Future Agenda Items:

No comments were made.

H. Adjourn:

The motion was made by Councilman Chuck Hardy to adjourn, second by Councilwoman Patricia Wise. The motion was carried unanimously at 7:50 pm.

January 3, 2024
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson

