

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, February 21, 2024, 6:00 pm.

Gym, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, and Darren Prince; Staff: Derek Imlay, Kyle Gubler, Kayla Gothard-Jenkins Bagley, Fay Reber, Maridee Johnson, and Christy Ballard; Public; Ryan Lee.

Councilman Micah Gubler and Chief Nick Nuccitelli were excused.

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

B. 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: February 7, 2024, regular meeting
4. Checks & Invoices: \$47,134.92

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of the February 7, 2024, regular meeting and Checks and Invoices in the amount of \$47, 134.92, second by Councilwoman Patricia Wise. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes. The motion carried unanimously.

C. Business:

1. Discussion and possible action to ratify Mayor Wilson's signature on an agreement with Fay Reber for legal services.

The motion was made by Councilwoman Patricia Wise to ratify Mayor Wilson's signature on an agreement with Fay Reber for legal services, second by Councilman Blair Gubler. Blair Gubler-yes, Wise-yes, Hirschi-yes. The motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2024-02; an ordinance amending the La Verkin 2018 General Plan to re-designate approximately 40 acres from Planned Community Development and Open Space to Commercial.

The motion was made by Councilman Richard Hirschi to approve Ordinance No. 2024-02; an ordinance amending the La Verkin 2018 General Plan to re-designate approximately 40 acres from Planned Community Development and Open Space to Commercial, second by Councilwoman Patricia Wise. Blair Gubler-yes, Wise-yes, Hirschi-yes. The motion carried unanimously.

3. Discussion and possible action to approve Ordinance No. 2024-03; an ordinance amending Title 10, Chapter 6 of the La Verkin City Code to add an article which establishes a Luxury Resort Zone.

The motion was made by Councilman Blair Gubler to approve Ordinance No. 2024-03; an ordinance amending Title 10, Chapter 6 of the La Verkin City Code to add an article which establishes a Luxury Resort Zone, second by Councilman Richard Hirschi. Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

Councilman Darren Prince arrived at 6:05 p.m.

4. Discussion and possible action to approve Ordinance No. 2024-04; an ordinance amending the zoning map of and for the City of La Verkin, to rezone approximately 40 acres in the northeast portion of the city (referred to as the topside) from Planned Community Development (PCD)/Open Space Multiple Use (OSMU, OSMU-C) to Luxury Resort (LR).

Mayor Wilson explained this is the property they want to build the landscape hotel on.

Councilwoman Wise stated she is in favor of this for this specific property.

Councilman Hirschi asked about the location of the property.

Ryan Lee is the project developer. He explained how to get to the property from SR9 and briefly reviewed their tentative plans for the project.

Councilwoman Wise explained part of the development would address where climbers currently access the canyon. Mr. Lee has made a verbal agreement, which will be solidified with a development agreement to provide access to the climbing zone in a different area.

Mr. Lee mentioned his property cannot block access to the canyon. The climbers would still have access, they would just need to walk a few hundred yards farther to the south. Even now, access is not on public land; SITLA owns the property, and most of the canyon is owned by the Washington County Water Conservancy District. He plans to allow access, but they have not yet developed any plans. They are still working on the raw cost of infrastructure for the property.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2024-04; an ordinance amending the zoning map of and for the City of La Verkin, to rezone approximately 40 acres in the northeast portion of the city (referred to as the topside) from Planned Community Development (PCD)/Open Space Multiple Use (OSMU, OSMU-C) to Luxury Resort (LR), second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

5. Discussion and possible action to approve Ordinance No. 2024-05; an ordinance amending Title 9 Chapter 1 Section 15 of the La Verkin City Code pertaining to issuance of a building permit in areas where geological hazards exist.

Fay explained there are a couple of areas in La Verkin with known geological hazards. There may be other areas within the city as well. This ordinance will add another layer of protection for the city against possible liability should any problems arise.

This will require anyone applying for a building permit in these areas to sign an acknowledgment/waiver they are building in an area where hazards may exist and that they have obtained a geological report that they will be responsible for following. Essentially, if they choose to build knowing the risk and there is a subsequent issue, this agreement removes any liability from the city.

This does not affect any other building codes; it is in addition to existing requirements.

Derek explained builders are required to get a soil report at the beginning of the process. At the project's end, the builder must submit a letter of compliance from the soil engineer stating the items recommended in the report were completed. This requirement will hopefully push people to understand what the soil engineer recommended for their specific parcel of property.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2024-05; an ordinance amending Title 9 Chapter 1 Section 15 of the La Verkin City Code pertaining to issuance of a building permit in areas where geological hazards exist, second by Councilman Blair Gubler. Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

6. Discussion and possible action to approve Ordinance No. 2024-06; an ordinance amending Title 9 Chapter 1 of the La Verkin City Code dealing with building-related codes.

Derek explained the International Code Council (ICC) updates the building code every three years. After that, the state legislatures determine which, if any, changes they adopt. Then, the cities need to adopt the changes. This will bring us up to date with the state. Fay wrote this ordinance to automatically update city code when the state updates, so we will not need to approve an ordinance every time changes are made.

Councilwoman Wise asked how the city code on the website is updated to reflect state changes.

Derek replied the code will state what this ordinance states. To see ICC changes, the individual would need to contact the State of Utah.

My City Inspect, the city's building permit program, has the ICC year code listed.

Councilman Prince asked if the city had to approve ICC building codes.

Derek replied that since the State of Utah is part of the ICC, we should adopt it. The city would be liable for all buildings if we chose not to.

The motion was made by Councilman Richard Hirschi to approve Ordinance No. 2024-06; an ordinance amending Title 9 Chapter 1 of the La Verkin City Code dealing with building-related codes, second by Councilman Darren Prince. Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

7. Discussion and possible action to approve Ordinance No. 2024-07; an ordinance approving and adopting monthly sewer service fees established by Ash Creek Special Service District.

Fay explained that he could not find an ordinance incorporating the 2022 Ash Creek Special Service District fee structure, so this will update La Verkin City's fee schedule to the correct rate.

The city has been charging the correct rate. We just hadn't adopted an ordinance incorporating that rate.

The motion was made by Councilman Darren Prince to approve Ordinance No. 2024-07; an ordinance approving and adopting monthly sewer service fees established by Ash Creek Special Service District, second by Councilman Richard Hirschi. Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

8. Discussion and possible action to approve Resolution R-2024-04; a resolution approving and adopting the La Verkin City employee salary scale.

Kyle explained the salary scale was last updated in 2017 and is outdated. The changes reflect the surrounding communities' ranges.

The motion was made by Councilwoman Patricia Wise to approve Resolution R-2024-04; a resolution approving and adopting the La Verkin City employee salary scale, second by Councilman Blair Gubler. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

D. Mayor & Council Reports:

Mayor Wilson-Kyle played a promotional video he had created for La Verkin City's social media sites.

He also gave an update on the Council Chamber remodel project. There have been some unforeseen issues during the demo that will cost the city another \$80,000. We have some conditional money included in the plan for this type of thing, but it will all be used for these issues. A budget amendment will officially move money over to the fund line.

Derek reported on the units going in across the street from the elementary school. It will be shell buildings so businesses can finish to suit their needs. There will be 32 units. They are too small for a restaurant but will be more for businesses like the ones at 160 South State Street (Amazing Adventure Gear Shop and Dixie Shoe Repair). He thinks they want to condominize the units, so there will be the option to lease or purchase individual units.

The city needs to create some architectural guidelines on SR9 and SR17 soon so we can be consistent on the building along State Street. There is a lot of interest in La Verkin City.

Councilwoman Wise asked how the city can protect small businesses when new businesses go into the development and construction needs to happen.

Derek replied that the city currently doesn't have a way to govern it. When the developer comes in for the separate ownership conversion, we can include those things in the development agreement.

Prince-The Mosquito Abatement is very efficient. He was surprised that development increases the number of mosquitoes, so the budget must increase as we develop as a county.

Hirschi-Nothing to report on the Fire District or Ash Creek SSD.

Kyle reported that DTEC had an interesting discussion about Trail County, given by St. George City. Some information they can use for trails will help them get more grants and funding based on usage.

Councilman Prince mentioned as La Verkin City develops trails, Greater Zion has a great software system.

Wise-She reported on the February 14th Planning Commission meeting.

The Rim to River work has not started. There were a couple of things that Kayla wanted to cover on the Trail Builders contract and our contract with them. It should be coming to the city council soon.

Blair Gubler- The Solid Waste Committee discussed the biogas coming off the landfill. They are venting it and burning it off but are considering turning it into electricity to either sell back to the system or operate an IT building. It is at the beginning of the discussion phase.
Rita Bice has agreed to run the CERT program for La Verkin City. He spoke with Kyle about getting them a small budget. There is still a CERT trailer, but the equipment is very outdated.

Kyle reported that the budget came out of the public safety department in the past, so it will be up to Chief Nuccitelli.

H. Citizen Comment & Request for Future Agenda Items:

No comments were made.

I. Adjourn:

The motion was made by Councilman Richard Hirschi to adjourn, second by Councilman Darren Prince. Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion was carried unanimously at 7:04 p.m.

March 6, 2024
Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder



Kelly B. Wilson
Mayor Kelly B. Wilson