

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, March 20, 2024, 6:00 pm.

Gym, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, Micah Gubler, and Darren Prince; Staff: Derek Inlay, Kyle Gubler, Fay Reber, Chief Nick Nuccitelli, Maridee Johnson, and Christy Ballard; Public; Travis Marx & Brett Carter-Gateway Luxury RV Resort, friends and family of Officer Alex Piedra.

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

B. Appointments:

Chief Nuccitelli introduced the newest member of the police department, Officer Alex Piedra.

Christy Ballard, the city recorder, swore in Officer Piedra.

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: March 6, 2024, regular meeting
4. Checks & Invoices: \$169,510.97

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of the March 6, 2024, regular meeting and Checks and Invoices in the amount of \$169,510.97, second by Councilman Micah Gubler. Roll Call Vote: Prince-yes, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

D. Public Hearing:

1. Class B Liquor License (full-service restaurant) Letter of Consent-Holiday Inn

The public hearing opened at 6:07 pm

No comments were made.

The public hearing closed at 6:07 pm.

E. Business:

1. Discussion and possible action to authorize the signature on a Full-Service Restaurant Liquor License Local Consent form for the Holiday Inn.

Fay explained that the Department of Alcoholic Beverage Control requires local consent before it can issue a state license. This local consent does not grant the business license. Once they get the state's license, they will return to the city, and the Council will determine whether to issue them a license.

The motion was made by Councilman Richard Hirschi to authorize the signature on a Full-Service Restaurant Liquor License Local Consent form for the Holiday Inn subject to the Holiday Inn coming back to the city for a local business license, second by Councilwoman Patricia Wise. Roll Call Vote: Prince-yes, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-no. The motion passes.

2. Discussion and possible action to approve Ordinance No.2024-11; an ordinance amending Title 10, Chapter 6G2-2 of the La Verkin City Code, deleting the phrase “condominiums and timeshare units, with a development agreement” from permitted uses.

Mayor Wilson explained that this item was discussed during the last meeting and should have been addressed when we restricted vacation rentals in the tourist commercial zone. This ordinance removes the use from the Tourist Commercial Zone.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2024-11; an ordinance amending Title 10, Chapter 6G2-2 of the La Verkin City Code, deleting the phrase “condominiums and timeshare units, with a development agreement” from permitted uses, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Prince-yes. The motion carried unanimously.

3. Discussion and possible action to approve an agreement with Zions Public Finance Inc. for municipal advisory services.

Kyle reported this updates an existing agreement with Zions Public Finance Inc. Jenkins Bagley reviewed the agreement, and they and the staff recommend approval.

The motion was made by Councilwoman Patricia Wise to approve an agreement with Zions Public Finance Inc. for municipal advisory services, second by Councilman Blair Gubler. Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Prince-yes. The motion carried unanimously.

4. Discussion and possible action to approve a flagpole site plan and development agreement with Gateway Luxury RV Resort.

Derek explained that this development agreement lists three requirements that must be included before approval: a building permit, an engineer's letter of installation, and a site plan for the flagpole. All those items have been submitted and are included in the packet for approval. The agreement does increase the flagpole height from sixty-six feet to sixty-nine feet.

The motion was made by Councilman Richard Hirschi to approve a flagpole site plan and development agreement with Gateway Luxury RV Resort, second by Councilman Darren Prince. Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Prince-yes. The motion carried unanimously.

5. Discussion and possible action to approve Proclamation 2024-01; a proclamation designating April 26, 2024, as Arbor Day for the City of La Verkin.

Kyle explained this is an annual requirement for Tree City USA. The Fourth Grade Foresters will plant this year's tree on April 25th.

The motion was made by Councilman Richard Hirschi to approve Proclamation 2024-01, a proclamation designating April 26, 2024, as Arbor Day for the City of La Verkin, second by Councilwoman Patricia Wise. Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Prince-yes. The motion carried unanimously.

6. Presentation of an ordinance amending the provisions of section 10-2-9 of the La Verkin City Code relating to procedures and standards for approving amendments to the General Plan, and amendments to the zoning map and text of the zoning ordinance.

Fay explained that he realized the current code doesn't say much about amending the general plan or granting zone changes.

Typically, there are two types of hearings: legislative and administrative. These are legislative matters. Courts will uniformly approve zone changes or general plan amendments made by the city if the decision is reasonably debatable. This ordinance lists several factors the city council should consider when determining a zone change. That will help shape the conversation for the record in the meeting minutes for the court to use if a decision is ever challenged. It also lists the application process.

It will return to the Council for approval once the planning commission has reviewed the ordinance and held a public hearing.

7. Discussion and direction regarding increasing the security deposit for utility accounts.

Mayor Wilson explained that a landlord had contacted him to complain that the city's deposit wasn't high enough. They had someone move out who didn't pay the bill. The amount due was over \$200, so they were required to cover the difference.

Before the city shuts off service for nonpayment, the bill is about three months past due.

The staff has discussed this issue and recommends increasing the deposit to \$350.

Kyle reported that \$350 would almost cover the base rate for three months and the \$50 shut-off fee.

The deposit can be requested back when people go two years with no late payments or is refunded when the account is closed.

The recommended amount is average for neighboring communities.

The staff has been discussing this concern for a while. One of the discussions was charging a higher commercial deposit, but he doesn't feel commercial businesses are as much of a risk.

Christy noted the city bills for Ash Creek Sewer District and Washington County Solid Waste. Those entities get paid per household whether we collect the money or not.

Councilwoman Wise feels \$350 is reasonable for everyone. If we need to re-evaluate it in a year and charge commercial more, we can.

Councilman Prince opposes raising it that high. He would be in favor of increasing the deposit to \$250.

Councilman Micah Gubler suggested \$275.

Councilman Hirschi, Councilwoman Wise, and Councilman Blair Gubler were in favor of increasing it to \$350. Fay will prepare that resolution.

8. Discussion and direction on increasing the Rim to River Trail budget by \$15,000.

Councilwoman Wise reported everything was in place and going well for this trail by River Rock Roasting Company when the trail builder backed out. He has not been forthright about why, but in discussing this with Trails Utah, the entity we are contracted with to build the trail, they felt we were short on money from the original plan. The trail builder had put in the contract the ability to charge whatever fee was needed to complete the project. La Verkin would not agree to that. She came up with this increase after speaking with the Mayor and Kyle. This would add a kiosk and signage on State Street. The money will be included in next year's budget.

Trails Utah offers a mini grant in addition to the original grant, so the state could match this \$15,000. That is why it is coming to the Council now.

She is asking the Council to approve the \$15,000 tonight to accompany the city's application for the mini grant. If we don't need this money, we don't need to spend it.

Commissioner Victor Iverson pledged up to \$10,000 to help build the trail.

There are many unknowns, but we know that it would be challenging to finish the trail with the money we have.

The engineering, environmental assessment, geological work, and survey staking are completed. We just need to build the trail. Utah Trail Builders has already put out a new RFP, and several parties are interested.

Councilman Micah Gubler asked the dollar amount spent on this trail so far.

Councilwoman Wise answered we have spent about \$15,000.

Kyle reported the city received \$60,000 from the land exchange for this trail so that amount was committed as the city portion. This would increase it to \$75,000.

Councilwoman Wise explained that the engineering, environmental assessment, and geological work are done before a trail is built. That work is not covered under the grant.

The city has committed \$60,000 for the trail build, and we've spent \$15,000 for pre-work. She is asking for an additional \$15,000, bringing the total to \$90,000.

Kyle stated he thought the pre-work was coming out of the \$60,000.

Mayor Wilson asked Councilman Prince to speak with Commissioner Iverson about increasing the county donation.

Councilwoman Wise said the county has been in favor of this trail because it connects the city trail to Confluence Park. It will help us with the hot springs clientele and keep people from going down the county utility road.

River Rock Roasting Company has firmly pushed for this trail. It frees up their parking lot.

Ninety thousand dollars is not unreasonable for a trail. They are expensive but important for La Verkin's economic development. Working on and moving them forward is stressful when we don't have a standard process for how much trail recreation the city can plan per year. We did a master trail plan five years ago, but it is hard to plan for those things moving forward. She feels like we are playing catchup, but with La Verkin being so new to the process, it is a learning curve. If she had realized it would cost this much, if Trails Utah knew how difficult the land would be to build on, the recommendation would have been different.

Councilman Micah Gubler pointed out that we have access by the Dwellings, and Power Plant Park has access to Confluence Park. Would \$90,000 have been better spent opening another trail not so close to two other access points?

Councilwoman Wise explained that the county had put in the trail at Power Plant Park. It serves a lot of people. For this trail, River Rock Roasting Company was swamped with people using their parking lot to hike in Confluence Park, so he approached the city to get help moving people off his property. It is not good for the Dwellings business either. Another reason this trail is a good idea is to give the people staying at the hot springs resort something else to do in

La Verkin.

Councilman Prince asked why the project cost was more than expected.

Derek answered that many geological features need to be addressed, and there are many difficult spots on the slope. The trail builders will consider drainage and erosion issues when designing the trail.

Councilwoman Wise mentioned again that we might not need the additional money, but the mini grant is available now.

Councilmembers Blair Gubler, Richard Hirschi, and Patricia Wise were all in favor of including \$15,000 in the budget amendment.

There was a discussion on how trails are built and whether equipment could be used for this trail.

F. Mayor & Council Reports:

Hirschi-Fire District-Joe Decker is the acting fire chief and was appointed the fire chief. There was a discussion on equipment purchases and House Bill 442 failing. This bill would have helped cover some of the expenses for fire departments. They also updated the code to meet the current International Fire Code.

Micah Gubler-He met with Chief Nuccitelli to discuss department needs that need to be presented at the upcoming budget retreat.

Prince-He met with Utah Tech to discuss historical information for La Verkin. UDOT is not in favor of allowing murals. They did suggest having the English department update our history page on the website to make it more accessible. They would be willing to compile the data and put it in the website form.

Blair Gubler- Nothing new to report.

Wise-She reported on the March 13th planning commission meeting.

Virgin City was also awarded the UDOT grant for Technical Planning. They are the acting administrator of funds for the Zion Scenic Byway project, which involves updating the 2011 corridor management plan and extending the state scenic byway from Zion to Mount Carmel. The entities involved, including La Verkin, donated money and gave a letter of support in 2022. The paperwork will go back to the state, and then Virgin will start the process of hiring a consulting firm.

Mayor Wilson mentioned the State of Utah has allowed murals and designs on bridges and overpasses throughout the state.

Kyle said a representative from UDOT said there is a permanent moratorium on murals. The best way to change that is to put pressure on UDOT through the elected officials.

He also said UDOT will require all electronic message boards to be removed from the UDOT rights of way unless they contain a UDOT-approved message.

There was a discussion regarding a mural at the La Verkin bridge, the moratorium, and existing murals and designs in surrounding communities.

G. Citizen Comment & Request for Future Agenda Items:

No comments were made.

H. Adjourn:

The motion was made by Councilman Blair Gubler to adjourn, second by Councilman Micah Gubler. Prince-yes, Micah Gubler-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion was carried unanimously at 7:13 p.m.

April 3, 2024

Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson

Mayor Kelly B. Wilson