

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, August 7, 2024, 6:00 pm.

Gym, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Micah Gubler, and Darren Prince; Staff: Derek Imlay, Kyle Gubler, Fay Reber, Chief Nick Nuccitelli, Maridee Johnson, Steve Drummond, and Nancy Cline; Public: Gidaon Iverson, David Howard, Khol Furley, and Brad Robins.

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

B. Presentation:

1. La Verkin Youth City Council introduced.

Maridee Johnson introduced the 14 members of the youth council and Gideon Iverson as Mayor. Gideon introduced the members by name.

Councilwoman Wise commented that the youth council is helping to clean up the Rim to River trail on Saturday at 6:00 a.m. and expressed her admiration for the youth.

Mayor Wilson introduced the Hurricane Valley Fire Department.

Deputy Chief Khol Furley introduced himself and informed the City Council that the Fire Department would attend more City Council meetings. He informed the council that the calls for service they received from La Verkin was 727 this year, so far from Station 43. He also reported to the council there will be an event on September 11, 2024, at Station 41 to honor those lost in 911. The Station will have a flag ceremony, national anthem, breakfast, motorcycle rally, and Food trucks. He invited La Verkin citizens to attend. He also wanted to remind La Verkin citizens that this time of year is a no-burn time and that they could call 435-635-9562 if they had questions. He reported they have the Kolob Terrace fire under control, and there are only a few hot spots.

2. Chief Nuccitelli reports on stats and cases.

Chief Nuccitelli thanked the City Council for all their work and presented them with a challenge coin. They will pass these coins out to citizens who serve in the community. The police staff all helped design the coin. He recognized the officers for their compassion and service to the community. He also discussed the department's mission statement: They want to strengthen bonds and build trust through community policing.

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 July 3, 2024, work and regular meeting
4. Checks & Invoices: \$480,841.70

The motion was made by Councilwomen Patricia Wise to approve the consent agenda as written, including the minutes of the July 3, 2024, regular meeting and Checks and Invoices in the amount of \$480,841.70, second by Councilman Blair Gubler. Roll Call Vote: Prince-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

D. Business:

1. Presentation by Brad Robins regarding the Commercial Design Guidelines.

Brad informed the council that it was the same presentation he gave to the planning commission on July 10, 2024. He took the comments from the Planning Commission and made a few changes.

Councilmen Prince, Gubler, and Councilwoman Wise agreed that it was a good guideline and would like to implement it.

Mayor Wilson asked what the next step was to get it as an ordinance.

Fay needed clarification on the guidelines' language. Should it say it's mandatory or just a guideline to follow?

Brad said it was a guideline for developers to get started when planning commercial buildings.

Fay explained that it wouldn't be mandatory and that everyone needed to know we couldn't make them comply if it were only a guideline.

Brad explained it's for new developments. They would go to the application and create a site plan for the staff. The staff then takes it to the planning commission, discussing what needs to be changed before recommending the developer's plan to the city council. The city council will decide if the planning commission and the developers can not agree on parts of the site plan.

Fay wanted more explanation of the guidelines' language. He pointed out that some say it shall, is required, or is highly encouraged. The council must decide what is mandatory and what is open to the developer's discretion.

Brad agreed that the code needs to be cleaned up before they can adopt some of the guidelines that they want to make mandatory.

Councilman Gubler said that, in his experience, developers are not afraid of these guidelines. They see these types of guidelines all the time. He said the city of Springdale uses one and walks the developers through the process.

Brad explained that the site plan is brought to the staff and that most of it will be agreed upon before it goes to the planning commission.

2. Discussion and possible action to approve Ordinance No. 2024-15, an ordinance amending the Animal Control ordinance.

Animal control officer Steve Drummond said the agency's mission is to protect animals' lives, manage their care, and guide the public to work through any violations they have with their animals.

Fay explained that the ordinance requires a lot of clarification of violations and organizing the ordinance. He changed a violation to an infraction, not a misdemeanor. He felt this was a better way of citing the public for violations because if it's a misdemeanor, they could need a lawyer. If they can't afford one, the city must pay to give them representation, which uses tax dollars. This way, they work with the officers to resolve the violation.

Councilman Prince asked what happens if an owner has their dog attack a citizen.

Fay answered that it would be an aggravated assault if it was intentional, so State law would take over. He added that the Animal Control Officer has the choice to site them from city law or state law.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2024-15, an ordinance amending the Animal Control ordinance, second by Councilman Micha Gubler. Roll Call Vote: Prince-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

3. Discussion and possible action to approve the ChargeWest Partnership Agreement.

Councilwoman Wise explained that we discussed this in the July 3rd meeting. This is a memo of support that the Mayor needs to sign.

4. Discussion regarding the Southern Utah Regional Trail Standards.

Mayor Wilson asked if Washington County adopted the standards already.

Councilwoman Wise responded yes, they already adopted them.

Councilmen Prince asked if they would be required to bring existing trails up to this standard, which would open up the city to legal problems if they adopted these standards.

Fay explained that this is for all future trails in La Verkin. He added this is only for paved trails.

Kyle Gubler asked if they can not make a trail wide enough per the standards agreement when building a trail. Is there an exception written into the agreement to allow parts to be narrowed?

Councilwoman Wise answered yes, there is, and they can be asked for an exception when that comes up. This was a nationwide study. They expected traffic on the trail. Interstate Rock Products has already adopted these standards on their building trail. She explained that E-bikes on the trail now need guidelines that everyone will know because all trails have the same rules.

5. Discussion regarding the Short-Term Rental Ordinance.

Fay explained the city is amending the Short-Term Rental ordinance. This will give the city a way to enforce the laws. This will not be a criminal but a civil citation, making it easier to prove they are breaking the rules; it needs less proof. This will have the staff enforcing it through an administrative hearing. The property owner will be given a notice for the violation. They would come to the city to take care of it. If the owner ignores the notice, then a citation will be issued. They would get a summons to appear before a hearing officer, which Kyle Gubler would assign. The hearing officer would determine if they would pay a fine up to \$750 per day, or whatever the officer thought was equitable. They would have a hearing, and if they didn't show up or no agreement was made, that would turn into a criminal case.

Councilman Gulber asked if they rented without a license and what other proof we needed.

Fay responded that we would know they have no license, but maybe they said it was family staying with them or some other excuse. Homework needs to be done so we can prove they rented it.

Kyle added that the city is hiring a company that collects all the proof that they are advertising and renting it. We need the ordinance first so we can get that proof and then be able to stop them from renting. We want them to have time to cancel future rentals to their property so that it will be in the ordinance how long they have to shut it down and accept no more rental contracts. The ordinance would give them 30, 60 or 90 days to come into compliance.

Councilwoman Wise pointed out that the city hasn't been able to enforce it, and if citizens see an ordinance and consequences, they may stop doing it illegally.

Mayor Wilson said it's only fair to those doing it legally that everyone follows the same rules.

Kyle said some realtors would tell clients that La Verkin doesn't enforce our law so that they can have the property as a short-term rental. This is a nationwide problem.

6. Discussion regarding funding a fence for the Bridge.

Kyle reported that he and the Mayor met with UDOT, Washington County, and the Mayor of Hurricane, and it was determined that there needs to be a fence at the bridge. It is a state road, so they are responsible for it but would like the cities to contribute. The fence would be on the inside of the bridge, so if someone was threatening to jump, the police could remain safe and hold them through the fence. Washington County committed to \$25,000-30,000, and Hurricane committed \$25,000, and I'm asking you if we can commit to \$5,000 to support the project also.

Chief Nuccetilli added that the Reach for Hope group has raised the need for a fence, which has been years in the making.

Kyle asked the council when the time came, and they supported the \$5,000. The council agreed they would be.

7. Discussion regarding the Howard property at 300 South 100 West.

Mayor Wilson summarized that the planning commission had already suggested to the city council that they approve the Tourist-Commercial zone change on this property. Still, the city council brought up the zoning to R-3-6 instead. The council sent it back to the planning commission to consider this zoning; they only had tourist-commercial to consider at the time.

David Howard said it was a nice option to discuss the high-density R-3-6, but that would not work for his property. It is a small piece of land, and there is not enough room for high-density housing. He realized the city would like to transition from commercial to high-density to tourist commercial, but his piece isn't big enough, and it wouldn't be a transition but more of spot zoning. He added he wanted to proceed with the Tour-Commercial zoning.

Councilwoman Wise thanked David for being patient with them and for all the work he has put in. She disagreed that high-density residential was a bad idea. She thought a commercial building wouldn't have enough room for parking. She pointed out that the property across the street could be used as high-density, so his piece would blend in with that. She recommended the planning commission review it again for R-3-6. She said the county just turned down zoning like this and wanted R-3-6, not commercial.

Councilman Prince said that was not the same with the county. Those were 20-acre pieces of land that were zoned and not this small. He felt the Howards have been inconvenienced by the city zoning for the Zion Hot Springs next to their property, and they fought against it, so the city needs to zone this the way that works best for them to sell that land. He pointed out that there will be a parking lot on one side of the land and short-term rentals on the other side. He feels like tourist-commercial is a good fit.

Councilwoman Wise commented that the land would be more desirable for high-density residential than tourist commercial. The city has a lot of land for sale with commercial zoning, but it hasn't sold. This would also mean less traffic in the neighborhoods than if it were commercial.

Councilmen Gubler asked if the planning commission had already approved it for the city council to consider. Does this need to go back to the planning commission if the owner does not want R-3-6?

Fay responded that it had already gone to the planning commission, had a public hearing, and been recommended to the city council, so they have already taken all the steps for the tourist commercial zoning. The Howards have no interest in zoning it R-3-6, so there is no reason to put it back with the planning commission. We can put it on the agenda for the next city council meeting.

Councilman Prince asked if they could vote on it tonight.

Fay answered that it was not on the agenda tonight as an action item, only as a discussion. The city wanted to make sure that was what the Howards wanted. Suppose they were interested in R-3-6 or only wanted a tourist-commercial. If there is no interest in that, taking it back to the planning commission doesn't make sense. If it went back and the planning commission recommended to the city council to zone it R-3-6 and the owner refused that zone, it would be a waste of time.

Councilwoman Wise commented that it was the only choice before the planning commission. Now that there are more options with the R-3-6, the planning commission may make a different recommendation.

Kyle added that if the Howards don't want the R-3-6, we can not force them into it.

David Howard responded that they had looked into the R-3-6 with their real estate agent, and the value wasn't there for R-3-6. If it's not approved for Tourist-Commercial, then we are better off keeping the R-1-14 zone to sell it. If we had 10 acres, the R-3-6 would be a great option for transitioning from commercial to residential. However, they only have .63 acres, and that's not big enough. He added that his market is very small, so he hopes to get approval for the Tourist commercial zone. He was not interested in R-3-6 zoning.

Derek clarified they want Tourist- Commercial or deny the request and keep it R-1-14. We had some negative comments about high-density zoning, so we didn't think it was an option until talking to the Howards. However, it's not a big enough piece to get many houses in. It's a very unique property.

E. Mayor & Council Reports:

Blair Gubler- Rita is working on getting CERT training done. She should be contacting the city.

Wise- She reported that she attended the DTEC meeting. They informed us the transit system was going to start in July, but they have a driver shortage. There was not a meeting in July so I'm not sure what updates there are on the transit lines. Kyle added that they aim to start this month. They needed to decide where the bus stop would be in La Verkin, and they offered an 18% pay increase to attract enough drivers.

Mayor Wilson asked if they had places where they wanted to put bus stops.

Kyle answered that they are having a hard time getting places in Washington, La Verkin, and Virgin. They are talking about a stop on 300 North, but where would people park who want to ride the bus?

Councilwomen Wise continues to report on the planning commission meeting on July 10th. She also attended a meeting about the management at Kanaville Falls. The impact it will have on La Verkin when it is full, or people have dogs that are not allowed at the Falls. They would go to Kolob Canyon but don't allow dogs in the National Park. Springs Canyon is another site, but it carries the city's water and mustn't get tainted. These are things to consider. It may not be an issue now, but it will be in the future. The scenic byway's corridor management plan will be starting a committee. They are meeting in September to start the process to get a contractor. She said anyone who wants to be on that committee should contact her; they will help define the committee's scope. The contractor will study the environmental assessment for the infrastructure of the La Verkin twist. The Rim to River update is the contractors put in drainage. She suggested that the Youth Council help with the cleanup there.

Micha Gubler reported that the celebration on the 4th and 24th was a success and thanked Marideen Johnson for her hard work. Chief Nuccitelli reported that cops and cars would be on September 21st at 6:00 p.m.

Prince. Reported he is involved with the American250 committee. It's the celebration of the 250th year since the Revolutionary War. They started on April 17, 2025, and have a year-long celebration until July 4, 2026. Washington County wants to be the leader in celebrating this. They want 250 on everything to advertise the celebration, like city logos and business logos. They want to roll out the red carpet for this celebration. He also reported that mosquitoes are a big problem right now. If there is a problem, they will take care of the mosquitoes.

G. Citizen Comment & Request for Future Agenda Items:

No comments were made.

H. Adjourn:

The motion was made by Councilman Darren Prince to adjourn, seconded by Councilman Micah Gubler. Prince-yes, Wise-yes, Blair Gubler-yes. The motion was carried unanimously at 7:40 p.m.

August 21, 2024
Date Approved

ATTEST

Nancy Cline
Nancy Cline
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson

