

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

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

Gym, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, and Darren Prince; Staff: Derek Imlay, Kyle Gubler, Fay Reber, Chief Nick Nuccitelli, Steve Drummond, and Nancy Cline; Public; McKay Prince.
Councilman Micah Gubler was excused.

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

B. Presentation:

1. Yoppify Water App.

Kyle Lovelady introduced the Yoppify app, which allows the city to notify citizens by text, email, and phone. The transparent water bill grant is funding the software. It was 85% of the grant money that the state covered, and the conservancy district covered the other 15% for its members of the regional pipeline. The primary purpose of the grant is water conservation. The app can also allow the city to notify citizens of road closures, water leaks, irrigation issues, emergencies, and city events. He added that Washington City and Santa Clara had already launched the app, and La Verkin could launch it as early as tomorrow. He asked their opinion on which welcome message they preferred for the app launch. He suggested the city could send updates on irrigation shut-offs, so this could lead to fewer phone calls to the city and the council about water updates.

Councilwoman Wise gave her opinion on the app's introductory message and suggested adding it to La Verkin City's social media pages so the citizens don't think it's a scam. She also added that it's a great tool for the citizens to know about irrigation problems and when water will be turned back on because they are worried about losing their crops or gardens. She also suggested they do updates so citizens know when it will be back on.

Kyle Lovelady demonstrated how they can pinpoint a neighborhood and notify only the affected properties if there is a water leak or the water is shut off, so they don't have to notify the entire city. He told the Council that they programmed a message to come to them at 6:12, and if they didn't get it tonight, they needed to update their phone numbers with the city. He added that a text-to-talk can call citizens and give an automated message.

Mayor Wilson asked if it could be texted and emailed simultaneously.

Councilman Prince asked if the app would allow the city to receive messages from the citizens.

Kyle Lovelady replied that it can text and email simultaneously and receive messages back, but that feature is not currently turned on. It would allow Lisa or Kyle to receive messages and respond with updates.

Councilman Prince asked if it was an opt-in app.

Kyle Lovelady responded currently we have opted everyone in that we have information on which is about 98% of the citizens. They can opt-out if they want.

Councilman Price agreed with Councilwoman Wise and liked the second introductory message.

At 6:12, a few council members received the text message.

Kyle Lovelady added that he could program groups into the messages, allowing only the citizens affected by the situation to receive messages. For example, only citizens with irrigation will get a message when there is a problem with the irrigation lines.

Councilman Blair Gubler asked about the grant. The State and water conservancy district pay for how long, and then how much will it cost the city? Will there be further grant money available?

Kyle Gubler answered that the grant is good for two years, and then we must pay for it. A ballpark figure was given, but he could not remember it. He also added that the city doesn't have to keep the app. If it is not worth it to the city, we could discontinue it.

Kyle Lovelady asked if they wanted postcards sent to citizens without a text or email.

Mayor Wilson asked how many that would be.

Kyle Lovelady did not know off hand.

Mayor Wilson suggested waiting a month and seeing what citizens notified them if they did not get any messages.

Kyle Gubler responded that they must update some of the citizens' information. When citizens call in for any information or updates, we can ask if their information is correct and update them for future messages. He also said he would post it on the Facebook page and include having citizens call and update their information.

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 7, 2024, work and regular meeting
4. Checks & Invoices: \$91,356.33

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of the August 7, 2024, regular meeting and Checks and Invoices in the amount of \$91,356.33, second by Councilman Darren Prince. Roll Call Vote: Prince-yes, Wise-yes, Hirschi-yes, Blair Gubler-yes. The motion carried unanimously.

D. Business:

1. Discussion and possible action for final approval of the Holiday Inn Alcohol License.

Mayor Wilson explained they had already given conditional approval; this is now the final.

The motion was made by Councilwoman Patricia Wise to approve the Alcohol License for the Holiday Inn, second by Councilman Richard Hirschi. Roll Call Vote: Prince-yes, Wise-yes, Hirschi-yes, Blair Gubler-no. The motion passed.

2. Discussion and possible action to approve Ordinance No 2024-16 an ordinance amending the zoning map of and for the City of La Verkin to rezone from Low-Density Residential (R-1-14) to Tourist Commercial (COMM-T) two parcels with the Tax ID # LV-40 and LV-40-B, a combined total of .65 acres located directly west of 310 South 100 West and 320 South 100 West.

Councilwoman Wise explained that all neighboring properties are zoned residential except for agricultural land, which has residential buildings. She pointed out on the map where the property is and the zoning of the land. She thought it reasonable that the land around this would also want to change their residential zoning to commercial tourists if they granted this land a zone change. The owners could argue the same arguments that the Howards are to change zoning. She felt it would be a significant amount of land to change to commercial zoning, shrinking the residential land. She was concerned about when the city said "no" to commercial taking over residential.

Councilwoman Wise also asked three business owners on State Street if they would advise a business to be off State Street. Their response was 100% no. It makes sense to be off State Street with a business when State Street becomes full and those businesses are thriving. Their current businesses are doing okay but not so busy that they are turning down business; they are still building up their businesses. They also advised that relying on Zion Hot Springs to bring all the customers to this location and supply all their revenue is risky. She added that the city is trying to get businesses that are not all tourist-based because that is also too risky.

Councilwoman Wise wanted to make one more point about the argument that the city unfairly zones the land next to the Howards, so the city must make it right. She reminded the council of how much time went into the Zion Hot Spring

zoning and the argument of commercial zoning creeping into residential zoning. The council did not guarantee that we could change any more zoning to commercial, but we did indicate that with all the available commercial zones that have yet to be developed, we would not have a reason to keep building commercial in residential zones. When we discussed high-density zoning as a buffer, there was a lot of negative feedback from the public.

Councilwoman Wise addressed the argument that commercial zoning devalues residential houses next to them, which was not an issue. The city has approved several businesses that bump into residential and have block walls as the only divider. In her opinion, this has not harmed the homes. The noise and lighting have been fine for the residents living near the commercial businesses. She conveyed that the Hot Springs have repeatedly said they will do what they can to be a good neighbor. Her opinion was that having the brick wall by this property would not harm the property. She felt like the city would lose its small-town feel if they continued to zone tourist commercials. She doesn't think tourist-commercial is a good fit for all these reasons.

Councilman Prince disagreed. He pointed out that 300 South is a large street, so the Tourist commercial makes sense; 100 West is not an improved street, so he wouldn't advise the Tourist commercial on that road, which was Councilwoman Wise's concern. He referred to the map, and on the right of the Howard property is a vacation rental, and on the left is a big parking lot. He reiterated that he feels the council zoned commercial next to their property and that he would give them leeway with their zoning request. He continued that if this is the zoning they want, he would support them.

Councilman Blair Gubler added he has looked at both residential and tourist-commercial. The tax incentives from commercial and residential. He mentioned that there is a commercial zone on State Street, and he would hate to see more residential erode into commercial. He believed there was already enough commercial space, and the city would need more residential than commercial property. And that is what he will vote for.

Mayor Wilson thought this was an excellent spot for a business, and the number of people the Hot Springs would bring in would benefit a business on that property. He said the owner of the Hot Springs commented he would be making the owner of that property a lot of money because he thought 1,000 people a day would visit his hot springs. He agreed that with the Hot springs on one side and a vacation rental on the other, it would not make much of a difference to zone this property tourist commercial.

Councilwoman Wise commented it would bring a lot of traffic to the street that is not already there now.

Mayor Wilson added that traffic would already be coming from the Hot Springs.

Councilwoman Wise continued to say that 100 West is a small road now, but not the entire road. She felt this was not a good move for the city and that the Hot Springs had different reasons to say yes to that zoning. She felt that valuing the residents should be the most important thing. She added that they have worked hard with the Howards on this decision and feel it is not best for the city.

Mayor Wilson disagreed with her, saying it would benefit the city and its residents.

Councilman Prince agreed that with 1,000 people a day coming to that parking lot, no one would notice a difference in traffic on the same street.

Fay Reber advised that the code for a zone change includes four factors that need to be addressed in the motion. The council considered those four factors when choosing the zone change.

Councilman Prince made the motion and added that it fits the zoning on East and West, will complement the city with a new business, is consistent with the general plan with previous zoning, and that with the expansion of the Hot Springs, there shouldn't be any issue with the infrastructure.

The motion was made by Councilman Darren Prince to approve Ordinance No. 2024-16 an ordinance amending the zoning map of and for the City of La Verkin to rezone from Low-Density Residential (R-1-14) to Tourist Commercial (COMM-T) two parcels with the Tax ID # LV-40 and LV-40-B, a combined total of .65 acres located directly west of 310 South 100 West and 320 South 100 West, second by Councilman

Richard Hirschi. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-no, Blair Gubler-no, Mayor Wilson-yes. The motion passed.

3. Discussion and possible action to approve Resolution R-2024-14, a resolution adopting a schedule of fees for the Animal Control Fee Schedule.

Animal Control officer Steve Drummond explained that part of his duties is to be over the fees and that in the five years, he has been an employee with La Verkin, the fees have not changed. The shelter is not a money maker; we won't cover all our costs with fees. However, it's time to bring them in line with the cost of running the shelter. He added they are modest changes and only increasing slightly. He suggested it might be an incentive to fix their fence, lock their gate, and ensure their dogs don't get out. The license fee increased for unsterilized dogs, again incentivizing them to spay or neuter their pets.

Councilman Prince suggested that the rate could differ for unlicensed and licensed dogs. That could encourage the public to license their dogs. For example, if your dog is licensed, the first-time impound fee would only be \$10, but unlicensed dogs would be \$90.

Kyle Gubler added that if it's a repeat offender, the price would increase every time, but licensed dogs would be less than unlicensed dogs.

Councilman Prince asked what percentage of impounded dogs are unlicensed.

Steve answered about 50%. When we catch them, we make them license their pet when they pick them up.

Chief Nuccitelli added that they usually give licensed dogs a break.

Steve agreed that if they are licensed, they usually waive the late fee or some other fee to encourage them to keep their dogs licensed. Sometimes, there are circumstances where the kids let out the dog or the dog sitter, and we waive some of the fees. It happens even with responsible dog owners.

Councilman Prince added that he thought the public would be safer if dogs were licensed because they would have to get their shots to get the license.

Steve responded that he would like to find a way to license more dogs. Currently, only about 30-40% have licensed their dogs.

Councilman Prince suggested that if the fee were higher, the public would license their dogs if they knew the fee would be smaller if the dog were impounded.

Chief Nuccitelli suggested they educate more and encourage people to license their pets. They work with local vets to do early licensing discounts. He said a citizen came in and asked if they could get a more extended license period, maybe two years, instead of just one, which he thought was a good idea because they try to get these animals into good homes. He agreed that if they had a dog that got impounded and could see on paper that the fees are different for licensed dogs, it would encourage them to keep them licensed.

They continue to discuss the fees with licensed and unlicensed dogs.

Councilwoman Wise suggested raising the fee for unlicensed dogs, but not too high, that it would be a hardship on the owner, or they might not come to get their dog. If they raise the first impound fee to \$40, the owner will also have to pay licensing fees, late fees, and sterilization costs, which becomes a substantial amount. However, the pound needs to be functional.

Mayor Wilson clarified that the fee for licensed dogs would be \$25 the first time they were impounded, but it would be \$40 for unlicensed dogs.

Councilwoman Wise added that the only fee affected would be the first-time impound fee for unlicensed dogs.

4. **The motion was made by Councilwomen Wise to approve Resolution R-2024-14, a resolution adopting a schedule of fees for the Animal Control Fee Schedule, as presented with the exception that on the impound fee if a dog is unlicensed, the first time impound fee would be \$40, seconded by Councilman Richard Hirschi. Roll Call vote: Prince-yes, Blair Gubler-yes, Hirschi-yes, Wise-yes. The motion carried unanimously.**

5. Discussion and possible action to approve Proclamation -2024-02 : a proclamation designating September 17-23, 2024, as Constitution Week.

The motion was made by Councilman Richard Hirschi to approve Proclamation -2024-02 : a proclamation designating September 17-23, 2024, as Constitution Week. , second by Councilwoman Patricia Wise . Roll Call Vote: Prince-yes, Wise-yes, Blair Gubler-yes, Hirschi-yes. The motion carried unanimously.

6. Discussion regarding the surplus property at the end of 250 West and off 600 North.

Kyle Gubler explained that years ago, the city had a piece of property that was supposed to have a thorough street, but a developer came in and blocked the road; therefore, it's a dead-end street. We have to clean up and maintain the city's property. The property owners on the East and West are interested in purchasing the property. The appraised value is \$1,000, and we can vacate the property and sell it to the owners for \$500.00 each. The city has no use for it, and it is not big enough to build anything on. He advised the council that this would increase the two owners' property, and it would be big enough to have an accessory dwelling unit on it if they wished. He explained the land is worthless, being only a tenth of an acre and not buildable. The County assesses the value.

Councilwoman Wise asked if there were any utilities or infrastructure to worry about on the road.

Kyle replied no, not to his knowledge. The adjacent property owners have first rights to the property. He added that there would be a public hearing, and after that, it would be returned to the city council for approval.

Fay replied it will be a public hearing on September 10, 2024.

7. Discussion regarding the Subdivision Ordinance.

Fay explained that the state legislature passed the land management code amendment. They now require the city to appoint an Administrative Land Use Authority (ALUA) to handle subdivisions for single-family, duplex homes, and townhomes. The ALUA then will hear the applications for preliminary and final plat approvals without input from the city council. However, the other subdivisions, such as industrial, commercial, and mixed-use subdivisions, are not mentioned. Many other cities have delegated all subdivisions to the ALUA. That would mean the city council would have no say in any subdivision. The Planning Commission and city council do not want to give all the decisions to the ALUA. We have created a hybrid ordinance that gives the city council and planning commission authority over commercial, industrial, and mixed-use subdivisions. The process will remain the same to approve these types of subdivisions. The submissions going through the ALUA must go through four review cycles. The subdivisions that we are remaining over will not have to do the four review cycles. He advised the council that there will be a public hearing in the Planning Commission on August 28, 2024. The ALUA can consist of five members, a few planning commission members, and city staff, and the city administrator will appoint the fifth. He also informed them that the new ordinance with the state requires no public hearing for subdivisions.

Mayor Wilson asked if they wanted a subdivision, but they did not want the zone; they would have to have a public hearing.

Fay replied that they would have to go through the Planning Commission, public hearing, and city council processes to change the zone to what they needed for the subdivision.

Councilwoman Wise asked if a public hearing would be necessary for the ALUA for residential subdivisions. If they meet the subdivision requirements, then the public hearing is pointless.

Fay advised that they are not required to do so. They can if they want, but it is no longer a requirement. Yes, the public hearing is pointless, so they amended the subdivision ordinance.

Councilwoman Wise said she did not like the plan the State had put in place.

Fay explained that developers were being held up by cities trying to meet all the requirements when it was an administrative decision. If the developer meets the criteria, then it gets passed, and the public doesn't get to respond. This new ordinance was the legislators' response to cities holding up developers with all the steps.

Councilwoman Wise concluded that the only subdivisions the city can decide are good for the city are now these three types. She also wanted to clarify that the five members appointed by the city administrator should have a list of qualifications they must meet. That way, in the end, they can't be appointed to a relative or friend who wants to be on the committee.

8. Discussion regarding the Southern Utah Trail Standards.

Fay explained that this is on the agenda because it falls under the Master Transportation Plan, which is part of the General Plan. There will need to be a public hearing, and the planning commission will recommend to the city council as they do with other amendments to the General Plan. He wanted to make it clear if the standards are mandatory or recommended. He advised the council that the language should say they are required unless the city council approves the deviation on a case-by-case basis.

Councilwoman Wise wanted to clarify the comment about E-bikes being subject to the engine size in the ordinance and that non-pedal assist bikes are a state law. It is not just set in the standards to control speed; it is the law according to the State.

Mayor Wilson explained that if the speed limit is 20 mph, why say what the engine should be? For example, the speed limit on the road is 75 mph, but cars can be built to go faster but have to remain under the speed limit, so why include engine type in the standards?

Councilwoman Wise responded that it was just State Law. These are standards to help keep the public safe.

9. Discussion regarding a privacy wall for Kyson Spendlove and Beau Stratton.

Kyle Gubler explained that we had already agreed with Kyson Spendlove and Beau Stratton. He handed out information on the payment that would be made to them for the land to put the wall on. Interstate Rock Products offered to pay the landowners \$125,994. When Interstate Rock builds a home, they will pay the parks and recreation impact fee, but then the city will reimburse them back until we pay off that amount of \$125,994. The loan is five years, but in his opinion, it will not take that long to pay back. On average, per year, we receive \$76,190 for these fees. That is not all from Interstate Rock; they are our biggest builders. He believed we could pay that interest-free loan within the 5-year term. He explained how the city would receive and pay out the note. He said that if the council is happy with this plan, Interstate Rock will draw up an MOU contract. Then, the city council would approve the contract. He asked the council if it would be okay to have them draw up the MOU. The council agrees this is a good idea.

E. Mayor & Council Reports:

Mayor: Nothing to report.

Blair Gubler: He reported on the Solid Waste meeting. Enterprise City has an unmanned waste station because of its location. The Solid Waste District is paying for part of the landfill because Enterprise City is too far from the main waste station. Enterprise wanted \$25,000 from the Solid Waste District to match their \$25,000. The District turned them down because a new waste station had been built in Central, and they could use that since it is closer to them.

Wise: Reported on the Planning Commission meeting held on August 14, 2024.

She also reported on the DTEC meeting she attended. They have MPO money available for different projects. Kyle Gubler added he asked them to bump up SR-9 roads for improvement. They also discussed the Safe Streets for All program, which includes active transportation, sidewalks, and lighting. They also discussed the sound wall on I-15 and proposed some on SR-9 possibly. Transit lines are still coming to La Verkin; they hired more drivers and would charge

approximately \$5 a trip and a monthly pass. The Rim to River is coming along. She reported the big storm that came through and showed them what they needed to improve for drainage. St. George News would like to write a story about the trail. We told them to wait until we had all the caution tape down and the trail ready for use. The ribbon cutting should be in October.

Hirschi: He reported that the Fire District is pursuing Truth and Taxation. Ashcreek will tour the new plant on August 22, 2024, at 4:45.

Prince: They reported that the mosquitoes are under control; however, they are worried about this fall when the weather is cooler. There will be a City Alliance kick-off luncheon on August 29, 2024.

G. Citizen Comment & Request for Future Agenda Items:

McKay Prince commented he just buried his daughter in the city's cemetery last week; he was disappointed that there is no wall for privacy around the trailer park. He added he understands there is no way to block the hotel that faces the cemetery, but these are the city's loved ones, and it should be more private.

Kyle Gubler replied that the city has a bid for a brick wall on the North side. It is on the priority list, but the money isn't available now.

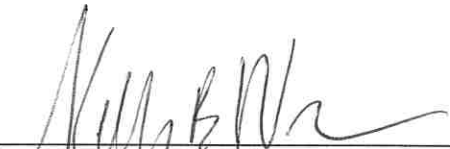
McKay commented that it is a beautiful cemetery; it just needs that wall for privacy and to block the view of the trailer park.

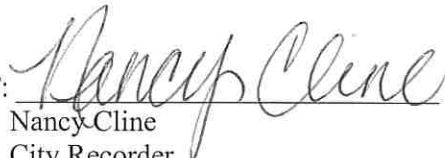
H. Adjourn:

The Mayor closed the meeting at 7:44 p.m.

September 10, 2024
Date Approved




Mayor Kelly B. Wilson

ATTEST: 
Nancy Cline
City Recorder

