City of La Verkin

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La Verkin City Council Meeting Minutes
Wednesday, July 16, 2014 6:00 p.m.
Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ken Hooten, and Brandon Stephenson; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: Ray Justice, Josh Jackman, Alex Maxwell, Chandler Jackman, Kellen Gubler, Erick Hepworth, Claudia and Eldon Pierce, Christine Bennett, Jason Bennett, Jared Bennett, and Mike Tisdale.

Councilmembers Chantelle Browning and Randy Reeve and Troylinn Benson have been excused.

A. Called to Order – Invocation by Eldon Pierce.
Posting of the Colors and Pledge of Allegiance by Scout Troop 353 at 6:00pm.

B. Recognitions:

1. Claudia Pierce was given a Certificate of Appreciation and gift card for her work in organizing the July 4th Celebration.

C. Presentation:

1. Kevin Bennett received the Top Lawyer in Utah for Highest in Ethical Standards and Professional Excellence award. Mayor Gubler presented him with a plaque and thanked Kevin for all of the hard work he puts into the City.

D. 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. June 18, 2014 regular meeting minutes
4. Review Invoices and Checks: $521,068.94

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written including the June 18, 2014 regular meeting minutes and checks and invoices in the amount of $521,068.94, second by Councilman Brandon Stephenson. Roll Call Vote: Hooten-yes, Stephenson-yes, Hirschi-yes. Motion carried unanimously.

E. Committee Reports:

1. Planning Commission – A public hearing was set for August 13, 2014 in regard to the requested zone change by Interstate Rock. Their property is located at the north end of town by Silver Acres and Zion View Estates.

   Kevin explained Interstate is asking for multiple zone changes; Retail Commercial, R-1-8, R-3-6 Multiple Families, and Public Facilities for a large park. He invited the Councilmembers reminding them that all zoning issues are front ended so if they are interested in what the public has to say about it they may want to attend.
2. Water Board – No meeting.
3. Fire District-Councilman Hooten reported a new non-emergency vehicle to transport people with disabilities to doctor appointments and such was discussed.

Approval was given for an Impact Fee study.
There was approval given on the Intergovernmental Agreement with Mohave Community College for training to be conducted at their campus.

4. Sewer Board-Blair was not present. Councilman Hirschi reported approval was given to waive the impact fee for one chair hairdressers. Anyone who paid that impact fee in 2014 will be reimbursed. There was a discussion on the property Ash Creek leases out and how improvements made by tenants can be written off.
5. Community Garden-Councilman Hirschi reported he picks on Saturday morning and delivers the produce to people he knows are in need and takes the rest to the city office for citizens to take. If anyone knows of people who are in need of produce, let him know.

F. Citizen Comment & Request for Future Agenda Items:

Mike Tisdale-has a few issues he would like to discuss. One is four wheelers and motorcycles driving past his property, he lives in Zion View Estates, at 2-3 in the morning. He has called dispatch but by the time the Sheriff's officers get there the people have already left. He has also talked to Interstate Rock about closing the pit and putting rocks back across the road so there is no access to the property.
The other issue is cats. He has heard talk of a cat ordinance. Something needs to be done about it.
He has talked to councilmembers because he is not usually able to make it to the meeting. He feels the ordinance needs to be changed.

Mayor Gubler told Mr. Tisdale to call dispatch when he hears or sees the ATV's or motorcycles. He understands that they may be gone before an officer gets there but that is the only thing we can do at this time.

G. Business:

No business.

H. Staff. Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle's handout had a schedule of events for the July 24th celebration. The parade starts at 8am. There will be a float for the Councilmembers.
The Impact Fee report is included in his handout for the past year. New construction is highlighted.
The Mayor and Kyle have been interviewing new auditors. They have decided on a firm that will save the city approximately $12,000 each year.
He attended the ZC3 meeting. The Interpretive Plan has an 80-20 match. They need to come up with $3,000 and was wondering how much of that La Verkin could help with. The communities that participate in the program are La Verkin, Virgin, Rockville, and Springdale. Washington County is going to participate in coming up with the money and SUU may possibly participate. There is about $500-1,000 in Economic Development that could go toward it. The Councilmembers need to let Kyle know how much they would like to contribute.
Kyle and Derek attended a meeting at the WCWCD. He will report on that during the Mayors report.

Public Safety- Chief Ben Lee

Chief Lee reported that the new officers have successfully completed their training.
Kate Wadsworth, our animal control officer, has left her position due to medical issues. He will be hiring for that part time position.
Chief is in the process of creating an Animal Control Committee. There are a few people that have committed to being on the committee and he has calls into a few others and is just waiting on their decision.

Amber Crouse had surgery today as advised by her doctor. She will be out two weeks and then on light duty. The surgery was successful.
Chief attended training on managing evidence. He will be conducting an inventory of the evidence room to see if they can get it to maintain a certifiable standard and then they will conduct an audit to make sure everything that is supposed to be there is.
The officers will be using body cameras now and he has ordered some new equipment to get the department up to where it needs to be.
The officers stopped a male attempting to jump off the bridge with a rope. They were also involved in a foot pursuit and apprehended the subject who was wanted by the County and Hurricane.

Councilman Hooten reported that several people in his area have had their garages burglarized after leaving their garage doors open. He wondered if Chief Lee was aware of that.

Chief said he has not seen any burglar reports. People need to make sure they close their garage doors especially at night and if they do notice something is missing they need to file a report with the police department.

Councilman Hirschi has noticed an increase in people speeding on State Street and wondered if the digital sign that notifies people of their speed in the shop is in working condition and could be used. If it is not working, he would like to purchase one in the next couple of years.

Derek answered the sign has not been functional for 5 years.

Kyle said he is looking for one to use during Winterfest then it could be used by the police department the rest of the year.

Chief commented they have increased their coverage of State Street.

Councilman Stephenson asked about the ordinance regarding ATV's and non-street legal motorcycles.

Chief replied that ATV's and motorcycles have different statutes. ATV's and off road vehicles requires either a safety certificate or a license, depending on the driver's age. Drivers under the age of 16 have to be in the presence of an adult. Helmets must be worn and the vehicle has to be registered. City streets are all legal and the two State highways have two designated crossing areas.

Director of Operations-They had the final final walk through for the Silver Acres project. They are in discussion of quantity issues with Interstate Rock. Once that has been cleared up it will be coming back to the Councilmembers for final approval.
The water situation is back to normal, we are no longer strictly on Cottam Well. Our water is coming from Ash Creek Spring and Toquerville Spring. Hurricane City has compensated us for the overage charged to us by the WCWCD.
There have been 24 culinary water breaks over the last three weeks. Derek feels it is probably due to the dryness of the ground.
Derek is back to full crew for the first time in 6 months.

Derek's crew hand delivered letters asking the large property owners to water between the hours of 6pm and 10am and placed door hangers on houses who are watering during the middle of the day. It has made a difference; the reads are down 80 acre feet from this time last month.

Mayor Gubler said staff is trying to get all of the citizens to water between those hours to try and be conservative with the water.

Treasurer-Troylinn has a letter from her doctor allowing her to do a little work from home. She goes back to the doctor August 11th.

Mayor Gubler-The public hearing for the zone change is on August 13th if anyone would like to attend. We always need to be careful when making zoning changes that we do what is best for the community.

Kevin has a discussion on the water rights issue staff has been attending meetings for. Mayor Gubler turned the time over to Kevin.

Attached is a handout of Kevin's presentation. See Exhibit 1

Kyle and Derek attended a meeting last night. He had a handout from the meeting. It was reported that this was the first time the State has had to come down here due to a call on the River. One of the reasons for that is so far this has been the 2nd driest year since they have begun keeping a record and last year was the 4th so those two years being back to back has not been good.

Attached is Kyle's handout from his meeting. See Exhibit 2

Kyle read through his handout.
Right now the cutoff date is December 31, 1900. La Verkin is fine, but if that doesn't cut enough water for those who have water rights the date could be moved back further. Then La Verkin may lose some water.
Most of the surrounding municipalities are in good shape but there are some who have concerns.

Derek would like to add the issue doesn't pertain to wells or streams. Our water source from Ash Creek Spring and Toquerville Spring both come from a spring source and not the River.

The Conservancy District's water shares are after 1900 but the order did state if you have anything in reserve it can be used. The Reservoirs would fall under that.
Everyone understands it will be very difficult to police.

Kevin said that directly La Verkin should be okay but it could affect us indirectly from the WCWCD and the cost of water. Also, if people start looking closely at prior water rights to try and challenge them it could take them off the list and everyone would move up.

Kyle also mentioned this only affects water to the Washington County Diversion Dam.

Hirschi-Nothing further to report.

Stephenson-Nothing to report but wanted to complement Derek on the great job at getting the Silver Acres Project completed. It was greatly needed and appreciated.

Mayor Gubler said that citizens from Silver Acres did send a card with cookies for the Councilmembers.

Hooten- Nothing to report.

G. Executive Session:

1. Strategy regarding pending or reasonable imminent litigation.

Motion was made by Councilman Richard Hirschi to adjourn to an Executive Session at the location of 111 South Main in La Verkin Utah for the purpose of discussing pending or reasonably imminent litigation, second by Councilman Brandon Stephenson. Motion carried unanimously at 7:00pm.

I. Reconvene from Executive Session at 7:14pm.

J. Adjourn:

Motion was made by Councilman Brandon Stephenson to adjourn, second by Councilman Ken Hooten. Motion carried unanimously at 7:15pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

August 30, 2014
Date Approved

Mayor Pro Tem, Brandon Stephenson

ATTEST:

Kyle Gubler
City Recorder