

# City of La Verkin

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## La Verkin City Council Meeting Minutes Wednesday, August 19, 2015 6:00 p.m. Council Chambers, 111 S. Main, LaVerkin, Utah

**Present:** Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ken Hooten, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John Valenti and Phyllis Terrana.

*Councilman Randy Reeve has been excused.*

- A. Called to Order** – Invocation and the Pledge of Allegiance was given by Chantelle Browning at 6:00pm.
- 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. Minutes:
  4. Review Invoices and Checks: \$91,709.70

**Motion was made by Councilman Ken Hooten to approve the consent agenda including the checks and invoices in the amount of \$91,709.70, second by Councilwoman Chantelle Browning. Roll Call Vote: Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.**

### **C. Committee Reports:**

1. Planning Commission-Councilman Hirschi reported the Planning Commission held the public hearing for the agreement with Zion West Hospitality and the proposed ordinance changing the requirement of parking spaces for certain commercial businesses. They both passed the Planning Commission. The proposed Transition Zone was also discussed.
2. Community Garden-Councilman Hirschi thanked Dallan Wiser for helping with the garden.
3. Water Board-There has not been a meeting. Mayor Gubler reminded everyone the suggested watering times are from 6pm-10am.
4. Sewer Board- Councilman Hirschi reported there has not been a meeting.
5. Fire District-Councilman Hooten reported the Washington County Commission held a public hearing on the expansion of the Fire District to include Hurricane and another one to include Leeds. Commissioner Iverson reported to him that no comments were made on either item. So those changes will be moving forward.

### **D. Citizen Comment & Request for Future Agenda Items:**

Phyllis Terrana-Thanked Mayor Gubler for visiting her house and feels he validated the fact that she feels her home has been grossly destroyed by developers. She asked Kyle if he has talked to the developers about the weeds.

Kyle replied the developer has not had any contact with the City for some time.

Phyllis stated the City should still have some say as to the weed hazard. If a match were thrown on three sides of her property her house would be in drastic danger. She asked Derek if he has been in contact with them.

Derek replied he talked to the developer a week ago and was told the same thing he was told two weeks ago and that was they would be right down to take care of it. That is the best he can do. The City cannot make them do the work.

Phyllis stated she would like to be able to go on vacation and know her home was protected. She also feels there should be ordinances on the books protecting citizens from this. We should be in charge of what developers do in our community to prevent them from tearing down a person's fence and irrigation and destroy the value of the property.

She will keep coming back and asking these questions. Something needs to be done so she can leave and come home knowing her property hasn't been further destroyed.

#### **E. Business:**

1. Discussion and possible action to approve a Development Agreement with Zion West Hospitality to allow for the construction of a hotel building in excess of thirty-five feet (35') and not more than sixty-five feet (65') in height, on property located at 101 East 500 North.

Councilman Hirschi reported there was a good discussion during the Planning Commission meeting and they unanimously recommended approval. He is in favor of this agreement.

This proposed hotel will be east of the current hotel.

Councilman Hirschi said there is one concern with access off SR 9.

Kyle mentioned there is a meeting with UDOT scheduled to discuss the issue.

**Motion was made by Councilman Richard Hirschi to approve a Development Agreement with Zion West Hospitality to allow for the construction of a hotel building in excess of thirty-five feet and not more than sixty-five feet in height on property located at 101 East 500 North, second by Councilwoman Chantelle Browning. Browning-yes, Hirschi-yes, Hooten-yes. Motion carried unanimously.**

2. Discussion and possible action to approve Ordinance No. 2015-07; An ordinance amending Title 10 of The LaVerkin City Code, relative to the minimum number of parking spaces required for certain commercial uses (i.e., transient lodging) within the City of La Verkin.

Councilwoman Browning asked why it was one tenth of a point instead of just one stall per room.

Kyle explained it covers employee parking. Every 10 rooms there is one employee-parking stall with a minimum of three. Hurricane and St. George also have this as their requirement.

Councilman Hirschi stated the Planning Commission discussed this item and recommended approval. He is in favor of the recommended change.

**Motion was made by Councilman Richard Hirschi to approve Ordinance No. 2015-07; an ordinance amending Title 10 of the La Verkin City Code, relative to the minimum number of parking spaces required for certain commercial uses (i.e. transient lodging) within the City of La Verkin, second by Councilwoman Chantelle Browning. Browning-yes, Hirschi-yes, Hooten-yes. Motion carried unanimously.**

3. Discussion and possible action to approve Ordinance No. 2015-08; An ordinance establishing the City of La Verkin Curbside Recycling Collection Program, including rules and procedures for implementation and enforcement of said program.

Kevin reported he received some information from Councilman Randy Reeve and Councilman Ken Hooten. Councilman Hooten's came after the packets were sent out so a draft ordinance including his comments was passed out at the meeting. He explained the difference between the different opt-out draft ordinances.

Kevin also mentioned he contacted other cities attorneys but did not hear back from them. He also read what St. George, who voted on an opt-out plan, was reviewing.

Allowing citizens to decide whenever there was a change in ownership of the property could be very difficult to enforce.

The contract approved during the last City Council meeting states the City will choose from either the mandatory program or a onetime opt-out program, but the Legal Counsel and Superintendent for the Solid Waste District, who were at the meeting, told the Councilmembers they did have the ability to make changes.

Kevin also pointed out none of the options deal with the administrative cost or the advertisement cost with implementing the program.

He also stated he feels very uncomfortable with having passed a resolution agreeing to be part of the program without having the details of which option the Councilmembers would like to implement worked out. The Legal Counsel and the Superintendent were saying to pass and then work the details out at the next meeting when it states in the agreement that they both be passed simultaneously.

Councilman Hooten suggested waiting for a full council to make a decision.

**Motion was made by Councilman Ken Hooten to table this issue until the next City Council meeting, second by Councilman Richard Hirschi.**

Councilwoman Browning asked if the contract would be void if the Council could not come to a decision.

Kevin replied he did not know the answer to that. That is why he discouraged the Council from voting on it before the details were worked out. He read the part of the agreement that stated "at the time of execution of the agreement La Verkin City shall by ordinance make the final determination of being mandatory or the one time opt-out". He stated La Verkin is already late on that portion of the agreement.

Mayor Gubler said Fay and Neil misrepresented the agreement and asked if that would give the City grounds to withdraw their participation in the program if necessary?

Kevin replied the City would have an argument. However, the Council also had legal counsel at the same meeting telling them to wait before they approve anything until everything was decided on, so he is unsure how a court would rule on it.

**Browning-yes, Hirschi-yes, Hooten-yes. Motion carried unanimously.**

#### **F. Staff, Mayor & Council Reports:**

*City Administrator- Kyle Gubler*

Kyle emailed his report to the Councilmembers.

The Royalty represented the City very well at the ribbon cutting and the parade.

The Mangum family did a great job with the seed display.

The Stage Coach Grill is open and the food is very good. They do offer a discount to locals.

The La Quinta motel can move forward with the two items passed tonight.

DTEC had a meeting today. They have put out an RFP for a transit study for a transit system from St. George to Zion. There was also a discussion on the Local Option Sales Tax. There is not as much support as anticipated so it may not be on the upcoming ballot.

UDOT has been contracted to find a way to improve SR9 from La Verkin to Springdale.

UDOT has a priority list and widening the road along the twist is number five, it is also one of the most expensive projects on the list. The number one project is passing lanes between Virgin and Rockville. Kyle and Mayor Gubler met with several developers interested in developing the top side. It is bank owned property and they would like to put in a large development. It would be a high-end resort that would employ 3,000 people.

Councilwoman Browning asked about a Meet the Candidates night.

Kyle replied the City cannot sponsor it we can only facilitate it and no one has approached him.

*Public Safety- Chief Ben Lee*

The Police Department has been helping the Elementary School with their safety plan of dropping off and picking up children during school hours. They are trying to keep Center Street clear, only allowing parking on the south side of the road.

Drop off and pick up areas are Main Street, 100 South and 100 West. The City Council would need to pass an ordinance to restrict parking on Center Street during school hours.

Officer Wolsleger and Officer Crouse helped at the County Fair.

The Department continues to have vehicle issues.

Councilman Hirschi stated the City does need to draft an ordinance helping to address the parking issue at the School for the safety of the children. If there were ever an emergency there would be no place for the Police to park.

Councilwoman Browning asked if a semi-truck was able to park on the road.

Chief replied any vehicle is allowed to park on the roadway for no longer than 48 hours.

Councilman Hooten agrees with Councilman Hirschi that something needs to be done with the school parking issue. He would like an ordinance drafted allowing no parking on the south side of Center Street.

Kyle and Chief Lee will be meeting with Mr. Leavenworth in regard to this issue.

Kyle reported Chief Lee responded to a call, when he arrived on scene he began CPR and was able to revive the person.

*Director of Operations-Derek Imlay*

Derek reported his crew has been averaging 5-6 culinary water breaks a week.

The irrigation water has been very dirty from storms up River. He has been leaving the water in the system as long as possible and only takes it out when the turbidity is too high.

*Treasurer-Troylinn Benson*

Jennifer Thompson gave her two weeks' notice; her last day will be tomorrow, Augusts 20<sup>th</sup>. Interviews will be next week.

There were 12 shut-offs yesterday with only one still off.

The audit will be the first week in September, Troylinn and Christy are getting ready for that.

*Mayor Gubler*-Several months ago, Kyle mentioned the City going paperless. The Councilmembers need to decide if they would still be interested in doing that.

Kyle reported he has figured out how much that would cost the City and has decided to wait until after the first of the year to bring it before the Council.

*Browning*-She attended the Ribbon Cutting Ceremony for the Washington County Fair and the Royalty did a great job, they sounded very professional.

*Hirschi*-Nothing to report.

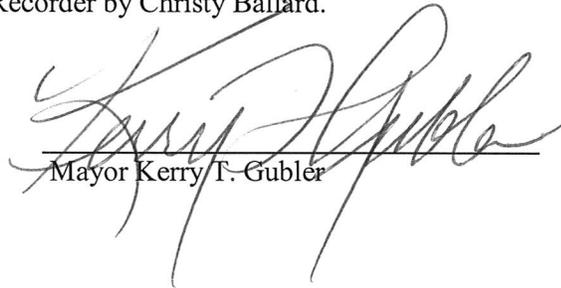
*Hooten*- The Stage Coach Grill has very good food and he encouraged everyone to support them. He thanked Chief Lee for the great job his team is doing.

**G. Adjourn:**

**Motion was made by Councilwoman Chantelle Browning to adjourn, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes. Motion carried unanimously at 6:46pm.**

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

September 2, 2015  
Date Approved

  
\_\_\_\_\_  
Mayor Kerry T. Gubler

ATTEST:   
\_\_\_\_\_  
Kyle Gubler  
City Recorder

