

City of La Verkin

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La Verkin City Council Meeting Minutes Wednesday, February 3, 2016 6:00 p.m. Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council Members: Chantelle Browning, Richard Hirschi, Ken Hooten, and Micah Gubler; Staff: Kyle Gubler, Derek Imlay, Troylenn Benson, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: John Valenti, Sally Breymeyer, and Blair Gubler.

Councilman Randy Reeve has been excused.

- A. Called to Order** – Invocation and the Pledge of Allegiance was given by Micah Gubler 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: January 6, 2016, regular meeting minutes.
 4. Review Invoices and Checks: \$156,987.73

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the January 6, 2016 regular meeting minutes and checks and invoices in the amount of \$156,987.73, second by Councilman Ken Hooten. Roll Call Vote: Browning-yes, Hirschi-yes Hooten-yes, Gubler-yes. Motion carried unanimously.

C. Committee Reports:

1. Planning Commission-Councilman Hirschi reported the proposed amendment to the zoning map was discussed along with the proposed new Transition Zone. They will begin discussing the landscape, parking and drainage ordinances once those items have been completed.
2. Sewer Board-Blair reported surplus property was discussed along with upcoming projects from the Capital Facilities Plan. Councilman Ken Hooten was nominated as Chairman of the Board.
3. Fire District-Councilman Hirschi reported the new meeting time for the Fire District is the first Monday of the month at 5pm. The District is applying for a grant to help purchase a new ladder truck for the hotels being built that will be four stories. The District is looking for volunteer fire fighters and EMT's.
4. Water Board-Mayor Gubler reported Richard Prince was nominated as the Chairman of the Board. There was a special meeting to discuss the need to increase water rates to help replace our infrastructure. That item will be on the next City Council agenda, along with a drainage rate increase.

D. Citizen Comment & Request for Future Agenda Items:

Sally Breymeyer-She did not know about BluCan until the can was delivered. When the notices came, she was out of state. She does not want to be charged for something she does not want. She lives alone and what little recycling she does have, she takes it to the binnies at Farmers Market.

The Mayor pointed out setting the hardship criteria for BluCan is a business item.

E. Business:

1. Discussion and possible action to approve Ordinance No. 2016-~~01~~; An ordinance adopting the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB). Kevin explained there has been some concern over buildings that have fallen into disrepair. The Council mentioned they would like the City to have some tools to address that issue. John Postert, the building inspector, proposed a Property Management Code that appears to be a great option. However, the State of Utah has not adopted it and that is what gives a city the authority to adopt a code. If the code is ever adopted by the State, we may bring this item back to the Council. The proposed code has been adopted by the State. Derek and John have reviewed the Code and are in support of it.

This is the latest edition of the UCADB that has been adopted by the State.

Motion was made by Councilman Ken Hooten to approve Ordinance No. 2016-01, an ordinance adopting the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, second by Councilwoman Chantelle Browning. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously.

2. Discussion regarding the City Council moving to paperless meetings. Mayor Gubler explained purchasing tablets has not been included in the current budget but there is an upcoming budget amendment and it could be included at that time if the Council decides to move forward with this item.

Councilman Hirschi is in favor of saving paper.

Councilman Gubler asked about the time it takes putting together and delivering the packets.

Christy replied approximately 45 minutes per meeting.

Councilwoman Browning asked where the money would come from.

Kyle answered the money would come from the revenue which is originally budgeted conservatively. He discussed the benefits and disadvantages of going paperless such as the copy expense going down versus the cost of purchasing the tablets and how a lost tablet or Councilmember change would be handled.

Last April over 80% of the cities represented at the City Managers Conference had gone paperless.

Chief Lee reported over the last year the police department has gone paperless and hasn't used one case of paper since then.

Councilwoman Browning is not in favor of purchasing tablets. She loves technology and agrees that in the long run having tablets will save on paper but feels the City streets are a higher priority.

The tablet would be a Surface 3, which functions as a tablet as well as a computer and is approximately \$700 with the warranty and accessories.

Councilman Gubler commented in addition to the other positives mentioned he likes the idea of having access to previous meeting minutes and packets.

The Mayor polled the Councilmembers to see if they were in favor of going paperless. Councilman Gubler is undecided, Councilmen Hooten and Hirschi are in favor and Councilwoman Browning is not in favor.

This item will be on the next agenda and Kyle will include the purchase of tablets in the budget amendment. If it does not pass then it can be removed from the amendment.

3. Discussion and possible action on establishing hardship criteria for the BluCan Recycling program.

Kyle passed out a copy of the mailer that was sent out and the two water bills with the BluCan information on it. It was also posted on the City website and on the City Facebook page. It is Staff's opinion that they did all they could to advertise.

Kyle read a letter that was sent to the City Recorder by Hugh and Bernadine Mills concerning the BluCan recycling program that they would like read into the minutes (see Exhibit A).

Kyle mentioned Ivins City has the mandatory program. They have set a financial hardship guideline for citizens to get out of the program, which is based on the 2015 Federal Poverty Guideline. That information was included in the packet.

Ivins requires the citizen to bring in a legal document stating their annual income.

Staff would like a set policy stating the opt-out criteria.

Councilman Hooten would like someone in the City, probably the City Administrator, to have the ability to approve individual cases if necessary.

Kyle explained that the BluCan Ordinance adopted by the District and the City Council lists the City Council as the one to determine what/who qualifies as a hardship.

The Council could change that if they would like.

He did suggest putting a time limit for citizens to petition for a hardship if the Council decides to offer it.

Kevin said there would need to be a procedure in place for citizens to follow so the City cannot be accused of being arbitrary and capricious.

Councilman Gubler would like to establish a financial hardship guideline with the City Administrator having the ability to consider other hardship situations. He thought that Solid Waste assured the Council a person could prove hardship and opt out of the program at any time.

Councilwoman Browning feels people should not be forced to participate in a program they don't want and everyone should have the ability to opt out. It should have been an opt-in program from the beginning.

Councilman Gubler pointed out we are not here tonight to debate on whether or not La Verkin participates in the BluCan program, that has already been voted on. Tonight we need to address the issue of establishing a hardship guideline.

Councilwoman Browning explained each situation is different and she feels it needs to be a case-by-case decision.

Kyle would like the City Council to establish a policy for the citizen that does not qualify for a hardship based on the financial guidelines.

Kevin mentioned the Water Code states the City Administrator has the authority to determine hardship with the City Council as the appeal board.

Motion was made by Councilman Micah Gubler to approve setting the financial hardship criteria for the BluCan Recycling Program as the current year's Federal Poverty Guideline, proven with a financial legal document from the citizen, with the ability to submit a request for exception to the City Administrator and designating the City Council as the appeal committee, second by Councilman Richard Hirschi. Hirschi-yes, Hooten-yes, Gubler-yes, Browning-no. Motion passes.

F. Staff, Mayor & Council Reports:

City Administrator-Kyle Gubler

Kyle emailed his report to the Councilmembers.

Founders Day will be March 19, 2016, the itinerary was given to the Councilmembers for approval. The Lieutenant Governor and Miss Utah are both scheduled to attend. The Councilmembers have been asked to help serve breakfast and lunch.

March 26 will be the Easter Egg hunt at Wanlass Park, Chesney Galindo has agreed to be in charge of that.

WCWCD had a meeting where they discussed the Lake Powell Pipeline. They also discussed future water rates and the need for new infrastructure, which is a nationwide concern. The District is considering a rate increase for both the culinary and secondary water rates.

The elementary school thanked the City and Councilmembers for the donation to the Leader In Me program.

Staff is doing their due diligence on purchasing the streetlights. They had a very informative meeting with Rocky Mountain Power.

In his email, there is the finalized copy of the 2015 Mileage & Maintenance Report and the Capital Improvements Priority List.

Councilwoman Browning asked how the Honoree for Founders Day is chosen.

Kyle said there is a committee that makes that decision.

Councilwoman Browning suggested involving the citizens.

Public Safety-Chief Ben Lee

St. George News has a well-written article on Officer Crouse that puts a positive light on La Verkin City and the Police Department.

The process of hiring a new officer has begun. The deadline for applications is February 8.

He will also be hiring a part time ordinance enforcement officer.

Mr. Iverson spoke at the last meeting about changing the animal ordinance. Chief has obtained a copy of the complaints filed by several of his neighbors and verified those with the Animal Control Officer. Mr. Iverson does have multiple goats and chickens in his yard. There have also been multiple complaints filed by his neighbors concerning them.

The current ordinance states goats are not allowed on property that size. Chief Lee will move forward with enforcing the ordinance as written unless he is directed otherwise.

Councilman Gubler mentioned Mr. Iverson asked the Council to look into addressing the size of animals in the ordinance.

Kevin said Mr. Iverson did request that the size of animals be addressed. After reviewing the Code, Kevin found a provision that gives the Zoning Administrator the ability to use the point system to make a comparable determination based on a specific animal. That provision addresses the issue.

Director of Operations-Derek Imlay

American Pavement Preservation will begin the 2016 Road Maintenance Project on February 17. It will take 2-3 days to complete the crack seal process. In the middle of March they will rotomill and over excavate a section of 300 South. Following that, they will do a Type 2 slurry, that should take about 2 days.

Irrigation will be back in the system on March 1 for the crew to get the breaks fixed so it will be ready by the contracted date of March 15.

Derek explained how the turbidity of the water affects the irrigation's filter system, which may be an issue if we have a wet spring. He currently contacts Mayor Gubler each time the water is taken out of the system.

Councilman Gubler would like all of the Council members notified when the water is out of the system to help handle the phone calls.

Treasurer-Troylinn Benson

The financials will be passed out at the next meeting.

She has a list of people expecting a phone call notifying them of what the Council decided about the hardship guidelines for the recycling program.

Staff will try to have something prepared in regard to the hardship guidelines for the next meeting.

Browning-Nothing to report.

Hirschi-Nothing to report.

Hooten- Nothing to report.

Gubler-The Water Board will be sending a recommendation to the City Council for a secondary water rate increase. He feels there is a need for the increase.

G. Executive Session:

1. Discuss pending or reasonably imminent litigation.

Motion was made by Councilman Ken Hooten to adjourn to an Executive Session at the location of 111 South Main Street La Verkin Utah for the purpose of discussing pending or reasonably imminent litigation, second by Councilman Richard Hirschi. Gubler-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously at 7:19pm.

H. Reconvene from Executive Session:

Motion was made by Councilman Ken Hooten to reconvene from the Executive Session and return to the regular meeting, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously at 7:55pm.

I. Adjourn:

Motion was made to adjourn. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes. Motion carried unanimously at 7:56pm.

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

February 17, 2016
Date Approved

ATTEST: Kyle Gubler
Kyle Gubler
City Recorder

Kerry T. Gubler
Mayor Kerry T. Gubler

