

City of La Verkin

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La Verkin City Council Meeting Minutes Wednesday, February 17, 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 Randy Reeve; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: John Valenti, Patti Dekker, and Rick Neilson.

Councilman Micah Gubler has been excused.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Derek Imlay at 6:00pm.

B. Presentation

The presenters are not here yet, the meeting will move forward until they get here.

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. Minutes: February 3, 2016, regular meeting minutes.
4. Review Invoices and Checks: \$190,999.33

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the February 3, 2016 regular meeting minutes and checks and invoices in the amount of \$190,999.33, second by Councilman Ken Hooten. Roll Call Vote: Browning-yes, Hirschi-yes Hooten-yes, Reeve-yes. Motion carried unanimously.

D. Committee Reports:

1. Planning Commission-Councilman Hirschi reported the next meeting will be next week.
2. Water Board-Mayor Gubler reported there has not been a meeting.
3. Sewer Board-Councilman Hooten has nothing to report.
4. Fire District-Councilman Hirschi reported the new meeting time for the Fire District is the first Monday of the month at 5pm. The District received grant money for a new ladder truck and for the Coral Canyon fire station.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

F. Public Hearing:

1. FY 2015-2016 Budget Amendment

The public hearing opened at 6:04pm.

No comments were made.

The public hearing closed at 6:05pm.

G. Business:

1. Discussion and possible action to approve Resolution No. 2016-05; a resolution opening and amending the Fiscal Year 2015-2016 budget.

Kyle explained the original budget was conservative in the revenue lines. The total revenue increase in this amendment is \$112,147.

Kyle went over the areas where revenues had increased from the original budget.

He then went over the expenses. These items will offset the revenue increase.

All changes are highlighted in the resolution.

Line 4220.410 Fire Contract is the impact fees we've collected over the last 5 years for the Fire District that haven't been paid. We are using money from the General Fund to help pay for the La Verkin Fire House expansion, those amounts will be deducted from the amount in this line and then a check will be issued to the District for the remaining balance.

As of December 8, 2015, the Fire District collects their impact fees.

Parks and Recreation has an increase of \$31,947, this is from the RAP Tax and impact fees increase. This money will be used for the new Vintage Park playground.

The Water Fund has increased in both the revenue and the expenses.

There have more breaks than anticipated.

Councilman Reeve asked if the money increased from the animal control contract with Toquerville went back into the animal control budget.

Kyle replied it was put into Public Safety. The maintenance for the shelter comes out of that line.

Motion was made by Councilman Ken Hooten to approve Resolution No. 2016-05, a resolution opening and amending the Fiscal Year 2015-2016 budget, second by Councilman Richard Hirschi. Reeve-no, Hooten-yes, Hirschi-yes, Browning-yes. Motion passes.

Presentation:

Rick Neilson from the Days of '47 Celebration.

Rick apologized for being late. The Osmond's were not able to attend.

Rick Neilson is the President of the Days of '47 Dixie Inc. Three years ago, the Governor asked that the Days of '47 celebration expand statewide. The goal is to take the July 24 celebration and make it a week long for Washington, Iron and Kane Counties.

Mr. Neilson has four requests he would like to ask of the City of La Verkin. One, they would like one person, either from a Tourism Committee or an interested citizen to set on the Days of '47 Committee.

Two, is for the City to host a soapbox derby event for the celebration. The Committee is interested in funding the top 3 winners of the race to go back to Nationals. Three, would be a monetary or in-kind donation to help host a large, free to the public, entertainment event. They would like to get the Osmond's Pioneer Heritage program, it is too late for 2016 but they are trying for 2017.

The Committee is in the process of discussing with the LDS Church to combine their efforts into one big celebration, at least for the parade.

Four, is a float for the Days of '47 Parade. The parade is trying to keep away from motorized vehicles to keep with the era.

Rick went over the schedule for the 2016 celebration.

Business:

2. Discussion and possible action to approve Resolution No. 2016-06; a resolution amending irrigation fees, and establishing an effective date.

Mayor Gubler reported the Water Board considered three different increase options of 1.5, 2.5 and 3.5 percent. They unanimously recommend the increase be 3.5%.

The original recommendation was given to the City about 8 years ago to help maintain the infrastructure.

This fee increase will add approximately \$20,000 to the budget for maintenance and irrigation water projects.

The irrigation water will be back in the system March 15, 2016.

Motion was made by Councilman Richard Hirschi to approve Resolution No, 2016-06, a resolution amending irrigation fees, and establishing an effective date, second by Councilman Ken Hooten. Roll Call Vote: Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

3. Discussion and possible action to approve Ordinance No. 2016-02; An ordinance amending Title 4 of the La Verkin City Code, to correct the numbering and citations of the residential recycling code; provide for the availability of exceptions and/or relief from the imposition of the residential recycling fee in certain cases of undue hardship or extraordinary circumstances; and providing an effective date.

Councilwoman Browning felt the Federal Poverty Guideline was not appropriate and presented the Councilmembers with a form the State of Utah uses to determine if a student qualifies for free/reduced school lunch. The numbers she would like to use are under the reduced lunch qualification section, she feels they are the better-suited numbers to use, if numbers have to be used at all.

Councilman Reeve reported St. George City is creating a committee with three employees to determine if a person has a hardship.

Kevin mentioned the financial hardship is just one way to opt out of the program. Kyle could also have the ability to determine if a person has a hardship.

Kevin also pointed out that situations change, an unemployed person can find a job the following week or a person can remarry and their financial situation completely changes, which is why a maximum 2-year exemption period was included in the ordinance.

Councilman Reeve would like it to be a one-time opt-out without the 2-year period. If a person qualifies for a hardship and opts out but decides in the future to opt back into the program or move, they no longer have the option to opt out again. The Landfill doesn't have the money, people or time to run cans back and forth.

Councilman Hooten agreed with Councilman Reeve.

Kyle suggested putting a time limit on the ability to opt out.

Mayor Gubler stated the Council needs to determine which financial hardship guideline they would like to adopt and whether or not they would like to give Kyle the ability to determine other hardships with the City Council being the appeal board.

Councilman Reeve feels the Federal Poverty Guideline numbers are too low. He likes the paper Councilwoman Browning provided but would like to use the free lunch annual requirement, not the reduced lunch annual requirement.

Motion was made by Councilman Randy Reeve to approve replacing the proposed financial hardship guideline with the Washington County School District free meal annual income requirement, and allowing a citizen who qualifies under hardship conditions to opt out until they choose to participate in the program again or move, second by Councilman Ken Hooten. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-no, Browning-no, Mayor Kerry Gubler-yes. Motion passes.

Motion was made by Councilman Ken Hooten to approve Ordinance No. 2016-02; an ordinance amending Title 4 of the La Verkin City Code, to correct the numbering and citations of the residential recycling code; provide for the availability of exceptions and/or relief from the imposition of the residential recycling fee in certain cases of undue hardship or extraordinary circumstances and providing an effective date, with the following changes, that the poverty guideline be based on the School Districts income eligibility guideline for free meals and add the provision that once a person is granted hardship they are out of the program without a time limit, second by Councilman Randy Reeve. Roll Call Vote: Hooten-yes, Reeve-yes, Browning-yes, Hirschi-yes. Motion carried unanimously.

4. Discussion and possible action on the TDS Baja request for a 10 -year Franchise Agreement extension.

Mayor Gubler explained this is the renewal of an existing contract.

Kevin reported this allows the City to collect a franchise fee, access to right of way for equipment and gives us a couple free service locations.

Motion was made by Councilman Richard Hirschi to approve the TDS Baja request for a 10-year Franchise Agreement extension, second by Councilman Randy Reeve. Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

5. Discussion and possible action regarding the City Council moving to paperless meetings. Kyle briefly went over the main points from prior discussions, the pros and cons.

The City does not currently have a computer policy. One would need to be created.

Councilman Reeve feels saving paper is a good idea, but he doesn't see the need to go paperless at this time. He thinks the money should be put in the animal shelter.

Motion was made by Councilman Richard Hirschi to purchase tablets, not to exceed the total of \$4700, for the City Councilmembers and move to paperless meetings, second by Councilman Ken Hooten. Roll Call Vote: Browning-no, Hirschi-yes, Hooten-yes, Reeve-no, Mayor Gubler-no. Motion does not pass.

6. Discussion regarding the animal shelter accepting cats.

Councilman Reeve said he feels the City needs to do the right thing and accept cats but it needs to be done in the most economical but correct way.

Kyle talked with Clark Fawcett from Hurricane about contracting with them to take cats from La Verkin. Clark was open to the idea but said it would come down to the cost and level of service expected. He stated Chief Excell and Chief Lee need to get together and work out an agreement.

Mayor Gubler asked Chief Lee to find out more information from Chief Excell and Kyle to keep looking into the issue.

Councilman Reeve would like Kevin to look into the legality of the adding on to the building for cats.

Motion was made by Councilman Ken Hooten to table the discussion of accepting cats at the animal shelter, second by Councilwoman Browning. Browning-yes, Hirschi-yes. Hooten-yes, Reeve-yes. Motion carried unanimously.

H. Staff, Mayor & Council Reports:

City Administrator-Kyle Gubler

Kyle emailed his report to the Councilmembers.

The Miss La Verkin pageant will be Saturday, February 20.

Kyle passed out an itinerary for Founders Day shirts.

Chesney Galindo is in charge of the Easter Egg hunt on March 26.

WCWCD held a meeting to discuss how they will handle a call on the River if one is necessary.

The Solid Waste District has decided not to increase their fee this year.

DTEC met today and discussed transportation.

Public Safety-Chief Ben Lee

Chief Lee is in the process of hiring a new officer.

Chief reported on a fraud case Officer Crouse was involved in Saturday, February 13. Two other agencies got involved and eight people were arrested. Chief thanked Springdale and the County Sheriff's Office for their help.

Officer Crouse will have a car seat checkpoint on Founders Day.

Councilman Hooten asked if there were plans on replacing the Explorer.

Mayor Gubler mentioned it is one of the newer vehicles in the fleet.

Councilwoman thanked Chief Lee for the grants he receives for the City.

Director of Operations-Derek Imlay

The Street project will begin on February 23 with the crack seal portion. That will be followed by the reconstruction of a section of 300 South. Once the weather gets more consistent, the slurry seal will be put down.

The entire project should be complete by the end of March.

The criteria for the turbidity levels were included in the packet for Councilmember information.

There is also a breakdown, for possible discussion in the future, of how to increase the drainage fee. The study was completed the same time the irrigation fee study was. The auditor has recommended we increase the fee.

Derek went through the breakdown and explained what is paid for from this fund.

Other funds have to assist this fund.

Kyle explained the current code allows businesses to go in along State Street without having to pay the drainage impact fee. That may need to be reconsidered, businesses account for most of the drainage issues because of all the asphalt.

Treasurer-Troylinn Benson

Shut-offs were Tuesday, February 17. There were eleven turned off, which is lower than it has been, nine of them are back on.

Troylinn passed out the standard financials.

Browning- The Mosquito Abatement meeting went over some budget items and authorized an audit instead of just a review to make sure all cities are well represented.

The Committee is doing well in terms of money so they may be decreasing their rates at the end of the year.

There was also a discussion on purchasing new vehicles and a calibration system for the foggers.

The new Chair is Daryl Wilson from Leeds.

The mosquito that carries the Zika Virus does not thrive in this type of environment so there is not a concern.

Hirschi-Nothing to report.

Hooten- Nothing to report.

Reeve-Nothing to report.

Mayor Gubler-He is interested in expanding Founders Day to involve more people in the community, so if anyone has any ideas please let him know.
He also asked the Council if they would like to continue the community garden.

It was decided to not have the garden this year.

I. 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. Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously at 7:39pm.

Councilman Reeve was excused at 7:45pm

J. 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. Motion carried unanimously at 7:55pm.

K. Adjourn:

Motion was made by Councilman Richard Hirschi to adjourn, second by Councilman Ken Hooten. Browning-yes, Hirschi-yes, Hooten-yes. Motion carried unanimously at 7:56pm.

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

March 16, 2016
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Kerry T. Gubler
Mayor Kerry T. Gubler