

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, February 6, 2019 6:00 p.m.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Richard Hirschi, Council Members: Patricia Wise, Kelly Wilson, Ray Justice, Randy Reeve and Micah Gubler; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: Brian Stewart, John Valenti, Blair Gubler, Tiffany Mower, Brock and Shante Belnap, Sgt. Danny Kroff, and Sgt. John Sparks

A. Called to Order – Invocation and the Pledge of Allegiance were 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. Minutes: January 16, 2019 regular meeting minutes.
3. Review Invoices and Checks: \$62,944.85

Motion was made by Councilman Ray Justice to approve the consent agenda as written including the minutes of the January 16, 2019 regular meeting and invoices and checks in the amount of \$62,944.85, second by Councilman Randy Reeve. Roll Call Vote: Reeve-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

C. Committee Reports:

1. Fire District- Mayor Hirschi reported meetings are held at Station No. 2 (by Walmart). The La Verkin Fire Station is in the process of getting bids for the cabinet work. Part of the money for this project was from a grant awarded to La Verkin City and the Hurricane Valley Fire District is covering the remaining balance. The Fire District also covers Springdale and Rockville now. The County Commissioners are over that Board currently, but the District will be taking it over shortly.
2. Sewer Board-Blair reported the meeting last month was cancelled but there will be a meeting in February. They did contact the Board members to approve an equipment purchase. They traded in a backhoe. The next piece of equipment the Sewer Board would like to purchase is a track hoe. They currently lease one for about \$20,000-30,000 annually and feel they could purchase one and have it paid off in 4-5 years for that same dollar amount. They do have a large project coming up in the bench lake area and a smaller one in Hurricane they are trying to do in house. The loan for the large project has been granted, they are just waiting on final approval to go out to bid.
3. Planning Commission-Councilwoman Wise reported on the January 23rd meeting. There was a public hearing for a proposed flag lot on Center Street. The surrounding neighbors were notified and reported during the meeting that the property deed stated any changes to the subdivision required signatures from the other property owners. Kevin explained to the neighbors and the Commissioners this would not bind the City. The Planning Commission decided to keep the public hearing open for the next meeting so staff would have time to review the property deeds for Apricot Acres. They also reviewed the proposed zone change requested by Ash Creek Special Service District for property north of the La Verkin Creek Trailhead in Confluence Park. A public hearing was set for the proposed ordinance amending the vacation rental area percentage cap from 10% to 7.5%, for February 13th. The Planning Commission unanimously voted no on allowing vacation rentals in multi-family housing.

Kyle explained the residents of Apricot Acres said they would furnish the City with the property deed for staff to review and the only person to bring one in was the requestor of the flag lot.

Kevin reported Derek went online to the County records and was unable to find any documents with that requirement for the Apricot Acres subdivision.

4. Water Board-No meeting. Kyle reported he has not received an update on the secondary water meter proposal reported on during the last City Council meeting.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Discussion and possible action to reappoint and enter into a new contract with:

- City Administrator (2-year reappointment)
- City Attorney (2-year reappointment)

Motion was made by Councilman Kelly Wilson to reappoint and enter into a new 2-year contract with the City Administrator and the City Attorney, second by Councilman Ray Justice. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Reeve-yes. Motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2019-06; A resolution adopting a Memorandum of Understanding between participating entities in the Washington County Drug Task Force.

Chief Lee introduced the members of the Washington County Drug Task Force that will be making a presentation for this MOU.

Brock Belnap is from the County Attorney's Office and began the presentation by thanking the Council for the opportunity to speak to them regarding the Drug Task Force. The Task Force is a collaborative program that crosses city boundaries and benefits all our citizens.

The MOU is being requested from all parties to update the operating agreement, clarify the relationship among the parties and allow them to be flexible as laws change and the County continues to grow. In terms of any obligations the MOU imposes on La Verkin City, it doesn't impose any. It just makes it possible for La Verkin City to participate. As La Verkin grows and the time comes that you want to contribute an operational member that would be facilitated. The MOU also states the Drug Task Force can come into the community, work with your Police Chief and address issues that may be related to a Drug Task Force investigation.

He has enjoyed working with Chief Lee from both the County Attorney's Office and the Drug Task Force.

He turned the time over to Sergeant Kroff to show some of the information they have collected from the Drug Task Force and how it affects the entire County.

Sergeant Kroff explained this data will give the Council an idea of what the Task Force does since a lot of their work is done covertly.

The first map showed data from the Spillman System on general drug use calls for the entire County. A lot of the information from the Drug Task Force is confidential so they do not usually put addresses for their cases into the system. But the different police departments put their information in Spillman.

The second map was overdose reports for the County.

The third page was Drug Task Force cases from January 2018 to February 2019. The majority of those were in St. George. However, they have resources from different communities that are used County wide so if Chief Lee contacted them with a situation in La Verkin all those resources could be used.

There were some technical difficulties, so Mr. Belnap continued with the presentation by stating what they were hoping to show the Council was that there are incidents all over the County, including La Verkin. The point being, we all must work together to address the problem.

Another thing the Drug Task Force has learned is that Washington County has a lot of opioid overdoses, heroin being the drug of choice right now. Last year there were 166 overdose cases. In 2017 there were 52 overdose deaths. This is a significant public safety issue. The Drug Task Force is working on that.

They appreciate all the communities supporting this program.

Sergeant Sparks reported with Narcan being so readily available people are having "overdose parties". People are relying on their friends to Narcan them if they overdose. Which is requiring the police officers to give people higher doses of Narcan to help them. The proximity of Washington County to Las Vegas makes these drugs easy to get.

The Drug Task Force concentrates on dealers, not the users. That is left to the street cops.

Sergeant Kroff continued with his presentation by showing a visual of involvements for a La Verkin resident that was arrested and is currently in federal prison. It is a good example of people the Drug Task Force targets. It showed the number of times this person had been arrested or contacted by each agency.

These investigations take time to develop, it's not like making a traffic stop and running a dog out to find the drugs and arrest them. They focus on people delivering the drugs and work up from there which takes time. They are trying to present the best case possible to the County Attorney.

Mayor Hirschi asked why an individual must be arrested so many times. Seeing this chart and the number of times this individual has been arrested, it's frustrating for the average citizen to understand why they aren't in jail already.

Brock replied that has to do with Utah's prison policy. Utah has a system that uses indeterminate sentencing. Indeterminate sentencing says for example, that with a third-degree felony the judge may sentence a person to 1-5 years in prison then when they go to prison there is a sentencing guideline that says what they will actually serve. If you look at that matrix until people hit multiple convictions, they don't serve anything. They get probation with no jail time or very little jail time. People get lots of chances before they get any significant jail time, which is frustrating to the detectives. It's also why they work with federal partners. When you are dealing with drug dealers with large quantities, the federal system has stronger penalties.

The current trend in criminal justice is rather than incarceration you do specialized treatment to address their needs. Which is a good idea if treatment is delivered. The State Legislature passed the law saying that's what we are going to do but then didn't provide any of the resources to do those treatments. Washington County is ahead of the game at trying to provide treatment.

Councilman Justice mentioned that a lot of times violent crimes go along with drug use and asked if that changes the way the court system looks at the sentencing?

Brock replied person crimes are handled differently than drug crimes. Most people in prison have committed a violent crime or sex offense.

Sergeant Kroff ended with factual data, the Drug Task Force in 2018 completed 229 felony arrests, 327 misdemeanor drug arrests, 50 misdemeanor other arrests, served 22 residential search warrants, completed 150 controlled buys, seized 59 pounds of methamphetamine, 64 pounds of marijuana, and almost 2 pounds of heroin.

Chief Lee reported the La Verkin police department has 5 successful Narcan uses. Sergeant Crouse has a connection, so the City has not had to purchase any.

Councilman Justice pointed out the resolution needs to be on current letterhead.

Mayor Hirschi thanked the members of the Drug Task Force for all they do.

Motion was made by Councilman Ray Justice to approve Resolution No. R-2019-06 with the correct letterhead, a resolution adopting a Memorandum of Understanding between participating entities in the Washington County Drug Task Force, second by Councilwoman Patricia Wise. Reeve-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

3. Discussion and possible action to approve the proposed Main Street Safe Routes to Schools construction drawings, contract and bid documents and to let the project out to bid.

Derek reported the City received a grant from the federal government and the State to complete the sidewalk from SR9 to Center Street on the west side. This will replace the ADA accesses, install sidewalk in areas without it and replace any damaged or non-compliant sidewalk.

There is a fence that will need to be moved back 4-5 feet and some old concrete that sets lower than the curb that needs to be removed, but those should be the only issues.

Kyle reported UDOT has approved plans for a cross walk at the intersection of Main Street and SR9. He and Derek will be meeting with them about those plans.

Kevin explained the grant has been approved by the Council. The engineers have put together the specs and tailored the agreement to the project. This will allow the City to go out to bid for the project and ratify the contract once we have an acceptable bid.

Kyle reported the money for this project was approved during the last budget amendment.

Derek said the plan is to have the bid opening on February 20th so the bid can hopefully be awarded that evening at the City Council meeting. Construction will begin mid-March. The project is slated for 50 days.

Mayor Hirschi asked if Ash Creek Sewer District would need to see the drawings.

Blair replied they can review the plans, but sewer connections are not in the sidewalk. There is a section along that road where the connections come up right behind the curb. Those will need to be stubbed out under the sidewalk unless that will be the property owner's responsibility at time of build.

Derek mentioned this is not a street project and he doesn't want to dig into the road at all.

Motion was made by Councilman Kelly Wilson to approve the proposed Main Street Safe Routes to Schools construction drawings, contract and bid documents and to let the project out to bid, second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

4. Discussion and possible action to set a public hearing for an ordinance amending Ordinance 2017-09 and providing for an exception to the salary/wage schedules provided therein with respect to grant-support part-time employees.

Kevin explained the Police Department was able to secure a grant in conjunction with the Victim Advocate Program for a specialized investigator. The grant approval will be on the next agenda. The issue now is an investigator is paid more than a typical part time employee. The amount included in the application exceeded the amount we can pay a part time employee per City Code. The Council cannot accept the application currently until we allow an exception in situations like this where the employee is covered under a grant. This will also cover DUI shifts awarded to the City that typically cause the employee to move into overtime wages, which is also over \$20 an hour.

This exception will only pertain to grant-supported part time employees for all departments. Once the grant evaporates, the employee will cap out at \$20 an hour as currently stated in the Code.

The VAWA grant can be accepted once it conforms with our ordinances.

Chief Lee said one of his concerns is the \$20-dollar an hour cap for part time employees. Most police officers make more than that at their full-time job so it's hard to get people willing to work for that.

The nice thing about the grant is the State picks up the tab. We pay them and the State reimburses the City. La Verkin received one of eight VAWA grants issued by the State.

He would like to hire someone with experience for 20 hours a week, to help the Department deal with the sex offenses and cases that take up a lot of time. The City could list the job for \$20 an hour but that doesn't give enough incentive to interest the right people. Approving this ordinance will help with that.

Tiffany Mower wrote the grant and explained they are very hard to come by in law enforcement. Eight communities received this grant. It is a VAWA grant which is Violence Against Women Act and intel's rape, stalking, domestic violence, and sexual assault. The initial time for a patrol officer on a case like this is 40 hours and that doesn't include court, depositions or meeting with the County Attorney so having a someone specialized come in and take that burden off our patrol officers will be extremely helpful.

One thing to clarify is this grant is 100% reimbursed. The City of La Verkin will not pay out any money that isn't substantiated within the Department's budget. The grant will be paying the wage, payroll taxes, and any minor benefit a part time employee gets.

Kevin stated it is a matching grant of 75%-25%. It is not 100%.

Tiffany explained any federal grant requires a 25% in-kind match but financially, this grant is 100%. The in-kind match is copy machine usage, office space, etcetera. Only 5% was cash match and that was taken from the gas budget for the Department.

Kevin said it is still an expense that the Council needs to be aware of. It is not a large amount but still, it is not a 100% grant.

This conversation can happen at the next meeting because it does not pertain to the business item on this agenda. The salary issue needs to be resolved before the grant can be accepted.

A copy of the VAWA grant was included in the packet so the Council would understand the reason for the ordinance change.

Councilwoman Wise clarified that this ordinance would cover any grant supported part time position, not just for the police department and that this ordinance does not obligate the City to pay grant supported part time employees \$45 an hour.

Kevin said yes, while the change is facilitating the Police Department it will be applicable to the entire City. The ordinance provides an exception for specialized grant supported part time employees.

Motion was made by Councilman Micah Gubler to set a public hearing for an ordinance amending Ordinance 2017-09 and providing for an exception to the salary/wage schedules provided therein with respect to grant-supported part-time employees for February 20, 2019, second by Councilman Ray Justice. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Reeve-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Wilson-Nothing to report.

Wise- The Master Trails Plan will be presented and discussed at the next Planning Commission meeting. March 7th will be an Economic Development meeting for local business owners to brain storm ideas to help them build their businesses and bring additional businesses to La Verkin.

Justice-He was part of the hiring committee for a new animal control officer and code enforcement officer. The City also held the Miss La Verkin pageant this past weekend.

Gubler-Nothing to report.

Reeve-The condition of 500 West was mentioned to him by a property owner on that street. The Council has moved that street up on the priority list a year ago, but he told her he would bring it up to the Council again. She is trying to sell her home and is having a hard time because of the street.

He wondered if the City was working on any items from the priority list.

Kyle reported 300 West was on that list. It is a list he gives to the Council quarterly but anytime the Council wants to review it they can put it on an agenda.

Councilman Wilson suggested combining several little projects into one large project to cut costs.

Councilwoman Wise stated that individual has spoken with her as well and after contacting Derek, 500 West requires infrastructure replacement. It is not just a matter of paving the road.

The Councilmembers would like to review the priority list at the next City Council meeting.

Councilman Gubler would like to review and discuss the current bonds.

Kyle said 500 West is a total reconstruction and will cost a lot of money.

G. Adjourn:

Motion was made by Councilman Ray Justice to adjourn, second by Councilwoman Patricia Wise. Motion carried unanimously at 7:21pm.

Minutes where done by Christy Ballard.

February 20, 2019

Date Approved

Richard M. Hirschi

Mayor Richard M. Hirschi

ATTEST:

Christy Ballard

Christy Ballard

City Recorder

