

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, August 7, 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 and Micah Gubler; Staff: Derek Imlay, Kevin Bennett and Chief Ben Lee; Public: Brian Stewart, Ingrid Moffet, Victor & Mary Williams, Mike Chandler and Nick Wright.

Councilman Randy Reeve, Kyle Gubler and Christy Ballard were excused.

A. Called to Order – The prayer and the Pledge of Allegiance were given by Kelly Wilson 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: July 17, 2019 regular meeting.
3. Review Checks and Invoices: \$116,093.44

Motion was made by Councilman Ray Justice to approve the consent agenda as written, including the minutes of the July 17, 2019 regular meeting and Checks and Invoices in the amount of \$116,093.44, second by Councilman Kelly Wilson. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

C. Committee Reports:

1. Fire District-Battalion Chief Nick Wright reported there were 42 calls for service last month in La Verkin City. 15 of those were fire calls and 25 calls were EMS with 2 cancelled calls.
There are two wildland fire crews in the field at different locations.

Councilman Gubler mentioned hearing about the possible sell of the current fire station in Hurricane and wondered one, where the probable location of a new station would be, and two, if the La Verkin fire station would ever be manned full time.

Nick replied he is not aware of any plans to staff Station 3 (La Verkin) full time. Station No. 1 (Hurricane) is not going to be sold. The original plan was to relocate to 400 S 700 W which is city owned property.

Councilman Gubler continued, he is curious about what that would do for La Verkin and Toquerville's ISO Protection Class Rating. If we are outside of 5 miles from a manned fire station it would heavily impact homeowner's insurance rates. He would like that taken into consideration if and when the District considers relocating Station 1.

Nick will relay that to Chief Kuhlmann.

Councilman Justice asked if Station 1 belonged to Hurricane City or HVFD?

Nick answered it is Hurricane City's building. There are agreements in place, and he is not sure of all of the details, but the discussion was Hurricane would build a new building for HVFD.

Mayor Hirschi explained the building has been added onto by HVFD which is an asset to the Department and that would be taken into consideration.

Councilman Justice mentioned there were ownership issues at the time Hurricane City decided to participate in the Hurricane Valley Fire District. He is concerned that Hurricane City is discussing selling the building and the District doesn't have a place to put the equipment purchased by HVFD.

Nick said he would let Chief Kuhlmann know those concerns as well.

Mayor Hirschi reported he has been in the La Verkin Station and it looks very nice. There are a couple of things that need to be redone but it is almost ready.

2. Sewer Board-Mike reported business is usual with summer activities. Growth in La Verkin has been continuing with Cottonwood Hollow Phase 1 final sign off and the vacation rental development by River Rock Roasting Company.

He will finish the charrette report for Confluence Park and will be reporting back to that Board and Committee for approval. The District has shifted its focus from the Confluence Park plan to working on significant failures on some concrete pipeline. Once that pipeline is replaced, they will get back on track with the Confluence Park plan.

3. Planning Commission-Nothing to report.
4. Water Board-Nothing to report.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Discussion and possible action to approve Resolution No. R-2019-22; A resolution approving the proposed Interlocal Cooperation Agreement (Animal Impound and Sheltering Services), with Springdale Town, for the provision of certain animal impound and sheltering services with regards to Springdale and Rockville towns.

Chief Lee explained Springdale's police chief approached him last year asking if La Verkin would be interested in providing that service for them. There have been several discussions and ideas shared back and forth with the proposed agreement being what they felt was the fairest. In the past two years, Springdale has averaged 8 dogs per year. Of those 8, 2 are adopted out and the rest are redeemed. They do not have a huge need, but they still need a facility to deal with them. In addition to this, Zion Pet Lovers from Springdale have agreed to volunteer at the La Verkin animal shelter. This volunteer group is how Springdale has been dealing with the animals they do receive.

Chief Lee has spoken with our animal control officers and asked them what kind of impact they feel this agreement would have on our shelter. They both felt the impact would be very minimal, if at all.

This agreement would not only help Springdale and Rockville but would provide additional funds for La Verkin City. Last year, most of the projects done at the shelter were funded by these contracts.

Historically, we have worked well with other agencies if they have had animal issues and needed our help. If we can have an agreement where we can be compensated for that, it's even better.

Part of his concern moving forward would be, we already have an agreement with the County and Toquerville so those animals would have priority over Springdale animals.

He will have an annual evaluation with Springdale to review the contract and determine all costs are getting covered.

La Verkin City will collect and keep all the fees for housing the animal, impounds and surrender of an animal.

Capacity was evaluated to determine if we could or wanted to do more. La Verkin has 10 indoor kennels and those have only been full one time this year and that was for one day. We average 4 dogs.

Chief Lee stated his major concern with this contract, as written, is subsection 2 where it talks about not allowing us to go more than 5 miles from La Verkin City limits. He feels this is very restrictive. He does not foresee us having to go to Springdale every week, or even monthly, to pick up a dog. He does not feel going to Springdale a couple of times a year is unreasonable for the amount the City is being compensated. Chief Brecke informed Chief Lee he doesn't want an officer waiting for La Verkin's animal control for 30 minutes, so they plan on meeting them. He thinks there needs to be some discretion involved with transportation. He does not want to call someone out in the middle of the night to get a dog or if we are involved in a situation, he will not pull someone away to go get a dog so Springdale may need to bring the dog down to us.

Councilman Justice asked about the average number of dogs from each area.

Chief Lee replied the last two months have been very similar and the stats for last month were 4 County dogs, 14

La Verkin City dogs and 0 Toquerville dogs.

Councilman Justice asked if Chief Brecke would be open to purchasing a kennel of some sort so if there were ever a time that we could not get their quickly they could contain the animal and not have to “babysit” it.

Chief Lee did not know the answer to that. Zion Pet Lovers has helped with that in the past. He would rather see Springdale bring the animal to us if we were unavailable.

Councilman Wilson pointed out the agreement specifically states services will not include pick up or transport related to the animals.

Kevin said it does, Kyle specifically told Kevin he did not want our officers traveling further than 5-6 miles. Kevin wrote it so that we have the discretion. Anything we do beyond that would be a benefit and not an entitlement on their part.

Councilman Wilson pointed out the County brings their dogs to us and he feels Springdale should be responsible for getting their dogs to us as well.

Chief Lee replied they do, however, if we are not busy, we will go to Toquerville and pick them up.

Councilman Wilson stated he feels this agreement is well written and reasonable.

Kevin mentioned this agreement is written, like Toquerville’s, so that if Springdale residents are not paying the fees and abandoning their animals it can be a breach of contract and we can evaluate or terminate the agreement.

Chief Lee reported there was a County dog whose owner was not taking care of the dog and it kept getting impounded. The County did charge the person criminally for neglect. We do not want to be a dumping ground for people wanting to get rid of their dog, so we do have the ability to criminally charge people.

Councilman Gubler stated he likes the way the agreement is written. It gives the City the chance to try it and if we find it is more than what was presented or expected we can cancel it. We have the facility; it is a fixed dollar amount to run it and if we are rarely at full capacity this will help us offset the expenses.

Councilwoman Wise pointed out the five miles is stated in the contract and Springdale is aware of it, but would we be able to help Springdale in the event of an emergency?

Kevin replied we have a law enforcement mutual aid agreement throughout all the County if there is ever a need for back up. This agreement doesn’t prohibit us from going to Springdale for an animal, but it doesn’t require us to do it either.

Councilwoman Wise said she originally agreed with the five miles being restrictive but also felt if we were going 20 miles to get a dog there should be a fee.

This agreement gives us plenty of room for judgement calls, it does protect the City and it also simplifies the contract so the contract with Springdale is the same as the contract with Toquerville. She feels this agreement is very workable and is beneficial to both communities.

Kevin pointed out two typographical errors that need to be corrected. If approved, adopt the resolution as corrected.

Motion was made by Councilman Micah Gubler to approve Resolution No. R-2019-22; A resolution approving the proposed Interlocal Cooperation Agreement (Animal Impound and Sheltering Services), with Springdale Town, for the provision of certain animal impound and sheltering services with regards to Springdale and Rockville towns as corrected, second by Councilwoman Patricia Wise. Roll Call Vote: Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2019-06; An ordinance updating the La Verkin City Code to adopt and incorporate by reference new provisions of and amendments to Utah State criminal law and

procedure, traffic law and law enforcement provisions, as adopted or modified by the State Legislature through the 2019 General Session.

Mayor Hirschi explained this is done every year.

Kevin explained every year there are modifications to the types of crimes we have in the State at the State level. This will adopt those changes. The one thing he did not address, he is leaving it solely on the State at this point, is medical marijuana. This has been a big fight and he did not want to get the City involved in it. We will cite it under State Code and let them finish working it out.

The other provisions from the criminal code, motor vehicle code and alcohol code that we enforce in our City will be up to date and will allow us to site appropriately so we can get the appropriate disposition in the courts.

Motion was made by Councilman Ray Justice to approve Ordinance No. 2019-06; An ordinance updating the La Verkin City Code to adopt and incorporate by reference new provisions of and amendments to Utah State criminal law and procedure, traffic law and law enforcement provisions, as adopted or modified by the State Legislature through the 2019 General Session, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

3. Discussion and possible action to approve Ordinance No. 2019-07; An ordinance amending Chapter 1 of Title 9, of the La Verkin City Code, dealing with building related codes.

Kevin explained there has been some concern with staff that our building codes are out of date. There has been some dragging coming down from the State and the County as to which version of the International Building Code (IBC) and International Residential Code (IRC) they want to follow. We want to make sure we are following State Law and doing what is recommended by the County.

La Verkin has been using a valuation form from the International Building Commission from 2008 for the basis of calculating part of our building permit fees. In 2008 we were in the recession and property values/construction costs were very low. We need to update our Code. This is not a tax increase; it is bringing our building code up to date. The Code will now specifically state that part of our building permit fee calculation is based on the valuation chart promulgated by the International Building Commission. The International Building Commission releases this chart twice a year, but we will adopt it once a year like we do criminal law. This will make sure we have the updated valuations for our calculations so it will be an appropriate assessment of the fee.

Historically, La Verkin has claimed 90% of the valuation cost per square foot from the valuation chart and we will continue to claim 90%, it will just be at 2019 rates, not 2008.

What we are doing with this ordinance is updating the entire chapter and updating the valuation formula used. The packet has three parts, John listed various versions of costs to show the fee difference, it is not a lot but there is a difference. The second part shows all the changes to the Code and the third is the ordinance that will replace the entire building code chapter.

Councilman Gubler asked Derek if this will affect peoples desire to build in La Verkin.

Derek replied the dollar amount is very minimal so he doesn't think it will discourage anyone. We are the only city in Washington County not using the current valuation chart and we also have some of the lowest impact fees in the County. Hurricane is about \$20,000 more than we are.

Councilman Wilson asked why there is such a cost difference in impact fees.

Derek answered growth has a lot to do with how impact fees are figured, and Hurricane has more ability and is growing faster than we are. Studies also drive what the impact fees are. Our last water study would have dropped us from \$1,500 to \$300 if we hadn't identified those areas that need to be improved.

Kevin pointed out when we expand toward Virgin it will require a study to determine what the impact fees will need to be.

Motion was made by Councilman Kelly Wilson to approve Ordinance No. 2019-07; An ordinance amending Chapter 1 of Title 9, of the La Verkin City Code, dealing with building related codes, second by Councilwoman Patricia Wise. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

Derek explained the IBC and IRC codes change every three years. Right now, we are in the 2018 version for those codes and 2017 version for the National Electrical Code. The State decides what, if any, of the code they are going to adopt. The State has been struggling with the 2015 Code. That makes it hard for us to update our Code.

Kevin said he forgot to mention the ordinance is an update, but it also includes two new codes, a Swimming Pool and Spa code and the Existing Building code which regulates the modification of buildings already in use. If that makes a difference to the Councilmembers, they can re-vote on this item.

Derek reported the City is already operating under the swimming pool code, that was driven by the Health Department. The main point was requiring the suction in pools be covered by a screen.

F. Mayor & Council Reports:

Mayor-He was contacted by Mary Burkett who is a candidate for Utah's 2nd Congressional District. She will be at the La Verkin City Office tomorrow, Thursday, August 8th at 10am to answer any questions the citizens may have.

Wilson- La Verkin Hot Springs Committee is working on a Request for Qualifications to put out for people interested in using the hot springs water. That could be a good thing for economic development for La Verkin.

He and Kyle attended the Water Task Force meeting and SB52 was not discussed. He did speak with Ed Bowler, who is a member of the Task Force, prior to the meeting and asked he bring the topic up during the meeting. Mr. Bowler spoke with the Chairmen and they stated they are going to put a committee together to investigate the situation, which is what they said last month. They still have not done anything.

Kyle sent an email to the Board and said he thought they were "slow balling" it and they needed to listen to us. He did get a response back from one of the Board members who agreed with him.

It is under the guise of conservation, but it would really affect smaller communities that have a secondary water system. It would make it too costly to use secondary water.

Wise- Nothing to report.

Justice-Nothing to report.

Gubler- He was contacted by a citizen who is involved in the election committee for Spencer Cox. Mr. Cox is trying to visit every city in Utah and organize a service project. He will be in La Verkin sometime in September so if anyone has a service project idea that would be beneficial to the City, let Councilman Gubler know. This is not a city endorsement.

G. Adjourn:

Motion was made by Councilman Ray Justice to adjourn, second by Councilwoman Patricia Wise. Motion carried unanimously at 7:00pm.

Minutes where done by Christy Ballard.

August 21, 2019

Date Approved

Richard M. Hirschi

Mayor Richard M. Hirschi

ATTEST:

Christy Ballard

Christy Ballard
City Recorder

