

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, October 2, 2019 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Randy Reeve, Patricia Wise, Ray Justice and Kelly Wilson; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: Brian Stewart, John Valenti, Mary Williams, Derek Durham, Mike Chandler and Merlin Spendlove.

Councilman Micah Gubler was excused

A. Called to Order – The thought and the Pledge of Allegiance were given by Patricia Wise 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. Review Checks and Invoices: \$144,106.99

Motion was made by Councilwoman Patricia Wise to approve the consent agenda as written including the Checks and Invoices in the amount of \$144,106.99, second by Councilman Randy Reeve. Roll Call Vote: Reeve-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

C. Committee Reports:

1. Fire District-Merlin Spendlove reported there will be an open house for the La Verkin Fire Station October 9th.

Derek reported the traffic lights will be out on October 7th but the City is going to get a generator to try and keep them working.

2. Sewer Board-Mike Chandler reported they just finished the “pigging project”. This is a large foam plug, called a pig, they send through the pump station line to clean out any settled debris and accumulation of material to restore the pumping capacity. They also take readings for the pumps. He does not have the numbers back for the La Verkin pump station yet, but will report back to the Council once they are in. The pumping quantity for this station is going to set the initial capacity for the Confluence Park pump station.

They are in the bid period for their Bench Lake pump station and pipeline project. This project will extend sewer from Dixie Springs to 3000 South. The estimate of the project is 4.5 to 5 million dollars and will have the potential, with current zoning, to serve 20,000 homes. The push for this project is the Copper Rock development and UDOT finishing the legal proceedings to secure the SR7 right of way. It is his understanding that the SR7 project will be out to bid by the end of October.

Mike went over the bid schedule for Ash Creek SSD’s project.

3. Planning Commission-Councilwoman Wise reported on the September 25th agenda. The only business item was Cottonwood Hollow Phase 1 final plat approval. The Commissioners recommend approval with contingencies.
4. Water Board-No meeting.

Councilman Wilson reported on the committee meeting regarding SB 52. Most of the committee members were against metering secondary water and they listed the reasons why. There are some systems in the State that would benefit from doing this but for the majority of them, it would be detrimental.

He hopes the committee will be able to present enough information to the Water Task Force, who in turn can present it to the State Legislature, that will make them revise the bill to be a benefit to those it would help and exempt out the communities it would be detrimental for.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Discussion and possible action for a preliminary plat approval extension for the 275 West Road Dedication. Derek explained the location of the street. It is in the Spanish Gardens Subdivision and is the last parcel zoned R-3-6 that isn't developed in the area. The road was a private road but meets the special circumstances criteria the City has. The developer received preliminary approval a year ago but there have been some items he has been trying to work out with the City that haven't been completed so he is requesting a one-year extension. The developer would like to build a four-plex on the property. Nothing has changed from the original presentation. Staff recommends approval of the extension.

Kyle said Councilman Gubler asked him to let the Council know he was in favor of the extension.

Motion was made by Councilman Randy Reeve to grant the preliminary plat approval extension for the 275 West Road Dedication, second by Councilman Ray Justice. Reeve-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2019-23; a resolution revising the map adopted by Resolution No. R-2018-01, for the purpose of dispersing and limiting vacation rentals within the City, pursuant to the provisions of Section 10-7-20 of the La Verkin City Code, to divide into two areas the area known therein as Area #1.

Kyle explained this separates Zion View Estates from the Interstate Rock Property so when the Cottonwood Hollow Subdivision is recorded it will not affect the percentage. The Interstate Rock Property will be listed as Area 8.

Kevin explained qualifying lots would increase the percentage in Area 1 but new construction must wait one year before it's eligible for a license so that pushes the vacation rentals into the established subdivisions.

Kyle reported Councilman Gubler is in favor of this resolution.

Motion was made by Councilwoman Patricia Wise to approve Resolution No. R-2019-23, a resolution revising the map adopted by Resolution No. R-2018-01, for the purpose of dispersing and limiting vacation rentals within the City, pursuant to the provisions of Section 10-7-20 of the La Verkin City Code, to divide into two areas the area known therein as Area #1, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Justice-yes, Reeve-yes. Motion carried unanimously.

3. Discussion and possible action to approve Resolution No. R-2019-24; a resolution revising the City's Personnel Policy to update and clarify the City's policies on personal use of public property and providing an effective date. Mayor Hirschi explained city officials had been overlooked in previous discussions but have been added to the new resolution.

Kevin explained the personnel policy doesn't apply to the Councilmembers, but they do sometimes use the City vehicle. For the purpose of the House Bill that created this criminal liability, this resolution will bring the Councilmembers under the umbrella of the personnel policy to protect what you do. It also clarifies the marking and licensing of City vehicles. Increases the miles an employee can live outside of La Verkin to 40. It also increases the travel radius to 45 miles from the training location and the in-route deviation to 25 miles.

These are the modifications made to the redlined version the Council received previously that addressed the updates made by staff.

This resolution takes care of the staff recommended updates and House Bill 163. The Safe Harbor Clause has been included under "H". He wrote it so we don't lose the ability to take some sort of administrative action if deemed more appropriate.

He feels this resolution takes away the criminal element and allows the flexibility the council wanted, at the same time creating enough restriction we can be covered by the insurance company.

Councilwoman Wise said she started to review it and feels it covered the administration, the Council and public works but was not sure about public safety so she reached out to Chief Lee. He did send her some information that she would like the Chief to explain.

Chief Lee said there is some difference in the call out policy for public safety.

Kevin stated the only change in this section is one provision where it allows the City Administrator as well as the Mayor to make a decision.

Chief Lee stated Section 8, 11. Employee on-call or call-out, subsection 1 states "except for Public Safety employees" so there isn't anything in the policy for public safety employees.

Some of his thoughts or recommendations; the current response time for people on call is 20 minutes. He thinks with outside area influences such as traffic, construction and other delays, it would be more prudent to have it be 30 minutes or a contingency if there is some kind of exigent circumstance that prevents them from getting there in 20 minutes.

Kevin read the Code.

Councilman Reeve said the definition of response could mean a phone call.

Kevin pointed out when the code was written the City didn't allow people to live 40 miles away. At the time the Council wanted employees close and able to respond quickly. Now the employees the City has the greatest need for, except when there is a water break, is the police and yet they all live the furthest away of all the employees. This is a wrinkle that may need to be worked out.

Councilman Reeve asked if police officers are even on call.

Chief Lee said Public Safety is different than Public Works and they are working through things right now. He is hoping to have something to bring to the Council at a later date.

Kevin said that is why they were exempted out of this policy.

Chief Lee continued with his other concern, which was under C, Holiday and On-Call Pay. The only employee that gets on call pay right now is Tiffany.

Kevin asked to interrupt and stated this is why he did not want to put the rest of the ordinance in the packet. These concerns are getting off topic. This resolution is not to open all the pay, comp time, flex time and vacation sections. It is to address section 11 and the rules regarding the use of public property. If we open all that up, we will never get this done in time and we may have someone get in trouble under that State Statute. If you want to change any of those things, that can be done in the future. The only thing changing in that section is item D. Use of City Vehicles (1) added "or authorized by the City Administrator, or his or her designee, ".

Chief Lee said he will bring it up on a future agenda when the policy is discussed.

Mayor Hirschi asked Chief what he would like to have changed.

Chief said that the grant the City receives for Victim Services offers Tiffany 8 hours of holiday pay based on Hurricane City's policy and La Verkin only offers 2 hours. He would like the Council to consider increasing it to 8 hours, so the employee has an incentive to be here for a holiday.

Councilman Wilson asked if the on-call response time could be changed from 20 to 30 minutes without causing a delay.

Kevin said the motion could adopt the resolution as is with that change because it relates to what the resolution is dealing with.

Chief Lee continued with his last concern regarding the licensing of the police vehicles. He wanted to point out that the police department have always been in compliance with State Law. There are two sections of the law that specifically exempt the need for public safety vehicles to have EX plates. One section talks about vehicles used in routine enforcement on a State Highway with four or more lanes and La Verkin City complies with that.

Kevin said the resolution covers this under the first paragraph on page 2 that basically states the City shall license and identify its vehicles in accordance with State Law.

If we are marking our vehicles there is nothing to worry about. If we aren't, we had better be using them for the specific five things the State exempts marking public safety vehicles for.

He was asked to include this because it related to the use of the vehicles, but it doesn't have anything to do with the personnel policy, so he included it in the body of the resolution.

Councilman Reeve asked Derek if he has any concerns with this policy for the public works department.

Derek said he is in full compliance with the marked vehicles and call out requirements.

Motion was made by Councilman Kelly Wilson to approve Resolution No. R-2019-24, a resolution revising the City's Personnel Policy to update and clarify the City's policies on personal use of public property with the change to Exhibit B, paragraph (b), changing the on-call response time from 20 minutes to 30 minutes, second by Councilwoman Patricia Wise. Reeve-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

4. Discussion and possible action to approve a monetary donation to the Five County Association of Governments Senior Companion and Foster Grandparent Programs.

Mayor Hirschi explained this is from the presentation given during the last city council meeting.

Kyle said they are asking for \$700.

Councilman Gubler is in favor of this donation.

The money comes from Community Development.

Motion was made by Councilman Kelly Wilson to approve a \$700 donation to the Five County Association of Governments Senior Companion and Foster Grandparent Programs, second by Councilman Ray Justice. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Reeve-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Wilson-Nothing to report.

Kyle reported the Hot Springs project is waiting for the landowner to decide on which of the three offers he will accept. The Water Conservancy District is waiting for someone to secure the property before they get the water to it.

Wise- The Zion Corridor Feasibility Study survey has closed. She will report on that once she gets the information back. There was a Give Your Land A Hand project in Confluence Park that was well attended. They were able to get the area around the pecan trees cleaned up.

Justice-Meet the Candidate Night is October 8th.

Reeve-The Solid Waste Board has begun meeting with the Executive Committees to discuss the five contracts that will be coming due in the next year.

G. Adjourn:

Motion was made by Councilman Randy Reeve to adjourn, second by Councilwoman Patricia Wise. Motion carried unanimously at 6:54pm.

Minutes were done by Christy Ballard.

November 16, 2019
Date Approved

Richard M. Hirschi
Mayor Richard M. Hirschi

ATTEST:

Christy Ballard
Christy Ballard
City Recorder