City of La Verkin

435 North Main St., La Verkin Utah, 84745
(435) 635-2581 Fax (435) 635-2104
www.laverkin.org

La Verkin City Council Meeting Minutes
Wednesday, November 6, 2019 6:00 p.m.
Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Richard Hirschi, Council Members: 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, Blair Gubler and Nick Wright.
Councilman Randy Reeve and Micah Gubler were excused

A. Called to Order – The thought and the Pledge of Allegiance were given by Mayor Hirschi 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. Meeting Minutes: October 2, 2019 regular meeting
3. Review Checks and Invoices: $269,123.97

Kevin stated there will only be one Water Delivery Contract discussed during Business item 6.

Motion was made by Councilwoman Patricia Wise to approve the consent agenda as written including the minutes of the October 2, 2019 regular meeting and Checks and Invoices in the amount of $269,123.97, second by Councilman Ray Justice. Roll Call Vote: Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

C. Committee Reports:

1. Fire District-Battalion Chief Nick Wright reported there were a total of 51 calls in October. Twenty-six were transports, thirteen were refusals and twelve were fire calls. One of those fire calls was a brush fire in Confluence Park that burned approximately 6-acres. The fire was started by a chain saw from people clearing brush.

   Mayor Hirschi reported the District has hired 4 new employees.

2. Sewer Board-Blair reported work on the line extension along the Bench Lake area has begun. He explained the location of the project.
   The FY 2020 budget has been approved which included the hiring of 2 new employees.
   The District will be replacing 2 miles of sewer line from 55 N 3700 W in Hurricane, east to Sky Mountain Golf Course.
   The District is working on trading in the fleet of trucks every year for new vehicles.
   They are also replacing a sewer line in Hurricane on 1150 West.
3. Planning Commission-Nothing to report.
4. Water Board-No meeting.
   Councilman Wilson reported on the Water Task Force meeting.
   The Committee came up with a list of reasons metering secondary water would not work for some communities in Utah which will be presented to the Water Task Force. They in turn, reminded the Committee metering is a great way to conserve water.
   One of the House Representatives that sponsored the Bill was at the meeting and realized it's "not a one size fits all". He also said with the projected growth in Utah, making sure we have enough water needs to be a priority.

   Derek asked if the reports were still required.

   Councilman Wilson replied they are.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Discussion and possible action to approve the final plat for Cottonwood Hollow Phase I, a 1-lot subdivision and road dedication plat located within Interstate Rock's property situated north of Zion View Estates and current

northern terminus of Main Street and providing for extension of Main Street and access from said property to SR17.

Kevin reported he has reviewed the plat and the bonds.

Motion was made by Councilman Kelly Wilson to approve the final plat for Cottonwood Hollow Phase I, second by Councilwoman Patricia Wise. Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2019-25; a resolution providing for and setting the fees to be assessed and collected for the provision of notary or notarial services to persons other than primary residents of the City.

Mayor Hirschi explained La Verkin City does not charge a fee for notarial services so we are getting a lot of individuals from other communities. This resolution will charge non-residents $5 per document.

Kevin explained the state law changed, effective November 1, 2019, increasing the possible notarial fees from $5 to $10. Staff didn't want to go from zero to ten, so we recommend increasing the fee to $5. If the Council would like to increase the fee to $10, they would need to approve Exhibit B.

Councilwoman Wise asked staff how many notary services are done each month and out of that, how many are for residents. Do residents have a reoccurring need or are they different people requesting?

Christy replied she was not sure of the monthly average. It seems to go in spurts, we see a lot of them and then go awhile without having to do any. She thought about half of the requests are from citizens. As a notary, she does not read the paperwork, but some seem to be reoccurring.
There are two notaries on staff.

Councilwoman Wise mentioned she doesn't feel $10 is unreasonable for non-residents.

Councilman Justice agreed, he doesn't like to leave money on the table. He was a member of the planning commission when the additional 1% hotel tax allowance was approved, and the City is finally seeing the benefit of that decision. If the State allows a $10 charge, he feels the City should charge the full amount.

Motion was made by Councilman Ray Justice to approve Resolution No. R-2019-25, Exhibit B, a resolution providing for and setting the fees to be assessed and collected for the provision of notary or notarial services to persons other than primary residents of the City, second by Councilman Kelly Wilson. Roll Call Vote: Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

3. Discussion and possible action on the proposed LANTIS Merchandise (Fireworks) Contract and Purchase Order for fireworks to be discharged at the City's Winterfest celebration.

Kevin pointed out the amount is $800 more than last year's agreement but according to Kyle, it was in budget and was approved.

Motion was made by Councilman Kelly Wilson to approve the LANTIS Merchandise (Fireworks) Contract and Purchase Order for fireworks to be discharged at the City's Winterfest celebration, second by Councilman Ray Justice.

Councilwoman Wise would like to know about the increase before making a final decision.

Kyle was not present at the meeting so Mayor Hirschi called him and put him on speaker.
Kyle explained the budget was increased for additional fireworks.

Roll Call Vote: Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

In the future, Councilwoman Wise would like price increases and the reasoning behind the increase noted on the information in the packet.

4. Discussion and possible authorization regarding the Justice Assistance Grant (JAG) and the State Asset Forfeiture Grant (SAFG) applications.

Chief Lee was awarded the $4,500 JAG grant and for the first time, a $2,500 SAFG grant. He will use this money for patrol equipment, technology and new AED machines.

Kevin reported he has reviewed the applications. There are no additional requirements. He did make one correction; Chief Lee will be the project manager for the City, but the Mayor needs to be the authorizing signature.
Motion was made by Councilman Ray Justice to approve the authorization regarding the Justice Assistance Grant and the State Asset Forfeiture Grant applications, listing the Mayor as the authorizing signature, second by Councilman Kelly Wilson. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes. Motion carried unanimously.

Kyle Gubler arrived at 6:38pm

5. Discussion and possible authorization to prepare a proposal to acquire property along 100 South.

Derek passed out a map and explained 100 South is #1 on the Capital Improvement list. Staff has been waiting to see what the water revenue will be after the water rate increase to see how much bonding ability the City will have. Next month will give us one year of history. He has begun speaking with property owners to gather surveys and quick claim deeds for property the City will need to acquire before the road can be widened.
One of the property owners have come to the City and requested a rezone for a business venture. If that is approved, they would need to give the City the property for the improvements.
In the past, the City has offered to put in curb, gutter and sidewalk in exchange for the property. Because the City will be redoing the water line, installing a new irrigation line and sewer, he would also like to include that in the offer. He hopes the other utilities will replace their lines at the same time to get them out of the road.
The Council will give final approval for the project, but he would like permission to offer the property owners curb, gutter, sidewalk and utility stub outs in exchange for the property. The property owner will still need to pay the impact fees for the utilities when they connect to them.
He would like to begin securing property for the project.
The road will wrap around all four corners of 100 West and 100 South. Derek discussed some of the ideas they are considering for the existing houses.
The property along the north side of 100 South has already been acquired.
He feels this is a fair proposal. It gives the City what it needs to widen the road and saves the property owner from having to install the infrastructure.

Councilwoman Wise is fine giving approval for the negotiation but for final approval, she would like addresses or a legal description of each property.

Derek said the information for final approval will include a legal description, the amount of property given to the City, and the contract between the City and the property owner.

Councilman Justice asked if the City would move any existing block walls.

Derek answered that would be part of the negotiation but yes, he plans on the City moving block walls.
This project is from Main Street to SR9, he hopes there will be enough money to extend the project from Main Street to 100 East.
Motion was made by Councilman Kelly Wilson to authorize Derek Imlay to negotiate on behalf of the City Council to acquire property along 100 South, second by Councilwoman Patricia Wise. Roll Call Vote: Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

Derek mentioned he is hoping to do the same thing for property along 480 South. That will come back for Council approval when he has the paperwork ready.

Kyle said Mr. Leavenworth, the principal of La Verkin Elementary, has contacted Kyle and if the City does do the 100 South project the School District may want to partner with the City to install new restrooms in place of the old, non-working restrooms at the ball field. This would give the children outside restrooms and would allow the City to utilize the ball field for more things.

6. Discussion and possible action to determine whether to terminate two Water Delivery Contracts.

Mayor Hirschi explained one of the contracts has been resolved.

Kyle reported the contract holders have been notified and have not responded. This is the final step to take back the water rights due to unpaid assessment fees.

Kevin explained this account is often late but is usually paid. The account is in two names, mail for the first person has come back to the City as undeliverable with no forwarding address and the second person has signed for all three certified letters.
The lack of response deems the agreement abandoned. It does not take the water from them because they don't own the water, the City does. This will terminate the agreement they had with the City to deliver secondary water to them.

Councilwoman Wise asked if this would affect any future property owner.

Kyle answered secondary water does not go with the property, it goes with the owner so future property owners could purchase secondary water or rent it from the City.

Kevin went over the history of the City's purchase of the La Verkin City Canal Company.
Motion was made by Councilwoman Patricia Wise to terminate the Water Delivery Contract and declaration of abandonment of the Whittaker property, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Justice-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Wilson-Nothing to report.
Wise- She reported on the Washington County Greater Zion Marketing Program meeting she attended. They are trying to diversify the tourism to areas other than just Zion National Park which will be good for all the communities. They have divided the County into three different regions to focus on.
There is a lot happening in the County with tourism and trail building.

Councilman Wilson asked about the 210 South trailhead and park.

Councilwoman Wise said she hiked the trail recently and it is still not finished. There are some steep sections on the switchbacks, but it will be a very nice trail. The Board is still waiting on the finished stair design from the engineers.

Mayor Hirschi reported the County is waiting on the engineer to finish the plan for the restroom.

Kyle said there is a sewer stub out already for the restrooms. Lane Blackmore it just down from his house when he put the subdivision in.
Justice- He reported on the October 16th Confluence Park meeting. They have received a $35,000 cleanup/restoration grant and are applying for an Outdoor Recreation Grant for $500,000 to construct a footbridge between La Verkin and Hurricane. Commissioner Iverson has been very supportive of Confluence Park and moving forward on projects in the Park.
He congratulated the election winners and thanked the other individuals for running and continuing to attend the Council meeting.

There will be a special meeting to accept the Election Canvass on Tuesday, November 19th at 8am.

Mayor Hirschi reported on a complaint of sink holes in Confluence Park. Derek's crew will take a backhoe down to fill them in and correct the drainage issue that he thinks caused the problem.

G. Adjourn:

Motion was made by Councilman Ray Justice to adjourn. Motion carried unanimously at 7:12pm.
Minutes were done by Christy Ballard.

December 4, 2019
Date Approved

Richard M. Hirschi
Mayor Richard M. Hirschi

ATTEST: Christy Ballard
Christy Ballard
City Recorder