

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, December 16, 2020, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Ray Justice, Chuck Hardy, and Micah Gubler; Staff: Christy Ballard, Chief Ben Lee, Kevin Bennett, Derek Imlay, Troylinn Benson, and Kyle Gubler; Public: Brian Stewart, Cody Roberts, Caleb Rees, and Nancy Cram.

Councilwoman Patricia Wise participated electronically

Councilman Kelly Wilson was excused

A. Called to Order –The invocation/thought and the Pledge of Allegiance were given by Chuck Hardy at 6:00 pm.

B. Presentation:

1. Fiscal year ending June 30, 2020, Financial Audit-Rees CPA

Caleb Rees began by thanking the management for their help.

Page 1 is the Independent Auditor's report and is the bulk of the audit. The objective of the audit is to express an opinion as to whether the accompanying financial statements are materially correct. The highest opinion that can be received is an unqualified opinion and that is exactly what La Verkin City received.

Page 57 is a report on internal controls. This report is meant to deter and detect fraud. La Verkin is able to have sufficient, trained staff to ensure proper segregation of duties and therefore, no findings.

Page 59 deals with compliance. Each year the State Auditor has a list of items they want the auditors to focus on. Some of those items are every year such as the budget and others rotate like fund transfers. La Verkin City was in compliance with all material respects.

Page 18 is the balance sheet. Fund balances are equity. The General Fund is very healthy.

Page 19 is revenue and expenses. The revenues did cover the expenditures with an excess, which is great.

Page 23 is the statement of revenue and expenses for the utility funds. The operating revenue covered the operating expenses in the Water Fund, and the Drainage Fund. The Irrigation Fund fell a little bit short this year, but it has come along way from the first time he performed the City's audit.

The financials for La Verkin City are good. You are staying within the budget and compliant with state laws.

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: October 21, 2020, and November 4, 2020, regular meeting
4. Review Checks and Invoices: \$504,651.28

The motion was made by Councilman Ray Justice to approve the consent agenda as written including the minutes of the October 21, 2020, and November 4, 2020, regular meetings, and checks and invoices in the amount of \$504,651.28, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Justice-yes, Gubler-yes, Wise-yes. The motion carried unanimously.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Discussion and possible action to accept the fiscal year ending June 30, 2020, Financial Audit.

The motion was made by Councilman Ray Justice to accept the fiscal year ending June 30, 2020, Financial Audit, second by Councilman Micah Gubler. Roll Call Vote: Gubler-yes, Justice-yes, Hardy-yes, Wise-yes. The motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2020-05, an ordinance amending the zoning map of and for the City of La Verkin, rezoning from General Commercial to Multiple Family Residential (R-3-6) two parcels with the Tax ID # LV-NVCP-2, a 1.26-acre parcel located at 740 North State Street and LV-NVCP-1-A-1, a 1.09-acre parcel located directly south of 740 North State Street.

Mayor Hirschi explained the location of these parcels.

Councilman Gubler asked if the Planning Commission recommended approval.

Kevin replied the Planning Commission does recommend approval. He also explained the surrounding properties are residential and for some time there has been talk that this may be a better use of the property.

Councilwoman Wise mentioned she is concerned with losing control of keeping SR 17 aesthetically pleasing. The City doesn't have any guarantees that the developer would install a privacy fence or provide enough parking. Parking is always an issue with multi-family housing and the street will not accommodate additional parking. This is one of the concerns brought up during the public hearing to the Planning Commission.

She doesn't like the lack of control in our current ordinances for anything to have a maintained look along our highway. As the Toquerville Bypass road is developed within the next year, a lot of the traffic that now comes through Hurricane will then come through Toquerville, so if anything looks trashy that will be people's vision of La Verkin.

Kevin explained a portion of the R-3-6 Zone has supplemental requirements regarding a separate parking area, open space, and several other things. The developer will also be required to submit a site plan and be required to meet all the requirements from the supplemental section if they build anything other than single family dwellings.

He is not sure about a wall being required between SR 17 and residential, but this will not be a huge development.

Derek reported the developer would be required to install a sidewalk along the length of the properties on SR 17. They will also be required to put in a road to their development. This zoning is less dense than the current North View Commercial white duplex units. That development was put in under a commercial zone allowance that does not exist anymore.

The R-3-6 Zone requires multi-family dwellings to provide 4 off-street parking spots per unit and must include 1,000 square feet of open space per unit. The City does not know what the developer is planning to build yet but whatever it is, the proper requirements will need to be met.

Councilwoman Wise stated she just wants the City Council to "get it right" before a developer is misled down the wrong road or assumes that because the Planning Commission recommended approval everything is wonderful. The Planning Commission does allow for public comment and questions are asked but not always all the questions or comments are made. She is not trying to nit-pick, but this development will affect the City and she wants the Council to make sure they are aware of everything and that there is an expectation from City staff that La Verkin expects to have a very aesthetic development put in, no matter what type it is. That will go a long way with keeping La Verkin beautiful. She understands you can't legislate all of this, but having the expectation that this is our city, and we want to protect it, is very important. She is in favor of the zone change; she just wants to see it is done well.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2020-05, an ordinance amending the zoning map of and for the City of La Verkin, rezoning from General Commercial to Multiple Family Residential (R-3-6) two parcels with the Tax ID # LV-NVCP-2, a 1.26-acre parcel located at 740 North State Street and LV-NVCP-1-A-1, a 1.09-acre parcel located directly south of 740 North State Street, second by Councilman Micah Gubler. Hardy-yes, Gubler-yes, Justice-yes, Wise-yes. Motion carried unanimously.

3. Discussion and possible action to approve the preliminary plat for the Chaco Ridge Subdivision, a 6-lot subdivision located at 70 South 100 East.

Derek explained the location. This development was initially put in prior to 2008 when the economy fell out from underneath it.

This City Council has already approved the 15 % road grade and width. Parking will not be allowed along the road. The drainage issues have been addressed by our engineers. The elevation changes between the lots will need to be retained and the walls fronting on the street will be riprapped so it controls the erosion and dirt that slides down. These

things will all be completed before final plat approval is issued. The staff is in favor of moving forward with this subdivision.

The motion was made by Councilman Micah Gubler to approve the preliminary plat for the Chaco Ridge Subdivision, a 6-lot subdivision located at 70 South 100 East, second by Councilman Chuck Hardy. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

4. Discussion and possible action to approve a Master Agreement with NASPO ValuePoint (Verizon) for the purchase and use of products.

Troylinn explained this agreement will allow the City to get government pricing on the cellphones and the police MiFi devices.

Verizon is changing to NASPO from ValuePoint.

Kevin explained this agreement makes it so the City doesn't have to go through its own procurement process.

The motion was made by Councilman Chuck Hardy to approve a Master Agreement with NASPO ValuePoint (Verizon) for the purchase and use of products, second by Councilman Ray Justice. Roll Call Vote: Gubler-yes, Justice-yes, Hardy-yes, Wise-yes. Motion carried unanimously.

5. Discussion and possible action to approve Resolution No. R-2020-20, a resolution approving and adopting a cooperative agreement with the Utah Department of Transportation, State of Utah, for the cost-sharing of the State Route 9 Zion multi-use path environmental study.

Kyle reported this is the agreement from UDOT for the environmental assessment for the multi-use trail from Springdale to La Verkin City. The agreement states La Verkin City will be the ones who manage this portion of the project and handle the money received from the different entities.

This is a \$60,000 project. The Dixie MPO is contributing \$25,000, the State is giving \$30,000. Zion Forever is giving \$3,500 and Springdale Town is donating the remaining \$1,500.

They also applied for and received a grant for an additional \$5,000 that will be used as a cushion.

The motion was made by Councilman Chuck Hardy to approve Resolution No. R-2020-20, a resolution approving and adopting a cooperative agreement with the Utah Department of Transportation, State of Utah, for the cost-sharing of the State Route 9 Zion multi-use path environmental study, second by Councilman Micah Gubler. Roll Call Vote: Wise-yes, Hardy-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

6. Discussion and possible action to approve a Request for Proposal (RFP) for the environmental study for the State Route 9 Zion multi-use trail.

Kyle explained this is approval for an RFP for an engineer to do the study approved in item 5.

The Zion Regional Collaborative (ZRC) subcommittee will be responsible for selecting the engineer. Kyle and Councilwoman Wise are both on that subcommittee. The only thing the City Council will need to do for this is award the bid.

Councilwoman Wise pointed out the DMPO typically doesn't fund recreation projects but because La Verkin was involved with the project and because it is such a large project for the County, they "stepped up".

Kyle mentioned La Verkin is the only city involved in the project that is a member of the DMPO which is another reason we are facilitating the project.

The motion was made by Councilman Micah Gubler to approve a Request for Proposal (RFP) for the environmental study for the State Route 9 Zion multi-use trail, second by Councilman Chuck Hardy. Gubler-yes, Justice-yes, Hardy-yes, Wise-yes. Motion carried unanimously.

7. Discussion and possible action to approve Ordinance No. 2020-06, an ordinance amending Chapter 3 of Title 8 of the La Verkin City Code and providing for an update of the provisions relative to backflow and cross-connections.

Derek explained the State of Utah took the Division of Drinking water and created three divisions in 2020.

La Verkin under the Division of Drinking Water's EPA and the Division of Water Rights. The City does monthly, quarterly, and annual water testing to receive approval on our system. Failure to do the water sampling and studies will

result in points being removed. If a community reaches a certain threshold of points, the State of Utah will come in and take over the water system.

The different divisions are on board with each other on how they attach negative points to a system. The State has also attached monetary penalties to point removal that range from thousands of dollars to tens of thousands, depending on the infraction.

The City has backflow and cross-connections in the Code that was never enforced. This is now a required item.

It requires the City to have a certified administrator, so he sent John Postert and Max Mathews to certification school.

They will need to take annual classes to keep that certification.

The State wants everyone to have a backflow device on their water system and would like the City to make sure they do. They have mandated that all residential, industrial, and commercial properties have a backflow device in place. The cities have decided to add that requirement to all new construction beginning this year. La Verkin will also require all commercial to come into compliance during the business license renewal process.

John has begun requiring and explaining to all new construction that they will need to have a certified backflow technician install the device. The backflow device will also need to be re-certified every year by a certified technician. Failure to do so can result in the City shutting off the water to the citizen. The City will need to send the records to the State every three months. Failure to do that would result in a financial penalty against the City.

This ordinance incorporates the new rules and regulations from the State.

Implementing these new requirements will take a lot of additional time in just enforcement. The City will need to verify all the backflow devices are re-certified every year.

The City also doesn't want to go down the road of shutting the water off to people so we will give them multiple opportunities to fix the issue.

It will be the responsibility of the homeowner to get the re-certification done and submit a copy of it to the City.

Councilman Gubler asked if Derek knew what the cost would be.

Derek answered right now it is \$150 for re-certification. The backflow device is about \$150-200.

Derek pointed out the yokes where the water meters go already have a backflow device on them, so the system is already protected. The State is making it so there is a second backflow device protecting the water system.

Councilman Justice stated this is preventing the culinary system from being contaminated by the irrigation water system.

Derek said La Verkin City, along with neighboring communities, is only going to concentrate on getting new construction in compliance.

Kevin explained in 2012 the County tried to get communities to do this and it gathered enough kickback that it "died on the vine". At that time there was a discussion on pooling together as communities in Washington County to have an affordable option for the re-certifications.

This time it is directly from the State of Utah.

There was a discussion on the possibility of the City having a certified inspector.

It was determined that would not be the best option for the City, for several reasons, time being the major factor.

Councilman Hardy stated this doesn't even sound constitutional to him. He has a problem with mandating citizens install a device that will cost them over \$100 a year just for the inspection.

Kevin counseled the Councilmembers to be careful when responding to this type of thing because it could put the City at risk where we are not able to get grants/loans from the State Water Board. Every year they seem to be tightening the restrictions. Water is so precious and yet has the potential to harm people more than anything because it's in everyone's homes. The State has no trouble shutting down water systems. We are trying to make sure that never happens to our people. The State is just trying to make sure we do not contaminate our culinary water system with our irrigation system.

Councilman Hardy said he understands that concept.

He also asked where the device would be located and if it was possible to install a device on the mainline instead of making each citizen do it.

Derek explained ideally, this would be installed within 3 feet of the water meter, but it could technically go in anywhere prior to a secondary tie in. It will be above ground about one foot. The specs are included in the ordinance.

Kyle commented the City doesn't have a choice in the matter. The State is requiring it.

Kevin pointed out a device on the mainline wouldn't stop a specific property from contaminating the system.

Councilman Hardy asked if only properties with access to secondary water would need a backflow device.

Derek explained all gray water is a possible contaminate. The City is currently only requiring new construction and commercial businesses to install these devices.

This ordinance needs to be approved and sent into the State by the end of the year.

Councilman Hardy was not in favor of approving this ordinance.

Councilman Gubler stated he was not in favor of it either, but this is the wrong venue. It needs to be directed to the legislators who passed it. He feels the worst thing the Council could do is to not vote for it and put the water system in jeopardy.

Kevin said he attended a meeting of city attorneys and complaining to the State Legislature may not even do any good. They were discussing accessory dwellings and it was brought up that several of the legislatures have the attitude that if communities can't handle things at the local level then the State will take it back and communities can do what they say. That would put us still dealing with the situation but having no local input. Before we get too willing to butt heads with the State, we need to remember they created us and regulate us and that all the water in the State of Utah belongs to the State of Utah.

Councilwoman Wise asked if the City would remind the citizens every year about the re-certification and how Derek plans to notify the State of the re-certification.

Derek answered that John has put together an excel file that will list everyone with a backflow device. They will send out a letter to individuals 60 days before the re-certification needs to be completed and another letter at 30 days. If they don't respond by the due date, we will either call or do a site visit. We want to do everything we can to avoid people having the water shut off from this. John and Max will be responsible to send the paperwork and re-certifications to the State.

Kevin mentioned the Code states that the "city shall notify in writing all consumers of the need for the citizen to ensure compliance" but it doesn't specify specific dates.

Derek was planning on January being the due date.

It is going to take quite a bit of staff time between training and the paperwork. The more we grow the more time it will take.

Councilman Gubler asked about rentals and the potential difficulties shutting the water off to a tenant when the landlord doesn't do the re-certification.

Kevin said the landlord could contract it out to the tenant but ultimately the property owner is the responsible party.

Councilman Hardy asked if the devices were so unreliable that it needs to be checked every single year.

Derek replied he was not sure. The City is just trying to comply with State regulations.

The motion was made by Councilman Micah Gubler to approve Ordinance No. 2020-06, an ordinance amending Chapter 3 of Title 8 of the La Verkin City Code and providing for an update of the provisions relative to backflow and cross-connections, second by Councilwoman Patricia Wise. Wise-yes, Hardy-no, Justice-yes, Gubler-yes. Motion passes.

8. Discussion and possible action to approve Ordinance No. 2020-07, an ordinance repealing and replacing Chapters 4 and 4A of Title 4, of the La Verkin City Code, as currently constituted, with a new consolidated Chapter 4, providing for and establishing rules and regulations pertaining to the collection and disposal of residential solid waste produced or generated within the boundaries of La Verkin (including curbside residential recycling collection), and establishing fees for collection and disposal of such residential waste.

Kevin explained in October the City entered into an agreement with Washington County Solid Waste. At that time Mr. Reber explained the District was putting everything under one umbrella with the recycling and trash pickup but were waiting to find out if there was going to be enough interest in recycling. That was when the 90 days opt-out period began. Once that period was over each city needed to adopt an ordinance updating the code to the definitions and new agreements.

This ordinance will repeal the current Chapter 4 and 4A and create a new Chapter 4 with new language and includes a fee schedule and rate scale.

One of the original prices from October was listed wrong by \$.10 so the ordinance lists the correct pricing, and the Council will receive an amendment resolution at the next meeting to fix the issue.

The other change in the ordinance will increase the fee La Verkin City is paid for administrative costs from \$1.30 to \$1.50 and add \$.25 to the recycling fee. The fee increases will go into effect on February 1, 2021.

The motion was made by Councilman Ray Justice to approve Ordinance No. 2020-07, an ordinance repealing and replacing Chapters 4 and 4A of Title 4, of the La Verkin City Code, as currently constituted, with a new consolidated Chapter 4, providing for and establishing rules and regulations pertaining to the collection and disposal of residential solid waste produced or generated within the boundaries of La Verkin (including curbside residential recycling collection), and establishing fees for collection and disposal of such residential waste, second by Councilman Micah Gubler. Roll Call Vote: Wise-yes, Hardy-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Wise-She got the draft back of the proposed kiosk for the La Verkin Overlook trail. It has been a slow process due to COVID. It needs some tweaking, but she should have it ready in a couple of weeks and will email it to the Council members. Construction of the kiosk should only take about one month so something should be in the ground by early spring.

Justice-The Solid Waste toured the recycling plant in Las Vegas today, but he was not able to go because of the Confluence Park and City Council meetings.

He reported on the Confluence Park meeting. Funding for the LeRay McAllister Grant has been cut due to COVID so the Park will not see as much money this year. The staircase is moving forward at the Power Plant Trailhead Park and should be in place by the spring.

Gubler-The City festivals have been canceled due to COVID. There has been some good publicity recently for La Verkin City. Ali's Organics was on the Great Christmas Light Fight on ABC and Steven Lisonbee has been appointed to Governor-Elect Cox's team.

Hardy-The Southwest Mosquito Abatement had the final meeting for the year and covered a lot of material. It was a very good year. Treatment was minimal compared to other years, but the reports were good.

G. Adjourn:

The motion was made by Councilman Ray Justice to adjourn, second by Councilman Chuck Hardy. The motion was carried unanimously at 7:32 pm.

January 20, 2021
Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

Richard M. Hirschi
Mayor Richard M. Hirschi