

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, February 17, 2021, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Patricia Wise, Ray Justice, Chuck Hardy, and Micah Gubler; Staff: Chief Ben Lee, Christy Ballard, Kevin Bennett, Derek Imlay, and Kyle Gubler; Public: Rich Murset, Nate Hamson, Henry & Emilee Hilburn.

Councilman Kelly Wilson was excused.

A. Called to Order –The invocation/thought and the Pledge of Allegiance were given by Patricia Wise at 6:01 pm.

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. Agenda
3. Minutes: January 20, 2021, regular meeting

The motion was made by Councilman Ray Justice to approve the consent agenda as written including the minutes of the January 20, 2021, regular meeting, second by Councilwoman Patricia Wise. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. The motion carried unanimously.

Kyle presented the City Council with valentines made for them by the La Verkin Elementary School Second Graders.

C. Citizen Comment & Request for Future Agenda Items:

Henry Hilburn- He signed a contract in 2007 for water rights and wondered if it was still valid.

Mayor Hirschi told Mr. Hilburn to get Derek a copy of the contract and he will look into it.

Nate Hamson-He is the recreation director for La Verkin City. He would like to get the youth sports back up and running. It has been successful throughout Hurricane and St. George, so he is hoping to get it back on track for La Verkin this year.

Rich Murset-See Exhibit A.

D. Business:

1. Discussion and possible action to approve Resolution No. R-2021-03; a resolution approving the designation of a representative to serve on the Southwest Mosquito Abatement and Control District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.

Councilman Hardy stated he likes being part of this board. The Mosquito District is fascinating to him because it deals with a lot of things his career was oriented around. He has started getting to know the staff, which he feels is very important.

The motion was made by Councilman Micah Gubler to approve Resolution No. R-2021-03, a resolution approving the designation of a representative to serve on the Southwest Mosquito Abatement and Control District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed, second by Councilman Chuck Hardy. Hardy-yes, Gubler-yes, Justice-yes, Wise-yes. The motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2021-04; a resolution approving the designation of two representatives to serve on the Administrative Control Board of the Ash Creek Special Service District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.

The motion was made by Councilwoman Patricia Wise to approve Resolution No. R-2021-04; a resolution approving the designation of two representatives to serve on the Administrative Control Board of the Ash Creek

Special Service District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed, second by Councilman Chuck Hardy. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

3. Discussion and possible action to approve Resolution No. R-2021-05; a resolution approving the designation of a representative to serve on the Board of the Hurricane Valley Fire District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.

The motion was made by Councilman Chuck Hardy to approve Resolution No. R-2021-05; a resolution approving the designation of a representative to serve on the Board of the Hurricane Valley Fire District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed, second by Councilwoman Patricia Wise. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

4. Discussion and possible action to approve Resolution No. R-2021-06; a resolution approving the designation of a representative to serve on the Administrative Control Board of the Washington County Special Service District No. 1 for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.

The motion was made by Councilman Micah Gubler to approve Resolution No. R-2021-06; a resolution approving the designation of a representative to serve on the Administrative Control Board of the Washington County Special Service District No. 1 for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed, second by Councilman Chuck Hardy. Gubler-yes, Justice-yes, Hardy-yes, Wise-yes. Motion carried unanimously.

5. Discussion and possible action to approve Resolution No. R-2021-07; a resolution confirming the City's Social Media Policy.

Kyle reported the staff has been working on this for the last 10 months. This will be added to the City's Personnel Policy & Procedures Manual when passed.

Councilman Gubler mentioned the resolution is straightforward.

Kevin pointed out the spirit of this resolution applies to the Councilmembers as well as the employees.

The motion was made by Councilman Chuck Hardy to approve Resolution No. R-2021-07; a resolution confirming the City's Social Media Policy, second by Councilman Ray Justice. Wise-yes, Hardy-yes, Justice-yes, Gubler-yes. Motion carried unanimously.

6. Discussion and possible action to approve Resolution No. R-2021-08; a resolution confirming and adopting the La Verkin City Police Department Policy Manual.

Kevin explained this is similar to the International Building Code that is adopted annually by the City so it can be enforced. The book is over 600 pages, but he did include a couple of pages with the Chief's mission statement and what they are trying to accomplish as a department.

Chief Lee said this book contains best practices across the state as well as nationwide. It keeps up to date with Utah Laws and will change as necessary.

Councilman Hardy asked how our policy is updated when things do change.

Chief Lee replied on the immediate scale, the City updates its policies. The Lexipol team will update the book. Lexipol deals specifically with police policy. Things that don't apply to La Verkin City, such as canine units, he will either remove or modify to coordinate with City standards.

The motion was made by Councilman Chuck Hardy to approve Resolution No. R-2021-08, a resolution confirming and adopting the La Verkin City Police Department Policy Manual, second by Councilman Micah Gubler. Hardy-yes, Gubler-yes, Justice-yes, Wise-yes. Motion carried unanimously.

7. Discussion and possible action to approve Resolution No. R-2021-09; a resolution authorizing the City to make application with the Bureau of Land Management (BLM) for a proposed easement or set of easements

providing for the location, construction, improvement, maintenance, and management of the proposed Zion Corridor Trail across or otherwise impacting BLM property.

Kyle reported La Verkin City has put out an RFP for companies to perform an environmental assessment on the trail that will come from Springdale to La Verkin. He was notified by the BLM that the best way for this to happen is to have someone have the right of way for it. La Verkin was the obvious choice for that because we are the entity applying for the easement.

This will give La Verkin City ownership of the right of way for the trail. It is anticipated that will change somehow, possibly by separating it into the various communities that the trail goes through. The County is also considering taking that over.

This does not tie La Verkin City to anything right now, but in the future, there will be maintenance on that trail that will need to be done. In other parts of the County, when a trail has maintenance projects, each entity is responsible for the section of trail that goes through their community.

This resolution just makes it possible for La Verkin City to make application so the environmental assessment could be done more accurately.

There have been changes made to the trail. It will now go to Confluence Park and connect to those trails. He went over the location of the trail as it goes through La Verkin.

Councilwoman Wise said this resolution should have been approved first and then the RFP put out. This way allows the BLM to move forward more efficiently. Once the BLM application is approved the City will put out the RFP again for proposals to do the environmental assessment.

The trail will be paved and probably 12 feet wide and will accommodate hiking and all bikes (e-bikes and mountain bikes).

The City had received four proposals to perform the assessment and those groups have been notified of the delay. There is money for the environmental assessment so once the application has been approved, we can move forward with awarding the contract. Once the assessment has been completed the City will put out an RFP for engineering the trail and then an RFP for construction of the trail.

Mayor Hirschi asked if the City would be responsible to pay for the construction or maintenance of the section of trail within city limits.

Councilwoman Wise mentioned that detail will be worked out during the construction funding phase. State Route 9 receiving the national scenic byway designation may help with funding part of the trail.

Kyle mentioned the City is not committed to anything regarding the construction of the trail.

Councilwoman Wise said this is something the City needs to be aware of and discuss when it gets to that point. Washington City has an agreement with the County to maintain the section of trail that goes through their City. La Verkin is the crux of the trail. It is the most difficult part to build and there will be maintenance, but we are quite a way off from that. The environmental assessment needs to be completed, that will tell us if we are even able to do the trail. Making application is all the City is committed to at this point.

Councilman Hardy asked where the money came from for the environmental assessment.

Councilwoman Wise answered the cost for the environmental assessment was donated by UDOT, Springdale City, Dixie MPO, and Zion Forever.

The motion was made by Councilwoman Patricia Wise to approve Resolution No. R-2021-09; a resolution authorizing the City to make application with the Bureau of Land Management (BLM) for a proposed easement or set of easements providing for the location, construction, improvement, maintenance, and management of the proposed Zion Corridor Trail across or otherwise impacting BLM property, second by Councilman Ray Justice. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

8. Discussion and possible action to approve an Indemnity Agreement with EJM Development, LLC regarding East Haxton Way Subdivision.

Kevin explained this subdivision was approved in November as Terrana Subdivision. It was a four-lot subdivision that included Ms. Terrana's property. It went through the process and got to the County to be recorded and the developer realized the plat needed a signature from Ms. Terrana, which she would not give.

At that point, the new owner just wanted to subdivide the property they had purchased from her in 2016.

Unfortunately, she did not go through a subdivision plat process when she divided the property to sell.

The two options the developer had were to either fight it out in court and have the court order the outcome or this option. The City was holding to the idea that we were not going to entertain a subdivision that did not comply with the Land Use Management Act and ended up with this compromise.

Since the property is held in fee with title and insurance on it, the developer does own the parcel. The City is only going to look at the property owned by the developer and not worry about how it was cut off from Ms. Terrana's property years ago. The property is a recognized, legal lot so we will go ahead and divide that property according to the Land Use Management Act by looking at the four corners of the property EJM Development purchased.

It does create an issue. State law doesn't say what happens if a property is divided without going through the state process. This is where the Indemnity Agreement comes in. The agreement states if we are challenged by anyone for redoing what was done in November, that we will be indemnified and defended by the Developers.

The agreement, if approved, lets the developer move forward in the process of subdividing their property. EJM Development has already signed the agreement.

The agreement also gives the City the ability to go back to the developer if we are "sucked into any lawsuit".

The only changes to the preliminary plat are the removal of the fourth parcel in the subdivision and a name change. That will come to the City Council later for final approval.

Councilman Justice mentioned Ms. Terrana will still need to update her address for her home.

Kevin agreed and said she hasn't fronted off 100 East since she sold the property in 2016. By selling that property, her home now fronts off 270 North.

Mayor Hirschi explained the Planning Commission will have a public hearing next week and then it will come to the City Council for approval. Hopefully, that will be the end of the City's involvement.

The motion was made by Councilman Ray Justice to approve an Indemnity Agreement with EJM Development LLC regarding East Haxton Way Subdivision, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Gubler-yes, Justice-yes, Wise-yes. Motion carried unanimously.

E. Mayor & Council Reports:

Wise-State Route 9 (SR9) from the intersection of SR9, SR17, and 500 North through Zion National Park is now designated by the Federal Highway Administration as a National Scenic Byway. It took much longer than anticipated but it is very exciting for La Verkin City and Washington County.

This designation doesn't affect people's property rights so there would be no negative impact. It does allow us to apply for funding to improve and/or maintain the road and possibly build a trail. The funding can also go toward marketing the road.

The designation will help keep the image of this beautiful area we live in that La Verkin City is the center of.

Zion Regional Collaborative: They received four proposals for the environmental assessment discussed earlier in the meeting. All those proposals were very good. She thinks most of the four companies responded that they would like to proceed when the RFP comes is re-released once the BLM application has been completed.

Power Plant Park: Derek's crew has done some nice work. She thinks the design concept may change in the future but nothing that will affect the grant.

Kyle reported the Hurricane Valley Tourism (HVT) is holding the annual open house on March 16th. The City Council is invited. There will be several short presentations.

Councilwoman Wise mentioned the HVT is a small group but very committed and could use the support.

Justice-The Washington County Solid Waste meeting was postponed, and the Confluence Park meeting was canceled. Solid Waste did have a special meeting to adjust the employee policy manual to allow for temporary employees to pick up the opt-out blu cans.

Those cans should be picked up by the end of February.

All citizens can have up to two garbage cans per residence. If the lid breaks you can notify the Solid Waste District, and they will repair it.

Gubler-The police department has extended a conditional offer to one of the applicants interviewed by the hiring committee.

Chief Lee reported he is just waiting on the background investigation.

Hardy-The Southwest Mosquito Abatement Committee elected officers. They discussed the surplus property they have and the purchases they need. The year ended under good conditions.

Councilwoman Wise reported on the last Planning Commission meeting.

Kyle reported on the Virgin River Distribution System Water Users meeting. We are at 70% snowpack after the last storm. It is anticipated that the District will put a call on the River. That means they will set a date and any water right after that date will not be able to draw water out of the River.

La Verkin has one of the best water rights on the Virgin River so we should be fine.

F. Closed Session:

1. The character, professional competence, or physical or mental health of an individual.

The motion was made by Councilman Ray Justice to go into a closed session at the location of 111 South Main Street, La Verkin Utah, 84745 to discuss the character, professional competence, or physical or mental health of an individual, after a brief recess, second by Councilman Chuck Hardy. Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. The motion carried unanimously at 7:02 pm.

G. Reconvene from Closed Session:

The Council reconvened from the Closed Session at 8:03 pm

H. Adjourn:

The motion was made by Councilman Ray Justice to adjourn. The motion was carried unanimously at 8:03 pm.

March 3, 2021

Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Richard M. Hirschi
Mayor Richard M. Hirschi

January 30, 2021

Dear City Officials,

I just completed the Wellness Survey sent out by the City which has caused me to write this letter.

I have recently been talking with other cities in the state about some of their ordinances regarding housing. It seems like some of them lean towards wanting only large homes on relatively small lots. While many speak of affordable housing, the cities do not seem to be able to grasp how to have this happen.

Upwards of 50% of the US population is single. There seems to be no motivation for investors to build the type of housing that would be appropriate for them. If you build a 4000 sq. ft. home in La Verkin the cost of the hook up fees etc. (with the exception of the building permit, which accounts for sq. footage) is almost identical to that of a one bedroom apartment, even though the impact is far less. If you build a four plex, each unit's fees are the same as if they were a free standing home.

Without going into a very lengthy discussion, I would like the City to consider two things:

1. Have a sliding fee schedule based more accurately on the actual impact. A single bedroom place should have a substantially lower impact fee than a 6 bedroom 4 bath home. People may then be willing to build something appropriate for all the single people out there. Multi family or other higher density properties would be given some incentive by this to create some less expensive alternatives for all of the single people out there who have been priced out of the booming housing market.
2. I believe that all residential lots should allow for two residences. One city simply states that each lot zoned for residential will allow a single family home, a single family home with a portion being rented out, or a single family home with a guest house, which can be used as a rental, or whatever other use they desire. Right now you have many La Verkin households that are made up of a wide mix of people. They may have adult children that are unemployed, aging parents who need care, divorced folks trying to regain their footing and some who just need financial help to keep afloat and every other combination you can imagine.

I don't believe that people should be made to feel like criminals or flying under the radar for trying to help their families or to survive financially. Let them exercise their property rights by making it an approved use. As long as there is appropriate off street parking and keeping everything on common meters, I think it should be available for them. It may be in the form of a detached or attached casita, a basement, an upstairs, a bedroom, a detached guest house.

There may have to be some provisions written into the ordinance besides parking and meters, but I think it should be minimal and reasonable.

I believe that all cities, if they had their choice would only have beautiful large homes, occupied by nuclear families that had high incomes from well paying jobs. La Verkin has always been seen as the poorest place in the County in more ways than one. Right now there is growth in upper end homes, which is nice. I think you can still have that kind of growth along with trying to accommodate the single population and those who are struggling to survive. I don't believe that all people who live in small affordable places are drug using low life people. I think there are plenty of wonderful people who would like to be living on their own in a safe, nice environment, but the city will never have a lawful inventory of those types of places under the current ordinances.

I am not an expert on these things, but the pandemic has only served to highlight some of these housing challenges that I am sure you are already aware of.

I would love to see the City Council charge the Planning and Zoning Commission to investigate some of these ideas. If you think I would be helpful in discussing my view I would be glad to talk about it with any interested parties.

Thanks for considering these ideas.

Rich Murset

435-680-0658

CHAPTER 13. SINGLE FAMILY RESIDENTIAL DISTRICT
R-1-18

- Section 13-1. PURPOSE.
- Section 13-2. PERMITTED USES.
- Section 13-3. CONDITIONAL USES.
- Section 13-4. HEIGHT REGULATIONS.
- Section 13-5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.
- Section 13-6. SIGNS.
- Section 13-7. MODIFYING REGULATIONS.
- Section 13-8. OTHER PROVISIONS.

13-1 PURPOSE.

To provide and protect areas for low-density, single family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

13-2 PERMITTED USES.

- (1) Accessory uses and buildings customarily incidental to permitted uses, not to exceed 10% of the land.
- (2) Agriculture; tilling of the soil, the raising of crops, horticulture, and gardening.
- (3) Animals and fowl for recreation or family food production for the primary use of persons residing on the premises, or lot(s) contiguous to the lot on which the primary dwelling exists.
- (4) Household pets.
- (5) Public buildings.
- (6) Public cemetery.
- (7) Public church.
- (8) Public park or playground.
- (9) Public school.
- (10) Public utilities, essential services. (Limit area 4' X 4')
- (11) Single-family dwellings.
- (12) Single-family dwelling with a portion as a rental.
- (13) Single-family dwelling with a guest house.
- (14) Solar energy systems which provide energy for the private use provided that requirements under Section 4-9 of the Ordinance are met.
- (15) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone.

13-3 CONDITIONAL USES.

- (1) Child day care or nursery.
- (2) Golf course.
- (3) Home occupation business.
- (4) Private recreation grounds and facilities.
- (5) Congregate Living Facilities

