

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, April 7, 2021, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Kelly Wilson, Patricia Wise, Ray Justice, Micah Gubler, and Chuck Hardy; Staff: Chief Ben Lee, Christy Ballard, Kevin Bennett, Derek Imlay, and Kyle Gubler; Public: Kevin & Ralene Scott, Sergeant Amber Crouse, and Officer Nick Nuccitelli & family.

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

B. Recognition:

1. Officer Nuccitelli

This item will be later in the meeting once officer Nuccitelli arrives.

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: March 17, 2021, work and regular meeting
4. Review Checks and Invoices: \$115,581.61

The motion was made by Councilman Ray Justice to approve the consent agenda as written, including the minutes of March 17, 2021, work and regular meeting, and Check and Invoices in the amount of \$115,581.61, second by Councilwoman Patricia Wise. Roll Call Vote: Hardy-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

D. Citizen Comment & Request for Future Agenda Items:

No comments.

E. Business:

1. Discussion and possible action to approve Proclamation 2021-01; a proclamation designating April 30, 2021, as Arbor Day for the City of La Verkin.

Kyle reported this is an annual requirement for the Tree City USA designation. The City will try to have 4th Grade Foresters this year and plant a tree at the Power Plant Park.

The motion was made by Councilwoman Patricia Wise to approve Proclamation R-2021-01, a proclamation designating April 30, 2021, as Arbor Day for the City of La Verkin, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. The motion carried unanimously.

There was a discussion on past locations of trees planted and a possible location for the upcoming tree.

2. Discussion and possible action to approve Ordinance No. 2021-02; an ordinance amending the City Zoning Map of and for the City of La Verkin, rezoning from Multiple Family Residential (R-3-6), to General Commercial (COMM), a 1.26-acre parcel with the Tax ID# LV-NVCP-2, located at 740 North State Street.

Councilman Hardy mentioned this fits better with surrounding properties.

Kevin pointed out a typo correction that needs to be made. Page 1, 5th Whereas clause says until late last year. Until was removed and “(prior to that time)” was added to the 6th Whereas clause on that same page. Please approve with those corrections.

This item was approved unanimously by the Planning Commission. This property was zoned General Commercial until a few months ago. It seems to be a good fit for the area and with the commercial across the street.

The motion was made by Councilman Kelly Wilson to approve Ordinance No. 2021-02, an ordinance amending the City Zoning Map of and for the City of La Verkin, rezoning from Multiple Family Residential (R-3-6), to General Commercial (COMM), a 1.26-acre parcel with the Tax ID# LV-NVCP-2, located at 740 North State Street, as corrected, second by Councilman Micah Gubler. Hardy-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

3. Discussion and possible action to approve Resolution R-2021-11; a resolution approving and adopting an Interlocal Cooperation Agreement supporting the renewed Mojave Desert Tortoise Incidental Take Permit issued to Washington County.

Kevin explained the County approached the City to adopt this new agreement. The original agreement was approved in 2006 and required the City Code to be changed to act as a conduit to collect the HCP Impact Fee.

At that time, it was a combination of two things, a per-acre fee, and a percentage fee. Staff was called by the County and told not to worry about the per-acre fee anymore. This concerned him because changes to an impact fee have a process. Kevin read the plan that was submitted to the federal government and found where they removed the per-acre fee element of the impact fee.

He will meet with the County to make sure they follow the impact fee requirements and tell them the City will continue to collect that fee until they comply with the law.

If the Council approves this resolution, we will send a copy to the County. Once they approve it and send it back, he will prepare an amendment to bring back to the Council that will eliminate the provision from our Code.

This is a good thing; the County just needs to do it right. The staff does recommend approval.

Kevin explained we have the desert tortoise here and the impact fee was created to protect anyone within our jurisdiction from federal fines while doing their farming business, etc. Several entities came together to create the agreement to protect the desert tortoise at the same time understanding there may be times when they get caught under a tractor or something. Rather than leaving that person solely responsible for the potentially large fine, this protects them if they are following the requirements in the agreement.

The HCP currently has too much money, so they are cutting back by removing the per-acre fee.

Councilman Hardy asked Kevin what approving this locks the City into. He was concerned that no one was able to read the almost 500-page plan.

Kevin explained he could not give them a copy of the plan. The Councilmembers can go online and read it if that would make them more comfortable.

There are a lot of plans over the years that have been approved without the Council reading the entire thing.

The only thing he could see that was changing was the fee.

Councilman Hardy is in favor of the agreement only.

The motion was made by Councilwoman Patricia Wise to approve Resolution R-2021-11; a resolution approving and adopting an Interlocal Cooperation Agreement supporting the renewed Mojave Desert Tortoise Incidental Take Permit issued to Washington County, second by Councilman Micah Gubler. Roll Call Vote: Hardy-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

B. Recognition:

1. Officer Nuccitelli

Chief Ben Lee awarded Officer Nick Nuccitelli with a certificate of appreciation and lifesaving pin for his actions while on duty that resulted in life-saving actions in his response to an overdosed individual. He commended Officer Nuccitelli on his high level of professionalism that was shown during a high-stress situation.

E. Business Cont'd:

4. Discussion and possible action to approve Resolution R-2021-12; a resolution restricting the use of fireworks.

Kevin explained there is only one resolution, but page 2 has a section in blue italics that adds parks as an allowed area to discharge fireworks.

He attended an attorneys' conference where the Governor indicated he expected all COVID spacing restrictions would be lifted by the end of June.

Last year fireworks were allowed only in public streets but the language allowing them in the parks could be added in the motion.

Several wildfires are burning right now in the State, so they are anticipating a busy fire season.

The Fire District has asked the City to have the firework restrictions approved in April.

Councilwoman Wise was in favor of having the parks open for fireworks. The only thing is if the Governor re-issued a mandate restricting crowd size she would like to “pull back” the park section.

Kevin stated he created a provision in the resolution for the Mayor to issue an order in the event something does happen.

Councilwoman Wise pointed out paragraph three states it will comply with the recommendations from the Governor.

The motion was made by Councilwoman Patricia Wise to approve Resolution R-2021-12; a resolution restricting the use of fireworks to include the City-owned park properties, second by Councilman Chuck Hardy. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

5. Discussion of the 2021 La Verkin City Scholarship applications.

Kyle passed out the three applications submitted for the scholarship.

The Council has authorized two annual scholarships. Last year, however, the Council opted to award all three applicants a \$500 scholarship. It was also presented during a city council meeting.

Kyle recommends this year to award them to the student during the award banquet at the high school. It would require a representative from La Verkin City to hand out that award.

Kyle reported the student can hold the scholarship for up to three years. They will be presented with a certificate at the banquet and once they are enrolled in a college or trade tech and provide the City with proof, they will receive the check. He reminded the Council they also approved \$500 to La Verkin Elementary for the Jared Boren Scholarship that is awarded to individuals who graduated from La Verkin Elementary School.

The decision needs to be made at the next council meeting.

Councilwoman Wise would like to give all three of the applicants a scholarship but would also like them to come to a city council meeting for recognition as well, after the award ceremony.

The Council was all okay with awarding all three applicants a scholarship.

Kyle will invite the students to a city council meeting.

6. Discussion on setting a joint work meeting with the Planning Commission to discuss accessory dwellings.

Mayor Hirschi said Derek would like to have the joint work meeting on April 28th during the Planning Commission meeting.

This would give the Councilmembers an extra meeting in April.

The Councilmembers were fine with meeting on the 21st and 28th.

F. Mayor & Council Reports:

Wilson-Ash Creek Special Service District went to Alabama to visit a treatment facility that has been using a new process developed in the Netherlands. It appears they may go with the process in Confluence Park because it has a smaller footprint, and the operation costs are 40-50% less than a regular treatment facility.

Kyle reported he is going to meet with the Colorado group regarding the hot springs. They seem to be getting frustrated with the Water Conservancy District because she feels that nothing is happening. He would like to start putting some pressure on the Conservancy District so La Verkin doesn't miss out on the opportunity.

Wise-The multi-use trail is moving along. The BLM is currently reviewing the application for the environmental assessment study. In the meantime, the State Legislature has authorized UDOT to spend 35 million dollars for active transportation projects that benefit a region. There are five in southern Utah that fit the criteria. The multi-use trail from

the south entrance of Zion to Confluence Park is one of those projects and has the best chance of getting some of the money. They estimate 3-8 million dollars of that total be given to Southern Utah. Yesterday the County Commissioners signed a resolution stating they will be the responsible party to apply for the money. There is a 20% match required which would be divided among all the entities in the Zion Regional Corridor. There are a lot of ways the 20% match can be made. The City Council recently approved La Verkin being the responsible party for the environmental assessment study, however, with the County taking over the larger opportunity they may want to take over the environmental assessment study responsibility as well. It works better if both of those responsibilities are under one entity. The original cost was estimated at 8 million dollars for the entire project but due to material increase and analyzing other things that may be needed, the estimated total cost is closer to 12 million dollars. It has been agreed to get through the crux of the project in the first phase to keep the state money coming and have a better chance of federal money, now that it is a national scenic byway. She explained what they are hoping to include in the first and second phases of the project. The La Verkin Overlook monument trailhead signage has been completed. She explained the location those signs will be posted stating no camping, shooting, dumping, or fires. The kiosk at the lower trailhead is coming soon.

Justice-The Washington County Solid Waste manager has resigned. They will be interviewing the applicants soon.

Gubler- The Easter Egg hunt was a huge success. The County Fair will be April 14-17th this year. They are looking for a July 4th chairperson.

Intermountain Hospital has COVID vaccinations available.

Hardy-Mosquito Abatement is in full swing. They are focusing on larva right now. He wanted everyone to know if they have a mosquito infestation, they can either let him know or call the Mosquito Abatement, they will investigate all requests.

Historical Preservation is his other assignment and he just received a letter from them, so he looks forward to finding out the plans for Washington County.

G. Adjourn:

The motion was made by Councilman Ray Justice to adjourn, second by Councilman Chuck Hardy. The motion was carried unanimously at 7:08 pm.

May 5, 2021
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Richard M. Hirschi
Mayor Richard M. Hirschi