

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, October 6, 2021, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Kelly Wilson, Patricia Wise, Micah Gubler, and Chuck Hardy;
Staff: Kyle Gubler, Kevin Bennett, Derek Imlay, and Christy Ballard; Public: Blair Gubler.
Councilman Ray Justice and Chief Ben Lee were excused.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Patricia Wise at 6:05 pm.

B. Appointments:

Mayor Hirschi recommended Richard Howard to fill the Planning Commission alternate 1 position.

The motion was made by Councilman Kelly Wilson to approve Richard Howard as Planning Commission alternate 1, second by Councilman Chuck Hardy. Wilson-yes, Wise-yes, Gubler-yes, and Hardy-yes. The motion carried unanimously.

Kyle just received notice from Chief Lee that he and Steve Johnson will be unable to attend the meeting. They are handling an active shooter situation.

C. Presentation:

1. Victim Service Coordinator-Tiffany Mower

Tiffany reported October is Domestic Violence Awareness month. To put that in context, the Victim Service program has provided help to 197 domestic violence cases from January 2021 to date. This number does not include citizen disagreements or sibling disagreements.

She has seen an increase in the number of calls. In the last 6 months, there has been an increase in compassion services for individuals losing loved ones to COVID and suicide. The program is no longer just a service for victims of a crime it has expanded into other services.

Most of her presentation was going to be focused on Detective Johnson's presentation. They work together on special investigation cases through La Verkin City police.

Tiffany commended Detective Johnson on his work in La Verkin. Numerous cold case investigations were able to close in a short amount of time because of his efforts. One of those ended with a prison sentence.

Tiffany was called away to assist with the active shooter.

Mayor Hirschi mentioned La Verkin City appreciates the great job Tiffany does.

2. Specialized Investigations-Steve Johnson

Detective Johnson was unable to attend as previously mentioned.

D. 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: August 18, 2021, and September 1, 2021, regular meeting
4. Checks and Invoices: \$267,116.04

The motion was made by Councilwoman Patricia Wise to approve the consent agenda as written, including the minutes of August 18, 2021, and September 1, 2021, regular meeting and checks and invoices in the amount of \$267,116.04, second by Councilman Kelly Wilson. Roll Call Vote: Hardy-yes, Gubler-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

E. Citizen Comment & Request for Future Agenda Items:

No comments.

F. Business:

1. Discussion and possible action to approve Proclamation 2021-04, a proclamation designating October as Domestic Violence Awareness month.

The motion was made by Councilman Kelly Wilson to approve Proclamation 2021-04, a proclamation designating October as Domestic Violence Awareness month, second by Councilman Chuck Hardy. Hardy-yes, Gubler-yes, Wise-yes, Wilson-yes.

2. Discussion and possible action to approve Ordinance 2021-07; an ordinance amending the La Verkin City Code to provide for the recognition and regulation of Internal Accessory Dwelling Units as a permitted use in residential zones within the community.

Kevin explained in the last general session the Legislature approved granting every residential home the ability to have an internal accessory dwelling unit. They were very specific on what cities could regulate and this ordinance was written to take advantage of all those allowances except for regulating internal accessory dwelling units by business license or to go through a lien type process if the homeowner did not follow the regulations. The Planning Commission felt these two items created a lot of administrative enforcement that could never happen.

This resolution is for internal accessory dwelling units only. Cities still can determine whether they allow detached accessory dwelling units.

Internal accessory dwelling units can be used for family and long-term rental units. Communities have the option to allow them to be short-term rentals. This ordinance restricts these units from being used as short-term rentals so our current short-term rental ordinance would not be affected by its approval.

State law went into effect October 1, 2021, so we are a bit behind. The Planning Commission did hold a public hearing and no public attended.

Only one dwelling unit is allowed in the home and off-street parking does need to be provided. If a garage/carport is enclosed, that parking needs to be replaced off-street as well.

This comes to the City Council unanimously recommended by the Planning Commission.

He would like to move forward with this as quickly as possible as we are already 6 days late in regulating them.

Councilman Hardy asked how many off-street parking spots are required for a single-family dwelling.

Derek replied the only requirement is a garage.

Kevin pointed out this ordinance will require the homeowner to replace the parking spots if a garage is enclosed with off-street parking and provide one parking spot for the internal accessory dwelling unit.

Detached dwelling units are a separate issue and are currently being discussed by the Planning Commission.

He also mentioned much of this ordinance is taken word for word out of state code so if anyone challenged it, they would be challenging the State.

The motion was made by Councilwoman Patricia Wise to approve Ordinance 2021-07; an ordinance amending the La Verkin City Code to provide for the recognition and regulation of Internal Accessory Dwelling Units as a permitted use in residential zones within the community, second by Councilman Chuck Hardy. Wilson-yes, Wise-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

3. Review, discussion, and possible action to approve a letter of support for the Washington County Water Conservancy District to apply for a grant from the Bureau of Reclamation to fund the Localscapes Rewards Program.

Kevin explained Washington County Water Conservancy District (WCWCD) had requested a presentation regarding this item during our last city council meeting, however, that was canceled so the presentation was emailed to the Councilmembers.

The District is pursuing a grant from the Bureau of Reclamation to help cover the cost of the rewards program.

Part of the grant process is to obtain a letter of support from each community saying they are in support of the WCWCD's conservation efforts by going after these types of grants.

Councilwoman Wise mentioned at the Utah League of Cities and Towns there was one workshop put on by the Water Conservancy Districts of Utah. In the workshop they mentioned a new term they have begun using is localscape instead of xeriscape regarding conservation. They presented the idea by stating Utah is a very arid state and different regions are arid in different ways and need to be treated accordingly.

Kevin said the letter specifically states the grant is to fund the Locascapes Reward Program. The District plans to pay people to replace lawn with xeriscape.

Councilman Gubler asked what the letter is supporting.

Kevin said the letter states La Verkin City supports the WCWCD in their conservation efforts. Which would include, but is not limited to, the Locascapes Reward Program.
This letter does not commit the City to any monies. We are only committing to support them in their practices of trying to find ways to conserve water use.

The District also wants cities to look at a landscape ordinance and a time of day ordinance. The City already has a time-of-day ordinance that is consistent with the State Engineer. The Conservancy Districts' time-of-day ordinance does not deal with secondary water, which is what La Verkin uses. It also has different times.

The Conservancy District is also looking at fee increases.

This letter doesn't deal with any of those items.

Kyle reported Zach Renstrom will be attending the next city council meeting to discuss the items just mentioned by Kevin.

The motion was made by Councilwoman Patricia Wise to approve a letter of support for the Washington County Water Conservancy District to apply for a grant from the Bureau of Reclamation to fund the Locascapes Rewards Program, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Gubler-yes, Hardy-yes. The motion carried unanimously.

G. Mayor & Council Reports:

Derek passed out a PowerPoint presentation from the WCWCD regarding the landscape ordinance and another paper detailing some of the items they are looking at.

Like Kyle mentioned, Zach Renstrom will be at the next meeting to discuss this.

The County Commissioners will have a public meeting for all city council members and mayors in Washington County on the landscaping ordinance. The hope is to come up with an ordinance everyone can agree upon and have adopted in the first part of 2022.

The ordinance will not be retroactive, it will be for new construction.

A lot of the suggestions came from the Home Builders Association.

Kyle pointed out La Verkin and Hurricane are different than the rest of Washington County, we have secondary water. This ordinance pertains to culinary water. He suggested pointing that out to Mr. Renstrom during his presentation.

Derek said even after we brought up the fact La Verkin is not watering with culinary grade water nothing was included in their proposal for communities who use secondary water.

If we do not get an even playing field, it could hurt the City.

Councilwoman Wise said her concern is if La Verkin City's concerns aren't included in the original language, in the future we may legally have the right, but we would be stuck paying the bill to fight for it.

Councilman Wilson pointed out because of the metering secondary water requirement, they are aware that La Verkin is unique, and that water conservation isn't a "once size fits all".

Kyle reiterated that the two water types in La Verkin need to be separated and called out in the County's ordinance.

Wilson-Nothing new to report.

Wise: She reported on the September 22, 2021, Planning Commission meeting.

One of the items that keep coming up in different meetings she has attended is active transportation which is anything but vehicles on the roadways.

UDOT has proposed a possible round-about at the intersection of SR 9 & SR 17 in La Verkin.

Kyle reported he attended a meeting with UDOT and was asked by Kade Roberts how the City Council felt about the proposed roundabout. He told them they did have some concerns. One is that UDOT will do it without any input from the City. Kade assured him they want to meet with the City before they do anything. They do have the money set aside for the project but do not want to move forward if the City doesn't want it.

The second concern is active transportation (pedestrian traffic) which is always a concern with a roundabout. He mentioned taking it overhead or underground, but Kade said that would not be a consideration because of the cost.

The intersection does need some attention, for traffic and pedestrians.

UDOT will be making a presentation to the Council in the future.

The study we are partnering with UDOT in will address the safety issues with SR 9 and SR17 from the Toquerville bypass to the bridge and up the twist.

Councilman Wilson asked if UDOT had done similar roundabouts.

Kyle said Bryce Canyon has one but there is not a pedestrian issue.

Councilwoman Wise mentioned she spoke with the mayor of Ivins. They have a roundabout on Snow Canyon Parkway and he said Ivins will need to pay for underground pedestrian because it is not safe the way they have it now.

Kyle has told UDOT active transportation must be included in the study. The narrow section along SR17 needs to be addressed as well.

Gubler-Chief Lee made it to the meeting and reported on the active shooter situation. An individual with a warrant for homicide was actively firing his handgun at cars as he was driving from the bottom of the twist through Virgin where he was confronted by additional law enforcement. They have him contained at this time.

Hardy-The historical tour was on September 11th. 12 people visited several historic sites and parks. Many of them stayed for the Cops and Cars event. La Verkin was very well represented.

Southwest Mosquito Abatement-seasonal personnel have moved on for the year.

They have discovered a species of mosquito in Washington County that can carry a virus that causes birth defects. None of the mosquitos have had the virus they are just aware that this species can carry it. They are moving forward with eradication process.

There have been no Equine Encephalitis or West Nile Virus cases this year.

H. Closed Session:

1. The character, professional competence, or physical or mental health of an individual.
2. Discuss pending or reasonably imminent litigation.

The motion was made by Councilman Chuck Hardy to move to a closed session at the location of 111 South Main Street to discuss the character, professional competence, or physical or mental health of an individual and to discuss pending or reasonably imminent litigation, second by Councilman Micah Gubler. Hardy-yes, Gubler-yes, Wise-yes, Wilson-yes. The motion carried unanimously at 7:01 p.m.

Councilman Ray Justice arrived sometime during the closed session.

I. Reconvene from Closed Session:

J. Adjourn:

The motion was made by Councilman Ray Justice to adjourn, second by Councilman Chuck Hardy. The motion carried unanimously at 9:29 p.m.

November 17, 2021

Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

Richard M. Hirschi
Mayor Richard M. Hirschi