

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, April 6, 2022, 6:00 pm.

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

Present: Mayor Kelly Wilson, Council Members: Chuck Hardy, Micah Gubler, Richard Hirschi, Patricia Wise, and Blair Gubler; Staff: Kyle Gubler, Derek Imlay, Chief Nick Nuccitelli, and Christy Ballard, Public: Chief Ben Lee and family, John Valenti, Robert George, Nick Nuccitelli family, Blaine Worrell-Sunrise Engineering, Patrick Durrant-Rosenberg Associates, Brandon Salazar, Bill & Pat Smith, Debra Howard, Chase Gubler, Aaron Gubler, Gabbi Young-La Verkin Elementary School, multiple families, friends and citizens supporting Chief Lee and /or Chief Nuccitelli.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Richard Hirschi at 6:00 pm. Mayor Wilson introduced Gabbi Young, the new principal at La Verkin Elementary School.

Gabbi grew up in Tampa, Florida, and has been working in Utah for thirteen years. She currently works at the District Office but is transitioning to La Verkin Elementary.

B. Appointments:

1. Introduction and swearing of the new Police Chief, Nick Nuccitelli, and two new police officers, Shane Barnard and Trevor Edwards

City Recorder Christy Ballard swore in Chief Nuccitelli, Officer Shane Barnard and Officer Trevor Edwards.

C. Presentation:

1. Mayor Kelly Wilson-Chief Ben Lee

Mayor Wilson read a statement thanking Chief Lee for all he's done for La Verkin City. He then presented him with a photo of the department and a shadow box that included his gun and badge.

2. Changing of the Guard

Chief Lee presented Chief Nuccitelli with his stars.

Chief Nick Nuccitelli thanked everyone for their support.

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. Meeting Minutes: February 2, 2022, work and regular meeting, and February 16, 2022, regular meeting
4. Checks and Invoices: \$308,332.06

The motion was made by Councilwoman Patricia Wise to approve the consent agenda as written, including the minutes of the February 2, 2022, work and regular meeting and February 16, 2022, regular meeting and checks and invoices in the amount of \$308,332.06, second by Councilman Blair Gubler. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

E. Business:

1. Discussion and possible action to award the bid for the 2022 Road & Utilities Improvements Project.

Blaine Worrell with Sunrise Engineering reported the bid opening for both projects was earlier today. One bidder came and gave a creditable price for the project. That bidder was Interstate Rock Products (IRP).

City Staff reviewed budget numbers. Kyle reported the City would need to go back to CIB for an additional \$250,000. The Water project came in under budget, but the Road & Utilities project came in over. CIB is getting restructured. The first meeting after the restructure will be in June.

If approved under the same conditions, the City will ask for additional money through a loan that will increase the annual loan payment by approximately \$10,000.

Due to fluctuating material costs, the City will purchase the pipe needed for the projects now to be ready when the project starts sometime in the next six to ten months. The money would come from savings and be paid back once the bond closes.

Another option for funding would be to take the entire \$250,000 out of savings. He prefers not to do that because it would take us close to the threshold.

It is the staff's recommendation to award the bid.

Blain explained he has a letter of recommendation for Interstate Rock. Sunrise Engineering has complete confidence in its ability to do the work. He also has the bid tab if anyone is interested. The Water project came in at \$861,646.02, and the Road project came in at \$1,875,617.78.

Councilman Micah Gubler asked if IRP was required to bond for the projects.

Blain replied yes. Once the paperwork is signed, they will get us a construction warranty bond.

There is not a start date set yet. He thinks it will be early to late fall.

The project goes from the highway to Main Street.

The motion was made by Councilman Micah Gubler to award the bid for the 2022 Road & Utilities Improvements Project to Interstate Rock Products, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. Motion carried unanimously.

2. Discussion and possible action to award the bid for the 2022 Water Improvements Project.

The motion was made by Councilman Chuck Hardy to award the bid on the 2022 Water Improvements Project for \$861,646.02, second by Councilman Richard Hirschi. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes. Blair Gubler-yes. Motion carried unanimously.

3. Discussion and possible action to approve the proposed Development Agreement with Zion Hotel Group LLC to allow for construction of a hotel building in excess of thirty-five feet (35') but not more than fifty-three feet (53') in height, on property with the Tax ID# LV-119-A, located at approximately 175 East 460 North.

Councilman Micah Gubler clarified that the developer has agreed to lower the pad ten feet.

Derek replied, yes. They are compensating for the extra seven feet eight inches by dropping the pad ten feet.

The La Quinta is seventy-five feet at the tallest point, and this hotel would be fifty-two feet seven inches at the tallest point.

Councilwoman Wise mentioned she appreciates the Zion Hotel Group lowering the pad to accommodate having four stories. This makes the hotel a couple of feet lower than it could be with only three stories if built on the existing pad. She still wishes it was only three stories.

The motion was made by Councilman Chuck Hardy to approve the proposed Development Agreement with Zion Hotel Group LLC to allow for construction of a hotel building in excess of thirty-five feet (35') but not more than fifty-three feet (53') in height, and that the existing building pad would be lowered by ten feet (10'), on property with the Tax ID# LV-119-A, located at approximately 175 East 460 North, second by Councilman Micah Gubler. Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. Motion carried unanimously.

4. Discussion and possible action to approve Ordinance No. 2022-03; an ordinance amending the zoning map of and for the City of La Verkin, rezoning from General Commercial (COMM) and Low-Density Residential (R-1-14) to Tourist Commercial (COMM T) two parcels with the Tax ID # LV-44-A-2-A & LV-42-A-2-J-1-A, a combined total of 12.90-acres located at the southeast corner of 300 South and SR9.

Councilman Micah Gubler asked, out of the 13-acres, how much of that is currently zoned Low-Density Residential?

Derek replied that approximately just under half. Two hundred fifty feet off SR 9 for the entire length of the property is zoned General Commercial.

He explained that the current log building and adobe home directly behind it are both in the commercial zone, so draw a line from there to 300 South, and everything west toward SR9 is already zoned commercial.

He also explained the entire property was initially zoned Tourist Commercial, but at one point, Dr. Howard was interested in moving his practice there, so when the City revamped State Street, the zoning changed to General Commercial for the first 250 feet and then residential east to the houses.

This request would change the property back to Tourist Commercial.

Derek stated the option for an RV Resort had been removed from the Tourist Commercial zone except for the property east of the La Quinta and the Holiday Inn property.

The motion was made by Councilman Richard Hirschi to approve Ordinance No. 2022-03; an ordinance amending the zoning map of and for the City of La Verkin, rezoning from General Commercial (COMM) and Low-Density Residential (R-1-14) to Tourist Commercial (COMM T) two parcels with the Tax ID # LV-44-A-2-A & LV-42-A-2-J-1-A, a combined total of 12.90-acres located at the southeast corner of 300 South and SR9, second by Councilwoman Patricia Wise. Roll Call Vote: Blair Gubler-abstain, Wise-yes, Hardy-yes, Hirschi-yes, Micah Gubler-no. Motion passes.

5. Discussion and possible action to approve Ordinance No. 2022-04; an ordinance providing a temporary land use regulation restricting new vacation rentals within the City of La Verkin.

Mayor Wilson explained this is a temporary restriction that is good for six months. It will allow the City to determine which direction we would like to go regarding vacation rentals.

Like many communities within the State, we are struggling with vacation rentals. Several people are operating illegally, and this will allow us to address that issue as well.

Councilman Hardy thinks this is a good idea.

Councilwoman Wise mentioned that she had questioned the urgency of this ordinance. She worries we would be "treading on residents' toes."

This ordinance would not impact the waiting list, the ability to sell licensed vacation rentals, or the existing areas.

Vacation rentals do impact the housing market and the ability of people to find a place to rent.

This is a difficult issue; it is hard to legislate and do the right thing for the City. If the City truly was at the permitted 7.5% for vacation rentals, we would not be having this discussion. There is probably double that amount in the City, and we are not receiving taxes and fees from those operating illegally.

This ordinance should not affect the individuals in the Cottonwood Hollow subdivision since the home must be owned for one year before it can be eligible to be a short-term rental.

This was discussed during the work meeting, where she specifically asked the City Attorney if this manner was within the law by not going to the planning commission. He responded to the affirmative.

The motion was made by Councilman Chuck Hardy to approve Ordinance No. 2022-04; an ordinance providing a temporary land use regulation restricting new vacation rentals within the City of La Verkin, second by Councilman Micah Gubler. Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes, Hardy-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Hardy-Mosquito Abatement-things are going well with controlling the mosquito population.

Historical Preservation-He met with Loren Webb regarding historical documents relating to the Overlook Trail. The records go back to 1984. Some of these documents will be replacing documents lost in a water leak.

Blair Gubler-Solid Waste-nothing to report.

CERT-the trailer is in the City yard. It has roof damage that has destroyed some things. The City may want to do the Citizens Academy before going back into CERT. The police department owns the Citizen's Academy, and they will do a lot of the training. Both groups are meant to help the police department in disaster/emergency situations.

Different organizations like the fire department and police departments have taken over the Pieces of the CERT program so he is unsure how far the City can actually go with it.

Hirschi-Fire District-They purchased two new ambulances and one new fire truck. They are also hiring 18 new employees. That will give enough staff to operate the La Verkin station full time.

Ash Creek SSD-Apple Valley will be part of the District. The Confluence Park plant is moving forward. The District is bonding for a 30-million-dollar loan.

Mayor Wilson reported the loan amount is figured high.

Councilman Hirschi continued with the DTEC report. They had a joint policy action meeting with the MPO. They also did long-range planning and funding for the future.

Planning Commission-He reported on the March 23rd meeting.

Mayor Wilson mentioned that Ash Creek SSD voted to move the presentation to the County Commission for Apple Valley coming into the District. That still needs to be finalized.

Wise-Trails-Zion Regional Collaborative (ZRC) is the entity that lobbied for the National Scenic Byway designation on SR9 and received news that the federal government put in grant money to go along with those designations. The ZRC is in the process of deciding what needs to be done with that grant money first. She thinks it will be signage.

The National Scenic Byway is a subcommittee under ZRC. It needs to be a strong working group so if there is anyone interested who has a strong background in photography, drones, or marketing, they could use your help. La Verkin stands to benefit the most of all the cities and towns involved in this collaboration.

Confluence Park- They are talking about restoring the power plant and possibly the dairy farm.

The pedestrian bridge should be finished by mid-June.

They are also discussing the possibility of a paved trail through the Park from the La Verkin Trailhead, across the bridge to the Hurricane Trailhead. The County owns the Park, but there is a conservation easement held by the Division of Wildlife Resources, so decisions need to go through multiple entities.

Micah Gubler-He reported on the open house for Chief Lee several weeks ago. He will meet with Chief Nuccitelli and report on that at the next meeting.

City Festivals- Easter Egg hunt will be next Saturday. The Washington County Fair is coming up, and the royalty girls have more assignments than usual, many of which interfere with school or previously scheduled events. He told Maridee to let the committee know our girls would attend what they are able to.

Mayor Wilson-Nothing to report.

G. Citizen Comment & Request for Future Agenda Items:

Bill Smith-He gets most of his information (agenda) on these meetings from the internet and what he has is completely different than what is here. They have been here four years, and this is the second time they have used it. It doesn't jive. He doesn't know if the Council are aware of it or not. If not, you may want to look into it.

Kyle asked Mr. Smith where they went to get their information.

Mrs. Smith answered it is Utah.gov.

Christy explained how they could get the information from the La Verkin City website and the Public Notice Website. It is posted on Friday, the week before the meeting.

Gabbi Young-she would like to come back to the Council to report on the good things happening at La Verkin Elementary. It could be a great opportunity for the kids and/or teachers to share.

Kyle will get with Gabbi to set up a schedule for them to report.

He also reported three individuals applied for the La Verkin scholarship. He will send out those applications.

H. Adjourn:

The motion was made by Councilman Blair Gubler to adjourn. The motion carried unanimously at 7:08 pm.

May 4, 2022

Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

Mayor Kelly B. Wilson