

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, August 17, 2022, 6:00 pm.

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

Present: Mayor Kelly Wilson, Council Members: Micah Gubler, Patricia Wise, Chuck Hardy, and Blair Gubler; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Nick Nuccitelli, and Christy Ballard, Public: John Valenti.
Councilman Richard Hirschi was excused.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Micah Gubler at 6:00 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: July 6, 2022, and July 20, 2022, work and regular meetings
4. Checks & Invoices: \$179,393.38

The motion was made by Councilman Chuck Hardy to approve the consent agenda as written, including the minutes of July 6, 2022, and July 20, 2022, work and regular meetings, and checks & invoices in the amount of \$179,393.38, second by Councilman Blair Gubler. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hardy-yes. The motion carried unanimously.

C. Business:

1. Discussion and possible action to approve Resolution No. R-2022-17; a resolution reinstating the City's Driver Qualification Policy.

Mayor Wilson explained this had been inadvertently taken out of the Employee Personnel Policy.

Kevin explained the personnel policy is being reviewed, and he realized the driver qualification policy had been removed during one of the amendments passed in the last several years. This resolution will reinstate it.

The motion was made by Councilman Chuck Hardy to approve Resolution No. R-2022-17, a resolution reinstating the City's Driver Qualification Policy, second by Councilwoman Patricia Wise. Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hardy-yes. Motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2022-18; a resolution increasing the water development surcharge.

Mayor Wilson reported the Water District passed this surcharge last year.

Kevin mentioned it was passed last year but has not been implemented yet.

Mayor Wilson explained the District would like each city to adopt this and begin implementing it in January 2023. The District will add a surcharge to people over the allotted amount of 36,000 gallons per month. According to Derek, this will affect very few citizens.

Kevin pointed out that the District will charge the surcharge to the City regardless. This resolution allows us to pass that fee on to the consumer.

Councilman Blair Gubler asked if other communities had approved it already.

Kevin replied several had discussed it, but he was unsure if it was adopted. This will be adopted now but will go into effect on January 1, 2023.

Councilman Blair Gubler would like to know what the large cities in the County have approved. He is concerned La Verkin will pass something, and the larger communities will not.

Kevin explained the County is going to assess the fee whether the communities pass that fee along to the actual user or not.

Councilman Blair Gubler wondered if the City could get a better deal if we waited until October or November.

Kevin reported the fee amount had been approved already. The Council is determining whether we will pass that fee on to the user.

If the other cities don't approve, the City can repeal this resolution.

Mayor Wilson stated this surcharge is part of the County's conservation plan.

The motion was made by Councilwoman Wise to approve Resolution No. R-2022-18, a resolution increasing the water development surcharge, second by Councilman Micah Gubler. Roll Call Vote: Blair Gubler-no, Wise-yes, Micah Gubler-yes, Hardy-yes. Motion passes.

3. Discussion and possible action to approve Proclamation 2022-03; a proclamation designating September 17-23, 2022, as Constitution Week.

Mayor Wilson explained this is an annual proclamation.

The motion was made by Councilman Chuck Hardy to approve Proclamation 2022-03, a proclamation designating September 17-23, 2022, as Constitution Week, second by Councilman Blair Gubler. Hardy-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. Motion carried unanimously.

4. Presentation and discussion on the content of a proposed Conservation Landscape ordinance.

Mayor Wilson reported the Water Conservancy District presented the first draft of this ordinance in January. Some cities have already passed a version of it.

He would like to adopt to pertain only to the parts of La Verkin that don't have access to secondary water. That is mainly the topside.

Derek explained there are less than fifty lots on the bench that do not have access to irrigation. All new subdivisions must install an irrigation system, which would cover 98% of those lots.

Kyle reported Virgin is applying for grant money to install a sewer system. If that happens, they have expressed interest in partnering with La Verkin to develop the topside area.

Mike Chandler, Ash Creek Sewer District, has mentioned purchasing property in Virgin for a possible treatment facility. That could provide re-use water for the topside.

Mayor Wilson mentioned if the Lake Powell Pipeline goes in, that will give the possibility of getting secondary water to the topside.

There has been discussion of installing a dry system when the topside is developed. If water does come available, it would be ready to go. He believes development should pay for itself, so the developer should install all infrastructure.

This ordinance will need to be approved soon. The District estimates the County has enough water for seven years, at the most, after implementing the District's conservation plan.

Kevin reported Derek met with Washington City, who passed the ordinance and then realized some items clashed with the International Building Code (IBC). Those items have been addressed in this ordinance. A safety clause was added stating the ordinance would be read in conjunction with the IBC, and where there is a conflict, it will yield to the IBC.

The other item he mentioned was the timing. The federal government decided to impose a cut on water availability out of the Colorado River to Arizona, Nevada, and New Mexico. They threatened the other states that if they didn't get it together, there would be more cuts. It is good for Washington County to be addressing the issue to show the State of Utah we are taking the effects of the drought seriously by doing our part.

He feels we have stayed with the spirit of what the District wanted in the ordinance while adapting it to La Verkin City.

Councilwoman Wise had a question regarding 8-8-3, C-1. It states a property owners association will own and maintain the water lines and meters. She wondered if that meant a homeowner association. She is concerned with that if it does because not all homeowner associations are good.

The second concern is regarding 8-8-3-2, A-1(a). It lists the total grass area for each lot size. After doing the math, the percentage for the 6,000-sf lot is 12% which is higher than the other lot sizes. She feels this percentage should be lower to more align with the other percentages.

Derek explained these numbers were taken directly from the Conservancy Districts ordinance. He will find out how/why they came to that number.

Councilwoman Wise also mentioned her concern with 8-8-3-2, A-1(b). The 15% slope is steep. She thought the percentage should be lower to help with erosion.

Kevin mentioned he thought they were trying to encourage people to use a ground cover on steep slopes instead of grass. That would benefit erosion control but keep the grass in areas that people use.

Kyle pointed out that the slopes at Power Plant Park are about 15%.

Derek said he didn't change the number because the City needs to set the example, and our parks have slopes with that percentage.

Councilwoman Wise would like to add the Conservancy District's approved tree list to 8-8-3-2, A-1(c). This would make it easier for the residents to comply.

Kevin said he could add "any promulgated by the District." That way, if there isn't a list or the list has changed, it wouldn't affect our ordinance.

Kyle reminded everyone this ordinance only applies to areas without access to irrigation water. He also feels the City needs to follow its rules, so if the slope percentage changes, our properties must comply.

Councilwoman Wise mentioned it says active recreation areas are exempt, so that would cover the parks.

Mayor Wilson stated Zach Renstrom reported to the City Council earlier this year and said the landscape ordinance would only apply to new construction.

Councilman Micah Gubler pointed out that the City currently does not require landscaping to get a certificate of occupancy, so how could requiring them to plant two trees be enforced?

Derek agreed and said the City would need to include front yard landscaping, and the tree requirement be met before a certificate of occupancy could be issued.

Councilwoman Wise mentioned developers usually put in the front yard, so that shouldn't be a difficult requirement.

Councilman Micah Gubler said he knows several people who installed their own landscaping, included a backflow valve, and hooked it into the culinary water. This allows them to water when the irrigation is out of the system. Does the City know when that happens, and if not, would that become an issue?

Derek said new homes with access to both water systems must have a cross-over connection with a backflow device. The only way to know if they are using culinary water is by the usage. He will address these points and get something sent out to the Councilmembers.

D. Mayor & Council Reports:

Mayor Wilson- The League of Cities and Towns will be October 5-7 and will affect the first meeting in October. Kevin is working on a temporary change for that meeting to be moved to Monday, October 3rd.

He has also spoken to Kyle about getting permanent speed signs on both ends of town. Those signs cost \$10,000, and UDOT has agreed to pay for half.

Kyle explained he is working with UDOT on the location. It is cheaper if they are located near a power source.

Blair Gubler-He has a Solid Waste building meeting almost every week to discuss the new building. There will be a rate increase to cover the cost of that building.

Wise- She reported on the last couple of planning commission meetings.

She attended the DTEC meeting for Richard, where the MPO and UDOT have decided an active transportation plan needs to be in place. The MPO created a list that was voted on by the executive committee and will be available for public comment in a couple of weeks. This will make it easier for UDOT to receive state funds for the different projects.

Zion Regional Collaborative-Emily Freedman is moving, so they are working on her replacement. They have also decided that the elected officials need to have a more formalized role in the ZRC, so the Mayor of Springdale is now the chair of the guiding committee, and Councilwoman Wise is the vice chair.

Wreaths Across America is going to have a booth at Cops & Cars.

Micah Gubler-Chief Nuccitelli reported on the Cops & Cars schedule. It will be on September 10th.

He will be emailing his report monthly.

Councilman Gubler reported that Maridee is working on an interfaith collaboration with the Mountain View Bible Church and the LDS Church to honor our first responders and veterans. The information will be available at justserve.org.

Hardy-The Southwest Mosquito Abatement-St. George City has assessed them a certain amount of money for a tech ridge community development area project. They called it a tech ridge CDA.

Kevin explained a CDA is where they redevelop commercial areas. He went over the process. They will take a blighted area and use funds to improve the site which in turns increases the property's value.

Councilman Hardy continued with the Historical Preservation Society-the City's historical plan states the City needs to complete a survey of local historical sites. That hasn't been done in years, so he will be looking into that.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

F. Adjourn:

The motion was made by Councilwoman Patricia to adjourn, second by Councilman Chuck Hardy. The motion carried unanimously at 7:09 pm.

September 7, 2022
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson