

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, September 21, 2022, 6:00 pm.

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

Present: Mayor Kelly Wilson, Council Members: Patricia Wise, Chuck Hardy, Richard Hirschi, and Blair Gubler; Staff: Kyle Gubler, Kevin Bennett, Chief Nick Nuccitelli, and Christy Ballard; Public: John Valenti, Joni Lyman, Katie Nuccitelli, and Sherman & Debra Howard.

Councilman Micah Gubler was excused.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Blair 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: September 7, 2022, regular meeting
4. Checks & Invoices: \$129,066.40

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of the September 7, 2022, regular meeting, and checks & invoices in the amount of \$129,066.40, second by Councilwoman Patricia Wise. Roll Call Vote: Hardy-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

C. Business:

1. Presentation, discussion, and possible action to approve a donation to the Senior Companion and Foster Grandparent programs.

Joni Lyman is the director of the Senior Companion and Foster Grandparent Program sponsored by Five County. It is grant funded with the requirement to match those funds. She asks the communities with volunteers to help with that match of \$10,000. La Verkin has two foster grandparents who serve at La Verkin Elementary School and four residents who Senior Companions serve from Hurricane.

La Verkin has donated \$700 in the past.

The motion was made by Councilman Blair Gubler to approve a \$1,000 donation to the Senior Companion and Foster Grandparent programs, second by Councilman Chuck Hardy. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2022-10; an ordinance amending the La Verkin City Code to eliminate vacation rentals as a permitted use in residential zones, to restrict them in the Tourist Commercial Zone, and to increase the civil penalty for operating a business without a license.

Councilwoman Wise would like to see some changes made to the ordinance. First, she would like to remove the first whereas clause on page six because it is too speculative. It "muddies the water," and we don't want to tie our hands in the future.

Second, she would like to review the percentage number for Tourist Commercial development. The Planning Commission held multiple meetings regarding this ordinance, which ultimately passed with a 3-2 vote. This issue is very complex, with several individuals writing letters to the Councilmembers wondering about the waitlist. Vacation rental in residential zones took over the discussion, and the Tourist Commercial percentage was never discussed. She would like more information before that percentage is established.

She is in favor of grandfathering the existing vacation rentals and possibly grandfathering the individuals on the wait list so when a license becomes available, they can have it but remove the use from the residential zones.

She understands the Tourist Commercial Zone is part of the moratorium but would like the vacation rental discussion to be handled now, so we don't have to keep revisiting it.

Councilman Hirschi said there had been several people contact him regarding the waitlist. If there were only four or five people on the list, he would be fine to allow them to be grandfathered in, but not forty, which is how many people are on that list.

Councilman Hardy agrees with a lot of what Councilwoman Wise said. He agrees with not allowing vacation rentals in residential zones and does not feel the City should grandfather in the waitlist. The Tourist Commercial Zone can handle this type of use.

Councilman Blair Gubler agrees with what has been said. If the Planning Commission needs to address the percentage in Tourist Commercial, that should not affect passing the rest of the ordinance.

Mayor Wilson said he would like to see the Tourist Commercial restriction get approved to prevent vacation rental developments from taking over our commercial properties, even if we revisit that percentage.

Kevin read the whereas clause Councilwoman Wise would like removed and explained that it doesn't bind the City to anything. Whereas clauses give a legislative history and a map of where the community is headed. It is in the ordinance to explain that the intention at the time was to look at the possibility of topside vacation rental developments and accessory dwelling units. Those would require the City to revisit the General Plan for legal support before an ordinance could be approved. It is fine to be removed.

Second, the percentage was requested by an elected official and was presented to the Planning Commission. Vacation rentals must be part of a bigger project in the Tourist Commercial Zone that is at least 2 acres in size, and they can only be 15% of the project's square footage.

Third, you cannot grandfather something that isn't already legal. The people on the wait list do not have a legal right until they have gone through the process. Under the Weston Equity Act, which is the case that binds in Utah, you do not have any vested rights in anything under zoning until you have a completed application. The waitlist was an accommodation for people. It gave them no rights that it would ever happen.

Grandfathering is for a nonconforming use that was lawful when the change was made. It allows that use to continue until it is abandoned. Even with the wait list being included in the amended ordinance for vacation rentals, it does not vest the individuals on that list.

If this ordinance is passed, the quota goes away, and the wait list goes away. The existing legal vacation rentals would be the only ones grandfathered into residential areas.

Councilwoman Wise feels there is an urgency to address the Tourist Commercial percentage. If it is left in this ordinance, she would like Mayor Wilson to make it a priority for the Public Works Department and the Planning Commission to address it.

Kevin reported there is currently no restriction on the number of vacation rentals in the Tourist Commercial zone. There was a concern that vacation rental development could overrun all other tourist-type uses in that zone.

Councilwoman Wise would like the whereas clause on page six to be removed, at least the section that states we are removing vacation rentals from residential zones because we are considering detached accessory dwelling units. She doesn't feel that topic has been discussed enough to be included. She also feels it is premature to mention the topside. She asked Kevin to clarify under Article G2 Tourist Commercial in the handout the last paragraph that states, "Condominiums and timeshare units are allowed with a development agreement. Recreation vehicles (RVs), small transient living quarters not specified hereinabove (including, but not limited to cabins and yurts), subject to the provisions of this section". Is that saying they are not allowed or just referring to the RV Resort ordinance?

Kevin explained this is a definition that states what tourist support means. This section was brought in when the City dealt with RV Resorts. It does not allow anything.

Mayor Wilson asked if the Councilmembers were okay with the fine increasing to \$250.

Kevin explained this is a fine for engaging in business without a license for all types of businesses. This will increase that fine from \$50 to \$250. This is not a short-term rental fine.

The increase is in the realm of what other communities are charging.

Mayor Wilson would like to be able to issue vacation rentals operating without a license a daily fine.

Kevin explained that would require the City to hire a judge and set up an administrative system to handle that. This ordinance will address all businesses that are operating without a license. Beyond that, our Code states it is an infraction that can be up to a \$1,000 fine, depending on what the court sets.

Imposing fines like Hurricane and Springdale is a separate topic and a whole different process. This does not pertain to that.

He explained this fine would be for anyone operating without a license and would be added to the regular business license fee. That money would go to the City because it is not a judicial fee.

Councilwoman Wise asked Christy for a percentage of the home occupation to commercial businesses in La Verkin.

Christy replied most licensed businesses are home occupations. This would pertain to all commercial businesses and home occupations required to be licensed per Utah State. The City does not require a business license for businesses that don't impact the neighborhood and are not regulated by the State.

The Councilmembers were okay to remove the whereas clause on page 6.

Councilwoman Wise is okay to approve the ordinance, including the 15% restriction for vacation rentals in Tourist Commercial Zone, if Mayor Wilson will make it a priority for the Planning Commission to review it.

Councilman Hardy felt the 15% was reasonable and liked the fee increase to \$250.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. R-2022-10, an ordinance amending the La Verkin City Code to eliminate vacation rentals as a permitted use in residential zones, to restrict them in the Tourist Commercial Zone as written, and to increase the civil penalty for operating a business without a license as written, with the exception of the first whereas paragraph of page six discussing exterior dwelling units and topside vacation rentals, second by Councilman Chuck Hardy. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Hardy-yes. The motion carried unanimously.

3. Discussion and possible action to update the City logo.

The City logo was decided on at the last meeting. The Council will now choose the color.

Kyle explained there was a discussion during the last meeting regarding the date. 1891 was the year the canal was finished. The first settlers came to La Verkin in 1898. This date was consistent with multiple sources he found. There was one source that listed January 1, 1899.

The date he went with was 1898.

He presented the Councilmembers with ten different color options.

The date has been added. A tagline can be added to the logo at any time. There were two options for each color, one with a border and one without.

The police department will still have its own logo.

The Councilmembers chose option 8 with black lettering.

Kyle would like to transfer everything over as soon as possible. He will discuss the size with the Mayor and would like all vehicles to have them.

D. Mayor & Council Reports:

Mayor Wilson-He read a letter he received regarding Chief Nuccitelli and the Cops and Cars event.

Wise- She reported La Verkin City and Trails Utah were awarded a \$60,000 grant for the Rim to River Trail next to River Rock Roasting Company. They will begin with the environmental study and engineering. The work needs to be completed within 24 months.

Blair Gubler- He has a meeting every two weeks for the Solid Waste building project.

Hirschi-He reported on the DTEC meeting. They have two new members.

The Fire District went over the 2023 budget. The District is behind, according to Chief Kuhlmann, so they will be putting in for truth in taxation.

Kyle said he had been asked by several citizens of La Verkin why the ladder truck was not in La Verkin. Part of the fire station remodel was to house that truck.

Councilman Hirschi will check into that.

Hardy-He is working with Ryker Steglich on reformatting the historical information on the City's website to be more user-friendly.

He suggested renaming the car show portion of the Cops & Cars event after Troy Stevens, a La Verkin resident who passed away from cancer. Mr. Stevens had several cars and enjoyed working on them.

Chief Nuccitelli mentioned incorporating something like this into the event is a good idea.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

F. Adjourn:

The motion was made by Councilman Chuck Hardy to adjourn, second by Councilwoman Patricia Wise. The motion carried unanimously at 7:18 pm.

November 2, 2022
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson