

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, May 3, 2023, 6:00 pm.

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

Present: Mayor Kelly Wilson; Council Members: Blair Gubler, Patricia Wise, Micah Gubler, and Richard Hirschi; Staff: Kyle Gubler and Christy Ballard

Councilman Chuck Hardy, Derek Imlay, Kevin Bennett, and Chief Nick Nuccitelli were 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: April 19, 2023, regular meeting
4. Checks & Invoices: \$100,412.30

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written, including the minutes of April 19, 2023, regular meeting, and checks and invoices in the amount of \$100,412.30, second by Councilwoman Patricia Wise. Roll Call Vote: Blair Gubler-yes, Wise-yes, Micah Gubler-yes, Hirschi-yes. The motion carried unanimously.

C. Public Hearing:

1. FY 2023-2024 Tentative Budget

The public hearing opened at 6:02 pm

No comments were made.

The public hearing closed at 6:02 pm

2. An ordinance adjusting the monthly compensation for the Mayor and City Council, commencing July 1, 2023, as follows: Mayor-from \$533.33 to \$833.00; City Council members-from \$267.67 to \$416.67.

The public hearing opened at 6:03 pm

No comments were made.

The public hearing closed at 6:03 pm

D. Business:

1. Discussion and possible action to approve Resolution No. R-2023-04; a resolution adopting the budget for Fiscal Year 2023-2024.

Mayor Wilson mentioned this budget did not change from the previous meetings' discussion.

Councilman Blair Gubler asked if the lighting of the "L" was included in this budget. He has gotten two calls regarding this.

Kyle answered the "L" lighting would fall under Community Development, and there is money in that line item, but it has not been specifically assigned to the "L."

The "L" needs to be cemented first to avoid erosion. Derek is working on getting a bid for that. The cement will be dyed white.

The motion was made by Councilman Micah Gubler to approve Resolution No. R-2023-04; a resolution adopting the budget for Fiscal Year 2023-2024, second by Councilwoman Patricia Wise. Roll Call Vote: Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2023-06, an ordinance adjusting the monthly compensation for the Mayor and City Council members, commencing July 1, 2023.

Councilwoman Wise mentioned this is her sixth year as a council member. When this has come up several times in those years, the Council has always said no. The wages haven't been increased since 2006. She feels it is appropriate timing. The Council changes every couple of years, and she would like to see younger members participate in the Council. This additional money could help offset the hurdles of taking extra time away from families.

Councilman Micah Gubler said he has voted against the increase in the past as well but feels it is more appropriate this time. It is a sacrifice of time to sit on the Council and this will help with the commitment.

Councilman Blair Gubler has mixed emotions. He doesn't want it, but he attends different meetings in St. George that take ½ a day. He asked about neighboring cities wages.

Kyle reported Hurricane is higher than this, and Toquerville is currently less, but they are waiting to see what La Verkin approves. He also wanted to reiterate this did not come from the elected officials but from staff, specifically himself. Inflation has affected everyone, and this position requires a lot of time and driving. This will offset the cost of fuel.

Mayor Wilson stated none of them are doing it to get rich; they care about the community. It does cost some money to do things that are required of the position; it is not just attending the Council meetings twice a month.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2023-06, an ordinance adjusting the monthly compensation for the Mayor and City Council members, commencing July 1, 2023, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-no, Wise-yes, Micah Gubler-yes, Hirschi-yes. The motion passes.

3. Discussion and possible action to approve a donation to the La Verkin Elementary School for a new sound system.

Mayor Wilson mentioned several Councilmembers, and Kyle spoke with our representative from the Washington County School Board (WCSB) regarding the sound system.

Regarding the City, we should donate something because we use their building and sound system for City events.

Kyle reported he thought the School Board had agreed to cover \$7,500, leaving \$7,500 for the school to earn. The City does have extra money in the events line that could go toward this, or it can be included in the June budget amendment. We have used the gym for many things, such as Winterfest. We have also used their property for Cops & Cars and Water Days. They also let us use their portable sound system before we purchased one.

The sound system is what they use for assemblies. He has attended different things for his grandchildren, and the system is terrible.

He feels the District should be paying for it, but they are not going to.

Councilman Micah Gubler reported that Gabbi would speak to the Rotary Club and thinks they are also planning on donating.

Councilwoman Wise said she has always felt we should have close ties with the Elementary School and was in favor of donating to this cause. She would like a cap of \$5,000, and anything over that should require additional approval.

The motion was made by Councilman Micah Gubler to donate up to \$5,000 to the La Verkin Elementary School for a new sound system after the school's fundraising and donation efforts have been completed, second by Councilwoman Patricia Wise. Roll Call Vote: Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

4. Discussion and possible action to approve Ordinance No. 2023-07, an ordinance amending the La Verkin City Code to provide for the recognition and regulation of Detached Accessory Dwelling Units (DADUs) as a permitted use in residential zones within the community.

Mayor Wilson explained this had been a topic of discussion for quite some time, including a combined work meeting with the Planning Commission.

Councilman Micah Gubler asked Councilwoman Wise what the intention was behind allowing DADUs.

Councilwoman Wise responded with affordable housing and to give people with limited income the ability to bring in more money by renting a DADU (long-term only); the other stipulation was lot size. Initially, they looked at 8,000-square-foot lots, which is what most of the City's residential area is zoned, but when Derek started doing the math on lots that size, it became more of a second home than a DADU. This would be hard to regulate, so the Planning Commission decided on a minimum of 10,000 square foot lots, only one DADU per property, no short-term rentals, adequate off-street parking, and height, and building restrictions. They tried to remove anything that could downgrade a neighborhood. It is kind of a housing gap for our city until higher density can be discussed.

Councilman Micah Gubler said he only has one concern with the proposed ordinance. If we are trying to allow for affordable housing, Item C.2.d. (page 6) charges commercial water rates. These individuals are going to be residents of La Verkin in small units that will often be elderly parents or coming-of-age children. He feels we are disincentivizing someone to do this, knowing if they build it, it will change their residential rate to commercial. If we allowed them to be vacation rentals, he would want them to be charged the commercial water rate. In his case, a DADU would not change the amount of water used in the past. If the City is trying to help the affordability and provide housing for people to supplement without being commercial, he thinks this part should be removed from the ordinance.

Councilwoman Wise said the Commission did discuss the commercial water rate, and the feeling was most of the units would be rented for profit.

Councilman Micah Gubler pointed out that long-term rental does not pay a commercial water rate. If the renters are going to be residents of the city, he has a hard time charging them. If the City notices a substantial water usage increase, we could do a study to determine if an increase would be appropriate.

Councilwoman Wise said the commercial water rate fee and the additional impact fee were part of the same discussion. The engineered study did not have adequate information to charge the impact fee, so that was removed, but the water rate fee was left.

Councilman Blair Gubler would like to leave the commercial water rate. He has had elderly parents, and if he had a unit, they would have lived there for a couple of years, and then he would be renting it out. This ordinance is going to pack more people into a smaller spot. The problem the City has is that we already have a bunch of these, and we are trying to create something to make them legal. You make it legal, and people will start building more of them, greatly impacting our growth. He feels this is five years too early.

Mayor Wilson pointed out the water rates are drastically different for new construction after January 2023.

Councilman Micah Gubler asked if anyone spoke at the public hearing.

Councilwoman Wise said one person spoke to them being short-term rentals. The Commissioners felt that the City had just stopped short-term rentals, and the purpose of DADUs was not to increase our tourism dollars but to provide additional housing.

Kyle mentioned if the City purchases a program to monitor short-term rentals, that will help prevent DADUs from becoming short-term rentals. He then briefly discussed what these programs would do and how Hurricane goes through small claims court to collect the fines.

The State Legislature is talking about loosening what cities can do because short-term rentals are becoming a problem. **The motion was made by Councilman Micah Gubler to approve Ordinance No. 2023-07, an ordinance amending the La Verkin City Code to provide for the recognition and regulation of Detached Accessory Dwelling Units as a permitted use in residential zones within the community with the following change, to remove the phrase under**

Section III, Number C, d. beginning with “and charge commercial water rates” through the end of the paragraph, second by Richard Hirschi. Roll Call Vote: Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-no. Motion passes.

5. Discussion on the Water Availability and Response Stages.

Mayor Wilson reported this is still in the discussion phase with the Water Conservancy District. It is dealing with the drought contingency plan. At some point, the City will need to vote on it.

He feels each city is different enough that the Conservancy District should not be the one telling us when we need to cut back.

Kyle said it may be part of the pooling agreement.

The city managers met, and they have concerns about who police it. Some stages are severe.

La Verkin is the minority with a secondary system, and a lot of that isn't specified. Another concern is who will sit on the recommendation board. The mayors were mentioned but so were city managers because these stages affect the budget considerably.

Growth is going to make this more likely to happen.

Mayor Wilson mentioned that if there was no water for growth, we would stop growing, which is not good either. The County still has some water, and we are trying to figure out how to extend that until we can get more. There is still hope for the Lake Powell Pipeline, but this plan is moving forward based on the pipeline not going through.

We will come to a point where there is no water available unless we do some serious conservation.

La Verkin is in a better position than any other city in the County.

Councilman Blair Gubler asked if the water scale could give communities with guaranteed water a different category. Some cities have wasted their water by putting in various things like water parks.

Mayor Wilson said the City included in the landscape ordinance that people with water delivery contracts are exempt. He explained to the District that the City is obligated to give water to water delivery contract holders.

Kyle reminded the Council that the landscape ordinance was approved with the stipulation the Water Conservancy District provides La Verkin with a letter stating they will accept it. The District will not issue that letter.

Mayor Wilson told Zach Renstrom the District would not get any of the surcharge money until that letter comes after we start collecting it.

Councilman Micah Gubler reported La Verkin is an approved city for turf removal reimbursement from the State. He asked what puts La Verkin in a better position than others? Is it a combination of our water rights and access to a secondary water system?

Mayor Wilson replied the City is close to using all the water rights in the springs, but the water right for the secondary water is one of the best in the County.

The District wants to use that water for drinking water. He has spoken with the District about possibly trading water with them for irrigation from the Toquerville Reservoir or re-use water from the treatment plant. He also mentioned the City would be happy to send extra irrigation water to the District and then buy back treated water.

We still have the 1,000 connections promised for the topside in 1999.

Councilwoman Wise said she thinks the Mayor is doing a great job negotiating with the District.

Her concern is that when the County hits stage 2 or 3, cities will do whatever they can to get water for their citizens, legal or not. She feels the Water Conservancy District could do more on education and publicize the need to conserve and would like the Mayor to pass that along.

E. Mayor & Council Reports:

Mayor Wilson-The Water District, City, Credit Union, engineers, and an attorney for the District met to discuss a water tank on the topside. They found a sight that everyone agreed would be a good location. It is just a matter of applying to the BLM and the District is getting ready to do that.

The Sewer District is actively considering installing a sewer line there as well. They hope to partner with the County to install the line in the Zion Corridor Trail.

He explained the location of the water tank on the northeast side of SR9.

Blair Gubler-Nothing new to report.

Wise- Reported on the April 26th Planning Commission meeting.

Rim to River Trail-the paperwork should be completed in the next week. She only has a few more support letters to get before the packet can be sent in. The environmental assessment and cultural paleontology were sent to the State with no problems or comments.

Zion Regional Collaborative-She met with County Commissioners Victor Iverson and Adam Snow to discuss measures the ZRC is working on. They did not receive the corridor management plan grant they applied for. This was discussed with the Commissioners because it will be essential to have them on board to move forward.

The Guiding Committee will be the next step in creating the ZRC plan.

She reported on the Strider Bike Program that La Verkin Elementary was able to participate in.

Trail Advocacy-this is a subcommittee from the ZRC. Doug Wilson is the chair and has a lot of firsthand experience and knowledge of the area. The people who sit on the committee have a vested interest in Washington County and have a lot of expertise in specific relevant areas. They are going to try and get a grant for a compost restroom at the Guacamole course (Dalton Wash Road).

Micah Gubler-La Verkin was very well represented by the Royalty and the City display.

Hirschi-Fire District Chief Kuhlmann retired, and they are in the process of appointing a new chief. It may be the current Deputy Chief.

Ash Creek SSD-Nothing to report.

DTEC-Discussed the Zion Regional Trail.

F. Citizen Comment & Request for Future Agenda Items:

No comments were made.

G. Adjourn:

The motion was made by Councilman Blair Gubler to adjourn, second by Councilwoman Patricia Wise. The motion carried unanimously at 7:30 pm.

June 7, 2023
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

[Signature]
Mayor Kelly B. Wilson

