

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, May 1, 2024, 6:00 pm.

Gym, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, and Darren Prince; Staff: Derek Inlay, Kyle Gubler, Fay Reber, Chief Nick Nuccitelli, and Christy Ballard; Public: Trinity Stout and Morgan Drake-Washington County Water Conservancy District, Aaron Anderson-Bowen Collins, and Brad Robbins-Sunrise Engineering.

Councilman Micah Gubler was excused.

A. Called to Order –Patricia Wise gave the invocation/thought and Pledge of Allegiance at 6:00 pm.

B. Presentation:

1. New subdivision approval procedure ordinance-Brad Robbins

The presentation had trouble loading, so they returned to this item after the consent agenda.

Brad reviewed the mandated subdivision ordinance changes adopted during the 2023 Utah State Legislation.

The major change is that the city council can no longer participate in or approve preliminary or final plats. That will make zoning even more critical for the city. A change of zone application is the only time the planning commission and city council can make any meaningful change or decision.

In place of council approval, an Administrative Land Use Authority, which will be the review committee, must be created.

This creates a review cycle with time constraints for each stage. There can be a total of four review cycles, but as few as one if the preliminary subdivision application meets the current code. A dispute process is also now required.

Sunrise Engineering has written a working draft ordinance implementing these changes.

The ordinance amends the approval deadline. Currently, the city offers a two-year approval, including an extension of up to five years. Once the subdivision has been approved, the city cannot make many changes. It also adds a one-year allowance to get it recorded.

He recommends keeping the entire system the same for residential and commercial applications. The state only refers to single-family, two-family, and townhouse developments.

Sunrise Engineering also developed a new application for La Verkin so they will properly comply with the new state code.

Councilwoman Wise would like a work meeting to discuss her questions.

Fay thanked Brad and Sunrise Engineering for creating an ordinance incorporating all the changes. Our existing ordinance consists of three short paragraphs. He will review the ordinance and get it in a final draft before presenting it to the council to discuss, modify, and approve. The city has until the end of 2024 to get this approved.

He reiterated Brad's comment that zone changes have the real power. We need a good development agreement if we want to hold developers to their proposals.

Councilwoman Wise pointed out that the ordinance applies to residential subdivisions, and it has been suggested that we apply it to commercial and industrial as well. Many items need to be considered before it gets approved.

C. 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: April 3, 2024, work and regular meeting
4. Checks & Invoices: \$838,424.87

The motion was made by Councilwoman Patricia Wise to approve the consent agenda as written, including the minutes of the April 3, 2024, work and regular meeting and Checks and Invoices in the amount of \$838,424.87,

second by Councilman Richard Hirschi. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

D. Public Hearing:

1. A resolution declaring surplus and available for sale, trade, and/or other appropriate disposition, a 2007 Chevrolet Silverado, a 2015 Ford Escape Sport, and a 2006 Utility Trailer (Ditch Witch, Vaccur Trailer).

Derek explained that the trailer had already been sold to another municipality, which is allowed under the current code, without opening it to the public.

The public hearing opened at 6:28 p.m.

No comments were made.

The public hearing closed at 6:29 p.m.

E. Business:

1. Discussion and possible action to approve an Interlocal Agreement with Washington County Water Conservancy District regarding the authorization of wastewater reuse.

Morgan Drake thanked the Council for its partnership with the Washington County Water Conservancy District (WCWCD). She introduced Trinity Stout, the Project Manager, and Aaron Anderson, with Bowen Collins. Aaron has been helping with the reuse water application that will be filed with the state.

She went over the District's twenty-year water supply plan, which includes La Verkin City and the reuse program. The purpose of the regional reuse system is to utilize reuse water outdoors to free up potable water. See Exhibit A. The Ash Creek Treatment Facility and the Chief Toquer Reservoir projects are underway for the county's east side. Each new reservoir will hold a mixture of reuse and raw water.

The regional reuse system's benefits include enhanced water supply, improved drought resiliency, postponing imported water projects, sustaining groundwater resources, improving system flexibility, and protecting local agriculture.

The program partners are WCWCD, Ash Creek Special Service District, and St. George City. They have worked together to secure 30 million dollars so far.

With funds came a deadline, which brought her to La Verkin City. To secure this funding, they must submit all permits and applications to the State by the end of this year. One of the main applications required is the Reuse Water Right Application. St. George City has been utilizing reuse water, but the county's east side does not have that right. This application needs to be filed as soon as possible with the state engineer so they can begin the review process and ensure the end-of-year deadlines for the funding are met. Ash Creek SSD approved the treatment reuse authorization contract last week.

The next step is to get delivery contracts approved with the municipal partners. There will be a meeting with all municipal partners to review what reuse looks like, timing and delivery, etc. Each municipal partner will have an agreement that essentially looks the same and is reviewed at the same time. We are not fully there yet, so this agreement is an interim reuse authorization contract. It is a "bare bones" contract that requires the city council to accept the concept of reuse. This contract will be sent to the state engineer with the reuse water right application.

This contract authorizes the Water District to receive reuse water that was essentially generated by the city's underlying water rights. Ash Creek SSD would treat it, and the WCWCD would receive it, store it and deliver it back to La Verkin City.

They would like the city council to consider La Verkin joining the municipal partners when the larger rollout is complete. That larger contract would terminate this interim contract.

Fay clarified this agreement is an interim agreement until we can negotiate with other municipalities a larger agreement addressing the cost of delivering to the city.

Morgan responded yes and continued that La Verkin has a unique situation in the sense of the existing secondary water system. This system falls into the reuse exchange category instead of the municipal partner delivery category.

They want to incentivize agriculture users to reuse water by negotiating with irrigation and canal companies. They will receive reuse water at no additional cost to what they are paying to receive the raw water. This will apply to the La Verkin secondary system. The next agreement will have that carve out and be unique to La Verkin City. How they would look at that is any given year, based on La Verkin City's water right and based on the production of the Virgin River, La Verkin City would use that amount. Any additional reuse water above that water right based on the year and what the River is

producing that La Verkin can draw upon, La Verkin City would pay for using the established regional rate included in the contracts tied to the full-service area and all the municipal service partners.

Mayor Wilson pointed out that La Verkin City sends an average of 700 acre-feet of water yearly to Quail Lake. Can we get that water back at no cost?

Morgan replied that would be one of the benefits. The city would get reuse water equivalent to what it would get from the Virgin River, and the Virgin River water would go into the drinking water reservoir.

Councilman Prince mentioned that Toquerville has water restrictions. Will the city still control the water use under this program?

Morgan answered that the reuse water would be delivered under the existing terms of the regional water supply agreement.

Fay asked if entering into this agreement would impact the city's ability to negotiate the conditions of the following agreement and wondered how far are we from the negotiation process.

Morgan answered no. This agreement agrees to the concept of reuse water and votes for the District to receive the generated reuse water.

The goal is to begin the negotiations this month. They anticipate that the process will take several months so that each municipality has time to review the in-depth agreements.

Councilman Blair Gubler asked who had signed the agreement.

Morgan explained that this is unique to the east side of the county. La Verkin City and Toquerville City are the only municipalities that need to sign the interim agreement. After this meeting, she will attend Toquerville's City Council meeting.

The west side of the county will have its own application.

Councilman Blair Gubler mentioned that some reuse water will come from Hurricane City. Will that affect this agreement?

Morgan explained that would not affect his agreement. Hurricane City does not have an interim agreement because the portion of Hurricane City that will enter the Confluence Park Water Reclamation Facility is small enough it would fall under the regional water rights from the District.

Hurricane City will be involved with the final water reuse application.

The motion was made by Councilwoman Patricia Wise to approve an Interlocal Agreement with Washington County Water Conservancy District regarding the authorization of wastewater reuse as presented, second by Councilman Richard Hirschi. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

2. Discussion and possible action to approve Resolution R-2024-07; a resolution declaring certain property to be surplus property and providing for disposition by public or private sale.

The motion was made by Councilman Richard Hirschi to approve Resolution R-2024-07, a resolution declaring certain property to be surplus property and providing for disposition by public or private sale, second by Councilwoman Patricia Wise. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

3. Presentation, discussion, and possible action to accept the FY 2024-2025 tentative budget and set the public hearing for May 15, 2024.

Kyle reported that the information in the proposed budget was discussed during the budget retreat. He added a CERT line and a Trails line item to this budget. The cost-of-living increase has been determined and included in the budget. It will be a flat increase for all employees and take effect in September.

Fund 48, Capital Projects will be updated before the public hearing.

The motion was made by Councilman Richard Hirschi to accept the FY 2024-2025 tentative budget and set the public hearing for May 15, 2024, second by Councilman Blair Gubler. Roll Call Vote: Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

Kyle reported that the legislature passed a new law requiring all compensation for the city manager/administrator and assistant and all department heads and assistants to have a public hearing. That hearing will be during the same meeting as the budget public hearing but will be a separate hearing.

4. Discussion and possible action to approve an Interlocal Agreement with Zion National Park for certain animal impound and sheltering services.

Chief Nuccitelli reported that he had Fay review the Memorandum of Understanding between La Verkin and the Washington County Sheriff's Office and create something similar at Zion National Park's request. The Park will pay the city an annual fee of \$2,500 for animal shelter services, and the rangers will bring the animals to our shelter.

The motion was made by Councilman Darren Prince to approve an Interlocal Agreement with Zion National Park for certain animal impound and sheltering services, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

5. Discussion and possible action to approve Ordinance No. 2024-13, an ordinance amending provisions of Section 10-2-9 of the La Verkin City Code relating to procedures and standards for approving amendments to the general plan and amendments to the zoning map and text of the zoning ordinance.

Fay explained this item was presented to the council at a previous meeting. The planning commission approved it unanimously. This will update our current ordinance by establishing a procedure for the planning commission and city council when they receive a zone change request or an application for a general plan amendment.

This ordinance lays out the factors that need to be considered when discussing these land use applications.

The crux of the ordinance is that since these matters are legislative proceedings, the standard of proof is required to ensure any challenge is unsuccessful by creating a reasonably debatable record of the decision.

The approval standards are listed in the ordinance and can be included in the packet when an application is submitted to the city council or planning commission. Those standards can shape the discussion during the public meeting, and if we voice the reasoning for each decision on the record, it can be debated.

Councilwoman Wise mentioned she went through the Utah League of Cities and Towns handbook and could not see any difference between the proposed ordinance and what is already law.

How does this relate to Brad's presentation earlier in the meeting? The state mandate seems to limit a city's ability to have development agreements.

Fay replied that the Utah code specifically provides for the use of development agreements.

If the city implements a new zone change, he recommends we have a development agreement with that approval.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2024-13, an ordinance amending provisions of Section 10-2-9 of the La Verkin City Code relating to procedures and standards for approving amendments to the general plan and amendments to the zoning map and text of the zoning ordinance, second by Councilman Richard Hirschi. Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

6. Discussion regarding the La Verkin City Scholarship award applications.

The Mayor explained we received three applications this year. Is the Council okay with approving all three?

The scholarship will be awarded at the school program, but we will invite the recipients to the next city council meeting to be recognized.

Kyle reported Councilman Micah Gubler is in favor of awarding all three applicants a scholarship.

Councilwoman Wise would like to review the applications.

Kyle will email the applications to the Councilmembers.

The motion was made by Councilman Darren Prince to award the scholarships to all three applicants after the applications were reviewed by the Councilmembers, second by Councilman Richard Hirschi. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Prince-yes. The motion carried unanimously.

F. Mayor & Council Reports:

Blair Gubler- The Washington County Solid Waste Department is involved in litigation with Laidlaw Waste regarding the cells it built.

He met with Max and Alvin to discuss the vacuum truck. Alvin is the mechanic and would like to inspect the pump to make sure nothing is out of calibration. The seats need to be reground. Alvin will give the city an estimate for the repairs.

Wise-DTEC- The original trails standard was approved and will be put into ordinance form for final approval.

The Springdale Transient line will be operational this July. To begin with, it will have five buses and handle payments on demand. Right now, they do not plan to run the buses on Sunday, but several mayors objected to that.

This is the preliminary start. La Verkin will definitely get a spot. It will be the city's decision on where that spot will be.

Zion Regional Collaborative- The Guacamole Trail NEPA paperwork will be starting soon.

Hirschi- Ash Creek SSD- They will install a four-inch line to help with stagnant water in Zion National Park.

Mayor Wilson reported the septic systems at the campgrounds north of the Grado in Zion National Park have all failed, so they want to pressurize the sewer and put it into the system at the main lodge.

Prince- Historic Preservation Committee discussed fundraising options. He encouraged them to create a non-profit so they could control the money.

He received an estimate of \$300,000 to bore out the canal tunnel. If we paved the trail and connected it to Zion, grant money could be available. It would be a popular trail.

Zach Renstrom told him we could probably use both bridges for pedestrian crossing over the river.

Arthur LeBaron suggested we pave the existing road up the canyon for a paved trail.

He would like to go through the tunnel, up to the diversion, cut across to Hurricane, and tie in there.

There are only three property owners: the Water District, a bank, and the BLM.

Kyle mentioned if a trail made it to the Diversion, it could tie in and go on to Springdale.

He has seen the numbers Confluence Park is already generating, and this would add to the Park.

Councilwoman Wise stated that having that connection in Confluence Park for people coming from Hurricane or La Verkin would be a great economic draw for La Verkin. It wouldn't hurt the environment or pollute the air, keep open space, and bring a lot of money to our businesses.

Councilman Prince said it would benefit the hot springs resort to access the canyon.

G. Citizen Comment & Request for Future Agenda Items:

No comments were made.

H. Adjourn:

The motion was made by Councilman Richard Hirschi to adjourn, second by Councilman Darren Prince. Prince-yes, Hirschi-yes, Wise-yes, Blair Gubler-yes. The motion was carried unanimously at 7:40 p.m.

May 15, 2024
Date Approved

ATTEST:

Christy Ballard
City Recorder

Mayor Kelly B. Wilson

Regional Reuse System



