



435 North Main Street  
La Verkin, Utah 84745  
(435) 635-2581 (435) 635-2104 Fax  
www.laverkin.org

---

La Verkin City Council Meeting Agenda  
Wednesday, February 4, 2026  
6:00 p.m. regular meeting  
Council Chambers, 111 S. Main, La Verkin, Utah

**A. Meeting Called to Order:** Invocation by Invitation; Pledge of Allegiance

**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. Meeting Minutes: January 21, 2026, Work and regular meetings.
4. Checks and Invoices: \$ 120,219.15

**C. Business:**

1. Discussion and possible action to set a public hearing for the secondary water feasibility study, user rate analysis, impact fee analysis and impact fee facilities plan.
2. Discussion regarding an amendment to the La Verkin city code by removing, adding/replacing the following terms in Section 8-1-4 (statement of charges: delinquency): and providing an effective date.
3. Discussion regarding an amendment to the cemetery's rules and regulations.
4. Discussion regarding vacating property at 205 S 100 E.
5. Training for OPTMA/GRAMA.

**D. Mayor & Council Reports:**

*Mayor Wilson:*

*Kyle Gubler: City updates*

*Fay: City updates*

*Gubler: Public Safety, Recreation/City Festivals*

*Prince: Beautification/Trails Committee, Economic Development/Tourism, DTEC*

*Pectol: Fire District, Ash Creek Special Service District*

*Barr: Washington County Solid Waste, Historical Preservation*

*Valenti: Planning Commission/Zoning, Southwest Mosquito Abatement*

**E. Citizen Comment & Request for Future Agenda Items:** No action may be taken on a matter raised under this agenda item. This item is reserved for the citizens of La Verkin who have items not listed on this agenda. There is a time limit of 20 minutes with each individual taking no more than 3 minutes.

**F. Adjourn:**

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Cline, City Recorder, (435) 635-2581, at least 48 hours in advance.

**Certificate of Posting**

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the posted on the State website at, posted on the La Verkin City website at [www.laverkin.org](http://www.laverkin.org) and at the city office buildings

111 S. Main and 435 N. Main on January 29, 2026

Nancy Cline, City Recorder



# 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 Work Meeting Minutes Wednesday, January 21, 2026, 5:00 pm. 111 S. Main, La Verkin, Utah

**Present:** Mayor Kelly Wilson; Council Members: Amanda Barr, John Valenti, Scot Pectol, and Darren Prince; Staff: Kyle Gubler, Derek Imlay, and Nancy Cline, Public; Blaine Worrell, Paul Anderson.

**Called to Order** –Mayor Wilson called the work meeting to order at 5:00 pm.

### 1. Discussion regarding the La Verkin City Secondary Water Feasibility Study.

Blaine explained that this report included a lot of reports into one. It's a master plan for the city, but it's also a user rate analysis. Analyzing if the existing user rates are sufficient to cover costs of the system. It's an impact fee analysis and impact fee facilities plan. The reason that the water district contributed to this project was because it was a feasibility study. It's what led to the pond project coming to life. They did a lot of the study and initial analysis of that project as part of the setting. We're not going to really go into much of those details here. That was really more for the district's need to see where in La Verkin there was to put a pond. Obviously, we found a spot and that project's going forward, hopefully out to construction in the near future. He wanted to discuss a snapshot of the system. He showed all irrigation water rights out of the Virgin River. There are three different rights with a quantity of water. It totals about 2,640 acre feet.

Kyle added that he just received an email That water right is going to change. The total amount is going to stay the same, but that bottom 812481, I think, is down to 9.83 acre feet and the bottom number will increase.

Blaine replied he would get that changed before they finalize the report.

Councilman Pectol asked if that would change things since one is industrial and the other irrigation.

Blaine responded it shouldn't because they are in the process of changing all three of those right now to municipal. There's a change application with the state for all three of these to be changed to municipal instead of irrigation industrial. That's all part of that surplus and exchange agreement with the district to allow it to be stored.

Councilman Valenti added that the dispute is with the test site.

Blaine explained that the irrigation system was once held by an irrigation company that the city purchased. And as part of that irrigation company, there were 600 shares when that went into place. When the city bought that the existing shareholders of that company were given delivery contracts. Equivalenting 600 of those shares. And so there are 290 contract holders have 441 equivalent shares. The city's 2,640 acre feet of available water, they do have an annual duty or obligation that 1,944 of that acre feet, would be to contract holders if every contract holder used their full water. The way that's broke up is each equivalent share for those contract holders is one share that is 4.4 acre feet of water. There are the contract holders and then the leases. The share equivalencies are held by each contract holder. There are 223 contract holders that have one or less shares, or less than one share, 25 that have one to two, so on and so forth. 77% of all the contract holders have one or less share equivalents. The leases have 808 leasee connections currently in the city with 292 connections that are standby right now, meaning that they're not actively using water, but they have a connection. The table and in the graph, what we see is the average leasee user. This isn't exact because we don't have meters. Obviously, we do have some data, and we've been able to work with Derek and his team to pinpoint some areas and usages based on lot sizes, and the district's studies they've done of how much an average household in St. George uses for outdoor watering. We're able to determine that the average leasee user uses approximately 554 gallons per day per connection, whereas the average contract holder is just over 6,000 gallons a day. Part of that crazy high number is it's an average, so there's only 290 users. So that takes into account the people who have the big agricultural fields that are using 20,000 per day and others in a house using a normal amount. The high-efficiency users we will discuss later. This is for all future connections that come onto the city or some that have come recently. This is based on the water district's new standards for outdoor water usage for new houses. Those will come in and be using half as much as what a standard residential user,

existing user, uses. They actually will be less as the district's looking to refine that down further. He explained a chart that 2640 water right number. And then in red is the total demand based on current and past usages or your projected demand of how much water you're going to use. The inverse of that is your surplus. This is basically that same gap. Historically, the last several years have been between 700- and 1,000-acre feet a year of water that has not been used by the city. The city staff analyzed that the distribution systems have some leaks and old pipes that we're looking at as if we have about 200-acre feet of water that's just going in the ground to no one's benefit. Once the project is completed the estimate that this blue line would then jump up to an extra almost 200-acre feet. The black line is going to be growth. So, as we get new connections coming into the city we'll see a slight increase in demand with new connections. But unlike your water system, usually when you see a graph like this your water demand is going to be pretty much identical. You're going to have the same kind of growth. With irrigation however, generally speaking, when you have a development that goes in, it develops over a farmer's field or an agricultural piece that was being irrigated. So when it comes to irrigation water, generally speaking, you have something that was being 100% used for irrigation is now being a very, very small percentage, especially now with the high-efficiency houses that are going in. They will still see a pretty good increase in growth for the city with a very slight increase over time with growth. Then what we are assuming here is an assumption based on just available data and projections, is about 2038 will be where all of the standby connections come online. We're assuming all the standbys come on anywhere that doesn't currently have a connection, gets a connection, and we've developed the areas that are not fields. It's the period we're expecting the most demand of irrigation in the city. From that point forward, all future growth would be replacing agriculture, and then you'd start seeing a reduction in usage over time, long term, because we'd be swapping irrigation for culinary water, essentially. The number of delivery contract holders because the assumption there is contract holders that are using their fields when they develop it have nowhere to put that water would be selling it back to the city. Trying to get some recoupment of costs that they're not holding onto and paying for fees that they're not using. That's why there's a 20-38 surplus here, kind of what we're assuming is the worst demand year, and then from there, your surplus is projected to slowly increase over time. This being a master plan, we talked about one of the main things a master plan does is analyzes the needs for the system. What are the recommended improvements to get the system up to where the city wants it and make sure it's ready for future growth. With the city's irrigation system and the approach with this being a feasibility with the water district, it's kind of actually unique when it comes to recommended improvements. Normally we'd have a goal by this year to have this piece of pipe replaced and upsized and we'll get new pipe here and there. With the work of the water district and the pond and pipeline project for the reuse pond and the surplus agreement, the Districts agreed to replace the entire system more or less. Anything that's the aged pipe that is backlot fed connections are all being replaced. That is the list of all the improvements for this year. Those first four projects, we have the pond and pipeline, we have some transmission line improvements, which is on the northwest side of the city. It'd be new pipeline and the purpose of that is when we build the pond the water system is being flipped. Normally it operates from the south to the north. All our pipe sizes are big on the south and get smaller as we go north. But when we're putting all the water source on the north side, now we have all the small pipe up there and big pipe on the south. There need to be bigger transmission lines on the north side of town to make sure no one's negatively impacted by the project. As of right now, if we don't get those transmission lines in, there'll be some people in the city that see a reduction in pressure just because of the small pipelines feeding them. That project will clean that up. With the in-town replacements, and then replacing the 100 East transmission line, which is old pit pipe, we will be at current industry standards. The year of installation, this is anticipated happening this year with that secondary irrigation project.

Councilman Prince asked if the city had seen the 7 million dollars that pipeline will cost.

Councilman Valenti responded that is the districts project not the cities.

Blaine explained that the surplus agreement is \$13.6 million from the district. The \$7.3 million on there also includes the actual dam and the pipeline. The district is contributing to that as well. About \$21 million of projects can be installed in the next year and a half or two years for the city. Beyond that he didn't have any recommended improvements now because the city is getting almost a clean slate as it is. They recommend the plan be updated in five years. The biggest thing with that update is probably just going to be looking at user rates and budgets, especially after getting the pump station up and operating for a couple years, seeing what it takes to maintain that. After these projects go in about a quarter or half of the city won't get replaced because it's newer pipe or it's front lot. So, start to identify when those projects need to be replaced long term.

Councilman Valenti pointed out that all of these monies came about after this plan was written. Were all the fees that are outlined in this meant to pay this cost?

Blaine explained they worked side by side with that agreement and the study.

Councilman Prince asked as we get this project started, have we decided how we're going to help people get water from their backyard to be in the front yard?

Blaine explained it moves the irrigation lines to the front but how are the citizens going to move their connection to the front yard from where it currently is in the back yard.

Derek explained they are talking about 470. The back line is still live. Even though they're being fed from the front, we haven't made that transition over so we can shut the back line off. That's the one that backs off the front, or the backside of 560 West. We have discussed potentially the city paying for the materials and then the citizen could figure out how to get it back. We're going to leave a stake for them to put wherever in their yard best suits them to be able to get to the back. Because normally our standard is within three feet of the culinary water meter, one side or the other. But because they may have obstacles, like concrete, we're going to stake it, and then that's where it can get installed. He suggested the best thing to do, because we really can't figure out an amount, is have the city purchase the materials and then have the citizens figure out how to get to the front. He suggested running a one-inch connection because there coming in through a one-inch yoke. Then coming out on their side would reduce down to a three quarter but they could do the one-inch connection all the way through to carry the volume to the back.

Blaine added that is all to be determined. They have not addressed that part of the replacement yet. The way we're approaching that project is to leave those back lots on. The project will be completed, there'll be connections, but the lines behind the lots will still be live. The city can then determine a date that they're going to be turned off. They will need to inform the public they have X amount of time to get the line connected to the front.

Kyle asked if they get through the project and have extra money left will the district allow them to use it on this? Getting connections to the citizens?

Blaine replied yes, basically it's a blank check for irrigation improvements in La Verkin. As long as they can justify it as an irrigation improvement. They are planning to be out to bid in September, and construction starts in November if it goes smoothly. The project's going to take at least a year to do. They will be working with whatever contractor ends up getting it and doing the design to see how things are phased.

Councilman Valenti was curious how much time they would go without irrigation water.

Blair replied that the pond will be active by that point, they are hoping for minimal days without irrigation. The intent is not to have the contractor go in the backyards at all. We'll do all the work within the city right away.

Councilman Valenti wondered how much culinary water they would have to use if the irrigation was shut off.

Blaine explained that the idea will be to mitigate it so that any construction will be done in pieces so that no one's shut off for more than a couple days. That is the intent.

Kyle added there will be growing pains. They will have some people cut off at some time, but they hope to keep it to a minimum.

Blaine explains the table. On the left is the existing rate structure, how that's set up with leases and contract holders. Leases and contract holders are billed very differently. Leases are billed on a monthly basis based on their lot size, where contract holders are billed either annually or biannually based on the number of contracts they hold. And then there's an annual assessment fee and then there's just the annual or biannual fee based on how many they have.

Paul explained that every share equivalent is \$25.45 a year. They pay for the first one and then for each one there after they pay twice a year.

Blaine added that the average existing leasee pays \$13 a month or \$117 a year. The contract holders pay an average an annual of \$89 a year. The city generates \$94,500 from leasees and \$26,000 from contract holders. Currently the irrigation system is supplemented, or subsidized, for lack of a better word, from the general fund. The irrigation on its own does not generate enough revenue to even fund itself.

Kyle added they have been told that by their auditor for two years in a row now.

Blaine replied that the desire was to see if there's a rate that would have the irrigation be self-sufficient. To make sure they are covering costs to handle the pump station, that's coming online, and what the associate O&M costs will be. If they were to get those costs the irrigation budget at its current rate would be short about \$118,000, \$120,000 a year. This requires an increase in user rates. It was \$21.90 across the board. Every connection in the city on average paying \$22 a month. They worked with staff to come up with a method that would increase that or target the \$22. Once you have a target there's infinite number of ways to do that. They suggested making an increase in both contract holders and leases.

Paul explained they wanted to keep the same structure that people are already being billed at which we had before the 25 dollars per share equivalent. They found if they kind of blanket increased the prices for the usage across the board to 88%, make the share equivalent cost \$47.94, and then continue to pay the delivery contract holders would continue to pay the two installments of half that cost or any above one share equivalent. Similarly, if they increase the user rate for leases by 88%, there is the cost at the end. They will get to the target number. It did require a slightly higher adjustment to the assessment fee. The contract holders have an annual assessment. It's \$50.89 if they hold contracts that would increase to \$140, which is a larger step increase, but that made up the difference. Also, it helped to balance the average cost between the lease users and contract holders. Using that approach, the costs go up by 88% for lease users, so the average leasee usage cost is \$24.53, and annually that's \$220. And for contract holders, it's a little bit cheaper. It's \$212 for the year for the average contract holder, which the average contract holder has one and a half. Some people have more, some people have less. Doing that allows them to cover the projected cost next year for next year's budget. The other interesting thing is when you compare this with the projections of people selling the delivery contracts back and gaining more lease users, that the lease users will pay the same amount no matter what. It's just based on lot size. They'll be assessed the same fees, even if we get the high-efficient usage users, they'll be billed the same for the area. And they pay slightly more per month than contract holders. As we lose contract holders, they aren't necessarily losing revenue to the city, but it's very close. They're almost at parity there, just kind of a general approach.

Councilwoman Barr was concerned that someone with 5 acres pays the same as 1 acre. Shouldn't it be a more even ratio?

Blaine asked if she meant right now it's 88% for everyone, was she saying that under half an acre was 50% increase, the half to one acre would be 100% increase, and then over an acre would be like 150% increase.

Councilwoman Barr suggested expanding the rate of pay. Someone who has five acres of land is paying the same as someone who has one acre of land, or an acre and a half. That doesn't make a lot of sense.

Blaine replied that the one thing about that is because there's so few of them, that's not going to move the needle much.

Councilman Valenti added that all of those rates were established by the old agreement, the old exchange agreement with the canal company. They set a premium rate or a Schedule. That's what equivocated that monthly rate to the annual rate for contract holders. That's why that's expressed that way. He didn't know if there was any language about share equivalent lease fees. It was meant to reward the contract holders by establishing that water right. That's in the city code.

Blaine added that there's a clause in those contracts that the city has the right to increase the fees as needed as long as it goes through the proper processes.

Councilman Prince asked if he was trying to get them burned at the stake.

Blaine explained he talked a lot with the Mayor and Derek about the increase because when they increased the culinary water rates the citizens were upset and not prepared for it. His suggestion was to postpone implementing any of these rate increases, but they could adopt it now. Postponing it until the pond project was completed that way there is some tangible quality of improvement with the cost increase because we'll be getting better water with with that project

Councilman Valenti added they could end up with a surplus. With the improvements being made they have a brand-new system, then all of those functions, maintenance, are all going to go down. There won't be breaks like we have all season. There are not going to be any replacements in a new system.

Kyle replied that the maintenance would go down. However, due to the pumping costs, we have never been able to put anything aside for replacement of future maintenance. And that's the state requiring that. Could we get any grants? They have got to be able to show them that we're setting money aside for future repairs or replacements.

Blaine added that goes back to our recommendation, this gets updated in five years or less. He recommends no more than five years. Usually, if a significant change occurs or there's a reason for one or at least five years because then it gives the city a chance to go and look to see if there is a big surplus. Could rates actually be lower? It doesn't happen very often.

Councilman Valenti pointed out they you're predicting now is that every year under the new rates, you're going to bring in \$241,136. They are going to bring in a quarter of million every year.

Blaine replied yes but they project to spend a quarter of a million per year.

Councilman Valenti asked what they would be spending that on. He didn't feel like it was explained in the study. He asked what our current expenditures are.

Kyle explained that general fund supplements it, hopefully that stops. There are wages and salaries that we take out of the irrigation fund which are far lower than what they should be based on what actual manpower hours.

Blaine added that right now \$133,000 based on fiscal year 26 was in the budget. \$133,000 for salaries, there's 21,000 for repairs, which doesn't actually get very far. He thought some of the repairs have been doing 11,000 for just miscellaneous equipment and office materials.

Councilman Valenti commented that most of the salaries are based on repairs.

Blaine explained that the way the city operates is because some of their salaries come out of different categories.

Kyle explained that the way it works is that we take a percentage of the fund, and it doesn't pay its way as far as salaries go. That gets absorbed into the general fund. The general fund pays the crew members and others a higher percentage than it probably should based on where they're actually working.

Blaine continued to explain that there's also \$11,000 that's going to an old bond, and then we're assuming about \$50,000 for the bond on the filter station.

Kyle added that the bond was for a filter station that is going to go offline. However, they still have to pay it. It's 0% interest, and we've got about 10 more years on that.

Blaine explained that the pump we're assuming based on the pumping rates and power, as of right now, will be around \$50,000 a year for maintenance on that. The next one is impact fees. This is where it gets interesting with this master plan because of the dynamic with the district, paying for this project and getting basically an all-new system next year there are no improvements after next year. The way impact fees are set by law is they're going to pay for improvements that are caused by growth and right now we're saying well growth doesn't cause new improvements for irrigation there's no upcoming projects. They don't have anything to put impact fees towards. What the city's charging for impact fees, and it's collecting, and the way the law states is, you collect impact fee, the day you collect an impact fee, the city has six years to spend that money on an approved project that's impact fee eligible and on the city's impact fee facilities plan.

Councilman Valenti asked if the impact fees will go away.

Blaine explained that we don't have projects, but the one thing that the impact fee law does say is you can do studies, those are impact fee eligible, so updating this plan is impact fee eligible. Basically, they can pay for this plan to be updated. Based on that study, the max allowable impact fee per connection that the city will be able to charge is \$242 per new connection. Per an equivalent, like, one ERU, so a one-inch connection. That can be increased based on size. The culinary water meter, so two inches has a proportion of area, to get up to the different sizes. Also, currently the city does not charge an impact fee for irrigation to commercial connections, so no commercial connections. For example, when the hot springs came in, they did not pay an irrigation impact fee.

Councilwoman Barr asked why they weren't charged.

Kyle explained it was meant to entice commercial businesses to come into La Verkin a few decades ago.

Derek added that's why this is so important. We need to update all of this. Adopting at least the impact study the residential impact would drop immensely. The commercial will start paying for their part of the drainage.

Kyle added that these big businesses need to pay drainage. They have these big parking lots that don't soak up any water, they create drainage issues.

Blaine explained they needed this study to go to CIB and get some grant money to complete it but with this impact fee in the five-year window with the same assumptions on growth we get enough connections the city would be able to just pay this project outright and not have to seek any funding.

Mayor Wilson asked if the chart was the proposed impact fees and what about commercial rates.

Blaine explained this is based on connection size. Whether you're residential or commercial. And that's generally the standard way to do it. This way it doesn't matter what type of zone it is because its based off of size. If they get an irrigation connection, they pay an impact fee. They will be across the board the same.

Councilman Valenti didn't think the rates needed to be so high. His opinion was they could be lowered.

Councilwoman Barr added it would almost double her small quarter acre property.

Blaine explained the cost of irrigation is up to the council to set. He only looks at the numbers and informs them.

Mayor Wilson said they need to discuss it, set a public hearing, and adopt it or not.

Councilman Valenti suggested if we could get one session in between, take the public hearing, not make a decision that evening.

Mayor Wilson agreed they could do that.

Kyle added that they could adopt it but make the effective date later in the year.

Mayor Wilson agreed and added that they should set the date when the rates go in, but impact fees could go in effect now. There's a 90-day period anyway before they go into effect.

Councilman Valenti thought that was a good idea to break it up.

Councilman Prince commented that the communication needs to be better than the way it happened with the culinary water rate hike. He suggested that the engineers and Mayor make a video explaining the numbers, and deficit and what the plan is, and they put it on social media, so the citizens are more informed.

Kyle agreed and thought about getting as much information as possible but people will still say they didn't know.

Councilman Prince agreed but suggested they direct them toward the video that is out explaining the rate hike.

Kyle replied with the culinary water rate increase they didn't have a video, but a presentation and people still said they didn't see it.

Councilwoman Barr agreed and added that people only see what they want to see sometimes.

Councilman Valenti asked when the last time they raised the secondary water and for how much.

They discussed it was raised in 2010 or 2011. They agreed if they had raised it one dollar a year it wouldn't be so drastic at all at once. It was raised a couple dollars.

Councilman Prince was concerned about the increase because they raised the culinary rates in 2025.

Councilman Valenti agreed. It an 88% increase. He agreed that more information that they can put out there explaining why its happening would help the citizen understand.

Mayor Wilson agreed that the more education they get out there to the people, so they understand that we have a deficit. They've got to come up with some money to cover that. There's going to be increased costs of pumping now that we're coming out of a pond. Yes, we're going to have a new system, and probably the maintenance and repair is going to go down. But you still have to cover the city crews for their portion of that.

Kyle agreed and suggested they wait on the increase until the pond is done, and they have cleaner irrigation water so the public can see why the rates increased and the water can stay on longer.

Councilwoman Barr agreed and commented the public is always talking about the irrigation water being off and muddy.

Councilman Prince added a lot of people don't even use it now because its too dirty. When he lived in Toquerville the irrigation was clean.

Mayor Wilson suggested next council meeting, they set a public hearing date. Get some public input and then at that point set that for the second meeting in February. At the end of March they would pass it. That's going to put the impact fee off. If we don't put the rate increase into effect until we get on the pond that will be another year.

Blaine explained on the corner of 740 and State Street, there's going to be a demonstration facility and a mini version of the botanical gardens, where they're going to use the reuse water to water different plants and stuff. They are doing an advanced treatment center. They are also having a drinking fountain that you can drink from.

Mayor Wilson closed the meeting at 5:52 p.m.

**B. Adjourn:**

**The meeting adjourned at 5:55 p.m.**

\_\_\_\_\_  
Date Approved

ATTEST: \_\_\_\_\_

Nancy Cline  
City Recorder

\_\_\_\_\_  
Mayor Kelly B. Wilson



# 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, January 21, 2026, 6:00 pm. Council Chambers, 111 S. Main, La Verkin, Utah

**Present:** Mayor Kelly Wilson; Council Members: Darren Prince, Scot Pectol, Amanda Barr, John Valenti; Staff: Kyle Gubler, Derek Imlay, Nancy Cline. **Public:** Susi Lafaele, Patricia Wise, Mary Williams, Debbie Groves.

**A. Called to Order** –Scot Pectol gave the invocation and Pledge of Allegiance at 6:00 pm.

### **B. Presentation:**

#### 1. Washington County Fair

Susi Lafaele, fair director, introduced her team. They informed the council of the history of the fair and La Verkin has been chosen for the spotlight city this year. She discussed the scholarships and FFA program they are a part of. The fair now is eight days long. Eighty percent of the food vendors are local, and fifty unique retail vendors attend.

**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. Approval of LVC section 1-6-4: Public Official Bond and/or Insurance Coverage.
4. Meeting Minutes: December 3, 2025, January 7, 2026, regular meetings.
5. Checks & Invoices: \$ 399,998.42

**The motion was made by Councilwoman Barr to approve the consent agenda as written. LVC section 1-6-4: Public official bond and/or Insurance coverage. Meeting minutes for December 3, 2025, January 7, 2026, regular meetings. Checks and invoices in the amount \$399,998.42, second by Councilman Prince. Roll Call Vote: Barr-yes, Valenti-yes, Price-yes, Pectol-yes. The motion carried unanimously.**

### **D. Public Hearing:**

#### 1. FY 2025/2026 Budget amendment.

Kyle explained that this is a minor amendment to the budget. On the first page under revenue, there are four places that he was proposing that they increase over the budget. The sales and use tax, which is line 3130, proposed to increase by \$20,000. Under sales tax streets 3136 he proposed an increase of \$35,000. The revenue franchise tax line 3140 he proposed to increase that by \$10,000. Transient room tax line 3150 increased that by \$21,000. For a total of \$86,000 in general fund taxes. The intergovernmental revenue that's down middle of the page. Class C roads, he proposed an increase that by \$80,000. The local road tax line 3357 to be increased by \$5,000 for a total of \$13,000 in increased revenue.

The interest, which is towards the bottom, shows interest is 3610 he proposed an increase of interest that they have generated in their account by \$78,000, and that totals \$177,000 in added revenue that they plan on adding to the budget. Expenditures on the middle of the second page. Expenditures for administration, there is an additional expense of \$4,000 for an attorney, which is line 4140.310. There is an additional expense of \$5,000 for computer equipment. Line 4143 bank charges, which is very bottom line on page two. 4140.600, increasing that by \$5,000 to increase the lease expenditure payment for the office car, which is page three. 4140.810 right up near the top, increasing that \$4,000. That's for the office car that we have, and the elections on line 4176.10 increasing that by \$1,000, which we already have paid to county. That's an increase of \$1,000 in expenditure. It was more than what we anticipated. That's the total below administration for \$19,000. On page 3. Building and grounds increase the operation and maintenance by \$5,000 for tree trimming. We're still under operation of \$5,000. Under police, under lease payments, near the bottom of the page. 4210.810 increasing that by \$6,500 for the chief's new lease payment on his truck that they discussed earlier in the year.

Those are due to come in a couple of three months. Under inspections for part-time employees line 4253.120 increasing that by \$5,000 for Brad Robbins, our city planner who's been helping us out. Highways for street improvements \$68,000 for road maintenance and that would be under street improvements 4410.745 that's for ongoing street maintenance projects and also under lease payments increase that by \$8,500 for Derek's truck for a total of \$76,500. Under community development, which is the last expenditure, about two thirds of the way down 4626.10 increasing that by \$65,000. That was the former council that approved it. The cemetery that's now done the research survey that we did so that we could get the grant or funding for the lead and copper. We purchase secondary water out of this fund. We have a willing seller for almost five shares of water; the city has established a point for \$2,000 for a full contract share, and he has four and three quarters of shared water. He wants to sell the city, so if they buy that it's right under \$10,000. They have three signs that they would like to put up around the city. Those expenditures total \$177,000 equals the total revenue that they have now. He would like their consideration over the problems with doors at Power Plant Park. They could in the motion propose that they increase the revenue by \$5,000 and increase the expenditure by \$5,000 to cover fixing the doors at Power Plant Park. That is something that if they make a motion and they are willing to approve this budget amendment, they could add that into the motion. An additional \$5,000, and \$5,000 in expenditure.

Mayor Wilson asked what happened to the doors at the park.

Kyle explained that there are problems with the locking mechanism on them, and they have another company that is going to do it. They will be able to control it with their phones. The new bathrooms at Wanless Park will be this way. The city policy is they close at midnight or dark. They adjust those throughout the year so that the restrooms at the parks lock at dark. That's part of the \$5,000. They could choose not to, it's up to the council.

*Public Hearing opened at 6:21*

Patricia Wise asked what the three signs are that are in the budget.

Kyle replied they are the rock signs like at the parks. There will be one at the city office, baseball fields and the police station.

Patricia Wise, a La Verkin resident, commented there is a line item in the budget for trails and thought it would be nice to actually have money set aside there. When trail project maintenance comes up, we don't have to go through a huge process to get approved or have to bring it to the city council again. Over the last year, we gained permission from private landowner to put signage up on the trail. I've submitted all of that paperwork to Derek. I didn't get it done before I left the council, but I submitted everything from a company that's recommended by Hurricane and by Greater Zion. They're just the cross type trail signs with hiking, no mountain biking for Cottonwood Hollow and that is about \$1,200-1,300. The Rim to River trail. It's a great trail, gets a ton of use, but there has been erosion and I don't even think it was related to the trail. The erosion probably would have happened from the hillside. It just happened to dump on top of the steps. So that's going to require Dereks crew and it doesn't seem that we should be taking money from roads. By putting a dollar amount for maintenance on trails would be my only comment about this budget amendment.

Debbie Groves, a La Verkin resident, agreed with spending the extra money on the bathroom doors to stop the vandalism that is constantly happening.

Mary Williams, a La Verkin resident, commented that she only found out about the budget amendment from Patty and if citizens are not computer savvy or social media savvy maybe they could put public hearing meetings on the water bill. She commented that she and her husband used to come to meetings but they didn't have any information on what was going to be discussed so they stopped coming. She likes that the packets are on the website now.

Kyle suggested she sign up for the Newsletter.

*Public Hearing closed at 6:27*

**E. Business:**

1. Discussion and possible action to approve Resolution No. R-2026-05; a resolution opening and amending the Fiscal Year 2025-2026 Budget.

Councilman Pectol commented he agreed with the addition of the doors to the budget. It seems like cheap insurance to stop vandalism.

Councilman Prince commented he liked Patty's recommendation to add money into the trails budget. He is on the trails committee this coming year and they created a committee, and it would be great if they could take care of things on the Rim to River Trail. He would like money there to build little projects and shore up erosion. If they have a committee but they didn't have any money for cement or to buy anything, it would be kind of frustrating. He thought this would be a better discussion during the next budget year. But he liked that suggestion.

Kyle suggested they could add \$1500 to the budget amendment to pay for the signs Patty is talking about. He advised them that they could put it in the motion. Being a permanent line item would be in their budget retreat when they are looking at what their goals are going forward. He was not being negative about anything, but there are one hundred and one projects that would be awesome to be able to do. They don't have the money to do everything, so that's where the council comes in and decide what's appropriate.

**The motion was made by Councilman Prince to approve Resolution No. 2026-05. A resolution opening and amending the Fiscal Year 2025-2026 Budget adding \$6,500 to the revenue and expenses, \$5,000 for bathroom door locks and \$1,500 for the trail budget, seconded by Councilman Valenti. Roll Call Vote: Barr-yes, Valenti-yes, Prince-yes, Pectol-yes. The motion carried unanimously.**

2. Discussion and possible action to approve Ordinance No. 2026-01, an Ordinance amending the La Verkin city code by deleting, changing, or adding certain terms and definitions to Section 10-1-6.

Derek explained that they have been going through the building code trying to change, amend, and update the code. He found definitions that they don't have or that need to be beefed up or be more explanatory. The impact on accessory buildings or accessory structures attached to primary dwelling block coverage for new definitions we want to have. This particular one the attachment of the building, a lot of people try and get away with a two by four. They would delete the detached accessory dwelling unit, the DADU, because we actually had two definitions that were similar and they were confusing. By deleting this one, it'll make the other one more relevant and more explanatory than this one. They are deleting the accessory user structures which is the first one and beefing up the definition.

**The motion was made by Councilman Valenti to approve Ordinance No. 2026-01. An ordinance amending the La Verkin city code by deleting, changing or adding certain terms and definitions to Section 10-1-6, seconded by Councilman Pectol. Roll Call Vote: Barr-yes, Valenti-yes, Prince-yes, Pectol-yes. The motion carried unanimously.**

3. Discussion and possible action to approve Ordinance No. 2026-02, an ordinance amending the La Verkin city code by deleting, changing or adding certain terms and definitions to Section 10-7-21

Derek explained that in all of our residential zones the R-1-8, R-1-10, R-3-6, R-1-14 he thought were the ones that are detailed. There's a provision there that states that if you're typically behind your house, build an accessory dwelling or accessory structure within two feet of the property line, or in a corner, two feet off of each corner property. Over the years they have always been tempted to change that to come into compliance with the fire code which requires it to be five feet off the property line. And over the last couple of years, they have had multiple fires that caught structures on the other side on fire because of how close they were to the property line. It also addresses drainage, getting it further away from the neighboring property. He was proposing that they go to as long as ten feet away from the house, then you can be five feet off the property line unless there's a utility in the back. Right now, they have a lot of irrigation lines that run through backyards. They have a lot of power lines, phone lines and things like that. If there is a structure that already is running in

the backyard, you have to maintain a seven-and-a-half-foot setback with utilities. If there are no utilities, then they can have a five-foot setback. The problems they have been having when the utilities or irrigation need to be fixed, and the citizens have a structure on top of them they have to take down the structure enough to fix it and it is the owners responsibility to fix the structure when the city is done with the repair. There are a lot of conflicting ordinances allowing some things that cause them a lot of problems. This clarifies and cleans it all up. In new parts of town, new subdivisions there's no utilities in the backyards; everything is in the front. The irrigation project is coming online; it'll resolve a lot of issues. This simplifies it and puts us back into compliance with the fire code.

Councilman Prince is a big proponent of ADUs and asked if making those setbacks wider would impact the lots in La Verkin and where they could be built?

Derek replied no he had been to the smaller lots. Planning commission is going to hold a public hearing next week about the ADUs. He mapped out an ADU on a smaller lot and it met the requirements. If they have a smaller lot with a house, which is going to allow you to have a smaller ADU. Minimum of two hundred and fifty square feet is what they have to have. That limits it. They may not be able to be as wide, but you can make up for the width by depth.

Councilman Prince added he like the fire code because that's been an issue in municipalities where they have those narrow setbacks. If one neighbor did a two foot setback then the other neighbor needs ten feet for the fire break and then they have to put their seven feet setback not five.

Derek agreed and brought up the fires they had where the structure ignites and its two foot away and the next owner's house or structure is also had a two-foot setback and they both catch fire. It's better for the customer not to have to replace something they put there. Code now doesn't make that allowance for them before they had two codes not really coordinating together.

Councilman Pectol thought this was a good idea to protect citizens. If somebody had a wood pile or something stacked up against the fence and caught on fire, are we protecting folks.

Councilwoman Barr asked how he came up with the five feet. She lived in Las Vegas, and it was four feet and was curious how they came up with the numbers.

Derek replied it's the fire code that requires five feet, so they are following that standard.

Councilman Prince added that buildings need to be ten feet apart so each landowner would be five feet from property line that adds up to ten feet.

Derek added that technically if you are five feet away from another building depending on the type of building or structure, it may not have to be fire rated. It could come within five feet of the unit, fire-rated assemblies, which are going to be done through construction or through sprinklers. Five feet is always the separation you want to have. The further you go, the less stipulations you're going to have as far as fire-rated assemblies. With ten feet they definitely don't have to be fire-rated depending on size. The building would maybe determine whether they can count the sprinkler requirements. Five feet is the standard.

Councilman Prince thought it was a good meeting ground. If one neighbor is only four feet away, then the other neighbor would have to give up six feet to avoid the fire rating.

**The motion was made by Councilman Pectol to approve Ordinance No. 2026-02, an ordinance amending the La Verkin city code by deleting, changing or adding certain terms and definitions to Section 10-7-21,**

**seconded by Councilwoman Barr. Roll Call Vote: Barr-yes, Valenti-yes, Prince-yes, Pectol-yes. The motion carried unanimously**

4. Discussion and possible action to approve Ordinance No. 2026-03. An ordinance amending the modifying regulations in Section 10-6A-5, Section 10-6B-5, 10-6D-5 of the La Verkin City Code. Derek explained that the state mandated the cities to have ADUs. Under number two letter C, it says: must be attached to the primary dwelling unit. It refers to the definition which was approved on the very first one. That's where they ran into problems. If they have a house and add onto the house and create another room because under the internal dwelling units, you can rent out a bedroom, they can rent out upstairs or downstairs, you can rent out whatever you want as long as health and safety criteria are met. There are criteria on how much you can add to the house to meet the criteria. The biggest problem came down to is what's considered attached. He had people try to say that it's attached by two by four or attached by a piece of metal. They decided to create a strict definition, which is why we changed the internal dwelling unit to refer back to the definition as far as what attached means.

**The motion was made by Councilman Prince to approve Ordinance No. 2026-03. An ordinance amending the modifying regulations in Section 10-6A-5, Section 10-6B-5, 10-6D-5 of the La Verkin City Code, seconded by Councilman Valenti. Roll Call Vote: Barr-yes, Valenti-yes, Prince-yes, Pectol-yes. The motion carried unanimously.**

5. Discussion regarding ZRC (Zion Regional Collaboration) funding. Mayor Wilson explained that some of the council thought we shouldn't be part of the ZRC. Patty had emailed the council and they read her email. They have been a part of the ZRC for eight years. The county pulled out of it and he didn't know why. He wondered if they would want more money from the cities since the county wasn't contributing anymore.

Kyle added he got an email from the mayor of Springdale and he suggested they would need \$20,000 more. In the past it was presented that the cities pay what they want toward it but now there is a short fall of \$20,000.

Councilman Valenti commented that he wanted to carry on the work that Patty had been a part of. He felt there's a great value in the collaborative for these cities to support each other in ways that get things accomplished oftentimes behind the scenes. It's also a good information group. When they were talking about repaving Sheep Ridge and putting in an underpass it was good for the city to be aware of and understand how that was going to happen. They just spent five thousand dollars to put locks on the bathrooms. He felt that this is so much more valuable than that. They have a remote administrative position that some don't agree with. But people all over the plant work remotely. He has worked remotely for people in California, Montana, and Florida, so it's not unusual. He thought the salary that they pay their administrative advocate is minimal in comparison to any number of things. At the Mayors request, he had spoken to Mayor Bruno. She confirmed to him that there would be no increase for the city. The city could pay what it paid in the past and that would be fine with them. They could carry it on for a year if it becomes something that the council becomes dissatisfied about at some point they wouldn't renew it again.

Kyle asked if they had come up with the \$20,000.

Councilman Valenti responded that she assured him the amount of money is up to the city to decide. That there would be no increase in the donation if the city didn't want to.

Councilwoman Barr thought it was a good deal.

Councilman Prince didn't agree with the coordinator being remote. He felt they needed to be here more than a few times a year.

Councilman Valenti disagreed. He has sat in on teleconferences all around the county.

Councilman Prince commented the county pulled out for some reason.

Councilman Valenti thought all the cities were involved and they are talking about bringing more on.

Councilman Prince asked what was the short fall from? Another organization dropped out.

Kyle thought it was Greater Zion.

Councilman Valenti thought it was important for the communities. There are discussions of Leeds coming on and certainly Toquerville. He felt it would be growing in the future.

Kyle thought they donated \$6,700.

Councilman Prince would rather see that money going into La Verkin trails.

Councilman Valenti thought \$6700 was a minimal amount. They agreed to spend \$5,000 to fix the locks on bathroom doors. He felt La Verkin could afford \$6,700.

Councilman Prince asked what the deliverables are? What has the collaborative done for La Verkin.

Councilman Valenti responded mostly it's supporting each other in developing trails. Also, construction issues within the county, roads, Zions, and electronic advertising. He has only attended one meeting so he couldn't speak in great detail but felt it was important for the city to invest in.

Mayor Wilson added that the transportation system was headed up by them from St. George to Springdale.

Councilman Prince thought they helped with the grant application for a trail.

Councilman Valenti expressed it is a year-to-year commitment and if they thought it wasn't valuable they could drop out next year. He would be willing to attend their meetings, and he would be happy to report back to them.

Kyle explained they took it out of community development fund in past years. There is no need to amend the budget. The discussion was whether you wanted to continue or not, and right now it's just a discussion.

Councilman Prince added that his biggest trepidation in not continuing is Patty has put so much work into it and he wanted to honor her too.

Councilwoman Barr replied if his biggest hang up was working remotely she has worked remotely for five years. Her team of ten is all up north and she had been able to manage. We have great repour. We've had two baby showers remotely for her team. They have had Christmas parties and did Secret Santa exchanges. They can do so much remotely and build great repour with people remotely. She travels up north a couple times a year.

Councilman Valenti added that when we have somebody like that who takes up an administrative role, they put so much time and effort into them. They groom, educate, and familiarize them with the area. They become very knowledgeable over time. To switch, even to switch tomorrow to another person, you lose all that institutional ability. He felt it does make a difference.

Councilman Prince didn't want to disagree with them. He is open to the idea.

Mayor Wilson commented they would look into staying in the ZRC.

#### **F. Mayor & Council Reports:**

**Mayor Wilson:** Reported that the water treatment plant will be operational on the first of February. The ribbon cutting is on the second of February.

**Kyle Gubler:** Reported the fencing around the bridge has been funded. We have a budget item in there of five thousand dollars we paid it to the county or UDOT. February 17<sup>th</sup> is the Southern Utah Transportation Expo at the Dixie Center. If you are interested in learning about what's going on transportation wise, what projects Utah has or any of the other cities and stuff, it's at the Dixie Center from 10:00 a.m. to 5:00 p.m. The youth city council is up at the capital. They do a lot for the city, and this is a reward.

**Valenti:** Reported on the planning commission meeting on January 14. The mosquito abatement, first meeting is going to be in February. There'll be some training involved before I go. And the last issue is the legislative body or the legislative advisory committee through the ULGCT. That's an interesting body. The first meeting was kind of looking at three pieces of legislation. The first one is a preferred use that's going to be preemption possibly of city zoning authority, and the parameters of that preemption are not quite done yet. There may be some substitute bills; he was not sure, but what they're looking at is basically creating a use zone. That the city would have the ability to veto, but only if they could come up with certain criteria. The ULCD is against it, but he thought what they were telling us in a conference is that 97% of the bills they get through to vote pass, so if it gets there, it will probably pass. The second issue they talked about is an infrastructure bill and that's going to be looking at providing monies to cities for infrastructure projects. One interesting thing about it is it could affect what's going on with the top side development. The bill hasn't taken form yet; it will fairly shortly. And the last one they discussed was a change bill on the exemption for personal property tax. They're looking at changing the formula from the current 45% reduction or exemption to a 60% exemption, but they're not sure how that's going to affect other categories like businesses and the like. They wanted input from the city on all three items, so he tried to discuss and let them know what's going on in our city because that's what they're always looking for. If the council is interested in more in-depth information about numbers of bills, the sponsors, and that he could provide that for them.

Kyle added that the Top Side property was listed for sale and they have twenty plus developers interested in that property.

**Prince:** Reported he did go to the D-tech, and there are a number of projects starting that are very interesting. They're doing a passing lane on highway 7. George Washington area; they're starting a bridge over on I-15, so that will connect all the way from Hwy 7 to I-15 and then eventually all the way up to Santa Clara. The city of St. George is getting those sound walls on the east side approved it but the west side did not. The way that works is they poll the local residents, and they have to get 75% approval. The city has no choice if they get 75% approval, then they build the wall on the west side. There is a bunch of work going on between exit 12 down there by the Washington exit.

**Micah Gubler:** Not present.

**Pectol:** Reported he will be attending Ash Creek Special Service District's meeting tomorrow.

**Barr:** Reported that the solid waste meeting isn't until next month.

**Fay:** No present

#### **G. Citizen Comment & Request for Future Agenda Items:**

**Mary** would like them to bring back dumpster days. She knows that people came and dumped there that were not from La Verkin and thought maybe they could ask for ID. She has noticed a lot of big garbage items around the city. She wondered what happened to upgrading the park. She saw four different models then nothing else.

Kyle responded they needed a plan the sticking point is it's estimated to be seven million dollars to fix it like the model, so that's put us on hold for now.

Mary also was part of a stakeholders meeting with UDOT about making main Street one way and then has heard nothing about that.

Mayor Wilson commented that their proposal didn't work. That was a lot of money spent and was wasted.

Patricia Wise encouraged the council to improve public outreach. I know we all talk about it that we should do it and it's difficult to do, but each of you is assigned to a different committee like John is with the legislature, and planning commission, Amanda Historical Society. You know all of this. We need to let the people in La Verkin know what the council and the staff are doing. And Kyle does post the one-page newsletter; it's just not enough. It doesn't cover everything. People who have their kids and things, yes, they're interested, the rest of them really don't care that much. The way to do that is the website. And I know that we've got money in it been working on it, but there are links that are still not operational after some time in that. So if it's a matter of not having the right website company or paying more, I really think the council each of the council members should look at the Website and make recommendations to the mayor and Kyle. What would you like to see for the areas that you cover on the council? What would you like to see put out to the public and really make an effort to educate the public? Darren, you know people are on the trails. You need a trail committee. I know of eight people who would love to be on a trail committee. I just don't want to run it. And Scott, you know all of the things that you are going to be involved in, historical James Gubler has tried to do an amazing job. He has, but he needs that person to take him over the line. He needs to get the articles through and onto the website. La Verkin has such a rich history and there is just nothing there. And I know that Kyle has put a lot of effort into it, but it's not a one-man job. But I think collaborative you all can do an amazing job on public outreach. And mayor, have you talked to people from Hurricane lately? And have all of you seen "the loop"? Mayor Fawcett on the Hurricane city website and social media has started new ideas. He puts it out once a week and it's called "In the Loop." And he just gives people a list of about six or seven things that were happening in the city. Like they are sealing the roads, you know, all that kind of thing.

Councilman Prince added what if there was just a really great former city council person? I am not saying any names, but we did a little podcast so cheap and so easy and we interviewed. A mayor, a city councilman, a city manager, a police chief. Once a week we just spend twenty minutes.

Councilwoman Barr added she thinks we just need to invite people and maybe bribe them with cookies or something. Say hey please just come attend the meeting and personally send out invitations go door to door because that's the only way to get people here. I know I've tried a few months ago like hey show up at this meeting. If we were able to watch the meeting once we get the technology in here fixed. I think more people would be involved. But it seems like more people show up here when they're pissed off about something.

Councilman Valenti added Toquerville has their meetings on YouTube.

Mayor Wilson suggested maybe we have those two signs out on the highway. There are speed signs now, but we just for information maybe a day or two before city council can announce it on the signs.

## H. Adjourn:

The mayor closed the meeting at 7:15 p.m.

\_\_\_\_\_  
Date Approved

ATTEST: \_\_\_\_\_

Nancy Cline  
City Recorder

\_\_\_\_\_  
Mayor Kelly B. Wilson

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
RFD 100041750.	*Soriano, Diego		1/28/2026	1/28/2026	\$233.20	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100041750 - *S
Refund: 1000418	*Tapia, Maria	54719	1/28/2026	1/28/2026	\$122.50	511311	Accounts Receivable	Refund: 100041853 - *Tapia, Ma
012626 PO# 6295	*Venesky, Michael	54720	1/26/2026	1/26/2026	\$9,358.00	104620.610	Comm COMMUNITY DEVELOP	Refund for property purchase in
RFD 100039622.	A&B, Management	54722	1/26/2026	1/26/2026	\$200.00	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100039622 - A
PR012326-258	AFLAC	54723	1/28/2026	1/28/2026	\$27.90	102224	Health Savings Account	AFLAC EE
LSTG1223827	ALSCO	54724	1/26/2026	1/26/2026	\$43.76			
					0.87	104160.250	Bldg EQUIPMENT OPERATING	
					7.44	104410.250	Streets EQUIPMENT OPERATI	
					3.06	104510.250	Parks EQUIPMENT OPERATIN	
					18.38	516340.250	O&M EQUIPMENT OPERATIN	
					6.13	536310.250	Irrigation EQUIPMENT OPERA	
					7.88	556350.250	Drainage EQUIPMENT OPERA	
368786	BUCK'S ACE HARDWARE	54725	1/26/2026	1/26/2026	\$10.00	104253.250	Animal EQUIPMENT OPERATI	Door knob
012126	Campbell, Clay M	54726	1/21/2026	1/21/2026	\$165.00			
03-785137	Davis Food & Drug #4/Farmers Market	54727	1/22/2026	1/22/2026	\$61.45	104410.230	Streets TRAVEL & TRAINING	Reimbursement for Utah Weed
65-622302	Davis Food & Drug #4/Farmers Market	54727	1/26/2026	1/26/2026	\$1.45	104540.610	Rec EVENTS, FAIRS, & FESTI	Wreaths Across America 5th Gra
					\$3.99			
					0.07	104160.250	Bldg EQUIPMENT OPERATING	Hide a Key
					0.68	104410.250	Streets EQUIPMENT OPERATI	
					0.28	104510.250	Parks EQUIPMENT OPERATIN	
					1.68	516340.250	O&M EQUIPMENT OPERATIN	
					0.56	536310.250	Irrigation EQUIPMENT OPERA	
					0.72	556350.250	Drainage EQUIPMENT OPERA	
66-532405	Davis Food & Drug #4/Farmers Market	54727	1/23/2026	1/23/2026	\$25.73	104160.250	Bldg EQUIPMENT OPERATING	Air Fresheners
					25.73			
					\$91.17			
RFD 100039533.	Ekker, Dixie	54700	1/20/2026	1/20/2026	\$114.54	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100039533 - Ek
COMM47412026	EMI Health	54701	1/21/2026	1/21/2026	\$2,515.60	101562	PEHP/AFLAC Insurance Cleanin	Dental and Vision Insurance
057-2026 PO# 6280	Five County Association Of Government	54728	1/21/2026	1/21/2026	\$2,000.00	104620.610	Comm COMMUNITY DEVELOP	Vote Share for the MPO
PR012326-6099	Health Equity		1/28/2026	1/28/2026	\$761.40			
					536.40	102224	Health Savings Account	PEHP Health Equity-Family
					225.00	102224	Health Savings Account	PEHP Health Equity-Double
2026-2870	HURRICANE CITY JUSTICE COURT	54702	1/16/2026	1/16/2026	\$745.00	104121.240	Police JUSTICE COURT	Reimbursement for Indigent Cou
11-760	HURRICANE CITY WATER DEPT	54729	1/27/2026	1/27/2026	\$119.00			
					25.00	516340.410	O&M PRODUCT OR SERVICE	Power for Ash Creek Springs @
					94.00	516340.410	O&M PRODUCT OR SERVICE	Chlorine & Cylinder rental for bot
34582 PO# 5290	KENWORTHY SIGN & MONUMENTS	54730	1/23/2026	1/23/2026	\$10,350.00	104620.610	Comm COMMUNITY DEVELOP	Signs for the three buildings
					10,350.00			

**La Verkin City  
Invoice Register: 1/16/2026 to 1/28/2026 - All Invoices**

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
PR012326-147	LEGAL SHIELD	54731	1/28/2026	1/28/2026	\$100.28	102225	Misc Payable	LegalShield
024343	McMahon, Macon	54733	1/28/2026	1/28/2026	\$20.28	104210.240	Police OFFICE EXPENSE, SUP	Reimburse for cards
961011	NAPA AUTO PARTS	54734	1/23/2026	1/23/2026	\$123.74	104180.250	Bldg EQUIPMENT OPERATING	Battery
					2.48	104410.250	Streets EQUIPMENT OPERATI	
					21.04	104510.250	Parks EQUIPMENT OPERATI	
					8.66	516340.250	O&M EQUIPMENT OPERATI	
					51.97	536310.250	Irrigation EQUIPMENT OPERA	
					17.32	556350.250	Drainage EQUIPMENT OPERA	
					22.27			
961474	NAPA AUTO PARTS	54734	1/26/2026	1/26/2026	\$105.75	104180.250	Bldg EQUIPMENT OPERATING	Battery
					2.10	104410.250	Streets EQUIPMENT OPERATI	
					17.98	104510.250	Parks EQUIPMENT OPERATI	
					7.40	516340.250	O&M EQUIPMENT OPERATI	
					44.42	536310.250	Irrigation EQUIPMENT OPERA	
					14.81	556350.250	Drainage EQUIPMENT OPERA	
					19.04			
					<b>\$229.49</b>			
RFD 100040434.	Niskanen, Kyla	54703	1/20/2026	1/20/2026	\$118.84	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040434 - Ni
0126	PEHP	54704	1/16/2026	1/16/2026	\$22,589.04	101562	PEHP/AFILAC Insurance Clearin	Health Insurance
012026	PEHP Group Insurance	54705	1/20/2026	1/20/2026	\$990.20	101563	PEHP Life Insurance Clearing	Life Insurance
INV1007 PO# 6282	R. Jones Masonry	54715	1/22/2026	1/22/2026	\$24,730.00	104620.610	Comm COMMUNITY DEVELOP	Block wall on the north side of th
11316 PO# 6279	RED MOUNTAIN TECHNOLOGY SOLU	54716	1/21/2026	1/21/2026	\$831.25	104140.315	Admin COMPUTER EQUIPME	Work on failed card reader
1206439	RED MOUNTAIN TECHNOLOGY SOLU	54735	1/27/2026	1/27/2026	\$441.13	104210.250	Police EQUIPMENT OPERATI	Phone System
1206440	RED MOUNTAIN TECHNOLOGY SOLU	54706	1/16/2026	1/16/2026	\$428.77	104140.290	Admin TELEPHONE/COMMUNI	Phone system
					428.77			
					<b>\$1,701.15</b>			
77390	ROADRUNNER AUTOMOTIVE AND DI	54707	1/19/2026	1/19/2026	\$79.11	104210.450	Police VEHICLE MAINTANCE	Oil change-21 Dodge, Trevor
0016-0126	ROCKY MOUNTAIN POWER	54736	1/16/2026	1/16/2026	\$250.55	104253.280	Animal UTILITIES	Animal shelter
0017-0126	ROCKY MOUNTAIN POWER	54740	1/16/2026	1/16/2026	\$4,447.66	104140.280	Admin UTILITIES	435 N Main, 1/2 111 S Main
					777.50	104210.280	Police UTILITIES	1/2 111 S Main
					247.24	104410.280	Streets UTILITIES	Street lights
					2,736.38	104510.280	Parks UTILITIES	Parks
					257.48	516660.280	Admin UTILITIES	Pump station
					410.11	536310.250	Irrigation EQUIPMENT OPERA	filter station
					18.95			
0024-0126	ROCKY MOUNTAIN POWER	54736	1/16/2026	1/16/2026	\$61.61	104510.280	Parks UTILITIES	Power Plant park
					61.61			
					<b>\$4,759.82</b>			
RFD 100040956.	Royal T Enterprises, Inc.	54708	1/21/2026	1/21/2026	\$972.68	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040956 - R
					972.68			

**La Verkin City**  
**Invoice Register: 1/16/2026 to 1/28/2026 - All Invoices**

1/29/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
3055424	SCHOLZEN PRODUCTS CO INC	54709	1/16/2026	1/16/2026	\$9.60			
					0.20	104160.250	Bldg EQUIPMENT OPERATING	
					1.63	104410.250	Streets EQUIPMENT OPERATI	
					0.67	104510.250	Parks EQUIPMENT OPERATIN	
					4.03	516340.250	O&M EQUIPMENT OPERATIN	
					1.34	536310.250	Irrigation EQUIPMENT OPERA	
					1.73	556350.250	Drainage EQUIPMENT OPERA	
6962192	SCHOLZEN PRODUCTS CO INC	54737	1/21/2026	1/21/2026	\$78.57		O&M NEW SERVICES	Tan Wire nut and burlap splice kit
					78.57	516340.440		
6963645	SCHOLZEN PRODUCTS CO INC	54737	1/28/2026	1/28/2026	\$397.48		O&M SALARIES & WAGES	Allegro Cellular Pit Unit
					397.48	516340.110		
	<b>Vendor Total:</b>				<b>\$485.65</b>			
5358/4012026	Shred St. George	54710	1/20/2026	1/20/2026	\$39.95		Admin UTILITIES	
					28.76	104140.280	Admin UTILITIES	
					9.99	516660.280	Drainage EQUIPMENT OPERA	
					1.20	556350.250		
INV3259	TAGG N GO EXPRESS CAR WASH	54738	1/22/2026	1/22/2026	\$2,010.00		Bldg EQUIPMENT OPERATING	
					40.20	104160.250	Streets EQUIPMENT OPERATI	
					341.70	104410.250	Parks EQUIPMENT OPERATIN	
					140.70	104510.250	O&M EQUIPMENT OPERATIN	
					844.20	516340.250	Irrigation EQUIPMENT OPERA	
					281.40	536310.250	Drainage EQUIPMENT OPERA	
					361.80	556350.250		
PR012326-501	UTAH RETIREMENT SYSTEMS		1/28/2026	1/28/2026	\$13,223.24		Retirement Payable	401k
					890.57	102223	Retirement Payable	Retirement
					10,528.62	102223	Retirement Payable	457
					928.90	102223	Retirement Payable	Roth IRA
					614.00	102223	Retirement Payable	457 Loan
					261.15	102223		
PR012326-449	Utah State Tax Commission		1/28/2026	1/28/2026	\$2,582.04		State Withholding	State Income Tax
					2,582.04	102222		
251201-1 PO# 6286	UTAH STATE UNIVERSITY	54717	1/22/2026	1/22/2026	\$500.00		Comm COMMUNITY DEVELOP	Utah Well Being Project
					500.00	104620.610		
0126	Wallis, Cassidi	54739	1/25/2026	1/25/2026	\$550.00		Bldg EQUIPMENT OPERATING	January cleaning
					2.00	104160.250	Bldg B&G OPERATION AND M	
					450.00	104160.270	Streets EQUIPMENT OPERATI	
					17.00	104410.250	Parks EQUIPMENT OPERATIN	
					7.00	104510.250	O&M EQUIPMENT OPERATIN	
					42.00	516340.250	Irrigation EQUIPMENT OPERA	
					14.00	536310.250	Drainage EQUIPMENT OPERA	
					18.00	556350.250		
0010	ZIONS FIRST NATIONAL BANK CC		1/23/2026	1/23/2026	\$299.99		Admin BOOKS, SUBSCRIPTION	American Water College
					299.99	516660.210		
00583	ZIONS FIRST NATIONAL BANK CC		1/21/2026	1/21/2026	\$95.03		Rec EVENTS, FAIRS, & FESTI	YC Capital trip-food
					95.03	104540.610		
015611 PO# 6277	ZIONS FIRST NATIONAL BANK CC		1/16/2026	1/16/2026	\$584.46		Council TRAVEL & TRAINING	Appreciation Dinner for City Cou
					584.46	104111.230		
020119	ZIONS FIRST NATIONAL BANK CC		1/20/2026	1/20/2026	\$41.50		Inspect ENGINEER	Washington County Recorders o
					41.50	104240.460		
020997	ZIONS FIRST NATIONAL BANK CC		1/20/2026	1/20/2026	\$18.58		Rec EVENTS, FAIRS, & FESTI	YC Capital trip-gas
					18.58	104540.610		

**La Verkin City  
Invoice Register: 1/16/2026 to 1/28/2026 - All Invoices**

1/29/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
021213	ZIONS FIRST NATIONAL BANK CC		1/21/2026	1/21/2026	\$91.74	104540.610	Rec EVENTS, FAIRS, & FESTI	YC Capital trip-food Papa Murph
021478	ZIONS FIRST NATIONAL BANK CC		1/21/2026	1/21/2026	\$21.09	104540.610	Rec EVENTS, FAIRS, & FESTI	YC Capital trip-gas
021752	ZIONS FIRST NATIONAL BANK CC		1/20/2026	1/20/2026	\$29.25	104540.610	Rec EVENTS, FAIRS, & FESTI	YC Capital trip-gas
022551	ZIONS FIRST NATIONAL BANK CC		1/22/2026	1/22/2026	\$39.57	104540.610	Rec EVENTS, FAIRS, & FESTI	YC Capital trip-gas
022746	ZIONS FIRST NATIONAL BANK CC		1/22/2026	1/22/2026	\$29.11	104540.610	Rec EVENTS, FAIRS, & FESTI	YC Capital trip-gas
027719	ZIONS FIRST NATIONAL BANK CC		1/27/2026	1/27/2026	\$50.00	104210.610	Police MISC SUPPLIES	Flowers for Taunya
102159385	ZIONS FIRST NATIONAL BANK CC		1/27/2026	1/27/2026	\$165.00	104240.230	Inspect TRAVEL & TRAINING	ICC online training
3405-8310457	ZIONS FIRST NATIONAL BANK CC		1/28/2026	1/28/2026	\$374.62			
					7.49	104160.250	Bldg EQUIPMENT OPERATING	Tires from Big Brand Tire & Servi
					63.69	104410.250	Streets EQUIPMENT OPERATI	
					26.22	104510.250	Parks EQUIPMENT OPERATI	
					157.34	516340.250	O&M EQUIPMENT OPERATI	
					52.45	536310.250	Irrigation EQUIPMENT OPERA	
					67.43	556350.250	Drainage EQUIPMENT OPERA	
7005848 PO# 6292	ZIONS FIRST NATIONAL BANK CC		1/26/2026	1/26/2026	\$160.11	104140.240	Admin OFFICE EXPENSE, SUP	Framed Copy of the Constitution
73-519254	ZIONS FIRST NATIONAL BANK CC		1/22/2026	1/22/2026	\$9.26	104540.610	Rec EVENTS, FAIRS, & FESTI	Wreathis Across America 5th Gra
	<b>Vendor Total:</b>				<b>\$2,009.31</b>			
PR012326-234	ZIONS FIRST NATIONAL BANK.		1/28/2026	1/28/2026	\$15,671.00	102221	FICA & FWT Withholding	Social Security Tax
					7,850.44	102221	FICA & FWT Withholding	Medicare Tax
					1,836.04	102221	FICA & FWT Withholding	Federal Income Tax
					5,984.52	102221	FICA & FWT Withholding	
	<b>Total:</b>				<b>\$120,219.15</b>			
					25,104.64	101562	<b>GL Account Summary</b>	
					990.20	101563	PEHP/AF/LAC Insurance Cleanin	
					15,671.00	102221	PEHP Life Insurance Clearing	
					2,582.04	102222	FICA & FWT Withholding	
					13,223.24	102223	State Withholding	
					789.30	102224	Retirement Payable	
					100.28	102225	Health Savings Account	
					584.46	104111.230	Misc Payable	
					745.00	104121.240	Council TRAVEL & TRAINING	
					160.11	104140.240	Police JUSTICE COURT	
					806.26	104140.280	Admin OFFICE EXPENSE, SUP	
					428.77	104140.290	Admin UTILITIES	
					831.25	104140.315	Admin TELEPHONE/COMMUNI	
					81.14	104160.250	Admin COMPUTER EQUIPME	
					450.00	104160.270	Bldg EQUIPMENT OPERATING	
					20.28	104210.240	Bldg B&G OPERATION AND M	
					441.13	104210.250	Police OFFICE EXPENSE, SUP	
					247.24	104210.280	Police EQUIPMENT OPERATI	
					79.11	104210.450	Police UTILITIES	
					50.00	104210.610	Police VEHICLE MAINTANCE	
							Police MISC SUPPLIES	

**La Verkin City  
Invoice Register: 1/16/2026 to 1/28/2026 - All Invoices**

1/29/2026

<u>Invoice No.</u>	<u>Vendor</u>	<u>Check No.</u>	<u>Ledger Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Account No.</u>	<u>Account Name.</u>	<u>Description</u>
					165.00	104240.230	Inspect TRAVEL & TRAINING	
					41.50	104240.460	Inspect ENGINEER	
					10.00	104253.250	Animal EQUIPMENT OPERATI	
					250.55	104253.280	Animal UTILITIES	
					165.00	104410.230	Streets TRAVEL & TRAINING	
					471.16	104410.250	Streets EQUIPMENT OPERATI	
					2,736.38	104410.280	Streets UTILITIES	
					193.99	104510.250	Parks EQUIPMENT OPERATI	
					319.09	104510.280	Parks UTILITIES	
					395.08	104540.610	Rec EVENTS, FAIRS, & FESTI	
					46,938.00	104620.610	Comm COMMUNITY DEVELOP	
					<b>115,071.20</b>		<b>Total</b>	
					122.50	511311	Accounts Receivable	
					1,639.26	512330	Turn on Fee/Renter Deposit	
					397.48	516340.110	O&M SALARIES & WAGES	
					1,164.02	516340.250	O&M EQUIPMENT OPERATI	
					119.00	516340.410	O&M PRODUCT OR SERVICE	
					78.57	516340.440	O&M NEW SERVICES	
					299.99	516660.210	Admin BOOKS, SUBSCRIPTION	
					420.10	516660.280	Admin UTILITIES	
					<b>4,240.92</b>		<b>Total</b>	
					406.96	536310.250	Irrigation EQUIPMENT OPERA	
					500.07	556350.250	Drainage EQUIPMENT OPERA	
					<b>\$120,219.15</b>		<b>GL Account Summary Total</b>	



*Explanation for the proposed changes to code section 8-1-4: STATEMENT OF CHARGES; DELINQUENCY:*

*The last time this code section was changed was December 19, 2007; since then, technology has evolved in providing better ways of communicating and reaching people*

**Old provision**

- (1) *The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") **be mailed-to utility users whose utility accounts remain delinquent and unpaid.***

*Lisa sends out an average of 125 shut-off notices each month to Citizens and Landlords. Those who don't respond with payment receive the next step, which is shut-off notices in the form of door hangers.*

- b. *Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a **shutoff notice be delivered and placed at the residence or usual place of business of the user whose account is delinquent.***

*As mentioned earlier, those who do not respond with payment after receiving the initial letters will progress to the next step, which involves issuing shut-off notices in the form of door hangers. On average, 73 door hangers are posted each month to notify citizens and businesses that their water supply may be shut off due to non-payment by the public works crew. This task requires an average of two public works crew members working for three hours each month.*

**New Provision**

- (1) *The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") **be mailed-be sent by mail and or electronically** to utility users whose utility accounts remain delinquent and unpaid.*

- b. *Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a shutoff notice be delivered **electronically and or and** placed at the residence or usual place of business of the user whose account is delinquent.*

*One of the new technologies introduced in the city is called YOPPIFY. YOPPIFY is a communications platform based in Utah and founded in Riverton, specifically designed for city governments and public utilities to send targeted, multi-channel alerts (such as texts, emails, and voice messages) to residents. The platform focuses on areas such as water conservation, leak notifications, road closures, and emergency updates.*

Key details about YOPPIFY in Utah include:

**Purpose:** It enables cities to engage residents with personalized, location-specific information.

**Utility Focus:** It provides tools for water managers to send, monitor, and report on high water usage or leaks, often in conjunction with secondary metering.

**Functionality:** The system allows for quick, customized messaging to specific neighborhoods or, during emergencies, to the entire community.

**Background:** Founded around 2021, the company aims to create tools designed "by public employees for public employees."

YOPPIFY serves as a communication bridge, helping Utah cities and water providers to manage resources and improve transparent, direct communication with their residents.

YOPPIFY came about as a response to Utah legislation, which sought alternative methods to promote water conservation. They issued a Request for Proposal (RFP), a formal document used to announce a project, outline requirements, and solicit bids from qualified vendors for products or services. This process allows for an objective comparison of vendor capabilities, costs, and solutions. Key components of the RFP include project scope, deliverables, timelines, and evaluation criteria. The goal was to create software that cities could use to communicate with their citizens and businesses regarding water leaks and conservation efforts.

Each month, Lisa produces a report through our Advanced Metering Infrastructure (AMI) program, which utilizes smart utility meters to collect real-time, detailed usage data, enhancing billing accuracy and leak detection. Residents and businesses showing a leak alert are notified primarily through YOPPIFY, allowing them to address repairs promptly, conserve water, and avoid unnecessary costs.

Since YOPPIFY is already integrated with our billing and addressing software, we could replace the letters that Lisa currently sends out and the door hangers the public works crew places each month with this software. While we recognize that not everyone can be reached through social media, and that some letters and door hangers will still need to be sent and placed, we believe that using YOPPIFY could result in significant cost and labor savings.

Please see page 2 for a breakdown of costs and savings.

Staff hopes that following the City Council meeting timeline will work for the passage of this ordinance.

- \* **February 4th** Council will receive in their packets: (1) an explanation page detailing the changes and additions, (2) a red-lined copy highlighting the changes and additions, and (3) a clean draft copy of the proposed changes and additions.
- \* **February 18<sup>th</sup>** Council will have a discussion on the proposed Cemetery changes and additions, at which point any changes or additions can be addressed, and a public hearing can be set for the March 4th Council meeting.
- \* **March 4<sup>th</sup>** council meeting public hearing on the proposed Cemetery updates and possible passage?

#### 8-1-4: STATEMENT OF CHARGES; DELINQUENCY:

- A. Statement: On or before the first day of the month in which payment for utility charges are assessed, due and payable, the city manager or his or her designee shall cause to be prepared and furnished to each user in person, by mail, and/or by delivery at the user's place of residence or usual place of business, a statement of charges (sometimes referred to herein as the "utility bill"). The utility bill shall: 1) issue each month; 2) specify the amount of utility (including water) service charges assessed against the user, as well as any outstanding delinquency related fee(s); and 3) identify the place of payment and the date due.
- B. Failure To Pay:
1. Date Of Delinquency And Late Fee:
    - a. A utility bill is due and payable upon receipt, and shall be paid not later than the twenty fifth calendar day of the month in which the user is billed for utility services.
    - b. Payments not received by twelve o'clock (12:00) midnight of the twenty fifth shall be deemed delinquent and shall be subject to the immediate assessment and imposition of a utility services late fee, as set by resolution of the city council.
    - c. From and after the date of delinquency (i.e., the twenty sixth day of the month in which payment was due), and until all charges and associated delinquency related fees are paid in full, the user's utility account shall be considered a delinquent account.
  2. Notification Of Delinquency And Possible Termination Of Service:
    - a. Utility accounts which remain delinquent as of eight o'clock (8:00) A.M. on the fifth day of the month following the imposition of the utility services late fee shall be subject to the immediate assessment and imposition of a notice processing fee set forth by resolution of the city council.
      - (1) *The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") be mailed ~~be~~ sent by mail and or electronically to utility users whose utility accounts remain delinquent and unpaid.*
      - (2) *The shutoff notice shall state the amount of the delinquency (including any unpaid utility services late fee and notice processing fee) and the anticipated date of termination of water service by the city ("shutoff date").*
    - b. *Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a shutoff notice be delivered electronically and or **and** placed at the residence or usual place of business of the user whose account is delinquent.*
  3. Shutoff Date; Involuntary Termination Of Water Service:

- a. The shutoff date shall be the third Tuesday of the month following the date wherein the account first became delinquent and subject to a late fee.
- b. Users whose utility accounts remain delinquent on the shutoff date shall be subject to immediate termination of water service.

4. Intervention Of Nonprofit Charitable Organizations:

a. For purposes of this section, a "nonprofit charitable organization" shall mean and include all charitable organizations or entities which have been classified as tax exempt under state law of the state of Utah or under the federal law of the United States of America, and only while carrying out an act which is within the scope of such tax exempt status and where no profit is directly or indirectly derived by any person, including, but not limited to, religious, charitable assistance, and emergency relief organizations, and includes a chapter, branch, office, congregation, or similar affiliate, and any authorized representative thereof.

- c. If, at any time prior to termination of a user's water service, a nonprofit organization should contact the city manager or his or her authorized designee(s) and request the opportunity to pay the amount of the user's delinquency (including all charges and delinquency related fees) on the user's behalf, action to terminate the user's water service shall be stayed for a period of not less than ten (10) days following the shutoff date provided in subsection B3 of this section.

- (1) If the user's delinquent utility charges and delinquency related fees are paid in full prior to the end of such stay, then the water service will not be terminated for such delinquency.

- (2) If the user's delinquent utility charges and delinquency related fees are not paid in full within the period of such stay, service to said user shall be subject to immediate termination at the expiration of such period of stay.

5. Reconnection: After water service has been terminated to a user pursuant to the terms of this section, it may only be restored to the user after all delinquent utility charges and associated delinquency related fees have been paid (including a reconnection fee, as provided by resolution). (Ord. 2007-33, 12-19-2007)

*The staff believes that an update to the Cemetery ordinance is necessary, as the last revision was made in 1998. This need arises from ongoing clarifications and interpretations of the code.*

*These pages aim to identify the sections of the ordinance that need to be changed or added, along with explanations for each proposed modification.*

*The following comments are excerpts of recommended changes*

**7-6-2: (Definitions added)**

- \* Burial
- \* Burial Lot
- \* Burial Right
- \* Burial Vault
- \* Certificate Of Burial Right
- \* Cremated Remains
- \* Disinterment
- \* Exhumation
- \* Grave
- \* Headstone
- \* Marker
- \* Memorials
- \* Monuments
- \* Plot

**7-6-5-C (Vaults)**

- \* *Since 1982, industry standards have changed significantly, necessitating the approval of alternative vault types.*

**7-6-5- (Burials)**

- \* *(D) Burial Days - (E) Internet timeline - (E-1) Service time was adopted by Resolution (R-2022-01), January 6, 2022. We want to include this portion in the Cemetery ordinance to make it easier for people to find and comply with.*

**7-6-7: (Lot Sales)**

*In recent years, we have faced issues with plot owners allowing unauthorized burials in their assigned plots or in plots belonging to others. Some individuals claim that a family member or friend has died and was buried elsewhere, leading them to believe they can use the plot for burial. This situation is further complicated when other family members later express their desire to be buried in the same plot, resulting in confusion when staff unintentionally permit an additional burial in that plot.*

*This situation creates significant emotional distress for all parties involved, especially for staff members who find themselves caught between these disputes.*

*To address these issues, we have provided a clear outline of processes to follow, which will help reduce staff involvement in such matters.*

*(B-1-2-a-b-c) The only ways individuals can transfer burial locations.*

#### **7-6-8: (Placement Of Monuments And Markers)**

- \* This section was added to distinguish monuments from markers, establish limits on headstone base size, and regulate headstone height since it interferes with our sprinklers' ability to maintain lawn coverage, resulting in dead spots within the Cemetery.*

#### **7-6-11: (Rules and Regulations)**

- \* Placements of Flowers And Plants: Placement of Flowers, plants, and other items of decoration is limited to within the headstone base, as well as notifying the family that once these items become withered, discolored, torn, or broken, the staff has the right to remove them. This was allowed in the existing code under item J*
- \* Holidays: We set the header to 'holidays,' but the rest of the text is what is in the code now. We crossed out the requirement to post a notice on the date following each holiday stating that staff would remove the flower/decoration, because the signage we post each year would get stolen and create a problem for staff. The way we have it now allows these items to be left longer until they weather, discolor, or become a maintenance issue.*
- \* Temporary Memorials: We added item K, Temporary memorials, to let the family know that after (5) business days, once the flowers, wreaths, and other such decorations start to fade, discolor, become broken, or become a maintenance issue, they will be removed.*

#### **7-6-13: (Unlawful Acts)**

- \* We have removed the ability to plant around the exterior of the base due to maintenance issues. However, planting is still permitted within the base itself. Existing plants can remain, but we have set a deadline for their upkeep. It is expected that those who have planted live plants will maintain them; however, in reality, most do not take responsibility and leave it to the staff.*

*Staff hopes that following the City Council meeting timeline will work for the passage of this ordinance.*

- \* **February 4th** Council will receive in their packets: (1) an explanation page detailing the changes and additions, (2) a red-lined copy highlighting the changes and additions, and (3) a clean draft copy of the proposed changes and additions.*
- \* **February 18<sup>th</sup>** Council will have a discussion on the proposed Cemetery changes and additions, at which point any changes or additions can be addressed, and a public hearing can be set for the March 4th Council meeting.*
- \* **March 4<sup>th</sup>** council meeting public hearing on the proposed Cemetery updates and possible passage?*



## CHAPTER 6 CEMETERIES

### SECTION:

[7-6-1: City Cemetery](#)

[7-6-2: Definitions](#)

[7-6-3: Applicability](#)

[7-6-4: Cemetery Sexton](#)

[7-6-5: Burials](#)

[7-6-6: Fees And Charges](#)

[7-6-7: Lot Sales](#)

[7-6-8: Placement Of Monuments And Markers](#)

[7-6-9: Perpetual Care Lots](#)

[7-6-10: Indigents](#)

[7-6-11: Rules And Regulations](#)

[7-6-12: Care And Maintenance; Right To Enter](#)

[7-6-13: Unlawful Acts](#)

[7-6-14: Penalty](#)

### **7-6-1: CITY CEMETERY:**

The burial ground of the city shall be known and designated by the name of LaVerkin Cemetery. (1982 Code § 8-202)

### **7-6-2: DEFINITIONS:**

The following words or phrases shall have the following meanings, unless the context otherwise clearly requires:

**BURIAL:** *The interment of human remains, including cremated remains.*

**BURIAL LOT:** *The location, by section and block, identified in a city cemetery for the future exercise of a burial right, or the memorial to a deceased person, including historically created half burial lots.*

**BURIAL RIGHT:** *The nontransferable, limited right of a specific individual to be buried in a specific burial lot in any land designated by the city as a cemetery or a cremation garden.*

**BURIAL VAULT:** *A structure used to hold a casket or container of cremated remains.*

**CERTIFICATE OF BURIAL RIGHT:** *A document issued by the city identifying the individual who may be buried in a burial lot.*

**CREMATED REMAINS:** *The remains of a deceased human that have been reduced to ashes.*

**DISINTERMENT:** *The permanent removal of a casket or cremated remains from a burial lot.*

**EXHUMATION:** *The temporary removal of human remains from a burial lot.*

**GRAVE:** *A burial lot in which human remains, including cremated remains, have been buried or which has been excavated in anticipation of burial.*

**HEADSTONE:** *A marker or monument used to identify the person interred in a burial lot.*

**LOT:** *The partial lots or single graves in the city cemetery.*

**LOT OWNER OR PURCHASER AND GRAVE OWNER OR PURCHASER:** *The owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner. (1982 Code § 8-202)*

**MARKER:** *A headstone that is flat, flush to the natural grade of a grave, identifying the person whose remains are buried in the grave.*

**MEMORIALS:** *Items placed on a burial lot as a remembrance.*

**MONUMENT:** *A headstone that is upright, located on a grave, identifying the person whose remains are buried interred in the grave.*

**PLOT:** *Each single gravesite within a lot, without*

### **7-6-3: APPLICABILITY:**

All cemeteries owned and/or maintained by the city or which may hereafter be acquired by the city wherever situated are hereby declared subject to the provisions of this chapter. (1982 Code § 8-203)

### **7-6-4: CEMETERY SEXTON:**

- A. **Created:** There is hereby created the position of cemetery sexton. (1982 Code § 8-211; amd. 1998 Code)
- B. **Duties:** The cemetery sexton shall have the general supervision and administration of the city cemetery, including, but not limited to:
  1. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
  2. Subdividing the cemetery into lots and grave sites.
  3. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
  4. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the city clerk/recorder of such fact. The city clerk/recorder shall, after payment of the lot price has been received

in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the city clerk/recorder. (1982 Code § 8-212; amd. 1998 Code)

#### **7-6-5: BURIALS:**

- A. **Certificate Required:** It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right. (1982 Code § 8-222)
- B. **Registration:** Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the city clerk/recorder with a written statement which shall be filed by the city clerk/recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave. (1982 Code § 8-223)
- C. **Vaults:**
1. Unless in writing waived by the cemetery sexton, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel or brick lined, *Polypropylene*, or *Industry - standard Vaults of and such or of such other material approved by the city council*, substantially constructed and covered with a similar durable material.
  2. No wood shall be used as a permanent part of the construction of any part of the vault. (1982 Code § 8-225; amd. 1998 Code)
- D. **Burial Days:** *Monday through Saturday, except City-observed State and Federal holidays, except New Year's Day, Memorial Day, Thanksgiving Day, and Christmas Day. When the City-observed State and Federal holiday falls on a Saturday, this includes the actual holiday and the preceding day; when it falls on a Sunday, this includes the actual holiday and the following day. Except as otherwise ordered by the Mayor (in exceptional circumstances), there shall be no interments on Sundays. New Year's Day. July 4th. Pioneer Day. Veterans Day. Thanksgiving Day. Christmas Day. or Friday through Monday of the Memorial Day weekend*
- E. **Interment:** *Persons desiring to arrange for an interment must contact the City at least 48 hours prior to the scheduled time of interment. Failure to do so may prevent the scheduling of the interment at the desired time; if the sexton or other applicable City official determines that the interment may practically occur at the desired time of interment,*
1. *Interment (and associated graveside services or visits) may be scheduled until 2:30 p.m. and shall finish within two hours from the scheduled time; and all visitors will be clear of the grave site prior to the end of such two-hour period and no later than 4:30 p.m. for an afternoon interment, to give City employees sufficient time to complete all associated services and needed site-restoration by 5:00 p.m.*

D. Unlawful Acts: It shall be unlawful for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery sexton who shall, before disinterment, require written permission from both the Southwestern district health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
2. Disinter or remove the body of a person who has died from a contagious disease within two (2) years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
3. Inter anything other than the remains of human bodies in cemeteries.
4. Bury the body of any person within the city, except in the city cemetery or a private cemetery, unless by special permission of the city council under such rules and regulations that it may prescribe. (1982 Code § 8-224; amd. 1998 Code)

#### **7-6-6: FEES AND CHARGES:**

A. Established; Authority: The city council shall, from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided. (1982 Code § 8-243)

B. Collection: The city clerk/recorder, and such other persons as the city council may designate, are hereby authorized and required to collect in advance, prices and fees for the opening and closing of graves or other services which shall include, but not be limited to, properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution. (1982 Code § 8-241)

C. Opening Graves:

1. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
2. The presentation of a receipt from the city clerk/recorder or person designated by the city council when presented to the cemetery sexton, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the city clerk/recorder or authorized person may give the cemetery sexton authority to open graves without the presentation of a receipt from the city clerk/recorder or authorized person. (1982 Code § 8-242; amd. 1998 Code)

#### **7-6-7: LOT SALES:**

A. Authority and Records: The city clerk/recorder, along with any other individual

designated by the city council, is authorized to sell burial rights only to individuals. Upon the sale of a burial right, the city will issue a certificate of burial right. This certificate grants the individual named within it the non-transferable right to be buried in the identified burial lot. However, the certificate of burial right only conveys a license for burial and does not confer any title, fee, or other ownership or possessory interest in the burial lot itself.

B. An individual may purchase more than one burial right, as long as each issued certificate identifies the individual entitled to be buried in the corresponding lot. However, one individual may be named in no more than two certificates. Any certificate of burial right that does not designate the individual eligible for burial in the identified lot is invalid, except in the following circumstances:

1. While alive, the individual named in the certificate must provide written consent for any other remains to be interred in the identified burial lot.

2. After that individual has passed away, the burial of any other remains may be authorized by:

a) The surviving spouse of the individual named in the certificate, or

b) If no spouse survives, a descendant who must provide proof of power of attorney for the individual named in the certificate.

c) ~~The descendant may either obtain written consent from all surviving descendants of the individual named in the certificate (by representation), or they must notify all descendants in writing of their intent to permit other remains in the burial lot. This notification must explicitly state that any objections to the proposed burial must be submitted to the city in writing within thirty (30) days.~~

If the city does not receive any objections within that thirty-day period from the date the last notice was mailed, the descendant may consent to the burial of other remains in the lot. Conversely, if an objection is received within thirty (30) days from that date, the descendant cannot consent to the burial of other remains.

Before notifying descendants of the intent to consent to the burial of other remains, the descendant must inform the city of this intent, provide the names and last known addresses of all known surviving descendants of the individual named in the certificate, and deliver copies of the notices to the city, along with proof of mailing. The legally recognized guardian of any minor or incapacitated descendant may act on behalf of that minor or incapacitated descendant.

C. Purchase Price, Scope Of: A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care.

D. Services Included: Perpetual care shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass and watering and cutting the grass. No other services are included.

E. Improvements, Changes And Services: No other improvements, changes or service, except perpetual care, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery sexton written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the city council. (1982 Code § 8-251; amd. 1998 Code)

F. Resale Restrictions:

1. From and after March 15, 1982, the lots sold by the city shall not be further sold, transferred, conveyed or assigned to any person except the city. The city hereby agrees to buy back any city cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser or the current selling price of the lot, whichever is less.
2. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this subsection, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given and the record shall be so changed. (1982 Code § 8-252)
3. The certificates shall be issued and signed and attested by the city clerk/recorder. All lots or parts of lots, as provided in this subsection, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment. (1982 Code § 8-252; amd. 1998 Code)

#### 7-6-8: PLACEMENT OF MONUMENTS AND MARKERS

A. *Upright monuments and primary headstones are allowed in all sections of the cemetery, but they must not exceed 36 inches in height at their tallest edge. Any monument or headstone that stands above the sod level is classified as an upright stone. Monuments and headstones that are level with the sod are also permitted. The dimensions for monument and headstone bases are restricted; they must not exceed 42 inches in length and 24 inches in width for a single plot. For two consecutive plots, the base length cannot exceed 84 inches while still maintaining the 24-inch width.*

*1. A plot that has been designated for cremation remains of no more than two people. The Monuments/Markers must be flush with the sod line*

B. *If an individual purchased a headstone or marker which exceeds the 36-inch maximum height, that headstone or marker shall be allowed only if written proof is furnished to the sexton showing that the headstone or marker was purchased prior to Month \_\_\_\_\_ Date \_\_\_\_\_ Year \_\_\_\_\_*

C. *Permitted Markers or Additional Stones. Any secondary marker must be flush with the sod line. The dimensions of the marker or stone shall not exceed 24 by 12 by six inches. The base upon which it is placed may not exceed 36 by 24 by six inches. A secondary marker, stone, may be permitted if the additional marker or stone identifies a currently unidentified individual within the same burial lot. Stones or markers that identify an individual already identified through another stone or marker within that same burial lot shall be prohibited. The*

*only exception shall be veteran markers. No more than two markers or stones may be permitted in a single burial lot.*

- D. Materials Permitted. All monuments, headstones, or markers shall consist of granite, bronze, or other durable material approved by the sexton.*
- E. Authorization. Any individual, family, group, or the like must obtain approval from the sexton prior to the placement of any monument, headstone, or marker*

#### **7-6-9: PERPETUAL CARE LOTS:**

- A. Scope Of Care: The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers; but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the city. (1982 Code § 8-262)
- B. Contracting For Care:
  - 1. No grave shall be hereafter opened in the cemetery of this city until perpetual care upon the lot where the grave is to be opened shall have been contracted for with the city, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed. (1982 Code § 8-261)
  - 2. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the city in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with reasonable attorney fees to the city, and shall also pay interest at the rate of eight percent (8%) per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments; provided however, that when perpetual care for any lot in the city cemetery or portion thereof, has not been paid for a period of ten (10) years, then, and in such an event, the unused portion of the lot shall thereafter escheat to the city, and the title thereof shall revert to the city, which shall thereafter have the right, option and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that the city shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to the city. (1982 Code § 8-261; amd. Ord. 2005-12, 4-6-2005)
  - 3. The city shall have the power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. (Ord. 2005-12, 4-6-2005)
- C. Fund Created; Use:

1. There hereby is established a perpetual care fund according to the laws of the state and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state and used for the purposes herein provided.
  2. The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. (1982 Code § 8-271; amd. 1998 Code)
- D. Duties Of Treasurer: It shall be the duty of the city treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state. (1982 Code § 8-272; amd. 1998 Code)
- E. Investment Income: All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required herein. (1982 Code § 8-274)

#### **7-6-10: INDIGENTS:**

The city council may by resolution designate a portion of the city cemetery to the burial of indigents. Whenever it is made to appear to the mayor and city council by proof submitted to them by the city clerk/recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor and city council may grant burial space for such deceased person at the request made to him by the city clerk/recorder. (1982 Code § 8-291; amd. 1998 Code)

#### **7-6-11: RULES AND REGULATIONS:**

- A. Authority To Regulate; Procedure:
1. The city council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
  2. The mayor may, from time to time as the city council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by resolution of the city council.
  3. Any changes in the rules and regulations shall be adopted by the city council before such changes shall be official. (1982 Code § 8-237)
- B. Lots Sold: Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery. (1982 Code § 8-227)

C. Traffic Control:

1. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this chapter.
2. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than five (5) miles per hour. (1982 Code § 8-230)

D. **Children:** Children under the age of *Sixteen (16)* years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles. (1982 Code § 8-231)

E. **Animals:** No animal shall be allowed in any cemetery, except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery. (1982 Code § 8-232)

F. **Decorum:** Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons. (1982 Code § 8-233)

G. **Errors In Opening Graves:** Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone. (1982 Code § 8-229)

H. **Religious And Fraternal Organizations:** The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families. (1982 Code § 8-226)

I. **Placement Of Flowers, Plants And Other Items Of Decoration:** *All adornments should be placed on the headstone or in a prescribed receptacle within the concrete foundation of the headstone. Items should not be placed on or in the grass surrounding the headstone, thus allowing staff to trim and edge without incident or movement of items. Shepard hooks are allowed but are restricted to one per headstone. Adornments, including but not limited to potted plants, flags, floral wreaths, and flowers in vases are allowed, but will be removed without notice by cemetery employees when they become withered, discolored, torn, broken or vandalized.*

J. **Holidays:** The city reserves the right to remove all flowers, plants or other items of decoration from the city cemetery grounds after seven (7) calendar days following any holiday or at such earlier time and/or other date if said flowers, plants or other items of decoration have died or become broken. The owner of all such flowers, plants or other items of decoration shall be responsible to remove the same within the above time periods if the owner desires to preserve such items; otherwise, all such items will be removed and disposed of by cemetery personnel

K. **Temporary memorials:** *Temporary memorials, including but not limited to potted plants, flags, floral wreaths and flowers in vases, will be removed without notice by cemetery*

employees when they become withered, discolored, torn, broken or vandalized. Funeral flowers will be allowed to remain for three (5) business days, after which cemetery employees may remove them based on the above criteria. Other temporary memorial items such as glass containers, wires, sticks, iron rods, pegs, ceramic pots or other containers that may pose safety hazards will be removed by cemetery employees.

#### **7-6-12: CARE AND MAINTENANCE; RIGHT TO ENTER:**

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries. (1982 Code § 8-228)

#### **7-6-13: UNLAWFUL ACTS:**

##### **A. Injury To Property:** It shall be unlawful:

1. For any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
2. For any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery. (1982 Code § 8-234; amd. 1998 Code)

##### **B. Landscaping By Private Persons:**

1. Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot/*Burial plot* or lots/*Burial plots* lot or lots, street, alley or walk in the cemetery of this section, or to grade the ground or land thereof. The cemetery sexton shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land
2. **PLANTS:** *Plants that existed from the date of this passing Month\_\_\_\_\_ Day\_\_\_\_\_ Year\_\_\_\_\_ will be able to remain, but if plants remain unkempt for one year or grow too large, they may be removed by cemetery personnel. The city retains the right to determine when plants have grown too large. (1982 Code § 8-235; amd. 1998 Code; Ord. 2002-14, 12-18-2002)*

- ##### **C. Placement Of Markers:** It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction and design of all such markers. (1982 Code § 8-236)

#### **7-6-14: PENALTY:**

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (1998 Code)

DRAMA



# 205 S 100 E

Steven Sanders constructed the home located at 205 S 100 E under the flag lot code specified in city regulation 10-7-12.

## A. Right of Way or Access Strip:

1. The right-of-way or access strip must have a minimum width of twenty-five feet (25') and a maximum grade of no more than fifteen percent (15%).
3. No buildings, structures, or parking will be permitted in the right-of-way or access strip, which must be used solely for access to the flag lot.

B. Dwelling Unit Number: Only one one-family dwelling unit is allowed on a flag lot (Ord. 2009-02, 2-18-2009).

After Mr. Sanders passed away, Alan Olsen purchased the property. Mr. Olsen later divided the property into two parcels, which required him to go through the subdivision process (see Exhibit A, recorded mylar). The mylar indicates a dimension of 25.57 feet, demonstrating compliance with the required 25 feet for a flag lot. However, it also shows a 20-foot access easement with an arrow pointing to Lot #1's access, but it lacks a description of its intended use. Typically, there would be a second arrow pointing to Lot #2, or the document would specify shared access if it were intended for multiple lots.

According to our flag lot code, no buildings, structures, or parking are permitted in the right-of-way or access strip, which must be used solely for access to the flag lot. If Mr. Olsen intended to provide access to the newly created property by using 20 feet of the existing flag lot's access, this would contradict our code regarding the requirement for the full 25 feet.

Additionally, under the fire code and the guidelines set by the Hurricane Valley Fire Department, all access routes must be a minimum of 25 feet wide. The proposed 20-foot access to Mr. Olsen's lot (Lot #2) does not meet this requirement.

Moreover, if Mr. Olsen intended to create a second flag lot to gain access to his property by utilizing the primary flag lot's access, this would also violate our regulations, which state that only one single-family dwelling unit is allowed on a flag lot. Therefore, he would need to provide an additional 25 feet alongside the original 25 feet of access. Since he no longer owns the primary flag lot, he would not be able to fulfill this requirement, resulting in the necessity for a standard 50-foot city road.

Under the Owners' Dedication, it states: "*Know all men by these presents that the undersigned owners of the described tracts of land, having caused the same to be subdivided into private lots and public easements to be hereafter known as the Olsen Subdivision, for good and valuable consideration received, hereby dedicate and convey to the City of LaVerkin for perpetual public use all easements shown on this plat. All lots and easements are as noted or shown. The owners do hereby warrant to the City of LaVerkin and its successors and assigns title to all property dedicated and conveyed for public use herein against the claims of all persons.*"

Again, the City is unaware of the reason for the inclusion of this 20-foot access easement on the Mylar or why it lacks a description detailing its intended use, as there is no city infrastructure in the 25-foot pole portion of this flag lot (which serves as private access for Lot #1). Additionally, the City has no reason to require access to Lot #2, since access would only be permitted from the approximately 190-foot frontage on 100 East, located just south of Lot #1.







03/05/2024

EagleView Technology Corporation



Explanation for the proposed changes to code section 8-1-4: STATEMENT OF CHARGES; DELINQUENCY:

The last time this code section was changed was December 19, 2007; since then, technology has evolved in providing better ways of communicating and reaching people

Old provision

- (1) The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") **be mailed-to utility users whose utility accounts remain delinquent and unpaid.**

*Lisa sends out an average of 125 shut-off notices each month to Citizens and Landlords. Those who don't respond with payment receive the next step, which is shut-off notices in the form of door hangers.*

- b. Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a **shutoff notice be delivered and placed at the residence or usual place of business of the user whose account is delinquent.**

*As mentioned earlier, those who do not respond with payment after receiving the initial letters will progress to the next step, which involves issuing shut-off notices in the form of door hangers. On average, 73 door hangers are posted each month to notify citizens and businesses that their water supply may be shut off due to non-payment by the public works crew. This task requires an average of two public works crew members working for three hours each month.*

New Provision

- (1) The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") **be mailed-be sent by mail and or electronically** to utility users whose utility accounts remain delinquent and unpaid.

- b. Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a shutoff notice be delivered **electronically and or and** placed at the residence or usual place of business of the user whose account is delinquent.

*One of the new technologies introduced in the city is called YOPPIFY. YOPPIFY is a communications platform based in Utah and founded in Riverton, specifically designed for city governments and public utilities to send targeted, multi-channel alerts (such as texts, emails, and voice messages) to residents. The platform focuses on areas such as water conservation, leak notifications, road closures, and emergency updates.*



Key details about YOPPIFY in Utah include:

**Purpose:** It enables cities to engage residents with personalized, location-specific information.

**Utility Focus:** It provides tools for water managers to send, monitor, and report on high water usage or leaks, often in conjunction with secondary metering.

**Functionality:** The system allows for quick, customized messaging to specific neighborhoods or, during emergencies, to the entire community.

**Background:** Founded around 2021, the company aims to create tools designed "by public employees for public employees."

YOPPIFY serves as a communication bridge, helping Utah cities and water providers to manage resources and improve transparent, direct communication with their residents.

YOPPIFY came about as a response to Utah legislation, which sought alternative methods to promote water conservation. They issued a Request for Proposal (RFP), a formal document used to announce a project, outline requirements, and solicit bids from qualified vendors for products or services. This process allows for an objective comparison of vendor capabilities, costs, and solutions. Key components of the RFP include project scope, deliverables, timelines, and evaluation criteria. The goal was to create software that cities could use to communicate with their citizens and businesses regarding water leaks and conservation efforts.

Each month, Lisa produces a report through our Advanced Metering Infrastructure (AMI) program, which utilizes smart utility meters to collect real-time, detailed usage data, enhancing billing accuracy and leak detection. Residents and businesses showing a leak alert are notified primarily through YOPPIFY, allowing them to address repairs promptly, conserve water, and avoid unnecessary costs.

Since YOPPIFY is already integrated with our billing and addressing software, we could replace the letters that Lisa currently sends out and the door hangers the public works crew places each month with this software. While we recognize that not everyone can be reached through social media, and that some letters and door hangers will still need to be sent and placed, we believe that using YOPPIFY could result in significant cost and labor savings.

Please see page 2 for a breakdown of costs and savings.

Staff hopes that following the City Council meeting timeline will work for the passage of this ordinance.

- \* **February 4th** Council will receive in their packets: (1) an explanation page detailing the changes and additions, (2) a red-lined copy highlighting the changes and additions, and (3) a clean draft copy of the proposed changes and additions.
- \* **February 18<sup>th</sup>** Council will have a discussion on the proposed Cemetery changes and additions, at which point any changes or additions can be addressed, and a public hearing can be set for the March 4th Council meeting.
- \* **March 4<sup>th</sup>** council meeting public hearing on the proposed Cemetery updates and possible passage?



#### 8-1-4: STATEMENT OF CHARGES; DELINQUENCY:

- A. Statement: On or before the first day of the month in which payment for utility charges are assessed, due and payable, the city manager or his or her designee shall cause to be prepared and furnished to each user in person, by mail, and/or by delivery at the user's place of residence or usual place of business, a statement of charges (sometimes referred to herein as the "utility bill"). The utility bill shall: 1) issue each month; 2) specify the amount of utility (including water) service charges assessed against the user, as well as any outstanding delinquency related fee(s); and 3) identify the place of payment and the date due.
- B. Failure To Pay:
1. Date Of Delinquency And Late Fee:
    - a. A utility bill is due and payable upon receipt, and shall be paid not later than the twenty fifth calendar day of the month in which the user is billed for utility services.
    - b. Payments not received by twelve o'clock (12:00) midnight of the twenty fifth shall be deemed delinquent and shall be subject to the immediate assessment and imposition of a utility services late fee, as set by resolution of the city council.
    - c. From and after the date of delinquency (i.e., the twenty sixth day of the month in which payment was due), and until all charges and associated delinquency related fees are paid in full, the user's utility account shall be considered a delinquent account.
  2. Notification Of Delinquency And Possible Termination Of Service:
    - a. Utility accounts which remain delinquent as of eight o'clock (8:00) A.M. on the fifth day of the month following the imposition of the utility services late fee shall be subject to the immediate assessment and imposition of a notice processing fee set forth by resolution of the city council.
      - (1) *The city manager or his or her designee shall forthwith cause that a delinquency/termination notice (known herein as the "shutoff notice") ~~be mailed~~ be sent by mail and or electronically to utility users whose utility accounts remain delinquent and unpaid.*
      - (2) The shutoff notice shall state the amount of the delinquency (including any unpaid utility services late fee and notice processing fee) and the anticipated date of termination of water service by the city ("shutoff date").
    - b. *Additionally, at least forty eight (48) hours prior to the shutoff date, the city manager or his or her designee shall cause that a shutoff notice be delivered electronically and or **and** placed at the residence or usual place of business of the user whose account is delinquent.*
  3. Shutoff Date; Involuntary Termination Of Water Service:



- a. The shutoff date shall be the third Tuesday of the month following the date wherein the account first became delinquent and subject to a late fee.
- b. Users whose utility accounts remain delinquent on the shutoff date shall be subject to immediate termination of water service.

4. Intervention Of Nonprofit Charitable Organizations:

a. For purposes of this section, a "nonprofit charitable organization" shall mean and include all charitable organizations or entities which have been classified as tax exempt under state law of the state of Utah or under the federal law of the United States of America, and only while carrying out an act which is within the scope of such tax exempt status and where no profit is directly or indirectly derived by any person, including, but not limited to, religious, charitable assistance, and emergency relief organizations, and includes a chapter, branch, office, congregation, or similar affiliate, and any authorized representative thereof.

- c. If, at any time prior to termination of a user's water service, a nonprofit organization should contact the city manager or his or her authorized designee(s) and request the opportunity to pay the amount of the user's delinquency (including all charges and delinquency related fees) on the user's behalf, action to terminate the user's water service shall be stayed for a period of not less than ten (10) days following the shutoff date provided in subsection B3 of this section.

(1) If the user's delinquent utility charges and delinquency related fees are paid in full prior to the end of such stay, then the water service will not be terminated for such delinquency.

(2) If the user's delinquent utility charges and delinquency related fees are not paid in full within the period of such stay, service to said user shall be subject to immediate termination at the expiration of such period of stay.

5. Reconnection: After water service has been terminated to a user pursuant to the terms of this section, it may only be restored to the user after all delinquent utility charges and associated delinquency related fees have been paid (including a reconnection fee, as provided by resolution). (Ord. 2007-33, 12-19-2007)



*The staff believes that an update to the Cemetery ordinance is necessary, as the last revision was made in 1998. This need arises from ongoing clarifications and interpretations of the code.*

*These pages aim to identify the sections of the ordinance that need to be changed or added, along with explanations for each proposed modification.*

*The following comments are excerpts of recommended changes*

**7-6-2: (Definitions added)**

- \* Burial
- \* Burial Lot
- \* Burial Right
- \* Burial Vault
- \* Certificate Of Burial Right
- \* Cremated Remains
- \* Disinterment
- \* Exhumation
- \* Grave
- \* Headstone
- \* Marker
- \* Memorials
- \* Monuments
- \* Plot

**7-6-5-C (Vaults)**

- \* *Since 1982, industry standards have changed significantly, necessitating the approval of alternative vault types.*

**7-6-5- (Burials)**

- \* *(D) Burial Days - (E) Internet timeline - (E-1) Service time was adopted by Resolution (R-2022-01), January 6, 2022. We want to include this portion in the Cemetery ordinance to make it easier for people to find and comply with.*

**7-6-7: (Lot Sales)**

*In recent years, we have faced issues with plot owners allowing unauthorized burials in their assigned plots or in plots belonging to others. Some individuals claim that a family member or friend has died and was buried elsewhere, leading them to believe they can use the plot for burial. This situation is further complicated when other family members later express their desire to be buried in the same plot, resulting in confusion when staff unintentionally permit an additional burial in that plot.*



*This situation creates significant emotional distress for all parties involved, especially for staff members who find themselves caught between these disputes.*

*To address these issues, we have provided a clear outline of processes to follow, which will help reduce staff involvement in such matters.*

*(B-1-2-a-b-c) The only ways individuals can transfer burial locations.*

#### **7-6-8: (Placement Of Monuments And Markers)**

- \* This section was added to distinguish monuments from markers, establish limits on headstone base size, and regulate headstone height since it interferes with our sprinklers' ability to maintain lawn coverage, resulting in dead spots within the Cemetery.*

#### **7-6-11: (Rules and Regulations)**

- \* Placements of Flowers And Plants: Placement of Flowers, plants, and other items of decoration is limited to within the headstone base, as well as notifying the family that once these items become withered, discolored, torn, or broken, the staff has the right to remove them. This was allowed in the existing code under item J*
- \* Holidays: We set the header to 'holidays,' but the rest of the text is what is in the code now. We crossed out the requirement to post a notice on the date following each holiday stating that staff would remove the flower/decoration, because the signage we post each year would get stolen and create a problem for staff. The way we have it now allows these items to be left longer until they weather, discolor, or become a maintenance issue.*
- \* Temporary Memorials: We added item K, Temporary memorials, to let the family know that after (5) business days, once the flowers, wreaths, and other such decorations start to fade, discolor, become broken, or become a maintenance issue, they will be removed.*

#### **7-6-13: (Unlawful Acts)**

- \* We have removed the ability to plant around the exterior of the base due to maintenance issues. However, planting is still permitted within the base itself. Existing plants can remain, but we have set a deadline for their upkeep. It is expected that those who have planted live plants will maintain them; however, in reality, most do not take responsibility and leave it to the staff.*



*Staff hopes that following the City Council meeting timeline will work for the passage of this ordinance.*

- \* **February 4th** Council will receive in their packets: (1) an explanation page detailing the changes and additions, (2) a red-lined copy highlighting the changes and additions, and (3) a clean draft copy of the proposed changes and additions.*
- \* **February 18<sup>th</sup>** Council will have a discussion on the proposed Cemetery changes and additions, at which point any changes or additions can be addressed, and a public hearing can be set for the March 4th Council meeting.*
- \* **March 4<sup>th</sup>** council meeting public hearing on the proposed Cemetery updates and possible passage?*



## CHAPTER 6 CEMETERIES

### SECTION:

[7-6-1: City Cemetery](#)

[7-6-2: Definitions](#)

[7-6-3: Applicability](#)

[7-6-4: Cemetery Sexton](#)

[7-6-5: Burials](#)

[7-6-6: Fees And Charges](#)

[7-6-7: Lot Sales](#)

[7-6-8: Placement Of Monuments And Markers](#)

[7-6-9: Perpetual Care Lots](#)

[7-6-10: Indigents](#)

[7-6-11: Rules And Regulations](#)

[7-6-12: Care And Maintenance; Right To Enter](#)

[7-6-13: Unlawful Acts](#)

[7-6-14: Penalty](#)

### **7-6-1: CITY CEMETERY:**

The burial ground of the city shall be known and designated by the name of LaVerkin Cemetery. (1982 Code § 8-202)

### **7-6-2: DEFINITIONS:**

The following words or phrases shall have the following meanings, unless the context otherwise clearly requires:

**BURIAL:** *The interment of human remains, including cremated remains.*

**BURIAL LOT:** *The location, by section and block, identified in a city cemetery for the future exercise of a burial right, or the memorial to a deceased person, including historically created half burial lots.*

**BURIAL RIGHT:** *The nontransferable, limited right of a specific individual to be buried in a specific burial lot in any land designated by the city as a cemetery or a cremation garden.*

**BURIAL VAULT:** *A structure used to hold a casket or container of cremated remains.*

**CERTIFICATE OF BURIAL RIGHT:** *A document issued by the city identifying the individual who may be buried in a burial lot.*

**CREMATED REMAINS:** *The remains of a deceased human that have been reduced to ashes.*

**DISINTERMENT:** *The permanent removal of a casket or cremated remains from a burial lot.*



**EXHUMATION:** *The temporary removal of human remains from a burial lot.*

**GRAVE:** *A burial lot in which human remains, including cremated remains, have been buried or which has been excavated in anticipation of burial.*

**HEADSTONE:** *A marker or monument used to identify the person interred in a burial lot.*

**LOT:** *The partial lots or single graves in the city cemetery.*

**LOT OWNER OR PURCHASER AND GRAVE OWNER OR PURCHASER:** *The owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner. (1982 Code § 8-202)*

**MARKER:** *A headstone that is flat, flush to the natural grade of a grave, identifying the person whose remains are buried in the grave.*

**MEMORIALS:** *Items placed on a burial lot as a remembrance.*

**MONUMENT:** *A headstone that is upright, located on a grave, identifying the person whose remains are buried interred in the grave*

**PLOT:** *Each single gravesite within a lot, without*

---

### **7-6-3: APPLICABILITY:**

All cemeteries owned and/or maintained by the city or which may hereafter be acquired by the city wherever situated are hereby declared subject to the provisions of this chapter. (1982 Code § 8-203)

### **7-6-4: CEMETERY SEXTON:**

- A. Created: There is hereby created the position of cemetery sexton. (1982 Code § 8-211; amd. 1998 Code)
- B. Duties: The cemetery sexton shall have the general supervision and administration of the city cemetery, including, but not limited to:
  1. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
  2. Subdividing the cemetery into lots and grave sites.
  3. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
  4. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the city clerk/recorder of such fact. The city clerk/recorder shall, after payment of the lot price has been received



in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the city clerk/recorder. (1982 Code § 8-212; amd. 1998 Code)

#### **7-6-5: BURIALS:**

- A. Certificate Required: It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right. (1982 Code § 8-222)
- B. Registration: Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the city clerk/recorder with a written statement which shall be filed by the city clerk/recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave. (1982 Code § 8-223)
- C. Vaults:
  - 1. Unless in writing waived by the cemetery sexton, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel or brick lined, *Polypropylene, or Industry - standard Vaults of and such or of such other material approved by the city council*, substantially constructed and covered with a similar durable material.
  - 2. No wood shall be used as a permanent part of the construction of any part of the vault. (1982 Code § 8-225; amd. 1998 Code)
- D. *Burial Days: Monday through Saturday, except City-observed State and Federal holidays, except New Year's Day, Memorial Day, Thanksgiving Day, and Christmas Day. When the City-observed State and Federal holiday falls on a Saturday, this includes the actual holiday and the preceding day; when it falls on a Sunday, this includes the actual holiday and the following day. Except as otherwise ordered by the Mayor (in exceptional circumstances), there shall be no interments on Sundays. New Year's Day. July 4th. Pioneer Day. Veterans Day. Thanksgiving Day. Christmas Day. or Friday through Monday of the Memorial Day weekend*
- E. *Interment: Persons desiring to arrange for an interment must contact the City at least 48 hours prior to the scheduled time of interment. Failure to do so may prevent the scheduling of the interment at the desired time; if the sexton or other applicable City official determines that the interment may practically occur at the desired time of interment,*
  - 1. *Interment (and associated graveside services or visits) may be scheduled until 2:30 p.m. and shall finish within two hours from the scheduled time; and all visitors will be clear of the grave site prior to the end of such two-hour period and no later than 4:30 p.m. for an afternoon interment, to give City employees sufficient time to complete all associated services and needed site-restoration by 5:00 p.m.*



D. Unlawful Acts: It shall be unlawful for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery sexton who shall, before disinterment, require written permission from both the Southwestern district health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
2. Disinter or remove the body of a person who has died from a contagious disease within two (2) years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
3. Inter anything other than the remains of human bodies in cemeteries.
4. Bury the body of any person within the city, except in the city cemetery or a private cemetery, unless by special permission of the city council under such rules and regulations that it may prescribe. (1982 Code § 8-224; amd. 1998 Code)

**7-6-6: FEES AND CHARGES:**

- A. Established; Authority: The city council shall, from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided. (1982 Code § 8-243)
- B. Collection: The city clerk/recorder, and such other persons as the city council may designate, are hereby authorized and required to collect in advance, prices and fees for the opening and closing of graves or other services which shall include, but not be limited to, properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution. (1982 Code § 8-241)
- C. Opening Graves:
  1. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
  2. The presentation of a receipt from the city clerk/recorder or person designated by the city council when presented to the cemetery sexton, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the city clerk/recorder or authorized person may give the cemetery sexton authority to open graves without the presentation of a receipt from the city clerk/recorder or authorized person. (1982 Code § 8-242; amd. 1998 Code)

**7-6-7: LOT SALES:**

- A. *Authority and Records: The city clerk/recorder, along with any other individual*



*designated by the city council, is authorized to sell burial rights only to individuals. Upon the sale of a burial right, the city will issue a certificate of burial right. This certificate grants the individual named within it the non-transferable right to be buried in the identified burial lot. However, the certificate of burial right only conveys a license for burial and does not confer any title, fee, or other ownership or possessory interest in the burial lot itself.*

**B.** *An individual may purchase more than one burial right, as long as each issued certificate identifies the individual entitled to be buried in the corresponding lot. However, one individual may be named in no more than two certificates. Any certificate of burial right that does not designate the individual eligible for burial in the identified lot is invalid, except in the following circumstances:*

*1. While alive, the individual named in the certificate must provide written consent for any other remains to be interred in the identified burial lot.*

*2. After that individual has passed away, the burial of any other remains may be authorized by:*

*a) The surviving spouse of the individual named in the certificate, or*

*b) If no spouse survives, a descendant who must provide proof of power of attorney for the individual named in the certificate.*

*c) The descendant may either obtain written consent from all surviving descendants of the individual named in the certificate (by representation), or they must notify all descendants in writing of their intent to permit other remains in the burial lot. This notification must explicitly state that any objections to the proposed burial must be submitted to the city in writing within thirty (30) days.*

*If the city does not receive any objections within that thirty-day period from the date the last notice was mailed, the descendant may consent to the burial of other remains in the lot. Conversely, if an objection is received within thirty (30) days from that date, the descendant cannot consent to the burial of other remains.*

*Before notifying descendants of the intent to consent to the burial of other remains, the descendant must inform the city of this intent, provide the names and last known addresses of all known surviving descendants of the individual named in the certificate, and deliver copies of the notices to the city, along with proof of mailing. The legally recognized guardian of any minor or incapacitated descendant may act on behalf of that minor or incapacitated descendant.*

**C.** *Purchase Price, Scope Of: A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care.*

**D.** *Services Included: Perpetual care shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass and watering and cutting the grass. No other services are included.*



E. Improvements, Changes And Services: No other improvements, changes or service, except perpetual care, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery sexton written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the city council. (1982 Code § 8-251; amd. 1998 Code)

F. Resale Restrictions:

1. From and after March 15, 1982, the lots sold by the city shall not be further sold, transferred, conveyed or assigned to any person except the city. The city hereby agrees to buy back any city cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser or the current selling price of the lot, whichever is less.
2. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this subsection, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given and the record shall be so changed. (1982 Code § 8-252)
3. The certificates shall be issued and signed and attested by the city clerk/recorder. All lots or parts of lots, as provided in this subsection, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment. (1982 Code § 8-252; amd. 1998 Code)

#### **7-6-8: PLACEMENT OF MONUMENTS AND MARKERS**

A. *Upright monuments and primary headstones are allowed in all sections of the cemetery, but they must not exceed 36 inches in height at their tallest edge. Any monument or headstone that stands above the sod level is classified as an upright stone. Monuments and headstones that are level with the sod are also permitted. The dimensions for monument and headstone bases are restricted; they must not exceed 42 inches in length and 24 inches in width for a single plot. For two consecutive plots, the base length cannot exceed 84 inches while still maintaining the 24-inch width.*

*1.A plot that has been designated for cremation remains of no more than two people. The Monuments/Markers must be flush with the sod line*

B. *If an individual purchased a headstone or marker which exceeds the 36-inch maximum height, that headstone or marker shall be allowed only if written proof is furnished to the sexton showing that the headstone or marker was purchased prior to Month \_\_\_\_\_ Date \_\_\_\_\_ Year \_\_\_\_\_.*

C. *Permitted Markers or Additional Stones. Any secondary marker must be flush with the sod line. The dimensions of the marker or stone shall not exceed 24 by 12 by six inches. The base upon which it is placed may not exceed 36 by 24 by six inches. A secondary marker, stone, may be permitted if the additional marker or stone identifies a currently unidentified individual within the same burial lot. Stones or markers that identify an individual already identified through another stone or marker within that same burial lot shall be prohibited. The*



*only exception shall be veteran markers. No more than two markers or stones may be permitted in a single burial lot.*

- D. Materials Permitted. All monuments, headstones, or markers shall consist of granite, bronze, or other durable material approved by the sexton.*
- E. Authorization. Any individual, family, group, or the like must obtain approval from the sexton prior to the placement of any monument, headstone, or marker*

#### **7-6-9: PERPETUAL CARE LOTS:**

- A. Scope Of Care: The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the city. (1982 Code § 8-262)
- B. Contracting For Care:
  - 1. No grave shall be hereafter opened in the cemetery of this city until perpetual care upon the lot where the grave is to be opened shall have been contracted for with the city, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed. (1982 Code § 8-261)
  - 2. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the city in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with reasonable attorney fees to the city, and shall also pay interest at the rate of eight percent (8%) per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments; provided however, that when perpetual care for any lot in the city cemetery or portion thereof, has not been paid for a period of ten (10) years, then, and in such an event, the unused portion of the lot shall thereafter escheat to the city, and the title thereof shall revert to the city, which shall thereafter have the right, option and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that the city shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to the city. (1982 Code § 8-261; amd. Ord. 2005-12, 4-6-2005)
  - 3. The city shall have the power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. (Ord. 2005-12, 4-6-2005)
- C. Fund Created; Use:



1. There hereby is established a perpetual care fund according to the laws of the state and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state and used for the purposes herein provided.
  2. The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. (1982 Code § 8-271; amd. 1998 Code)
- D. Duties Of Treasurer: It shall be the duty of the city treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state. (1982 Code § 8-272; amd. 1998 Code)
- E. Investment Income: All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required herein. (1982 Code § 8-274)

#### **7-6-10: INDIGENTS:**

The city council may by resolution designate a portion of the city cemetery to the burial of indigents. Whenever it is made to appear to the mayor and city council by proof submitted to them by the city clerk/recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor and city council may grant burial space for such deceased person at the request made to him by the city clerk/recorder. (1982 Code § 8-291; amd. 1998 Code)

#### **7-6-11: RULES AND REGULATIONS:**

##### **A. Authority To Regulate; Procedure:**

1. The city council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
2. The mayor may, from time to time as the city council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by resolution of the city council.
3. Any changes in the rules and regulations shall be adopted by the city council before such changes shall be official. (1982 Code § 8-237)

- B. Lots Sold: Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery. (1982 Code § 8-227)



C. Traffic Control:

1. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this chapter.
2. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than five (5) miles per hour. (1982 Code § 8-230)

D. **Children:** Children under the age of *Sixteen (16)* years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles. (1982 Code § 8-231)

E. **Animals:** No animal shall be allowed in any cemetery, except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery. (1982 Code § 8-232)

F. **Decorum:** Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons. (1982 Code § 8-233)

G. **Errors In Opening Graves:** Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone. (1982 Code § 8-229)

H. **Religious And Fraternal Organizations:** The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families. (1982 Code § 8-226)

I. **Placement Of Flowers, Plants And Other Items Of Decoration:** *All adornments should be placed on the headstone or in a prescribed receptacle within the concrete foundation of the headstone. Items should not be placed on or in the grass surrounding the headstone, thus allowing staff to trim and edge without incident or movement of items. Shepard hooks are allowed but are restricted to one per headstone. Adornments, including but not limited to potted plants, flags, floral wreaths, and flowers in vases are allowed, but will be removed without notice by cemetery employees when they become withered, discolored, torn, broken or vandalized.*

J. **Holidays:** The city reserves the right to remove all flowers, plants or other items of decoration from the city cemetery grounds after seven (7) calendar days following any holiday or at such earlier time and/or other date if said flowers, plants or other items of decoration have died or become broken. The owner of all such flowers, plants or other items of decoration shall be responsible to remove the same within the above time periods if the owner desires to preserve such items; otherwise, all such items will be removed and disposed of by cemetery personnel

K. **Temporary memorials:** *Temporary memorials, including but not limited to potted plants, flags, floral wreaths and flowers in vases, will be removed without notice by cemetery*



*employees when they become withered, discolored, torn, broken or vandalized. Funeral flowers will be allowed to remain for three (5) business days, after which cemetery employees may remove them based on the above criteria. Other temporary memorial items such as glass containers, wires, sticks, iron rods, pegs, ceramic pots or other containers that may pose safety hazards will be removed by cemetery employees.*

#### **7-6-12: CARE AND MAINTENANCE; RIGHT TO ENTER:**

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries. (1982 Code § 8-228)

#### **7-6-13: UNLAWFUL ACTS:**

##### **A. Injury To Property: It shall be unlawful:**

1. For any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
2. For any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery. (1982 Code § 8-234; amd. 1998 Code)

##### **B. Landscaping By Private Persons:**

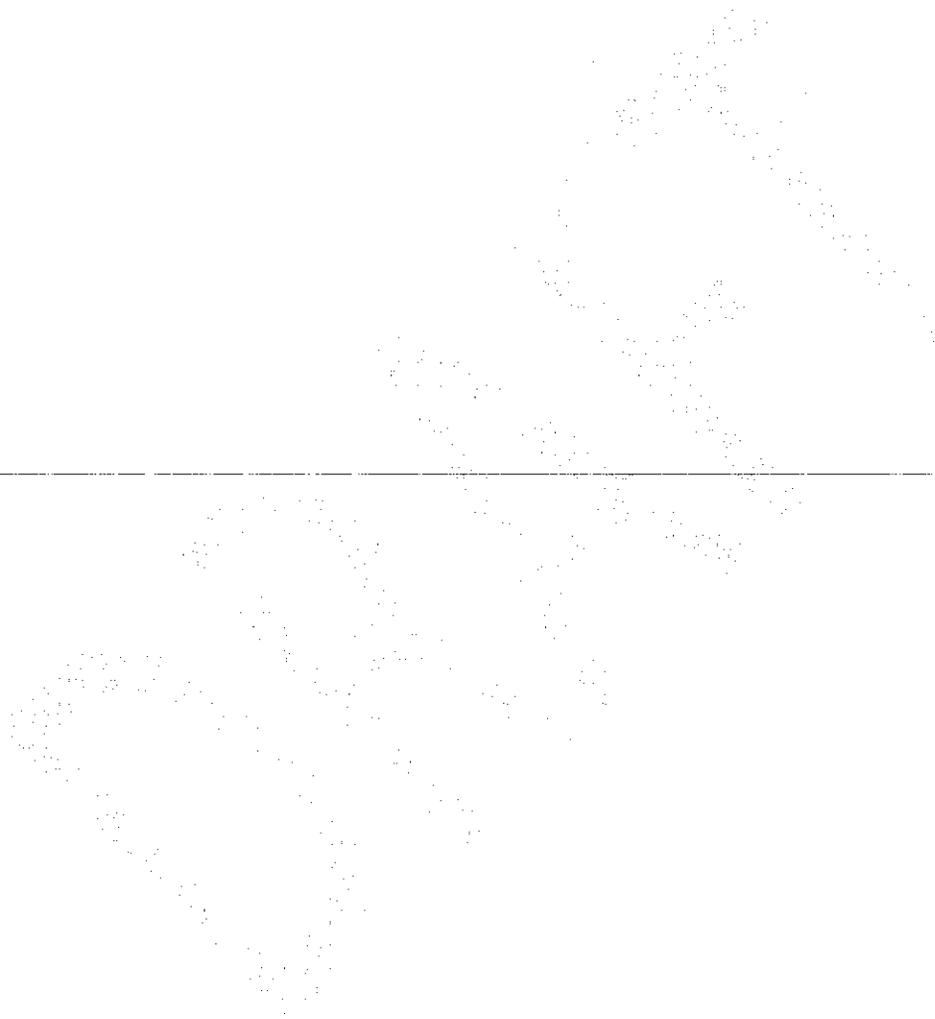
1. Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot/*Burial plot* or lots/*Burial plots* lot or lots, street, alley or walk in the cemetery of this section, or to grade the ground or land thereof. The cemetery sexton shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land
2. **PLANTS:** *Plants that existed from the date of this passing Month\_\_\_\_\_ Day\_\_\_\_\_ Year\_\_\_\_\_ will be able to remain, but if plants remain unkempt for one year or grow too large, they may be removed by cemetery personnel. The city retains the right to determine when plants have grown too large. (1982 Code § 8-235; amd. 1998 Code; Ord. 2002-14, 12-18-2002)*

- ##### **C. Placement Of Markers:** It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction and design of all such markers. (1982 Code § 8-236)

#### **7-6-14: PENALTY:**

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (1998 Code)

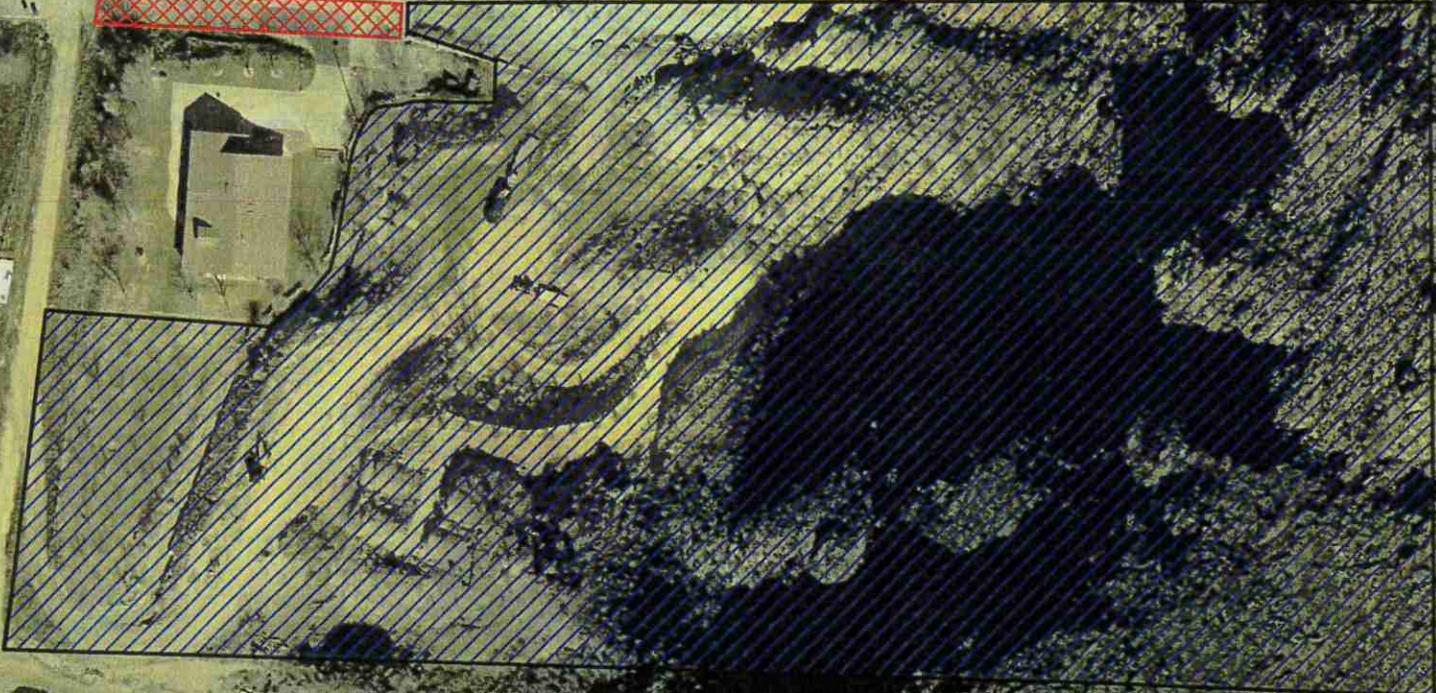


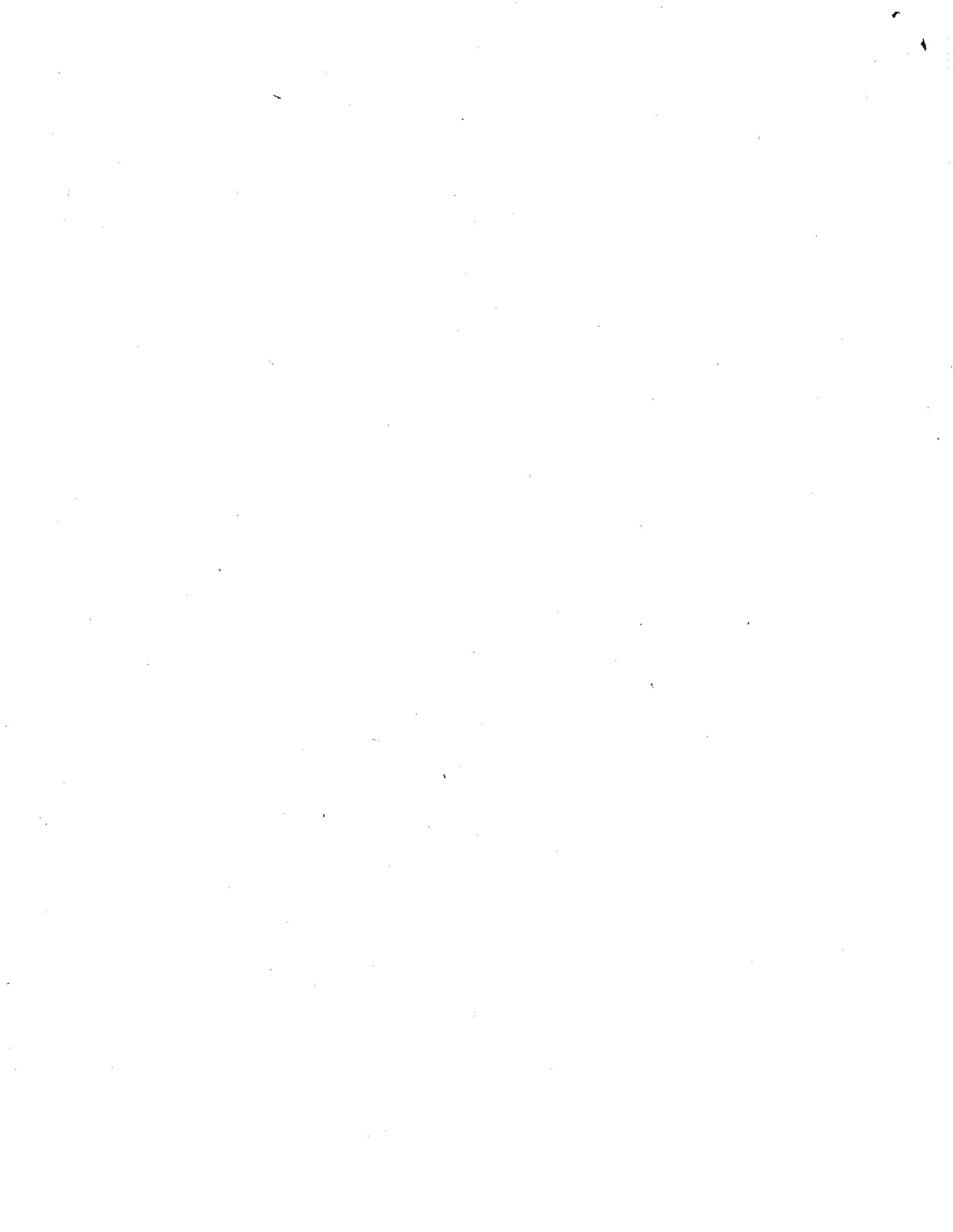




205 SOUTH 100 EAST

25ft flag lot access  
20ft access easement





Theresa Fish, the owner of the property located at 205 South 100 East, submitted an application on November 3, 2025, to have the 20-foot access easement on the north side of her property vacated. This 20-foot access easement allows the owner of the adjacent lot (LV-56) to access their property through it, which is entirely on Theresa's land.

### History of said property

Steve Sanders built his home located at 205 South 100 East on August 8, 2002

The home was built under the flag lot exception of the city code (10-7-12)

1. The right-of-way or access strip must have a minimum width of twenty-five feet (25') and a maximum grade of no more than fifteen percent (15%).

3. No buildings, structures, or parking will be permitted in the right-of-way or access strip, which must be used solely for access to the flag lot.

B. Dwelling Unit Number: Only one one-family dwelling unit is allowed on a flag lot

After Mr. Sanders passed away, the property was sold and subsequently divided into two parcels, which required going through the subdivision process. The mylar indicates a dimension of 25.57 feet, demonstrating compliance with the necessary 25 feet for a flag lot. However, it also shows a 20-foot access easement.

Under the Owner's dedication, it states the following

*"Know all men by these presents that the undersigned owners of the described tracts of land, having caused the same to be subdivided into private lots and public easements to be hereafter known as the Olsen Subdivision, for good and valuable consideration received, hereby dedicate and convey to the City of LaVerkin for perpetual public use all easements shown on this plat. All lots and easements are as noted or shown. The owners do hereby warrant to the City of LaVerkin and its successors and assigns title to all property dedicated and conveyed for public use herein against the claims of all persons."*

The city was conveyed all easements through dedication, including the 20-foot access easement for perpetual public use through dedication. However, since the city currently has no utilities or infrastructure within this access easement, there is no need for public usage.

If the city decides to vacate this access easement, there is a possibility of legal action being taken. Therefore, the crucial question is whether vacating the access easement is in the best interest of the city as a whole, considering the potential costs involved. Alternatively, it may be more beneficial for this matter to be resolved between the two parties without the city's involvement.



# Utah Governmental Records Access and Management Act (GRAMA)

## Overview and Purpose

The Utah Governmental Records Access and Management Act (commonly known as GRAMA, Utah Code Title 63G, Chapter 2) governs how governmental records are created, maintained, classified, accessed, and protected in the State of Utah. The Legislature expressly declares that GRAMA is intended to promote the public's right of access to information concerning the conduct of the public's business, while also protecting privacy rights and legitimate governmental interests. *See* Utah Code §63G-2-102(1).

GRAMA applies broadly to all "governmental entities," including state agencies, political subdivisions (cities, towns, counties, school districts, and special districts), and any entity supported in whole or in part by public funds. *See* Utah Code §63G-2-103(11).

The Act addresses four primary areas:

1. Records management and retention (*see* §§63G-2-601 to -604);
2. Classification of records (*see* §§63G-2-201 to -305);
3. Procedures for requesting and responding to records requests (*see* §§63G-2-204 to -206); and
4. Administrative and judicial review of access decisions (*see* §§63G-2-401 to -404).

## Definition and Scope of "Governmental Records"

GRAMA defines a "record" broadly as any documentary material, regardless of physical form, that is prepared, owned, received, or retained by a governmental entity in the transaction of public business. *See* Utah Code §63G-2-103(25)(a). This definition expressly includes electronic data, emails, text messages, digital images, and other modern forms of information storage.

GRAMA also lists specific exclusions from the definition of a record, including:

- Personal notes or personal communications not prepared or retained in an official capacity (§63G-2-103(25)(b)(i));
- Temporary drafts and working papers under limited circumstances (§63G-2-103(25)(b)(ii));
- Proprietary software (§63G-2-103(25)(b)(v)); and
- Certain copyrighted materials not owned by the governmental entity (§63G-2-103(25)(b)(iv)).

These exclusions are construed narrowly to preserve GRAMA's presumption of openness.

## Record Classification System

A central feature of GRAMA is its statutory record classification system, which determines the extent to which a record must or may be disclosed. *See generally* Utah Code §§63G-2-201 to -305.

### • Public Records:

A record is public unless otherwise expressly provided by statute. *See* §63G-2-201(2). Public records do not include a record that is private, controlled, or protected under §63G-2-302, 63G-2-303, 63G-2-304, and 63G-2-305. Public records are records to which the public has a presumptive right of access unless



expressly restricted by statute. *See* Utah Code §63G-2-201(1). Examples commonly include ordinances, resolutions, meeting minutes, adopted policies, budgets, contracts, and many financial and planning documents. *See* §63G-2-301(2)(a)-(p).

- Private Records:

Private records contain information about individuals where disclosure would constitute a clearly unwarranted invasion of personal privacy. *See* Utah Code §63G-2-302. Statutorily designated private records include, among others:

- Medical and mental health information (§63G-2-302(1)(b));
- Personal contact information in certain contexts (§63G-2-302(1)(d));
- Employment records relating to performance evaluations and discipline (§63G-2-302(2))
- Records containing data on individuals, the disclosure of which constitutes a clearly unwarranted invasion of personal privacy. (§63G-2-302(2)(d))

- Controlled Records:

Controlled records consist primarily of medical, psychiatric, or psychological records where disclosure could be harmful to the subject. *See* Utah Code §63G-2-304. Access is generally limited to the subject of the record, subject to statutory safeguards.

- Protected Records:

Protected records are those where disclosure could harm governmental or public interests. *See* Utah Code §63G-2-305. Examples include:

- Law enforcement records that would interfere with investigations (§63G-2-305(10));
- Records protected by attorney-client privilege or work product (§63G-2-305(18));
- Security and emergency preparedness records (§63G-2-305(12));
- Trade secrets and confidential commercial information (§63G-2-305(1), (2)).

- Exempt Records

Some records are expressly exempt from GRAMA by statute, meaning GRAMA's access provisions do not apply. *See* Utah Code §63G-2-106.

### **Records Management and Retention**

GRAMA works in conjunction with Utah's records management statutes to require governmental entities to properly manage, preserve, and dispose of records. Each entity must comply with retention schedules approved by the State Records Committee or the State Archivist. *See* Utah Code §§63G-2-601 to -604.

Records may not be destroyed except in accordance with an approved retention schedule, and intentional or negligent destruction of records outside those schedules may result in legal consequences. *See* Utah Code §63G-2-801.



## **Records Requests and Agency Response**

### Submitting a Request:

Any person may submit a GRAMA request and is not required to state a reason for the request. *See* Utah Code §63G-2-204(1). Requests must reasonably describe the records sought and be directed to the governmental entity's designated records officer. *See* §63G-2-204(3).

### Timeframes for Response:

GRAMA establishes strict response deadlines:

- As soon as reasonably possible, but no later than 10 business days for standard requests (§63G-2-204(3)(a));
- 5 business days for expedited requests (§63G-2-204(3)(a)).

A governmental entity may extend the response time under limited extraordinary circumstances. *See* §63G-2-204(4).

### Fees:

Entities may charge reasonable fees covering actual staff time, copying, and extraordinary services. *See* Utah Code §63G-2-203(1). Fees may be waived or reduced if release of the record primarily benefits the public. *See* §63G-2-203(4).

## **Denial of Access and Required Notice**

When access is denied in whole or in part, GRAMA requires written notice that includes:

- The statutory basis for denial (§63G-2-205(2)(a));
- The name and title of the official responsible (§63G-2-205(2)(b));
- Notice of the right to appeal (§63G-2-205(2)(c)).

Denials must be narrowly tailored, and redaction is preferred over wholesale withholding when practicable. *See* §63G-2-201(3)(a).

## **Appeals and Review Process**

### Chief Administrative Officer (CAO):

A requester may appeal an access denial to the governmental entity's Chief Administrative Officer. *See* Utah Code §63G-2-401(1). The CAO must issue a written decision within statutory deadlines. *See* §63G-2-401(5).



State Records Committee:

If dissatisfied, the requester may appeal to the State Records Committee, which conducts hearings and issues binding orders. *See* Utah Code §63G-2-403.

Judicial Review:

Requesters may seek de novo judicial review in district court. *See* Utah Code §63G-2-404(1). Courts may award attorney fees and damages if a governmental entity acts unreasonably or in bad faith. *See* §63G-2-404(4).

### **Balancing Test and Discretionary Disclosure**

GRAMA authorizes a balancing test allowing disclosure of private or protected records when the public interest favoring disclosure outweighs the interest favoring restriction. *See* Utah Code § 63G-2-201(5)(b).

GRAMA also permits voluntary disclosure of certain records where authorized by law, reinforcing the statute's transparency objectives. *See* §63G-2-201(8).

### **Penalties and Liability**

GRAMA provides for penalties related to improper disclosure, improper denial of access, and unlawful destruction of records. *See* Utah Code §§63G-2-801 to -802. Governmental entities and employees may face disciplinary action, civil liability, and attorney fee awards for violations.

### **Conclusion**

GRAMA establishes a comprehensive framework governing transparency and accountability in Utah government. While the Act strongly favors public access to governmental records, it carefully protects individual privacy, governmental effectiveness, and public safety. Effective compliance with GRAMA requires thoughtful record management, careful classification, timely responses to requests, and a clear understanding of the appeal process. For governmental entities and practitioners, GRAMA remains a central—and often litigated—component of Utah public law.



---

## Property Rights and Lawful Use

**Submitted by David Olsen**

La Verkin, Utah

“Property is the foundation of every right we have, including the right to be free. Once acquired, it must be capable of being used and enjoyed.”

— *Cato Handbook for Policymakers*

American common law and constitutional tradition presume **free use of property**. Citizens are not required to obtain permission to use their property, just as they are not required to obtain permission to speak. Regulation is justified **only** when a use directly infringes on the rights of others through demonstrable harm, nuisance, or danger.

Concerns such as school enrollment, neighborhood preference, or economic shifts — while understandable — do not constitute a lawful basis for restricting property rights.

When regulation extends beyond preventing direct harm and instead seeks to manage outcomes or behavior, it risks exceeding constitutional authority.

I respectfully urge the City Council to ensure that any action regarding short-term rentals remains aligned with:

- Constitutional protections
- Common-law presumptions of free use
- Clear distinctions between policy preferences and enforceable rights

Respectfully submitted,

**David Olsen**

La Verkin, Utah

(435) 229-1600



# COUNCIL MEMBER BRIEF

## Property Rights, Common Law Presumptions, and Regulatory Limits

(For Council Review)

### Purpose

This brief is provided to assist council members in evaluating whether proposed or ongoing regulation of short-term rentals aligns with constitutional and common-law limits on municipal authority.

---

### 1. Core Legal Presumption

Under American common law and constitutional tradition:

- **The use of private property is presumed lawful**
  - Government bears the burden of justification when restricting use
  - Regulation is traditionally limited to:
    - Demonstrable nuisance
    - Direct harm to others
    - Public health and safety concerns
- 

Absent these factors, restrictions risk exceeding lawful authority.

---

### 2. Property Rights as Foundational Rights

Legal scholars have long recognized that property rights underpin all other civil liberties. As summarized in the *Cato Handbook for Policymakers*:

- Rights are claims to exclusive control over one's lawful possessions
- Ownership includes the right to **use, enjoy, and dispose of property**
- Regulation that negates meaningful use approaches constructive taking

Courts have consistently treated use restrictions with heightened scrutiny when they are not tied to concrete harm.

---

### 3. Distinguishing Policy Concerns from Legal Authority

Municipal governments often face legitimate policy pressures, including:



- Housing availability
- Community character
- School enrollment fluctuations

However:

- **Policy concerns do not create new regulatory authority**
- Secondary or indirect effects do not constitute property-rights violations
- Regulation based on outcomes rather than conduct increases legal vulnerability

Courts generally reject restrictions grounded in speculative or indirect societal impacts.

---

#### **4. Equal Treatment and Selective Enforcement Risks**

If regulation:

- Targets a specific class of owners (e.g., short-term rental hosts)
- Applies unevenly across similar property uses
- Is enforced inconsistently or retroactively

Then exposure increases under:

- Equal protection doctrines
  - Due process requirements
  - Arbitrary and capricious standards of review
- 

#### **5. Practical Risk Considerations for Municipalities**

Municipalities that exceed traditional limits may face:

- Litigation costs regardless of outcome
- Chilling effects on investment and residency
- Erosion of public trust
- Increased insurance and legal defense exposure

Preventive alignment with constitutional principles is typically less costly than post-hoc defense.

---

#### **6. Guiding Question for Council Decisions**

Before adopting or enforcing restrictions, council members may wish to ask:



“Does this regulation address a direct, demonstrable harm — or is it attempting to manage outcomes beyond our lawful authority?”

If the latter, revision or restraint is advised.

---

**Submitted for Council Consideration**

David Olsen

La Verkin, Utah

---

