



435 North Main Street  
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**La Verkin City Council Meeting Agenda**  
**Wednesday, February 18, 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. Presentation:**

1. HHS Robotic club
2. Republic services

**C. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Meeting Minutes: February 4, 2026, Regular meetings.
4. Checks and Invoices: \$ 235,960.09

**D. Business:**

1. Consideration and possible approval of Ordinance No. 2026-04, an ordinance amending 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.
2. Consideration and possible approval of Ordinance No. 2026-05, an ordinance amending the cemetery's rules and regulations.
3. OPMT training.

**E. 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*

**F. 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.

**G. 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 February 13, 2026

Nancy Cline, City Recorder



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# City of La Verkin

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## La Verkin City Council Meeting Minutes Wednesday, February 4, 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, Fay Reber, and Nancy Cline. Public:

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

### **Presentation:**

Nick Wright gave a report for HVFD. He listed stats for January. The next board meeting will be the first Monday of the month.

**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, regular meetings.
4. Checks & Invoices: \$ 120,219.15

The motion was made by Councilman Valenti to approve the consent agenda as written. Meeting minutes for January 21, 2026, regular meetings. Checks and invoices in the amount \$120,219.15, second by Councilman Pectol. Roll Call Vote: Barr-yes, Valenti-yes, Price-yes, Pectol-yes. The motion carried unanimously.

### **C. Business:**

1. Consideration 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.

Mayor Wilson explained they had a work meeting in January for the study. They talked about accepting the study but are waiting to implement any rise in the rate until the new secondary system is working.

Derek added that if they are going to raise the rate, they better have a more reliable system that has the ability to stay on longer and be cleaner for people to use.

Mayor Wilson asked if they could still have a public hearing to accept the study and not the rate change.

Councilman Valenti was concerned that they are only accepting the study and not raising rates. He wanted that to be clear.

Derek replied yes, they are only accepting the study. There needs to be a public hearing for the rate change.

Fay added that the water feasibility studies, user rate analysis, and the impact fee analysis can all be approved at a regular meeting without the need for public hearing because it's just a study; It's just an analysis. In order to approve the impact fee facilities plan there will have to be some sort of ordinance or impact fee enactment to put it all in motion. Those two things need to be approved at a public hearing after the public notice is given. There has to be a summary published that goes along with that and posted in three locations and so forth. If they wanted to approve the water feasibility studies, the user rate analysis, and the impact fee analysis tonight— they could do that. But, in order to approve the impact fee facilities plan and then the impact fee enactment, that's

when they need to set for a public hearing downstream and make sure, they have a summary, give public notice, and then have that public hearing.

Mayor Wilson replied that the impact fees would affect the rates, so they could actually do a public hearing and then have another public hearing for the rate after we get the system.

Fay added that there's nothing in the Utah law that says they have to pass all of these within a certain time of each other. They could approve the feasibility study, the rate analysis, and the impact fee analysis tonight and then they could set it for public hearing. Even a month down the road, if they want. However, take as much time as they felt like they needed to really go over it.

Councilman Valenti added that this study was accomplished when they were planning to pay for the new system through this fee. The new system is now going to be totally absorbed by the district. Those twenty-one million dollars, as you know, Blaine explained it—the slate is kind of wiped clean. As long as there is further discussion about the rate and how much money we actually need for the rate increase, he is in favor.

Councilman Prince agreed he would like to keep rates as low as possible.

Mayor Wilson agreed and added that the desire of all of them is to keep it as low as possible. But they still have got to raise it to where it's going to pay for itself. The system they have now, they've always had a shortfall every year as far as repair and replacements, and so it's all the shortfalls come out of that the General fund. They need to make sure that the water fund pays for itself, and they set aside money to replace it over time. They need to do the same thing with the irrigation system. That's one of the biggest problems that just about every city in this state has had is that they haven't put aside money for replacement over time, and that's something that the state's been preaching for at least twenty years. They're getting to the point in order to get any help from the state to do a project, the rates need to be high enough to pay them back. They need to make sure that they are treating the citizens correctly. They don't want to charge more than they need to be charging. The new needs to cover the costs and at least set some aside for future replacement. The new system will last for fifty years or longer. The one we've got now is probably forty years old. They all know it's not adequate for what they need right now. They need to be charged enough over time to put money aside for that. They need to have money to start replacing things over time. That's what the state wants them to do. They can't do a lot of these projects unless they get help from the state and get bonding and pay it back to them over twenty or thirty years.

Fay asked if they wanted to set a date for a public hearing or give it more thought.

Mayor Wilson responded that they mentioned something about the impact fees once they accept those or the impact fees, it takes ninety days before they go into effect.

Derek explained that Kyle budgets based on predicted building permits, and the irrigation impact fees are off the existing amounts that they have now. Depending on the zone they are going to get charged upwards to \$600-1,000. The new impact fees, because they now include commercials are going to drop the residential down to around two hundred dollars. They don't know with certainty how many commercial businesses are going to be coming in to make up the other part of it. He wanted to give them a cost breakdown using both numbers.

Kyle Gubler added, if they adopted those impact fees it would definitely affect the budget and the irrigation budget negatively, because the impact wouldn't be enacted for the commercial yet. It would be enacted for the residential and would go down so they won't have that offset. They may want to consider that when they approve it, they will make less money.

Mayor Wilson suggested discussing it further in the budget retreat they have in a few weeks. They could decide when to set a public hearing.

Derek added that the commercial fee is only about \$1,500-2,000 depending on the connection size. It may or may not depending on how many commercial businesses come in, offset the residential side of things.

**The motion was made by Councilman Prince to approve secondary water feasibility study, user rate analysis, impact fee analysis, seconded by Councilman Valenti. Roll Call Vote: Barr-yes, Valenti-yes, Prince-yes, Pectol-yes. The motion carried unanimously.**

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.

Derek explained that right now the only way they have to get notice out to the citizens, according to the code, is through the mail and through door hangers. Lisia put together on average 125 shut-off letters that she sends every month to the people that are getting late or are late with their payment. Then forty-eight hours prior to the shut-offs happening, they average 73 door hangers a month that our crew goes out and places. Lisia puts approximately three or four hours a month into this, and about six hours from two of his crew to do door hangers all over the town. There is cost savings of around \$6,000 per year if we decide to go with electronic notification. They will change the wording to say it can be sent out by mail and/or electronically. Our plan would be to use Yuppify, and in the synopsis, he sent out to them he gave an explanation of what Yuppify was. When they get water breaks or there are things happening, they can send out texts, letters, postcards, and emails. There's a ton of ways that they can do it electronically, that is not going to cost the city. The money for mail and the crew manpower to go out and put it on the doors plus we receive back a third of all the letters that we sent out due to the fact that the post office says those addresses don't exist. They thought this might be the better route to go, saving time and money. Yuppify was started as a state program. They gave it to the conservancy district to use for three years to notify citizens of water usage mainly and to help people conserve water. The three years are up so the city now is going to have to invest in half the cost and conservancy will cover half. They have more freedom to send out notifications like this. Which is a good resource because they can pick and choose all areas that are going to be impacted by water shutting off or by road closures. Those that aren't affected won't get the text or the notification, they would still have to do the door hanger, so they're still going to get notified one way or the other. There's a potential for a lot of savings and time.

Kyle added that some people just aren't aware that we don't have an email address or cell phone for them. But what we intend on doing is once we take the door hangers having some sort of a note on there that if they would call and let the city have an email address or a cell phone, then they would get it electronically. They could probably reach people with text more than the door hangers. The door hangers sometimes blow off or don't get seen.

Derek commented right now they have 92% of people's information through yuppify. Now, whether they pick or choose to accept it or opt out is up to them. We still have a pretty high percentage that are receiving the messages.

Councilman Prince asked if yuppify offers a feature that reports back if the citizen opened the email.

Derek replied he didn't know. They can't text back or email back to the city through the app so he would check and see if there is any way to see if they opened the email or text.

Councilman Prince asked Fay if there was anything legally, they had to do mail notice or they could add electronic notification.

Fay responded that he didn't think it had to be necessarily on the door or by certified mail. They just have to give notice that it's reasonably calculated to get to that person. If they have a history of dealing back and forth with email with a certain person, and then we send that notice out by email, that's going to be sufficient. Now, generally speaking, they like to cover their bases and do it in letter form and either make sure it's sent certified mail, or deliver it so they have a record to know that it was delivered. But it's not necessarily required that we do it that way.

Mayor Wilson added this is changing the code to add electronic notification.

Derek replied that they are not changing it to be mandated electronically only. They will add electronic notification along with mail and door hangers. People would still get notifications if they can't reach them. They're still going to get the door hanger. They will have a grace period as they switch over to this. Other cities are starting to gear up and do something similar just for the mere magnitude they get more response through yuppify than they do through letters and door hangers. It's a more effective way.

Councilwoman Barr was in favor of the electronic notification and asked if yuppify would charge more for this service.

Derek responded they wouldn't be charged more. They have already been through a three-year trial which restricted what they could send out. They are going to be paying for this now. It's going to be about \$4,500 a year. The city is paying half and then district pays the other half.

Councilwoman Barr asked what type of information is sent out in the notice? Could there be violations with GRAMA or HIPAA with electronic notices?

Derek explained that the only person that's going to get the notice are those that are supposed to be getting them individually and not sharing any other information. There are really not names attached to it; it's more addresses.

Councilman Pectol asked what were the capabilities of yuppify. Could they do an emergency response kind of communications, or as they start doing major infrastructure projects throughout the city. Are they able to geographically choose folks and be able to put in notices of outages and things like that as well?

Derek replied that they are past that trial period, they can use it for anything. They have used it for breaks because they know the exact area that's impacted by the break, so they can circle the area, type a message, hit send, and it goes to those people just in that area. They do the same thing with our slurry project because people like to follow us when they are slurring. They are specific. They send out a map of where we're slurring and the days their slurring so that they're prepared. They can get basically any information out there that they need to get out there. Specific to area or the city as a whole.

### 3. Discussion regarding an amendment to the cemetery's rules and regulations.

Derek explained that he didn't receive any concerns or changes from the council so he included a summary of the changes and basically detailing the areas that are being impacted by the changes if they don't have any issues with that and okay if it's moving forward, they would do the same at the next meeting.

Councilwoman Barr would like a definition included for cemetery sexton.

Derek explained no headstones above 3 feet because they block the sprinklers and leave dry spots.

### 4. Discussion regarding vacating property at 205 S 100 E.

Derek gave a brief history, and he wanted it to remain neutral. He wanted whatever decision going forward to be made by the council. Theresa Fish, the owner of the property located at 205 South 100 East, submitted an application on November 23, 2025. Hence the reason they are going down this road is because she filled out an application. They are responsible for following up with that application whether it's for the positive or for the negative. To have the twenty-foot access easement on the north side of the property vacated. This twenty-foot access easement allows the owner of adjacent lot to access their property through it, which is entirely on Theresa's land. That's what her application stated as a reason for wanting to vacate. The history of this property is Steve Sanders built this home located on 205 South 100 East August 8, 2002. The property was under the flag lot ordinance 10-7-12, because Mr. Sanders would not give us the full-frontal property of 100 east. He had enough property that fronted off of a dedicated city street that he qualified for the flag lot exception. Which requires twenty-five feet of the property to be off a dedicated city street. The right of way or access twenty-five

feet is used solely for access to a flag lot. There is one family dwelling unit allowed on the flag lot. After Mr. Sam's passed away, the property was sold and subsequently divided into two parcels, which required going through the subdivision process. The map indicated that the dimension of 25.57 feet demonstrated compliance with necessary twenty-five foot for flag lot. However, it also showed twenty-foot access to the east. He thought this is going to be brought up against him, so he wanted to get ahead of it. He was the one for the city that signed the mylar, and to this day, he still has no idea why that 20-foot access is there. And the engineer from Alpha is no longer living, so he can't ask him either why they did what they did. But it is there; it does have my signature on it. Even looking at it now he doesn't understand the intent of that. Under the provision of the owner's dedication, it states that hereby dedicates conveys to the city of La Verkin for perpetual public use, all easements shown on this lot. The city conveyed all easements through dedication, including a twenty-foot access easement for perpetual public use through dedication. However, since the city currently has no need to observe construction within this access easement there is no need for public use. He has dealt with this since November. He also dealt with the property owner above with his attorney. They had a pretty lengthy discussion on it. He wanted to inform the council if the city decides to vacate this access easement there's a possibility of legal action being taken. Therefore, the crucial question is whether vacating and accessing is in the best interest of the city as a whole, considering the potential costs involved. It may be more beneficial for the matter to be resolved, if possible, between the two parties without the city's involvement. He was neutral.

Kyle asked if they're able to do anything besides access that property? Or is it just access only? Or would utilities ever be allowed on it.

Derek replied that unless they bought property to the north of them, they could not run any utilities up that access easement because it's just access. If we did vacate it and there's still an access there, the primary access is going to be further south around 200 feet of property, and they would be charged the infrastructure cost of curb or sidewalk for those 200 feet.

Fay added that in order to vacate this public easement, which has been dedicated to the city as a public access, public right of way. Utah code basically says that there are three requirements. First of all, there has to be a petition to vacate. The vacation has to describe it and has to describe all the people who are in favor and those opposed and have a legal description. Then there has to be a public notice and public hearing before it can be vacated. The city then would have authority at that public hearing to pass an ordinance vacating that easement, according to the code. 1, the council finds good cause to vacate. 2, that neither the public nor any individual person would suffer any detriment or be materially injured by the vacation. If we can make those two findings, then we can vacate that easement.

Mayor Wilson asked if there is any way that they could legally access that property through that twenty-foot easement, if they were to build on the property above it? We already have a flag lot. That would be another flag lot. That goes against our code to have more than one building on a flag lot. Is that correct?

Derek replied that it is correct.

Fay added that the language on the plat says that it's been dedicated for the use and benefit of the public. As shown on the plat specifically as an access. Access generally in legal terms means ingress and egress; it doesn't mean utilities.

Mayor Wilson asked if according to this map, the property to the south of Theresa Fish's house is owned by Alan Olsen? And that property goes up the hill and behind Theresa Fish's house. The property behind her house or on the east side of her house could be accessed through that property. If they didn't have access.

Fay replied yes they would have access off of 100 East without the easement. That would go towards a finding that no one is materially injured by vacating the right of way.

Mayor Wilson asked if the city could even approve another flag lot. That would be against our code.

Derek replied that it could provide more access to go to a building up on top, but that wouldn't stop them from using that for access to their property. But the primary access would be down below towards the south

Councilman Valenti asked if they were looking to sell that piece of land?

Mayor Wilson asked Alan Olsen to come explain what he wanted to do with the property.

Alan Olsen showed a different map and pointed out 100 East. This is the little easement, which is all the elevation that's all below her house, so it doesn't really encroach on her property at all. It gives access to his property and then there's another access there. In 2014 he put in a retaining wall, and road. It cost him about \$18,000. The retaining wall by the driveway. The easement is actually an extension of 200. It goes straight up and her house sits up about 15 feet.

Mayor Wilson asked if he had an additional 25 feet along with Theresa 20 feet.

Alan Olsen replied that he has the way to the property downhill.

Councilman Prince added it's a very weird, shaped lot.

Mayor Wilson agreed but what he was saying is in order for them to get to your easement— your twenty- foot easement— you have to go on the twenty-five- foot road that she's got to access her house. Is that correct?

Alan Olsen replied that he didn't know if it's twenty- five feet he has never measured it. It's more like twenty feet. The easement comes up to my gate. She has a twenty-five-foot easement to get to her house.

Mayor Wilson didn't think it was an easement because she owns the twenty-five-foot property to get there. Alan Olsen has to travel on her property to get to your easement.

Alan Olsen responded it's an easement to the property. That goes without saying. There is an easement. He has an easement through that twenty five foot access to his property.

Mayor Wilson asked if he is trying to subdivide the property.

Alan responded no, he would build one or two houses.

Mayor Wilson informed him he would have to get access from the South.

Alan replied he has an easement.

Mayor Wilson responded that he cannot use that for utility access.

Alan replied that it's so he can have access to loop around his property. To go in one way and out another. He said Derek told him he could.

Mayor Wilson asked what about the fire code being 25 feet and the access is only 20 feet.

Derek replied that there have been conversations because right now, our code is twenty-five feet. He thought they're talking about is two different things. He thought if they get it vacated, they can still use that to access the property. If they built another house, the primary access would be 200 feet. That's where they would be responsible.

Mayor Wilson said if they built a house they would have to access it from the South.

Derek added that they can still use that for what Mr. Olsen is saying, as a loop up and around but they're going to be responsible for primary access. That's going to be the city that will deem that their primary access; they're going to pay curb, gutter, sidewalk, and asphalt costs associated with that, any utilities that need go there. That will all come off of the south end, but they still have the ability to access off the north end, but this is not the primary access.

Councilman Valenti commented they would have to absorb curb and gutter cost if they build.

Derek replied absolutely. If anybody builds there they have to pay those costs.

Councilman Valenti asked if no one built there it would remain a dirt road?

Derek replied there's no building there as it is and more than likely, if they come in and build. We will collect the money for the improvements and put it away to do that whole thing as a project because we don't own the rest of the road down there, and we don't want to put curb together that would push drainage onto other people's property. He thought what Mr. Olsen is saying is that right now it would still be used as access to whatever buildings would go up there, but the primary access is going to be down the South.

Mayor Wilson pointed out it wouldn't be primary access it would be secondary access. In order to build there, they are still going to have to put another road up there on the south side,

Councilman Valenti thought the road has been there for a long time. And if they vacate access, then the folks that own the smaller property will lose any use of that road at all. That's how he understands it. He didn't know if that's a good decision for someone who's had routine access to a road for a long time.

Councilman Prince asked if the gate Mr. Olsen put up is locked or is it open for access?

Alan Olsen responded that he leaves it open, but somebody comes and closes it all the time. But it's not locked. He left it open. The road and the easement have been there since 2015, when he built the road and the retaining wall.

Councilman Valenti asked if he was planning to sell the property to the other owner. Or divide it equally between the two parties? He had a similar issue year back where it was a piece of city property next to him. The initial issue with the city was if we vacate it, each side will just take half of that property.

Mayor Wilson explained that the city doesn't own the property. It's an easement. Because there are situations like that, where property has been deeded to the city for a future road or something like that. Then it didn't go in and the property owners on either side when it's vacated, it goes back to the owners. Whereas an easement they already own the property.

Alan Olsen replied he originally owned the whole thing. Then, he sold the house and then it passed to Roger and Gail, and they signed off on it on the mortgage deed. And then Theresa Fish also signed off on that, that she

recognized that there was an easement, and there was no problem. He didn't sell it to her because she couldn't afford it, so they decided against that. Then she wanted to buy the easement, and he said he needed the easement because he needs access to that side. When he sold the property, everyone signed off on that.

Mayor Wilson asked him if he intended to subdivide his property.

Alan Olsen responded he wanted to get this resolved and then sell the land.

Mayor Wilson asked if Scott Stratton was going to buy it.

Alan Olsen replied they are trying to reach an agreement, and he wants to sell the property with the easement.

Mayor Wilson clarified that to build on his property they have to put utilities on the South side.

Councilman Pectol commented that the one thing that stands out to him is as he read this under the owner's dedication. This was by the owner's own dedication. He thought they mentioned this several times that whoever has bought this has understood that this red hatched area that we're talking about says that they we hereby dedicate and convey to the city of La Verkin for perpetual use and public use, all easements shown on the plat. It goes on to say, all lots, easements are as noted. The owners do hereby warrant to the city of La Verkin and all successors and assign title to all property dedicated and conveyed for public use herein against the claims of all persons. By assigning title to that, there was a question of who owns it. Who is the owner of the red hatched area?

Derek replied it's Theresa Fish.

Councilman Pectol clarified that she has given that red hashed area as perpetual easement.

Councilman Prince added the arrow points to Theresa Fish's land, so the land and easement are owned by her.

Councilman Pectol wanted to clarify that. This access road is what we're talking about. It's the city. The city has an easement right here to be able to come up and access this piece of property.

Mayor Wilson added that Theresa Fish owns the property.

Councilman Pectol replied she may own it but has dedicated it for the use of perpetual public use on that plat. Is it perpetual public use on her land? Is this red- hatched area?

Derek replied it is not shared access.

Councilman Pectol commented that she dedicated to perpetual public use.

Fay explained the problem we have with this plat, and this often happens with plats. They have engineers who, when they prepare the plat for recording. They'll borrow language from other plats that they've done and use that as the dedicatory language. That seems to be what has happened here. They have elements mixed up here. They typically say the dedication is "you dedicate all easements and rights away in streets, shown on the plat for the use and benefit of the public." They don't dedicate title, they don't give them title, they typically give them an easement.

Mayor Wilson asked if the property owner has to maintain that property not the city.

Fay responded yes if it is unimproved land.

Councilman Pectol thought this instant the title was given to the city.

Fay explained no, owners hereby award to the city of La Verkin and the successor title. "To all property dedicated and conveyed for public use" What property is dedicated and conveyed for public use? It's the right of way easement; it's the access easement. It's confusing, but he didn't think the city has title to that property.

Councilman Pectol replied that the property they are discussing is a public easement. In his mind reading this, was meant for access for somebody to be able to come up and do just like what they've talked about. To be able to make a loop around, not a single point of access, but a loop that goes around to be able to potentially add value to the property. In your description of what they would have to be able to consider if they were to take this to a public hearing. Would giving that back to the property owner be something that would be favorable to the current landowner that owns it? Would it have a single benefit to the homeowner that we're talking about here? Those are questions that seem as if they have pretty obvious answers to him.

Fay explained that it's not so much a question as to whether or not the property owner next to that red-hatched area is going to benefit. The question is under the statute, by vacating, are we going to cause any material harm to any individual or public by vacating that as a roadway? That's the question

Councilman Prince replied that is what Councilman Pectol is saying. If he lost that ability to access from both sides, he certainly would be losing value.

Fay replied that it is for the council to determine.

Councilman Pectol asked for help to understand the definition. In his mind, when they say "material," he is associating a property.

Fay replied that this is the kind of thing that people wrestle with. Lawyers wrestle with, courts wrestle with. This is the language of the statute, and what does "materially" mean? That means there has to be some detriment that you can actually look at and ascertain. That would to me be a material detriment. But beyond that, he couldn't really give them a definite answer on that. There is no definition for that in code. It's just a judgment call on the council: will somebody be materially injured?

Councilman Pectol added that things make sense to him with math. He gave an example that the length of the easement is 147.76 feet long, and if it's 25 feet wide that would constitute 3,699 square feet. If they were to say that a 10,000 square foot building lot sells in the city of La Verkin for \$150,000. That's fifteen dollars a square foot of value. That has a value of \$55,848 dollars. Does that impact the value of the property to the east \$55,000? Does having looped access or not having a looped access cause material or financial implications to this gentleman. He supposed that's the question that each of us must answer as we have an opportunity to consider this.

Fay agreed that is the question the council must answer.

Councilman Prince did not agree with the example given. That the property has a dollar value because he does not own that property.

Councilman Pectol understood that however, in the definition it says they cannot park anything and that they can't use it for something, they can't block it. That's \$55,000 worth of land that then becomes usable. What was an easement or what was adjacent to his property, but unbuilt? In his mind, there is \$55,000 worth of value to

the homeowner. If it was to be given back it seems as if it's a lopsided conversation: who has value, who doesn't have value, who's being impacted. That's what he thought when he considered the issue.

Councilman Valenti added that there was a question earlier about liability and if they do vacate it, then there is possible liability from somebody challenging the vacation. If they don't vacate the property, is there a similar liability?

Fay replied there is no legal challenge if we do not vacate that property.

Mayor Wilson asked about subdividing the lot into several properties.

Scott Stratton replied he was not going to divide the lot. He will build only one house. He agreed he knew he would have to pay for the road going to the property and the improvements.

Mayor Wilson added that the loop would give the fire department a way into and out of the property.

Alan Olsen replied he intended to keep access road for deliveries and emergency vehicles.

Derek clarified that the red hatched property is Theresa Fish's property all the length of the property.

Councilman Pectol ask if it's for public access.

Derek replied it is. Originally meant for access to flag lot only. And then when it divided, that's when this whole different mechanism came into play.

Councilman Pectol added while it is her property, it still isn't available for her to just be able to go put a tough shed in the middle of it. It has to have access.

Derek agreed.

Councilwoman Barr commented it's on a slope.

Mayor Wilson added that access to her property for vehicles and anything goes through that for emergency. For everything you can park on it, you can put anything on it.

Councilman Pectol added that she could change the access point to her house, just as easy as anything and vacate that if that was her intent. Look at where the driveway comes in it could simply go to the west if that was chosen.

Councilman Prince added he did quite a bit of research on this, trying to figure out what the legalities of it and he actually went to land use at the county. They kind of said the same thing that this probably should be settled in a court of law, not here. They would definitely open themselves up to some legalities by vacating this. They also said it's clearly designated for an access. It's not a utility; a ten foot might be considered a utility, but twenty foot, it was definitely from the original intent was to make it an access to the property. So I think that. And then the other thing I.

I know, But and it's similar to to a, you would be, you see this in court of law all the time. Owners have access, but then they have behind their house, an alley and people have tried to vacate those time and time again. They cannot because it would detriment to that house to lose that access from the alley. He thought this is very similar to that. As far as the city goes, they would not be wise to get involved in this.

Mayor Wilson added that this would be a civil dispute between the two parties.

Kyle had a comment about the hillside ordinance. Would they be able to build anything back there anyway with the Hillside ordinance? They violated that by leveling out some of the area back there that they did.

Derek replied that people have come in and talked to him about it. There's definitely going to have to be some reclamation on the hillsides that was impacted illegally, along with the historical drainage that got covered up. Our code says that at thirty percent and above, they cannot dig into the hillside. From ten to twenty, twenty to thirty, thirty to forty, there are different steps that you can take to mitigate the retaining wall. They have the ability to impact this site. But there definitely has been a lot of work done up there illegally. So, there will be some issues that are going to be resolved, whoever decides to develop up there.

Scott Stratton added that the property next to it has dug into the hillside also. He wasn't the only one.

Derek responded that it was done before the hillside ordinance was created and his was after.

Scott Stratton commented that they are still doing it.

Derek replied that it's because they are still under the guise of what was going on back then, not with the way it's going now.

Councilman Prince asked if they were going to read Councilman Gubler's email.

Mayor Wilson responded that he was just making the same comments that we have made here.

#### 5. Training for OPTMA/GRAMA

Fay showed the training video from the Utah State archives Government Records access 101 course.

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

**Mayor Wilson:** Asked if they hired a new police officer. Chief Nuccitelli said the top three all have previous work history with PD's. We're just going through the background investigations, and that portion. So I hope to have a meeting with post tomorrow. They do a zoom meeting now, instead of getting paperwork funneled to us. That'll narrow it down. To at least the top two. Then hopefully next Monday he will have a final decision.

**Kyle Gubler:** Nothing to report.

**Valenti:** Reported on the planning commission meeting held on January 28, 2026. The legislative committee is interesting. The state now has about eight hundred and ninety bills. I think the governor signed ten. Most of them are really in some form of manipulation. A lot of them deal with property tax, and there are some with property use. But these things will probably get a little bit firmer in the next week or so. By our next session, there may be a lot more to report.

**Prince:** Reported Patty Wise attended the ORPA meeting. Patty, Arthur La Baron, Dave Jessup from Washington County Water, Vern Malloy, and John Jacobson from Sunrise laid out a detailed primary route for the trail that's going to go up through there. The trail will start at the La Verkin Bridge here in Confluence on the Hurricane side and stay mainly out of the floodplain. First bridge from Hurricane to the La Verkin is just west of SR9. That's kind of down where that building is down there. Trail stays on the La Verkin until it crosses back to Hurricane on the old historic bridge. The water district and hot springs equipment will be worked around trail. It stays on the Hurricane side for a couple of miles, crosses over to the La Verkin and then back to

Hurricane shortly before the sand traps. The trail will cross back over to La Verkin to head up the jeep trail. This alignment is proving difficult due to steepness, and the trail may need to be outside the current road footprint. From there it will connect with Zion Corridor Trail on SR9. At a next meeting they'll finalize some of those problem areas.

From the ZRC committee, I listened in on a little bit of that. Thanks to Patty she let me know about it. We got a lot of updates from the different areas. There are so many fun trails that people are talking about. Toquerville has a lot going on with the Firelight community, it's going to be exciting if we can get some of these trails in. We also talked about some of the legislation that might affect things that are going on down here So the overlook trail signs have been ordered. They'll take about six weeks, and they'll be installed by Sean Green. Volunteers are needed for putting up those signs.

**Micah Gubler:** Not present.

**Pectol:** Reported the fire district meeting didn't occur at the beginning of this week, because they're still working on putting together a quorum. He did have a chance to go over to the ribbon cutting over at the Confluence plant. It was pretty astounding what kind of facility that was. And what the potential of that is to be able to help with being able to take care of the current citizens. What an excellent plan to be able to have a state-of-the-art facility right there in in our area, built right in our neighborhood that mitigates noise and smell considerations to the environment. I thought it was really something state of the art. A real good stewardship and forethought put into the planning of the plant and its execution. What it takes to be able to have it under operation for the upcoming years. Really everything about that really makes you proud to be a member of Washington County and to be able to see our tax dollars that go towards Ash Creek Special Service District be used with prudence and stewardship. I was completely impressed.

**Barr:** Reported the Washington County Solid Waste meeting is next week. So I will have a report on that the week after at our next meeting. And I still need to touch base with Historical Preservation Crew .

**Fay:** No report

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

**Dave Olsen** read a statement he gave copies to the city council. It is no accident that a nation conceived in liberty and dedicated to justice for all, should protect property rights. Property is the foundation of every right we have, including the right to be free. But it would be of no avail, however, if property once acquired could not be used and enjoyed. The presumption of common law or constitutional law was ordinarily on the side of free use. People were not required to obtain a permit before using their property. That is just as people were not required to obtain a permit before speaking. Thus, the common law limits the right of free use, only when a use encroaches on the property rights of others. From the World Economic Forum of Davos, I found an interesting quote: "Human rights are just like heaven and like God;. It's just a fictional story. We are no longer mysterious souls. "Indeed, any God-fearing man or woman would find this troubling. No longer sons and daughters of God, and we no longer enjoy the God-given rights. By the Constitution, I can assure you that there is a God, even the source of all life and goodness in the universe. He is also the source of inspiration behind the Constitution and Bill of Rights. And as free citizens, we do enjoy these rights protected by the Constitution. When these rights were first recognized by our founding fathers. They were extremely important. Nowadays, we generally give a wink and a nod; not that important. So, I feel the need to read this morning: every person. This includes every government official who, under the color of law, deprives any citizen of rights, privileges, or immunities secured by the United States Constitution. Is subject to civil and or criminal penalties pursuant to title, forty-two United States Code and title eighteen United States Code. Penalties include up to ten thousand dollars, fines and ten years in prison or both. Apparently, they took these rights very seriously. Would that you would be mindful of them when you apply the zoning. Thank you.

**H. Adjourn:**

The mayor closed the meeting at 7:37 p.m.

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

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

ATTEST: \_\_\_\_\_  
Nancy Cline  
City Recorder

DRAFT



Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
RFD 100041763.	*Olivera, Megan & Gonzalo	54769	2/8/2026	2/8/2026	\$187.23	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100041763 - *O
RFD 100041806.	*Reyna, Alberto	54770	2/4/2026	2/4/2026	\$193.15	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100041806 - *R
RFD 100040259.	*Shaw, Marcus	54742	1/31/2026	1/31/2026	\$73.06	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040259 - *S
RFD 100041325.	*Viasak, Stefan, Kervin, Jessica	54744	1/30/2026	1/30/2026	\$81.68	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100041325 - *V
Refund: 1000396	A&B, Management	54745	1/29/2026	1/29/2026	\$7.81	511311	Accounts Receivable	Refund: 100039622 - A&B, Man
PR020626-258	AFLAC		2/11/2026	2/11/2026	\$27.90	102224	Health Savings Account	AFLAC EE
LSTG1224902	ALSCO	54746	2/2/2026	2/2/2026	\$43.76	104160.250	Bldg EQUIPMENT OPERATING	
					0.87	104410.250	Streets EQUIPMENT OPERATI	
					7.44	104510.250	Parks EQUIPMENT OPERATI	
					3.06	516340.250	O&M EQUIPMENT OPERATI	
					18.38	536310.250	Irrigation EQUIPMENT OPERA	
					6.13	556350.250	Drainage EQUIPMENT OPERA	
					7.88			
LSTG1225990	ALSCO	54771	2/9/2026	2/9/2026	\$43.76	104160.250	Bldg EQUIPMENT OPERATING	
					0.87	104410.250	Streets EQUIPMENT OPERATI	
					7.44	104510.250	Parks EQUIPMENT OPERATI	
					3.06	516340.250	O&M EQUIPMENT OPERATI	
					18.38	536310.250	Irrigation EQUIPMENT OPERA	
					6.13	556350.250	Drainage EQUIPMENT OPERA	
					7.88			
					<b>\$87.52</b>			
0126	ASH CREEK SPECIAL SERVICE DIST		1/31/2026	1/31/2026	\$75,487.52	526260.520	Sewer PAYMENT TO ASH CRE	January
FEB26-1552	BLOMQUIST HALE CONSULTING GR	54747	2/1/2026	2/1/2026	\$104.04	101562	PEHP/AFLAC Insurance Cleanin	Employee assistance coverage
UT202504039	BLUE STAKES OF UTAH 811	54748	1/31/2026	1/31/2026	\$75.01	516340.450	O&M SYSTEMS MAINTENANC	Billable email notifications
368924	BUCK'S ACE HARDWARE	54749	2/2/2026	2/2/2026	\$95.53	104160.250	Bldg EQUIPMENT OPERATING	Givcoes and Motor Oil
					1.91	104410.250	Streets EQUIPMENT OPERATI	
					16.24	104510.250	Parks EQUIPMENT OPERATI	
					6.69	516340.250	O&M EQUIPMENT OPERATI	
					40.12	536310.250	Irrigation EQUIPMENT OPERA	
					13.37	556350.250	Drainage EQUIPMENT OPERA	
					17.20			
368952	BUCK'S ACE HARDWARE	54749	2/3/2026	2/3/2026	\$21.98	104160.250	Bldg EQUIPMENT OPERATING	Paint mixer and bucket
					0.43	104410.250	Streets EQUIPMENT OPERATI	
					3.74	104510.250	Parks EQUIPMENT OPERATI	
					1.54	516340.250	O&M EQUIPMENT OPERATI	
					9.23	536310.250	Irrigation EQUIPMENT OPERA	
					3.08	556350.250	Drainage EQUIPMENT OPERA	
					3.96			
					<b>\$117.51</b>			
9024-0126	CenturyLink	54750	1/30/2026	1/30/2026	\$53.45	104140.280	Admin UTILITIES	435 N Main
					53.45			

**La Verkin City  
Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices**

2/12/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
26-0108/MANRR PO# 6306	CHURCH CONSTRUCTION	54773	2/5/2026	2/5/2026	\$4,700.00	104510.480	Parks RAP Tax	Work on Wanlass Park Bathroom
0353849-IN PO# 6313	Colonial Flag	54774	2/9/2026	2/9/2026	\$97.64	104160.270	Bldg B&G OPERATION AND M	America 250 Flags for Office an
242677	Empire Waste Services	54753	1/31/2026	1/31/2026	\$127.87		Admin UTILITIES	435 N Main
					92.06	104140.280	Admin UTILITIES	
					31.97	516660.280	Drainage EQUIPMENT OPERA	
					3.84	556350.250		
242678	Empire Waste Services	54753	1/31/2026	1/31/2026	\$193.87		Admin UTILITIES	111 S Main
					139.58	104140.280	Admin UTILITIES	
					48.47	516660.280	Drainage EQUIPMENT OPERA	
					5.82	556350.250		
242679	Empire Waste Services	54753	1/31/2026	1/31/2026	\$69.74		Admin UTILITIES	Animal Shelter
					50.21	104140.280	Admin UTILITIES	
					17.44	516660.280	Drainage EQUIPMENT OPERA	
					2.09	556350.250		
	<b>Vendor Total:</b>				<b>\$391.48</b>			
020426	Fire Pro	54777	2/4/2026	2/4/2026	\$739.90		Bldg EQUIPMENT OPERATING	
					14.80	104160.250	Streets EQUIPMENT OPERATI	
					125.78	104410.250	Parks EQUIPMENT OPERATI	
					51.79	104510.250	O&M EQUIPMENT OPERATI	
					310.76	516340.250	Irrigation EQUIPMENT OPERA	
					103.59	536310.250	Drainage EQUIPMENT OPERA	
					133.18	556350.250		
F2607E00809	FUEL NETWORK	54778	2/3/2026	2/3/2026	\$2,598.54		Bldg EQUIPMENT OPERATING	
					33.06	104160.250	Police EQUIPMENT OPERATI	Police Fuel amount
					920.06	104210.250	Animal EQUIPMENT OPERATI	Marcoate
					25.34	104253.250	Streets EQUIPMENT OPERATI	
					281.03	104410.250	Parks EQUIPMENT OPERATI	
					115.72	104510.250	O&M EQUIPMENT OPERATI	
					694.32	516340.250	Irrigation EQUIPMENT OPERA	
					231.44	536310.250	Drainage EQUIPMENT OPERA	
					297.57	556350.250		
11210-2	GREEN TREE LAWN & LANDSCAPE	54754	1/29/2026	1/29/2026	\$450.00		Parks EQUIPMENT OPERATI	Mowing service
					450.00	104510.250		
RI0201261	GUBLER, KYLE W	54755	2/1/2026	2/1/2026	\$500.00		Admin EQUIPMENT OPERATI	Car allowance
PR020626-6099	Health Equity		2/1/2026	2/1/2026	\$4,295.54		Health Savings Account	PEHP Health Equity-Family
					3,644.56	102224	Health Savings Account	PEHP Health Equity-Double
					512.22	102224	Health Savings Account	PEHP Health Equity-Single
2026-2879	HURRICANE CITY JUSTICE COURT	54779	2/2/2026	2/2/2026	\$250.00		Police JUSTICE COURT	February Court Billing
PRJ-001129 PO# 6304	IHYDRANT	54757	2/4/2026	2/4/2026	\$1,500.00		O&M NEW SERVICES	I-Hydrant annual payment
004-2/2/2026 PO# 6300	INTERSTATE ROCK	54758	2/3/2026	2/3/2026	\$24,486.05		Parks Trails	Work on Regional Trail
RFD 100042059.	Jackson, Sean	54780	2/9/2026	2/9/2026	\$935.08		Turn on Fee/Renter Deposit	Deposit Refund: 100042059 - Ja
					935.08	512330	Bldg EQUIPMENT OPERATING	Equipment, Repairs and Fuel
450840 PO# 6309	Ken Garff St. George Ford	54781	2/6/2026	2/6/2026	\$875.92			
					17.52	104160.250		

La Verkin City  
 Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
PR020626-147	LEGAL SHIELD		2/11/2026	2/11/2026	\$100.28	104410.250	Misc Payable	LegalShield
RFD 100040810.	Leonard, Ruth	54759	2/2/2026	2/2/2026	\$68.21	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040810 - Le
EA1646864	Les Olson	54782	1/30/2026	1/30/2026	\$464.17	104140.240	Admin OFFICE EXPENSE, SUP	
					246.01	516660.240	Admin OFFICE EXPENSE, SUP	
					139.25	536310.240	Irrigation OFFICE EXPENSE, S	
					23.21	556350.240	Drainage OFFICE EXPENSE, S	
					55.70			
96890	MEGA-PRO INTERNATIONAL	54783	2/2/2026	2/2/2026	\$184.00	104540.610	Rec EVENTS, FAIRS, & FESTI	Banner
961921	NAPA AUTO PARTS	54784	1/29/2026	1/29/2026	\$15.99	104160.250	Bldg EQUIPMENT OPERATING	Cleaner
					0.31	104410.250	Streets EQUIPMENT OPERATI	
					2.72	104510.250	Parks EQUIPMENT OPERATI	
					1.12	516340.250	O&M EQUIPMENT OPERATI	
					6.72	536310.250	Irrigation EQUIPMENT OPERA	
					2.24	556350.250	Drainage EQUIPMENT OPERA	
					2.88			
962886	NAPA AUTO PARTS	54760	2/4/2026	2/4/2026	\$21.99	104160.250	Bldg EQUIPMENT OPERATING	Blister Pack Capsules
					0.43	104410.250	Streets EQUIPMENT OPERATI	
					3.74	104510.250	Parks EQUIPMENT OPERATI	
					1.54	516340.250	O&M EQUIPMENT OPERA	
					9.24	536310.250	Irrigation EQUIPMENT OPERA	
					3.08	556350.250	Drainage EQUIPMENT OPERA	
					3.96			
963687	NAPA AUTO PARTS	54784	2/10/2026	2/10/2026	\$85.99	104160.250	Bldg EQUIPMENT OPERATING	Transfer pump
					1.71	104410.250	Streets EQUIPMENT OPERATI	
					14.62	104510.250	Parks EQUIPMENT OPERATI	
					6.02	516340.250	O&M EQUIPMENT OPERATI	
					36.12	536310.250	Irrigation EQUIPMENT OPERA	
					12.04	556350.250	Drainage EQUIPMENT OPERA	
					15.48			
					\$123.97			
020526	Nordfors, Kyle	54785	2/5/2026	2/5/2026	\$100.00	104210.230	Police TRAVEL & TRAINING	Drone training class-Sergeant S
021126	PUBLIC EMPLOYEES LTD PROGRAM	54786	2/11/2026	2/11/2026	\$819.38	101562	PEHP/AFLAC Insurance Clearin	12/27/25-02/06/26
R10201262	REBER, FAY E	ACH.0204261114.11017	2/1/2026	2/1/2026	\$11,000.00	104140.311	Admin ATTORNEY	
77537	ROADRUNNER AUTOMOTIVE AND DI	54787	2/11/2026	2/11/2026	\$655.26	104210.450	Police VEHICLE MAINTANCE	Reserve truck starter
PO# 6318					655.26			
333164	Rockart Inc	54762	2/2/2026	2/2/2026	\$1,236.19	104620.610	Comm COMMUNITY DEVELOP	Fiberglass Trail Marker Posts pe
PO# 6298					1,236.19			
27546	RURAL WATER ASSOCIATION UTAH	54788	2/9/2026	2/9/2026	\$1,700.00	516660.230	Admin TRAVEL & TRAINING	Water School Training
PO# 6316					1,700.00			

**La Verkin City  
Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices**

2/12/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
6965518	SCHOLZEN PRODUCTS CO INC	54789	2/5/2026	2/5/2026	\$15.00	104510.250	Parks EQUIPMENT OPERATIN	Sprinkler flags
6965762 PO# 6308	SCHOLZEN PRODUCTS CO INC	54789	2/6/2026	2/6/2026	\$1,870.86	516340.440	O&M NEW SERVICES	Case of water meters
6965965 PO# 6315	SCHOLZEN PRODUCTS CO INC	54789	2/9/2026	2/9/2026	\$1,121.94	104510.250	Parks EQUIPMENT OPERATIN	Sprinkler parts for Cemetery
6966194	SCHOLZEN PRODUCTS CO INC	54789	2/9/2026	2/9/2026	\$277.28	104510.250	Parks EQUIPMENT OPERATIN	Cemetery sprinkler supplies
6966727	SCHOLZEN PRODUCTS CO INC	54789	2/11/2026	2/11/2026	\$39.88	104510.250	Parks EQUIPMENT OPERATIN	Cemetery
	<b>Vendor Total:</b>				<b>\$3,324.96</b>			
73043	Smith Hartvigsen, PLLC	54790	1/31/2026	1/31/2026	\$1,507.50	104140.311	Admin ATTORNEY	Water Rights
2026-7 PO# 6311	Southern Utah Bicycle Alliance	54791	2/9/2026	2/9/2026	\$500.00	104620.610	Comm COMMUNITY DEVELOP	Donation to Panel #13 Canyon t
417850	Southwest Utah Public Health Departme	54792	2/2/2026	2/2/2026	\$150.00	516660.460	Admin CONTRACTED SERVIC	Bacterial Analysis for drinking w
6054907896	STAPLES	54763	2/1/2026	2/1/2026	\$32.72	104140.240	Admin OFFICE EXPENSE, SUP	
6054907904	STAPLES	54763	2/1/2026	2/1/2026	\$43.94	104210.240	Police OFFICE EXPENSE, SUP	paper
	<b>Vendor Total:</b>				<b>\$76.66</b>			
3-351494	STEAMROLLER COPIES	54793	2/2/2026	2/2/2026	\$396.67	104210.610	Police MISC SUPPLIES	Window Decals
R10201262	STEGELICH, RYKER	54764	2/1/2026	2/1/2026	\$400.00	104540.120	Rec PART TIME EMPLOYEES	Website / Social media
020226	STEWART, MICHELE	54765	2/2/2026	2/2/2026	\$160.00	104540.120	Rec PART TIME EMPLOYEES	Power Plant Park cleaning
10889	Tech Legion	54767	2/1/2026	2/1/2026	\$2,157.25	104140.315	Admin COMPUTER EQUIPME	
					647.18	104210.315	Police COMPUTER EQUIPMEN	
					647.17	516660.315	Admin SOFTWARE OR INFOR	
					517.74	536310.315	IrrigationCOMPUTER EQUIPM	
					172.58	56350.315	Drainage SOFTWARE & COMP	
					172.58			
0226	U.S. POSTAL SERVICE	54741	2/2/2026	2/2/2026	\$762.84	104140.240	Admin OFFICE EXPENSE, SUP	
					404.31	516660.240	Admin OFFICE EXPENSE, SUP	
					228.85	536310.240	Irrigation OFFICE EXPENSE, S	
					38.14	56350.240	Drainage OFFICE EXPENSE, S	
					91.54			
1624327	UTAH LOCAL GOVERNMENT TRUST		2/3/2026	2/3/2026	\$308.32	104140.510	Admin INSURANCE	
					160.33	516660.510	Admin INSURANCE	
					49.33	536310.510	Irrigation INSURANCE	
					49.33	56350.510	Drainage INSURANCE	
1624328	UTAH LOCAL GOVERNMENT TRUST		2/3/2026	2/3/2026	\$2,206.19	101564	Workers Comp Clearing	Worker's comp
					2,206.19			

La Verkin City  
 Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices

Invoice No.	Vendor	Vendor Total:	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
PR020626-501	UTAH RETIREMENT SYSTEMS			2/11/2026	2/11/2026	\$2,514.51			
						\$13,251.32	102223	Retirement Payable	401k Retirement
						891.82	102223	Retirement Payable	457
						10,555.45	102223	Retirement Payable	Roth IRA
						928.90	102223	Retirement Payable	457 Loan
						614.00	102223	Retirement Payable	
						261.15	102223	Retirement Payable	
17 - 2010 Water	UTAH STATE DIVISION OF FINANCE		54795	2/11/2026	2/11/2026	\$48,409.00			
						42,000.00	512560.2	2010 Water Revenue Bond repa	Principal - 2010 Water Revenue
						6,409.00	516660.821	Admin INTEREST EXPENSE 2	Interest - 2010 Water Revenue B
PR020626-449	Utah State Tax Commission			2/11/2026	2/11/2026	\$2,643.38			
						2,643.38	102222	State Withholding	State Income Tax
54718	WCWCD		54796	1/31/2026	1/31/2026	\$3,266.66			
						3,266.66	516660.410	Admin PRODUCT OR SERVIC	Water Development Surcharge
54719	WCWCD		54796	1/31/2026	1/31/2026	\$292.60			
						292.60	516660.260	Admin WCWCD Excess surchar	Excess Water Surcharge
94	WCWCD		54796	1/31/2026	1/31/2026	(\$243.08)			
						-243.08	516660.260	Admin WCWCD Excess surchar	Excess Water Surcharge
						\$3,316.18			
RI0201264	Weeks, James			2/1/2026	2/1/2026	\$1,500.00			
						1,500.00	104140.311	Admin ATTORNEY	
INV-XPR031835	Xpress Bill Pay		20626	1/31/2026	1/31/2026	\$1,287.82			
						1,287.82	104140.460	Admin CONTRACT SERVICES	January
005917	ZIONS FIRST NATIONAL BANK CC			2/5/2026	2/5/2026	\$57.65			
						57.65	104540.610	Rec EVENTS, FAIRS, & FESTI	Clothing
009094	ZIONS FIRST NATIONAL BANK CC			2/9/2026	2/9/2026	\$303.17			
						303.17	104510.250	Parks EQUIPMENT OPERATIN	Codale-conduit
012126	ZIONS FIRST NATIONAL BANK CC			2/9/2026	2/9/2026	\$140.90			
						140.90	104140.230	Admin TRAVEL & TRAINING	URS training
029759	ZIONS FIRST NATIONAL BANK CC			1/29/2026	1/29/2026	\$129.88			
						129.88	104140.610	Admin MISCELLANEOUS SER	Lunch with Auditor for help with I
030034	ZIONS FIRST NATIONAL BANK CC			1/30/2026	1/30/2026	\$303.42			
						303.42	104210.410	Police DAT/INVESTIGATION/DI	Costco
102164663	ZIONS FIRST NATIONAL BANK CC			2/3/2026	2/3/2026	\$165.00			
						165.00	104240.220	Inspect BOOKS & MEMBERSHI	ICC Online Training
12772170	ZIONS FIRST NATIONAL BANK CC			2/10/2026	2/10/2026	\$175.00			
						175.00	104140.230	Admin TRAVEL & TRAINING	Spring Treasurer Conference tra
211915032	ZIONS FIRST NATIONAL BANK CC			1/30/2026	1/30/2026	\$24.90			
						24.90	104210.230	Police TRAVEL & TRAINING	Remote Pilot test prep bundle
280640	ZIONS FIRST NATIONAL BANK CC			2/4/2026	2/4/2026	\$149.44			
						3.00	104160.250	Bldg EQUIPMENT OPERATING	Boots
						25.40	104410.250	Streets EQUIPMENT OPERATI	
						10.46	104510.250	Parks EQUIPMENT OPERATI	
						62.76	516340.250	O&M EQUIPMENT OPERATI	
						20.92	536310.250	Irrigation EQUIPMENT OPERA	
						26.90	556350.250	Drainage EQUIPMENT OPERA	
3079408	ZIONS FIRST NATIONAL BANK CC			2/3/2026	2/3/2026	\$224.15			
						224.15	104410.745	Streets STREET IMPROVEME	Brunt Company

**La Verkin City  
Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices**

2/12/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
8166866	ZIONS FIRST NATIONAL BANK CC		2/2/2026	2/2/2026	\$166.39	104540.610	Rec EVENTS, FAIRS, & FESTI	Clothing
ZMTJJ6VJ-0002	ZIONS FIRST NATIONAL BANK CC		2/8/2026	2/8/2026	\$230.57	104140.210	Admin BOOKS, SUBSCRIPTION	City Recorder AI listening device
	<b>Vendor Total:</b>				<b>\$2,070.47</b>			
PR013126-234	ZIONS FIRST NATIONAL BANK	20426	2/4/2026	2/4/2026	\$693.52	102221	FICA & FWT Withholding	Social Security Tax
					588.00	102221	FICA & FWT Withholding	Medicare Tax
					130.52	102221	FICA & FWT Withholding	Federal Income Tax
					5.00	102221		
PR020626-234	ZIONS FIRST NATIONAL BANK		2/11/2026	2/11/2026	\$16,070.52	102221	FICA & FWT Withholding	Social Security Tax
					7,936.98	102221	FICA & FWT Withholding	Medicare Tax
					1,856.28	102221	FICA & FWT Withholding	Federal Income Tax
					6,277.26	102221	FICA & FWT Withholding	Social Security Tax
					<b>\$16,764.04</b>			
	<b>Vendor Total:</b>				<b>\$235,960.09</b>			
							<b>GL Account Summary</b>	
					923.42	101562	PEHP/AFLAC Insurance Clearin	
					2,206.19	101564	Workers Comp Clearing	
					16,764.04	102221	FICA & FWT Withholding	
					2,643.38	102222	State Withholding	
					13,251.32	102223	Retirement Payable	
					4,323.44	102224	Health Savings Account	
					100.28	102225	Misc Payable	
					250.00	104121.240	Police JUSTICE COURT	
					230.57	104140.210	Admin BOOKS, SUBSCRIPTION	
					315.90	104140.230	Admin TRAVEL & TRAINING	
					667.66	104140.240	Admin OFFICE EXPENSE, SUP	
					500.00	104140.250	Admin EQUIPMENT OPERATIN	
					335.30	104140.280	Admin UTILITIES	
					14,007.50	104140.311	Admin ATTORNEY	
					647.18	104140.315	Admin COMPUTER EQUIPME	
					1,287.82	104140.460	Admin CONTRACT SERVICES	
					160.33	104140.510	Admin INSURANCE	
					129.88	104140.610	Admin MISCELLANEOUS SER	
					74.91	104160.250	Bldg B&G OPERATION AND M	
					97.64	104160.270	Police TRAVEL & TRAINING	
					124.90	104210.230	Police OFFICE EXPENSE, SUP	
					43.94	104210.240	Police EQUIPMENT OPERATIN	
					920.06	104210.250	Police COMPUTER EQUIPME	
					647.17	104210.315	Police DAT/INVESTIGATION/DI	
					303.42	104210.410	Police VEHICLE MAINTANCE	
					655.26	104210.450	Police MISC SUPPLIES	
					396.67	104210.610	Inspect BOOKS & MEMBERSHI	
					165.00	104240.220	Animal EQUIPMENT OPERATI	
					25.34	104253.250	Streets EQUIPMENT OPERATI	
					637.06	104410.250	Streets STREET IMPROVEME	
					224.15	104410.745	Parks EQUIPMENT OPERATIN	
					2,469.57	104510.250	Parks Trails	
					24,486.05	104510.415	Parks RAP Tax	
					4,700.00	104510.480	Rec PART TIME EMPLOYEES	
					560.00	104540.120	Rec EVENTS, FAIRS, & FESTI	
					408.04	104540.610	Comm COMMUNITY DEVELOP	
					1,736.19	104620.610	<b>Total</b>	
					<b>97,419.58</b>			

**La Verkin City**  
**Invoice Register: 1/29/2026 to 2/11/2026 - All Invoices**

2/12/2026

Invoice No.	Vendor	Check No.	Ledger Date	Due Date	Amount	Account No.	Account Name	Description
					1,538.41	512330	Turn on Fee/Renter Deposit	
					42,000.00	512560.2	2010 Water Revenue Bond repa	
					1,573.92	516340.250	O&M EQUIPMENT OPERATIN	
					3,370.86	516340.440	O&M NEW SERVICES	
					75.01	516340.450	O&M SYSTEMS MAINTENANC	
					1,700.00	516660.230	Admin TRAVEL & TRAINING	
					377.92	516660.240	Admin OFFICE EXPENSE, SUP	
					49.52	516660.260	Admin WCVCD Excess surchar	
					97.88	516660.280	Admin UTILITIES	
					517.74	516660.315	Admin SOFTWARE OR INFOR	
					3,266.66	516660.410	Admin PRODUCT OR SERVIC	
					150.00	516660.460	Admin CONTRACTED SERVIC	
					49.33	516660.510	Admin INSURANCE	
					6,409.00	516660.821	Admin INTEREST EXPENSE 2	
					<b>61,184.06</b>		<b>Total</b>	
					75,487.52	526260.520	Sewer PAYMENT TO ASH CRE	
					62.98	536310.240	Irrigation OFFICE EXPENSE, S	
					524.65	536310.250	Irrigation EQUIPMENT OPERA	
					172.58	536310.315	IrrigationCOMPUTER EQUIP	
					49.33	536310.510	Irrigation INSURANCE	
					<b>809.54</b>		<b>Total</b>	
					151.17	556350.240	Drainage OFFICE EXPENSE, S	
					686.31	556350.250	Drainage EQUIPMENT OPERA	
					172.58	556350.315	Drainage SOFTWARE & COMP	
					49.33	556350.510	Drainage INSURANCE	
					<b>1,059.39</b>		<b>Total</b>	
					<b>\$235,960.09</b>		<b>GL Account Summary Total</b>	





ORDINANCE NO. 2026 - 04

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH,  
AMENDING §8-1-4 B. 2. OF THE LAVERKIN CITY CODE PERTAINING TO THE  
NOTIFICATION OF CUSTOMERS REGARDING DELINQUENCY OF UTILITY  
BILLINGS AND SHUTOFF OF UTILITY SERVICES.

WHEREAS §8-1-4 B. 2. of the LaVerkin City Code requires that customers be notified by mail of utility billing delinquency or termination of utility services; and

WHEREAS said City Council recognizes that notification by email of such delinquency and termination is less expensive, faster and more efficient; and

WHEREAS said City Council desires to amend §8-1-4 B. 2. by providing for emailing of such notice as an alternative to mailing; and

WHEREAS said City Council deems it necessary and desirable for the efficient operation of the affairs of the City of LaVerkin; and

WHEREAS said City Council finds and determines that it is in the best interests of the residents and office staff of the City of LaVerkin,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that §8-1-4 B. 2 of the LaVerkin City Code shall be, and is hereby, amended to read as follows

8-1-4 B. 2. Notice of Delinquency, Notice Processing Fee, Pre-termination and Termination:

- a. In addition to late fees, any utility account that remains delinquent as of 8:00 a.m. on the fifth day of the month following delinquency shall be assessed a \$10.00 notice processing fee, or such other amount as set by resolution of the city council.
- b. For accounts described in subsection (a), the city administrator or designee shall promptly send a delinquency/pre-shutoff warning by mail or electronic delivery. The notice shall state the total amount due, including late fees and notice processing fees, and the anticipated shutoff date.
- c. At least forty-eight (48) hours before the shutoff date, the city administrator or designee shall send electronically or deliver a notice of imminent shutoff to the user's residence or place of business. The notice shall state the payment deadline to avoid shutoff and that a \$50 reconnection fee will be added if service is disconnected.

d. At the time of shutoff, the city shall send electronically or deliver a notice stating that service has been disconnected and will not be restored until all delinquent amounts, including late fees, notice processing fees, and the \$50 reconnection fee, are paid.

BE IT FURTHER ORDAINED that except as modified hereby, all other provisions of §8-1-4 shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect at the earliest time after publication or posting, as required by Utah law.

PASSED AND APPROVED by the City Council of LaVerkin, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2026.

City of LaVerkin

Kelly B. Wilson, Mayor

Attest:

Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_ day of \_\_\_\_\_, 2026, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

Nancy Cline, City Recorder

(Note: additions and changes to Ordinance appear in italics)

ORDINANCE NO: 2026 -05

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING TITLE 7 CHAPTER 6 OF THE LAVERKIN CITY CODE PERTAINING TO OPERATION AND MAINTENANCE OF CEMETERIES WITHIN THE CITY OF LAVERKIN.

WHEREAS the City Council of LaVerkin has previously adopted Title 7 Chapter 6 of the LaVerkin City Code pertaining to operation and maintenance of cemeteries within the City of LaVerkin (hereafter referred to as the "Cemetery Ordinance"); and

WHEREAS said City Council deems it necessary to update and clarify various provisions of the Cemetery Ordinance to better reflect current laws, needs and standards; and

WHEREAS said City Council deems it necessary and desirable for the preservation and protection of the welfare of the residents of the City of LaVerkin,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that Title 7 Chapter 6 of the LaVerkin City Code (the Cemetery Ordinance) be amended in its entirety to read as follows:

## 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.*

**CEMETERY SEXTON:** *A cemetery sexton is the caretaker and manager of a cemetery, responsible for its daily operations, maintenance, record-keeping, and coordinating burials, ensuring the grounds are kept dignified and organized, with duties ranging from grave preparation and plot sales to assisting families and enforcing regulations. The role originates from church caretakers (sextons) and involves overseeing property, but in modern cemeteries, it's focused on managing all aspects of the grounds and burials, sometimes with specialized staff for digging or administration.*

**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)

C. *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*

D. *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 is hereby 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)

BE IT FURTHER ORDAINED that this ordinance shall take effect at the earliest possible time allowed by Utah law after publication or posting.

PASSED AND APPROVED by the City Council of LaVerkin , Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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

Attest:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.  
A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Nancy Cline, City Recorder

DRAFT

ORDINANCE NO: 2026 - 05

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING TITLE 7 CHAPTER 6 OF THE LAVERKIN CITY CODE PERTAINING TO OPERATION AND MAINTENANCE OF CEMETERIES WITHIN THE CITY OF LAVERKIN.

WHEREAS the City Council of LaVerkin has previously adopted Title 7 Chapter 6 of the LaVerkin City Code pertaining to operation and maintenance of cemeteries within the City of LaVerkin (hereafter referred to as the “Cemetery Ordinance”); and

WHEREAS said City Council deems it necessary to update and clarify various provisions of the Cemetery Ordinance to better reflect current laws, needs and standards; and

WHEREAS said City Council deems it necessary and desirable for the preservation and protection of the welfare of the residents of the City of LaVerkin,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that Title 7 Chapter 6 of the LaVerkin City Code (the Cemetery Ordinance) be amended in its entirety to read as follows:

## 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.

**CEMETERY SEXTON:** A cemetery sexton is the caretaker and manager of a cemetery, responsible for its daily operations, maintenance, record-keeping, and coordinating burials, ensuring the grounds are kept dignified and organized, with duties ranging from grave preparation and plot sales to assisting families and enforcing regulations. The role originates from church caretakers (sextons) and involves overseeing property, but in modern cemeteries, it's focused on managing all aspects of the grounds and burials, sometimes with specialized staff for digging or administration.

**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.

### **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)
- C. 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
- D. 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.
- E. 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 is hereby 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)

BE IT FURTHER ORDAINED that this ordinance shall take effect at the earliest possible time allowed by Utah law after publication or posting.

PASSED AND APPROVED by the City Council of LaVerkin , Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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

Attest:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 2026, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. A roll call vote was then taken with the following results:

**DRAFT**

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Nancy Cline, City Recorder

