

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. The 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.

February 18, 2026
Date Approved

ATTEST: Nancy Cline
Nancy Cline
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson

