

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, July 15, 2020, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Chuck Hardy, Micah Gubler, Patricia Wise, Ray Justice, and Kelly Wilson; Staff: Christy Ballard, Kevin Bennett, Derek Imlay, and Chief Ben Lee; Public: Kristina Pledger, Phyllis Terrana, Cameron Rognan, Brian Stewart, Todd Edwards, Cheyenne McDonald, Faye Reber, and Reece DeMille.

Kyle Gubler was excused.

A. Called to Order –The invocation and the Pledge of Allegiance were given by Micah Gubler at 6:00 pm.

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

1. Declarations of conflict of interest
2. Agenda
3. Meeting Minutes: June 17, 2020, regular meeting
4. Review Invoices and Checks: \$302,244.75

Mayor Hirschi asked Business Item G. number 1 be removed from the agenda.

The motion was made by Councilman Ray Justice to approve the consent agenda as amended to include the removal of item G. 1, including the minutes of the June 17, 2020, regular meeting and Invoices and Checks in the amount of \$302,244.75, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Gubler-yes. Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

C. Citizen Comment & Request for Future Agenda Items:

No comments were made.

D. Business:

1. Discussion and possible action to approve a resolution approving: (a) the proposed 10-year Residential Waste Collection Agreement between the Washington County Special Service District No. 1 and Republic Services, and (b) the proposed Solid Waste Collection Agreement between Washington County Special Service District No. 1 and the City of La Verkin, pertaining to billing and collection for solid waste services and related matters.

Faye Reber is the attorney for Washington County Solid Waste (WCSW) and Reece DeMille is the representative for Republic Services.

Faye began the presentation by passing out a La Verkin residential fee summary sheet.

This contract pertains to all the municipalities in Washington County. The current 10-year contracts with Republic and each of the communities both expire in January 2021. Midway through this contract, we signed another contract for the pickup and disposal of recyclable materials and this contract expires in January as well.

The District has been working through the different options of moving forward. They decided the best thing to do was to extend the contracts with Republic Services. Republic has been the hauler for the last 20 years. They know the County and will provide citizens with the service we have become accustomed to. Republic and the District have a great working relationship and the District is confident that will continue.

A 10-year contract allows us to lock into a discounted rate.

This contract also includes recycling. Republic is currently picking up the recycling so services will remain the same, the only difference being a small price increase each year.

Faye went over the residential fee summary sheet. Collection times remain the same. There are three elements to the fee.

The amount paid to Republic, the administrative fee paid to the District, and the administrative fee that goes to the City.

The contract between the District and La Verkin City states the City is responsible for the billing and collection for each of their residents. It also gives the City the ability to adjust their administrative fee as they see fit. The basic collection fee,

without recycling, is \$12.45. The District fee and Republics fee will increase next year by \$.30. It is up to the City to increase its fee.

Republic has an annual increase of 2.5%. At the end of this 10-year agreement the basic rate fee, assuming La Verkin does not increase its fee, would be \$14.47.

The current recycling fee paid to Republic is \$2.94. The City has added an additional administrative fee of \$.18 so the total for basic trash pick-up and recycling is \$15.57.

The new recycling fee would be \$4.91, assuming the District can use the Tier 1 pricing. To get the Tier 1 price more than 51% of the residents in Washington County need to participate in recycling. Recycling is also subject to the 2.5% annual increase. The fee for the City is \$.18 and the District added a \$.75 fee for the recycling container. The new total for basic trash pick-up and recycling would be \$18.59. At the end of this 10-year agreement, assuming La Verkin does not increase its fee the total fee for basic and recycling would be \$21.53.

The contract also has an opt-out period. How that will work is, once all the communities have signed the contracts the opt-out period will begin. The County is tentatively planning on September 1, 2020, through November 30, 2020. This period is for people who are currently recycling to opt-out. If people already opted out, they will be grandfathered in and will not need to do it again.

Cheyne McDonald is the Chairman of the Board he mentioned the District has set aside \$75,000 to advertise to people that have opted out to reconsider. Recycling extends the life of our landfill and makes us good stewards of the lands we oversee.

Mayor Hirschi mentioned people have asked him if recycling materials are really being recycled or just going to the landfill.

Cheyne replied there was a 2-3-month period when the previous recycling company had some issues causing the District to make some adjustments and the recycling did go to the landfill, but now 100% of the blue-can contents go to Las Vegas.

Faye explained the contract has specific requirements that the recycling material picked up be transported to Las Vegas.

Reece invited the Council members to visit the recycling center in Las Vegas.

Cheyne pointed out the District has the option in three years to re-visit the recycling program and make changes if necessary.

Faye explained after the recycling opt-out period the District will determine which tier we would be in and decide at that point whether to continue with the recycling program or not. At the 3-year mark, either party (Republic or WCSW) can opt-out of the recycling program.

Reece reported Washington County has one of the cheapest garbage rates in the State. Salt Lake County pays \$34.00 per month for one garbage can and one recycling can.

Councilwoman Wise asked if glass will be recycled.

Reece replied no, the Las Vegas facility is not set up to work with glass.

Cheyne said there are binnies throughout the County that can take glass. La Verkin does have one of those binnies.

Kristina Pledger-It seems backward. If we want people to recycle why are we having them pay \$6.00-7.00 more every month? Why not make the people who opt-out pay more and the people that recycle pay less? It seems backward. What if the City decides to not recycle and we just paid \$15 for the 10-year tier? That would fix City funds but how would that affect citizens?

Faye replied there are a lot of people in the County that want to recycle. If La Verkin made the decision to not recycle at all there may be issues with the citizens. The District decided the best way to handle that was to allow people to opt-out after they know the cost.

Cheyne also responded and said while it seems backward the fact is it costs more money to recycle than it does to bury garbage. The advantage of recycling is we extend the life of our landfill which we have already done just in the 5 years we've had a recycling program. Landfills are not easy things to create and a closed landfill must be maintained for 50 years.

This landfill should last 150-200 years. When we started recycling, we were at the 40-50-year mark but between implementing this program and purchasing additional land, we have pushed that mark out substantially.

The contract also states that if a person moves from one house to another, they will automatically be in the recycling program.

Councilman Justice reported his family of 4 used to put two garbage cans out each week. After they started recycling, they put only one can out a week. It has made a big difference in his home in the amount of material they send to the landfill which helps them be better stewards of their community and world.

Kevin said he worked through a couple of issues with Faye, those changes were made, and he now recommends approval of the contracts.

The motion was made by Councilman Ray Justice to approve: (a) the proposed 10-year Residential Waste Collection Agreement between the Washington County Special Service District No. 1 and Republic Services, and (b) the proposed Solid Waste Collection Agreement between Washington County Special Service District No. 1 and the City of La Verkin, pertaining to billing and collection for solid waste services and related matters, second by Councilman Micah Gubler. Roll Call Vote: Hardy-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

Phyllis Terrana-She missed the public comment section of the meeting. She has not been getting any results from the City. She was summoned to a meeting recently and told she needed to change her address for the third time. The only reason given to her was that the rescue services (fire department and police department) couldn't find her house. She has been in the neighborhood for 30 years. She was the first house in her cul de sac. The problem she has with this is the fire hydrant is on her property. She was forced to give up a huge space of her land that wasn't bought, it was demolished and taken away from her so that the fire truck can park on her property in the event she has a fire so they can save her. So, they have a place for their fire truck, a hydrant, and the fire department is 3/10 of a mile from her home and can't figure out how to find her? That doesn't say much for our services.

The second concern she has is why is she the only house in a mile radius that has weeds from developers that are uncut. The weeds across from the city office are mowed down. The field next to Davis', mowed down, cemetery, mowed down, the field on the other side of Davis, mowed down. She has waist-high weeds on the south, west, north, and east of her property that are smothering her trees. Her house is at risk. She paid a family to cut her weeds. She has two teenagers working with her 4 days a week, she is 71 years old. She is doing her part and can't save her house if developers aren't responsible for their property.

The City manager mentioned the Boy Scouts didn't want to work with her, that never happened. Boy Scouts shouldn't be doing the job, the developer should be. She has noticed other places are mowed down, not poisoned. She is at risk. She is not getting results. She has been begging the City for many years and she should be getting help. She doesn't feel safe. She feels discriminated against and doesn't know why she isn't getting results.

2. Discussion on the possibility of allowing flood irrigating in Confluence Park.

Cameron Rognan is with Washington County. His primary responsibility is to help manage the Red Cliffs Desert Reserve, but he also helps manage the County-owned Confluence Park. He is here to discuss the Park and has a special need they have and a request for the City Council.

Cameron began his presentation. See Exhibit A.

Todd Edward, County Engineer was also at the meeting to answer questions.

Councilman Wilson reported the proposal made to the County to install a pressure sustaining valve was made to the other property owner that waters in that area. Those valves will keep La Verkin City's irrigation system a closed system which

prevents the pressure upstream from dropping and affecting the citizens. As far as flood irrigating, if the pressure is maintained he doesn't care if the property is flood irrigated or sprinkled. He explained the pressure sustaining valve will automatically adjust. If water is available, it will release water and if the pressure is too low it will shut the water off.

Mayor Hirschi pointed out the County would water during the "off times" 11 am-6 pm.

Councilman Gubler asked about Ash Creek Sewer Districts' time frame for the facility. Flood irrigating is the manner Ash Creek SSD will use once that facility is running.

Cameron said 3-5 years is what has been reported to the Confluence Park Board and yes, that will be how they plan to water the Park.

Councilman Wilson reported Ash Creek SSD plans to have the plans to the engineer within the next month. The design phase should take 9-12 months and construction should begin then. Once the plant is complete and running, they estimate about ½ a million gallons of water per day will be available for the Park to use. The City will just be temporary until the facility is built. By keeping it a closed system, the City should have no issues.

Derek explained once Ash Creek SSD comes online, the City will shut off the line on 900 North and will no longer provide water to Confluence Park. Ash Creek SSD will also be responsible for the maintenance of the system from that point.

Sunrise Engineering has reviewed the plan and was most concerned with the upper end of Zion View Estates and some of the higher parcels along 100 East. They ran a test to see what the impact would be with the valve set at the pressure they decided it would need to be at and there was almost no drop in pressure to those residents. So, this plan should work. It would also be beneficial for the City to try and get the shares from the County once they are finished with them.

Councilman Hardy asked if the City had a specific amount of irrigation water they are allotted each year.

Derek replied the City has 2,670-acre-feet of water we can take out of the Virgin River and over the last 8-10 years the City has had the irrigation system we have never gone over our allotment.

Todd thought the County would be using less than 150-acre feet of water annually.

One of the advantages of flood irrigating in Confluence is the fields are a 12-inch deep pond basically. All the water that runs onto them is going to soak into the ground. The other reason they didn't want to sprinkle that area was the public perception of treated sewer water going into the air, especially when the wind blows, and hitting kids. The water is very safe once it has been treated to that extent, but they didn't want that public perception. The flat system to flood irrigate should be very efficient, it will soak right in and once the crops are in there shouldn't be a lot of surface evaporation or losing it to the wind. It will be more efficient than irrigating with sprinklers.

The County plans to irrigate for about 7 hours a day, during the off-peak times and once Ash Creek SSD comes online they will be watering 24 hours a day because the pressure will be much lower and the facility will be producing water 24 hours a day.

The people leasing the fields will be responsible to turn the valves on and off to irrigate. It will take some coordination to figure out the best time to irrigate with the City and the other irrigator in the area.

Councilman Justice mentioned his concern with the complaints received already without anything happening in the Park, how will this work?

Derek said the pressure irrigation valve will not allow them to water if the City doesn't have adequate pressure. The lower the CFS pull the City gets, the more water the Park will get, the higher, the less water the Park will get.

The problem with the pressure right now is first, we are in a drought and people are watering more frequently. The second is a situation with Interstate Rock. They are running about 800 gallons per minute at their batch plant. The City will be meeting with Zack Renstrom from the Washington County Water Conservancy District (WCWCD) to discuss this issue. Interstate Rock (IRP) has a contract with WCWCD to provide them water. The City has been providing IRP with water that we meter, and the Conservancy District credits the City back for that usage. That is not working any longer so the

City is going to tell them to either remove IRP from La Verkin's system entirely and the District will provide them water or they need to install a pressure sustaining valve as well. The pressure drops when IRP goes online at 7 am and builds again at 4 pm when they go offline.

Councilman Justice continued, flood irrigating is already not allowed in our ordinance and we are still struggling with a couple of large landowners that seem to still want to flood irrigate by leaving their water on and never turning it off. It runs into other people's properties.

Derek said that is another issue. One of the large field owners has enough water shares to water like he is but our ordinance does not allow him to run over onto other people's properties. This property owner has been talked to but perhaps the City will need to start citing him or maybe require him to put in a pressure sustaining valve. He has mentioned to the Water Board that we may need to require people to water on even or odd days. Our system just isn't capable to do more than it's doing right now.

Councilman Justice pointed out if we let some parts of La Verkin City flood irrigate and not others, how do you draw that line?

Derek feels that drawing the line with it being a County Park is good. He suggested trying it for a season and then re-evaluate it.

Todd mentioned the valve only allows the excess water to come through so it can take an hour or all day, either way, the County is fine, and the irrigators can monitor it. Sprinkling would require a certain CFS, but flood irrigating can be a variable amount throughout the day.

Councilman Hardy asked if the City could just issue the County a variance.

Kevin said nothing about this qualifies for a variance and nothing in our ordinances allows for an exception.

Councilwoman Wise pointed out this conversation would not be happening if the County had not jumped ahead three years and plowed the fields instead of waiting for Ash Creek SSD to build the treatment plant. The County has put our City in a difficult place by choosing to plow those fields and making it a big issue that those fields be planted. She is upset by that, that is not a partnership at all. The City spends many hours in Confluence Park as a partner with the County doing work. It really bothers her that the County has backed the City into a corner with this. The fields could go to weeds now and it wouldn't be any different than it was four months ago.

As far as having to do an ordinance to allow flood irrigation, if that truly is the most conservative way to water those fields and if that is what Ash Creek SSD will eventually do, it sounds somewhat wasteful to her but she doesn't have the expertise to say 100% no, and the City is protected with the valves what's to stop the County from coming in and "strong-arming" the City again and demanding the water no matter what the agreement states.

Cameron said he can understand that frustration and the feeling of not being fully informed with what the County was planning, the Confluence Park Board was not as fully informed as they needed to be either. Perhaps it headed that direction so rapidly is the feeling of "well, we have this Park plan that was established in 2007 with support from La Verkin City at the time with the understanding that it would be flood irrigated" and the Commissioners felt they were implementing the Park plan.

He does understand the frustration at the lack of communication of when things were going to be happening. In terms of the most efficient way to water the fields, he is not an expert in that either but his understanding is that there is a lot less evaporation loss when you flood irrigate verses when you sprinkle. Another benefit of flood irrigating is that eventually that water gets back into the river and can have a cooling effect which is beneficial to the native fishes in the Virgin River.

Councilwoman Wise said if flood irrigating is allowed, she really wants the La Verkin City residents protected against irrigation pressure drops. There is always a reason the City has low pressure and to tell our residents we may have to go to every other day watering after we allow Confluence Park to have this huge amount of water will look bad to our citizens.

If we move forward with an ordinance the City needs to be very strongly protected that our residents truly come first and your partners with irrigating and maintaining the field need to understand that.

Kevin pointed out that the County owns the land. There is a conservation easement, but the management of that land belongs to the Confluence Park Board. That Board was set up in 2007 in conjunction with the County and was going to plan that Park. They would determine when, what and how things were going to happen. This issue should have gone through them. It isn't up to the County to unilaterally decide what goes on in that land. That is the first problem.

Now we have an ordinance that prohibits flood irrigation.

He has been to 18-20 water conferences; water user conferences and water attorney conferences and he has never heard what he is hearing tonight about flood irrigating being more conservative than sprinkling. The La Verkin City Water Plan, which is filed with the State of Utah, prohibits flood irrigating. The State of Utah promotes going to pressurized systems to conserve water and prevent the trans evaporation problem that happens with wind and surface water, especially when you water during the day, which is what the County is saying they will be doing.

The City has never passed an ordinance preventing our citizens from watering during the day. They are just encouraged not to. We do however have an ordinance preventing flood irrigating. The City has issues and worked with people to try and get them off flood irrigating for years. Now suddenly the County expects us to allow it.

Personally, he thinks flood irrigating would be better in a natural park than listening to rain birds going.

He also stated he would be worried about going to the Water Board for a grant if we create an ordinance that violates the City's own water plan and goes against what the State has told us should be in those water plans to promote conservation. He is also worried about enforcing the issue with our residents. In his experience, if a city doesn't follow its own rules the citizens have something to say about it and will do it themselves. If La Verkin allows the County to flood irrigate we will hear about it.

He has some concerns legally. He is concerned with our ability to get grants in the future, and he doesn't trust what is being said about water conservation. Everything that causes trans evaporation is present here in this valley.

Kevin said the only way he can legally find to possibly allow this would be to identify a multi-jurisdictional public facility that flood irrigating would be accepted.

The County is nothing more than a property owner, just like each member of the Council. Our law applies to them as the governing body. The land should be managed by the Confluence Park Executive Board. Mayor Hirschi is a member of that Board and Councilman Justice attends those meetings and both should have known about this.

He will do what the Council directs him to do but he cannot guarantee anything but know whatever the City does here we will have to face someone. It may be a state agency that decides whether we get a grant or a landowner who decides they will flood irrigate too.

The problem with identifying as a multi-jurisdictional public facility is La Verkin irrigation water can only be used to water within our footprint so then it's not really a multi-jurisdictional issue. He could possibly write it so the City would be covered, and flood irrigating would be allowed in the Park, by stating "in the spirit of working with other entities". Still, he cannot guarantee anything.

Councilman Hardy asked if the City needs to determine what will be planted in Confluence Park?

Kevin explained the Confluence Park Board determines those types of things and suggested the Council receive a copy of the 2007 Confluence Park Master Plan.

Cameron will send the Master Plan to the Councilmembers. The Board also attended a planning charrette, along with Ash Creek SSD and he will send those documents as well.

Councilman Hardy stated he agrees with Councilwoman Wise that by the County moving ahead of Ash Creek SSD, it is putting La Verkin in a bad position. The number one priority needs to be the citizens of La Verkin, making sure they are receiving the proper amount of water and pressure.

It sounds like the ability to adjust the flow to maintain pressure is there, but the Council still needs to make sure the agreement is written to protect the citizens' rights.

Todd pointed out the County is obtaining rights to La Verkin's water system so they feel they should have the same legal standing as the rest of the community. They are willing to go above and beyond and not irrigate to their full capacity.

They are willing to do things that no one else on the system is being asked to do by installing the pressure sustaining valve.

The fields were flattened with the idea of working with Ash Creek Sewer District when they came online. The money was available now, so the County moved forward.

He thinks we can make this work and if something isn't working the County is committed to come back to the Council and find a way to make it work.

Councilman Justice mentioned he was concerned when he saw the RFP advertised because the La Verkin City irrigation system isn't always consistent with supply, whether the rain has made the River to muddy or the County runs the power plant longer than expected, we don't always have water.

The people topside are going to assume their low pressure is from the water being on in the Park, whether that's true or not.

Todd mentioned the County wants to be treated with the same respect as any other shareholder.

Kevin explained the City owns all the water. There are delivery rights, not shares. Those delivery contracts allow up to a certain amount of water that is basically the equivalent of what would have been delivered under shares when there was a canal company. The County is purchasing a right to get delivery how ever it comes under the law of the City of La Verkin.

Councilwoman Wise pointed out there is no guarantee Ash Creek SSD will build a plant in the next 3-5 years, something could happen to make them change their plans. The County just should have waited for Ash Creek SSD.

Todd mentioned the County can turn it into sprinklers. That won't solve La Verkin's problem as much as allowing flood irrigating would. They were just trying to be forward-thinking when Ash Creek SSD does come online.

Councilman Hardy said the design is very impressive. The County has set it up to handle low pressure when Ash Creek SSD comes online. It is up to the City to decide if we can come up with a way to temporarily deliver them water. It would be an asset to have the fields green again in Confluence Park.

The City does have a lot to work through before a determination can be made.

Kevin stated he would like to add the perception of sprinkling with treated sewer water into the agreement somehow. He also agreed with Councilwoman Wise and not knowing what the future brings, so if the Council allows something it would need to have a time limit.

Cameron said he would like a timeline if possible so he can let Confluence Heritage Foundation know as well as purchasing water shares. If we can't come to a solution there is no need for the County to purchase the shares.

3. Discussion and possible action to ratify the State of Utah Coronavirus Relief Fund Local Government Allocation Agreement.

Kevin reported he doesn't know the rules or restrictions of this agreement. It looks like 1/3 of the money will be available upfront and the remaining 2/3 will be given upon approval of funding. The amount La Verkin City was awarded was about \$400,000 and must be used for coronavirus pandemic related items.

Derek explained the City is looking at remodeling the front office. We currently have temporary plexiglass that will be removed and replaced with floor to ceiling plexiglass to protect the ladies at the front. We will also install a door so people can't just walk back to the offices. Staff is confident this will qualify.

Some of the other items discussed are replacing carpet for laminate, replacing the front and back doors, redoing the heating and air conditioning system and installing a better filtration system to clean the air, and purchasing generators for both buildings. Kyle has a list of things he thinks will qualify.

Kevin pointed out Kyle has already signed the agreement, so the Council needs to ratify it.

Mayor Hirschi reported he has been told to be careful with what is purchased with this money because if it doesn't qualify the City will have to pay the money back.

Councilwoman Wise asked Kevin if this agreement is approved does the Council determine where the money is spent?

Kevin said it should be like any other project the City does and should come to the Council.

The motion was made by Councilman Chuck Hardy to ratify the State of Utah Coronavirus Relief Fund Local Government Allocation Agreement, second by Councilman Kelly Wilson. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

E. Mayor & Council Reports:

Mayor Hirschi-The Utah League of Cities and Towns conference has not decided if it will be in person or online.

Gubler: Nothing to report. Thanked Chief Lee for his report and asked him how the community has responded to the department.

Chief Lee replied everything has been good. People have bought them lunch and brought treats to them. People have even thanked the officers for issuing them a citation.

Wilson: The Ash Creek Sewer District meeting discussed the treatment plant. They will be conducting interviews for engineers this month. The current timeline is 9-12 months for the engineer to design the facility and then 1-2 years for it to be built. The sewer lagoons are reaching capacity so he thinks this project will happen quicker than we think. The La Verkin Hot Springs had two responses to the Request for Qualifications. The Water District wants to make sure someone is qualified to run hot springs. One group is "more qualified" than the other, according to the District, but the Board told the District they don't want the District to be the sole decision maker.

Wise: Regarding the letter of financial support from the St. George Area Economic Development that will be on a future agenda, Rusty Hughes has been a huge asset for the Economic Development Committee that La Verkin has with the businesses in town. She helped Councilwoman Wise when she was writing the grant for the Powerplant Park. She also helped the Zion Regional Collaborative get information to write a CARES Act grant. Information that isn't even in her scope of work. The St. George Area Economic Development group is very much worth the amount they are asking for.

Justice: Nothing to report.

Hardy: Southwest Mosquito Abatement is very busy. They have loaned a surplus machine to the College to test if Covid19 can be transmitted through mosquitos.

F. Closed Session:

1. Discuss pending or reasonably imminent litigation.

The motion was made by Councilman Ray Justice to adjourn to a closed session at the location of 111 South Main Street, La Verkin Utah to discuss pending or reasonably imminent litigation, second by Councilman Chuck Hardy. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously at 8:18 pm

G. Reconvene from Closed Session:

The Councilmembers returned to the regular meeting at 9:07 pm

H. Adjourn:

The motion was made by Councilman Ray Justice to adjourn, second by Councilman Chuck Hardy. The motion carried unanimously at 9:07 pm.

Minutes were done by Christy Ballard.

August 5, 2020

Date Approved

Richard M. Hirschi
Mayor Richard M. Hirschi

ATTEST

Christy Ballard
Christy Ballard
City Recorder