

City of La Verkin

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

La Verkin City Council Meeting Minutes

Wednesday, August 5, 2020, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Micah Gubler, Patricia Wise, Ray Justice, and Kelly Wilson; Staff: Christy Ballard, Kevin Bennett, Derek Imlay, and Kyle Gubler; Public: Cameron Rognan, Cody Roberts, and Bill McMurrin.

Chuck Hardy and Chief Lee were excused.

A. Called to Order –The invocation and the Pledge of Allegiance were given by Derek Imlay 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: July 15, 2020, regular meeting
4. Review Invoices and Checks: \$78,847.15

The motion was made by Councilman Ray Justice to approve the consent agenda as written including the minutes of the July 15, 2020, regular meeting and Invoices and Checks in the amount of \$78,847.15, second by Councilwoman Patricia Wise. Roll Call Vote: Wilson-yes, Wise-yes. Justice-yes, Gubler-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 the following for Chaco Ridge Subdivision, a subdivision located between 53 South 100 East and 81 South 100 East:
 - 15% road grade
 - Dedicated private street

Derek explained the Fire District likes the grade of a road to be 10% or below, however, 15% is allowed upon city approval in surrounding communities. This road was approved when the project was first presented.

The term private drive is a little misleading. The code should state “a road of substandard size can be accepted into the City”. A private drive is currently the only provision the City has to accept the smaller roads.

The Councilmembers have a highlighted copy of the ordinance that shows all the ways this road qualifies under this provision.

Several roads in the City fall under this provision.

Kevin explained the dedication of the street comes at final approval so if a subdivision never finalized the road remains private property.

Councilman Wilson pointed out this subdivision will need a lot of work before it can be approved.

Derek agreed and explained there will only be off-street parking and the drainage issue will need to be addressed.

This is the first step in the process. The developer wasn't interested in moving forward with the project if the road grade wasn't going to be approved. If the Council approves the road grade and the street, then the developer can start the preliminary plans.

Derek explained some of the items the developer will need to address before getting preliminary approval. He also went over the process of preliminary and final approval for a subdivision.

Cody Roberts-He is the developer of the project and explained his tentative plans to address the drainage issue.
The motion was made by Councilman Kelly Wilson to authorize a 15% road grade and dedicated private street for the Chaco Ridge Subdivision so the developer can begin the subdivision approval process, second by Councilwoman Patricia Wise. Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

2. Discussion and possible action to approve an amendment to section 7-5A-1 of the La Verkin City Code to address property controlled by the City.

Kevin explained he was given the task to come up with something to apply to the Overlook Trailhead. The City has received an easement and permit for the overlook trail and parking lot. Part of the agreement was to enforce the cleanliness of the area.

The City determined they would not allow camping, campfires, shooting, or dumping in the area.

This ordinance will also provide an exception to the new Power Plant Park. The park is a trailhead for Confluence Park which allows dogs. It will allow people to access the park to get to the trail with their dogs. Dogs will still not be allowed in public parks.

This ordinance will add a provision to create and apply prohibitions to all property owned and/or controlled by the City. Once the ordinance is passed, the City will put signs up at the Overlook letting people know what is not allowed and will reference the Code.

A copy of the current ordinance was included in the packet with Kevin's changes in blue.

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

Cameron Rognan with Washington County gave an update on the status of the water share purchase. The County is ready to purchase those shares but is waiting for La Verkin City to decide how the County will be allowed to distribute the water.

Bill McMurrin is a board member of the Virgin River Land Trust. Cameron invited him to the meeting to discuss the history of the water shares, how they were used, and the potential for use in the future.

The Land Trust purchased the water shares at the same time the property was purchased from Gordon Wood for Confluence Park. There are currently 30 shares the County is going to take over to irrigate the fields in the Park which is something the Trust has always wanted to see.

In 2002, when the purchase was made, the fields were green, and Gordon Wood had animals and a small orchard down there. Bill and Gary McKell tried to keep the area green for about four years after the purchase, but a flood went through and made a mess of it. At that point, all the equipment was stolen so there was no way to keep it green.

The whole intention of the Trust purchasing the water shares was for Confluence Park to use them.

Councilman Wilson said if the County installed a pressure sustaining valve to protect the system, he would be okay to temporarily allow flood irrigating until Ash Creek SSD built the treatment facility. The timeline for that project is about 3 years. The facility is needed so he is confident Ash Creek SSD will build the facility as soon as possible.

Kyle suggested giving the County a 3-year agreement with the possibility of an annual extension beyond that.

Kevin corrected something he said at the last meeting regarding the La Verkin City Code on flood irrigating. He reported, according to City Code, flood irrigating is not allowed. However, it actually states no one can flood irrigate using the irrigation system.

Allowing the County to flood irrigate is still a violation, but it is a temporary violation and is something we can make an exception for. Once they begin using the re-use water our Code doesn't control how the Sewer District uses that water.

Councilman Gubler stated he would be in favor of making this work. Ideally, he would have liked to have more of a "heads up" and collaborated with the County. The County has agreed to be a good neighbor by working with the City to make it work without affecting the people upstream.

Greening up the fields would be a good thing for the City and the Park.

Kyle has spoken to the people who will be maintaining the fields in the Park. They know about the water situation and plan to start with one field, if the water will accommodate that field then they will keep adding fields until they find out what they can do.

Mayor Hirschi explained the fields were leveled with walls built around them so there won't be any water runoff. He is in favor of working with the County on this.

Cameron reported the County did agree to install a pressure sustaining valve.

Councilman Justice said he would love to see it green down there and the fire hazard mitigated as much as possible. His biggest fear and concerns are that it's not legal and as soon as we allow it other people will feel they can do it too. It goes against the whole premise of the ordinance.

He has a hard time thinking we will be able to flood irrigate down below and still keep pressure for the citizens, especially when we already have problems with our pressure when we are actually getting water from the Virgin River.

Kyle said the pressure sustaining valve will not allow them to get water in the Park if the citizens don't have pressure.

Councilman Gubler asked if the pressure sustaining valve could be a requirement for a multi-jurisdiction property to allow flood irrigating.

Kevin explained it can be a requirement. It could go in the direction of the trailhead ordinance amendment discussed in business item 2 and state something like "in a situation where you have multiple jurisdictions involved in a joint operation with different ways of doing things than La Verkin for a certain period of time until they can get on board with what our Code provides we would grant up to five years to come into compliance provided they install any needed pressure sustain valves". Then it could apply wherever this was an issue such as Pah Tempe.

There is no guarantee that people won't complain. Perception is fact to he who perceives. If they see water going in the Park at the same time they don't have enough pressure, nothing we say will change that perception. All we can do is try to put something in place to try and mitigate it and have an answer for people.

Councilman Wilson explained how the pressure sustaining valve will work.

Derek reported the engineer ran the numbers for Zion View Estates and 100 East (areas with irrigation pressure issues) through the irrigation model to determine what pressure the valve would need to be set at to not affect those areas. The other thing to think about is if the County were to use cannons instead of flood irrigating it would take all the irrigation water out of the Riverwood Estates Subdivision. There is nothing in our ordinance preventing them from doing that if they have enough water shares to cover the property. Allowing them to flood irrigate and requiring the pressure sustaining valve would prevent that from happening.

The other property owner in that area has agreed to install a pressure sustaining valve as well.

Councilman Justice asked if the City installed a pressure sustaining valve on the system would it help with the pressure in the problem areas?

Derek replied it would not help but he has spoken with the Washington County Water Conservancy District about installing one for Interstate Rock Products or find another source for IRP to use. That will increase the pressure for our citizens a little but other than that, we have to work with what we have. The system is old and has weak pipe.

A pump station may increase the pressure if the City could install one, but we will still need to be careful with how much we increase the pressure. The lines are weak enough that too much pressure could cause additional problems.

Hopefully, the Conservancy District will install the pump system for us like they did for Hurricane.

When the District leaves the power plant on past March, the City doesn't have enough pressure to run the system.

Councilwoman Wise reported she has done some research on this issue. Her concern is similar to Councilman Justice that by allowing flood irrigating down there it will affect the water pressure up here. Is that really the image we want to give our citizens?

One of the people she spoke with was former Mayor Karl Wilson and he commented that he felt it was an oversight when they put in the ordinance for flood irrigation. The Park always intended to flood irrigate.

She was also concerned with the conservation of it and found that flood irrigating is a better option in this situation. She found that Utah is one of four states who received a grant to study the value of flood irrigation and that in approximately 43% of the farmed country in the US, flood irrigating is the best way to water.

She will agree to allow flood irrigating in the Park but there is still some work to do.

Commissioner Iverson told her initially the fields will take more water to start growing because the land is so dry.

The other thing we need to be concerned about is the comment Todd Edwards made that the County wants to be good neighbors but if they purchase water shares then they have the same right to the water as everyone else.

The County has also contracted with a third party to put crops in who expect to have a profit. If there is no water at times the County could come back and say they have a right to the water because they purchased shares.

She is not sure how to address that in an agreement but feels that it does need to be addressed.

The other item she is worried about is Ash Creek SSD not building the treatment facility or if the contributing cities do actually own the reclaimed water and want it back for their use.

These things probably won't happen, but she doesn't think we can enter into an agreement without both parties being protected.

She still feels this could have been solved in two meetings of goodwill versus three to four meetings with La Verkin City having their backs up against the wall because the County plowed the fields three years early.

Kyle mentioned Karl Wilson reported in the last Water Board meeting that it was always the intention to flood irrigate in Confluence Park but that the County was aware they would only get available water. We could put in the agreement the County can flood irrigate under certain conditions and water availability is one of those conditions.

Councilman Wilson said he spoke with Leon Gubler, who is part of the third party that will be planting the fields in Confluence Park and he is aware of the water availability issue. That is why they are starting with one field.

Kyle said he is in favor of allowing them to flood irrigate with an agreement. If we don't and they purchase water shares and use cannons we have no recourse because they would be allowed to do that.

Cameron reported the agreement with Leon Gubler and Casey Lofthouse had not been finalized so any terms or conditions the Council would like could be included.

Councilman Justice suggested the water availability issue be noted in the agreement.

Councilman Gubler asked if the Councilmembers were okay with having Kevin move forward on drafting an agreement.

The Councilmembers were okay with having Kevin begin drafting an agreement.

The County will wait for the City to decide before they have Leon and Casey sign an agreement.

E. Mayor & Council Reports:

Wilson-Ash Creek SSD will be interviewing engineers to design the new treatment plant. The project should take about 3 years. Financing will not be an issue for this project, they have been planning on this for a while so there shouldn't be any delay.

Kevin will put three years with renewable for up to five years in the ordinance for temporary flood irrigating.

Kyle reported the group out of Colorado has contacted him regarding the La Verkin Hot Springs. They discussed possible locations for the project, and he explained where the City would prefer. He will be meeting with them in the future.

Wise-The Power Plant Trailhead Park is looking phenomenal. She went over what has been done and what still needs to be completed. There have been some issues with placement of the staircase, so the County has applied for an extension.

Canyon View Media and Findlay Subaru are willing to move forward on the lower La Verkin Overlook Trailhead.

Derek drew up some plans to increase the parking lot and move things away from the neighboring property owner. We have asked Canyon View and Findlay to supply a kiosk and information boards. The City is providing information that will be on those boards.

The multi-use trail feasibility study was completed. After examining four different possibilities of placement, the recommendation was made for a trail to run basically along SR9 with spur trails leading off.

The Zion Regional Collaborative voted on what section of the trail to have a feasibility study on how to actually get the trail built and the Virgin to La Verkin section won.

Councilwoman Wise is a member of that committee. They are currently looking for places to cross SR9.

The coordinator of the ZRC is Emily Freedman. Her time with America Vista Core has run out but her skill level is so high the ZRC is hoping to retain her. There have been discussions on different ways to accomplish that. It was decided to begin as an independent contractor with hopes it will become a 501c3 corporation after the first year. There are still multiple things that need to be worked out and she will report back to the Council on those. La Verkin is going to be asked to contribute financially along with the other communities.

Councilwoman Wise went over the 2021-2022 ZRC projects.

Justice-The Washington County Solid Waste manager has been let go and that position has been posted.

Gubler-He received a phone call from a citizen that wanted this information reported at the meeting. The individual contacted the Police Chief after seeing a La Verkin City police vehicle at a car wash in the St. George area. He wanted to know why one of our vehicles would need to be driven all the way down there to be cleaned. The citizen was mainly upset that the Police Chief made the comment "not that I answer to you, but this is why". The car wash was cleaning public safety vehicles for free.

Councilman Gubler spoke with the Police Chief and his version was that the citizen called him on a private line and wouldn't identify himself, so he had no idea who he was talking to. He told the gentleman he answers to the Mayor and City Council.

Councilman Gubler told the citizen he would bring it up here and he also discussed it with the Chief. The Chief told him he understands we all work for the citizens.

Councilman Justice spoke to the citizen and Chief Lee. One of our officers lives in St. George and asked if he could take his vehicle to get cleaned and the Chief authorized it.

The Mayor was fine with the officer stopping to get his car cleaned for free since he lives in that area but at the same time it is also good to be held accountable.

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 Micah Gubler. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes. Motion carried unanimously at 7:28 pm

G. Reconvene from Closed Session:

The Councilmembers returned to the regular meeting at 8:18 pm

1. Possible action on subject matter from closed session.

The motion was made by Councilman Ray Justice to approve the proposed settlement agreement with Sergeant Amber Crouse, second by Councilman Kelly Wilson. Roll Call Vote: Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

H. Adjourn:

The motion was made by Councilman Kelly Wilson to adjourn, second by Councilman Ray Justice. The motion carried unanimously at 8:18 pm.

Minutes were done by Christy Ballard.

August 19, 2020

Date Approved

Richard M. Hirschi

Mayor Richard M. Hirschi

ATTEST:

Christy Ballard

Christy Ballard
City Recorder

