

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 Agenda Wednesday, February 17, 2021 6:00 p.m. Council Chambers, 111 S. Main, La Verkin, Utah

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

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

1. Declarations of conflict of interest
2. Agenda
3. Meeting Minutes: January 20, 2021 regular meeting minutes

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

D. Business:

1. Discussion and possible action to approve Resolution No. R-2021-[03](#); a resolution approving the designation of a representative to serve on the Southwest Mosquito Abatement and Control District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.
2. Discussion and possible action to approve Resolution No. R-2021-[04](#); a resolution approving the designation of two representatives to serve on the Administrative Control Board of the Ash Creek Special Service District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.
3. Discussion and possible action to approve Resolution No. R-2021-[05](#); a resolution approving the designation of a representative to serve on the Board of the Hurricane Valley Fire District for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.
4. Discussion and possible action to approve Resolution No. R-2021-[06](#); a resolution approving the designation of a representative to serve on the Administrative Control Board of the Washington County Special Service District No. 1 for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed.
5. Discussion and possible action to approve Resolution No. R-2021-[07](#); a resolution confirming the City's Social Media Policy.
6. Discussion and possible action to approve Resolution No. R-2021-[08](#); a resolution confirming and adopting the La Verkin City Police Department Policy Manual.
7. Discussion and possible action to approve Resolution No. R-2021-[09](#); a resolution authorizing the City to make application with the Bureau of Land Management (BLM) for a proposed easement or set of easements providing for the location, construction, improvement, maintenance, and management of the proposed Zion Corridor Trail across or otherwise impacting BLM property.
8. Discussion and possible action to approve an Indemnity Agreement with EJM Development, LLC regarding East Haxton Way Subdivision.

E. Mayor & Council Reports:

Mayor Hirschi:

Wilson: Ash Creek Sewer District, Public Works, Water, La Verkin Hot Springs

Wise: Planning Commission/Zoning, Beautification/Trails Committee, Economic Development/Tourism

Justice: Washington County Solid Waste, Homeland Security/CERT, Confluence Park

Gubler: Public Safety, Recreation/City Festivals

Hardy: Southwest Mosquito Abatement, Historical Preservation

F. Closed Session:

1. The character, professional competence, or physical or mental health of an individual.

G. Reconvene from Closed Session:

H. Adjourn:

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

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at, posted on the La Verkin City website at www.laverkin.org and at the City office buildings, 111 S. Main and 435 N. Main on February 12, 2021.

Christy Ballard, City Recorder



City of LaVerkin
435 N. Main St., LaVerkin Utah, 84745
(435) 635-2581 Fax (435) 635-2104

RESOLUTION NO. R-2021-__

**A RESOLUTION OF THE CITY COUNCIL OF LaVERKIN, UTAH,
APPROVING THE DESIGNATION OF A COUNCIL REPRESENTATIVE TO
THE SOUTHWEST MOSQUITO ABATEMENT AND CONTROL DISTRICT
FOR CALENDAR YEAR 2021 OR UNTIL SUCH TIME AS A SUCCESSOR HAS
BEEN APPOINTED; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City and its residents and businesses are served by the **Southwest Mosquito Abatement and Control District (SWMACD)**; and

WHEREAS, the City of LaVerkin desires to designate a person to serve or continue serving on said Administrative Control Board as the representative of and for the City of LaVerkin; and

WHEREAS, Councilman **Charles (“Chuck”) Hardy**, a current member of the City’s six-member City Council, has been serving on said Board, as the City’s representative thereto, and is willing and able to continue serving thereon, as the City’s representative thereto; and

WHEREAS, membership on the City Council is a qualification or requirement for the City’s representative on the Board; and

WHEREAS, it is the desire of the Mayor and City Council that Councilman **Charles (“Chuck”) Hardy** continue to serve as the City’s representative on the Board; and

WHEREAS, all legal requirements pertaining to the designation of said representative have been met; and

WHEREAS, said City Council deems it necessary and desirable for the preservation of the public health, safety and welfare.

NOW, THEREFORE BE IT RESOLVED by the City Council of LaVerkin City, Utah, as follows:

RESOLUTION NO. R-2021-__

1. That Councilman **Charles (“Chuck”) Hardy**, a member of the LaVerkin City Council, shall be—and hereby is—(re)designated / (re)appointed to serve on the Administrative Control Board of and for the **Southwest Mosquito Abatement and Control District** (SWMACD), as the City’s representative thereto, for calendar year 2021 and for such time thereafter until a successor thereof has been designated and appointed; and
2. That (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed; and (c) this resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this ____ day of February, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder



City of LaVerkin

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RESOLUTION R-2021-__

A RESOLUTION OF THE CITY COUNCIL OF LaVERKIN, UTAH, APPROVING THE DESIGNATION OF TWO REPRESENTATIVES TO SERVE ON THE ADMINISTRATIVE CONTROL BOARD OF THE ASH CREEK SPECIAL SERVICE DISTRICT FOR CALENDAR YEAR 2021 AND FOR SUCH TIME THEREAFTER UNTIL SUCCESSORS THEREOF HAVE BEEN DESIGNATED AND APPOINTED; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the **Ash Creek Special Service District (ACSSD)**, *a.k.a.*, the Ash Creek Sewer District, or the “District,” was created by the Washington County Commission for the purpose of providing wastewater collection and treatment services for the residents of Hurricane, LaVerkin, and Toquerville, Utah; and

WHEREAS, said District is governed by an Administrative Control Board made up of six (6) members, two (2) of whom are designated/appointed by each of the aforementioned cities within the boundaries of the District; and

WHEREAS, Mayor **Richard M. Hirschi** has been serving on said Board, as one of the City’s representatives thereto, and desires and is willing and able to continue to serve in said capacity; and

WHEREAS, Councilman **Kelly Wilson**, a current member of the City Council, has also been serving on said Board, as one of the City’s representatives thereto, and desires and is willing and able to continue to serve in said capacity; and

WHEREAS, membership on the City Council is a qualification or requirement for the City’s representatives on said Board; and

WHEREAS, the City Council of the City of LaVerkin desires to (re)designate / (re)appoint the following two (2) persons to serve (or continue serving) on said Administrative Control Board as representatives of and for the City of LaVerkin during calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed, *viz.*, Mayor **Richard M. Hirschi** and Councilman **Kelly Wilson**; and

WHEREAS, all legal requirements pertaining to the designation of said representatives have been met; and

RESOLUTION R-2021-__

WHEREAS, said City Council deems it necessary and desirable for the preservation of the public health, safety, and welfare.

NOW THEREFORE BE IT RESOLVED by the City Council of LaVerkin City, Utah, as follows:

1. That Mayor **Richard M. Hirschi** and Councilman **Kelly Wilson** be—and hereby are—(re)designated / (re)appointed to serve (or continue serving) as the City of LaVerkin's representatives on the Administrative Control Board of and for the **Ash Creek Special Service District** for calendar year 2021 and for such time thereafter until successors thereof have been designated and appointed; and
2. That (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed; and (c) this resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this ____ day of February, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder



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RESOLUTION R-2021-__

A RESOLUTION OF THE CITY COUNCIL OF LaVERKIN, UTAH, APPROVING THE DESIGNATION OF A REPRESENTATIVE TO SERVE ON THE BOARD OF THE HURRICANE VALLEY FIRE DISTRICT FOR CALENDAR YEAR 2021 OR UNTIL SUCH TIME AS A SUCCESSOR HAS BEEN APPOINTED; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the **Hurricane Valley Fire District (HVFD)** was created by the Washington County Commission for the purpose of providing fire suppression and emergency response services for the residents in a portion of eastern Washington County; and

WHEREAS, said District is governed by an Administrative Control Board made up of members appointed/appointed by the various cities and towns within the boundaries of the District; and

WHEREAS, the City Council of LaVerkin desires to designate/appoint a person to serve or continue serving on said Administrative Control Board as the representative of and for the City of LaVerkin during calendar year 2021 or until such time that a successor has been designated and appointed; and

WHEREAS, Mayor **Richard Hirschi** has been serving on said Board as the City's representative thereto, and it is the desire of the City Council that he continue serving in said capacity; and

WHEREAS, all legal requirements pertaining to the designation of said representative have been met; and

WHEREAS, said City Council deems it necessary and desirable for the preservation of the public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED by the City Council of LaVerkin City, Utah, as follows:

RESOLUTION NO. R-2021-__

1. That Mayor **Richard Hirschi** shall be, and hereby is, (re)designated / (re)appointed to serve (continue serving) on the Administrative Control Board of and for the **Hurricane Valley Fire District (HVFD)**—as the City’s representative thereto—for calendar year 2021 and for such time thereafter until a successor thereof has been designated and appointed; and
2. That (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed; and (c) this resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this ____ day of February, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder



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RESOLUTION R-2021-__

A RESOLUTION OF THE CITY COUNCIL OF LaVERKIN, UTAH, APPROVING THE DESIGNATION OF A REPRESENTATIVE TO SERVE ON THE ADMINISTRATIVE CONTROL BOARD OF THE WASHINGTON COUNTY SPECIAL SERVICE DISTRICT NO. 1 FOR CALENDAR YEAR 2021 OR UNTIL SUCH TIME AS A SUCCESSOR HAS BEEN APPOINTED; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Washington County Special Service District No. 1, *a.k.a.*, the Washington County Solid Waste District (WCSWD), was created by the Washington County Commission for the purpose of providing solid waste collection and disposal services for residents in Washington County, Utah, including the residents of LaVerkin, Utah; and

WHEREAS, said District is governed by an Administrative Control Board made up of members designated/appointed by the various cities and towns within the boundaries of the District; and

WHEREAS, Councilman **Ray Justice, a current member of the City Council, has been serving on said Board, as a representative of the City thereto, and desires and is willing and able to continue serving on said Board, as the City's representative thereto; and**

WHEREAS, membership on the City Council is a qualification or requirement for the City's representative on the Board; and

WHEREAS, it is the desire of the Mayor and City Council that Councilman **Ray Justice continue serving as the City's representative on the Board; and**

WHEREAS, all legal requirements pertaining to the designation of said representative have been met; and

WHEREAS, said City Council deems it necessary and desirable for the preservation of the public health, safety and welfare.

RESOLUTION R-2021-__

NOW, THEREFORE, be it resolved by the City Council of LaVerkin City, Utah, as follows:

1. That Councilman **Ray Justice** shall be, and hereby is, (re)designated / (re)appointed to serve on the Administrative Control Board of and for the **Washington County Special Service District No. 1, a.k.a.**, the Washington County Solid Waste District (WCSWD)—as the City’s representative thereto—for calendar year 2021 and for such time thereafter until a successor thereof has been designated and appointed; and
2. That (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed; and (c) this resolution shall take effect immediately upon passage.

PASSED, ADOPTED AND APPROVED this ____ day of February, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

RESOLUTION NO. R-2021-_____

**A RESOLUTION CONFIRMING THE CITY'S SOCIAL MEDIA POLICY, AND PROVIDING
AN EFFECTIVE DATE**

WHEREAS, in 2006, the City Council of LaVerkin adopted, by motion, the LaVerkin City *Personnel Policies and Procedures Manual* ("PPPM") (effective July 1, 2006); and

WHEREAS, the PPPM does not contain a social media policy *per se*; and

WHEREAS, upon recommendation of Staff, it has been determined that there is or may be a need for such a policy in the City—to apply directly to City employees, and in spirit to the elected officials of the City; and

WHEREAS, the proposed *Social Media Policy* (attached hereto as **Exhibit A**) has been drafted, reviewed, and recommended to the City Council for consideration and adoption; and the City Council desires, believes, and is of the considered opinion that the proposed *Social Media Policy* is in the best interests of the City and its employees.

NOW THEREFORE BE IT RESOLVED by the City Council of LaVerkin, Utah, as follows:

1. That the *Social Media Policy*—proposed to be added to the PPPM as a new section, *to wit*: Section VII-A, (as set forth at **Exhibit A** hereto, the contents of which are hereby incorporated herein as though fully set forth)—is hereby **approved** and directed to be (a) numbered as new Section VII-A of the PPPM, (b) inserted into the PPPM immediately following Section VII (known as the *Employee Code of Conduct*), and (c) shall be known as City's *Social Media Policy*.
2. That, though the PPPM does not apply to the elected officials of the City, it is the express intent of the City Council that its principles and cautions be observed and abided by said elected officials so as not to subject themselves and/or the City to possible exposure or increased risk of harm.
3. That the City of LaVerkin hereby declares that (a) if any part of this Resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this Resolution; and (b) all resolutions or policies in conflict herewith are hereby repealed to the extent of any such conflict.
4. That, in the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Resolution take effect as soon as possible. This Resolution, therefore, shall take effect immediately upon its passage.

RESOLUTION NO. R-2021-_____

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Exhibit A

SECTION VII-A: SOCIAL MEDIA POLICY

1. The City's Social Media Sites:

A. **Purpose.** The purpose of the City's social media sites is to serve as a means for communication between City government and members of the public.

- (1) All content created or posted on the City's social media pages belongs to the City and may be considered a public record and is subject to possible public disclosure under the *Utah Government Records and Access Management Act* (GRAMA).
- (2) The City reserves the right to restrict or remove any content that is deemed to be in violation of the City's social media policy or any applicable laws.

B. **Disclaimer:**

- (1) Information contained on the websites or social media sites, including information contained in external links, is provided without any warranties or representations of any kind as to accuracy, reliability, timeliness, or content. Under no circumstances shall the City be liable for any acts or omissions based upon reliance on any information contained in or linked to the website or social media sites; nor shall the City be liable for any consequences of such reliance.
- (2) The City disavows—and is not responsible for—any sites, posts, opinions, or content not coordinated through and approved by the City Administrator or his/her designee. If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the City Administrator or his/her designee, the City is not responsible for said posted content; such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff; and such action may be grounds for disciplinary action.
- (3) The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy.

C. **No Public Form Intended.** The City's website and social media sites are not intended to be or to constitute a public forum for the exercise of free speech.

D. **Legal Notice.** Communications provided to the City through its website, social media sites, email, or any other messaging system, unless otherwise specifically provided for by state or federal law, does not constitute legal notice to the City.

- E. **Copyright Policy.** All material on the City's website and social media sites is protected by applicable international and U.S. copyright law. Distribution, mirroring, modification, or re-use of protected text, graphics, photographs, or videos is not permitted without the express written permission of the City (and the copyright owner, if different from the City). The City makes no warranty that information on the website or these social media sites is free of copyright claims or other restrictions on free use. Information contained on the City social media sites may be printed for personal use. Commercial use is prohibited.

2. **The Purpose and Intent of the City's Social Media Policy.**

- A. The City respects the right of its employees to use blogs and social networking sites, and does not discourage them from self-publishing and self-expression.
- B. However, given the multitude of risks and concerns (legal, political, and ethical) raised by social networking (*e.g.*, Facebook, Instagram, Snapchat, LinkedIn, Twitter, etc.), the City has adopted this Social Media Policy ("this Policy") in order to (1) enhance the City's means of providing information about the City and its services to its residents, businesses, and visitors; and (2) establish prudent and acceptable practices regarding City employees' use of the Internet.
- (1) The City (a) has a legitimate governmental interest in effective, efficient, and consistent communications with the public; and (b) strives to have a productive workplace.
 - (2) The City respects the right of employees to use blogs and/or social networking sites; however, it reserves the right to (a) protect itself from unauthorized disclosure of information and (b) protect the City's goodwill, reputation, and employee morale.
 - (3) Online activities and comments on the part of its employees may contravene the City's rights, interests, and efforts, and become problematic and lead to possible discipline by the City—and possible personal liability—if they do or reasonably could: (a) impair the work of any City official or employee; (b) create a harassing, demeaning, or hostile work environment; (c) disrupt the smooth and orderly flow of work; (d) harm the goodwill and reputation of the City among its citizens or in the community; (e) create or otherwise constitute a claim of defamation, libel, slander, false light, invasion of privacy, or other causes of action; and/or (f) create or otherwise constituted violations of applicable copyright, fair use, trademark, other intellectual property and financial disclosure laws.
- F. For these reasons, the City informs and reminds its employees that the following rules and guidelines apply in their use of social media, both on- and off-duty.

3. Personal Responsibility. Employees are:

- A. Personally responsible for the content they post online.
- B. Expected to:
 - (1) Exercise good judgment and common sense in their posts.
 - (2) Consider how their posts might reflect on both themselves and the City.
 - (3) Consult their supervisor before proceeding if they are uncertain as to the whether or how a post should be posted in compliance with this Policy.
 - (4) Use care not to violate any City policies, including those regarding discrimination, confidentiality, unlawful harassment, anti-bullying.
 - (5) Keep in mind that they may be held personally liable for: (1) defamation, libel, slander, false light, invasion of privacy, or other similar causes of action for things that they post on social media sites, as well as (2) violations of copyright, fair use, trademark, other intellectual property, and financial disclosure laws.

4. General Guidelines:

- A. While on duty, the use of City equipment or Internet service by personnel should be limited to work-related tasks. Social media activities should never interfere with work commitments.
- B. It shall be a Policy violation for any City employees to post online content as a representative of the City, or on the City's behalf, without the prior approval of the City Administrator or his/her designee.
- C. All City employees posting City-related issues online, but not as an approved representative of the City or on the City's behalf, shall explicitly clarify that they are speaking for themselves and not on behalf of the City by displaying the following or substantially similar disclaimer: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."
- D. City employees are not permitted to use the City's logo or trademark in any of their personal postings except as they may appear in personal photographs and other similar content.
- E. Employees are expected to protect the privacy of the City, its residents, and those for which it has or may maintain records; and its employees and are prohibited from disclosing personal employee and non-employee information and any other proprietary information to which employees have access (e.g., social security

numbers, non-public telephone numbers, dependent information, health information, customer information, trade secrets, financial information, etc.).

5. Guidelines for Official City Sites:

- A. All City-sanctioned social media sites shall be maintained by the City Administrator or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Administrator or his/her designee before it is posted.
- B. All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state, and local laws, regulations and policies, and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.
- C. All City-sanctioned social media sites shall be subject to records retention and public disclosure.
- D. Any content posted as representative of the City or posted to a City-sanctioned social media site, containing any of the following, is prohibited:
 - (1) Comments in support of or opposition to a political campaign or ballot measure;
 - (2) Profane language or content;
 - (3) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, physical and/or mental disability, or status with regard to public assistance;
 - (4) Sexual content or links to sexual content;
 - (5) Conduct or encouragement of illegal activity;
 - (6) Information that may tend to compromise the safety or security of the public or public systems;
 - (7) Content that violates a legal ownership interest of any other party;
 - (8) Information that is incorrect or misleading;
 - (9) Comments not topically related to the particular social medium article being commented upon, including random or unintelligible comments;
 - (10) Information that conflicts with an approved City policy, ordinance, directive, or plan; and/or
 - (11) Anything else that creates a disruption in the workplace.
- E. Content submitted for posting on a City-sanctioned social media site, that is deemed unsuitable for posting by the City Administrator or his/her designee because it violates criteria in the preceding items of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.

- F. Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: "The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto." Links may be removed or replaced at the sole discretion of the City at any time without notice.
- G. Employees found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment.

RESOLUTION NO. R-2021-_____

**A RESOLUTION CONFIRMING AND ADOPTING THE La VERKIN POLICE
DEPARTMENT POLICY MANUAL, AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the La Verkin Police Department (“LVPD”) has had internal departmental policies in effect since on or before 2007, when Chief Lloyd Watkins was serving as the LVPD Police Chief; and

WHEREAS, after consideration, his replacement, Chief Ben Lee, contracted for, purchased, and adapted (to the needs and interests of LVPD) a manual of police departmental policies prepared by Lexipol in 2015, a manual that is periodically updated (the last official update being January 2, 2020); and

WHEREAS, it is Chief Lee’s experience and recommendation to the City Council that said manual of policies—as currently drafted, updated, supplemented, and revised to apply to the LVPD, and in use (current as of today’s date), entitled ***La Verkin Police Department Policy Manual***, 2020, as amended, a manual of over 600 pages—be confirmed and formally and officially adopted by the City Council to apply to the department and officers of the LVPD; and

WHEREAS, it is the considered opinion of the City Council that said ***La Verkin Police Department Policy Manual***, 2020, as amended, is in the best interests of the City and its employees.

NOW THEREFORE BE IT RESOLVED by the City Council of LaVerkin, Utah, as follows:

1. That the manual of policies, as currently drafted, updated, and in use (current as of today’s date), entitled ***La Verkin Police Department Policy Manual***, 2020, as amended (“LVPD Policy Manual”), is hereby **confirmed and approved** for use within the LVPD and applicable to the officers assigned duty therein.
2. That the City of LaVerkin hereby declares that said LVPD Policy Manual shall supplement but neither supersede nor replace the provisions of the City’s ***Personnel Policies and Procedures Manual*** (“PPPM”); and that, if any part of said LVPD Policy Manual is deemed or determined to be in conflict with the terms and provisions of the PPPM, the latter shall prevail—unless and to the extent that the City Council has specifically adopted the conflicting provision or part thereof in said LVPD Policy Manual (separate from this Resolution) and determined that it shall prevail or apply. Every reasonable effort shall be made to reconcile and read the two manuals as complementary and consistent with one another.
3. That if part of this Resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this Resolution; and (b) all resolutions or policies in conflict herewith are hereby repealed to the extent of any such conflict.

RESOLUTION NO. R-2021-_____

4. That, in the opinion of the City Council, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of the community and the officers working with the City's police department that this Resolution take effect as soon as possible. This Resolution, therefore, shall take effect immediately upon its passage.

PASSED, CONFIRMED, ADOPTED AND APPROVED this _____ day of _____, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

La Verkin Police Department

Policy Manual

*FYI - intro
mat. in policy
manual*

CHIEF'S PREFACE

The La Verkin Police Department is one of the best places I've had the privilege to work for. As law enforcement officers, our role is to ensure law and order in this community and with those whom we associate.

Standards in this policy relate to the basic role and authority of this law enforcement agency. When an agency defines its role, two broad purposes are served. First, officers are made aware of the actions and attitudes expected of them and can therefore act without hesitation in compliance with department policy and established law. Second, members of the public are provided with a general standard by which they can measure the performance of the agency. Written policy defining the functional role should set forth the agency's purpose or mission, goals, and basic programs and priorities; and should specify that the agency intends to be responsive to, and protect the constitutional rights of all.

This agency shall have written policy outlining its law enforcement authority, and the need for public approval and acceptance of that authority. This policy will define what is reasonable and lawful, in accordance with established law. This policy will also address the need for accountability to the community it serves.

The expanding role and complexity of law enforcement in society makes it impossible to strictly outline an officer action in every situation. While it is necessary that discipline may be required in correcting behavior that is contrary to policy, these policies are to be viewed as guidelines for the officer to follow. An officer's actions should be judged in accordance with the unique differences of each situation and the knowledge of that situation that the officer has at the time. Disregard without credible and valid reasons may subject the officer to discipline. Exceptions to this are actions which officers are required to perform by law.

This law enforcement agency has established this policy to enhance and direct its officer's performance of their duties. This provides our officers with a clear understanding of the constraints under which they should operate and the expectations that they should fulfill.

Chief Benjamin Lee

La Verkin Police Department

Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

La Verkin Police Department

Policy Manual

MISSION STATEMENT

The La Verkin Police Department is committed to serve the community in a professional manner with integrity, compassion, fairness and dignity. We commit to earn and preserve the trust of each citizen by adhering to the highest ethical standards and proactive community policing.

We pledge to keep our oath to uphold the Constitution of the United States of America and the great state of Utah.

Thereby maintaining and enhancing La Verkin City as a city with a proud past and promising future.

LAVERKIN CITY



KYLE GUBLER
CITY ADMINISTRATOR

RICHARD M. HIRSCHI
MAYOR

RANDY REEVE
MICAH GUBLER
RAY JUSTICE
PATRICIA WISE
KELLY WILSON
COUNCIL MEMBERS

Resolution No. R-2021-__

A RESOLUTION AUTHORIZING THE CITY TO MAKE APPLICATION WITH THE BUREAU OF LAND MANAGEMENT FOR A PROPOSED EASEMENT OR SET OF EASEMENTS PROVIDING FOR THE LOCATION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND MANAGEMENT OF THE PROPOSED ZION CORRIDOR TRAIL ACROSS OR OTHERWISE IMPACTING BLM PROPERTY.

WHEREAS, LaVerkin City ("the City") is a member of the Zion Regional Collaborative ("ZRC") and the Five County Association of Governments ("the MPO"), entities which are involved in the planning and development of a trail system extending from LaVerkin to Zion National Park ("ZNP"), intended to run alongside or in the vicinity of State Route 9 ("SR-9"), a highway (and associated and appurtenant rights-of-way) owned, regulated, managed, and maintained by the Utah Department of Transportation ("UDOT"), and intended to traverse, improve, or otherwise impact land owned by the Federal Government and managed by the Bureau of Land Management ("the BLM"), a Federal agency thereof; and

WHEREAS, the BLM has established a procedure whereby interested parties, including local and regional governments and associations, may seek easements to traverse, improve, or otherwise impact land under its management and control; and

WHEREAS, said procedure includes but is not limited to the preparation and submission by such interested parties of **Standard Form 299, as Rev. 3/20/20**, entitled "*Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property*" ("the SF 299" or "the Application"; and

WHEREAS, the City is the duly-authorized local agency representing the ZRC and MPO with regards to securing the easement(s) required to permit the proposed Zion Regional Trail to traverse, impact, and be located, constructed, improved, maintained, and managed by the ZRC and/or MPO, and their members, and authorized designates; and

WHEREAS, it is necessary that the City make application to the BLM (and work together therewith in a mutually-beneficial matter) to seek and obtain (on behalf of itself and the ZRC and MPO, and their members) the necessary and/or prudent easement(s) for and associated with said trail; and

WHEREAS, the City and the BLM have a positive and lengthy history of working together to accomplish ends beneficial to each; and

WHEREAS, the BLM has prepared and provided to the City a copy of the Application (SF299) and accompanying instructions, attached hereto at **Exhibits A and B**, respectively, and has indicated a willingness to entertain the same, once the City Council has authorized its Mayor, City Administrator, and/or Zion Regional Collaborative ("ZRC") Coordinator (Emily Friedman), to prepare and submit the Application; and

Resolution No. R-2021-____

WHEREAS, relevant Staff of the City have reviewed the Application (not yet filled out) and have found it be reasonable, workable, and in the best interests of the City, and indicate their support and recommend that it be filled out and submitted, as required to the BLM; and

WHEREAS, it appears that the Application is or might be governed by the provisions of Title 14, Chapter 13, of the *Utah Code Annotated* (1953, as amended), known as the *Utah Interlocal Cooperation Act* (hereinafter referenced as "ICA" or "Act"), thus possibly requiring that (a) it be set forth in a writing consistent with the requirements with the provisions of the ICA, and (b) any action to approve it be taken by resolution or ordinance of the governing body of each local government entity that was a party thereto; and that the purposes of the proposed Cooperative Agreement appear consistent with the purposes and intent of the ICA, as set forth in said Act; and

WHEREAS, having reviewed the same, the City Council affirms and declares that it is of the considered opinion and determination that preparation and submission of the Application provides for the necessary, proper, effective, and efficient cooperation with the BLM and the desired and necessary easement(s) for the trail as contemplated, and that authorization of the Mayor, City Administrator, and/or ZRC Coordinator to prepare and submit the Application for the needed easement(s) is in the best interests of the City and its residents businesses, and guests and/or visitors.

BE IT THEREFORE RESOLVED that the City Council of the City of LaVerkin hereby **authorizes** the Mayor, City Administrator, and/or ZRC Coordinator to prepare, submit, and work with the BLM to seek and obtain the necessary and/or prudent easement(s) required to permit the proposed Zion Regional Trail to traverse, impact, and be located, constructed, improved, maintained, and managed by and/or on behalf of the ZRC and/or MPO, and their members, and authorized designates; and to sign—on behalf of the City Council—the Application and associated paperwork necessary to seek, pursue, and effectuate said easement(s).

APPROVED AND SIGNED this _____ day of _____, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Agreement is approved as to form by:

KEVIN R. BENNETT, City Attorney

Exhibit A

BLM Easement Application Form Auth, Draft 2021a

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

2. Name and address of authorized agent if different from item 1

3. Applicant telephone number and email:

Authorized agent telephone number and email:

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☐ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☒ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renewing existing authorization number
c. ☐ Amend existing authorization number
d. ☐ Assign existing authorization number
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of use or occupancy, (e.g., canal, pipeline, road, telecommunications); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction (Attach additional sheets, if additional space is needed.)

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☐ Not Required10. Nonrefundable application fee: ☐ Attached ☐ Not required ☒ To be determined by agency11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other alternative locations considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

Exhibit B

BLM Easement Application Form Auth, Draft 2021a



Bureau of Land Management
LANDS & REALTY
Publications (Revised March 10, 2009)
(Links Updated November 2012)

OBTAINING A RIGHT-OF-WAY ON PUBLIC LANDS

Bureau of Land Management Right-Of-Way Program

Each year, thousands of individuals and companies apply to the Bureau of Land Management (BLM) to obtain a right-of-way (ROW) on public land. A ROW grant is an authorization to use a specific piece of public land for a certain project, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project.

The BLM places a high priority on working with applicants on a proposed ROW to provide for the protection of resource values and to process the application expeditiously. This brochure is designed to acquaint you with this process. A more complete explanation of the BLM ROW program is found in Title 43 of the Code of Federal Regulations, Parts 2800 and 2880. Copies of these regulations are available at all BLM offices. The regulations include a customer service standard that BLM is committed to. BLM strives to provide ROW applicants a decision within 60 days from the receipt of a completed application. We will notify applicants after 30 days if the application processing will take longer, and identify a date when a decision on your application can be reasonably expected. See the [Customer Service Standard Flow Chart](#) for timeframes.

Careful advance planning with BLM personnel who will be handling your application is the key to success. If they know about your plans early, they can work with you to avoid many problems and costly delays later on in the process.

If you are not familiar with local BLM jurisdictions, the best place to start is by contacting a BLM State Office listed in the back of this brochure. Each State Office oversees a number of Field Offices. Depending on your project, you may be working primarily with personnel at a BLM Field Office.

WHEN YOU DO and WHEN YOU DON'T NEED A ROW

As a general rule, you **do** need a ROW whenever you wish to build a project on the public land. Some examples of land uses which require a ROW grant include: electric transmission lines, communication sites, roads, highways, trails, telephone/fiber optic lines, canals, flumes, pipelines, reservoirs, etc.

You **don't** need a ROW for so-called "casual use". What kinds of activities are considered "casual use"? Examples include driving vehicles over existing roads, sampling, surveying, marking routes, collecting data to prepare an application for a ROW, and performing certain activities that do not cause any appreciable disturbance or damage to the public land, resources or improvements.

Depending on the specifics of your proposed activity, uses on the public land can be either casual use or will require a ROW grant. It's a good idea to contact the BLM and discuss your plans before assuming your use is casual. The BLM can then make a judgment on the requirements in your particular case.

INITIAL STEPS IN APPLYING FOR A ROW

1. Contact the BLM office with management responsibility for the land where the ROW is needed.
2. Obtain an Application Form (Standard Form 299 (563 KB PDF) "Application for Transportation and Utility Systems and Facilities on Federal Lands"). You must use this form to file an application except for oil and gas operators where a completed Sundry Notice or Application for Permit to Drill includes information on related ROWs that are needed.
3. Arrange a pre-application meeting with a BLM Realty Specialist or appropriate staff member. Jointly review the application form and requirements to determine what information is needed. In some cases it may be possible to arrange for a pre-application meeting at the location of your proposed ROW.
4. When you have assembled all of the required information, bring or mail the application to the appropriate BLM office.

PRE-APPLICATION MEETING

The BLM wants to make the application process as easy as possible. The pre-application meeting provides the opportunity for you to fully discuss and describe your proposal in detail and provides an opportunity for BLM to fully explain the processing requirements. If possible, you should review the application form (SF-299) before the pre-application meeting. You can fill it out before or during the pre-application meeting with the BLM. Be sure to bring any information that may be useful during this session, such as a map of your project area (Item 8 of the application). You may already have a survey or another adequate map that will satisfy this requirement and provide additional information for processing your application.

The pre-application meeting will also cover fees, safety, work schedules, and other items. This meeting has the potential to save both you and the BLM time and expense.

COMPLETING THE APPLICATION (Standard Form 299)

Directions for completing the application are included on page 3 of the form (Standard Form 299); however, the following instructions may also assist you. Incomplete information is often the reason application processing periods are unnecessarily delayed.

The application form is considered **complete** when information has been provided for the following items:

Required: Items 1, 3, 4, 5, 7, 8, 12, 13, 19, signature, and date.

Required if applicable: Items 2, 6, 11, 20 and "Supplemental" page 4, if a business entity.

Optional: Items 9 and 14 through 18.

Detailed Instructions:

Item 6—Citizenship: This applies only to oil and gas pipelines, which are authorized under the Mineral Leasing Act (MLA); wherein applicants must be citizens of the United States. Citizenship is required of all partners in a partnership. Aliens may own or control stock in corporations if the laws of their countries do not deny similar privileges to citizens of the United States.

Item 7—Project Description: This section requires you to provide details about the project you are applying for. Be as specific as possible in describing the project, its location, and dimensions. Include the legal description of the affected public land. You may need to attach separate sheets as the space in this block is limited and we recommend you review the list of items found under the heading of "ROW – Plan of Development Outline" that follows. Detailed lists and examples of PODs for particular types of projects (roads, power lines, wind energy, etc.) are also available on the BLM Application website. This POD outline should help you thoroughly describe your project from the initial construction phase through termination and rehabilitation of the public land. You should also describe any temporary or short-term use areas needed (See the section on Temporary Use Permits or Short-term ROW for more information).

Item 8—Map: Attach a map (BLM intermediate scale map, 1:100,000; U.S. Geological Survey quadrangle; aerial photo; or equivalent) showing the approximate location of the proposed ROW on public land and existing improvements adjacent to the proposal. Only improvements that may directly affect the proposal need to be shown on the map. Include the township, range, section, and a north arrow.

Item 9—State or local government approval: It is not mandatory to submit documentation of other approvals at the time you submit your application. However, the authorized officer may require other agency approvals prior to or during the application processing.

Item 10—Nonreturnable application fee: The fees are discussed in the COSTS section below. No fees are required at the time you file your application with BLM. BLM will determine the appropriate Processing Category fee once you have submitted your complete application and will notify you of the fee in writing.

Item 12—Statement of technical and financial capability: If you have no doubts about your capability to complete the project, write in "I am/We are technically and financially capable of completing the project described in this application." The BLM Authorized Officer may require you to post a performance bond or to hire a registered/licensed engineer, depending upon the scope and complexity of your project.

Item 13—Describe reasonable alternatives: Complete parts a, through c, to help BLM understand alternatives that could be considered in the analysis of this project.

Items 14 through 18—It is generally not necessary to complete these items. However, if you have information or have conducted studies that address these items, the information should be submitted to accelerate the processing of the application.

Item 19—Hazardous Materials: It is mandatory to provide information related to the use or transportation of any hazardous materials. Do not write "N/A" in this block but you may state "None".

Signature and Date blocks—The application must be signed and dated. If you are allowing an Authorized Agent to act on your behalf, and you want them to sign the application or authorization on your behalf, please complete Item 2, on the application and include evidence of permission allowing the other person to act as your Authorized Agent.

Supplemental (page 4 of application)—This information is needed for all business entities. For all applications filed under the FLPMA, check the appropriate boxes and if the information has been previously submitted with another BLM ROW application or grant, provide the name of the office and file identification numbers. For all applications filed under the MLA, complete only Section I - f, and g, and Section II - e, or Section III - d, as these pertain only to oil and gas pipelines authorized under the MLA.

An application consists of a completed application form (Standard Form 299) and map. When you have all the required information, bring or mail the application to the appropriate BLM office.

COSTS

There are three different fees or charges involved for processing ROWs. These three fees are adjusted annually based on inflation indices:

Processing Fee – Applicants are required to reimburse the United States in advance for the cost of processing an application. The fees are based on the amount of time BLM

estimates it will take to process your application and issue a decision to grant or deny the application. BLM will determine the appropriate Processing Category fee, once you have submitted your complete application, and will notify you in writing of this fee. You must submit the appropriate payment before BLM will begin processing your application.

There are six Processing Fee Categories. Categories 1 through 4 are one-time, non-refundable fees based on the number of federal work hours involved to process an application. The Processing Fee Schedule is available at BLM offices. Category 5 is for Master Agreements which are negotiated with a single applicant for processing and monitoring multiple applications covering facilities within a specific geographic area. Any application that requires more than 50 hours to process is a Category 6 which requires the applicant to reimburse BLM for the full costs of processing your application.

Monitoring Fee - A Monitoring fee is charged to reimburse the BLM for monitoring the construction, operation, maintenance, and termination of the project, including protection and rehabilitation of the public lands involved. BLM categorizes this fee based on the estimated number of work hours necessary to monitor your grant.

Monitoring fees in Categories 1 through 4 are one-time, non-refundable fees. Category 5, for Master Agreements, and Category 6, involving more than 50 hours of monitoring, are the same as described above. BLM will determine the appropriate Monitoring Category fee and will notify you in writing of this fee. You must pay the monitoring fee before BLM issues you a grant.

Rent - The third charge is the annual rent. The Linear Rent Schedule is adjusted annually based on changes to the Implicit Price Deflator Index (an inflation index). The Communication Uses Rental Schedule is adjusted annually based on changes to the Consumer Price Index, All Urban Consumers (CPI-U). The rent for linear and communication site ROWs on public land is established via two separate administrative schedules (see Linear Schedule or Communication Uses Schedule). These schedules are based on land values in the project area and, in some cases, the rent is established by an appraisal. BLM will notify you of the initial rent amount due. You must pay rent for the initial rent period before BLM issues you a grant.

No processing fee, monitoring fee, or rent is required for:

- State or local agencies or instrumentalities thereof (except municipal utilities and cooperatives whose principal source of revenue is customer charges) where the land will be used for governmental purposes and the land resources will continue to serve the public interest.
- Road use agreements or reciprocal road agreements.

Other exemptions, waivers, or reductions in the processing and monitoring fees and/or rent may apply and can be explained by BLM officials during the pre-application meeting.

BONDS

BLM may require you to post a cash or surety bond.

REMEMBER TO PLAN AHEAD

You should arrange for your pre-application meeting well in advance of when you would like to start work on the project. BLM will try to process your completed application in 60 calendar days if it is in a Category 1 through 4. You will be notified, in writing, if it is expected to take longer than 60 days to process. Applications for Category 5 projects are processed based on the agreement that is negotiated. Applications for Category 6 projects can take much longer. The Field Office Manager and staff are ready to provide information, advice, and assistance to help you prepare an application.

TEMPORARY USE PERMIT (TUP - for MLA oil & gas pipelines) or SHORT-TERM ROW (FLPMA facilities)

Keep in mind that all activities associated with the construction, operation and termination of your ROW must be within the specified limits (length, width, etc.) of the authorization. Temporary construction needs should be discussed during the pre-application meeting. You can apply for a TUP/short-term ROW at the same time you apply for a ROW by describing its dimensions, locations, and term needed in Item 7. of the ROW application (SF-299), or by describing it in your Plan of Development. This additional land may be necessary for construction, stock piling of excess materials, equipment parking, etc. These authorizations can be granted for up to 3 years.

You may also apply for a TUP/short-term ROW after your ROW has been granted. In this case, you would use a separate SF-299 form, and would pay additional processing/monitoring fees for BLM to process the authorization. This might require a separate environmental analysis and take additional processing time. If there is a possibility that you may need extra construction width or space, it is best to identify this in your ROW application.

ROW - PLAN OF DEVELOPMENT (POD) OUTLINE

For use in completing Item 7, Project Description on the SF-299

1. DESCRIPTION OF THE FACILITY (e.g., road, pipeline, utility line, etc.)

What is to be built?

What will it be used for?

Why is it necessary to use public lands?

When do you propose to construct? Specify duration and timing if known.

How long is the authorization needed?

Is an additional temporary construction area needed? List the needs for additional space outside of the ROW grant area. Include the type of proposed use, dimensions, duration of the temporary use needed, including time to rehabilitate the site.

II. DESIGN CRITERIA - The degree of design must be compatible with the proposed use and anticipated environmental impacts. All disturbances must be within the boundary of the ROW/TUP.

A. Road Specifications (Road POD Outline)

- Length and total width of ROW; width of road surface; maximum grade of road
- Minimum/maximum clearing width
- Cut/fill slope ratios
- Type and location of drainage structures, cattle guards, fences, gates
- Proposed surfacing type (gravel) and quantities, dust abatement
- Centerline survey plat
- Design drawings including: Plan and Profile sheets, typical roadway cross-sections, culvert installation details, grade dip detail (water bars, rolling dips, etc.), cattle guard, fence and gate details
- Construction specifications
- Materials specifications

B. Pipeline Specifications (Pipeline POD Outline)

- Length and width of ROW/TUP
- Diameter of pipe and type of material
- Depth of pipeline
- Size of trench
- Construction access requirements during and after construction
- Construction equipment requirements
- Survey plat
- Site specific engineering surveys for critical areas
- Cathodic protection site, valve stations, compressor stations

C. Power Line Specifications (Power Line POD Outline)

- Length and width of ROW
- Size, number and type of conductors
- Height and size of tower/poles
- Vegetation clearance requirements
- Raptor proof design
- Construction access and equipment requirements
- Transformers, substations, anchor locations, pulling sites
- Marker ball installations

D. Communication Site Specifications (pertain to non-linear sites) (Communication Site POD Outline)

- Site dimensions
- Size of all structures (building, towers, guys)
- Site design plan
- Utility requirements (power, phone)
- Access requirements during and after construction
- Technical data report including specifications of equipment, frequency of transmissions
- FCC license
- Compatibility with other users

III. CONSTRUCTION OF THE ROW FACILITY - Most surface disturbing activities associated with a ROW occur during this phase of the project. The following components have been found to be common to most ROW construction projects. These items, where relevant, should be carefully described in the Plan of Development.

A. Flagging and Staking the ROW/TUP.

- Stake centerline and/or the exterior limits of the ROW
- Construction staking, cut and fill areas, clearing limits

B. Clearing and Grading of the ROW/TUP.

- State how much topsoil will be saved, show where it will be stockpiled and how it will be spread
- Describe disposal of all woody vegetation (trees, stumps and brush) cut on the ROW

C. Earthwork

- Engineering and quality control
- Excavation and placement of embankment
- Borrow material sources
- Removal of structures and obstructions
- Disposal of unsuitable excavated materials (e.g. oversize rock, weak soils, etc.)
- Soil erosion and water pollution control measures

D. Structure Installation - Describe how improvements will be constructed i.e., constructed on-site, prefabricated and delivered to the site, concrete cast-in-place, precast concrete, etc.

E. Stabilization, Rehabilitation and Revegetation

- I. Soil replacement and stabilization. (Explain how soil will be stabilized in the project area).
 - Recontouring all disturbed areas to restore original contours

- Placement of waterbars and/or other erosion control structures
2. Seeding Specifications

- Seed mixture (certified seed required)
- Rate, method, schedule for seed application
- Application of mulch (straw, burlap, hydromulch) and locations
- Application of fertilizer (type, location, rates)
- Criteria for determining success of revegetation

IV. OPERATION AND MAINTENANCE OF THE FACILITY - Describe what maintenance is required and the anticipated level of use

- State when and how scheduled maintenance will be performed
- Snow removal, road grading, building maintenance

V. TERMINATION AND REHABILITATION - Provide a written plan describing the actions required to terminate the use and rehabilitate the ROW area

- Removal of facilities (who, how, when) and method for reclamation of disturbed areas

VI. MISCELLANEOUS INFORMATION NEEDS

A. Waste Disposal - Trash, construction debris, solid waste and hazardous waste

B. Traffic Control Plan – Barricades, construction signs, flaggers

C. Safety Plan for employees, contractors, general public

D. Fire Prevention Plan

E. Spill Prevention and Contingency Plan: Preventive measures, notification of proper authorities, Incident Response/Containment measures, testing and cleanup measures

F. Pesticide Use Proposal - application to BLM describing plans for controlling noxious weeds (chemicals, rate, method of application, etc.)

HOW BLM PROCESSES YOUR ROW APPLICATION

Once you have filed an application with BLM (SF-299 completed with maps, POD, and other details) it will be reviewed to make sure all necessary information has been included. The application is then evaluated to ensure the proposed use is in conformance with the BLM land use plan and that there are no other conflicts, such as other valid existing rights currently on the lands requested in your application. BLM has the discretion to grant a ROW if doing so is in the public interest.

If your proposed use is in conformance with the BLM plans and there are no apparent conflicts, BLM will determine the Processing Fee Category based on the number of federal work hours expected to process the application. BLM will request you to pay the non-refundable processing fee and request any additional information that is needed. Once the processing fees have been received, BLM will start processing your application. If BLM determines it will take more than 60 days to process your application, you will be notified of the expected timeframe for processing the application. Please refer to the Customer Service Standard Flow Chart for more information.

ROW applications are generally processed in the order they are received. A thorough, complete application can move ahead of a deficient, problem-riddled application. ROW applications often compete against other land use applications and other priority workloads. For this reason, applicants may have to wait for extended periods of time for the BLM specialist to complete required inventories or to consult with other agencies. Other points to consider are weather and season of the year. Application processing may come to a standstill while waiting for inventory work or studies to be completed. For example, if you filed an application late in the fall and the BLM archaeologist already had other workloads committed for that year, the archaeologist may not be able to complete the field work prior to snowfall and the application may be delayed until the next summer. If specific resource issues are identified on the proposed project area it can prolong the processing time.

Once BLM has completed the necessary reviews, inventories and reports, you will be notified in writing if the ROW will be granted or denied. If the ROW will be granted, BLM will request you to review and sign the ROW Grant and to pay the rent and monitoring fee (See COSTS section). Once all the necessary fees have been received and you have signed and returned the ROW Grant, the BLM Authorized Officer will sign and return a copy of the completed ROW Grant to you.

The BLM will inspect and monitor your project for compliance with the terms and conditions of the grant. In addition, the BLM reserves the right of access onto the public lands covered by the ROW grant and, with reasonable notice to the holder, the right of access and entry to any facility constructed in connection with the project.

Applicant Contributions to the ROW Process

One option you may wish to consider is contracting with qualified individuals or firms to perform required inventories when the BLM has other competing workloads. The BLM may accept the work of certain qualified individuals and firms that hold permits to do cultural resources and Threatened and Endangered Species (T&E) inventories on the public lands. These firms do the field inventory and write reports for BLM approval. This can often significantly reduce the processing time for your application and may also reduce the processing fee. These items should be discussed with the BLM at the pre-application meeting.

A ROW application may be denied for any one of the following reasons:

--The proposal is not in conformance with the applicable Land Use Plans, i.e., purpose for which the public lands are managed.

--The proposal would not be in the public interest.

--The applicant is not qualified.

--The proposal is inconsistent with Federal, State, or local laws.

--The applicant is not technically or financially capable of accomplishing the project.

--Serious environmental consequences may occur from the proposed project that cannot be mitigated.

Reminder: A pre-application meeting can reduce the possibility of the application being denied.

YOUR RESPONSIBILITIES AS A ROW GRANT HOLDER

Once you have a signed ROW grant, you can proceed with your plans, unless your grant has a Notice to Proceed stipulation. In this circumstance, BLM will notify you in writing when you can begin activities on the area authorized in the grant. A ROW holder may use the ROW only for those purposes authorized in the grant. You will need to follow the terms and conditions in the ROW Grant. You are responsible for notifying the local BLM office of any changes in your address or legal rights to hold the ROW grant.

The ROW grant holder is responsible for damage or injuries to the United States Government in connection with the holder's use of the ROW. The ROW grant holder indemnifies or insures the United States Government harmless for third party liability, damages, or claims arising from the holder's use and occupancy of the ROW. The BLM may suspend or terminate a ROW if the holder does not comply with the applicable laws, regulations, terms, or conditions. The BLM may also add additional terms and conditions to the grant, including bonding, and require an immediate temporary suspension of activities within a ROW, to protect the public health and safety or the environment.

ROW Amendments:

If you want to change, improve, or add to your project once you have a ROW grant you will need to get approval from BLM (see Amendments in the Grant Administration section of the ROW website). Contact the Field Office Manager to determine if your proposed changes require an amendment to your ROW grant.

You must complete form SE-299 (also see the Forms section of the ROW website) to amend your ROW grant and receive prior written approval from the BLM for any change in location or authorized use during construction, operation, or maintenance of the ROW. BLM will process your request for amendment in the same manner as a new application including new terms and conditions, cost recovery fees, monitoring fees, bonding, and may include an adjustment to the rent.

ROW Assignments:

If you wish to transfer all or part of your ROW to another person/entity, this is called an Assignment. The person who wants the ROW Grant (Assignee) must apply to BLM using a form SE-299 (also see the Forms section of the ROW website). The proposed Assignee fills out questions 1-6, and 12 and provides the form to the local BLM office. In addition, the ROW Grant holder (Assignor) must sign a document agreeing to the assignment, and the proposed assignee must sign a statement agreeing to be bound by the terms and conditions of the grant (see Assignment Statements in the Grant Administration section of the ROW website).

The assignment to the new owner is not legally recognized by the United States until it has been approved in writing by the BLM. If the new owner is qualified and agrees to be bound by all of the requirements of the ROW grant, and the ROW is in compliance with all its terms and conditions, the BLM will approve the assignment. A processing fee will be charged for the assignment process.

ROW Renewals

If your ROW grant specifies that it is renewable, you must apply to BLM to renew it at least 120 calendar days before your grant expires (refer to SE-299 from the Forms section of the ROW website). BLM will renew the grant if you are in compliance with its terms and conditions. If your grant does not address whether it is renewable, you may apply to BLM to renew your grant at least 120 calendar days before your grant expires. BLM has the discretion to renew the grant, if doing so is in the public interest, and may change or add terms and conditions to the new ROW Grant. (See Renewal Guidance in the Grant Administration section of the ROW website).

APPEAL RIGHTS

Any party to a case who is adversely affected by a decision of the Bureau of Land Management has the right to appeal that decision. If your ROW application is denied, BLM will provide you with a written decision and explain the reasons for denying the ROW as well as information on how and where to file an appeal, should you so desire. Appeal rights also pertain to other decisions, such as the determination of the processing and monitoring categories.

FOR MORE INFORMATION

Please contact the BLM State Office in your area for any questions or information concerning how to obtain a right-of-way on public lands.

Indemnity Agreement Issue

**A – Prior Action Taken
(Terrana Subdivision) (FYI)**

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 Agenda

Wednesday, November 4, 2020, 6:00 p.m.

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

- A. Meeting Called to Order:** Invocation and/or thought by Invitation; Pledge of Allegiance
- B. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
- C. Citizen Comment & Request for Future Agenda Items:** No action may be taken on a matter raised under this agenda item. This item is reserved for the citizens of La Verkin who have items not listed on this agenda. There is a time limit of 20 minutes with each individual taking no more than 3 minutes.
- D. Public Hearing:**
1. 2020 Water Conservation Plan
- E. Business:**
1. Discussion and possible action to approve Proclamation 2020-04, a proclamation designating October as Domestic Violence Awareness month.
 2. Discussion and possible action to approve the final plat for the Terrana Subdivision, a 3-lot subdivision located at approximately 100 E 270 N.
 3. Discussion and possible action to approve Resolution No. R-2020-18; a resolution adopting the La Verkin City Water Conservation Plan, an update to the La Verkin City Water Management and Conservation Plan.
 4. Discussion and possible direction regarding the Memorandum of Understanding between La Verkin City and Gail G. Earl.
 5. Discussion and direction on the annual La Verkin City Christmas Eve Program.
 6. Presentation and possible discussion regarding several homes in the Overlook Subdivision.
- F. Mayor & Council Reports:**
- Mayor Hirschi:*
- Wilson: Ash Creek Sewer District, Public Works, Water, La Verkin Hot Springs*
- Wise: Planning Commission/Zoning, Beautification/Trails Committee, Economic Development/Tourism*
- Justice: Washington County Solid Waste, Homeland Security/CERT, Confluence Park*
- Gubler: Public Safety, Recreation/City Festivals*
- Hardy: Southwest Mosquito Abatement, Historical Preservation*
- G. Adjourn:**

Notice of Electronic or telephone participation:

NOTICE OF POSSIBLE ELECTRONIC OR TELEPHONIC PARTICIPATION One or more members of the City Council may participate electronically or telephonically pursuant to UCA 52-4-7.8

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

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at, posted on the La Verkin City website at www.laverkin.org and at the City office buildings 111 S. Main and 435 N. Main on November 2, 2020.
Christy Ballard, City Recorder

City of La Verkin

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

La Verkin City Council Meeting Minutes

Wednesday, November 4, 2020, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Ray Justice, Chuck Hardy, Micah Gubler, and Kelly Wilson; Staff: Christy Ballard, Chief Ben Lee, Kevin Bennett, Derek Imlay, Tiffany Mower, and Kyle Gubler; Public: Brian Stewart, Diana & John Hoonakker, Mr. & Mrs. Robert Harris, Stephen & DoraLee Bird, Reese Poulson, Jeff Thornberry, Wendy & David Anderson, Denise Poulsen, Jay Rice, Karen Bennett, Curtis Barlow, and Rigo Gutierrez

Councilwoman Patricia Wise participated electronically

A. Called to Order –The invocation/thought 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

Mayor Hirschi requested business item 6 be moved to business item 2, moving the remaining items down one spot.

The motion was made by Councilman Ray Justice to approve the consent agenda with the following changes, move business item number 6 to the number 2 spot, moving business items 2,3,4, and 5 down one spot, second by Councilman Chuck Hardy. Hardy-yes, Justice-yes, Wise-yes, Wilson-yes, Gubler-yes. The motion carried unanimously.

C. Citizen Comment & Request for Future Agenda Items:

No comments were made.

D. Public Hearing:

1. 2020 Water Conservation Plan

Derek explained the State of Utah requires cities to have a water conservation plan and that they update it every five years to avoid a penalty. The plan needs to be submitted by the end of 2020.

Derek briefly highlighted the 2020 Water Conservation Plan. The plan addresses both the culinary and irrigation water systems.

Table 3 on page 4 lists all La Verkin's water sources and water rights.

Cottam Well is one of the sources the City watches very closely. This tank services the northeast side of La Verkin (hotels, Silver Acres, and Zion View Estates). We get 4.45 million gallons a month, and anything over that we must pay extra for. In the summertime, we use the entire amount.

Toquerville Springs is split between La Verkin and Hurricane. When we are unable to get enough water from that source, we pull the rest of our water from Ash Creek Springs which costs the City additional money so we only use it when we have to. Ash Creek Springs is in a ravine, so the water needs to be pumped into the City and that is where the extra charge comes from.

La Verkin may need to purchase additional water in the future to meet the needs of Cottonwood Hollow.

Table 6 on page 5 has the culinary average usage per connection for residential and commercial. Those numbers have decreased over the last four years.

Page 6 talks about the City's per capita usage which is 107.5 gallons per capita per day. The State average is 164.0, so we are significantly lower.

Page 6 & 7 also talk about the average usage per irrigation connection. We are getting closer to our water rights usage. The per capita usage is much higher than the state average. We are an agriculture area, but we still need to work on this and get the numbers down.

Table 13 on page 8 lists the leakage rate. The City has lowered that number significantly over the last 4 years. The State considers a system with 10% and under a healthy system and in 2019 we were at about 6%.

3. Discussion and possible action to approve the final plat for the Terrana Subdivision, a 3-lot subdivision located at approximately 100 E 270 N.

Kyle reported the Planning Commission approved the final plat unanimously. They do meet all the requirements for a subdivision.

The motion was made by Councilman Micah Gubler to approve the final plat for the Terrana Subdivision, a 3-lot subdivision located at approximately 100 East 270 North, second by Councilman Kelly Wilson. Hardy-yes, Gubler-yes, Justice-yes, Wilson-yes, Wise-yes. Motion carried unanimously.

4. Discussion and possible action to approve Resolution No. R-2020-18; a resolution adopting the La Verkin City Water Conservation Plan, an update to the La Verkin City Water Management and Conservation Plan.

Christy asked that the resolution number be changed to No. 2020-19 when approved.

Councilman Hardy pointed out on page 2, the paragraph under Table 1 states the growth rate for the last 20 years is 1.5% and that the expected growth rate will continue to be consistent with the last 10 years which is 1.25%. Why is the growth rate reduced? Will the lowered growth rate skew the charts and graphs listed in the plan?

We know La Verkin City is going to continue to grow. Derek mentioned earlier the new subdivision, Cottonwood Hollow.

Kevin mentioned the last 10 years includes the great recession.

Councilman Wilson pointed out when you start with small numbers the rate is going to be higher. Once you get a higher population, the growth rate starts to go down. For instance, 1% of 100,000 is different than 1% of 5,000.

Councilman Hardy said he understands that and knows the plan is just a projection, but he is afraid with such a low growth rate La Verkin will hit the limits earlier.

Kyle reminded the Council this plan is updated every 5 years.

Kevin pointed out that growth isn't continuous, especially in an area like La Verkin that is based so much on tourism.

Councilwoman Wise mentioned she feels the growth in La Verkin has been more retirement people which would lower the numbers. She feels with the current trend, within 5 years the growth will lean more towards families.

Councilman Hardy stated he has reviewed the plan quite extensively and is very impressed with it, especially after the answers he received regarding the growth rate.

The motion was made by Councilman Kelly Wilson to approve Resolution No. R-2020-19; a resolution adopting the La Verkin City Water Conservation Plan, an update to the La Verkin City Water Management and Conservation Plan, second by Councilman Ray Justice. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

Councilman Hardy said goal #4 talks about metering the irrigation system. He thought the City was trying to get away from doing that.

Kevin explained La Verkin City got a reprieve until a meter is developed that can function with the quality of water we have. At some point, we will have to do it.

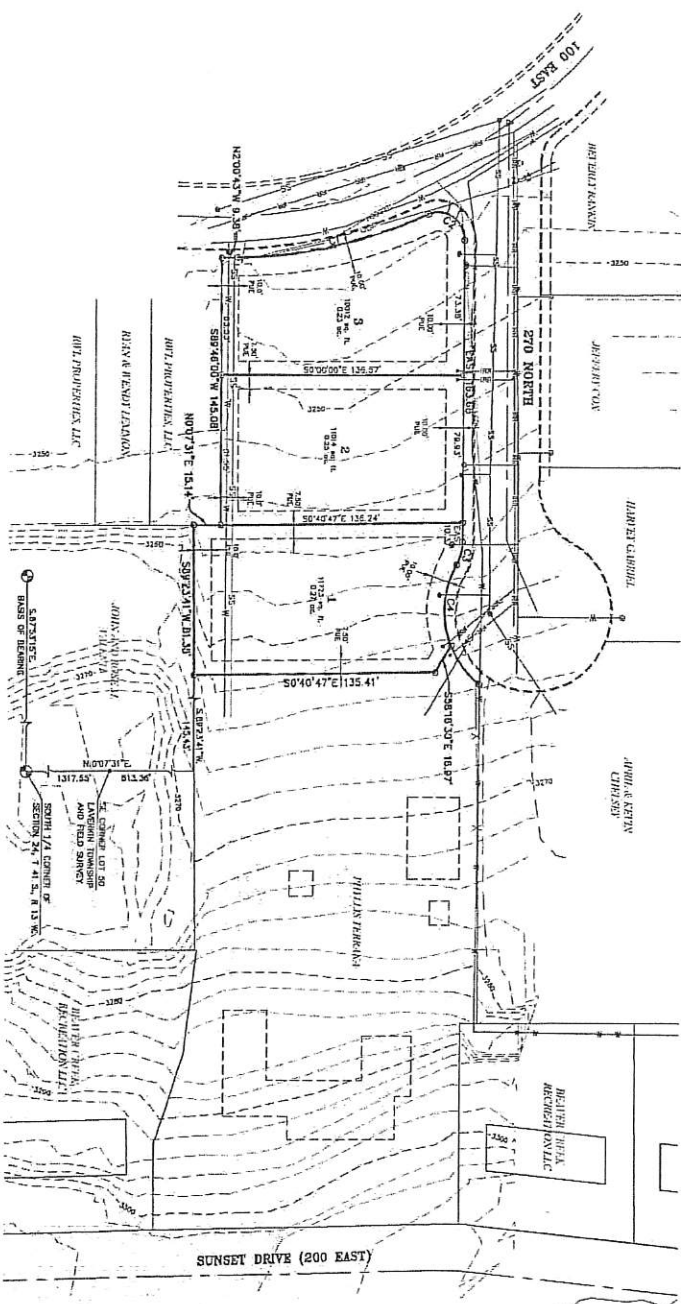
Kyle said the City is working toward that by requiring new construction to install a yoke. The City is technically metering the irrigation water when it comes into our system.

5. Discussion and possible direction regarding the Memorandum of Understanding between La Verkin City and Gail G. Earl.

Kyle read through the changes requested by the Earl Family.

They did let Kyle know if the City doesn't make the changes they are requesting, they have the option to sue. He responded that he understands that, but they need to realize if there is a pending lawsuit this portion of the 100 South project would have to be removed to qualify for a loan for the project.

**B - Substitute Renamed Plats
(required due to Ms. Terrana's
Failure to Sign Previous Plat)
(East Haxon Way SD) (FYI)**



PRELIMINARY PLAT
FOR
EAST HAXTON WAY
SUBDIVISION

3-LOT LEGAL DESCRIPTION

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	110.02'	261.20'	709.20'	141.2212374"	24°37'43"
C2	29.95'	15.00'	24.91'	44.3340171°E	112°40'37"E
C3	13.05'	25.00'	12.91'	5.7532256°E	29°38'04"E
C4	45.74'	50.00'	44.16'	5.6671197°E	52°25'02"E

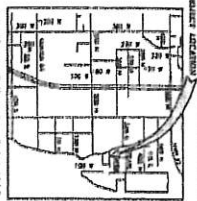
SET: 2-5

EAST HAXTON WAY SUBDIVISION
100 EAST TO 140 EAST AND 270 NORTH
LAYERKIN, UTAH
LOCATED IN SECTION 24, T41S, R13W

Northern
ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

LOCATED IN SECTION 24, T41S, R13W, S166M
LAVERKIN CITY, WASHINGTON COUNTY, UTAH

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	110.00'	261.36'	100.00'	N 12.21° E	74° 07' 45"
C2	73.00'	13.00'	24.00'	N 11° 00' E	11° 00' 30"
C3	11.00'	20.00'	12.00'	S 70° 02' E	29° 52' 30"
C4	45.24'	100.00'	44.35'	S 60° 19' E	N 22° 00' E

[illegible]

3-LOT LEGAL DESCRIPTION

consent to subordination and owners' dedication.

[illegible]

ACKNOWLEDGMENT

STAFF FOR INTERVIEW

PROPERTY OF THE
LIBRARY OF THE
UNITED STATES DEPARTMENT OF AGRICULTURE

DAY OF _____

THE UNIVERSITY OF CHICAGO PRESS

—A CHARTERED THE FOREIGN

FOR THE UNITED STATES

97 WITH COLOR 48-1-16 (55)

CONWAY'S

Q YYYH 1703

ATED IN SECTION 24.74

WASHINGTON CITY,

1000 - 1000

1000

2000

C - Indemnity Agreement to
Protect City re proposed East
Haxon Way Plat Approvals
(for discussion and action)–
Prior Action Taken

ACKNOWLEDGMENT AND INDEMNITY AGREEMENT

THIS ACKNOWLEDGMENT AND INDEMNITY AGREEMENT is made effective February __, 2021, by and among the following parties:

EJM Development, LLC, a Utah limited liability company

(Builder)

La Verkin City

(City)

RECITALS:

A. All of the parties are working on a the Terrana Subdivision located in the City of La Verkin, UT.

B. In connection with their respective responsibilities the parties acknowledge that the Builder will be submitting a new Subdivision to replace the current Terrana Subdivision proposal.

C. The parties acknowledge that the previous owner Phyllis Terrana entered into an invalid lot split and that as a result the City is now asking the Builder to submit a new Subdivision proposal.

D. The parties acknowledge that Phyllis Terrana's signature will not be required on the new Subdivision proposal.

E. It is acknowledged that there is a disagreement between Builder and the City with regards to the need for Ms. Terrana's signature on the plat and whether a subdivision may be effected of the property that was deeded to Builder by Ms. Terrana without a legally recognized subdivision of the property under the terms and conditions of the *Utah Municipal Land Use, Development, and Management Act*, Chapter 9a of Title 10, Utah Code Annotated (1953, as amended) ("the Act"). The City is of the opinion that the attempted subdivision by deed, but without an accompanying subdivision plat, granted fee title to Builder but not building rights under the Act, since it occurred after 1992 and constituted a subdivision requiring a plat and/or conformance with the terms and conditions of said Act for subdivision. However, the City is willing to entertain and consider an action to subdivide the purchased parcel, without joining Ms. Terrana and her property, if and to the extent that Builder indemnifies the City for and from any suit or legal challenge arising from such action—whether the challenge be from Ms. Terrana, a purchaser under Builder, or any party with legal standing.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. Allocation of Liabilities. Each party acknowledges and agrees, subject to the provisions of Section 2 below, that Builder and the City assume the liability for the actions of each in regards to the new Subdivision proposal.
2. Indemnity. Builder agrees to indemnify and hold harmless the City and its officers and employees from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, attorneys and other professionals and all court, arbitration, or other dispute resolution costs) arising out of or relating to any suit or legal challenge—whether the challenge be from Ms. Terrana, a purchaser under Builder, or any other party with legal standing—arising (on the part of the City, its officers, directors, agents, servants, employees, contractors and subcontractors of any tier) out of or relating to any action or actions of the City with regards to the consideration, notice for, hearings on, and any approvals given to a Subdivision proposal that does not include Ms. Terrana or her property, and the recording of the approved subdivision plat with the office of the Washington County Recorder, based on a claim that the property could not be subdivided without joining Ms. Terrana and her property and requiring her written consent; *provided that*, the City may not be indemnified for its own negligence or recklessness, apart from adopting Builder's position and interpretation to allow the subdivision process to progress forward and be acted upon with said joinder of property and written consent.

The indemnity herein will apply only to the extent necessary to carry out the intention of this Agreement.

3. General Provisions.

- (a). This Agreement may be amended or supplemented at any time by mutual agreement of any party. Any amendment or supplement must be in writing.
- (b). This Agreement contains the entire agreement between the parties with respect to the transactions contemplated hereunder and supersedes all prior arrangements, contracts, operating agreements, and understandings with respect thereto, written and oral.
- (c). The terms and conditions of this Agreement will inure to the benefit of and be binding upon the parties hereto and their respective successors.
- (d). Nothing in this Agreement, expressed or implied, is intended to confer upon any party, other than the parties hereto and their respective successors, any rights, remedies, obligations or liabilities.
- (e). All notices and other communications which are required or permitted hereunder will be in writing and sufficient if delivered personally or sent by overnight express or by registered or certified mail, postage prepaid, addressed as indicated above.

(f). This Agreement may be executed in any number of counterparts, and each such counterpart will be deemed to be an original instrument, but all such counterparts together will constitute but one agreement. Signatures transmitted via facsimile transmission or e-mail (pdf) will constitute original signatures.

(g). If any action, suit or proceeding is brought by a party hereto with respect to a matter or matters covered by this Agreement, all costs and expenses of the prevailing party incident to such proceeding, including reasonable attorney fees, will be paid by the other party.

IN WITNESS WHEREOF, the parties have executed this Acknowledgement and Indemnity Agreement on the dates shown below, intended to be effective as of the date set forth above.

DATE: _____

DATE: FEB 2, 2021

La Verkin City

EJM Development LLC

By: Dale B. [Signature]

Its: MANAGER

January 30, 2021

Dear City Officials,

I just completed the Wellness Survey sent out by the City which has caused me to write this letter.

I have recently been talking with other cities in the state about some of their ordinances regarding housing. It seems like some of them lean towards wanting only large homes on relatively small lots. While many speak of affordable housing, the cities do not seem to be able to grasp how to have this happen.

Upwards of 50% of the US population is single. There seems to be no motivation for investors to build the type of housing that would be appropriate for them. If you build a 4000 sq. ft. home in La Verkin the cost of the hook up fees etc. (with the exception of the building permit, which accounts for sq. footage) is almost identical to that of a one bedroom apartment, even though the impact is far less. If you build a four plex, each unit's fees are the same as if they were a free standing home.

Without going into a very lengthy discussion, I would like the City to consider two things:

1. Have a sliding fee schedule based more accurately on the actual impact. A single bedroom place should have a substantially lower impact fee than a 6 bedroom 4 bath home. People may then be willing to build something appropriate for all the single people out there. Multi family or other higher density properties would be given some incentive by this to create some less expensive alternatives for all of the single people out there who have been priced out of the booming housing market.
2. I believe that all residential lots should allow for two residences. One city simply states that each lot zoned for residential will allow a single family home, a single family home with a portion being rented out, or a single family home with a guest house, which can be used as a rental, or whatever other use they desire. Right now you have many La Verkin households that are made up of a wide mix of people. They may have adult children that are unemployed, aging parents who need care, divorced folks trying to regain their footing and some who just need financial help to keep afloat and every other combination you can imagine.

I don't believe that people should be made to feel like criminals or flying under the radar for trying to help their families or to survive financially. Let them exercise their property rights by making it an approved use. As long as there is appropriate off street parking and keeping everything on common meters, I think it should be available for them. It may be in the form of a detached or attached casita, a basement, an upstairs, a bedroom, a detached guest house.

There may have to be some provisions written into the ordinance besides parking and meters, but I think it should be minimal and reasonable.

I believe that all cities, if they had their choice would only have beautiful large homes, occupied by nuclear families that had high incomes from well paying jobs. La Verkin has always been seen as the poorest place in the County in more ways than one. Right now there is growth in upper end homes, which is nice. I think you can still have that kind of growth along with trying to accommodate the single population and those who are struggling to survive. I don't believe that all people who live in small affordable places are drug using low life people. I think there are plenty of wonderful people who would like to be living on their own in a safe, nice environment, but the city will never have a lawful inventory of those types of places under the current ordinances.

I am not an expert on these things, but the pandemic has only served to highlight some of these housing challenges that I am sure you are already aware of.

I would love to see the City Council charge the Planning and Zoning Commission to investigate some of these ideas. If you think I would be helpful in discussing my view I would be glad to talk about it with any interested parties.

Thanks for considering these ideas.

Rich Murset

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CHAPTER 13. SINGLE FAMILY RESIDENTIAL DISTRICT
R-1-18

- Section 13-1. PURPOSE.
- Section 13-2. PERMITTED USES.
- Section 13-3. CONDITIONAL USES.
- Section 13-4. HEIGHT REGULATIONS.
- Section 13-5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.
- Section 13-6. SIGNS.
- Section 13-7. MODIFYING REGULATIONS.
- Section 13-8. OTHER PROVISIONS.

13-1 PURPOSE.

To provide and protect areas for low-density, single family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

13-2 PERMITTED USES.

- (1) Accessory uses and buildings customarily incidental to permitted uses, not to exceed 10% of the land.
- (2) Agriculture; tilling of the soil, the raising of crops, horticulture, and gardening.
- (3) Animals and fowl for recreation or family food production for the primary use of persons residing on the premises, or lot(s) contiguous to the lot on which the primary dwelling exists.
- (4) Household pets.
- (5) Public buildings.
- (6) Public cemetery.
- (7) Public church.
- (8) Public park or playground.
- (9) Public school.
- (10) Public utilities, essential services. (Limit area 4' X 4')
- (11) Single-family dwellings.
- (12) Single-family dwelling with a portion as a rental.
- (13) Single-family dwelling with a guest house.
- (14) Solar energy systems which provide energy for the private use provided that requirements under Section 4-9 of the Ordinance are met.
- (15) Other uses similar to the above may be recommended by the Planning Commission and judged by the City Council to be in harmony with the character and intent of this zone.

13-3 CONDITIONAL USES.

- (1) Child day care or nursery.
- (2) Golf course.
- (3) Home occupation business.
- (4) Private recreation grounds and facilities.
- (5) Congregate Living Facilities

