

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, April 21, 2021, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Kelly Wilson, Patricia Wise, Micah Gubler, and Chuck Hardy;
Staff: Chief Ben Lee, Christy Ballard, Kevin Bennett, Derek Imlay, and Kyle Gubler; **Public:** John Valenti

Councilman Ray Justice was excused, and Councilwoman Patricia Wise participated electronically.

A. Called to Order –The invocation/thought and the Pledge of Allegiance were given by Chuck Hardy at 6:00 pm.

B. Appointments:

Mayor Hirschi asked John Valenti to be the 2nd alternate on the Planning Commission. This is a one-year term.

The motion was made by Councilman Kelly Wilson to approve John Valenti as the 2nd alternate in the Planning Commission, second by Councilman Micah Gubler. Wilson-yes, Wise-yes, Gubler-yes, Hardy-yes. Motion carried unanimously.

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

1. Declarations of conflict of interest
2. Agenda
3. Review Checks and Invoices: \$98,969.93

The motion was made by Councilman Kelly Wilson to approve the consent agenda as written, including the Check and Invoices in the amount of \$98,969.93, second by Councilman Chuck Hardy. Roll Call Vote: Hardy-yes, Gubler-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

D. Citizen Comment & Request for Future Agenda Items:

No comments.

Councilman Hardy asked if a staff member could speak as a citizen during this portion of the meeting.

Kevin replied they could comment.

E. Business:

1. Discussion and possible action to approve Ordinance No. 2021-03; an ordinance amending Section 9-2-3, of the La Verkin City Code, and providing for the elimination of the per-acre fee component of the Endangered Species Act Impact Fee imposed by the County, and assessed, collected, and transmitted by the City to the County.

Kevin explained at the last council meeting the substituted agreement was approved with the County that protected the endangered species. One of the provisions he had an issue with was dropping one of the components of the impact fee. He was concerned the County did not follow proper protocol when making any change to the impact fee schedule. He discussed the situation with the County Attorney's Office, and they seemed fine with the change.

The County sent the City a copy of the signed agreement so now it is up to the City to make the necessary changes to its code. This ordinance takes the per-acre fee out of the requirements. That is the only change.

He sent a copy of the proposed ordinance to the County Attorney's Office so they would be aware of the change we are making and reminded them to go through the correct process.

The motion was made by Councilman Chuck Hardy to approve Ordinance No. 2021-03, an ordinance amending Section 9-2-3, of the La Verkin City Code, and providing for the elimination of the per-acre fee component of the Endangered Species Act Impact Fee imposed by the County, and assessed, collected, and transmitted by the City to

the County, second by Councilman Kelly Wilson. Roll Call Vote: Wilson-yes, Wise-yes, Gubler-yes, Hardy-yes. The motion carried unanimously.

2. Discussion and possible action to accept the 2021-2022 Tentative Budget and set the public hearing for May 19, 2021.

Kyle reported this budget has not changed from the work meeting. The General Fund has a balanced budget total of \$2,167,003.

The Debt Service Fund pays bond payments. Money from the other funds goes into this fund to make those payments.

The Water Fund has a balanced budget total of \$1,007,000.

The Sewer Fund balance is \$547,500. This is basically a pass-through fund. Some salaries and benefits are paid from it.

The Irrigation Fund has a balanced total of \$147,250.

The Garbage Fund is like the Sewer Fund and has a budget of \$309,000.

The Drainage Fund balance is \$163,500.

The Cemetery Fund has an estimated balance of \$8,000.

The total City Budget is approximately 4.4 million dollars.

Once the tentative budget has been accepted it does become a public document.

He would like to set the public hearing for May 19th. This would give staff time to get the notice out to all the citizens.

The motion was made by Councilman Kelly Wilson to accept the 2021-2022 Tentative Budget and set the public hearing for May 19, 2021, second by Councilman Chuck Hardy. Roll Call Vote: Wilson-yes, Wise-yes, Gubler-yes, Hardy-yes. The motion carried unanimously.

3. Discussion on the City's water restriction options.

Derek passed out a copy of his presentation.

Mayor Hirschi reported there has not been enough water/snow this past year. Kolob Reservoir is very low, so are Sand Hollow and Quail Lake. We may need to implement water restrictions.

Derek reported the Washington County Water Conservancy District has requested all cities adopt a time-of-day watering restriction. The District is requesting cities water from 8 pm to 10 am.

La Verkin City currently has an ordinance in place that lists watering times to be from 6 pm to 10 am and since we use primarily irrigation water, he feels the City will be fine sticking with what we already have. It also makes it easier to educate our citizens and lessens the chance of putting a drain on our system.

He has already notified the District that we intend to continue with our time-of-day watering recommendation.

Kevin explained La Verkin's ordinance applies to both culinary and secondary water, the County's version has exempted secondary water. Our ordinance is also consistent with the 2008 City Water Plan. Passing the County ordinance would put the City in conflict with its water plan and wouldn't address most of the water being put on lawns.

The County ordinance is also difficult to understand if the watering time is mandatory because it doesn't list any penalties. Mandatory water times can be dangerous. When everyone is watering at the same time it can cause low water pressure and drains the storage tanks so there could potentially not be enough water flow to put out a house fire. He feels it's more efficient and safer to push the voluntary watering time.

Derek reported that in the past when there have been drought issues, the District limits the number of gallons the City can take out of Toquerville Springs and they have not done that yet.

Councilman Gubler asked how many people use culinary water on their yards.

Derek estimated about 70% of the City uses irrigation water.

The District is pushing new construction to use irrigation water.

Derek went over the time-of-day watering ordinance. This ordinance is active, but the City only enforces it when there are drought conditions.

Staff tries to educate our citizens when they see people not following the ordinance by calling them or putting a door hanger at their residence. There is not a penalty attached to it. Penalties come into play when we move into the watering stages.

In the event of an unforeseeable event such as an extended drought, earthquake, reservoir or well failure or other major disruption of the water supply, the city will implement the attached four (4) stage culinary water conservation management plan (the "plan").

PROCEDURES

When the public works director and city manager agree that the conditions meet the guidelines for initiating any stage of the plan, as set forth in this chapter, they shall: 1) notify the mayor, council, and water board, and 2) recommend that the mayor and/or city council declare the water conservation plan and applicable stage in effect.

Stage 1: Voluntary Restrictions on Nonessential Water Use:

Reduction Goal: Ten percent (10%) of peak use.

Water between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M.

Inside use:

- *Fix dripping and leaking faucets and toilets*
- *Do not let the water run while shaving.*
- *Do not flush the toilet unnecessarily.*
- *Take shorter showers or fill bathtub only part way.*
- *Consider installing low flow showerheads.*
- *Do not run the water while brushing teeth.*
- *Do not run the tap to make water hot or cold.*
- *Wash only full loads of dishes and laundry.*
- *Consider replacing any appliance that utilizes water with a low flow type appliance if such appliance is not already low flow.*
- *Reduce or eliminate the use of the garbage disposal.*
- *Wash fruits and vegetables in a basin instead of under running water.*
- *Adjust temperatures in buildings with water cooled air conditioners to require less water.*

Outside:

- *Reduce the use of culinary water for irrigation.*
- *Raise your lawn mower cutting height.*
- *Delay planting any new grass, sod, or other new landscaping.*
- *Do not fill swimming pools.*
- *Use a hose with a shutoff nozzle.*
- *Sweep sidewalks and steps rather than hosing.*
- *Aerate turf areas.*
- *apply only the amount required for good plant health.*
- *Monitor soil moisture to determine if watering is needed.*
- *Avoid watering on windy days or midday.*
- *Keep fire hydrants closed.*
- *Repair leaks in hoses, pipes, faucets, and connections.*
- *Limit operation of nonrecycling fountains*

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The city manager and/or the mayor and city council shall then implement the following mandatory water conservation measures in addition to voluntary conservation:

Stage 2: Mandatory Restrictions on Nonessential Water Use:

Reduction Goal: *Fifteen (15) to twenty percent (20%) of peak use.*

Large irrigators using culinary water, including, but not limited to, city parks and schools shall reduce irrigation by twenty five percent (25%)

Water between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M.

- *washing streets, driveways, or other paved areas is prohibited.*
- *Noncommercial car washing requires using a hose with an automatic shutoff nozzle.*
- *Filling of private swimming pools or hot tubs is prohibited.*
- *culinary water for ornamental fountains, waterfalls, or reflection pools is prohibited.*
- *Delay planting any new grass or sod.*

PROCEDURES

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The city manager and/or the mayor and city council shall then implement the mandatory water conservation measures required in stage 2 as well as the following additional mandatory conservation measures in addition to voluntary conservation:

Stage 3: Mandatory Restrictions on All Culinary Water Use:

Reduction Goal: Twenty-five (25) to thirty percent (30%) of peak use.

- The use of fire hydrants for purposes other than fire protection will be prohibited.
- Water use for noncommercial washing of automobiles and trucks shall not be permitted.
- Users will be allowed seventy percent (70%) of use levels of the baseline year use. All users will reduce demand by thirty percent (30%).
- Culinary water will not be used to irrigate city parks or schools.
- Spray irrigation and hand watering may occur for a total of fifteen (15) minutes per landscaped area.
- Culinary drip irrigation systems, bubbler, or soaker hoses may be operated for maximum of two (2) hours.

Some exceptions are allowed in stage # 3

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The city manager and/or the mayor and city council shall then implement the following mandatory water conservation measures, in addition to voluntary conservation:

Stage 4: Water Rationing Plan for All Available Culinary Water Resources

Reduction Goal: Forty (40) to sixty percent (60%) of peak use.

- *General: It is imperative that water customers within the city of LaVerkin area achieve an immediate and further reduction in the water use to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health, sanitation, and provide fire protection service.*

The objective of this local water rationing plan is to affect an immediate forty percent (40%) reduction in water use. Should drought conditions continue, further reductions in usage might be required. If it is necessary to implement further reductions, this plan will be modified to meet the crisis.

The plan provides for equitable reductions in water use on the part of each water customer. The success of this plan depends on the cooperation of all water customers. During this stage, the approval of any new building permits will be prohibited until the conservation restrictions are lifted.

- *Nonessential Use: It is the primary responsibility of each water customer to meet its mandated water use reduction goal in whatever manner possible. The following culinary water uses are declared nonessential and shall be prohibited within the city of LaVerkin, in addition to the restrictions specified in stages 2 and 3:*
 - *Watering lawns with culinary water.*
 - *Culinary watering of outdoor gardens, landscaped areas, trees, shrubs, and other outdoor plants, except by means of a bucket, pail, or handheld hose, equipped with an automatic shutoff nozzle between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M.*
 - *Use of water for flushing sewers or hydrants by municipalities or any public or private individual or entity, except as deemed necessary and specifically approved by the city in the interest of public health and/or safety.*
 - *Use of fire hydrants for construction purposes.*
 - *Use of fire hydrants by the fire department for testing fire apparatus and for fire department drills, except as deemed necessary and specifically approved by the city in the interest of public safety.*
 - *Water Use Restrictions for All Culinary Water Customers: Customers include residential, commercial, industrial, institutional, public, and all other users, except for healthcare facilities.*

- *Water Use Restrictions for Healthcare Facilities: Healthcare facilities shall comply with all restrictions imposed on water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.*
- *Each healthcare facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of patients or residents to achieve a twenty five percent (25%) reduction in the institution's water usage. That level of conservation will be recommended to the city for billing and record. The established level that does not endanger the health of the patients will be provided to the city for record.*

Exceptions are provided for in Stage # 4

ENFORCEMENT AND VIOLATION PENALTIES:

The LaVerkin City utility billing department shall be charged with monitoring culinary water usage. Upon documentation of a customer's violation of the required water conservation reduction amounts, the billing department shall impose the following penalties:

A. **Stage 1:**

- *Violations: Notice of violation with request for greater attention to water usage reduction.*

B. **Stage 2:**

- *First violation: Notice of violation with one billing period from date of notice to cure and reduce water usage.*
- *Second violation: Fine of twenty-five dollars (\$25.00).*
- *Third violation: Fine of fifty dollars (\$50.00).*
- *Fourth violation: Fine of one hundred dollars (\$100.00).*

C. **Stage 3:**

- *First violation: Notice of violation with one billing period from date of notice to cure and reduce water usage.*
- *Second violation: Fine of fifty dollars (\$50.00).*
- *Third violation: Fine of one hundred dollars (\$100.00).*
- *Fourth violation: Fine of two hundred dollars (\$200.00).*

D. **Stage 4:**

- *First violation: Notice of violation and fine of one hundred dollars (\$100.00).*
- *Second violation: Fine of two hundred dollars (\$200.00).*
- *Third violation: Fine of four hundred dollars (\$400.00) plus misdemeanor citation.*
- *Fourth violation: Fine of six hundred dollars (\$600.00), misdemeanor citation and water shutoff.*
(Ord. 2005-23, 5-17-2005)

Derek suggested having the Mayor write a letter encouraging time-of-day watering and include it in the budget public hearing mailer being mailed to every resident.

Kevin suggested putting the letter on the website as well.

Derek explained the Water Board would get involved once the City determined we needed to implement the water restriction stages. He hopes that by encouraging the citizens to be mindful of their watering time we can avoid implementing the stages.

He read over the different stages and penalties associated with each stage. See Exhibit A

Kevin pointed out the time-of-day watering ordinance is in effect until the City implements water stage restrictions.

Derek reported the City has crossed over to solely irrigation water to water the parks and cemetery.

The La Verkin Elementary maintenance department has inquired about the possibility of moving from culinary to irrigation.

Kyle will include the letter and a list of ways citizens can conserve water in the upcoming flyer.

Derek doesn't feel the City needs to change our ordinance, however, that is a decision for the Council to make.

Kyle mentioned the Washington County Water Conservancy District is going to pursue grant money and indicated that they may be willing to help La Verkin City improve the secondary water system with that money.

Mayor Hirschi said the District also commented that the Biden Administration feels Utah uses more water than anywhere else in the world.

Kyle added that they aren't comparing apples to apples. Each state determines the amount of water used differently; they need to develop a universal formula that accurately calculates the amount of water used.

They label Springdale as the highest water user because they look at the population of 500 but don't take into account there are 10-12 hotel rooms for every resident.

Councilwoman Wise feels that the fields being irrigated with water cannons need to be addressed more quickly and severely. The comments she hears from citizens is that the City doesn't care about water conservation and reference those fields. The large water users need to be spoken to specifically. They seem to think that because they have water shares, they have the right to use whatever the share amount is.

She also feels the violations under stage 2 needs to be doubled.

Kevin said at the same time water availability diminishes the possibility of fire increases.

There have been three times since he has been here that the City made a proclamation to voluntarily adhere to restrictions regarding what is allowed to prevent fire danger. There were no penalties attached to the proclamation and it was passed in conjunction with declaring a water stage.

He mentioned this so as the Council is considering the different water stages, to think about possible fire restrictions as well.

Councilman Hardy asked where the penalty money goes.

Kevin answered the money goes to the City unless it is a misdemeanor citation and then it goes into the court system. Stage 4 is the only misdemeanor penalty, and he has only seen the City go to a stage 2.

F. Mayor & Council Reports:

Mayor- He attended a meeting with Commissioner Dean Cox who reported Dancer Hill on Kolob Mountain will be getting guard rails. Mayor Hirschi has responded to several fatal accidents at this location. The County will need to purchase property to widen the road, but it will be a good thing.

Wilson-He met with the Washington County Water Conservancy District regarding the hot springs and they in turn have contacted the people from Colorado.

Wise-The County is interested in taking over the BLM Right of Way application that La Verkin City had submitted. There is a pot of money the State has for funding regional active transportation and the County thinks the multi-use trail would be a perfect project for that money. The County would need to be the entity of responsibility for the environmental assessment to make that application. This item will be on an upcoming agenda.
The content for the La Verkin Overlook lower Trailhead kiosk has been completed. They are waiting on the construction of the kiosk.

Gubler- Nothing new to report.

Hardy-Nothing new to report.

G. Adjourn:

The motion was made by Councilman Chuck Hardy to adjourn, second by Councilman Kelly Wilson. The motion was carried unanimously at 6:55 pm.

May 5, 2021
Date Approved

Richard M. Hirschi
Mayor Richard M. Hirschi

ATTEST: Christy Ballard
Christy Ballard
City Recorder