

City of La Verkin

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www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, October 20, 2021, 6:00 p.m.

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

Present: Mayor Richard Hirschi, Council Members: Kelly Wilson, Patricia Wise, Ray Justice, Micah Gubler, and Chuck Hardy, Staff: Chief Ben Lee, Kyle Gubler, and Kevin Bennett, Public: Blair Gubler, Joni Lyman, Debbie Hardy, Harlee & Terra Oliphant, Naomi Dick, Jaylee Jones, Mason, Maridee & Met Johnson, Rachel & Ben Hardy, and Zach Renstrom. *Derek Imlay and Christy Ballard were excused.*

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

B. Presentation:

1. Royalty

Mayor Hirschi introduced the 2022 La Verkin City Royalty.

Naomi Dick is Miss La Verkin, Mason Johnson is 1st Attendant, Jaylee Jones is 2nd Attendant, Rachel Hardy is 3rd Attendant and Harlee Oliphant is Miss Congeniality.

2. Senior Companion & Foster Grandparent Programs-Joni Lyman

Joni reported Senior Companion has resumed its service since being on hold from COVID. There are no senior companion employees in La Verkin but there are several individuals who receive the service that live here.

The Foster Grandparent program was put on hold last year from COVID and she lost a lot of her senior helpers. She is trying to get new volunteers. La Verkin has 1 foster grandparent who goes to La Verkin Elementary School. Both programs are doing well, and she expects her numbers to get back up soon.

In the past, La Verkin has donated \$700. This money goes toward the federal grant match requirement.

Several Councilmembers asked her about the application procedure & requirements for both programs, so Joni went over the application process and time commitments.

3. Landscape ordinance-Washington County Water Conservancy District

Mayor Hirschi changed the order of the presentations.

Zach Renstrom explained the Conservancy District was asked by the different communities in the County to come up with some conservation measures the cities could adopt.

The District reached out to lots of city councils, mayors, consultants, and home builders. Some of the things he is presenting are not necessarily what they are asking it is just ideas to start the discussion. See Exhibit A.

The first recommendation was a time-of-day watering ordinance for culinary systems. If you are on a secondary water system this would not apply to you.

Water wasting ordinances and new water efficiency standards are the other recommendations being discussed.

The recommendations will be for new construction only, not existing homes. It would be a set residential standard that is easy to follow. If a homeowner wanted to do something different, they could through a WaterSense certification process. The numbers listed for the outdoor requirements are just to start the discussion. Communities will determine what the actual number would be.

There were several ideas mentioned with the secure city verification. Certificate of Occupancy was a good opportunity to look at this or scale the water rate so homes who use over a set amount pay higher water rate fees.

The two issues brought up with outdoor requirements were large lots and backyards. No city in Washington County requires a backyard to be landscaped before they get a certificate of occupancy. So how do we work with backyards?

The traditional cost numbers came from the American Water Works Association and studies done by New Mexico.

The landscape modification number came from homebuilders in the area. They also said the price has dropped drastically over the last 10 years and will probably continue.

The concept pages were designed by a landscape architect on how individuals could comply with the recommended standards.

They also contacted other municipalities in the Western United States and the one thing they advised them to do was to plant trees and shrubs. This will help with the heat index.

The changes to commercial properties would be easier to regulate because much of what is already going into a commercial building is already WaterSense. The only business that came up in discussion is carwash facilities. There was a lot of talk requiring carwash facilities to recycle the water. There are several options discussed after meeting with local and Las Vegas carwash owners. He went over the recycling process explained to them. Recycling the water is not the answer. The answer is to set a standard of 40 gallons of water per car and let the carwash industry figure it out, which they have. He would recommend changing the bullet point from recycling pumps at carwash facilities to setting a standard for carwash facilities. The District heard nothing negative from the commercial industry regarding the suggested standards.

Councilman Wilson asked if these requirements were strictly for culinary water use. La Verkin City has a secondary water system.

Mr. Renstrom replied yes, this is for culinary water use only. Right now, this would not apply to La Verkin valley but the La Verkin bench area would be a perfect location to implement this program. Some other communities are talking about creating a standard for secondary water systems but the District has not addressed that at all.

Councilman Wilson commented the State is pushing for that, but when asked how La Verkin could meter the Virgin River water and all they say is the City would probably be exempt from it. There is not a meter company willing to offer a warranty to us.

Mr. Renstrom said he has spoken with the State Legislature, and they understand the issue we are dealing with. He has also spoken with the State Senate and the Speaker of the House who told him there will be legislation dealing with water this year, they just don't know what it is.

The County Commissioners will be hosting a water summit for all city councils to communicate with each other on creating something everyone is willing to adopt and enforce. The homebuilders were adamant they want a uniform method for the County. They are extremely supportive and advocates for this process.

Kyle asked about the timeline for this.

Mr. Renstrom said there are two reasons they would like to get moving on this. One is to have it in place before the summer and two is if the County has done something and the legislature wants to pass something else, we can say "legislature, we are good so take us out of the picture".

Councilwoman Wise asked if the District was looking for a percentage or set amount of lawn. She also asked if the District was hoping for set numbers and ordinances to come out of this summit or is it just going to be communities agreeing that we do need to start conserving water?

Mr. Renstrom replied either/or. Whatever the communities decide is fine with the District. He just needs a number so he can calculate estimates on how much water the County has left.

The reason for the numbers listed in the presentation is to start the conversation. Everyone he has talked to agrees we need to use the water wisely. The question then becomes, what does that mean. That is why he started with 750 square feet and the cities can decide what they feel is best practice. He will then take that number and determine how many building permits we have.

Councilwoman Wise pointed out that other, larger cities will definitely have more building permits available to them and therefore take a greater share of the existing water even though La Verkin will be enforcing the same restrictions.

Mr. Renstrom thinks the three big cities are all willing to do something. He knows there is a lot of discussion on where the line should be. The summit will get the cities together to come up with something that works for everyone.

Councilman Wilson suggested educating citizens with existing lawns. He feels that most people overwater.

Mr. Renstrom said that the Governor's office is going to start paying people to rip out their lawn. The Governor is recommending 5 million dollars for grass rebates.

Councilwoman Wise asked about the status of the District culinary overwatering surcharge.

Initially, she was not in favor of this additional fee. However, after reviewing it she realized it would only affect a small percentage of people in La Verkin City.

Mr. Renstrom replied the District is still working through that. It has been a slow process but a good one.

Staff is writing an exemption for stock watering and then it will be coming back but he is not sure of the timeline.

The State is also considering a state surcharge.

He explained there would be a line item on the bill that would be WCWCD water use surcharge and they would charge residents who use over 36,000 gallons of culinary water per month an extra one dollar per 1,000-gallons that would go directly to the District. The District will use 100% of that money for conservation. It will go back into the communities when they have a water conservation project they need help funding.

About 75% of Washington County residents would never get this surcharge, and 15% of the remaining residents would pay less than \$4.

Kevin asked how the District plans to enforce the surcharge. In reality, the City will be required to collect and enforce it.

Mr. Renstrom answered that the thought is there will be a line item on the bill stating WCWCD water use surcharge. The District will send out letters to the individuals who receive the surcharge stating the District is interested in helping them.

Where La Verkin City has a secondary water system he thinks very few people would ever get this surcharge.

The goal is to get rid of that charge. A lot of the people they contacted had no idea they were in the top 10% of water users.

In the next 20 years, a lot of hard water issue decisions will have to be made.

Councilman Wilson asked the status of the Lake Powell Pipeline.

Mr. Renstrom replied Utah has the water rights to build it but because of the drought and the Biden Administration there are a lot of negotiations going on with the River and we just got sucked up into that.

The Bureau of Reclamation is coming out with a new hydraulic model of the Colorado River. They want to finish the model and then stick the Lake Powell Pipeline into that model to finish the environmental documents.

It's frustrating because we should be building it right now. Utah has only used about 50% of their water and the Pipeline will only be about 5% more.

The Biden Administration shut everything down too.

In the negotiations going on, Governor Cox has stated the Lake Powell Pipeline is a priority for the State of Utah and he will not agree to anything on the Colorado River unless we resolve our water rights and get the opportunity to use our water the way we want to use it and we want to use some of our water in the Lake Powell Pipeline.

With that, he feels very positive about the pipeline but the timing of it is going to be an issue.

4. Victim Service Coordinator-Tiffany Mower

Tiffany apologized for having to leave during the last city council meeting.

A lot of people have decided victim advocacy is only domestic violence. She is a victim advocate/trauma-informed crisis counselor for child abuse, sexual assault, suicide, fatal accidents, pretty much everything.

With October being Domestic Violence Awareness month, that is what she is going to focus on.

In Utah, 1 in 3 women and 1 in 7 men will experience domestic violence abuse in their lifetime. We all know someone who has been in an abusive relationship. Victim services try to help people who are trying to leave abusive relationships.

They also create boundaries and safety plans for those who aren't ready to leave.

The goal is to help those who are hurting to reset their lives and get back on track.

Victim Service is a collaborative program amongst the agencies in the eastern half of Washington County. La Verkin City is the hosting agency through the La Verkin City Police Department.

She also sits on a lot of boards. She is currently the regional leader for the Mass Casualty Team for the State of Utah.

She sits on the Sexual Assault Response Team and the Washington County Coordinated Community Response Team.

Tiffany has served in this capacity for the last twelve years. Over the last 2 years, she has seen an increase in the services she offers across the board.

Tiffany stated she loves her job and the end goal of making this community better and making victims feel better. She then thanked the Council for their support.

5. Specialized Investigations-Steve Johnson

Steve apologized for missing the last city council meeting and thanked the Councilmembers for the opportunity to let him present. He has been working with La Verkin City for about 2 years as a grant-funded, specialized detective.

See Exhibit B.

This program has been beneficial to La Verkin City as well as the parole officers.

Chief Lee mentioned the beauty of this program is how much time it frees up for the officers.

The Mayor called for a brief intermission at 7:22 p.m.

Councilman Gubler left the meeting.

The meeting reconvened at 7:27 p.m.

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. Checks and Invoices: \$55,967.97

The motion was made by Councilman Chuck Hardy to approve the consent agenda as written, including the checks and invoices in the amount of \$55,967.97 second by Councilwoman Patricia Wise. Roll Call Vote: Hardy-yes, Justice-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

D. Citizen Comment & Request for Future Agenda Items:

No comments.

E. Business:

1. Discussion and possible action to approve a donation to the Senior Companion and Foster Grandparent programs.

The motion was made by Councilman Kelly Wilson to approve a donation of \$700 to the Senior Companion and Foster Grandparent programs, second by Councilwoman Patricia Wise. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Hardy-yes. Motion carried unanimously.

2. Discussion and possible action to approve Resolution No. R-2021-20; a resolution approving and adopting a Cooperative Agreement with the Utah Department of Transportation, State of Utah, for the cost-sharing of the State Route 9/17 La Verkin Planning Study.

Kyle reported the Council has discussed this previously. The City will pay approximately \$5,000.

Utah Department of Transportation will be coming to the Council to discuss the possibility of a roundabout at this intersection. Pedestrian traffic is still a concern with a roundabout, but this study will help determine its feasibility. It will also address how the Toquerville Bypass Road will affect SR17.

The motion was made by Councilwoman Patricia Wise to approve Resolution No. R-2021-20, a resolution approving and adopting a Cooperative Agreement with the Utah Department of Transportation, State of Utah, for the cost-sharing of the State Route 9/17 La Verkin Planning Study, second by Councilman Kelly Wilson. Roll Call Vote: Hardy-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

3. Discussion and possible setting of a public hearing for the surplus Resolution No. R-2021-21, a resolution declaring certain property-a portion of Tax Parcel LV-50-SA, owned by La Verkin City, and located adjacent to the intersection of 300 South and SR9, La Verkin, Utah to be surplus and providing for its disposition by private sale to an individual.

Kyle explained this is the Jim Soria property that has been previously discussed.

Kevin explained the public hearing is necessary to determine if the property should be surplus and if the City should sell it to a private individual.

He feels comfortable with this drainage easement and trail easement.

This resolution does not release the historical drainage easement from the property.

The motion was made by Councilwoman Patricia Wise to set a public hearing for Resolution No. R-2021-21, a resolution declaring certain property-a portion of Tax Parcel LV-50-SA, owned by La Verkin City, and located adjacent to the intersection of 300 South and SR9, La Verkin, Utah to be surplus and providing for its disposition by private sale to an individual, for November 3, 2021, or the first meeting thereafter, second by Councilman Kelly Wilson. Wilson-yes, Wise-yes, Justice-yes, Hardy-yes. The motion carried unanimously.

4. Review, discussion, and possible action to ratify the mayor's signature on a Justice Assistance Grant (JAG). Chief Lee explained the Department applied for and received a \$3,500 grant. This is a grant we have received multiple times before.

This will cover the cost of additional police equipment.

The motion was made by Councilman Ray Justice to ratify the Mayor's signature on the JAG grant for \$3,500 for the purchase of equipment, second by Councilman Chuck Hardy. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Hardy-yes. The motion carried unanimously.

5. Discussion and possible action to accept the 275 West Road Dedication from Ninta Properties LLC.

Kevin explained the location of this street. It is a steep road along an empty parcel behind the Spanish Garden Townhome subdivision and south of Riverwood Estates Subdivision.

Derek reported to Kevin the work has been completed and the paperwork was ready to go.

This will finalize the road dedication.

The original discussion was to put in multifamily housing, but it is going to be two building lots.

The motion was made by Councilwoman Patricia Wise to accept the 275 West Road Dedication from Ninta Properties LLC, second by Councilman Ray Justice. Hardy-yes, Justice-yes, Wise-yes, Wilson-yes. The motion carried unanimously.

6. Discussion and possible action to approve an Independent Contractor Agreement for the Zion Regional Collaborative (ZRC).

Councilwoman Wise said this was approved in draft form. The only thing that changed was the contributions from the other parties were solidified. All parties involved increased their contribution except for Hurricane City.

This is the actual contract.

The motion was made by Councilman Kelly Wilson to approve an Independent Contractor Agreement for the Zion Regional Collaborative, second by Councilman Ray Justice. Roll Call Vote: Hardy-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

F. Mayor & Council Reports:

Wilson-Nothing new to report.

Wise: Nothing new to report.

Justice-Nothing new to report.

Hardy-Historical Preservation is looking at the historical information of the Overlook Trail.

G. Adjourn:

The motion was made by Councilman Ray Justice to adjourn, second by Councilman Chuck Hardy. Hardy-yes, Justice-yes, Wise-yes, Wilson-yes. The motion was carried unanimously at 7:47 p.m.

Kyle asked the Council if they were in favor of participating in Wreaths Across America. The Councilmembers were in favor of participating this year.

December 1, 2021

Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

Richard M. Hirschi
Mayor Richard M. Hirschi

Exhibit A



Recommended Ordinances to Extend Limited Water Supplies

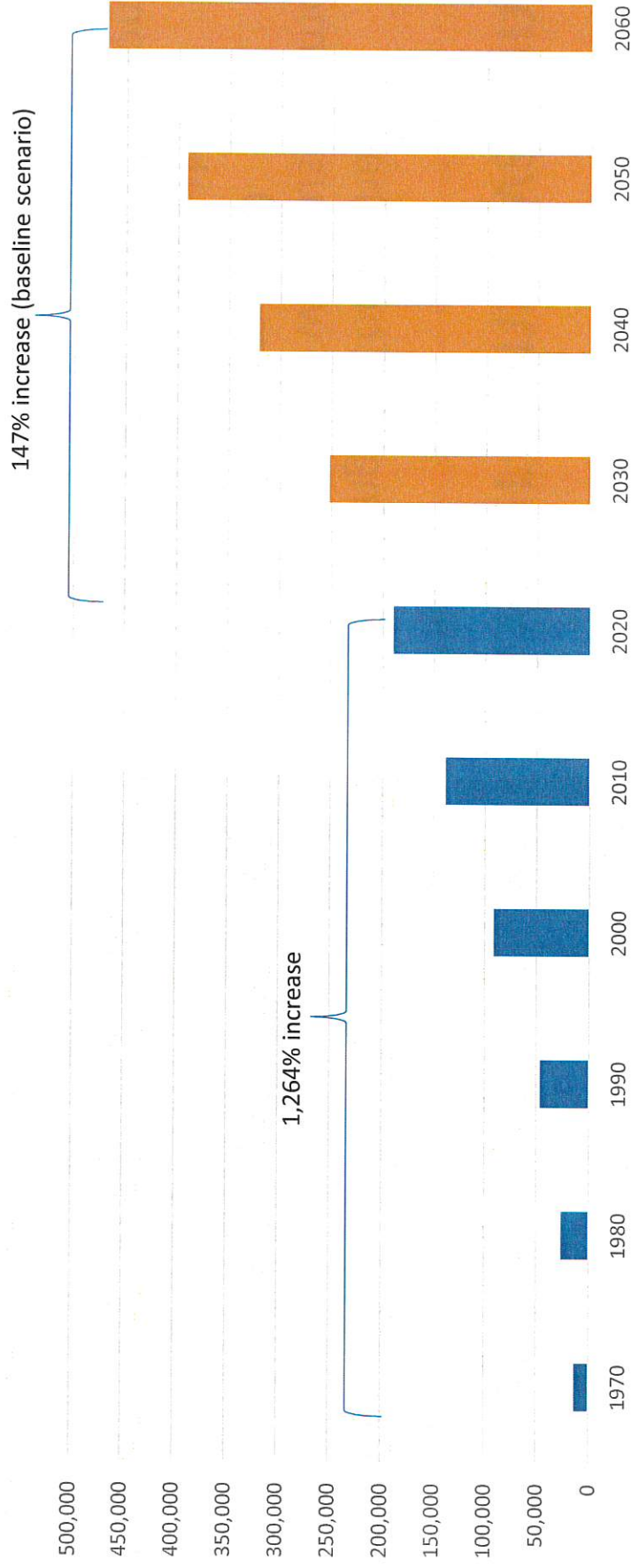
Zach Renstrom | City Council Meetings | September 2021

Water Supply

Washington County's major population centers are 100% dependent on the Virgin River basin, which is closed to further appropriations.

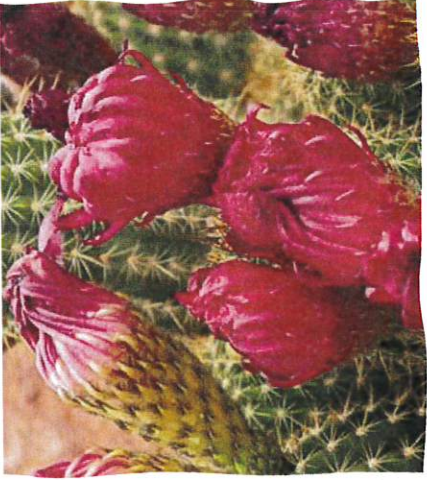


Population Growth



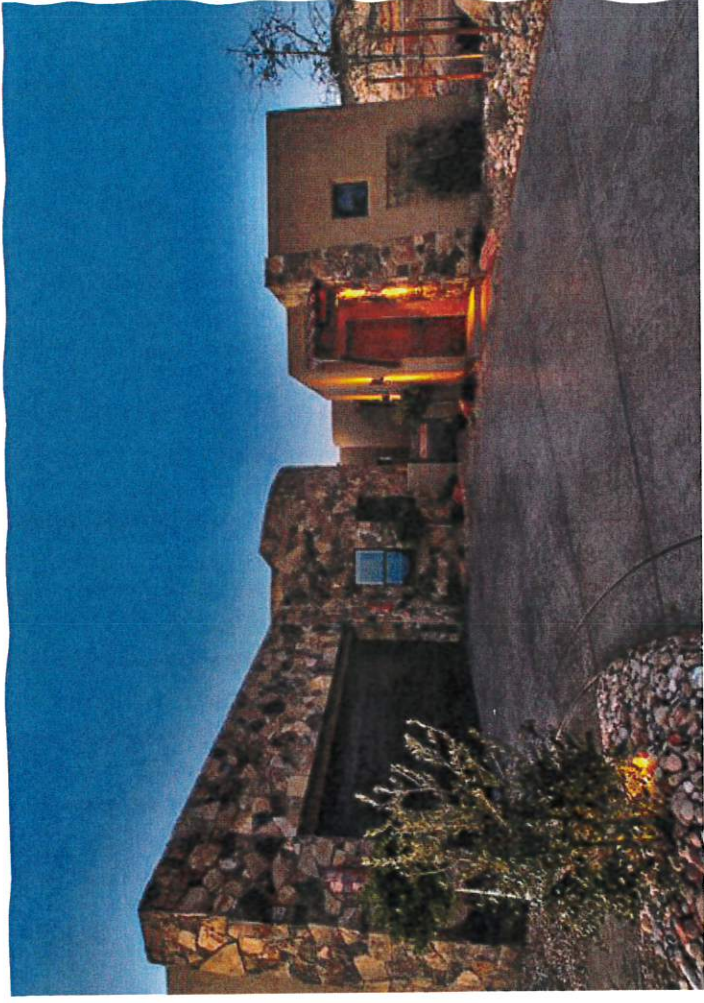
Source: ■ U.S. Census Bureau, ■ Kem C. Gardner Policy Institute





Water Conservation

- Washington County has decreased its water use by more than 30% since 2000
- First county to meet the statewide water conservation goal
- More than \$70 million invested in recent conservation efforts



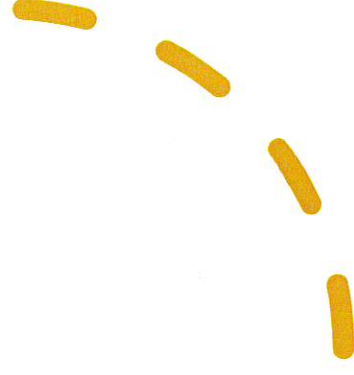
District Recommendations

- Time-of-day watering ordinance
- Water waste ordinance
- Water efficiency standards for all new construction



Water Efficiency Standards

- Ongoing collaboration with all our municipal partners to ensure standards are consistent throughout the county
- Standards would apply to all **new** construction, including all homeowner association areas and those served by secondary irrigation water



Residential Standards

Applies to all new residential construction, including single and multi-family housing

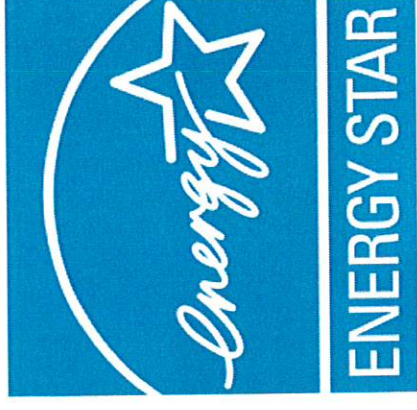
Two options:

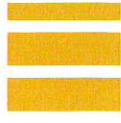
Traditional
Conservation

WaterSense
Certified

Residential Standards: Traditional

- Indoor requirements
 - Hot water recirculation system
 - WaterSense labeled fixtures
 - Energy Star appliances
 - Multi-family housing individually metered with the capability of tracking/reporting unit specific use





Residential Standards: Traditional

- Outdoor requirements
 - Limit irrigated landscape area to 2,500 square feet, lawn to 750 square feet
 - Pools, spas and other water features count toward 750 square feet unless covered
 - Install landscape specific meters at each property
 - Use a minimum number of approved water-efficient trees and shrubs; irrigate with a drip system
 - Install water-smart irrigation controllers
 - Avoid lawn on park strips, slopes greater than 25% and areas less than 8 ft wide
 - Require pool covers
 - Secure city verification
-

Residential Standards: Traditional Cost

Conservation Measure	Average Cost	Anticipated Water Savings (per gallon/year/home)
Hot water recirculation system	\$550	10,600
WaterSense toilet	\$0	1,900
WaterSense faucet	\$0	3,700
WaterSense showerhead	\$0	2,800
Energy Star dishwasher	\$100	400
Landscape modifications (separate meter, smart controller and more efficient landscape on 10,000 sq ft lot)	\$3,250	28,700
Pool cover	\$10,000	10,000

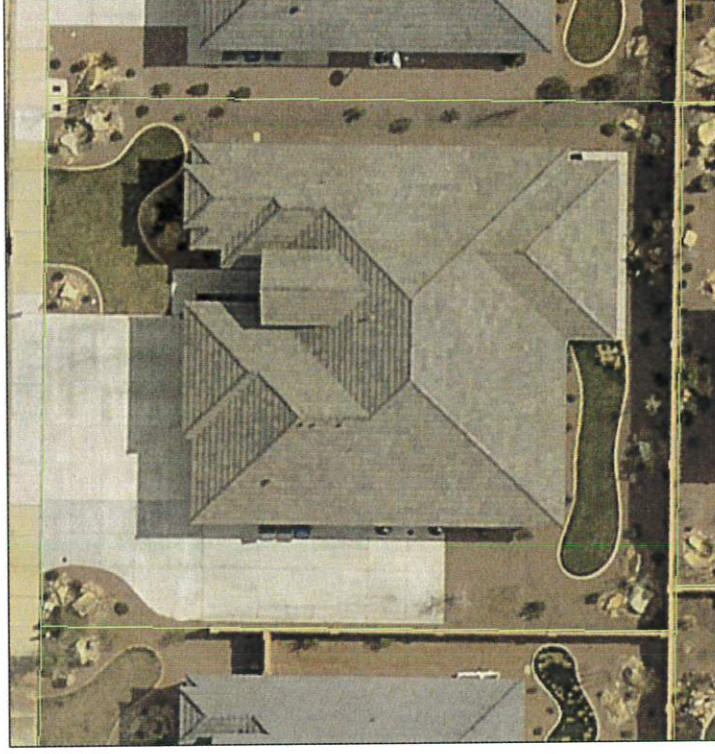
Residential Standards: Traditional Concept



Examples



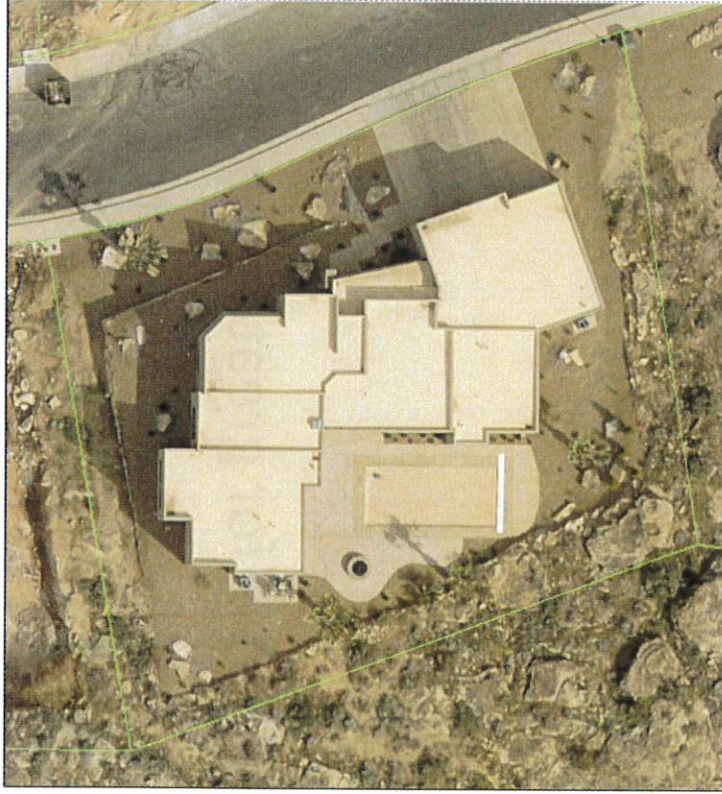
10,300 sf lot



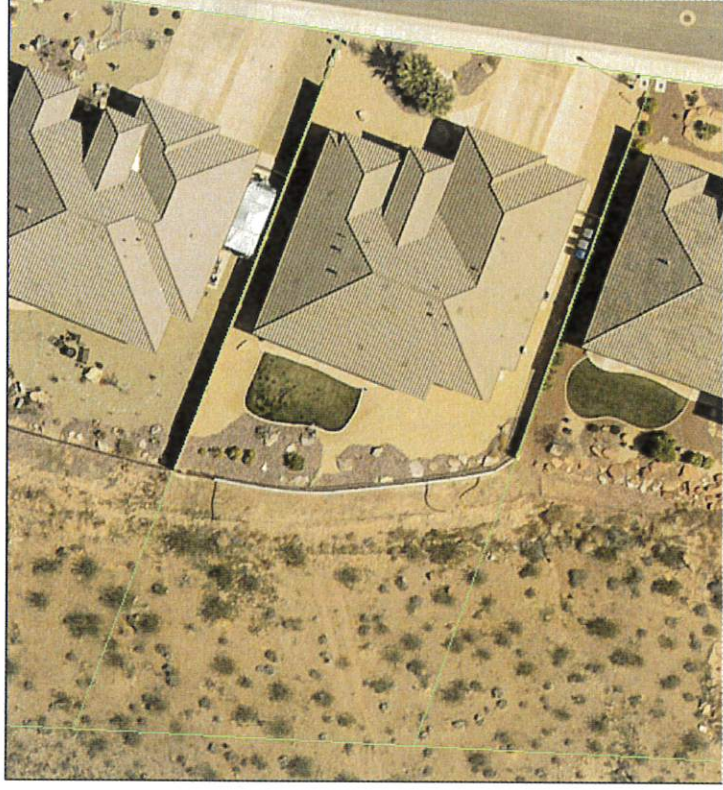
9,040 sf lot



Large Lot Examples

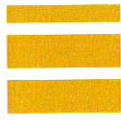


18,500 sq ft lot



18,700 sq ft lot



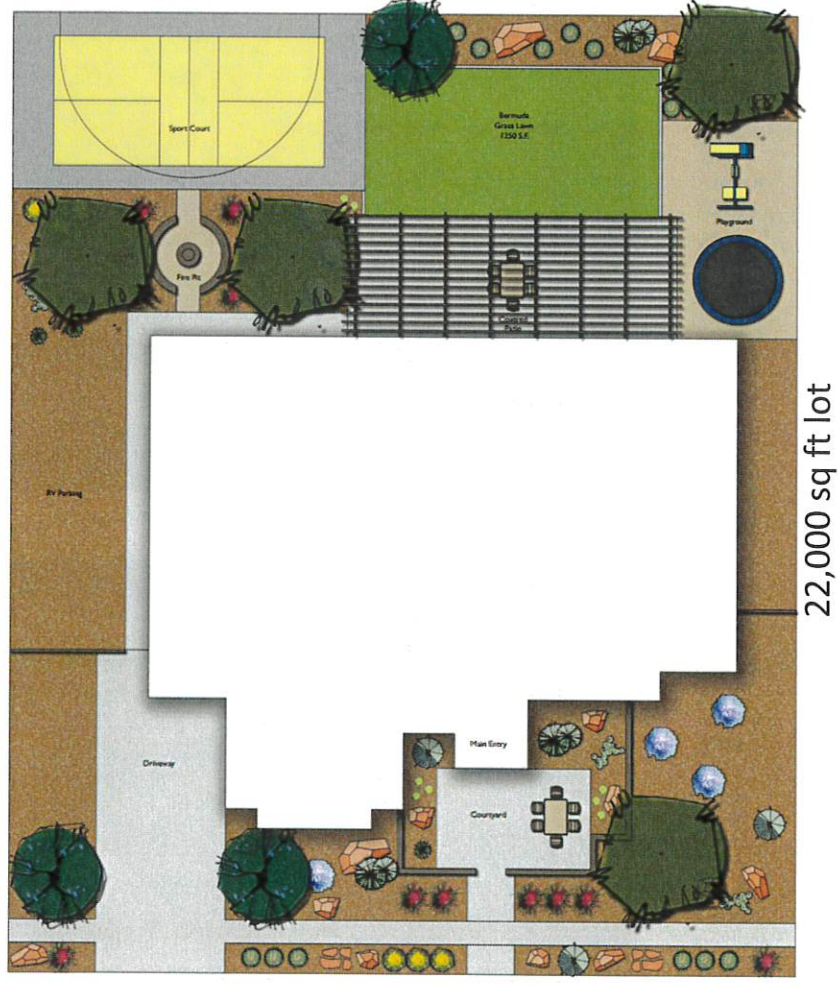


Residential Standards: Certified

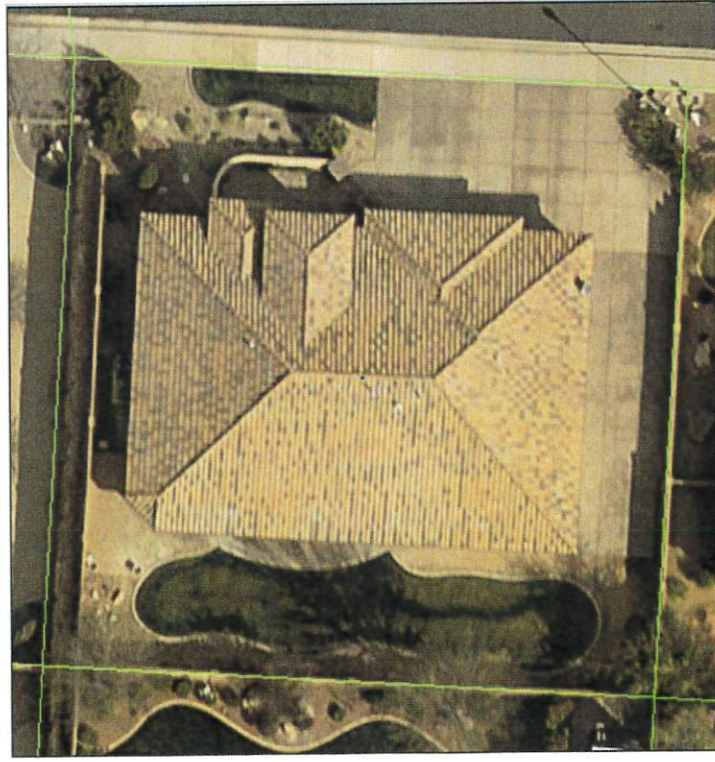
- Allows for greater flexibility
- Certification by approved verifier
- Additional costs



Residential Standards: Certified Concept



Examples Requiring Certification

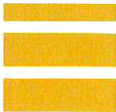


10,900 sq ft lot



18,200 sq ft lot





Commercial, Institutional and Industrial Standards

- Indoor requirements
 - Hot water recirculation system
 - WaterSense labeled fixtures
 - Energy Star appliances
 - Submeter all units
 - Recycle pumps at carwash facilities
-

Commercial, Institutional and Industrial Standards

- Outdoor requirements
 - Lawn prohibited unless a waiver is granted demonstrating a functional purpose
 - Install landscape specific meters at each property
 - Use only approved water-efficient trees and shrubs; irrigate via drip system
 - Install water-smart irrigation controllers
 - Enforce water budget and require use of secondary irrigation at golf courses
 - Prohibit decorative water features
 - Limit commercial misting systems for use from May – August
 - Secure city verification



Feedback, Q&A

wcwcd.org
info@wcwcd.org



Washington County's Comprehensive Water Plan



Existing Sources



Conservation and Reuse



Local Projects



Ag Conversion



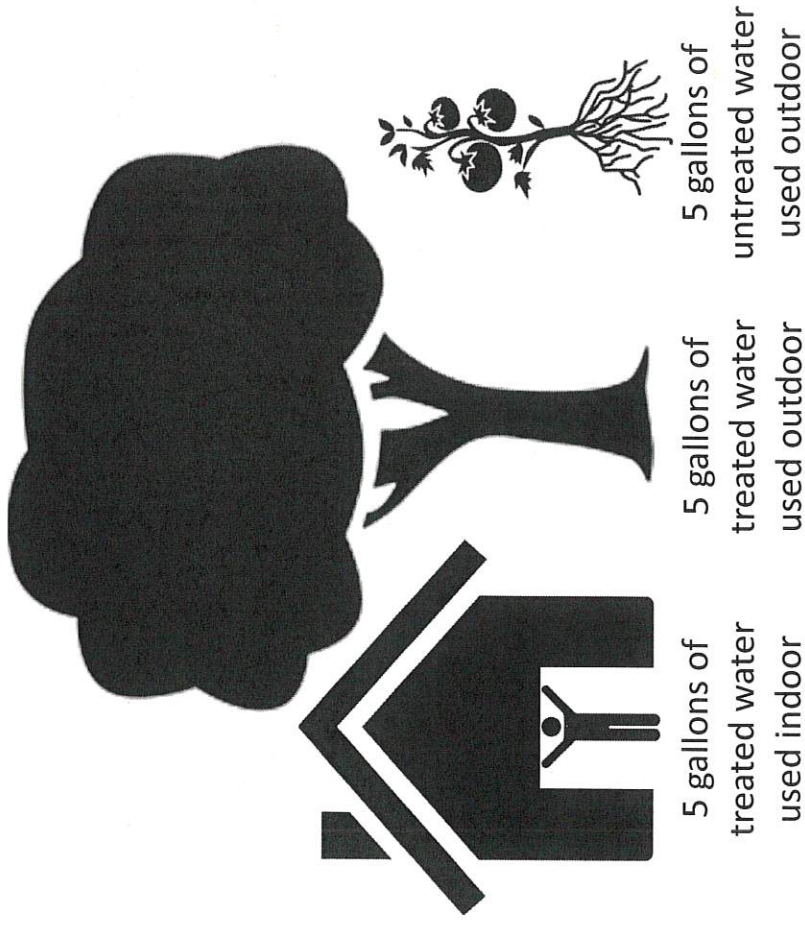
Lake Powell Pipeline (LPP)



LPP Reuse



Reporting Water Use: the Numbers Game



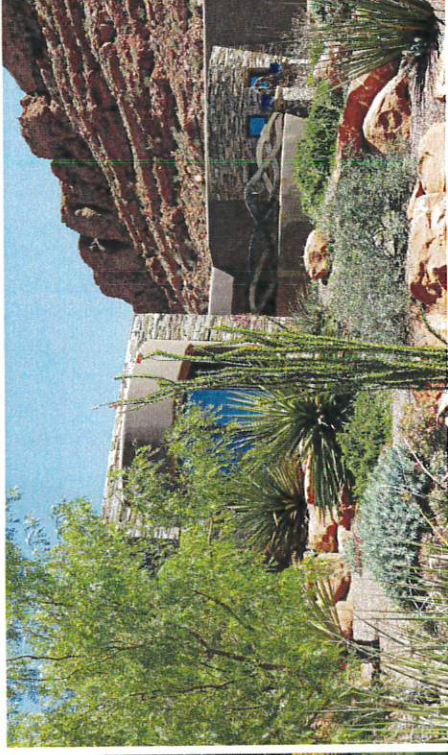
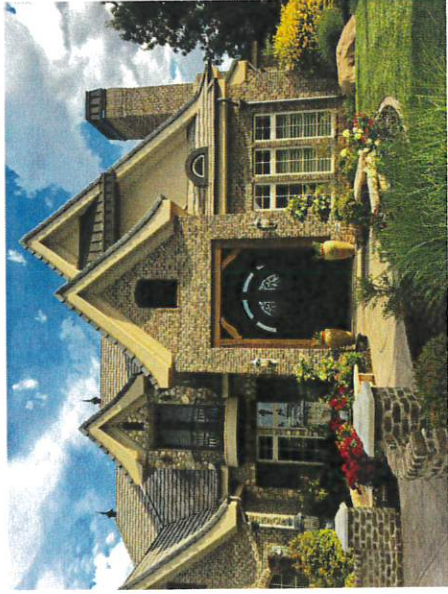
How much water did I use?

- A. 15 gallons
- B. 10 gallons
- C. 5 gallons
- D. 3.3 gallons



Southern Utah Landscapes

- Southern Utah boasts some of the most water-efficient landscapes in Utah
 - 2018 GOMB Water and Land Use study
 - Salt Lake County: 44% vegetative cover; 70% turf
 - Washington County: 17% vegetative cover; 35% turf



Conservation, Rebate & Education Programs

- Universal metering
- Secondary water meters
- Smart controller irrigation technology
- Discounted impact fees for water wise landscapes
- Tiered water rates
- Landscape ordinances
- Time of day watering ordinances
- Requirement of a water conservation plan for municipal customers
- Water efficient landscape workshops
- Public information programs/school education
- System water audits, leak detection and repair
- Free outdoor irrigation efficiency audits for residences and businesses
- Water Smart irrigation rebate program
- Water Smart commercial upgrades equipment rebate
- Training and certification of landscape training professionals
- Financial incentives for irrigation upgrades
- Large landscape conservation programs and incentives
- EPA WaterSense appliance rebates
- Statewide water-wise plant list and tagging program
- Public athletic fields conversion to artificial turf grant program
- WaterSense toilet/urinal rebates
- Multi-family high-efficiency washer rebate program
- Funding for local and statewide media campaigns



What is it?

Grant funded by Violence Against Women Act (VAWA)

Position was started in January of 2019, position filled March of 2019

Specializes in Investigating: Sexual Assaults, Domestic Violence Cases, Stalking and Protective Order Violations, and Dating Violence.

Also has been handling Child Abuse cases, Burglary cases, Fraud cases, Arson cases, and other cases that Officer's need help on.

Background

Certified Law Enforcement Officer for 18 years

Full time Employment with Hurricane City PD

Currently a Patrol Officer for Hurricane City PD

Spent 7 years in Investigations Division

SRO: Hurricane High School from 2012 to 2016

Full Time Detective from 2016 to 2019

Holds numerous Certifications ranging from, Field Sobriety Tests, Field Training Officer, Certified Computer Voice Stress Analyser Technician, etc...

Sexual Assault's

All of these incidents include the following

- Rape
- Object Rape
- Sexual Abuse
- Sodomy
- Sexual Battery

This includes both Adult and Juvenile Cases

Domestic Violence

These cases can be a volatile situation.

These are very emotionally driven cases

These cases include both physical and verbal fights

Children can be involved

My role is to follow up on the cases when Patrol has taken the original report.

This includes taking action that is necessary and making sure the victim has all of the resources available to him/her

Protective Orders

What is a Protective Order?

- Order from the court protecting the Petitioner (Requesting Person) against the Respondent (person who the order is against)
- Can place restrictions on the Respondent if the court finds they committed an act of violence, threatened violence or attempted violence against the Petitioner
- This can order the Respondent to:
 - Not commit violence against people listed on the order
 - Not contact or communication in any way with people on the order
 - Stay away from the Petitioners home, work, school and place of worship
 - Not possess, have or buy a firearm or other type of weapon
- If order is violated the person can be arrested and charged.

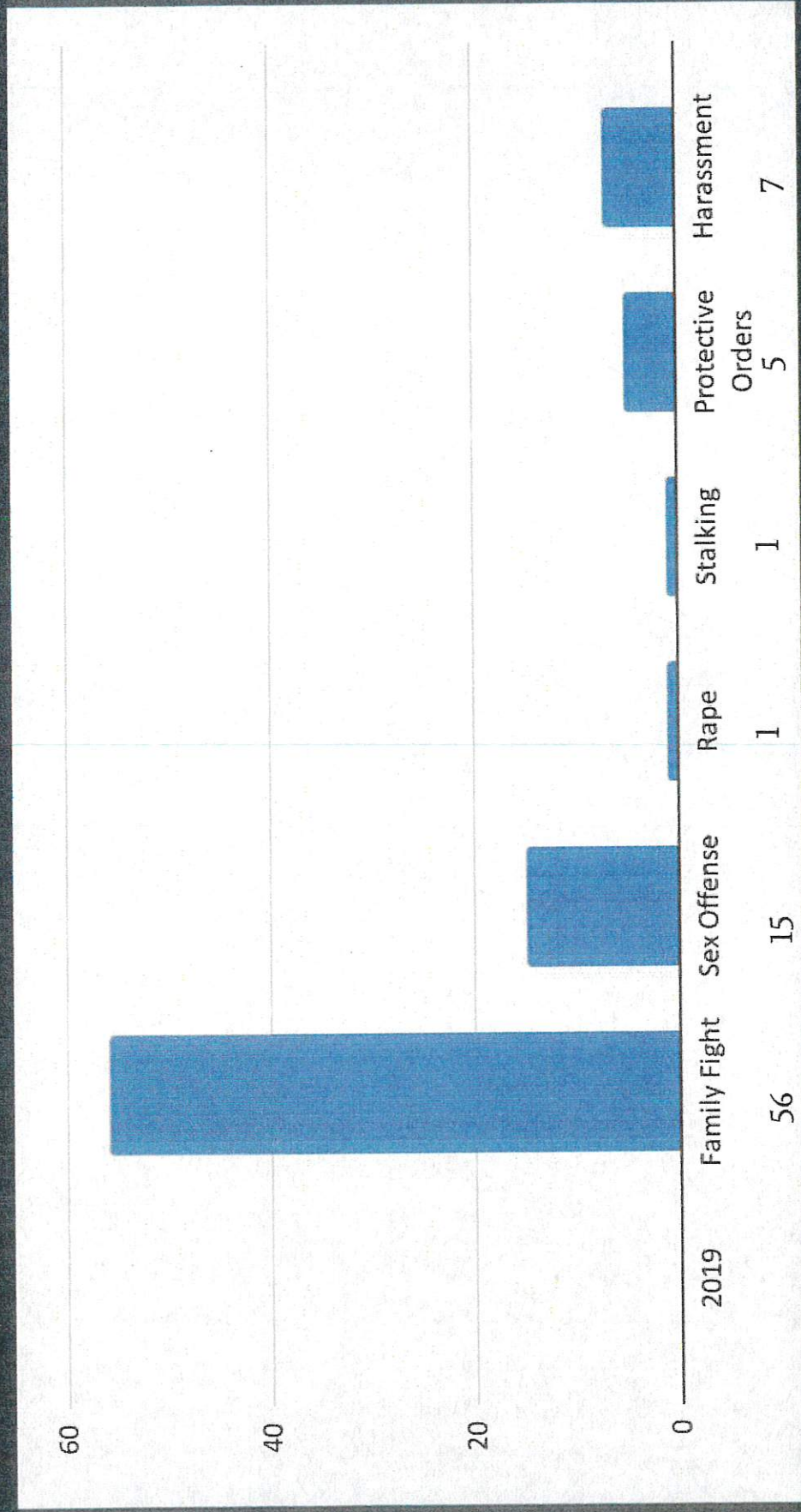
Civil Stalking Injunction

- What is Stalking?
 - Following
 - Monitoring
 - Observing
 - Photographing
 - Surveilling
 - Threatening
 - Communicating
 - Interfering with property
- Must have two or more reports that causes a reasonable person to suffer emotional distress or be afraid for their safety.
- Similar to a Protective Order:
 - Only difference is this does not allow the respondent to stalk, not contact or go near the petitioner and may not go around others that are listed on the order

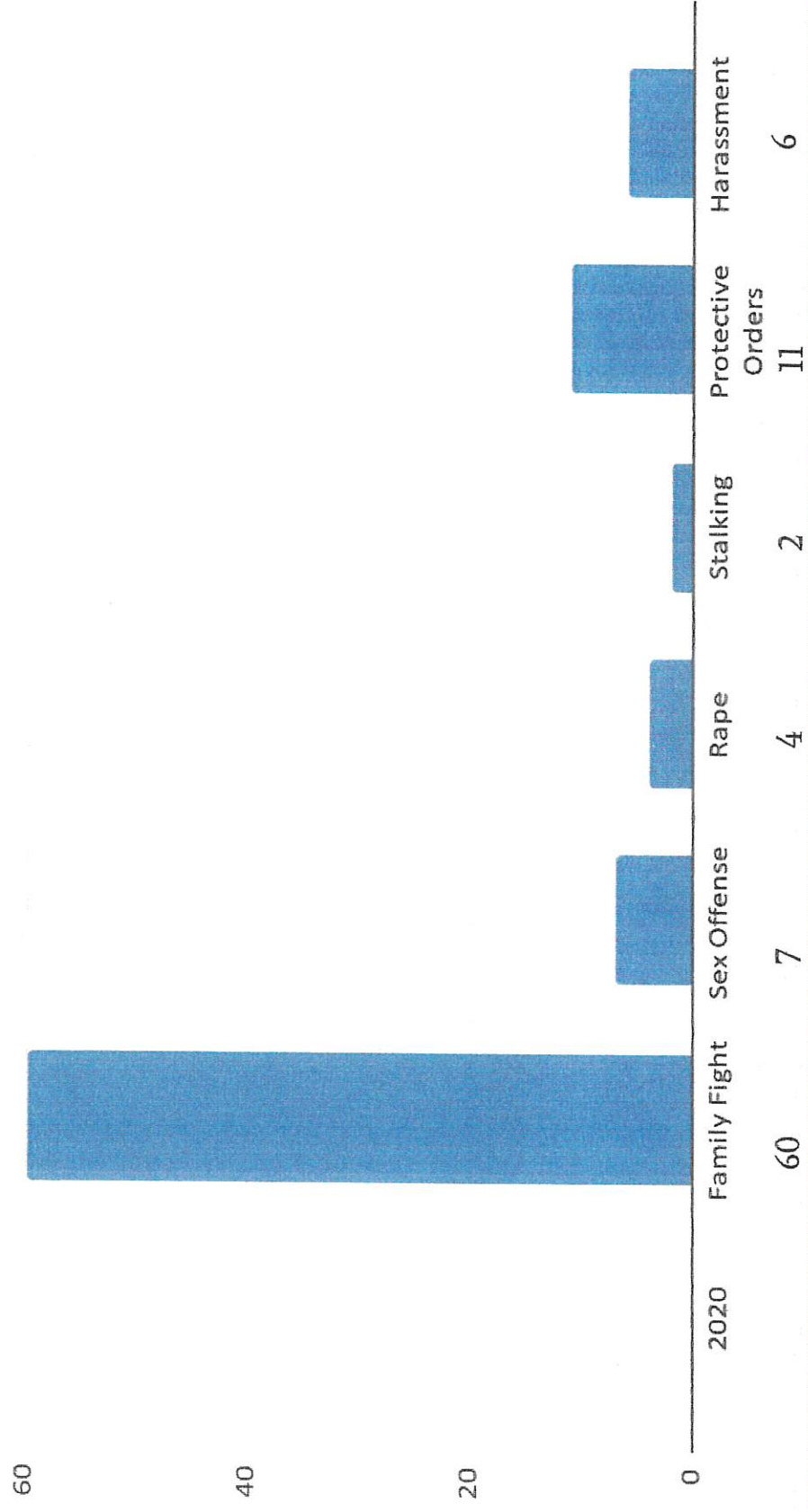
Cold Cases

- Male arrested for Sexual Assault after case was closed for not being able to find suspect. Suspect located, interviewed and arrested
- Rape case involving a child. Case was never looked into, follow up was done and interviews were conducted but the victim sustained mental trauma, was adopted and adopted parents didn't want it brought back up.
-

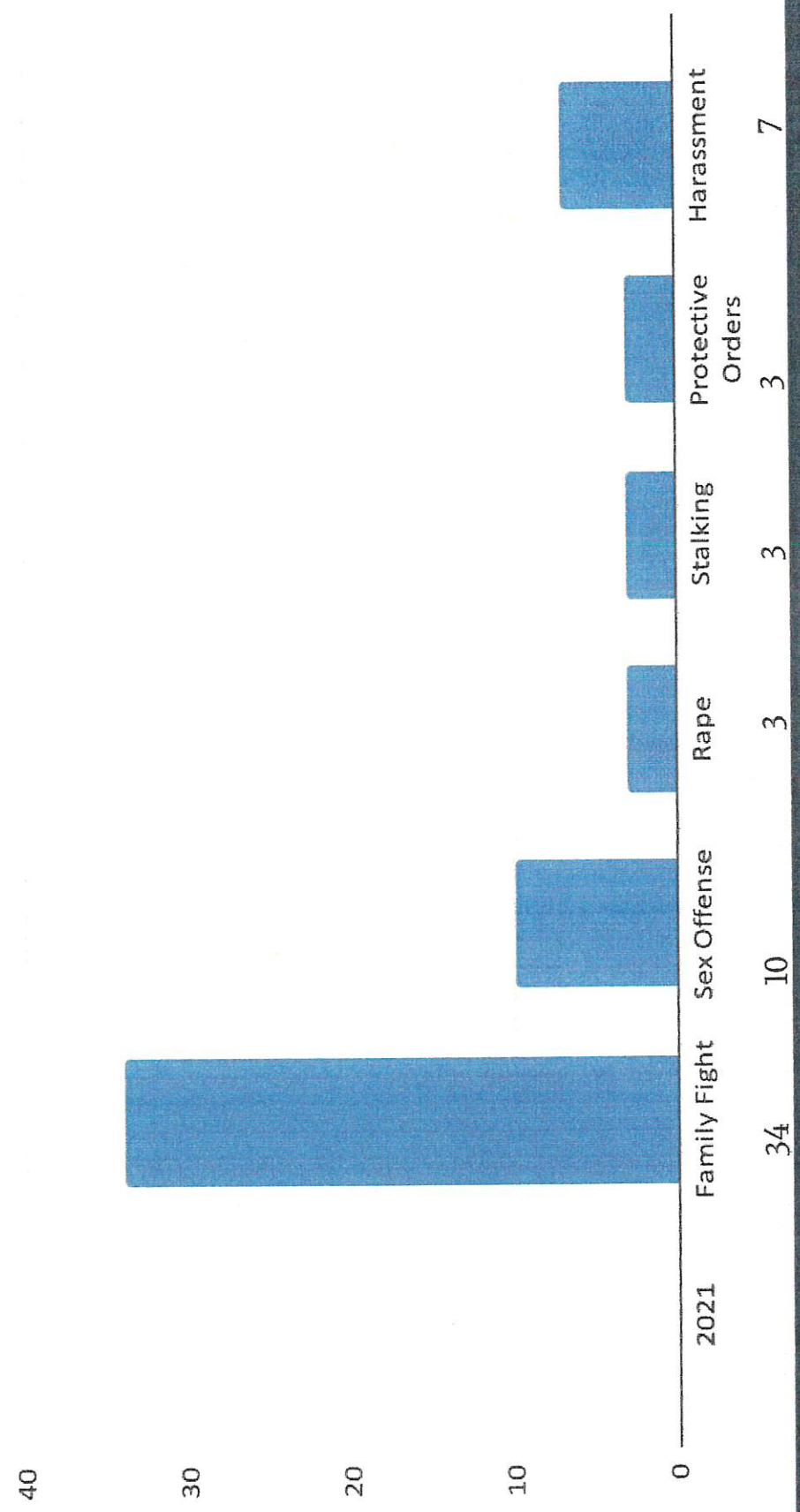
Stats from inception of program to current



2020 Stats



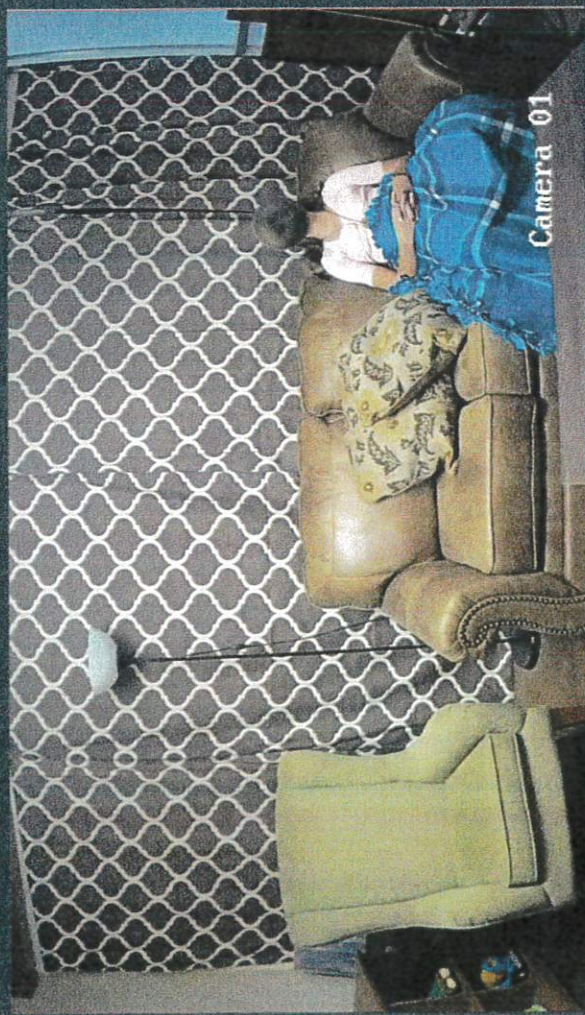
2021 Stats - These are thru 9/20/21



What Are The Benefits Of This Position

1. Follow up is able to be done in a more timely manner
2. Allows Patrol Officers ability to stay on the road and answer calls for service
3. Helps eliminate the chances of a case falling through the cracks
4. Cases are able to be solved and prosecuted in a more timely manner
5. Allows the Detective the ability to attend important meetings, interviews and reviews where Patrol Officers would be taken from the City

Forensic Interview Room



09-03-2021 Fri 13:31:06

