



City of La Verkin

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www.laverkin.org

Confluence Park Executive Board and Technical Advisory Committee Minutes Wednesday, November 17, 2021, 3:00 p.m.

Present:

Board Members:

Richard Hirschi	La Verkin City
Cameron Rognan	Washington County HCP
Kaden DeMille	Hurricane City
Gary Chaves	Toquerville City

Advisory:

Steve Meismer	VRP
Dennis Kay	VRLPA
Jessica Kinross	UDWR
Kathleen Nielson	Grant Writer
Chelsea Duke	UDWR

Others:

Randee Sanders	Washington County HCP
Emily Friedman	Zion Regional Collaborative
Leslie Fonger	Greater Zion Washington County
Matt Goodrich	Ash Creek Special Service District
Steven Scott	Washington County Attorney's Office
Nanette Billings	Hurricane City Council
David Hirschi	Hurricane City resident
Mickey Reese	Hurricane City resident
April Pinkston	Hurricane City resident
Michael Brody	Hurricane City resident
Raymond Musser	Hurricane City resident
Tony Walters	Hurricane City resident
Richard Cutts	Hurricane City resident
Rex Sorenson	Hurricane City resident
Patricia Wise	La Verkin City Council
Trudy Rees	Hurricane City resident

I. Meeting Called to Order:

Mayor Richard Hirschi called the meeting to order at 3:02 pm.

Items 1 and 2 switched spots.

II. Business:

1. Update on treatment facility-Ash Creek Special Service District

Matt Goodrich reported the plant design is 30-40% complete. Construction will not begin for at least 1 year. It is still too far out to determine an actual timeline.

He presented a map of easements and explained there are many people with easements within the corridor. He pointed out the preliminary water easements and mentioned nothing is set so they could be moved.

Ash Creek SSD will only run the lines part of the way. La Verkin City would need to continue the lines if they wanted them any further.

The lift station location was changed to get them out of the flood plain. It would also be a better location for future restrooms in Confluence Park by giving them the ability to gravity flow.

He explained the location of the plant.

Kathleen asked if design elements were depicting what the plant is going to look like.

Matt did not have those with him. The building is not fully designed but he can email what they have to interested individuals.

They will try to blend the building with the surrounding area as much as possible. Trees will also be planted to hide the building as much as possible.

Steve thought the plant was going at a different location. He has seen water where the new location is. He also asked about the 100-year return flow.

He would also like Matt to send him any information he had regarding this plant.

Matt said the original location was more in the flood plain so that is why the building was moved.

He was not sure about the 100-year return flow.

Mayor Hirschi pointed out Ash Creek SSD does not own the property Steve thought was the original site.

Jessica asked if the Ash Creek SSD 50 sewer easement was the original easement granted with the Park or if they are proposed easements.

Only approved easements can be used.

Ash Creek SSD will need to get DWR the information before the project goes much further so they can begin looking into whether utility easements can be changed.

2. Zion Corridor Trail Presentation-Greater Zion

Emily Friedman with the Zion Regional Collaborate (ZRC) & Leslie Fonger with Greater Zion presented on the Zion Corridor Trail. This trail will be a paved pathway to connect La Verkin City to Springdale. They will also discuss what could affect Confluence Park as far as a regional trail and what is happening on either side of the Park.

Emily began by explaining who is involved in the ZRC and what they do.

The Zion Corridor Trail was one of the first projects targeted that might be beneficial for the region. It was also thought of as one element of a larger mobility network. When UDOT established Hot Spot funding in 2017 and was discussing congested areas, the Zion region received 10 million dollars for the public transit system. This trail is an element of that.

The ZRC spearheaded the project by obtaining the funding for a feasibility study. That was completed in 2020.

One of the key elements of that study was looking at four different alignments. She briefly went over those alignments. After looking at many different factors, they determined the SR 9 route would be the first target and the project moved into the next step.

Leslie had an overview map of the Zion Corridor Trail. The trail is about 18 miles of new trail that has a 5–6-year completion timeline.

The feasibility study and subsequent State 9 route put the project on a UDOT list of 23 projects considered regionally significant around the State.

This past spring, the State Legislature put a one-time infusion of 35 million dollars into active transportation projects. UDOT took the list of 23 projects and put them through a ranking process. This trail was ranked 6th in the State and was awarded 10.8 million dollars.

The high-end estimate for the project was 13 ½ million dollars. The remaining 20%, or 2.7 million dollars, will come from tourism funds from Washington County.

They will be looking for additional funding to accomplish other needs for the trail such as trailheads, signage, and maintenance.

This highlights the section between La Verkin and Virgin.

Ash Creek SSD is also looking for a corridor to run the sewer line from La Verkin to Virgin.

Matt reported that the sewer line is contingent on funding.

Leslie continued by mentioning combining a trail with a utility has been done before and they are looking to do it again.

They want this trail to be 12 feet wide in as many places as possible.

The main goal for this trail is to 1; reduce the traffic off SR 9 by offering active transportation options. 2; provide an alternative means of access to Zion National Park and other recreational areas along the Zion Corridor. 3; Increase sustainable recreational and commuting options for residents and visitors. And 4; provide connections between trail systems as part of a future regional trail network.

Leslie had a map of the regional trail system from Grandpa's Pond in Hurricane, around the golf course, to 600 North ending at the softball complex. This trail was also on the regionally significant trails list for the State. Washington County awarded Hurricane City partial funds to complete this trail.

This is a crucial link in the regional trail system trying to connect St. George to Zion and eventually to Gunlock. The 600 North trail does not connect to Confluence Park but it comes close. What that means for Confluence Park with the Zion Corridor Trail on one side and the 600 North Trail on the other is that you will have people going through the Park or looking at the Park as a way to connect.

Two other trail projects in the next 5-10 years will tie into the 600 North Trail in Hurricane. One of those is the Southern Parkway Path that will come along SR7 and the second is the Purgatory Parkway that will connect from the fairgrounds area, across the River to Washington Dam Road in Washington. That will also have some active transportation elements to it. It also will connect to the Virgin River trail system in Washington and St. George. There will be a gap from Purgatory Parkway to Grandpa's Pond. There is not a proposal for that yet, but people are looking into it.

The gaps are narrowing in truly having a regional trail system.

Hopefully, this helps the Board see where Confluence Park fits into those happenings.

As far as within Confluence Park, she knows there has been talk of what it would take for there to be a paved trail but is not aware of a particular plan or way forward with that.

Leslie sent out a comparison list of gravel trails versus asphalt trails to aide this Committee's discussion.

Cameron asked Leslie for a timeline on when the Committee needed to have the discussion.

Leslie replied the 600 North trail should be coming within the next year and the Zion Corridor Trail should be complete within the next 5-6 years but the La Verkin to Virgin will be the first section completed.

It was asked if the grade was being considered in making the trails ADA accessible.

Leslie said they are and that would be a consideration within Confluence Park in particular.

There are a couple of areas along the Zion Corridor Trail, as far as slopes, that will be harder. They are working on the best grades possible to accomplish that with trailheads proposed at the beginning of the trail, on the La Verkin Overlook Road, at the Quad Terrace Road, and just outside of Rockville.

The steepest section is coming out of La Verkin along SR 9.

They are also planning rest benches along the way.

For the trail, they are currently trying to work out the final alignment through La Verkin, the right of way application for BLM, and finalizing the easements through SITLA and private property.

They hope to be doing the environmental analysis for the first part of the trail at the beginning of the year. That is why this is still proposed, there could be changes.

They have worked hard to talk preliminarily with the different parties to make sure they weren't proposing something that would be thrown out.

They are still in conversations on options to get off the highway, particularly between Virgin and Rockville.

Patricia Wise said the funds awarded to the project by UDOT and the County are only for the design and construction of the trail. It does not include the amenities.

As the trail gets designed and built, they are hoping for other funding resources for the amenities. Without the amenities such as parking, the trail won't meet its design of moving active transportation.

Dennis Kay asked about the timeframe of spending for the grant.

Leslie said the Legislature didn't put a lot of rules on this one-time pot of money. When it was awarded, they had to come up with a timeframe of how long they thought it would take. And that is essentially the deadline. The tentative timeline is 5-6 years.

Gary Chaves asked if the project was bid out to get the estimated cost.

Leslie replied it was a high-level preliminary estimate from the feasibility study that was reviewed by the County Engineer.

Emily explained the feasibility study was completed by two different engineering companies.

Patricia Wise reported the trail will end at Ash Creek SSD's property at the north end of La Verkin.

Jessica asked if the 600 North Trail will have the same design.

Leslie answered that trail would be a paved 10-foot trail.

They are eager to match trailheads to the transit system bus route, if possible, but St. George is not ready to have that discussion yet.

The idea of regional connection is extending outside of our County. There is also a lot of work being done on the east side of Zion for trail systems, shuttle systems, and a visitor center.

Cameron thanked Leslie for the chart regarding gravel & asphalt trails and asked if this was for Confluence Park to consider.

Leslie responded that both the Zion Corridor Trail and the 600 North Trail will be asphalt.

The chart was created to give the Board some things to consider when they look at, and plan for, the things going on surrounding the Park.

Kathleen asked if the Park would have access to the money if they decided to continue the Zion Corridor Trail through the Park.

Leslie explained the money is for the Zion Corridor Trail only and Confluence Park is not part of that trail. However, they do have access to other funds they would be happy to help the Park Board tap into. Showing that it would be an extension of this project would put it up in the rankings when applying for other grants or County Tourism funds.

3. Review and discuss the Deed of Conservation Easement-Division of Wildlife

Jess included a copy of the deeds in the meeting packet. She highlighted a few items to review with all the upcoming projects to remind everyone there is a Deed of Conservation Easement that has a few restrictions in it. It states the purpose of the Park and gives a process that needs to be followed for proposed projects.

Chelsea Duke is the Wildlife Lands Coordinator for the Division of Wildlife for the State of Utah.

She explained a conservation easement is a legal document like the deed of your home. You need to think of your rights as a landowner as a bundle of sticks. Each stick represents the different kinds of rights you have as a landowner such as your right to have people on your property, your right to build a house, etcetera.

When the Division purchases a deed of conservation easement on your property you give up some of those sticks to the Division. So, in this case, Washington County is still the landowner of Confluence Park but the Division of Wildlife owns a deed of conservation easement on top of the purchase deed.

Chelsea went over the Deed of Conservation Easement.

The first couple of pages explains why the Division wants the easement.

Prohibited uses begin on page 3. These are the things identified by the Division to be the "sticks" purchased from Washington County. Some of those prohibited uses are the right to subdivide, build structures, or place easements across the property.

Reserved Rights begin on page 4. These are all the rights, or sticks, that Washington County kept with permission from the Division of Wildlife. Those items include agricultural uses, vegetation management, and trails.

The last item she wanted to point out is notice, on page 6. The County is allowed to do the things mentioned above with permission from the Division of Wildlife. The Division reviews the request to determine if it falls within the right and is allowed or if it does not fall within the right and is denied or needs to be modified to come into compliance.

Trails are an allowed use under the easement and Section 8 states the details of those trails.

The Division needs to be notified about all projects and included in the decision of whether it is allowed under the easements.

Gary asked how the Division determined whether a trail could be paved or graveled based on current ADA standards.

Chelsea responded the language in the easement was left open to interpretation.

If it complies with the Confluence Park Management Plan and does not contradict the conservation values, it could be allowable.

A member of the public asked if the easement would preclude the Park from splitting off a piece of the Park and allow a home to be built on the parcel.

Chelsea replied section 9 deals with amendments. If a circumstance arises a modification to the easement could be allowed.

There is a process that would need to be followed and that will be discussed during business item 4.

4. Discussion on the current land exchange proposal and process-Division of Wildlife

Jess explained the Division of Wildlife was approached again by the County about a land exchange.

The Commissioners and the Directors of the Department of Natural Resources discussed that there are some good biological gains for the proposed land exchange.

For a land exchange to go through, the property values must be equal. She had a map of the proposed exchange parcels. Pink is the Park boundary, the two orange hashed is the property that would be removed from the Park and is above the cliffside and the two green hashed sections are what would be added to the Park and are below the cliffside.

The larger green section offers lots of conservation value for wildlife and the Virgin River fish species.

The smaller green section would be a great addition to help make it complete on the bottom end of the cliff.

The orange sections do not have any species value.

Mayor Hirschi mentioned the large green area is mainly ledge.

Jess said there is river bottom included in the section and therefore has conservation value.

This was purchased with Section 6 funding, so they have discussed this idea with the Fish and Wildlife Services as a first step to see if a land exchange was even possible. They did determine there is a biological value to gaining the property. However, there is still a lengthy process for the exchange.

Chelsea went over the process for a land exchange with a deed of conservation easement.

She pointed out a large portion of the property was purchased with US Fish and Wildlife Section 6 money which is money specifically for endangered species. That will require going through the court system to amend the conservation easement as well as fulfill the US Fish and Wildlife requirements.

The overall process is to first perform all due diligence by going through the entire MIPA process to remove the orange sections from the conservation easement. Then Washington County would be free to do with those parcels as they please.

The green sections would then be placed under one of the three conservation easements.

Nanette Billings asked if there were any other areas in Hurricane that Confluence Park could be accessed. Both orange sections provide access into Confluence Park which is important. Hurricane does not want to lose any of its access points into the Park.

A member of the public stated the Park is not ADA compliant and the triangle orange piece is the only piece he and Mr. Walters, being disabled, can use to access the Park.

The surrounding homeowners bought there because of the Park and taking the triangle section away would affect that.

Rex commented that the right-of-way used to access the orange triangle section is the reason for the whole land exchange.

Kaden said there are residents around the triangle piece of property that feel like commitments were made to them prior to building, where that property would never be built upon, securing their view. If this is removed from the Park that property could possibly be built upon.

April Pinkston-she is a veteran with extreme PTSD. She purchased the property after 1 ½ years of looking. She moved here from California and spent her life savings on the property so she would not be boxed in. She cannot be caged in; she would have to move. She bought the property specifically because of that. She has got to be able to get out. If she is behind a wall that destroys her vision and her ability to walk out there, she is like a caged animal, and it's not pretty. She moved there because they said it would never be developed.

Rex Sorensen-He has two points, one of which was covered by Kaden. They went through this four years ago with the first version and thought it was over.

They contacted the Red Cliff Desert Reserve and were told nothing would be done with that property.

They found out, after reading the minutes of this Committee that Mr. Blackmore has been working on the Committee for over 10 years to make a trade. In his opinion, the County entity, that Cameron represents, is perpetuating an untruth, or seriously misleading statement to them. When they bought the properties, they paid premium price for the properties to not be boxed in.

Another way to look at it is if you allow Mr. Blackmore to take his leftover clippings from his development to trade property, where does it end? There are at least 15, or more property owners adjacent to this that have cliff property who would probably gladly exchange their cliffs for another piece of the Park somewhere else. He would like Dennis to state for the Virgin River Land Preservation Association, who donated the property, that this is not what they intended to do with the Park and put an end to this nonsense.

Dennis stated Virgin River Land did not donate the property. They are the entity where all the funding came together. Part of the requirement would be that the County would own the Park and the State would hold the conservation easement.

The conservation value is how that came about.

Richard Cutts-there is a real conflict of interest. He has been working with Rex and 3-4 years ago this was defeated and voted on by the Hurricane City Council unanimously to reject it. Since then, he has been working with this Board and Dennis to pursue Rocky Mountain Power. He would like to state for fact that, and Mayor Hirschi knows this, every single meeting he brought up the property, that looks really good now to strengthen Blackmore's claim, but that could have gone directly to this Park without any inference of inserting a private person who wanted to remove property for his benefit from the Park.

Who is behind this that keeps bringing it up? Never once was this proposition run through the Board. It was coordinated with you and the environmental people. He spoke with Steve Meisner in-depth, who made a public statement that this does not benefit the fisheries. If nothing is ever done with the property it is inaccessible. So, whether it comes into the Park or Blackmore continues to pay taxes for inaccessible property, it's not changing the fishery aspect nor the environmental aspect. So why are we going through this except there's a conflict of interest that Blackmore has worked through Washington County to continue to work this trade. He heard Cameron say to Blackmore we'll work with you to get more property so you can up your trade. What is going on here? What is this conflict of interest, aren't we supposed to be above this?

He doesn't understand how we can remove property from all these people for a single individual. He's causing collapsing of homes on the backside of La Verkin and would put a wall around all of us. This is what's happening. Dennis was willing to work with Rocky Mountain Power to buy it and that's in the minutes.

That task was assigned to Cameron to contact Rocky Mountain Power, what did he do, he ran to Blackmore, assigned it to him independently of this committee. He is one vote of this committee. This is an executive committee that has been kept in the dark for the single purpose of enriching Blackmore.

You heard what Dennis said, his organization buys property for this type of thing. They could have worked with Rocky Mountain.

He would like to know what was told to Rocky Mountain. Did Blackmore tell them the parcel would become part of the Park? Why? So he could strip off the buildable homes and take all the other property within the easement that specifically calls out that viewpoints will be preserved. This is trading away the viewpoint from all the neighbors and it's protected. Yet we are going to trade it for one person who was set up with Cameron and who else?

Cameron wanted to clarify. He is being accused of a lot of things that he believes are untrue. He got this project 3-4 years ago when he stepped into this position.

This exchange has been proposed going back over 10 years. He inherited what was already proposed. He has made no assurances; he made no statements to previous owners. He didn't know any of them until about 3-4 years ago.

The County was presented with a proposal. We have been evaluating that proposal and have been working it through this committee. The Committee made the recommendation to proceed and then Hurricane City came back and said they do not like this particular portion of it, but they do support the other aspects of the trade. From that point, it was put on hold until they figured out what the process was. It was unclear how it would work with the Division of Wildlife.

This has resurfaced with additional pressure from some of the leaders of DNR and the County to figure out the process. That is where we are at right now.

This does not imply that development is going to incur on that triangular piece. That would be a completely different subject matter for Hurricane City to review through their own public hearing process.

We are just simply evaluating what does this look like and how do we proceed, and then going from there.

Raymond Musser- He lives in Hurricane overlooking the property. The first green spot is inaccessible. Nothing could be built there no matter what happens. It is blocked in with no access to it.

Whether it gets traded to the Park or not, it's part of the Park. The Park gains nothing by trying to trade something for something that can't be used.

He has walked the cliffs and there is no access with the new neighborhood going in. Nothing can be built there, and nothing can be accessed there. It will remain that way no matter who owns it.

This is one of their outlooks. Mr. Walter is in a wheelchair; he broke his back in Afghanistan. This is one of the few places he can access the Park. This is one of the few places in Hurricane where you can stand on the cliff and see the entire Park. Losing this is detrimental.

If you go on 100, people have bought property there and left it alone so as not to block the view to their Park. Once again, giving that away takes these people who have bought the land next to the Park and deliberately left it empty with a kick in the face.

April Pinkston- She has a text from Victor Iverson, Cameron's boss, stating he spoke with Kevin Thomas, a Hurricane City Council elect, and he is open to support whatever Hurricane City wants to do. The County is just trying to facilitate and help and has no strong opinion on the issue. Then he said he couldn't make the meeting today.

She also spoke to Victor on the phone, and he said that he is willing to go with what Hurricane decides but he has also said he would try to get it off the table. He then asked her if she was good with that, and she told him she was.

Kaden reported the decision made by the Hurricane City Council was they were not in support of doing away with the triangle piece. The Council did say they would be open to looking at the 1.39-acre piece.

He wanted to clarify that Hurricane City did not support releasing the triangle piece of property.

5. Status of the Virgin River bridge project

Cameron reported Rosenberg & Associates has been doing a lot of the permitting legwork for the project. They have also been coordinating with the County Public Works Department to bid out the groundwork. That should be awarded within the next month and work should begin shortly after that. They are also bidding out the physical structure of the bridge. They are hoping to have that purchased within the next couple of months. Ideally, the project will be complete by late April.

Kathleen reported the bridge will be wide enough for a small, emergency vehicle but it will not be open to vehicle traffic.

6. Discussion on LeRay McAllister Grant

Randee reported a group of individuals planted 32 trees throughout the Park. They have also received some bids for deadfall removal from the fire last fall around the power plant. They will also be removing some of the Russian Olive and Tamarisk.

7. Other projects

Mayor Hirschi asked if permission was granted for Hurricane to remove the concrete building discussed in previous meetings.

Kaden said Hurricane City was willing to knock it over and cover it up. They just wanted permission from the County Commissioners.

Cameron will get in communication with the Commissioners and then with Kaden.

III. Public Concerns for Board Consideration:

No comments were made.

IV. Board Member Concerns:

Steve was at the new trailhead in La Verkin and noticed the old asbestos pipes that run through the wash just before the power plant had plugged and overflowed onto the path. He suggested putting in a single culvert there to prevent the trail from being washed out.

There is another point that crosses a different small wash with basalt rocks across it that could benefit from a small culvert to help preserve that trail as well.

Randee said Mike Schijf is aware of it and is trying to find ways to remedy that portion of the trail.

Cameron asked Steve if it would require permits to do something with the larger culvert that handles the drainage coming by the power station?

Steve didn't think so because it's not impacting the River.

Cameron will have public works look into what options there are.

Mayor Hirschi will have La Verkin's crew look at it to see if there is something we can do.

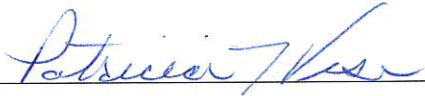
Kathleen reported when the State history people visited last year, they were very excited about what the County was doing in the Park and the power station. They asked if anyone had ever done the historical registry information on the power station. They offered to do that, at no expense to us. That has been completed. They will give that to us so we can put it on a plaque at the power station.

V. Adjourn:

The motion was made by Gary Chaves to adjourn, second by Kathleen Nielson. The motion carried unanimously at 4:38 p.m.

Minutes were taken by Christy Ballard.

1-19-22
Date Approved


Chair