



City of La Verkin

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www.laverkin.org

Confluence Park Executive Board and Technical Advisory Committee Minutes Wednesday, March 16, 2022, 3:00 pm.

Present:

Board Members:

Patricia Wise	La Verkin City
Cameron Rognan	Washington County HCP
Kaden DeMille	Hurricane City

Advisory:

Dennis Kay	VRLPA
Jessica Kinross	UDWR
Kathleen Nielson	Grant Writer

Others:

Steven Scott	Washington County Attorney's Office
Leslie Fonger	Washington County Greater Zion
Richard Cutts	Hurricane City resident
Raymond Musser	Hurricane City resident
Karl Wilson	La Verkin City resident

I. Meeting Called to Order:

Patricia Wise called the meeting to order at 4:00 pm.

II. Approve Minutes: January 19, 2022

The motion was made by Cameron Rognan to approve January 19, 2022, meeting minutes, second by Kaden DeMille. Wise-yes, Rognan-yes, DeMille-yes. The motion carried unanimously.

III. Business:

1. Discussion on possible changes to the Confluence Park Interlocal Agreement

Cameron reported Steven, with the County Attorney's Office, had reviewed the agreement with the idea to change the meeting frequency. During that process they realized several items needed to be updated to reflect how the group operates.

Steven Scott explained an interlocal agreement allows any governmental entity, in this instance, Washington County, La Verkin, Hurricane, and Toquerville, to agree to something. In this case, they decided under the Interlocal Act to create an agency whose purpose is to preserve and move things forward in Confluence Park.

From his understanding, there really isn't an agency. It was created on paper but did not function. This seems to be more of a recommending body. It would be best to create a document that mirrors current practices.

Patricia agreed that the document did need to be cleaned up and stated she is not in favor of quarterly meetings. She would prefer to meet every other month to keep things on track in Confluence Park. She is happy with the changes presented and would like each representative to get this document to the city attorneys for review to be approved at the May meeting.

Steven agreed and mentioned his biggest concern with the document is the agency element. We could create a separate legal entity, but he doesn't think it has been functioning that way.

Cameron mentioned there is a description for the technical committee and the executive board. Can they be separate? How does that interplay with the agency?

Steve replied they could be separate.

This document is well-drafted; it just doesn't reflect what is currently happening.

The document creates a separate legal entity that is a quasi-governmental entity that must follow public meeting regulations. It can contract, sue and be sued, and purchase things similar to a limited liability company or corporation. That hasn't been happening.

Inside that agency, there is an executive director that was supposed to be hired with employees and this Executive Board and the Technical Advisory Committee (TAC). Those two portions can still exist outside the agency because they are recommending bodies.

We would need to dissolve the agency and any assets, if any, and determine how the financing would work. There would be a recommending body with the TAC, which would continue to provide its expertise and make recommendations to all the municipalities involved.

Kaden asked who was on the TAC and the Executive Board.

Patricia replied each entity representative is a member of the executive board. She also named the TAC members.

Steve explained the agreement is written with the TAC as the guide for the Executive Board. The municipality is who has the voting rights.

Get this draft to your city attorneys for review.

2. Status update on the Confluence Park bridge project.

Cameron reported the groundwork had been completed. The abutments are ready to go. The bridge itself is being fabricated in Colorado and should be here in late May.

The bridge will be wide enough to support a vehicle for emergency use. Ash Creek Sewer District has reviewed the plans, and there is space and strength to support an irrigation line.

Kaden asked if there was a worry with the grant deadline.

Cameron said they have been in contact with Utah Outdoor Recreation Grant. They are aware the bridge may arrive after the May 18th deadline. They will give us a grace period if it's only a couple of weeks. Anything longer would require the County to write an extension.

3. Nomination of power plant to the National Register of Historic Places.

Cameron explained the State Historic Preservation Office wanted to get the power plant on the registry of historic places in Utah. They did most of the leg work to submit that application.

We received a letter a couple of weeks ago notifying us that it would be nominated. There is a review board meeting on April 21st. We are hopeful the power plant will make that list.

This is helpful for greater recognition and protection of the area and will also provide better grant opportunities for rehabilitation and restoration of the structure.

Kaden asked if the designation is federal, and if so, are there requirements that could be put in place that could cost us down the road?

Kathleen replied that it is a federal designation, but it is not restrictive.

Cameron said they asked the same thing. He read the fact sheet that stated the owner is not required to open the structure to the public or require them to restore or maintain the property.

4. Discuss possible roof repairs at the power plant and dairy.

Cameron said now that there is a high likelihood of the power plant being on the National Registry of Historic Places, we have a better opportunity to access grants.

When we submit for a grant, Commissioner Iverson has requested we consider restoration work at the dairy.

The dairy seems to be a target for vandals, he wondered if it would it be better to get rid of it?

The first project will be the roof repair on the power plant. Should we also consider roof repairs at the dairy?

Kathleen said initially, the Land Trust hoped the dairy would be an educational place. There is a possibility something like that could still happen but on a smaller scale.

Steve Meismer said he attended a walking tour with Mike Chandler, who said, from an engineering standpoint, there were too many issues to try and restore it. It would be better to remove it and put in a pavilion that could be utilized more readily.

He would rather see the effort put into the power plant.

Kathleen mentioned the original dairy isn't there anymore and the concrete section was never used.

Dennis said the easement that deals with the power plant have provisions listed for educational type things specifically at the power plant. Either building could work, but the power plant was originally intended.

Kathleen mentioned the power plant would be the focal point for the entire Park for interpretive information. However, signage & photos talking about the dairy could be beneficial.

Cameron read the recommendation from the planning process done with Ash Creek SSD. It did not mention the roof but focused on minor architectural improvements, opening windows and doors to allow people to view historical information via weatherproof wall hangings.

Maybe we should remove the roof.

Patricia stated she doesn't think the power plant will last another year without a roof repair.

She also feels that the dairy does play prominently in the residents' minds. If the concrete structures did play a part in the dairy, she would like to keep them. They could be valuable in the educational value of the Park.

The grainery is another structure we need to decide whether to preserve.

Kathleen explained the County had three bids last year for the power plant roof. It was decided that a structural engineer was needed to find out how much of the actual roof structure needed to be replaced. Bill McMurran and the structural engineer who works with historical buildings presented what needed to be done to Commissioner Iverson, who thought it was too expensive.

There was a discussion on possible grant opportunities and what this may or may not qualify for.

Kathleen stated completing the study that Mr. McMurran presented to the Commissioners would be the first step in moving forward.

Cameron will present it again to Commissioner Iverson now there is more urgency to get the roof in order.

For the dairy, most members feel comfortable not going for the roof repair but focusing on the structure, foundation, walls, and doors so people can get in an open environment.

Patricia would like to investigate locally to see how residents feel about the dairy and asked Kaden to do the same in Hurricane.

Cameron mentioned it could be helpful if either city had an engineer that could look at the building to determine if it would be feasible financially to restore it.

Jessica reminded the easement requires DWR to review any project and signage plans.

Leslie suggested using material that is less flammable than the original product.

Kathleen mentioned Ash Creek SSD agreed to design the treatment facility to keep within the period the Park area was in use.

5. Discuss ADA trail proposal as a part of Zion Corridor.

Leslie explained she is currently working on the Zion Corridor Trail. This trail will run from Springdale to the entrance of Confluence Park in La Verkin.

In the regional picture, Hurricane City is working hard to get another regionally significant trail along 600 North to 200 West. They are looking at what it would take to continue down 200 West to provide access to Confluence Park. That would give Confluence Park access to a recreational regional trail on two sides.

Confluence Park is an essential connection from a regional perspective.

Leslie began her PowerPoint presentation, ADA and Confluence Park. See Exhibit A.

Cameron pointed out alternative b would pass by the tortoise exhibit.

Kathleen mentioned she was under the impression that if the continuation of the trail were approved through the Park, the surface would need to be consistent.

Leslie said they would encourage it to be consistent. They hope it will connect to an overall regional trail system that lets people see Confluence Park and gives them a safe route through.

Jessica mentioned the language in the easement would not allow for a paved trail in Confluence Park.

Cameron said that if this does move forward, he would like to combine the utility road and the trail and wondered if that would be allowed on a gravel trail.

Leslie stated a vehicle would tear up a gravel trail.

It is one thing to be compliant and another thing to be accessible by using best practices to make it a good system for the spirit of what ADA is. In her opinion, the spirit is what you would be going for in the intent behind ADA provisions in the deeds.

First and foremost, this trail needs to meet disability requirements and be designed to handle all uses for Confluence Park, including horses and runners, bikers, etc. E-bikes and stand-on scooters are considered non-motorized vehicles in the world of recreation, so that they would be allowed.

Jessica asked if crusher fines would be considered gravel?

Leslie answered that anything not bound by tar falls under the gravel definition.

Kathleen reported on the Santa Clara River Reserve trail project. There is no staff, so today, that trail is full of rocks and is no longer ADA accessible. Confluence Park does not have staff to maintain trails either.

Leslie pointed out there are many things to consider on the wildlife and biological end. Gravel is more challenging to maintain as a surface that meets ADA intent. When designing a trail, you need to take in the whole picture of use.

Today's presentation was to get a sense of how likely it would be that this trail would happen before any time and money are spent.

Kathleen said this is a good question to consider. She talked about the ongoing expense of the Santa Clara River Reserve trail.

Leslie stated the Three Rivers plan is still a goal for most communities. That plan would pave trail connections from Gunlock to Zion.

There are more funding opportunities for active transportation through UDOT and explained the process for getting on that list and other funding options.

The Zion Corridor Trail and Hurricane's 600 North trail are both on the UDOT regionally significant trail list. Confluence Park should have no trouble getting on that list since they would be the connecting piece to these two trails.

She explained that active transportation is moving from one point to another without using a vehicle.

Steve asked how the regionally significant trails would connect if the deed would not allow a paved trail.

Leslie replied they would connect via sidewalks in Hurricane and La Verkin. Both communities have various active transportation plans, but the main thoroughfares are not likely to get a separate path.

Patricia pointed out a paved trail would open the Park to all age groups and make it easier for schools to bring kids into the Park. If there is a way to get pavement, it will follow the intent from the beginning of Confluence Park being a recreational area.

Ray Musser explained that shell rock could be compacted into mats that become like concrete. That could be a good option for ADA, bikes, and horses.

Jessica met with the Lands Coordinator for the State of Utah and the lawyers. This property has a conservation easement that allows some reserved rights but also has restrictions. It does have a provision for trails in section eight, number B, which she read. Pavement or concrete is allowed if required to meet applicable ADA standards. The lawyers said because it also lists other natural materials that can be ADA compliant, all those options need to be explored before pavement.

The County would need to provide creditable sources looking into each approved substrate and why they wouldn't be ADA accessible and provide an explanation justification.

It sounds like other substrates are ADA compliant but not accessible. State Parks suggested crusher fines.

Leslie stated they need to be compliant. Keep in mind the level of use when investigating other materials such as crusher fines.

It is also hard to keep the sides stable. She gave an example of a trail that retained a smooth surface on the top with a lot of maintenance.

The County also needs to decide how much they are willing to invest in moving forward to research the different materials.

Cameron asked Jessica what kind of feasibility study needed to be done to help DWR evaluate the materials.

Jessica said the study would need to show why the specific surface would not meet ADA compliance.

Patricia clarified that the County needs to study the substrates that may work, including the use, to determine if the substrate would work for ADA.

Jessica reminded the Board to include all the uses identified in the deed in the study as a minimum.

Cameron asked what the next step should be.

Patricia answered the two big things would be to search out the detail that Wasatch Adaptable Group has already done. That is an excellent professional way to find out what exactly is required for an ADA trail. We also need research on non-asphalt materials.

The Board should work together to formulate a plan to take to the County Commissioners.

Cameron suggested having another entity champion the project. That would help keep it on task.

The County needs to decide whether to move forward even if it's not a surface they originally wanted.

Leslie said she would be willing to look into the cost of a professional. Her opinion would be to make Confluence Park accessible regardless of the surface used.

6. Update on proposed land exchange.

Cameron reported there was an agreement made by the County to help facilitate the exchange with Mr. Blackmore. There are lockout provisions.

Jessica reported DWR has begun working on a draft exchange agreement.

Steven explained he needed to review the preliminary report. Likely the conveyance will happen conditioned to the easement transfer taking place, within two weeks.

Jessica said once the draft agreement is done, it will go through the court process and then NEPA. Public comment would likely be early to mid-2023.

There are many stages of public comment. NEPA will require public comment, and so will DWR. No one has ever changed an easement before, so this is a new process for everyone.

Patricia Wise opened the meeting for public comment.

Raymond Musser- This land swape deal, he has been working with Mike Lee's office.

Mike Lee has asked him to gather every bit of information from the beginning on the dealings with Blackmore so he can go through it. He doesn't want any more of our public lands traded off.

He would like to receive this stuff because the Park does receive state and federal funding. To make sure this is all legit.

Patricia stated it is legitimate. However, this point is valid. The minutes and agendas are posted on the Public Notice Website.

Steven explained the information from the County could be received via GRAMA request. The agreement between the County and Mr. Blackmore's entity is there with all the parcels listed. One parcel has been removed. It is the small parcel by the houses. There is an undeveloped access lot that the County is keeping as well.

Three parcels are coming in, and one parcel is going out.

He explained on the map the location of these parcels.

Richard Cutts-He has been with this meeting for almost six years. The Interlocal Agreement provides for the Board to have authority. The Board has never taken their authority. They can't even buy a padlock that's \$15.

There is a two hundred to three-hundred-thousand-dollar budget for this park, but nobody has ever been able to spend it. It's become a unilateral decision based upon the County Commissioners to what they're going to fund.

He thinks changing the Interlocal Agreement to reinforce the unilateral agreement is a bad idea. He finds nothing wrong, but he finds that the Board does not take the authority given to them through the Interlocal Agreement.

Mr. Cutts mentioned the trail suggested that goes up by the foundation has a lot of petroglyphs that are very precarious the way the rocks are positioned. There is also a major cliff that may be difficult for ADA people trying to negotiate a turn on that massive cliff. Barriers would destroy it. That whole area is a bird nesting area that is very critical. The hawks are in that area. They are even shown on the petroglyphs. That should remain a natural area and not be improved.

Cameron reported the County has records that highlight the main spots throughout the Park.

Mr. Cutts continued by saying he was not aware in the six years he has been coming to the meetings of a signed agreement with Mr. Blackmore. That should be public information.

Steven stated it happened a few months ago and was conducted publicly, so it is public information.

Patricia mentioned the County Commissioners meet twice per month and explained agendas and videos of the meeting are posted on Utah.gov.

Mr. Cutts said, for Kaden's sake, he doesn't know if he was ever informed about the approval for the foundation removal that had to go to the Commissioners. It should have been able to be made by the Executive Board.

They gave the permission and wondered if there was a timeline for that.

Kaden answered that it would get done when the crew does maintenance work in the Park. He will coordinate with Cameron.

7. Other projects

Patricia reported Ash Creek Special Service District would give an update during the May meeting. There will also be an update on the landslide.

The Power Plant Park is nearing the completion of the grant work.

IV. Public Concerns for Board Consideration:

Done previously in the meeting.

V. Board Member Concerns:

Steve Meisner mentioned the Division of Wildlife stocked 5,168 wound fin in the Park by the confluence of La Verkin Creek and the Virgin River.

VI. Adjourn:

The motion was made by Patricia Wise to adjourn, second by Cameron Rognan. The motion was carried unanimously at 4:45 pm.

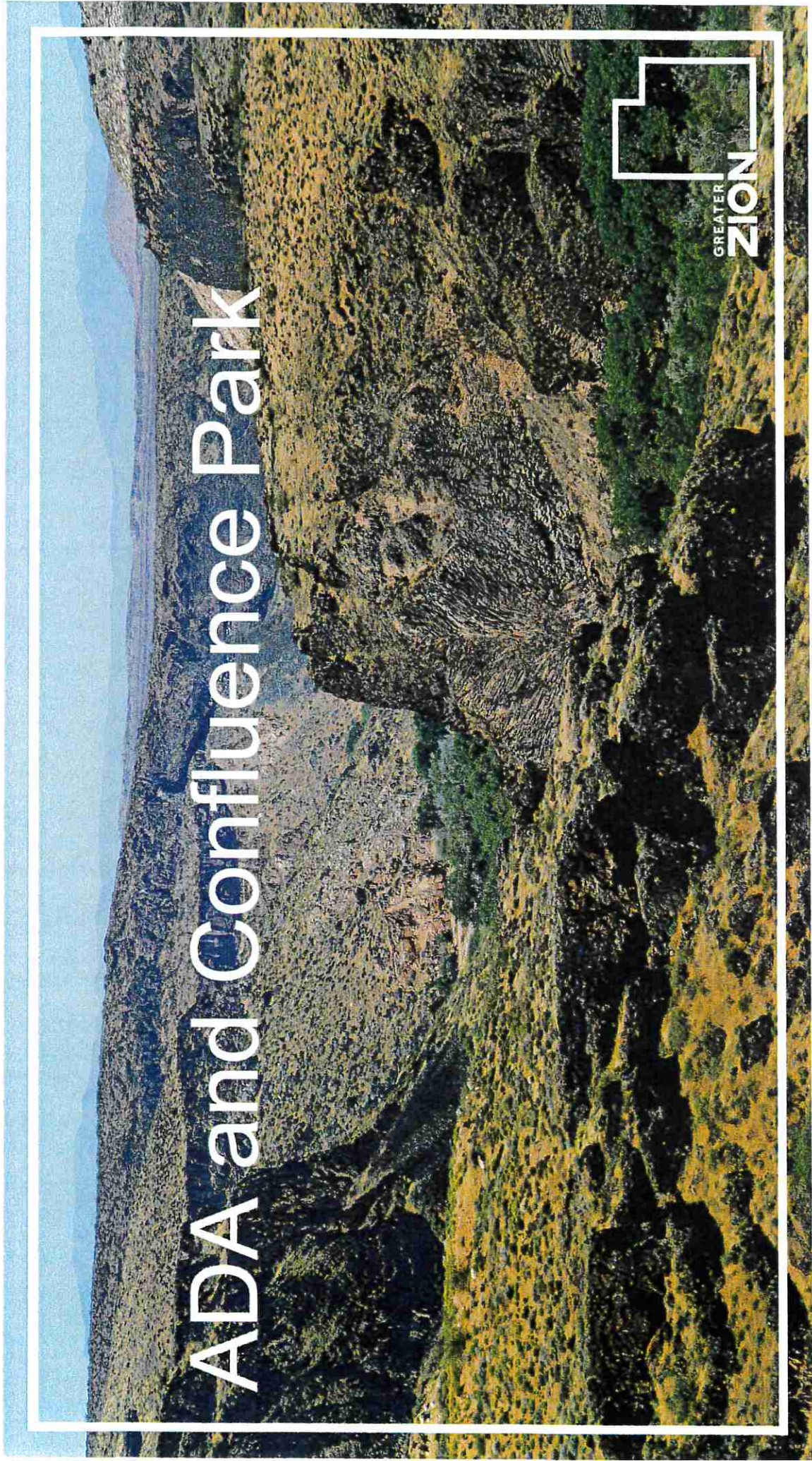
Minutes were taken by Christy Ballard.

5/18/22
Date Approved

Patricia Wise
Chair

Exhibit
A

ADA and Confluence Park



About ADA and Best Practices

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity.



What Technical Provisions Could Apply to Confluence Park?

(2010 ADAAG, 2013 FSTAG)

Accessible Programs

access to good, services, activities or any other offering of a federal, state or local government or business

Program is an abstract term and can be structured (staffed activity) or unstructured (walk along a nature trail with wayside exhibits)

Accessible Routes minimum measurements and condition

- Running slope not steeper than 1:20 (5%); cross slope not steeper than 1:48 (2%)
- Minimum width of 60 inches or passing room every 200 ft
- Firm, stable surface: Resists deformation by indentation, not permeable by normal weather conditions and can sustain normal wear and tear from expected use

Forest Service Trail Accessibility Guidelines (FSTAG)

What should Comply?

Trails that are new, are altered, have a designed use of Hiker/Pedestrian and connect to a trailhead or to a trail that currently substantially complies.

Exceptions

- Compliance with the technical provision is not practicable due to terrain
- Compliance with the technical provision would fundamentally alter the function or purpose of the facility, trail, or the setting
- Compliance with the technical provision cannot be accomplished with the prevailing construction practices
- Compliance is precluded because the cultural, historic or significant natural features are eligible for protection under Federal, State or local law

Accessible vs. Compliant

‘Accessible trail’ is a term to avoid. A trail that has been constructed in accordance with FSTAG should be advertised as a ‘trail that complies with the trail accessibility guidelines’ rather than as an ‘accessible trail’. The general public’s expectation of an accessible pathway is that it have a gentle grade and other uniform factors.

Best Practices vs. Compliant

Practices that exceed the minimum standards/guidelines for accessibility established by the ADAAG

promotes delivery of integrated recreation programs and activities for persons with and without disabilities if applicable, feasible, or desirable

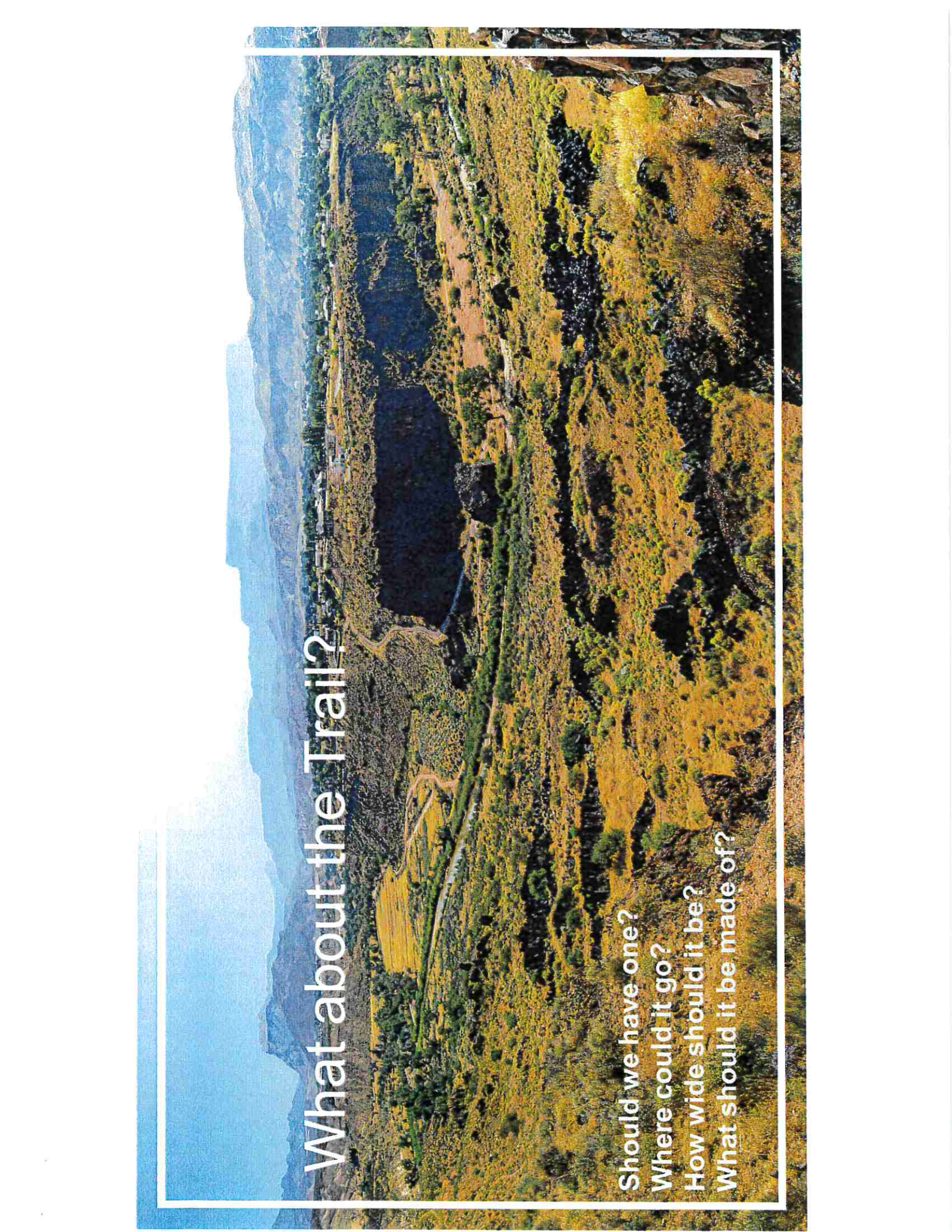
includes public programming that reflects the diversity of communities to include people with disabilities

Best Practices of Accessibility in Parks and Recreation
A Delphi Survey of National Experts in Accessibility
May 2008

Best Practices of Accessibility in Parks and Recreation

Table 1. Best Practice Items Reached through Consensus by Expert Panel

Best Practice Item	Consensus %
1. A best practice in accessibility includes the provision of accessible information to patrons, in alternative formats, recognizing persons with visual, hearing, or cognitive impairments.	89
2. A best practice in accessibility includes practices that exceed the minimum standards/guidelines for accessibility established by the Americans with Disabilities Act Accessibility Guidelines (ADAAG).	94
3. A best practice in accessibility includes an established set of policies which facilitate and promote inclusive and accessible programs, and facilities, in the delivery of recreation and leisure services.	89
4. A best practice in accessibility includes the establishment of an ongoing, periodic training program for agency personnel and volunteers regarding accessible and inclusive concepts and practices for people with disabilities.	89
5. A best practice in accessibility includes the establishment of an Accessibility Advisory Board (or similar group) which includes persons with disabilities.	100
6. A best practice in accessibility includes demonstrated support by administrators regarding accessible recreation programs.	89
7. A best practice in accessibility promotes the delivery of integrated recreation programs and activities for persons with and without disabilities if applicable, feasible, or desirable.	83
8. A best practice in accessibility includes marketing materials and program brochures that are accessibility-oriented for the promotion of inclusion of persons with disabilities.	89
9. A best practice in accessibility includes recruiting staff and volunteers with disabilities to develop and deliver public programs.	93
10. A best practice in accessibility fosters an organizational culture and attitude where recreation staff recognizes and promotes the rights of all persons to access fulfilling and enjoyable recreation activities, regardless of ability or disability.	83
11. A best practice in accessibility includes expenditures related to the purchase of adapted equipment, services, and/or accessibility improvement projects in the financial planning and budgeting process.	100
12. A best practice in accessibility includes public programming that reflects the diversity of communities to include people with disabilities.	92
13. A best practice in accessibility includes a policy to exceed minimum scope of requirements.	83

A scenic landscape photograph of a valley. In the foreground, there are green fields and a winding river. In the middle ground, there are more fields and a small town or village. In the background, there are distant mountains under a blue sky. The text "What about the Trail?" is written vertically in white on the left side of the image.

What about the Trail?

Should we have one?

Where could it go?

How wide should it be?

What should it be made of?

What to Consider

Compliant vs accessible vs best practices

role of accessibility throughout the park

best design for all expected types of use in the park and regionally

Maintenance

best surface for all expected use

expected frequency of maintenance

known track record

Role in the Conservation Values of Confluence Park

natural, wildlife, recreational, scenic, cultural, historical, open space

Confluence Southside ADA Trail

Legend

- 200 W to Main St Confluence Park Path connection
- County
- South_Alternative b
- Southside Alternative a

Virgin River Trailhead

Where could it go?



800 ft

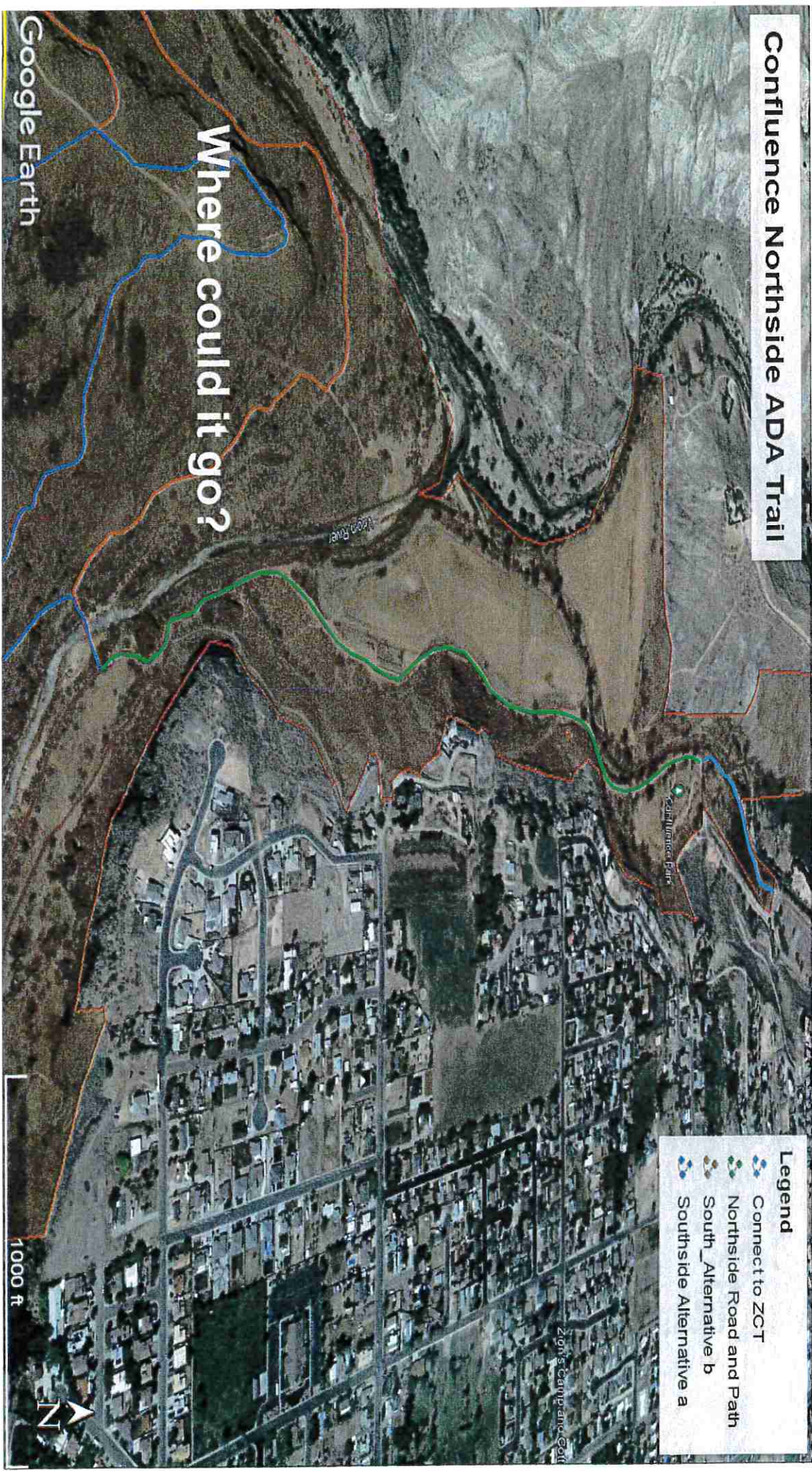
Google Earth

Confluence Northside ADA Trail

- Legend**
- Connect to ZC-T
 - Northside Road and Path
 - South_Alternative b
 - Southside Alternative a

Where could it go?

Google Earth



How wide should it be?

Consider best design for all expected types of use in the park and regionally

Amount of disturbance

Role in accessibility throughout the park

Role in the conservation values of Confluence Park



Things to keep in mind:
 -best surface for all expected use
 -expected frequency of maintenance
 -known track record

What should it be made of?

GRAVEL		ASPHALT	
PROS	CONS	PROS	CONS
• CONSIDERED TO BE MORE NATURAL LOOKING • SOFTER ON JOINTS (RUNNING) • CHEAPER INITIAL INSTALLATION COST • BETTER FOR PRIMITIVE RECREATIONAL EXPERIENCES	• HIGH ONGOING MAINTENANCE COST • DIFFICULT TO MAINTAIN CONSISTENT SURFACE QUALITY • ENVIRONMENTAL DAMAGE CAUSED BY GRAVEL EROSION • MORE DIFFICULT TO USE IN WET CONDITIONS • GRAVEL MIGRATES ON STEEP TRAIL SLOPES • DIFFICULT TO RIDE BIKES, OR OTHER WHEELED USES (STROLLERS, ETC.) ON STEEP SLOPES • DIFFICULT TO REMOVE SILT DEPOSITS AFTER HEAVY RAIN • DIFFICULT TO MEET ADA SURFACE STANDARDS	• BETTER INITIAL SURFACE (SMOOTH) • SLIGHTLY CHEAPER THAN CONCRETE IN INITIAL COST • BETTER FOR WHEELED USES • LESS EROSION THAN GRAVEL TRAILS • EASIER TO REMOVE SILT DEPOSITS AFTER HEAVY RAIN • EASIER TO MEET ADA SURFACE STANDARDS	• HIGHER INITIAL COST • IF NOT MAINTAINED EDGES CAN CRACK FROM VEGETATION • MAINTENANCE OF CRACK FILLING AND SEALING • REQUIRES GREATER INITIAL EXCAVATION TO PROVIDE REQUIRED ROCK BASE DEPTH • IMPERVIOUS SURFACE

Thank You



