

City of La Verkin

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

La Verkin City Council Meeting Minutes Wednesday, July 15, 2025, 6:00 pm. Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, and Micah Gubler; Staff: Kyle Gubler, Fay Reber, Derek Imlay, and Nancy Cline, and Chief Nuccitelli.

- A. Called to Order** –Derek Imlay gave the invocation/thought and Pledge of Allegiance at 6:00 pm.
- B. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
 3. Meeting Minutes: June 18, 2025, regular and work meeting, June 25, 2025, special meeting.
 4. Checks & Invoices: \$ 297,051.96

The motion was made by Councilman Micah Gubler to approve the consent agenda as written, including the minutes of June 18, 2025, work and regular meeting, June 25, 2025, special meeting. Checks and invoices in the amount \$297,051.96, second by Councilman Blair Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

C. Public Hearing:

1. Class C Alcohol license, Letter of Consent for Zion Canyon Hot Springs.
- Mayor Wilson explained this is for their Beer license for the family side of their resort.

Public Hearing opened at 6:03

No comments made

Public Hearing closed at 6:03

D. Business:

1. Discussion and possible action to approve a class C Alcohol License, Letter of Consent for Zion Canyon Hot Springs.

The motion was made by Councilman Micah Gubler to approve a Class C Alcohol license and Letter of Consent for Zion Canyon Hot Springs, second by Councilman Richard Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-no, Micah Gubler-yes. The motion passed.

2. Discussion, and possible to approve the proposed LANTIS Merchandise (Fireworks) contract and purchase order for fireworks.

Kyle explained it's the contract for fireworks for \$8,000. They paid a down payment to them in last year's budget because she had some extra in the budget. The check has been paid. They can refund this if you decide not to approve it.

Councilwoman Wise commented that last year there was a lot of debris left on the hillside and with the drought conditions she was concerned about having fireworks on the hill. She asked about the fireworks that they do with drones and wondered if that would be an option.

Mayor Wilson replied Kyle looked into it and a small show of drone fireworks would be \$50,000.

Kyle added that they could approve this contract and then decide not to set the fireworks off. This is for Winterfest in December and drought conditions are usually not bad then. But they can decide not to do them if they feel it's too dry.

Councilwoman Wise clarified this was just for the contract and they could decide not to set off the fireworks.

Kyle agreed that it's only for the contract and when the time comes, they can decide not to do it, and the money would be refunded to the city.

Councilman Hirschi added as long as its in the budget and safe to set them off he agrees.

The motion was made by Councilman Richard Hirschi to approve the proposed LANTIS Merchandise (Fireworks) contract and purchase order for fireworks, second by Councilman Micah Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

Kyle added that it's the city's job to clean up the mess. He could get a group to volunteer to clean it up.

3. Discussion and possible action regarding the request that specified RV resort pads be designated for extended occupancy at the Gateway luxury RV Resort.

Derek explained this was so they can extend the time customers could stay during winter months.

Kyle added that when they approved this it had to be renewed every year.

Derek explained they supplied the city with a monthly report about what spaces where extended stays and then they checked to make sure they moved out when spring came. The city has not received any negative complaints about the extended stay.

Councilman Micah Gubler asked if this was just a temporary agreement and they are not asking to increase the number of spaces or make any changes.

Derek replied no changes are being made and they have to renew this every year. We did this yearly so if there was a problem we could cancel it.

Councilwoman Wise agreed with the agreement. That they have kept their side of the deal, and it has kept the city with control still.

The motion was made by Councilman Blair Gubler to approve the request that specified RV resort pads be designated for extended occupancy at the Gateway Luxury RV Resort, second by Councilman Richard Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

4. Discussion and possible action to amend the approved cost for H-A-5 for the Zion Corridor Trail phase 1.

Derek explained this is a chemical that goes over the road base trail. The county is paying for this and before they release the money Leslie Fonger wanted this to be put down. She felt that it would be a good thing to go ahead and include in the price the HA5 treatment, which we have done a lot of it ourselves. It extends the life of the asphalt anywhere from five to seven years. Once you put that application down, it keeps the life of the asphalt going. We need to get this approved tonight so we can lock in the price. The price does change frequently. Interstate Rock is ready to get started on this project immediately.

Kyle explained the county gives them all the money at once and he will amend the budget for that money to come in and it will be spent as Interstate Rock bills the city for it. That way we don't have to amend the budget every time we get an invoice from Interstate Rock.

The motion was made by Councilman Micah Gubler to approve the amendment of the approved cost for H-A-5 for the Zion Corridor Trail phase 1., second by Councilman Richard Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

Mayor & Council Reports:

Mayor Wilson- Noting to report.

Blair Gubler- Noting to report.

Wise- Will report in the next meeting since she is on the phone attending the meeting.

Micah Gubler Thanked everyone for all the work involved on the 4th of July. Asked if anyone here is available, to help cook that breakfast on the 24th. They are going to try and have a car to ride in. Maridee also took the youth council to Utah State, and they had a successful meeting.

Hirschi. - Reported that the fire district has had a few fires and reminded the public to get out of the way for them.

Prince- Not in attendance.

Fay Reber- Reported he wanted to set the stage for our next little portion of our meeting, if I can do that for a minute. Last couple of weeks, we've been kind of proceeding along parallel lines. One line is proceeding with the application, for the critical instructional materials protection area, making sure that all our T's are crossed and I's are dotted with respect to that, which includes tomorrow night's public hearing. We kind of cleared the decks. So that tomorrow night can be devoted solely to that. And we did that by moving these items on tonight's agenda to this meeting call in special. So, we can handle these items for sure. On the other, we've been in contact with Matthew Church, the local government's trust. He's been reviewing everything, and he's prepared to give us his opinion on that. We met Cindy, Tim Anderson, and another attorney, Adam Dunn, who's kind of a Johnny-come-lately attorney who's got claims, he says. We met with, and also with, Chase Stratton last Friday, and talked about potentially what would be the results of this legal action that was filed, and we also talked about the possibility of resuming in some way our negotiations to get this thing resolved by agreement. Our thinking was that what would happen is we would have tonight's closed meeting, it was immediately following this, Matthew Church would report to us his opinion on whether or not there's potential for liability for the city, and then as we go into tomorrow night's public hearing, we'll have the benefit of having his input and his expertise. Meanwhile, Interstate Rock has shown a little bit of interest in maybe continuing with some sort of negotiation, so we thought we would go to the point of having the public hearing tomorrow night. Take all the public comments, and then just simply take the matter under advisement tomorrow night, and delay any decision until our next meeting following that. Meanwhile, we continue talking interstate rock. If we can work out an agreement, great. If we can't work out an agreement, then we'll have the benefit of Matt Church's legal analysis to determine whether or not we want to grant the CIMPA or not. So that's kind of where we are. In a few minutes, we'll be able to go to the closed meeting to hear from Matt Church as to his opinion about the legalities.

Councilman Micah Gubler asked if only La Verkin citizens are only allowed to comment.

Fay explained usually with a public hearing that is the way it works but with the majority being from Toquerville they need to have time to also speak. Tim Anderson also wanted to speak and was told he could have 3 minutes like the rest of the public. Kyle Gubler will keep track of the time. My advice would be that after we have the public hearing, after we receive public comments, that we don't even comment on it at all as a council. And just take it under advisement.

Yeah, we appreciate your comments. We'll take it under advisement. And adjourn. And then we'll make a decision two weeks from now. In the meantime, we might work out an agreement.

Kyle added Interstate Rock has agreed that it's okay to postpone it.

Fay continued They have. I think they're waiting on their decision to find out. Yeah, kind of a feel of what happens in these two. Fay has gone back and re-read the statutes. We don't necessarily need their approval to extend that time period. And the reason for that is because if we were doing, let's say, an agricultural protection area, the failure of the city council to act within 120 days constitutes an automatic. But with a critical infrastructure material protection area, we actually have

to make an affirmative finding. So if we don't make the affirmative finding within 120 days, it's not approved. So we're okay if it goes on for a week or two.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

Fay suggested having a closed meeting to discuss imminent litigation.

Mayor Wilson asked for a motion.

The motion was made by Councilman Micah Gubler that we adjourn to a closed session at 6:29 p.m, at the location of 111 South Main, La Verkin, Utah, for the purpose of discussing pending litigation second by Councilman Blaire Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

The motion was made by Councilman Micah Gubler that we reconvene our regular city council meeting at 7:20 p.m. at the location of 111 South Main, La Verkin, Utah, second by Councilman Blaire Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion carried unanimously.

F. Adjourn:

The mayor closed the meeting at 7:22 p.m.

8-20-2025
Date Approved

ATTEST: Nancy Cline
Nancy Cline
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson