

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 16, 2025, 6:00 pm. Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Richard Hirschi, Micah Gubler, and Darren Prince; Staff: Kyle Gubler, Fay Reber, Derek Imlay, and Nancy Cline, and Chief Nuccitelli; Public: Bruce Burgoyne, Sadie Lewis, Tim Anderson, and Christian Harrison.

Called to Order –Micah Gubler gave the invocation/thought and Pledge of Allegiance at 6:00 pm.

A. Public Hearing:

1. Interstate Rock Products application for Critical Infrastructure Materials Protection Area.

Mayor Wilson commented to begin the process tonight, just to give you a little bit of information, it's been a couple months ago or so that Interstate Rock approached the city and asked about applying for a CIMPA protection for their gravel pit, and so we told them that if they wanted to they needed to fill out that application, and so they went through the process to do that. This is the final step for that process, the public hearing tonight.

Fay explained the process is outlined in the Utah Code for formation of a CIMPA. The first step is to provide notice of the filing of the application, along with a copy of the application itself, informing people that they have the right to lodge any objection that they may wish to make. We did that. Notice was sent out. We had a number of people who made comments with emails sent to the city. And then over the course of that time a number of people have come to various meetings, made comments, so forth. That was the first step. The second step, after sending out notice to people, giving them a chance to voice their concerns, we sent the proposal to the City Planning Commission, also the County Advisory Board, for their review and recommendation. That review and recommendation is not binding on the City necessarily, but it does serve as a guide for the City Council when the City Council makes it. Each of those bodies gave us a recommendation that we should approve the protection area, listed the reasons for that. and also suggested certain conditions for that. When we received those recommendations, we summarized those recommendations and sent out another notice to all the residents within 1,000 feet of the CIMPA, a notice of this public hearing, so that you would know what their recommendation was and then at this public hearing, you'd be able to respond to some of those kind of things and state your concerns or state how you feel about it. So, this is the chance for the public to weigh in and voice their concerns. After tonight's meeting, theoretically the council could make a decision this evening, but he thought what we're planning on doing is just simply taking all of your comments under advisement. And then we'll set up for a later meeting, maybe in two or three weeks. As part of the hearing tonight, anybody who wishes to stand up, come to the stand, and make a few comments, they're welcome to do that. But we'd ask that you give your name and address, identify yourselves. We've allotted three minutes per person. And we hope it will be sufficient time for you to state the essential parts of your concerns and your arguments about the CIMPA. We also hope that if you agree with somebody who's just previously spoken, instead of just launching into the same explanation or the same reason you can just simply say, you agree with what's said before, and try to keep it as brief as possible. But again, if you have something new to contribute, we're more than happy to hear.

Mayor Wilson explained that Kyle Gubler would be the timer and with 15 seconds left he will raise his hand to stop the comment.

The public hearing started at 6:07 p.m.

Bruce Burgoyne. Gave his address. Our property is pretty much all of gravel pit. My problem mostly is the dust. And when you think of dust, no, it's on my windowsill like this. I've gone up there. I've talked with Beau. We had arguments. And he says, listen, we've got a meeting on Friday afternoon. He says, I'll bring this up in front of everybody. And I'll come down to your place and let you decide. Well, of course, I never saw Beau. I called him the following week. And he says, yeah, we talked it over. We've got to put some water on it. We're going to put sprinklers on. I'm going to say that it

was three years ago. It's bad. It's really bad. We're changing our filters in our air conditioner once a month. The clothes in my closet are covered in dust. It's in our garage. It's everywhere. I'm here representing myself and my father-in-law as well. He lives there on the property. He bought that property in the 60s, he bought the house. He's got the same problem. He's got problems with his throat. I'm retired. I don't want this. I didn't want to fight. That's why I said, well, I'm done. Just whatever. Well, we had a flood come through there three, four months ago from their pit and washed out my road base, which is what they produced. Did anybody come down and ask anything? I've got an excavator right above my house with rocks ready to roll down on my house. They talk about putting up this wire, installing rock netting barriers to vulnerable areas. When are they going to do that? Before or after? I'm sitting in my chair. You can ask them two, three months ago and they'd blast. It picked my house up and dropped it. Where's the door hanger notice? Where's the monitors? Where's everything? I have not seen them go with any of the things that they're required to do. And it's just, they're the worst neighbors I've ever had honestly. I've tried talking to them about it. They say they've been conducting property for the last 40 years, long before encroaching new residence development. Well, we've been there longer than that. So that's an insult. So, what I guess what I'm getting at is, I don't take their word on anything. They haven't done anything to help us. They're not concerned about me, our property, or any of my relatives that live down there. Full-time water trucks and sprinklers on haul roads and stockpiles. Well, that would be a start. That was the conversation I had with Beau three years ago. Could you put a chemical stabilizing on the ground and hold it down and make products for that? Nothing. Increasing dust monitoring? Time was up.

Sadie Lewis. Stated her address in Toquerville. So, we are within 1,000 feet of the CIMPA area. I'm going to try to keep my statements just as brief as possible while also expressing my thoughts and my feelings for how this whole thing has played out. I'm taking this opportunity to express my concerns. I hope you will listen to them. I feel like they have been largely dismissed, and we've been treated as a nuisance with our objections from the get-go. The first time I started feeling this was when my husband tried to attend a planning commission meeting. He walks up to the door. And he was greeted with, oh, here comes the mob. That is an insult to all those people who showed up there, my husband especially. Far from a mob. We are property owners. We're taxpayers. We worked hard. We built our home in 2018 knowing full well Interstate Rock was there. Never once have we complained about them. We bought it. There's zoned RA1. We know that. We knew that they were going to eventually develop it. We were not fighting with that. But this goes beyond. And that's the other thing we're told. When you buy next to the pit, you should have done your due diligence. We did do our due diligence. We were aware of the pit. But we did not buy within 1,000 feet of a CIMPA, nor would we have. My biggest concern as a young mom and wife who's, you know, trying to start my life and build wealth for us in this economy is our home. Our home is our number one. We have worked very hard for it. We've also been told that this will not affect our property values. When Beau Stratton went to our meeting at Trail Ridge Estates, he said it's not going to affect your property values. Well with all due respect, he doesn't know that. He said we've been able to sell properties in La Verkin just fine. That's fine because they've never said it's not been next to a CIMPA. This would be a CIMPA moving forward and I don't think anyone's going to want to come by my house and pay me full market value to live next to a CIMPA because under Utah code, it states that our home and property would be conditioned upon acceptance of any annoyance or inconvenience which may result from such normal critical infrastructure materials operations, and that they would be granted highest priority. Even if Interstate Rock continues to operate as they are now, this verbiage alone would give buyers moments of pause and either pass up on buying the property or buy the property at a highly reduced rate. I feel like our concerns have just been washed away. Another comment was made about you live in Toquerville, I know we're in Toquerville, but we're also within this 1,000 foot barrier. This affects us. And the other thing is that Interstate Rock are good people. That's great. All us homeowners, my neighbors are amazing people. They're good people. They pay their taxes. They're the best neighbors. They've become some of our great friends. So if we're doing this based on who's good people, there's a lot of good people involved in this.

Tim Anderson. I am the council for the Bakers. I think I've been here way too many times. Next time I'm here again, I will do the pledge for you. We'll have you pray for us. I'd like to do that too. Thank you. But my point is very simple. The CIMPA protections are designed for operators facing external encroachments, not developers who intentionally create urban conditions, around a pit for long term development. There may be some dispute in regard to how it's affected legally, but our position is, is that very simply, Interstate Rock is a developer of that hillside. They've long since gone past that condition, simply being a sand and gravel operation. And as such, they should not get special treatment under the CIMPA rules. It's outside of the statute as we see it. So really, three things will happen. If the assembly is adopted, the city will get sued. Not just by my client, but probably by lots of others. You adopt some type of development agreement that can resolve those issues, nobody's going to get sued. Or just leave it where it is. But our view is that if the concerns are,

there are Fifth Amendment taking issues, that is Fifth Amendment of the Constitution, you can't, even allow the CIMPA to be passed that doesn't mean that the landowners don't have rights under the Fifth Amendment for taking a value of their property. And so that triggers a whole area of litigation. The same thing for any type of special treatment towards this particular corporate resident of the community. Special treatment means that there has to be a very important reason for that. And if the reason is, if they're given preference and they get a special situation where actually that particular 117 acres gets taken out of control of the city, and that's what the CIMPA allows, then that creates a situation that also results in special treatment. So, I'm giving you a few constitutional reasons. There are a lot of others, but I think the big question is, why is this being sought so diligently? Is it because there is a situation where it will improve the business situation, the economic situation for this private, for Interstate Rock, is it going to help to reduce their insurance costs? Any of those, if those are any of the reasons involved here, and the state, the city is involved in giving this right of the CIMPA for those reasons, those are wrong reasons. That's arbitrary, that's proficient, it's illegal. And so, because the state created the CIMPA doesn't mean it's the solution here. I think the solution will be a cooperative agreement, and if they do that, I think things will work out well for everybody, and we can all go home and not worry about this anymore. Thank you.

Christian Harrison. Stated his address in La Verkin. I've lived here since I was in kindergarten, and been all around this town, and I see that Interstate Rock has operated that gravel pit well enough that I didn't know it existed, despite the fact that I've been all over town, I've never noticed any adverse effects from a general resident. I can't speak to those who are closer, but as a general resident of the town, I've never been adversely affected by that gravel pit, and I think the conditions set forth, the recommendations by the Advisory Board and the Planning Commission are correct steps, to help mitigate potential problems that could be. I believe they've made good recommendations, and I would express my opinion in favor of the proposal. Thank you.

Public Hearing was closed at 6:19

B. Business:

1. Discussion and possible action to approve Interstate Rock Products application for a Critical Infrastructure Materials Protection Area.

The motion was made by Councilman Micah Gubler that we don't take any action. We take the input we received under advisement and put it on a future agenda, second by Councilwoman Patricia Wise. Roll Call Vote: Princeyes, Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes. The motion passed.

F. Adjourn:

The mayor closed the meeting at 6:20 p.m.

8-20-2025
Date Approved

ATTEST: Nancy Cline
Nancy Cline
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson

