

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, September 3, 2025, 6:00 pm.

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

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Blair Gubler, Darren Prince, Micah Gubler, and Richard Hirschi; Staff: Kyle Gubler, Fay Reber, and Nancy Cline, and Chief Nuccitelli; Public: Brad Robbins, Blair Gardner.

A. Called to Order – Darren Prince gave the invocation/thought and Pledge of Allegiance at 6:00 pm.

B. Presentation:

1. Nick Wright

Nothing to report

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 & Invoices: \$ 91,565.45

The motion was made by Councilman Darren Prince to approve the consent agenda as written. Checks and invoices in the amount \$91,565.45, second by Councilman Blair Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes, and Prince-yes. The motion carried unanimously.

D. Business:

1. Discussion on an ordinance establishing a Live/Work zone.

Brad explained that while touring the Fields project he felt like if he bought one and the city wouldn't let him live above it, he would anyway. He felt like they should regulate it because people are going to live there whether they get permission or not.

Mayor Wilson thought it made sense if they work there, they can live there. Employees, managers and owners of the business. If they lease it out to a business those people would have the right to live there not the owner of the building. If not, it would be Mixed Use. Probably we do need maybe something in mixed use because there's a lot of places that have done that. You have apartments above, you have businesses down below, and it creates a place for people to live, and you get the businesses along with it.

Councilman Micah Gubler added that it's like other ordinances it comes down to how they will enforce it.

Mayor Wilson commented that the prices of homes in Washington county are not affordable. The subdivision in Touquerville on the bypass road is over \$500,000 for a 1400 sq.ft home. It's \$900,000 for a 3000 sq ft home.

Brad added that they can't think so far out to where they can regulate everything. Thinking as far out as they can regulate, but if in fact something comes along, you can change it, you can put anything else in to further regulate.

Councilwoman Wise added that the devils in the details. The project went in when they didn't even have a zone for it. She agreed you can't think of everything but once it happens it can be too late. She showed the map that was passed out in planning commission and showed what properties could be zoned Live-work. She thought Blair Gardner's project was beautiful and hopefully the HOA will work out. However, what are these going to look like in the long term. Do we have enough of the nuts and bolts in this to protect us on the next six live-work projects that are built. We think it's easy because Blair's project is so nicely done it's easy for us to assume

that all the others that might come along will be just like that but in essence they very well might not be. One of them is a small thing. Remember when we approved the commercial design aesthetics, that's not called out in here. Now it's part of our zoning, but if we're going to include it in a new zone, she thought it needed to be called out. So that's a small thing. If any of you get a chance to go over and look at Blairs project before we vote on this, she strongly recommended it. He's got the bottom floor, and then a mezzanine that's commercial, and then the top floor would be the residential, and there's a balcony above that. The ordinance is, as an example, three stories or 45 feet. Not everybody's going to necessarily have a tall first floor. They could have a second floor. The wording for the restriction on the residential needs to take that into account. The actual three floors, unlike Blair's, which is two floors and a mezzanine. So little details like that, she thought that they really need to look at. One thing that she was very pleasantly surprised about was when driving by the construction and all that, especially before pavement happened, she thought the aisles were so narrow. You have two parking spaces that back into each other. She thought of big trucks, because it'll probably be a lot of big trucks in there, just full-size trucks, you know, pick-up trucks. And backing up, there's not going to be enough room. She talked to Derek about it, and she measured a bunch of places around the St. George area, and they were like 16 to 18 feet. She knows that there's a lot of parking spaces there. We want this to be an enhanced space not a make-do space. She went over with Derek, and he had his wheel, and he measured off the spacing between the parking stalls from front to back or back-to-back however you want to say, and it was 35 feet so plenty of room so that's one thing that Blair was doing right. One of the things that's not in this ordinance that was in the notes that she had with Derek was to make that space a minimum of 25 feet and so that's something that we need to look at. She thought that getting the mix of residential space to commercial needs more discussion, considering that there could be three usable floors, not two and a mezzanine and a balcony. And then the other thing, a small detail, is that what's in here is that the Planning Commission approved that all of the units that are on the street side, exterior, facing exterior roads, if there's an exterior balcony, it has to have a half solid wall instead of a wrought iron. When she had drove down, she could easily see on the end into the complex. She thought the end unit should have a wraparound, a partial wraparound of a block wall. They could still have iron the rest of the way. But that way it just looks better from the street. Another problem in the ordinance is somewhere in here it says that all units will be fronting the street, none of Blair's units front the street. So that needs to be rewritten. They are small details, but what she would like to see before we pass this is to make sure, we're in agreement on the zone. Do we have three and a half acres right? Can La Verkin be financially stable with this type of business, thinking that there couldn't be seven more of them, but maybe three more of them? Are they going to generate this kind of income? If we say no to that, how do we manage having live-work? She thinks it's a good concept. She thinks they need to be very careful with the details because five years from now that's when it's going to count, not when they're brand new and shiny.

Fay commented that next meeting could possibly be approved although it is still requiring fine tuning, but in between now and then, he will get together with Brad and with Derek when he returns. We'll go through and make some adjustments to the language, and if any of you council members have anything in particular that you're concerned about, if you can include those in an email, then we can make sure that those get incorporated into that next draft, and then when we consider it next meeting, that should be in there. Although, again, there may need to be a few tweaks from that, but at least we'll have all that basic concept.

Kyle Gubler asked how they decided on the three and half acres as a requirement. If they changed it to 4 or 5 acres how many properties would it be able to have that zone.

Councilwoman Wise explained if it was five acres it would be a mixed-use zone.

Councilman Micah Gubler replied there are only a few properties over 5 acres.

Kyle explained he was concerned they would turn the commercial zones into businesses that don't benefit the city. He suggested limiting it down to only commercial property and not commercial retail.

Councilwoman Wise replied that is a problem with fairness. Blair built his project, recognizing that it's commercial, but he's certainly hopeful for residential, and so to limit it to any properties that are less than 5 acres would look like we let Blair get in, why can't anyone else get in? We just need to be aware of all those.

Mayor Wilson asked if Blair Gardner had any comments since they were discussing his project.

Blair commented he agreed that moving slowly and talking out all the possibilities is a good idea. He has a personal interest, selfishly, but also thinking globally as the city. Using his as a guinea pig, but you are going to have other zones. He would love to push forward, and he offered if they wanted to do a walkthrough to get more insight, he would be happy to share that. We can schedule that as soon as possible. He thought the ideas of what Brad and Fay are implementing into the zone itself is something that, again, we're doing the best we can. There's always going to be changes and tweaks. He agreed with the reference to the checks and balances to alleviate or avoid people abusing it is, he didn't know if you can get any more checks and balances than what we currently have in place. He offered to answer any questions they had. He told them there are buyers that are interested, very much interested. Some of them are subject to this going into a live-work space. He informed them to just wait. He told the mayor before this meeting started, we're not advertising this residential. We're not allowed to. This is commercial today. As soon as they are zoned to live-work space, they will advertise as residential, commercial, live-work combination. The flex element allows that to happen. And there are a lot more interested buyers in the residential space and the live-work combination space for sure. Buyers are waiting for this to happen. But he told them flat out, full disclosure, full discretion, it's not allowed yet. So, if you want to buy it, buy it as a commercial. If it does go into live work zone, then you get it. So just to give you an idea of what the current market is doing. If it stays commercial, it stays commercial. He thought they were going in the right direction for the benefit of the city. He built the way he did because of access, because of asphalt, because of parking. That's why he continued to build in conjunction with running parallel, this commercial zone. But we're now at the point where it would be nice to have it in place. If there's anything he can do to support them, answer any questions or concerns or fears.

Fay mentioned that all we are doing now is creating a zone. We're not applying it to any particular property. We're only saying five or six or seven properties would qualify for this. If they wanted to apply for a change in zone to this zone, they may want to just simply do their own commercial, or something entirely different. So, all we're doing is creating a zone at this point.

Kyle pointed out that any of those properties would have to come in and apply for a zone change. He wanted to know what the situation would be if they didn't allow the zone changes.

Fay answered that if we have the zone in place and they meet all the criteria for it, we'd have to then, just like any other change in zoning, we'd have to weigh the pros and cons of each application, see what they're putting in.

Kyle asked if the city would be subject to a lawsuit.

Fay replied not necessarily. Although if we have a zone in place, obviously, it's harder to deny somebody.

2. Discussion and possible to approve Ordinance No. 2025-05; an ordinance amending the City's nuisance regulations to provide an exemption for critical infrastructure materials operations provided under Utah Code Section 17-41-430.

Fay explained when the city entered into the agreement with Interstate Rock Products (IRP) Rock in lieu of proceeding with the protection area of critical infrastructure materials protection area (CIMPA). One of the provisions in the agreement was that we copied word for word out of the state code that we would amend our ordinances in such a way that the definition of nuisance would exclude any critical infrastructure materials operations that otherwise complied with state law, except if there were some safety or health concerns. That's what this ordinance now does, is it goes back into our nuisance ordinance and excludes what they're doing as a nuisance in the definitional section as long as they're complying with state law. The agreement has been signed and recorded.

Councilwoman Wise agreed that was part of the agreement and they were ready to give that protection with the CIMPA so it isn't something new.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. 2025-05; an ordinance amending the City's nuisance regulations to provide an exemption for critical infrastructure materials operations provided under Utah Code Section 17-41-430., second by Councilman Blair Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Micah Gubler-yes, Prince-yes. The motion carried unanimously.

E. Mayor & Council Reports:

Mayor Wilson: Nothing to report.

Fay: Nothing to report

Prince: Reported he went to the Zion canyon hot springs and had a good time. It's very professional and he has only heard good about them.

Hirschi: Reported talking to Nick the Fire district is doing well. Ash creek treatment plant will open in December or January. They've got the equipment in the basins now that process the equipment that makes it less expensive to operate than some of the other plants. The board is probably going to do a tour again of it and see the equipment before it gets filled with water.

Wise: Reported on the planning commission meeting.

Blair Gubler: Nothing to report. He left the meeting at 6:30 p.m.

Micah Gubler: There's a stargazing activity on September 10th. I had a flyer on that. If any of you want me to share that with you. The pageant, the Miss La Verkin pageant, they're preparing for it. There are six contestants that will take place at the one, so thank you to Maridee. Just to update on the Winterfest, the vendors, the food vendors are almost all full and the races. I don't know if you have a chance to see the seed display from the city over at Peach Days. Another great one and awarded \$1,250 for the city display. I have a picture of that. And just, there's an update going on to both the city and one of the websites coming online soon. And then from public safety, our department has been invited to participate in the 9-11 ceremony in Hurricane. Officers will help with breakfast duties and riding in the fallen officer's tribute, and officers are also gearing up for the cops and cars event on Saturday evening October 11th.

F. Citizen Comment & Request for Future Agenda Items:

No comments.

F. Adjourn:

The mayor closed the meeting at 6:35 p.m.

October 15, 2025
Date Approved

ATTEST: Nancy Cline
Nancy Cline
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson