

City of La Verkin

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La Verkin City Council Meeting Minutes Wednesday, November 5, 2025, 6:00 pm. Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Patricia Wise, Richard Hirschi, Blair Gubler, and Darren Prince; Staff: Kyle Gubler, Fay Reber, Derek Imlay, Nancy Cline. Public: Chris Linquist.

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

B. Presentation:

1. Emily Freidman ZRC update.

Emily reviewed the history of Zion Canyon Corridor Council. They host quarterly meetings with 20-30 participants. They have received grants and funding for things like rest stops, pull-outs, signage and wayfinding. They focus on empowering individual communities. They have organized public transit between St. George and Springdale. Funding for multi-use trails.

2. St. George Regional Hospital.

John Cottom introduced their team. They are a non-profit model hospital. They received the Magnet nursing of excellence. They have contributed to the community things like medical bill write-offs, behavioral health programs, and more. They are expanding their surgical unit.

3. HVFD

Nick reported they had a public hearing for the new sales tax-assessed at 3%. Revenue expected higher than previously thought. There was one promotion for engineers. A tentative budget was discussed. October stats were listed.

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. Meeting Minutes: October 15, 2025, regular meetings.
4. Checks & Invoices: \$ 142,062.14

The motion was made by Councilman Richard Hirschi to approve the consent agenda as written. Meeting minutes from October 15, 2025, regular meeting. Checks and invoices in the amount \$142,062.14, second by Councilman Prince. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Price-yes. The motion carried unanimously.

E Business:

1. Discussion and possible action to approve Resolution No 2025-16 adopting a city of La Verkin data privacy plan to take effect January 1, 2026.

Kyle explained that as a city, we have to adopt this. We have until January 1st to get that done. Fay has prepared it and so we brought it to the city council. It's based on the last legislative session. We're required to do that. With approval we'll be in compliance with state law.

Councilwoman Wise asked about the last page of the data breach response, it says that the city will investigate and document any incidents and provide notice if there was a data breach. And then it references state code. Do you have any idea from the date the city realizes there's an incident to what the state mandates that the city lets the public know?

Kyle explained that an agent would monitors that in conjunction with the city and notifies them as soon as they can.

The motion was made by Councilwoman Wise to approve Resolution No 2025-16 adopting a city of La Verkin data privacy plan to take effect January 1, 2026, seconded by Councilman Richard Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Prince-yes, Blaire Gubler-yes. The motion carried unanimously.

2. Discussion and possible action to approve the Utah law enforcement information sharing analytic program agreement between the Utah department of public safety and Washington county Spillman users.

Sargent Chris Smith recommended tabling this until chief Nuccitelli is back and able to explain it. It's an agreement with the state and he doesn't know all the details.

The council decided to table it. They had a few questions that needed to be answered before they could make a decision.

The motion was made by Councilman Darren Prince to table the Utah law enforcement information sharing analytic program agreement between the Utah department of public safety and Washington county Spillman users, second by Councilman Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

3. Discussion and possible action to approve Ordinance No. 2025-07, an ordinance repealing the existing nuisance ordinance and adopting an updated, comprehensive nuisance ordinance defining, prohibiting, and providing for the abatement of nuisances within the city of La Verkin

Fay explained that for some time, he has been a little concerned about the nuisance ordinance. It's a fairly antiquated ordinance in terms of how it defines nuisances, what we do to eradicate them, how we proceed. He has had an eye on the nuisance ordinance as one that might need to be amended, updated. And then, over the past couple of months, there have been a couple of situations that have arisen where people have complained about particular situations. He talked to Chief Nuccitelli about these situations, and as they looked at these situations, they were trying to decide whether they should be approached from the standpoint of a nuisance, or whether they should be cited instead for violation of the business license ordinance. So, as a result of all of that, he embarked on this quest to draft an amended nuisance, which happened. Meanwhile, talking to Chief Nuccitelli about this one particular situation scratching our heads, he thought Chief Nuccitelli might have decided that probably best, proceed. That particular situation is a violation of business license ordinance. Tonight, all we want to do is to kind of introduce this ordinance to the council, have them take a look at it, and make any comments they might have. In the meantime, he would like to make some additional changes, send it out to the council before the next meeting so that they can then consider a correct or a revised ordinance instead of the one we have. So as far as tonight goes, he wanted to simply suggest that we postpone this or continue this to our next regularly scheduled council meeting, giving us time to make any revisions, giving time for the council to make any suggestions.

Councilman Blair Gubler commented about the 20 days. An officer, whoever the officer may be, the nuisance officer, sees a problem and writes a citation, and then at day 19, they address that nuisance. It can stretch on for longer. Can we close that up quite a bit.

Fay explained every situation is different and the city doesn't want to charge them with a criminal violation. They are looking for compliance with the ordinances. For example, let's say after 10 or 15 days, he starts making some cleaning up and starts improving, in my view, he is complying.

Councilman Blair Gubler gave an example of a contractor drops a load of dirt in the street covers half of the street when you're looking at a 40-foot street and it's out 15 feet into the street and you're siding when he's got 20 days to move that is there some way you can write something in there that the news you thought the concern can say that needs to be removed in asap.

Fay explained that every day the violation isn't taken care of becomes a new violation. That's going to put some pressure on him to fix that situation. He also thought they already have other provisions for blocking the street.

Councilman Blair Gubler asked what the penalties are.

Fay replied it's a class C misdemeanor, which means a punishable jail time of up to 90 days, a fine of up to \$750 for each violation. Now, that doesn't mean the courts can do that. Very rarely would it put somebody in jail unless they just simply do nothing. But typically, the court would issue a fine of some amount and give the party so many days to comply with the court.

Councilwoman Wise asked about the definition on exemption for critical infrastructure materials operation, it uses the word reprocessing. Is there any way that could be construed to be a batch plant? Does it need to state specifically no batch plants?

Fay explained when they made the agreement with Interstate Rock in lieu of CIMPA this was the wording we agreed to.

Councilman Prince asked how they can write in common sense. For example, you can get mosquitos in a kid's shovel or offensive odors. If people want to bring it to the letter of the law and become a problem with complaints. How can that be stopped.

Fay replied that it is usually complaint driven. It's up to the nuisance officer to determine if it's a nuisance or just a warning to get something fixed.

Kyle asked if health and safety supersede something like that? If it's old tires and there are mosquitoes around.

Fay explained it's hard to draft an ordinance that will cover all the examples given.

Councilman Prince added the most phone calls he gets are about old junk cars or abandoned vehicles.

Fay explained it's difficult because one man's junk is another man's treasure. So, it needs to be drafted in terms like unused or not capable of being used. Maybe even putting a time frame on it.

Kyle suggested sometimes they define it as visible from the street.

Councilman Prince said the citizens he hears from the junk cars are in front of the house.

Councilman Hirschi suggests limiting it to two vehicles per house.

Fay responded they can't do that in a nuisance ordinance.

The motion was made by Councilwoman Wise to table Ordinance No. 2025-07, an ordinance repealing the existing nuisance ordinance and adopting an updated, comprehensive nuisance ordinance defining, prohibiting, and providing for the abatement of nuisances within the city of La Verkin, second by

Councilman Prince. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

4. Discussion and possible action to approve the Interlocal Agreement with the county regarding the expansion of the animal shelter.

Mayor Wilson explained the county has already signed the agreement and it will not cost the city anything. They are providing the money for the expansion.

Councilman Hirschi asked how big the expansion was.

Derek explained it is a Connex box which added 6 to 7 more cages.

Councilwoman Wise explained they had questions about bringing in more animals, even though they would provide the physical shelter, but the cost of having employees or getting volunteers. On 4b the county agrees to pay city \$25 a day for any dogs housed at the shelter which was obtained outside the city limits. Is that \$25 per day was their way of saying they recognize that we might need more manpower or if the city's comfortable not having that addressed but that was one item previously.

Kyle replied that the Chief came up with that amount.

The motion was made by Councilman Hirschi to approve the Interlocal Agreement with the county regarding the expansion of the animal shelter, second by Councilwoman Wise. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

5. Discussion and possible action to approve the Water Surplus Agreement.

Mayor Wilson explained they discussed the water surplus agreement in the work meeting before the city council meeting and the consensus was to table any decision until they make the changes discussed earlier.

Councilwoman Wise thanked Kyle and Derek for making the last-minute work meeting happen. The agreement is complex and in perpetuity.

Mayor Wilson replied that he wanted them to all be comfortable with the agreement. They have put a lot of hours into creating the agreement and he thinks it does protect the city and future generations. So that water will be available for them. It'll be a good thing that we will be able to use the surplus water that we're not using now, that just goes down the river to somebody else and we're preserving that for our future generations. He appreciates all the comments.

6. Discussion and possible action to approve the MOU for the Water Surplus Agreement.
7. Discussion and possible action to approve the Water Exchange Agreement.

The motion was made by Councilwoman Wise to table items 5,6, and 7 on the agenda, the surplus water agreement, the MOU for the surplus agreement and the water exchange agreement, second by Councilman Blaire Gubler. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

8. Discussion and possible action to approve a privacy wall for the trail.

Mayor Wilson explained that we have an obligation to build this wall with the agreement we had with Beau and Kyson, where the trail is going behind their house. They gave up property for that trail and that was part of the agreement that we would build the wall.

Derek explained they are going to do a block wall that's black which was what developers used down there. We are responsible for an 8-foot wall, \$470 linear foot, \$29,750. We had talked about potentially taking that wall 280 linear feet beyond what we were actually obligated. But we decided due to the concerns we may have on other phases of the trail; we were sticking with what we contractually agreed. So that would be a privacy wall, which we have to do, \$29,750. The cemetery wall will run from Main Street to 700 North which is 425 feet. We got a bid for 660 feet total. SR17 to Main Street the first 25 feet on the SR17 side and the main street side can only be four feet; the rest would be eight feet. The pictures that they had are of the wall that's on the south side of the cemetery now. They will try to match that as closely as they can knowing that that's been there for a while and with the sun bleaching you know colors aren't going to be matched up. The other one represents the split face so middle two rows within the eight-foot wall and the same thing the fourth wall will be the split face so it kind of gives a little better look to the wall. That bid for the eight-foot wall 610 feet would be \$44,530 dollars for the fifty linear feet. The four-inch block is thirty-two so the total for the cemetery wall is \$47,730.

Mayor Wilson added that that price is half of what the Rhino rock wall was going to cost.

Derek added that he forgot to add the survey onto the bid. The bid would be \$2,500 more.

Mayor Wilson asked if that was the total price for both walls.

Derek replied that for both walls it's \$79,980.

Kyle added that this is their recommendation not the Rhino wall. Six years ago, they got a bid for the cemetery wall, and it was \$60,000 so this is a better price six years later.

Councilman Prince asked what the soil was like at the cemetery.

Derek responded that they are going to dig down and get a soils test done. Then they'll decide if we need to over excavate and bring in soil and compact back up and then engineer it. We have a provision in there for the soils company if you have a \$2500 survey which we definitely want to make sure, that the wall and the footings of the wall which you know extend beyond the wall itself, all sit on city property so there's never going to be a problem with the neighbors.

Kyle added they are required to do the wall between the two subdivisions by the trail. He will take that money out of savings, the fifty thousand dollars to do the cemetery wall that you have wanted done.

Councilwoman Wise asked if the cemetery wall could be finished before wreaths across America in mid-December.

Derek replied he doubted that it could be built that soon.

Kyle added there are some issues to still work out with the privacy wall and wondered if they could do the cemetery wall first.

Derek replied that we could definitely do the cemetery wall. Then we work out the issues with the other wall.

Kyle added they would need a budget amendment to get the money out of savings.

The motion was made by Councilwoman Wise to approve a privacy wall for the trail, second by Councilman Hirschi. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

9. Discussion and possible action regarding a wall at the cemetery.

The motion was made by Councilman Prince to approve a privacy wall at the cemetery, second by Councilwoman Wise. Roll Call Vote: Hirschi-yes, Wise-yes, Blair Gubler-yes, Prince-yes. The motion carried unanimously.

Mayor & Council Reports:

Mayor Wilson-Reported they want to have a work meeting on November 19th at 5pm. To discuss mixed-use and work-live. He would like all to attend. The election canvass also needs to be done November 12th at 7:30am to approve the canvass. Patty, Micah and Darren will attend. Richard Hirschi will be resigning on the 6th. will uh tomorrow advertise for anybody that would like to put their name in to, fill Dick's place on the council that'll be open for two weeks and then uh it will look like it will be the December 3rd meeting that those that have put their name in will, come before the council and be interviewed by council members, and the council members will pick whoever's going to take his place. Dick, you need to be here because you uh you'll still be able to vote on who's taking your place. At that meeting we'll give you a little award. We do appreciate all your service on the council. You served as mayor and served as a council member for I don't know how many years, but it's been a long time. Richard commented that he has worked with good people and appreciates them. Items 5,6 and 7 were presented to the water board and recommended to the city council.

Kyle Gubler- Reported they started the remodel of the bathroom at Wanless park. It will be four unisex bathrooms. Winterfest will be December 5th and 6th. Wreaths across America on December 13th. Christmas Eve program on December 24th at 6pm.

Blair Gubler- Reported he has a meeting first week of December.

Wise- Reported that they got the application in for the downtown planning grant. They should know by mid-December. Darren secured money from the county for the city's match. Collette Cox with the governor's office helped with the application. The overall ask is \$90,000. The county contributes \$25,000, and La Verkin will contribute \$11,000. If we get the grant. This grant has to have actionable items which will come into the actual zoning, Creating the zones and some of the marketing so there will be a lot of public outreach so everybody in the room, please when you see those notices, please come and speak up. The Zion Regional Collaborative Winter Workshop is tomorrow here in this room, and it should be very good. We've got at least 20 people from everywhere attending, maybe not the federal workers whom we normally have, BLM and the Forest Service and Zion National Park, but everybody else will be there. She reported on the corridor trail. Kyle had images she emailed of the trail. She described the trail and where in town it was located, the Zion Corridor Trail which is a multi-use trail. It will be paved when it's finished. It's going to run from Springdale down into Confluence Park at the north end through Riverwood Park.

Micah Gubler Not present.

Hirschi Reported the meeting at the treatment plant. The mayor added it should be open in January and accept water in February.

Prince- Reported he went to the Mosquito Agreement Conference. It was quite interesting. There's so much to take care of these mosquitoes that none of us know, we just left that out of the department. One of the things I thought was very interesting is the use of drones in mosquitoes spraying. It's a little bit difficult here in southern Utah because we don't have a lot of open fields and marsh that they do in northern Utah. He met with the historical committee and they're going to start putting flags on some of our historical areas. So, one of the things that we need, if anyone out there has, they're concerned about the money situation. They don't really want to necessarily raise money and then put it in the city. They'd like to be able to just hold that themselves. So, if anybody has a non-profit background, it kind of makes sense to me that they need a non-profit tie-in to the county non-profit, raise money and hold money. And the last thing is, Behavioral Health people from the Intermountain contacted me and they just offered there anything they can do to help out at the

bridge. If there's anything we can think of that they can do to help prevent people from jumping out there. They were thinking more in line of information or posters to call like a hotline or something.

Fay Reber- Reported he will be preparing a notice of vacancy for Richard's situation so that we can start to get publicized asap. Also, over the next couple of months, is replacement of Blair on the solid waste board and also Councilman Hirschi on Ash Creek and the fire district.

Citizen Comment & Request for Future Agenda Items:

Chris Linquist commented on the corner of 5th West and Center Street. You can't miss it. He's got tire changers in there. He has tires delivered by outside vendors. He's got tires all over. He is running a tire business out of his house. It behooves you, as council members, I think, to drive by before you do anything on this matter and look at that property. So, you have an idea of what is good and what is not good.

F. Adjourn:

The mayor closed the meeting at 7:26 p.m.

12-3-2025
Date Approved

ATTEST: Nancy Cline
Nancy Cline
City Recorder



Mayor Kelly B. Wilson

