IVINS
CITY COUNCIL
MINUTES
July 21, 2016

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.

STAFF: Director of Finance and Acting City Manager Wally Ritchie, Building and Zoning Administrator Kevin Rudd, Assistant Public Works Director Tom Jorgensen, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: George and Linda Elwell, Lisa Maserang, Kathy Nied, Dallas and Melissa Dixon and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

B. Flag Salute

Council Member Roberts gave the Invocation

C. Invocation

Council Member Roberts gave the Invocation.

D. Disclosures

Council Member McDonald referred to agenda item 5)C and disclosed that the applicant does business with the company that he owns. **Council Member Roberts** referred to the Consent Agenda and disclosed that his son is employed by Jones and DeMille Engineering. There were no other conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Building Department; Public Works/Engineering; Finance

Kevin Rudd provided a written report regarding building permits and reported that the City has issued 78 single family building permits to date. He also provided a report regarding Code Enforcement. Copies of the reports are available by request through Ivins City Hall.

Tom Jorgensen reported that written reports were previously submitted and inquired if there were any questions or concerns. There were none. Copies of the reports are available by request through Ivins City Hall. He reported that the lighting will be installed in the center medians on Highway 91 in the near future. **Council Member Roberts** inquired if Chuck Gillette was able to get the color of the lights that were ordered changed. **Tom Jorgensen** clarified that for both the Rocky Vista University project and the Highway 91 project, the supplies had already been ordered so they were unable to change the type of lights.

Wally Ritchie referred to the June fiscal year end budget report, a copy of which is available by request through Ivins City Hall. He reported that the fiscal year has been closed out and the Departments Heads did a good job with their budgeting estimates for the year end. Approximately $200,000 was put into the General Fund and brings the balance to 17%; the City is allowed to have 25% in reserves. The City is trying to move towards having the General Fund reserves continue to grow to around 20%.

B. Planning Commission Report

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Kevin Rudd reported that the Planning Commission held a Public Hearing on a Land Use amendment to change the Land Use from Medium Density Residential to High Density Residential and they recommended approval. A Public Hearing will be held at the City Council at the next Council meeting. The Planning Commission held a Public Hearing on a proposed Zoning Text Amendment to add a new Townhouse Zoning District and they recommended approval. That will also go forward to the City Council for a Public Hearing at the next Council meeting. The Planning Commission also approved a Final Plat with a Subdivision Enhancement Overlay for the Shadow Canyons of Ivins Subdivision, Phase 3. That subdivision is located at approximately 500 South and Main Street. **Council Member Roberts** inquired if the Planning Commission intends to keep high density residential in one area or scatter it throughout the City. **Kevin Rudd** clarified that the Planning Commission discussed that and will begin the process of going through the City and identifying some vacant parcels and then come up with a formula or checklist where if someone comes in for a multi-family or high density land use change, they will have a method to follow. **Council Member Densley** inquired if the City is going to involve the land owners in this process. **Kevin Rudd** stated the City would definitely do that and see if they're open to that before going through the Public Hearing process.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2016-15R, a Resolution of Ivins City, Utah, honoring a recipient for the 2016 Mayor's award for Community Service

Mayor Hart awarded the 2016 Mayor's Award for Community Service to George E. Elwell, Jr. Mayor Hart read a Resolution and provided Mr. Elwell with a plaque. A copy of the Resolution is available by request through Ivins City Hall. **George E. Elwell, Jr.** conveyed to the Mayor and City Council how important the City Council position was to him and stated that he was honored to be chosen for the award. The **Mayor and City Council** thanked him for his service.

MOTION: Council Member Roberts moved to approve Resolution No. 2016-15R, a Resolution of Ivins City, Utah, honoring a recipient for the 2016 Mayor's award for Community Service, that being George E. Elwell, Jr.
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

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B. Discuss and consider approval of Resolution No. 2016-16R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary Water Rate to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons

Wally Ritchie indicated that at the end of May, the Water Conservancy District held Public Hearings to raise their water rates by $0.10 cents of what they charge the cities. That was effective July 1, 2016. This is simply a pass through of that increase.

MOTION: Council Member Johnson moved to approve Resolution No. 2016-16R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary Water Rate to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

C. Continued discussion regarding Recreational Vehicle Resorts

Mayor Hart indicated that at the last City Council meeting the City Council received copies of the ordinance as recommended by the Planning Commission, as well as a red-lined version of the ordinance provided by the property owner. The City Council was asked to study both thoroughly and be prepared to discuss them. **Council Member Densley** stated that an email was sent to the Mayor and City Council from the property owner indicating that they are out of town. The **Mayor and City Council** went through each section of the ordinance. **Council Member Densley** referred to section 16.17.202(1) -Definitions for Cabins and indicated he did not recall discussing those, only RV's. **Kevin Rudd** clarified that the applicants have intended from the beginning to provide cabins. **Council Member Roberts** indicated he recalled that this resort would be similar to the resort in Virgin. **Council Member Densley** inquired what the exterior of the cabins would look like. **Kevin Rudd** stated the Planning Commission did not define that but the design guidelines in Chapter 19 of Ivins Code would apply. **Council Member Densley** inquired if there would also be a wall. **Kevin Rudd** indicated yes and that all developments on Highway 91 require a buffer wall and jog the wall a minimum of 1 1/2 feet to 4 feet, every 40 feet. **Mayor Hart** stated that the assignment the City Council gave to the Planning Commission was to come up with an ordinance that defined a very high quality resort, one that could not be confused with a trailer park or a camp ground. He was personally concerned with the red-lined comments in that they appear to be something that reduces that definition that the Planning Commission created, to something closer to a campground/RV park and that's a real concern to him. He indicated that it was not the City Council's job to come up with a successful business model for anyone in any enterprise. One of the big concerns is the insistence that the City needs to compromise on the 29 day limit. In the conversations he has had with the City Manager/City Attorney, there is no way to bypass that and if someone stays longer than 29 days, the City wouldn't be able to collect the first 29 days of the transient room tax. **Council Member Roberts** referred to the transient room tax and indicated that aside from

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the money the City would receive from that, he inquired what other negative would there be to have eight (8) months in the winter that a percentage of the spaces could be used long term instead of short term. **Council Member McDonald** inquired if it could be specified that so many lots qualify for long term. **Mayor Hart** stated that the City Council could define that but whatever they decide would apply to any future applications and not just this one application. **Council Member Densley** indicated that some of the RV parks in Arizona that allowed staying 30 days or longer had those RVs park towards the back of the park and the front lots were used for short term stays. **Mayor Hart** stated that if the City opened a portion of the lots up for long term stays, the City would need to be careful to make sure it doesn't turn into a trailer park. **Council Member Roberts** suggested a maximum stay of eight (8) months. **Council Member McDonald** suggested a maximum stay of three (3) to four (4) months. **Wally Ritchie** indicated that a number of ordinances had limits on how many days per year and how many consecutive days individuals could stay. The City Council has the latitude to do what they want with that. The longest he saw in an ordinance was 180 days in a year. The **Mayor and City Council** discussed the number of lots and maximum days stay for long-term. **Council Member Roberts** suggested 60% short-term and 40% long term. **Mayor Hart** suggested 75% short-term and 25% long-term. **Kevin Rudd** clarified that there are approximately 140 total units in the project. **Council Member Johnson** suggested 70% short-term and 30% long-term. **Council Member Roberts** inquired how this would be enforced. **Kevin Rudd** stated that if something came into question, it would be a Conditional Use Permit and would be addressed through Zoning and Code Enforcement. **Wally Ritchie** referred to the Council considering long and short-term percentages and suggested that the Council may want to consider excluding the cabin and tent sites from long-term use. **Kevin Rudd** indicated that it could be specified that long-term lots are only available for RV's. **Council Member Roberts** inquired if the cabin and tent sites are taken out of the equation, what is 30%? **Kevin Rudd** stated that's unknown at this time. **Council Member Roberts** would like to know the developer's thoughts on the percentages and have it know that the City doesn't intend to have the whole project as long-term but the City is flexible. **Mayor Hart** referred to lots that would allow horses. He agreed with the Planning Commission to generally not have that generally available but it may be possible to define that if the property is adjacent to an equestrian trail, that would be allowed. **Kevin Rudd** clarified that the surrounding property is zoned Agricultural and BLM (Bureau of Land Management). **Wally Ritchie** indicated that the City Council could include that but inquired what the vision of the City is because you can't be everything to everybody. **Council Member Mehr** stated this agenda item was discussed prior to him being on the Council and inquired what the vision of the City is. He was concerned that if this were approved, the owner could sale the land and develop it differently or the same project could be allowed in other areas of the City. **Wally Ritchie** clarified that this is a two step process because currently this use is not allowed. The use has to be allowed first which the Planning Commission has recommended that the City not allow that use. The Planning Commission has unanimously recommended twice not to allow this use but they put the ordinance together because that's what the City Council requested they do. After the Land Use has been decided then depending on what the City Council does, the Ordinance comes into play and after that there will need to be a zone change for the land owners. **Council Member Mehr** inquired what is the primary motivation for the City Council to continue this discussion. **Mayor Hart** clarified to see if an ordinance could be put together that is an enhancement to the City rather than a detraction. **Council Member McDonald** felt that the

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reason is that as the City grows, the City needs to come up with ways to bring income into the City and that's either through sales tax, transient room tax or property tax. If the City doesn't identify things that bring in a tax of some sort, at some point it will affect property tax for everyone to make sure the City has enough to operate the City appropriately and the City Council is being mindful of that. **Mayor Hart** indicated that the City has recognized for many years that because of Ivins geographic location in the county and what Ivins ultimate population will be at build out, Ivins is not going to attract conventional retail like other areas in the county that are surrounded by higher populations. The City has looked towards the resort development as a way to substitute room tax for retail sales tax. **Kevin Rudd** inquired if the City wants outsiders to come and visit Ivins and stay in Ivins and if so, where do they stay. **Council Member Mehr** stated he thought the City does want people to come to Ivins but doesn't know that allowing people to stay for 180 days accomplishes that because it will likely fill up and those individuals will get to stay in Ivins for a long period of time and that will also not allow the tax revenue that's been discussed. **Mayor Hart** clarified that that is why the percentage of long-term spaces available will be critical. **Council Member Roberts** stated that supply and demand will be a factor. If the spaces aren't occupied, the City isn't going to collect a tax. He did not see there being a lot of negative effects from the project. **Council Member Densley** referred to the Tuacahn Amphitheater and indicated that people come to the area in their large RV's and are staying in St. George which is where they're spending their money as well. If they stay in Ivins, they'll spend their money in Ivins. **Council Member McDonald** clarified that RVs do not constitute a trailer park. **Council Member Densley** referred to section 16.17.202(3)(b) Independent RV and stated that pop-up and truck campers should be allowed and is not reasonable to not allow those. **Council Member McDonald** inquired if the applicants will have on site shower facilities. **Kevin Rudd** indicated yes. **Council Member McDonald** stated that the ordinance says that a tent trailer is not an RV but it is. **Council Member Johnson** inquired if the Planning Commission only wanted vehicles that are self-contained. **Kevin Rudd** clarified yes but noted that tent sites are allowed. The **Mayor and City Council** discussed this and determined that those types of RVs would be allowed and if they were not self-contained, they would need to occupy the tent sites. **Kevin Rudd** indicated if the City is going to allow that, they need to increase the number of tent sites allowed and recommended that the percentage be increased to 15%. **Mayor Hart** referred to a provision in the ordinance that refers to rust and the property owner has asked that be removed. He was emphatic that remain in the ordinance. The **Mayor and City Council** referred to the required 1600 sq. ft. tent site space. **Kevin Rudd** clarified that is 40'x40'. The **Mayor and City Council** agreed that was too large for a tent site. **Mayor Hart** referred to section 16.17.204(8) regarding the property owners request use a polyethylene wall rather than masonry or stucco. The **Mayor and City Council** agreed that would not be allowed. **Mayor Hart** referred to concrete precast versions of that and inquired as to Kevin's opinion. **Kevin Rudd** stated he understood the City Councils' reservations and he indicated he had reservations as well. **Mayor Hart** referred to section 16.17.204(13) - Pets. **Council Member Roberts** indicated that he liked the idea of allowing RV sites for horses if they are adjacent to equestrian trails. **Kevin Rudd** suggested the ordinance specify agricultural or BLM property and say how far away from a residential area those sites would be allowed. **Council Member Johnson** suggested those sites be specified as short-term only and not long-term. The **Mayor and other City Council Members** agreed. **Council Member Mehr** was concerned this could be allowed all over the City. **Kevin Rudd** clarified that wasn't the case because the City would be creating a specific land use and zoning

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designation for this use. Once the City has changed the land use then the zoning is given. If this use is allowed in areas zoned agriculture, then it opens up all of the Agriculture zones but the safety to this is creating the specific land use and a specific zone. **Mayor Hart** agreed that if that's allowed in an Agricultural zone, it opens up the AG zones to that but safety specific land use and specific zone. **Council Member Densley** suggested two separate ordinances - one for equestrians and one for RV resorts. **Mayor Hart** indicated there could be a qualifier in the ordinance that is specific. **Mayor Hart** referred to the property owners request to allow campfires. **Mayor Hart** stated that typically those are allowed but Ivins has an unusual fire issue. **Wally Ritchie** agreed and especially in this location with the property abutting the Santa Clara River Reserve, BLM land and it is wildfire territory. **Kevin Rudd** clarified that those would be prohibited 9 months or more out of the year due to state regulations and if it's within an actual campground the state would allow fires. The **Mayor and City Council** discussed whether or not to allow campfires and determined no fire pits/open fires would be allowed but a propane/gas stove would be allowed. **Mayor Hart** referred to section 16.17.205(5) and indicated it should read "Other than..." instead of "Other". **Mayor Hart** referred to 16.17.206 regarding keeping a patron log. The **Mayor and City Council** agreed that should be required and suggested the verbiage be changed to "All RV Resorts" or "Resort Management" for consistency with paragraph (2). **Mayor Hart** referred to section 16.17.206(2) and stated that needs to stay exactly the way it is as it relates to the condition of vehicles staying at the resort. **Kevin Rudd** indicated the individual enforcing that would use common sense and be reasonable. **Council Member Johnson** agreed that the language should remain the same as the Planning Commission recommended. The **Mayor and City Council** discussed this and determined to re-word it read in part "no significant damage including visible patching material...". Regarding quiet hours and the arriving time for guests and determined to leave those as they are. **Council Member Densley** referred to Snow Canyon State Park as an example and indicated that the campground gate closes at 10:00 p.m. and this ordinance would allow an arrival time up to midnight. **Mayor Hart** referred to section 16.17.210 regarding RV lot sizes and determined it would make sense to use some type of lot size averaging due to the different sizes of RVs. **Mayor Hart** suggested changing the verbiage from "Each RV shall be separated from each other..." to "RVs shall be separated from each other..." The **Mayor and City Council** requested that Kevin Rudd contact the property owner with the Council's suggestions, revise the draft ordinance and bring it back for discussion at the next City Council meeting.

MOTION: Council Member Mehr moved to continue this discussion
SECOND: Council Member Densley
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

6) CONSENT AGENDA

Wally Ritchie stated that Consent Agenda items A and B need to be removed for further discussion because the City is awarding engineering contracts and he would like it stated in the motions the engineering company being awarded and the not to exceed amount.

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C. Approval of modified Work Agreement with Washington County for NRCS Emergency Watershed Protection funding for the Kayenta Debris Basin project

D. Approval of City Council Meeting Minutes for July 7, 2016

MOTION: Council Member Densley moved to approve Consent Agenda items C and D
SECOND: Council Member Roberts
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Council Member McDonald requested a point of order and stated Consent Agenda item 6)D was not available on the website for review. It was explained that they were sent via Dropbox email and were not on the website because they are in draft form and not approved. **Council Member McDonald** indicated that the meeting is audio recorded and available for the public so he did not see an issue with including the draft minutes on the website.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

A. Approval of an expenditure for engineering services for the 2016 Storm Drain Master Plan Improvements Project

Wally Ritchie indicated that the engineering contract is being awarded to Bowen Collins.
MOTION: Council Member Mehr moved to approve the expenditures to construct the 2016 Storm Drain Master Plan Improvements Project be awarded to Bowen Collins and Associates in the amount not to exceed $137,161
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

B. Approval of an expenditure for engineering services for the Tuacahn Drive Trail Project

Wally Ritchie stated that the engineering contract is being awarded to Alpha Engineering.
MOTION: Council Member Mehr moved to approve the expenditure for engineering services to construct the Tuacahn Drive Trail, awarded to Alpha Engineering in the amount not to exceed a total of $24,835
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

8) REPORTS

A. Council

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Council Member Mehr stated that George E. Elwell, Jr. was well deserved for the Mayor's Award for Community Service. He was his neighbor and encouraged Council Member Mehr to get involved.
Council Member McDonald - no report
Council Member Johnson reported that the planning for Heritage Days is moving along.
Council Member Roberts - no report
Council Member Densley requested that in light of things that were occurring in the nation, he'd like it passed onto Public Safety how much the City Council appreciates them and the endless hours they provide. The Mayor and other City Council members agreed. **Council Member Densley** reported that he attended a Snow Canyon Joint Management Committee meeting. The next major funding project they are looking at building is an Education Center. If the fees are raised for out-of-state park attendees, additional funding may not be available to fund a major project. Mayor Hart inquired if they understood that was system wide. **Council Member Densley** stated he brought that up at the meeting. The engineering is proceeding on the road widening project and the RFP (Request for Proposals) will likely be sent out this fall, with the hope that the project will be done before the Half Ironman, which is in May, 2017. **Mayor Hart** clarified that out-of-state attendees would pay a $10.00 entrance fee. Of the additional $4.00, $3.00 of that would remain with Snow Canyon State Park instead of having to obtain funding through DNR (Division of Natural Resources) every year, there would be a funds set aside for Snow Canyon State Park to do things for that park.

B. Mayor

Mayor Hart reported the City has held a couple of meetings with the County regarding the NRCS (Natural Resources Conservation Service) funding for the detention basins on the west side of the City. As of the last meeting, the funding is committed and going to the County and dedicated to that project. There were others on the list that have not been funded yet so Ivins is fortunate to have had that project funded.

C. Acting City Manager Wally Ritchie

Wally Ritchie provided updated photos obtained from the foundry of the progress of the Center Street/Tuacahn Drive statue. The statue is being assembled and the artist has been there working on it this week and will be working on it next week as well. **Council Member Roberts** inquired if it would be finished by Heritage Days. **Mayor Hart** stated that it would be but that it wouldn't be announced until it's completed. **Council Member Johnson** inquired as to the dimensions of the statute. **Mayor Hart** indicated it is 18 feet high and 10 feet across the base. **Wally Ritchie** spoke with Santa Clara City's City Manager Ed Dickie regarding placing an entrance sign into Santa Clara on Highway 91 just before Pioneer Parkway, on the south side of Highway 91. The piece of property is on County property. The City Council referred to property where Ivins planned to place an entrance sign. It is by the storage units and they questioned whether that is the best place to put an entrance sign.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn
SECOND: Council Member Roberts
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

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Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 7:38 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder

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