IVINS
CITY COUNCIL
MINUTES
April 4, 2024

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".

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 Scott, Council Member Smith, Council Member Barton, Council Member Gillespie, Council Member Anderson, and City Recorder Kari D. Jimenez.

STAFF: City Manager Dale Coulam, City Attorney Bryan Pack, Public Safety Captain Rich Rodgers, Public Safety Fire Chief Andy Parker, and Public Works Director/City Engineer Chuck Gillette.

EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart indicated that there was a quorum present. Council Member Smith was in attendance via the Zoom application.

B. Flag Salute

Council Member Barton led the Flag Salute

C. Invocation

Council Member Barton gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Introduction of Ivins Princess Pageant Royalty

Mayor Hart introduced and thanked the Miss Ivins Pageant Director, Jennifer Horne. **Jennifer Horne** introduced the 2024 Ms. Ivins Princess Pageant Royalty as follows: Miss Ivins- Melanie Petersen, 1st Attendant–Maliyah McDonald, 2nd Attendant–Ashley Petersen and Miss Congeniality–Sadie Williams.

B. Department Reports: Parks and Recreation and Public Safety

Captain Rich Rodgers referred to the electronic report, a copy of which is attached to this agenda. He reported that there is a group that would like to recognize Detective Jessica Bate as a Pilar in the Community for her investigation of the child abuse case in the Kayenta neighborhood. He reported that there have been a couple of swatting calls in Washington County regarding active shooters where a computer was hacked and instead of trying to scam people out of money, bomb threats and active shooter reports were made. The investigation is ongoing for those incidents. The Police Department has started their distracted driving campaign. They have had meetings with Black Desert Resort regarding the PGA Tour and they have hired Events Coordinator John Coolbaugh who was staffed by Tiger Woods and knows these types of events. The PGA Tour is likely not going to be as impactful as initially thought. **Dale Coulam** referred to the 20/20 interview that aired about the abused children in the Kayenta neighborhood and commented that the Public Safety and EMS crews were very well recognized in that story.

Chief Parker referred to an electronic report. A copy of the report is available as an attachment to this agenda. He reported that on April 11th Ivins CERT Prevention/Earthquake Class will be held at Ivins City Hall. The Great Shakeout CERT drill will be on April 18th, crew will participate in the Vista School Carnival on April 20th and personnel will be participating in the Ivins Public Safety TalkAbout on April 24th. He is reviewing the fee schedules and looking to recuperate more than what the cost is.

C. Planning Commission Report

Planning Commissioner Dave Robinson reported that the Planning Commission held a Public Hearing on proposed amendments to the Subdivision Ordinance and made recommendations that will proceed to the City Council. They also discuss Accessory Dwelling Units.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart indicated that Jon Graf submitted a request for the Council to consider revising Ivins fencing ordinance to have more flexibility. This came about while they were getting ready to install their fencing along Highway 91 and realized that what they wanted to do did not exactly fit in there. **Jon Graf** stated that the ordinance reads that there is to be a solid 6 foot block or concrete wall. As he was looking up the corridor, there are a few areas that go over 6 feet and some that go a few inches over six feet and most of them average between 4 and 5 1/2 feet, with the exception of those couple of spots on the north side of the road that have some 6 foot walls or just over 6 feet. His request was that the Council think about allowing them to be more in alignment with everything else along there instead of just 6 feet. The City also likes to have some variation in the wall going up and down and inquired if that means he is 6 feet and higher than 6 feet or does that mean he is 6 feet and lower than 6 feet? There are just a few things he would like to clarify. His request is that they are able to be between 4 and 5 1/2 feet going up and down as it climbs through. They lowered the property down between 3 and 5 feet all along the property where the wheels on the ground would be for any coaches or trailers that would be parked in there. On their side, if they have a 6 foot wall, it would be between 9 and 11 feet. **Mayor Hart** commented that this is a legislative request asking the Council to review the policy and commented that he is not permitted to do what he is asking without some kind of an exception and refereed to Dale Coulam. **Dale Coulam** indicated that was correct. The Council could make it an exception and add it to the list of special exceptions. The ordinance that actually is at issue here is the RV Resort ordinance, it is not the general fencing ordinance. Instead of doing a Conditional Use Permit, the ordinance is all codified for the RV Resort and the ordinance says it is to be a solid 6 foot block wall to screen the views from Highway 91 and to match the other walls along Highway 91. The purpose is to blend in and be of similar design and height and that may be where the City may have some flexibility. The City would be changing the RV Resort ordinance which would be a zoning text amendment which would go first to the Planning Commission for a Public Hearing for their recommendation and then it would come before the City Council for a Public Hearing for the City Council to make a decision. **Mayor Hart** inquired of Mike Haycock if when he goes out and inspects a wall, does he determine a height based on the high side of the terrain? **Mike Haycock** stated that his wall is a development wall and typically Jared Taylor in the Public Works department inspects the development walls but that as the terrain tapers down, the City would like it to average 6 feet on the fencing. If you look at the other neighborhoods up the way, there is some consistency through there on the newer walls. It is the older walls that are not consistent with Ivins ordinance because they pre-date the ordinance. **Mayor Hart** inquired if it is an average of 6 feet where you go above little and below a little? Mike Haycock indicated yes, within a block or two. Regarding the

articulation, there are other places within a subdivision specifically, between 4 and 6 feet and in the zoning ordinance there are other walls that are articulated as well by ordinance. **Dale Coulam** clarified that what Mike Haycock is referencing is the fencing or wall ordinance generally but the ordinance at issue is the RV resort ordinance specifically. One question you could ask is, is it 6 feet from their side of the wall or the Highway 91 side of the wall? The RV Resort ordinance is clear that it is 6 feet so that its purpose is to screen the view from Highway 91. That would mean it is 6 feet from the Highway 91 side which would require going through the Public Hearing process before the Planning Commission and City Council. The City could expedite those Public Hearings and hold them back-to-back in the same week, noticing both Public Hearings. **Council Member Scott** indicated that one thing he noticed when he looked at the property, as to Dale Coulam's point about this coming from the RV Resort ordinance, to protect views from Highway 91 looking into the property but Highway 91 is a good couple of feet above this property. From Highway 91, it slopes down to where the wall will be and even a 6 foot wall from the Highway isn't going to block a lot of view. There will be a multi-use trail there and that will probably be down at the base of the 6 foot level so if one is walking on the trail, their eyes would just be seeing a wall and the mountain in the distance and maybe some buildings that are built there. It is at least worth considering the issue and letting the Planning Commission look at it then the City Council looking at it afterwards. **Mayor Hart** indicated that they understood that the Graf's point is that their land is below natural grade approximately 4 feet and from that vantage point is a very high wall and the Grafs were concerned about losing views and the impact of that to their project. **Jon Graf** agreed and stated that it is also the fact that the RV ordinance just says a 6 foot wall so does it need to be just a 6 foot wall or does it need to be varied? The regular wall ordinance for the City requires variation but the RV ordinance does not, it just says a 6 foot wall and not varied. **Council Member Barton** indicated that walking the property, there is a lot of wall there so varying the fence line should be considered because it is a lot of solid wall and if they can keep it more part of the Ivins look and feel, that would be to everyone's advantage. The **City Council** agreed that this should go through the expediated Public Hearing process before the Planning Commission and then the City Council two days after the Planning Commission meeting.

Cheri Steele submitted a request regarding the ordinance on tumbleweeds needing to be addressed. She resides just south of the open land east of Rocky Vista University. There is a significant issue with tumbleweeds coming off of that property and rolling into all of their yards, filling the yards with tumbleweeds. Some people don't have a truck or a way to get rid of them and she requested assistance to put pressure on the property owner and to give them a written warning and then a citation if nothing is done. There is a landscaper that is on the property once a week but they are only taking care of the grass and not the weeds. **Mayor Hart** inquired if this would be a code enforcement issue. **Dale Coulam** indicated yes and commented that he has contacted the Attorney for the owner and the City was given assurance that it would be taken care of but obviously it has not been taken care of. The City cannot force the owner of the property to place a dumpster on private property but there needs to be a way to resolve this. There is nothing to prevent the owner from blading the property but then that could create a dust problem. He will have another conversation with the Attorney for the owner of the housing along 400 East and if it is not resolved, the next step would be to proceed with code enforcement.

Louis Baldwin submitted a request for City Council oversight of City fire hydrant maintenance and record keeping. It was determined that information that he was requesting was readily

available by speaking with Fire Chief Andy Parker and Public Works Director and City Engineer Chuck Gillette.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to consider vacating a public utility and drainage easement located at approximately 600 South Main, Ivins, Utah. Corner the Market, LLC-Owner. Ivins City - Applicant

Dale Coulam explained that there is an easement on the plat that is interfering with this subdivision and not needed by the City. This was discussed at the TRC (Technical Review Committee) and staff did not feel that there was a need to retain that easement due to other easements that will be provided. **Mayor Hart** opened the Public Hearing. There being no comments in the Council room or via the Zoom application, Mayor Hart closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2024-06, an Ordinance of Ivins City, Utah, vacating a public utility and drainage easement

There was no discussion.

MOTION: Council Member Gillespie moved to approve Ordinance No. 2024-06, an Ordinance of Ivins City, Utah, vacating a public utility and drainage easement
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

Roll call vote. All Council Members were present and voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. REMOVED FROM AGENDA: Discuss and consider approval of Resolution No. 2024-03R, a Resolution of Ivins City, Utah, appointing a Planning Commission Member

B. Discuss and consider approval of Resolution No. 2024-04R, a Resolution of Ivins City, Utah, appointing a City Attorney

Mayor Hart referred to Bryan Pack. **Bryan Pack** provided his background to the Mayor and City Council, including that he served on the Planning Commission from 2013 to 2021 and is currently the City Attorney for Mesquite, Nevada.

MOTION: Council Member Anderson moved to approve Resolution No. 2024-04R, a Resolution of Ivins City, Utah, appointing Bryan Pack as the Ivins City Attorney
SECOND: Council Member Barton
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

Roll call vote. All Council Members were present and voted in favor.

C. Discuss and consider approval of Resolution No. 2024-05R, a Resolution of Ivins City, Utah, appointing a Parks and Recreation Director

Mayor Hart referred to Marc Christensen who was in attendance by Zoom. **Marc Christensen** provided his background to the Mayor and City Council, including that he is currently the Tremonton City Manager and was the Tremonton City Parks and Recreation Director for 13 years before that. He was also an intern under Benny Sorensen nearly two (2) decades ago.

MOTION: Council Member Barton moved to approve Resolution No. 2024-05R, a Resolution of Ivins City, Utah, appointing Marc Christensen as the Ivins City Parks and Recreation Director
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

Roll call vote. All Council Members were present and voted in favor.

D. *Discuss and consider approval of Consent to Assignment of Development Agreement regarding Desert Cove Subdivision

Dale Coulam stated that there is a recorded Development Agreement that needs to be assigned and in order to do that, the Mayor and City Council need to provide Consent to the Assignment.

MOTION: Council Member Gillespie moved to approve the Consent to Assignment of Development Agreement regarding Desert Cove Subdivision
SECOND: Council Member Barton
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

Roll call vote. All Council Members were present and voted in favor.

E. Continued discussion regarding the Public Safety Budgets for Fiscal Year Ending 2025 Budget

Mayor Hart indicated that they had another meeting this afternoon, receiving further explanation of how staff is going to work. **Dale Coulam** commented that the meetings have been very amicable with representatives of Santa Clara and with the revised and final budget and estimate to complete, the model goes to a 15 person staffing model and there was a consensus that concerns have been addressed.

MOTION: Council Member Anderson moved to approve the Public Safety Budgets for Fiscal Year Ending 2025
SECOND: Council Member Smith
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE

Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

F. Continued discussion regarding updating the General Plan

The **Mayor and City Council** addressed this agenda item in the Work Meeting and had nothing further to add at the meeting tonight. **Council Member Scott** indicated that a new section will be emailed out to the Mayor and City Council in the next week.

6) CONSENT AGENDA

A. *Approval of expenditure for 2024 streets pavement maintenance
B. *Approval of expenditure for purchase of service truck for Public Works
C. Approval of City Council Meeting Minutes for March 7, 2024

MOTION: Council Member Scott moved to approve the Consent Agenda
SECOND: Council Member Gillespie
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Gillespie reported that she assisted the Parks and Recreation Department with the Easter Egg scramble where there were 15,000 eggs that were placed and all were gone in 30 seconds. She encouraged others to attend the Parks and Recreation events. There was a second Task Force Housing meeting held where they went over legislative changes and opportunities the City is looking at.

Council Member Barton reported that there will be an Open Space meeting on April 17th at 4:00 p.m.

Council Member Smith reported that there will be a ribbon cutting for the additional seating in the amphitheater on April 15th at 5:30 p.m.

There were no other reports.

B. Mayor

Mayor Hart reported that Fire Chief Parker and Chief of Police Flowers will serve as panelists at the TalkAbout on April 24th at Rocky Vista University and the topic will be Public Safety. He extended an invitation to Santa Clara City officials to attend that TalkAbout.

C. City Manager/Attorney Dale Coulam

Dale Coulam reminded the Mayor and City Council of the upcoming Utah League of Cities and Towns conference in St. George and inquired if they would like to hold a Work Meeting on that day of the conference or just a regular City Council meeting? The **Mayor and City Council** requested that there be no Work Meeting on Thursday, April 18th.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn
SECOND: Council Member Barton

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

The meeting adjourned at 7:08 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder