IVINS
CITY COUNCIL
MINUTES
April 18, 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.ivinsutah.gov 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, and Council Member Anderson.
STAFF: City Manager Dale Coulam, City Attorney Bryan Pack, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, and City Recorder Kari D. Jimenez.
EXCUSED: None.
Audience: Bonnie Kline, Pam Gardiol and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. City Manager Dale Coulam was in attendance via the Zoom application. **Mayor Hart** welcomed City Attorney Bryan Pack.

B. Flag Salute

Council Member Gillespie led the Flag Salute

C. Invocation

Council Member Gillespie 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. Department Reports: Building Department; Public Works/Engineering; Finance

Mike Haycock reported that Ivins employee Rob Dalley is fully certified in residential and commercial inspections and has been a great addition to the department.
Chuck Gillette reported that the Ironman will be on Saturday, May 4th. He reported on the ongoing process of the supplemental environmental impact statement (SEIS) for the Northern Corridor, emphasizing the Bureau of Land Management's (BLM) tight deadline of November 2024. Despite the deadline, the recent document submitted to cooperating agencies lacked substantial new information. The county's aggressive stance towards the BLM, fueled by concerns over losing the corridor, has led to potential legal action. The BLM faces pressure to meet the November deadline. A hearing is scheduled for April 22nd, with subsequent public meetings to present SEIS drafts and finalize decisions by November 2024, which is an accelerated pace. He referred to "forever chemicals" and reported that the EPA recently indicated that they are going to start regulating forever chemicals, the PFAS chemicals. The City is participating in unregulated contaminant monitoring where the federal government's pays for the monitoring and Ivins takes samples at certain locations, and then send it back to whatever lab the government tells the City to send it to. The government has done some testing of Ivins water and the City has already got some results back. There hasn't been any PFAS forever chemicals in

Ivins' water supply. That makes sense because Ivins is not surrounded by any sort of industrial source that would contribute to forever chemicals. The City will be chip sealing and striping on Center Street after Ironman is over.

Cade Visser referred to a PowerPoint presentation, a copy of which is available as an attachment to this agenda. He reported that interest earnings surpassed the budget. The City is estimating to end fiscal year 2024 with $3.180 million unassigned General Fund balance and $7.2 million in unrestricted cash in the Enterprise Funds. The departments are maintaining expenditures under budget. **Council Member Gillespie** referred to the money in the General Fund and inquired if the City can look at some of the things that are needed and assign the money to those things. Cade Visser clarified that they could do that for the upcoming budget but if they are not planning on using reserves, it is unusual to assign those funds because they are savings. **Mayor Hart** commented that fund is historically a rainy day fund in case of a major recession to sustain the City in an economic downturn. The City hasn't even reached the amount that can be held in that fund per the State. **Council Member Barton** inquired if the revised budget is based on 15 fire fighters. **Cade Visser** stated yes.

B. Planning Commission Report

Planning Commissioner Robinson reported that the Planning Commission held a Public Hearing regarding boundary wall requirements for RV Resorts and the City Council is holding an expedited Public Hearing tonight on that issue. The Planning Commission also approved a Preliminary Plan for the Vista Estates subdivision.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS -None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation regarding amending Ivins City Code section 16.17.204(8) of the Zoning Ordinance regarding boundary wall requirements for RV Resorts

Mike Haycock reported that Ivins zoning ordinance talks about finished grade and natural grade and the measurement is off of finished grade. **Mayor Hart** inquired if that was on the street side? **Mike Haycock** indicated that Ivins code is not specific but should say off of the sidewalk/public side. The Planning Commission recommended between 4'8" and 5'4", giving some account for slopes. **Mayor Hart** opened the Public Hearing and indicated that the Council received one written comment that he read from Sharon Aspenberg, who was in opposition to the change. The comment is available as an attachment to this agenda. There was no one in the Council Chambers that requested to make a comment and no one on the Zoom application. **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2024-08, an Ordinance of Ivins City, Utah, amending the Zoning Ordinance regarding RV Resort Boundary Walls

Council Member Barton commented that she was not clear on how many RV sites, cottage site and tent sites there are going to be. She recalled previous discussion that the cottages were supposed to be between the fence and the first row of RVs and she would like clarification on those things. Jon Graf indicated that at this point, they do not have the funding to build any of the cottages which would be modular type tiny homes on wheels. There are 26 of those on the plans which are identified as RV/cottage/cabin because they could be sprinter vans or smaller units. **Council Member Barton** inquired as to the total number of units. Jon Graf stated 150 total with 12 tent sites that are dispersed throughout the property. Council Member Barton wanted to make sure that the wall is modulated. Jon Graf commented that it would be modulated in and out and possibly up and down depending on what the Council decides. **Council Member**

Scott requested clarification in the current ordinance that identified a 6 foot wall height but does not reference the Planning Commission's recommendation of a minimum of being between 4'8" and 5'4". **Council Member Gillespie** was present at the Planning Commission meeting and stated that the 6 foot was a placeholder. **Council Member Anderson** requested Chuck Gillette's opinion. **Chuck Gillette** indicated that when the City went on-site, they were concerned that the wall that was there, was not the wall that was on the plan. **Mayor Hart** pointed out that there is a path that extends along the wall and establishes landscaping. **Chuck Gillette** commented that was correct except in one area of 100 to 200 feet where the road is higher but he had no concerns with the existing drainage. **Council Member Scott** referred to that location and the RV pads on the property and inquired if the pads are higher up than on the west side of the property. **Chuck Gillette** stated yes. The **Mayor and City Council** discussed elevations and grade. **Mike Haycock** suggested that the grade elevation should be the back of the sidewalk or top of the path. **Mayor Hart** indicated that the Grafs were concerned that a taller wall would affect the view from inside the resort. Jon Graf commented that was one of the concerns. He read the ordinance and it just says 6 feet but there is nothing else in the area that matches that. **Council Member Anderson** suggested that they use the path as the guide for measuring from grade. Nicole Graf stated that the purpose of the wall is to screen the RVs but because they are already lowering the property 3 to 4 feet and thinking about the finished grade on the other side and commented that it may start to obstruct the views beyond the park and because they are a resort status, they have done a lot of improvements. They want to preserve the views as much as anyone else. There is a lot to consider other than just screening RVs. **Council Member Anderson** indicated that the philosophy was that the cottages would be by the road for screening purposes. **Council Member Scott** stated that the original idea for the wall to block the RVs as much as possible back when the RV ordinance was approved but he didn't think the Council then was considering the slope of the property and where the pads would be, they were likely just thinking of a 6' wall. What this Council may be getting with a lower wall as the Planning Commission recommended, the City may end up with more benefit than was originally envisioned. The goal initially was to block the RVs as much as possible and the question is that still the goal or not? If it is, the Council should keep the requirement for a 6' wall that modulates in and out. **Council Member Gillespie** indicated that she personally believed that residents are looking for a 6' wall. The property is a commercial use and the other walls that have been referenced are residential. She was adamant that the City keep it a 6' wall with modulation as the topography changes. The cottages are not being built as part of the screening so she was in favor of keeping the required wall height of 6 feet. **Mayor Hart** clarified that would mean that the ordinance does not change. Nicole Graf stated that the property is among residential and commercial uses and Movara that is adjacent to their property, does not have a wall in front of their commercial buildings. They are trying to aesthetically keep it nice for everyone, lowering the grade to screen the RVs and putting in landscaping. **Mayor Hart** commented that the Council either goes with the Planning Commission's recommendation or not. **Council Member Gillespie** made a motion to retain the existing ordinance. **Bryan Pack** clarified that the correct motion would be a motion to deny the Planning Commission's recommendation.

MOTION: Council Member Gillespie moved to deny the Planning Commission's recommendation

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

C. Public Hearing on the Planning Commission's recommendation regarding amending the Subdivision Ordinance

Dale Coulam stated that the primary change is with regard to the Final Plat Review Authority wherein that would change to be one person, which would be the City Engineer or Assistant City Engineer. **Mayor Hart** opened the Public Hearing. There being no request to make comments in the Council Chambers or via the Zoom application, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2024-07, an Ordinance of Ivins City, Utah, amending the Subdivision Ordinance

The **Mayor and City Council** had a question regarding a plat being signed by the Mayor and City Recorder. **Dale Coulam** indicated that was not required but was a preference. The **Mayor and City Council** determined that it wouldn't hurt to have the Mayor sign the plat. **Dale Coulam** clarified that if the Mayor signed the plat, that the City Recorder would need to attest the Mayor's signature so both signatures would need to remain on the plat if the Mayor is going to sign the plat.

MOTION: Council Member Smith moved to approve Ordinance No. 2024-07, an Ordinance of Ivins City, Utah, amending the Subdivision Ordinance with a change or an amendment that fixes section 15.04.406 (2) Final Plat Recording that would leave in the Mayor and City Recorder would still certify and sign the documents.
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. Public Hearing on the Planning Commission's recommendations on proposed revisions to the Goals and Strategies Section of Ivins City's Moderate-Income Housing Plan

Mike Haycock reported that the Planning Commission recommended revising the Goals and Strategies as identified in the draft ordinance. **Mayor Hart** opened the Public Hearing. There being no request to make comments in the Council Chambers or via the Zoom application, **Mayor Hart** closed the Public Hearing.

F. Discuss and consider approval of Ordinance No. 2024-09, an Ordinance of Ivins City, Utah, adopting revisions to the Goals and Strategies Section of Ivins City's Moderate Income Housing Plan

There was no discussion.

MOTION: Council Member Barton moved to approve Ordinance No. 2024-09, an Ordinance of Ivins City, Utah, adopting revisions to the Goals and Strategies Section of Ivins City's Moderate Income Housing Plan
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

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

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

Mayor Hart referred to Brandon Weight, who introduced himself. He is an Engineer and has been living in Ivins for nearly 7 years. He expressed interest is public service and giving back to the community. **Council Member Gillespie** commented that she was very impressed with his credentials and background.

MOTION: Council Member Anderson moved to approve Resolution No. 2024-03R, a Resolution of Ivins City, Utah, appointing Brandon Weight as a Planning Commission Member

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

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

B. Discuss and consider approval of a Second Amended Development Agreement with Rocky Vista University

Bryan Pack indicated that the Attorney for Rocky Vista University has requested that Dale Coulam be present when this agenda item is discussed so a motion to continue; would be appropriate. **Council Member Barton and Council Member Gillespie** requested attachments that are clear, as they could not tell what the exhibits are.

MOTION: Council Member Barton moved to continue this agenda item

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

C. Continued discussion regarding updating the General Plan

The meeting was in recess from 7:42 p.m. to 7:46 p.m. **Mayor Hart** called the meeting back to order at 7:46 p.m.

Mayor Hart thanked Council Member Scott and Council Member Gillespie for their work on this document. He was personally concerned about the Economic Development portion of the document but had not had a chance to review that and requested that they go to the Parks and

Recreation section. The **Mayor and City Council** continued their discussion on updating the General Plan including the cemetery being referenced under Parks and Recreation, the similarity between streetscapes, medians, and cemeteries, suggesting they all provide a park-like setting and should be treated similarly. There were concerns that Padre Canyon Wash was not identified as potential open space but due to the lack of official documentation regarding Padre Canyon Wash as open space, the **Mayor and City Council** agreed to a more general approach to referencing potential open spaces. They also identified verbiage that could be changed to be consistent throughout the document. The **Mayor and City Council** referenced the Economic Development section and determined that they would address that at a meeting in the future, along with the History section.

6) CONSENT AGENDA

A. Approval of City Council Work Meeting Minutes for March 21, 2024

B. Approval of City Council Meeting Minutes for March 21, 2024

MOTION: Council Member Smith moved to approve the Consent Agenda

SECOND: Council Member Scott

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 Barton reported that they had the first Open Space meeting yesterday and they have all been given assignments and will meet again in two weeks. There were no other reports.

B. Mayor

Mayor Hart reported that he attended the ribbon cutting for the new seating at Tuacahn, which accomplishes terrific things for Tuacahn. He was also invited to the ribbon cutting for the facility that Dixie Tech Golf Team will be using at Black Desert Resort, which has been identified as one of the ten best facilities in the United States for a golf team.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

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

The meeting adjourned at 8:24 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder