IVINS
CITY COUNCIL
MINUTES
August 1, 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, and Council Member Gillespie.
STAFF: City Manager Dale Coulam, City Attorney Bryan Pack, Parks and Recreation Director Marc Christensen, Public Safety Captain Rich Rodgers, Interim Fire Chief Lance Haynie, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Engineer Tom Jorgensen.
EXCUSED: None.
Audience: James Barden, Gail Fulde, Richard Bryant, Robert MacFarlane and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Anderson and City Attorney Bryan Pack were excused.

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. Department Reports: Parks and Recreation and Public Safety

Marc Christensen reported that the department held a foam party where there were over 100 people in attendance. Movies in the Park begin tomorrow for the next 4 Fridays and Heritage Days is coming up on September 5th, 6th and 7th.
Public Safety Captain Rodgers reported on behalf of Chief Studley who was excused. He reported that there was a fire at Split Rock where a helicopter dipped water out of the Ivins Reservoir to assist with that fire. A young woman passed away from heat exhaustion in Snow Canyon State Park and her parents survived but are recovering. There were some vehicle break-ins in Snow Canyon State Park and apprehensions made for those crimes. The department held Chess and Checker with Cops events in Ivins and Santa Clara and it was well attended and fun. They also held an event at the Southern Utah Veterans Home where there was a parade put on by the Corvette Club.

Interim Fire Chief Haynie reported that they are working on hiring a new Fire Chief. He has been working on working on pricing of equipment and financing opportunities if that is needed, as well as formulating better reporting on their website for month to month budgeting.

B. Planning Commission Report

Planning Commissioner Chair Gardiol reported that their meeting was short. The Planning Commission approved a Preliminary Plan for the Moenkopi Trails subdivision and continued to discuss resort commercial and resort mixed use.

3) **CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

James Barden submitted a request for a future agenda item and referred to the potential Dry Wash Reservoir. He commented that there be an ordinance put in place to prevent water levels from dropping down below four inches (4") to avoid blowing dust.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider compliance with Conditional Use Permit for Hidden Springs RV Resort

Dale Coulam indicated that the Public Works and Building departments will address the items that are not complete but the question is when will they be allowed to open and what improvements can be delayed that are not critical to the RV Resort and is there a timeline, phasing and similar? If the discussion gets to the point that the Council thinks that the governing ordinance needs to be changed, that is a different process and that cannot be done tonight. That process would start at the Planning Commission where they would make a recommendation and then it would come before the City Council.

Tom Jorgensen reported that there are two separate lists of items not completed. One list relates to the RV Resort Ordinance and the other relates to the Conditional Use Permit or other general ordinances/standards. The things that are not complete and are in violation of the RV Resort ordinance are concrete pads for the RVs, perimeter block wall, dumpsters are not screened from neighboring properties, landscaping of 1 tree per site, cluster of 3 trees for every 30 linear feet along all property boundaries and landscaping of all open areas, RV sites plainly marked for identification, toilets, urinals, lavatories and showers for the number of sites, designated storage area for utility trailers, motorized vehicles, bicycles, etc. and shall be fully screened. The things that are not complete and are in violation of the Conditional Use Permit or other general ordinances/standards are landscaping along Highway 91, asphalt trail along Highway 91, bollards along Highway 91, street light at the entrance, concrete ADA ramps on the trail at the entrance with cast iron truncated domes, emergency access, paths on the interior of the site, sidewalks at the entrance, signage, striping, waterline connection over to the 6" line on the north end and water meter for landscaping along Highway 91. **Mike Haycock** reported that they did a follow-up inspection this morning and referred to the ADA requirements. The pool, pool house and main amenity house is not complete so occupancy of those areas cannot be obtained until that is done. There are also buildings in the lower area that are in place but not permitted. He was told those were not going to be used for short-term rental but used as a permanent residence and that isn't allowed.

Jon Graf with Hidden Springs RV Resort commented that they are getting very close to completing those things. The ADA chairs have been ordered, they are doing the striping on Monday and as far as the structures that are below, if they are a tiny home and are on wheels, he understood that those did not have to be permitted. The frame has been skirted and the hitch placed inside of the skirting. They are land owners who wanted to develop their land and understood the phasing differently than what has been explained. At the time that they began the

project, he was not interested in phasing. They are now at the end of the project and have recognized how much things cost. They want to make this property the nicest RV Resort in the State of Utah and beyond. They will eventually finish all of the items that are required but they cannot afford to install the concrete pads or the landscaping right now. He is asking for some of the items in the Conditional Use Permit to be delayed with a timeline to allow them to accomplish those things but to be able to open so that they can be bringing in revenue. **Mayor Hart** indicated that there are some critical things that would need to be done. **Mike Haycock** agreed and stated that the ADA required items first and the certificate of occupancy and he had a list of what needed to be done. **Tom Jorgensen** stated that it was critical that the infrastructure is in and working. **Council Member Smith** referred to the Water Conservancy District impact fees and if there was an assumption that the resort would only open up a certain section at a time and impact fees were less than if the whole resort was open. **Jon Graf** indicated that in his discussions with the Water Conservancy District, he initially planned to install more washing machines and toilets in two additional buildings but after reviewing the budget, it was clear they couldn't afford to complete those buildings to the desired quality but they still meet the ordinance's minimum requirements. The ordinance specifies separate men's and women's restrooms but their designer recommended family-style restrooms, which include a toilet, shower, and sink in a lockable, unisex space. There are eight toilets and four showers as required but no urinals. **Mike Haycock** clarified that they are currently complying with the required numbers, but any decision to remove the two bathhouses would require an amendment to the conditional use permit. That could not occur tonight and the Grafs would remain responsible for fulfilling all obligations. If the Grafs choose not to proceed with the bathhouses, which he felt enhances the project by providing additional amenities, the change to the Conditional Use Permit would need to occur and that process would start at the Planning Commission and then move onto the City Council. **Jon Graf** stated that he was not asking to change the Conditional Use Permit. **Mayor Hart** inquired how comfortable staff was in delaying a portion of the requirements of the Conditional Use Permit. **Chuck Gillette** indicated that a bond guarantees that things get done but there is no bond with this project so it would be nice to have something else like a temporary Certificate of Occupancy that could be revoked if things were not completed as agreed. **Dale Coulam** referred to the reference to a bond and clarified that the City only accepts three (3) types of bonds and they all involve cash that would not help in this situation.

Council Member Scott inquired if unfinished items, such as bathhouses and landscaping, are required to be completed before opening per the ordinance? **Dale Coulam** clarified that while not all items may need to be finished before opening, they are still required. He suggested phasing the project, allowing parts of the resort to open while continuing work. **Mayor Hart** confirmed that phasing would allow compliance with the ordinance for each phase. **Council Member Scott** indicated that by proposing that if Phase 1—such as the west side of the development—has enough completed infrastructure, including bathrooms, landscaping, and concrete pads, it could open while generating revenue to fund future phases, like the east side. **Dale Coulam** added that this phased strategy could limit the number of usable sites initially, with more spaces becoming available as additional improvements, such as concrete pads, are completed. That approach would allow the park to open in stages, progressively increasing its capacity while ensuring ongoing compliance with the ordinance, until the resort reaches full completion. **Nicole Graf** with Hidden Springs RV Resort commented that part of the problem with phasing or only allowing them to use part of the resort is they have to have 50%

occupancy all year long just to break even and the City would not be able to receive the transient tax generated by the revenue. Regarding bathrooms, every RV that comes in to the resort has its own bathroom and shower that hooks up to their system.

Council Member Gillespie asked staff for clarification on the list from Public Works detailing incomplete items at the RV Park/Resort. She noted that some items were part of the RV ordinance and others from the general ordinance and sought confirmation on their completion status. She inquired about specific items, including the waterline connection and abandonment on the northwest corner, which staff confirmed is now complete. However, the water meter for landscaping along Highway 91 is not yet installed, although the line is stubbed out. The fire hydrant along Highway 91 is not installed and the Engineer certification for pond changes is still pending. Staff confirmed that the sewer, water, and storm systems are complete. She concluded that several key items remain unfinished. **Staff** agreed. **Council Member Gillespie** commented that it seemed like the best option was to consider phasing from a safety and accessibility standpoint and finish however number of concrete pads but she would want them finished according to the Conditional Use Permit, meaning cement pads and not gravel pads. She was not inclined to change the Conditional Use Permit at this time but understand the challenges the developers were facing. **Mayor Hart** emphasized that the City's role is to help people and proposed an alternative plan that incorporates prior suggestions. Acknowledging the significant effort made by the developers without a specialized general contractor, he suggested a phased approach to opening the RV park. Initially, a portion of the park could operate with gravel pads for a limited time, allowing gradual completion of more pads. As each phase of improvements is completed, the capacity of the park could expand, increasing cash flow and reinvestment into the project. The City could allow a phased opening under specific conditions, ensuring essential items are completed for approval, with the expectation that the remaining improvements will continue during this period. After the designated time, a more formal arrangement would be required. The developers are asking the City for permission from the City to open the RV park while continuing construction, with the intention of completing the project over time through additional funding. They propose allowing visitors during this period, as long as essential safety items are in place. **Mike Haycock** emphasized that the certificate of occupancy and ADA compliance must be achieved before opening, prioritizing bathhouses over landscaping. **Mayor Hart** suggested that the developers and City meet to resolve outstanding issues because allowing the park to open would help move the stalled project toward completion. The City Council and developers agreed to meet with City staff tomorrow afternoon.

B. Discuss and consider approval of Resolution No. 2024-14R, a Resolution of Ivins City, Utah, correcting a Resolution and Interlocal Agreement that was previously approved - Interlocal Agreement with Washington County for Animal Shelter Services

Dale Coulam indicated that City Attorney Bryan Pack caught some mistakes in the original agreement and sent it back to the County. Those corrections have now been made and noted that SCI (Santa Clara Ivins) is not a political subdivision of the State. It is a department of Ivins City and the Resolution makes that clear so he was not too concerned about that statement.

MOTION: Council Member Gillespie moved to approve Resolution No. 2024-14R, a Resolution of Ivins City, Utah, correcting a Resolution and Interlocal Agreement that was previously approved - Interlocal Agreement with Washington County for Animal Shelter Services

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	ABSENT

Roll call vote. All Council Members who were present in favor.

C. Discuss and consider approval of Ordinance No. 2024-14, an Ordinance of Ivins City, Utah, amending Purchase Order Authorization Amounts

Council Member Scott indicated that he did not think that staff should have to come to the Council for approval for items that are already in the budget. He would like them to report on what they purchased but if something is already in the budget that the Council approved, they shouldn't need to ask for approval before the City Council. **Mayor Hart** inquired if there was any issue with the auditors if the City were to do this. **Cade Visser** stated that there was no issue because there are limits and checks and balances in place for the process. The **Mayor and City Council** had questions for the City Attorney regarding verbiage in the draft ordinance and requested that this be continued.

MOTION: Council Member Barton moved to table Ordinance No. 2024-14, an Ordinance of Ivins City, Utah, amending Purchase Order Authorization Amounts
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	ABSENT

D. Discuss and consider approval of Municipal Wastewater Planning Program (MWPP) Annual Report for Year Ending 2023

Chuck Gillette reported that in the past this report required City Council approval but the State changed it so that it just needs to be presented. He was looking for feedback as to how the Council would prefer that occur. The Mayor and City Council agreed that could occur as part of his report or appear as a Consent Agenda item.

E. Continued discussion regarding updating the General Plan

Mayor Hart indicated that he will work on the sections regarding obstacles.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for June 20, 2024

MOTION: Council Member Gillespie moved to approve the Consent Agenda
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	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

There were no reports

A. Council
B. Mayor
C. City Attorney Bryan Pack
D. City Manager Dale Coulam
E. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Smith 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	ABSENT

The meeting adjourned at 7:51 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder