IVINS
CITY COUNCIL MEETING
MINUTES
September 19, 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 and City Recorder Kari D. Jimenez.
Audience: Susan Ertel, James Barden, Bob Matteson, Wayne Barnes, MaryAnn Novak, Bonnie Kline, Helen and Dean Cavaletto, Chris Haddad, CJ Koharcheck, Gail Fulde, Sharon Guillinan, Michael Cook, Steven Weida, Becky and Chuck Warren, Paul and Joanne Wimsatt, Jenny Christiansen, Craig and Diane Shanklin and others who did not sign in.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present and called the meeting to order.

B. Flag Salute

Council Member Scott led the Flag Salute

C. Invocation

Council Member Scott gave the Invocation

D. Disclosures

Council Member Gillespie referred to agenda item 5)C and commented that shortly after she was elected to the City Council, she met with Dale Coulam who was the City Attorney at the time, to discuss all of the facts, and completed the required disclosure form that is on file. He agreed that she had no conflict of interest related to this agenda item. **Council Member Barton** referred to the same agenda item and commented that she was involved with DOGI - Defenders Of Greater Ivins, which filed an appeal against the developer of the SITLA property and that case is still pending. She has not been involved in DOGI since being elected to the City Council. She and her husband are no longer involved in the pending court case. Recently, her husband made a donation on GoFundMe to help DOGI raise funds for a new canine officer for the Santa Clara Ivins Police Department and volunteered his time at Heritage Days to assist with fundraising efforts for the K9 officer. Her home is on the northeast corner of Puerto Drive and Mesa Vista Drive and not adjacent to the SITLA land. There were no other disclosures or conflicts of interest.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Haycock reported that two Final Plats have been approved for the Blackstone and Vista Estates subdivisions and they are starting to issue building permits for those subdivisions.

Chuck Gillette reported that the State of Utah recently conducted a sanitary survey of Ivins City's culinary water system and found zero deficiencies, which is a notable achievement. The inspector praised the system's condition and specifically commended the dedication of Public Works employees Matt and Travis, noting that this was the first system out of 25 inspections that had no deficiencies. The roundabout project was necessary due to pavement movement and will include restriping and applying a seal coat, with completion expected in about a week and a half. Bids for phase two (2) of the Old Highway 91 project are being advertised, with a contract award expected in late October.

Cade Visser reported that expenditures are in line with the budget. Auditors will be at the City in two (2) weeks to audit the financial statements. The General Fund balance for fiscal year 2024 is approximately $4 million, with $130,000 assigned for the RAP tax, leaving approximately $3.8 million in the General Fund. That is a significant increase compared to a balance of $1.7 million for the end of fiscal year 2021.

B. Planning Commission Report

Planning Commissioner Chair Gardiol reported that the Planning Commission held a Public Hearing on zoning text amendments to the Recreational Vehicle Resort Requirements Ordinance and made recommendations to the City Council. The Planning Commission also approved two Preliminary Plans and two Preliminary Plan extensions.

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

MOTION: Council Member Gillespie moved to suspend the rules and bring agenda items 5)A and 5)B forward in this agenda
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

Council Member Anderson referred to a residential fire across the street from the police station in Ivins and referred to a report that it took 20 minutes respond to and he commented that residents are asking him why it took 20 minutes for a fire truck to respond. **Con Fulde** with the Santa Clara Ivins Fire Department indicated that he would obtain the data and get back to the Council but reported that it did not take 20 minutes to respond. The dispatch call originally went out as a Wildland Fire call so they left the station with the wildland truck but then were told it was not a wildland fire so they abandoned the wildland truck and got into a fire engine and it was hardly a minute or so that it took for them to switch over apparatuses. They responded immediately and from both the Santa Clara and Ivins stations. The fire engine from St. George arrived in approximately 20 minutes.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation Declaring October as Domestic Violence Awareness Month

Susan Ertel with the Dove Center was present and explained that this process promotes awareness and she appreciated the Mayor and City Councils support. **Mayor Hart** read the proclamation, a copy of which is available as an attachment to this agenda. **Council Member**

Scott reported that the City placed information in the newsletter last year and indicated that he would like to add a "Whereas" to the proclamation regarding the newsletter so that it will help remind the City Council to do that. He suggested the "Whereas" language be as follows: "Whereas, the October Ivins City newsletter will recognize October as Domestic Violence Awareness Month."

MOTION: Council Member Gillespie moved to approve the amended Proclamation recognizing October as Domestic Violence Awareness Month in Ivins City and recognizing the Dove Center for the work they do

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

B. Discuss and consider approval of a Proclamation regarding Red Ribbon Week

Mayor Hart introduced the discussion and read the Proclamation regarding National Drug Awareness Red Ribbon Week that is sponsored by the Elks organization. A copy of the Proclamation is available as an attachment to this agenda. The campaign educates children and parents about the dangers of drug use, both illegal and prescription, and to prevent drug abuse.

MOTION: Council Member Barton moved to approve a Proclamation regarding Red Ribbon Week

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

4) **PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing to consider the Planning Commission's recommendations on zoning text amendments to the Recreational Vehicle Resort Requirements Ordinance

Mike Haycock and Planning Commission Chairperson Gardiol reported that the Planning Commission discussed and considered recommendations for a zoning text amendment to the recreational vehicle resort requirement ordinance. They reviewed the ordinance and recommended several changes. They suggested that all surfaces should be concrete or crushed rock but felt that blacktop was not appropriate. They agreed with staff's inclusion of a definition for tiny houses and considered where this should be incorporated elsewhere in the ordinance. Regarding landscaping, they recommended that trees be six feet high and suggested applying the landscaping to the entire development and not just Highway 91. They expressed concern about plant approval, noting that there was no approved plant list and suggested creating one based on specific guidelines. In terms of facilities, they recommended including tents and RVs in the calculation for the number of restrooms and updating the table for a more comprehensive reflection of usage. They also suggested a few minor word changes to the ordinance and discussed the need for management to be present on-site and although they recommended

that management be available 24/7, they determined that it was not necessary for management to reside on the site. **Mayor Hart** opened the Public Hearing. **Pam Gardiol** was present as a citizen and was primarily focused on the physical aspects of the project but pointed out what she felt was a key omission: the lack of provisions regarding noise abatement and hours of operation, especially for pools. Decibel levels should be addressed because these types of facilities are often near residential areas. Drawing from personal experience, she has dealt with past noise issues and interactions with the police, stressing the importance of ensuring that various developments in the community are good neighbors. She strongly recommended adding a noise element to the ordinance. Developer **Jon Graf** Developer referred to the boundary issue of the RV resort, emphasizing the importance of maintaining a good boundary at the front of the resort, particularly along Old Highway 91, which has about 2000 feet of frontage. He noted that the west side borders Pendleton's property, and the east side partly adjoins City land and BLM land. While the entire location would be landscaped, Jon Graf indicated that he thought that the Pendletons preferred unobstructed views of Zion to the east. He suggested that instead of being required to plant trees that might block views, it would be better to work out landscaping details with neighbors to avoid potential conflicts. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2024-15, an Ordinance of Ivins City, Utah, amending regulations governing Recreational Vehicle Resorts by, among other things, eliminating the requirement for paved pads, altering the bathroom requirements, and allowing the rental of clubhouse units

The **Mayor and City Council** discussed this agenda item at length, which focused on amending an ordinance governing recreational vehicle (RV) resorts. The proposed changes included removing the requirement for paved pads, modifying bathroom standards, and permitting the rental of clubhouse units. The original intent of the ordinance was emphasized, which was to ensure that the RV resort maintained a higher, resort-like standard rather than functioning as a typical RV park. Some business decisions made by the resort's owners had led to requests for ordinance amendments, possibly driven by financial challenges. Key topics included the definitions and regulations for cabins and tiny houses. **Council Members** debated whether tiny houses should be classified similarly to cabins and referenced the Utah Health and Human Services Code to clarify terms. Another point of contention was the requirement for paving RV pads and cabin sites. While some council members advocated for concrete pads for stability and noise reduction, others supported the use of compacted rock for cost and drainage benefits. The **Mayor and City Council** also reviewed occupancy rules, discussing time limits for different types of RVs and other structures. Dependent RVs and tents are currently limited to 29 consecutive days, while independent RVs can stay for up to 180 days for a certain percentage of the units. The **Council** considered clarifying the continuous occupancy requirements, especially with the introduction of rentable clubhouse units. Overall, the discussion sought to balance flexibility for the resort developers while preserving the ordinance's intent to maintain the resort's high-quality standards. The **Mayor and City Council** continued to discuss limiting the duration of occupancy to prevent permanent residency, maintaining compliance with Utah's transient room tax rules, and enforcing the maximum stay per year for independent RVs. Landscaping requirements were also a point of discussion, particularly along Highway 91. The original ordinance mandated three trees every 30 feet, but this was seen as excessive. The revised proposal suggested reducing the number of trees while ensuring year-round buffering and screening. The **Mayor and City Council** also considered the need to adhere to the Highway 91

Corridor Landscaping Plan before making any final landscaping decisions. The **Council** discussed the inclusion of rentable clubhouse units, suggesting that two out of three units could be rented, while one should be reserved for the manager. There was some debate about whether the manager needed to live on-site or if that could be divided into shifts. There were discussions on whether compacted rock or concrete should be required for RV pads, with opinions differing on the best approach. The **Mayor and City Council** discussed updating bathroom facility standards to align with Utah codes and discussed the possibility of including definitions for modern housing structures like yurts, reflecting changes in the industry. The overall conclusion was to continue refining the ordinance before final approval.

MOTION: Council Member Smith moved to continue agenda item 4)B, discussion of approval of Ordinance No. 2024-15 to another meeting
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

5) **DISCUSSION AND POTENTIAL ACTION ITEMS**

C. Discuss and consider approval of Development Agreement for The Retreat at Snow Canyon Project

The **Mayor and City Council** discussed this agenda item at length, discussing several key points regarding the development agreement. The development agreement builds on previous approvals like the Conditional Use Permit (CUP) and preliminary plan and primarily favors the City, with some benefits to the developer. One major topic was ensuring that the developer follows City deadlines for approvals and avoids indefinite extensions. The **Mayor and City Council** discussed protecting the City's legislative powers if ongoing legal challenges to zoning changes affect the project. Another focus was the inclusion of pickleball courts, which the Parks and Recreation Department wanted to manage. The **Council** considered the impact of lighting and access to the courts for both short-term rental guests and residents. They also reviewed traffic flow concerns, ensuring that large construction vehicles would not use 400 South and would instead rely on Snow Canyon and Red Mountain. Additional concerns included clarifying monument lighting, ensuring tighter control over grading practices, and preventing the development from negatively impacting nearby homeowners. There was also a desire to prevent elevated foundations from increasing building heights and obstructing views. The council approved the agreement, with amendments, including provisions for controlling construction traffic and adhering to infrastructure development requirements.

MOTION: Council Member Smith moved to approve the Development Agreement for The Retreat at Snow Canyon Project, as amended
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.

The meeting was in recess from 8:32 p.m. to 8:37 p.m.

The Mayor called the meeting back into order at 8:37 p.m.

MOTION: Council Member Anderson moved to suspend the rules and move agenda item 5)E above agenda item 5)D
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

E. Discuss and consider approval of expenditure for 11 Dash Cameras and 15 Tasers with certification plan

Captain Rodgers reported on behalf of Police Chief Studley who is out of town in training. Regarding the inquiry of Council Member Anderson regarding the house fire across the street from the police department, he ran the cameras and the fire started at 11:58 p.m. but the first phone call to dispatch did not occur until 12:23 a.m. The response time from that was three (3) minutes. Regarding this agenda item, it is for approval of an expenditure and contract with Axon for car cameras and tasers, prompted by the need to comply with state and national standards. The existing equipment was found to be non-compliant, particularly as it relates to evidentiary value because the current cameras use a card that overwrites data after a few days. The proposal includes a $4,900 payment this year, followed by annual payments of $45,000 starting in July of next year, and $48,000 per year for the next four (4) years. The contract also includes training for officers and full maintenance and replacement coverage for equipment. The council discussed the unfunded mandate, with no grants available, and the need to budget for the contract in the following year. The equipment is expected to arrive by December 1, and installation will be handled by Axon at no additional cost. The council supported this, emphasizing its benefits for public safety, liability protection, and transparency.

MOTION: Council Member Anderson moved to approve an expenditure for 11 Dash Cameras and 15 Tasers with certification 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

D. Discussion regarding speed cushions or other options at the roundabout containing the Mustangs on Snow Canyon Parkway

The **Mayor and City Council** discussed concerns about traffic safety, particularly around the roundabout on Snow Canyon Parkway by The Reserve subdivision. The Mayor and City Council, as well as members of the Southern Utah Bicycle Alliance (SUBA), raised issues regarding speeding and pedestrian safety. The current use of speed cushions was criticized for their ineffectiveness, as they create a rapid ascent and descent that is jarring for drivers, causing many to avoid them by veering into bike lanes. Residents and cyclists raised concerns about sightlines and drivers not yielding to pedestrians, especially near The Reserve subdivision. There were suggestions of alternative traffic calming solutions, including speed tables, better signage, the removal of obstructive vegetation, and increased law enforcement presence. The bicycle advocates emphasized proper lane markings and the need for ramps to accommodate cyclists safely.

F. Discussion regarding Ivins City Code Title 16 Chapter 14 for Class Use Applications and potential guidance to the Planning Commission

Council Member Barton noted that it was getting late in the evening and commented that if the Council wanted to postpone this discussion, she was amenable.

MOTION: Council Member Anderson moved to continue agenda items 5)F and 5)G
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

G. Discussion of valuable take-aways from the Utah League of Cities and Towns convention

This agenda item was continued per the motion made under agenda item 5)F

H. Continued discussion regarding updating the General Plan

The **Mayor and City Council** set a Public Hearing for Thursday, October 3rd, 2024.

6) **CONSENT AGENDA**

A. Approval of surplus of Police K9 (Copper) and per Ivins City Code 3.01.203 authorizing City Manager to transfer to a person and for a value as determined

Dale Coulam thanked the DOGI group for assisting in acquiring the new K9. He referred to the surplus process for a retiring City police canine named Copper. The Department Head and City Manager will determine how Copper will be sold, usually through a sealed bid auction. Typically, retired dogs go to their handler but Copper's current handler is unable to take her due to the acquisition of the new dog. There are plans to hold a small retirement party for Copper, with department members in attendance. The dog will first be offered to City employees and Council members before being made available to the public, if no one from the city takes her. A contract outlining the new owner's responsibilities will need to be signed as well.

B. Approval of City Council Work Meeting Minutes for August 1, 2024

C. Approval of City Council Meeting Minutes for August 1, 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	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) **REPORTS**

A. Council

Council Member Gillespie reported that they held a post-op Heritage Days meeting. Heritage Days was very successful and they are gathering names of neighborhood leadership to build on. The Affordable Housing Task Force met last week and they are focusing on a couple of issues, with a housing action meeting in October and a meeting tomorrow.

Council Member Scott reported that Snow Canyon State Park held a pre-construction meeting yesterday for moving the park entrance, which means work may start in a few weeks. The Youth Council has also requested cornhole challenge with the City Council. The **City Council** agreed to the challenge. Council Member Scott will provide the date to the Mayor and Council in the near future.

There were no other reports.

B. Mayor

Mayor Hart reported that he was invited to be a panelist in Heber last week and at the HAC Housing forum conference at the end of October.

C. City Attorney Bryan Pack

No report

D. City Manager Dale Coulam

Dale Coulam reported that the roof is leaking at the fire station on Center Street. Bids are being obtained and depending on the bids, the City may need to amend the budget. He also reported that recently the City had an overall increase of 3% for health insurance.

E. Items to be placed on future agendas

Council Member Gillespie referred to traffic from Vista School and indicated that it is untenable and something needs to be figured out. She would like a discussion about that on a future City Council agenda.

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 9:34 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder