IVINS
CITY COUNCIL MEETING
MINUTES
October 3, 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: Public Safety Police Chief Jaron Studley, Parks and Recreation Director Marc Christensen, City Manager Dale Coulam, City Attorney Bryan Pack, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari D. Jimenez.

EXCUSED: None.

Audience: Claudette Larsen, Bill Ayers, Bonnie Kline, Shauna Bruun, Steve Bruun, Shawnna Parks, Lorin Parks, Grant Neerings, Gloria Elliott, Susan Walke, Charles Hurt, Scott Adams, Diane Adams, Matt Marten, Peggy Proffit, Maliyah McDonald, Dean Platis, Lee Ann Parkinson, Wayne & Donna, Steve Caplin, Dawn Johnson, Randy Johnson, Beata Grabowski, David L., M.Delucche, Robert Reever and those who did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute

Council Member Smith led the Flag Salute

C. Invocation

Council Member Smith 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 there will be a City Halloween Bash at Ivins Heritage Park on Friday, October 25th at 6:00 p.m. where they will be partnering with the Public Safety Department, Youth City Council and Utah Tech. Bingo in the Park will be held every Tuesday and Thursday starting on October 22nd. Ongoing activities include flag football, volleyball, and golf school. Basketball registration opened yesterday; they are in the planning process for desert landscaping and drought-tolerant grass in the cemetery area and there will be road closures on Snow Canyon Parkway to clean up the landscaping in that area.

Mayor Hart introduced Fire Chief Dan Cazier as the new Santa Clara Ivins Fire Chief. Fire Chief Cazier indicated that he is in his 22nd year in fire service that began in St. George. He spent a few years with Washington City and now with SCI Fire.

Police Chief Studley indicated that Officer Hall was present to introduce the new K9 Officer Rosko. K9 Officer was introduced. He is an 18 month old Belgium Malinois who is in the

process of being trained. The Police Department wrapped up Santa Clara Swiss Days and the PGA starts next week.

B. *Removed from the agenda: Quarterly Finance Report - To be addressed on the October 17, 2024 City Council Agenda

C. Planning Commission Report

No report. There was no Planning Commission meeting on October 1st.

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

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on proposed amendments to the Ivins City General Plan

Mayor Hart introduced this agenda item, indicating that updating the General Plan has been in the process for some time. The Mayor and City Council received several emails from the public regarding annexation of area four (4) and the potential development of that area, which is land that is included in the Habitat Conservation Plan (HCP) and acquired by Snow Canyon State Park under federal preservation funding. He assured the public that development is highly unlikely due to those protections and clarified that area fours inclusion in the annexation plan does not imply development. Any decision on annexation would require a separate ordinance and public hearing. He encouraged residents to comment on updating the General Plan, noting future opportunities to discuss annexation when updating the Annexation Plan goes before the Planning Commission and City Council. **Mayor Hart** opened the Public Hearing. Resident **Scott Smith** inquired where one could locate the Annexation Plan. **Mayor Hart** indicated on Ivins website. Resident **Rhonda Higler** inquired about the Ivins City General Plan's mention of SITLA (State Institutional Trust Lands Administration) and BLM (Bureau of Land Management) land south of Ivins, specifically regarding potential development for affordable housing. **Mayor Hart** explained that SITLA has been approached to consider using this land to support affordable housing for teachers, addressing high housing costs that impact teacher retention. He noted that SITLA's current mandate doesn't include housing, though there was recent legislative interest. The land in question is south of Highway 91, near Council Member Anderson's Indigo Trails project, not in Area Four. **Pam Gardiol** expressed appreciation for the clear language in the General Plan regarding land protection and shared values and thanked the Mayor and City Council for their efforts in updating the plan. She emphasized the importance of preserving open space throughout all developments in Ivins, not just in undeveloped areas, to maintain the community's scenic vistas and unique character. They noted an instance where open space in a development was defined as a detention pond, suggesting that true open space should be purposefully integrated within all projects. Additionally, they recommended rephrasing the General Plan to clarify that Ivins itself has 99 acres of designated open space, with an adjacent 559 acres in Snow Canyon State Park, to better reflect the proximity of the State Park land. **David Gee** recommended that the City Council review and potentially expand the annexation plan to include all parcels in the area and that the Open Space Committee collaborate with Snow Canyon State Park, as State Park land in Area Four might not remain recreational open space indefinitely. **Lisa Ganz** was present through the Zoom application and expressed appreciation for the City Council and Planning Commission's hard work on the General Plan, recognizing its significant progress. She raised a process question, requesting clarification on next steps after the General Plan is approved, particularly regarding ordinances, zoning, and land use regulations, which she felt are essential tools for managing City development. She emphasized the importance of public input in future discussions about ordinances, zoning, and the Table of Uses and asked how the City will address potential misalignments between the

General Plan and subsequent regulations. **Bryan Pack** indicated that Implementing the General Plan will be a significant project that will progress gradually through ordinances and the annexation plan, with oversight from the City Council and staff. The General Plan serves as a guiding document, not enforceable on its own, and requires matching ordinances for enforcement. Its broad nature allows for multiple justified perspectives, further reinforcing its role as a guiding rather than strictly enforceable document. **Lisa Ganz** sought clarification on whether the public would have opportunities to discuss specific land use and zoning issues, especially in cases where the community may wish to maintain or alter current zoning, such as keeping a lot zoned as RA-5 and whether future discussions will address the community preferences while respecting landowner rights. She expressed concern about potential discrepancies between the General Plan and future ordinances. **Mayor Hart** commented that General Plans are periodically reviewed and revised every five to seven years to stay current. Regarding public input, he confirmed that residents will have multiple opportunities to provide feedback on specific ordinances, zoning decisions, and regulations related to land use. Each of those actions requires at least one public hearing, allowing community members to voice their positions on any proposed actions. **Bryan Pack** clarified that every zoning change or text amendment related to the General Plan will go through the City Council and include a public hearing. Not all land use decisions go through the City Council because those are handled administratively but are still guided by established ordinances. **Council Member Smith** stated that the implementation of the General Plan begins with staff, led by the City Manager, who are responsible for executing action steps. The City Council will prioritize tasks, focusing on aligning ordinances with the General Plan, and assign those priorities to the Planning Commission, with the annexation plan currently being the top priority. The process intends to address inconsistencies between the General Plan and existing ordinances. **Jon Graf** referred to Area Two on the annexation plan and inquired what the City's future plans for that area. Will it be designated for housing, or is it intended to remain as open space? **Mayor Hart** clarified that the City does not actively develop land but zones for potential development. The referenced land could become a development consideration if it were privatized and a developer sought annexation, though Ivins City would not initiate or insist on it. Any development proposal would need to comply with city regulations. **Jon Graf** would like to see that remain open space and did not understand why Ivins City was trying to annex that area. **Mayor Hart** clarified that the annexation plan does not indicate that Ivins is eager to acquire new land. Rather, it acknowledges the existence of land adjacent to the City boundary that a landowner or developer may choose to annex. The City is not actively seeking to incorporate additional land but is simply offering the option for annexation if it benefits both the City and the landowner. **Bryan Pack** indicated that the annexation plan serves a protective function, allowing the city to have greater influence over the development of adjacent land compared to typical regulations for adjoining cities. **Rhonda Higler** expressed concerns regarding Area Four on the map, noting its historical transition from BLM (Bureau of Land Management) land to a Desert Reserve under various entities' control since 2002. She emphasized that many community members are worried about preserving the natural beauty of Ivins, particularly the Desert Reserve, which is home to a significant population of Desert tortoises and Gila monsters. She highlighted fears that the annexation could lead to poorly managed development similar to that seen in cities like St. George and Las Vegas. **Rob Roush** requested clarification on the City's control over development in Area Four, suggesting that even if it's not included in the annexation plan, the City could still regulate what happens there. The City can prevent development by denying access to utilities like water and sewer,

since Area Four is landlocked and no other City can provide those services. He felt that the City can control development without the need for annexation. **Bryan Pack** stated that relying solely on that argument to protect the property would be unwise for the city. Including it in an annexation plan would be a more effective approach. **Rob Roush** felt that a City could legally deny utilities to an adjacent property. By simply refusing to provide access, there would be no housing or development on that land, as it would lack essential water and sewer services. **Mayor Hart** indicated that was a point worth considering and should be raised again during the annexation discussion. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discussion regarding proposed amendments to the Ivins City General Plan

Mayor Hart inquired if the City Council members would prefer to review this in detail tonight or if they would rather consider public comments and emails and then address this at the next City Council meeting. They would also like to address concerns about annexation, especially in relation to preserving Area Four as protected open space. Suggestions were made to include a policy statement in the General Plan to prevent development in that area if annexed, although caution was noted that prohibiting all development could legally require the City to purchase the land due to taking regulations. The **Mayor and City Council** highlighted the importance of carefully reviewing public feedback, which included numerous comments and in-depth emails from residents. The **Mayor and City Council** agreed to delay any specific decisions, opting for a Work Meeting to review all feedback thoroughly before making changes.

MOTION: Council Member Gillespie moved to continue the discussion of the General Plan to the next City Council or Work 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

A. Discuss and consider approval of a Proclamation regarding the 2024-2025 School Year as an Alcohol-Free School Year for Youth

Mayor Hart indicated that the Youth representatives were unable to be attendance and requested this be continued to the next City Council meeting.

MOTION: Council Member Smith moved to continue this to the next City Council meeting
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

B. Discuss and consider approval of the Development Agreement for Kwavasa 2B subdivision

Bryan Pack reported that this is a single corner lot subdivision on the corner of Kwavasa and Kaleva and the Development Agreement is needed because the Developer has asked to defer

installation of construction of one of the frontages on Kwavasa. **Mayor Hart** inquired if there were any safety issues. **Chuck Gillette** stated no.

MOTION: Council Member Anderson moved to approve the Development Agreement for Kwavasa 2B subdivision

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. Discussion regarding Padre Lakes water overcharge

Chuck Gillette reported that in April of this year, the board of the Padre Lakes Home Owners Association approached the City due to on a per unit basis, one of their meters was costing more despite the water usage not being excessive. The City reviewed the account and discovered that there was a clerical mistake made in how the account was set up going back to 2019. Ivins City Attorney has identified through State statute that the City is not liable for overcharges past a one-year statute of limitations and based on that, the City offered a refund to the HOA for 1 year, which was just over $18,000. The HOA feels that they are owed all of the overcharges dating back to the time of the mistake, in an approximate amount of $90,000. **Bryan Pack** confirmed this and recommended that if the Council would like to discuss this in depth regarding a legal claim, he recommended that the Mayor and Council enter into a closed meeting. The representatives of the HOA asked for a refund going back to 2019 and saw it as a matter of integrity. They also proposed a settlement agreement where the HOA would use the entire refund to further reduce use of City water. The **Mayor and City Council** determined that they would go into a Closed Meeting at the end of this meeting to discuss potential litigation regarding this.

D. *Removed from the agenda: Presentation of Ivins City Wastewater Master Plan, Impact Fee Facilities Plan, Impact Fee Analysis, and User Rate Analysis

E. Continued discussion regarding considering 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 meeting was in recess from 7:24-7:30 p.m.

The **Mayor and City Council** discussed requirements relating to concrete pads and landscaping along property boundaries. Owner John Graf raised concerns about the costs and feasibility of certain requirements, including tree placement and concrete pad installation. The council also discussed the definition and classification of "tiny homes" for zoning purposes, noting inconsistencies in understanding their structure and use. To address these issues, the Mayor and City Council proposed a negotiation to balance the City's interests with the project's needs. This approach would involve a work meeting to discuss specific requirements and address compliance with the project's Conditional Use Permit. The **Mayor and City Council** determined that they would table this discussion and set up a work meeting with the owners of the project, to establish potential agreements on outstanding issues.

MOTION: Council Member Scott moved to table this agenda item and at the next City Council meeting, work meeting or a special meeting, meet with the Grafs and hammer out what the key issues are
SECOND: Council Member Anderson
VOTE: The motion carried.

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

F. Discussion regarding roundabout proposal for 400 South and Puerto Drive

The **Mayor and City Council** discussed a roundabout project at 400 South and Puerto Drive that is planned as part of the City's Masterplan. The estimated cost is $550,000 and would improve safety and traffic flow. They discussed adjusting the roundabout's position to address residents' concerns about driveway access, specifically for nearby homes whose driveways may be impacted. They considered relocating the roundabout north and east to reduce effects on existing homes and discussed options for acquiring necessary property, possibly through negotiation or eminent domain if required. The **Mayor and City Council** agreed to have Chuck Gillette move forward with talking to impacted residents and discussing options for obtaining property right-of-way.

G. Discuss and consider Ivins City's response to a lawsuit filed by the State of Utah against the Federal Government regarding management of public lands

The **Mayor and City Council** discussed whether to join an amicus brief supporting Utah's lawsuit against the federal government, which intends to push the federal government to dispose of unused public land, specifically BLM (Bureau of Land Management) land rather than retaining it indefinitely. Proponents argue that releasing this land could support local development and potentially lower housing costs, especially in areas like Washington County, where federal land ownership restricts expansion. Those in opposition are concerned that developers might misuse the land for commercial gain rather than affordable housing. The majority of the City Council felt that the City should stay focused on local issues and prioritize City matters over state and federal land disputes.

MOTION: Council Member Smith moved move forward with joining the amicus brief
SECOND: Council Member Anderson
VOTE: The motion failed.

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

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

The **Mayor and City Council** discussed clarifying and updating Ivins City Code related to Class 1 conditional use permits for temporary structures, using a recently erected grandstand for a golf tournament as an example. Currently, temporary uses only require an event license or building permit, with the zoning administrator as the authority. City Council members noted ambiguities

in the code and inquired about the extent of requirements relating to design, height, and color for large temporary structures. The **Mayor and City Council** suggested updating the ordinance to better define temporary uses, including limits on structure duration, frequency of use, and standards for compliance with City regulations and agreed to refer this to the Planning Commission for review for a potential zoning text amendment to address these concerns.

I. *Added to the agenda: Discussion regarding Vista School traffic and direction to staff to propose solutions

The **Mayor and City Council** discussed persistent traffic and safety issues around Vista School, noting that the school's board had not fulfilled prior commitments to mitigate these problems. Despite agreements to stagger start times and remove temporary buildings, traffic congestion—particularly during school pickup times—remains severe, obstructing the roads and causing unsafe conditions. The **Mayor, City Council and Police Chief** discussed potential solutions, including strict enforcement of parking rules, issuing traffic citations, and leveraging the school's request for a school resource officer to negotiate traffic management improvements. Concerns were raised that the school's focus on enrollment growth may be prioritized over community safety, and while City officials expressed frustration, they plan to engage Vista's administration and board further to seek effective, cooperative solutions.

J. Discuss and consider Re-Use Authorization Agreement with the Washington County Water Conservancy District

The **Mayor and City Council** discussed approving a county-wide agreement on water reuse, clarifying that the agreement does not obligate the City to install a secondary reuse water system. The Mayor and City Council expressed a willingness to approve the agreement as long as it did not impose additional requirements, like new meter installations, on the City. Recognizing the County's urgency to move forward with projects, the **Mayor and City Council** agreed to authorize the agreement with a contingency that they would review and potentially incorporate any amendments made by other cities.

MOTION: Council Member Anderson moved accept this agreement and agree to sign it if the City can review amendments that come in from other cities and accept them or not
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

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

Due to the late hour and length of the meeting, the **Mayor and City Council** agreed to move this agenda item to the next City Council meeting.

6) CONSENT AGENDA

A. Approval of City Council Work Meeting Minutes for August 15, 2024
B. Approval of City Council Meeting Minutes for August 15, 2024

MOTION: Council Member Gillespie moved to approve the Consent Agenda
SECOND: Council Member Smith

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

No reports

B. Mayor

No report

C. City Attorney Bryan Pack

Bryan Pack reported that he will not be in attendance at the next two meetings due to prior commitments. He suggested considering moving City Council meetings from Thursdays to alternate Tuesdays opposite the Planning Commission to reduce conflicts and align scheduling.

D. City Manager Dale Coulam

Dale Coulam reported that the City is waiting on estimates on the roof repair of the fire station on Center Street

E. Items to be placed on future agendas

9) CLOSED MEETING

MOTION: Council Member Smith moved to adjourn this meeting and enter into a closed meeting to discuss pending or reasonably imminent litigation pursuant to Utah Code Section 52-4-205 (1)(c)

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

10) ADJOURNMENT

The regular meeting adjourned at 9:48 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder