IVINS
CITY COUNCIL
MINUTES
August 18, 2016

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 Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, Council Member Densley, and Deputy City Recorder Sharon Allen.

STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Kevin Rudd, Director of Finance Wally Ritchie, and City Engineer/Public Works Director Chuck Gillette.

EXCUSED: None.

AUDIENCE: Jeff Loris, Lance Anderson, Bob Nickerson, Jeremy Cox, Gary and Debbie Pendleton, Delores Osborn, Jon and Nicole Graf, Jan Graf, Gretchen Graf, Kathy Barth, Mariah Perez, Alan Jacobi, Rob Roush, Jeff and Melanie Neighbor, Vaughn and Aaronee Cottam and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Dennis Mehr gave the Invocation

D. Disclosures

Council Member McDonald referred to the Public Hearing and Action Items and disclosed that he does business with the applicants. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Chuck Gillette reported that they are working on the Sewer Master Plan and the Irrigation Master Plan. He referred to a storm water ordinance that he reported on a couple of months ago where an ordinance was required to be in place by September of this year. He stated that the State of Utah has received a lot of feedback regarding that and the deadline to have that ordinance in place has been pushed it back to December of this year, although the Utah Home Builders Association is requesting that the EPA push the requirement to implement that back to 2019. The City will be receiving bids in September for the two million gallon water tank. Curb and gutter improvements on Highway 91 have been installed and there are some minor things left to do with the roadway itself. The lights have been ordered and the landscaping has been agreed to. **Council Member Mehr** inquired as to the penalty if the City does not have a storm water ordinance in place by December. **Chuck Gillette** stated that the City has to report when the ordinance is in place and if that isn't done, the government would likely enforce the requirement but the City will petition the EPA to delay implementation until 2019.

Kevin Rudd reported that building has picked way up. Rocky Vista University is moving along, although delayed somewhat by steel availability, and they are starting to build the student

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housing. The Sentierre project received their first plat approval and they will begin building a couple of villas for that project shortly. Code Enforcement is going well. It's always steady and he indicated that Code Enforcement Officer Dennis Murphy does a great job working with people on those issues.

Wally Ritchie referred to his report that was provided to the Mayor and City Council by email. A copy of the report is available by request through Ivins City Hall. He reported that there were 15 new residential building permits in July and that is carrying over into August. The City is seeing a significant increase in residential building. The City has new Auditors this year and they will be at City Hall the week of August 22nd to do their field work. They have already conducted their pre-work before the field work.

B. Planning Commission Report

Chairman Loris reported that the Planning Commission held a Public Hearing on a Zoning District Amendment from Residential Estates minimum lot size 12,500 sq. ft. to Multiple Residential Townhouses only on property located on the corner of Center and 100 West. There was no public comment and the Planning Commission recommended approval of that amendment. The Planning Commission also approved a three lot Final Plat for Sentierre Padre Canyon Phase 1A. They also discussed locations for High Density Zoning mainly within the Historic Township area

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Jeremy Cox commented that he would like a discussion regarding HOA's (Home Owners Associations) returning private streets to the City. He resides at 761 S. 220 E. He felt that the HOA for his neighborhood was created simply to bypass City Ordinances as it relates to taking care the streets. There's no property manager and it's difficult to collect dues for maintenance, insurance, taxes etc. He'd like the HOA to be dissolved and incorporate have the street become a public street to be maintained by the City. **Mayor Hart** suggested that he come in to City Hall and speak with Kevin Rudd and Dale Coulam. **Jeremy Cox** stated he spoke with Chuck Gillette but was told it would cost the City money to bring their subdivision back into the City and their road is not up to code.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding a proposed Amendment to the Ivins City Land Use Plan from "Commercial Research" to "Resort Recreational." Located on the South side of Highway 91 at approximately 100 West Ivins. Graf Land and Livestock/Jon Graf-Owner/Applicant.

Kevin Rudd showed the location of the application. The Grafs came in to the City to create an RV Resort on this property. In order to accomplish that, the City Ordinance was amended and the land use and zoning will also need to be changed on the property. The current land use is commercial/professional and it is zoned RA-1. It would need to be changed to Recreational Resort. We propose if this is approved, to do that zone and we would go through the process of that zone change. Staff does not make a recommendation on land use or zoning. The Planning Commission recommended denying this application. **Council Member Ron Densley** inquired what the prior Public Hearing was for? **Kevin Rudd** stated that we originally approached it as an overlay and the Planning Commission denied it and the City Council stated they felt this was a use that to be done correctly would be to create an ordinance to regulate an RV Resort. So the overlay was not the best way to accomplish it. This gives the City ultimate control over where they will go. **Council Member Ron Densley** inquired about explaining the definition of an overlay versus the land use and zone change. **Kevin Rudd** stated that an overlay goes over a

zone. It allows them to do both. It opens the door to anyone with that zone for that underlying zone and we would have to approve it. **Dale Coulam** clarified that an overlay is generally related to the zone it is going over. For example, a short-term overlay is over Multi-Family zoning. It was a stretch to say that an RV Resort was a fit for commercial professional. The proper way was to change the land use plan and the zone so that it would be specific to that use. From there, they go through a Conditional Use Permit. **Mayor Hart** opened the Public Hearing. **Gary Pendleton** stated that he lives at 227 W Old Hwy 91. He gave some history of the property adjoining the Graf property and gave a slide presentation, a copy of which is available upon request from City Hall. He believed that just as the City Council had recently done with the property along Snow Canyon Parkway, the City Council should create a transition zone between his property and the Graf property that was going to receive a change in land use. The transition zone along Snow Canyon Parkway was 300' and he believed they were entitled to the same treatment. That was a good reasonable approach. He showed the aerial view of the Virgin Zion River Resort, which is surrounded by natural buffers of Route 9 and the Virgin River and North Creek. There are probably 80 units in that park. 134 units are proposed in this park. The density in the proposed ordinance is 7.5 spaces per acre. The math is over 18 usable acres. We want to buffer and preserve the area we have loved for 40 years. We should have a 300 foot buffer and it will still leave the Grafs with enough property to do what they want. It would still accommodate the use of an RV Park. This is a big impact that changes their life and they should be treated like the people of Parkway that didn't want their development out there either. He would like to see a transition zone as an accommodation. If you do this RV Resort, he would like the Council to leave a buffer for the things they have built up for 40 years. This is an extremely short-sighted venture and the Planning Commission was right to reject the application. **Kathy Barth** lives at 1298 Wisteria Court and followed up comments to thank the Planning Commission for recognizing concerns. If an ordinance is passed she would like to see it be limited to the Hwy 91 corridor. There is extensive land in Ivins and once there is a place for this type of zoning to occur, there will be a free for all. If she had a residence that bordered to open land, she would want to relay her concerns. **Mariah Perez** lives on 285 Fitness Way. She stated she would like to see the land use to be similar to what is around it. She went through the process of drawing their plans and it took effort to get it where they needed it to be. This is her one and only home. She will live here forever. They built and moved in December and then boom, here comes this application. She doesn't feel like they are being protected or their rights are being considered. It needs a buffer if it goes through. They built their home as it was zoned. It was mentioned that the applicant could put in a really nasty commercial building, but it is also zoned for residential too. **Alan Jacobi** lives on Xatava. He stated that the first Public Hearing had a turnout that was greater than tonight. He would oppose any RV Park in Ivins. It was mentioned that an overlay runs the risk of additional RV Parks in Ivins. If it's a risk, why isn't this one also a risk? We are equating RV parks with trailer parks. There were very many valid points and he would like to reiterate one of them. The proposed ordinance, section 16.17.207 originally stated no one could be there for more than 29 days and now it allows 30% of guests to stay for up to 180 days. That provision allows anyone to stay and it will become a secondary community, not a resort. A resort is somewhere you go for a short period of time. If someone is there 180 days that is not a respite from their normal life. It is a very dangerous slippery slope. He would suggest they reconsider this entire thing and why jump to make a bad idea work. Just recognize it's a bad idea and bring it to a halt. **Melanie Neighbor** stated that she almost didn't come tonight because you can't fight City Hall, but it can be a win-win situation. They consider the Grafs' family. They do not want it

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right next to them. **Jon Graf** stated that he is excited about the opportunity and it will bring revenue into the City. The 180 days is for snow-birders older retired couples to accommodate them so they are allowed to do that. He thinks the City Council and Planning Commission have both done great with what they have accomplished and these meetings have gone on for almost a year. **Nicole Graf** stated she wanted to thank everyone for considering this project and looking at people's concerns and they understand the proximity. The City has done a great job writing up the ordinance to protect all parties Having a buffer would make it very difficult to fund the project if they cut out 300 feet. The quality of the park that the City is requiring with all the amenities, are all heavy expenses. To do it right and to be successful, that much property would not be feasible. The City has done a good job and the buffers are already there with fences and landscaping. She is excited about the project and it will be an asset for the area. When they were in Heber City they had a brand new RV Resort backed up to residential and they walked the property. It was high-quality and it was very quiet for being full. It didn't affect the properties next to it and the management stated they had no complaints. **Gary Pendleton** stated that 180 days couldn't possibly be legal. That dismantles the whole concept. The discussion became that they could put commercial there. The land use was changed over his objections. This is still zoned low density agricultural. He stated that Commissioner Scott had pointed out at the Planning Commission meeting that the land use plan needs the highest level of care. We need to consider the compatibility of the use with nearby and adjoining properties and how they are using the properties. They are not doing some kind of favor by avoiding commercial. Compare it to the compatibility to adjacent land owners and you will see it's not. They won't make as much money, but they can make less money. **Debbie Pendleton** stated that 180 days is a shock. Before it was 29 days for the transient tax. She understands wanting to accommodate the snowbirds, but who is regulating that time frame? Half the year is a whole different ballgame. If Padre Canyon can have buffer, so can we. **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-17, an Ordinance of Ivins City, Utah, amending the Land Use Plan from Commercial Research to Resort Recreational.

Mayor Hart stated that the most important and fundamental decision is if this is appropriate for Ivins City. The City Council has gone a long way in suggesting it might be. He inquired as to where the City Council stands on whether or not this is a land use that the Council believes should be permitted in Ivins. **Council Member Mehr** indicated that just as the Planning Commission did not support this, he did not support it. **Council Member Densley** stated that he wanted to see some kind of buffer negotiated between the Grafs and the neighbors so it could be a win-win situation. He felt that an RV Park in Ivins would be a great asset to the community and clarified that it would be an RV Resort and not an RV Park. **Mayor Hart** stated that the City has purposely avoided the term "buffer" and requested that Dale Coulam explain why. **Dale Coulam** clarified that what happened off of the Parkway adjacent to Padre Canyon was called a transitional zone. When a land use or zoning decision is made, the Courts generally will defer to the City Council's decision as long as there are reasonable findings to support that decision. If the City Council were to create a buffer area in a manner that's typically used in subdivisions where there may just be landscaping or something, then that would likely be an illegal taking. A transitional land use or a transitional zone still allows an area of property that has a use yet is a transition to the adjoining property. The Planning Commission's reasoning for a transitional zone for the project off of the Parkway and adjacent to Padre Canyon was that existing families that were there for a long time didn't see this coming and expected a similar use to abut their property. With a transitional zone, you have that similar use and the residents who buy in the

transitional zone know what is coming adjacent to them. **Council Member Roberts** stated that he is in favor of the idea of an RV Resort but where that would be located is in question. He would like to be consistent with what the Council did on the property off of Snow Canyon Parkway and Center Street. He also recognized basic property rights. The City Council's role is to protect general property rights- not only the person who owns the property, but also the surrounding property owners and to protect health, safety and morals. He inquired if this project would create something that is against the general welfare of the local property owners if this project went forward. If the land isn't sold the land would remain as professional research and if they're unable to do anything with that zone, he inquired if the City would make that property useless for not allowing the zone change. He is in favor of a transitional area to protect the general property owners in the area and come up with a bubble that is similar to what the City Council did with the property off of Snow Canyon Parkway and Center Street. **Dale Coulam** clarified that the Land Use Plan identifies that land as Commercial Professional but that the Zone is still RA-1. There are two types of uses allowed there. **Council Member Densley** suggested this be tabled and look at the bubble and see if both parties could agree on the bubble. **Dale Coulam** stated that City Council can table it but that the Planning Commission has already made their recommendation so it stays with the City Council and it would be the City Council that would decide the land use. **Council Member Johnson** indicated she was in support of what Council Member Roberts stated. She liked the idea of the resort but would like to see a compromise. **Council Member McDonald** stated that balancing is hard and he has friends on both sides of this. Many are concerned and many are in favor. He'd like to see a compromise for both parties to agree upon and Mr. Graf would be able to exercise his property rights and also balance the property rights of the neighbors. He was in favor of moving forward. **Mayor Hart** indicated that the applicant has said that the feasibility study shows that too much property doesn't work for the Grafs'. Since the Pendleton property has not been subdivided, anyone who would purchase a lot would know what was there. The real area of concern is right by their homes. **Dale Coulam** stated normally when the Planning Commission recommends denial he does not prepare an ordinance, but because the City Council seemed to agree with this general use, he went ahead and created one. This ordinance should state the City Council's findings as to why it is granting the change in use and he read the proposed finding that he drafted **Council Member Densley** suggested that the Grafs' and the Pendletons' agree to something and re-present an exhibit to the City Council for that property. **Dale Coulam** indicated that the Council could suggest that the Council is going to leave a transitional zone and then decide what the distance and shape would be. The City Council has the authority to make that land use decision. The Council can also table this but ultimately it is the City Council's responsibility. **Mayor Hart** stated that the Council has heard testimony that requesting a transitional zone of 300 feet would make the project unfeasible. It would be reasonable to consider the impact on existing property owners like the City Council did with the Padre Canyon area off of Snow Canyon Parkway. **Jon Graf** indicated that the water is high on a good portion of the property and there is a lot of unusable ground. The best buildable area is near the Pendeltons' property. In order to build an RV Resort that the City would like to see, he needs enough units to make it work and was planning on 135 spaces. He would have to do asphalt, curb and gutter and concrete between the spaces. **Council Member Densley** indicated that the developer didn't need as much room for some of the spots. **Jon Graf** stated that the study was designed to fit the biggest and the best so they want to make sure they fit. **Dale Coulam** clarified that the City was not approving the land use and zoning to fit a specific project and not designing

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their project. The Council needs to be careful not to design Ivins land use for their specific project. That's what the conditional use permit and site plan are for. **Mayor Hart** stated this land use can be elsewhere in the City so conditions have to apply to any potential sites. He inquired if a transitional zone of 300 feet would be considered a precedent set by a previous decision. **Dale Coulam** indicated not necessarily because the homeowners in Padre Canyon abutting the Parkway property stated their lots were 300 feet deep and they requested a low density residential transition. The Council does not have that situation here. That transitional zone was used because it matched the existing use on that boundary. **Mayor Hart** stated that if the Graf property was developed as low density residential, the backs of peoples' homes could be within 10 feet. He indicated that there is a problem in trying to preserve views. If the applicant sold it off for development, someone could change the zoning to higher density, which there is justification for that based on other developments and could literally be within 10 feet of that property line. The only buffer the Pendletons' can claim is their own property. Council is talking about allowing the land use and then making the project unfeasible. That doesn't work either. There was a point made by Gary Pendleton that he wasn't worried about commercial research because it would be RA-1 lots. In either of those conditions there is no 300 foot buffer and buildings could be 10 feet from the property line. In all fairness the City Council needs to consider that some other use would result in the loss of a view. **Dale Coulam** clarified that what would be the easiest fit for the transitional zone would simply be going back to low density residential to match the underlying zoning of both the applicant's property and the Pendleton's property. He would need to adjust the ordinance to indicate that and then create the map showing the transition zone. **Mayor Hart** inquired as to leaving the ordinance in the form that has been created. **Dale Coulam** clarified that as it's drafted, there's nothing regarding a transitional use.

MOTION: Council Member Densley moved to table until we can adjust the bubble, take a closer look at it and adjust the land use
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

C. Public Hearing regarding a proposed Amendment to the Ivins City Zoning Ordinance allowing and regulating Recreational Vehicle Resorts. Graf Land and Livestock/Jon Graf-Owner/Applicant.

MOTION: Council Member Mehr moved to table items 4) C and D
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

D. Discuss and consider approval of Ordinance No. 2016-07 an Ordinance of Ivins City, Utah, amending the Zoning Ordinance to allow and regulate Recreational Vehicle Resorts.

See Motion to Table made under item 4)C

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval to purchase new vehicles for the City.

Wally Ritchie stated that Public Safety goes through vehicles very quickly. On the consent agenda, we have a purchase of a truck for Public Safety that was budgeted for this year. In going through our fleet maintenance, we have four pre-2010 Dodge Chargers with each over 100,000 miles on them and they have engine and drive train problems. We are trying to get the old Chargers out of the system. We got some bids on state contract. We can replace those old Dodge Chargers with Ford Explorers for $28,000 each. Administration has a surplus vehicle, and we travel the most to conferences and trainings, and take dignitaries around the city, so we are asking for a reliable vehicle for those trainings. We currently rent vehicles which are not always reliable or the least expensive alternative. This is not budgeted right now but it is budget neutral for this current year. We would not plan on purchasing any more vehicles for three years because our fleet would be current. **Council Member McDonald** stated that Chargers are dying at 100,000 miles because for every 150 hours that they idle, which is all day, equals about 5000 miles. He would move them to an hour meter so that the maintenance cycle is more frequent to help prolong the life of the vehicle. **Wally Ritchie** stated that we would have no payments on the financing for a year. Preliminary estimates are 2% interest over 3 years. **Wally Ritchie** indicated that we typically buy one or two vehicles a year to rotate the fleet so this is simply purchasing the same number of vehicles but up front while financing terms are favorable instead of over the next three years. **Council Member Mehr** inquired how much repairs would be. **Council Member McDonald** stated that you are potentially looking at four engines totaling $5,000-$7,000 a piece. **Dale Coulam** stated we will also surplus the older vehicles. Administration took the best of the last surplus and they have not had a new vehicle. It worked great for a while. While these vehicles are still running, we will surplus them and get a higher value from the sale to go towards the purchase of new vehicles. If we wait we know we will be replacing the engines. **Council Member Roberts** inquired how long the vehicles would last if they are repaired. **Council Member McDonald** stated it could be potentially another 100,000 miles but 1,200 hours equals 74,000 miles. These vehicles start up and run for 8-12 hours a day so these vehicles have closer to 350,000 miles on them. **Dale Coulam** stated that when administration used the repaired Charger there were transmission issues, steering, etc, and it was unreliable to go out of town even though it has been repaired because only the engine has been repaired, not all the other moving parts. We surplussed it and received a decent price from the sale. **Council Member McDonald** stated that the maintenance issue on the transmission is because the transmission wasn't maintained. **Dale Coulam** stated that prior to Wilson Jimenez being hired, there was no regular fleet maintenance schedule and these older vehicles needed that maintenance. **Mayor Hart** stated that means we are getting better service out of our vehicles now. **Wally Ritchie** indicated that now there is regular maintenance and it will improve those repairs. **Council Member Densley** inquired if the purchase price included the equipment to retrofit it for Public Safety. **Wally Ritchie** stated no that is a separate budget line item. The City has the money for that. The purchase is under state contract. Wilson Jimenez installs the extras, which saves the City approximately $2,000 for each vehicle. **Council Member Mehr** inquired if

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the City could purchase two vehicles now and two vehicles later because he was concerned about the budget. **Dale Coulam** indicated that the vehicles would be paid off and the City out of debt by the time the City would need to look at purchasing new vehicles. The terms for financing are favorable right now. He requested to get rid of the old vehicles and purchase new ones. We have great terms. A year from now he couldn't tell you what those terms will be. **Council Member Densley** indicated that with interest rates low, he suggested letting staff sell the older vehicles at a higher value. **Wally Ritchie** clarified that four (4) vehicles would be for the Public Safety Department to replace the old Chargers and one for administration.

MOTION: Council Member Densley moved to approve the purchase of five (5) new vehicles. Council Member McDonald included that he would like to see a different maintenance schedule on the vehicles.
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Council Member McDonald indicated he would speak with whomever if they needed help with the different maintenance or a better understanding about it.

6) CONSENT AGENDA

Mayor Hart stated that item 6)A needs to be removed from the Consent Agenda for discussion.
Council Member Mehr referred to the Minutes where it indicates that he was absent. He would like that to state that he was excused.

B. Approval of purchase of law enforcement vehicle.
C. Approval of City Council Meeting Minutes for August 4, 2016

MOTION: Council Member McDonald moved to approve items B and C and C as amended
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

A. Approval of expenditure for 425 W Center Street gap fill project.

Wally Ritchie stated that as Chuck Gillette was going through the Staff Report and he received the bids, he realized that it would prudent for the City to have conduit installed for future bollards since this project is along Center Street. That would add $2,000-$3,000 to the cost. He

requested that the amount be changed from $22,000 to not to exceed $25,000. All of the homeowners have signed off on the agreement and will contribute their $7,000.

MOTION: Council Member Mehr moved to approve Consent Agenda item A
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

8) REPORTS

A. Council

Council Member Mehr reported that he would like to attend the Utah League of Cities and Towns conference but it conflicts with the City Council meeting on September 15, 2016. **Mayor Hart** indicated that he will be in attendance as well. **Dale Coulam** stated he will be attending but will be back in time for the meeting and there will be four (4) Council Members present to vote and Heritage Days is on September 16th and 17th.

Council Member McDonald reported that he wasn't able to attend the Solid Waste meeting. He had a huge concern for the bid that got the recycling bid but since that time that company has gotten a dump site. He is looking into some of the money that is being appropriated.

Council Member Johnson inquired if the Council would be doing a parade entry and if so, she inquired what they are doing as a Council. **Mayor Hart** stated that the Council rides around and hands out goodies and they are planning on that.

Council Member Roberts reported there are no West Nile Virus findings at this time but it usually picks up in mid August.

Council Member Densley - no report.

B. Mayor

Mayor Hart reported that Ed Hlavka has told him that the statue is done and being colored and will be installed by Heritage Days. He attended transportation meetings and reported that there is a study being completed for public transportation commuter bus service between St. George and Springdale to try and alleviate some of the traffic issues.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

Mayor Hart referred to the Citizen Comment requesting that the City take back private streets and it's his understanding that the street the City being asked to take back, does not conform to City specs. **Council Member Densley** stated that Jeremy Cox came and spoke with him first and the neighbors do have some resources and revenue to partially make the streets acceptable to code for the fire truck to turn around. **Dale Coulam** clarified that the City would have to establish a policy and make it an agenda item. To date the City policy has been that if the City knows it meet specs when it was installed, met the cross section and was well maintained, the City would do an inspection and then take it on. That was approved for Amber Estates and they put it to a vote of the homeowners and they voted it down. The road in question is old enough that it does not meet Ivins specs and current cross-sections. The developer put the street in as a

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private street because it was less expensive to do that because it didn't require as much improvement as a public street, no requirement to put in wider streets or a large cul-de-sac and saved significant amounts of money. That should have been passed onto the buyers of the property and made for a more affordable housing project. Having achieved all of those benefits, they now want the City as a whole to pay for the maintenance and ultimately replacement of their roads. In the City's past policy, the City has said that isn't fair but it's worth of having a discussion about it. The Mayor and City Council agreed.

9) CLOSED MEETING

10)<u>ADJOURNMENT</u>

MOTION: Council Member McDonald moved to adjourn
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 7:55 p.m.

Respectfully,

Sharon Allen
Deputy City Recorder

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