IVINS
CITY COUNCIL
MINUTES
September 1, 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, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, and Public Safety Director Bob Flowers.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

B. Flag Salute

Council Member McDonald led the Flag Salute

C. Invocation

Council Member McDonald gave the Invocation

D. Disclosures

Council Member McDonald referred to the RV Resort issue and disclosed that the property owners use his shops in St. George. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation & Public Safety

Mayor Hart indicated that Benny Sorensen was excused. A copy of his written report is available by request through Ivins City Hall. **Bob Flowers** submitted a written report electronically, a copy of which is available by request through Ivins City Hall. He reported that they're paying special attention to Fire Lake Park at the Ivins Reservoir because there are problems with animals in the water and being off leash. He has asked the Officers to start issuing citations. There have been some complaints from Kayenta residents about noise from the park. SCI will be obtaining a piece of equipment that will assist with identifying traffic patterns and speeds. They have been working with the Veterans Home regarding their Emergency Response planning. Arrests are up for DUI and SCI has received a lot of compliments from the crime lab on the evidence that SCI recovered in the David Heisler case.

B. Planning Commission Report

Kevin Rudd reported that the Planning Commission approved two (2) Final Plats in Taviawk and continued to discuss locations for high density residential. They discussed creating a Twin Home designation that would require a 2 car garage. They are creating two (2) tiers within high density residential. Tier 1 would be R-1-5 which is a single family home on small lot and Tier 2 would be R-2 Twin Home and would be restricted to single story and limit the height to around 16' rather than 25'.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

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4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding a Proposed Zoning District Amendment from RE-12.5 (Residential Estates minimum lot size 12,500 sq. ft.) to RM-Townhouse (Multiple Residential Townhouses Only) Episcopal Diocese of Utah-Owner. RDM Land and Development, LLC/Don Matthews-Applicant

Kevin Rudd indicated that this property is located on 100 West and Center Street and consists of 2.64 acres. The applicant is requesting that the Zoning District be amended to show this property as Multiple Residential Townhouses. This zone requires 2 car garages. The Land Use Plan on this property was amended to High Density Residential by the City Council on August 6, 2016. The Planning Commission did not receive any public comment at their Public Hearing and voted unanimously to recommend approval. **Mayor Hart** opened the Public Hearing. **Trent Ripplinger** resides on 200 West. He inquired if the town homes are allowed to be 2 stories. **Kevin Rudd** stated yes. **Trent Ripplinger** requested they be kept to a single story because he was concerned with his privacy and their property values being affected. **Mayor Hart** clarified that if the property developed into single family homes, those could also be 2 story homes. **Don Matthews** is the applicant. He thanked the City Council and publicly acknowledged how much Kevin has helped with this project. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-19, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located at 100 West Center Street, from RE-12.5 (Residential Estates minimum lot size 12,500 sq. ft.) to RM-Townhouse (Multiple Residential Townhouses Only) Episcopal Diocese of Utah-Owner. RDM Land and Development, LLC/Don Matthews-Applicant

Council Member Mehr inquired what the proposed elevations are. **Kevin Rudd** stated that the application shows buildings that are 2 stories and 25' high. They are a higher end product. There were no other comments.

MOTION: Council Member Densley moved to approve Ordinance No. 2016-19, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located on 100 West Center Street, from RE-12.5 (Residential Estates minimum lot size 12,500 sq. ft.) to RM-Townhouse (Multiple Residential Townhouses Only) Episcopal Diocese of Utah-Owner. RDM Land and Development, LLC/Don Matthews-Applicant
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

Mayor Hart indicated that before the City Council addressed agenda item 4)C, the rules need to be suspended to move agenda item 5)A to this current point in the discussion since that has to be addressed before moving onto agenda item 4)C.

MOTION: Council Member Roberts moved to suspend the rules and move item 5)A to this point in the agenda
SECOND: Council Member Johnson
VOTE: The motion carried.

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

5)A. 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

Dale Coulam stated that at the last meeting the City Council was getting caught up in designing an RV resort project, which is several steps away from where the City Council's focus needs to be. The City Council is addressing land use, which is the very beginning of the process. The City Council is charged with determining what the Council believes to be the best land use for that parcel of property on Highway 91 between Main Street and 200 West. The current land use for that location was changed several years ago to Commercial Professional along with neighboring property to the west. The City Council could change the property to Low Density Residential to match the underlying zoning of RA-1. The City Council could grant the application to change the property to Resort Recreational and since there is currently no zoning districts under that, the City Council knows that what they'd be considering next would be an RV Resort Zoning District and the possibility of an RV Resort in that location. In considering land use you consider if this is a land use that is needed in Ivins and, if so, is this location and this property a good location for that land use or should only a portion of that property be designated for that land use? At the last meeting the City Council discussed a 300 foot transition zone, such as was used on a piece of property on the other side of the City. The reason 300 feet was chosen in that particular case was because it abutted an already subdivided piece of property that had 300 foot deep lots that abutted the common boundary line perpendicular. In this case, there are no such subdivision lots along the common boundary line. That type of a comparison is not comparing apples to apples. To say it requires a 300 foot transitional zone was, in his opinion, arbitrary. The City Council is charged with making a finding that the City Council can find some reasonable basis to support why the City Council is designating a land use or uses for this piece of property. The City Council could determine that the whole property should be one type of use. The City Council could determine, as long as they made findings for it, that the property should be broken into two types of uses. He has drafted ordinances that have language for both of those. If the Council determined to break it down to two types of uses, the Council would need to determine how to draw that map. The Council is deciding on land uses and indicated they should not get caught up in designing an RV resort and all of the details of that. Part of that the City Council will discuss in the next Public Hearing when the Council discusses what the regulating ordinance for a zoning text regulating RV resorts would be. When he included findings in the first draft ordinance that Ivins City needed this type of lodging for guests who visit Ivins City and the City Council agreed with that per their discussion and that that was consistent with what the Councils finding would be. For at least a portion, if not all of that piece of property, there is a finding consistent with changing the land use from Commercial Professional to Resort Recreational. The two adjoining property owners were charged to have a discussion to see if they could negotiate some kind of transitional zone. He understood that a discussion did take place without a resolution. It's now back to the City Council and they need to decide what the use is going to be and that's for the City Council to discuss and decide. **Mayor Hart** indicated that what's important here is that it is up to the City Council to determine what is

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going to be best for the City in this instance. It isn't the City Council's place to arbitrate a dispute between two adjacent property owners, although everything the City Council does has an impact on residents who live in Ivins. He left the prior City Council meeting feeling like they missed some of the meat of the discussion so he spent time between the last meeting and now dissecting what the City Council talked about, what the City Council needed to talk about and he hoped that the City Council would focus on facts. Very often in Public Hearings speculative statements are made about how something might be and very often it points to worst possible outcome and of course that isn't necessarily reality, although it could be. Before the City Council makes a decision on this, he reminded the Council that the Council made it through the most fundamental point and that is: whether or not this is a use that the Council believes ought to take place and ought to be in Ivins City, with the exception of Council Member Mehr, if that was still agreed to. The **City Council Members** indicated that they have not changed their thinking from the previous Council meeting. **Mayor Hart** stated that with that that the Council is looking at least somewhere in Ivins, it would be positive in the minds of the Council that Ivins City have an RV resort and that it's consistent with Ivins' resort destination brand that Ivins is developing. The question then becomes is it here on this piece of property and if so what configuration. One of the things that he never really fully understood because it was described in too vague of terms, is what are the specific negatives and Gary Pendleton's daughter Mariah talked about the concern was the use. View is a non-issue. They're talking about trees and low slung kinds of recreational vehicles so the view isn't it. If it's noise, he would propose that if there was a 300 foot slice carved off the west end of the property, that's wide enough for a single road and building lots on either side. That would put residences with backyards fronting onto that adjacent property to the west. If there are kids, swimming pools and trampolines, that's as noisy as anything that's going to happen on a resort property. If it's something different than that, then maybe he doesn't understand it but if it's just the fact that there would be metal clad mobile vehicles that are pulling in and going in and out, he understood that too but stated that he didn't think from a technical standpoint, it's pretty difficult to point to the specific problems that an RV resort would bring about. There's a specific resort that has been mentioned a couple of times, Mountain Valley Resort in Heber City, Utah. Mayor Hart made contact with the resort and Heber City to find out what the impact has been and what has happened as a result of that resort going in. He referred to some materials and maps that he provided to the City Council regarding Mountain Valley Resort. Copies are available by request through Ivins City Hall. When he spoke with the Manager of the resort and inquired what the complaints or problems were since the facility had been built he acknowledged that most of the problems were before the facility was built and at their public hearings there were the same concerns expressed there as have been expressed here. There was also concern during construction because it was noisy and there was some dust and so forth. He inquired about any complaints or concerns since the resort had been built and the Manager told Mayor Hart they did not have any complaints coming to them. Mayor Hart then called the City Manager of Heber City and inquired what the impact has been. The resort has been open for three (3) years and the City Manager indicated that they haven't had any public safety calls, no complaints from nearby residents and the resort has produced approximately $20,000 a year in transient room tax for Heber City. **Mayor Hart** referred to Wally Ritchie regarding taxes and inquired if the entire parcel developed into single family dwellings, inquired if more than $20,000 would be generated in property tax. **Wally Ritchie** stated that the use determines what kind of tax Ivins City would receive and there are a variety of things that factor into that. **Mayor Hart** indicated that as the City Council makes this

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land use decision, it's really important to note that although the idea of there being some kind of a transitional zone created there, the City Council is going to have to find what the basis is for that. As the City Attorney noted, there has to be a finding and some reason for the decision that's made, otherwise it is arbitrary and challengeable. He stated that he's trying to be impartial in this and not trying to favor either property owner and spoke in generic terms. He indicated that the property to the west is a 1500' x 500' single parcel that fronts on Highway 91 and it's unknown if the current property owners were to sell some of that, the City could see an application at some point in the future for a commercial development there. The City does not know how that is going to subdivide, unlike the situation the Council faced for the property adjacent to Padre Canyon Estates where that was fully developed and homes built on that. Regarding this parcel, with the exception of the two homes on the adjacent parcel, anything that would be discussed about what would occur there would be purely speculative. **Mayor Hart** opened the discussion for the City Council to determine if this land us was appropriate in this location. He stated that the City Council has already determined that the Council believes that this is ultimately a positive thing for Ivins City to have some place. The discussion is now specific to this piece of property. He inquired if this was an appropriate land use for the entire parcel or a portion of that parcel. **Council Member Roberts** referred to the property and inquired if all of the adjacent property to the west was west Commercial Research land use. **Kevin Rudd** clarified that the Pendleton properties going to the west are Commercial Research. Where the Movara Resort building is located and the property to the west, that is Resort Commercial. There is some type of commercial designated for all of that property. **Kevin Rudd** clarified that the Pendleton property is zoned RA-1. **Council Member Mehr** did not support this as a land use in Ivins because it creates a new zoning district that can be used City wide and the Council hasn't thought about that and what kind of can of worms they would be opening. He understood that the other City Council members feel differently and he respected that. He didn't think the property is a good location because it's at the entry into Ivins, there are issues between the property owners with no resolution and he didn't think that government should be solving problems and felt that the City would be starting something and then get caught in the middle of a future dispute. It also removes the current zone of Commercial Research. **Council Member McDonald** felt that it is an appropriate use for all of the property and is a good location because it abuts to BLM (Bureau of Land Management) property which would allow for hiking trails to develop. He disputed the entrance to the City because it's off from where this property is. **Council Member Johnson** stated that ultimately the property fits into that use. **Council Member Roberts** indicated he was in favor of a transition area of an acre lot of RA-1 that is approximately 210 feet but not likely all the way down the property because it becomes unbuildable. **Council Member Densley** stated it's a good piece of property, a great place for an RV Court and he was in favor of the whole property for the land use.

MOTION: Council Member McDonald moved to approve Ordinance No. 2016-17, an Ordinance of Ivins City, Utah, amending the Land Use Plan from Commercial Research to Resort Recreational
SECOND: Council Member Densley
VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Densley	AYE

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Council Member Mehr	NAY
Council Member Roberts	NAY

Council Member Mehr asked for discussion and inquired if that included a transition zone. **Mayor Hart** stated "no".

Three (3) Council Members voted in favor and two (2) Council Members voted in opposition.

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

Kevin Rudd indicated that the Planning Commission worked hard on this Ordinance and created a good document. They made the recommendation to the City Council and after City Council received the document, the City Council discussed the Ordinance and made a few changes prior to setting the Public Hearing. Those changes were to allow dependent RVs adjacent to the tent sites and to allow a few equestrian sites if they have direct access to BLM (Bureau of Land Management) property. The City Council determined that campfires would not be allowed but that the use of use propane or natural gas fire pits/rings would be allowed. The City Council determined that 30% of the sites could be occupied long-term, up to 180 days in a year. There was some discussion about how to regulate that and he suggested that the RV Resort owner or their Manager come to the City and obtain a license for each one of those sites with the RV information and then code enforcement would patrol that regularly and the City would establish a reasonable fee to regulate the long term sites. He also suggested that as part of the Conditional Use Permit requirements, the RV Resort owner would agree to the City driving through their project anytime. **Mayor Hart** opened the Public Hearing. **Gary Pendleton** resides at 227 West Old Highway 91 and inquired how the impact fees are calculated. Mayor Hart indicated that wasn't part of the discussion this evening. **Gary Pendleton** referred to the language for the barrier wall where it says "stucco or masonry" and stated he was not sure if that was stuccoed masonry or if someone could frame a wall with particle board and then stucco it. **Mayor Hart** indicated its stucco covered masonry but isn't clearly written that way. **Kevin Rudd** stated that's the intent and the City could clarify that. **Gary Pendleton** inquired why the requirement to stagger the wall every 40 feet is only required for the portion of the wall that faces the public road. If that's not required down the east side of his property, he could have a straight 1330 foot wall down the side of his property. He requested that the City make that accommodation for him and stagger the wall. **Mayor Hart** clarified that's private property and property lines are straight. **Gary Pendleton** referred to walls that run along a public right-of-way, there's the easement and the public right-of-way and that staggering has to take place on the persons' property and not in the right-of-way. Whether or not they're talking about an easement or another property owner and didn't see why he couldn't have some accommodation there. He also commented that he is going to challenge this in court because he thinks it depends on who contracted to build your house and who lives in your neighborhood. **Lance Anderson** resides in Ivins and is a Planning Commission Member. He felt that the Planning Commission went through the Ordinance thoroughly and when they were talking about an RV Resort and to him those are for the large RVs that are renting the space and the City is receiving the transient room tax. The Planning Commission even suggested a few tents but now the ordinance has gone from being an RV Resort and receiving transient tax to now allowing horses because BLM land abuts the project. He inquired what type of resort is Ivins trying to establish and requested the City Council stay focused on an RV Resort, which is 1-29 days. He was also concerned about the burden on the City to enforce the rules of the RV Park. He requested they stay focused on an RV

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Resort and the transient room tax. **Jon Graf** thanked the City Council for looking into the RV Resort in Heber City, Utah. Regarding the horses, he wasn't thinking of making the whole area an area for horses, just five (5) or six (6) spaces towards the bottom of the project where people can access the BLM property. He understood that he would need to obtain permission from the BLM to allow access for that. He would like the RV Resort to accommodate all walks of life. He referred to the fencing requirement and the alternative product made of polyethylene that he brought to their attention at the prior City Council meeting. He would like that to be an option. There being no other comments, **Mayor Hart** closed the Public Hearing.

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

Mayor Hart stated there was one correction to the ordinance regarding block concrete or stucco covered. The request for the alternate fencing material is not in the current ordinance and he personally thought the City knows what to expect from what is in place in the ordinance and the City does not know what to expect from the alternative fencing material. **Council Member Densley** inquired if masonry is currently in the ordinance. **Mayor Hart** indicated there is going to be some clarification in the ordinance. **Council Member Densley** inquired if the wall can be a split face wall like what is on Center Street. **Dale Coulam** stated stucco or masonry is how it's currently written in the ordinance but that will be clarified that stucco is over masonry or concrete. **Council Member Densley** inquired if it could be split faced. **Mayor Hart** indicated that the ordinance does not specify split faced and he contested that. **Kevin Rudd** stated the City should require the wall to be a colored stuccoed wall and not a gray one. **Mayor Hart** indicated that in his personal opinion, if it's going to be a resort and to Lance's (Anderson) point, it needs to look like it's surrounded by a high quality wall and to him that's a stucco covered wall and not split faced or otherwise. It's a block wall. **Council Member Densley** inquired if Mayor Hart liked the wall on Center Street. **Mayor Hart** stated it is fine for Center Street. **Council Member Densley** indicated that he liked it staggered and split faced and is less maintenance. **Mayor Hart** inquired if Council Member Densley would stipulate that the wall is either a split faced block wall or stucco over block or concrete. **Council Member Densley** stated "yes". **Kevin Rudd** clarified that he did not think the entire fence is split faced. **Mayor Hart** inquired of Chuck Gillette if the City is doing all split faced walls on Center Street. **Chuck Gillette** stated that was correct. **Council Member Roberts** inquired if the current ordinances state that the walls have to be staggered. **Kevin Rudd** clarified that only along the public way. The City has never required staggered fencing along a common property line. Council Member Roberts indicated that's a long ways. **Dale Coulam** indicated that he (Gary Pendleton) made it sound like the City has the very same issue with the right-of-way line as if it's a hard and fast line. On the right-of-way and along Center Street, the City negotiated with the property owners regarding some of those areas and in the case of neighboring property owners, they can negotiate something themselves if they wanted to but if they choose to have a straight boundary line then there is no alternative but to have a straight boundary fence. **Mayor Hart** stated that the City has 1300 foot straight fences in many locations in the City, including behind his own project. Anytime there is a quarter section parcel that's subdivided, there are straight lines that are that long. **Council Member Densley** inquired if it would just be along the public right-of-way along Highway 91 and then straight. That was confirmed and **Council Member Densley** indicated "okay" and that he was good with that. **Council Member Roberts** inquired how far the entrance is from the property. **Kevin Rudd** stated the City is going to look at the entrances across the street which is Main Street and 200 West. Right now he thought the Grafs'

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were centering their entrance in between those. **Mayor Hart** referred to the fence discussion and stated the City Council should entertain that. **Council Member Roberts** indicated that the City is trying to get a resort in Ivins and he thought people can define a resort completely differently from one person to the next. If the City is wanting high-end, big massive trailers, that's not the definition of a resort to him. The City isn't doing this for a particular class of income people. The City needs to remember that. This is a resort for anybody that wants to use it one as long as they follow the outlines of what's in the ordinance. The same thing with the long-term rental. He thought those people go down to resorts in Arizona all the time that they call resorts where they stay long-term during the winter time. The definition of a resort is broad enough that the City can include all those and still keep it nice and still have a nice destination. **Mayor Hart** inquired if he was satisfied with the changes that Council made. **Council Member Roberts** stated "yes". **Mayor Hart** indicated they are down to the fence issue. The current ordinance is either concrete or block stucco covered or split faced block as it would be amended. **Council Member McDonald** stated he wasn't necessarily particular to requiring split faced down the whole thing. Mayor Hart stated that at least on the City street, on Highway 91. **Council Member McDonald** indicated that was correct. **Mayor Hart** indicated that there is a precedence that has been established on Center Street and 200 East. **Kevin Rudd** stated that the City has chosen to do that but has not made that a requirement of any other developer in the City. Just colored block. **Council Member Densley** indicated he's good with that along Highway 91 so that the City is mirroring what was done on Center Street and then on the back of the project, the regular colored masonry impregnated in the masonry and then if they choose the option to stucco, that's their privilege but it would be less maintenance. **Mayor Hart** inquired if that's where the other City Council Members were at. **Council Member Johnson** didn't know the history of the material and agreed with what's been said. **Council Member McDonald** stated that he has done some research and the alternate material withheld a substantial amount of wind and the fencing the Grafs are proposing does not allow graffiti to stick as well to it and the panels can be replaced. **Mayor Hart** inquired of Kevin Rudd if the alternate fencing would be in violation of Ivins current fencing ordinance. **Kevin Rudd** clarified that Ivins current ordinance does not allow for anything other than masonry or concrete type products. **Mayor Hart** stated that the City would be talking about in a specialized ordinance, violating Ivins own fencing ordinance if they do that and seemed out of place to him. The City Council members agreed.

MOTION: Council Member Densley moved to approve Ordinance No. 2016-07 an Ordinance of Ivins City, Utah, amending the Zoning Ordinance to allow and regulate Recreational Vehicle Resorts, as amended regarding the walls
SECOND: Council Member Johnson
VOTE: The motion carried.

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

Roll call vote. Four (4) Council Members voted in favor and one (1) Council Member voted in opposition.

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Mayor Hart stated that for clarification, that is a split faced staggered block wall along Highway 91 and colored masonry walls or stucco covered. The City Council Members agreed. **Kevin Rudd** commented that if the City is going to require a split faced colored block on the front wall, the City would want to be consistent on the sides and have that be a colored block wall too. **Mayor Hart** indicated that he doubted that a developer would switch to at stucco wall on the sides because of cost. **Dale Coulam** stated that the City Council wants consistency. Whatever the developer chooses for the type of material that is either block or stucco, that is required on the sides. **Mayor Hart** clarified that it's either stucco all the way or block all the way. **Kevin Rudd** indicated that mixing split block with smooth face block of the same color looks great.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Presentation and discussion regarding the proposed Sewer Master Plan

Chuck Gillette provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. **Council Member Mehr** inquired what the process is to adopt this. **Chuck Gillette** stated they can take the material home and review it and then it will be placed on a future City Council agenda for approval. Once it's approved, the City will proceed with the Impact Fee Analysis. **Council Member Densley** referred to ground water going into the system and inquired if affluent goes out. **Chuck Gillette** indicated that is possible but because of the pressure there is more flowing in than flowing out and what flows out would be similar to a septic tank leach. **Council Member Roberts** inquired if it's less expensive to upsize sewer lines or to install them in an alternate route. **Chuck Gillette** stated that it's less expensive to install the parallel lines but not by much if the City isn't able to tie into the existing manholes. If the City upsizes and replaces the lines, that extends the life of the system.

C. Discuss and consider criteria for making certain private roads public

Chuck Gillette stated that bottom line is if the City does this, it increases the City's road maintenance expenses and there isn't a logical reason to do that from a fiscal perspective. There is also a real risk of risk of raising property taxes if the City starts doing this. **Council Member Roberts** inquired what happens when road becomes an eye sore. **Dale Coulam** clarified that the owners have a duty to replace the road and to maintain it. If the City were to step in, before the City would take that on and build a road for the owners, the owners would have to dedicate the necessary right of way for the City to do that. Regarding this particular street, 220 East that the gentleman asked the City to look at, Ivins' acting Fire Chief drove down that street and there were two (2) vehicles parked on either side of the street and he could barely get his pickup truck between those two vehicles and barely turn it around in that small cul-de-sac. He said absolutely do not take over that street. As a private street the City would find a way to fight a fire but the City would be taking on a liability if it makes the street public. **Mayor Hart** clarified that in this situation, the developer was able to reduce costs by building a road that was more narrow and there are a number of roads in the City that wouldn't comply with current City specifications and if the City took those on, the City would be taking on a potential liability and an added cost of maintenance. On the flip side of that, residents that live in projects with private roads are also paying taxes to Ivins City. **Chuck Gillette** clarified that the rules changed so that whether streets are public or private, they have to meet the same standard. **Dale Coulam** indicated that the smaller road was an election of the developer at the time the subdivision on 220 East was developed. The City has cured that in many respects because now that private roads are required to meet City specifications, the incentive of building smaller roads is no longer available. Now if

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developers are building private roads, they're doing it for a specific reason, no longer to cut corners, sell the development off and leave the homeowners holding the bag. He has drafted a policy with considerations that the City would have to consider to make a private street become public It first must be in the best interest of the public and not harm the public. At a minimum, that needs to be required, along with all of the other requirements the City has required in the past, including meeting the fire code. The drafted policy says an application is required and an application fee to pay for the City to go through the process would also be required. An applicant will need to provide a copy of their CC&R's (Covenants, Conditions and Restrictions) and the necessary number of signatures voting to approve proof the City taking over their street. The **Mayor and City Council** agreed to make this their policy and to approve it in an ordinance. **Dale Coulam** will finalize the policy into an ordinance and bring it back to the City Council for adoption.

D. Approval of Ordinance No. 2016-13, formalizing the City Council's motion made on April 21, 2016

Dale Coulam indicated this is a formality. The Mayor and City Council previously discussed and approved this. The ordinance was re-drafted and is before them for formal adoption of the ordinance. There was no discussion.

MOTION: Council Member McDonald moved to approve Ordinance No. 2016-13, formalizing the City Council's motion made on April 21, 2016
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

Roll call vote. All Council Members vote in favor.

6) CONSENT AGENDA

Dale Coulam stated that Consent Agenda item B needed to be pulled from the Consent Agenda for discussion.

A. Approval to purchase a gurney for EMS
C. Approval of City Council Meeting Minutes for August 18, 2016

MOTION: Council Member McDonald moved to approve Consent Agenda items A and C
SECOND: Council Member Roberts
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

Approval of expenditure and Memorandum of Understanding for Kwavasa Drive chip seal

Chuck Gillette indicated that the developer is proposing asphalt instead of chip seal. The cost of the asphalt is $59,000 and the City budgeted $50,000 for chip seal. The asphalt application

would be a better road. He suggested that the City pay up to $50,000 and the developer pay whatever is on top of that. **Mayor Hart** reminded the City Council that there are traffic concerns in Kayenta with getting to Coyote Gulch and building Kwavasa Drive would help alleviate those concerns. **Council Member Mehr** supported this but referred to the Staff Report and Memorandum of Understanding referencing chip seal. He would like to see a new document that outlines the asphalt instead of the chip seal. **Council Member McDonald** suggested the City Council could approve this as amended and then Chuck Gillette could change the MOU to reflect asphalt rather than chip seal.

MOTION: Council Member Roberts moved to approve Memorandum of Understanding contingent on changing the chip seal to asphalt in the Memorandum of Understanding for up to $50,000
SECOND: Council Member Densley
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 Densley referred to the City Council's recent approval of purchasing new vehicles for Public Safety and inquired if Santa Clara is paying for a portion of that purchase. **Wally Ritchie** stated they will pay their share, which is just under 50%. Council Member Densley reported that he reported that he attended a Citizen Advisory Board for the Snow Canyon State Park where profit and income was discussed. The Engineer still working on the design of the road and construction is anticipated to start in December of this year. He reported that he is on the interviewing board for new students attending Rocky Vista University for the 2017 class year. Those interviews will begin on Thursday, September 22, 2016.
Council Member Roberts reported that Dixie State University is looking for donations to install a 3 flag memorial for Veterans.
Council Member Johnson - no report
Council Member McDonald - no report
Council Member Mehr reported that he will not be in attendance at the next City Council meeting as he will be attending the Utah League of Cities and Towns convention. He referred to the SunTran bus continuing to drive through the Heritage Estates subdivision. He indicated that the construction on Highway 91 appears to be done and he would like the route to resume going onto Highway 91 rather than through the subdivision. **Council Member Densley** indicated that he will follow-up with the City of St. George.

B. Mayor

Mayor Hart attended a luncheon with University of Utah President David Pershing. The University of Utah has championed the cause for Dixie State University on a couple of new programs and are working on multiplying those into some other areas as well. Instead of having a new program that requires a long period of time to become accredited, with the University of Utah involved, those programs can receive accreditation almost immediately. They are lending their name and their support with personnel and similar to get these programs going. He attended

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a Habitat Conservation Advisory Committee meeting and discussed an unusual situation in Ivins with a development that has designed its building lots 30' encroaching into the reserve. There will likely be an issue come to the City Council with the developer asking to purchase some of the City's mitigation ground.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that contact information for the Mayor and City Council has been changed to a contact form on the website like other cities. Delivery and placement of Tuacahn/Center Street statue will be on Saturday, September 10, 2016. The ribbon cutting for the statue will be held in conjunction with Heritage Days and will be on Friday, September 16, 2016 at 5:30 p.m. Cameras for that roundabout are here and the installation of those will be in process.

D. Items to be placed on future agendas

Mayor Hart indicated the appointment of Grand Marshals for the Heritage Days parade will be on the next City Council agenda.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member Roberts

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 7:50 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder

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