IVINS
CITY COUNCIL
MINUTES
September 5, 2019

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 Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, Council Member Densley, and City Recorder Kari Jimenez.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Rodriguez, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, and Director of Finance Lane Mecham.
EXCUSED: None.
Audience: Randall Johnson, Chris Haddad, Regina Roper, David Robinson, Claudette Larsen, Patty & Mike Scott, Valerie & Larry Cazier, Bill & Ellen Wentworth, Connie Gates & Ken Parker, Lois Diehl, Gina & Heidi Blake, Delores Osborn, Sharm & Michael Barton and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda

2) REPORTS AND PRESENTATIONS

A. Concept Plan Report for T&L Parkway, located at approximately 175 West 100 South. Eric Gish-Owner; Eric McFadden, Premier Design-Applicant

Mike Rodriguez reported that the applicant is subdividing this parcel to create a .576 acre parcel in the back of the property. The proposed improvements have been reviewed by the TRC (Technical Review Committee) and the plan is in compliance with City ordinances.

B. Concept Plan Report for Blake Subdivision, located at approximately 301West Highway 91. Daniel F. Pendleton Family Ltd Partnership-Owner; Ben and Heidi Blake-Applicants

Mike Rodriguez reported that this is a simple subdivision that would create an additional one-acre parcel on the property. The proposed improvements have been reviewed by the TRC (Technical Review Committee) and the plan is in compliance with City ordinances.

C. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided a written report, a copy of which is available on Ivins website www.ivins.com and by request through Ivins City Hall. He reported that Fire Lake Park is winding down. **Council Member Mehr** referred to Fire Lake Park being closed for a period of time and inquired if it was for. **Benny Sorensen** clarified that a couple of people reported getting sick while at Fire Lake Park so he took some samples to the Health Department and the water was well within the required parameters. **Mayor Hart** commented that the dumpster area isn't clear that that is what that is. He'd like signage to help with that. **Council Member**

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Densley inquired as to the inlet in the middle of the reservoir. **Benny Sorensen** clarified that it's an aerator to control the algae. He reported that Heritage Days is this weekend.
Fire Chief Randy Hancey reported that they ended the month of August with 120 calls for service. They are providing a lot of training in-house, as well as attending trainings. They just sent out a brush truck today with four (4) of their Wildland crew members to Northern California. There will be a Fire Safety Open House on Thursday, October 10th at the Ivins Center Street station. **Mayor Hart** referred to regular C.E.R.T. trainings that were to begin in September but he hasn't seen anything on that. **Randy Hancey** stated he would need to coordinate with the County on that because the fire department does not have C.E.R.T. trainers.
Chief of Police Bob Flowers reported that they put the Lava Ridge Intermediate School on lock down due to a report of a man with a gun. The plan that they had in place and trained for worked marvelously well. The Officers were there within minutes cleared the school and classrooms quickly. The teachers and principal did well. Four (4) juveniles were arrested for making the phone call. They were taken into custody, taken to the detention center and charged with a felony. They received a lot of calls from parents during the lock down but weren't able to call them until after the threat was over. He reported that Officer Pikyavit was hit by a vehicle while he was pursuing an individual on a stolen motorcycle who then crashed the motorcycle and hi-jacked a car. That is still an active investigation but they expect to make an arrest soon and Officer Pikyavit is recovering well. The department has received a lot of complaints regarding speeding occurring everywhere in the City and they are doing what they can to address that.

D. Planning Commission Report

Mike Rodriguez reported that they had a lively Planning Commission meeting with standing room only. They heard the two concept reports that were presented tonight and held three (3) Public Hearings regarding General Plan amendments and a Land Use/Zoning Amendment. The Planning Commission recommended approval on all three (3) of the Public Hearings and Public Hearings will now be held on those at the City Council meeting on September 19, 2019. The Planning Commission also approved a Final Plat for the Sage Villas townhomes and a Third Amended Final Plat for Encanto.

3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS

Mayor Hart indicated that there was one (1) Citizen Comment received from Randall Johnson that addresses an item that will be on Ivins City's agenda on September 19, 2019. Mr. Johnson stated that he resides at 740 South and 200 East. He attended the Planning Commission meeting on this past Tuesday and was concerned about the due diligence as it related to water use and the environmental impact. He has a lot of questions that he can't get answers to. He'd like there to be an Environmental Impact Study done and he wanted Ron Thompson with the Water Conservancy District to come speak to the Council and found out that Mayor Hart is on that board.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve amending the requirements for roof variations

Mike Rodriguez reported that this comes forward from the Planning Commission with a recommendation to approve the requirements for roof variations to more clearly define variations in the ridgelines and eve lines. **Council Member Mehr** inquired if this will allow a builder to go higher to obtain the variations. **Mayor Hart** stated no and indicated that the height remains

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the same. **Mike Rodriguez** stated that there is nothing proposed about the maximum height, just the variations along the ridgelines and eve lines, which will make for a more attractive building. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2019-07, an Ordinance of Ivins City, Utah, amending the requirements for roof variations

There was no discussion.

MOTION: Council Member Densley moved to approve Ordinance No. 2019-07, an Ordinance of Ivins City, Utah, amending the requirements for roof variations
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding Constitution Week

Dale Coulam indicated there are three (3) options for them to consider. **Council Member Johnson** referred to the last paragraph of Proclamation options 1 and 3 and indicated that the word "of" where it reads "the ideals OF the Framers of the Constitution" and stated it should read "the ideals THAT the Framers of the Constitution...". **Council Member Mehr** suggested option 1 with Council Member Johnson's suggested change. The **Mayor and City Council** agreed.

MOTION: Council Member Mehr moved to approve Proclamation option 1 regarding Constitution Week, as amended with the change
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

B. *Discuss and consider approval of a Proclamation regarding the 2019-2020 School Year as an Alcohol-Free School Year for Youth

Mayor Hart commented that the Council passed this a year ago. It's an initiative from the Washington County Youth Coalition. **Council Member Mehr** stated that he'd like the coalition to report to the Council on the impact they are having. **Mayor Hart** indicated that he will ask them to report.

MOTION: Council Member Mehr moved to approve a Proclamation regarding the 2019-2020 School Year as an Alcohol-Free School Year for Youth

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SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

C. Discuss and consider approval of Resolution No. 2019-10R, a Resolution of Ivins City, Utah, appointing an Arts Commission Member

Mayor Hart introduced Connie Gates and commented that a copy of her bio is available on Ivins website www.ivins.com. **Council Member Mehr** stated that he read her bio but thought it would be interesting to hear from her. **Connie Gates** indicated that he has been a resident in Ivins for a year and a half. She is a glass artist, paints water color and does silversmithing.

MOTION: Council Member Johnson moved to approve Resolution No. 2019-10R, a Resolution of Ivins City, Utah, appointing an Arts Commission Member
SECOND: Council Member Elliott
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

Roll call vote. All Council Members were present and voted in favor.

D. Discuss and consider approval of the Development Agreement for the Sage Villas Subdivision project

Dale Coulam clarified that the Council has seen this before and they wanted to state something about representations about affordable housing. Paragraph 2 (b) has been added addressing the affordable housing component and that verbiage came from the developer and the owner. **Council Member Mehr** commented that the legal disclaimer gives the owner and developer control to do what they need in an unforeseen event. **Council Member Elliott** acknowledged that this is a voluntary act on their part.

MOTION: Council Member Elliott moved to approve the Development Agreement for the Sage Villas Subdivision with the clarification as discussed
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

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E. *Discuss and consider an accessible Toe Trail trailhead on 100 East

Mayor Hart received a letter from Larry Cazier who is a trail steward in The Reserve and he recognized that with the improvements that have been made to the Toe Trail, which includes a hardened surface, that is now handicap accessible and he'd like there to be some type of access step-over gate. He brought that up with the (HCAC) Habitat Conservation Advisory Committee and all that is needed is to determine what kind of gate will function for an accessible situation but still accommodate the tortoises. He did not have an idea as to cost but wanted to bring it up because if it does move forward, he would be looking for funding to do that. He'd like to investigate gates and put signs on the parking stalls indicating they are for handicap access. **Council Member Mehr** inquired as to the urgency of this. **Mayor Hart** commented that if the Council was in favor of the idea, he would come back at a future meeting and present actual costs and information. The City Council members agreed.

F. Discussion regarding a comprehensive outdoor lighting ordinance as proposed by Ivins Night Sky Initiative

Mayor Hart commented that most of this language is modifying the ordinance, rather than adding to it. **Mike Scott** stated yes and indicated it's a list of what the International Dark-Sky Association (IDA) requires. The other parts are modifications that provide more information as it relates to dealing with new technology since 2006 when Ivins ordinance was passed. The suggested changes are in red and footnoted. A copy of the document is available by request through Ivins City Hall. The Ivins Night Sky members looked at 12 or 13 ordinances that have been passed around the Southwest. **Mayor Hart** commented that residents were concerned about what has been done already and as a community there is concern that the City not go too far. **Mike Scott** clarified that Ivins current ordinance has 6 or 7 exceptions and they have increased that to 13 or 14 and any changes would only apply to new development and not existing development, although they would encourage existing developments to do a lot of the things that are being recommended. The majority of the existing lighting issues relate to shielding issues. There have been some concerns from staff as it relates to lights in the parks. The requirements for IDA have already been met, with the exception of adding automatic timers. The lights in the Ivins City park by the Center Street fire station do not meet the IDA requirements but there has been discussions about re-purposing that park area. **Mayor Hart** hoped that in this discussion, the Council can get their questions answered and their concerns addressed and then come to next meeting with actual changes in the language that they might propose. **Council Member Densley** spoke with Police Chief Flowers and asked him if he had a chance to look this over yet. He indicated that he was in the process of looking at it but hasn't provided any input on it yet. **Mayor Hart** inquired if this has gone through the Technical Review Committee (TRC) yet. **Dale Coulam** indicated that it had not. **Council Member Densley** stated that this should go through the TRC so that the Parks and Recreation Director, the Public Safety Director and any other department heads that need to review and provide input, can. **Council Member McDonald** indicated that he spoke with the Public Works Director/City Engineer Chuck Gillette today regarding this and Chuck told him that Ivins City is far below the engineering standards for lighting right now. **Council Member McDonald** would like to hear from Public Safety as to their position on this document, as well as other City Staff, to make sure the City doesn't take this too far. **Mike Scott** clarified that these recommendations do not address street lighting and path lighting. Those would be addressed in a Transportation Master Plan. These recommendations are relate to lighting on commercial properties and

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residential properties. **Council Member Elliott** stated that she is generally supportive and is continuing to make her way through the recommendations made by Ivins Night Sky Initiative. She referred to the illumination of flags and there only being allowed two types of flags. She would like to research that to make sure it's constitutionally sound. **Council Member Johnson** had a question regarding the height of the flag poles only being 20 feet because there are some that are higher than 20 feet. **Mike Scott** indicated that those that are higher would be grandfathered in. **Council Member Johnson** was concerned about one neighbor not being able to fly and illuminate their flag like their neighbor. **Mayor Hart** stated that he would like a visual to help him understand what is likely already being met in the ordinance regarding lighting. **Council Member Mehr** appreciated what has been done and was supportive of the night sky. He thought that what the Council passed at the last meeting concluded the lighting issue. He didn't want to get militant and police neighbors. He inquired if the Ivins Night Sky Initiative was prepared to make their application to the IDA based on what the City currently has for lighting. **Mike Scott** indicated no. The City has to make additional changes. He will provide a list for them. He commented that Ivins City was an early adopter in 2006 with their lighting ordinance but technology has changed since then. **Council Member Elliott** commented that the recommendations are all things that should be done and she was hesitant to push this off because there are residents that are excited about this and looking forward to obtaining this designation. **Mayor Hart** stated that there are some commercial applications coming forward and these recommendations are really critical for the City. He felt that these recommendations should be reviewed by the TRC. In the meantime, he requested that Mike Scott provide some notations for the City Council. **Mike Scott** indicated he would do that at the beginning of next week and provide a visual demonstration the first meeting in October. **Council Member Elliott** stated she would like to hear more from the individual that presented at the last meeting regarding blue light. **Mike Scott** indicated that was Marc Deshowitz and he will contact him and see if he can provide a presentation at the next City Council meeting.

MOTION: Council Member Elliott moved to continue this discussion
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

G. Discuss and consider Resolution No. 2019-20R, a Resolution of Ivins City, Utah, stating intent of Ivins City to adjust a common boundary with Santa Clara for 6.05 acres

Dale Coulam indicated that when this was first raised, Ivins City assured Santa Clara that Ivins was not trying to take any property from their City and that Santa Clara should go ahead and service the area. A resort is anticipated to be in both cities. Santa Clara \ adopted a Resolution with regard to this; they held their Public Hearing in August and adopted an Ordinance. Ivins now has to go through the same process and once the process is done, it goes to the Lt. Governor's Office but this is the first step for Ivins City. The developer is proposing a corporate retreat single family residential subdivision on the 6.05 acre piece of property. The property tax would be paid at the full rate because the homes would not be primary residences. It is easier for

Ivins to service this area because it outside of the lava and the City of Santa Clara did not feel that it would be feasible to service it because they would have to cross the lava. **Council Member Elliott** inquired if this piece becomes part of Ivins, if a separate plan for land use and zoning would be required. **Dale Coulam** indicated yes. **Council Member Mehr** inquired if there was any kind of quid pro quo for Santa to come back and say they want something for something. **Dale Coulam** stated that it is the applicant of the development proposing this and they are just trying to get services.

MOTION: Council Member Densley moved to approve a Resolution of Ivins City, Utah, stating intent of Ivins City to adjust a common boundary with Santa Clara for 6.05 acres
SECOND: Council Member Elliott
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

H. Continued discussion regarding amendments to Title 16, Chapter 7 of the Ivins City Code, except Part 5 regarding Subdivision Enhancement Overlay, as recommended by the Planning Commission in Ordinance No. 2018-16

Dale Coulam indicated that parts 1 through 4 and Part 7have been finalized. He referred to part 2 of Chapter 8, pages 13 and 14 relating to Sensitive Lands. There were no changes to that other than the title. Where there are strike-throughs, those have been repealed. The Mayor and City Council agreed with those changes. Part 1 of Chapter 8 addresses Mixed Use Development and Part 5 of Chapter 7 addresses Subdivision Enhancement Overlays (SEO). He threw out the idea of them thinking about adding some other things to the SEO that could fit within that part. He inquired if the Council would like to exclude that part and proceed to a Public Hearing to adopt the other changes and then come back and focus on the SEO or continue to discuss it and then hold a Public Hearing on everything. **Mayor Hart** commented that the have spent enough time with this and didn't think that it was going to be as difficult as it sounds. He suggested that they address the next section and focus on that as the core of their discussion at the next City Council meeting. **Council Member Mehr** agreed but requested that when they have the discussion, that they be able to visualize what it means and provide an example so they can have an idea of what it means. **Dale Coulam** referred to Part 1 of Chapter 8 regarding Mixed Use. This Part is provided to allow opportunities to create land use patterns and layouts that provide a complementary and compatible mix of uses and a diversity of dwelling unit types. An example of that would be Movara Fitness Resort. **Mayor Hart** commented that the City should be open to ideas that may be improvements but to be careful not to allow something the City doesn't want. **Dale Coulam** indicated that they could reference that in order to obtain the overlay, at the very beginning the developer and/or applicant would provide a project plan drawing from various zoning district requirements rather than just one from residential and one from commercial. **Mayor Hart** stated that he favored that and has for a long time. The **City Council** agreed. **Mayor Har**t suggested this discussion be continued.

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MOTION: Council Member McDonald moved to continue
SECOND: Council Member Elliott
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

6) CONSENT AGENDA

B. Approval of expenditure for Plumbing Supplies for the Shinava pump station
C. Approval of City Council Meeting Minutes for August 15, 2019
D. Approval of City Council Special Meeting Minutes for August 27, 2019

Council Member Mehr requested that agenda item 6)A be removed for discussion.

MOTION: Council Member McDonald moved to approve the remaining Consent Agenda
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

A. Approval of expenditure for Public Works vehicle

Council Member Mehr commented that he thought they approved the purchase of a Public Works vehicle for Chuck a couple of months ago and he voted against it. **Dale Coulam** stated that he understood this vehicle would be for Shiloh Pentz and then the vehicle he has now would be passed down to the other employees. **Council Member Mehr** was of the mindset that with the purchase of vehicles for other departments, the City could shuffle vehicles and the Public Works department could get a hand-me-down. **Mayor Hart** commented that it's in the budget but stated they have been spending a lot of money on the Public Works department. **Dale Coulam** indicated that the Public Works department does a lot of projects in-house, which saves a lot of money. **Mayor Hart** questioned the need to purchase a Crew Cab. **Dale Coulam** commented that this wasn't a rush and could be continued for Chuck Gillette to address.

MOTION: Council Member Mehr moved to continue this to the next meeting
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE

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Council Member Elliott	AYE
Council Member Densley	AYE

8) REPORTS

A. Council

Council Member Mehr reported that he attended the MPO (Metropolitan Planning Organization) meeting regarding the regional metropolitan draft plan. It was very informational and they discussed the projects and prioritization of those projects. He inquired how agenda items come before the City Council and if a Council Member has the ability to bring something forward. **Mayor Hart** stated that a Council Member can request that.

Council Member McDonald - no report

Council Member Johnson reported that Heritage Days will be held tomorrow and Saturday. They have over 30 parade entries and they have a marching band. They have two cars for the two sets of Grand Marshals. There will be games Friday night for ages 12 and older and there will be a movie in the park as well. The parade will be Saturday morning and Council Member McDonald will be MC'ing the soapbox derby. The **Mayor and City Council** thanked her and the Heritage Days Committee for putting it all together. **Mayor Hart** thanked the City Council for appointing Hyrum and Gail Smith as Grand Marshals. He reported that Hyrum Smith is ill and may not be able to attend the Heritage Days parade.

Council Member Elliott - no report

Council Member Densley commented that before is term is up, he'd like to get the entrance sign cast and ordered. **Mayor Hart** inquired if the City Council was interested in seeing a steel cut-out with Ivins logo. The City Council said yes. **Mayor Hart** stated he'd get that done.

B. Mayor

Mayor Hart reported that he attended a meeting on affordable housing meeting here in Washington County and there are some great things being done. He met with Senator Romney and he is working with Senator Romney's staff on this. He reported that Ivins City will be receiving an award next week at the Davis Conference Center in Layton. Ivins City has been named the top water conservation City in the State and will be seated at an awards table for 8 at the luncheon. He has invited Terry Marten to attend and reported that City Manager/Attorney Dale Coulam, Public Works Director/Engineer Chuck Gillette and City Council Member Jenny Johnson will be in attendance as well.

C. City Manager/Attorney Dale Coulam

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

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 Elliott	AYE
Council Member Densley	AYE

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The meeting adjourned at 7:41 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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