IVINS
CITY COUNCIL
MINUTES
October 3, 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 Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Rodriguez, Director of Finance Lane Mecham, Public Works Director/City Engineer Chuck Gillette, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Chris Haddad, Derek Larsen, Randy Johnson, Claudette Larsen, Val & Larry Cazier, Bob Greely, Kathy Johnson, Brett Kee, Sue Gordhammer, Mike Guisinger, Brandee Walker, David Robinson, Neil Walter, James Sullivan 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 Mehr 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 Mojave Mesa subdivision located at approximately Highway 91 and Earl Road

Mike Rodriguez reported that this subdivision is located east of the Indigo Trails subdivision and is approximately 18 acres subdivided into 62 lots.

B. Department Reports: Parks and Recreation and Public Safety

Mayor Hart indicated that Benny Sorensen was not present but that an electronic report was available on Ivins website.
SCI Fire Chief Randy Hancey introduced the latest fire fighters. He commented that the recruits are working hard and are near the end of their training period, which started in January 2019. The training has been rigorous with them completing 180 hours so far. **Mayor Hart and the City Council** congratulated and thanked them.

C. Planning Commission Report

Mike Rodriguez reported that the Planning Commission saw the same Concept Plan report on the Mojave Mesa subdivision and discussed density allowances on Multi-Family developments.

3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS

Laela Gaylord submitted a Citizen Comment regarding signage at the cemetery for no dogs to be allowed in the cemetery. She was not present at the time this agenda item was called. **Mayor**

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Hart read the Citizen Comment and stated that the City already has no dogs on a leash law. **Dale Coulam** clarified that she is asking for no dogs or pets to be allowed period. He will bring this up with Benny Sorensen. **Laela Gaylord** arrived and commented that she spoke with Benny Sorensen about this yesterday. There are issues at the cemetery with dogs. Benny Sorensen told her that he had some signs from Ivins Reservoir and posted those at the cemetery entrances but she would like the signs to indicate that people will be fined if their pets are in the cemetery.

MOTION: Council Member Elliott moved to suspend the rules and move up the Domestic Violence Awareness Proclamation in the agenda
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 Domestic Violence Awareness Month

Council Member Elliott reported that she is on the board for the Dove Center and three (3) fellow board members were present, those being Vickie Reese Wilson, Jon Bacon and Aaron Edgley. The County Coalition, which is the coordinated community response team of law enforcement and other non-profits will host the annual candlelight vigil on Wednesday, October 9th at 6:00 p.m. at Vernon Worthen Park. It is a remarkable event and she encouraged others to attend. **Mayor Hart** thanked the Dove Center for the work that they do and read the Proclamation. A copy of the Proclamation is available on Ivins website www.ivins.com or by request through Ivins City Hall at 55 North Main Street, Ivins, Utah.

MOTION: Council Member Elliott moved to adopt the Proclamation
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

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Concurrent Land Use/Zoning Amendment from Community Commercial to MDR, (Medium-Density Residential) and a zone change from C-1 (Community Commercial District) to R-1-7.5 (Residential minimum lot size 7500 sq ft) zone on an approximate 7.85

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acre parcel located at Red Mountain Boulevard/200 East and Highway 91. America First Federal Credit Union-Owner; Brett Kee-Applicant

Mike Rodriguez reported that the property owner is requesting a Concurrent Land Use/Zoning Amendment from Community Commercial to MDR (Medium Density Residential) and a zone change from C-1 (Community Commercial District) to R-1-7.5 (Residential minimum lot size 7500 sq ft) zone on an approximate 7.85 acre parcel. The TRC (Technical Review Committee) reviewed this on September 5, 2019. The Planning Commission recommended approval of this, with the caveat that 2.5 acres remain usable commercial property. **Mayor Hart** opened the Public Hearing. **Neil Walter** with NAI Real Estate indicated that he and his clients took the feedback from the community and City Council from the previous application and have come back with a revised proposal. The net acreage of commercial is at least 2.5 acres. There was a discussion at the Planning Commission specifically about the view corridors off of Highway 91. UDOT (Utah Department of Transportation) approached America First Federal Credit Union on behalf of Ivins City in 2015. They had proposed a taking to allow for the intersection of 200 East and Highway 91 to have more visibility to have a safer radius. He knew that America First Federal Credit Union went through the process and signed most of the documentation but UDOT never completed that taking. The Owner and Applicant are willing to cooperate to make sure that's a safe corner and that there is not an issue with any visibility at that corner. In additional to keeping the 2.5 acres of commercial, the Owner and Applicant lowered the density to try and match what is already built in the neighborhood so that it would be complimentary and address some of the concerns from what they heard last time from the adjacent neighborhood. There was a discussion about the Western corridor and why the commercial portion is positioned where it is and that is because of access off of Highway 91. **Harold Jones** lives in the Heritage Estates subdivision across the street from this proposed development. He had no objections to homes going in there but inquired what they're going to look like. He did not want to see two-story homes be built and was concerned with how much fill dirt would be brought in to bring the lots up to grade. He would like to see a plat plan so that the residents know what is going to happen. **Mayor Hart** clarified that there will be a future application and the developer is sensitive to the issues brought up in the previous Public Hearing. **Harold Jones** commented that he would like to see something unique and not a "cookie cutter" subdivision. **Derek Larsen** lives in the Heritage Estates subdivision and he was not opposed to residential homes being built in that location. His question was if the City has a General Plan, why does the City always deviate from that plan. He would like to see this subdivision cater towards custom builds and homes that are unique. He commented that the City is out of balance with a lot of three (3) bedroom, two (2) bath homes and no homes large enough to accommodate larger families. **Boyd Livingston** resides in Heritage Estates subdivision and concurred with Derek Larsen. He commented that the City has a Master Plan but then every time someone comes in, the City deviates from the plan. He suggested that the City stick to the Master Plan or fix the Master Plan. He stated that the City doesn't have enough commercial in Ivins and that affects the tax base. He would like to see this property remain as a zoning of commercial and stick with the Master Plan. **Lance Anderson** is a member of the Planning Commission and referred to the Planning Commission's recommendation. He clarified that the Planning Commission did a good job on the corner down there but when they referred to usable property, they were also thinking about the 30 foot buffer along Highway 91, just to make sure that the City has enough commercial to make it viable. Along Highway 91, there is a Highway 91 corridor plan so 30 feet of that will automatically go away and is no longer usable. **Brett Kee** is the Applicant and

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commented that he doesn't want to see a "cookie cutter" subdivision in there either. He would like to build quality custom homes. As far as the commercial, he'd like to put commercial business in that location to create a larger tax base. He referred to the whole parcel being used as commercial and commented that Ivins isn't big enough to support that. **Mike Guisinger** disagreed with the comment that there aren't enough larger homes in Ivins and that Ivins is losing families. He commented that Ivins has become very diverse and that there are a number of neighborhoods and developments that allow for larger homes and families. He did not want to see high density on this parcel but thought that the medium density would be okay as long as the homes are more unique, especially at the corner of Red Mountain Boulevard/200 East and Highway 91 because those homes will be very visible. He felt that by having the majority of the parcel residential, with a corner of commercial, is an excellent fit. He referred to the tax base and stated that there are a great number of homes in Ivins that are second homes where the property owners are paying full taxes. There being no more comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2019-16, an Ordinance of Ivins City, Utah, regarding a proposed Land Use & Zoning District Amendments on approximately 7.85 acres located at Highway 91 and 200 East

Mayor Hart referred to Brandee Walker with Civil Science Engineering referred to the proposed Western corridor clipping the western corner of the property and clarified that route is not solidified entirely but inquired if they are recognizing in their layout, the presence of that. **Brandee Walker** stated that will be required, the Applicant Brett Kee is aware of that and they are working through the location of the road. **Council Member Densley** referred to the map showing commercial property on Highway 91 and commented that it is a main thorough-fair. He would like to see more commercial property, stay commercial. **Mayor Hart** commented that the big question was how much commercial is going to be drawn to the Highway 91 area when the majority of traffic does not drive through Ivins. He stated that the issues the owner has had with selling this property as commercial, is there isn't enough demand for commercial property and the market isn't there. **Council Member Mehr** referred to discussions regarding tax revenue and requested that Dale Coulam educate him regarding tax revenue as it relates to property tax on homes versus sales tax, which is shared across the state and then reimbursed to communities based on population. **Dale Coulam** clarified that cities have what's called point-of-sale if tax is derived from point-of-sale within a City. Otherwise, what Ivins City receives is share of the State pool. Regarding property taxes, property tax on commercial may be higher, but it depends on the improvements. On residential property tax, those who live in Ivins year-round receive a break in their property taxes but those who have second homes, they pay 100% of the property tax, which is good for Ivins' revenue. There is a little bit of risk with commercial sales tax in that is the space occupied and is it selling. Commercial property is taxed but as far as producing a sales tax, the business would need to be successful and generating the retail the City had hoped for. **Mayor Hart** commented that it is interesting on how sales tax is allocated. All of the tax goes into a pool, 50% of it is returned to the communities as point-of-sale and the other 50% is distributed to the cities based on population and is market driven. **Council Member Elliott** stated she saw in the Planning Commission Minutes regarding what the Western Corridor would do to the viability of this property as commercial and even if it's built out and built out in that location soon, she understood the Western Corridor was going to be several lanes but that doesn't necessarily make that spot viable for commercial. **Neil Walter** the Western Corridor, as it comes and intersects

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Highway 91, there are a couple of dynamics there. The first one is when you look at it on the map, it may appear obvious that there is access there but may not in fact be access there. They're not sure what the access is going to look like there and in the meantime, how and whatever time the corridor is built, the challenge is, that intersection isn't actually at an intersection today, it's halfway through the block, which means they can't get access from UDOT to be able to provide because access to a business that might want to go there. They would have to drive all the way through the parcel on the opposite side to get to what would hopefully in the future, a commercial area. In terms of commercial viability, part of their consideration is the time from now to when the Western Corridor arrives and then the time from now and when the Western Corridor arrives and then the time from the Western Corridor arrives to where it's mature enough to support commercial and in that case, Red Mountain Blvd may be a better intersection, which is not on this property. **Mayor Hart** commented that the Western Corridor is on the Transportation Improvement Plan for 20 years out and is controversial. **Council Member Elliott** understood that a portion of the Western Corridor may occur prior to the actual Western Corridor. **Mayor Hart** stated that would depend on development. **Council Member McDonald** commented that he heard concerns from residents regarding height and two-story homes and stated that one thing that needs to be considered there is that if that stays commercial, the building height can go up to 35 feet rather than 25 feet for residential so there's the potential of a much higher building on that property. He referred to the concerns with deviating from the Master Plan and requested that it be explained why that occurs. For example, the City deviated from the Master Plan at some point for every subdivision that is in the area of this property and they did that to make a subdivision work and for building to take place. He views Ivins Master Plan as more of a recommendation or a hope of what the City want to see, but the City doesn't know the exact outcome of what's coming down the road. **Mayor Hart** commented that the Master Plan is a vision that the Council creates for how the City is ultimately going to layout, trying to anticipate the need for the various types of zones and that's how that was created. **Dale Coulam** stated that he did not like the terminology "Master Plan" because that usually refers to larger subdivision projects. Ivins City has a General Plan, which is a General vision of the City and is very broad brush. Under the Statutes, a General Plan talks about some very general uses and within those general uses, it is then refined to zoning and that gets a little more specific. A City builds out as developers come in and are willing to develop a City. Developers come in with specific plans and ask for a Land Use and/or Zoning Change and then it is up to the City Council to decide. It's what their vision is for the area because it's still a legislative decision. **Council Member Elliott** commented that change is partially driven by the change of the community and the community needs. This developer has been responsive and listened to the community and to the Council and she appreciated that. **Council Member Mehr** commented that he appreciated the explanations and efforts on behalf of the applicant to make this a better project than before because he did not like the townhome project that was presented previously. The argument in favor of the current proposal is that this is similar to what's around this property. He concurred that custom homes would be nice in that area and homes for families. His concerns with the proposal is that it further reduces the commercial property available in Ivins. It's a prime commercial piece of property and he thought that's how it should remain and he intended to vote "Nay". **Mayor Hart** stated that he received emails regarding the Canyon Crossing project on Snow Canyon Parkway and Center Street and the main point is that piece of property and the one they are discussing tonight, is they are almost identical in size. **Council Member Densley** would like to preserve more of the commercial on this

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property, more than just two and a half acres. **Brett Kee** is the developer and commented that he was thinking that a unique, fine dining type of restaurant would work and survive in this location. **Council Member Densley** suggested that the commercial stretch up a little more towards the residential. **Brett Kee** commented that neighbors would not want the hustle bustle of commercial in their back yard. **Mayor Hart** inquired of Council Member Densley regarding the commercial property he owns on Snow Canyon Parkway and Center Street. **Council Member Densley** indicated it was 2.35 acres, which is similar in size to the commercial parcel. **Neil Walter** referred to Administrative and Professional Offices and commented that those type of commercial businesses are lower sales tax generating. **Mayor Hart** commented that strictly from a real estate standpoint, residential development adjacent to residential development is regarded as lower impact to those existing residential neighborhoods than commercial development is. **Neil Walter** agreed and indicated they could think about it and ask themselves what they would like in their backyard. **Council Member Mehr** was concerned with the traffic cutting across the Heritage Estates subdivision to access this proposed development. **Council Member Elliott** stated that she was satisfied, given the discussion about when this area might become more commercially viable and thinks this proposed development is a reasonable compromise and she was in favor of this proposal. **Council Member Johnson** indicated that it was interesting to not just look at the commercial on Highway 91, but throughout the City. When commercial property was planned to be on Highway 91, that was when Highway 91 was more of an entrance into Ivins City. The commercial need isn't quite the same as it was. She referred to those residents that want to keep that property entirely commercial, she inquired what type of commercial do they want to see because there would be more complaints about a large commercial development going in on that property. She commented that she liked what has been proposed this time and stated that it fits really well with what's already there and is a good compromise. **Mayor Hart** commented that the parcel of land that is on Snow Canyon Parkway and Snow Canyon Drive is also triangular, similar to this property. **Council Member McDonald** indicated that he was comfortable with the proposal and felt that it was a great compromise.

MOTION: Council Member Elliott moved to approve Ordinance No. 2019-16, an Ordinance of Ivins City, Utah, regarding a proposed Land Use & Zoning District Amendments on approximately 7.85 acres located at Highway 91 and 200 East
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Roll call vote. The motion carried three (3) to two (2) in favor. The motion carried.

C. Public Hearing on the Planning Commission's recommendation to approve a proposed Concurrent Land Use/Zoning Amendment from LDR and HDR, (Low-Density Residential and High-Density Residential) to MDR (Medium Density Residential) and a zone change from RA-1 (Residential Agriculture 1 acre) to R-1-10 (Residential minimum lot size 10,000 sq ft) on an approximate 20.56 acre parcel. Frei 6, LLC-Owner; James Sullivan-Applicant

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Mike Rodriguez reported that the property owner is requesting a concurrent Land Use/Zoning Amendment from LDR and HDR (Low-Density Residential and High Density Residential) to MDR (Medium Density Residential) and a zone change from RA-1 (Residential Agriculture 1 acre) to R-1-10 zone (Residential minimum lot size 10,000 sq ft) on approximately 20.56 acres. **Council Member Mehr** inquired as to flat roofed homes. **Mike Rodriguez** stated that the developer has expressed the preference for flat roofed homes to be built there and would like some flexibility to build what's being built to the west. The developer would still be required to build at 25' foot or less. **Lance Anderson** clarified that he did not say he wanted flat roofed homes. That was another individual who commented on that. He did not disagree with the developer's density but commented that for a long time, 400 West has been the sacred line of the rural area but then the Amber Estates subdivision was built with single story homes on smaller lots. That was followed by the SunCrest subdivision that was built with higher density without giving anything up. He thought that this project should be allowed but that the height of the homes are kept low. **Mayor Hart** stated that the historic framework of Kayenta growing from west to east and other developments from east to west, was the 400 West boundary that was referred to was for homes to be built like those that have been built in Kayenta. There being no other comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2019-17, an Ordinance of Ivins City, Utah, regarding a proposed Land Use & Zoning District Amendment on approximately 20.56 acres located at 600 West and 150 South

Council Member Elliott referred to the Cliffrose subdivision near this area and inquired as to the history there. **Dale Coulam** clarified that subdivision was RE-12.5 (Single Family Residential, minimum 12,500 sq ft per lot) and open space was provided by the developer so they received a density bonus \, which resulted in the equivalent of R-1-10 (Single Family Residential, minimum 10,000 sq ft per lot). If a property is zoned RE-12.5, there's no guarantee that a developer will play the subdivision enhancement overlay game, not give up any of their property and build a RE-12.5 development. In order to receive a subdivision enhancement overlay, a developer has to give up 10% of the development as open space and then if they give up more property for open space, they could receive more density bonus and then additional density bonuses could be obtained by building a certain style of home and similar. **Council Member Elliott** stated that with such a large parcel under consideration, she was inclined to have this zoned RE-12.5 and with a subdivision enhancement overlay. **Council Member Mehr** felt that this development would allow for bigger homes to be built and for families to stay in. **Mayor Hart** clarified that a family of 5 (5) can build on a 7500 sq lot but there isn't much of a yard. **Council Member Mehr** commented that he was inclined to support the requested change.

MOTION: Council Member Densley moved to approve Ordinance No. 2019-17, an Ordinance of Ivins City, Utah, regarding a proposed Land Use & Zoning District Amendment on approximately 20.56 acres located at 600 West and 150 South
SECOND: Council Member Mehr
VOTE: The motion carried.

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

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Council Member Elliott	NAY

Roll call vote. One Council Member voted in opposition.

E. Public Hearing on a Community Impact Fund Board (CIB) application made by Ivins City for grant funding to update the Transportation Master Plan

Chuck Gillette reported that the City is working on updating the Transportation Master Plan and applying for these funds will also enable the City to include a study using hi-tech equipment that analyzes the surface of the roads and measures distress in the roads. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

F. Discussion regarding a Community Impact Fund Board (CIB) application made by Ivins City for grant funding to update the Transportation Master Plan

The **Mayor and City Council** were supportive of moving forward with the CIB application for grant funding to update Ivins City's Transportation Master Plan and the study using hi-tech equipment to analyze the surface of the roads and measure distress in the roads.

MOTION: Council Member Mehr moved to support the Community Impact Fund Board (CIB) application made by Ivins City for grant funding to update the Transportation Master Plan
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. Public Hearing to receive comment and consider amendments to the Ivins City Fiscal Year Ending (FYE) 2020 General Fund, Wastewater Fund, Street Impact Fees Fund and the Water Fund

Lane Mecham stated that there was only one (1) change that needed to be made with regard to the storm drain projects and change the figure from $1.6 million to $1.8 million to accommodate the contingencies. **Mayor Hart** inquired what that would do to that fund. **Lane Mecham** explained that because the City completed more projects at the end of last year and deferred to this year, the net effect of it on the storm drain fund is that the expenditures will decrease. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

H. Discuss and consider approval of Resolution No. 2019-21R, a Resolution of Ivins City, Utah, amending the budgets for Fiscal Year Ending June 30, 2020

MOTION: Council Member Johnson moved to approve Resolution No. 2019-21R, a Resolution of Ivins City, Utah, amending the budgets for Fiscal Year Ending June 30, 2020
SECOND: Council Member Elliott
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

Roll call vote. All Council Members voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Discuss and consider approval of VAWA (Violence Against Women Act) grant application

Chief Bob Flowers reported that the City received this grant last year received this grant for the Victim Advocate and it has been approved but the City still has to submit for the grant. **Council Member Mehr** thanked him for keeping the City Council in the loop for what's being submitted on behalf of the City.

MOTION: Council Member Densley moved to approve the VAWA (Violence Against Women Act) grant application
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

C. Discuss and consider approval of an expenditure for the skatepark construction

Dale Coulam indicated that this was approved to be added to the budget. It's in the budget and now they are asking the Council to approve the expenditure.

MOTION: Council Member McDonald moved to approve an expenditure for the skatepark construction
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

D. Discuss and consider approval of an expenditure for environmental consulting services to prepare an environmental assessment and environmental site assessment for the proposed Ivins City Public Works yard, cemetery and recreation area project

Chuck Gillette stated that the next step in acquiring the BLM (Bureau of Land Management) is to use consultants approved by the BLM and Staff is recommending that SWCA be selected as the consultant. This is a requirement if the City wants to acquire the 80 acres.

MOTION: Council Member Elliott moved to approve an expenditure for environmental consulting services to prepare an environmental assessment and environmental site

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assessment for the proposed Ivins City Public Works yard, cemetery and recreation area project
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

E. Discuss and consider approval of an expenditure for construction of the 2019 Storm Drain Master Plan Improvements project

Chuck Gillette indicated that they received bids from seven (7) different contractors and the low bid was Interstate Rock Products. The City has had a really good experience working with them. There are four (4) projects, those being P-16 which is 200 South from 100 West to Main Street; P-21 - Paiute Drive and Kwavasa Drive; P-6a and P-6b - 600 West and Highway 91 and DB-1 - 600 West and 450 North. At 450 North and 600 West, that property is owned by the Ences' and the City still does not have an agreement with them for that but the City is working with them to see if they will donate 1.5 acres and in exchange, the City will install a detention basin, which would be a benefit to them. **Council Member Mehr** referred to the low bid and commented that if they add the $100,00 contingency, it puts the bid higher than the second bid. **Chuck Gillette** clarified that if you add the contingency to each one of the bids, it would be the same.

MOTION: Council Member Mehr moved to approve an expenditure for construction of the 2019 Storm Drain Master Plan Improvements project
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

F. Discuss and consider approval of an expenditure for streets pavement crack seal maintenance

Chuck Gillette reported that this is a routine expense. **Council Member Mehr** inquired if this is for material only or if it included labor. **Chuck Gillette** clarified that it is for material only. City Staff will be providing the labor. **Council Member Densley** let the City Council know that the City purchased the dump truck in Arizona that they discussed previously. **Chuck Gillette** indicated that was correct and that the City of Santa Clara was borrowing it this past week.

MOTION: Council Member Mehr moved to approve an expenditure for streets pavement crack seal maintenance

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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. 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 stated that he has three questions that need to be answered so that he knows how to draft this Ordinance. Previously the City Council discussed the Mixed-Use Overlay. On a Mixed-Use development you would see where one zone from residential was selected and one zone from commercial was selected and an example of that would be Movara. Rather than identifying one use from residential and one from commercial, maybe they should identify all of the proposed uses in the Project Plan. **Mayor Hart** stated that he personally felt that the zoning map was fine showing Mixed-Use and when the City Council discussed this previously, they talked about this really ought to be project based and that's exactly what Dale described. You basically approve a plan in a Mixed-Use zone, based on what a developer is proposing. The City Council agreed. **Dale Coulam** referred to the next question and inquired if they want to allow the Project Plan to write its own zoning. You would select uses and design requirements based on the zoning districts that they select, both from residential and commercial, but then the developer can also write different zoning requirements. Movara is an example. **Mayor Hart** stated yes because that's how you get your most creative project and then it's defined with uses and conditions. **Council Member Mehr** inquired what the downside was to doing that. **Dale Coulam** clarified that the downside was that the developer slips something through that the City doesn't catch. **Mayor Hart** commented that the City would have to be vigilant and Dale Coulam agreed. **Council Member Johnson** inquired of the Building and Zoning Administrator, Mike Rodriguez, if he liked this idea. **Mike Rodriguez** indicated that he did. **Council Member Mehr** commented that on the flip side, does the City Council have the authority to impose something else on a developer if they meet all of the requirements. **Dale Coulam** indicated no. **Dale Coulam** referred to the third question regarding the short-term rental overlay. If someone receives a short-term rental overlay, can they receive a density bonus on top of that or is receiving the ability to have short-term rentals bonus enough. **The Mayor and City Council** indicated "yes." **Dale Coulam** will prepare these portions of the Ordinance in final form.

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

Mayor Hart stated that Mike Scott asked if the City Council could address this on another agenda. **Council Member Mehr** indicated that he started reviewing the packet from Mike Scott and commented that he did not want to get into policing his neighbors Christmas lights and that is what's proposed. He was in favor of the dark sky but there's a point the Council needs to say we're done. He felt like the Council was starting over on lighting. **Council Member McDonald** inquired even if it meant that Ivins didn't obtain the Night Sky designation. **Council Member Mehr** stated that if it meant policing neighbors, then yes. **Council Member**

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McDonald commented that this is pretty in depth regarding lights and roads and inquired why this wasn't going through the Planning Commission when it has that big of an effect on building in the future. **Mike Rodriguez** stated that there are some provisions in Ivins zoning regulations dealing with landscaping and outdoor lighting. He's more accustomed to seeing outdoor lighting in zoning regulations of the municipalities code. **Council Member McDonald** inquired how the City could enforce the Night Sky requirement without it being in the zoning text. **Mike Rodriguez** clarified that if Ivins obtains the Dark Sky designation, then all of those provisions have to be included in Ivins zoning code. **Mayor Hart** indicated that the reason this is not at the Planning Commission is because the Council has it but they should have Mike Scott present to explain and show a demonstration of the difference in two different kelvin lights. **Council Member Mehr** commented that he will not be at the next City Council meeting but would like to hear from Mike Scott the first meeting in November. **The City Council agreed. Council Member McDonald** would like Mike Scott to focus on the requirements to obtain the Dark Sky designation. **Mayor Hart** stated that he will ask Mike Scott to focus on that. **Council Member Densley** inquired what kudos does Ivins City receive to obtain that designation. **Mayor Hart** indicated a claim to fame. **Council Member Elliott** added that it will be another notch in Ivins belt. The City receives a lot of attention for a number of things, including being the safest City in Utah.

MOTION: Council Member Mehr moved to continue this discussion to a future meeting not sooner than two meetings from now, on or after the first meeting in November
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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for September 19, 2019

MOTION: Council Member Johnson moved to approve the Consent Agenda
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

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Council Member Mehr reported that he will not be here at the next meeting.
Council Member McDonald reported that he toured a recycling plant in Las Vegas and in the next few weeks the recycling material will start to be transported down there. He looked at the facility and it is impressive with room to grow. He is unsure if recycling will continue after the contract is up in approximately 17 months.
Council Member Johnson no report
Council Member Elliott reported that next Wednesday at 6:00 p.m. there will be a candlelight vigil at Vernon Worthen Park and they will be honoring Lowry Snow and his efforts in YWCA. She also reported that she may not be in attendance at the next City Council meeting. **Council Member Mehr** commented that October 10th at 7:00 pm there will be an Ivins-based community Boy Scout Troop information night in the Rec Building at UNITY Park. Planning Commissioner Bob Morris is the Scout Master. **Council Member McDonald** stated that the 10th is also the candidate forum at Vista School. **Council Member Johnson** indicated that it is also the Fire Prevention Open House from 6:30- 8 pm.
Council Member Densley no report

B. Mayor Hart

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the Canyon Crossing development has submitted their information to the TRC (Technical Review Committee) and the TRC has been reviewing Canyon Crossing's Conditional Use Permit application. They finalized the recommended list of conditions and that will move forward to the Planning Commission for a Public Hearing at their next meeting. He commented that Lane Mecham and Mike Rodriguez did a great job of updating Ivins' Moderate Income Housing Plan. They added strategies or goals, which are required by statute. That will also be going to the Planning Commission for a Public Hearing and then their recommendation will come forward to the City Council. The plan will need to be approved in November so that it can be submitted to the State before December 1, 2019.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn
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

The meeting adjourned at 8:14 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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