IVINS
CITY COUNCIL
MINUTES
November 7, 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 Elliott, Council Member Densley, and Director of Finance Lane Mecham.
STAFF: City Manager/Attorney Dale Coulam and Building and Zoning Administrator Mike Rodriguez. Director of Finance Lane Mecham, Chief of Police Bob Flowers, Fire Chief Randy Hancey, Public Works Director/City Engineer Chuck Gillette, Parks and Recreation Director Benny Sorensen
Audience: Claudette Larsen, Sally & Richard Tom, Mike & Karen Martinez, Lisa Rutherford, Michael & LeRoy Oliphant, Sue Gordhammer, Patty Dupre & Mike Scott, Rich Svien, Boyd Livingston, Loren Valadez, Marc Deshowitz, Lynne Mackechnie, Gwen Davies, Lois Diehl, Jake & Jackie Scully, LaDawn Richey, Mike Richey, Larry Myers, Michen Robinson, Kendra Thomas, Bekki Hafen, Derek & Andrea Larsen, Regina Roper, Sharon Barton, Shelly Moeller, Jeremy Young, Kelsi Kinder, Lacey Stanley, Don & C. Walter, Philip & Jayne Long, Christy Lueders, Joe, Kally & Kody Campbell, Garold Dodds, Kathy Barth, Judith Kapiscinski, Breck & Amber McArthur, Toni Schroath, Larry & Val Cazier, Stan & Peggy Spray, Shad Johnsen, Stephen Belmont, George Stoddard, Tracy Cole, Dave Toth, Lance Anderson, Micklee Hiatt, Debbie Gubler, Bill & Gillian Papanikolas, Kyleigh Jones, Jane Hugunin, Ali & Chris Kruger, Cheri Steele, Daniel Krupicka, David Cannon and others who did not sign in.
EXCUSED: Council Member Johnson

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Jenny Johnson was excused.

B. Flag Salute

Council Member Elliott led the Flag Salute.

C. Invocation

Council Member Elliott invited Nancy Ross to provide the Invocation. She is a faculty member of Interdisciplinary Arts and Sciences at Dixie State University and is an ordained Elder and Pastor of the Southern Utah Community of Christ congregation.

D. Disclosures

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

2) REPORTS AND PRESENTATIONS

A. Proclamation recognizing November as National American Indian Heritage Month

Mayor Hart read the proclamation. **Carol Edgren** commented that the Daughters of the American Revolution supports camps and scholarships and thanked the Council for supporting this Proclamation.

MOTION: Council Member Mehr moved to approve the Proclamation recognizing November as National American Indian Heritage Month

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SECOND: Council Member Elliott
VOTE: The motion carried.

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

B. Concept Plan Report for Anasazi Vista subdivision located at approximately 700 West 150 South. Frei 6 LLC-Owner; James and Devin Sullivan S&S Homes-Applicant

Mike Rodriguez reported that this subdivision consists of approximately 20.56 acres and being subdivided into 58 lots. The zoning is R-1-10 (Residential single family lots with minimum lot sizes of 10,000 sq ft). It is a standard subdivision and complies with Ivins City ordinances.

C. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided an electronic report, a copy of which is available on Ivins website www.ivins.com . He reported that on November 23rd at 10:00 a.m., the Skate Park will be open. **Mayor Hart** commented that project was brought about by Council Member McDonald and was designed in collaboration with local youth and skilled professionals.

Chief Flowers provided an electronic report. A copy of the report is available on Ivins website. He reported that there was a burglary at a construction site near his residence. The individual went to jail.

Randy Hancey provided an electronic report, a copy of which is available on Ivins website. He reported that they held Red Ribbon Week last month at the fire station in Ivins. The recruit class for 2019 is currently going through hazmat training and they are going through the 2020 recruitment period with 8 individuals. The EMT class is finishing up and they have been busy with medical calls. **Mayor Hart** commented that the C.E.R.T. (Community Emergency Response Team) training class was last night.

D. Planning Commission Report

Commissioner Lance Anderson reported that stated the Planning Commission reviewed a Concept Plan for Anasazi Vista, recommended approval of a Preliminary Plan for Mojave Mesa and discussed amending density allowances for multi-family development.

3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS

None

Mayor Hart requested that the rules be suspected and move items 5)A and 5)B up to this point in the agenda.

MOTION: Council Member Mehr moved to suspend the rules
SECOND: Council Member Elliott
VOTE: The motion carried.

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

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5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. <u>Discuss and consider approval of Resolution No. 2019-24R, a Resolution of Ivins City, Utah, appointing an Arts Commission Member</u>

Mayor Hart indicated that Phil Moulton is a long time resident of Ivins and a professional in the art world. **Phil Moulton** stated that he moved to Ivins from Las Vegas 11 years ago and he and his wife are active with art and the youth.

MOTION: Council Member Mehr moved to approve Resolution No. 2019-24R, a Resolution of Ivins City, Utah, appointing Arts Commission Member Phil Moulton
SECOND: Council Member Elliott
VOTE: The motion carried.

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

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

B. <u>Discuss and consider approval of Resolution No. 2019-25R, a Resolution of Ivins City, Utah, appointing a Princess Pageant Director and Committee Chair</u>

Mayor Hart introduced Callie Horne, Ivins current Miss Ivins and indicated that her mother Jennifer Horne is his recommendation for appointment as the Princess Pageant Director and Committee Chair. **Callie Horne** introduced her mother, Jennifer Horne. **Jennifer Horne** stated that she is a fan of pageants. When her daughters were little they participated in local pageants. She helped with Utah State's all girl pageant where she became the Assistant Director. She was the Director of the Miss St George pageant in 2016 through March of this year. She has a vested interest in Ivins and felt there are tremendous opportunities to serve.

MOTION: Council Member Elliott moved to approve Resolution No. 2019-25R, a Resolution of Ivins City, Utah, appointing Jennifer Horne as the Ivins City Princess Pageant Director and Committee Chair
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

4) PUBLIC HEARING AND ACTION ITEMS

A. <u>Public Hearing on a request from ENLAW, LLC, property owner, to adjust the municipal boundary line with Santa Clara for approximately six acres at the most southern and eastern</u>

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boundary of Ivins City. The request would transfer six acres from the City of Santa Clara to Ivins City

Mayor Hart stated that they will resume the agenda with this agenda item. **Dale Coulam** referred to the six (6) acre parcel and the boundaries with Ivins and Santa Clara. He indicated that the developer is proposing to develop a large piece of property that straddles Ivins and Santa Clara. Santa Clara was reluctant to provide services to the six acres because they would have to cross lava; providing services to the property is easier on Ivins' side. Santa Clara has already gone through this process, approving the boundary adjustment. Ivins City had 60 days to proceed with Ivins Notice of Intent and this is the Public Hearing for the process, followed by the ordinance if the Council agrees with the boundary adjustment. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2019-12, an Ordinance of Ivins City, Utah, adjusting the municipal boundary line between Ivins City and Santa Clara City

There was no discussion.

MOTION: Council Member Densley moved to approve Ordinance No. 2019-12, an Ordinance of Ivins City, Utah, adjusting the municipal boundary line between Ivins City and Santa Clara
SECOND: Council Member Elliott
VOTE: The motion carried.

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

C. Public Hearing on the Planning Commission's recommendation to approve a proposed Amendment to the General Plan, Transportation Master Plan and Trails Master Plan. Ivins City, Applicant

Chuck Gillette stated that this master plan amendment was proposed by Kayenta and Lance Anderson where Evening Star and Kayenta Parkway shows a trail going through there. They are looking at future developments out there and they were concerned it would never connect because portions are already developed and Kayenta parkway is a better fit. TRC and Planning Commission recommended approval. The Transportation Master Plan shows where a rural cross section is allowed and not allowed. The purpose was to create a separate zone in Ivins so that you can use that cross-section and an option for a developer to look at that cross-section. Rural also looks at street light standards and reducing light in that area. It was drawn on the west side of 400 West but the suggests moving it to the east side so 400 West. It then crosses the highway down to Fitness Way. Comanche Cliffs makes sense if they wind up being bigger lots and low homes. We were not feeling as confident as the applicant on the line flipping over from 400 West. We don't see the need to reduce lighting on 400 West. **Mayor Hart** clarified that developments there already have required street lighting. He opened the Public Hearing. Gwenn Davies, 1022 Kwavasa, stated her support to eliminate the walking trail on Kaleva and in the photo that she submitted the wash would be a great obstacle to a walking trail. A yard of earth from pavement to wash. The other side has even less real estate for a walking path. The expense

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to construct a trail there is not warranted. Lynn McKecknie supported the existing situation without a path. She lives on Kaleva and Tuweap and she uses Evening Star as a trail. Cyclists prefer riding in the road and ignore a pathway. Lance Anderson stated that they are private streets up there and they thought this would be a more direct path. Our intention is not to change existing lighting just new growth. If we need curb, we are not against that. Hearing no further comments, Mayor Hart closed Public Hearing.

D. Discuss and consider approval of Ordinance No. 2019-19, an Ordinance of Ivins City, Utah, amending the General Plan, Transportation Master Plan and Trails Master Plan

Council Member Mehr stated he would like clarification on the 400 West boundary, as well as we just heard a concept plan for 58 units on 600 West. Is our rural section starting to shift to the West? **Chuck Gillette** indicated that we consider drainage to be the main key on whether we allow that rural cross-section or not. With Medium Density and the new Concept Plan coming in, it does look like it will need curb and gutter. Kee Stone was installed with curb and gutter even though it was in the rural zone. It is on a case by case basis what happens in the rural zone with some flexibility to do what is prudent for those developments that come in. There is High Density there owned by Terry Marten but we don't know if he will develop it that way or not. If curb and gutter goes along the east side of Kwavasa Drive, we would just continue it up there and if the storm drain system doesn't pick up some of these flows, we have the potential to have significant flow come down that street. We do think curb and gutter will be required on both sides of the street or doing an armored channel on the side that doesn't have curb and gutter. It will evolve as these subdivisions come in. **Council Member Mehr** inquired if we could avoid patchwork by just doing both sides of the street? **Chuck Gillette** stated once we do curb and gutter on one side of the street, he thinks it would just carry through. We have the ability based on our current standards to require that continuity down to a proper transition point. **Mayor Hart** indicated so the development presented this evening will be a traditional subdivision with curb and gutter. **Chuck Gillette** stated right now he is leaning towards it being curb and gutter. **Mayor Hart** indicated the question is what happens with 400 West? He stated that Council Member Mehr is wondering if that line needs to be moved. The line would remain at 200 North and up. It is optional and as they develop, they will be either traditional or rural in nature. **Chuck Gillette** indicated that the line should also represent where the lighting style changes. **Council Member Elliott** stated that it seems a little strange to have different styles on both sides of the road. **Mayor Hart** indicated that there are projects in the works over there as well, like the Arrowhead subdivision expanding over to 600 West. **Council Member McDonald** stated that higher density projects call for more traffic so more lighting is needed there. **Chuck Gillette** indicated that the idea of keeping one side darker than the other side is to respect the dark sky perspective even if it doesn't necessarily follow the cross-section. **Mayor Hart** stated there is a possibility to cross at 200 North and drop down, then the rest is developed and 2/3 of it is already built. **Chuck Gillette** indicated that the City needs to revisit the street lighting code because it currently states the developers have to budget for standard lighting until the City develops a rural lighting standard, which the City has not done yet. A cross-section refers to what type of road it is and what is required there like how wide the pavement is and whether we require a sidewalk, curb and gutter. A rural cross-section has no curb and gutter or sidewalk but may require a trail on higher volume roads and an underground storm drain, which is what is common in Kayenta. **Mayor Hart** stated that with most of this developed, he does not know if changing this makes any real difference. Moving the line is moving the line of urban and rural essentially and deciding what lighting or curb and gutter goes there. **Council Member**

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Densley inquired if 600 is going to have curb and gutter. **Chuck Gillette** indicated that it could and it looks like it will but the City has not approved the Preliminary Plan for that proposed development. The west side is still up in the air, but the east side will have curb and gutter. **Council Member Densley** stated that curb and gutter should be on the west side too for maintenance because there is a lot more maintenance with soil erosion. **Chuck Gillette** indicated that it depends on how much water comes down, but in general that's true. **Mayor Hart** stated that in some areas, there is already lighting on the east side of the street. **Council Member Densley** indicated the City should match those up. **Mayor Hart** stated that practically speaking, it doesn't make much difference on the east side of 600, but it could on the west side. **Chuck Gillette** indicated that was an option. He would have to do some rewording in the cross-section for 600 West on major collectors in a rural zone. **Council Member Mehr** inquired how long the trail has been on the map for the section that may be removed. **Chuck Gillette** stated he believes around 2006 and it was after existing homes were built. **Council Member Mehr** indicated that he liked the idea of trails and inquired if there was room for the right-of-way? **Chuck Gillette** stated "not really". **Council Member Mehr** indicated that the public comments made sense. The trail is on a low-populated road and a trail connecting to the north side of the reservoir might be nice so you don't have to go onto a busy street. **Mayor Hart** stated the volume of any form of transportation is very low and not a conflict, but the inability to put in a trail without putting in a bridge doesn't make sense. **Council Member Elliott** indicated that she was fine with the trail change. As far as the rural cross-section, she did not have strong feelings either way and was prepared to vote in favor of it. **Mayor Hart** stated if there is going to be curb and gutter required on both sides and now we have a project that will in fact have curb and gutter, so where curb and gutter goes, so does lighting. **Chuck Gillette** indicated that he could go either way. If the light boundary moves over, it could impact the dark sky and is an aesthetic issue. The current standard of street lighting is pretty minimalist anyway, so it could be okay that way. If we keep this in the rural zone we need to look at those lighting specifications in the rural zone. **Council Member Densley** stated that he wanted to see it line up all the way down and stay on the north side of 200 North and down the west side of 600 West and then on Highway 91, stay on the north side. Lance Anderson clarified that if curb and gutter is needed, they'll do it but on 400 West he was concerned about the lighting. **Mayor Hart** indicated that there is a subdivision now that is going through the process and is conventional in nature. Higher density should have light. Lance Anderson commented that there are bollards out there at the Arrowhead subdivision and that developer has three (3) street lights that they have asked not to install yet until the City works on the rural standards. **Council Member Elliott** indicated that it may be premature to change the line so significantly. The new developments knew what rural cross-section was there. **Chuck Gillette** suggested that when the City re-writes the rural standards, the City could make that change. **Council Member McDonald** stated the more dense the area, the more they need to be lit up. **Mayor Hart** indicated that 58 lots is significant traffic and from a safety standpoint, it would be required, rural cross-section or not because it is not rural in character. That intersection is not any different than any other in the City. There is potential for everything above this proposed project to be more rural in character and not requiring an intersection. He suggested that the re-write be based on density and the type of subdivision where higher density would have curb and gutter and lighting. **Mayor Hart** stated that the project coming before the City Council is a Preliminary Plan approval and they would have to budget for the improvements. **Chuck Gillette** commented that was correct and clarified that there is a definition that the developer has

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to budget for the City's lighting standard and hopefully the City will figure that out before the developer builds anything. **Dale Coulam** indicated that the way the ordinance is currently drafted, it's approved with attached amendments to the map. He inquired if the City Council would like to see a new map because of the split comments. The issue for lighting is that the City has not defined that yet in the lighting rural cross-section. Moving the line does not define the lighting issue. **Chuck Gillette** indicated that it would clarify the Arrowhead subdivision. **Council Member Densley** suggested that they move forward on the trail amendment and wait for the map.

MOTION: Council Member Densley moved to approve Ordinance No. 2019-19, an Ordinance of Ivins City, Utah, amending the General Plan, Transportation Master Plan and Trails Master Plan, approving ONLY the Trails Master Plan portion.
SECOND: Council Member Elliott
VOTE: The motion carried.

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

MOTION: Council Member McDonald moved to table the remaining portion of Ordinance No. 2019-19, an Ordinance of Ivins City, Utah, amending the General Plan, Transportation Master Plan and Trails Master Plan.
SECOND: Council Member Elliott
VOTE: The motion carried.

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

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

E. Public Hearing on a 2019 update to the Ivins City Moderate Income Housing Plan

Dale Coulam stated that the City is required to update this plan every two years. This year the City was required by State law to do something specific. The statute set forth 23 strategies and the City was required to adopt at least three (3) of those strategies. They City's Affordable Housing Committee has been meeting and discussing various issues to help refine some of those issues and has recommended to include three (3) strategies in Ivins Moderate Income Housing Plan. Those are set forth in the plan and there are others that may be worthy of discussion but were not selected. The Director of Finance, Lane Mecham, did a lot of work and correctly identified that the numbers are skewed a bit and perhaps the rental side has been affected by Rocky Vista University. This week in the news, an affordable housing group commented on the effect of BYU (Brigham Young University) and UVA (Utah Valley University) because UVU does not have student housing. With all those students at those universities and no sufficient housing, the students go out into the market in those communities and bump other families or individuals who are in need of that type of housing. Ivins City is seeing that here and it may be

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affecting the rentals in Ivins City. This is a Public Hearing because it is a General Plan amendment. **Mayor Hart** opened the Public Hearing. **Steve Cottam** inquired who comprises the task force. **Mayor Hart** indicated that it was created by the City Council and there are a number of City Council and Planning Commission members that sit on it and it is chaired by Ivins Building and Zoning Administrator Mike Rodriguez. They have met a number of times and this ordinance is not the end-all, but it takes care of the State requirement. There being no further comments, **Mayor Hart** closed the Public Hearing.

F. Discuss and consider approval of Ordinance No. 2019-20, an Ordinance of Ivins City, Utah, updating the Ivins City Moderate Income Housing Plan

There was no discussion.

MOTION: Council Member Elliott moved to approve Ordinance No. 2019-20, an Ordinance of Ivins City, Utah, updating the Ivins City Moderate Income Housing Plan.
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

MOTION: Council Member Mehr moved to suspend the rules and move up item 5)E to the next item on the agenda - Continued discussion regarding a comprehensive outdoor lighting ordinance as proposed by Ivins Night Sky Initiative
SECOND: Council Member Elliott
VOTE: The motion carried.

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

E. Continued discussion regarding a comprehensive outdoor lighting ordinance as proposed by Ivins Night Sky Initiative

Mayor Hart referred to the audience and indicated that everybody who brought a sign (against the night sky ordinance) to please hold them up. He asked those who were in attendance in favor of the night sky ordinance to raise their hands and commented that there is obviously some varying points of view on this. He let the audience know that the reason for this discussion has to do with questions that Council had as to what the specific requirements were for the Night Sky IDA - International Dark Sky Association designation. Some of the Council are puzzled as to which of the points are in the initiatives statement, their proposal to the Council, which of those actually had to do with achieving International Dark Sky Association designation and which were proposals that came from other ordinances or suggestions. The Council asked that Mike

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Scott be present and clarify that for the Council. That's the extent of the discussion unless the Council chooses to move forward. It wasn't specifically intended that there would be action taken on this but there could be. **Mike Scott** referred to page four (4) of the Night Sky Initiative recommendations. There's a list of what the International Dark Sky Associations requirements are. The first one is 1) fully shielded fixtures over 1000 initial lumens and partially shielded initial for fixtures under 1,000 lumens. That's on page 25 of the ordinance. He asked how that differs from what's in the current ordinance. The current ordinance requires full shielding at 2000 lumens. IDA is saying that has to be dropped to 1000 lumens. It doesn't mean that you can't have 2000 lumens of light, it just means it needs to be fully shielded if it's over 1000 lumens. They had talked at a previous meeting about doing a demonstration of what that actually looks like 1000 lumens vs 2000 lumens and he was prepared to do that demonstration but not tonight because he was told that was off the agenda for tonight. The next requirement is 2) a maximum correlated color temperature (CCT) of 3000 kelvin for all outdoor lighting. That's on pages 24 and 25 of the recommendations. The City Council has already dealt with color temperature. The existing ordinance had stated up until recently that the color temperate could go up to 4,000 kelvin. IDA requires it to be dropped to 3000. The City has already dropped it to below 3000 so that is already done. The next item is 3) restrictions on the total amount of unshielded and shielded lumens per net acre. That's on pages 26 through 28 and that is a brand new concept. Again, it's an IDA requirement. What they're basically saying is for the developed portion of your property, not vacant land, the City needs to define a maximum amount of light that would be output on that piece of property. There's nothing about that in the current ordinance. This would be brand new. The International Dark Sky Association has a definition of what net acres are and their definition is it's really just the building, parking lot and sidewalk and they don't really give credit to landscape areas. Ivins Night Sky Initiative thinks that's ridiculous. You need to give credit to the landscape areas, landscape buffers and things like that so the net acre is just basically, the way they're recommending it is whatever has been developed, including their landscape areas, the hardscapes, everything. IDA also requires this total limit on outdoor lighting to apply to both commercial and residential properties. He did an experiment with three (3) of their volunteers to say okay you calculate your net acre calculation for your house, using the IDA's approach where they don't count landscaping. Nobody got it right so they're recommending that the Council ignore this for residential. It shouldn't apply to residential at all. It would only apply to commercial. IDA also recommends, not require, they require that you have a limit but they recommend that the limit be 25,000 lumens per net acre and a number of other cities that have gotten IDA designation have accepted that limit. They went out and looked at all of the commercial properties in the City and did an estimate of how many lumens per net acre they're outputting and the average was 54,000 lumens per net acre so they suggested setting a limit of 60,000 lumens per net acre. IDA requires a limit. They don't state what the limit should be. We have to define it ourselves and so they're recommending 60,000 lumens per net acre because that sort of fits with what's already happening out there in the City. The next item is 4) a provision that clearly indicates where, when and under what circumstances new public outdoor street lighting and lighting on other public property and rights-of-way is warranted and will be permitted and requires adaptive controls and curfews be employed in all future installations of public outdoor lighting. That's on pages 43 and 44. That's a new provision. Also, on page 44 is the City for its owned, City owned public lighting would have to comply with the IDA requirements within five (5) years. You don't have to do it immediately. The way the IDA writes that is they say that five (5) years after passage of the

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ordinance, City owned lighting has to meet basically the shielding and the color temperatures is what matters most. The way they're recommending it is you don't write it five (5) years after the passage of the ordinance, you write it five (5) years after being approved as a dark sky community because that's going to take longer than after the ordinance gets passed. There is the opportunity to do extensions. What does that mean for the City? First of all, what the City has already done with its bollards and streetlights, the color temperature in those is running around 2000 kelvins, well below what IDA requires. They're full shielded, which IDA requires, so there's no issue there. There's some old cobras, most of them though are fully shielded and they're low color temperate because they're high-pressure sodium so they're no problem but there are a few of the cobras, if you look up at them, a lot of them have a flat lens up with the base of the fixture but some have a bubble lens so that's not fully shielded. There's a potential issue there. Those are owned by Rocky Mountain Power and not the City of Ivins. It's not City owned lighting but his understanding is that's something that the City has been working slowly to replace those, as time and money permits anyway. That's the major issue there. The next item is on page 32, 5) restrictions on the installation and operation of illuminated signs. This gets to electronic message boards. The current ordinance has restrictions on signs and sign lighting but not electronic message boards. In 2006 they likely weren't very common. IDA requires that luminance levels for operation between sunset and sunrise shall not exceed 100 nits. A nit is a measure of lighting output but it's only used for electronic message boards. Is that a reasonable number or not, Ivins City only has one (1) electronic message board in the City, at...**Council Member Mehr** indicated at Red Mountain Elementary. **Mayor Hart** stated there's two (2). There's one on the side of Vista as well. **Mike Scott** ok. One of the Universities in Arizona, along with the U.S. Naval Observatory in Flagstaff, did a study of all of the electronic message boards in Arizona and there were approximately 400 of them and they averaged under 100 nits. That's an IDA requirement. He didn't know if 100 nits was a reasonable number or not but it seemed to be not uncommon. That's on page 32. Page 39 is 7) restrictions on outdoor recreational lighting. IDA has six (6) or eight (8) requirements for outdoor recreational lighting. That would be like at UNITY Park. It was his understanding that UNITY Park already meets all of those, with the exception of one of the IDA requirements of having an automatic shutoff capability and he didn't believe that existed currently. **Council Member McDonald** stated that it was. **Mike Scott** indicated okay that one complies with everything. Then there's the recreational lights behind City Hall. Those are not fully shielded, don't have automatic shutoff and don't comply. That would be something that the City would have to make compliant within five (5) years but again his understanding in discussions with staff is that the plan is to reposition that parcel of land in the future anyway and so those lights might not even be an issue in five (5) years. If the City were to keep it as a recreational facility, the City would have to meet that five (5) year compliance requirement, which again, can be extended. The City could get an extension on that. Then there's one last item on page 22 and the information is in the footnote on page 64. IDA requires that 8) all privately owned lighting, that's residential and commercial, must comply with the outdoor lighting ordinance within 10 years. Properties don't have to comply initially, but within 10 years they would have to comply. **Mayor Hart** clarified that is existing properties. **Mike Scott** stated existing properties. The Ivins Night Sky Initiative doesn't reference this at all in their recommendations. In footnote number 64, they do address that and say they don't believe that's appropriate at all. All existing properties should be grandfathered in perpetuity so that's not in their recommendations. They have an edge with IDA. This is a new requirement IDA put in just

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in the last year or year and a half. When the Ivins Night Sky Initiative started their work with IDA, they didn't have this requirement and he received an email from IDA saying Ivins is grandfathered into their older requirements in 2015. **Mayor Hart** indicated he thought that was one of the most controversial ones on the list. **Mike Scott** stated that in their recommendations, they are saying ignore it. They're not recommending to do that at all. Those are the key steps for the things that IDA would require. On the 10 year compliance, he believed they were okay on that because they go back to their 2015 requirements and it wasn't fair. On the net acres issue, they are excluding residential completely and changing the net acre definition. Even if the City takes their recommendations, the City won't be meeting IDAs requirements so technically the City wouldn't be able to get designated as a dark sky community because the City doesn't meet their requirements. The Ivins Night Sky Initiative's view of things and in his discussions with people at IDA, getting designated as a dark sky community doesn't only require changing the ordinance, it requires doing a lot of other things. You have to do community outreach, education, measure the quality of the night sky quarterly and they do that at nine (9) locations around the City. There's a bunch of other steps that need to be done and that's why the Ivins Night Sky Initiative exists. If all the City had to do to get designated was to revise the ordinance to meet IDA's requirements, then him, Patty (Dupre) and a few other people would have just sat down and hammered out stuff for the City Council to look at and give them some recommendations. The City has do all of these other things and he didn't think that anybody on City Council really had the time to do that and he didn't think staff had the time to do that so the way other communities have dealt with it is you have to have a volunteer non-profit organization to go out and do those things. You do them on a continual basis, even after getting designated. You have to keep doing this outreach capability. Even though their recommendations actually don't meet IDA's requirements in a couple of areas, they believe if they do a better job on the other things, that that holds a lot of weight with IDA. The Ivins Night Sky Initiative has done that and done seven community outreach educational events this year already and have more planned. They have to demonstrate to IDA that they have broad support in the community - oops - maybe that's a problem but they have collected at their events, endorsement cards from over 400 Ivins residents that they're supportive and they will give those to IDA. On all of the other issues, they are going overboard from what IDA really requires and that will make up for what they're changing on the net acres and a couple of other things. That's it. Any questions? **Mayor Hart** commented that there will be questions. **Council Member Densley** inquired as a resident of Ivins for 50 years, what benefit is he going to receive from being IDA approved? **Mike Scott** indicated that by getting designated, the City is making some changes to the outdoor lighting ordinance so beyond getting IDA approved, the City is going to benefit from having a night sky that will stay like it now. We have a great night sky right now but Ivins General Plan says that over the next 20 years the City's population is going to double so however much outdoor lighting the City has today, it's going to double. The key is to keep the lighting going down to the ground, where you want it for safety, not up into the sky. That doesn't do the City any good and that's just a waste of electricity, or out to your neighbors, just keep it to your property or to your roads, things like that. The benefit is, in the long run, the City will be able to preserve the night sky and that's the key issue so whether the City Council decides it wants to go for IDA designation or not, it's worth looking at IDA's recommendations to say even if the City doesn't want to get designated, there are a lot of ideas that would be useful to just keep Ivins night sky high quality night sky for the long term, taking into account the population increase that the City is going to see. **Council Member Densley** inquired that under the

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standards the City has now, the City is pretty restrictive in its night sky but not certified as IDA approved but right now Ivins standards of night sky are pretty rigid considered to the neighbors, is that correct? **Mike Scott** stated yes. **Council Member Densley** inquired if that's the case, why would the City want to change it? **Mike Scott** indicated that there's a bunch of things that have changed over the last number of years. Ivins ordinance was adopted in 2007 and created in 2006 and so like he mentioned, the electronic message boards is a new concept. There are some things that just haven't been addressed. For example, future drive-up windows, electronic message boards, service station canopy lights, outdoor amphitheaters - the City has Tuacahn. The City also has a little outdoor theatre in Kayenta. Maybe future developers want to do an amphitheater. These are great things and so there should be some lighting standards for them going out in the future. Towers if the City has any lighting on towers, hillsides, ridgelines and special cases. These are things that aren't even in the outdoor lighting ordinance now and a lot of these things have evolved over the last 10 or 20 years and weren't really that critical. It's worth dusting off that 12 year ordinance and saying it is missing some stuff and, even out of the things that are there now, by the way, those are the only things that the Ivins Night Sky Initiative are adding that are new things, aside from the five (5) year City compliance and the net acres issue. **Council Member Densley** inquired if that could be addressed in the permit process - for sign, for tower, all of that has to go through a permit process. **Mike Scott** commented that he thought that was a question for Dale (Dale Coulam-City Manager/Attorney) but some of it probably can, like what are you doing with electronic message boards or service stations and similar. If you don't define it in an ordinance then nobody really knows what you're dealing with in the future until you do it and then maybe it's too late. It's sort of like what happened with Rocky Vista University. The ordinance allowed a certain level of lighting and the City didn't think anything about it until you see the end result and say geez that's pretty bright and glaring and Rocky Vista University is really working hard to change that. That's something that the City wants to be proactive and get ahead of this. **Council Member Densley** and **Mayor Hart** thanked Mike Scott. **Mayor Hart** stated that he wanted to thank all of the audience members and other who were not present who have emailed the City Council and provided information, which they have read at length. On both sides of this, folks are passionate about this. There's no question that the safety of the environment for their families and their children has been a significant part of the discussion Up to now, for the last couple of years, a lot of the focus has been on how can the City retain the ambiance that the City has enjoyed all of these years with the equivalent of high pressure sodium lighting, which has been the standard for much of the world for decades. The City isn't talking about a safety issue when talking about lighting that mimics, or is the same as in color temperature, as the lighting that the City has had for all of these decades, with the lighting coming into the City. That high pressure sodium has been deemed safe lighting for half of his life time so he didn't know that that was a controversial issue. The City lighting, which has now finally been resolved, where the City has come up with a near perfect solution to allow the City to have that same appearance even as the high pressure sodium lamps burn out and replacing them with the more efficient LED with the filter that has been invented more or less, allows the City to keep that lighting looking the same. He had some comments about Halloween. There's no question the City is a little embarrassed about what happened on that section from Docena all the way to 200 East where that color temperature didn't turn out at all like the City expected so the City can hardly wait for those lamps to burn out, brighten them up and amber them up. No contest with that. It's significant that the audience has become engaged in this, tried to study it out and provided help and information to the

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Council. He thought that there was some misunderstandings from what he has read and he knew that Mike (Scott) has offered to meet in some kind of a casual form where a discussion could take place and he thought that was a great idea. The City wasn't in place to sponsor that in the form of a formal meeting but that would be a good thing to get questions asked and answered. He recognized there were a lot of mothers in attendance with young children in their homes and got the fact that they want to be able to walk over to a church or a neighbors' house in safe lighting and so forth. The City has a lighting ordinance in place and it's been modified only a little bit. If it were to be modified again, it will be through the process where the public would be allowed to come and speak in a public hearing and voice all of those things that the public has written to the Council as well as other concerns that they may have. That would happen both at the Planning Commission and City Council level. **Dale Coulam** clarified that on the track that this is currently proceeding, the City has two sections in Ivins code on outdoor lighting. One is in the zoning ordinance, which requires that public process that the Mayor outlined and one is outside of the zoning ordinance, which is where Ivins current lighting ordinance exists, which is the bulk of that ordinance. The track the City has been following right now, is that one, which is one of the other points of contention. This is not and has not been a public process. If the Council decides to move forward with changes to the lighting ordinance, it would be his recommendation that it be made to be part of the zoning ordinance, which would be applicable and go to the Planning Commission for recommendation, which is a question once that Council Member McDonald brought up. That would assure that there are public hearings both before the Planning Commission and the City Council. **Mayor Hart** stated that's what he thought should happen as well. The **City Council** agreed. **Council Member Elliott** thanked those who were in attendance and indicated that obviously there's extreme caring about this issue. She has read the recommendation carefully and realized that there is a lot of red on the page but it actually does not change Ivins current ordinance that much and commented that there could be some misconceptions about that. She thanked Mike Scott and Patty Dupre. They have worked very hard on this. She has read it thoroughly. A lot of the changes that have been asked for are not as far as IDA requires, which Mike explained. There has been an effort to try to find what's right for Ivins community. She worked with Mike and sent the recommendation document over to Chief Bob Flowers and she has his thoughts about it on Public Safety. He is supportive and concerned about Public Safety. He has been in meetings with Universities and other public buildings and said that he thinks that he likes the flexibility of this proposal and did not have any particular comments other than that he appreciates the hard work and thoughtfulness. As the City moves forward, she thought that the City Council should schedule a time for Chief Flowers to be present where he can answer particular questions that the Council might have but Chief Flowers felt comfortable with her sharing the information. In terms of cost, the Ivins Night Sky Initiative has raised a significant amount of money on their own and have not asked the City for any funds. Rocky Vista University has been a point of contention and the Ivins Night Sky Initiative have raised the funds to do the experiments there and they have raised funds on their own to if anyone wants to retrofit any lights, funds have been raised to do that. There's a misconception that the Ivins Night Sky Initiative is asking the City to spend the City's money to do all of this and that's not the case. They have raised their own funds to do that. Whether the Council agrees with it or not, that's up for a public process and she was excited that the City was going to do that. She encouraged people to meet and thought it was great that Mike Scott has offered to meet so that if there are misconceptions, a face-to-face conversation can be held so it can be understood what's really being asked and what is in place right now. She appreciated

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everyone's interest. **Mayor Hart** stated that the only reason this is before the City Council is that it seemed when they looked at the IDA requirements, that the City had basically already met them all. What's been in place for a dozen years now and they have all lived with and most have enjoyed the night sky and even those who are asking for some relaxation on the residential side of this, still enjoy the night sky. He inquired of Mike Scott how he would answer a mom or dad with a small family, about keeping the safety aspect front and center, which is the Council's primary responsibility. How would he answer regarding the security of their home and neighborhood environment in terms of what the recommendations or requirements would bring? **Mike Scott** indicated that the existing ordinance does talk about street lights to some significant extent and the Ivins Night Sky Initiative has crossed out that whole section because the City already has its streetlight standard. They're not addressing streetlights or bollards, what's happening on sidewalks or streets at all. Whatever's out there is out there and whatever the City Council does on that, they are doing through the standards. Within the neighborhood itself, the commercial properties would have curfews for turning off lights if they're not a 24 hour business. Residential properties, there's no curfews so the porch light, backyard light, pathway lights and similar can be on all night. They can hang festoon lights in their yard and that's a new thing that the Ivins Night Sky Initiative added that the current ordinance does not address. Those are the little bulb lights that can be put up all year long and he wasn't talking about holiday lights. There can be security lighting but just like the current ordinance says, security lighting has to be on motion sensor or timers and aimed a certain way to the ground. In their recommendations, they're not changing what the current ordinance says there. Residential lighting - what people are doing in their home, inside their home, on their property, you can keep those up so they have a safe walkway, a patio that can be used and feel like they have the security that they need. The only thing that would happen that would be substantive here is that the partially shielded lighting has to be below 1000 lumens, which is around a 70 watt lightbulb. There could still be something brighter than that but it would need to be fully shielded so that the light doesn't go out or up. **Mayor Hart** inquired if his back yard has a swing-set in it and the kids are going out after dark, can he achieve lighting on that from something that is down-focused that is shielded? **Mike Scott** commented that just like now that's allowed and there's no curfew. It could be on late at night or all night. **Council Member Mehr** had a couple of questions. In listening to Mike (Scott) he's hearing him say that Mike Scott wants to prevent further degradation of Ivins night sky going forward, that he wants to protect what Ivins has in place as Ivins is going to grow and inquired if he's following him correctly. **Mike Scott** stated "yes". **Council Member Mehr** indicated that Mike Scott expressed in an email to Council Member Elliott that Council Member Elliott shared with the Council, that this started originally with the Mayor thinking the designation would be a cool thing, that the City is doing a lot of good things already and maybe there's an opportunity to get a feather in Ivins' cap and obtain a designation that kind of goes in line with Ivins resort community destination. Mike Scott started doing that work and a lot of heavy lifting and research as he's looked at other municipalities. He thinks Mike Scott is saying hey here's a bunch of stuff that's out there, pick and choose what you want, but here's some ideas if the City is going to pursue this designation. He thinks he has also heard Mike Scott say tonight that there's even a couple of the things here (IDA requirements) that the group that Mike represents (Ivins Night Sky Initiative) they don't feel like that is something the City should take on as a City to reach the designation. What Council Member Mehr is hearing and he wanted to clarify, is this is becoming two separate issues. Is the City pursuing the designation or is the City tweaking Ivins ordinance that hasn't been touched since

2007, to take into account electronic message boards, service station canopies, amphitheater lighting, towers, hillsides and ridgelines to protect for the future so he thinks that Ivins is at a fork in the road right now of is there a dark sky initiative designation and he thought the Council was hearing "no", even from Mike Scott, and now is there a tweak that the City could do to say are there some common sense kinds of things that the City is already doing, that the City can do to ensure that the City is protecting the night sky going forward. He inquired of Mike Scott if he was correct in that and asked Mike Scott if he was saying the City should not pursue the designation because there are a few things that even Mike Scott and his group don't agree with and inquired if that is a true statement. **Mike Scott** stated that when you come to a fork in the road, you take it, said Satchel Page. As it relates to Council Member Mehr's question, he indicated that he's not saying that exactly. In their recommendations, they're saying they don't recommend going as far as IDA is requiring in a couple of cases. They're not saying they don't think that will disqualify Ivins from designated as a dark sky community because of the other things that Ivins is doing. Ivins is going so overboard in all these other outreach, education, and other kinds of activities so he thinks that getting designated is totally a real clear possibility. **Council Member Mehr** stated that to clarify the two areas Mike Scott thinks the City shouldn't pursue as part of the IDA recognition is the restrictions on the total amount of unshielded and shielded lumens per net acre for residential property...Mike Scott indicated "correct". **Council Member Mehr** stated and also...he asked Mike Scott if he could tell him the other one. **Mike Scott** indicated the other one is the requirement that all properties would have to comply within 10 years. **Council Member Mehr** indicated that he works in health care and they are accredited by an organization called the Joint Commission and if they do a really good job in their cath lab for example, and they meet all of the requirements and go way above and beyond, this is a top 100 hospital, they have the best cardiovascular surgeons in the State of Utah here but then we fail to do something appropriate in the behavioral health unit for example, the Joint Commission doesn't say hey this is a great hospital because you really did a good job in cardiology, but you dropped the ball in behavioral health. It's an all or nothing package deal so he didn't agree. He respected Mike Scott's opinion but didn't agree that going over, above and beyond in one area, is going to help people feel good about well...because what he's hearing is a requirement, it's not guidelines, so if a requirement is a requirement, then the City has an issue with those two things and Ivins rightfully should have an issue with those two things so that's his comments for the moment. **Mayor Hart** clarified that Ivins is exempt on the one though. **Mike Scott** stated that the City is exempt on the 10 year, he's received confirmation from IDA and he's also received indications from IDA that they will be flexible because of the other things that Ivins is doing. **Mayor Hart** referred to the 10 year, that meaning that all existing homes are grandfathered on into the future. **Mike Scott** indicated that IDA requires that all properties, commercial and residential, have to comply within 10 years but he's saying ignore that completely. All residential and commercial existing properties are grandfathered in perpetuity, not just residential. **Council Member Elliott** inquired if Mike Scott has had communications with IDA and feel confident in this ability? She respected what Council Member Mehr is saying. Healthcare of course, they're going to be very rigid. Her sense was, at least from Mike's communications with IDA, not the same animal. **Mike Scott** clarified he has had communications with IDA every week. **Mayor Hart** stated that Ivins has an ordinance in place that protects what is seen out there potentially coming forward, particularly in terms of commercial lighting and all of that, that he thought everyone was satisfied with. The suggestion that Dale (Coulam) has made is that the City take a step back, maybe have some forum in which

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they can get together and talk about this in a more casual way and apologized that that is not possible here (at the Council meeting that night) and then run this back through the public process so that after there's some better understanding about all of this, the City can conduct public hearings both in the Planning Commission and City Council meetings and allow the public the voice that they would all probably like to have at this meeting. **Mayor Hart** inquired if the City Council was in agreement with that. **Council Member Elliott** indicated "yes". **Council Member Mehr** had a couple of more comments. **Mayor Hart** stated that before Council Member Mehr's comments, he indicated that as far as reader boards and so forth, that strikes him that that would be a terrific thing to bring up. The City has done its best to try and keep that lighting muted and all you have to do is drive by Red Mountain Elementary and whoa, that's a lot of light. Maybe the City does want to address some of these things, whether or not the City goes for the designation. **Council Member Mehr** thought that for him, the City is at a fork in the road and people have been coming to City Council before and he's been consistent on this, the candidate forums the candidates just had, he loves the night sky, it's awesome. He didn't think there's anybody here that doesn't enjoy what we have. He commented that we do want to give up personal liberty and freedom and we don't want to get into where we're policing our neighbors. He was not trusting that an organization that has requirements, is going to say hey that's fine, thanks for your efforts here. He respected Mike (Scott). Maybe he was wrong about the organization but he didn't trust that. He was completely fine with...the City should tweak some of these things and look at electronic message boards. That's just doing good governance as the City grows and works for the future but thought that the City should not pursue the designation as an entire City. He looked at the requirements that are on-line, it says "Eligibility - the community must have some type of legal organization that's official recognized by outside groups." He commented that he didn't know if the legal organization is the Ivins Night Sky Initiative or not but maybe that is. It says "This can be in the form of a town, city, municipality or other legally organized communities such as an urban neighborhood or subdivision but not need to be an incorporated entity. Unincorporated or otherwise informally organized communities are eligible for the IDSC status if their governing jurisdictions enact public policy consistent with the requirements of minimal requirements of all communities below that are legally binding." After reading that, he thought that what they're saying is the City can tweak its ordinance to do what's best for the entire community and then if there's a subdivision and he referred to Kayenta in this case, he knows that there are people that live outside of Kayenta that would like this designation as well, they could apply for that as their own subdivision. That could be something that if they wanted to get that designation, that might be something they want to pursue outside of the City. That's right on the IDA's website from their guidelines for eligibility. **Mayor Hart** inquired of the City Council if there was a consensus that they want to move this into the public process as Dale (Coulam) has suggested. **Council Member Mehr** was in favor of looking at the ordinance through the proper public process, to tweak those things that are necessary but he was not in favor, based on those two things that even Mike (Scott) has acknowledged, the City should not be imposing things on private citizens here. They haven't chosen to live in Kayenta for example, they have chosen to live somewhere else. He thought there should be some of that freedom and liberty. **Mayor Hart** indicated that what he was asking was is there a common point of agreement here that the Council wants to move this into a public process, allow there to be some time for discussion if need be, and then make provision for public hearings to occur at the Planning Commission and City Council level? **Council Member Mehr** stated yes as in the City's outdoor lighting ordinance. **Mayor Hart** clarified that

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it would be a continued review of the lighting ordinance. The City has one in place that secures the City for the moment and commented that it's a healthy thing to have discussion and try and gain better understanding of both sides of this and then have that voiced in a public hearing forum. **Council Member Densley** felt that the City has beaten a lot of things to death like the signs, that's still going on and a few other things that are going on and on. He thought that possibly with the opportunity that things are not addressed in the current lighting ordinance, that maybe that would be something the City wants to address and make that with the kelvins and similar and have the part of the permit process because anytime that has to be done, they would have to get a permit and if they meet the permit and regulations for that and ought to be something that the Council addresses under the permit process and other than that, let the ordinance stand as it is. **Mayor Hart** inquired of the Council if they are going to table this move it and have Dale (Coulam)...**Dale Coulam**- point of clarification - indicated that he's heard the fork and consensus as far as tweaking the ordinance. Yes that should go through the public process and go to the Planning Commission and go through some revisions. He has heard some say but at that fork, say no to pursuing the dark sky designation. Before it goes to the Planning Commission, he's hearing that there may be a desire by at least some of the Council Members to say let's decide this fork - are they going to go for the dark sky designation - yes or no, before it's sent to the Planning Commission. He heard a unanimous consent on sending the ordinance to the Planning Commission for some tweaks but needed clarification to what extent the Council is sending the ordinance to the Planning Commission. He inquired as to the scope. **Council Member Elliott** suggested that it be sent to the Planning Commission and get whatever ordinance is what the Council thinks it wants and if the City can apply for the dark sky designation with that great and if not, then that's what happens. **Council Member Mehr** stated that with all due respect, the last IDA requirement says all privately owned lighting must comply with the outdoor lighting ordinance within 10 years. The City cannot overcome that. **Council Member Elliott** commented that if the City doesn't even allow Mike Scott to try...it doesn't hurt the City to try. **Mayor Hart** indicated that it's no harm/no foul, which is what Council Member Elliott is suggesting. **Mike Scott** indicated that they have a written agreement from IDA that the City not subject to the 10 year requirement so that is not a problem. **Council Member McDonald** stated that he appreciated everybody's comments and indicated that he has discussed this at length with Council Member Mehr over the last couple of weeks and spoke with Council Member Johnson and as this document is written, she was not in favor of it and made a statement that she wished she would have never agreed to the 2700 kelvin lighting from earlier. His personal position was that other than minor tweaks to the current ordinance, is that the only direction the City needs to go and he was not in favor of the IDA designation because there are requirements and not recommendations that the City will not meet. **Mayor Hart** inquired of Dale Coulam if the City is talking about addressing reader boards and the like, was there a reason to go back through this entire public process and commented that he still liked the idea of doing that because he thinks everybody needs to have a voice in this. **Dale Coulam** answered "yes" and commented that he thought there was benefit in that and yes, he thought they should move that lighting ordinance into the zoning ordinance because right now there are two lighting ordinances. One follows the public process and one does not and should be combined into the zoning ordinance. **Mayor Hart** commented that there are three (3) City Council members who are saying they'd like to see it go that direction and Council Member Densley would rather that the Council just deal with the one (1) or two (2) specific issues. He stated that Dale needed direction but it struck him odd that they would have a motion on this. **Dale Coulam** clarified

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that it would be a procedural motion. At this point, the City doesn't have an application that can be approved or denied and the City doesn't have an ordinance that can be approved or denied so this is a procedural issue of whether or not to proceed pursuing the dark sky designation and if he's characterizing this correctly, at this fork in the road, procedurally, the Council wants to cut off pursuit of the dark sky designation but they want to send to the Planning Commission, to go through the public process, amending Ivins existing lighting ordinance with minor tweaks. That's a procedural motion that could be made. **Council Member Elliott** encouraged the other Council Members to put that off until the Council decides what tweaks they are going to make because it seemed premature to her.

MOTION: Council Member Densley moved to move forward with the items that are not covered under our lighting, for instance signs and other things that are not covered, that they be addressed at a Public Hearing to adapt to the zoning requirements but we move forward with those and adjust our lighting ordinance with those and not pursue the IDA
SECOND: Council Member McDonald
VOTE: The motion carried.

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

C. Discuss and consider approval of a Preliminary Plan Amendment for Taviawk Phase XI and XII located at approximately 800 North and 600 West. Kayenta Development Inc.-Owner; Lance Anderson-Applicant

Mike Rodriguez reported that this amendment includes an extension of Paiute Drive and shortened cul-de-sacs to help with draining the property. The TRC (Technical Review Committee) has reviewed this and it complies with Ivins ordinances. **Council Member Mehr** inquired if there would be a fire issue. **Mike Rodriguez** stated no and fire issues were included in those discussions.

MOTION: Council Member Mehr moved to approve the Preliminary Plan Amendment for Taviawk Phase XI and XII located at approximately 800 North and 600 West. Kayenta Development Inc.-Owner; Lance Anderson-Applicant
SECOND: Council Member McDonald
VOTE: The motion carried.

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

D. Discuss and consider approval of a Preliminary Plan for Mojave Mesa located at approximately Earl Road and Highway 91. Teancum Properties, LLC-Owner; AnA Enterprises, LLC-Applicant

Mike Rodriguez reported that this subdivision went through a Land Use and Zone Change. This plan proposes 62 lots on 18.468 acres with 10,000 sq. ft. minimum lots on the westernmost

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portion and 7,500 sq. ft. lots on the easternmost portion. The TRC (Technical Review Committee) reviewed this, the Planning Commission recommended approval and this is in compliance with Ivins ordinances.

MOTION: Council Member Elliott moved to approve the Preliminary Plan for Mojave Mesa located at approximately Earl Road and Highway 91. Teancum Properties, LLC-Owner; AnA Enterprises, LLC-Applicant
SECOND: Council Member Mehr
VOTE: The motion carried.

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

F. Discuss and consider approval of an expenditure to purchase vehicle for the Building Department

Mike Rodriguez stated that this is in the budget.

MOTION: Council Member Densley moved to approve an expenditure to purchase vehicle for the Building Department
SECOND: Council Member McDonald
VOTE: The motion carried.

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

G. Discuss and consider proposals for listing the City's 15.52 acres for sell with a Real Estate Broker/Agent

Dale Coulam indicated that this property is located along Center Street, is 15.5 acres and owned by the City. The City has had discussions with individuals to sell this on our own but those discussions did not come together. The City amended the Transportation and Trails Master Plans so that no matter who acquires this, the road and trail must put in. He would like to list this for sale and obtained three (3) proposals. Of those proposals, he would like to list the property with Neil Walter. Neil has been present at Ivins City Council meetings and discussed deals on other properties. The other two proposals do not match professional ability, marketing or terms. Staff recommends that the City list this property with Neil Walter. **Council Member Mehr** inquired if they ran the numbers to see what it is going to cost the City. **Dale Coulam** clarified that if the City receives offers similar to what was discussed previously, the City would net 2.6 million. **Council Member Mehr** stated that the City needs to market this and inquired if the City looked at the numbers of the other proposals. **Dale Coulam** stated that the third proposal was much more expensive and the second proposal was similar but Neil Walter rises above with the level of professionalism that is provided.

MOTION: Council Member Elliott moved to approve staffs' recommendation to hire Neil Walter with NAI to list the City's 15.52 acres

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SECOND: Council Member McDonald
VOTE: The motion carried.

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

H. Discuss and consider approval of Resolution No. 2019-22R, a Resolution of Ivins City, Utah approving Employee Core Benefits

Dale Coulam stated that at the last meeting they talked about changing from the provider Cigna to PEHP and every year a Resolution is passed confirming what the benefit package is. Benefits include Medical Insurance, Long Term Disability, Telehealth, optional Dental and Vision and Voluntary Additional Life Insurance. The only substantial increase in these benefits was the health insurance. **Lane Mecham** commented that Cigna had an increase of 20% and PEHP had an increase of 10%. **Council Member Mehr** inquired as to the employees' feedback regarding the change. **Dale Coulam** indicated that they are grateful because the City provides a great benefit package. **Council Member Mehr** inquired as to coverage for the Public Safety Department and the Fire Department. **Dale Coulam** stated that Ivins City insures law enforcement.

MOTION: Council Member Densley moved to approve Resolution No. 2019-22R, a Resolution of Ivins City, Utah approving Employee Core Benefits
SECOND: Council Member Elliott
VOTE: The motion carried.

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

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

I. Continued discussion regarding Subdivision Enhancement Overlay amendments

Dale Coulam stated that this is brought forward from the last discussion. The things that qualify for a density bonus are landscaped open space, subdivision design and features and variations of lot sizes. They considered adding another qualification, that being if a subdivision of any size included workforce or affordable housing. He inquired if the Council would like to include something along those lines. **Mayor Hart** indicated that is complicated and the Council would not get through that tonight. He inquired how do they deal with the lot that is provided because an investor could buy and resell the property later. He suggested deed restrictions with the lot price discounted out of it and then the property remains in an attainable housing inventory and 20 years from now, it would stay in that inventory. **Council Member Densley** commented that there needs to be an incentive for the developer and take into account the cost of development. **Mayor Hart** stated that they can set terms on who and how the density bonuses are applied and use a formula in the transaction. **Council Member Densley** suggested that individuals employed as Fire Fighters, Police Officers and Teachers should qualify to live in that

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type of housing. **Mayor Hart** commented that that would place individuals in neighborhood environments and he liked that as a means of integration.

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 Elliott	AYE
Council Member Densley	AYE
Council Member Johnson	ABSENT

J. Continued discussion regarding entrance signs

Mayor Hart indicated that the sign depicts the swoosh City logo. He felt that it was a good prototype and Metal Worx uses acid compounds to the buffed metal and then it is colored using chemicals. The quote for the cost of this is for it to be installed on a concrete base with "Ivins City" backlit. It would be 12 or 16 feet long and 4 feet high so it will be broad and not very tall. The bigger the sign is, the thicker the metal is. **Boyd Livingston** commented that he worked with Young Electric Sign Company for 11 years and a lot of signs like Moab and Springdale that are night sky cities, are backlit with low light LED. It glows and would be beautiful. He suggested that the City Council let the sign company design it with their suggestions. He inquired where the sign would be placed. **Mayor Hart** stated on Highway 91. **Boyd Livingston** suggested Rainbow Sign and Banner or YESCO work on this and commented that the sign would need power to it and if it stands on its own, it would need to be pretty thick, approximately 2 inches thick. **Council Member Elliott** commented that it could go to the Arts Commission if they think it is public art and she would like their opinion. **Council Member McDonald** indicated that the Council has already done that. **Mayor Hart** inquired what the Council thought of him taking what he has into a couple of sign companies and let them do a mockup of that and ask them for their suggestions if they have better ideas. The City Council agreed.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for October 17, 2019

MOTION: Council Member McDonald moved to approve City Council Meeting Minutes for October 17, 2019
SECOND: Council Member Elliott
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

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A. Council

Council Member Mehr inquired about what he received in the mail regarding Santa Clara Political Action Committee about EMS Services. **Dale Coulam** stated that a GRAMA request was made for the City's financial information to see how Ivins operated before Ivins and Santa Clara combined. He was sure that the committee also requested the same information from Santa Clara. He has heard that Santa Clara may want to take a closer look at EMS and compare costs. **Mayor Hart** commented that the concern is if Santa Clara abandons EMS, what will Ivins response time be and if that would be a disservice to the community. **Council Member Mehr** thanked the public for the re-election support. **Council Member McDonald** reported that the City is officially recycling again and that is very expensive but they are moving forward. The program in Germany finally come back to the table and if that comes to fruition, that will change a lot for the County. **Council Member Elliott** reported that the DOVE Center has their annual meeting on Tuesday at the Holiday Inn Convention Center. It is the centers opportunity to report to the community about statistics and what they have accomplished with community support. **Council Member Densley** reported that the Sand Hollow Aquatic Center is still being subsidized.

B. Mayor

Mayor Hart reported that a week ago Switchpoint had their annual breakfast get-together. It is a great organization and it is incredible what they have achieved in 5 years. They are now building an affordable housing complex down along the river. They do great work in rehabilitation and put homeless and in-need individuals with counselors who work with them and help them develop employment skills and issues they may have in their lives. It could be a smart affordable housing move on our part to support them and provide them with revenue.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

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

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

The meeting adjourned at 8:38 p.m.

Respectfully,

Kari Jimenez*
Ivins City Recorder - *Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.

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