IVINS
CITY COUNCIL WORK MEETING
MINUTES
April 29, 2021

***NOTICE: This meeting was held electronically and in person, with limited seating to observe social distancing. City Hall was the anchor location for the electronic meeting. You may listen to the audio feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".**

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.

Audience: Pam Gardiol.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. All Council Members were in attendance in the Council room, with the exception of Council Member Johnson, who was excused.

B. Disclosures

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

2) WORK MEETING

A. Continued discussion on the Planning Commission's recommendations regarding proposed amendments to the current Outdoor Lighting Ordinance

Mayor Hart stated that the purpose of this Work Meeting was to begin the discussion on the Planning Commission's recommendations on proposed amendments to the current outdoor lighting ordinance. The Council has had some time to review what the Planning Commission ended up recommending to the Council, as well as the opportunity to see their Minutes. He goes back to the origins of the Night Sky preservation discussions with Council Member George Elwell and Council Member Carol Tenczar when they recognized that the Night Sky was special in Ivins and something should be done to protect it. The current Planning Commission spent a lot of time on this and had some very intense discussions on this topic and expressed his appreciation to them. The City is divided on this issue and not so much over the appreciation of the night sky but divided on where the balance point is between allowing the Night Sky to be seen, and allowing parents with children to feel like their backyards are well enough lit to be safe and play, or walk down the street and feel safe. He has seen that expressed in the attendance at the Planning Commission meetings, with half wanting to keep everything we have intact and another half who want to see some real changes. The Council acted a month ago on some important changes that needed to be addressed as it related to reader boards, residential kelvin lighting from 2700 to 3000 and flag pole lighting. He requested that the Council take a minute and outline what the scope of their discussion ought to include. He was intrigued by a suggestion made by Council Member Larsen regarding lighting zones where the City has different demographics and developments that attract families or primarily retired people. The different demographics desire different things and in some developments they have CC&R's (Covenants, Conditions & Restrictions) that outline what those desires are. The Kayenta development is dark and that is how residents in that development want it and the City could designate that area as a rural zone with a rural lighting component. He believes that there

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is a way to provide safe pedestrian crossings with bollards. They could look at expanding the bollards and research what kinds of options are out there as it relates to lighting on a house or on a pole that is down focused where the light spread is down to a specific yard and allows additional lighting to occur. There is a concern with taking a corner of the City and lighting it up because if they do that, it will impact the entire City as it relates to the Night Sky. Another option to approach the Planning Commission's recommendations is to go through what has been proposed and say "yes we like that" or "no we don't like that". **Council Member Larsen** indicated that when we was appointed to the City Council, he received some training where the Council's first responsibility is safety and services and their second responsibility is to develop a sense of community. If the Council isn't careful, the City could be divided further. He felt that part of the problem was education and suggested that there be an education component that includes star gazing at the park and similar that would bring the community together. That would go a long way to soften the divide in the City and if the Master Plan has the population at buildout of 20,000, he suggested that the City cut that 10-20% by requiring bigger lots. The biggest thing he saw when he looked out over the City was the glare from the street lights and he couldn't tell the difference between the new street lights and the old street lights because of the light trespass. **Council Member Gordhammer** agreed that celebrating the Night Sky is a good thing. She received an email from the Children's Museum and they would like to do a display on the desert after dark so those are things she encourage. A few years ago she organized a star party at UNITY Park and it was a good turnout but that might be the kind of thing that the City could sponsor as a component of Heritage Days. She commented that light zones make a lot of sense because there are parts of the City where individuals would like to be able to light up their backyard and other parts of the City like the Kayenta development where they would be more comfortable knowing that they would not have to be concerned about lighting changes occurring that would require more lighting in that development. It would be helpful to acknowledge that the City has residents who have different concerns and that the City is listening to those concerns. **Mayor Hart** commented that Ecotourism is a big deal and with the two (2) resorts emerging in Ivins, those are another feather in Ivins cap and tourists who come to Ivins would likely love something like a regular star gazing event in the City.

Council Member McDonald stated that there needs to be a balance and felt that they can marry an ordinance that addresses both sides with their concerns, understanding that neither side is going to get all that they want, but they can come up with something that addresses the bigger concerns of each. He liked the idea of light zones. That would likely put some minds at ease, especially in the Kayenta development. It would be ideal if residents got involved and listened to the meetings and understood what was happening because it would help with the way that information has gone out. When the Planning Commission finished their discussion on this, he received a lot of copy and paste emails which indicated to him that it was what someone had said and so that's what they copied and said. He talked to a couple of people that sent the copy and paste emails and discussed with them what was presented and they agreed that was reasonable and not what was represented through the emails. All of the audio is available for everyone to listen to but he didn't know how to help residents understand that and suggested the possibility of providing updates in the newsletter each month. **Mayor Hart** indicated that Council Member Gordhammer suggested a town hall type of meeting where residents can interact with the Mayor and Council. **Council Member McDonald** referred lighting in the parks and wanted to make sure that is protected as well as make sure the parks are always available because if the City is not providing a place for youth to play outdoors, that could become problematic. **Council**

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Member Mehr stated that he appreciated the need to ease the concerns of residents who really want to protect the Night Sky but he was not a fan of the lighting district idea. He was very concerned about anything that was going to divide the City and treating some residents differently than others. There has been a misunderstanding through all of this and he believes that everybody loves the Night Sky. Ivins is a bedroom community and the issue is not the Night Sky and inquired how far one goes to control your neighbors? There are some residents in Ivins that want Ivins City to be a big HOA (Home Owners Association). He doesn't want to be told he can't turn his Christmas lights on at a certain time. This is more about restrictions and less about the stars. He has been very consistent about supporting the Night Sky and he wouldn't want to see bright lights in one area and then it be dark in another area. Restrictions imposed for new developments going forward is great and will help mitigate lighting but he was not excited about creating lighting zones. He would like to do what they can to unify the community and work together and would support doing that through town hall meetings. **Council Member McDonald** commented that the City already deals with lighting zones and the City already has a rural area that is specified in the cross-sections for certain roads. **Council Member Mehr** clarified that he didn't think that they should say everything from 600 West is rural with different lighting requirements. **Council Member McDonald** inquired if an area could lose its rural status at a certain point and would need to comply with that lighting requirement. **Mayor Hart** indicated that would be a complicated thing and referred to the S&S Development on the west side of time. That development is a regular development and not owned by Terry Marten, the developer of Kayenta. He inquired if it would be right for the City to say that development can't have any streets lights when they are across from a development that does? **Council Member McDonald** commented that an example would be where the Kayenta development meets the old township but the difference is the old township was there first and then Kayenta went in but the other land is currently open space. **Mayor Hart** commented that maybe it is as simple as if you're in the rural zone but adjacent to another development across the street or next door, you have the right to develop under another zone. **Council Member Larsen** stated that one of the benefits of lighting zones is you know what you're getting into when you buy. The problem currently is if you own a lot and have for some time, you now can't build the home you want because the City has overstepped. He has two (2) neighbors who are waiting on the color determination before stuccoing their house because the color they want is not currently allowed. **Mayor Hart** indicated that CC&R's would address that. **Council Member Mehr** commented that the old township is pretty dark as well so it is not just the Kayenta development or the developments on Tuacahn Drive. **Council Member Gordhammer** stated that the City Council asked for specific things to be reviewed by the Planning Commission like the electronic message boards and similar and the City Council has acted on those things. The City Council did not ask for any of these other things to be done but that doesn't mean there aren't things in the document that are not valid but it wasn't a need that the Council requested. She was curious about the other Council Members thoughts on that in terms of is this actually addressing a problem that exists in the City or not because the City has had the lighting ordinance in place for some time and it hasn't been an issue until the possibility of a Night Sky designation was brought up. **Council Member McDonald** agreed that the Council was very clear that there were minor tweaks and changes to be addressed but he was willing to entertain discussions through town hall meetings to help mitigate the divide and it's possible that they don't need to change anything. **Council Member Larsen** indicated that it would not be a bad thing to leave it like it is but wondered if they are short changing the City on demographics. He

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would like to bring in families with children. The City gets a lot of newly married people and retirees as the demographic and wondered if there's a chance to make that better. **Mayor Hart** commented that the City has a good ordinance in place so the Council ought to settle on what they think they ought to do and recalled that when the Public Hearings were heard before the Planning Commission, they heard specific references of streets being too dark or that they couldn't light up their backyards and wondered if a street lighting survey shouldn't be done. **Council Member Gordhammer** stated that Chuck Gillette did an inventory of lighting replacements and fixtures that were out. **Mayor Hart** requested that Chuck Gillette present that to the City Council at a future meeting.

Mayor Hart indicated that there are at least three (3) City Council members that would like to explore the discussion of lighting zones. **Council Member Larsen** referred to a situation where somebody had a lot in an existing subdivision and was denied a CO (Certificate of Occupancy) because their lights didn't conform, that was his concern. **Council Member McDonald** wanted to make sure that lighting in the parks is protected. **Mayor Hart** commented that one reason to have some additional discussion is that there are technical updates that may need to be done but not a whole lot more than that. **Council Member Gordhammer** stated that the more that she'd considered this, the more it seemed controversial to remove references to the Night Sky and replace that reference with astronomical observations, which is totally different than what the General Plan refers to. They are not designing a community for people with telescopes and that isn't what the City means by Night Sky so some of the terminology that was suggested to be changed she was not comfortable adopting. **Mayor Hart** suggested that at the very least, they should take care of the clean-up. **Council Member McDonald** agreed with making the minor tweaks and clean-up. **Council Member Gordhammer** inquired how the Mayor and Council felt about the amber filters. **Council Member Mehr** indicated that he liked the distinct color that the filters provide. **Council Member McDonald** commented that one of the concerns they originally had with the filters was dismantling and warranty issues. **Council Member Mehr** recalled that discussion and thought that it wasn't a concern because they were City lights. **Council Member Gordhammer** referred to Council Member Larsen's point about buy a lot in an existing development and wanting the same lighting. She suggested that there be a variance or exception in that situation. **Mayor Hart** inquired how you would draw the line. **Council Member Larsen** would like to know how to address the assumption that one can build in an existing subdivision with the same colors and lighting as their neighbors. **Council Member McDonald** would like Council Member Johnson to be present and participate. **Mayor Hart** indicated that he was still in favor of lighting zones. **Council Member Mehr** stated that he was not adamantly opposed to the idea. **Council Member Gordhammer** indicated that there are a few developments that would like to keep what they have but she could see a place for lighting districts or areas. **Council Member Mehr** suggested that a public forum be held before a Public Hearing is set. He requested clarification on the agenda as it related to the on-site tour tonight. **Mayor Hart** stated that he personally wanted to expand the field trip beyond Rocky Vista University and include intersections that Chuck Gillette identified in the survey that he conducted, as well as any other intersections that are dark. **The City Council** agreed. **Mayor Hart** would like to see bollard solutions for the areas that need to be lit.

B. <u>On-site tour at Rocky Vista University regarding proposed amendments to the current Outdoor Lighting Ordinance</u>

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MOTION: Council Member Mehr moved to continue agenda item 2)B to a future agenda
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Larsen	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

3) 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 Larsen	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

The meeting adjourned at 6:50 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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