IVINS
CITY COUNCIL
MINUTES
August 19, 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.

All present included Council Member McDonald, Council Member Johnson, Council Member Gordhammer, and Council Member Larsen.

STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Cody Mitchell, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, and City Recorder Kari Jimenez.

EXCUSED: Council Member Mehr

Audience: Claudette Larsen, Vicki & Louie Goldstein, Jon & Nicole Graf, Sally & Richard Tom, Patrick Manning and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Gordhammer was in attendance via the Zoom application. All other Council Members were present in the Council Chambers, with the exception of Council Member Mehr, who was excused.

B. Flag Salute

Council Member Larsen led the Flag Salute

C. Invocation

Council Member Larsen gave the Invocation

D. Disclosures

Council Member Larsen disclosed that he and his business partner have a $1,000 refundable deposit on a condo in the Black Desert Resort project. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Presentation by SPIN regarding scooters in Ivins City

Alex April and Ado Milicevic, representatives with the SPIN scooter company, presented information to the Mayor and City Council. They reported that the company is a subsidiary of the Ford Motor Company and currently operate on campuses and in cities across North America and Europe. In Utah, their scooters are in the cities of Ogden, Salt Lake, Orem and St. George and they have requests to expand in Washington County prior to the Ironman even being held in September, to help with parking and congestion. They work with the community to make sure that the right number of scooters are in the community and they are responsive to any complaints. All of the scooters have a number on them that one can call or text if there is an issue and they generally respond within the hour. The SPIN employees are local and they have a warehouse in St George. They have been receiving notifications that riders are opening apps in Ivins and they have data that shows where trips are occurring, including where the trips begin and where they end. **Mayor Hart** requested an explanation as to the ability to block out areas of

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the City for the scooters. The representatives indicated that it is GPS based and they can program them to not be parked or ridden in certain locations and they can program slow zones for certain areas in the City as well. Any requests for updates can be added live. They are also receiving feedback and requests for the ability to ride the scooters longer distances because the scooters are less expensive, faster and more reliable than a ride-share option. **Council Member Gordhammer** would like to see a proposal from SPIN to the City Council so that the City knows where the intended locations will be for the scooters. She had concerns with them being used on the Kayenta Parkway because of the steepness of that hill and there being an older population in the Kayenta area. She was fine with the scooters being used to go to and from the Art Village but would like them blocked elsewhere in Kayenta. The SPIN representatives stated that they also provide free helmets for those who request one. **Council Member McDonald** referred to the ability to make changes live and inquired if they request permission from the City before making the requested change or changes. The representatives indicated that they set the scooters up as the City requests. **Mayor Hart** inquired how fast the scooters go. The SPIN representatives stated 20 mph but their policy is a maximum speed of 15 mph. The **Mayor and City Council** would like to see this on the next City Council agenda. The SPIN representatives will follow-up with more information and a proposal for deployment within the next week.

B. Department Reports: Building Department; Public Works/Engineering; Finance

Cody Mitchell reported that they have issued approximately 330 building permits, which is on track to surpass the record year of 2020. The Building Department continues to receive inquiries regarding land acquisitions, zone changes and similar. Everyone in the Building Department is staying busy and things are moving along.

Chuck Gillette reported that they extended an offer of employment to an individual who is currently working for Washington City and he will be starting with Ivins in the near future. The Public Works Department also has an opening for an Administrative Assistant. He reported that the City has a completed draft Environmental Assessment document for the R&PP application on the BLM property and the City now has an updated timeline, with the public review period on the draft Environmental Assessment starting on August 20th and running through September 18th. The Public Works Department is still working on the water situation. They had a meeting with the Water Conservancy District last week and that included Santa Clara City and St. George City and there will be another meeting in the next week or so. They are evaluating different solutions and he had a meeting today with Zach Renstrom with the Water Conservancy District and Lance Anderson and Terri Marten. The City is putting out RFP's (Request for Proposals) to update the Master Plans for Sewer, Water and Storm Drains. He referred to the Highway 91 project that goes from 200 East to the Shivwits property and reported that the City is still working on right-of-way acquisition and once that is done, they will move into finalizing the design and bidding the project out and then be under construction early next year.

Cade Visser reported that all funds are in line with expectations. The City has received some ARPA (American Rescue Plan Act) funds and has until the year 2026 to use those funds. He reported that the new City Hall is coming along nicely and they have hired Brenda Pendleton as a Customer Service and Accounts Payable Clerk in the front office.

Mayor Hart commented that an individual with the Washington County Utah Election Office was present for the election canvass and requested that the rules be suspended to bring agenda item 5)A to this point in the agenda

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

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Canvass returns from the Municipal Primary Election pursuant to section 20A-4-301(2)(a) of the Utah Code

The Washington County Clerks' Office Election Supervisor, **Melanie Abplanalp**, reported that Ivins City has 6,053 registered voters and out of those residents who voted in the Primary, 2,436 votes were counted. Ivins City has two City Council seats up for election and the Primary election has narrowed the candidates down to four (4) for those two seats. On election night, those results are always unofficial results and are not final until the canvass. Ivins City had a good turnout for a Primary Municipal Election, with 40.24% voting in the Primary Election. There were 441 Ivins ballots that they could not count. 45 of those were returned past the deadline, 373 were undeliverable, 8 were returned unsigned and signatures did not match on 15 of the ballots. The County Election Office contacts all of those voters by phone, email or letter and they have until 5:00 p.m. the day before the canvass to cure those ballots. The County starts processing the ballots the moment that they receive them because they verify every single signature. Ivins City had in-person voting on the day of the election and on that day six (6) of Ivins residents voted in person. **Council Member McDonald** referred to a voter who told him that with age, he has developed a shaky signature and inquired how the County handles those situations. **Melanie Abplanalp** indicated that they can vote in person or by mail and they are aware that signatures change due to age and/or injury. The Election Clerks Office has spoken with many voters regarding this and they keep notes about that. **Mayor Hart** inquired if the County then uses that signature as the new control. **Melanie Abplanalp** stated yes and commented that the County retains five (5) signatures on file to compare.

MOTION: Council Member McDonald moved to approve Ordinance No. 2021-17, an Ordinance of Ivins City, Utah, Certifying the information contained in the canvass report of the Municipal Primary Election held on August 10, 2021
SECOND: Council Member Larsen
VOTE: The motion carried.

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

Roll call vote. All Council Members who were present voted in favor. One Council Member was absent.

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2) REPORTS, PRESENTATIONS AND APPOINTMENTS

C. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held two (2) Public Hearings, one regarding exterior colors and the other regarding accessory dwelling units. They continued the discussions on both of those until October when Commissioner Pack can be present to discuss those further. The Planning Commission approved an Amended Preliminary Plan for Sentierre and a Final Plat for Indigo Trails Phase 2-A.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation on a proposed Zone Change from RA-5 (Residential Agricultural, minimum lot size 5 acres) and RA-1 (Residential Agricultural, minimum lot size 1 acre) to RE-15(Residential Estates District, minimum lot size 15,000 sq ft, with SLA (lot averaging) and R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft) on approximately 18.495 acres located at approximately 600 West to 800 West and Highway 91. Kayenta Development and Red Mountain Ranch, LLC-Owner/Applicant

Cody Mitchell reported that the applicant is proposing a zone change from RA-5 (Residential Agricultural, minimum lot size 5 acres) and RA-1 (Residential Agricultural, minimum lot size 1 acre) to RE-15(Residential Estates District, minimum lot size 15,000 sq ft, with an SLA (lot averaging) and R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft). This parcel is located at approximately 600 West to 800 West and Highway 91. The Planning Commission held a Public Hearing and recommended approval. **Mayor Hart** opened the public hearing and provided instructions as how to make a public comment. **Lance Anderson** indicated there was some confusion about what the lowest density and highest density is. **Dale Coulam** clarified it's the lowest density in the high density and then the highest density in the low density. Low density starts at RA-15 and goes to bigger lots and high density goes from multifamily to R-1-5. **Lance Anderson** stated that they want to put the least amount of houses that they can. **Mayor Hart** inquired if there was anyone on line that wanted to make a comment. **Chuck Gillette** indicated that there was nobody online but clarified that a portion of the area identified may not be developable if the Washington County Water Conservancy District decides to build a reservoir in a portion of this area. **Dale Coulam** clarified that the current moratorium may cover this piece of property and may not allow for any applications to proceed. He referred to the moratorium and clarified that it states that it is prohibited from any and all development, construction or subdivision not specifically related to the creation of a new reservoir and no building or subdivision applications of any kind shall be accepted and no building permits issued by Ivins City during the term of this Temporary Land Use Regulation although it does not say anything about land use or zoning. **Lance Anderson** commented that as land owners, they are trying to understand how far that moratorium goes because the whole west side could be affected. **Chuck Gillette** stated that there are further studies that need to be done because some of the properties up on the bench may need to have up to 300 feet acquired for the reservoir for soil stabilization. There being no further comments, **Mayor Hart** closed the Public Hearing.

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B. Discussion and consider approval of Ordinance No. 2021-16, an Ordinance of Ivins City, Utah, regarding a zone change from RA-5 and RA-1 to RE-15 (with lot averaging) and R-1-5 on approximately 18.5 acres

Council Member Larsen preferred the larger because they are spread out and if the City spreads out the lots, that is less of a footprint for lighting and water use. **Dale Coulam** requested clarification and inquired if this was a combined land use and zoning change to some extent. **Lance Anderson** clarified that the land use is the same and they're not changing the land use at this time. He understood that they have to stay within one of those zones and they were picking the least density in that land use. **Dale Coulam** clarified that with this just being a zone change and staying within the existing land use map for R-1-5 then they could say I don't like R-1-5, which would basically be saying that the Council thinks larger lots should be developed there. **Mayor Hart** commented that he was not advocating but reminded the City Council that pursuant to the discussions they have had about growth and water, this is the precise stage in the process where the City Council could quiet things down if they chose to do that. **Dale Coulam** clarified that for land use and zone changes, it is within the discretion of the City Council to do that but that the Council would need to state a reason. The reason you just stated, the need to conserve water, would be a legitimate reason. These are legislative decisions and those are much easier to uphold in the courts than when you get to an administrative decision. **Mayor Hart** clarified that he was not suggesting that this is the moment that that should happen, but since the Council is at that moment with this, the Council needs to be clear that this is the safest step in the process for the City to express concern over water. It would not be a denial, but would be suggesting that now may not be the time to approve this until other resources become available to the City. **Council Member Gordhammer** indicated that she had read the Planning Commission Minutes where the Planning Commission had a discussion about that. One question she had was can the City Council approve one change and not the other or are these on one request and was the Council either approving both or neither? **Mayor Hart** stated that the Council could do either. **Council Member Gordhammer** inquired if the City was concerned with the High Density Residential and if the Council denied that one, is that part of the existing High Density Residential bubble and inquired if the City would be gaining anything by denying that. **Cody Mitchell** clarified that the applicant already has the support of the land use and the applicant is not asking for a land use change so he has the right to be granted one of those High Density Residential uses and R-1-5 is the least impactful. **Dale Coulam** clarified that the Council could deny the request if they have a legitimate reason not to grant it at this time because there is case law that says that Council could say that the timing is not right due to water issues. The **Mayor and majority of the City Council** discussed this at length and determined that there are a lot of unknowns with this parcel, depending on what happens with the dry wash study and the interest that the Water Conservancy District has with potentially utilizing land near or above this property for any future reservoir. **Council Member Johnson** felt that this should be approved because they do not have data or other things in place to conserve water and they have been told that currently there is enough water to service the current growth. **Mayor Hart** made the point that if Ivins City takes action to restrict growth, that does not translate into slowing growth in the County, it just means that the growth will go elsewhere. Another option that the City has rather than approving or denying this tonight is to continue this. **Chuck Gillette** indicated that there is another meeting scheduled with the Water Conservancy District next week. The **Mayor and majority of the City Council** agreed that they need more

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information regarding the implication of a potential reservoir or anything else before any action is taken.

MOTION: Council Member Gordhammer moved to continue this agenda item
SECOND: Council Member Larsen
VOTE: The motion carried.

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

Mayor Hart stated that this now falls in Chuck Gillette's lap and requested that he do what research he could for the next City Council meeting to determine what the nature of the potential reservoir would be in terms of impact in this area that is currently under discussion. **Chuck Gillette** indicated that he would be happy to do that.

C. Public Hearing regarding proposed amended Outdoor Lighting Ordinance

Mayor Hart indicated that they have received the most updated draft and he and the Council Members have received some emailed comments on this as well for the council to take into consideration. **Mayor Hart** opened the Public Hearing. **Michael Barton** resides at 571 Mesa Vista and commented that he has looked over the draft in great detail and stated that the document is the result of excellent efforts and he complimented anyone who had anything to do with it. **Tim Polvick** commented that Astro tourism is significant in Utah , generates interest and helps younger adults get interested in science. He stated that it was good to preserve Ivins night sky. He referred to the City Council Work Meeting that was held a couple of weeks ago where they were on-site at Coyote Gulch in Kayenta and there were comments regarding how the shielding on the lights in the parking lot helped with the light spill. He reported that those were 4000 kelvin lights but that they have since been removed and replaced with 2700 kelvin lights. Regarding the proposed changes of using 3000 kelvin "plus or minus 200", he suggested that be re-worded because it comes across as not being able to use kelvins lower than 2800. He also commented that throughout the document the word "should" is used and stated that that should be changed to "shall". He was concerned about streetlight poles being 25' poles. Those are too tall and allow a lot of light trespass. He suggested 16' or 18' poles. **Mayor Hart** referred to the Night Sky and indicated that he received a request to write a letter of support for Snow Canyon State Park, as they are seeking the Dark Sky recognition. Zions National Park has already obtained that designation and other State Parks in Utah are also pursuing that. The **City Council** agreed to support Mayor Hart in writing that letter. **Lorie Morris** resides in Ivins and requested that the City Council vote to approve the current and new draft of the Ordinance. She liked how safety had been addressed and the verbiage of 3000 kelvins plus or minus. **Lance Anderson** commented that the draft was very well done but inquired as to streetlighting. **Dale Coulam** clarified that streetlighting is part of the Ivins City standard specifications which is where that is found. **Chuck Gillette** clarified that the standard specifications are how Lance was able to install the bollards. **Sally Tom** resides at 128 N Madera Trail and commented that bright street lights cause glare and requested that the street light be dropped down and shielded. **Mayor Hart** inquired if there was anyone online that wanted to make a comment. **Chuck Gillette** clarified that there was no one raising their hands online. There being no other comments, **Mayor Hart** closed the Public Hearing.

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D. Discuss and consider approval of Ordinance No. 2021-12, an Ordinance of Ivins City, Utah, further updating regulations for Outdoor Lighting

Mayor Hart referred to an email submitted by Ivins resident Mike Scott, with some clarifying suggestions or language clarifications. A copy of the email is available as an attachment to this agenda. The first suggestion was on page 3 regarding "Backlighted Sign or Lettering" and the comment that the Council discussed this but it wasn't clarified and nothing has been added to the draft ordinance to clarify the definition. The request is to include photos of acceptable examples for each of the definitions. **Chuck Gillette** indicated that he felt that the definitions were fine but commented that it wouldn't hurt to add photos to eliminate any confusion. The **Mayor and City Council** agreed. **Mayor Hart** referred to the next comment regarding correlated color temperature (CCT) that is referenced on page 4 and page 7 and the suggestion that there should be a definition that indicates it is a measure of the color properties. The **Mayor and City Council** agreed. **Mayor Hart** referred to the next comment of the verbiage "plus or minus 200 degrees" for the color temperature. The **Mayor and City Council** agreed that the verbiage should read "not to exceed 3000". **Mayor Hart** referred to the next comment regarding light source shielding which currently reads that "lights must be partially shielded". The **Mayor and City Council** agreed that the word "partially" should be removed. **Mayor Hart** referred to the next comment regarding the word "should" rather than "shall". The **Mayor and City Council** agreed that the verbiage as it relates to Residential Security Lighting should read "shall" rather than "should". **Council Member Larsen** referred to that same paragraph as it relates to a timer and indicated that they need to clarify timer because he reads that as saying that a motion light could stay on as long as it is on a timer. The **Mayor and City Council** clarified that security lighting shall be on a motion sensor with a timer that limits the time it is on to five (5) minutes. **Mayor Hart** referred to comment regarding the height of parking area light poles and commented that those should be in proportion to the building mass but would be tough to regulate. **Chuck Gillette** clarified that it should be proportionate to the building mass and the 14 feet refers to the light source and not the pole. The Mayor and City Council agreed that the light source cannot exceed 14 feet above the parking lot. **Mayor Hart** referred to the next comment regarding private sports court lighting and the suggestion that instead of 20 feet, that they be 14 feet. **Council Member Larsen** commented that most sports court lighting is at least 18 feet high and suggested that they stick with 20 feet. **Council Member McDonald** agreed and commented that otherwise one would tip the light up to shine across the court. The **Mayor and City Council** agreed to leave it at 20 feet and commented that shielding may need to be added to avoid light trespass. **Mayor Hart** referred to the next comment regarding prohibited lighting and commented that had to do with holiday lighting. **Council Member Larsen** stated that the City should not be dictating that. The **Mayor and other City Council Members** agreed to leave it as it is. **Council Member McDonald** inquired if the Council can approve this with the clarifications tonight. **Dale Coulam** indicated that they could or the changes could be made and brought back to them at the next City Council meeting for approval. The **Mayor and City Council** agreed that they would like to review the changes before approving it.

MOTION: Council Member Johnson moved to continue this to the next City Council meeting

SECOND: Council Member Gordhammer

VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE

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Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Mehr	ABSENT

5) DISCUSSION AND POTENTIAL ACTION ITEMS

C. Discuss and consider the Planning Commission's recommendation on Hidden Springs RV Resort Class V Conditional Use Permit

Cody Mitchell reported that the Hidden Springs RV Resort is located on 22.62 acres on the southern portion of Highway 91 between 200 West and Main Street. The proposed project includes 109 RV sites, 26 future cottage sites and 10 tent sites, all served with utilities. The project will include a 5,040 square foot clubhouse with a residential component on the upper floor to house staff for day to day operations. The project will also include two separate bathhouses that will provide restrooms and shower facilities. The project will also include a pool, hot tub and playground and will provide 8.98 acres of open space, which exceeds the 5% that is required. Ivins ordinance addresses time stay limitations which identifies the duration of the stay allowed by guests to encourage short-term occupancy at the resort. There have been concerns by some regarding water but the applicants have rights to water that date prior to most of Ivins residents and data indicates that water usage per RV lot is much less than a single family residential home. Ivins ordinance also addresses the timeline for the project, colors and design and the applicants have provided some presentation materials for floor plans, materials board and similar. **Dale Coulam** commented that information is typically added as a condition, that the project will be in conformance with the presentation materials. **Council Member Gordhammer** inquired who was responsible for enforcing the stay limitations. **Dale Coulam** indicated that the applicants have said that they would monitor that and Ivins Code Enforcement would be able to check in with the clubhouse to see how many staying at the resort are short-term and long-term. **Cody Mitchell** commented that it could be tough to enforce because the long-term time limit is 180 days but one couldn't pull their RV out for one night and then return the next day and the time starts over but the City can identify how well the RVs are kept at the resort. **Mayor Hart** commented that a lot of the recent criticism fails to acknowledge that all of that was addressed some time ago when the ordinance was created. **Council Member Gordhammer** inquired when the ordinance was passed. **Mayor Hart** stated approximately five (5) years ago.

MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation on Hidden Springs RV Resort Class V Conditional Use Permit, to be built in accordance with the presentation materials
SECOND: Council Member McDonald
VOTE: The motion carried.

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

The meeting went into recess at 8:18 p.m. and reconvened at 8:22 p.m.

D. Discuss and consider the Planning Commission's recommendation on a Special Height Exception within the Resort Commercial Zone for Black Desert Resort

Cody Mitchell reported that Black Desert Resort has filed a Special Exception Application to allow buildings in the proposed resort center to exceed the allowable commercial building height of 35 feet. Ivins Ordinance requires that the measurements be taken from natural or finished grade, whichever is lower, up to the highest point, including screened roof mounted equipment, towers and/or stairways. The applicant would like the City to consider the height of the structures to be taken from natural grade. Measuring the exposed structural elements, the project will exceed 35 feet. The highest point is proposed at 54 feet which is the measurement at the top of the elevator shaft. Applicant provided additional information to the Mayor and Council, all of which are available as attachments to this agenda. Staff has determined that the application meets the grounds for the City consider this request. The majority of the Planning Commission members recommended approval. **Mayor Hart** commented that the terrain is lower than street level. **Patrick Manning** with Black Desert Resort clarified that one will not be able to see the hotel from Snow Canyon Parkway or from any surrounding neighborhoods and the height exception comprises 1.5 percent of the total property. **Council Member Johnson** inquired if any of the surrounding neighborhoods besides Black Desert, would see the elevator shaft. **Patrick Manning** indicated no. **Council Member Johnson** inquired if the need for the elevator was just to access the roof. **Patrick Manning** stated yes. **Council Member Gordhammer** appreciated the simulation provided by the applicant because she was concerned about the visual impact and concern that residents in the area may be able to see the elevator shaft and that may affect the value of their homes. She stated that she needed more data. **Patrick Manning** indicated that there are only 3 or 4 homes that face west that direction and they are across the street and will not see the hotel but they could do a drive through. **Council Member Larsen** inquired as to what the possibility was of holding a work meeting to go on-site and look at it. **Patrick Manning** indicated that he would be happy to do a site tour. The Mayor and other City Council Members agreed. The Work Meeting is scheduled for Thursday, August 26, 2021 at 5:30 p.m. and will begin at Ivins City Hall and then proceed on-site at Black Desert Resort.

MOTION: Council Member Johnson moved to continue
SECOND: Council Member Larsen
VOTE: The motion carried.

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

E. Continued discussion to consider approval of Ordinance No. 2021-11, an Ordinance of Ivins City, Utah, amending Chapter 9 of the Zoning Ordinance & Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements

Dale Coulam indicated that he added what Council Member Larsen had asked for and left blanks for Council to fill in. The **Mayor and City Council** discussed High Density Residential, how many units are required to be home occupied before the affordable housing component is triggered and areas of the City where the affordable housing component would apply. The **Mayor and City Council** determined that in High Density Residential zones of R-1-5 to Multi-Family, developments having twenty-five (25) units or more shall require in the Development Agreement that a minimum of fifty percent (50%) of the units are sold to owner occupants. There will also be a disclaimer that there may not be sufficient water to serve lots

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and/or phases in the future and that decision will be made at the time a building permit application is submitted. Dale Coulam will make the changes and bring it back to the City Council for review and approval.

MOTION: Council Member Larsen moved to continue
SECOND: Council Member Johnson
VOTE: The motion carried.

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

F. Continued discussion to approve a Right-of-Way Construction and Maintenance Agreement with Enlaw LLC

Chuck Gillette reported that Enlaw, LLC, the Developer of Black Desert Resort, is working to provide a waterline easement for the City of St. George to install an irrigation supply line to the proposed golf course that is currently under construction. A portion of the pipeline passes through land owned by SITLA (State of Utah Institutional Trust Lands Administration). This would normally be handled with an easement but SITLA prefers that the easement be in the form of a right-of-way dedication.

MOTION: Council Member Larsen moved to approve a Right-of-Way Construction and Maintenance Agreement with Enlaw LLC
SECOND: Council Member Johnson
VOTE: The motion carried.

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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for August 5, 2021

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Gordhammer referred to Snow Canyon State Park and indicated that in earlier reports they discussed the park significantly expanding their parking lot this year but that is not going to happen because they put it out to bid and did not receive any bids so that is up in

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the air, as well as the request to move the entry gate.
Council Member Larsen reported that he attended a board meeting with the Southwest Mosquito Abatement District and reported that they are on budget. They are having some issues with storm drains and seeing pockets of mosquitos in those areas.
Council Member Johnson reported that for Heritage Days there will be tours of the new City Hall where the public can walk through the middle of the building and exit through the back door. They will be holding a Mini-Princess Pageant and she inquired if the City Council was going to be in the parade this year and if so, if they wanted to use the golf carts again. **Council Member Larsen** offered his 1953 Chevy flatbed pickup. The **Mayor and City Council** agreed to be in the parade and try the pickup.
Council Member McDonald - no report

B. Mayor

Mayor Hart reported that there will be a City-wide test of the emergency preparedness plan on Friday, September 10th at 6:00 p.m. where the siren will go off at the Center Street Fire Station. The request will be that the residents go to the disaster boxes in their area, follow the instructions, test the radios and then the area coordinators will do what they are supposed to do. Regarding material for the replacement historic monument, that has been out of supply for months so the monument will not be ready in time for Heritage Days. They also need to get the items that were in the time capsule to place into a new time capsule. **Council Member Johnson** indicated that the Committee is working on trying to get those items restored since they were affected by moisture.

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 Johnson
VOTE: The motion carried.

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

The meeting adjourned at 9:15 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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