# IVINS
## CITY COUNCIL
## MINUTES
## August 4, 2022

**NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video 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 Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, Council Member Anderson, and City Recorder Kari Jimenez.
**STAFF:** City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Fire Chief Parker, Director of Finance Cade Visser, and Building and Zoning Administrator Mike Haycock.
**EXCUSED:** None.
**Audience:** James M. Barden, Chris Haddad, Paul Bottino, Sharon Barton, Gail J., Joanne & Paul Wimsatl, CJ Koharcheck, PJ Davis, Becky Warren, Sherry Breitenbach, Dave Appel, Sharon Gillespie, Patrick Manning, Dan & Debi Clarkson, Larry Cazier, Michael Cook, Steve Weida, Jerald Munford, Connie Butterfield and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged there was a quorum present.

B. Flag Salute

**Council Member Mehr** led the Flag Salute

C. Invocation

**Council Member Mehr** gave the Invocation

D. Disclosures

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

### 2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

**Benny Sorensen** provided a written report. A copy of the report is available as an attachment to this agenda. He reported that staff treated Fire Lake Park to kill vegetation. Movies in the Park starts tomorrow and they are getting ready for Heritage Days. There were four (4) burials in July and they had graffiti at the skate park that they cleaned up.
**Chief Flowers** provided a written report, a copy of which is available as an attachment to this agenda. He complimented the Parks and Recreation department for the landscape work that they did in front of the current Public Safety building.
**Chief Parker** provided a written report. A copy of the report is available as an attachment to this agenda. He reported on the following: hydrant testing is ongoing; working with Tuacahn regarding a fireworks agreement; a wildland drill in the Kayenta area; the Center Street station renovations are complete; assisted with a vehicle roll over on Highway 91; the new ambulance was put into service on July 19th and they are updating the equipment with new graphics to match the ambulance. **Mayor Hart** referred to a flyer with misinformation that was placed

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throughout the City regarding the fire department and emphasized the impropriety of that and indicated that he hoped Chief Parker would have discussions with personnel about how inappropriate that was. **Chief Parker** stated that had occurred and the flyer and placement of the flyers were on the individuals' own time and was in compliance but he understood that it was an emotional issue. **Mayor Hart** indicated that it did not help the cause and had an opposite effect. The **Mayor and City Council** referred to the joint City Council meeting with the City of Santa Clara last night and requested that Chief Parker provide them with the presentation that he gave at that joint City Council meeting and to provide information about how staffing is going to work per incident.

B. Planning Commission Report

**Commissioner Gardiol** reported that the Planning Commission discussed the General Plan as it related to Moderate Income Housing and discussed the Short-Term Rental ordinance.

**3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS**

Citizen Comment Form - Sharon Aspenberg

There was one Citizen Comment form submitted by Sharon Aspenberg who was not present. **Mayor Hart** read the questions on the form that related to the proposed Land Use map. A copy of the submitted form is available as an attachment to this agenda. **Mayor Hart** indicated that the City Council had not held a Public Hearing on the Land Use map so the questions cannot be answered until that occurs.

**4) PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing on the Planning Commission's recommendation to approve a concurrent land use and zoning amendment located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel. The property consists of approximately 8.444 acres. Enlaw, LLC-Owner. Stephenie Nast-Applicant

**Mike Haycock** reported that the applicant has requested a concurrent land use amendment from LDR (Low Density Residential) to RC (Resort Commercial) and a zone amendment from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RC (Resort Commercial) on approximately 8.444 acres. The proposed area will be the new home for Utah Tech's Men and Women's Golf Team practice facility. The west side would be the short-range game and locker rooms and training and fitness facility. Further east and closer to the roundabout will be the golf maintenance area and Black Desert's delivery and distribution center. The application is complete and the Planning Commission has recommended approval. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2022-07, an Ordinance of Ivins City, Utah, approving the Planning Commission's recommendation to change the land use from LDR (Low Density Residential) to RC (commercial resort) and to change the zoning from RA-5 (Residential Agriculture, minimum lot size 5 acres) to RC (Commercial Resort) on property located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel and consists of approximately 8.444 acres

**MOTION: Council Member Johnson moved to approve a concurrent land use and zoning amendment located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel. The property consists of approximately 8.444 acres. Enlaw, LLC-Owner. Stephenie Nast-Applicant**
**SECOND: Council Member Scott**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**Council Member Mehr** requested a discussion. He referred to the practice facility and warehouse and inquired if those were going to comply with all of Ivins design elements and make the warehouse attractive warehouse. **Patrick Manning** stated "of course" and asked the Mayor and Council to keep in mind that this will be the top golf course in the State. The restaurant and golf course will be overlooking these facilities so they are clearly motivated to make sure they look good.

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

**5) <u>DISCUSSION AND POTENTIAL ACTION ITEMS</u>**

A. Continued discussion regarding the status of the cities? combined public safety services (Fire/EMS & Law Enforcement)

**Mayor Hart** reported that the Ivins City Council was invited to participate with the Santa Clara City Council last night (Wednesday, August 3, 2022) in a joint Work Meeting. The meeting was very productive. Ivins City received reports from Police Chief Flowers and Fire Chief Parker concerning public safety services. The Council had the opportunity to talk about options and ask questions. Tonight's discussion will lead to a determination as to what Ivins' position will be going forward. **Council Member Scott** indicated that an answer to one of his questions was the significant reduction in the bill. The total cost originally in June was about $633,000 and that dropped to $80,000. The Council received a description of where those cuts came from. Some of the items were staff changes and adjustments due to inflation but it seemed like they are delaying some of these capital items, which will be an issue for next year. He understood that the City of Santa Clara runs Fire and EMS with Chief Parker and that the City of Santa Clara will figure out what the budget is going to be for next year. He suggested that it would be wise to get an early indication of where this is going financially for the future so that Ivins is not blindsided next March with yet another $600,000 increase. He inquired if there was a way to be involved with the City of Santa Clara to get a handle on some of the costs? **Mayor Hart** indicated that the meeting last night was a great indication of how interested and serious the City of Santa Clara is in trying to preserve this and there were items that were deferred to make this work. He agreed that there will likely be budget increases next year and beyond, to continue to implement the plan. Ivins City and the City of Santa Clara will be meeting at least twice a year and more if needed, as things move forward over the next few months and when budget discussions for the next fiscal year begin. He believed that both councils feel the same way and both are interested in determining what the budget can be for each city and then making the plan conform to that. Brock Jacobson, the Santa Clara City Manager, has been very open to conversations and he would do his best to provide a forecast. They are not in those types of discussions yet and it has been a scramble for the City of Santa Clara to try and satisfy the request of Ivins City. Santa Clara's original plan was to have the Center Street Station reopen in two (2) years, with a sequence of events that would take place leading to that. The discussions of Ivins City Council essentially moved that forward and the City of Santa Clara did what they had to do to satisfy the expressed need of the Ivins City Council. The Santa Clara Council recognized the crucial significance of the budget aspect of all the Public Safety services and that will be the focus of the

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joint discussions. **Council Member Scott** inquired if Ivins City would need to do a budget amendment for the $80,000 that would be split in the normal arrangement of 56% for Ivins and 44% for Santa Clara. **Dale Coulam** clarified that the funds have already been committed and that doesn't require a budget amendment because it is still the beginning of the year and the City is operating well within the budgeted amount. It would be towards the end of the year that Ivins would need a budget amendment for going over budget but the hope by both cities is that the county will participate in some manner by paying for the costs of covering calls outside of the cities' boundaries. **Chief Parker** indicated the county is willing to participate but the shared cost is still up for discussion. **Council Member Scott** inquired if all of those discussions were standing in the way of getting the Center Street station open? **Chef Parker** stated that it could be open within a week. **Council Member Scott** commented that the plan that Chief Parker presented last night was the exact same staffing model that he suggested at the beginning of June. The plan has been consistent and it sounded good. One thing that has been talked about, is more emphasis on volunteers. Part of the plan that Chef Parker presented last night is that there would be eight (8) volunteers assigned to Center Street and Chief Parker is working with volunteers. He inquired if there was something that Ivins could do to support SCI Fire EMS in getting a volunteer program rejuvenated? **Mayor Hart** indicated he didn't know what that would be, except that there are volunteers in Ivins.

**Council Member Mehr** commented that they needed to be careful about the definitions of volunteers. Ivins City Council has been hearing a lot about strategy and what is trying to be accomplished but unfortunately, the approach has not been ideal. At the joint City Council meeting, it was discussed that it costs $7,500 to outfit a volunteer and that was a problem or a barrier but there are things that the City could do like requiring a one (1) year commitment from volunteers, otherwise the uniforms and training would need to be paid back. He didn't see outfitting volunteers as an issue and commented that the Council should not be discouraged by that or think that is not okay to support. If people want to volunteer, that should be made possible. He did not understand how fully certified, trained and fully equipped people are not wanted to continue to help. There could have been a grandfathered approach or maybe there was a compromise that needed to happen but instead the City of Santa Clara decided to cut the losses. The culture has been impacted, bruised in the department and among the community. He referred to the flyer that was handed out and stated that was misinformation. The Ivins City Council never said they wanted an all-volunteer fire department. They have discussed doing a hybrid fire department and whether the flyer was promoted by the fire department themselves or done within the policy, was done in poor taste. He would like to see resources continued to be shared - that is owed to the taxpayers and he certainly did not want to see that fall apart, but some help is needed with the culture and how people are treated. **Council Member Johnson** agreed and stated that the fire department was never intended to be and all-volunteer program. Full time fire fighters are important and part time fire fighters are important. She still felt like volunteers are important and was concerned about how that would work going forward. She worried about the 21 part-timers that will be required to work two (2) 24-hour shifts and if they are not able to do that, that they will be let go as some of the others have already been let go. She would like Santa Clara to find a way to get some of those part-timers utilized as volunteers. She knows that this is Santa Clara's responsibility but she was worried about it and wanted to make it publicly known. **Council Member Murphy** stated the bottom line is the Center Street station is going to be staffed in a week. That is needed and that is what started the whole discussion. She was glad that it is going to happen fast and that it is only

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$80,000. She did not think it was presented as a problem to spend $7,500 on a volunteer. That came up in response to a question that Council Member Anderson had asked about the cost. **Council Member Anderson** indicated when he asked the question "what does it cost?", he wasn't insinuating that there shouldn't be volunteers, he was more concerned about the part-time people. Eventually those part -time people will go away, so more part time people will need to be hired. Some of them have other jobs and can't run a 24-hour shift. It is hard to keep part-time people but there are a few that could work 12 hour shifts and he would like to see if that could be allowed. **Mayor Hart** stated that the fundamental decision is if the City Council desired to continue with the Interlocal Agreement. They have heard what is required to separate and it would be a long-term process once that decision was made by Ivins and it could impact the residents and the budget. The City of Santa Clara is trying their best to put together a program that works from a budget standpoint and it is evident based on what has taken place since the request was made to reopen the Center Street station. No one can say that the City of Santa Clara is not interested in the needs that Ivins City has. They have made a major adjustment in budgeting, equipment, and the way to allocate personnel to accommodate that need and that is a very hopeful thing to all of Ivins City. He was not personally thrilled with the way that some of that happened. There are benefits that come from the City of Santa Clara and Ivins remaining together. They are stronger together and it is more economical to function together than separately. If the City Council determines that they want to move forward with the Interlocal Agreement and continue as partnering cities, they would be looking into the future with this new mechanism in place of being able to meet as Councils together. Chief Parker is trying to match budget and personnel. As time goes on, if Ivins City desires to expand the volunteer program, he did not hear anything that would suggest that Chief Parker was not open to that. It all boils down to budget. There's not a dramatic cost associated with having a volunteer put in place in terms of equipping them and training them. The City of Santa Clara manages SCI Fire EMS and is trying to take Ivins interests into account. **Dale Coulam** clarified that this is just on for discussion as a follow-up from the joint Work Meeting. Ivins City is already in the Interlocal Agreement and if he doesn't hear the Council say to put it on an agenda to dissolve the agreement, then they will continue on track and meet together as Councils, City Managers and Mayors. The next joint meeting would be in January as both cities are about to start the budget process and then possibly another meeting in March to look at budgets of both cities. The **Mayor and City Council** agreed.

B. Discuss and consider approval of a Preliminary Plan for Black Stone subdivision located at approximately Main Street and Highway 91

**Mike Haycock** reported that this subdivision consists of 34 lots on 11.89 acres. The land use is Medium Density Residential and is zoned R-1-7.5, which is one of the zones allowed for Medium Density Residential. The proposed density and use is consistent with the Land Use Map.

**MOTION: Council Member Murphy moved to approve a Preliminary Plan for Black Stone subdivision located at approximately Main Street and Highway 91**
**SECOND: Council Member Johnson**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |

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| Council Member Anderson | AYE |

C. Continued discussion on the Planning Commission's recommendation for a Zone Amendment per the amended Project Plan for the SITLA parcel located at approximately Puerto Drive and 400 South. School Institutional Trust Lands Administration-Owner. Jerry Miyahara-Applicant

**Mike Haycock** reported that this is the SITLA parcel that is south of Padre Canyon and next to the Black Desert Resort project. This is a discussion only because the newspaper did not publish the Public Hearing notice as required. **Dale Coulam** indicated that the applicant was asked to add some things to their project plan and map showing the buffers a little more clearly. The RE-37 was a 300-foot buffer and the R-1-10 zoning was to be a 250-foot buffer. The applicant has done that and has met the Councils requests on amending the project plan, making it clear that this would be a horizontal hotel. There will be on-site management booking with on-site amenities. **Council Member Murphy** referred to the RMU zone and inquired if that means it is commercial and residential and how this was a mixed-use with a horizontal hotel? **Dale Coulam** clarified that the legend says all residential zones and all commercial zones and the applicant is proposing a blended mix of those. When doing a project plan, it must be specified what is being chosen. A resort mixed use would anticipate the hotel being part of a commercial use and they can lock off areas for hotel use. There can also be residential use within the project. There is lower density to the north and west and as you go east, it gets to the highest density. Resort Mixed Use allows for a blend of all of those uses in that area. There is 35% open space requirement with a Resort Mixed Use zone that the applicant will be providing. **Council Member Murphy** commented that a lot of the open space is lava and there is the wash and then there's going to be a road that goes through and inquired how much of that was going to count towards the open space? **Dale Coulam** clarified that all counts as open space and the trails will count as open space as well. There will be some improved open space with the amenities being put in. **Council Member Scott** stated that he looked at Ivins City Code but had not found the term "horizontal hotel" anywhere in the code and if the definition is not in the Table of Uses, it is not allowed. He inquired how the Council could approve a horizontal hotel when that doesn't exist in Ivins Code? **Dale Coulam** researched the Table of Uses and indicated that they originally used the term "horizontal hotel" but ended up using the term "Resort Hotel" instead. There was a distinction made between a hotel and a resort hotel. The definition now for a Resort Hotel is "a building or buildings offering temporary lodging accommodations, or overnight accommodations for guests, with a common room reservation system, 4 or more guestrooms, and which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities." The ordinance matches what Sentierre and Black Desert Resort is doing with multiple buildings, on-site management and on-site booking. The word "Horizontal" was stricken and it is now "Resort" hotel.

**Council Member Scott** indicated that he will not be in attendance at the next City Council meeting on August 18th but could try to attend via the Zoom application, depending on the service. He was concerned with the horizontal hotel because the Resort Mixed Use zone is specific as to what can go on the ground floor. If it is a two or more-story building, there cannot be residential on the ground floor. If it is a one-story, single-family home that is fine and residential would be on the ground floor. It is being said that it won't really be a short-term rental overlay, but the concept is it is eligible for short-term rentals. If you define short term rentals as a residential unit, you cannot have residential on the ground floor to a two-story, single-family home, a townhome or a multi-story building. If you define short-term rentals as a

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commercial use, 50% of the buildings that have a commercial use in RMU, must have 40%-60% of the square footage as residential. Short-term rentals are a commercial use and that fits the ground floor requirement, but it negates the fact that approximately half of the square footage of half of the buildings must have a residential component. It is a catch 22 within RMU. If they are looking for a short-term rental overlay, you look for a zone that's a residential zone. The only place short-term rental overlays can be done are in residential zones. All of these things are in conflict. He would really like to be able to discuss all the issues in more detail because these are important. The other factors are not the technical issues about the Ivins code but basically how he feels about short-term rentals. He was not a fan of short-term rentals and the concept. The Ivins General Plan update in 2015 was to encourage resort development. Ivins City already had Red Mountain Resort and Movara, which is the destination resort concept. Another factor is that the State puts pressure on cities to improve housing affordability and short-term rentals do not do that. The University of Utah just came out with a report in June on short-term rentals in the State and the very first paragraph said short-term rentals hurt housing affordability. The City Council needs to stick with the original Ivins City General Plan. It was very specific on where tourist accommodations should go. He referred to page 25 of the General Plan where it identified tourist accommodation locations as Coyote Gulch, Snow Canyon Parkway, Center Street by 200 East and Highway 91. Until the General Plan is changed, it should be followed. Ivins City has done a really good job since 2015, at that time the Ivins general plan was being updated in part to put more emphasis on being a destination resort community. In 2015, Ivins had 150 units of tourist housing in Red Mountain Resort, Crescent Moon Inn and Movara. Right now, with what's been built or plans approved, Ivins City will be at 1,704 units of tourist housing. There are approximately 4,500 residential homes in Ivins and 1,700 units is an awful lot of tourist accommodation in Ivins City at this point. Ivins City has done a great job accomplishing the goal to be more focused on being a resort destination community. Goal number four (4) in the General Plan says to develop Ivins as a resort destination community and it then lists seven (7) action steps to follow. Only one (1) of the seven (7) action steps says to build more tourist housing. The other six (6) action steps say to create amenities that all residents in Ivins can use; maintain a commitment to the arts; encourage activities and businesses that promote health and fitness; enhanced walking and bike trails; expand and support community events and develop additional outdoor recreation. Those are the other 6 (six) action steps to become a destination resort destination community. He would also like to consider the implications on water use. When he attended the midyear conference through the Utah League of Cities and Towns, a City Manager in a nearby community complained that the hotels in their community consume an inordinate amount of water compared to everything else. They have difficulty controlling that and inquired as to what type of housing is going to put more strain on the Ivins scarce water resources? He referred to the definition of a hotel, where it says "four or more guest rooms", he read that as being must have the four or more guest rooms in each building. One building or multiple buildings, but they each must have four or more guest rooms. **Dale Coulam** stated that the hotel included the vertical hotel because it had a building or buildings and offered temporary lodging accommodations and access through a common entrance lobby or hallway. That's where Sentierre and Black Desert differ from the typical hotel. To keep heights down, some of the rooms that are being rented as hotel units are spread out in other buildings. They have been calling it a horizontal hotel but it really is a resort hotel. A resort hotel eliminates the access through a common entrance and one has to go through the lobby or hallway to access a hotel room like you would on a vertical hotel. **Mayor Hart** inquired if this is ready to go forward into

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public hearing? **Council Member Anderson** indicated he was not for or against this and commented that affordable housing was one conversation and short-term nightly rentals was another. He did the math with the total acreage and if the City were to make the units affordable housing, there would be 787 units with 5,000 square foot lots and no open space. If the lots were 7,500 square feet, there would be 525 units. **Council Member Mehr** was curious about traffic patterns coming back towards Puerto Drive and if there was any way to limit or restrict access to the existing neighborhoods. The **Mayor and City Council** agreed that this should move forward to a Public Hearing before the City Council.

D. Continued discussion on the Planning Commission's recommendation on the city-wide Sandbox Land Use Plan. Ivins City-Applicant

**Mayor Hart** stated that there were some questions and concerns voiced at the last meeting regarding the location of commercial and what type of commercial should be in those locations. The overriding philosophy was taking the high use corridors and adding in some commercial and higher density to those corridors and then as they move away from those major corridors, it increasingly becomes lower density. **Mike Haycock** indicated that was the Planning Commission's approach and everything that is driving densities is the Modern Income Housing Plan. **Council Member Murphy** stated that until they know where the updates to the General Plan are going, any discussion on this is premature. She referred to the Canyon Crossing development on Snow Canyon Parkway and pointed out that not all of the commercial space is in use. She was hesitant to rezone a lot of property to commercial. The General Plan needs to be addressed before adding a lot of commercial. **Council Member Scott** agreed with Council Member Murphy and indicated that the Planning Commission spent a lot of time on the Sandbox Land Use Plan and in so doing, identified the locations that need to be thought about and addressing the General Plan will assist with that. The Sandbox Land Use Plan provides focus and the General Plan will give direction for how to deal with that focus. **Mayor Hart** stated that Whitney Ward with VCBO specializes in the area of outreach to the community and he could check with her to see if she would be available to make a presentation to the City Council. She provided a similar service to the City of St. George. **Council Member Murphy** indicated that she would like to hear from Whitney Ward because she would like to hear what the ideas are to get a cross section of the entire community and not just those that come to the City Council meetings. She would like input from other demographics and an overall idea of what the entire community wants and involving more people in the decisions for updating the General Plan. The **Mayor and City Council** agreed to not move forward with a Public Hearing until at this time.

E. Continued discussion regarding ideas and activities to celebrate Ivins City's 100 year anniversary

**Council Member Mehr** commented that there is a window of time to celebrate this and it would be great to launch it at Heritage Days and stretch it out over a period of time. **Mayor Hart** referred to a printed copy of this month's Ivins City newsletter and on page four (4), there is an article that was written by Cherise Ence Spencer. Cherise is going to have articles in the newsletters for the next 12 months, each talking in general about each of the individual pioneer families from the community. Emma Fife is a lifelong resident and has written and published a book on her own called "History of the Santa Clara Bench Our Home Beneath the Big Red Mountain." She sells the book at Heritage Days and other events.

**6) CONSENT AGENDA**

A. Approval of expenditure for storm drain improvements along Park Avenue Way

**Mayor Hart** inquired about the Storm Drain improvements and if this has to do with a requirement to put some storm drainage in the turnout lane east of Vista Charter School? **Dale Coulam** indicated it is not based on that. There is water flooding down the street now and is to catch the water that goes down Park Avenue and put it in a storm drain. **Chuck Gillette** stated there are storm drain issues in Park Avenue Way. The Park that is part of Palisades has a detention basin but when it rains all the water comes out of the park and spits out on Park avenue way. It then goes down the street into residents yard. It happens frequently enough that it is a problem. The City has worked with the developer to put some drainage facilities in. The work has already been done.

B. Approval of expenditure for 2 new vehicles for Public Safety

C. Approval of City Council Meeting Minutes for July 7, 2022

**MOTION: Council Member Mehr moved to approve the Consent Agenda**

**SECOND: Council Member Scott**

**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**7) CONSENT AGENDA ITEMS FOR DISCUSSION**

**8) REPORTS**

A. Council

**Council Member Scott** reported that after several years of planning, fundraising and hard work, Snow Canyon State Park is formally unveiling the new tortoise walk and sculpture on Friday, September 23rd from 9-10 a.m.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

**Dale Coulam** reported there was a request for a Work Meeting with the Attorney presenting the concept idea for a commercial center on 400 East and Center Street. The Attorney contacted him to see if the City Council would be interested in a Work meeting. The Attorney's firm investigated what they consider to be the legalities of the City's view requirements and setback requirements that Ivins would impose. The Attorney proposed a joint Work Meeting with the Planning Commission and the City Council but the City Council has already seen the presentation. **Mayor Hart** stated that it would be good to have the Planning Commission involved. **Council Member Mehr** indicated that he was not thrilled by that presentation and did not feel like it fit in with the Ivins community. He was not in favor of a Work Meeting or a presentation from that group. The **City Council** agreed. **Council Member Scott** stated concerns were expressed about coming right up to Center Street with the building heights and not following the Ivins Code that requires the 15-degree angle slope. **Council Member Murphy** commented that it was worrisome that they are now hearing that the Attorney is considering the legalities of Ivins ordinances and things are being investigated. **Mayor Hart** suggested that Dale Coulam review that and present it to the City Council. **Dale Coulam** clarified that he has reviewed it and suggested to the Attorney to take it to the Ombudsman's office and get an opinion from the Ombudsman. The Attorney was hoping to present it to the City Council and Planning Commission and convince them of the strong legal

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position that they have. **Mayor Hart** stated that the request was a friendly gesture and the City Council may be putting Ivins City into a position of litigation if a friendly approach isn't taken. **Council Member Mehr** indicated there is a legal question and did not think the City Council should entertain another presentation. **Mayor Hart** inquired if the City Council would be interested in hearing an opinion from the Ombudsman. That would be a good suggestion because it is an independent opinion. **Dale Coulam** clarified that would be up to the developer. **Council Member Scott** stated that he would rather hear what the Ombudsman had to say. **Council Member Mehr** indicated that if the developer chose to seek that opinion, then the Council might want to hear that but it is not encouraging or discouraging to get that opinion. **Council Member Anderson** commented that if someone wants to get an opinion from the Ombudsman on an ordinance that Ivins City has, they can get an opinion but the Council needs to stand by what has been believed all of these years. **Dale Coulam** stated that as the City Attorney and pursuant to the Ombudsman statute, he is required to advise an applicant or a potential applicant of the existence of the Ombudsman's office and how to contact the Ombudsman's office and that the applicant can request an opinion. It is up to the applicant whether they do or not. He will communicate back to the Attorney that the City Council was not interested in pursuing the project, at least not at this time.

D. Items to be placed on future agendas

**Council Member Scott** reported that the Arts Commission will present their recommendation on LRV (light reflective value) on building colors at the September 1st City Council meeting. He inquired about the TDS and UTOPIA comparison. **Mayor Hart** reported that he has heard back from the TDS representative and TDS was hoping to bring in their top officers in the corporation for a presentation and are trying to make that happen at the August 18th City Council Meeting or the September 1st City Council Meeting. **Council Member Anderson** inquired as to discussions about height restrictions, along with the LRV colors. **Mayor Hart** indicated that would start with the Planning Commission. **Council Member Scott** clarified that was moved onto the Planning Commission and the agenda item said discussion of LRV and building heights but there was some confusion and the whole thing got dropped off of the Planning Commission agenda. **Mayor Hart** referred to the State Legislature passing a law that a municipality cannot govern colors. Other cities that are in visually sensitive areas like Ivins City have responded by placing a serious limitation on the allowable height for a building unless there is an agreement that the height can be increased if there's an agreement with the City on the color. There are likely a lot of legal ramifications and would be worth looking at. It is intended to give Ivins City a tool to work with developers and individuals in coloration through the City. Ivins City continues to pursue that through the Utah League of Cities and Towns. There are half a dozen cities including Park City and Moab, that are seriously troubled by what has happened there. The League has inquired if there is an exception where if it can be demonstrated that the city is a visually sensitive area like being in proximity to a National or State Park, if there could be an exception. **Council Member Anderson** inquired if the Youth Council would want to come up with some ideas that might help with the 100th year celebration. **Council Member Scott** clarified that is one thing that is on the Youth Council agenda. **Council Member Johnson** commented that she has already talked to a couple of the youth Council about that. **Council Member Anderson** commented it would be fun for the youth to Celebrate something each month. **Council Member Murphy** indicated that she sent an article to the Council regarding the Utah Tax Payers Association on UTOPIA and the Utah State Audit and encouraged the City Council to take a look at the article. **Council Member Johnson** stated that

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the appointment of a Grand Marshal for the Heritage Days Parade needs to be on as an agenda item for the next City Council Meeting.

**9) CLOSED MEETING**

**10) <u>ADJOURNMENT</u>**

**MOTION: Council Member Mehr moved to adjourn**

**SECOND: Council Member Anderson**

**VOTE: The motion carried.**

| | |
|---|---|
| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

The meeting adjourned at 7:30 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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