IVINS
CITY COUNCIL
MINUTES
March 23, 2023

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 Mayor Hart, Council Member Scott, Council Member Mehr, Council Member Johnson, and Council Member Murphy.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: Council Member Anderson
Audience: James Barden, Helen & Dean Cavaletto, Barbara Lewis, Sharon Gillespie, Regina Roper, CJ Koharcheck, Perry Brown, Paul & Joanne Wimsatt, Dave Appel, Sharon Barton, Chris Haddad and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. **Council Member Anderson** was excused. The City Manager/Attorney was in attendance via the Zoom application.

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson 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. Retreat at Snow Canyon Concept Plan Report, located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara/EWD, LLC-Applicant

Mike Haycock reported that this subdivision consists of a total of 457 lots on 113 acres. The land use is RMU (Resort Mixed-Use) and is zoned RE-37 (Residential Estates, minimum lot size 37,000 sq ft), R-1-10 (Single Family Residential, minimum lot size 10,000 sq ft), R-1-7.5 (Single Family Residential, minimum lot size 7,500 sq ft), R-M (Residential Multi-Family) and RC (Resort Commercial). The application is complete and meets the required zoning against the existing land use.
Council Member Mehr referred to traffic and inquired how they intend to get traffic off of Puerto Drive and onto the Hamblin Drive/Western Corridor. **Mike Haycock** indicated that Hamblin Parkway comes through from Snow Canyon Parkway all the way through Santa Clara and the traffic is planned to go through Hamblin Boulevard and not have a lot of impact on Puerto Drive or 400 South. **Mayor Hart** commented that the 400 South connection into the project is a part of the Transportation Plan so traffic could go that direction. **Mike Haycock** thought that traffic was more likely to go east rather than west because it will be easier to get

onto Hamblin Boulevard rather than going on Puerto. **Council Member Scott** commented that he liked the detail in the Concept Plan. He referred to parking where it shows two (2) garage spaces for all of the different types of units and inquired if there was additional guest parking planned? **Mike Haycock** stated that is not identified on the map but there is additional parking. **Mike Scott** indicated that back when the zone change was done, the developer indicated that the P1 buffer area would be one (1) story homes with flat roofs, he would like the plan to also state that the P1 area is one (1) story because it does not currently show that. The plan also shows homes or lots that will be single story as previously indicated. It also shows lots that will be built on the City interior bluff ridgeline and his understanding was that nothing was supposed to be built on that ridgeline and the Minutes of the City Council meeting when the zone change was done, stated that the Sensitive Lands Ordinance would prohibit construction on the City interior bluff ridgeline. That ridgeline cuts diagonally across into where 400 has the hump and then continues down to the wash. **Mike Haycock** clarified that the Sensitive Lands Committee will completely go through the application process and what the ordinance says about what is protected and what is not protected. The applicant is aware that that area will be looked at closely and the Sensitive Lands Committee will make their recommendations for that ridgeline. **Council Member Scott** referred to 400 South and traffic patterns and was concerned about construction traffic using 400 South and filtering onto Puerto Drive and suggested last fall that 400 South should be closed off during construction, to prevent construction traffic from filtering that way and the City Manager/Attorney had said that the City could not close a public road. He would like to rephrase that idea and say that 400 South, right now it dead-ends at Cordero and say that it not be extended beyond where it dead-ends until construction is completed. He referred to the Concept Plan showing roof decks on the two (2) and three (3) story buildings. He was not a fan of roof decks because it is the equivalent of another level of living area that is visible and audible from neighbors. He inquired if the roof decks would only be on top of the (two) 2 story buildings or would they be on top of three (3) story buildings also? **Mike Haycock** clarified that the ordinance allows a structure up to 35 feet in height. **Council Member Scott** commented that that height limit would not prevent a roof top deck. **Mike Haycock** stated no, Ivins ordinance does not prohibit roof top decks and the zoning height is what regulates how tall the building can be. **Council Member Scott** was concerned that those would be allowed on top of a three (3) story building. **Mike Haycock** clarified that the City still had to address the Development Agreement, the Conditional Use Permit and the Sensitive Lands Committee recommendations prior to final platting and that could be a suggestion for the Conditional Use Permit. **Council Member Scott** referred to the parking, and was concerned about there was not enough guest parking shown. He inquired if the Development Agreement would come before the City Council? **Mayor Hart** indicated yes, as well as the Conditional Use Permit.

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

Mike Haycock reported that there has been a change in the Building Department wherein employee Fred Castagne was promoted to Plan Reviewer, as well as being in the field and helping in the office.

Chuck Gillette reported that the Highway 91 project is proceeding but has been delayed due to the rain. There are two (2) projects that are being bid right now, one for slurries for road maintenance and one for the 400 East Storm drain project where there are some drainage issues that need to be fixed.

Cade Visser reported there is approximately a quarter left of the fiscal year and every department is under budget. Staff discussions for fiscal year 2024 are being wrapped up and will likely be presented at the next City Council meeting. The departments have done a good job of staying within the budget that was set last year. Ivins City received $1,000,000 in ARPA (American Rescue Plan Act) funds that the City will need to report on in the future. None of those funds have been spent and Ivins City has until December 31, 2024 to assign or obligate them and then Ivins City will have until 2026 to spend the funds. There have been a few discussions about expending those funds for a water project, sewer project or using those funds to help offset Public Safety costs.

C. Planning Commission Report

Planning Commission Member Dave Robinson reported that the Planning Commission heard the Concept Plan Report that the Mayor and City Council received tonight on the Retreat at Snow Canyon. The Planning Commission also held three (3) Public Hearings on an Amended and Extended Preliminary Plan for Movara Villas, an Amended Preliminary Plan for Red Desert and on a Zone Amendment on Table 33-2. They also continued their discussion on the General Plan.

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

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation on a Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 18.202 acres located at approximately Kwavasa and 800 West. RT Marten Utah, LLC and Kayenta Homesites-Owner. Lance Anderson-Applicant

Mike Haycock reported that the location of this is between where the new reservoir is slated to be, Kwavasa Drive and 800 west. The applicant is proposing a Zone Amendment from RA-5 (Residential Agriculture District) minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size 15,000 sq ft. on approximately 18.202 acres. **Council Member Scott** inquired what the current land use was. **Mike Haycock** stated it is LDR (Low Density Residential). **Mayor Hart** opened the Public Hearing. **Cliff Gustin** indicated that one thing he was concerned about was that this development was similar to a development in Santa Clara where the bridge crosses the river. Residents have been complaining about the number of flies that are around and the smell that was there because it is an agricultural use. The adjacent farmer has said that he was there first and that the homeowners knew homes were being built next to the farm. There is a similar piece of property across from this proposed development where there are cows and a lot of flies. He hoped that that the City would not cave into the whims of future residents and tell the farmers that they can't have their cows there or similar things. He would like there to be some kind of restriction that would prevent people from filing complaints about that. **Sharon Gillespie** resides at 575 East Ridgecrest Circle and commented that in light of the conversations at the prior Ivins Talk About regarding housing, she inquired if it had been discussed with this owner to potentially do a carve out for the Land Trust or for attainable housing versus all 15,000 square foot lots? She thought that should be an ongoing discussion with every developer that brings something to the Ivins Council, to meet the goals that the State is requiring of municipalities. **Mayor Hart** inquired if there was anyone on Zoom that wished to comment. **Cade Visser** confirmed that there was no one on Zoom requesting to comment. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2023-04, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 18.202 acres located at approximately Kwavasa and 800 West

Council Member Mehr stated that he liked that this is low density and in compliance with the Ivins City ordinances. He also liked Mr. Gustin's comment about future complaints. Existing farms or agriculture have been in Ivins a lot longer than many residents and there just needs to be mutual respect. **Council Member Murphy** agreed with Mr. Gustin's comments and stated that it is not something that Ivins City needs to get worked up about if somebody is complaining about the smell because the people who buy into the project are coming to the nuisance or smell. She also agreed with Council Member Mehr that the Land Use is low density residential. This subdivision is in compliance with that and is a low-density residential request. **Council Member Scott** agreed that the density the applicant has applied for fits the Land Use Plan and is a compatible use. Mr. Gustin's comments have been noted by a couple of the City Council members. He also liked Sharon Gillespie's suggestion, but if the City were going to do something like that, they would need to have a requirement on a Zone Change to incorporate some Moderate Income Housing or similar, that would need to already be codified in Ivins system but was something that they could consider. They cannot do that as a blanket for the whole City anymore in Utah because that inclusionary zoning doesn't work but it could be done on a re-zone with the proper mechanisms set up and could be a useful tool in the future. There would likely be some given and take where the City would have to give some density in return. **Mayor Hart** agreed.

MOTION: Council Member Mehr moved to approve Ordinance No. 2023-04, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 18.202 acres located at approximately Kwavasa and 800 West, and it is in compliance with City ordinances
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

C. Public Hearing to receive input and consider approval and adoption of the proposed Parks and Trails Impact Fee Facilities Plan, Parks and Trails Impact Fee Analysis and Ordinance

Mayor Hart stated that this was noticed as a Public Hearing last fall but there were some serious concerns expressed and an error was detected. This is a revised version of the Parks and Trails Impact Fee Plan. **Benny Sorensen** indicated that Joe Phillips with Sunrise Engineering prepared the plan and will provide a presentation. **Joe Phillips** reported that Sunrise Engineering has been contracted to work with Ivins City on the Impact Fee Facilities Plan, as they prepared the last impact fee study four (4) or five (5) years ago. This is an update, taking that data and bringing it forward based on new conditions. When undertaking an Impact Fee Analysis, the first thing they need to do is be in compliance and understand the Utah Impact Fees Act and ultimately getting their arms around what Ivins City has in terms of infrastructure and resources that are being

offered to the community. They then consider the number of people in the community that are enjoying those resources and then come up with what the Impact Fee, which is referred to as a level of service. Joe Phillips provided a presentation, a copy of which is available as an attachment to this agenda. Joe Phillips explained the growth analysis, facility inventory, accessibility, demand analysis, proposed facilities, and eligible expenses. It was determined by Sunrise Engineering that the maximum allowable Impact Fee for Parks and Recreation is $4,756.00. **Mayor Hart** opened the Public Hearing. **Lisa Ganz** resides at 577 West Bickmore. She thanked Joe and Benny for the detail and information and was happy to see a plan put forward that adds more parks and open spaces in Ivins City. She questioned if the analysis on the housing and population was based on today's statistics, including everything that is planned to be built? **Joe Phillips** clarified that the calculations were based on 2020 populations as projected and includes future housing in the calculation, but it's based on what is anticipated for a growth curve. **Cliff Gustin** inquired how Ivins City's level of service compare to other cities in the county? **Joe Philips** stated that it is within the range of what is seen. Parks and Recreation recommendations are given and put forth by the National Parks and Recreation Association and recommend a much higher level of service than is seen in Southern Utah communities because Southern Utah is unique in that there is so much outdoor space and recreational opportunities here. Talking to other communities about the level of service and whether it feels adequate for the community, across the board, there are adequate Parks and Recreation here with access to BLM land, National Parks and State Parks. **Mayor Hart** inquired if there was anyone on Zoom that wished to comment. **Cade Visser** confirmed that there was no one on Zoom requesting to comment. There being no other comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2023-06, an Ordinance of Ivins City, Utah, approving and adopting a Parks and Trails Impact Fee Facilities Plan and Analysis, also known as a Parks and Trails Master Plan, and establishing and adopting a Parks and Trails Impact Fee to meet the demands of new growth

Council Member Scott indicated that he brought up the growth scenarios a while ago because the current 2022 or 2023 populations are higher than what the generic master plan showed, and the growth rate was higher. Because both are higher, the actual impact over ten years is negligible. If Ivins City reaches the 1,205 number sooner than 10 years, it means all the impact fees needed for the 7.42 acres of parks have been collected and it's time to do another impact study and move forward. He was concerned about short-term rentals and questioned if short-term rentals were considered residential for this report or considered commercial? **Joe Phillips** stated that they are considered residential and are paying an impact fee. The recommendation for Ivins City, is to watch those and try and get data for the next impact fee update. He recently helped a local community with a water impact fee, adjusting the numbers to account for short-term rentals. The short-term rentals used approximately 33% more water on a residential rental connection than on a standard Residential connection. **Council Member Scott** inquired if the short-term rentals are paying the impact fees at the same rate as any single family or apartment? **Joe Philips** indicated that was correct. **Council Member Scott** commented that maybe the calculations are wrong but he was sure that the interest rate on the debt is 2% and not 2.5%. He thought that 2.5% was awfully low going forward for the next number of years. It impacts the impact fee every percentage point going up and would be approximately another $500 on the impact fee. He did not want to see Ivins City incur more debt at a higher cost, affecting existing residents. **Joe Philips** stated that he was not aware that the

interest rate wrong but would be happy to check the spreadsheet at the office and report back to Benny. **Council Member Scott** indicated that the impact fee being recommended, is higher than the impact fee that is currently being charged. It would have been nice to have adopted the new impact fee last September, because projects have been missed out on since that time. **Mayor Hart** clarified to the Council that what has been provided is the recommended impact fee but the Council was entitled to adjust the fee either up or down. The Council has the study and if there may be an error or may be a difference in what that amount should be, the Council was welcome to propose a different amount. **Council Member Scott** stated that the percentages were taken for the different parks, adding up to 15.5 acres of parks that Ivins City is contemplating building over the next 10 years, the impact fees will only pay for 7.42 acres of those parks, leaving current residents to foot the rest of the bill. He inquired if the solution is once the 7.42 acres of park are completed, to do another impact study to deal with the difference? **Joe Philips** indicated that it was but the future was hard to predict and he did not expect the 7.42 numbers to change much. He wouldn't anticipate seeing a big change in level of service that then would allow Ivins City to do more than the 7.42 acres of parks. **Council Member Scott** referred to the ordinance where it states "Whereas the City Council finds that Parks and Trails Impact Fees should be charged to all new development in the city. That needs to say all new residential development because it's not commercial, which may be used to pay for debt service associated with the excess capacity built into existing or new facilities. **Joe Phillips** referred to excess capacity and commented that as an example, if the City went out and bonded for the Fitness Way Park, the first 50% shown, Ivins would go out and collect a note and then build the park. If it happened next year in 2024, then for the next eight (8) years, there is a park improvement that has excess capacity to serve new people coming in. The City is providing the amenity to the community but then as people come in after that, those impact fees are buying and absorbing some of the excess capacity that is already existing because the City put the amenity in early. **Council Member Scott** inquired what number Director of Finance Cade Visser felt comfortable with as a financing rate. **Cade Visser** stated that he recently spoke with Mark Anderson, a representative of Zions Bank, and was made aware that the CIB (Community Impact Board) is currently offering 2.5% rates if there is funding. They have recently discussed the need to increase those rates and there is a chance that over the next year or so that 2.5% that is currently being offered for certain projects could go up to 3.5% but currently it is 2.5%. **Mayor Hart** commented that the City Council was welcome to recommend what the interest rate would be, continue the adoption of the ordinance until the next meeting or adopt it with an amended number, based on findings that the interest rate may in fact not be adequate. **Council Member Scott** inquired of Cade Visser what the rate should be. **Cade Visser** indicated that the bare minimum should be 2.5% since the lowest rate from CIB is 2.5%. If the CIB is going to be having discussions to raise the rates, there is a chance that it should be at 3%, factoring in the next 10 years and recommended 2.5% or 3%. **Council Member Scott** stated that if it turns out that rates are 3.5% or 4% when bonding, those changes can still be made at that time, but it would not be retroactive. He suggested using a 3% rate, increasing the impact fee by approximately $500. That should be close to about a 1% point increase, partly because rates are currently higher, and could be going even higher and it gives a little bit of padding on the inflation number. **Joe Philips** indicated that he would be happy to do that and recommended that the Council table the Ordinance so that he can get the new number, which would then set the maximum recommended impact fee amount. **Council Member Mehr** questioned if there is a current parks and trails master plan? **Mayor Hart** indicated yes. **Council Member Mehr** inquired it the parks being talked about have been

identified already. **Mayor Hart** stated they have to be to be included in the study but Ivins City does not own any of these properties currently. In every case that would be a negotiated land acquisition.

MOTION: Council Member Mehr moved to continue this discussion to a future City Council meeting.

SECOND: Council Member Scott

VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

Mayor Hart expressed appreciation to Bob Morris and Doug Clifford for their service on the Planning Commission.

A. Discuss and consider approval of Resolution No. 2023-03R, a Resolution of Ivins City, Utah, Re-Appointing Doug Clifford as a Planning Commission Member

Mayor Hart indicated that he recommended re-appointment of Doug Clifford to serve an additional term on the Planning Commission.

MOTION: Council Member Murphy moved to approve Resolution No. 2023-03R, a Resolution of Ivins City, Utah, Re-Appointing Doug Clifford as a Planning Commission Member

SECOND: Council Member Mehr

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Scott	NAY
Council Member Anderson	ABSENT

Roll call vote. Three (3) Council Members voted in favor, one (1) Council Member voted in opposition and one (1) Council Member was absent. The Motion carried.

B. Discuss and consider approval of Resolution No. 2023-04R, a Resolution of Ivins City, Utah, Appointing a Planning Commission Member

Mayor Hart stated that he had the privilege of receiving applications and interviewing candidates for this remaining vacant seat on the Planning Commission. He recommended appointment of Mr. Perry Brown. **Council Member Mehr** requested an introduction and inquired as to why he was interested in being on the Planning Commission. **Perry Brown** indicated he has a significant background in Planning. Over his career he was an academic at various universities, including Utah State University, Colorado State University, Oregon State University and the University of Montana. He worked with the BLM (Bureau of Land Management) and the United States Forest Service in recreation and other natural resource planning. He developed some of the tools used today in planning, along with a couple of other colleagues. He was very interested in the Ivins community and moving forward as development continues in the future. He was interested in how all the pieces fit together and working collaboratively within the County and State to get everything done and working with the Federal

and State agencies to put all of the pieces together to move forward to keep a community that really feels good in terms of the quality of life and in terms of the values that many have been expressed in the Ivins Town Survey.

MOTION: Council Member Johnson moved to approve Resolution No. 2023-04R, a Resolution of Ivins City, Utah, Appointing Perry Brown as a Planning Commission Member

SECOND: Council Member Scott

VOTE: The motion carried.

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

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

*C. REMOVED FROM THIS AGENDA: Discuss and consider approval of construction easement agreements with Lloyd Warner and Tadd and Kendra Thomas regarding drainage system

Council Member Mehr inquired why this item was removed? **Chuck Gillette** stated that the residents had questions and he was following up on those.

D. Discuss and consider approval of expenditure and Federal Aid Agreement for Shared Use Path Network Gap Fill Project Design

Chuck Gillette reported on the shared use Path Network Gap Fill project. Ivins City has several miles of shared use path and there are gaps in the network, and it is needed to close those gaps to make it more user friendly. This is Federally funded and the attached map shows eight (8) proposed areas for the project. The Federal grants are $640,000 and it is proposed to receive right-of-way acquisition funds from COG (Council of Governments) for $160,000, totaling $800,000 of grant funding for the project which requires a match from Ivins City of $96,000. There are more project here than what the funding is for. There is $360,000 of unfunded work that could be done and signing this agreement doesn't mean that Ivins City is committing to the $360,000, Ivins City would just be committing to the $96,000, but may want to fund $360,000 based on the Parks plan but that decision does not need to be made tonight. This just approves the Federal Aid Agreement that Ivins City agrees to provide the match. **Mayor Hart** inquired if these additional projects would complete the network. **Chuck Gillette** stated yes. He referred to the map and indicated that the red lines are existing trails and the dashed lines are where there was no trail. There are gaps in between that need to be filled in and there will still be a few gaps but those will be filled in with future residential developments. **Mayor Hart** questioned if there are substantial savings to be made by combining funding for the additional projects that are needed or if this was something that can be postponed easily and not make a lot of difference in what Ivins City spends? **Chuck Gillette** indicated that it would be smart to keep the scope as small as possible and take advantage of the grant funds and then do everything else separately. Environmental studies need to be done that cost money and take time. There are also other issues that make the Federal jobs more expensive like having to pay higher wages and Buy American clauses that causes prices to go up. With this just being dirt and asphalt, that may not be a problem. **Council Member Scott** inquired if this was done without federal funds, this would cost Ivins a lot more than $96,000. **Chuck Gillette** stated that was correct. **Mayor Hart** commented that sometimes municipalities chose not to go with Federal funding because

the cost of the project is greater but that is not always the case. **Council Member Mehr** indicated that he supported the concept but had a problem with the Federal funding aspect after reading through the Agreement. UDOT's (Utah Department of Transportation's) role and responsibilities on a Federally funded local government project are unnecessary. Ivins City would need to hire a UDOT Manager to be employed to assist the Project Manager to monitor the scope, schedule, budget and assist in risk monitoring and several other requirements listed in the Agreement that was a lot of bureaucracy. He was not in favor of pursuing Federal funding for this project. **Council Member Johnson** referred to all of the different things that UDOT requires and even though they are unnecessary expenses and procedures, in the long run, Ivins City is getting a better product with more bang for the buck and without financially affecting Ivins residents. **Chuck Gillette** clarified that the UDOT expenses usually only add 3% to 5% of expense to the project. **Council Member Mehr** inquired if Ivins City has done this before with Federal funding? **Chuck Gillette** yes. The Old Highway 91 project had these same agreements as well as when Center Street was widened from two (2) lanes to five (5) lanes and the roundabout on Snow Canyon Parkway. **Council Member Mehr** inquired if a similar agreement was signed. **Chuck Gillette** indicated that the exact same agreement was signed. **Council Member Mehr** inquired if there was any negative experience and if the agreement was consistent. **Chuck Gillette** stated that it is consistent with what has been done in the past and has not created any additional burden. **Mayor Hart** commented that before his time when Snow Canyon Parkway was approved to come through west Saint George and into Ivins City, at that time Mayor Blake opted to not enter into an agreement that brought in Federal funding for the section that came into Ivins. Ivins City decided to build it themselves because it was substantially cheaper but the matching level on this agreement is so low that there is no question that Ivins City would be spending considerably more money on this project without the Federal funding. **Council Member Mehr** inquired when the project was over, if the agreement was over as well. **Chuck Gillette** stated yes.

MOTION: Council Member Scott moved to approve an expenditure and Federal Aid Agreement for Shared Use Path Network Gap Fill Project Design
SECOND: Council Member Johnson
VOTE: The motion carried.

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

Council Member Mehr inquired if Ivins matching portion has been budgeted for? **Chuck Gillette** clarified that it will be put in next year's budget. **Council Member Mehr** reluctantly voted in the affirmative.

E. *Discuss and consider approval of expenditure for sewer line repair on 685 South

Chuck Gillette reported that on 685 South Street in the Shadow Canyons subdivision, the entire area has been under distress due to blue clays since it was first constructed in 2006. As part of the City's sonar sewer pipeline inspection program, it was discovered that a section of pipe was clogged. The pipeline was further inspected with a camera and it was discovered that the sewer pipeline had been heaving and no longer draining in an efficient manner. It is necessary to excavate the heaving section and re-lay it at a constant grade. The Ivins Public Works crew was going to try and do the work but the crews have been too busy. The pavement maintenance

program starts in the spring, and he is recommending that instead of having the Ivins Public Works crews repair this, that the City hire a contractor to do it. He has received two (2) bids, which were difficult to obtain for a small project, but both bids are close in price and both are qualified contractors.

MOTION: Council Member Mehr moved to approve an expenditure for sewer line repair on 685 South

SECOND: Council Member Johnson

VOTE: The motion carried.

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

F. Discuss and consider the Planning Commission's recommendation regarding the Crossings at Red Desert Amended Preliminary Plan, located at approximately 800 South Main Street, VE Management and Investment Co-Owner/Applicant

Mike Haycock reported that the applicant is requesting to move the phasing line at 800 South and Main Street. The developer wants to develop both sides of the street at the same time and amend the plat to move the line. The development includes some of the amenities that are required for an RM (Residential Multi-family) project. There are twinhomes on one side that buffer the zoning to the east and townhomes on the other side of the street. **Council Member Mehr** inquired how the townhomes would be accessed? **Mike Haycock** indicated that the access is off of 800 South into the subdivision. There is no Development Agreement yet but the development is not being reviewed as a short-term rental and it has not been designed that way and the Development Agreement that comes forward should represent that. **Council Member Scott** clarified that there is an overlay for short-term rentals, but inquired if the developer has indicated the development will not be doing short term rentals and Ivins city has indicated that needs to be stated in the Development Agreement? **Mike Haycock** stated that was correct. The project has not been designed or reviewed as short-term rentals. **Council Member Scott** indicated that once the Development Agreement is done indicating that the developer will not use the short-term rental overlay, it would be appropriate for the City do a zone change to eliminate the overlay. **Dale Coulam** clarified that once the City has the consent and commitment from the owner to not to use the property as short-term rentals, the overlay could be removed.

MOTION: Council Member Murphy moved to approve the Planning Commission's recommendation regarding the Crossings at Red Desert Amended Preliminary Plan, located at approximately 800 South Main Street, VE Management and Investment Co-Owner/Applicant

SECOND: Council Member Johnson

VOTE: The motion carried.

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

G. Discuss and consider approval of Ordinance No. 2023-05, an Ordinance of Ivins City, Utah, amending Section 7.12.102 of the Ivins City Code regarding the Discharge of Firearms

Mike Haycock reported that an Ivins resident has recently added an indoor shooting range in their home. This ordinance is to clarify that the resident can discharge his weapons within city limits, which is contrary to what the law states currently. **Mayor Hart** inquired if the range installed was pursuant to a permit that was issued. **Mike Haycock** stated yes and clarified that the building permit was issued prior to him being an employee with Ivins City and was approved by Ivins City approximately a year and a half ago. The gun range was built to industry standards. **Mayor Hart** commented that the Ivins City Ordinance prohibits it. **Mike Haycock** clarified that the ordinance prohibits the discharge of firearms. This will make it so the homeowner can use his range without breaking the law. **Mayor Hart** inquired if the range meets all of the safety standards. **Mike Haycock** stated yes, at least the industry standards. **Council Member Scott** stated that he believed the current prohibition of discharging firearms in the City was appropriate. He would not want to make changes. If the Council does want to make changes, the requirements for an indoor gun range that are identified in this proposed ordinance are inadequate and vague. He looked at the National Shooting Sports Foundations website and other sources and there is not a specific standard. There are a lot of recommendations and he was not sure whether or not this current resident has really done things appropriately. For example, recommendations are that walls be solid concrete at least 8 inches thick, using at least 4,000 PSI concrete. The floor should be at least 5,000 PSI concrete, ceilings lined with steel baffles designed to redirect bullets downrange, a rubber trap behind the targets that's four (4') feet thick, a ventilation system separate from the home ventilation and many other requirements. He was opposed to loosening the ordinance regarding discharge of firearms but if the Council disagreed, he strongly recommended very specific requirements and if the resident who built the gun range in their home and built it to those defined requirements, then okay. If not, then it is not appropriate to use. If changes were going to be made to the ordinance, it needs to include detailed specifications, it needs to be approved by the SCI Police Chief before doing anything else and the specifications need to be set very high on safety and noise controls. **Mayor Hart** inquired of Dale Coulam where the City is on this legally. **Dale Coulam** indicated that it may be difficult for the City to prevent the resident from using what was approved to be built in his home and known for that use. There is a legal principle called estoppel and detriment by spending a great sum of money, as is the case here. The walls in the resident's indoor gun range are a foot thick rather than 8 inches. He had no problem allowing this exception and putting in more detailed requirements that Council Member Scott has recommended. He spoke with the installer of the indoor gun range and all of those requirements have been met. **Mayor Hart** inquired if this would invite more indoor gun ranges to be built. **Dale Coulam** stated yes. The downside is if the Council adopt this, others may be built. Whereas one that slipped through, Ivins City can't really prohibit it unless it pays the resident back for the cost to install it and shut it down. **Mayor Hart** inquired if there was an alternative way to make the residents indoor gun range legal, through some kind of exception, without opening it generally to be repeated. **Dale Coulam** stated no and commented that the ordinance is vague. It just says "discharge of a firearm within the city limits". It doesn't say whether that's an indoor or outdoor discharge, in a range that has been constructed to provide safety, if it's in a basement and similar. The question is, is this an illegal discharge of a firearm within the City limits? because the Ivins City Ordinance is vague and doesn't state an exception. The ordinance lists several exceptions, and this would be added as one. The requirements are both listed currently, and the

requirements Council Member Scott suggested would be very expensive to have installed. It is a high-cost threshold to install an indoor gun range. They would all need to be in a basement, below ground. **Mayor Hart** inquired if an underground indoor gun range would be certifiably safe? **Dale Coulam** indicated that the installer installs these ranges across the country and the world for the military and is highly qualified to install these types of ranges. The floor, ceiling and walls of this particular range are all a foot thick of concrete and designed to withstand a 50 caliber round. It also includes a ventilation system and noise reduction. **Council Member Murphy** commented that it was great that the installer knows what they are doing but she would like to hear from Police Chief Flowers. If this is allowed, the requirements Council Member Scott is suggesting, are not in the ordinance. If the Council was inclined to allow this, she wanted more information and a lot more requirements. She inquired what was to stop someone from building a bunker in their house with a permit and then suddenly turning it into a gun range because now it is allowed? **Mayor Hart** commented that from an inspection standpoint, the compressive strength of the concrete could be verified as well as the thickness was met. **Mike Haycock** indicated that through inspections but clarified that special inspections on residential homes are not currently done. **Mayor Hart** stated that would have to be forced and would have to be part of any amended ordinances to test concrete just like on commercial projects. **Mike Haycock** commented that a possible avenue may be to go to the Table of Uses and prohibit it from now on. This one slipped through, but there wasn't an ordinance in the building code or residential code that addressed it or in the zoning ordinance and then from here on out, it would be in the Table of Uses as not allowed. **Dale Coulam** clarified that is already the case. It is not listed in the Table of Uses so it is prohibited. This is one that slipped through the cracks. **Mayor Hart** inquired what would happen if the Council does not act and does not change anything? **Dale Coulam** stated that Public Safety would still be troubled by the ordinance that talks about discharge of firearms within the City limits. **Council Member Scott** indicated that the issue right now is that an individual has a gun range in their basement, but is not allowed to discharge a firearm within Ivins City unless they are a Police Officer and it is in the line of duty, for self-defense or for slaughter of domestic livestock. Those are the only three (3) exceptions. **Council Member Mehr** stated that this is obviously going to require more discussion and there is a lot of emotions around it. The discharge of firearms was probably contemplated to occur outdoors. Obviously, this individual resident is a gun enthusiast and wants it to be safe. We do have the right to bear arms. That's a constitutional right. We have gun enthusiasts all over the State and more than most people realize. In his opinion, it makes for a safer community. If the Council pursues this, he was fine with more restrictions and suggested bringing this back to a future meeting. Should Ivins City consider a shooting range? He was not opposed to individuals, if they want to spend their own funds and are following a noise ordinance and doing it all safely in the way that the city feel is best. Some people build garages that fit 30 antique cars and some people build swimming pools and some people build gun ranges. It is not a big deal as long as it's safe. He suggested that maybe as the Regional Park gets developed, there may be the possibility of adding an indoor gun range. Safety is the main issue, and it sounds like this residents range was constructed in a safe manner. **Mayor Hart** indicated that one possibility was to continue this item and obtain additional clarification as to what the requirements would be. **Council Member Scott** stated that he was suggesting that the Council do nothing and keep the ordinance the way it is, but if the sentiment of the rest of the Council was to do something, it should be tightened up a lot and scrutinized by the SCI Police Chief. **Council Member Murphy** indicated that something is going to have to be done because

Ivins City allowed it with a permit. Ivins City can't say never mind it can't be used, because it was allowed and Ivins City needs to make sure it is safe. The other issue that could come up is who's going to inspect it? It is a structure but does Ivins City have the expertise to inspect shooting ranges before being able to shoot off guns in it? **Mayor Hart** stated that could be included in the ordinance or requirement for a special inspection. **Council Member Johnson** indicated that the ordinance should not be changed just because one person does something and it's approved by somebody who made a mistake. The ordinance is what it is and it's very clear that somehow this slipped through. The Council needs to make an allowance somehow for this gentleman who has already done this and make it work. It has been discussed that the Council cannot stop it at this point, but she does not want to see it go any further. She is a gun rights person as well, but to change an ordinance for one individual is not appropriate. **Council Member Scott** inquired as to what approval Ivins City give to this resident. Was it a basement in the home, or very specifically approved to build a gun range in the basement of the home? **Mike Haycock** stated that when he got involved, it was on the final inspection. The City had given approval either by plan review or visual inspections that it was known by Ivins City that it was there and on final inspection. The resident already had the investment in place when he got involved. **Council Member Scott** commented that when plans where submitted, at what point was it identified as a gun range? **Mike Haycock** indicated that he would need to go back and check. **Mayor Hart** stated that even if the investment had been made and things like ventilation had been put in place and extraordinarily thick walls had been put in place, if the original plan does not say gun range, he does not believe that the City is obligated to authorize discharge of a firearm in an exotic basement. **Council Member Mehr** commented that the Council needs to think about what there was to be afraid of. What is the concern? Is it safety? and if it's safe, then what is the remaining concern? If it is noise, there are things that can be done to mitigate that, then what is the next concern? It might just come back to the fear base of someone having a firearm in their basement. The Council needs to be smart about it, but it's new and the Council is processing this. **Mayor Hart** indicated that saw this as a different question and not whether it's a safe facility or whether Ivins City ought to allow it. Was this legally constructed? because Ivins City had an ordinance in place at the time that this was built, that is apparently being violated. He does not know what the answer to this is. He would like to know what was shown on the plans and the application at the time that this was approved, whatever the Council decides to do in the future. The City needs to find out what specifically the case was with this is. If this was essentially built as a gun range without it having been approved specifically as a gun range, the City would not be liable in this case. **Dale Coulam** stated that may be true. **Council Member Johnson** indicated that this had nothing to do with the fear or the distaste of what's going on, it's the fact that Ivins City had an ordinance in place and the ordinance was not followed. She does not think the Ordinance needs to be changed just to suit one person. **Council Member Murphy** stated that there was an ordinance in place and if somebody put in a permit, that's against the ordinance and it said it was a gun range and Ivins City allowed it, she does not care what the ordinance says, Ivins City allowed it. **Mayor Hart** inquired of Dale Coulam if Ivins City could allow a gun range to be built and enforce the ordinance that no firearms can be discharged in the city? **Dale Coulam** commented that he was sure an individual who submits a building permit and plans for a gun range wants to discharge their firearm in that gun range and so the purpose for which it was built would be for that. The City would be liable to compensate the individual for building something, relying on the City's approval and then saying but there's this other ordinance that won't allow the discharge of

firearms, even though Ivins City knew a gun range was being built. The plans need to be verified to see what was approved and then he could come back and report that to the Council. **Mayor Hart** commented that the ordinance prohibiting discharge of a firearm is not part of the Building and Zoning ordinance. Is the obligation of the Plan Reviewer or the Building Official to know all of the other ordinances in the city when approving a plan? Isn't it the obligation of the applicant to know what the City ordinance is regarding the discharge of a firearm? **Dale Coulam** commented that would be for a court to determine.

MOTION: Council Member Mehr moved to continue
SECOND: Council Member Murphy
VOTE: The motion carried.

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

H. Discussion regarding the Housing Talk About held at Rocky Vista University on March 22, 2023

Mayor Hart encouraged all of the Council Members to attend the next Talk About. There are openings for two (2) Council Members to sit on the panel and the Talk About is about Finance and financial sustainability of the City. The creator of Urban 3, Joe Minicozzi, will be presenting and has presented at meetings for the Utah League of Cities and Towns, as well as all over the country. He is recognized as one of the foremost authorities on financial sustainability of a City. He will be joining via the Zoom application and making his presentation to show where the revenue losses and gains are in a City. The analysis has not been done on Ivins City and the Council has not authorized that yet but his hope was that is the direction and that other cities would also be interested. Ivins Director of Finance Cade Visser will also participate and talk about different scenarios over the next 5 to 10 years with Ivins City moving forward.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for March 2, 2023

Minutes - DRAFT

MOTION: Council Member Scott moved to approve the City Council Meeting Minutes
SECOND: Council Member Johnson
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported that committee members are still needed for Heritage Days. **Council Member Mehr** inquired what the time commitment was and what qualifications are needed? **Council Member Johnson** stated that meetings are held once a month until it gets closer to Heritage Days and then meetings are held twice a month. The committee member

would volunteer at Heritage Days and it is not an overwhelming time commitment. There were no other reports.

B. Mayor

Mayor Hart reported the Ivins Great Shake Out will be on Thursday, April 20th at 6:00 p.m. and the Santa Clara Ivins Public Safety Department will be conducting the drill. Residents will go to the emergency box, open the box and follow the instructions and then reporting back through the communications system to see how effective it actually is.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported the Spring ULCT (Utah League of Cities and Towns) Conference will be in St. George on April 19th & 20th and they are encouraged to let the City Recorder know if they would like to attend so that she can get them registered.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Johnson moved to adjourn

SECOND: Council Member Murphy

VOTE: The motion carried.

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

The meeting adjourned at 7:42 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder