IVINS
CITY COUNCIL
MINUTES
May 18, 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 Council Member Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, and Council Member Anderson.

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: None.

Audience: Those who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that 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

Council Member Anderson referred to agenda item 2)A, a Concept Plan Report for Dry Wash West; and agenda items 4)A and B, a Public Hearing and Ordinance regarding a Zone Amendment, and disclosed a conflict for those agenda items. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Dry Wash West Subdivision, located at approximately Sage Way and Kayenta Parkway. Kayenta Development, Inc-Owner/Applicant

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** reported that the Dry Wash West subdivision consists of a total of 102 lots on 78.57 acres. The Land Use is Low Density Residential and the property is zoned RE-15 (Residential Estates Single Family minimum lot size 15,000 sq ft with an overlay. The application is complete and meets the required zoning.

B. *Presentation by Ivins City Youth Council Member Connor Oliphant

Connor Oliphant reported that for his Eagle Scout project, he installed bike racks at Ivins City Hall. He had $705.60 left over and would like to turn the money over to the Ivins City Youth Council; Youth Council Committee Member Jamy Dahle stated that she appreciated the donation. Council Member Johnson commented that Connor is her nephew and indicated that she was pleased with and proud of him. The **Mayor and City Council** thanked Connor Oliphant.

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

Mike Haycock provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that the Sensitive Lands Committee meeting that was scheduled for May 23rd has been cancelled because the developers were not ready to submit their information for the meeting.

Chuck Gillette reported that the crews have been busy crack sealing and they are fixing the sewer line on 685 South. The Highway 91 project is progressing with a lot of utility work. The 400 East project is on schedule and he met with the designer for the trail gap fill project and making progress on that.

Cade Visser indicated that he will be reporting on the Fraud Risk Assessment the second meeting in June and the Council was previously asked to go through that training. Once they have completed that, he requested that they provide the certificate to him. **Council Member Murphy** commented that she went through that training and it was interesting and took less than half an hour to complete.

D. Planning Commission Report

Commissioner Robinson reported that the Planning Commission received a report on the Concept Plan for Dry Wash West, approved Final Plats for Crossings at Red Desert and Taviawk 9-HH. **Mayor Hart** inquired how they were progressing on the General Plan Chapters one through three. **Commissioner Robinson** commented that it has been slow and they have barely had a quorum. **Mayor Hart** requested that the Planning Commission make progress on that.

3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS - NONE

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) located at approximately Kayenta Parkway and 450 North. Kayenta Development, Inc.-Owner, Lance Anderson-Applicant

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** reported that the original request was for lot averaging, but the Planning Commission's recommendation is no lot averaging. **Mayor Hart** opened the Public Hearing.

Chuck Field resides at 1289 Willow Springs Way and thanked Council Member Scott for coming over and looking at the site and speaking with the three (3) residents that live around the site. His concern was that all of the surrounding lots are an acre in size. That space is important and is part of a small ravine. On the map, the area is shown as open space. He requested that all of the adjoining lots also be an acre because having a third of an acre lots is not appropriate with what is already there. **Mayor Hart** commented that it sounded like he was requesting a buffer for the existing lots. **Carol Cox** stated that she resides one home away Lower Springs and agreed that the lot sizes should be larger and did not agree that the lots should only be larger directly behind her property because the theme of Kayenta is larger lots and open space. That was Terry Marten's dream and she felt like it was being destroyed and that Terry Marten was being unduly influenced. The only way to preserve Kayenta is to make those lots bigger and they should be no less than an acre. **Mayor Hart** indicated that there are two areas in this request but it appears that the primary concern is for the parcel that is below the existing lots on Springs Way. **Lance Anderson** stated that most of the lots are .45 acres. The lots are irregular in shape and there are setback issues when they are irregular. There are no front yards or backyards, they are just yards and that helps with laying out the project. He referred to the zone

map and looking at the density on the other side of Willow Springs, the lots are even smaller on the north side of Willow Springs and then moving over to Taviawk, those are about the same size lots as what is being requested. Terry Marten cannot be influenced, he does what he feels he needs to do, and this is his idea and what he is asking for. He is still following what he has been doing since the beginning of Kayenta.

Cade Visser stated that **Lisa Ganz** was on zoom. There were technical difficulties with Zoom and she could not be heard so she typed her comments, those being "I oppose this upzone. The survey showed 81% want open space and trails and 70% want to preserve open land. This is new INFO. The city doesn't need to approve every upzone. Zoning is the only thing that the City Council has control of. We should follow CURRENT land use and take new survey info to guide decisions. It shouldn't matter that other adjacent plots were upzoned. Listen to the public and keep RA-5." **Mayor Hart** inquired if there were any other participants on Zoom that wanted to make a public comment. **Cade Visser** stated no. **Council Member Johnson** requested that the map be explained. **Council Member Scott** indicated that he was the one that put the map together because in the Concept Plan, he could not figure out the orientation so he put the map together in a way that made sense and where it fits with the rezone. It is already zoned RE-15 and then the rezone abuts the homes on the south side of Willow Springs Way. The first parcel is already RE-15 and the second parcel is what is being discussed at this Public Hearing about the potential rezone. **Rod Rasmussen** resides on Willow Springs Way. He requested to see the new suggested layout because that may save a lot of discussion and put their minds at rest. **Mike Haycock** referred to the zone change map and pointed to a little dog ear. That is all RE-15 and is on the north end of the Concept Plan. The question is how big the future lots will be. **Carol Cox** commented that they need to know what is going behind their homes. **Lance Anderson** indicated that the areas are the two lighter areas on the map and are what are in the zone change. They were missed before because they were owned by SITLA at the time. This is just an idea but it does match the rest of the area. **Carol Cox** urged the City Council to not zone this as 15,000 square feet and to do something that was no less than half an acre or three quarters of an acre because there is no guarantee that what they're saying is going to be built, will be built. **Lance Anderson** stated that RA-5 is a holding zone the land use for RE-15 has been that use for a long time and is low density residential. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2023-08, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RA-5 Residential Agricultural, to RE-15 Low Density Residential on approximately 33.864 acres located at approximately Kayenta Parkway and 450 North

Council Member Scott referred to the Concept Plan that was just shown, indicating that flows from one property to the proposed zone and on the Concept Plan, it allows for 15,000 sq ft lots and is already zoned. He added up the square footage of all 102 lots on that Concept Plan and they averaged 24,380 square feet but they could have been as small as 15,000 square feet but on average, half acre lots are being built. What was interesting to him about the Concept Plan was that those 102 lots total 57 acres out of 79 acres, which is 72% of the total site. He checked with Mike Haycock regarding if any subdivision is going to lose land for roads and water detention and similar what the rule of thumb was and he was told that it's about 80% usable space. On the revised Concept Plan about 15% is lost in Kayenta because the roads are narrower so when looking at that, lots are taking up 73% of total site instead of 85% of the total site, which means that this Concept Plan includes almost 10 acres of open space. That open space includes the two

hills running through the property on the northeast and the other runs through on the southwest of it and they are protecting those hills by not building on them and being a good neighbor. He wished that SITLA would be a good neighbor and listen to what was being done on this site. Although zoned RE-15, the lots are much larger and from what has been said, this is a zone change and Terry Marten may build or may not build, but all that would be guaranteed with a zone change to RE-15 is that a builder could build 15,000 sq ft lots on average on property that abuts property that average 24,000 sq ft lots and those abut the homes on Willow Springs Way, which are one acre lots. The recommendation from the Planning Commission was to allow 15,000 sq ft lots but with no lot averaging, which Terry Marten had in the Concept Plan. Even though 15,000 sq ft lots could be built, with lot averaging some lots could be as small as 11,750 sq ft. because of a 25% reduction. The smallest lot is around 17,200 sq ft. but lot averaging isn't needed with a 15,000 sq ft zoning. He proposed creating a buffer of one row of houses south of the homes on Willow Springs Way that are 1 acre lots and the rest of the lots be 25,000 sq ft but then give lot averaging , which would provide for the ability to allow lots to be as small as 18,750 sq ft., which is a little larger than the smallest lot in the Concept Plan. **Mayor Hart** stated that this needs to be very clear because there are two (2) parcels associated with this. **Council Member Scott** clarified that he was talking about for both parcels and only buffer the parcel that is below Willow Springs Way. The buffer is not needed on the other ones. **Council Member Mehr** inquired what the equivalent of a half acre was in square feet? **Council Member Scott** stated just under 22,000 sq ft. **Council Member Murphy** indicated that it was important to remember the restrictions on lot usage in Kayenta because unlike typical subdivisions where large houses can be built with minimal setbacks, Kayenta does not permit those practices so there won't be any lots where the homes occupy the entire property. **Council Member Scott** stated that he didn't disagree with that if Terry Marten was the builder but they are currently discussing a zone change and the risk associated with the zone change was allowing close to 100 homes at 15,000 square foot lots and that was concerning. **Mike Haycock** indicated that to the north, the zoning designation is RE-43 but clarified that there are other zoning options available as well, that include RE-37, RE-25, RE-20, and RE-17.5. He pointed out that there are several zoning options available between the two mentioned zones. **Mayor Hart** commented that RE-20 zoning was intended to yield approximately half acre lots, taking into account the utilization of part of the property for streets and other infrastructure. He inquired of Council Member Scott if he was suggesting a zone change to RE-25 instead? **Council Member Scott** stated that he was suggesting RE-25 on both parcels with three (3) one acre buffer lots directly south of the homes. **Council Member Johnson** referred to the second parcel that is the left half of the bottom part abuts Highway 91 and goes up Kayenta Parkway, giving the first impression of what Kayenta is. She would be more in favor of having larger homes on the Highway 91 portion and then a buffer between the three (3) residents' homes. **Mayor Hart** inquired if she was suggesting one acre lots along Highway 91 and up Kayenta Parkway? **Council Member Johnson** stated that she was not necessarily saying one acre lots but suggested one acre lots next to the residence homes. **Mayor Hart** commented that Ivins City has a long standing precedent for providing buffers against adjacent zones. **Council Member Johnson** indicated that she requested a buffer zone there because it makes more sense and as Council Member Scott has mentioned, it is possible that larger homes can be built, but there was no guarantee. It is preferable for the larger homes to be located where the two roads meet. **Council Member Murphy** inquired what the next zone up from 15,000 was? **Council Member Scott** stated 17,500, then 20,000, then 25,000. **Council Member Murphy** stated that 25,000 was excessive and suggested that 17,500

would be a more suitable option. She questioned the rationale behind such a significant gap between 15,000 and 25,000, particularly if the objective was to create a buffer for specific houses. **Council Member Scott** indicated that the Concept Plan area was indeed zoned RE-15 but pointed out that the planned construction involved 24,000 square foot lots on average. From his perspective, having 15,000 square feet next to 24,000 square feet is too big of a leap. **Mayor Hart** inquired if it was Council Member Scott's recommendation for RE-25 that would incorporate lot averaging so that there could be lots down to roughly 17,000 sq ft? **Council Member Scott** explained that the proposed recommendation of RE-25 with lot averaging did not exactly match the Concept Plan's approach. In the Concept Plan, the average lot size was around 24,200 square feet and by adding a little over 17,000 square feet to the smallest lot, the difference between 25,000 and 24,200 square feet was relatively minor. In the Concept Plan, the smallest lot size was 17,200 square feet, and with lot averaging, it allowed 25% of the lots to be reduced to 18,750 square feet. While slightly different, the approach was very similar. He commended Terry Marten for his excellent work in the Concept Plan, which included nearly 10 acres of open space. He noted that the cost of an acre was around a couple of hundred thousand dollars, and that open space benefits the Ivins community by preserving the hills and views. **Council Member Mehr** expressed he had a similar perspective to the other Council Members and acknowledged the input received during the Public Hearing. He emphasized the importance of not going below a certain acreage due to zoning regulations that apply to the land rather than the owner. While he appreciated Council Member Scott's suggestion of RE-25 with lot averaging, he clarified that the applicant's request was for RE-15 with lot averaging. As a government entity, he believed that the Council should not decide what the applicant wants or should have. Instead, the applicant should submit a clean application that the Council could then evaluate and approve or deny. His vote would be a no on the current application. If Lance Anderson or the property owner were to agree with Council Member Scott's proposal, it might create a different scenario where the Council could consider it. He expressed his concern that the proposed smaller lot sizes would not be suitable for that particular area within their community. **Mayor Hart** commented he believed that the applicant would have come anticipating that the Council would establish the vision with a minimum lot size. He noted that two council members had expressed their acceptance of RE-25 with lot averaging. If he were in the applicant's position, he would expect the Council to designate that as the zoning requirement. **Lance Anderson** clarified that in the Concept Plan, there are roads without lots so when calculating the average lot size, the roads should be excluded. **Council Member Scott** indicated that they are discussing two different things. He referred to the handout on the agenda, which displays lot sizes for each individual lot, and confirmed that those sizes are correct for the individual lots. The lot sizes shown on the handout, which are represented as rectangles, are specific to each lot and do not include the roads. He mentioned that the lot size shown, such as 22,400 square feet, is the size of that specific lot and is not impacted by the roads. He personally recorded every lot number and its corresponding square footage from one to 102 lots. He entered the data into Excel and calculated the average, which resulted in 24,000 square feet. He clarified that this average considers all the individual lot sizes as indicated by their respective lot numbers and square footage. Unless there are errors in the lot numbers or square footage provided for each individual lot, the average lot size is indeed 24,000 square feet. **Lance Anderson** acknowledged Council Member Scott's explanation. **Mayor Hart** summarized the discussion and the opinions expressed by the Council Members. He noted that three Council members expressed a preference for larger lot sizes, particularly in the

southern portion of area two. It seemed to him that the Council was not prepared to approve the request as it was originally made and recommended by the Planning Commission. He recommended that since the Council is responsible for enacting the zone change and shaping the vision for the parcel, they should consider the points raised during the discussion and the concerns expressed by residents of Kayenta regarding maintaining the character of the community at the entrance. It is not about the size of the homes, but rather the lot sizes. He mentioned Council Member Johnson's desire to preserve the character of the original Kayenta, while Council Member Scott aimed to ensure consistency with the proposed development in the adjoining area. He noted that Council Member Murphy expressed that limiting the lot size to the dimensions discussed by the other Council Members was going too far. **Council Member Murphy** stated that was correct. **Council Member Johnson** suggested the possibility of treating the area as two separate pieces and considering the distinct characteristics of each portion. She proposed keeping the upper east side with a higher density of RE-15, allowing the applicant the option to develop it accordingly but emphasized the importance of maintaining larger lots for the lower piece, so as to preserve its unique character. **Council Member Mehr** reiterated his position that the property owner should present a clear application that reflects the Council's vision and the community's feedback. It is not the Council's role to decide on behalf of the owner regarding the property's development. He encouraged the owner to submit a new application that aligns with the established guidelines. **Mayor Hart** inquired of Dale Coulam to explain his point of view on this. **Dale Coulam** clarified that while he understood Council Member Mehr's principle, he wants to emphasize that the law does not mandate the applicant to keep submitting new applications until they satisfy the Council's expectations. The law grants the Council the authority to approve, deny, or modify the Planning Commission's recommendation. This includes the option to modify the zoning to a different zone that aligns with the Council's vision. Requiring the applicant to repeatedly submit new applications until they find the perfect fit would be time-consuming and not mandated by the law. **Council Member Scott** stated that the applicants have paid money to come this far and if the Council denied the application, did not think there would be a refund. If the applicant doesn't like what the Council concludes tonight, they could come back, pay for it, pay to do this over again with a different proposal, which if the Council denied it, they would have to do anyway. The applicant has already invested money to reach this current stage and if the Council were to deny the application, there would be no refund of those expenses. If the applicant disagreed with the Council's decision, applicants would have the option to come back and submit a new application, which would require additional fees. If the Council were to deny the new proposal as well, the applicant would still need to go through the process once again. **Dale Coulam** stated that was correct.

MOTION: Council Member Scott moved to approve a revised Ordinance No. 2023-08, an Ordinance of Ivins City, Utah, approving a zone amendment from RA-5 residential agriculture to RE-25 low density with lot averaging on approximately 33.864 acres located at approximately Kayenta Parkway and 450 North except for the lots immediately South of the three homes on Willow Springs Way on the South side of Willow Springs Way. Those lots would be zoned RE-43

SECOND: Council Member Mehr

VOTE: The motion failed

Council Member Scott	AYE
Council Member Mehr	NAY
Council Member Johnson	NAY

Council Member Murphy	NAY
Council Member Anderson	RECUSE

Mayor Hart clarified that would essentially be establishing a buffer and the motion includes both of the areas shown on the map.

Roll call vote. Three (3) Council Members voted in opposition so the motion did not carry. **Council Member Johnson** suggested separating the two pieces. She would like to see larger lots against the highway. **Mayor Hart** inquired if Council Member Johnsons motion would be to create a buffer along Kayenta Parkway, Highway 91 and against the three existing properties and those that the zone on that buffer would be RA-43 and the area that is to the East of the new concept plan, zoned RE-15 and the remainder of the section off Kayenta Parkway zone RA-25? **Council Member Johnson** stated yes. **Council Member Murphy** expressed her preference for a lot size of 17,500 rather than 25,000 for the entire area and that buffers do not necessarily need to be exact sizes and questioned the necessity of one acre lots on the north side. She understood the concerns about the entrance into Kayenta and the developer of the property but believed that Kayenta is unlikely to sell it off to someone else.

MOTION: Council Member Mehr moved to deny Ordinance No. 2023-08, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RA-5 Residential Agricultural, to RE-15 Low Density Residential on approximately 33.864 acres located at approximately Kayenta Parkway and 450 North

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	RECUSE

Roll call vote. All Council Members voted in favor with the exception of Council Member Anderson who recused himself.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2023-05R, a Resolution of Ivins City, Utah, appointing a new Trustee to the Board of the Black Desert Public Infrastructure District

Dale Coulam reported that the Resolution was drafted by Attorney Matt Ence. The Resolution proposes appointing Stephanie Nast to replace Paul Bringhurst for the remainder of his term or until Stephanie decides to step down. **Stephanie Nast** introduced herself as the Project Manager at Black Desert Resort and has been for nearly three (3) years. She mentioned her experience working with Patrick Manning, attending meetings for plats, zone changes, and other related matters. She also collaborates with Ivins Building Department on tasks like obtaining building permits and participating in TRC (Technical Review Committee) meetings. **Council Member Mehr** inquired if she was a registered voter in Washington County as the Resolution indicates? **Stephanie Nast** stated yes.

MOTION: Council Member Murphy moved to approve Resolution No. 2023-05R, a Resolution of Ivins City, Utah, appointing a new Trustee to the Board of the Black Desert Public Infrastructure District

SECOND: Council Member Mehr

VOTE: The motion carried.

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

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

B. *Continued discussion and consider approval of Construction Easement Agreements with Lloyd Warner and Tadd and Kendra Thomas regarding drainage system

Chuck Gillette reported that the property owners have signed the agreements. The purpose of the agreements were to avoid property condemnation and relocate the trail. The recommended approach was to install a private drain on the property to facilitate drainage since bringing the trail closer would make it challenging to maintain proper drainage. The responsibility for maintenance would primarily be with the owner of the property where the drain is located. The drain consists of a small section on Lloyd Warner's property and the majority on the Thomas' Property. They included a provision stating that the City will clear the drain if it becomes more than 40% filled, as they have the necessary equipment for that. He expressed confidence that sediment build-up would not be a significant issue in that particular area due to its topography and the property owners are granting the City a Hold Harmless indemnification. **Mayor Hart** inquired of Dale Coulam for his opinion on the agreement and whether he had reviewed it to ensure its appropriateness for addressing the conditions they were trying to resolve. **Dale Coulam** confirmed that the majority of the work on the agreement had been handled by Chuck, who had done an excellent job in negotiating and finalizing the document.

Council Member Anderson inquired about the benefits Ivins City would gain from these agreements and why the City was involved in providing drainage and making changes to the road, particularly since the fence that was put up did not comply with the ordinance and did not meet the criteria of Highway 91. **Mayor Hart** stated that the City's main benefit was avoiding the need for condemnation and by reaching this agreement, the City would not have to go through the process of condemnation. **Council Member Anderson** asked for further clarification on what the City is specifically gaining from the agreement, as he raised concerns about the City's involvement in providing drainage, altering the road layout, and incurring additional costs for curb and gutter installation and having to move the path to a location where it was not originally intended to be. **Dale Coulam** clarified that the main benefit for the City was the inclusion of the Hold Harmless provision and by avoiding condemnation. Remaining within the right-of-way, the road elevation would be higher than the property owners'. That raised the potential for flooding. However, the property owners have agreed to indemnify and hold the City harmless for any flood damages. That provision allows the City to address the issue proactively by offering a solution through the installation of a drainage system, while the property owners would be responsible for its maintenance. That is a fair exchange and provides a resolution for potential flooding concerns resulting from the Highway 91 improvements within the right-of-way, rather than simply presenting a problem without a solution. **Council Member Anderson** indicated that by doing things the right way, the drainage could have been achieved through the existing water line. He agreed with Dale but disagreed with the provision stating that Ivins City would repair any fences. He pointed out that the fence had only recently been installed and did not meet the criteria for Highway 91. He wanted to ensure that the City does not contradict its own ordinance if the fence were to be damaged, emphasizing the importance of aligning actions with established regulations. **Mayor Hart** stated that the fencing is a separate

issue from what is being discussed. **Council Member Anderson** indicated that in the agreement it says Ivins City will repair it if the City damages it. **Council Member Murphy** clarified that it says replacing any fencing that needs to be removed. **Chuck Gillette** stated yes. **Council Member Murphy** commented that it should be replaced with something that follows the Ivins City ordinance. **Mayor Hart** clarified that based on his understanding, no application had been submitted for the construction of the fence, which meant that it was considered an illegal fence that did not meet Ivins City's requirements. **Mike Haycock** indicated that the issue had been noted but they did not want to incorporate it into the negotiations. They were waiting to observe the situation and determine whether enforcement of the zoning ordinance was necessary. **Mayor Hart** asked Council Member Anderson if he was suggesting the removal of the provision regarding fence repair from the agreement. **Council Member Anderson** stated that he was not suggesting the removal of any provisions negotiated by Chuck, particularly the indemnification aspect, which he considered positive but expressed his belief that the situation could have been avoided if the road had been kept in its original location as intended. At this point, since the design was already in progress and moving forward, his concern was not wanting to repair a fence that goes against the City's ordinance. **Chuck Gillette** indicated that he was not entirely certain that the City would need to impact the fence in question. **Mayor Hart** inquired of Chuck Gillette for his input because potentially there are other fences involved and if there was a way to achieve the necessary drainage without causing damage to any fences that might be in violation of the ordinance. **Chuck Gillette** clarified that his preference was to leave the provision unchanged, and the positioning of the connecting box could be adjusted a few feet up to ensure that the angle of approach would not cause any damage to the fence. **Mayor Hart** acknowledged Council Member Anderson's point and suggested that if it were possible to navigate through the existing driveway during the excavation process without causing any damage, it would effectively address the specific concern raised. **Council Member Scott** questioned if in the event that the City caused damage to a portion of the fence that is in violation, and it needed replacement, would the City replace it according to the code requirements? **Chuck Gillette** indicated that's the big question. **Council Member Anderson** suggested that the agreement should specify that the side yard fence will be repaired since the excavation work would need to pass through that area. He clarified that the front fence would not need to be touched. **Mayor Hart** considered the suggestion and asked Dale Coulam if such a change in language would be acceptable. **Dale Coulam** stated yes, but expressed uncertainty about whether the property owners would still be willing to sign the revised agreement. **Mayor Hart** clarified that the current agreement had already been signed. He then asked the Council if they could rely on Chuck to direct the excavators to use the existing openings in the fence and avoid damaging the front fence, thereby deferring that issue to a later time. The **City Council** agreed. **Council Member Mehr** inquired if the property owners agreed to the terms by signing the agreement. **Mayor Hart** confirmed that they did.

MOTION: Council Member Mehr moved to approve Construction Easement Agreements with Lloyd Warner and Tadd and Kendra Thomas regarding drainage system
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	NAY

C. Discuss and consider approval of a Memorandum of Understanding between Ivins City and Rocky Mountain Power regarding utility box painting

Mayor Hart indicated that this is a request from the Arts Commission to make this project a City-wide initiative. **Dale Coulam** stated that this MOU has been shared with Tom Heaton at Rocky Mountain Power. The Arts Commission provided photos and identified the proposed locations for the project and Rocky Mountain Power approved the locations. **Council Member Mehr** referred to the use of the paint and inquired whether that verbiage was solely for liability coverage or if there was a risk of equipment failure due to paint on the metal exterior? He suggested they consider using the same paint that is typically used on utility boxes. **Council Member Scott** clarified that the Arts Commission had been discussing using a wrap rather than paint, and there would be no direct connectivity between the new design and the existing paint on the boxes. **Council Member Murphy** inquired who would be approving the content of what is being placed on the boxes? **Council Member Scott** clarified that the Arts Commission serves as a recommending body, proposing designs to the City Council and the City Council would ultimately make the final decision on approving the artwork.

MOTION: Council Member Scott moved to approve a Memorandum of Understanding between Ivins City and Rocky Mountain Power regarding utility box painting
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	AYE

D. Continued discussion regarding the Budgets for Fiscal Year Ending (FYE) 2024

Cade Visser provided a recap of the changes made from version two to version three of the plan. The major change was an increase in interest from $400,000 to $600,000, based on the rate raise in June and a gradual decrease by the end of the following year. The improvement bonds were adjusted to be paid back by the end of the next fiscal year in May. Other changes were made based on data received from the state, including a $17,000 increase for sales and use tax, a $19,000 increase for highway tax, and an $8,000 increase for franchise tax. The Urban Three analysis was removed, resulting in a decrease of $45,000. Additionally, the City Manager employee expenditures were removed, reducing the budget by $90,000. Overall, these changes led to a surplus of $2,000. **Mayor Hart** publicly expressed gratitude to Dale Coulam for his efforts and taking the intermediate step that helped relieve some burden on the budget. He acknowledged that in a time of tight budgets, Dale's willingness is really the final thing that made this possible. He extended a public Thank You to Dale Coulam and the rest of the City Council joined in expressing their gratitude. **Mayor Hart** indicated that in a previous discussion regarding grant money from the Tourism Council for the implementation of bike lanes and the completion of the trail on Phase 2 of Highway 91, he mentioned that there was a surplus in the Capital Projects account that required direction on how to allocate that. Council Member Scott and Council Member Mehr expressed their desire to review a list of pending projects before making a decision on how to use the remaining revenue. He expressed gratitude to Chuck Gillette for providing the list of proposed projects that lacked funding in the past. He emphasized the importance of the Puerto Drive project, which has been on hold for several years due to the

unavailability of a grant for safe sidewalks to schools. He urged the Council to seriously consider allocating a portion of the surplus funds to finally complete the Puerto Drive project. **Cade Visser** clarified that Ivins City is not obligated to spend the capital projects money. **Mayor Hart** agreed but expressed his desire for the Council to review the list of proposed projects and have discussions about them. He mentioned that he had forgotten about a few items on the list and believed it would be beneficial to consider them. **Council Member Scott** questioned if there was a risk of losing the locked in price for the Regional Park south of Highway 91 if Ivins City does not take action? **Mayor Hart** clarified that the budget was already in place, but there was an agreement in which Ivins City has accepted the mitigation requirement to acquire the property. He explained that the BLM (Bureau of Land Management) will not indefinitely hold onto that agreement, and there are other important future projects such as the Cemetery property and the replacement public works yard, that depend on it. **Council Member Scott** inquired about the underpass for Snow Canyon Parkway, located west of Snow Canyon Drive and Tuacahn drive and if it was a safety issue and what the purpose of that project was. **Chuck Gillette** stated that project had been conceived around 2006 and has been on the list of potential projects for a long time. It was intended to provide a connection for the trail without having to address a specific safety issue. However, the project is costly, and there were initially plans to combine it with the culverts that Ivins City had installed under Center Street in the past. However, that idea was rejected, and the project remained on the list without much progress. **Mayor Hart** commented that it seems like there may not be enough active transportation on that trail to warrant prioritizing the underpass project. **Council Member Scott** commented that from a safety standpoint, it didn't appear to be a critical area. **Mayor Hart** stated that Black Desert has recently acquired Red Mountain Resort and their intention is to construct a similar underpass project further to the east, near the entrance of Red Mountain Resort. **Council Member Scott** referred to the Puerto Drive improvements and an open house that took place two (2) years ago. He mentioned a proposed budget of $465,000 for those improvements and asked Chuck Gillette for further details. **Chuck Gillette** indicated that the project involves removing the west curb of Puerto Drive and reinstalling it five (5) feet further to the east. That would narrow the road slightly, and a sidewalk would be constructed in the space created by moving the curb. **Mayor Hart** mentioned that there were also traffic calming measures planned for the intersection. **Chuck Gillette** stated that there were discussions about narrowing the road and possibly adding speed bumps. **Mayor Hart** indicated that he recalled that there was a giant speed bump-like structure near the intersection, particularly with Mesa Vista intersection. **Chuck Gillette** stated that he would need to check the notes to confirm the details. **Mayor Hart** indicated that there had been numerous emails from residents who were eager to see the project completed and considered it a priority for safety. Ultimately, it is up to the Council to decide on the project and allocate the budget accordingly. **Council Member Scott** stated that the Puerto Drive improvements are indeed a safety issue. He highlighted the importance of ensuring the safety of pedestrians, particularly children walking to school, and acknowledged that the proposed improvements are primarily safety oriented. Although the project has been discussed for a long time due to a lack of funding, having the necessary funds now presents an opportunity to address this longstanding safety concern. **Mayor Hart** commented that there have been previous commitments of funds towards the Puerto Drive improvements, but those commitments were made with the expectation of securing a substantial grant from the state. Despite efforts by an attorney who was lobbying for the grant, it did not happen. **Dale Coulam** clarified that Ivins City had a representative working on securing a grant for the Puerto Drive improvements, but

unfortunately, it did not come through. Ivins City now has funds available for capital projects, as well as ARPA (American Rescue Plan Act) funds. Using all the ARPA funds at once would require a costly single audit, so he suggested splitting the funds into two (2) fiscal years to avoid that. He proposed using half of the ARPA funds this year to boost the Reserve Fund to around 33-34%, not exceeding the 35% maximum to avoid penalties, as a precautionary measure in case of an economic downturn or until revenues from Black Desert Resort start flowing in. In the next fiscal year, the remaining ARPA funds could be allocated to the Capital Projects Fund for the proposed projects. **Mayor Hart** stated that the Council does not need to decide immediately on the specific projects to allocate the additional revenue. The focus for now is to adopt the budget, which is currently balanced except for the Capital Projects Fund. **Council Member Anderson** commented that the discussion began with the question of whether there is a higher priority than implementing the five (5) lanes on Highway 91, considering it as a safety issue. He personally believed that the Puerto Drive project is a higher priority, but he also thought that there are sufficient funds to proceed with the five (5) lanes on Highway 91, given the time sensitivity of that project and its objectives. **Mayor Hart** asked Chuck Gillette and Cade Visser to verify the details of the Puerto Drive project and its impact on the estimated cost, taking into consideration Council Member Anderson's request. He suggested discussing this further at the next City Council meeting. The **City Council** agreed. **Mayor Hart** also encouraged the Council to review the other projects on the list that have been pending for some time and prioritize them accordingly. **Dale Coulam** clarified that the specific allocation of ARPA funds does not need to be specified in the budget, as there are ways to use the funds to cover various expenditures of the City. If the funds were directly used on a federally funded project like Highway 91, it would create complications similar to phase one of the project. He recommended moving the ARPA funds into a different fund in the City, which would allow for greater flexibility in their utilization. The suggestion was to first move half of the funds to the Reserve Fund this year and the other half in the next fiscal year to avoid triggering a single audit. By transferring the funds out of the current account, which holds federal money, and into another account, the complications associated with federal projects can be avoided. **Mayor Hart** indicated that the City of Santa Clara recently adopted a Resolution in favor of implementing a sales tax increase to fund Fire and Rescue services. He mentioned that this could be a long-term alternative to raising property taxes and could help manage the expected budget increase over the next few years. He requested that be added to the next City Council agenda for further discussion. **Dale Coulam** stated that he will find out the details of that Resolution and obtain the necessary information to further discuss this at the next City Council meeting. **Council Member Mehr** thanked Cade Visser, Dale Coulam, and the City Staff for their efforts in working on the budget. The **Mayor and other City Council Members** agreed.

E. Discussion and consider approval of Ordinance No. 2023-07, an Ordinance of Ivins City, Utah, amending Purchase Order Authorization Amounts

Dale Coulam reported that this was discussed at the last meeting and this formalizes that discussion to enact those thresholds.

MOTION: Council Member Mehr moved to approve Ordinance No. 2023-07, an Ordinance of Ivins City, Utah, amending Purchase Order Authorization Amounts
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

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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for May 4, 2023

MOTION: Council Member Mehr moved to approve the Consent Agenda

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	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Murphy referred to previous misinformation regarding the Blue recycling cans. There was a story in St. George News by Reporter Chris Reed who provided accurate information on where the items from the Blue recycle bins go. According to the story, the recycling materials from the Blue cans are sent to Republic Services Southern Nevada Recycling Center in Las Vegas, which is the largest recycling center in the area. The materials are sorted there, and the story includes a video and pictures showing the process. She urged everyone to read the story on the St. George News website, to gain a better understanding that the recycling items in the Blue cans do not go to the landfill but are indeed sorted at the recycling center. There were no other reports.

B. Mayor

Mayor Hart reported that he attended a convention at the Dixie Center where City Council members from various locations in the Western United States and Hawaii were present. He was invited to participate in a presentation and a tour showcasing the Red Cliff's Desert Reserve and its impact on Ivins City. Despite initial negativity surrounding its creation, the Reserve has had a positive effect on Ivins City and development, aligning with the County's progress and the beloved open space of Snow Canyon State Park and its extension emphasizing its significance to Ivins City. During the bus ride, he had the opportunity to answer questions and provide information about Ivins City, including notable attractions like Tuacahn and the Black Desert Resort. The experience was enjoyable for him and the attendees.

C. City Manager/Attorney Dale Coulam

Dale Coulam expressed his appreciation to Ivins Department Heads for their efforts in balancing the budget. He acknowledged the dedicated work and long hours that Cade Visser has put in reviewing all the line items, resulting in a favorable outcome of the budget. He extended a special thank you to them for their hard work.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

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	AYE

The meeting adjourned at 7:25 p.m.

Respectfully,

Kari Jimenez, MMC
City Recorder