IVINS
CITY COUNCIL
MINUTES
June 1, 2023

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 Murphy, Council Member Johnson, Council Member Mehr, Council Member Scott, Council Member Anderson, City Manager/ Attorney Dale Coulam, Director of Finance Cade Visser, Parks and Recreation Benny Sorensen, Building Inspector Fred Castagne, City Engineer Chuck Gillette, Fire Chief Andy Parker, Police Chief Bob Flowers, Lieutenant Jaron Studley, Sergeant Nick Tobler, and Deputy City Recorder Sharon Allen.

EXCUSED: None.

Audience Attending: Sharon Gillespie, James Barden, Sharon Barton, Quin Denning, and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

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. Department Reports: Parks and Recreation; Public Safety

Benny Sorenson provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that Fire Lake has been experiencing high activity, with the recent weekend being particularly chaotic. He observed a significant amount of garbage accumulation on Monday and on Tuesday there were sewer issues related to the septic system. The septic tank was pumped out and the system initially functioned properly, but an alarm went off indicating pump failure. As a result, Fire Lake was closed from 9:00 am to 4:00 pm on Tuesday. The septic tank was pumped out again, and a new pump was installed by the Public Works department. The alarm system alerted them to the issue, allowing for timely repairs. The situation now appears to be resolved, and daily checks are conducted to ensure proper functioning. The capacity of the system might be inadequate for the large number of people visiting Fire Lake and noted that the Shivwits parking lot was full. **Council Member Anderson** indicated he was concerned about the capacity of Fire Lake. The reservoir and parking lot were originally designed to accommodate a specific number of people. The current issue lies in the sewer system being overwhelmed because the Shivwits parking lot is allowing for more people to park and go to the park. He suggested that the City consider addressing that and potentially restrict parking in the lot unless individuals are willing to contribute to Ivins by installing additional restrooms. **Benny Sorenson** commented that overall things are going well. There is an issue with weeds, and the Parks Department has been actively addressing the problem. There were 23 plots sold in the new section of the Cemetery and there have been two (2) burials so far in that area, with a third

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upcoming, as well as plan to relocate a burial from one of the old grass sections, to the new section.

Fire Chief Parker provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that Fire Department joined the local elementary schools in conducting a watering project with the kids. EMS provided standby for a movie shoot, and responded to approximately 150 service calls, including accidents on Highway 91 and a waterboarding incident at Gunlock Falls. SCI Fire successfully contained a 40-acre fire in Saint George with the assistance of multiple agencies and also responded to a fire caused by a downed electrical line in partnership with Dammeron Valley. They received a grant for mental health awareness, which includes Chaplain support and access to Psychiatrists through an online application. A controlled burn was conducted on the Lava Flow Trail, and plans were made for controlled burns on City property if needed. **Council Member Anderson** referred to the BIA (Bureau of Indian Affairs) and inquired who was in charge? **Fire Chief Parker** stated that he works with Travis Newman who is a Shivwits band member. **Council Member Anderson** indicated that prior to Chief Parker, they were trying to coordinate getting some of the roads mapped of the area in case there was a fire out there so that the best route would be known. **Fire Chief Parker** stated that was actually discussed and there is a water tank that has been improved along with some other things.

Police Chief Flowers provided an electronic report, a copy of which is available as an attachment to this agenda. He expressed amazement at the extent of services provided by the Victim's Advocate, which has been a full-time program for the past few years. The Victim's Advocate is also assisting the County and remains busy with her responsibilities. He referred to traffic enforcement on Old Highway 91 and reported that Public Safety has been actively enforcing speed limits, and surveys indicate that traffic generally adheres to the speed limits. Despite the high volume of traffic and ongoing construction, there have been no major accidents thus far. Highway 91 experiences heavy traffic, particularly on weekends and holidays with construction in the Virgin Gorge on I-15. **Council Member Anderson** referred to a bike accident that occurred on Puerto Drive and inquired if the bike hit the car or if the car hit the bike? **Lieutenant Studley** clarified that there was a kid coming home from Vista Charter School and he hit the back of a legally parked car.

B. Planning Commission Report

Fred Castagne reported that the Planning Commission held two (2) Public Hearings. The first Public Hearing was on the removal of a Short-Term Rental Overlay located at The Crossings at Red Desert on 800 South and Main and the second Public Hearing was to amend a section of the subdivision ordinance and zoning ordinance regarding Noticing requirements. After the Public Hearings, the Planning Commission recommended approval of both agenda items and those will go forward to the City Council for Public Hearings. **Mayor Hart** expressed a sense of urgency regarding the General Plan review and encouraged the Planning Commission to move a little more quickly. **Fred Castagne** indicated that the Planning Commission is planning on holding a Work Meeting soon, to cover as much ground as possible. **Council Member Anderson** referred to the Indigo subdivision and commented that he was okay with removing the Short-Term Rental Overlay on that subdivision. **Dale Coulam** stated that he would initiate that process.

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

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4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of an extension of time for a Final Plat for the Desert Cove Subdivision located at 200 North and Kwavasa Drive

Dale Coulam stated that there is a provision in the Ordinance that allows for a one time, six (6) month extension. **Council Member Mehr** inquired what the potential impact would be. **Dale Coulam** clarified that if the Council did not grant the extension, the applicant would be required to revert to the Preliminary Plan and re-do their Final Plat. The review process aims to ensure compliance with the Preliminary Plan, and if met, the applicant is entitled to approval. The Council cannot modify the Ordinance since the applicant's rights are vested.

MOTION: Council Member Scott moved to approve a six month extension of time for a Final Plat for the Desert Cove Subdivision located at 200 North and Kwavasa Drive
SECOND: Council Member Johnson
VOTE: The motion carried.

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

B. Continued discussion regarding 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

Dale Coulam stated that this was brought up for discussion due to concerns about a home that installed an indoor shooting range in the basement. There were certain safety amenities added to the basement shooting range and it has a separate ventilation system. The existing Ivins City ordinance prohibits the discharge of firearms in the City, with a few exceptions. This particular home sparked the discussion on whether the ordinance should be amended or if additional regulations should be considered to allow for the operation of a safe indoor shooting range in a basement setting. **Police Chief Flowers** indicated that he was involved in constructing a shooting range in St. George and another one for the State. The ranges were built for training purposes and had specific considerations related to environmental factors, ammunition containment, air circulation, and overall safety. In this instance with this home, the range is in a private residence's basement, rather than as a training facility or commercial establishment. He referred to a situation where a berm caused issues with lighting and noise and clarified that he does not support outdoor ranges due to the potential adverse effects on nearby residents. He asked Sergeant Tobler to conduct research on the topic and to provide the Council information that information. **Sergeant Tobler** stated that he looked at different cities to see what ordinances they had and most of them referred to allow shooting within City limits as long as it is within Utah guidelines and built within an approved City shooting gallery or shooting range. He looked at some of the requirements like operational hours, wall material and ceilings and floors that are impenetrable, which an Engineer would oversee. He noticed that Ivins draft ordinance referenced a .50 caliber round and was unsure how regulating that would occur. They also address storage of the ammunition, ensuring it is stored within building department and fire department regulations and determining a maximum decibel level that can be heard from the street. **Council Member Anderson** inquired what the decibel level was. **Sergeant Tobler** indicated it is typically around 65 decibels. Other considerations include lead inhalation and disposal of lead, with certain restrictions on shooting lead ammunition inside the

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range. **Mayor Hart** inquired if those ordinances distinguished between commercial ranges and private ranges? **Sergeant Tobler** clarified that commercial ranges fall under OSHA guidelines and the information he provided was specifically for private ranges. **Council Member Mehr** inquired if a Red Rider BB gun was considered a firearm. **Dale Coulam** stated that according to the ordinance, anything that shoots a projectile is considered a firearm within reason. As far as a .50 caliber round, he was unsure how Ivins City, the Public Safety Department or the Building Department would measure that. In the case of this particular shooting range, the person who installed it has experience building shooting ranges for the military and tested it with .50 caliber rounds, to ensure the range could withstand them. He didn't know how that specific requirement could be tested or measured to ensure that it met the standard, aside from actually shooting a .50 caliber round against it. **Council Member Anderson** indicated that an Engineer could and it would be stamped by an Engineer. If it is engineered properly and meets the noise ordinance, these are good guidelines and they just need to add a guideline regarding ammunition storage. **Mayor Hart** stated that the basic question that the Council needs to determine is, are we going to allow shooting ranges? The choice is that the Council either creates an ordinance that makes it possible for someone to do that or we don't and the City waits for a complaint. If no complaint occurs then there wouldn't be an investigation or prosecution. **Council Member Anderson** referred Ivins current ordinance and commented that he thought the intent was that there be no outside shooting. **Mayor Hart** referred to Dale Coulam and commented that from a legal standpoint, it would suggest no shooting anywhere, indoor or outdoor. **Dale Coulam** commented that it says no discharge of any firearm within the City. **Mayor Hart** commented that implicitly disallows a shooting range. **Dale Coulam** stated yes and commented that as far as a Red Rider BB gun and graduating to a pellet gun, there are some powerful pellet guns that at some point become similar to a .22. In close range to a neighbor, that would likely feel like a firearm if it hit them. **Council Member Mehr** understood the concern for liability but a Red Rider BB gun did not seem like a firearm to him. **Mayor Hart** indicated that right now, the facility in the home is legal as a storage room and only becomes illegal if there is a firearm is discharged. The Council has a choice to either proceed with a set of conditions under which they are legal, leave the ordinance in place as it is or modify the ordinance in some way. **Council Member Anderson** stated that the City should pass an ordinance to allow them if it is stamped by an Engineer. It's similar to a swimming pool. Some people don't like living next to a swimming pool because it can be noisy when it's used and can be dangerous. **Council Member Mehr** agreed. **Council Member Scott** was opposed and indicated that a shooting range does not belong in residential. He was not opposed to guns. He owns guns and goes to the shooting ranges in Washington County. He was opposed to changing or creating an ordinance to accommodate an individual. They should only make changes or additions to our ordinances when they clearly support the needs of the broader community. He was opposed to changing an ordinance because an individual chooses the strategy of asking for forgiveness after the fact, rather than permission before the fact. That makes a joke out of Ivins City ordinances if that is allowed. How can the City justify enforcing any of Ivins codes if the City modifies ordinances to erase a violation that occurs, whether it was deliberate or accidental? He was opposed to changing the ordinance because the applicant applied to build a storage room but built a shooting range instead and that was inappropriate. If the Council does decide to change the ordinance, he felt that most of the points added in 4)A through D are far too general and they need to be more specific and an Engineer should state what should be in the exceptions. For example, 4)A is not measurable by

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itself. What is the impact of a .50 caliber weapon? An Engineer could tell them what the construction should really be and it's only the construction that Ivins inspectors are going to be able to monitor and enforce. He would like an Engineer to tell the City is this too little or too much, to change 4)A to walls and ceilings to be solid concrete at least 8" thick, using at least 4000 PSI concrete. The floor shall us at least 5000 PSI concrete. Likewise, 4)C talks loosely about ventilation and lead-free ammunition. A person should be familiar with their gun and use the kind of ammunition that they would use in real life and in most cases, that would probably is not going to be lead free. Even if people would use lead-free ammunition, that isn't something that the City is going to be able to monitor or enforce and suggested that be removed. They should focus on a safe ventilation system and an Engineer could tell them if it is too much or too little. What he found was, install a ventilation system separate from other home ventilation, that achieves a laminar negative airflow of 75 FPM but not less than 50 FPM and use an air filtration bank of HEPA filters. 4)D is problematic. It says that the actual shooting area is lined with an acoustical material to minimize noise. The definition is to reduce to the smallest amount or degree – what is that? Instead, an Engineer would be able to tell the City what is a reasonable level of noise reduction. What he found was to install acoustic foam panels at least 3" thick, Category A Fire Certified. He would add a 4)F indicating that the shooting range cannot be operated as a home-based business so that it did not become a commercial range in a residential neighborhood. He was adamantly opposed to changing an ordinance for one (1) individual that others can then use as well. **Mayor Hart** commented that in response to the specifications that would be required, it is foolish for the City to try and establish what wall thicknesses would be. Requiring a structural engineer stamp, which the City does, if there is a foundation being poured, a basement of any kind, the City requires a Structural Engineers stamp certifying that that basement is going to hold up to whatever the structural stresses are against it. The issue of the concrete should be deferred to a Structural Engineer. Regarding ventilation, the City should not define that. There are Mechanical Engineers that do that and that's what they specialize in and if somebody is going to go to the extent of building an exotic structure like this, they can bring in a Mechanical Engineers stamped plan on ventilation and the same thing with the acoustical material. **Council Member Anderson** commented that he thought there was a certain decibel level that has been defined. **Dale Coulam** clarified that has not been defined. **Council Member Anderson** referred to the lead bullets and inquired why we care about lead bullets? **Council Member Murphy** stated that was in favor of doing this but was not in agreement when the City says we're doing this for a particular person. Yes, it came to the City's attention because someone has one of these but we're not doing this for a particular person. There are three (3) Council Members that have expressed an interest in making this something that people can do so it isn't being done because that person put one in. She didn't think that anyone is going to put it on a permit and advertise that they're going to put a gun range in their house. That's unreasonable. If that's their plan, they can bring the engineering reports in and do what needs to be done but she did not think that it needed to be on a permit that is a public record for anyone to see. **Council Member Johnson** commented that the City would not be considering this if the individual had not done this. She was very much opposed to changing the ordinance because somebody did something inappropriate, knowing that it was inappropriate and that the City is making exceptions for that. If the City does that, it will definitely set a precedence for others that want to do something, do it and then come back and ask permission from the Council. The way that this is being addressed is not the correct way to address it. If somebody wants to do this in the future and wants to bring this before Council and have it done

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in an appropriate manner and change the ordinance prior to them doing it, then that is something to consider but she was very much opposed to doing this simply because it was brought to the Councils attention and that it was done in an illegal and inappropriate. Way. **Council Member Anderson** had a different perspective and indicated if the Council changes the ordinance, the individual does not have the right to use his gun range until he has what is listed and if he wants to go through the effort to do that, he's bringing it into compliance and needs to meet the requirements. **Mayor Hart** commented that he was not sure that was true because the City does not have an ordinance that says you cannot build a gun range. The City has an ordinance that says you cannot discharge a firearm. **Council Member Anderson** rephrased and stated that if the gentleman wants to fire his firearm in his home, he has to bring it into compliance. He can have the gun range right now but he can't shoot a gun in it until he brings it into compliance if the Council passes an ordinance. **Mayor Hart** commented that they are back to the two (2) choices that he mentioned previously – either the Council does nothing and leave the ordinance as-is and if there's a complaint, Public Safety would address it. He heard three (3) of the Council Members suggest that the City should pass some version of an ordinance and heard two (2) of the Council Members say that because of the way this has come about, the City should not. **Council Member Mehr** commented that he could appreciate the forgiveness versus permission and was the applicant fully forthright and he did not disagree with those thoughts but at the same time he did not know if it was relevant. Things happen and that is why the City has guiding ordinances that need to be re-visited and looked at and that is what they are doing. He liked Council Member Scott's comments about it not being operated as a home-based business because that is important. He was in favor of this and felt that a lot of the argument about this is emotional but if this is engineered properly, it's safe and it isn't being used as a business, what is the concern? You won't know what is happening. This is not a Public Safety issue if they follow these guidelines. He recommended eliminating no lead bullets because the City cannot enforce that. Add a letter "F" to say that it cannot be operated as a home-based business and add letter "G" to say that BB guns are not considered firearms. **Council Member Anderson** commented that they need to add ammunition storage has to meet the building and fire code. **Mayor Hart** commented that the Councils points were all good but contested the point that if this moves forward, a shooting range should be identified on the plan labeled because there are codes that need to be complied with and compliance could be determined by engineering stamps. They can take all of the references to wall thickness and suitable acoustical material out. If those are qualified by requiring a stamped plan and clearly identify that this is a shooting range, that triggers the requirements coming into play and the building department can determine if the facility is being built according to the stamped engineered plans. **Council Member Anderson** stated that they need to leave the reference in that the range is designed for a .50 caliber because it's engineered to a higher safety level. 4)A should say that all plans will be stamped and engineered for structural, acoustics and ventilation, meet the requirements for a .50 caliber to be shot, storage of ammunition and be identified as a shooting range on the plan. **Mayor Hart** indicated that the first requirement is that it has to be designated as a shooting range on the plan. The **Mayor and City Council** discussed decibel levels and decided to leave that a little more vague so that the City can work with people to obtain better compliance. **Council Member Murphy** commented that after A, C and D, each one of those can end with a certified structural engineer, acoustical engineer and a ventilation engineers report. **Mayor Hart** stated that A has to be that the shooting range is clearly defined on the plan. B is a stamped structural engineer and stand up to a .50 caliber round. Lead bullets goes

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away. C is ventilation stamped by a mechanical engineer and acoustical signed off by an engineer, storage of ammunition has to meet the fire and building code and it cannot be a home-based business. **Dale Coulam** indicated that it is difficult to make a motion as they want this passed with the current document in front of them. He suggested that staff make an attempt at re-writing the ordinance and tweak it from there.

MOTION: Council Member Mehr moved to continue agenda item 5)B to the next meeting
SECOND: Council Member Anderson
VOTE: The motion carried.

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

C. Discuss and consider approval of Resolution No. 2023-06R, a Resolution of Ivins City, Utah, requesting the Washington County Commission enact a 1% sales tax to fund the provision of Emergency Medical Services by Santa Clara/Ivins Fire & Rescue

Dale Coulam stated that Santa Clara Mayor Rosenberg had already spoken to Mayor Hart about Santa Clara's recent passage of a similar resolution. A bill was passed during the legislative session allowing Fire Rescue departments to obtain additional funds for this service. The eligibility for applying for these funds was primarily limited to Washington County. The County Commission would need to agree with this and place it on the ballot for a vote. The resolution expresses Ivins City's support for what Santa Clara has already done and urges the County to move forward with the process. **Council Member Scott** inquired if the County would impose the sales tax County-wide or if it could be limited to Santa Clara and Ivins only? **Dale Coulam** indicated that it could be City-specific but would start with the County's decision. **Fire Chief Parker** stated that once approved by individual cities, the County would take action, and ultimately, the voters would decide in November. **Mayor Hart** indicated that the effort initially began with the Hurricane Valley Fire District's need for funding. Although the legislature did not agree to provide funding solely for that district, they made it possible for any fire district or, in this case, the joint Santa Clara-Ivins Fire Department, considering their collaborative approach. Santa Clara had already submitted a letter of support, and it would be fitting for Ivins to do the same. **Council Member Anderson** stated that he liked this. A lot of Santa Clara Ivins Fire and Rescue is spent on tourists and Mutual Aid and this would mean whenever something is bought in Ivins, it is helping Ivins pay for Fire and Rescue. He inquired how much money 1% equals and if it is based on actual sales tax from the area of each City? **Mayor Hart** stated that the County had the discretion to determine the specific allocation method. **Cade Visser** indicated that if the 1% sales tax were implemented solely within Ivins, it could potentially generate an additional $1 million in revenue for the City but if the tax were implemented County-wide, the amount could be much higher, depending on the chosen allocation method. **Mayor Hart** stated that the legislation allows for up to 1% and the final determination would rest with the County Commissioners. The shortfall faced by Ivins City and the City of Santa Clara was roughly half a million dollars, leading to adjustments in the budgets. **Council Member Anderson** inquired about the usage of the funds. **Fire Chief Parker** commented that the money could be spent on EMS staffing, supplies, equipment, and ambulances. **Council Member Murphy** inquired about the term 'eligible sales.' **Dale Coulam** indicated that it does not apply to food sales. **Cade Visser** stated that he could provide the Council with a comprehensive list of eligible and non-

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eligible sales. **Mayor Hart** indicated that the Fire Department's services extended beyond Ivins and Santa Clara through Mutual Aid agreements, assisting other jurisdictions in the County. This funding mechanism is more equitable than relying solely on property taxes. **Council Member Mehr** stated that he was in support of placing the resolution before the voters. He inquired if there wasn't an election in August, then what would happen? **Dale Coulam** clarified that the County would have to set a date, which could be in November or through a Special Election.

MOTION: Council Member Scott moved to approve Resolution No. 2023-06R, a Resolution of Ivins City, Utah, requesting the Washington County Commission enact a 1% sales tax to fund the provision of Emergency Medical Services by Santa Clara/Ivins Fire & Rescue

SECOND: Council Member Anderson

VOTE: The motion carried.

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

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

D. Discuss and consider approval of Resolution No. 2023-07R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater Rate to Pass-Through Saint George Regional Wastewater Reclamation Facility's Rate Increase of $1.50 per Equivalent Residential Unit

Chuck Gillette stated that the attached memos shows all of the increases that will become effective in July.

MOTION: Council Member Mehr moved to approve Resolution No. 2023-07R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater Rate to Pass-Through Saint George Regional Wastewater Reclamation Facility's Rate Increase of $1.50 per Equivalent Residential Unit

SECOND: Council Member Johnson

VOTE: The motion carried.

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

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

E. Discuss and consider approval of Resolution No. 2023-08R, a Resolution of Ivins City, Utah, adopting the Pass-Through of the increase in the Washington County Water Conservancy District's Regional Water Rate

Chuck Gillette referred to the memo, which provides information on the approximate rate increases. He reported that the increases vary based on the amount of water used. The base rate is increased by 4.7% for the first 7,000 gallons and increases 7.9% for 8,000 gallons to 9.2% for 15,000 gallons. The total increase in rates will depend on the individual's water consumption. **Council Member Mehr** inquired about the average household usage and the potential impact on bills. **Chuck Gillette** commented that it would be an increase of approximately $10 but would depend on water use. **Council Member Mehr** inquired as to the

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decision-making process and accountability of the Water Conservancy District. **Mayor Hart** stated that the District hires professional engineering firms to determine the cost of water and considers various factors when proposing rate structures and the Board then votes on the proposed rates. He acknowledged the ongoing increase in water costs and the choice between the City absorbing the costs or passing them on to residents. He emphasized that the cost of water in Washington County will likely continue to rise.

MOTION: Council Member Murphy moved to approve Resolution No. 2023-08R, a Resolution of Ivins City, Utah, adopting the Pass-Through of the increase in the Washington County Water Conservancy District's Regional Water Rate
SECOND: Council Member Scott
VOTE: The motion carried.

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

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

F. Discussion regarding project prioritization

Mayor Hart indicated that this is an ongoing discussion about project prioritization. It is the allocation of capital projects resources. Ivins City received a grant from county tourism for the Highway 91 project, phase two, which is a $3 million project with $1 million being provided by the county. Some of the projects discussed include the widening of a section of Highway 91 in phase one to five lanes and the Puerto project. The Puerto project, which has been in motion for several years but lacked funding and is estimated to cost around $650,000 but may turn into a $1 million project considering the residents' concerns about traffic calming and limiting truck traffic. He mentioned his intention to call a meeting with the Puerto residents to discuss potential funding if the Council decides the Puerto project is a priority. **Council Member Anderson** stated if people want speed bumps on any road, he would not support that. He indicated that he has been driving down Puerto for the past two months and doesn't see it as any different from other streets in Ivins, but he does not live on Puerto so he may not see the problem. He raised concerns about the issue of diverting truck traffic to other neighboring streets if Puerto were to be restricted, and who would determine which road would be deemed better to use? **Mayor Hart** commented that if the City moves forward with Phase 2 of Highway 91 and the Puerto project, those would total approximately $1 million. **Cade Visser** stated that was correct. **Mayor Hart** indicated that the remaining ARPA funds would amount to $1 million, which the City can utilize for various purposes as discussed by the Council. The decision on how to allocate the Capital Project funds is in the hands of the Council, based on where they see the most beneficial use. **Council Member Anderson** stated that there may be additional factors to consider. He mentioned that according to his calculations, after the completion of the second phase of Highway 91 and the addition of five (5) lanes to the Highway 91 project, there should be approximately $1.5 million remaining. On Highway 91 in Ivins City, there are no passing lanes, which affects both the aesthetics and functionality of the road. **Mayor Hart** commented that he has thought about the issue extensively and one of his concerns is the changing use of Highway 91 due to ongoing residential development in the area. He mentioned that the current plan is to slow down traffic on Highway 91 to address the increasing residential development, suggesting a speed limit of 40 miles per hour instead of the current 50 miles per hour. He raised

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the point that slowing down traffic might result in congestion and encourage unsafe driving behavior, with drivers attempting to overtake slower vehicles. **Council Member Anderson** inquired if Mayor Hart was referring to the scenario of widening the road or not? **Mayor Hart** clarified that he was referring to the potential consequences of widening the road for safety. **Council Member Anderson** argued that if the road were widened, there would be two (2) lanes available, eliminating the need for speeding to overtake slower vehicles. **Mayor Hart** stated that there are two (2) other factors. He pointed out that the Ivins Roadway Master Plan does indicate a plan for Highway 91 to have five (5) lanes within the next 20 years, but it does not currently call for immediate expansion. The list of priority projects provided by Chuck Gillette did not include any water projects. Water projects were not part of the current discussion, but he highlighted the importance of being cautious with the budget, considering the significant investment of $1 million. **Council Member Anderson** indicated that the ARPA money could be allocated solely to bike paths, focusing on improving the roads where Ivins residents drive. He personally observes the road conditions every day and mentioned Snow Canyon as an example of a two (2) lane road. **Mayor Hart** stated that his struggle with the concept of expanding the road to five (5) lanes now when the corridor project is still years away from completion. **Council Member Mehr** suggested conducting a survey or ranking exercise among the Council Members to gauge their preferences and priorities regarding the projects under discussion. He inquired about the topic of pickleball courts and suggested considering those, which might not happen for several years and may end up being in the Regional Park. **Mayor Hart** indicated that the list did not include any specific items related to Parks and Recreation. **Chuck Gillette** clarified that he had included a line indicating Parks as an option but had not provided any specific details or costs for those projects. **Mayor Hart** stated that the water projects, such as the metering system, AMI (Advanced Metering Infrastructure), tank, and secondary irrigation, have become complicated due to uncertainty regarding the plans of the Water Conservancy District. The major road projects on the list included Phase 2 of Highway 91, the Puerto project, and the addition of five (5) lanes on Highway 91. There were also some minor replacement projects. **Chuck Gillette** indicated that there is a subdivision where the asphalt has become significantly cracked and reconstructing it would cost around half a million dollars. **Council Member Anderson** inquired about the possibility of using a slurry to extend its lifespan by another 10 years. **Chuck Gillette** stated that there are other options like a chip seal followed by a slurry known as a Cape Seal and that could be done at a fraction of the cost of approximately $100,000. **Mayor Hart** indicated that there is also the need for lowering power lines on Highway 91 and the rest of the lines on Center Street. **Council Member Anderson** commented that the south side is managed by Rocky Mountain Power and the estimate is $650,000 for the power line project, excluding the cost of conduit, which would be an additional $600,000. He had been in discussions with Tom Heaton, and there may be a possibility of Rocky Mountain Power contributing a percentage of the cost based on safety considerations determined by engineers. **Mayor Hart** clarified that he was simply bringing up various projects for discussion. **Council Member Anderson** commented that he was bringing it up because there might be additional funding from Rocky Mountain Power that could be applied to the power line project. **Mayor Hart** stated that there is also the need for the replacement of the cobra lights, which has been a long-standing item. Attempts have been made to secure funding for that project on three (3) different occasions but have been unsuccessful. They are a cosmetic concern and not in the same league as water pipes or road repairs.

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Council Member Scott indicated that the Puerto project is a safety issue that has been a concern for several years. There was a meeting just a little over two (2) years ago where some plans were suggested. He liked the Mayor's idea of meeting again with the residents to talk through solutions. There is a lack of sidewalks on Puerto. The sidewalks start by Vista School and then disappear after a few homes, posing a safety risk. It has been suggested that the widening of Highway 91 would also improve safety, and he does not know which is the right answer, but he thinks that the Highway 91 improvements that are currently being done are solving a lot of the current safety concerns on Highway 91. If those turn out to be insufficient, then he thinks the Council should look at widening that if it is a potential safety benefit. He would like to look at all the things that we should be doing or could be doing and prioritize them based on safety first. He proposed considering all potential safety measures and prioritizing them, placing aesthetics lower on the list. There are some bigger concerns that need to be looked at. At the beginning of May, Chuck Gillette gave the Council a report that has to be sent to the State on sewer systems. He stated that the Ivins sewer line is estimated to have an 80 year life span, with current costs estimated at $56 million. While there are still 40-50 years before major replacements are needed, the City is collecting approximately $500,000 per year from utility bills for that purpose, but there is currently no money in the bank for sewer replacement. The City would require approximately $56 million for sewer line replacements, and even if the City set aside another half a million dollars annually, the City would only accumulate around $17-18 million, leaving a significant gap to be addressed by future generations. He was also concerned about the lack of funds set aside for road issues that may come up in approximately 20 years like major road work amounting to around $30 million, or $400,000 per lane mile, would be needed. Impact funds could not be utilized for those projects, as they involve replacement rather than new construction. While Chuck has been successful in securing grant money and grant money may be available for regional roads like Center Street and Highway 91, but the interconnected City streets would likely need to be funded by Ivins City. Just because there is $1 million in the bank that can be used on capital projects, that doesn't mean it should be spent at all. He re-emphasized the need for a comprehensive and prioritized list of short-term and long-term expenses. He suggested that safety issues should take precedence, with the Puerto project being a current priority in terms of addressing safety concerns. **Mayor Hart** stated that Ivins has a Capital Plan for roads and Highway 91 is a very high priority on that. Ivins City has now received $1 million specifically for phase two (2) of Highway 91. **Council Member Scott** agreed and stated he believed that Ivins should do phase two (2) and take advantage of the tourism dollars. **Mayor Hart** indicated that it plays to the safety issue and Council Member Anderson doesn't agree that the pedestrian/cycling trail is that important, but the County does and that is why the County contributed $1 million. The Council has talked before and is anticipating putting together a long-term Needs Analysis for Ivins City, to know at least generally what those expenses are going to be and to plan for. For this year, Ivins City has committed to phase one (1) of Highway 91 and a grant for a third of the cost of phase two (2) and everything else is on Ivins City to pay for. Another grant was applied for to help with phase two (2) of Highway 91 but it was denied. $2 million dollars was already given for Highway 91 and that's it. He inquired of Cade Visser if phases one (1) and two (2) were done on Highway 91, if that was a $10 million investment even without going to the five (5) lanes? **Cade Visser** stated that was correct. He clarified if there's a big water project and it is a one-time thing, Capital Projects money could be used. It could be transferred over to the Enterprise Funds. **Council Member Anderson** clarified his stance regarding the importance of bike lanes. He indicated that when it is said he doesn't think it's

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important, what he actually meant was that if you talk to the people in Ivins, the number of individuals who regularly ride bikes on that road, is relatively low. He questions whether spending $3 million on bike lanes would be justified. It is more important to prioritize the road itself, even from an aesthetic standpoint, for the benefit of the people who are funding the project. The road improvement would benefit a larger number of residents. While he may disagree with allocating the full $3 million for bike lanes, he suggested considering a compromise, like constructing a single bike lane, as long as it is not mandatory to construct multiple bike lanes. He receives daily inquiries from people asking about the progress of the road expansion, emphasizing that the project is not solely about his own preferences, but about fulfilling the expectations of the community. **Mayor Hart** commented that it seemed like Council Member Anderson had his own Transportation Master Plan. Ivins City has a Transportation Master Plan, which indicates that the City doesn't need the five (5) lanes for another 10 years. **Council Member Anderson** agreed that the Ivins Transportation Master Plan mentions that but it also says that the road can handle 35,000 cars a day and it has been argued that the Ivins Transportation Master Plan is flawed. When Snow Canyon Parkway was constructed, it wasn't built out of necessity, it was built because the funds were available, and it enhanced the aesthetics. When the Council discusses these matters, they need to consider who the road users are. **Mayor Hart** stated that the safety issues is being taken out of the picture on phase two (2) of Highway 91 because Ivins City is not paying for it. That $1 million came from the County specifically for safety related issues, those being the bike lanes and the path. It is up to the Council to determine which of these is more important - finishing Highway 91 to the border or putting five (5) lanes where Council Member Anderson is suggesting. **Council Member Anderson** suggested gathering input from citizens instead of them solely approaching him because he lives in that area and see if there is sufficient support for it.

Mayor Hart requested that the City staff compile a list of projects for the Council to review. Council Member Mehr has expressed interest in pickleball courts and park related projects. Water projects were not specifically mentioned but are not excluded from the discussion. larger projects may require Capital Project Funds, in addition to Reserves in the Enterprise Funds for water and sewer. The focus is on determining which projects will be prioritized. **Chuck Gillette** inquired if the City Council would like the entire list of water projects. **Council Member Anderson** clarified that they are interested in knowing which projects need funding through the Capital Facilities Fund. Most water projects are funded by impact fees or other sources, so the focus should be on identifying the specific projects that require funding from the Capital Facilities Fund. Council Member Scott's request is related to long-term planning for water and sewer projects. The Council had previously discussed the idea of having a dedicated portion in the Capital Facilities Fund specifically for water and sewer projects. **Mayor Hart** indicated that it started with the study and the goal was to have a long-term planning resource that identifies the anticipated needs and costs within a reasonable range of time, similar to an HOA's reserve fund for replacing infrastructure. **Chuck Gillette** stated that the current list does not include any Parks projects. Some parks projects can be funded with impact fees, but there are specific projects like pickleball courts that may not be eligible for funding through impact fees. Those types of projects would require alternative funding sources. **Mayor Hart** inquired if the Council agreed that phase two (2) of Highway 91 is a safety project, Puerto is a safety project, and potentially the five (5) lanes on Highway 91 but there is no money left for a more cosmetic type of project if they are following Council Member Scotts advice and prioritizing based on safety. **Council Member Johnson** suggested creating a new list

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of projects and removing those that are no longer necessary or can be funded through other revenue sources. She emphasized the importance of prioritizing projects based on the recommendations of the City Staff, as it would help the Council better understand the needs and allocate the funds accordingly. **Council Member Scott** agreed with Council Member Johnson's points and acknowledged that some items on the list are necessary, while others may be considered a "wish list." He asked Chuck for an estimate of when the prioritized projects should ideally be completed. **Chuck Gillette** indicated it would depend on the nature of the project and the available resources. He will revise the memo to include additional factors and categories for evaluating project prioritization and consider factors such as safety needs, and potentially other categories to provide a clearer assessment. **Mayor Hart** clarified that the discussion on project prioritization does not impact the Council's adoption of the budget. It is a separate allocation of Capital Project Funds.

MOTION: Council Member Johnson moved to continue Discussion regarding project prioritization

SECOND: Council Member Scott

VOTE: The motion carried.

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

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

Cade Visser stated that as a follow-up to Council Member Murphy's question about eligible sales for the additional 1%, that would not include grocery food but would include prepared food and other commercial eligible sales such as a transit room. There have been no changes to the Fiscal Year 2024 budget, but the Puerto project will be added preliminarily to the budget for Capital Projects. He anticipated including both the Puerto project and phase two (2) of Highway 91 in the final budget for the Council's review. **Council Member Anderson** inquired if those projects need to be specifically identified in the budget? **Cade Visser** indicated that they could always amend the budget if necessary. **Council Member Anderson** preferred that those projects be left out of the budget until the Council figures out the details.

H. Discussion regarding the Commercial Talk About held at Rocky Vista University on May 24, 2023

Mayor Hart reported that attendance has been diminishing and some people have suggested changing the format. However, he originally intended for the sessions to be educational seminars with expert panelists sharing their knowledge. He acknowledged that the effort and time sacrificed by participants may not be justified if the sessions are not providing value. Despite this, there are three more sessions potentially scheduled, including one on public safety, one on healthy communities in partnership with Rocky Vista University, and one on open space. He has received positive feedback from attendees who have found the sessions informative and enjoyable. He mentioned that future sessions beyond the scheduled ones are uncertain and may be considered in the next year. He reassured a concerned attendee from a previous session on city finance that the city is planning ahead to avoid any potential disasters.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for May 18, 2023

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson provided a reminder that the Ivins City website - www.ivins.com - contains valuable information about events like Heritage Days, registration details, and general information.

There were no other reports.

B. Mayor

Mayor Hart reported that he, along with Dale Coulam, Police Chief Flowers, and Cade Visser, attended an event at Black Desert Resort on Tuesday. During the event, it was announced that the LPGA (Ladies Professional Golf Association) will be bringing a tour event to the area in the Spring of 2025 and there is another upcoming announcement later in the month that is expected to bring approximately 10,000 people to Ivins. Notable attendees at the event included Utah Lieutenant Governor Deidre Henderson and Washington County Commissioner Gil Almquist.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the Black Desert Resort is committed to minimizing the impact on Ivins roads during the upcoming LPGA (Ladies Professional Golf Association) tour event. They plan to utilize parking lots at churches, schools, and other available locations, and provide shuttle services to transport attendees to the event. This approach is common for many PGA (Professional Golf Association) and LPGA events, where limited parking spaces are available, and shuttle services are used to manage the influx of vehicles. It is expected that there will be minimal impact on the City as a result of the event. He reported that there will be some upcoming ordinances that will be introduced in the next few meetings and are in response to legislative changes regarding Noticing requirements and Development Agreements.

D. Items to be placed on future agendas

Council Member Anderson referred to a round-about issue that was missed on the TRC (Technical Review Committee) and whether it should be added as a City Council agenda item for discussion. **Dale Coulam** clarified that the issue would need to go through the TRC process, and he cannot speak on behalf of what the TRC will recommend.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Murphy	AYE
Council Member Johnson	AYE
Council Member Mehr	AYE

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Council Member Scott	AYE
Council Member Anderson	AYE

Respectfully,

*Kari Jimenez, MMC
City Recorder
*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.

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