IVINS
CITY COUNCIL
MINUTES
June 29, 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 Johnson, Council Member Murphy and Council Member Anderson

Audience: Paul & Gery Bryson, James Barden, Sharon Barton, Laela Gaylord, Kathy Smith, Sharon Gillespie, Bonnie Kline, Candy Koharcheck and others who did not sign in.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Parks and Recreation Benny Sorenson , Fire Captain Adam Heyder, Police Lieutenant Studley, Building and Zoning Administrator Mike Haycock, Public Works Assistant City Engineer Tom Jorgensen, and City Recorder Kari Jimenez.

EXCUSED: Council Member Mehr

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Mehr was excused.

B. Flag Salute

Council Member Anderson led the Flag Salute

C. Invocation

Council Member Anderson 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 submitted an electronic report, a copy of which is available as an attachment to this agenda. He provided an overview of the activities and developments in the department and reported that a chemical treatment for weed control and bacteria in the water was done at Fire Lake Park. There have been eight (8) burials during the past month and the new section was almost complete. The Town of Springdale expressed interest in a water-wise cemetery and planned to visit Ivins Cemetery. The regular and high-back benches with logos have arrived and there will need to be concrete pads poured for them. They are making progress on weeds and the Parks crew has been busy with maintenance duties, installing a new path at Red Rock Park and undertaking landscape projects near Center Street and Vista School.

Fire Captain Adam Heyder was present on behalf of Fire Chief Parker, who previously provided an electronic report. A copy of the report is available as an attachment to this agenda. The Fire Department conducted training sessions with St. George Fire and Dammeron Valley Fire on rescue procedures and cardiac arrest treatment for firefighters during structure fires. The training helped familiarize departments with each other's equipment. They also performed a prescribed burn in the Arboretum area near the skate park and Little League ball

fields, to reduce fuel loading and prevent issues during the dry summer. The first round of paramedics hired last year completed their 12-month testing, while the remaining hires will undergo testing in August. The department responded to various incidents, including a wildland fire in Santa Clara, a dumpster fire caused by remodeling debris, and assisting in containing wildland fires in urban interface areas with St. George City and the Northwest Fire District. The call volume for June was significant, with around 127 incidents reported, bringing the yearly estimate to over 1500 calls. They also conducted rescue operations at Gunlock Falls, including a challenging extraction requiring a helicopter for an injured individual.

Police Lieutenant Studley reported on behalf of Police Chief Bob Flowers, who previously submitted an electronic report, a copy of which is available as an attachment to this agenda. Officer Hayes is in his final week of training and they are looking forward to him being in the field. **Mayor Hart** expressed appreciation for the written and in-person reports.

B. Intermountain Health Annual Presentation

Mayor Hart invited representatives from Intermountain Healthcare's St. George Regional Hospital, forward to present their Annual report to the City Council. **Joelle Jacobson**, Administrative Director with Intermountain Healthcare, introduced herself and Cindy Gilbert, indicating that Cindy Gilbert is the current St. George Regional Hospital Board Chair and long-serving Board Member since 1995. **Cindy Gilbert** highlighted the growth and services added to the hospital since 1995, expressing pride in the advancements made. A presentation, which is available on YouTube, showcased recent changes and improvements, including the opening of a 24/7 emergency department in Hurricane and specialized orthopedic services. The hospital also emphasized its commitment to decreasing the cost of care, improving access, and promoting healthy lifestyles. **Joelle Jacobsen** discussed the hospital's achievements, partnerships, and philanthropic efforts. She mentioned the hospital's expansion into integrated regions and its dedication to giving back to the community. The presentation concluded with future priorities focusing on mental health, chronic health outcomes, and social determinants of health.

C. Fraud Risk Assessment Report

Cade Visser submitted an electronic report, a copy of which is available as an attachment to this agenda. He reported that the Fraud Risk Assessment, which is required by the Utah State Auditor's Office, evaluates policies and identifies potential areas of vulnerability to fraud. Ivins City received a high score of 355 out of 395. The only other areas to improve would be to develop an internal audit function and an Audit Committee. It is important for the City to train Council Members in fraud identification and financial matters and the City is working on developing an internal audit function to meet the requirements.

D. Update on the Veteran's Memorial at Ivins Cemetery

Laela Gaylord and Steve Corry, members of the Ivins Veterans Committee, provided an update on the proposed Veterans Memorial at Ivins Cemetery. The architect's plans were adjusted to include two panels instead of three, accommodating nine flags in a semi-circle configuration. The estimated cost of the project is between $300,000 and $400,000. Fundraising efforts are underway, with the Daughters of the American Revolution assisting with bricks and benches. A forum was created for community contributions and renderings were presented, highlighting the use of red and black granite for the panels and lasering veterans' names on black granite. **Mayor Hart and the City Council** expressed their appreciation for the project, recognizing its beauty and significance.

E. Arts Commission Report

Michele Adams, reporting for the Arts Commission, provided updates to the City Council. The Commission unveiled a new logo designed by Stephanie Perkal, capturing the City's essence. Progress was made on the "It's a Wrap!" project, with artwork selected for utility boxes, including pieces by students from Vista Elementary School. Original artwork will be displayed in City Hall, and the unveiling of the utility boxes is scheduled for September 8th. A resignation from Arts Commissioner Sally Jacobsen was received, and two candidates, Kristina Cannon and Brad Shelton, expressed interest in joining the commission. The "Out of the Desert" project will develop the Ivins City Arts Corridor, seeking support through a grant application. Initiatives include sculptures, murals, utility box transformations, and a guided walking tour. **Mayor Hart** expressed gratitude to the Arts Commission and acknowledged the presence of Tom Heaton from Rocky Mountain Power, thanking the company for their cooperation in allowing the implementation of the utility box artwork.

F. Planning Commission Report

Mike Haycock reported on the status of the General Plan, highlighting the substantial progress made thus far. The Planning Commission has devoted considerable time over several months to the development of the plan, which is steadily taking shape. The next step is to schedule a public meeting to receive feedback and comments on the plan. Following the incorporation of public input, the Planning Commission foresees one final meeting to finalize the plan and that will likely occur in August.

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

James Barden expressed appreciation for City Council and Planning Commission meetings but recommended a proactive approach for the City. He proposed implementing regulations and CC&Rs (Covenants, Conditions, and Restrictions) to ensure proper planning and adherence to approved concepts. Concerns were raised about applicants deviating from concept plans and the need for procedures to address such situations. The suggestion was made to form a Findings Committee comprising representatives from Sensitive Lands, the Planning Commission, and the City Council to review disputed adjustments. If significant alterations occurred, it was proposed that the plan be null and void, requiring re-conceptualization and resubmission of the zoning application. **Mayor Hart** acknowledged the complexity and directed Mr. Barden to provide his concerns to be considered in a future City Council meeting or referred to the Planning Commission, to the City Recorder, Kari Jimenez, who would then provide that information to the City Council.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation regarding Zoning Text Amendments on Development Agreements

Dale Coulam explained that recent changes were prompted by House Bill 406, obligating the City to comply with State Law. He addressed James Barden's suggestion for proactive measures but highlighted upcoming legislative restrictions. Within six months, the Concept Plan would no longer exist, and the Planning Commission would handle subdivision matters. The City Council's involvement will be limited to creating a Committee for reviewing Final Plats. In relation to Development Agreements, he referenced the precise language in the new bill and elaborated on its implications for the City's authority in land development regulation. The City is no longer permitted to mandate a Development Agreement as a prerequisite for land development if the municipal land use regulations adequately establish all relevant development standards. The legislation restricts the City's ability to enforce certain design guidelines and mandates written

disclosure of restricted rights in the Development Agreement. The amendments in the Ordinance are necessary to comply with State Law and were not discretionary decisions. **Mayor Hart** opened the Public Hearing.

Sharon Barton resides at 571 Mesa Vista Drive expressed her appreciation for the opportunity to discuss House Bill 406 and its implications for development agreements. She sought clarification on whether the use of development agreements would be minimized going forward and if existing agreements would need to be revised. **Dale Coulam** explained that while the intent of the bill is to reduce the use of Development Agreements, there may still be legitimate cases where they are applicable, but they would be shorter and more specific in nature. **Sharon Barton** inquired about the requirement of a minimum of 50% of units sold to owner-occupants in high-density residential zones, mentioned in subsection 1-B. **Dale Coulam** clarified that that provision was implemented by the City Council in response to corporations purchasing multiple units and renting them out. It is intended to promote owner-occupancy. **Mayor Hart** inquired if there were any comments through the Zoom application. **Cade Visser** confirmed that there were no comments. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2023-11, an Ordinance of Ivins City, Utah, amending Sections 16.06.207 & 15.06.208 of the Subdivision Ordinance and Chapter 9 of the Zoning Ordinance regarding Development Agreements

Council Member Johnson expressed her belief that the recent legislative changes taking land use control away from municipalities and cities are not surprising but was disheartening. **Mayor Hart** commented on the influence of developer-dominated legislature in shaping these changes. **Council Member Scott** questioned the requirement for a water availability analysis mentioned in the ordinance. He asked for clarification on what the analysis entails and whether the City currently has the ability to conduct that. **Dale Coulam** indicated that in the past, the City included a disclaimer stating that water may not be available at the time of building permit application but a Planning Commissioner Member recommended the verbiage change. **Mayor Hart** indicated that the City does not conduct such analyses since the water comes from outside the City. He mentioned that a Will-Serve letter would typically verify water availability, but that process has been delayed due to ongoing discussions among several cities. **Council Member Scott** questioned the necessity of paragraph 1-I regarding water availability analysis in the ordinance. **Dale Coulam** questioned Mike Haycock if the Building Department has been requiring the Water Acknowledgment form. **Mike Haycock** stated that when building permits are issued, Ivins City receives a letter from the Washington County Water Conservancy District stating that water is available prior to construction. The applicant pays the fee, and Ivins City receives the receipt, along with a statement confirming water availability at the time the permit is issued. **Mayor Hart** clarified that currently the City is not verifying the presence of water directly; rather, the verification is based on the payment of the water source impact fee. **Dale Coulam** stated that the Council adopted the Water Acknowledgment form and the City should be using it. It is a written document that puts the applicant on notice. It takes what the disclaimer in the Development Agreement was trying to do and takes it a step further. It is a separate document and clearly puts them on notice that Ivins City is not guaranteeing that sufficient water will be available to serve the project or permit for which the application has been submitted. Anytime an application or land use application is filed, Ivins City should be getting that Acknowledgment signed by the applicant so there is documentation protecting the City that says the applicant acknowledged that there might not be any water. **Mike Haycock** commented that he believed that Sharon (Deputy City Recorder) was collecting those Acknowledgments but

he will check with her. It is part of the checklist on final plats. **Council Member Murphy** agreed and stated that the Water Acknowledgment provides better protection and is more significant than a Development Agreement. **Mayor Hart** highlighted that the Acknowledgment of water supply applies to everyone uniformly. **Council Member Scott** referred to another part of the ordinance, section 1-H, concerning the requirement for owner-occupied units. He questioned why the requirement was set at 50% and limited to high-density zones with developments of 25 units or larger? **Mayor Hart** clarified that the aim was to address housing affordability and investor-driven purchases in high-density areas. **Council Member Anderson** expressed concern about the demand for rentals due to increased interest rates and the challenges people face in buying homes. He emphasized the need to be cautious about potential unintended consequences. **Council Member Scott** questioned the inclusion of R-TH (townhomes) in the definition of multifamily in the ordinance. **Dale Coulam** clarified that R-TH would be included under multifamily. **Council Member Scott** questioned if it would be automatic. **Dale Coulam** clarified that the ordinance covers zoning designations ranging from R-1-5 to multifamily. If the Council chooses to retain that provision, they can provide more specific details within the ordinance itself. He emphasized that this provision will only be applicable within the context of a development agreement. As a suggestion, he recommended that the Council consider codifying the revised version of the ordinance in a different section of the land use regulations that specifically focuses on high-density residential land use. That would allow for broader applicability, as the current version of the ordinance is not expected to be utilized as frequently. The provision served its purpose when it was initially implemented and applied to all subdivisions but its effectiveness has now been diminished. **Council Member Scott** suggested that if the Council decided to strike item H, which deals with the 50% owner-occupancy requirement, they could address the issue in another ordinance specific to high-density housing. **Mayor Hart** agreed and suggested that any provisions that need to apply generally should be moved into a separate, more comprehensive ordinance. **Dale Coulam** suggested allowing the existing provisions to remain in place until the new regulations are established, so there is something to govern high-density developments in the interim. **Council Member Scott** proposed striking item I, the water availability analysis, and keeping item H for the time being while working on a new ordinance to address its content. **Mayor Hart** summarized the discussion, stating that the Council intended to strike item I and leave the other provisions intact, with the understanding that a new ordinance will be created to address the content of item H. **Council Member Johnson** sought clarification on whether the Council would be leaving it intact with the red or with the original? **Dale Coulam** clarified that it would be the recommended version from the Planning Commission, with the exception of paragraph 1-I, would be the approved version.

MOTION: Council Member Scott moved to approve Ordinance No. 2023-11, an Ordinance of Ivins City, Utah, amending Sections 16.06.207 & 15.06.208 of the Subdivision Ordinance and Chapter 9 of the Zoning Ordinance regarding Development Agreements, as amended, striking 1-I regarding water availability analysis.

SECOND: Council Member Anderson

VOTE: The motion carried.

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

Council Member Mehr	ABSENT

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

C. Public Hearing on the Planning Commission's recommendation on a Zone Amendment from Community Commercial (C-1) to Commercial with Light Manufacturing (CLM). Pacificorp dba Rocky Mountain Power-Owner/Applicant

Mike Haycock presented the proposed zone change, explaining that the current land use is RMU within a C-1 zone, and Rocky Mountain Power wants to change the zone to CLM for their expansion plans. The location is on Red Mountain Boulevard and Center Street, behind Red Mountain Elementary School. The amendment would extend the CLM zone to accommodate new equipment for future power needs, including the Black Desert Resort development. Tom Heaton from Rocky Mountain Power confirmed their plans to expand the existing substation to support Ivins City and the Black Desert Resort. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2023-13, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located at approximately 100 South 300 East from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing)

There was no discussion.

MOTION: Council Member Murphy moved to approve Ordinance No. 2023-13, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located at approximately 100 South 300 East from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing)
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of the Planning Commission's recommendation to approve the Amended Preliminary Plan for Canyon Crossing, located at approximately 1175 Snow Canyon Parkway and Snow Canyon Drive. Canyon Crossing Investments, LLC-Owner. Sam Patel-Applicant

Mike Haycock indicated that this is a proposed property line adjustment for a parcel located on Snow Canyon Drive and Center Street with the existing Chevron gas station. The applicant would like to divide the parcel along the gas station area, while existing agreements for shared access and maintenance remain in place. The subdivision could potentially impact rental rates for tenant improvement spaces, allowing for lower rents in retail stores. **Council Member Scott** inquired about the rationale behind the adjustment and its impact on rental rates. **Mike Haycock** acknowledged his limited understanding of that and suggested that the applicant, Sam Patel, provide further details. **Dale Coulam** indicated that it was explained to him that separating the parcels would result in lower rents for tenants across from the gas station, as it would eliminate the tie to a higher triple net fee. **Council Member Scott** indicated that the issue of liability and insurance rates for the retail buildings in comparison to the gas station was discussed at a previous planning commission meeting in May 2021. While the planning

commission had tabled the matter to review a more detailed agreement, they seemed to be in favor of the idea that gas tank liability should be joint and several between the two properties. If this were the case, there would be no insurance benefit for the retail properties, as they would be equally liable for any incidents. As a commercial property owner, he had the flexibility to charge different rents to tenants for the same type of space. He found it hard to believe that an agreement requiring equal sharing of tenant improvements (TI) would prevent him from adjusting rents if the TIs were deemed too high for the retail portion. He expressed skepticism regarding this argument and did not consider it a valid concern. The main issue was the parking requirement for the potential restaurant on lot one. He stated that the conditional use permit limited the property to two restaurants, and the number of required parking spaces depended on the seating capacity of the restaurant, ranging from 36 to 42 spaces. However, with the proposed property split, there would only be 21 parking spaces available, which falls short of the requirement. He argued that if the property is split into separate lots, each lot should comply with all of Ivins City's codes independently, irrespective of any sharing agreements. He expressed concern that in the future, if he were the owner of lot two with excess parking spaces, he might seek to modify the parking arrangement and construct additional buildings, which would deviate from the city's regulations. He proposed two (2) potential solutions to address the parking deficiency. The first option involved allocating eight parking spaces from the middle area near the gas station pumps to lot one, which would increase the parking count to 29. Although this still does not meet the required range of 36 to 42 spaces, it represents an improvement. The second option suggested revising the plan by eliminating the indicated restaurant space on lot one and amending the conditional use permit to allow only one restaurant. This adjustment would ensure compliance with the parking requirements and avoid potential issues in the future. **Mike Haycock** indicated that when it comes to restaurants, there are two methods to calculate the parking requirements: area and tables. The table route considers additional parking for restaurant staff, with one parking spot per seat at a table. Feel Love Coffee has a larger kitchen than usual, so they used the table count method, which reduced the required parking. It is possible to limit the occupant load of the restaurant or future establishments by specifying a maximum number of vehicles assigned to that use.

Dale Coulam clarified that the Conditional Use Permit for the project applies to the entire parcel and limits the number of restaurants to two (2). If drive-in type restaurants were proposed on the tenant side, the restaurant on lot one would require sufficient parking, as determined after the development was otherwise complete. The Conditional Use Permit runs with the entire project, including all the lots. **Council Member Scott** stated that was why his suggestion was to eliminate the restaurant on lot one, not because he wanted to eliminate the restaurant opportunity, but to address the parking issue. By reallocating the eight (8) parking spaces from lot two to lot one, the parking count would increase to 29, which is still insufficient if a restaurant were to be located there. He acknowledged the two measurement methods and stated that based on both seat count and square footage, lot one would require between 36 and 42 parking spaces, which is significantly more than what is currently available. He concluded that if a restaurant were to be included on lot one, it would be challenging to meet the parking requirements through the lot separation approach, without violating City codes. **Mayor Hart** questioned the impact of a cross-use agreement on the availability of parking for a restaurant on lot one and whether the physical boundaries of each lot need to include sufficient parking based on the agreement, and whether it legally changes the amount of parking that can be realistically used by a restaurant on lot one. **Dale Coulam** clarified that the cross-use agreement could be used as long as the other

uses were in place and the buildings were not empty, but the agreement does not guarantee the availability of parking spaces solely for lot one. The Conditional Use Permit only allowed for two (2) restaurants, even though three (3) were shown on the plans. If the other spaces were eliminated occupied and it could be proven that there is sufficient parking, an approval could be sought, but it would require further analysis and there is no guarantee of approval. That would require a future analysis to determine. **Council Member Anderson** commented that if they want to divide the uses, they need to clearly define and assign the parking spaces for each use. He recommended amending the Conditional Use Permit to specify which buildings have access to certain parking lots and that would address Council Member Scott's concern about compliance with City codes. He also mentioned the option of creating an Owners Association if the project decides to subdivide the buildings, which would handle the management and maintenance of the parking lots while allowing for assigned uses. **Council Member Scott** agreed that this approach could be implemented without dividing the two lots. **Council Member Anderson** indicated that multiple lots could be created with consistent management and maintenance through an Owners Association. **Council Member Scott** expressed agreement with Council Member Anderson's suggestion of defining the parking allocations in the Conditional Use Permit, which provides a more permanent solution compared to other agreements that can be changed over time. **Council Member Scott** stated that at the May, 2021 Planning Commission meeting the gas tank liability was discussed and the Planning Commission felt that should be joint and several for both parcels since the tanks are located at the boundary between lots one and two. **Mayor Hart** commented that the issue of gas tank liability is related to insurance liability. **Council Member Anderson** indicated that it was important to consider the need for an easement if the tank needs to be replaced. An owner's association would be beneficial in managing and taking care of those things. **Mike Haycock** stated that there is a maintenance agreement between the two parcels that would allow them to dig up the tank if they needed to. The maintenance agreement covers landscaping and other matters but he did not have the exact details. It was specifically established as a maintenance agreement between the two parcels. **Dale Coulam** suggested that this discussion be continued. He did not believe that the applicant would want to open up the entire Conditional Use Permit and risk losing some of the rights they already had. They might be more inclined to sign a Development Agreement instead. A Development Agreement is binding, recordable, and runs with the land, providing a level of assurance and enforceability. **Mayor Hart** inquired if it was Dale Coulam's recommendation to continue this discussion and invite the applicant, Sam Patel, to be present. **Dale Coulam** stated yes.

MOTION: Council Member Anderson moved to continue this discussion
SECOND: Council Member Scott
VOTE: The motion carried.

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

B. Discuss and consider approval of Resolution No. 2023-11R, a Resolution of Ivins City, Utah, appointing a member to the Arts Commission

Mayor Hart indicated that two applicants were considered for this position. **Michele Adams** with the Arts Commission stated that the Arts Commission would be happy with either applicant. Kristina Cannon was recommended for this appointment. She currently works in

Tuacahn's Marketing Department and has expertise in digital marketing. The other applicant, Brad Shelton, had experience as a Set Designer at Tuacahn for eight (8) years. He has agreed to be on the Arts Commission's Our Town Grant Committee, to help with that project. **Mayor Hart** commented that he had a brief conversation with Kevin Smith, the CEO of Tuacahn, who spoke highly of Kristina and believed she would be a valuable addition to the Arts Commission.

MOTION: Council Member Murphy moved to approve Resolution No. 2023-11R, a Resolution of Ivins City, Utah, appointing a member, Kristina Cannon to the Arts Commission

SECOND: Council Member Scott

VOTE: The motion carried.

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

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

C. Discuss and consider approval of the Arts Commission's recommendation to approve the recommended Art to be displayed on utility boxes

Michele Adams presented artwork recommendations for utility boxes, featuring pieces created by local artists, including students from Vista school. The recommendations include two pieces by artist Adele Greenleaf, which align well with the desert theme, and artwork by five combined artists from Kayenta depicting a bird's eye view. When folded, the artwork will display roadrunner characters, various animals found in Kayenta, and the iconic red mountain on top. The final placement of the artwork on the utility boxes will be determined by Star Sign and Banner. The **Mayor and Council** inquired as to the location of the boxes. **Michele Adams** indicated that one of the boxes to be covered is located at Kwavasa and Center Street, another box is near Vista school, and the third box is between Vista school and Rocky Vista University.

MOTION: Council Member Scott moved to approve the Arts Commission's recommendation to approve the recommended Art to be displayed on utility boxes

SECOND: Council Member Johnson

VOTE: The motion carried.

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

D. Discuss and consider approval of a Memorandum of Understanding between the Bureau of Land Management and Ivins City regarding R&PP (Recreation & Public Purposes) lease application and provide comments regarding future commitments associated with acquiring land through the R&PP program

Tom Jorgensen provided an overview of two agreements with the Bureau of Land Management (BLM) for the R&PP lease application on the southwest side of town. The first agreement is a memorandum of understanding between Ivins City and the BLM, outlining commitments for acquiring and developing the property. The second agreement focused on the treatment plan for

archaeological sites. The cost for the treatment plan is estimated at $60,000 to $70,000. The mitigation requirement involves purchasing or leasing equivalent property to fulfill the one-to-one replacement ratio. Possible replacement areas have been identified by the Reserve. The land will become BLM property upon purchase. The acquisition funds were included in the budget.
MOTION: Council Member Scott moved to approve a Memorandum of Understanding between the Bureau of Land Management and Ivins City regarding R&PP (Recreation & Public Purposes) lease application and provide comments regarding future commitments associated with acquiring land through the R&PP program.
SECOND: Council Member Anderson
VOTE: The motion carried.

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

E. Discuss and consider whether Ivins City should go through the process to Amend the Transportation Master Plan to include a roundabout at the entrance to the RV Resort on Highway 91

Council Member Anderson explained that the proposed roundabout at the entrance to the RV Resort is part of the overall transportation plan and not specifically for the resort itself. Roundabouts along Highway 91 are intended to provide consistent distances between entrances and facilitate right-in and right-out access. This helps maintain smooth traffic flow and eliminates the need to cross the median. The roundabout would assist in managing traffic and providing access to the area. The cost of the roundabout would primarily be covered by the portion the RV Resort developer would have paid for turn lanes. **Council Member Murphy** expressed support for roundabouts due to their safety benefits. **Mayor Hart** raised concerns about potential land acquisition and the impact on property owners. **Council Member Scott** expressed concerns about property rights and the necessity of the roundabout for safety. The discussion highlighted the need to consider the overall benefits, safety considerations, and potential impact on property owners. The timing and specific location of the roundabout were also discussed. A motion was made with two (2) Council Members voting in the affirmative, two (2) Council Members voting in opposition and one Council Member was absent. In that scenario, Mayor Hart voted in opposition, breaking the tie. The motion failed.
MOTION: Council Member Murphy moved go through the process to amend the Transportation Master Plan
SECOND: Council Member Anderson
VOTE: The motion failed

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

Mayor Hart voted "nay" due to the impact that it would have on a particular property owner.

F. 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

Council Member Murphy expressed concern about Council Member Mehr's absence and his desire to participate in the discussion. **Mayor Hart** clarified that Council Member Mehr had given his consent for the discussion to proceed. **Council Member Scott** raised two proposed changes to the ordinance. First, he suggested separating the exception for BB guns into its own section instead of including it within the section for indoor ranges. Second, he expressed concern about singling out BB guns without considering other similar types of guns and the potential for confusion. He mentioned that the state code already defines firearms to include BB guns and airsoft guns. He suggested either not specifying BB guns in the ordinance or referencing the state code definition. Council Member Mehr's input would be valuable and he was the one who had discussed excluding BB guns as a firearm so he was fine with continuing this discussion.

MOTION: Council Member Anderson moved to continue 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

SECOND: Council Member Scott

VOTE: The motion carried.

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

G. Discuss and consider cancelling and/or re-scheduling the September 7, 2023 City Council meeting

Dale Coulam indicated that the Primary Election is on Tuesday, September 5th, and the Planning Commission has already canceled their meeting on that day. Additionally, several City Council members, including Mayor Hart, will be in attendance at the Utah League of Cities and Towns convention from September 6th to the 8th in Salt Lake City. It is recommended that they cancel the September 7th City Council meeting. The **Mayor and City Council** agreed.

MOTION: Council Member Johnson moved cancel the September 7, 2023 City Council meeting

SECOND: Council Member Scott

VOTE: The motion carried.

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

*H. REMOVED FROM THE AGENDA: Discuss and consider approval of a Proclamation or Resolution honoring Tom Weiskopf

Mayor Hart explained that item 5-H has been removed from the agenda. After discussing PGA Tours and events with Patrick Manning at Black Desert Resort, they both concluded that it would be more fitting to honor Tom Weiskopf as one of those events begins, rather than in a general manner.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for June 15, 2023

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

No reports

B. Mayor

Mayor Hart announced that a press conference would take place tomorrow, June 30th, at 12:00 at the Black Desert Resort. The Council was invited to attend, but there may be limited seating available for additional guests.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that a combined meeting with Santa Clara City regarding Public Safety needs to be scheduled and the City of Santa Clara has suggested that date be August 30th. **Council Member Scott** indicated that he would be out of town and suggested September 16th as an alternative date. **Council Member Johnson** stated that date would not work for her. The Mayor and City Council suggested a few other alternative dates and determined to stick with the suggested date of August 30th and requested that the meeting be noticed as an electronic meeting so that those that need to attend electronically, could do so. **Dale Coulam** will follow up with the City of Santa Clara on their availability to hold the meeting via the Zoom application.

D. Items to be placed on future agendas

Council Member Anderson requested a future agenda item regarding the impact of recent legislative changes on Ivins City's ability to control certain aspects, specifically related to building walls. He gave an example of a resident wanting to install a Connex building and highlighted the limitations in the current regulations. He emphasized the need for the Council and staff to have a clearer understanding of what they can and cannot regulate. **Mayor Hart** agreed and proposed including a report from Mike Haycock and seeking interpretations from other sources to better understand the implications of the state's actions. **Mike Haycock** stated yes and the type of materials on the exterior walls is specifically listed on there. The two things in the ordinance that Ivins City can enforce are height and lighting. Everything else is a design standard that's specific on the list. **Council Member Anderson** expressed concern about the unintended consequences of inadequate planning. **Mayor Hart** mentioned his ongoing efforts with Representative Neil Walter to regain some control over these rights, highlighting the economic impact on cities like Ivins, Park City, Moab, and Springdale. He expressed hope for exceptions or changes that would work for Ivins given its resort-like nature and proximity to a State Park. The City Council agreed to add the topic as a future agenda item. **Council Member Scott** mentioned he would like the owner-occupied requirement in paragraph H of Development Agreements to be discussed as a future agenda item.

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

The meeting adjourned at 8:32 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder