IVINS
CITY COUNCIL
MINUTES
September 21, 2023

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Scott, Council Member Mehr, Council Member Johnson , and Council Member Murphy.
STAFF: City Manager/Attorney Dale Coulam, and City Recorder Kari D. Jimenez.
EXCUSED: None.
Audience: James Barden, Marcia Delucchi, Bonnie Kline, Lynnette Miller, Monica Bowcutt, Sharon Barten, Nicole Graf, Susan Ertel and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Anderson was absent.

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. Presentation of Master Municipal Clerks (MMC) Certification to Deputy City Recorder Sharon Allen

Board Members of the Utah Municipal Clerks Association presented Deputy City Recorder Sharon Allen with her Master Municipal Clerk (MMC) certification and thanked the Mayor and City Council for supporting her efforts in obtaining the certification, as it takes years to obtain. The **Mayor and City Council** congratulated Sharon Allen on that accomplishment.

B. Concept Plan Report for Movara Villas Spa Suite expansion, located at approximately 290 West Fitness Way. Movara Fitness LLC-Owner. Cameron Kelsh-Applicant

Fred Castagne reported that the expansion consists of a total of 1 lot on 3.36 acres. The land use is Resort Commercial, and the zone is Commercial and Residential Multi-Family with a Mixed-Use Overlay.

C. Amended Concept Plan Report for Dry Wash West, located at approximately Kayenta Parkway and Highway 91. Kayenta Development, Inc-Owner/Applicant

Fred Castagne reported that this subdivision consists of 143 lots on 106.08 acres. The land use is Low-Density Residential, and the property is zoned Residential Estates Single Family minimum lot size 15,000 sq ft and Residential Estates, minimum lot size 37,000 sq ft. **Council Member Scott** was concerned that from a technical standpoint the Staff Report did not contain

all of the zoning information about the entire site. **Brett Henke** with Kuma Engineering commented that they are currently preparing the Preliminary Plan and will be sure to identify all of those zones so that it is clear.

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

Chuck Gillette was excused.

Fred Castagne submitted an electronic report, a copy of which is available as an attachment to this agenda. He reported on the ongoing activities in the Black Desert project. Multiple permits are in progress, and some buildings are ready for submission. The department is expecting a significant month ahead as they wrap up loose ends and permits are submitted. Regarding residential construction, it is slower than the previous year, but it remains steady.

Cade Visser provided an electronic report, a copy of which is available as an attachment to this agenda. He provided information on the year-end fund balances and net positions for various City funds. The General Fund had a net cash balance of $3.7 million at the end of Fiscal Year 23. The Capital Projects Fund had $3.6 million. The Water Fund was at $5.2 million. The Wastewater Fund (Sewer and Storm drain combined) had $2.1 million. Total Impact Fees, including Public Safety, Streets, and Water, amounted to $8.6 million. The numbers are unofficial but will be finalized after the audit. In terms of revenue, Sales and Use tax revenue exceeded $2 million for the first time. Sales and Use tax surpassed property tax as the City's top revenue generator. Property tax revenue was approximately $1.9 million. The August 2023 Sales & Use tax disbursement was 6% higher than in August of 2022. He commended Council Member Johnson and the Heritage Day Committee for successfully organizing Heritage Days. They raised $8,600 through sponsorships and booth/vendor fees, resulting in a net cost of only around $5,000 for the event. He reported that Ivins City has received the GFOA (Government Finance Officers Association) Budget Award for a decade straight, highlighting the usability of the City's budget documents for residents. He thanked the Mayor and Council and City staff for their contributions to passing the Fiscal Year 24 budget and expressed the commitment to continue improving the budget document for residents and users.

E. Planning Commission Report

David Robinson expressed his appreciation for Sharon Allen, the Ivins City Deputy Recorder in Building/Zoning, for her remarkable dedication as the Recorder for the Planning Commission and achieving the Master Municipal Clerk certification. He reported that the Planning Commission received information on a Concept Plan Report for Dry Wash West and for Movara Villas Spa Suite Expansion. They also held a Public Hearing on a Class V Conditional Use Permit for The Retreat at Snow Canyon. The Planning Commission recommended approval with a vote of 3-1-1, with one abstention, one dissenting vote, and three in favor. The Planning Commission also held a Public Hearing on proposed amendments to the Ivins City General Plan and reported that the Planning Commission decided not to forward the amendments onto the City Council at this time. The Commission believed that there were some refinements that needed to be made and depending on the number of changes made, may hold another public hearing. The Planning Commission recommended approval of the Preliminary Plan for The Retreat at Snow Canyon encompassing both the west and east sides of the project. Despite some controversy surrounding the development, he believed that the developer had made efforts to accommodate community concerns even though some residents may not be completely satisfied.

Mayor Hart extended his congratulations to the finalists on the ballot for the upcoming General Election. He acknowledged the considerable effort that goes into engaging in a campaign, including investing time and engaging in numerous conversations to explain one's positions. He

personally knew most of the candidates to varying degrees and praised them as honorable and respectable individuals. He expressed his willingness to work alongside any of them and wished them well in their campaign endeavors. He provided information about an initiative by Governor Cox, who currently presides over the National Association of Governors. In this role, each Governor has the opportunity to launch a national initiative, and Governor Cox's initiative focused on "disagreeing better." He emphasized that Ivins is a remarkable place and a leader in various aspects, suggesting that the ongoing campaigns could set a new standard for civil discourse. He highlighted the regrettable instances of negative and sometimes untrue social media posts targeting candidates, deeming such behavior unfair and cowardly. He drew a parallel with the divisive rhetoric often witnessed in national politics and expressed his belief that the Ivins community is better than that. He underscored that the community deserves better and called for a more respectful and honest discourse. He encouraged supporters to discourage any attempts to impugn the character of others, emphasizing that such behavior should not be a part of the discussion. He acknowledged the importance of discussing visions for the future, ideas for advancing Ivins, and concerns over development, but he firmly urged the cessation of ugly rhetoric, starting immediately.

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

Dave Williams lives on Tuweap in Ivins. He began by acknowledging the earlier financial report and expressed that his request might no longer be necessary, as it appeared that Ivins City had already been collecting various impact fees, including public safety impact fees and water-related fees. He thanked the city for this practice, noting that he had not been aware of it until now. **Mayor Hart** acknowledged that when he initially read the request, he was uncertain whether Mr. Williams was aware that these fees were already in place. **Dave Williams** expressed gratitude that the city had undertaken this effort, recognizing it as an essential resource and revenue stream for the city's future endeavors.

4) PUBLIC HEARING AND ACTION ITEMS - None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding Constitution Week

Mayor Hart indicated that the proclamation was a tradition that Ivins City has upheld in the past and there are three (3) versions of the proclamation available for the Council's consideration. **Council Member Scott** inquired if the Council was confined to the wording in the three provided options? **Mayor Hart** clarified that the council is not limited to these options and could create their own proclamation. **Council Member Scott** expressed his concern about the phrasing in the first "whereas" of the proclamation. He said, "whereas, September 17, 2023, marks the two hundred and thirty-sixth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and." He suggested a change, emphasizing that it was the signing, not the drafting, that had taken place on September 17. In addition, he found the wording in the third "whereas" too legalistic and proposed telling the story behind it. He recommended alternative language that achieved the same purpose, stating, "whereas in 1956, Congress established Constitution Week to begin each year on September 17, the date in 1787 when the delegates to the convention signed the Constitution." He recommended sharing this story instead of referencing Public Law number 915. Furthermore, he proposed incorporating some positive aspects from all three versions of the proclamation. Specifically, he wanted to include a modified "whereas" from version two (2), which read, "whereas it is the privilege and duty of the American people to commemorate the signing of the Constitution of the

United States of America with appropriate ceremonies and activities." Additionally, he suggested adding another modification from version two (2), which stated, "whereas studying the Constitution is an opportunity for us to reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves," and adopting the "whereas" from version three (3), which highlighted, "whereas the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to the rule by law." **Council Member Mehr** presented the draft proclamation prepared by the Mayor and City Council of Ivins City, State of Utah, for Constitution Week. He read, "WHEREAS, September 17, 2023, marked the two hundred and thirty-sixth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and WHEREAS, it was the privilege and duty of the American people to commemorate the signing of the Constitution of the United States of America with appropriate ceremonies and activities; and WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodied the principles of limited government in a Republic dedicated to the rule by law; and WHEREAS, studying the Constitution was an opportunity for us to reflect on the privilege of being an American with all the rights and responsibilities which that privilege involved; and WHEREAS, it was fitting and proper to accord official recognition to this magnificent document on its memorable anniversary and to the patriotic celebrations which commemorated the occasion; and WHEREAS, in 1956, Congress had established Constitution Week to begin each year on September 17, the date in 1787 when the delegates to the convention had signed the Constitution. NOW, THEREFORE, I, Chris Hart, by virtue of the authority vested in me as Mayor of Ivins City, had hereby proclaimed the week of September 17 through September 23 as Constitution Week and had asked our citizens to reaffirm the ideals that the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

MOTION: Council Member Mehr moved to approve and adopt changes to the Proclamation regarding Constitution Week made by Council Member Scott
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

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

B. Discuss and consider approval of a Proclamation regarding Domestic Violence Awareness Month

Susan Ertel the President of the Board of Directors of the Dove Center, along with Donna Hamburg, the Financial Officer and fundraiser, mentioned her background and the priorities of the Dove Center. **Mayor Hart** explained that he would read the proclamation first for everyone's benefit, and then they could discuss potential modifications. He proceeded to read the proclamation aloud, declaring October as Domestic Violence Awareness Month and highlighting the importance of addressing domestic violence in the community. **Council Member Johnson** suggested modifying the last paragraph to make it more inclusive, replacing "how they can break the silence" with "how we can break the silence." **Council Member Scott** mentioned that the wording seemed identical to the previous year but suggested two changes. First, he recommended changing "will experience" to "may experience" in the third "whereas" to allow for more flexibility. Second, he proposed adding an

additional "whereas" acknowledging the efforts of police officers who place themselves in harm's way to respond to domestic violence incidents. **Susan Ertel** shared that the statistics had changed since the document was prepared and suggested updating it to reflect the current situation. **Mayor Hart** acknowledged the changes and expressed gratitude for the Dove Center's work.

MOTION: Council Member Mehr moved to approve a Proclamation regarding Domestic Violence Awareness Month as amended.

SECOND: Council Member Murphy

VOTE: The motion carried unanimously.

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

Council Member Scott suggested including information about Domestic Violence Awareness Month in the October Ivins City newsletter, highlighting the Dove Center, and providing residents with contact information. **Mayor Hart** supported the idea and encouraged Council Member Scott to proceed with that.

C. Discuss and consider approval of a Final Plat extension for Black Stone, located at approximately Main and Old Highway 91. John and Ellen White-Owners. Joseph Langston-Applicant

Fred Castagne indicated that the applicant has requested a Final Plat extension that would be a one-time extension. **Council Member Mehr** inquired as to the reason for the extension. **Dale Coulam** clarified that the extension was sought because the finalization had not been completed, and the deadline was approaching. The subdivision ordinance allows for a one-time six-month extension.

MOTION: Council Member Murphy moved to approve Final Plat extension for Black Stone, located at approximately Main and Old Highway 91. John and Ellen White-Owners. Joseph Langston-Applicant

SECOND: Council Member Johnson

VOTE: The motion carried unanimously.

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

D. Discuss and consider approval of a Final Plat extension for Vista Estates, located at approximately 200 West and Old Highway 91. Silverado Group-Owners. Rick Scadden-Applicant

Mayor Hart introduced the item and raised a similar question as in the previous discussion, asking if there was any information regarding the reason for the extension request. **Dale Coulam** indicated this is similar to the previous request. The delay in moving forward with the project has been due to market conditions. They are requesting a six-month extension to allow for more favorable market conditions before proceeding.

MOTION: Council Member Murphy moved to approve Final Plat extension for Vista Estates, located at approximately 200 West and Old Highway 91. Silverado Group-Owners.

Rick Scadden-Applicant
SECOND: Council Member Scott
VOTE: The motion carried unanimously.

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

E. Discussion regarding new floor plans/elevations for the clubhouse at Hidden Springs RV Resort

Mayor Hart explained that the developers of Hidden Springs RV Resort had originally presented representations of the floor plan and elevation when they obtained their Conditional Use Permit. Subsequently, they were informed by Cody Mitchell, the Building Official at the time, that the roofline needed modification. As a result, they made revisions to the floor plan and elevations. **Fred Castagne** presented the changes, comparing the 2021 version to the proposed 2023 plans. The primary change involved adding dormers to break up the roofline, which also affected the second-floor layout. The changes were made to comply with the instructions from Cody Mitchell. **Council Member Scott** raised several points of concern, including discrepancies in the measurements of the laundry buildings, changes in the height of the clubhouse, and the overall square footage of the clubhouse. He also questioned the presence of two apartments on the second floor, which could potentially be considered offices for the day and night staff. He noted that the Conditional Use Permit from 2021 specified a 5,040 square foot clubhouse with residential space on the second floor to house staff for day-to-day operations. He expressed concerns that the revised plans did not align with that permit or the City's code, particularly regarding dwelling area restrictions. **Dale Coulam** explained that changes could be made to City code, but it would involve a more extensive process, including review by the Planning Commission and the City Council. They would also need to consider amending the Conditional Use Permit to accommodate the proposed changes. **Council Member Scott** referred to Ivins City Code, Chapter 17, Part 2, Section 16.17.211, which pertains to accessory facilities. He emphasized that the only apparent issue in the Code related to the proposed changes was the section stating that accessory facilities may include a small store or a single-family dwelling for the exclusive use of the owner or manager, with the restriction that the single-family dwelling area shall not exceed 1,600 square feet of floor space. He questioned the reasoning behind the 1,600 square foot limitation and expressed uncertainty about its origin. **Mayor Hart** suggested that the limitation may have been determined based on existing regulations at the time. **Council Member Murphy** indicated that the 1,600 square foot dwelling limitation seemed to be intended for a separate dwelling rather than the second floor of the clubhouse. **Council Member Scott** referred to the code's description, which stated that accessory facilities may include a permanent building for office use that may also include a small store or a single-family dwelling. **Mayor Hart** inquired about the possibility of amending the Conditional Use Permit (CUP) for Hidden Springs RV Resort to accommodate the proposed changes to the clubhouse. **Dale Coulam** explained that for such changes, both an ordinance amendment and a Conditional Use Permit amendment would be needed. The discussion centered on the legal and procedural aspects of amending the Conditional Use Permit and potential revisions to City ordinances to accommodate the proposed modifications to the Hidden Springs RV Resort clubhouse. **Council Member Johnson** inquired about whether the square footage restriction for the clubhouse would

require an ordinance change or if it was only the height restriction that needed amending. **Dale Coulam** stated that the square footage restriction was part of the RV Resort ordinance, which is a component of the zoning code. **Council Member Scott** questioned whether the 1,600 square feet restriction in the City's code applied specifically to an apartment within the clubhouse or if it allowed for a standalone dwelling as well. He commented on the height restriction and the size of the clubhouse, noting the differences between the Code and the Conditional Use Permit. **Council Member Mehr** mentioned that he recalled that the discussion around the Conditional Use Permit for the Hidden Springs RV Resort may have been influenced by examples from other communities like Midway or Heber, Utah, where similar RV resorts were located. He pointed out that the 1,600 square feet restriction could have been derived from those examples and emphasized that it might not be related to an accessory dwelling unit. **Dale Coulam** clarified the language in the City's code regarding accessory facilities, noting that there is ambiguity as to whether the restrictions apply specifically to a clubhouse. **Council Member Murphy** expressed her agreement with the idea that the 1,600 square foot limit might be related to office space rather than the entire clubhouse. **Council Member Scott** emphasized the importance of following the existing Code and suggested that if there's ambiguity, the code should be clarified through a zoning text amendment. **Dale Coulam** explained the process for amending the Code, which would involve going through the Planning Commission and holding public hearings. **Council Member Mehr** brought up the fact that any changes made to the Code would apply to future RV resort applications, not just the current one. **Mayor Hart** expressed his concerns about the developer receiving mixed messages from the City's representatives and then having to deal with the potential delay due to ordinance issues. He expressed his desire to find a solution for the developer. **Dale Coulam** explained that the cleanest way to address the issue would be to amend the ordinance, but it would involve a process that might cause a delay for the current applicant. **Council Member Johnson** suggested asking the developer for their input on the matter and whether they would be willing to wait or make changes to their plans.

Jon Graf introduced himself as an owner and developer of Hidden Springs RV Resort and explained their dilemma. He indicated that he was not aware of the square footage issue and expressed his desire to keep the project moving forward to meet his construction loan deadlines. He asked for a resolution that would allow him to start with the foundation and obtain approval for the changes later. **Dale Coulam** suggested a way to expedite the process by issuing notices for public hearings before the Planning Commission and the City Council in the same week, which would reduce the delay from one month, to two weeks. **Mayor Hart** inquired if Ivins City could issue permits for portions of the work for the excavation and footings and concrete work? **Fred Castagne** indicated that he didn't have a problem with that as long as the applicant understands that if they proceed with excavation and foundation work, that would be done at their own risk, as there was no guarantee of approval for the code amendments. **Council Member Mehr** stated that he had no concerns about the main floor. **Council Member Scott** expressed concerns about complying with the existing Code and the Conditional Use Permit and the changes in the building's footprint. **Council Member Murphy** raised concerns about how the inspection process had unfolded.

Nicole Graf indicated that she is an owner and developer of Hidden Springs RV Resort and stated that the project approved in 2021 included a second-floor residential area, which measured approximately 2,400 square feet. She emphasized that space was designated for residences. **Council Member Scott** commented that the second-floor area in the 2021 approval lacked specific designations and consisted of rooms rather than a designated living space. **Mayor**

Hart expressed uncertainty about the source of the 2,400 square feet measurement, questioning whether it considered the open area below. **Dale Coulam** clarified that the section labeled "open below" was not considered part of the living space. **Mayor Hart** pointed out that, based on the building's dimensions, the living space would have measured approximately 1,500 square feet the way it was originally drawn.

MOTION: Council Member Mehr moved to expedite the process and move the ordinance changes to the planning commission for review. He indicated that this motion doesn't pass judgment on the final sizes but allows the applicant to start work on the foundation with the understanding of the risk involved.

SECOND: Council Member Johnson

Council Member Scott expressed concerns about proceeding without the ordinance change, emphasizing the importance of following City ordinances. **Mayor Hart** clarified that the motion only pertains to the main floor and the risk falls on the developer. He pointed out that the motion doesn't authorize anything inconsistent with the ordinance at this stage. **Council Member Murphy** supported the motion, stating that the 4,100 square foot footprint for the main floor doesn't currently violate the Conditional Use Permit or the ordinance. She emphasized the need to change the ordinance but believed that starting the foundation was acceptable.

VOTE: The motion carried unanimously.

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

All Council Members who were present voted in favor. A Public Hearing will be held at the Planning Commission on October 3rd and a Public Hearing will be held at the City Council on October 5th.

F. Discuss and consider Land Use Authorities under the new subdivision approval process

Dale Coulam explained that he would be introducing a new subdivision ordinance to the Planning Commission at their next meeting. He indicated that the changes mandated by State Statute 10-9A-604.1, primarily focused on procedural aspects, needed to be passed by year-end. He further clarified that this statute required the designation of two (2) Administrative Land Use authorities, which could consist of an individual board, commission, municipal staff, or a municipal Planning Commission. However, for the Final Plat Land Use authority, it may not require Planning Commission or City Council approval. The Preliminary Plan Land Use authority could be assigned to the Planning Commission since they already review Preliminary Plans and make recommendations. The Final Plat Land Use authority could not include more than three (3) Planning Commission members to avoid constituting a quorum. Neither the Commission nor the Council could serve as the final authority. He suggested that the Council consider forming a Land Use authority consisting of three (3) members, to ensure an odd number, in the case of tie votes. He proposed potential members, such as a Planning Commission representative, staff member Tom Jorgensen, who was familiar with plat assessments and compliance, and Mike Haycock, the Building and Zoning official. **Council Member Mehr** inquired about the driving force behind these changes. **Dale Coulam** clarified that the primary objective was to clarify the distinction between Legislative and Administrative decisions, ensuring strict adherence to municipal ordinances and avoiding the imposition of additional requirements beyond the ordinances. **Council Member Mehr** expressed agreement

with maintaining a check and balance system and proposed an Administrative Land Use authority comprising of the Planning Commission and a couple of staff members, citing the indirect link to the electorate. **Mayor Hart** discussed the possibility of appointing a Planning Commission member or designating the Chair, with the understanding that this position changes annually, to align with the Planning Commission's perspective. **Dale Coulam** acknowledged the option of appointing a Planning Commission member and emphasized that this would meet the ordinance requirements. **Council Member Scott** pointed out that elected officials, including City Council members, were not allowed to be part of the Land Use authority and shared an example from Providence, Utah, where the authority is comprised of three (3) staff members and did not include City Council representation. He liked the idea of a Planning Commission member and a couple staff members. **Mayor Hart** discussed the need for an odd number of members and proposed a land use authority consisting of three (3) staff members and one (1) Planning Commission member, emphasizing the continuity of the Planning Commission member. **Council Member Mehr** emphasized the need for a clear and straightforward decision-making process based on compliance with ordinances, suggesting that decisions should ideally be unanimous. He reiterated the importance of including a Planning Commissioner and expressed flexibility regarding whether it should be the Chair or an appointed member. **Mayor Hart** emphasized the role of the Administrative Land Use authorities is verifying code compliance and suggested that the specific Planning Commissioner might not matter. **Council Member Mehr** agreed with the idea of having the Chair of the Planning Commission as the representative. **Council Member Murphy** also expressed support for this approach. **Dale Coulam** summarized the proposed composition as the Chair of the Planning Commission, Tom Jorgenson (Assistant City Engineer), and Mike Haycock (Building and Zoning Authority), with an understanding that the positions, rather than the names, would remain consistent over time**.** The **City Council** agreed.

G. Discuss and consider whether zoning code interpretations should continue to be made by the Zoning Administrator or the City Attorney

Dale Coulam explained that the zoning ordinance in question was drafted in 2003 and 2004, prior to his appointment as the City's full-time Attorney. He highlighted that Kevin Rudd, who served as the Zoning Administrator during that time, possessed extensive historical knowledge and was a key contributor to the creation of the zoning ordinance. As different zoning administrators took office over time, the zoning ordinance remained unchanged. It stipulated that the Zoning Administrator was responsible for interpreting its provisions. Legal interpretations are typically the responsibility of Attorneys and proposed that the responsibility of making legal interpretations should be shifted to the City Attorney or a Deputy City Attorney rather than the Zoning Administrator. **Mayor Hart** noted that significant changes have occurred since Kevin Rudd's tenure, including new legislative requirements that necessitated ongoing interpretation. **Council Member Scott** expressed concerns about some previous approvals that may not have been technically correct and suggested that the City Attorney's office was better equipped to handle the evolving legislative landscape. **Council Member Murphy** indicated that as an Attorney herself, legal experts interpret the law due to their training and ability to grasp nuances and changes in the code. **Council Member Mehr** suggested that the current practice already involves collaboration between the Zoning Administrator/Building Official and the Council when interpreting the code. **Dale Coulam** clarified that hasn't always been the case. **Mayor Hart** commented that the proposed change would not exclude other staff members from being involved but would ultimately ensure that interpretations occurred by the Attorney.

MOTION: Council Member Mehr moved to approve zoning code interpretations to be made by the City Attorney
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

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

Dale Coulam clarified that this procedural change would not absolve others of their responsibilities but would ensure that interpretations ultimately went through the City Attorney for final approval.

6) CONSENT AGENDA

A. Approval of purchase of a new vacuum/excavation vehicle

Council Member Mehr referred to the purchase and inquired as to whether it was budgeted. **Dale Coulam** clarified that the purchase was in the budget. **Council Member Mehr** inquired if the City had explored alternative options, like finding a used vehicle, exploring other opportunities, or sharing equipment. **Dale Coulam** indicated that he was not aware if any alternatives had been explored. **Council Member Johnson** commented that the key to her was that the purchase is budgeted. **Mayor Hart** shared insights from a conversation he had with Chuck Gillette where he mentioned that the equipment in question was used daily and wears out quickly, making it a crucial piece of machinery that should not break down frequently. He acknowledged the importance of researching the availability of nearly new vehicles but stressed the necessity of reliable equipment. **Council Member Scott** expressed concerns as well and shared information obtained from Chuck. He explained that there was an agreement with Santa Clara to share two trucks, but the new truck could be acquired much faster. He raised questions about potential double payments and whether they would continue sharing expenses with Santa Clara until the agreement ended in July. Chuck indicated that the existing trucks were already paid for, and while there were maintenance costs, the Council should discuss with Santa Clara the possibility of selling the old trucks and suggested that Ivins City could recover a portion of the funds.

B. Approval of City Council Meeting Minutes for August 17, 2023
C. Approval of City Council Special Meeting Minutes for the Primary Election Canvass held on September 14, 2023

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported that the Heritage Days event was very successful and praised the committee for their outstanding work. She expressed her gratitude to all the volunteers who contributed to the event's success. **Mayor Hart** took a moment to thank all of the volunteers who participated in Heritage Days, and he mentioned that he had seen Council Members Johnson and Council Member Murphy distributing toys to children during the event. He also acknowledged Dave Williams and praised the Emergency Preparedness Committee for their excellent work in organizing displays and inviting visitors to explore the firehouse and its equipment. **Dave Williams** provided additional insights, noting the significant interest in the Community Emergency Response Team (CERT) and amateur radio during the event. Many people took tours of the firehouse, and he expressed appreciation for the presence of Fire Department staff and Explorers, emphasizing the importance of involving local youth and providing them with valuable training.

Council Member Mehr reported that the public open houses at the St. George Temple are ongoing and began on September 15th and would continue until November 11, taking place Monday through Saturday, from 8 AM to 8 PM. The open houses were not intended for proselytizing, but rather as a gift to the community and described the temple as a historic building, constructed in 1871 and completed in 1877. He encouraged community members to take the opportunity to visit the historic building. **Mayor Hart** added that regardless of one's religious affiliation, the temple was an architectural and historical marvel. He noted that the restoration work has been done in a way that captured the character of the period when it was originally built.

There were no other reports.

B. Mayor

Mayor Hart reported that he had the opportunity to join the groundbreaking ceremony for St. George's new City Hall. He described the location as ideal, situated east of their town square. The original plans for the building were finalized before COVID-19 struck, but construction costs had increased significantly during that period. Their new city hall will be located at 61 South Main, symbolizing the year of the original settlers' encampment in the area. Tuacahn, a well-known cultural institution in the region, received an award from the Small Business Administration. The award was significant because it recognized Tuacahn's contributions to the community, its economic impact, and its resilience during challenges like COVID-19. Tuacahn was honored as the Small Business Administration's choice for Utah. He shared the history of Tuacahn, including its construction coinciding with the establishment of the tortoise habitat reserve. Despite challenges, Tuacahn has persevered and made valuable contributions to the area. Tuacahn was the first arts organization in the United States to reopen after the initial closures, thanks to its innovative approach to safety protocols and the dedication of its staff and performers. The institution played a crucial role in providing a sense of normalcy to the community through its performances, even during that challenging time. He discussed the idea of Ivins receiving the designation of a "healthy community" through the Utah League of Cities and Towns meetings. Each year, the League designates communities across the State that have demonstrated a commitment to promoting good health. While Ivins is currently close to meeting the requirements for this designation, there are some technical aspects that need to be addressed. He expressed hope that Ivins would achieve that designation, recognizing the City's dedication to health-focused initiatives.

C. City Manager/Attorney Dale Coulam

No Report.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried unanimously.

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

The meeting adjourned at 7:29 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder