IVINS
CITY COUNCIL
MINUTES
October 19, 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, Council Member Anderson, and Council Member Mehr.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari D. Jimenez.
EXCUSED: None.
Audience: Edward Breitenbach, Bonnie Kline, James Barden, Helen & Dean Cavaletto, Marcie Delucchi, Becky & Chuck Warren, Sharon Barton, Patrick Manning and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Murphy was in attendance via the Zoom application and Council Member Mehr was expected shortly.

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: Building Department; Public Works/Engineering; Finance/Quarterly Report

Mike Haycock provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that a newest inspector they had hired has taken another position in Northern Utah. The City is advertising for another Building Inspector to fill the position.
Chuck Gillette provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that Highway 91 is making significant progress and the City is close to issuing a notice of substantial completion, with some final items remaining to be addressed before final completion. Landscape medians were added to the project, although they were not part of the initial plan. Currently, there are no curbs around those medians due to unavailability of landscaping funds. The medians have been seeded with native plants and will be watered weekly to establish vegetation. Construction work is underway on Kwavasa Drive involving the installation of irrigation lines. The bidding for the gap fill project for the City's trail system will occur the last week of October, with the scope of work depending on available funding. The State of Utah has allocated funds for trail projects, and the City is exploring opportunities to secure funding for trail expansion projects. He discussed several important issues related to water

conservation and commented about the requirement for a Public Hearing on the Water Conservation Plan. He reported that the City installed an ADA ramp at Cordero Drive in response to a request from a person with disabilities, which received positive feedback from the community.

Council Member Mehr was present at 5:38 p.m. and had no disclosures or conflicts of interest with items on this meeting's agenda.

Cade Visser provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that the Auditors conducted their field work and will return on November 16th to present their audit report. He reported that the first sales tax disbursement came in, which was approximately 3.5% lower than the previous year, warranting further monitoring. Interest Earnings are on track with the budget for the first quarter. In terms of Fire Expenses, a true-up for the previous fiscal year revealed that Santa Clara owed Ivins City an additional $6,000 for law enforcement, while Ivins City owed Santa Clara an extra $224,000, primarily due to budget amendments and wildland fire. Potential revenue from wildland fire may assist with offsetting those expenses. In the economic overview, the Consumer Price Index (CPI) was 3.7% in September. Average monthly wages have been consistently increasing since 2020. Gross taxable sales or transactions experienced a spike due to government spending and stimulus funds but have now decreased by 2% in the latest quarter. Franchise tax revenues from utility companies have increased. Expenditures for Fire and Public Safety are higher than budget primarily due to timing. Concerning Capital Projects, expenditures for land acquisition and Highway 91 are within budget. It's important to note that the Highway 91 figure includes Phase 1 and Phase 2. In the Enterprise Funds, water, sewer, and storm drain enterprise funds are operating within expectations. Revenues and expenditures are being monitored. Impact fees are outpacing the budget, primarily due to residential permits. The financial report also highlighted the need to closely monitor consumer spending trends and the impact fees for the coming months and discusses potential budget amendments or reallocations for Fire and EMS services.

B. Planning Commission Report

Planning Commission Chair Dave Robinson reported that the Planning Commission spent time working on the General Plan. They will hold another work meeting and hope to forward that onto the City Council in the near future. The Planning Commission held a Public Hearing on a land use and zone change in Kayenta, with mixed opinions from the public. The Planning Commission recommended approval due the compatibility with adjacent areas. They also held a Public Hearing on a zone change from RA-5 to RE-37 within Kayenta and that was recommended for approval without opposition. A Preliminary Plan for the Movara Spa expansion was recommended for approval and the City Manager/Attorney provided the Planning Commission with the new subdivision ordinance to review for discussion at future Planning Commission meetings. The next Planning Commission meeting will be on November 14th due to the next regularly scheduled meeting falling on Halloween night, which was cancelled.

Mayor Hart shared a letter that he received and read the following: Dear Mayor, City Council and Heritage Days Committee, Ivins has been my home for nearly 15 years. Over that time, I have worked with many of you on issues related to the Arts and Ivins. I did not anticipate that in 2023, I would be selected as the Grand Marshal of the Heritage Days Parade. I was extremely surprised and honored to serve in that role. Thank you for allowing me this opportunity. Living artfully, Judith Kapuscinski.

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

None

4) PUBLIC HEARING AND ACTION ITEMS - None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding the 2023-2024 School Year as an Alcohol-Free School Year for Youth

Mayor Hart introduced the discussion and read the Proclamation regarding 2023-2024 school year as an alcohol-free school year for youth. A copy of the Proclamation is available as an attachment to this agenda. He invited representatives from the Washington County Prevention Coalition and the Washington County Youth Coalition to share some remarks. **Star Chavarris, Melanie Diaz and Jasmine Ruiz** introduced themselves and thanked the Mayor and City Council for this opportunity. **Mayor Hart** acknowledged the efforts of the coalition representatives in raising awareness about the negative impacts of substance abuse.

MOTION: Council Member Mehr moved to approve the Proclamation regarding the 2023-2024 School Year as an Alcohol-Free School Year for Youth
SECOND: Council Member Scott
VOTE: The motion carried unanimously.

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

B. Discuss and consider approval of a Proclamation regarding National Drug Awareness Red Ribbon Week

Mayor Hart introduced the introduced the discussion and read the Proclamation regarding National Drug Awareness Red Ribbon Week that is sponsored by the Elks organization. A copy of the Proclamation is available as an attachment to this agenda. The campaign educates children and parents about the dangers of drug use, both illegal and prescription, and to prevent drug abuse.

MOTION: Council Member Mehr moved to approve a Proclamation regarding National Drug Awareness Red Ribbon Week
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

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

C. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Black Desert Resort Boardwalk Village, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant

Mike Haycock reported that this Preliminary Plan for Black Desert Resort Boardwalk Village includes residential, business, and retail buildings with underground parking. Developer **Patrick Manning** emphasized that the buildings in the area along Snow Canyon Parkway would be

single-story and that the maximum height for other areas is two stories, with a maximum height of 31 feet. **Council Member Scott** sought clarification on the height of the buildings in the 185-foot section along Snow Canyon Parkway. **Patrick Manning** confirmed that they would be one-story buildings. **Mike Haycock** indicated that the plan is consistent with previous discussions, including the Conditional Use Permit, and the TRC (Technical Review Committee) has reviewed the plan and recommended approval. **Mayor Hart** stated that the verification process for parking spaces will be ongoing as the project progresses, with certificates of occupancy required to ensure compliance with approved parking spaces. **Council Member Scott** provided clarification on the building heights and referenced the preliminary plan's attachments, emphasizing that the front buildings fall within the zone with heights between 16 and 19 feet.

MOTION: Council Member Johnson moved to approve the Preliminary Plan for Black Desert Resort Boardwalk Village, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant
SECOND: Council Member Scott
VOTE: The motion carried unanimously.

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

D. Continued discussion and consideration on the Planning Commission's recommendation to approve a proposed Class V Conditional Use Permit. Located at approximately Puerto Drive and 400 South, east side of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant

Mike Haycock provided an overview of the project's location within the RC Zone. The applicant submitted new drawings, which included the project's amenities. **Mayor Hart** expressed gratitude to the applicants for providing the requested exhibits from the previous City Council meeting, which had substantially clarified the matter. **Council Member Mehr** raised a point of order, seeking clarification on the current agenda item. **Mayor Hart** confirmed that they were discussing item 5D pertaining to the response letter regarding the City Councils previous concerns and was a continuation of the previous discussion. **Council Member Scott** addressed some concerns from the previous meeting. He noted that the Preliminary Plan presented at the last meeting did not include any dumpster locations, but the new Preliminary Plan had addressed this by providing locations for dumpsters, which he appreciated. He also expressed concerns about parking, both for regular vehicles and oversized vehicles, like boats, and trailers. The applicant has added some off-street parking for oversized vehicles. He observed in other cities that some of the extra parking remained underutilized and that led him to question whether they should build extensive parking facilities or allow the management team to handle the existing parking. Ultimately, he expressed satisfaction with the applicant's response, leaning towards a more conservative approach to parking. **Mayor Hart** clarified that the applicant has met the ordinance requirements and more. **Council Member Scott** discussed the issue of closing off 400 South at Cordero during construction. Chuck Gillette and Dale Coulam communicated with the applicant and his attorney Matt Ence and there was some clarification on that. The proposed solution was that the permit would include a condition requiring the developer to restrict all construction traffic to access the site using only the Red Mountain Drive access from Santa Clara and the Hamblin Parkway access from Snow Canyon. The 400 South access would be physically

closed with road closure signage and any necessary barricades until it was sufficiently completed and open to public traffic. Attorney Ence's modification included discouraging project construction traffic from using 400 South for construction access by installing and maintaining "no construction access" signs and including provisions in all of the developer's contractor agreements prohibiting the use of 400 South for construction access. He appreciated that approach. He referred to amenities and commented that in the previous Preliminary Plan, the amenities and parks were not adequately identified. In the current plan, there were approximately seven acres of park land, including some lava outcroppings. The Ivins City Parks Master Plan was used to determine the level of service provided. Despite this project not being subject to parks impact fees due to its commercial nature, it was still providing a significant park area. He estimated that after accounting for the lava outcroppings, the project still offered close to six acres of parks, which exceeded the level of service based on bedroom count. He also noted the inclusion of trails, although they were a different category of trails than those specified in the master plan. He requested that the applicant bring back the concept of a Linear Paseo Park that had been mentioned in the March Concept Plan. He suggested making it a condition of approval, as it would enhance the project's level of service beyond what was required for normal impact fees. **Jerry Miyahara** stated that the calculated seven acres of park area included only the flat usable acres and did not consider the preserved lava areas, making the entire seven acres usable. He further clarified that the delineation from the east application for the Conditional Use Permit (CUP) and the implementation plan did not include the area between Hamblin and the wash. The plan for that area was to create a linear park as originally proposed in the Concept Plan. This plan also included discussions about potential dedication to the City for trails, shade structures, educational components, kiosks, and art opportunities. While the option of using part of that space for oversized parking was considered, they were open to maintaining its natural beauty if it proved to be underutilized. **Mayor Hart** commented that comparing those seven acres to a typical City park wasn't entirely fair. Those seven acres incorporated condensed recreation areas, pools, a clubhouse, and other amenities that could serve a significant number of people without occupying a large amount of space. He expressed his opinion that developer had done an excellent job with the projects amenity package, which he believed would be both beautiful and functional for the expected number of guests.

Jerry Miyahara stated that the short-term rental overlay district was not applicable to their project, but for reference, he mentioned a provision requiring 200 square feet per unit for park space. In the case of the East resort project, that would equate to 1.8 acres of space, which is far less than the seven acres they are providing. **Council Member Scott** expressed his appreciation for the parks already established by the project. He reiterated his desire to include the Linear Paseo Park and noted that appeared to align with the developer's plan. He raised some additional items raised by the Fire Marshall, one of which was that all hydrant locations should be painted with red "no parking" curbs. He referred to the developer's commitment to not have rooftop decks on three-story buildings and requested that be a formal condition. The Fire Marshall had concerns with on-street parking for RVs, campers, motorhomes, trailers, and boats. Due to street width issues and the potential for EMS calls related to short-term rentals, he wanted a condition in the CC&Rs (Covenants, Conditions and Restrictions) stating that on-street parking for those oversized vehicles would not be allowed. **Jerry Miyahara** confirmed that their CC&R's would clearly prohibit oversized parking on the interior streets. **Council Member Scott** suggested that there be a requirement that trash and recycle bins not be left on the street for more than 24 hours after pickup. **Jerry Miyahara** confirmed that those would be typical provisions in the

CC&R's. **Council Member Scott** suggested striking the item in the draft Conditional Use Permit that mentioned the immediate opening of the 400 South connection and replacing it with the new conditions he proposed. He had concerns about the increase in units from 243 to 393, suggesting it might be too much for the community, but appreciated the willingness of the developer to work on compromises. **Dale Coulam** indicated that the Council should go through the issues brought up in the discussion that were not part of the initial Conditional Use Permit to gauge consensus among the City Council members and make necessary amendments. **Mayor Hart** requested that Council Member Scott list the issues for the City Council to consider. **Council Member Mehr** was concerned about meddling in CC&R matters, emphasizing that the City Council is not a homeowner's association. He supported the intent behind the discussion but pointed out the distinction between governing the City and dealing with homeowner associations. **Council Member Scott** clarified that he preferred the items to be explicitly stated in the Conditional Use Permit rather than relying on CC&Rs. He started with including painting hydrant locations with red no parking curbs and no on-street parking for RVs, campers, motorhomes, trailers, and boats. The **City Council** agreed. **Council Member Scott** referred to there being a condition about trash bins not being left on the street for more than 24 hours around pickup days. That might already be part of the code but wanted to ensure that was addressed for public safety. **Mayor Hart** inquired if there was any objection by the other Council Members to that condition. **Council Member Mehr** expressed concerns about enforcement and inquired how that would be enforced. He objected to that condition. **Attorney Matt Ence** acknowledged the philosophical point raised about the City policing CC&R matters and stated that the conditions discussed were not objectionable to them because they believed they would be subject to them due to City ordinances or what they would address in their CC&R's. He expressed their willingness to defer to the Council regarding whether those conditions should be included in the Conditional Use Permit. **Mayor Hart** inquired as to the City Council Members opinions on whether the conditions, with the change related to the use of 400 South, were reasonable for approving the Conditional Use Permit. **The City Council** agreed that the conditions were reasonable.

MOTION: Council Member Johnson moved to approve the proposed Class V Conditional Use Permit. Located at approximately Puerto Drive and 400 South, east side of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant, as amended.
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

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

E. Continued discussion and consideration on the Planning Commission's recommendation to approve a Preliminary Plan for The Retreat at Snow Canyon-East, located approximately east of the future Hamblin Parkway. SITLA-Owner. EWD,LLC/Jerry Miyahara-Applicant

Mayor Hart inquired if there were any additional concerns with the updated Preliminary Plan. **Council Member Scott** commented that the updated Preliminary Plan addressed all of the issues raised at the previous meeting but he expressed concern with the increase in the number of units from 243 to 393. **Council Member Anderson** commented that if the increase in the

number of units does not lead to an increase in the living areas, it may not be a significant concern. **Mayor Hart** clarified that there had not been an increase in the living areas.

MOTION: Council Member Murphy moved to approve the Preliminary Plan for The Retreat at Snow Canyon-East, located approximately east of the future Hamblin Parkway. SITLA-Owner. EWD,LLC/Jerry Miyahara-Applicant

SECOND: Council Member Johnson

VOTE: The motion carried.

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

Agenda item 5)F removed: F. Discuss and consider approval of a Development Agreement for The Retreat at Snow Canyon

G. Discuss and consider approval of Resolution No. 2023-13R, a Resolution of Ivins City, Utah, approving employee core benefits

Dale Coulam reported that there was only a 1.9% increase in costs for the renewal of the City's health insurance benefit package. City employees are using the health insurance appropriately, not abusing it, and are not going to emergency rooms unnecessarily, which has contributed to the favorable renewal rate. There have been other situations where companies are facing a 32% increase in health insurance costs. **Council Member Mehr** highlighted the importance of using the health plan appropriately.

MOTION: Council Member Mehr moved to approve Resolution No. 2023-13R, a Resolution of Ivins City, Utah, approving employee core benefits

SECOND: Council Member Anderson

VOTE: The motion carried unanimously.

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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for October 5, 2023

MOTION: Council Member Johnson moved to approve City Council Meeting Minutes for October 5, 2023

SECOND: Council Member Mehr

VOTE: The motion carried unanimously.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Murphy expressed her appreciation to Cade Visser for his work on the budget and commented that the information was easy to read and understand. The **Mayor and City Council Members** agreed. There were no other reports.

B. Mayor

Mayor Hart reported that with the most recent Talk About, they had a terrific panel that talked on open space and conservation easements, particularly focusing on preserving farmland and enabling farming to continue indefinitely. He mentioned the idea of creating an Open Space Task Force after the first of the year and proposed that Chris Blake act as the Chair of that Task Force, as well as include a member from the City Council, a member from the Planning Commission, and a member from the Sensitive Lands Committee. **The City Council** agreed.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to an update on the subdivision ordinance and reported that the Planning Commission decided to move forward with amending only the chapter related to the application and review process for subdivisions that needs to be amended by the end of this year. The rest of the ordinance, including the chapter that requires more discussion, will be addressed after the first of the year. The Planning Commission will hold a Public Hearing on the amended chapter on November 14th, and the goal is to have it passed before the end of the year to comply with new State requirements that come into effect on January 1, 2024.

D. Items to be placed on future agendas

Mayor Hart mentioned that Council Member Scott has nearly completed his review of long-term infrastructure replacement needs in the city. He proposed putting this topic on the next agenda for a discussion, including methodologies for handling road infrastructure replacements similar to the approach for water, sewer, and storm sewer.

9) CLOSED MEETING

10) ADJOURNMENT

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

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

The meeting adjourned at 7:15 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder