IVINS
CITY COUNCIL
MINUTES
November 16, 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 Murphy, Council Member Anderson, and Council Member Mehr.

STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari D. Jimenez.

EXCUSED: Council Member Johnson

Audience: Sharon Gillespie, Sharon Barton, Chris Haddad, Terese Schelling, Michael Cook and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Johnson was excused. Council Member Mehr was expected shortly.

B. Flag Salute

Council Member Scott led the Flag Salute.

C. Invocation

Council Member Scott led 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. Acknowledgement of Featured Student Artist Killian DeVinna

Daphne Schroath expressed excitement about Killian being the first featured youth artist in Ivins. She highlighted the abundance of talented youth artists in the community and the decision to showcase some of their works at Ivins City Hall. **Killian DeVinna** expressed gratitude for the honor of having her work displayed in the Ivins City Offices. **Daphne Schroath** took the opportunity to recognize Eva Lorentzen, the art teacher at Vista School, encouraging everyone to visit and explore the school to witness the beautiful art on display. **Mayor Hart** commended the impressive work done by Eva Lorentzen, mentioning his attendance at the recent performance of Shrek the Musical at Vista School and praising the fantastic costumes. He expressed pride in the community's artistic achievements and congratulated everyone involved in making those events successful.

B. Fiscal Year Ending 2023 Audit Report - Larson and Company

John Hadley provided an electronic report, a copy of which is available as an attachment to this agenda. He shared an overview of the opinions provided. The audit report presented an unmodified or unqualified opinion, indicating a clean assessment of Ivins City's financial statements. He explained the responsibilities of both the City and the auditing firm in ensuring accurate and reliable financial reporting. The presentation covered various aspects, including the

introductory section, the management's discussion and analysis, the statement of net position, the income statement, and the governmental funds statement. He highlighted the importance of understanding the economic resources method of accounting used in government financial statements, emphasizing the distinction between the statement of net position and the governmental funds statement.

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

Mike Haycock provided an electronic report, a copy of which is available as an attachment to this agenda. The City recently hired a new building inspector, Brad Weiss, to replace the one they lost. Brad Weiss comes with significant commercial experience, having worked in Clark County, Nevada. He reported that they are in the process of preparing Brad Weiss to take over responsibilities related to Black Desert Resort.

Cade Visser was in attendance via the Zoom application and provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that the City billed the County for the million-dollar grant for Phase Two of the Highway 91 project. The funds are expected in the next few months. He reported that interest earnings are on track with the budgeted amount, and sales and use tax are performing well. The disbursement for October was lower compared to the prior year but that is because both statewide and Ivins-specific spending contributed to this decrease. The Finance Department will closely monitor the November disbursement and use the insights gained to revise the budget and plan revenue forecasts for the fiscal year. **Dale Coulam** acknowledged the excellence of Ivins City staff and the Auditors with Larson and Company. He expressed appreciation for the thoroughness of the auditors, their timely responses to questions, and their proactive approach to addressing questions during the year.

Chuck Gillette provided an electronic report, a copy of which is available as an attachment to this agenda. He reported on the progress of the sewer system sonar testing, noting that the crews have made significant advancements, having completed over half of the testing. As part of the Highway 91 project, the team worked on lengthening culverts, specifically addressing a blocked culvert near Fire Lake Park. To clear the obstruction, permission was obtained from Terry Marten to access private property. The crews successfully removed 95 dump truck loads of vegetation, dirt, and mud from the downstream end of the culvert. He provided an update on the ongoing efforts to acquire property on the south end of town from the BLM, anticipating a final Record of Decision by February or March of next year. He also shared positive news about potential land purchases near Beaver Dam Wash, which is expected to be more affordable than initially estimated.

D. Concept Plan Report for Red Mountain Six Subdivision, located at approximately 65 East 200 South. Red Mountain Six, LLC-Owner. Brent Ence-Applicant

Mike Haycock reported the Red Mountain Six Subdivision consists of four (4) lots on 2 acres, zoned as Medium Density Residential (MDR) with RE-12.5 zoning and is consistent with the MDR land use. The application is complete and meets the required zoning.

E. Planning Commission Report

Pam Gardiol reported that the Planning Commission was provided with the same Concept Plan report that was provided to the City Council tonight. The Planning Commission also held a Public Hearing on a concurrent land use amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and an amendment from R-1-10 to R-2-10. The Planning Commission voted against that request, expressing concerns about incompatible zoning with adjacent areas, lacking a buffer, and no seamless transition with the surrounding zones. The

Planning Commission approved the Preliminary Plan for Serenity Estates, located at approximately 600 South Main and the Planning Commission completed the General Plan review as directed by the City Council. She read a letter to the Council from the Planning Commission regarding the General Plan review. A copy of the letter is available as an attachment to this agenda. The letter outlined the Planning Commission's approach, changes made to the document's formatting, organization into chapters, appendix elements, and the collaborative effort involved in the review. That has been passed onto the City Council for their consideration. **Mayor Hart** expressed gratitude for the Planning Commission's hard work in putting the General Plan together. **Pam Gardiol** expressed her gratitude to the crucial role played by Sharon Allen, the Deputy City Recorder.

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

Scott Florence, who was not present at the meeting. **Mayor Hart** read the request, which highlighted concerns about developers scraping all native vegetation and allowing the land to become infested with non-native vegetation, such as tumbleweeds. He urged the consideration of an ordinance specific to this issue, preventing developers from clearing the land and leaving it undeveloped for years.

Terese Schelling expressed support for a City ordinance to protect residents from property damages caused by developers and their subcontractors. She shared her personal experience of property damage resulting from development activities by S&S Homes near her home. She described the damages and difficulties she faced in communicating with the developers, emphasizing the need for a City ordinance to provide protection in those and similar situations.

Council Member Mehr arrived at 6:10 p.m. He had no disclosures or conflicts of interest with items on this meeting's agenda.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission’s recommendation on a proposed Sensitive Lands Zone Text and Sensitive Lands Map amendment

Chuck Gillette provided a synopsis by recalling the previous changes made to the sensitive lands ordinance in May. He expressed gratitude to Mayor Hart for attending committee meetings and contributing valuable insights. He highlighted significant modifications to the purpose section, emphasizing how the changes provided clarity and direction for the ordinance. One notable adjustment involved maintaining the three (3) classes of ridge lines, A, B, and C, and expanding the map to include additional ridge lines. The criteria for defining ridgelines were refined, incorporating on-site visits and data presented by the consulting engineer representing the developer. A substantial change addressed the separation of lava fields from rock outcroppings in the ordinance. He explained the introduction of distinct definitions for lava fields, rock outcroppings, and significant rock outcroppings, the latter being labeled on the map. There are ongoing efforts regarding the treatment of the three types of rock outcroppings. There is also an optional pre-application meeting and site visit to assist applicants in understanding sensitive lands requirements, which should assist with streamlining the application process. Subsequent to an application submission, another site visit would be triggered, accompanied by a property survey. The ordinance allows subjectivity in determining ridge line locations and rock outcroppings limits, based on on-site visits, rather than solely relying on the map. Modifications to the map and additional requirements for Class B ridge lines were outlined. Concerns raised in meetings led to the stipulation that developers engaging in berming or filling on the edge of a

ridge line must undertake proper revegetation to ensure visual screening and prevent eyesores. **Mayor Hart** opened the Public Hearing.

Mike Cook expressed his gratitude for the time and acknowledged the sensitive lands committee and Chuck Gillette for their extensive work. He commented that the need for the work on the ordinance stemmed from a specific project, that being the SITLA-120 EWD LLC Rise Development project. He recounted his attendance at public meetings related to the issue and highlighted the concept plan presented by Rise EWD, which, in his view, showed no consideration for the topography of the land, non-compliance of the developer with the sensitive land's ordinances and maps, specifically regarding the well-known ridge line that traverses the parcel. He conveyed his concern that the developer intended to destroy 75% of the ridge line and bulldoze over 113 acres of pristine desert to construct 393 short-term rentals. Referring to a sensitive lands committee meeting on June 6, 2023, he cited the Ivins City Building and Zoning Administrator's interpretation of the ordinance. The administrator asserted that the general ordinance provisions applied until specific ordinance provisions were established. He emphasized that the sensitive lands map and ordinances were in place at the time of the developer's application, asserting that the ridge line must be protected. He raised a point about the timing or drafting the ordinance, questioning why amendments to ordinances were being considered while the developer's application was still in place. He presented the administrator's viewpoint that if the developer wanted amendments to the map and ordinances, they should withdraw their application, allow the City to make amendments, and then reapply. He expressed confusion over the discrepancy between past assurances that ordinances applied at the date of the application and the current situation where amended ordinances were being proposed for a pending application. He also brought up the shift in responsibility for interpreting ordinances from the Building and Zoning Administrator, to the City Attorney, speculating whether the change was influenced by the Administrator's interpretation in this issue. He argued that the amendment should not be passed until the developer withdrew the application, suggesting resolution through an Ombudsman or Administrative Law Judge. He thanked the Council for their time and commitment to keeping the City beautiful. **Mayor Hart** clarified that the focus of the discussion is not considering anything related to the project application. The agenda item is strictly about the ordinance. Mayor Hart closed the Public Hearing.

Tom Jorgensen indicated that there was a person online through the Zoom application. **Mayor Hart** re-opened the Public Hearing. **Lisa Ganz** resides at 557 W. Bickmore and expressed her confusion about the process. She acknowledged that Mike Cook had articulated similar concerns more eloquently but shared her confusion about the City being the applicant for the Zone Text and Sensitive Lands Map Amendment, seemingly for the benefit of the developer. She requested clarity on why the Sensitive Lands Committee was asked to revise the code and questioned the City's willingness to make concessions for the developer. She expressed concern about the seeming pressure from SITLA to influence the City's decision. She sought an understanding of what would happen if the zoning text amendments were to pass and speculated that changing the zoning text and maps might indicate the denial of the original application and questioned the next steps. She referenced to Ivins City Code, suggesting that a one-year waiting period was required for re-application following a denial. **Mayor Hart** intervened to clarify that the discussion was solely about the ordinance changes, not the application. He explained that the inconsistencies in the ordinance were recognized, prompting the City to request a review by the Sensitive Lands Committee, whose recommendations were then submitted to the Planning Commission and before the City Council. **Lisa Ganz** continued to seek clarification regarding

the SITLA application. **Mayor Hart** reiterated that they were not discussing the application that night and closed the Public Hearing.

*B. Discuss and consider approval of Ordinance No. 2023-26, an Ordinance of Ivins City, Utah, regarding a Zone Text and Sensitive Lands Map amendment

Chuck Gillette indicated there were some typos that were identified by Planning Commission Member Pam Gardiol and he made some edits based on her observations. He briefly touched on a back-and-forth exchange he had with Council Member Scott regarding certain comments. **Council Member Scott** indicated he approached Chuck with 13 points of clarification, expressing uncertainty about his understanding of those. Chuck Gillette clarified a few of the points and significant improvements have been made to the Sensitive Lands ordinance. He referred to Chuck Gillette and inquired as to suggested language changes on the map. **Chuck Gillette** stated there was the need for a change suggested by Council Member Scott regarding the map and proposed incorporating that as part of the approval. **Council Member Scott** explained that the proposed change related to the map's language. He suggested including specific language from Ivins code 16.08.203 on the map for clarity, with that language being as follows: “The map is designed as an aid for general planning to indicate where more detailed site-specific special studies are required. The map is not a substitute for site specific investigations. Sensitive lands boundaries shown on the map are approximate and are subject to change with additional information." The map serves as a general planning aid and is not a substitute for site-specific investigations. This is important to clarify the location of the ridge line. **Council Member Anderson** inquired about significant rock outcroppings and their correlation to the numbers on the map. **Chuck Gillette** clarified that the map included numbers corresponding to a table for correlation. **Council Member Anderson** inquired about specific locations like Elephant Rock or Dry Wash Slot Canyon and their corresponding numbers on the map. **Chuck Gillette** indicated that the Dry Wash Slot Canyon complex corresponds to the area where Hellhole meets the wash leading towards Taviawk Drive. **Council Member Anderson** suggested numbering the features mentioned in the text to align with their representation on the map. **Chuck Gillette** agreed. **Council Member Murphy** expressed agreement with Council Member Scott's sentiments, praising the increased clarity in the proposed amendment. The improved clarity not only benefits those reading it, but also enhances it. She applauded the efforts in transforming something confusing into a much clearer document. **Chuck Gillette** acknowledged the improved clarity but noted that there are still elements that he finds confusing and would like to address. **Council Member Anderson** raised a concern about the interpretation of the map, particularly regarding the size of areas marked with stars. He highlighted the need for clearer language, suggesting that the map should specify whether the star indicates a rockfall area or similar features. He expressed the potential for confusion and suggested there be language that clarifies the nature of the marked areas. **Chuck Gillette** clarified that the star on the map points to the location, and the boundary is intended to be defined with subjectivity, with the possibility of site meetings to further clarify boundaries. **Council Member Scott** suggested that incorporating the language from the ordinance onto the map would clarify that the map provides a general sense of sensitive areas rather than pinpointing exact locations. **Chuck Gillette** indicated that a site visit would trigger an opportunity for the City to determine the sensitivity of an area and the boundary might change based on the findings during the site visit. **Mayor Hart** highlighted the subjective nature of identifying sensitive lands. He expressed appreciation for the ordinance, acknowledging the inherent subjectivity in dealing with visual assessments. He believed that the proposed changes

would lead to a more accurate recognition of areas to be preserved, benefiting both potential developers and the City. **Chuck Gillette** commented that if the process was entirely mathematical, a committee might not be necessary. **Council Member Anderson** raised a concern regarding berming and stated that allowing berms right on the edge could compromise the natural feel, suggesting a setback before constructing the berm to maintain a more authentic appearance. **Chuck Gillette** indicated that was a good point. He referred to Figure 8-15 as the relevant illustration on the page and agreed with Council Member Anderson's suggestion of requiring a setback for the berm.

Council Member Anderson raised a concern regarding the definition of a ridgeline and questioned whether the length and distance criteria were defined, commenting that a single rock could claim to have a slope steeper than 15%. They need to specify the length and distance for clarity. **Chuck Gillette** stated that he addressed that concern earlier in the document. He referred to the definition, explaining that for a ridgeline to be classified as an interior bluff ridgeline sensitive lands, it must be adjacent to a very steep slope with a slope greater than 15% over a height of at least 20 feet. Additionally, it has to be contiguous for at least 200 feet in the opposite direction. **Council Member Anderson** questioned the different classes of ridgelines and their consideration during the application process. He suggested that a sensitive lands review could be deferred until after the inventory is done, especially if developers are willing to designate areas as a "no-build" zone. He argued that this could save time and reduce fees for developers. **Chuck Gillette** noted the challenge of creating an overlay zone that triggers a site visit. There is the option of a pre-application site visit. **Council Member Anderson** clarified that he was referring to a pre-application site visit before the inventory. **Chuck Gillette** suggested that if a developer draws a boundary around a sensitive area and resubmits the application, showing no disturbance, the application might bypass the Sensitive Lands Committee and go directly to the Technical Review Committee (TRC). **Council Member Anderson** indicated that could encourage developers not to build on sensitive lands. During the preliminary visit, if developers show on the map that they're leaving out sensitive land areas, there could be a more streamlined process. **Mayor Hart** suggested that the map could be created during the preliminary visit and following this visit, the ordinance requires a designation, such as survey stakes or cones, to be placed for a review of the actual area. **Chuck Gillette** clarified that requirement was for the actual site visit, not the preliminary visit and occurred post-application. Considering what Council Member Anderson suggested, they could propose a lower fee schedule if it is determined that developers are not disturbing any sensitive lands and could be eligible for a refund or some form of cost adjustment. There is a need to assess the costs associated with convening the Sensitive Lands Committee and Staff time. **Council Member Anderson** indicated that the primary costs are associated with City employees Chuck Gillette and Mike Haycock and members of the Sensitive Lands Committee. **Mayor Hart** inquired whether the fee needed to be altered? **Council Member Anderson** stated that if developers leave certain areas out, they are more likely to do so if they don't have to pay a significant amount. His goal was to allow developers to move forward if they were willing to designate areas as off-limits for building, without providing extensive studies. **Mayor Hart** clarified that the follow-up site visit is to verify that the identified sensitive lands are being respected in the development plan. **Chuck Gillette** agreed and commented that the fees should cover City costs. **Dale Coulam** indicated that the City needs to recoup its costs, and fees should cover the actual expenses. **Mayor Hart** inquired whether a review could be done to ensure accuracy and if it was included in the ordinance. **Chuck Gillette** stated that the fee is not part of the ordinance but is outlined in the fee

schedule. **Council Member Anderson** emphasized the importance of having specific verbiage in the ordinance to facilitate its transfer to the fee schedule. **Mayor Hart** suggested that if the ordinance referred to the fee, and the fee was altered on the fee schedule, that would address the issue. **Dale Coulam** agreed. **Council Member Anderson** indicated that while there's likely a fee for the entire process, there needs to be language in the ordinance specifying that if certain actions are taken for specific reasons, a lower fee should apply and outlined in the ordinance. **Dale Coulam** stated that it was not necessary to include that in this ordinance because it is included in the consolidated fee schedule. **Mayor Hart** expressed doubt that the City could be satisfied without a follow-up site inspection to ensure proper respect for sensitive lands. **Council Member Anderson** envisioned an intermediate, optional inspection between the pre-application and post-application. That would be beneficial, especially if developers plan to leave areas as "no build" zones. There would still be a fee for the time spent but not as much as the full application fee. **Dale Coulam** indicated that the consolidated fee schedule could outline fees for pre-application, full application, or further review. He suggested that language might need to be amended to specify that if an area is designated as "no build," the process stops. **Council Member Anderson** agreed, emphasizing the need for language in the ordinance to encourage developers to designate areas as "no build".

Council Member Scott stated that he understand what Council Member Anderson was saying and he liked that idea. If it is clear when an applicant can see that they could save time and money by designating areas as no-build, if that information is not in the ordinance then applicants do not know they have that option and then will likely charge ahead. He liked the idea of having language in the ordinance and inquired if they could come up with that language tonight? **Council Member Anderson** inquired where that language would be placed in the ordinance. **Mayor Hart** indicated that it is a simple concept where the City would be stating that an applicant could either apply for a preliminary inspection and then designate the land or apply and go through the full process. **Dale Coulam** stated that the Council could come up with the amendment and then determine where that amendment would be placed in the ordinance. **Council Member Murphy** referred to section 16.08.206 regarding the Pre-Application Meeting and Site Visit and commented that if an applicant decided at that time that they were not going to disturb a certain piece of land, the amendment could be in that section. **Chuck Gillette** indicated that language could be added to that section regarding that. **Mayor Hart** stated that at the end of the day, it is up to the Sensitive Lands Committee to verify that the lands that have been identified as land that will not be built on, that land has been respected in the development application. He inquired what would occur if they get to a point in time and the Sensitive Lands Committee goes out to the property and notices that the developer did not follow everything they said they were going to do. Can the progress of the application be stopped until it complies? He was concerned about a bait-and-switch and the sensitive lands has not been respected. **Chuck Gillette** indicated yes. **Council Member Anderson** stated that the developer has to show that they are protecting the sensitive lands. **Mayor Hart** commented that is the intermediate step where the land is identified by survey or similar. He inquired if it was being suggested that that step go away? **Council Member Anderson** indicated that there is an inventory that has to be done to determine if the property falls within sensitive lands. If a developer says they are going to leave certain land as open and not built on, that developer should be able to identify the inventory and go on site to look at it and that's it. If they are going to leave the land open and is no-build, the developer should be given a break which would also encourage not building on sensitive lands. **Mayor Hart** commented that by taking this alternate

route, that might net additional land that is being preserved beyond what would be specifically identified by a survey or similar. **Council Member Anderson** agreed. **Mayor Hart** agreed, as long as there was follow-up. **Chuck Gillette** stated that the follow-up could be done by the TRC (Technical Review Committee) and if the TRC were to determine that the land wasn't being preserved, it could be sent to the Sensitive Lands Committee. **Chuck Gillette** indicated that what could occur is say that the Preliminary Plan goes to the TRC and then the TRC determines whether it goes to the Sensitive Lands Committee but that would not include the site visit. **Council Member Anderson** stated that they need the site visit. **Mayor Hart** commented that the site visit was optional. **Chuck Gillette** clarified that the Pre-Application site visit was optional. **Council Member Anderson** indicated that there needs to be a site visit after they have an inventory of the property that TRC has looked at. **Mayor Hart** commented that the TRC would go on site and verify that the property set aside covers what has been identified. **Chuck Gillette** suggested that the application goes to the TRC and when the TRC receives the application that is in the Sensitive Lands Overlay District and it appears that the developer is planning on leaving Sensitive Lands undisturbed, the Sensitive Lands Committee can request a Sensitive Lands Committee site visit pre-application to the Sensitive Lands to determine if it needs a Sensitive Lands application process. The **Mayor and City Council** agreed. **Chuck Gillette** suggested that information be placed under section 16.08.206 the Pre-Application Meeting and Site Visit with another paragraph that says something to the effect of upon submitting an application to the TRC that does not impact what the apparent boundaries are of the Sensitive Lands, the TRC can consider asking the Sensitive Lands Committee to conduct a site visit and verify that the proposed plan does not impact Sensitive Lands and if so, a Sensitive Lands application does not need to be made. **Council Member Mehr** clarified for the public that these changes are strengthening the City's ability to protect Ivins Sensitive Lands. **Council Member Scott** agreed and indicated that what has been done in the map is the City has identified additional potential Sensitive Lands and the overlay district is fairly broad in both cases so the changes are a plus. **Mayor Hart** agreed. He had one question regarding the reference of the 12% slope on page 23 with a diagram on the top. He inquired what the genesis of that was because the City has another slope ordinance that is 15% and was not sure how this 12% slope came about in this ordinance. **Chuck Gillette** commented that they were looking at ridgelines and trying to imagine homes being built right up to the ridgelines and looking at setbacks. Anything within 75 feet requires a slope stability analysis. With the idea that they could bump right up to that 75 feet, the thought was to give them enough room that they could build a building up to that 75 feet but not a tall building and that's where the 12% worked out. **Council Member Anderson** commented that section is where they should put the language in about the berm, requiring it to be setback if they are going to raise it by four feet (4'). **Mayor Hart** indicated that there are several exhibits showing berms of different kinds. **Chuck Gillette** inquired what setback the Council was looking for on the berm? **Council Member Anderson** stated 20, 25 or 30 feet if they're going to raise the berm by 4 feet. **Mayor Hart** inquired what 12% yields with 4 feet? **Chuck Gillette** stated 33 feet and inquired if the Council wanted the setback to be 25 or 30 feet and commented that if there was a 20 foot setback before one could even start berming, the berm is going to slope up.

Mayor Hart wanted to make sure that the City has an ordinance that is clear on what is Sensitive Lands because those kinds of regulations can be carried to extremes. There are several references to reasonable development but if reasonable development simply eliminates something visual, is it really Sensitive Lands or preserving the view from somebody's back yard? **Chuck**

Gillette clarified that with the ordinance as it is written, that is addressed. **Council Member Scott** agreed. **Mayor Hart** commented that the City has spent years dealing with views and as a City, the City cannot protect views.

MOTION: Council Member Murphy moved to approve Ordinance No. 2023-26, an Ordinance of Ivins City, Utah, regarding a Zone Text and Sensitive Lands Map amendment, as amended

SECOND: Council Member Scott

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Mehr	AYE
Council Member Johnson	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 Resolution No. 2023-15R, a Resolution of Ivins City, Utah, allocating RAP Tax Funds to the City's Arts Corridor Project

Michele Adams representing the Arts Commission, presented the proposal by acknowledging the previous meeting's request to consider setting aside funds to support the arts quarter with RAP funds. She urged the council to approve Resolution No. 2023-15R, emphasizing the importance of the Arts Corridor Project in creating a cohesive public art and Arts Entertainment corridor throughout Ivins. She referred to the Arts Master Plan, approved by the City Council in 2017, outlining goals to enliven spaces with public art and enhance the city's walkability while connecting culture, people, neighborhoods, and ideas. Allocating funds for the Arts Corridor Project aligns with the City's objectives. **Council Member Mehr** raised a concern about the availability of sufficient funds in the RAP tax. **Michele Adams** assured the Council that funds were in place through November. She provided a breakdown, mentioning a conservative estimate of $197,000, deducting $5,000 and additional set-asides for Kayenta and Tuacahn, leaving $64,000 for the Arts Corridor. **Mayor Hart** indicated that in case of a major project, the Arts Council could apply for additional funding. He clarified that the proposed set-aside was specifically for the Arts, functioning as a growing building fund to support artistic endeavors. **Council Member Anderson** inquired if this was just for the art corridor. **Michele Adams** clarified yes. She explained that to maintain the art on loan program, they would need to discuss future allocations in the following years.

MOTION: Council Member Anderson moved to approve Resolution No. 2023-15R, a Resolution of Ivins City, Utah, allocating RAP Tax Funds to the City's Arts Corridor Project, in the amount of $7,500

SECOND: Council Member Murphy

VOTE: The motion carried unanimously.

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

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

B. Discuss and consider approval of award for the Shared Use Path Network Gap Fill Project

Chuck Gillette provided an overview reminding the City Council that they had previously approved the funding for this project when the Federal Aid Agreement was presented and approved. Bids have been received, and they closely matched the estimate. He provided details about the trail locations, specifying that the project involved widening the sidewalk from Painted Hills Drive to the new Palisades development. Additionally, the south side of Center Street from 200 West to 300 West required attention, as there was a section where the trail was currently just dirt. A temporary trail would be established on Center Street from 520 West to 600 West, extending to 100 South on 600 West and from 300 South down to Old Highway 91. The goal was to connect the trail from Snow Canyon State Park to Old Highway 91 via Center Street and Kwavasa Drive. However, he noted unresolved right-of-way issues that need to be resolved before completing a section. **Council Member Anderson** sought clarification about the Kwavasa Drive portion, asking if the trail would be on one side only. **Chuck Gillette** clarified that they were placing it on one side from Center Street to Highway 91 but connecting it on both sides from 400 South down to Highway 91. **Council Member Anderson** sought clarification on what exactly the Council was approving. **Chuck Gillette** explained that they were approving the award for the Shared Use Path Network Gap Fill Project.

MOTION: Council Member Scott moved to approve an award for the Shared Use Path Network Gap Fill Project in the amount of $387,546.50

SECOND: Council Member Murphy

VOTE: The motion carried unanimously.

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

C. Introduction of Ordinance No. 2023-22, an Ordinance of Ivins City, Utah, amending Chapter 4 of the Subdivision Ordinance regarding Subdivision Application and Review Process and setting a Public Hearing

Dale Coulam indicated that this ordinance has come forward from the Planning Commission. The ordinance amends Chapter 4 of the Subdivision Ordinance, specifically focusing on the Subdivision Application and Review Process. This has been discussed for months, and the need to finalize it is approaching. He outlined that the Administrative Land Use Authority for a Preliminary Plan would now occur through the Planning Commission, eliminating the City Council's involvement in the subdivision approval process. The proposed amendment concentrated on the chapter for application and review, a requirement to be in place by the end of the year. He detailed that the definition of Administrative Land Use Authority included individuals, boards, or commissions appointed or employed by a municipality, encompassing Municipal staff or a Municipal Planning Commission. Notably, it excluded the legislative body, which is the City Council. Under the proposed changes, the Planning Commission would make decisions on Preliminary Plan applications, followed by a Final Plat review. The Final Plat review body could consist of an individual or up to two (2) Planning Commissioners, with an odd number recommended. Some cities were opting for one staff member for that role, citing an example of City employee Tom Jorgensen, the Assistant Public Works Director and Assistant City Engineer, who often provided thorough reviews at the TRC (Technical Review Committee).

He presented two (2) scenarios for the Final Plat review body: If a single individual, like Tom Jorgensen, was designated as the Administrative Land Use Authority, it wouldn't trigger an Open Meeting. However, if more than one (1) person was involved, it would require a formal Open Meeting process, including notice, recording minutes, and other standard procedures. The draft ordinance left some blanks, and he requested input from the Council on finalizing the details, including deciding on a name for the Final Plat review body. **Council Member Scott** sought clarification on whether public hearings would be required, even if only one person was involved in the Final Plat approval. **Dale Coulam** explained that if an overlay triggered a public hearing on the Preliminary Plan, that would still be required but not for standard subdivisions. The Final Plat approval process is an Administrative review, ensuring compliance with the Preliminary Plan. **Mayor Hart** commented that many cities were delegating the Final Plat review to an individual staff member. He emphasized that the process primarily involves verification rather than making substantive changes. The goal is to confirm whether the development complies with all the requirements established during the Preliminary Plat stage. Residents or individuals without technical expertise might not have much to contribute in that context. Bringing in a Planning Commission Member could be valuable for evaluating compliance with broader City requirements. Technical experts like Tom Jorgensen, would focus on verifying the proper execution of engineering work. **Dale Coulam** presented another scenario, suggesting the possibility of adding a Planning Commission member to the Final Plat review body, creating a group of three (3) individuals, preferably an odd number. **Mayor Hart** commented that the additional member could be a Planning Commission member, along with City employees Mike Haycock and Tom Jorgensen. **Council Member Murphy** inquired if that would trigger the need for a formal meeting. **Dale Coulam** confirmed that it would. **Council Member Murphy** expressed her disagreement, stating that it didn't make sense to her. She reflected on her past experience on the Planning Commission, mentioning that, during Final Plat reviews, they would often defer to the engineering perspective. It is a simple process of where the main question was whether the engineers found it acceptable. **Council Member Mehr** presented a different viewpoint, expressing the belief that the process should be kept transparent and in the light of day. He supported including the Planning Commission Chair, along with positions held by Tom and Mike, in the Final Plat review body. He suggested notifying the public, emphasizing that it could be done during regular business hours without requiring overtime for staff. **Dale Coulam** commented that if that was their direction, it would be preferable to schedule the meeting during business hours because it would involve Mike Haycock, Tom Jorgensen and potentially hiring another Deputy City Recorder due to increased meeting demands that could strain the existing staff workload. **Chuck Gillette** indicated that he would still be signing the plat, along with the City engineer, City Manager and Mayor. **Council Member Murphy** inquired about the likelihood of a three-member or one-member Final Plat review body not approving a plat. **Mayor Hart** clarified that the purpose of the review was to catch mistakes, whether they were mistaken interpretations of ordinances or engineering errors. **Dale Coulam** stated that he could not recall a time when a Final Plat was denied. He explained that even if there were issues, they were typically approved as amended. The focus was on ensuring that the plat was done correctly. **Council Member Anderson** suggested revising line item 15.04.202 to reflect the preference for digital documents over paper. **Dale Coulam** acknowledged the flexibility in revising application requirements and mentioned that the Planning Commission recommended amending the chapter to comply with the new State statute. He presented the option for the City Council to set a public hearing at the next meeting to

gather public comments on the proposed changes or to have a separate meeting for further discussion. **Mayor Hart** expressed his preference to move forward with setting a public hearing on December 7th to gather public input on the proposed changes to the subdivision ordinance. He indicated that modifications could be made based on the input received, aligning with the council's decisions. The **City Council** agreed.

6) CONSENT AGENDA

A. Approval of expenditure for engineering services for Old Highway 91 Phase 2 Improvements
B. Approval of expenditure of Valve Maintenance Trailer
C. Approval of City Council Meeting Minutes for November 2, 2023

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Anderson referred to the impressive U.S. flag hanging in Snow Canyon State Park and encouraged others to go see it. **Council Member Mehr** expressed appreciation for the flag, especially at night. He shared that he had a fun time playing golf at the Veterans Memorial fundraiser. **Council Member Scott** reported on the Youth Council's tour of the Center Street Fire Station, expressing gratitude to the fire department for providing an energetic and informative experience. The Youth Council engaged in activities such as lifting heavy equipment, wearing oxygen masks, and moving a gurney. There were no other reports.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam reported the General Plan has been forwarded by the Planning Commission for the City Council to discuss and review before setting a Public Hearing and inquired when the Council would like that to occur. **Mayor Hart** expressed a preference for inviting someone from the Planning Commission to provide a detailed presentation, covering the ideas and discussions that occurred in their meetings, going through the plan section by section to explain its contents and rationale. **Council Member Anderson** stated he would not be in attendance at the December 7th City Council meeting and would request that it be discussed when he was present. **Council Member Scott** supported the idea of inviting a Planning Commission member for clarifications. Planning Commission Member **Pam Gardiol** recommended that the entire Planning Commission be present. **Council Member Anderson** suggested waiting until January to discuss the General Plan, considering the proximity to the end of the year and the incoming new City Council members. **Council Member Mehr** highlighted the previously voted-on meeting schedule and proposed the option of adding an additional meeting when needed and suggested it be discussed at the next City Council meeting. Council Member Anderson disagreed because he would not be present. **Dale Coulam** indicated that they need to hold a City Council meeting on November 30th to canvass the General Election. **Council Member Mehr** suggested adjusting

the November 30th canvass time to start at 5:00 p.m. The **City Council** ultimately agreed to conduct the canvass on November 30th and hold the General Plan discussion on the December 21st City Council meeting. The **City Council** Agreed.

D. Items to be placed on future agendas

Mayor Hart addressed the two Citizen requests for future agenda items. The first request involved considering an ordinance prohibiting grading a site before construction drawings are sufficiently prepared. **Council Member Mehr** indicated that similar concerns had arisen in the past, and while some restrictions were in place, a review could be beneficial. The **City Council** agreed. The second request focused on creating or modifying an ordinance to hold the development community accountable for damages on adjacent properties during construction. **Dale Coulam** stated that he had no opposition to putting it on a future agenda item for further discussion. **The City Council** Agreed. **Council Member Scott** referred to a previous request regarding the removal of resorts in residential zones and inquired as to the status. **Dale Coulam** clarified it is currently going before the Planning Commission for a Public Hearing. **Council Member Mehr** proposed a discussion regarding funding for the Veterans Memorial. He suggested exploring the possibility of using rap tax funds for that project, with a yearly contribution of $5,000 to $7,500. The **City Council** agreed.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Scott

VOTE: The motion carried unanimously.

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

The meeting adjourned at 8:05 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder