IVINS
CITY COUNCIL
MINUTES
February 1, 2024

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 Smith, Council Member Barton, Council Member Gillespie, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Police Chief Bob Flowers, Fire Chief Andrew Parker, Building and Zoning Administrator Mike Haycock, Director of Finance Cade Visser, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: James Barden, Liz Fortney, Karen Wolfe, Becky Warren, Jaren Studley and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Gillespie led the Flag Salute

C. Invocation

Council Member Gillespie 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. Recognition of artist donation of Cottonwood Glory

Mayor Hart read provided background information on Artist Liz Fortney, as well as a Letter of Recognition for her donation of her photography artwork piece "Cottonwood Glory" that is displayed in the Ivins City Council room. A copy of Liz's background and the Letter of Recognition are available as attachments to this agenda. The Mayor and City Council thanked Liz Fortney for her donation to Ivins City. **Liz Fortney** thanked the Mayor and City Council for their support of the Arts.

B. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided an electronic report, a copy of which is available as attachment to this agenda. He reported that The Miss Ivins Pageant was held on February 17th. Baseball registration begins on March 1st. The Red Mountain 55k/30k and Dirty Hurty Half Marathon Trail Run will be held on March 2nd, the Hog and Jog 5k Fun Run will be on March 30th along with the Easter Egg Scramble.
Police Chief Flowers provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that it has been busy but going well.
Fire Chief Parker provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that they handle hydrant inspections and flows for Kayenta once every five (5) years and just completed that. Crews attended the annual Winter Fire School in January and trained in simulation trailers. They have some new Paramedics that work at both firehouses in Ivins and Santa Clara and the Fire Department is involved in the Fire Explorer program for youth ages 16-21.

C. Presentation regarding organizing volunteers in Ivins

Shauna Fisher and **Tiffany Winn** provided a presentation and information to the Mayor and City Council regarding creating a volunteer program for Ivins City. A copy of the information is available as an attachment to this agenda. Mayor Hart commented that the City could show support for this effort by advertising in Ivins newsletter. The Mayor and City Council were supportive and agreed.

D. Planning Commission Report

Mike Haycock reported that the Planning Commission held two (2) Public Hearings regarding zone amendments to Residential Estates, minimum lot size 15,000 sq ft on two (2) parcels located at approximately 600 West and Center Street. The Planning Commission recommended approval for both zone amendments and those will now proceed to Public Hearings before the City Council. The Planning Commission also discussed proposed amendments to the Resort Mixed Use zone, discussed and reviewed Accessory Structures, Goals and Strategies for the Moderate-Income Housing Plan and amending Chapter 4 of the Subdivision Ordinance regarding the Subdivision application and review process.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS - None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to consider vacating public roadway to Snow Canyon State Park pursuant to the survey attached to the Ordinance to vacate

Dale Coulam indicated that the City Council has discussed this previously and the Public Hearing is part of the process for vacating the public roadway. The proposed vacates some right-of-way with consideration that Ivins City no longer has to maintain that right-of-way. **Mayor Hart** opened the Public Hearing and inquired if there was anyone present or on the Zoom application that wished to comment. There was no one in the Council room or on the Zoom application that wished to make a comment. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2024-02, an Ordinance of Ivins City, Utah, vacating public roadway to Snow Canyon State Park

There were no concerns or discussion regarding this.

MOTION: Council Member Barton moved to approve Ordinance No. 2024-02, an Ordinance of Ivins City, Utah, vacating public roadway to Snow Canyon State Park
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

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

C. Public Hearing on the Planning Commission's recommendation to retain Section 16.09.104(h) of the Zoning Ordinance regarding Development Agreements

Dale Coulam stated that this was brought up when the City Council previously considered the statutes that govern Development Agreements and there was a concern about the requirement in high density residential zones for developments with 25 or more units, a minimum of 50% of those units need to be sold to owner occupants. The Planning Commission discussed this and they still feel strongly that that requirement offers, at least on the initial purchase on the unit, that

it could be sold to those trying to get into their first home, rather than being sold to a corporation and potentially becoming rentals. **Mayor Hart** opened the Public Hearing and inquired if there was anyone on the Zoom application that wished to make a comment. **Cade Visser** indicated that there was no one on the Zoom application. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2024-01, an Ordinance of Ivins City, Utah, retaining section 16.09.104 of the Zoning Ordinance regarding Development Agreements

Council Member Scott commented that when this was discussed previously, he asked the question about why is it a percentage, how did they come up with that percentage and how was it determined how many units and similar. The City is using Development Agreements less and less because of changes at the State level but if the City codified the requirements as Land Use regulations, those would then apply all of the time and not just when referenced in a Development Agreement. He was in favor of striking paragraph (h) , but only when codifying it as a Land Use and did not think that had occurred yet. **Dale Coulam** confirmed that had not occurred and would need to be addressed as they go through the Subdivision Ordinance. **Council Member Scott** commented that it should remain as it is currently until it can be codified. **Mayor Hart** suggested that the Council table this action and due to the Public Hearing occurring tonight, that action would be complete and the City Council could act on this at any point in the future. **Council Member Scott** indicated that when the Council gets to the point of codifying this in the zoning ordinance code, then the Council could have a discussion about the percentages and number of units. The other **City Council Members** agreed.

MOTION: Council Member Smith moved to table this agenda item
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

*A. Discussion regarding true-up of revenues and expenditures for combined Fire/EMS

Mayor Hart understood from the Joint meeting with Santa Clara that each Council would discuss this amongst themselves as it relates to what they would propose as a reasonable true-up. With regard to the past accounting, one Council understood that one way and the other Council understood it another way and with what the Agreement says. **Council Member Scott** understood that Ivins City has been receiving a lesser share of revenue from the ambulance and wildlands than the Interlocal Agreement states and in his calculations, Ivins is entitled from the beginning of 2018 to the present, approximately $129,000. At the Joint meeting it was clear that it was not the intention of Santa Clara to short change Ivins and was just a mistake and Ivins didn't catch the problem until this year. It was suggested that the cities split the difference and he knew that was a normal way to do things but for him it was hard to give up any money because it is the residents' money. **Council Member Smith** commented that if there is a compromise, it would be with the understanding going forward that it would be based on what the agreement says and not a 50/50 split. **Council Member Anderson** agreed. **Council Member Gillespie** disagreed and acknowledged that they all make mistakes and there was oversight on both sides, but an agreement is an agreement and is a legal document. The Council has a

fiduciary duty to the residents and if the amount owed to Ivins City is $129,000, that should be the amount that is cleared up. The **Mayor and City Council** continued to discuss a compromise and **Mayor Hart** inquired of Council Member Gillespie if she would consider a compromise if the other Council Members agreed to a compromise. **Council Member Gillespie** indicated that she would if it was in the best interest of Ivins. The **Mayor and City Council** agreed that Ivins City would accept a compromised amount of $80,000.

MOTION: Council Member Scott moved that Ivins City would be willing to accept a compromise payment of $80,000 instead of the full $129,000 because it is Ivins finding or belief that this was not an intentional deceit on the part of Santa Clara, was a mistake and they felt that they had an understanding but their understanding does not fit with the agreement and also it took Ivins a long time to find this out. Both cities were at fault and so a compromise of some sort is in order and the $80,000 number was reached based on data going back three (3) years, to 2021, which was half the time of the agreement.

SECOND: Council Member Barton

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

B. Continued discussion regarding proposed amendments to the FYE 2024 Budgets and set a Public Hearing

Cade Visser referred to the Budget Amendment Summary that was provided at the last City Council meeting, a copy of which is available as an attachment to this agenda. Council Member Gillespie referred to the amount expended for the Sand Hollow Aquatic Center was surprised to see the budget for that and that the City of St. George consistently goes overbudget for that facility and inquired if there was a true-up from the City of St. George and what the extent of Ivins use of that facility was. She did some research on the use and it is approximately 8% or 800 people for a population of approximately 10,000 people and on top of that, residents are charged a $4 resident fee. She referred to the Agreement and was shocked to see that there likely is no way out of the agreement. **Mayor Hart** clarified that when the facility was proposed, it was determined that building and maintaining our own facility would cost more than this. The municipalities are committed to a certain percentage. **Dale Coulam** indicated that if Ivins wanted to get out of the agreement, that would take negotiating with the City of St. George and would be giving up Ivins' initial investment. If there is no term specified in the agreement, the default is generally a 50 year term and there is no cancellation clause. Ivins City has been paying for operating expenses. **Council Member Smith** stated that the contract is what it is and encouraged more people to use the Sand Hollow Aquatic Center. **Council Member Gillespie** understood that there was value in the facility but wanted to look at the financials and have a better understanding of the agreement.

MOTION: Council Member Smith moved to set a Public Hearing on February 15, 2024 on the proposed amendments to the FYE 2024 Budgets

SECOND: Council Member Scott

VOTE: The motion carried unanimously.

Council Member Scott	AYE

Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

C. Continued discussion regarding updating the General Plan

The **Mayor and City Council** discussed this at length in the Work Meeting that was held just before this City Council meeting.

MOTION: Council Member Scott moved to continue the discussion regarding updating the General Plan

SECOND: Council Member Anderson

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for January 4, 2024

MOTION: Council Member Gillespie moved to approve the Consent Agenda

SECOND: Council Member Smith

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Smith referred to an Ivins Crossing Guard that has been a Crossing Guard for years and suggested that she be recognized.

There were no other reports.

B. Mayor

Mayor Hart reported that the Annual Neighborhood meetings will be held on February 27th, 28th and 29th and will be divided up by neighborhood as has been done in the past but anyone is welcome at any of those meetings.

C. City Manager/Attorney Dale Coulam

No report.

D. Items to be placed on future agendas

Mayor Hart indicated that there has been inquiries as to preparation for the PGA Tour event that is occurring in October of this year. It is a little early for that because there have not been any preparatory discussions with the PGA or similar. **Police Chief Bob Flowers** agreed that they need to have that dialogue and he has had some discussions with some PGA professionals to discuss that. It is a private event and there will be a traffic plan that will come before the Council and he will report back to the Council after he has had those meetings. **Council Member**

Smith stated that he had a meeting with Patrick Manning with Black Desert and he was very complimentary of Public Safety and felt that they are already on top of that. **Mayor Hart** clarified that the concern was not just about the traffic but about parking in neighborhoods, short-term rentals and similar. Police Chief Bob Flowers will be taking direction from Public Works and other departments as it relates to those concerns.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Smith

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

The meeting adjourned at 6:55 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder