IVINS CITY COUNCIL
MEETING MINUTES
July 17, 2025

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.ivinsutah.gov 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 Mike Scott, Council Member Kevin Smith, Council Member Sharon Barton, Council Member Sharon Gillespie, and Council Member Lance Anderson.
STAFF: Building and Zoning Administrator Rob Dalley, Director of Finance Cade Visser, Public Works Director and City Engineer Chuck Gillette, City Attorney Bryan Pack, and City Recorder Kari D. Jimenez.
EXCUSED: None.
Audience: Bonnie Kline, Koko Head, Graham Larson, Jerry Miyahara, Gail Fulde, Tiffany Wynn, James Barden, Wayne Pennington, Shad Johnsen, Suzy Appel, Michele Adams, Liz Fortney 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

Council Member Lance Anderson referred to agenda item 5)E, the Development Agreement for Chinle Cliffs and disclosed that he was involved in that piece of property years ago. He also referred to agenda item 5)I regarding 40 acres of SITLA property and disclosed that he is in discussion with SITLA relating to this property and property that he owns. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS AND PRESENTATIONS

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

Electronic reports are available as attachments to this agenda and verbal reports given by Building and Zoning Administrator Rob Dalley, Public Works Director and City Engineer Chuck Gillette and Director of Finance Cade Visser, may be accessed at the following time stamps:
Building and Zoning Administrator Rob Dalley: 00:04:12
Public Works Director and City Engineer Chuck Gillette: 00:09:28
Director of Finance Cade Visser: 00:15:16

B. Planning Commission Report

A report was provided to the Mayor and City Council. The report provided by Commissioner Pam Gardiol may be accessed at time stamp 00:17:26.

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

Mayor Hart suggested that the rules be suspended to bring agenda items 5)A and 5)B forward to this point in the agenda.

MOTION: Council Member Sharon Gillespie moved to suspend the rules and bring agenda items 5)A and 5)B forward to this point in the agenda.

SECOND: Council Member Lance Anderson

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Discuss and consider approval of Resolution No. 2025-10R, a Resolution of Ivins City, Utah, appointing a member to the Arts Commission

BACKGROUND and RECOMMENDATION: Kathy Smith introduced herself to the Mayor and City and provided her background. The introduction may be accessed at time stamp 00:21:52. The Motion may be accessed at time stamp 00:24:50.

MOTION: Council Member Sharon Gillespie moved to approve Resolution No. 2025-10R, a Resolution of Ivins City, Utah, appointing a member to the Arts Commission, appointing Kathy Smith

SECOND: Council Member Lance Anderson

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

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

A. Discuss and consider approval of Resolution No. 2025-09R, a Resolution of Ivins City, Utah, appointing a member to the Arts Commission

BACKGROUND and RECOMMENDATION: Kaitlynn Kraus introduced herself to the Mayor and City and provided her background. The introduction may be accessed at time stamp 00:21:52. The Motion may be accessed at time stamp 00:27:50.

MOTION: Council Member Sharon Barton moved to approve Resolution No. 2025-09R, a Resolution of Ivins City, Utah, appointing Kaitlyn Kraus to the Arts Commission

SECOND: Council Member Kevin Smith

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

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

MOTION: Council Member Sharon Gillespie moved to suspend the rules and adjust the agenda, moving item 5)C as the next agenda item
SECOND: Council Member Lance Anderson
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

C. <u>Update on fundraising activities to purchase the Lyman Whitaker Wind Sculptures</u>

BACKGROUND and RECOMMENDATION: Michele Adams with the Arts Commission reported that funds in the amount of $19,250 have been collected for this fund drive thus far. They will be reporting at the August 7th City Council meeting and are expecting that total to continue to increase. The Arts Commission received notification that the Art Town grant proposal will not be funded and as a result, they are contacting the individuals who donated to meet the matching funds for the grant, to identify if they would like their donations refunded or allocated Arts Corridor or Lyman Whitaker Wind Sculptures. The discussion may be accessed at time stamp 00:28:56.

MOTION: Council Member Sharon Gillespie moved to suspend the rules and move item 5)E as the next agenda item
SECOND: Council Member Sharon Barton
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

E. <u>Discuss and consider approval of Development Agreement for Chinle Cliffs</u>

BACKGROUND and RECOMMENDATION: This development is on the south side of town and is the subject of a Settlement Agreement from more than 20 years ago. If the City Council approves the Development Agreement, the Planning Commission will then approve the Preliminary Plan. One change to the agreement has occurred regarding section 5I where it was contemplated that there would be a booster pump for water. That was originally thought to be needed but all parties have discussed that and determined to leave an option to connect to a St. George line so that language has been added. Council Member Lance Anderson recused himself. One Council Member inquired if the original agreement was still in play or if this superseded that. It was clarified that this agreement was in addition to the original agreement. There were concerns about two-story homes being visible but it was clarified that the home would have walkout basements as the two stories instead of going up in height. There was a question if there were any sensitive land issues and it was clarified that there were not. There was disappointment that there was no consideration for smaller lots and affordable housing. The discussion may be accessed at time stamp 00:31:04.

MOTION: Council Member Mike Scott moved to approve the Development Agreement for Chinle Cliffs, as amended
SECOND: Council Member Sharon Gillespie
VOTE: The motion carried.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	ABSTAIN

The Motion may be accessed at time stamp 00:37:38
MOTION: Council Member Sharon Gillespie moved to suspend the rules and move agenda item 5)I forward
SECOND: Council Member Kevin Smith
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS
I. <u>Discussion and update regarding 40 acres of SITLA property</u>
BACKGROUND and RECOMMENDATION: Council Member Lance Anderson sat in the audience and made comments as an audience member, including his general concern for the property and the number of homes one developer intends to put on that parcel, totaling 250 homes. That property is located on a hillside and has soil issues with clay that would cost a significant amount of money to dig out and mix and replace the soil. Lance Anderson's philosophy is that a developer can develop small lots for affordable housing and build those where it works. He has one piece of property by the Riders Tire Shop that is zoned Resort Commercial that he is willing to trade with SITLA for the 40 acre property on the hill, so they can build affordable housing but SITLA needs a letter from the City Council that townhomes, condos and affordable housing could go on the piece of property by Riders Tire Shop. Attorney Bryan Pack clarified that what Lance Anderson is referring to would be an administrative interpretation of the ordinance, which he will work on and then update the Mayor and City Council at a future City Council meeting. The discussion may be accessed at time stamp 00:38:14.
MOTION: Council Member Sharon Gillespie moved to suspend the rules and move item 5)D forward in the agenda
SECOND: Council Member Lance Anderson
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

D. <u>Discuss and consider the Planning Commission's recommendation on a Class V Conditional Use Permit for a pickleball facility at Black Desert Resort, located at approximately 1500 East Black Desert Drive. Enlaw, LLC-Owner. Koko Head-Applicant</u>

BACKGROUND and RECOMMENDATION: The Planning Commission recommended approval at their meeting after a few Planning Commission and City Council Members attending an on-site visit on July 10, 2025. Black Desert Resort has secured the National Pickleball Championship that will be held in the spring of 2026. Black Desert Resort Attorney Koko Head commented that in coordination with the adjoining property developer Jerry Miyahara, they are working together to make sure that existing neighbors directly to the west would be buffered from lighting and sound impact. At the on-site visit, it was noted that The Retreat at Snow Canyon development to the west that abuts Black Desert Resort allows for 35' buildings in between the existing residential homes and the pickleball complex, essentially blocking any lighting that may have been seen. It was suggested by a City Council Member that shielding could be done and if necessary, similar to what was done at Rocky Vista University. A Black Desert Resort representative agreed and commented that they are working with a lighting consultant. There will be two tournaments held per year, one in the spring and one in the fall, each lasting between 5 and 7 days from 7:00 a.m. until 10:00 p.m. with the lights only being on if a court is being used and being off around 10:30 p.m. for cleanup. Regarding parking and traffic, that attendees will be shuttled similar to what they do now for other events. The City Council agreed that the Building and Zoning Official will keep the Mayor and City Council apprised as to when the lighting application is received by the City. The Council requested to see the Conditional Use Permit conditions in writing before approving it. The Council discussed some other issues while the City Attorney put the list of conditions into writing and provided it to the City Council. The Conditional Use Permit conditions are that compliance with lighting code, shuttled parking transportation, and hours of operation from 7:00 a.m. to 10:00 p.m. with clean-up time after if a game concludes at 10:00 p.m. The discussion may be accessed at time stamp 01:05:18.

MOTION: Council Member Kevin Smith moved to approve the Class V Conditional Use Permit for pickleball facilities located at Black Desert Resort at approximately 1500 East Black Desert Drive. Enlaw, LLC-Owner. Koko Head-Applicant

SECOND: Council Member Sharon Gillespie

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

The Motion may be accessed at time stamp 01:57:16

MOTION: Council Member Sharon Gillespie moved to suspend the rules and adjust the agenda, moving to items 5)F, 5)G, and then 5)H

SECOND: Council Member Lance Anderson

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

F. <u>Continued discussion regarding Fiscal Year Ending 2026 Budgets and Truth in Taxation</u>

BACKGROUND and RECOMMENDATION: Updated documents will be brought forward at the next City Council meeting, which will be one week prior to the August 14th Truth in Taxation Public Hearing meeting. The City is working on the required noticing. The discussion may be accessed at time stamp 01:59:02.

MOTION: Council Member Lance Anderson moved to continue item F

SECOND: Council Member Kevin Smith

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

The Motion may be accessed at time stamp 02:01:00.

G. <u>Discuss and consider approval of Federal Aid Agreement Contract with UDOT</u>

BACKGROUND and RECOMMENDATION: The City received grant funds to install permanent vehicle counters and the funds received are sufficient to install the equipment in three locations. The grant funds are federal funds where Ivins would be somewhat involved in the project but it is ultimately a UDOT project. The discussion may be accessed at time stamp 02:01:16.

MOTION: Council Member Kevin Smith moved to approve the Federal Aid Agreement Contract with UDOT

SECOND: Council Member Sharon Gillespie

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

The Motion may be accessed at time stamp 02:06:54

H. <u>Discuss and consider approval of an updated Interlocal Agreement between the City of St. George and Ivins City for the provision of Public Transit Service</u>

BACKGROUND and RECOMMENDATION: Ivins City has provided bus service to the Ivins residents since 2013 and the agreement was last updated in 2020. The agreement needs to be updated to reflect increased costs associated with the increased service. The City of St. George has modified the 2020 agreement and attached a new Exhibit A that shows how the costs are broken down between operations and bus purchased. It was suggested by a Council Member

that the Arts Commission assist in any shelters that are installed for riders. There was also a concern with Ivins City not receiving more revenue than it is from the transit service. Public Works Director Chuck Gillette will follow-up and report back. The discussion may be accessed at time stamp 02:07:22.

MOTION: Council Member Sharon Gillespie moved to approve an updated Interlocal Agreement between the City of St. George and Ivins City for the provision of Public Transit Service

SECOND: Council Member Mike Scott

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

The Motion may be accessed at time stamp 02:14:36

MOTION: Council Member Sharon Gillespie moved to suspend the rules move to item 4)C & D on the agenda

SECOND: Council Member Kevin Smith

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

Council Member Lance Anderson was excused at 7:46 p.m.

4) PUBLIC HEARING AND ACTION ITEMS

C. <u>Public Hearing to receive input and consider approval and adoption of the proposed Sewer Impact Fee Facilities Plan, Impact Fee Analysis and Ordinance</u>

BACKGROUND and RECOMMENDATION: There have been several occasions where the Mayor and City Council have been provided detailed information on this and this is a formality of the process. A presentation was provided by Aaron Anderson with Bowen Collins & Associates regarding updating Ivins Sewer Master Plan, Impact Fee Facilities Plan and Impact Fee Analysis. A copy of the presentation is available as an attachment to this agenda. Mayor Hart opened the Public Hearing. There being no comments in person or through the Zoom application, Mayor Hart closed the Public Hearing. The discussion may be accessed at time stamp 01:33:18.

D. <u>Discuss and consider approval of Ordinance No. 2025-15, an Ordinance of Ivins City, Utah, adopting the Ivins City Sewer Impact Fee Facilities Plan and Impact Fee Analysis; Enactment of Sewer Impact Fees</u>

BACKGROUND and RECOMMENDATION: The last Impact Fee Study was in 2016 and the City approved and they did an increase then of 17.6% to get the City to the $551.61. A Council Member requested that a statement be included in the Ordinance that the City does not charge

impact fees on accessory dwelling units external. The State of Utah needs to see that in the ordinance. The discussion may be accessed at time stamp 01:41:20.

MOTION: Council Member Sharon Gillespie moved to approve ordinance No. 2025-15, an Ordinance of Ivins City, Utah, adopting the Ivins City Sewer Impact Fee Facilities Plan and Impact Fee Analysis; Enactment of Sewer Impact Fees with the amendment to make sure that the City states no impact fees are charged on accessory dwelling units external
SECOND: Council Member Lance Anderson
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	AYE

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

A. <u>Public Hearing on the Planning Commission's recommendation to amend Chapters 11 and 12 regarding Accessory Dwelling Units</u>

BACKGROUND and RECOMMENDATION: A Work Meeting was held just before this meeting and the Mayor and City Council addressed this by reviewing each page and discussing recommended changes to the ordinance. Mayor Hart opened the Public Hearing. There was one audience member who made comments and referred to setback and building height restrictions that were referred to at a prior City Council that was going to be addressed in the future. Addressing the setbacks on a graduated scale would assist with the ability to build external Accessory Dwelling Units. There being no other comments in person or through the Zoom application, Mayor Hart closed the Public Hearing. The discussion may be accessed at time stamp 02:16:38.

B. <u>Discuss and consider approval of Ordinance No. 2025-14, an Ordinance of Ivins City, Utah, Amending Section 16.12.103 of the Ivins City Code to make Accessory Dwelling Units more easily obtained</u>

BACKGROUND and RECOMMENDATION: Council Member Mike Scott provided a handout to the Mayor and City Council, a copy of which is available as an attachment to this agenda. The Mayor and City Council continued their discussion from the Work Meeting regarding Accessory Dwelling Units, discussing square footage of the ADUs, parking, ADUs not to be sold or conveyed, external and internal ADUs, graduated setbacks that are proportionate to the height of ADUs, design guidelines, kit or box homes, rooftop balconies and second stories are prohibited, rooflines, aesthetics, impact fees not charged for external ADUs, and similar considerations. The discussion may be accessed at time stamp 02:19:02. The Motion may be accessed at time stamp 03:10:50.

MOTION: Council Member Sharon Gillespie moved to approve Ordinance No. 2025-14, an Ordinance of Ivins City, Utah, Amending Section 16.12.103 of the Ivins City Code to make Accessory Dwelling Units more easily obtained, as amended tonight in our meeting, also repealing 16.12.105
SECOND: Council Member Sharon Barton
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE

Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	ABSENT

6) CONSENT AGENDA

A. Approval of City Council Work Meeting Minutes for June 19, 2025

B. Approval of City Council Meeting Minutes for June 19, 2025

MOTION: Council Member Mike Scott moved to approve the Consent Agenda

SECOND: Council Member Sharon Barton

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

The City Council reports may be accessed at time stamp 03:11:58.

B. Mayor

The report by the Mayor may be accessed at time stamp 03:13:32.

C. City Attorney Bryan Pack

No report

D. Items to be placed on future agendas

Items to be placed on future agendas are identified throughout the meeting and will be included on upcoming City Council agendas.

9) CLOSED MEETING

There was no cause to adjourn to a Closed Meeting.

10) ADJOURNMENT

MOTION: Council Member Kevin Smith moved to adjourn

SECOND: Council Member Sharon Barton

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Kevin Smith	AYE
Council Member Sharon Barton	AYE
Council Member Sharon Gillespie	AYE
Council Member Lance Anderson	ABSENT

The Motion may be accessed at time stamp 03:17:04.

The meeting adjourned at 8:48 p.m.

Respectfully,

Kari D. Jimenez, MPA, MMC
Ivins City Recorder