IVINS CITY COUNCIL
MEETING MINUTES
SEPTEMBER 17, 2026

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 Mayor Kevin Smith, Council Member Mike Scott, Council Member Sharon Gillespie, Council Member Sharon Barton, Council Member Dillon Hurt, and Council Member Wayne Pennington.

STAFF: City Manager Chuck Gillette, City Attorney Bryan Pack, Director of Finance Cade Visser, Public Works Director and City Engineer Tom Jorgensen, and City Recorder Kari D. Jimenez.

EXCUSED: None.

Audience: James Barden, Dean Cavaleto, Bonnie Kline, Barb Ervin, Shad Johnsen, Fred Birnbaum, Tiffany Wynn, Gina Blake, Gail Fulde, Jerry Nostadt, Julie & Drew Planing, Matt Marten, Suzy Appel, Laela Gaylord, Melanie Neighbor and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Kevin Smith acknowledged there was a quorum present. All Council Members were in attendance.

B. Flag Salute

Council Member Sharon Gillespie led the Flag Salute

C. Invocation

Council Member Sharon 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. Department Reports: Building & Zoning; Public Works & Engineering; Finance

Electronic reports are available as attachments to this agenda. Building and Zoning Administrator Rob Dalley was excused. Verbal reports given by Public Works Director and City Engineer Tom Jorgensen and Director of Finance Cade Visser may be accessed at the following time stamps:

Director of Finance Cade Visser: 00:04:00

Public Works Director and City Engineer Tom Jorgensen: 00:06:06

B. Planning Commission Report

A report was provided to the Mayor and City Council. The report provided by Commissioner Brandon Weight may be accessed at time stamp 00:13:04.

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

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation regarding a Concurrent Land Use Zone/Map Amendment from LDR (Low-Density Residential) Land Use to MDR (Medium-Density Residential) and HDR (High-Density Residential);

and RC (Resort Commercial) and RE-25 (Residential Estates, minimum lot size 25,000 sq ft) with PD Overlay (Planned Development) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) and R-1-3 (Residential, minimum lot size 3,000 sq ft) and RC (Resort Commercial) zone on approximately 63.94 acres for Mojave Village, located at approximately Guy Lane and Fitness Way, Ivins, Utah; ANA Enterprises, LLC-Owner. Lance Anderson-Applicant/Owner

BACKGROUND and RECOMMENDATION: A concurrent Land Use and Zone Map Amendment was presented for approximately 63.94 acres for Mojave Village, located near Guy Lane and Fitness Way. The proposal includes relocating 160 previously approved Resort Commercial units, establishing larger residential estate lots and developing an area of smaller single-family detached residential lots. The proposed changes include Low Density Residential to Medium Density Residential, High Density Residential and Resort Commercial land use designations, with corresponding zoning changes. The larger estate lots would include limits of disturbance intended to preserve portions of the hillside. The relationship between the proposed zoning, Sensitive Lands Ordinance and existing settlement agreement was reviewed. Applicant Lance Anderson provided additional information regarding changes to the concept, including providing additional buffering, limits of disturbance, relocating the previously approved Resort Commercial units and providing greater separation between buildings. The smaller residential lots were proposed to provide single-family detached housing on a variety of lot sizes. **Mayor Kevin Smith** opened the Public Hearing. One individual expressed general support for moving the proposal forward while recognizing that additional details remained to be addressed. An individual requested that the existing zoning adjacent to agricultural residential property be preserved and expressed concerns regarding increased density and compatibility. Another individual expressed concerns regarding the proposed 3,000 square foot lots and compatibility with Mojave Mesa. An individual commented regarding attainable housing, deed restrictions, road access and traffic safety. There being no other comments in person or through the Zoom application, **Mayor Kevin Smith** closed the Public Hearing. The explanation of this agenda item and public comments may be accessed at time stamp 00:18:40.

B. Discuss and consider approval of Ordinance No. 2026-24, an Ordinance of Ivins City, Utah, approving a Concurrent Land Use/Zone Amendment

BACKGROUND and RECOMMENDATION: The Mayor and City Council reviewed the proposed Mojave Village land use and zoning amendments. The 160 Resort Commercial units have previously been approved at another location within the development, and relocating those units was generally viewed as providing greater separation and buffering from surrounding residential areas. The proposed residential estate lots and preservation of open hillside areas were also discussed. The primary discussion focused on the smaller single-family detached residential lots, including the number and mixture of lot sizes, density, compatibility and transitions with surrounding neighborhoods, attainable housing, building height, setbacks, hillside disturbance, drainage and soil conditions, road and emergency access, infrastructure, park access and buffering. Additional clarification was requested regarding several provisions of the proposed Development Agreement and how the development would relate to the City's Sensitive Lands requirements. The Mayor and City Council supported allowing additional time for staff, the applicant, and Council to address outstanding issues before taking action. Additionally, this will be noticed as a continued Public Hearing. The discussion may be accessed at time stamp 00:51:30.

MOTION: Council Member Sharon Barton moved carry forward the discussion of approving Ordinance No. 2026-24, an Ordinance of Ivins City, Utah, approving a Concurrent Land Use/Zone Amendment and the Public Hearing until the next City Council meeting
SECOND: Council Member Dillon Hurt
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

The Motion may be accessed at time stamp 01:32:40.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Conditional Use Permit/Development Agreement for Mojave Village, located at approximately Guy Lane and Fitness Way

MOTION: Council Member Wayne Pennington moved to continue the discussion and consideration of approval for the Conditional Use Permit/Development Agreement for Mojave Village, located at approximately Guy Lane and Fitness Way
SECOND: Council Member Mike Scott
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

The Motion may be accessed at time stamp 01:33:46.

B. Discuss and consider approval of a construction contract to install curbing around the medians along Old Highway 91

BACKGROUND and RECOMMENDATION: The Old Highway 91 project included areas reserved for landscaped medians; however, curbing was not installed around those areas. Parks and Recreation requested curbing to accommodate the planned landscaping. Contractors contacted regarding the project recommended contracting directly with Triple B because of the equipment required to complete the work. Funding for the project is included in the budget.
MOTION: Council Member Sharon Gillespie moved to approve the construction contract to install curbing around the medians on Old Highway 91 for the amount of $114,400 including a 10 percent contingency
SECOND: Council Member Sharon Barton
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

The Motion may be accessed at time stamp 01:35:46.

C. Discuss and consider approval of the City Manager Contract

MOTION: Council Member Mike Scott moved to enter into a closed session pursuant to Utah Code Section 52-4-205(1)(a) for discussion of the character and professional competence of an individual
SECOND: Council Member Sharon Barton
Council Member Mike Scott made that motion but clarified that he did not have any concerns at all about the City Manager's character or performance, however, the contract terms they are looking at are closely connected with those issues, which is why discussing those in a closed meeting is appropriate.
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

Roll call vote. All Council Members were present and voted in favor. The Motion may be accessed at time stamp 01:36:18. The open meeting was in recess at 7:14 p.m. for 18 minutes while the Mayor and City Council were in a closed meeting.
The City Council meeting was back in session at 7:32 p.m.
BACKGROUND and RECOMMENDATION: Proposed amendments to the City Manager Contract were reviewed following the Closed Meeting. The amendments included clarifying notice requirements prior to expiration of the contract, adding nonfeasance to the provisions regarding termination for cause and clarifying cost-of-living and performance-based salary increases.
MOTION: Council Member Mike Scott moved to approve the City Manager Contract with the following modifications: in paragraph 5 "Term of Employment & Termination" just to clean up some language in the second sentence that starts with "Within six months" so "Within six months prior to the expiration of the term" the two 60 days was just a leftover from before and make that the City Managers obligation to give that notice, this isn't the legal wording, this is for the Attorney to do the legal wording and to state whether he desires to continue or not, and I'd also say that it is our joint responsibility to negotiate that contract quickly, hopefully within 30 days so that there is still plenty of time left for both parties if we can't reach agreement; then in paragraph 5. a. we should add nonfeasance to malfeasance and misfeasance and in paragraph 4. a. the second sentence starting on line 4, I would change that language to this: "Thereafter, during the term this Agreement, Manager shall receive cost-of-living salary increases at the same time and in the same amount or percentage as such increases are provided to Department Heads. Manager shall be eligible for performance based salary increases as determined by the City Council, following an annual performance evaluation of Manager by the Mayor and City Council. Any such salary increases shall be approved by the City Council as part of the annual approval of salaries for Statutory Officers and Department Heads for the subsequent fiscal year.
SECOND: Council Member Sharon Gillespie
VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE

Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

D. Continued discussion of the fire station remodel and expansion

BACKGROUND and RECOMMENDATION: Mechanical and electrical engineering plans for the Fire Station remodel and expansion were reviewed, and structural engineering work remains underway. As the design progresses, input from a general contractor through the CMGC process will be needed, and design work may temporarily pause to avoid proceeding too far before contractor review and anticipated grant funding. The most recent project estimate was approximately $6 million, although the scope and plans continue to evolve. Fundraising efforts were launched during Heritage Days, including Fire Station fundraising merchandise. Additional fundraising activities are planned, including an event in October. The discussion may be accessed at time stamp 01:44:18.

E. Continued discussion regarding progress of updating the Land Use Plan Map

BACKGROUND and RECOMMENDATION: Information and data continue to be compiled for the Land Use Plan Map update. Assistance is being provided in developing focused discussion topics to help the Planning Commission evaluate the information and begin identifying the City's future land use priorities and identity. Facilitation assistance may also be used during future community meetings. Business outreach is continuing. Twenty-one responses have been received from business owners, and owners of undeveloped commercial property have also been contacted through a separate survey. Additional responses and information will continue to be gathered for use in the Land Use Plan Map process. The discussion may be accessed at time stamp 01:48:56.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for September 3, 2026

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 Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

The Motion may be accessed at time stamp 01:52:28.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

The City Council reports may be accessed at time stamp 01:52:40.

B. Mayor

The report by the Mayor may be accessed at time stamp 01:58:56.

C. City Manager Chuck Gillette

The City Manager report may be accessed at time stamp 02:00:00.

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 into another Closed Meeting.

10) <u>ADJOURNMENT</u>

MOTION: Council Member Sharon Gillespie moved to adjourn

SECOND: Council Member Sharon Barton

VOTE: The motion carried unanimously.

Council Member Mike Scott	AYE
Council Member Sharon Gillespie	AYE
Council Member Sharon Barton	AYE
Council Member Dillon Hurt	AYE
Council Member Wayne Pennington	AYE

The Motion may be accessed at time stamp 02:06:12.

The meeting adjourned at 7:57 p.m.

Respectfully,

Kari D. Jimenez, MPA, MMC