IVINS
CITY COUNCIL
MINUTES
May 6, 2021

***NOTICE: This meeting was held electronically and in person, with limited seating to observe social distancing. City Hall was the anchor location for the electronic meeting. You may listen to the audio 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 Mehr, Council Member McDonald, Council Member Gordhammer, and Council Member Larsen.

STAFF: Dale Coulam-City Manager/Attorney, Cody Mitchell-Building and Zoning Administrator, Bob Flowers-Chief of Police, Lane Mecham-Director of Finance, Benny-Sorensen-Parks Director and Sharon Allen-Deputy City Recorder.

Audience Attending: Judith Kapuscinski, Pamela Gardiol, Connie Parker, Chris Haddad, CJ Koharcheck as well as others that did not sign in.

EXCUSED: Council Member Johnson

A. Acknowledgement of Quorum
B. Flag Salute – Council Member Larsen led the Flag Salute
C. Invocation – Council Member Larsen gave the Invocation
D. Disclosures--None.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen stated that City Council has his written report. We had 34 players at bingo tonight with kids under 10 years old up to people over 80 years old. It has been a fun program. Baseball starts next week and a free concert with some local talent out at the Ivins City Park. We have cornhole out in the Ivins City Park now west of the pavilion. They are made out of concrete and weigh 1000 pounds apiece. Sarah Nash wrote a grant to help with the Hwy 91 trail project with a state recreation grant, and the City was awarded 150k for that project. **Mayor Hart** congratulated them and stated that in the report he noticed there has been an increase in vandalism in our park bathrooms and that they tried to burn them down. Such a shame. **Benny Sorensen** stated there were two attempts to start fires. One scorched a wall a bit and so we will lock the doors at 10:00 pm and open them at 6:00 am. We looked at the video and have kids wandering out there at 2:00 in the morning who are 12-13 years old. We have always enjoyed having them open for runners, so it may inconvenience a few people that won't be happy. **Councilmember Dennis Mehr** stated the soccer field detention basin south of the splash pad by Unity Park they are pulling grass away from those homes to avoid water hitting the wall and homes there. Is there still enough room to have two games happening simultaneously? Will it be East and West rather than North and South so the sun will be right in their eyes? **Benny Sorenson** stated we just have to move one end further east and west but they will be the same size field. They will still fit north and south.

Bob Flowers stated that City Council has his written report. The Ironman went very well and some of our citizens were greatly inconvenienced so we have to figure out how to not close neighborhoods off before the full Ironman. Telling people they can't leave their house for 5 hours

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is not right. But it went really well and was a nice event to see. Jessica Bate went to the school in Provo that is almost a survival school for SWAT team members. They check your mental ability and it is called Hell Week for a reason. There were about 40-42 officers that attended and 27 officers graduated. She excelled and was rated by her peers as number one cadet in the state. That was an amazing compliment to us. She graduates with her Masters degree this week and Jaron Studley graduates with his Bachelors.

B. Presentation on Accreditation for Law Enforcement – Chief Flowers

Bob Flowers stated he introduced a program to Dale Coulam that would change how we do business. It is a national accreditation called CALEA and UCOPA Utah Chief of Police Association) and recommend we go this route but it is going to be a lot of work, about 25% of his time for the next year. Basically what we are talking about is our standards, our processes, management systems. CALEA (Commission Accreditation for Law Enforcement Agencies) basically the accreditation shows accountability and everything is double checked, reviewed and we receive audits. We are being pre-emptive because we are going to see some national standards coming whether we like it or not. It is an advocacy for us, that keeps us contemporary. Rules change weekly and all the new policies coming in are complex. The initial steps have been identified and completed. He would like to see this done by Christmas. We have hundreds of policies and procedures on what and how we should be doing things. This just makes sure we are doing it. It brings confidence to our citizens that even though we have a smaller agency, we are doing the right things. We have our cameras that were purchased 3-4 years ago, de-escalation training, taser training and firearms training and less-lethal methods. There are only 8 agencies in Utah that are certified and he thinks it is a great idea. He just wanted the Council to know that he hopes they are behind it because it is coming whether we like it or not. Their administrative assistant Virginia has gone to school so we can reassign her to some of those tasks to complete this. He will send the slides they just viewed. The review is tough. They go through everything and then send a report to our City Manager and Mayor. He is proposing that we do this. **Mayor Hart** stated when you achieve accreditation that certifies that your staff knows how to conduct themselves in these difficult situations? **Chief Bob Flowers** stated it means we are a best practice agency with a stated national recognition that we are. Dixie State University just went through this process and it took them about 6 months to do it. It is so citizens know that our agency is being professional. It is something that is ongoing and once we get it up and running it will work well. There is no way can we afford legal representation that would be required to go through all these policies. **Mayor Hart** inquired if it was a thumbs up from the Council? They agreed it was pro-active. **Chief Bob Flowers** stated we will need to set up a civilian review board and he will report back to Dale Coulam.

C. Quarterly Finance Report

Lane Mecham stated that the local economy right now is running really hot. The unemployment rate is at 3.4 percent, which is pretty amazing for coming out of a pandemic. Average monthly wages have been increasing at a pretty sharp and steady rate. Things look good within the County. Gross taxable sales are up right now. That helps our sales tax revenue. Permits we have issued and impact fees reflect those numbers. **Mayor Hart** stated that the gross taxable sales reflects that everything costs five times as much as it did a year ago. **Lane Mecham** stated it is a combination of gold-plated wood and the amount of it being sold. General fund tax revenues are on pace where we should be this time of year. We are doing pretty well against our budget. Other revenues are right where we should be for budget purposes. Total revenues are right on target. General fund expenditures are doing really well against the budget. We are below what we are

budgeted at for this time of year. The blue numbers are 75% of the budget since we are in the third quarter, so those are year to date numbers, not the total budget. **Mayor Hart** inquired we budgeted conservatively why is it so low? Is there something that we haven't spent yet, that we intend to? **Lane Mecham** stated that the Fire Department and EMS comes in big chunks and this also captures CARES funds. He could look at that number again and it may be an error showing the total budget. On capital projects, City Hall and road projects, Hwy 91 has not begun yet. That is part of 1.8 million. There was 5 million for City Hall which you can all see that project is coming along really well. The water fund is steady and nothing to report there. Regarding operating expenses on water, we get a very large water bill at the end of the year and so there is a gap in those two numbers. We wait for their audit and then get a hefty bill from the Washington County Water Conservancy District. The budget is where it should be this time of year. As a side note, we are trying to get the District to bill us monthly. It causes some audit headaches for us. **Mayor Hart** stated he is on their Board and will look into why they don't bill monthly. **Lane Mecham** stated that the sewer fund is running ahead of the budgeted amount and the reason is we received a correction for the sewer treatment plant because of an error they found in their audit. We may have to clean that up with an end-of-the-year budget amendment. It is up because of new residential construction and the growth. They are not related to one another. The storm drain fund is consistent for this time of year. Non-operating income are the impact fees we are collecting, which are up. Permits are up and the revenues reflect that. We budgeted conservatively for 100 permits. We have surpassed that number. The economy is stabilizing and everything is on track. We have no major concerns at this time.

D. Planning Commission Report

Commissioner Anderson stated that we had Indigo Trails Phase 1-H final plat, and Taviawk Phase 12-G final plat on Paiute Drive. We started to discuss exterior colors and Dale sent a letter to the ombudsman and so we are waiting on more information on a bill the Governor may be signing for more direction. That bill would take away our ability for what we have been trying to do for 20 years.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Justin Egbert stated that he is employed by S&S Homes and representing the owners, Craig and James Sullivan. They have been building homes in Southern Utah for more than 40 years and this year we had our Parade Home entry in Anasazi Vista. We had more than 12,000 people go through there. It was a great event. There are several permits under way, as well as several under construction, but a question that got repeated throughout the Parade is if it would be possible to build a larger garage on homes. The overall plan itself on our plans has been approved, the overall footprint didn't change at all, but we had to add interior walls in our floorplan to cut off part of the garage and include that in the living space in order to accommodate your ordinance. 16.12.104, section 4 that references specifically the size of garages for homes. People want more garage space for their toys and RVs. We are requesting you consider a future agenda item to hopefully revise or modify that ordinance. **Mayor Hart** stated that as a builder, there is no question that the market has changed. The **Mayor and City Council** agreed it was worth looking into. This will get added as an agenda item to the Planning Commission to review and come up with a recommendation. There will be public input at a Public Hearing for both Planning Commission and City Council.

4) PUBLIC HEARING AND ACTION ITEMS – NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

Mayor Hart asked the City Council to suspended the rules and move item 5)F up to the current point in the discussion

MOTION: Council Member Gordhammer moved to suspend the rules and move agenda item 5)F up to the current point in this discussion

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

F. Discuss and consider the Arts Commission's recommendation that the City Council establish and maintain through the Arts Commission, a designated Arts Commission website and media presence collectively referred to as "social media" and to adopt a logo for the Arts Commission

Judith Kapuscinski stated that she is chair of the Arts Commission and Connie Gates is Vice-Chair. The logo has not been submitted for review yet. She has not seen the final mock-up. This is marketing for public art in Ivins. We don't want to stop using the City website and newsletter as a means to get information out there, but more people are going to social media and clearly designated websites. There would like in addition to the City website to have an Ivins City Arts Commission and a logo to display on the banners that were previously approved and hopefully made before Heritage Days. Kayenta Arts Foundation has a logo and so does the Center for the Arts. It would be an additional identify for the City and for the Arts Commission. **Mayor Hart** stated it is a great idea and is essentially promoting events and art in Ivins. Someone looking for art online would find this easier than the City website. **Council Member Larsen** inquired if legally that is a problem? **Dale Coulam** stated that we will have to discuss policy for social media as we grow the number of branches for the City. They can push information out, but cannot edit comments. With additional branches, we need to develop a policy. **Judith Kapuscinski** stated it is not our intention to conflict with anything of the City, it would just be giving out information on projects and activities the City is doing but just send out what has already been approved. There would be no comments or changes to comments. The logo is just a way to identify. Mike Scott should have that mock-up tomorrow and get it out to everybody to approve it. It was designed by Phil Moulton. **Council Member McDonald** stated but the logo is not in front of us and we don't have a social media policy in place to handle this expansion. He is not in favor of approving without it. **Dale Coulam** stated we can give the thumbs up to proceed in developing those things and it will come back to Council. But they can move forward and know that this is the plan, but we would still need to approve the social media policy and the logo. **Judith Kapuscinski** inquired if they can proceed with social media under the current policy now? **Dale Coulam** that is up to the Council but the current policy is you can push information out, but no editing or striking comments. That would violate the first amendment. **Judith Kapuscinski** stated Heritage Days has asked the Arts Commission to coordinate the art exhibit this year. They would like to get this up and running to solicit the information out and draw people in. **Dale Coulam** stated if Mike Scott has the logo tomorrow we could draft the social media policy and have it on the next meeting. **Council Member Mehr** stated his concern is that the Arts Commission is not a separate entity, so we want to be sure that there are challenges to think about going forward representing the City of Ivins. We

need to keep that in mind. **Judith Kapuscinski** stated we agree. **Council Member Gordhammer** stated currently our Engineer and Public Works and Parks and Recreation has a Facebook. She sees their posts frequently. There are currently departments within Ivins that have a social media presence. **Dale Coulam** stated yes that is our simple policy, but we may need to have a written policy. **Mayor Hart** stated we will see this again next meeting.

MOTION: Council Member McDonald moved to continue this agenda item to the next City Council meeting

SECOND: Council Member Larsen

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

A. Continued discussion regarding draft of the new Transportation Master Plan

Chuck Gillette stated that we distributed a draft copy of the report to the Council. He met with residents that live on Puerto Drive. Despite being a minor collector and having homes that front it, it carries significant volume, close to 3000 cars per day. The future volume we expect to increase up to 5000 cars per day. That is a lot and especially when it is a route to school and there are no sidewalks, and so many driveway accesses. The model shown is to show future traffic. Construction trucks are also on this road and there is a lot of construction going on currently. We showed residents the option of mini roundabouts, or speed humps or chokers which is lane narrowing to constrict traffic to force them to slow down. We also presented raised intersections for the whole intersection which would help with pedestrians crossing at the intersection. Sidewalk options were to be installed on the west side, or curb in the asphalt on the east side. This is just the summary of that. In our discussion with residents they hated the idea of a third curb and thought it strange, but they liked putting the sidewalk behind the curb. We would go to the ones that front Puerto drive and where the homes aren't fronting Puerto Drive, that we look at the option of moving the curb out and putting sidewalk in. **Mayor Hart** stated the City does have a right of way for the sidewalk already but it would be intrusive on landscape that is already in place. The problem with moving the curb and gutter out is we would actually be raising it up six inches which means all the driveways don't work now and are elevated above the current landscape. This option allows us to remove landscaping and put in the sidewalk and they seemed amenable to that. **Chuck Gillette** stated that residents like the idea of choking or lane narrowing with possibly even raised intersections. We didn't make any promises other than we would come back and tell them which way we were headed with this. These were options for City Council to weigh in on. So we would possibly add lane narrowing at the Mesa Vista intersection, and possibly the one in the middle. They were all in favor of adding bike lanes as well, and allowing on-street parking. In the areas where we choke the lanes, we would probably not have any on-street parking. These are big lots and there is usually a lot of room to park on their lot. It makes sense to also bring the sidewalk down behind the curb on the three lots that don't have a sidewalk and the rest do, take it down to the curb and create a crosswalk right there. This is an important project that will affect a lot of residents there, because it is a convenient collector street for all the traffic and to the commercial area that goes down to Santa Clara. The City has a responsibility to put this into the Capital Facilities Plan and it is not cheap. He believes we could get funding for it, but we may need to be patient to wait for funding for it. He

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is still working on the numbers, but it would be around 300-350k to do the project. If we do it just on the lower portion we save 60k, and then get the rest of it back if we narrow those two intersections. He is looking for feedback on moving forward with this from City Council. **Mayor Hart** stated that Puerto is wide enough that the homes that front onto Puerto with sidewalk they could have parking lanes, a bike lane and three travel lanes. The reason it works so well is where the blue line starts on the map, the homes aren't parking there because the homes are not accessible there from that side. **Council Member Mehr** stated that on the bike lane, it is great to have it available but serious bikers go down the street. If there is significant added cost to the bike lane, we should think about the fact that it may not be necessary. **Chuck Gillette** stated that bikes can almost travel the speed limit and experienced bikers do use the street but kids may need that bike lane. To answer the question though, bike lanes are not expensive. It's just paint. **Mayor Hart** stated the other advantage is it narrows the travel lane. If you don't, you get a giant lane for trucks to navigate in, and that actually increases speed. **Council Member Gordhammer** stated it is important for bike lanes for the speed and also children that are riding to Vista School and so there is an alternate area where parents can feel their child is safe and separated. **Mayor Hart** stated Vista School has 400 more students starting next year. **Chuck Gillette** stated he would like to propose this without raising intersections because we can always do that later. Narrowing intersections is what people were in favor of. **Mayor Hart** stated the trick is getting bike lanes to go through that. **Chuck Gillette** stated he has been working on that and has some thoughts that we can do it appropriately. We will go back to the residents and let them know which direction we are headed. Next we have the 0-5 year transportation improvement plan to go through. **Council Member Gordhammer** stated on the roundabout at Kayenta Parkway and Kwavasa. It doesn't seem to have much traffic at any time of day. Does the master plan show the traffic level increasing significantly there? $100,000 seems expensive. **Chuck Gillette** stated that we are fine not doing it this year. The reason we moved it up in priority is Terry Marten, the developer, is willing to participate with it if we moved it up. **Council Member Gordhammer** stated that rationale makes sense. **Council Member Mehr** inquired where did the City leave the parking idea on 400 South and 350 West on Unity with slanted parking on the south side and parallel on the other side. Is that budgeted in our planning? **Chuck Gillette** stated we are not budgeting for that. Developers will take care of lining that curb up. There is a concept plan already submitted for the parcel directly east of that and they will provide the curb down, so there is really no expense to the City. **Mayor Hart** stated that the developers won't be lining up the park side. **Chuck Gillette** stated that striping would be small and out of our operations budget. This is the 0-5 TIP, so these are projects that would have an impact on impact fees. We have one more meeting to discuss those fees, and go back to the residents on Puerto and then send it to Public Hearing to move the plan forward. We have the remainder of Hwy 91 and shoulder widening and costs for the Public Works yard relocation and access to that road and minor projects. Puerto Drive is $100,000 and we wonder if City Council is willing for the City to fund the whole thing rather than waiting for safe routes for school funding? **Mayor Hart** stated we should apply again. We are going back to them with a modest project. **Chuck Gillette** inquired that no one has any issue with the 0-5 TIP then, correct? Except for the possibility of the Kayenta Parkway and Kwavasa Drive roundabout? Should we take that out? It is in next year's budget, so if you are uncomfortable with it, we would definitely want to take that out of the budget. **Mayor Hart** stated if we pay half and Terry Marten pays half that is great, but even with participation, if it is not needed, is it for artistic value? **Chuck Gillette** stated there is definitely a beautification aspect, but it does

slow traffic, and there is a site distance problem there. Lance Anderson stated that it is a site distance issue. It is a little higher off Kwavasa and he has a plan for a future where sometimes it will have a lot of traffic, while now sometimes there is not any. It is a good idea, and it will be beneficial to the community as a whole. **Council Member Gordhammer** stated as a cyclist it is difficult to see until you are almost out on Kayenta Parkway. Lance Anderson we also have that funky pedestrian walkway there coming from the labyrinth and the tennis court back over to the commercial center. Between cars and pedestrians, there is more traffic there than we see. **Mayor Hart** stated we can leave it in there and see. We stand as a City to receive from this infrastructure funds, close to 1.1 million dollars. Do we know what that can be used on? **Chuck Gillette** stated he knows it can be used for any fiber optics, and we do have some conduit infrastructure going in with Hwy 91 and we could finish Hwy 91 from Kwavasa to Shivwits. That is about a 2 million dollar project assuming that we get funding for the other portion. There is also a federal grant and exploring if it makes sense to submit an application for that. We have to hire a consultant for $15-20k to submit the grant for all the requirements and we would use planning money to submit that application. **Lane Mecham** stated the million would be a half and then half the following year and the uses are water, sewer or broadband infrastructure. **Chuck Gillette** stated so it could go to our irrigation project and sewer treatment plant if we pursue that, and conduit for the broadband. **Lane Mecham** stated the conduit for the broadband infrastructure is an allowable use while we are doing Hwy 91 if we are careful to pull out those conduit costs and some of the excavation costs. **Chuck Gillette** stated this is how we base the calculation of our impact fees. **Council Member Larsen** inquired does the Public Works yard include the cost of land? **Chuck Gillette** stated no. It is infrastructure, road, new buildings, drying bed, bins, stored materials, parking areas, dumpster area, landscaping. Probably the biggest thing is bringing water, power and streets to the site. **Mayor Hart** stated those services will also serve the future park as well. **Chuck Gillette** stated that if we can do it cheaper, we are going to. We never want to be short on the budget. **Mayor Hart** stated that we have pretty much used up all the area at the current Public Works yard. You are saying that it is still inadequate? **Chuck Gillette** stated we make do, but it costs us in operation costs in other ways. We need to move. We have 3 acres and other cities have 10 acres or more. It is not reasonable to keep it up in that yard space for our City that is going to double and possibly triple in size in the future. It would be crazy for us to pass that up. So we will get the impact fee statement prepared, and discuss it at the next meeting and then hold a Public Hearing after that. We will adjust the cost of Puerto Drive and set up new meeting with residents.

B. <u>Continued discussion regarding streetlighting in the rural zone</u>

Chuck Gillette stated that we are having a work meeting and we can talk about this more in depth then on-site, but we created a rural zone on everything to the West of the dotted brown line. We don't have a defined decision on what we are doing on streetlighting. We purposely decided to work on that at a different time. Just as a reminder, the reasons to require some streetlighting in the rural zone is pedestrian safety, which is not a huge issue. Wayfinding at night is difficult when you can't even see an intersection because the road is too dark. The other concern is that we have approved some medium and high density developments in the rural zones that are really not going to be rural areas. We may want to consider which areas follow the standard lighting if they aren't rural. Reasons to not require streetlighting is so we can do a better job of creating the dark sky zone on the west side, even if we do have medium and high density developments. We have some reference citations from federal highways that says if we can keep speeds at 35 mph and lower that headlights are generally sufficient. We maybe have some

justification to not provide that lighting. Maybe there is a middle path alternative. One is maybe there is just no streetlighting required in low density areas, but in medium and high density areas we require it and never taller than 12 ft and maybe there is exceptions for arterial streets like Hwy 91, or consider a major collector street, like Kwavasa Drive from Hwy 91 to Kayenta Parkway. Another middle path alternative is to require some bollard lighting, and not do any street poles at all in the rural zones. He has diagrams showing how bollards pass light or they can discuss it at the work meeting. **Mayor Hart** stated the alternates are great to have some options there. The thing about our rural area, Kayenta specifically, is that it is so dark out there it is like lighting a candle in a dark room. A bollard will be a lot of light. And we don't need something as tall as 12 ft because you would see it since there is no other light out there. **Council Member Gordhammer** inquired can you share this presentation with us? **Chuck Gillette** stated yes.

C. Discuss and consider limiting the number of building permits issued

Council Member McDonald stated that there have been thoughts of light pollution and water shortages and there may come a time to limit building. Without water, we won't have building anyway but he wanted to discuss it and asked Dale Coulam to look into it from a legal standpoint. He thought it would be a worthwhile discussion. **Mayor Hart** it sounded like you thought we were growing too fast. Doing some digging into this, theoretically if we limited our permitting to 100 permits per year and a large scale developer came in and picked up 75 and then individuals moving this way wouldn't make the lottery to have their house built. That's the complication he sees. **Dale Coulam** stated that if we arbitrarily pick a number we are at serious risk for a taking of a property right. The safer way to limit growth is when you zone things because that is a legislative decision and the greatest leeway you have. He spoke with the Washington County Water Conservancy District and they have no plans on restricting the number of building permits. If our water source says we don't have enough water and everyone in the County needs to cut growth by 50%, then we would have a basis. To arbitrarily pick a number would be arbitrary and capricious and a taking and we could be liable to the property owner. He hasn't seen cities doing that. Before they ever get to that, they would go through other types of restrictions like Washington County Water Conservancy District for example has put out a model ordinance restricting watering between the hours of 10 am to 8 pm. We had mentioned going 8 am to 8 pm which is easier to remember. Our current ordinance is more restrictive than either of those. We can bring that forward next meeting on what restrictions should be. We also have an ordinance that is not codified in different stages. That is what he saw in his research. You would move to different restrictions like washing your car in your driveway, nozzles that shut off water flow on your hose so it doesn't continue to run. It would just get more and more restrictive. If water was our reasoning for that, we'd go through those different stages before arbitrarily limiting permits. It is a safer route to watch your zoning. **Mayor Hart** stated we have this holding zone and we could simply say we are not doing any higher density than that and shut off growth. **Dale Coulam** stated the impact of that is basic economics, demand being greater than supply would drive up prices even higher than they are. We have to weigh the factors before deciding to put a limit on building permits. **Mayor Hart** stated from the economics standpoint, cities don't build themselves. Developers come in and acquire land and risk millions of dollars with the expectation that they are going to be able to sell lots. Part of the calculation they go through is anticipated absorption. On a 5-10 million dollar project, the interest alone can be devastating if the absorption doesn't keep pace with what was anticipated. We'd have to come in slowly because it may mean the difference in whether developers decide to acquire land in Ivins or not. If the absorption is slow, they will have to plat one lot at a

time. **Council Member Gordhammer** stated she noticed in St George News today that the Washington County Commission passed a resolution putting a six-month moratorium on tourist towns in the County. They said current permits could go forward but they want to refine the County's policy on vacation rentals. So that is a step the County is taking, a six-month pause. **Dale Coulam** stated that there is a provision in the statute that would allow you in zoning to create a temporary ordinance for up to six months. Ivins City did that once which lead to our sensitive lands ordinance. We just have to be careful on timing. You can't affect current applicants because they are already vested in the prior ordinance. We got sued over that prior moratorium but we ended up settling it because there was no formal application filed. We brought in the property rights ombudsman and they mediated. **Council Member Gordhammer** stated it would be helpful to see what the ordinances that the Washington County Water Conservancy District is planning to bring forward and an estimate of the amount of water we would be saving. Evaluate it from the perspective of the water ordinance we have in place and if we eliminate for example, landscaping in new developments in the front yard, or the back yard, or a percentage of it be xeriscape. Her concern is if we are asking residents to conserve water and growth still continues at this incredibly rapid pace, it will be challenging. People will feel like they are sacrificing so others can move here. **Council Member McDonald** stated one of the biggest arguments we deal with is the idea that after people move here, they think no one else should. One of my reasons for bringing it up was yes, for growth, and future projects coming in. **Dale Coulam** stated you are balancing pressure from the State for higher densities to accommodate high demand for housing and more affordable housing, with conserving precious resources. That is a tough position. When this gets put on the agenda next meeting he will show the current ordinance and that it is more restrictive than what the Washington County Water Conservancy District recommends we adopt. **Mayor Hart** stated that water use on new construction is down dramatically from what it has been historically, and it is a self-imposed restriction. **Cody Mitchell** stated people are being conservative. **Mayor Hart** stated there is no question that given the dynamic of trying to create and utilize sources of supply and developing storage, that is the District's responsibility and as fast as we are growing, we don't know where that tipping point is. **Council Member Larsen** inquired maybe regarding the size of the lots, does the State have any recommendations as to what percentage should be high density versus population? **Dale Coulam** stated that he has not seen any. One of the bills passed answered part of the affordable housing question as far as accessory dwelling units. Unless prohibited by CCRs, those are now allowed. So if you have a room or a basement to rent you can rent out an accessory dwelling unit, as long as the primary owner is living in the house. So the State answered that for us, like it or not. **Council Member Larsen** inquired in our rural areas, do we not approve any more higher density and make larger lot sizes to limit growth? **Mayor Hart** stated that Kayenta sets aside a certain number of lots they are selling and allowing development on each year. Terry Martin works with SITLA to keep that feel out there and higher density areas are intruding into that. He bought his land years ago. S&S Homes on the other hand, recently has a few million dollars invested out there, and they have to play a different game in order to succeed. **Council Member Larsen** stated developers want to make money and put as many doors as they can per acre, but it may be responsible as a City to minimize that. **Mayor Hart** stated over the last several years we have had a series of developers coming in requesting R-1-10 from 400 West to 600 West and now beyond that, and lots of Public Hearings and people worried about being encroached on and it has been the Council's disposition that we look at the projects surrounding it to make a reasonable decision. It would take a tough stance

from the Council to say we are no longer allowing that. So the RA-5 holding zone came in with Bruce Parker, and the notion was that we establish a zone that almost no one uses because there is not a lot of market for 5 acre lots, and it gave the City more control as to how it is developed. Pressure from the State Legislature now has been on the verge of them taking over our land use authority, and we are not going to be able to decide because they feel we are not accommodating the needs of buyers and making properties unaffordable. **Dale Coulam** stated and if we don't accommodate moderate income housing, we risk losing State funding on projects. **Mayor Hart** stated it is complicated and a worthy discussion. The County is on fire with development happening so fast. On a macro scale there are at least two developments in Hurricane that are 2-3000 lots and enough lots under Preliminary Plat out there, to exhaust every drop of water and developing every possible resource except for adding the Lake Powell pipeline. A news article he put out this month is called Water Worries and if a halt in growth occurs, it will economically be a disaster for the County. Over thirty percent of our economy relies on development. If 25% of our workforce is out of work, how does that effect every other business out there? It's pretty extreme. **Council Member McDonald** stated he appreciates the discussion and input. Washington County Water Conservancy District will say when we have to slow it down that that would automatically slow it down here and that would affect his decision on development.

D. Continued discussion on the Planning Commission's recommendations regarding proposed amendments to the current Outdoor Lighting Ordinance

Mayor Hart stated we held a work meeting on this and it was a fruitful discussion that led to several different tip-off points for continued discussion. City Council requested a specific set of issues to be addressed and we made some fixes. Is there a need for more than that? Part of the discussion centered on Councilmember Derek Larsen's idea of lighting zones or districts that would allow Kayenta and our outskirts to be protected, and other areas to be permitted to get some enhancements that are perceived as safety. Currently we respect the development's right to establish CCRs so they can control that within. **Council Member Larsen** stated they can to a certain degree. Our lighting ordinance is fairly strict, but the CCRs can make them more restrictive. The problem we have is older subdivisions that are more lax than our code, so we wind up with lights that are not approved after CO, stuff like that. **Mayor Hart** stated one of the larger conceptual changes this document recommends is going away from amber to white light and 4000 kelvins. We have dealt with that on the residential level and he is not sure there is much interest or inclination to move away from what we have already established. We have reset the field trip to see the Rocky Vista University parking lot as well as go see a dark area in Kayenta and an intersection to see what that looks like. Chuck Gillette did a lighting study and see where areas are that need more lighting. So we will go on that field trip and come back to this discussion.

MOTION: Council Member McDonald moved to continue discussion on the Planning Commission's recommendations regarding proposed amendments to the current Outdoor Lighting Ordinance
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

E. Discuss and consider tentatively adopting the Tentative Budgets to Complete Fiscal Year Ending (FYE) 2021 and the Tentative Budgets for Fiscal Year Ending (FYE) 2022 and set a Public Hearing for final Adoption of the Budgets

Lane Mecham stated that one change to this budget is there is a $45,000 Center Street wall that is going to be constructed for noise reduction and is to gap an existing wall. Other than that the budget has remained the same, and the tax rate that is currently being proposed the State wants us to talk about in the tentative budget is right now set at the same rate as last yet. 1.324% based on last year's assessed values. What will happen is when the County is done, new assessments will be posted, and the budget will likely increase in our tax revenues and our property taxes will slightly decrease. That is how it has worked for several years now, but it is statutorily required he informs the Council of that. The last item is to set a public meeting date for the tentative budget, on May 20, 2021. **Mayor Hart** stated it was such a detailed document and shows our early history and the nature of our regional economy. It is beautifully done and actually interesting to read. **Council Member Gordhammer** stated she was impressed with the document and she hopes residents will take the time to read it. Maybe it is a newsletter topic. **Mayor Hart** stated the comparison of growth in the City has impacted the need for additional staff and how it impacts costs for maintaining streets and is so interesting to him. **Council Member Mehr** stated that it is our desire to maintain tax dollars that are spent and housing is skyrocketing and the rate stays the same. Potentially people could pay higher taxes. **Dale Coulam** stated yes the additional revenues that would come to the City would be due to growth, but our property tax is designed to generate the exact same revenue as last year, excluding growth. So if property values increase, then the mill levy decreases to get the same amount. When we see property taxes increase, most of that is due to growth. They pay taxes as well. **Council Member Mehr** stated if he has suggestions or tweaks when does he get with Lane Mecham or wait for the Public Hearing? **Lane Mecham** stated any or all of the above. **Mayor Hart** stated that is the next step is our Public Hearing on May 20th.

MOTION: Council Member McDonald moved to approve tentatively adopting the Tentative Budgets to Complete Fiscal Year Ending (FYE) 2021 and the Tentative Budgets for Fiscal Year Ending (FYE) 2022 and set a Public Hearing for final Adoption of the Budgets
SECOND: Council Member Larsen
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

G. Continued discussion regarding Ivins replacement City Hall

Mayor Hart stated you are all welcome to show up any Wednesday at 1:00 pm to take a tour. You can get a sense of what is in there now and what it will be like and the views etc. That building does not show a massive face to the residential community that surrounds it. It is not imposing. They have hardhats here at City Hall to take you through. It is a maze of mechanical, fire sprinklers and duct work and individual cooling and heating units. It makes you respect both the architects and the engineers. **Cody Mitchell** stated they are doing a phenomenal job.

H. Continued discussion regarding issues, policies and/or procedures related to coronavirus (COVID-19)

Dale Coulam stated that we are still wearing masks because throughout the pandemic we have followed what the State has done and their mask mandate remains for State office buildings throughout the end of this month. City Council could change that for the City if they chose to. **Council Member Mehr** stated to get in the spirit of unity, let's be sensitive that it is a transition. People are on all spectrums here. People have had the opportunity that want to, to receive the vaccine. There will be people that want to take more precautions and we need to respect that. We need to send positive signals that we are getting out of this and back to life again. **Mayor Hart** stated the cultural shift that needs to happen is if someone is concerned they wear a mask and we all respect that.

MOTION: Council Member McDonald moved to approve procedures related to coronavirus (COVID-19) to lift the mask mandate
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

6) CONSENTAGENDA

A. Approval of City Council Meeting Minutes for April 15, 2021

Mayor Hart stated on page 7 there was a vote that was recorded for the creation of the CRA that was in error where Council Member Larsen voted nay and Councilmember McDonald voted aye. Those are reversed.

MOTION: Council Member McDonald moved to approve City Council Meeting Minutes for April 15, 2021, as corrected.
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member McDonald reported that Washington County Solid Waste District hired a new District manager that starts on the 24th. There has been turnover throughout the District due to unfortunate circumstances. They are running thin there and hope to have that remedied. There is a football field of blue cans stacked four deep. They picked up roughly 10,000 of them. All new residents it is mandatory to have the blue can. Ultimately it helps the landfill's life span but it is much more expensive to recycle than to bury it. He is the Chair of that Board.

B. Mayor

C. City Manager/Attorney Dale Coulam

Dale Coulam stated that one of the new bills that was passed, in addition to the required open meetings training every year, is that Planning Commission gets six hours of land use training

specifically so he sent out a link that the League put out that takes you to Utah State University site. They put together six trainings and you can take it on your own and at completion, they give you a certificate to prove the requirement has been met. It is free continuing education. The Council may be interested in looking at some of the topics as well, although the Council is not mentioned in that requirement. He will email that out to the Council. He went to a training in Salt Lake for the Utah Prosecution Council and it helps him to interface with Bob Flowers regarding the new laws and updates him on the criminal side. They also do a civil legislative update that was excellent. There is a special session possibly on May 18th and the corrections may be made to House Bill 98 so if the Governor signs that, then it will greatly affect our design guidelines we have in place. Then we can discuss those changes. As for exterior colors for Heritage Estates, and possibly other lighting and design guidelines, the question is before the Ombudsman that when a developer applies for a subdivision approval does it vest every single lot in that subdivision in the laws in effect at that time. The subdivision was approved prior to the adoption of exterior color requirements and if there was vesting to all lots, then these three lots in question would have vesting in the prior ordinance.

D. Items to be placed on future agendas

Mayor Hart stated we have our one citizen comment made tonight that will be placed on a future agenda.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to approve ADJOURNMENT

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	ABSENT

The meeting adjourned at 7:31 p.m.

Respectfully,

Sharon Allen
Ivins City Deputy Recorder

DRAFT