IVINS
CITY COUNCIL
MINUTES
February 3, 2022

NOTICE: This meeting was held in person. You may listen to the live audio feed by going to www.ivins.com under "Upcoming Events". When the meeting is live, it will reflect "In Progress" - click on the "In Progress" link to listen to the meeting live. The YouTube link is: https://www.youtube.com/watch?v=qA6qw4IGr9w

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Scott, Council Member Mehr, Council Member Anderson, and Council Member Johnson.
STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, and Director of Finance Cade Visser.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. All Council Members were present in the Council Chambers.

B. Flag Salute

The Flag Salute was presented by Scout Troop 407

C. Invocation

Council Member Mehr 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: Parks and Recreation and Public Safety

Benny Sorensen provided a written reported, a copy of which is available as an attachment to this agenda. He reported that they are half way through the basketball season and registration for baseball will begin on March 1st. The Red Mountain 55k/30k and Dirty Hurty Half Marathon Trail Run will be held on March 5th, followed by the Hog and Jog 5k Fun Run on April 16th. The Easter Egg Hunt will also be on April 16th. He reported that the City has been hit with graffiti in the last couple of weeks and Public Safety is working on tracking that down.
Interim Fire Chief Cara Taschuk reported that they had 137 calls for combined fire and EMS and they had more than 100 medical calls, with both continuing to increase each month. They hired part-time Paramedic and A-EMT. They have been conducting a lot of training and it has been busy. **Council Member Mehr** commented that he heard discussion about whether or not they are going to continue with a voluntary Fire Department and instead move to a paid Fire Department. **Cara Taschuk** reported that they have just begun entertaining the idea but it just being thought about.
Chief Flowers was excused but a written report was previously provided and available as an attachment to this agenda.

DRAFT

B. Planning Commission Report

Commissioner Robinson reported that the Planning Commission held a Public Hearing and make recommendations on Chapter 16 of the Zoning Ordinance regarding ground-mounted solar. That will go forward to the City Council in the future. They also held a Public Hearing on LRV (Light Reflective Value), accents and trim on residential homes and continued that discussion. They discussed the Land Use Map, Zoning Map and General Plan Amendments and the City has provided comment cards at City Hall for residents to comment on what they would like to see with regard to zoning and the General Plan.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

There was one Citizen Comment submitted by Sandra Roberts. **Sandra Roberts** commented that there are two (2) designated pickleball courts at Desert Rose Park, as well as shared pickleball courts at UNITY Park. During the peak hours the courts are always in use and there are long wait times to get on a court, with residents having to go to another community to play pickleball. There are more pickleball players than there are court and she felt that they need more permanent pickleball courts in Ivins. **Mayor Hart** indicated that the City is in the planning stages of a new regional park on BLM land with eight (8) courts planned, but that is a ways off. **Sandra Roberts** commented that they need to meet Ivins current needs. **Mayor Hart** commented that this would likely be something that the Parks and Recreation Director, Benny Sorensen, would look into. **Dale Coulam** clarified that it would a budget item and if the courts are located as suggested, that would displace one of the youth soccer fields.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Interview candidates to fill a mid-term vacancy on the City Council and discuss and consider Resolution No. 2022-03R, a Resolution of Ivins City, Utah, appointing a City Council Member to fill Mid-Term Vacancy

Mayor Hart stated the City Council received hundreds of emails about who should be appointed to this position and it is obvious that Ivins City residents care a lot about who that person might be. There are four (4) requirements and all of the applicants have fulfilled those requirements. There have been a lot of comments indicating that the replacement Council Member should be another female to replace Sue Gordhammer but that would be a discriminatory issue and cannot be part of the discussion. He requested Dale Coulam outline the statutory process. **Dale Coulam** indicated that if the vacancy was less than 30 days old, which this is, the City Council interviews in an open meeting the candidates who have submitted timely applications. Those applications are available as an attachment to this agenda. The Council then has a discussion and they move to appoint one of the individuals to the City Council. If there is a second to the motion, the Council votes and there must be a majority vote, which is three votes. **Mayor Hart** stated that there were originally eight (8) applicants but one (1) withdrew.

The **Mayor and City Council** interviewed the applicants in the following order, based on when the applications were received:

1) Cheyne McDonald stated his desire was to continue serving the residents of Ivins. He served on Ivins City Council for 12 years and recently ran in the latest election, narrowly missing a seat by 47 votes. He congratulated Council Member Scott and Council Member Anderson on their recent election success and commented that campaigning, running and putting yourself out there is an extremely tough thing. As a City Council Member, he took pride in a lot of things and the

DRAFT

new City Hall was one of those things. He was involved the whole way through that process, as well as the construction of the Veterans Home and the Rocky Vista University Medical School, all of which are great assets to Ivins City. As a City Council Member for the last two years, he served as a board member on the Washington County Solid Waste District representing Ivins and has been asked to continue to represent Ivins on that board. The Washington County Solid Waste District has gone through two (2) solid waste managers and at one point he was managing it with the crew. He was involved in, and headed up, the Ivins Skate Park and was proud that that park is there as a place for the youth to go and have a good time. He was proud of its visible location because many cities tend to tuck skate parks away because they want them hidden. The skate park is readily available for all ages to entertain themselves and he was amazed at how many people of all ages go there and skate at all times of the day. **Council Member Scott** inquired why Cheyne applied for this job, why he should be appointed and what would he want to accomplish over the next two years. **Cheyne McDonald** indicated that he thought that he has represented the City well and recently ran for re-election, which was a good indication as to why he would like to fill the position. One of his main focuses was to continue as the Chairman of the board representing Ivins City on the Washington County Solid Waste District board. That puts Ivins in a unique position, being one of the smaller communities in the area, but having a large footprint in waste management here in the County. The City is getting ready to review the General Plan and he would like to be involved with that. He was involved in the Night Sky and helped create the ordinances that established that standard and not just the one that passed recently, but the one that was originally put into place. The City Council worked hard to make sure that was balanced and fair. **Mayor Hart** stated that we are headed into extraordinary times when it comes to the availability of water and how that impacts growth and asked Cheyne to explain how he was prepared to make some of the very difficult decisions that lie ahead for the City Council when it comes to water conservation and development rights. **Cheyne McDonald** indicated that discussion is on the agenda tonight, with a draft ordinance for those restrictions to be put into place and he thought it was crucial that those restrictions get put into place. He did not have the details on that ordinance, but commented that water is of the utmost importance and should be at the top of every community's list on management of water use and how to ensure that properties are not using too much and that existing residents don't run out of water because of new residents coming in. He thought it is definitely going to take a strict balance. We live in a desert.

2) Kristine Albrecht stated she has none of the qualifications that Cheyne McDonald has but she has developed a very great love for Ivins City in the last five years that she has lived here. As she read through the General Plan, she was very impressed and amazed with what's going on in the City. Until recently, she wasn't particularly involved in any of these kinds of things and she realized that if she needs to help her Country, the best place for her to help is at the grassroots level and that's in her community. She been trying to get more involved in these kinds of things. She could not speak to any qualifications in this area because she does not have any but she is very open minded about learning and is eager to learn the things that need to be learned to be an effective helper on the Council. **Council Member Scott** inquired why Kristine applied for this job, why she should be appointed and what would she want to accomplish over the next two years. **Kristine Albrecht** indicated for her, the accomplishment is to learn more about what goes on in the City and then be able to apply that to helping with the City and with her neighbors and to teach them. She thinks there's a lot of people out there who just take for granted the things that are going on and they don't really realize the behind-the-scene of things.

DRAFT

She would like to get educated on what's going on and then help others learn those things as well. **Mayor Hart** commented that water is the big issue and Ivins and other cities are going to have to face some very difficult decisions. Some of those may appear punitive but water conservation is going to be the only long-term solution, along with expanding reuse capacity through the Washington County Water Conservancy District. It's not always popular to vote in favor of those kinds of things and inquired of Kristine how she would view those kinds of decisions. **Kristine Albrecht** stated that she was completely supportive of the water conservation issues. She grew up in Upstate New York where it rains like crazy all the time and this wasn't something she grew up having to deal with. She is completely supportive of whatever drastic measures need to be taken for residents to continue to be able to live and enjoy life here. **Council Member Johnson** indicated one thing that she felt is personally important is to be committed to the job, and to not just use it as it is convenient. In the past, there have been Council Members have vacations and other things where they spend a lot of time gone. She was hopeful that the commitment was there and that the applicants were willing to be committed. She commented that Kristine shared a personal situation and she felt it was important for the Council to know because it shows commitment to this position, regardless of her qualifications. She was very impressed with Kristine and her commitment here tonight because Kristine took her husband to the hospital with COVID today and turned right around and came back because she had made a commitment to be at the meeting tonight. She felt that said a lot for Kristine is and what she will do for the community. **Kristine Albrecht** stated her husband is totally supportive of her in this position. **Council Member Mehr** inquired if there was anything Kristine has observed in the City and how it's being governed in the last while that maybe she did not quite agree with or that she might do something a little different and if so, what would that be. **Kristine Albrecht** indicated that she has been very impressed and has enjoyed watching what goes on in the City. She has good feel about the people and the area and did not have any complaints.

3) Adel Murphy stated she has lived in Ivins for 20 years and moved here from Chicago. She was on the Planning Commission for 10 years and served with three (3) of the Council Members, including Cheyne McDonald. The Council has seen a lot of her work for a long time and her record on her application speaks for itself. When she was on the Planning Commission, she came prepared to all of the meetings, studied the General Plan, the Ordinances and the Land Use Plan and looked at all of that before she made decisions on the Planning Commission. She works for the Washington County Assessor's office and has been there 17 years. She is the Manager of Operations for the office and is a problem solver, the difficult conversation person and the person that explains things to customers. If there's a problem, she is the one that gets called to take care of it all. She does a lot with the legislation that comes at the Assessor's office where they get a lot of things that change every year and every year it's one more thing that they scramble and fix. She is an Attorney but does not practice in Utah. She has the lawyer background so she can read statutes and read and understand and draft legislation and things like that. She approaches things also with a common sense and logic. She loves Ivins City and thinks she can make a difference and that's why she applied. She got off of the Planning Commission in 2019 after 10 years and she is ready to come back. **Council Member Scott** inquired why Adel applied for this job, why she should be appointed and what would she want to accomplish. **Adel Murphy** indicated that she applied because she really enjoyed being on the Planning Commission where she served two five (5) year terms. It was good to have a little time off when she had some issues in her personal life but it was time for her to jump back in

DRAFT

again. There are a lot of things coming up in revising the General Plan, looking at the Land Use, water issues and growth and she would like to be a part of that. She felt like she could make a difference. **Mayor Hart** referred to an agenda item on this evening's agenda where the Council is looking at a comprehensive water conservation ordinance, with more to follow. There will be some very hard decisions that need to be made in the next few months and inquired if Adel could stand up for that and inquired where she stood on those kinds of issues. **Adel Murphy** stated that she has no problem with any of that. They are difficult issues but they're necessary and every day in her job she makes difficult decisions and make decisions that are controversial. It's not a popularity contest and as a City Council Member you must do what is best for the City. When she was on the Planning Commission she voted "no" for some things that people wanted and she was not afraid to do that. **Council Member Johnson** inquired if Adel was willing to be committed to all different aspects of the job. **Adel Murphy** indicated that she was. When she was on Planning Commission for those 10 years, she worked full time with the County and came to the meetings prepared. She did not have a problem with being committed in attending and would not be an absentee Council Member. She is a public servant and that's what she does. **Council Member Mehr** inquired if there was anything Adel has observed in the City, how it's being governed in the last while that maybe she didn't quite agree with, and if she were to do something a little different, what would that be. **Adel Murphy** stated she didn't see any real challenges with the way the City has been governed. One of the things she noticed on the Planning Commission was when a public hearing notice went up, the public did not understand what the notice is for. When something is "R-1-this or that", people don't know what that means so it may be helpful to at the public hearing notices to help people be more informed. She felt that Ivins was a great City to live in.

4) Pamela Palmer stated she applied because the Council has done a great job of diligently planning and building Ivins City with citizens comments. This is a place she wanted to live. She wants to keep it that way for those that are here and those that are coming in the future. The main thing she was concerned about were the challenging times. She wants to be a part of changing the General Plan and wants to be involved in all of the future growth. She is passionate about water and for the General Plan, she wants to be a part of the stewardship that maintains Ivins character. Plans are not just for land use, they should include Ivins heritage and preserving Ivins natural environment. For future growth she wants to be a part of making a change. All growth should be tied to water and the City needs a plan that does not include the Lake Powell pipeline because they do not know that that pipeline will be built but if it is built, that is far down the road. Ivins will be running into problems long before that water would come along. She referred to future growth of attainable housing and commented that she would like the City to look at incentives for duplexes or fourplexes and those types of residents that could be built within the City. It is beneficial that attainable housing isn't all located along Highway 91. She would like to look at the Land Use maps and zone changes and be a part of deciding how things should be zoned so they present more of a permanence for Ivins residents. Ivins has done an excellent job of implementing water conservation efforts and she has read through the new water development ordinance, which would adopt a lot of the things that the Washington County water Conservancy District wants to do and proposes but that is a lot for new development. She felt that the City should look at taking the same thing and doing that for existing homeowners. Ivins City can come up with programs and incentives where existing residents can replace their toilets and faucets with efficient options or some type of financial incentive to replace grass with xeriscaping. Ogden and Park City have recently installed real-time water metering to all of their

DRAFT

residents, which can be expensive, but it allows the City and the residents to know exactly when water usage goes up in a home. Regarding the Dry Wash Reservoir, Ivins City doesn't have a lot to say in building that but as a City, it should have a lot of input on how that's used. She does a lot of reading and a lot of what she's seeing other cities doing are things that Ivins needs to think out of the box. It would be nice if every development facing another development had an entry like a pedestrian roundabout or something similar to come together more as a community. Looking more at open lands and the tax benefits from that can be substantial for a farmer or someone that wants to stay into farming. Regarding the dark/night sky, there is a little observatory in Ivins and an astronomy club could be formed with all the local schools to have a dark sky program throughout the year. To answer Council Member Johnsons question about being in attendance at the meetings, she planned four camping trips through August and planned those around City Council meetings. **Council Member Mehr** inquired if there were any challenges Pamela has seen with how the City has been governed and if so, what would she do differently. **Pamela Palmer** commented that the City Council Members could be more engaged with the community. Each Council Member could take an area of the City and every other month meet with a group of residents to talk more and answer questions and explain how government works. **Council Member Johnson** referred to Pamela's comment about wanting to help change the General Plan and inquired what specifically she hoped to change about the General Plan. **Pamela Palmer** clarified that she did not think a lot needs to be changed but was aware that Council was going to be looking and revising the General Plan. The changing part probably would just come from the residents or those agricultural areas. The Council would have to determine what type of zoning should those be and how do they fit in with the surrounding communities. She would also like the Council to look at where the City can have attainable housing to be more part of the community. **Council Member Scott** commented that after reading Pamela's application, she is the individual who sent the Mayor the gas station ordinances for Scottsdale, Arizona. **Mayor Hart** thanked Pamela for sending him that information.

5) Paul Bryson stated that in answering Council Member Johnson's question, he is dedicated. He applied for a previous opening on the City Council but did not get appointed and ran in the most recent election. He did not think that the Council could question his intent to serve the community because he is back again. He started as an Architect but that just wasn't for him so he became a Los Angeles Police Officer, serving more than 20 years. He retired as a Detective and helped design their computer systems. He can handle somebody swearing at him as a Council Member because it happened when he was an Officer. **Mayor Hart** inquired as to his interest in applying for the City Council seat. **Paul Bryson** indicated that he can provide something that no one else can with his background and experience. He had concerns about the Police Department and has seen some things broadcast in the press about what's going on in law enforcement in St. George at the University. Some of the enforcement is not the way the statute reads and he would like to find out how that's working and why it doesn't work. He was concerned with trying to save money for the City. He was concerned about the enforcement of the lighting statute and who will do that and how much will that cost and is there a way to make that better. When residents build a home, there is a list of all the lighting on the house plans that can be seen as to whether it's compliant with the dark sky or not. All that information can then be brought in digitally and kept as a permanent record in the Ivins City system for law enforcement. He was for more community support and thought that the Council needs to go out and have more community-oriented meetings at schools, churches and even out in the park, which will shorten the time of the City Council meetings. He thought that things can get done

DRAFT

better. When residents come to the City Council Meetings, they need to not just bring a complaint or idea, but also bring a solution. **Council Member Mehr** referred to more community meetings and inquired as to those. **Paul Bryson** indicated that community-based policing and community-based government would be beneficial, as he does not see that in any of the other cities here. The United States has gone away from community-based policing and he felt that was something Ivins needed and something he would bring to the Council.

6) Sharon Gillespie stated that she and her husband chose to live in Ivins after their retirement due to the beauty, recreational opportunities, low crime, the night sky initiative, and the cost of living were some of the factors that brought them to Ivins. In April of this year they will have lived in Ivins for three (3) years. They came from Seattle and have seen a different side of the way things can be. She doesn't have any City government experience but she has over 40 years of business experience, which affords a lot of transferable skills that are applicable in this role, including fiscal decision making, difficult decision making, budget management understanding and interpreting codes and statutes, collaboration across all levels, strong listening, verbal and written communication skills and an executive presence. These are transferable skills that can help serve Ivins City. The last four (4) opportunities of her career, she had no knowledge of the company, the industry, the business focus, or anything and she quickly become a student and went in with a strategy to learn. She hasn't lived here in Ivins her whole life, but she values the individuals who have, as well as the history and richness that they bring to the Ivins community. She chose to live in Ivins and she thinks she can make a difference. She brings a fresh perspective and an approach to problem solving. Her goal is to serve the people of Ivins and help manage growth effectively. She brings the qualities and skills of situational leadership, collaboration, teamwork, communication, and problem solving. She makes difficult decisions every day and they are not always popular. One of the ways to address the water issue effectively, is through communication. Her core strength is making a problem that's difficult, understandable. **Council Member Scott** indicated he met with Sharon last fall and after talking with her, he thought she needed to get involved in this community. He inquired about what she would want to accomplish in the next couple of years. **Sharon Gillespie** stated since she doesn't have the experience in City government, she needs to learn first. It will take a lot of work and effort to understand what the issues and problems are, what the job is and what the process is. She will need to learn the job from the bottom up but there may be better ways that she will contribute, once she understands better. **Council Member Mehr** inquired of Sharon as to any challenges or concerns she has seen and how the City has been governed. **Sharon Gillespie** commented that the City could communicate better. She loved the town hall meetings that the Council did at the beginning of the year and indicated that the City should do more of those. She came away from those having a better understanding and knowledge of what's going on in Ivins City.

7) Steve Caplin stated that he was grateful to the Mayor and City Council and had no concerns about leadership or performance and no constructive recommendations at this point. There will be a learning process to effectively serve. In his career and his public service, he was used to dealing with difficult decisions that are not always popular. He loves water and he grew up in Miami, Florida. Ivins City cannot count on the Lake Powell pipeline because there is no assurance that it will happen. What water we have is what water we have and we need to live within the means of what water we have. He fully supported the mitigation of use and elimination of waste and new strategies that will allow us to accommodate growth. Growth is inevitable because people want to be here but he also recognized the property rights of

DRAFT

landowners. His view on growth is that it needs to be responsible, meticulously planned, managed, and executed. An involvement with the master plan is his passion and the primary reason for wanting to serve on the Council. Those that have preceded them as pioneers and public servants have done a wonderful job. He worked hard and is now retired so he would be committed to serving on the Ivins City Council. **Council Member Scott** inquired as to what kind of goals Steve would have for the next couple of years. **Steven Caplin** indicated that there needs to be a goal to listen, hear and understand so that they make sure that the decision being made was based on comprehensive input with a thorough effort to really listen and understand. Another specific goal goes back to the master plan that will guide the future and make sure that the Council are effective stewards of resources as well as being successful financially and operationally. The ability to access to public property and at the same time, preserve the rights of property owners, as well as meet the needs of all the residents. **Council Member Anderson** referred to reserving the rights of property owners and inquired what that means to him. **Steven Caplin** stated that there are constitutional rights for the City and individuals who own land that have the right to develop that land. The question is how much is developed and what are the density needs of the community and the water requirements. **Council Member Anderson** likened it to an HOA (Home Owners Association) where there are ordinances and constitutional rights in place and when you buy a piece of property, you agree to those rules. **Mayor Hart** indicated that this is not a Mayoral appointment. The process takes place through a motion by one of the Council Members and then a vote is taken. There may be some discussion before that occurs but that is up to the Council. **Council Member Anderson** commented that there is plenty of knowledge with each applicant, they all have their own expertise and everyone could be a benefit to the City. There could be a number of good candidates running in the next election cycle. Cheyne McDonald has been with the City for 12 years and served hard doing a lot of good for the City. The other applicants who have moved here and come with a lot of knowledge. The applicant that sticks out to him was Adel Murphy because she has already served Ivins on the Planning Commission and brings a knowledge that is important for the community. She already has the knowledge of the General Plan and the community. She works for the County and when she was on the Planning Commission, she brought important information that the City wouldn't normally get. **Mayor Hart** stated that the Council has the legal right to make a motion at any time but asked that they go through each Council Member for their thoughts and opinions. **Council Member Mehr** moved to appoint Cheyne McDonald to fill the mid-term vacancy. **Council Member Johnson** stated she seconded based on the fact that there will be a lot of really important decisions that are going to have to be made in the next few months.

Discussion. **Council Member Johnson** stated she seconded based on the fact that there will be a lot of really important decisions that are going to have to be made in the next few months. She referred to the comment that Sharon Gillespie made about having to learn the job from the bottom up. It reminded her of when Sue Gordhammer first was elected to the City Council. It takes time to learn the process and to learn what's going on. She was very confident that Cheyne McDonald will be able to continue that. He has worked with the Council until recently and knows what's going on in the community. **Council Member Scott** commented that he agreed with what Council Member Anderson was saying about Adel. She was the glue that held things together on the Planning Commission. She did her homework. She was thoughtful and her experience as an attorney gave her a rigorous approach to things but she was also open and listened and heard all points of view before coming to a conclusion. Cheyne McDonald has

DRAFT

served the City for 12 years and in talking to him tonight, it sounded like the number one goal is for the City to have a strong presence on the Washington County Solid Waste District board. He will likely stay on that board, even if he's not on the City Council. He preferred to have Cheyne McDonald be Ivins' representative on that board, with five (5) other individuals serving on the City Council. **Mayor Hart** indicated that there are two (2) Council Members in favor of applicant Adel Murphy and a motion and a second to appoint applicant Cheyne McDonald. That puts him in a position that he would rather not be in to vote and break a tie vote. He did not believe that it was ever intended for a Mayor to pick members of the City Council. He came to this meeting committed to keeping an open mind and listen to all of the interviews and the answers to questions, before making his final decision but this should not be his vote but could vote "aye" on any one of the seven (7) applicants. He wished that the Council would decide without his involvement. He has set aside friendships. Steve Kaplan is a dear friend and Cheyne McDonald has become a dear friend as they have served together for many years and he has come to know the other applicants through participation in public hearings and similar. If he were to have to vote, he would have to follow his heart and vote "nay" on the current motion. **Council Member Mehr** stated he echoed some of the same things that have been shared. He applauded the applicants and thought they would all do a wonderful job. He has worked with Adel on the Planning Commission and thought she was wonderful. Steve Caplin was the Chair of the board for Intermountain Healthcare and a lot of what is happening with health care in the community, he has had a lot to do with. Kris Albrecht is new is to Ivins community but is a wonderful, energetic person in the community. He didn't personally know Pamela but she has sent him a number of emails, which was very helpful in the progress of the Canyon Crossing development. He was familiar with Paul and they share the passion for Public Safety in the Ivins City community and back the blue. What's happening in the country with law enforcement and defunding things, that is going in the wrong direction. The Council has read hundreds of emails for Pamela and Adel and that's a tribute to both of them and they should be very proud of the confidence that community has in them. His reason for nominating Cheyne McDonald was coming from a logical position. They had an election 90 days ago and Cheyne put himself out there, as did Paul. The Council has received emails with feedback from people commenting about diversity and he couldn't think of a more diverse person than Cheyne McDonald. It was 46 votes that kept Cheyne out of a City Council seat and this election cycle there were only two (2) City Council seats available, instead of three (3). Had there been three (3) City Council seats, Cheyne McDonald would have been elected. The election was very close and the Council would be ignoring the desire of the people in the Ivins community that voted, if Cheyne McDonald is not appointed to the Council. He encouraged Adel to run for City Council in two (2) years and if she did, she would have his support.

Council Member Scott indicated that he appreciated all of the things Cheyne McDonald has done for the City and he understood what Council Member Mehr was saying with the election issue. Referring to had there been three seats available Cheyne would have won but that would not necessarily have been the case because there would have been another person that may have been running against him. The point is, Cheyne McDonald did not win the election and voters did not want the incumbents. The election argument is not a valid argument. All of the applicants had nothing negative to say about the way the City Council has been running the City over the last several years but they stood before the Council tonight and are basically looking to get hired by the City Council so they are not going to say anything negative. **Council Member Johnson** stated she felt that Adel & Pam would be amazing and the list goes on for everyone she

DRAFT

has listened to. This was a difficult decision but she stood by the importance of what is going to be happening in the community and the Council needing someone who understands what has been going on and what is going on in the City. Cheyne McDonald fits that bill and she was still in support of Cheyne McDonald. **Council Member Anderson** disagreed with Council Member Mehr as it relates to the election. He was one of the applicants a few years ago after having ran in that election but was not appointed to fill that vacancy. He served on the Planning Commission with Adel and she is a person that understands and would be a good person to fulfil this position. **Council Member Mehr** clarified that 1,500 people voted for Cheyne McDonald and it cannot be said that that means nothing. **Mayor Hart** stated the fact is, in two (2) years the voters are going to decide who the Council Member will be for this vacant seat so this will be an interim decision. He hoped that when they vote that the Council makes that decision without his participation. He indicated that he had the ultimate respect for Cheyne McDonald and stated that he's done a wonderful job for Ivins City. **Mayor Hart** stated that there is a Motion on the floor and second to that Motion and that needs to be reflected in passing the Resolution.

MOTION: Council Member Mehr moved fill the mid-term vacancy on the City Council, Resolution No. 2022-03R, a Resolution of Ivins City, Utah, appointing Cheyne McDonald to fill the mid-term vacancy that expires the end of 2023.

SECOND: Council Member Johnson

VOTE: The motion failed for lack of a majority

Council Member Mehr	AYE
Council Member Johnson	AYE
Mayor Hart	NAY
Council Member Scott	NAY
Council Member Anderson	NAY

Roll call vote. Two Council Members voted "aye" and two Council Members voted "nay". Mayor Hart broke the tie and voted "nay". The Motion failed for lack of a majority.

MOTION: Council Member Mehr moved to fill the mid-term vacancy on the Ivins City Council, Resolution No. 2022-03R, a Resolution of Ivins City, Utah, appointing Adel Murphy to City Council to fill the Mid-Term Vacancy expiring 2023

SECOND: Council Member Scott

VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Anderson	AYE
Council Member Johnson	AYE

Roll call vote. All Council Members were present and voted in favor. The City Recorder gave Adel Murphy the Oath of Office and Adel Murphy was sworn in as a City Council Member. The meeting went into recess at 7:22 p.m. and reconvened at 7:28 p.m.

Note: Applicant Franklin Kolsky had withdrawn

B. <u>Discuss and consider funding Wreaths Across America in Ivins</u>

Anton Kuhlmann gave a history of Wreaths Across America and commented that one of the purposes is to get young people involved. He referred to a number of cemeteries in Washington County and identified the number of veterans in each cemetery. Mr. Kuhlmann indicated that he will be 92 years old in a few months and will be on Wreaths Across America until the day he dies. It is important that these men and women be honored and remembered as well as

supporting anything that helps build and stabilize our nation. **Council Member Mehr** thanked Anton and expressed his gratitude for him and those who have served and suggested that this should be put in the budget under Parks and Recreation. The Mayor and other City Council members agreed and thanked Anton's granddaughter Tiffany Martineau and Laela Gaylord for bringing this before the City Council.

MOTION: Council Member Mehr moved fully fund Wreaths Across America in Ivins
SECOND: Council Member Anderson
VOTE: The motion carried.

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

Anton Kuhlmann commented that it would be helpful to provide information about Wreaths Across America in Ivins newsletters. **Tiffany Martineau** indicated that she would provide that information to the City.

C. Discuss and consider citizen request regarding seven suggestions to encourage more public involvement and transparency

Mayor Hart stated that the intent is to encourage more public involvement and transparency and it is important to keep at the forefront that the purpose of the City Council meetings is to conduct the public business. City Council agendas vary in complexity and length and he would never not allow someone to not participate in a Public Hearing by cutting the meeting short. He asked the Council for their thoughts and suggestions but requested that Dale Coulam first address a few statutory requirements. **Dale Coulam** referred to the request that materials provided 48 hours in advance or they cannot be used. The agendas are not required to be posted by State law until 24 hours before the meeting but the City posts the City Council agendas the Friday before the meeting, to allow time to study what is on the agenda. Sometimes the need exists for something to be adopted and approved instead of waiting a few weeks so they will amend the agenda within the allowed time. They try to keep amending the agendas to a minimum and have asked staff to get staff reports to the City Recorder so they can go out in the agenda as soon as possible. Sometimes it takes longer to do the Minutes based on the length of the meeting and the number of items on the agenda so minutes are not always ready when the agenda packets go out but we try to get them out as quickly as possible but the City would be fully compliant if it just posted the agenda and information 24 hours before the meeting. Additionally, State statute only requires one (1) City Council meeting a month e held a month but you could imagine how long that meeting would be if there was only one (1) meeting a month. He hoped that the Council would not want to hold one (1) or two (2) City Council meetings a week because that is very time consuming for staff and he did not think that would be a reasonable request. If the agenda needs to be amended, he and the Mayor consult on the item to be added to the agenda and if is critical, the agenda is amended rather than waiting two (2) or three (3) weeks for the next City Council meeting to be addressed. **Council Member Scott** requested that when an agenda is amended, if that could be tagged somehow so that the public can see what is being added like using an asterisk or similar. **Dale Coulam** indicated that the City Recorder generally uses asterisk and highlights it in red when something is added to the agenda. **Mayor Hart** commented that we would not want to cripple the City's ability to address something sooner rather than later. He referred to the suggested item #5 regarding Council Members

DRAFT

speaking louder. There is a requirement that all of the conversations be recorded so that was a reminder to everyone to speak into the microphones. **Council Member Anderson** referred to suggested item #7, the location of the podium. **Mayor Hart** clarified that for the moment, all of the hard wiring is under the podium and to move that to the side would be a substantial undertaking, including cutting the concrete and carpet and the weight of the podium makes it difficult to move. **Council Member Johnson** commented that they were told that the podium was going to be mobile so if it can only be located where it currently is, that is not mobile. The **Mayor and City Council** agreed that it would be worth looking into the cost of moving the podium and making it mobile. The **Mayor and Council** also liked how the screen was on the side of the room, rather than behind them, as well as the Land Use and Zoning Maps on the wall like they were in the old City Hall. **Mayor Hart** commented that there continues to be bi-weekly meetings with the contractor and the architect and they are still working on items in the new City Hall so he will bring these things up. **Council Member Mehr** suggested that in the interim that a web-cam could be used at the podium. **Dale Coulam** commented that he would check into that. **Council Member Murphy** felt like the podium was too close to the dais. **Mayor Hart** referred to items being on Ivins website and commented that they will work on ensuring things are on the website. Regarding aerial views of the Land Use and Zoning Maps, Google Earth and the County may be resources for those.

D. Discuss and consider approval of a Development Agreement for Unity Village Subdivision

Dale Coulam indicated that language has been added in bold, regarding water availability and the developer acknowledging the potential shortage of culinary and/or secondary water in the City and that the developer understands that building permits will be issued only upon water availability. That requirement has been added to the Land Use Application form as well. **Council Member Mehr** referred to availability and inquired if that needs to be further defined. They understand that today in 2022 but the City would not want that to be arbitrary. It should be well understood and defined. **Mayor Hart** stated that the County will know in the near future how much water will be available and clearly what the City can approve and what the City cannot. **Council Member Scott** commented that it is hard to define availability and inquired if it is up to the City to be the decider of whether there's water availability or not and if there ends up being a big argument between the City and the developer. **Dale Coulam** clarified that the developer would be given a "Will Serve" letter where proof of the impact fee has been paid or proof that they will bring their own water. The City has used the water availability language in the past. **Mayor Hart** indicated that there is a huge effort occurring right now to pin down how many developable lots are out there so that there can be a determination as to water and the City of St. George is now requiring a developer to sign an affidavit stating that they understand that they may get the development built but that there may not be water available for it. **Council Member Anderson** inquired if the developers have to agree to the colors of the homes in this agreement. **Dale Coulam** clarified that these development agreements on the agenda tonight are almost identical, with at least one of the parties being the same individual on both developments and he has heard back from that individual and he has agreed to the terms. They would be required to meet the design guidelines of the City and he did talk to them about that. If there are any concerns with the other parties, he would bring this back to the City Council.

MOTION: Council Member Scott moved to approve a Development Agreement for Unity Village Subdivision

DRAFT

SECOND: Council Member Johnson
VOTE: The motion carried.

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

E. Discuss and consider approval of a Development Agreement for Serenity Estates Subdivision

Council Member Scott commented that this may be a timing issue but in looking at the Serenity Estates Preliminary Plan that follows this agenda item, he inquired if they should address that first and then the Preliminary Plan. **Dale Coulam** clarified that the City is trying to move Development Agreements up in the process that they are approved and in place when the Preliminary Plan is reviewed.

MOTION: Council Member Scott moved to approve the Development Agreement for the Serenity Estates Subdivision
SECOND: Council Member Murphy
VOTE: The motion carried.

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

F. Discuss and consider approval of a Preliminary Plan for Serenity Estates Subdivision, located at approximately 600 South Main. Rasmussen Properties, LLC-Owner. Frank Allen-Applicant

Mike Haycock reported that this subdivision consists of 19 lots on 6.12 acres. The property is zoned R-1-10 Single Family Residential, minimum lot size 10,000 sq. ft. **Council Member Scott** indicated that this appeared to be a pretty standard development and that the density is the same or less than the surrounding properties. **Council Member Mehr** noted that it is compliant with City Ordinances.

MOTION: Council Member Mehr moved to approve the Preliminary Plan for Serenity Estates Subdivision, located at approximately 600 South Main. Rasmussen Properties, LLC-Owner. Frank Allen-Applicant
SECOND: Council Member Scott
VOTE: The motion carried.

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

G. Discussion regarding Ordinance adopting and implementing regulations for landscaping and water conservation for developing land in Ivins City

Council Member Mehr suggested that this discussion be continued. **Mayor Hart** commented that there are a lot of balls in the air right now and there will be more information that is going to be very important for them to consider before actually adopting Ivins version of this ordinance. He met with the Mayors of the other municipalities and there is a continuing

DRAFT

discussion regarding the area of turf surface that would be allowed. There are some refinements that need to occur to this ordinance and agreed that this should be continued until they get more refined information.

MOTION: Council Member Mehr moved to continue this discussion to a future meeting
SECOND: Council Member Anderson
VOTE: The motion carried.

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

H. Discussion regarding 5-year Budget Plan and Priorities for FYE 2023

Cade Visser referred to the 5 year plan, a copy of which is available as an attachment to this agenda. He reported that the purpose of this plan is that it takes a forward look at the City's major operating funds and identifies financial trends, shortfalls and issues so that the City can proactively address those. The plan is intended to be used to set the stage for each year's budget process but is subject to change based upon available resources, changes in the economy and the Council's direction. The Five-Year fiscal forecast facilitates staff, the City Manager and Council in establishing priorities and allocating resources appropriately. **Council Member Scott** referred to the fire station remodel of the Center Street Fire Station in Ivins and indicated that he was concerned about the level of service in Ivins instead of Santa Clara. **Mayor Hart** commented that it was interesting that that building functioned as a manned fire station but is no longer manned. **Council Member Johnson** indicated that it did not make sense to remodel that if it not a manned fire station. **Cade Visser** stated that staff will use this document as a foundation for the annual budget and over the upcoming year, will revise the Strategic Plan and Fiscal Forecast to ensure proper linkage between the long-term vision and goal of the Council, with the five-year model, to ensure fiscal sustainability. **Chuck Gillette** referred to the Highway 91 project and indicated that the City originally committed $900,000 for the project but with inflation, it is looking like the City would need to commit a lot more. Ivins contribution has more than doubled to nearly $2 million dollars. **Dale Coulam** stated that the City is in a tough funding situation for a lot of things due to rising costs.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for January 20, 2022

MOTION: Council Member Johnson moved to approve the City Council Meeting Minutes for January 20, 2022
SECOND: Council Member Scott
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

DRAFT

8) REPORTS

A. Council

Council Member Mehr welcomed Council Member Adel Murphy. He commented that he hopes that the City has some involvement in the decision about fire fighter volunteerism. There were no other reports.

B. Mayor

Mayor Hart reported that a survey has been provided in the newsletter and on Ivins website regarding UTOPIA Fiber and a City Council Member from the City of Santa Clara will be providing a presentation to Ivins City, as they and the City of St. George are moving forward with UTOPIA. He suggested that everyone take the survey and read the article on UTOPIA Fiber.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that tomorrow morning around 9:00 or 9:30, the City will be testing the emergency siren on top of the Center Street fire station in Ivins.

D. Items to be placed on future agendas

Council Member Mehr would like a discussion regarding pickleball courts in Ivins that was brought up through the citizen comment tonight. The Mayor and other City Council members agreed.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn
SECOND: Council Member Johnson
VOTE: The motion carried.

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

The meeting adjourned at 8:55 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT