IVINS
CITY COUNCIL
MINUTES
April 21, 2022

***NOTICE: This meeting was held electronically and in person. 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 Scott, Council Member Johnson, Council Member Murphy, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Building Department Inspector Fred Castagne, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: Council Member Mehr
Audience: James Barden, Ed Budinsky, Sharon Barton and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Mehr was excused and Council Member Johnson was attending by telephone conference.

B. Flag Salute

Council Member Scott led the Flag Salute

C. Invocation

Council Member Scott 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. Washington County Solid Waste District Report

Cheyne McDonald reported that the Solid Waste District received their audit report and they are running effectively and properly. There was one finding regarding some training that had not occurred but the board members are now encouraged to complete the training timely. The County is growing rapidly and causing stress on the landfill and supplies. The District has purchased more roll-off dumpsters to assist with clean-up. **Mayor Hart** inquired if the District purchases the roll-off dumpsters or if the provided does. **Cheyne McDonald** clarified that the District provides those but the District has been borrowing Republic Services roll-off dumpsters and they have been a great partner with the landfill. He has not always agreed with Republic Services but in the end they are great partners and Republic Services has been loaning some of the roll-off dumpsters to the District at no cost. The District is obligated to provide those and have purchased them. **Mayor Hart** inquired if someone needed a replacement can, how would one do that? **Cheyne McDonald** indicated they would go to the website **wcsw.org** and scroll down for damaged or missing cans and put an order in there.

B. Department Reports: Building Department; Public Works/Engineering

Building Department Inspector Fred Castagne reported that in March the City issued eight (8) total residential permits as well as ten (10) other permits consisting of solar permits, pool permits

DRAFT

and similar. The City has approximately seven (7) multi-family projects that are in the process of being permitted.

Chuck Gillette reported that the City received some media coverage from ABC News regarding the City applying for additional funding for the Highway 91 project. On May 19th there will be a "Flip Blitz", which is a program that encourages people to flip their grass to more water efficient landscaping. Benny Sorensen in the Parks Department has identified approximately 4000 sq ft of grass that nobody is using, that will be removed on that day. The City is still trying to obtain right-of-way along Old Highway 91 and think the City will be ready to go to bid soon, although the City has a funding issue. Century Link will be doing a lot of work in the City, installing fiber optic cables. The HA5 road seal coats will occur in the next couple of weeks and then slurry. The City will use its own crews and paver to overlay 800 South between 400 East and 150 East.

C. Planning Commission Report

Commissioner Robinson reported that the Planning Commission discussed the Land Use Map, Zoning Map and General Plan Amendments by going through each comment card that was submitted. **Mayor Hart** indicated that the City held three (3) Open Houses regarding the Land Use Map, Zoning Map and General Plan on Tuesday, April 12th, Wednesday, April 13th and Thursday, April 14th. All were all well attended.

3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS

Mayor Hart issued a formal apology to three (3) residents who attended the last meeting and submitted Citizen Request forms. To him, the requests appeared to be administrative, having to do with dust and blasting at Black Desert Resort and Chuck Gillette provided answers for them. He clarified that the request forms are intended to address legislative requests and not administrative issues.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

Council Member Scott commented that Cade Visser was present and inquired if they could address his agenda items at this time.

MOTION: Council Member Scott moved to suspend the rules and address agenda items 5)D, E and F at this time
SECOND: Council Member Murphy
VOTE: The motion carried.

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

D. Monthly Finance Report

Cade Visser reported that the tentative budget is a work in progress that they will be discussing. At the next City Council meeting, the Council will approve the tentative budgets and set a Public Hearing. After the Public Hearing, there could be more discussion and then the budgets will be adopted by the required deadline in June. The City submitted the required report for ARPA (American Rescue Plan Act) funds. The City has not spent any of those funds currently and the City is federally compliant.

E. Quarterly Finance Report

Cade Visser provided a presentation to the Mayor and City Council on the 3rd Quarter Fiscal Year Financial Report. A copy of the report is available as an attachment to this agenda. He reported that the average monthly wage continues to increase due to inflation and consumer spending has increased. There was a building permit spike in February, partially due to the first building permit issued for Black Desert Resort. They are under budget for the new City Hall and the remodel of the old City Hall for the Public Safety Department. The City has had preliminary discussions with Zions Bank regarding bonding for the Highway 91 project and other street projects. **Mayor Hart** inquired where the City is as in getting that project put out for bid. **Chuck Gillette** clarified that the City cannot bid the project until the right-of-ways are acquired. **Dale Coulam** commented that the City is going to have some tough decisions to make. Some of the public is saying there are a lot of wants that would be nice to have, but they are not for the public health, safety and welfare of the public. Highway 91 is now Ivin' responsibility and is a dangerous section of road. He suggested that as the Mayor and Council consider the priority between the wants that residents have versus the needs of the City and the primary purpose of the City. Otherwise an increase in property taxes may be required to pay for the non-essential wants that the public are expressing. Inflation brings in more sales tax but it also drives up the cost of everything and currently anything connected to oil, the prices are through the roof. Asphalt has increased in cost because of this and the City needs to get Highway 91 into a safe condition because the primary concerns are public safety. **Mayor Hart** commented that they need to expand the shoulders on Highway 91 to address the safety issues and if the City is going to bond, they should include that from 600 West to the Shivwits Band border so that road is safe for cyclists and motorists. If bond rates are high, the City has redone bonds if rates went down. **Council Member Anderson** referred to Highway 91 from 200 West to 600 West and stated that he would like to know what it would take to finish the other lane because that is the busiest area of Highway 91. **Chuck Gillette** indicated that would require the design to be revised. **Mayor Hart** stated that it would be smart to get Highway 91 operable for the foreseeable future so that the City could avoid potentially looking at another bond because the road is falling apart. **Chuck Gillette** commented that he would need to look into this because currently the City is working under UDOTs (Utah Department of Transportation) process but the City could do that project and as a separate project. **Council Member Anderson** referred to the area of Highway 91 between 200 West and 600 West and inquired how much would need to be added there. **Chuck Gillette** provided some approximate figures, wherein **Council Member Anderson** commented that the cost would likely be less than $300,000. **Mayor Hart** requested that Chuck find out what it would cost for the basic repair and widening of the shoulders on the rest of that section due to safety. **Chuck Gillette** clarified that he priced it out having Ivins crew do the work and the cost was approximately $1 million dollars but if the City used a different crew, the cost was approximately $1.5 million. **Dale Coulam** suggested that they look at the condition and if the Council decided to bond, they could bond for something larger and put another project with this one. Another street that is a safety issue is Puerto Drive. The Mayor and Council will likely hear a lot of wants, but there are needs out there that need to be accomplished and some are Parks related. **Mayor Hart** inquired if the Council would like to look at this project, additional projects and bonding. The **City Council** stated they did.

F. <u>Present, discuss and review the proposed Tentative Budgets</u>

Cade Visser provided a presentation to the Mayor and City Council on the 3rd Quarter Fiscal Year Financial Report. A copy of the report is available as an attachment to this agenda. He

DRAFT

reported that the GDP (Gross Domestic Product) is now above pre-levels and is at 3.2%, with a forecasted growth in 2022. Despite rising interest rates, demand for homes is likely to exceed supply and home prices to rise faster than inflation. A 2.8% increase in consumer spending is forecasted and the current situation with Russia and Ukraine is not likely to derail the U.S. recovery but will likely increase inflation. There are approximately $481,000 in ARPA funds for Fiscal Year 2023.The proposed merit increase for next year is at 4% to assist employees with inflation. The City would like to retain its employees and their talent, as well as balance any incoming expenses. **Mayor Hart** inquired if ARPA funds could be used for roads. **Dale Coulam** indicated no, but they could be used for the secondary water system or to purchase a ladder fire truck that will be needed in the near future for use in both Ivins and Santa Clara. The funds can also be used to purchase police vehicles and Police Chief Flowers would like to purchase two (2) vehicles per year due to the heavy use on public safety vehicles. **Mayor Hart** commented that the secondary system is on hold because it would be pointless to spend money on that at this point, without having the reservoir in place. **Chuck Gillette** stated that the City should further study looking at building a waste water treatment plant rather than a secondary water system and commented that he would like to get that study done. **Dale Coulam** clarified that the City will watch which needs come forward first and the City may need to bond for some of the other projects. It just depends on what the City's revenues look like at the particular time. **Chuck Gillette** commented that Cade has identified $2.8 million that could be used for the Old Highway 91 project, without a bond. **Mayor Hart** commented that he liked the idea of funding the project, rather than bonding for it due to the bond costs. He inquired what Ivins obligation is for the Highway 91 project. **Chuck Gillette** clarified that the City is estimating the project to be $7.7 million dollars and the City already has in funding approximately $4.9 million so that is where the $2.8 million comes from and that would fill that gap. If the City receives the grant from Congress, the could use that money to fund the next phase. There was a question regarding what section of Old Highway 91 these improvements would cover with that money. **Dale Coulam and Chuck Gillette** clarified that it would be from 200 East to 600 West. **Chuck Gillette** commented that the City could bond for the next phase and then possibly add Puerto Drive. **Council Member Anderson** indicated that when they start widening the road, they need to go all the way because shoulders have to be built as well. If they can figure out how to just resurface the road for traffic safety, the cost would be less but if they can do the project before there are structures built, it will be significantly less than having to go in afterwards and do the project because the savings will outweigh the bonding costs. **Mayor Hart** commented that if the City has resources to bond, he inquired if there was a reason why they wouldn't do that. **Dale Coulam** stated that bonding is expensive. If the City has the money to do a project without bonding, it is better to proceed that way. For projects that are beyond self-funding capabilities, the City could consider bonding and spread the payments out over 20 or 30 years and there will be increasing revenues coming online, which makes the payments easier as time goes on, with the possibility of paying it off early. **Council Member Anderson** referred to the new City Hall and statements made that it would have cost x-amount of dollars more if it wouldn't have been built when it was. He indicated that the City needs to look at safety and utilization and enjoyment of what people are getting out of it and see if the bonding costs are less than inflation rates for the future. Is todays value of bonding, going to be less expensive than tomorrows cost of money, because of the inflation rates? They would then be able to enjoy the asset now. **Mayor Hart** would like to see the cost portion of Old Highway 91 that is not currently in the budget. **Dale Coulam** stated that the way the City has been

DRAFT

approaching this up to this point, is looking at what's the best alternative and which would be the best to get them down to where it lasts 7 to 10 years. **Cade Visser** indicated that some noteworthy budget items were a new sweeper and new vehicle for the Public Works Department, as well as streets road maintenance, street lighting, expansion of the cemetery, tank coatings and hiring a Building Inspector III for the Black Desert project. **Mayor Hart** inquired if they would be taking anything out of the reserve. **Cade Visser** stated that it is not anticipated to take anything out of the reserve funds and there will be approximately 25% of what is allowed to in reserve, which is 35%. **Dale Coulam** clarified that there are projects that have been pushed to next year and if you take both years together, there is no surplus. There is a need for a new Building Inspector for the Black Desert Resort project. **Council Member Anderson** commented that he would prefer to allow overtime, rather than hire someone. **Fred Castagne** indicated that as long as they are in the structural phase of Black Desert Resort, the City can handle the inspections in-house for a year or two, depending on the volume. **Council Member Scott** indicated that he was impressed how detailed the budget information is and how responsive Cade Visser has been. **Cade Visser** stated that he would review that with Fred and Mike Haycock to see if hiring another Building Inspector needed to be pushed off. He and Dale Coulam are putting together a package to hire a Deputy City Attorney. **Mayor Hart** indicated that he has heard that the fire station on Center Street will be a manned fire station. **Dale Coulam** clarified that the new Fire Chief would like that to be a manned station and what is budgeted covers three (3) additional employees to man the station. **Cade Visser** stated that the budget is a balanced and conservative budget. The next step is to adopt the tentative budget and set the Public Hearing for the final budget, with May 19th being the estimated Public Hearing date and the estimated final budget adoption date of June 16th.

A. Continued discussion regarding Ordinance adopting and implementing regulations for landscaping and water conservation for developing land in Ivins City

Mayor Hart stated this is a continued discussion and thanked Council Member Scott for doing a considerable amount of work and helping the Council to understand the original ordinance, as well as comparing it to the City of Santa Clara's ordinance and comments made by the City of St. George. **Council Member Scott** indicated that since the last meeting, there were several changes that the Council decided to make and he made those changes. In the process of doing that, there were nine (9) of them that were modified slightly because of the multifamily and resort components. The main ordinance is approximately 13 pages and Chapter 7 regarding resorts, consists of four (4) pages.

The **Mayor and City Council** continued to go through the ordinance and addressed the following:

Line 213 Chapter 3 Single-Family and Two-Family Residential Water Efficiency Standards, paragraph D - Council Member Scott indicated that he added "or in common areas" and provided a definition. **Council Member Murphy** inquired if what is in red is what they talked about previously? **Council Member Scott** clarified that everything in red are the changes and the asterisks are for the Council to look at. Line 213 is that water features would be located on individual single family and two-family lots and not as entry features to a subdivision or community or in common areas.

Line 220 paragraph E regarding indoor pools. **Council Member Scott** stated that at the last meeting they talked about uncovered outdoor pools having a one (1) square foot per square foot deduction on grass and covered pools with an approved cover would only have a 25% deduction. He put indoor pools as the 25% deduction. They probably won't have as much evaporation as an

DRAFT

outdoor pool but maybe they will because it will be a warmer room all year round. It doesn't happen very often but maybe somebody would want to put it in their home. **Council Member Murphy** stated she went through the comments in emails the Council has received and made a list and there are a couple of residents that are saying "don't count the pools against the percentage if they have a cover." She thinks even if you have a cover, it would still be left uncovered in the summer because the water is too hot. The 25% deduction with the cover is good. **Council Member Anderson** commented some homes don't have any fences or walls and they can't do that. They're using the cover as the security. **Fred Castagne** commented that per the new Water Energy Conservancy Code as of last July, any pool that is temper heated must have a cover. It does not have to be an automatic hardcover, but it must have a cover of some sort. **Mayor Hart** commented that temporary covers are not nearly as effective as the automatic covers. **Council Member Scott** indicated a couple meetings ago it was discussed that a 25% deduction for a covered pool, but we identify a covered pool as one that has a UL approved electrically operated cover.

Lines 224 to 228 regarding the grass deduction for a pool. Council Member Scott stated he took the common area concept and applied it to the grass deduction for pools in the common area because in a neighborhood or HOA, that's probably where a pool might be if it's a community pool. It's the same concept. **Council Member Anderson** inquired if it's in a common area, the grass that would have gone in a common area would be deducted accordingly? **Council Member Scott** stated that if the pool is in a common area and there's common area grass, then the deduction from the pool applies to that common area grass. It would apply if there was no common area grass, it would be a deduction on the individual lots. **Council Member Anderson** stated that would be hard to enforce and the math might be complicated. He suggested that they leave it just to the common area. **Mayor Hart** questioned if the intent was to deal with individually owned units in a complex. **Council Member Scott** stated that the way it is worded, is if you have a pool in the common area then it's going to create a grass deduction. The grass deduction would occur in the common area but if there was not enough grass in the common area, that would apply to the lots. He recognized it was problematic as it relates to the deduction from the grass in the common area. If there is no grass in the common area, there is no deduction. **Council Member Anderson** indicated that a twin family might be more problematic than a single family. **Council Member Scott** stated this is for single family and twin home, but single family doesn't necessarily just mean a single-family home. It could be a neighborhood of 20 single family homes and a common area with a playground, pool, and clubhouse. **Council Member Anderson** indicated it might contradict what we want them to do because most recreation areas in twin and single-family homes will put a pool in and a little bit of grass and the area is usually very small anyway. **Council Member Scott** stated that a developer may come in and create a common area with a little bit of grass and a pool but now with the deduction from the pool it will take away all the grass. **Mayor Hart** indicated that would be an extremely rare event. **Council Member Anderson** stated that the Council would look at this again in six (6) months. **Mayor Hart** indicated that it was appropriate to address a common area. **Council Member Scott** stated that for now, it will say that there will be a grass deduction for a pool in the common area, from grass in the common area. **Mayor Hart** indicated that if there was common area, that implies it is common ownership of all the units and inquired why that would have to be deducted the from the common area. They would be subject to the same restriction on the percentage of grass anyway and suggested that they just take out the common area reference for grass. The **City Council** Agreed. **Council Member Scott** stated that in this section it talks

DRAFT

about single family and twin homes. It could be a subdivision that is an HOA with 20 homes and a common area with some facilities. If it does not address a pool in a common area, is it saying a pool and common area is just fine by itself and not deducting anything anywhere? **Council Member Anderson** indicated that he did not think there would be enough grass to worry about it. **Mayor Hart** stated that if there wasn't a reference to individual lots or the common area as far as the deduction goes, but rather apply the same deduction that the pool is going to create from the allowable grass area for the entire development or ownership, that includes the common area. That can be translated into individual yards. **Council Member Scott** referred to a swimming pool in a common area in a 20-unit subdivision, there would be a deduction. Assume the pool is uncovered and is 500 square feet. There would be a 500 square foot grass deduction. If that subdivisions common area has no grass, then the way the ordinance would read is that a 500 square foot deduction would be applied to the individual lot. **Mayor Hart** indicated they may not be individual lots and in most cases where there is common area, there is either a common ownership of the area around the individual dwelling units. They can be individual lots, but they don't necessarily have to be. **Council Member Anderson** stated that there are single family homes that have individual lots, that have a common area. **Mayor Hart** indicated more often than not, if there is a common area, it's associated with a development. **Council Member Anderson** inquired as to the percentage calculation on a common area because the City is deducting something from nothing and suggested that paragraph be taken out. The **Mayor and City Council** agreed.

Line 236 Section 3-2: Landscape Standards paragraph A-1 regarding grass area must not exceed 8% - **Council Member Scott** stated that a limit had not been decided. The grass area must not exceed 8% of the lot square footage up a maximum of 1500 sq ft of grass area. **Mayor Hart** indicated that Washington City decided on 2000 sq ft but that number is entirely up to the Council to determine. **Council Member Anderson** commented CJ's approach was 3500 sq ft with the belief that you're using less on that than if you had that down to R-1-5. **Council Member Scott** indicated that the problem with that approach is if you have one (1) five (5) acre lot, you may be using less water but you're fewer households because it is one (1) household. **Council Member Anderson** stated the argument was based on water conservation and not on how many people the City is serving. **Council Member Scott** indicated that water conservation is based on conservation per person, or per household and not the land. **Mayor Hart** commented that the Council can review this in six (6) months but that all other cities are placing a limit that was prescribed by the Water Conservancy District, which had a variable quantity of grass. **Council Member Anderson** suggested at least 2000 sq ft. **Mayor Hart** referred to the point about a large lot and stated that regardless of how much square feet of grass there is, there still is the rest of the five acres to deal with deal with. Not all of those are just going to be native vegetation, there will be some type of landscaping whether it's grass or not. There will be more water used on a large lot overall, regardless of the amount of grass that is permitted. **Council Member Scott** indicated that no one knows the right number but he was fine with 2000 sq ft. **Council Member Anderson** stated that 3500 sq ft was suggested but he felt that was too much. The **Mayor and City Council** agreed that 2000 sq ft was a reasonable number.

Line 243 paragraph A-2 regarding Grass not permitted in common areas - **Council Member Scott** stated he added that portion when he started working on the multifamily stuff, although this is still dealing with single family. Grass is not permitted in common areas of development unless there's an active recreation area. The square footage of grass and a common area active recreation area would be deducted proportionately from the grass permitted on individual lots.

DRAFT

This is the same problem as before when the paragraph about pools in common areas was crossed out. This one should be crossed out too, and it can be looked at again in six (6) months.

Mayor Hart noted that Council Member Johnson had not been available via telephone conference since 6:10 p.m.

Line 245 paragraph A-3 regarding grass prohibited in park strips - **Mayor Hart** stated that Ivins currently does not allow grass in park strips and they are called landscape buffers. A landscape buffer is mostly what is throughout Ivins City where there is a trail or a sidewalk and then some landscaping up to a block wall. He suggested altering the language to "in addition, grass is prohibited in park strips and landscape buffers". **Council Member Scott** clarified park strips, landscape buffers and all landscape areas less than eight feet (8'). **Mayor Hart** commented that it may not need to state eight feet (8'). Slopes that exceed 10% covers what is going on.

Line 272 Chapter 4 section 4-1 Construction Standards paragraph C regarding water features - **Council Member Scott** indicated in multifamily, this added the common area exclusion. This is for decorative water features. They shall not be located as entry features to the development or in common areas.

Line 279 paragraph D regarding uncovered pools - **Council Member Scott** stated indoor pools was added.

Line 300 Section 4-2 Landscape Standards paragraph B regarding grass in common areas - **Council Member Scott** indicated that this section goes back to grass and common areas. He will leave the first sentence in paragraph B and take out the rest. **Council Member Anderson** asked to go back to Line 281.

Line 281 Section 4-1: paragraph E regarding separately metered units - **Council Member Anderson** stated that becomes a nightmare to keep track of. **Mayor Hart** indicated that Ivins City will get some backlash on this, but it is the best way to know where the water use is occurring. **Council Member Scott** stated that in Seattle, WA, the older properties that aren't individually metered, have gone to a RUB (Residential Utility Billing) system that estimates it. It is not accurate for each unit exactly but is estimated. The newer properties have been individually metered so they can truly pass on that water cost. **Mayor Hart** inquired if the District version required separate meters. **Council Member Anderson** indicated that he thought so. Townhomes have individual meters but condos and apartments would be the problem. **Chuck Gillette** stated that the only apartments in Ivins are at Rocky Vista University and they are not individually metered. **Mayor Hart** commented this might need to be limited to townhomes. **Chuck Gillette** clarified that the City of St. George has said that if the units are on the ground, they want at meter. If they are up in the air or on top of other units, then other methods are ok. The City may need a definition of what a condo is. **Council Member Anderson** indicated that a condo means you don't own any ground. **Council Member Murphy** stated that condos own the air rights above the ground. **Council Member Scott** referred to section E and commented that "all townhome units" and add in "excludes apartments and condominiums." **Mayor Hart** questioned why the Council was taking out condominiums. **Chuck Gillette** stated that the Black Desert Resort hotel has condominiums in there and have been told that sub-metering is encouraged but the City is allowing them to master meter the whole hotel. **Mayor Hart** inquired if there was a distinction in the way a condominium versus a townhome is treated. **Fred Castagne** indicated if it is owned and referred to the

DRAFT

Sentierre project. Those clusters are all individually owned and they all have their own meters and touch the ground. There will be some units that will go up but if it is owned by one owner, it has a single meter. **Council Member Anderson** stated there is more risk to that because there are more lines running all the way up and is a functionality thing. Most condos water bill is paid by the HOA. **Mayor Hart** indicated that individual ownership, individual meter but that is not true in an apartment. **Council Member Scott** commented that it could say individually plated condominium units and apartments are accepted if there's a property owners association, but it wouldn't be worded a property owners association for apartments. **Mayor Hart** suggested that they include townhomes and condominiums because they're individually owned and require individual meters. Apartments are not individually owned, they are rented under a common ownership and that is different. **Council Member Scott** referred to the last sentence, where individually plated condos are accepted if the association owns and maintains the water lines and meters and inquired if the City is encouraging them to not do that? **Council Member Anderson** commented that the purpose of a condo is to keep costs down and are a little more affordable because they don't own the property. It would be putting an undue burden on the association. **Mayor Hart** clarified that the whole point of the ordinance is to encourage individual property owners or others to conserve. The farther you get away from individuals, the less incentive there is to conserve. It has been suggested that on Ivins water bills, that those show how an individual household is doing, compared to others in the neighborhood. There are three other cities that are already doing that and have said it made a big difference in the consumptive use. If somebody else is paying the bill like the association, there is no individual responsibility for conservation. **Council Member Anderson** indicated that they need to find out how condos are built now and if separate metering is feasible. **Council Member Scott** suggested that they take out the last sentence completely and start the paragraph with "all townhomes shall be separately metered" and then find out about condos. **Mayor Hart** stated to phrase it "all townhomes and condominiums shall be separately metered" and then let the City Attorney comment.

Line 296 to 300 Sections 4-2: Landscape Standards paragraph B regarding grass not permitted in common areas - **Council Member Scott** stated he had the same kind of square footage deduction that was previously removed elsewhere for the single family and twin home and suggested they take it out here as well. The **Mayor and City Council** agreed.

Line 405 Section 6-1: Plant Selection and Maintenance paragraph C - regarding landscaping shall be maintained in a live and thriving condition. **Council Member Scott** indicated that in the Water Conservancy Districts definitions, they have what he has now added. The District put the language in the definitions but then never used any of those words in the ordinance, which means nothing because it is just a definition and not a regulation. The **Mayor and City Council** agreed.

Council Member Scott referred back to line 68 wherein he added the word "provisions in."

Council Member Murphy referred to line 303 and suggested that be consistent with what they agreed to regarding park strips, landscape buffers and slopes.

Council Member Murphy referred to line 430 paragraph F regarding trees planted in a manner that protects view corridors and view shed. She stated that is a problem conceptually on an individual lot because nobody owns a view and you can't say on an individual lot that a neighbor can't plant a tree that blocks a view. She understood it along the arterials and places in the City where there are view corridors. **Mayor Hart** indicated that this would be very difficult to enforce. The **Mayor and City Council** agreed to take that out.

DRAFT

Council Member Scott referred to the four (4) page Resorts Chapter 7 and indicated that this takes material out of the other chapters and on line 6 with regard to specific provisions, those can be waived under certain circumstances. This chapter has the same construction and landscape standards as in the others but tweaked to fit to a Resort. **Mayor Hart** stated that he saw the comments from Patrick Manning with Black Desert Resort and Stan Castleton with Sentierre and he thought that all were addressed in this document. The **Mayor and City Council** did not have any issues with the Chapter and commented that it was well written. **Mayor Hart** commented that Sentierre has a Hydrologist Engineer that will review this. This is ready to move forward to a Public Hearing.

Dale Coulam was present at 6:50 p.m. He inquired where this was going to go in the code. It could be in water restrictions or the zoning code. **Mayor Hart** commented that it could be in the building code. **Dale Coulam** agreed. The **Mayor and City Council** agreed that a Public Hearing should he held at the next City Council meeting.

B. Continued discussion on the Planning Commission's recommendations regarding Light Reflective Value in Chapter 19 of the Ivins City Code

Mayor Hart indicated that Council Member Johnson voiced the opinion that if the Council continues to have any requirements regarding color then the Council needs to be very careful as to how far they go with that. Before the Council discusses this in detail, he inquired if the Council wanted to continue pursuing this, in light of State law. The **Mayor and City Council** who were present, agreed that they would like to continue to regulate building colors in some way. **Council Member Scott** commented that the City was interested in continuing to regulate building colors but the question was how and there are some problems with the way it's written in Ivins Code and is subjective. **Mayor Hart** commented that what is most offensive with what the State did, is sell this based on housing affordability but color has absolutely nothing to do with that. He stated that Council Member Scott has done considerable research on how other communities have dealt with this in a way that is not subjective or a nightmare to enforce. **Council Member Scott** read a memo, a copy of which is available as an attachment to this agenda. He indicated that he met with the Community Development Director in the Town of Springdale, Utah and has corresponded by phone and email with the Building Departments of Sedona and Scottsdale, Arizona and all three (3) use a very similar way of addressing color. The Town of Springdale uses the Munsell Book of Color Matte Edition, which consists of 40 hue pages with a series of paint chips in a whole range of chroma and values lighter to darker, more vibrant to less vibrant. They set up a template by chroma numbers and work off of that template. If the City Council liked that idea, the first step would be to purchase the book, go through it and then come up with their own template. The cost of the book is $1,362.00 plus tax but is currently out-of-stock or on back order. **Mayor Hart** suggested that as part of the LRV conversation, it ought to include a clear definition of what trim is, and how those percentages apply. The **Mayor and City Council** agreed that the book should be purchased and this agenda item addressed once the City has received the book.

C. Presentation and discussion regarding the Planning Commission's recommendations on proposed amendments to the non-residential Table of Uses to clarify definitions and Classes of Use

Dale Coulam referred to Table 33-2 Table of Uses for Nonresidential Zoning District. A copy of the table is available as an attachment to this agenda. Changes to the table include clarification of the following uses: Bar Establishment, Car Wash, Hotel and Tattoo Parlor. The Golf Course use has been removed and these clarifications and removal are to get the language

DRAFT

narrowed down so that this can move forward to a Public Hearing and put into ordinance format. **Council Member Anderson** referred to the tattoo parlor and commented that Estheticians tattoo eyebrows, eyeliner and similar. **Council Member Murphy** agreed and indicated that she would send a definition of an Esthetician to Dale Coulam to include in the table. The **Mayor and City Council** agreed to move this forward to a Public Hearing.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for March 24, 2022

B. Approval of City Council Meeting Minutes for April 7, 2022

MOTION: Council Member Scott moved to approve the Consent Agenda
SECOND: Council Member Murphy
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Scott reported that when he met with the individual from Springdale, they are looking at limiting building heights as well from the current allowed heights of 21 to 26 feet and reducing that to 16 to 21 feet, depending on what part of town they are in and their interpretation of the State law. That can be controlled in a Development if that is negotiated, as well as an option for a height exception if an applicant would like a taller building.

There were no other Council reports.

B. Mayor

Mayor Hart reported that the Ivins Princess Pageant was recently held and the following individuals consist of Ivins Princess Pageant Royalty: Bella Waggoner - Princess; Keirra Campbell-1st Attendant; Avery Nickle-2nd Attendant; and Piper Doty-Miss Congeniality. The Royalty will meet the City Council Members at a future Council meeting. He thanked Jennifer Horne for chairing the Pageant. He referred to the Easter Egg Scramble and reported that 10,000 eggs were picked up and gone in 44 seconds. A few minutes before the hunt was to begin, a resident went up to Parks and Recreation staff and handed them 10 - $10 bills to put in a few of the eggs. He thanked the resident for doing that.

C. City Manager/Attorney Dale Coulam

Dale Coulam requested clarification as to upcoming Public Hearings on the Water Ordinance and the table of Uses. He inquired if all of the City Council Members would be present at the next City Council meeting or if they would prefer dividing up the Public Hearings. **Council Member Scott** indicated that he would not be present for the next meeting. The **Mayor and City Council** agreed to hold off on the Public Hearing for the Water Ordinance until Council Member Scott was present. The Public Hearing on the Table of Uses will proceed at the next City Council meeting.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

DRAFT

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

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

The meeting adjourned at 9:22 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT