IVINS
CITY COUNCIL
MINUTES
June 16, 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 Mehr, Council Member Johnson, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, and City Recorder Kari Jimenez.
EXCUSED: Council Member Murphy
Audience: James Barden, Dave Appel, Becky & Chuck Warren, Sally Jensen and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Murphy was excused.

B. Flag Salute

Council Member Anderson led the Flag Salute.

C. Invocation

Council Member Anderson gave the Invocation

D. Disclosures

Council Member Anderson referred to agenda items 5)F and 5)G regarding Desert Cove and the Reimbursement Agreement and disclosed a conflict with those two agenda items. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Haycock reported that the City has the ability to conduct surveys through the Survey Monkey application, which was conducted for UTOPIA in the recent past. **Mayor Hart** indicated that moving into the Planning Commission discussion at the Planning Commission on the General Plan, he would like a survey to go out for that. **Mike Haycock** stated that the Planning Commission will come up with some questions as well and put the survey out for a few weeks and then report the results of the survey at the Planning Commission. He reported that now that the City has passed the water conservation ordinance for new development, he is working with contractors to educate them on that.
Chuck Gillette reported that $2 million dollars has been earmarked in the infrastructure bill that is currently before Congress. He spoke with an individual at UDOT (Utah Department of Transportation) and was told that if that bill passes, the earmark would be included and solves a

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big funding problem for that project. He reported that he advertised for an RFP (Request for Proposals) to redo the Storm Drain Master Plan, the Sewer Master Plan, as well as the Water and Secondary Water Master Plans. There was only one (1) company that has expressed interest thus far, and that is Bowen Collins & Associates. **Mayor Hart** commented that they had a lot of Ivins data in their possession from the last time these master plans were done. **Chuck Gillette** indicated that was correct and is a big advantage to the City because they have the models and do not have to do additional work, which is a cost savings for the City. He reported that he has been attending committee meetings at the Water Conservancy District regarding a drought response plan. They are putting together a criteria and actions that the City would have to take if the County goes into different stages of drought. He reported that pavement maintenance program pretty much done with the exception of striping.

Cade Visser reported that there are 14 days left in the fiscal year. There are a few departments where their budgets will need to be amended due to inflation, fuel and overtime.

B. Planning Commission Report

Planning Commissioner Gardiol reported that the Planning Commission approved three (3) Final Plats - one for Desert Cove, one for Black Desert Resort Road Dedication and one for Black Desert resort Phase I. They also began discussing the Moderate Income Housing House Bill 462.

3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS - None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion regarding approval of FYE 2022 budget amendments and the proposed FYE 2023 budget

Cade Visser reported that the numbers have been updated in the budget for the upcoming fiscal year and less money will be coming out of the reserve fund. The mill levy rate came in at .0921%. In 2021, it was .1215%. The property assessed value for 2022 came in at $2.1 billion and last year it was $1.4 billion, which is nearly a 50% increase. **Mayor Hart** inquired where Ivins City ended up as it relates to the SCI Fire budget. **Dale Coulam** clarified that the City of Santa Clara City is the managing city of the SCI Fire budget and their budget has already been adopted. The City of Santa Clara is well underway in putting forth a request to Washington County to help pay for expenses of going to calls in the county. New legislation passed that required that counties either provide their own services, rather than having cities cover that for them at the city's expense, or they need to enter into a contract with the cities to fairly compensate the cities. If Ivins City were to include something additional in the Ivins budget for fire, it could possibly undermine the efforts that the City of Santa Clara is doing to negotiate with the county. Currently, the budget is showing that if the Center Street fire station is manned, it will take a lot of money. The Center Street fire station covers a lot of area that's in Washington County and Ivins City supports the efforts of the City of Santa Clara in negotiating with the county for reimbursement and for a contract for services. If the need arises too to make some changes, it should be done in conjunction with the City of Santa Clara as the managing city. The Ivins Council is required to adopt the budget tonight. It has been discussed for some time, there has been public input, the Council has heard a lot of comments, and there has been a lot of various scenarios and hypotheticals provided. This is a routine process at this juncture tonight. As for next year's budget, there is a lot of discussion that still needs to take place with

regards to issues like Fire that will not be resolved tonight. There needs to be more discussion with both City Councils working together. The graphs and hypotheticals that Cade went through at the last Council meeting, caught the attention of the City of Santa Clara and there has been a couple of changes to Santa Clara's budget that were in favor of Ivins City. He thanked Council Member Mike Scott for providing some additional input that helped show a truer picture of not having to dip into reserves as much. If needed, the budget can be opened later and amended. If it is opened to be amended, the timeline requires Ivins City to give notice, hold a Public Hearing, and follow certain steps to amend the budget. The property tax increase issue cannot be solved at this time, because the time has come and gone for Truth-in-Taxation hearings and until the Fire questions are resolved, Ivins City won't know if or how much property tax would need to be increased.

Cade Visser indicated the City of Santa Clara has updated their budget data. Previously it was at $2.6 million and now it's down closer to $2.2 million. That changes the graphs significantly by reducing it $400,000. He referred to the Updated Holistic Analysis, a copy of which is available as an attachment to this agenda. The difference in fiscal year 2023 and 2024, was the timing of the City of Santa Clara's budget not being updated when the analysis was put together. The other critical piece of data that the updated forecast relies on, is the Black Desert Resort property evaluation. He spoke with developer Patrick Manning and the resort's legal team, and obtained the presentation that the developers provided to their investors when they went out to bond. What was proposed to their investors was that when it's all said and done, Black Desert Resort would be valued at around half a billion dollars and at Ivins current mill levy rate, that equates to approximately $500,000 in additional property tax revenue. Black Desert Resort is anticipated to be completed by the year 2026. Ivins net income year over year isn't in the red by fiscal year 2028 and it breaks even. The picture gets better if Ivins receives rain, continued growth and other taxes. The analysis is assuming in 2024 that the Center Street station is fully manned. If that time frame changes, the graphs would drop earlier than normal. **Mayor Hart** referred to the tax assessment that was discussed at the last City Council meeting and what that would look like. **Council Member Scott** stated that based on last year's evaluation, had the City raised the Ivins share of real estate taxes by 38%, his overall bill would have gone up just over 5%. **Mayor Hart** explained that over 20 years ago, the State legislature established that the tax assessment for that year would be the amount that the cities would receive going forward with no COLA (Cost of Living Adjustment) with no way to adjust that rate based on inflation. That leaves cities with residents requiring more and more services, like pickleball courts, trail systems and similar and increased services cost more due to inflation but property tax dollars are diminished. That is unsustainable but what the legislature did do for cities, is allow for the process of Truth-in-Taxation to even that out. Some cities have created a COLA like ordinance so that their city property tax goes up every year. Ivins City has not done that and it is a big shortfall. He was hopeful that commercial spares Ivins City from that. **Council Member Scott** clarified people are paying less in nominal dollars as well as inflation adjusted dollars for the Ivins share in taxes. The School District and others can raise their taxes every year and the total tax bill may not be half of what it was but the amount that Ivins collects has been cut in half.

Mayor Hart indicated that the City Council needs to adopt the budget tonight. The City of Santa Clara overseas Fire and they know the urgency of getting the Center Street Station manned. Ivins City would continue to work with the City of Santa Clara and as the City of Santa

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Clara continues their discussions with the county, at some point in the time, hopefully within the next few months, there would be a proposal coming to Ivins City and both City Councils would amend their budgets to solve that problem. **Dale Coulam** stated that the City of Santa Clara fully understands they have committed to Ivins that the next manned station will be in Ivins, whether it is located on Kwavasa or if it is the Center Street station. A bigger philosophical question to resolve is would be to ask what is the model that they are using to call it fully manned? Is it a 24 hour shift for an employee, is it a 12 hour shift? Is it allowed for a few part timers to piece together coverage for one full shift? There are volunteers out there that want to be involved but the City of Santa Clara is saying that they do not have the commitment to cover a shift. That word "shift" can mean a lot of different things. It could mean a 24-hour shift, it could mean a 12-hour shift, it could mean an 8-hour shift or it could mean job sharing where two (2) people work 4-hour shifts to cover an 8-hour day. They need to determine what model Ivins City and Santa Clara move forward on.

Mayor Hart indicated that since Ivins is not under the direct management of Fire, Ivins City is relying on the City of Santa Clara, their City Manager and Fire Chief Parker, to be sorting this out to the benefit of both cities. There are a lot of Ivins residence who are really concerned about Fire. This is a big deal in Ivins City and did not want to adopt the budget tonight and that come across as a sigh of relief and then pretend the problem doesn't exist. The disposition of the City Council is to pursue it and act on it sooner rather than later. He recommended that the City Council do what is needed tonight, to allow the City of Santa Clara to move forward with their discussions and planning. **Council Member Scott** referred to the updated holistic analysis and inquired if the uptick in revenue after a couple of years had to do with sales tax and room tax that would be generated by Black Desert Resort? **Cade Visser** stated that was correct. **Council Member Scott** commented that the direction he is hearing, is to ignore the Center Street Fire station in the Ivins budget tonight but he was not comfortable with that. At the last Ivins City Council meeting he talked about the five (5) minute response times that's in the plan from last fall. He guesstimated that about half of Ivins City is not covered in that five (5) minute response time because the Center Street location isn't a functioning station. He looked at the five (5) minute response time and mapped it out. He counted more than 28 subdivisions that are outside of the five (5) minute response time, with over 1,689 homes. The whole analysis split between Ivins and Santa Clara shows that Ivins has 4,076 occupied homes. He was sure that Ivins has over 2,000 homes that are not within the five (5) minute response time. As a Council, if the budget is adopted as it is currently, that does not pay proper service to getting the Center Street station up and running again. He knows Ivins is relying on the City of Santa Clara to increase the budget. The City of Santa Clara pays approximately 44% and Ivins City pays 56%. He stated that he was an unhappy customer and the City of Santa Clara is the vendor. The budget needs to be increased to get the Center Street station running adequately. He has had a lot of correspondence with Chief Parker over the last couple of weeks and Chief Parker has done a lot of analysis and has a very thoughtful plan. If the City of Santa Clara refuses to come up with their 44% then, shame on them. They are the ones who emptied out the Center Street station. Ivins should be able to go to the City of Santa Clara as the vendor and talk to Chief Parker and see what the best thing to do is, with the money that Ivins City has allocated and get the Center Street station up and running to some level. He thanked Council Member Johnson for getting the fire department turned back around in the right direction on involving volunteers, but volunteers are not the way to run a station. He would like the budget increased on fire because it is

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essential. Ivins City needs to put more pressure on the City of Santa Clara because the current situation is not acceptable. Close to half of the homes in Ivins City are outside of the five (5) minute response time. If the cost was divided by response time, Ivins is not getting ideal service and instead of paying the majority of the cost, the City of Santa Clara should be paying the majority of the cost. He could not imagine that a City Council would adopt a budget that acknowledges that the Center Street fire station isn't functional. Chief Parker has said SCI Fire could get three (3) full-time captains and three (3) full time a EMT's in a heartbeat. The Center Street Station could be up and running and then supplemented with volunteers. Chief Parker has said it isn't ideal and not a long-term vision, but it provides a fully staffed station. He indicated that he was frustrated and has been since last year when the Center Street Station was emptied out. According to Chief Parker it would cost Ivins City $51,396 to get the Center Street Station functional. Ivins City can drop that to $3,396 by delaying the alerting system. Chief Parker said the alerting system could be delayed by a year and the staff would simply use pagers but why not have the alerting system? Ivins City needs to come up with $51,396 in this budget to get the Center Street Station up and running again. Chief Parker could get the Station fully staffed almost immediately because the current part-time people want to go full-time. They already have their safety gear and that saves the cities a lot of money. Personnel salaries, apparatus fuel and apparatus maintenance is $633,000 and Ivins share based on the 56%, would be approximately $355,000. He believed that Ivins City needs to put in just over $400,000 in the Ivins budget. He understood that would dip into the reserves and that's not ideal because there isn't enough reserves to begin with but this is an emergency situation and that's what reserves are for. He wasn't talking about what is needed for the 2030 plan, he was talking about what is needed yesterday, just to get better coverage for Ivins City, like what Ivins used to have.

Council Member Johnson stated that she had a firm belief that volunteers and part-timers could be used to make a functioning department at the Center Street station, using the resources that SCI Fire already has with those who already have equipment and certifications in place. That would not even require the amount of budget that Council Member Scott suggested. It would be good to put it into the budget, specify there is this much and use the volunteers. The City of Santa Clara would find a way to do that. It is important to do this now, but Ivins City does not need to cave to what the City of Santa Clara wants and what the City of Santa Clara thinks the standard is. The standards could possibly be split for each station. **Council Member Anderson** indicated that he had been looking at numbers and values of homes and thinking about the risk and liability if SCI Fire could not respond to a home in less than five (5) minutes. This is important and the Council needs to act on this now. He understood that it was a lot of money for a budget but stated that there is a lot of value to having a quick response time. **Mayor Hart** commented that would drastically change the graphs that have been shown and could jeopardize the City of Santa Clara's negotiations with the County. **Cade Visser** clarified that it would speed up the timeline but there are reserves to do it. It would not necessarily put Ivins in a doom and gloom situation by increasing this year's budget by the $400,000. It would bring the graph down quicker, but it would not change the long-term outlook with the commercial that is in the process. **Council Member Scott** stated that he would rather jeopardize the negotiations with the County than to jeopardize half the residents in the community, although he did not think that it jeopardizes the negotiations with the County because the County can see by Chief Parkers numbers, that SCI Fire needs a lot of money. **Council Member Mehr** commented that they had a functioning Center Street station

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nine (9) months ago, so that could be reversed. He agreed that they should update that facility, which can be done for $3,936 and hold off on the alert system. He would like to have a work meeting with the City of Santa Clara to see what can be done. He felt that this could be accomplished without adding $400,000 to the budget and that the budget could be passed tonight, with the understanding that there would be a budget amendment discussion regarding this, in the near future. **Council Member Scott** indicated that he was not prepared to kick this can down the road because that is wrong. The primary job of the City is public safety and the City is admitting with the current budget, that they don't care. The City has to make the commitment now, hold the City of Santa Clara's feet to the fire and if they're not going to be a good partner and step in, then Ivins works with Chief Parker to get the Center Street fire station operational. **Dale Coulam** inquired of Cade Visser if ARPA funds could be used for what they're discussing. **Cade Visser** clarified that they could for Public Safety but he would need to update the budget to identify designation of those funds. **Dale Coulam** stated that Ivins City could then provide the tools to immediately fund to get the Center Street fire station manned and working. They likely could amend by including in the motion the amount of money to apply to manning the Center Street building immediately. **Council Member Johnson** commented that even if they put that in the budget, there's no guarantee that the City of Santa Clara is going to give Ivins what they want so that is not completely the answer. She was more in favor of passing the budget with the suggestion of using ARPA funds and then be serious about moving on and setting a meeting with the city of Santa Clara and getting it done as soon as possible and then they can amend the budget, knowing what is going to be required. **Dale Coulam** clarified that would also open up the Joint Agreement for discussion and amendment because it changes the modeling as far as how fees should be based. Council Member Scott's research paints a clear picture that Ivins City's service is not equal. He recommended that in addition to what Council Member Johnson has suggested, that they add it to the budget for fire and open up negotiations right away on the contract and that they want to see implementation of manning the Center Street fire station immediately. **Council Member Johnson** suggested that the whole amount of ARPA funds be allocated to the fire budget.

B. Discuss and consider approval of Resolution No. 2022-11R, a Resolution of Ivins City, Utah, adopting the Final Budgets for Fiscal Year Ending June 30, 2023

MOTION: Council Member Scott moved to approve Resolution No. 2022-11R, a Resolution of Ivins City, Utah, adopting the Final Budgets for Fiscal Year Ending June 30, 2023, with the following amendment: apply $500,000 of ARPA (American Rescue Plan Spending) funds as revenue and increase the Fire/EMS budget by $500,000, earmarked for re-establishing the Center Street station, including the rehab and personnel, as amended
SECOND: Council Member Anderson
VOTE: The motion carried.

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

Council Member Mehr requested a discussion to ensure that Ivins City is going ensure that they are going to have a discussion about the philosophy, model and future of fire because he agreed with Council Member Johnson that they need to have volunteers are part of that. **Mayor**

Hart inquired if Council Member Scott was willing to add that to the amendment. **Council Member Scott** agreed.

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

C. Discuss and consider approval of Resolution No. 2022-12R, a Resolution of Ivins City, Utah, approving the Certified Property Tax Rate for Calendar Year 2022

MOTION: Council Member Mehr moved to approve Resolution No. 2022-12R, a Resolution of Ivins City, Utah, approving the Certified Property Tax Rate for Calendar Year 2022
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

MOTION: Council Member Mehr moved to suspend the rules and move agenda item 5)M to this point in the agenda
SECOND: Council Member Scott
VOTE: The motion carried.

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

M. Discuss and consider approval of an Interlocal Cooperation Agreement regarding Official Ballot Drop Boxes

Council Member Mehr referred to section 1(b) where it indicates that the County agrees to send two election staff members to safely and securely pick up and replace an Official Ballot Drop Box, he inquired what was actually being picked up? **City Recorder Kari Jimenez** clarified that it is a locked box that is securely behind the glass in the Administration area. **Council Member Mehr** referred to the mail in ballot process and inquired if prior to that if Ivins City took the ballots to the County or if the County sent two people to Ivins City to pick them up? **City Recorder Kari Jimenez** indicated that it depended on if the election was a Municipal election or if it was an election that the County handled. With a Municipal election, she was involved with overseeing the Poll Workers at the different polling locations, in conjunction with the Poll Managers at each location. **Council Member Mehr** inquired if that process has changed. **City Recorder Kari Jimenez** stated no, other than the vote-by-mail process. **Council Member Mehr** referred to section 4 (a) Indemnity where it states that the municipality shall hold harmless and indemnify the County. If someone were to go rogue at the municipality and does an intentional misconduct, he's trying to understand the hold harmless and indemnity for something like that. **Mayor Hart** indicated that there would likely be a prosecution, whether Ivins City was held harmless or not. **Dale Coulam** clarified that this agreement was drafted by

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the Washington County Attorney's office and is the same language for all of the municipalities. The hold harmless is mutual. **Council Member Anderson** indicated that he read that to mean that it is holding Ivins City harmless, not the individual harmless. **Mayor Hart** clarified that it holds the municipality in the county harmless, meaning Ivins City is not liable for someone going rogue. He inquired what the burden was on someone who violates the election law? **City Recorder Kari Jimenez** stated that it would be whatever is under State law, as far as prosecution. **Mayor Hart** inquired if the County Prosecutor would be involved in that situation? **City Recorder Kari Jimenez** stated that they would. **Council Member Mehr** asked what if it's an Ivins City employee that commits the act? **Dale Coulam** clarified that if it were a municipal employee, then it is saying that Ivins City holds the County harmless from the wrongful act of the municipal employee. If it were a County employee, then the County is holding Ivins City harmless.

MOTION: Council Member Scott moved to approve an Interlocal Cooperation Agreement regarding Official Ballot Drop Boxes
SECOND: Council Member Johnson
VOTE: The motion carried.

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

D. Discuss and consider approval of the Planning Commission's recommendation on a Preliminary Plan for The Crossings at Red Desert, located at approximately 800 South Main Street. VE Management and Investment Co.-Owner; Dave Lynn-Applicant

Mike Haycock reported that this parcel is zoned R-M and has a short-term rental overlay. It is a mixed zone parcel and is required to have a certain amount of density which is 15%. This one is at 25% with bonuses. Pickleball courts, tennis ball courts and a swimming pool with a splash pad have been added to get the additional 10% bonuses. TRC reviewed this and found it to meet Ivins zoning and ordinances. **Mayor Hart** inquired if the nightly rental overlay was retained? **Mike Haycock** indicated that the zoning does allow that, but it is not in the Development Agreement. **Mayor Hart** questioned if the developers would have to come back with a request to amend the development application? **Mike Haycock** stated yes. **Council Member Scott** indicated if this was the only parcel that had a short-term rental overlay in the City. **Mayor Hart** indicated yes **Council Member Scott** inquired if the overlay would be eliminated. **Mayor Hart** stated that he did not think that it could. **Council Member Scott** inquired if that was because the developers already filed? **Mayor Hart** clarified that the developers filed under that zoning and removing it would be a zoning action that would require a Public Hearing and it would go back to the Planning Commission. **Council Member Scott** inquired if the developers are not currently asking to use it as short-term rental, if the developers could come back and ask to use it as short-term rental? **Mayor Hart** clarified stated that they could come and apply. **Council Member Scott** inquired if Ivins City would have to approve it because it is a short-term rental overlay on that site? He would really like to see that short term rental overlay disappear. He understood with the timing that it is too late for this parcel. He has received some interesting emails and information about the actual operation of short-term rentals in Santa Clara and St. George. Ivins City codes are not designed to adequately

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absorb that kind of an intense use of short term rentals. He referred to an email from Natalie Larson who lives in the City of St. George where currently only two parking spaces are required for each unit and many of those units sleep a lot more people than they have parking for and parking becomes a problem. There should be a requirement to have garages that are tall enough to accommodate a sprinter van or oversized SUV and driveways should be 20 feet. HOA's should be required to make sure garages are cleared monthly from toys. Golf cart parking is another issue. People are just using the garages for toys and then parking on public streets. The alleys are only 25 feet wide and often there are vehicles parked illegally on the driveways horizontally, leaving no room for human error if there was an event that required fire, police, water or other utility repairs so 45 feet should be the minimum. An Ivins resident emailed him about a parking problem in Ivins City right next to short-term rental property at Red Vista Drive, just off of 200 East. Vehicles are continually parking along the street and Planning Commissioner Bob Morris suggested to him that Ivins City prohibit street parking from 2:00 a.m. to 4:00 a.m., to help alleviate that problem. He understood that could not be resolved tonight but it should be put on as a future agenda item. **Mayor Hart** indicated procedurally that Ivins City could not implement a zone change on a piece of property that has an application on it. He suggested that Council Member Scott's concerns be placed on a future agenda to amend the zoning ordinance and the requirements for anything that is zoned or has the overlay for short term rentals. If this applicant were then to come back and apply to use that overlay, the applicant would be obligated to adhere to all of the new requirements.

Council Member Scott indicated that another thought is to consider having the amenities on this project, open to all Ivins City residents, which would solve the pickleball court dilemma. **Council Member Anderson** stated that would then need to be maintained by Ivins City. **Mayor Hart** commented that the fact that the developers have not included short-term rental in the Development Agreement, means that it is not currently allowed in this project. The Developers would have to come back and apply for an amendment to the Development Agreement. **Mike Haycock** indicated that if somebody were to buy one of the lots and tried using it as a short-term rental, the Development Agreement would keep them from doing that, even though they have the zone for it. The development agreement spells out exactly what you can do in that that zone. He thinks opening the parking chapter is a good thing and that would be where you would want to put it, because each zone has different requirements but if you put it in the parking then it will apply anytime a short-term rental zone is done. Ivins City should make any developer of these short-term rentals have a place for parking toy haulers and trailers. This could be put on the Planning Commission's agenda as a discussion on their July 5th meeting. **Mayor Hart** inquired if the City Council would like this to go to the Planning Commission to get the process started? The **City Council** agreed that they would. **Council Member Scott** inquired if short-term rental isn't stated in the Development Agreement at this point, then it was not part of what the City Council was approving and inquired if the developer chose to ask for a short-term rental for the overlay to be used before changes were made to the existing ordinance, if the changes would apply to this developer? **Mike Haycock** stated he did not believe the Development Agreement had been approved through the City Council yet but that language could still be added into the Development Agreement that says that short-term rentals are not allowed. **Council Member Anderson** indicated that when the Land Use plan is done, the short-term overlay should be removed. It is not part of the current application and the developer is not asking for it. **Mike Haycock** stated that must be done carefully because taking it

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off would be taking a right away. **Mayor Hart** indicated that the fact that the developer has not included it in the Development Agreement, is essentially a forfeit of that overlay for the purpose of what they intend to develop. **City Recorder Kari Jimenez** stated that she is involved the Development Agreements process and indicated that she has not seen a Development Agreement on this subdivision. **Council Member Scott** stated that a Development Agreement is a negotiated item and questioned if Ivins City initially put in the Development Agreement that the applicant agreed to terminate the overlay? **Mayor Hart** suggested that this item be tabled until legal counsel was present to advise to explore and understand the implications of the overlay and whether it can be used under its current application. **Council Member Scott** made a motion to table until legal Counsel was present to advise. **Council Member Anderson** seconded the motion. **Council Member Mehr** indicated that this developer has brought forth a legal application but hasn't asked for the short-term rentals. He was concerned about what the applicant was being denied. Everything checks out and everything is legal. **City Recorder Kari Jimenez** clarified that this is on for approval of the Preliminary Plan. It is not on for approval of the Development Agreement but in either case, the developer is vested. The applicant has submitted their application and although the City can ask them certain things and negotiate those, they do not have to agree to those things because they are vested. **Council Member Anderson** indicated that the Council is approving the plan based on the developers application, which does not include short-term rentals. **City Recorder Kari Jimenez** stated that was correct and indicated that the next step would be the Development Agreement. **Mayor Hart** inquired about the language on the application. **Mike Haycock** commented that when a zone change comes in, that is when it is designated. The applicant is vested with that right. If it was taken away by zoning, the applicant could come back and ask that they use this for short-term rentals but if the Development Agreement specifically says no, then they agree to that. The **City Manager/Attorney Dale Coulam** was available by phone. **Mayor Hart** referred to City Manager/Attorney Dale Coulam and commented that the Preliminary Plan did not specifically indicate that the applicant intends to use this as short-term rental and there isn't a Development Agreement in place. He inquired if the applicant was entitled to use the short-term overlay, even though it has not been specifically identified on the Preliminary Plan? **Dale Coulam** indicated yes, because it was granted as part of their zoning. The applicant applied and received short-term rental on that piece and on the parcel across from Main Street. The zoning runs with the land so someone could make those properties short-term rentals. If the applicant wants to voluntarily say it will never be used as short-term rentals and as part of the development agreement, that's up to them, but right now, they are entitled to short-term rentals. **Mayor Hart** stated there really is nothing that the Council can do on an application that conforms with the zone, other than to approve it. **Dale Coulam** indicated that was correct. **Council Member Mehr** stated that he thought that the Council should approve the Preliminary Plan. **Council Member Anderson** indicated that somewhere in the Planning Commission presentation, he thought that the applicant indicated that they did not intend to use the parcel as short-term rentals and thought that should give Ivins City the right to put that in the Development Agreement. **Council Member Scott** stated that at this point, the applicant was compliant with everything and indicated that this could be approved tonight and then negotiate in the Development Agreement regarding the short-term rentals. The applicant will accept that or they won't and in the meantime, the City should review the Ivins City codes and ordinances and make the needed changes before anybody comes in and asks to use their short-term rental overlay. He

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indicated that it was prudent to approve this tonight and then work on the other issues. . **Mayor Hart** stated that Ivins City doesn't have any other properties that are zoned short-term rentals and at this moment in time, the applicant has the legal right to use it that way. He indicated that there is a motion to approve this.

MOTION: Council Member Scott moved to approve the Planning Commission's recommendation on a Preliminary Plan for The Crossings at Red Desert, located at approximately 800 South Main Street. VE Management and Investment Co.-Owner; Dave Lynn-Applicant
SECOND: Council Member Anderson
VOTE: The motion carried.

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

Council Member Mehr was excused from the meeting at 7:56 p.m.

E. Discuss and consider approval of a Development Agreement for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant

Mike Haycock stated the development agreement has been reviewed by Dale Coulam. **Council Member Scott** commented that he would move to approve the Development Agreement, with the addition that the developer acknowledges the potential shortage of culinary and/or secondary water in the City and understands that building permits will be issued only upon water availability. **Mayor Hart** indicated that since it is an agreement, it would require the acceptance of the applicant as well. **Sally Jensen** is the developer of the property and was present. She stated that she agreed to the additional language being added to the Development Agreement.

MOTION: Council Member Scott moved to approve a Development Agreement with the addition of the water language being added to the development agreement, that being that the Developer acknowledges the potential shortage of culinary and/or secondary water in the City and understands that building permits will be issued only upon water availability, for the for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant
SECOND: Council Member Anderson
VOTE: The motion carried.

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

F. Discuss and consider approval of a Development Agreement for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant

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Chuck Gillette indicated that this is a standard development agreement, except for paragraph 14 for the detention pond construction. This is the regional detention basin that has been talked about and has a related agenda item after this agenda item under 5)G as the Reimbursement Agreement. **Council Member Anderson** referred to item number two, Project Plans Section B Development Guidelines and the fencing color referencing Geneva Brown. **Chuck Gillette** stated the agreement that the developer has made with Terry Martin is included in the development agreement and one of the issues that came up was the fencing and that is addressed in this agreement. The fencing color indicated is Geneva Brown but Ivins City has passed a code several years ago that indicates that along Ivins City collector streets, the color requirement is for the use of a sandstone color for the walls. This agreement is not following that standard, but the code does allow for a different standard to be adopted. **Mayor Hart** inquired if the color of Geneva Brown has been used on Highway 91? **Chuck Gillette** indicated yes and commented that the color Geneva Brown has been written into the code, allowing it on Highway 91. **Mayor Hart** inquired it the Council had an objection to the color. The **City Council** agreed that the Geneva Brown color was acceptable.

MOTION: Council Member Scott moved to approve a Development Agreement for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant
SECOND: Council Member Anderson
VOTE: The motion carried.

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

G. Discuss and consider approval of a Reimbursement Agreement for regional detention basin located at approximately 200 North and 600 West

Chuck Gillette indicated that Ivins City has received some estimates of the shared costs for the Reimbursement Agreement. There are some shared costs but the majority of the costs would be paid by Ivins City. The estimate is $300,000 for the detention basin, of which Ivins portion is $272,000 because Ivins City is asking the developer to put in all of the improvements as part of the subdivision. Ivins City would then reimburse the developer. **Mayor Hart** inquired if this was budgeted for? **Chuck Gillette** stated that it is in next year's budget. **Council Member Scott** inquired about the dollar amount being blank on section 4 of the Reimbursement Agreement. **Chuck Gillette** indicated that the amount could be added to the agreement. The amount is $300,622, of which $272,000 is the responsibility of Ivins City. **Council Member Anderson** commented that it was important to realize the cost is not just for the basin. It is also for the road. **Chuck Gillette** stated that that was why the cost was shared. The developer is going to put in the curb and gutter and Ivins City would like the curb, gutter and asphalt to keep going in front of the basin.

MOTION: Council Member Scott moved to approve a Reimbursement Agreement for regional detention basin located at approximately 200 North and 600 West
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Scott	AYE

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

H. Presentation and discussion on the Planning Commission's recommendation on the city-wide Sandbox Land Use Plan. Ivins City-Applicant

Council Member Anderson indicated that it was important for Council Member Mehr and Council Member Murphy to be present for this presentation. **Mike Haycock** stated that he has been working on this for months and was okay waiting until all Council Members were present for the presentation.

MOTION: Council Member Scott moved to continue the Presentation and discussion on the Planning Commission's recommendation on the city-wide Sandbox Land Use Plan. Ivins City-Applicant
SECOND: Council Member Anderson
VOTE: The motion carried.

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

I. Discuss and consider approval of Resolution No. 2022-13R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary Water Rate to increase all culinary water rates by $0.10 per 1,000 gallons to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons (from $1.44 to $1.54 per 1,000 gallons)

Council Member Anderson inquired when the rate increase would begin? **Chuck Gillette** stated July 1st.

MOTION: Council Member Johnson moved to approve Resolution No. 2022-13R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary Water Rate to increase all culinary water rates by $0.10 per 1,000 gallons to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons (from $1.44 to $1.54 per 1,000 gallons)
SECOND: Council Member Scott
VOTE: The motion carried.

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

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

J. Discuss and consider approval of Resolution No. 2022-14R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater Rate to pass-through Saint George Regional Wastewater Reclamation Facility's rate increase of $1.15 per Equivalent Residential Unit

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Chuck Gillette stated that the City of St. George has done their analysis and it came back that the wastewater rates needed to increase due to capital facilities and does not have anything to do with inflation. **Mayor Hart** suggested that it likely has to do with the regional secondary water system and beginning to expand the capacity of facilities. **Chuck Gillette** indicated that was likely part of it and there are some pipelines that need to be upsized. Most of those improvements are covered by impact fees but there are other capital facilities that are covered by rates.

MOTION: Council Member Scott moved to approve Resolution No. 2022-14R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater Rate to pass-through Saint George Regional Wastewater Reclamation Facility's rate increase of $1.15 per Equivalent Residential Unit
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

K. Discuss User Rate increase for next Fiscal Year beginning July, 2022

Chuck Gillette indicated that Ivins City approved a rate schedule for water and sewer around 2019, bumping up the rate each year. A copy of the rate schedule is available as an attachment to this agenda. At the beginning of the pandemic, the City decided not to raise the rates, which meant that the schedule got behind a year, starting in 2020. Rates increase each year and Ivins City is not on track with the schedule. With what's occurring with inflation, it may now be appropriate to get back on schedule. **Mayor Hart** commented that Ivins City should stay on track, although it is a modest amount, adding it at a time of high inflation may have a reverse affect. **Chuck Gillette** clarified that the budget indicates that Ivins City is okay but there are risks. The rates are based on a study and that study did not include the amount of inflation that has been occurring. **Mayor Hart** inquired as to the difference in a bill. **Chuck Gillette** indicated that the base rate would go from $18.78 a month, to $20.60 per month. The bottom rate first 7,000 gallons used is currently $2.35 per 1,000 gallons. If the rate went up one year, it would be $2.54 but if the City were to get back on track, it would go up to $2.64 per 1,000 gallons for the first 7,000 gallons. The increase also depends on how much water is used. **Council Member Scott** appreciated the comment about inflation, but a delay has already occurred due to COVID and if there is another delay, Ivins City may run into the dilemma at some point in the future, to catch up and that would be a much larger increase, making it more difficult. **Chuck Gillette** stated that Ivins City is at the end of the rate schedule and as part of the Master Planning for the next year, there will be a new rate schedule. **Council Member Johnson** inquired if the City would still be one step behind? **Chuck Gillette** indicated that was correct. Ivins City would be one step behind instead of two. **Council Member Scott** inquired what the impact would be to Ivins City if the rate was not increased. **Chuck Gillette** clarified that it is a revenue. **Council Member Scott** inquired if the goal is to always break even? **Chuck Gillette** stated yes. Ivins City does not turn a profit. **Council Member Scott** inquired if Ivins City was currently at a loss because it wasn't increased during

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COVID? **Chuck Gillette** indicated that he was recommending that there be a two-tier rate increase. **Mayor Hart** commented that this would be a short-term change because once the new study was done, it will likely change. **Council Member Johnson** recommended that they increase with the $0.10 that has already been added and keep it there, instead of bumping it up two tiers. **Council Member Scott** stated he is inclined to go with that too, but he would like to understand what the financial impact. **Council Member Anderson** inquired if this could wait till the next City Council meeting. **Chuck Gillette** indicated that the problem is the rates would be increased by $0.10 this next month, starting July 1st, and then they would need to be increased again the next month. **Council Member Anderson** commented that he would be inclined to increase the whole thing right now because of inflation. **Council Member Johnson** indicated it is still being bumped up a tier and recommended increasing by $0.10, plus one more tier. The **Mayor and City Council** agreed.

L. Continued discussion regarding exterior building color (LRV)

MOTION: Council Member Johnson moved to continue this discussion
SECOND: Council Member Scott
VOTE: The motion carried.

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

N. Discussion regarding ideas and activities to celebrate Ivins City's 100 year anniversary

MOTION: Council Member Scott moved to table this discussion to the next City Council Meeting so that Council Member Mehr could be present
SECOND: Council Member Anderson
VOTE: The motion carried.

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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for May 19, 2022
B. Approval of City Council Work Meeting Minutes for May 26, 2022

Council Member Scott commented that he sent a few minor corrections to the City Recorder.
MOTION: Council Member Scott moved to approve the City Council Minutes, as amended
SECOND: Council Member Johnson
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

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8) REPORTS

A. Council

Council Member Scott - no report

Council Member Anderson referred to the color discussion and bringing forward an ordinance regarding height to help control that, he would like that brought up to discuss. **Mike Haycock** indicated that would start at the Planning Commission and they could possibly hold a joint meeting with the Planning Commission and include the General Plan update discussion as well.

Mayor Hart commented that he would like a joint Work Meeting. There are going to be parts of the General Plan that the Council individually are going to be concerned about and those could be addressed on a future agenda.

Council Member Johnson - no report

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Excused - no report

D. Items to be placed on future agendas

Limiting building heights across the City - discussion to begin at the Planning Commission

Council Member Scott suggested that Planning Commissioners Morris' suggestion of prohibiting street parking from 2:00 a.m. to 4:00 a.m. be discussed, as well as looking at requirements for short term rentals as it relates to garages, door heights to fit a tall van, storage of RV vehicles/toys, garbage collection and the length of those driveways. **Mayor Hart** stated those would originate with the Planning Commission as well. **Council Member Scott** indicated that he would send a summary to Mike Haycock. **Council Member Scott** would like those items to get underway with the Planning Commission and then schedule a Joint Work Meeting to work out more details.

Council Member Johnson requested that they discuss the request submitted by a citizen regarding the placement of benches throughout the City. **Mayor Hart** indicated that Benny Sorensen would be reporting at the next City Council meeting and could report on that.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Scott

VOTE: The motion carried.

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

The meeting adjourned at 8:32 p.m.

Respectfully,

Kari Jimenez

Ivins City Recorder

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