IVINS
CITY COUNCIL
MINUTES
October 20, 2022

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 Council Member Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, Council Member Anderson, and City Recorder Kari Jimenez.
STAFF: None.
EXCUSED: None.
Council Member Mehr acted as Mayor Pro Tem in the absence of Mayor Hart

A. Acknowledgement of Quorum

Mayor Pro Tem Mehr acknowledged that there was a quorum present. Mayor Hart and City Manager/Attorney Dale Coulam were excused.

B. Flag Salute

Council Member Murphy led the Flag Salute

C. Invocation

Council Member Murphy gave the Invocation

D. Disclosures

Council Member Anderson disclosed that he was the applicant on agenda item 5)B. There were no other disclosures or conflicts of interest with items on the meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Building Report

Mike Haycock reported that building has slowed a little bit due to interest rates going up but they are still busy. He intends to show permit revenues for residential and commercial on future reports.
Chuck Gillette reported that on the Consent Agenda tonight are expenditure approvals for crack seal materials, video inspection of sewer lines and leasing sonar sewer inspection equipment. The Public Works crew has been busy and assisting with the cemetery expansion, which is under construction. The City has had to close the dumpsters while that work is occurring and they are looking at how they can reconfigure the site to see if the dumpsters can go there. He would like to receive their input on that to reconfigure and try to preserve privacy at the cemetery. There will be a pre-bid meeting today for the Highway 91 project, with bids being received by November 1st. **Council Member Johnson** referred to the dumpsters and inquired if another dumpster could be added for the next time that they have dumpster day due to it being closed for the expansion. **Chuck Gillette** commented that he did think there was a problem with individuals who are not residents of Ivins, using the Ivins dumpster services but they do not have the manpower to check ID's. **Council Member Johnson** volunteered to check identifications on dumpster days.
Cade Visser reported that the fiscal year was 25% complete at the end of September and the City has received the Budget Award issued by GFOA (Government Finance Officers Association). At the next City Council meeting there will be a Resolution on the agenda for a budget reallocation regarding a wage increase for Public Safety. The City Attorney position is

DRAFT

no longer open and wage increases for Public Safety are occurring throughout Washington County. **Council Member Mehr** inquired if that would take effect in January. **Cade Visser** indicated yes. **Council Member Scott** referred to ARPA (American Rescue Plan Act) funds and inquired if there is a time limit on the use of those funds. **Cade Visser** clarified that they have until December 2024 to have a plan of what they want to do with the funds and then jurisdictions have until December 31, 2026 to fully expend those funds. **Council Member Anderson** inquired for what purpose the funds could be used. **Cade Visser** clarified that they could be used for certain capital projects, broadband, lost revenue, Public Safety salaries and wages and essentially anything that is needed for the City. **Council Member Anderson** inquired if they could be used to relocate the powerlines on Highway 91 underground. **Chuck Gillette** stated that would not be likely.

B. Quarterly Finance Report

Cade Visser provided a PowerPoint Presentation to the Mayor and City Council. A copy of the presentation is available as an attachment to this agenda. There are still a few things on the Public Safety station remodel, one of those being the roof. **Council Member Scott** referred to impact fees for Highway 91 and inquired if they would be dipping into Capital Funds and General Funds for that project. **Cade Visser** clarified that it would mainly be the Capital Fund, unless bids come in higher than expected. Impact fees are lower due to slowing growth, consumer spending is regressing back to normal and the City departments are keeping expenditures below budget.

C. Planning Commission Report

Planning Commissioner Pam Gardiol reported that they had a very short meeting where they approved a Final Plat for the Black Desert Resort North Village subdivision. She attended the Utah League of Cities and Towns conference recently and provided some written takeaways from that conference, to the Mayor and City Council. A copy of the takeaway notes are available upon request at Ivins City Hall.

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

There were none.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding Domestic Violence Awareness Month

Council Member Scott indicated that this is an important issue. He checked with the SCI Police Department and there were over 100 incidents of domestic violence call outs per year, which is significant for this area. He would like to add one (1) whereas and two (2) sentences to the "NOW THEREFORE" section at the bottom to read: “WHEREAS, our Police Officers place themselves in harm's way by continuing our commitment to make it a top priority to provide a robust response to domestic violence incidents.” The wording of “a priority to provide a robust response to domestic violence incidents.” is the SCI Police Departments stand. In the "NOW THEREFORE" section, leave it as it is but add two other sentences to include: “I also urge all residents who are victims of domestic violence, or know someone who is being hurt, to contact the Dove Center 24-hour helpline at 435-628-0458 or the Utah Domestic Violence Coalition 24-hour helpline at 800-897-5465 and if you are in danger right now, call 911.” The second sentence add “I also commit Ivins City to provide information about Domestic Violence at the beginning of October each year in the Ivins newsletter, on the Ivins City website, and designate each

DRAFT

October on the Ivins City's website calendar, as Domestic Violence Awareness Month." **Jillian Penhale** stated that she is the new Director of the Dove Center in Washington County and thanked the Council for their time in considering this proclamation. She introduced one of the Board Members, Vicki Wilson, who is also a resident of Ivins and commented that it is important to raise awareness and keep it at the forefront because this type of crime thrives in silence. The importance of keeping that education awareness happening in the community, is something the Dove Center is excited about it. **Mayor Pro Tem Mehr** questioned the words "will" versus "may" and if it would it be agreeable if it was said "may experience..." **Jillian Penhale** stated that the data is pulled from the State coalition office but was agreeable. **Mayor Pro Tem Mehr** indicated that is a change he would like in the third "WHEREAS" and inquired if there were any thoughts related to Council Member Scott's additions. **Jillian Penhale** stated "no" and thought that the additions were great. She is also representing part of the Washington County Coordinator Response Team where they work with police departments, other government departments, as well and other nonprofits to make sure that they are serving victims well and creating resources for survivors. **Mayor Pro Tem Mehr** indicated that as a Council Member, he would be committing the City to an ongoing thing. He agreed with the sentiment but didn't know that he wanted to start a precedent. He liked the idea of reviewing this each year and having a chance to re-proclaim and raise awareness. The way Council Member Scott worded it is was that Ivins City was committing the City to do certain things and this is a Proclamation and not an Ordinance. **Council Member Anderson** requested that Council Member Scott read the second sentence again. **Council Member Scott** stated, "I also commit Ivins City to provide information about domestic violence at the beginning of October each year in the Ivins newsletter on the Ivins City website and designate each October on the Ivins city's website calendar as domestic violence awareness month." His concern was getting the information and awareness out at the beginning of September so that it is know that October is Domestic Violence Awareness Month. **Council Member Murphy** inquired if October was Domestic Violence Awareness Month across the nation. **Jillian Penhale** stated yes and that it is nationwide. **Council Member Anderson** indicated that there is value in the City doing this because when the Dove Center applies for grants, this shows support and these Proclamations are used every chance the Dove Center gets. **Council Member Johnson** stated that she thought the Proclamation was great. **Mayor Pro Tem Mehr** read the proclamation and suggested changing and adding the additional language and finalize the Proclamation for signature. The Mayor and City Council agreed and were in favor of the Proclamation, as amended.

B. Continued discussion and consideration to approve Ordinance No. 2022-12, an Ordinance of Ivins City, Utah, approving a Zone Change for approximately 9.618 acres near Guy Lane and Fitness Way from R-1-5 and R-M to RC

Council Member Anderson recused himself and sat in the audience. **Mayor Pro Tem Mehr** inquired if there was any further discussion before they take a vote? **Council Member Johnson** commented that the Council already knows what is being voted on but inquired if Council Member Mehr needed more information. **Lance Anderson** explained that as he has been planning this area, it started out with Indigo and transitional zoning. Indigo is RE-15 then goes to RE-12.5 then to 10, then R-1-7.5 and then down to R-1-5. Even in the R-1-5, he still made bigger lots. It has to do with s to do with the way the RM zone is written and it is less than R-1-5 and a City Council before him has said that this might be a better area for some RC (Resort Commercial) because the roundabout is going to be there with a wider lane going through and there is four (4) acres commercial that he owns in the area between Riders Automotive and the

DRAFT

townhomes all around there. Movara is already there and short-term rentals, plus it has a resort. With all of those different criteria, that is why he thinks this area would be a good place to do the RC zone. **Council Member Scott** stated he had two concerns one is rezoning from high density residential, which the R-1-5 and the RM is, to Resort Commercial. It is the opposite action that the Council committed to take in goals one (1) and two (2) in the Moderate-Income Housing Plan that was approved at the last City Council meeting. It seemed to be a little early to violate the commitment to those goals, plus Ivins City now needs to start documenting progress towards achieving those goals. This rezone would only push Ivins back because it is going in the opposite direction. The second concern is rezoning to Resort Commercial, which allows short-term rentals and that is the opposite of what residents told the City Council that they wanted in all three (3) of the community meetings last week. He felt he was probably the only Council Member voicing an objection to this rezone. He wouldn't object to rezoning the RM to R-1-5, but Resort Commercial was problematic for those two reasons. If the rest of the Council is intent or inclined to approve this rezone, he would say to first wait for the results of the General Plan survey that will be going out at the end of the month, then they can be seen what a larger group of the Ivins residents have to say about their feelings about short-term rentals. Before making any zoning change, they need to modify the requirements for short-term rentals to address the problems other communities are experiencing with them. He believed if the change is made now, then it would be grandfathered into the current rules. **Mayor Pro Tem Mehr** indicated that on the surface it seemed liked it was a contradiction to what was decided on the SITLA property. While planning an entire whole community, his thoughts were that there has to be a place for commercial development and it's limited to Resort Commercial and there is already a neighboring property with Movara that is on Hwy-91. If the City is going to have this type of thing in the community, this seems like the right place to have it and not in the middle of Puerto and similar where there are established single family homes all around. Based on that, he was inclined to be supportive of this given that it is blending with neighboring kind of zoning, and it seems to be an area that makes sense where there is already Resort Commercial. **Council Member Murphy** stated that at the Public Hearing on this, there was not one public comment made on this. **Mayor Pro Tem Mehr** indicated that Council Member Scott's points were well taken. **Council Member Johnson** stated that she did not think that in the Moderate Income Housing plan regarding development requirements did not mean everything everywhere needed to be zoned in accordance to fit that. Talking about the City Council meeting last week, had it not been for the fact that the City Council meeting did not have a full quorum for a vote, this probably would have been approved at the last City Council meeting. It's not fair or right to make Mr. Anderson wait until the survey is done. The Council knows that people aren't going to want this and it is not necessarily something that anybody wants, but based upon where it's at, and what it is and what he's allowed, it is a proper choice. **Mayor Pro Tem Mehr** indicated that it has been shared that Ivins City is moving in the wrong direction in terms of high density but it's funny high density also isn't wanted. **Council Member Scott** stated it's already zoned high density. He was not interested in adding more high density to low density zones. **Mayor Pro Tem Mehr** commented that from a legal standpoint, Ivins City does not have a moratorium on development and this application was made in August so the applicant deserves an "aye" or "nay" vote.

MOTION: Council Member Johnson moved to approve Ordinance No. 2022-12, an Ordinance of Ivins City, Utah, approving a Zone Change for approximately 9.618 acres near Guy Lane and Fitness Way from R-1-5 and R-M to RC

DRAFT

SECOND: Council Member Murphy
VOTE: The motion carried.

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

Roll call vote. Three (3) Council Members voted in favor, one (1) Council Member voted in opposition and one (1) Council Member Anderson abstained. The motion passed.

C. Continued discussion and consideration on the Planning Commission's recommendation not to amend Chapter 16 of the Zoning Ordinance regarding Building Heights

Mayor Pro Tem Mehr stated that there was a Public Hearing that happened occurred previously and that is closed. This agenda item was tabled for a full quorum and now there is a full quorum present. The idea behind this was that some of the Council Members were thinking this was a way to influence or incentivize builders to do the right thing related to the colors or the light reflective value of homes in Ivins, by reducing the building height and then giving a height incentive if the person building the home would agree a certain color that as a City would want. From the September 15th discussion, Dale Coulam, the Ivins City Manager and Attorney, cautioned the Council against strong arming a developer to do that. The Planning Commission agreed that the City should not be twisting arms to circumvent the legislature. **Council Member Scott** indicated that he was the one who brought this up originally because he talked to Tom Dansie who is the Community Development Director in Springdale. He said that that has been working well in Springdale. He did appreciate Dale's concerns and the way he expressed those at the last meeting. He also referred to Mayor Hart commenting that he, along with Mayors of a few other cities that are next to State Parks or National Parks are looking to possibly obtain a special exception. After talking to Mayor Hart this week, he thinks that the Utah League of Cities and Towns was working on prioritizing other issues over this one, but it doesn't mean it won't come up again. In the meantime, Mayor Hart is trying to work separately through the Governor's Office or other sources in the State to try to do something in a positive way, rather than this approach. **Council Member Anderson** indicated after going to the Utah League of Cities and Towns conference, he felt that Ivins City should do this even more so. There are 2.1 million people along the Wasatch Front and they hardly ever talked about Washington County. Legislators don't care about Ivins, Utah and their 4,000 houses. Communities authority is being taken away more and more to meet the demands that they call affordable housing. He has been planning the Indigo property since 2010 and the rules keep being changed, trying to create equity for the landowner. It's not just for color, it's for all of Ivins guidelines for building and color is just one of them. Ivins City's guidelines have been in place since at least 2008. He did not think the State cares enough about Ivins to notice. Legislatures will change and philosophies will change. Height is the only thing left out of that equation for cities to be able to manage and he felt that this should continue to move forward. He felt that the Planning Commission didn't even understand what this was about and that there was not enough information given to them. **Council Member Murphy** questioned if when this was brought up in the beginning, it was because Springdale was doing it? **Council Member Scott** stated that was correct. **Council Member Murphy** inquired what Springdale does. **Council Member Scott** indicated that he contacted Tom Dansie last month because this was going to come up and his e-mail response was that in Springdale, the maximum height for a one or two family

DRAFT

residential structure, is 21 feet. Springdale lowered it to 21 feet from 26 feet. The maximum building size is 3,000 feet if the property owner agrees to follow the Town's design standards for exterior color building materials, architectural guidelines and landscaping then Springdale grants a 5-foot building height increase and a 2,000 square foot building size increase. The property owner signs an agreement that is recorded against the property at the County Recorder's Office, to ensure the terms of the agreement are binding for future property owners. Springdale has been doing that for approximately one year and it has worked out very well. Most property owners are happy to agree to the design standards because they find them easy to work with and part of what makes Springdale unique. It works and the typical one-story home is probably going to be less than 21 feet anyway. **Council Member Anderson** suggested a height of 15 feet but that could be kept at around 17 feet and still solve that problem. **Council Member Scott** commented if an applicant didn't want to sign on to the design standards, they could still have a lower home with less impact in the community. **Mayor Pro Tem Mehr** stated he appreciated the discussion. He inquired of the City Recorder Kari Jimenez as to procedure if the Council was doing anything with this other than just discussing it. **Kari Jimenez** clarified that this has already gone through the Public Hearing process. **Council Member Murphy** stated that she saw both sides of this. **Mayor Pro Tem Mehr** indicated that he was pro family and lives in a two-story home with seven (7) kids. In his view, this would be creating more expensive housing and to his point, they are barking up the wrong tree. He was all in favor of keeping the homes exterior uniform and blending in with the surrounding environment but he did not like attacking the building height as the incentive. He inquired why not address it head on? If there is some special dispensation Ivins can get being adjacent to a State or National Park then go that route. This would limit families from coming to Ivins and increase costs. **Council Member Anderson** commented that there must be a misunderstanding because he was not suggesting that builders can't build up. He was suggesting that they buy the brown paint instead of the white paint and it doesn't cost anymore for that. That is what is irritating about the legislation, it was said by changing color it makes the house cheaper. That's not true. It doesn't cost more for the darker color than the lighter color. **Mayor Pro Tem Mehr** commented the expensive doesn't relate to the color of the paint, it relates to the size of the lot purchased. **Council Member Anderson** stated that in his opinion, it does not affect the cost and the City would not be limiting lot size. In Ivins, there is already limited height where you can only build a 25-foot-tall house. The Council would not be changing that. It has nothing to do with expense. **Council Member Murphy** commented the current height limit in Ivins is 25 feet and with the new legislation houses can be any color. She inquired what Council Member Anderson is referring to as what the height requirement would be and if it would be more than 25 feet. **Council Member Anderson** stated he is saying houses can be any color if they are under 17 feet. **Mayor Pro Tem Mehr** stated the City might get an unintended consequence. **Council Member Anderson** stated Ivins has been living that rule until the Legislature changed it last year. **Mayor Pro Tem Mehr** indicated that maybe an option was to keep following the current City rules and wait for Ivins City to be challenged. **Council Member Anderson** stated Ivins City can't because of the Legislature and that's what brings this whole thing up right now. **Mayor Pro Tem Mehr** commented that he still maintained that it'll cost more. He suggested that as a City they look at another path like possibly a density bonus and negotiate something in the Development Agreement. **Council Member Anderson** inquired why a developer would negotiate when they could just do what they want with color anyway? **Mayor Pro Tem Mehr** indicated that the City could give some kind of credit for something if the builder agreed to keep the color

DRAFT

uniform. **Council Member Johnson** inquired if the Ivins City design Guidelines are good for any development still or just the single home? **Council Member Anderson** stated his understanding was that the only thing the Ivins design guidelines are good for is Resort Commercial and maybe a type of townhome. **Council Member Scott** indicated that he believed it is one and two family and single family is what have been stricken and Ivins City design guidelines do not apply to that, but it applies to commercial. **Council Member Anderson** stated that any commercial and all those type of buildings Ivins City still has control over, but any subdivision that's built out there doesn't have to agree. The City asks for a Development Agreement, and most will sign it because they come to Ivins because of what they see but now some are starting to pop up out there that are changing what a lot have vested in for years. **Mayor Pro Temp Mehr** referred to the staff report and reiterated that the City Council was barking up the wrong tree. He did not disagree with what Council Member Anderson was saying but maybe the City can look at some other kind of incentive or something. The City Manager/Attorney has cautioned that the City can't necessarily circumvent this unless there's a formal process where Ivins can get kind of an exception. The Mayor and City Council had further questions and suggested that this be continued to a future City Council meeting when the City Manager/Attorney can answer their questions.

MOTION: Council Member Anderson moved to continue this agenda to the next City Council meeting.

SECOND: Council Member Murphy

VOTE: The motion carried.

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

D. Discuss and consider approval of Ordinance No. 2022-14, an Ordinance of Ivins City, Utah, amending Chapter 16 of the Zoning Ordinance, striking the ability to request a STRO in the future in a residential zone

Mayor Pro Tem Mehr stated the mayor and City Council made the motion at the last meeting September 29th, but there was no ordinance prepared because we didn't know what the Council was going to decide on at the time. So that motion and their decision is memorialized in the 2022-14 ordinance. And now tonight the council needs to codify our memorialize what took place in the last meeting. **Council Member Scott** referred to the second page of the Ordinance, near the bottom. Section 16.07.805 Short Term Rental Project Plan Required. It was agreed that to strike short term rental overlay districts and residential zones. Since striking it, this section goes from basically the present tense to the past tense. Instead of saying shall be prepared, it says was required. But Ivins still has overlay districts that have been approved. So, that needs to retain the original wording. **Council Member Murphy** questioned if there is just one? **Council Member Scott** stated he thinks there are two. He is talking about ones that haven't been built on yet down by Highway 91. **Council Member Murphy** stated Ivins has one that's been built on as a regular subdivision that's not going to do a short-term overlay. That begs the question maybe it should be asked to be removed. **Council Member Scott** stated maybe there's only one. But by leaving this section in, it still doesn't allow a new overlay. It just says if you have an overlay, then you still must do these things. **Council Member Anderson** commented when he did the Indigo development in 2010, he put a short term rental agreement because it was on old Hwy 91

then changed it. That is how fast philosophies change. He agrees with Council Member Scott. **Mayor Pro Tem Mehr** commented Ivins has learned and changed thoughts or views or become educated because of what we have seen happen in Santa Clara. **Council Member Scott** suggested in the first paragraph 16.07.805 remove all the strikes. The reason for that is so that these requirements still will be required if there's an existing overlay. The second gets more complicated starting with the second paragraph, the project plan. He suggests leaving in "May be required" like the original. Then the last line accompanied by a development agreement when deemed necessary by the City Council. If leaving in "may be required", it would have to be when deemed necessary by City Council. On the next page starting with "ownership of lands proposed to be included within a short-term rental Development overlay district." Leave that in. All subdivisions are now required to have a development agreement prior to receiving final plat approval, and then the next paragraph. "The project plan and development agreement" Development agreement has been added a couple of times. It's only the first paragraph in that section that we take back to its original. The rest of the next two paragraphs you leave the changes. All of other the other changes seems to fit with what the Council was trying to accomplish at the last meet. **City Council** Agreed. **Mayor Pro Tem Mehr** read the following from 16.07.805 Short Term Rental Project Plan Required. Short term rental project plan. Shall be present shall be presented to the Commission for recommendation and approval by the City Council as part of the application for a zoning districts map amendment to establish a short term rental overlay district. Project plan must achieve and must identify techniques to provide. A short term rental development with uniform and compatible site and billing standards. When the project area is completely built out, the project plan must also demonstrate compliance with the requirements of this chapter, all provisions of this title and all the other land uses as applicable. He inquired if the Council had any other conflicts with the way that read. **Mike Haycock** stated establishing a short-term rental and can no longer establish an overlay district so what Dale did with the Ordinance was correct. **City Council** Agreed no changes. **Council Member Scott** indicated he is satisfied.

MOTION: Council Member Murphy moved to approve Ordinance No. 2022-14, an Ordinance of Ivins City, Utah, amending Chapter 16 of the Zoning Ordinance, striking the ability to request a STRO in the future in a residential zone

SECOND: Council Member Johnson

VOTE: The motion carried.

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

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

E. Discussion regarding parking and other requirements for Short-Term rentals

Council Member Scott indicated that he previously sent a memo with some ideas that came from citizens and it was suggested that the Council needed time to review those so this was continued to now. The City Council Members discussed those ideas and determined that Council Member Scott would work with Mike Haycock on a side-by-side comparison of the existing parking ordinance and then discuss that at the next City Council meeting.

MOTION: Council Member Anderson moved to continue this discussion to the next City Council meeting

SECOND: Council Member Murphy
VOTE: The motion carried.

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

F. Discuss and consider approval of a survey for updating the General Plan

Mayor Pro Tem Mehr referred to the draft Survey Council Member Scott put together with Mayor Hart's suggestions and revisions to the draft survey. The Council does need to move this forward, with input given. Distribution also needs to be thought about and how the survey will be processed and collected. It's one survey per household. Starting with the first part, which is the content of the survey and is the survey getting at all the information the Council needs to know related to the general plan from the Ivins Residents. **Council Member Murphy** indicated Council Member Scott worked on an initial draft survey. **Council Member Scott** stated he did an initial draft survey and Mayor Hart did a revision, which is the draft survey. His draft survey was just survey questions that some people in the community, Lisa Ganz and a few other people gave the Council, along with other surveys that other cities have used. Judy Gubler commented on his initial draft. He took out a bunch of stuff and modified some things based on her comments and added some which are in red. The changes aren't that major just making it grammatically more readable and clearer. Mayor Hart had sent the Council a pretty detailed list of survey ideas from Lisa Ganz again today, and the e-mail suggested consider trying to put in at least the first three questions from Lisa's survey. **Mayor Pro Tem Mehr** recommended going through Mayor Hart's revisions of the draft survey. He inquired if there were any changes or recommendations to the upper portion? Are you full time resident in Ivins City? How long have you lived In Ivins and do you have children living at home? He wants to understand who is responding and would like it to say are you a full-time resident of Ivins City yes or no? And then a secondary question, how many months per year do you actively live in your Ivins home? Because a full-time resident could just be where I'm paying my primary property tax and only be here half the time. Then do you have children living at home? He would just like to further define. Do you have children ages 0 to 18 living at home? The thing to caution is, how would you rate something against what you know and that's a challenge. **Council Member Scott** stated how would he rate his quality of life in Ivins. In his own home the quality in life of the neighborhood or quality of life in the city overall. It could be three different ratings. It is subjective. He commented of the one (1) to five (5) scale. These should just be opened ended, so they can really be answered. Explaining quality of life in the home versus the neighborhood versus the city. But the problem with that is never being able to tabulate anything. A one (1) to five (5) scale isn't perfect but it's a good measure. A one (1) to five (5) scale is the best because it's so easy to see the midpoint, which means it could go either way. The best value would be to compare it to what people said five years ago, but the city does not have that to see how it's changed. **Mayor Pro Tem Mehr** stated he has seen surveys where after each section they just a thing saying comments, if any. That could be an addition. **Council Member Murphy** commented that is what those last questions are on the bottom are. **Mayor Pro Tem Mehr** commented he sees that. That's fair. He referred to What resident needs should Ivins City focus on? Any more parks? More open space, more dog facilities, Community Center, Recreation Center, more bike lanes, public art. **Council Member Anderson** commented Some

DRAFT

people mentioned gardens. **Mayor Pro Tem Mehr** inquired like community gardens? **Council Member Anderson** stated yes. **Mayor Pro Tem Mehr** stated OK, let's add that. **City Council** agreed to add as another line item. **Mayor Pro Tem Mehr** referred to the middle of page two (2) and inquired if the Council agrees. **City Council** agreed with the language in red. **Council Member Anderson** inquired about "Continue to install roundabouts in favor of traffic signals at busy intersections," rather than roundabouts? **Mayor Pro Tem Mehr** stated yes, because it is going help to understand where people are going to land. Referring to page three (3) "What types of development should Ivins City encourage?" It's interesting. There is a skew here, there's a bias. In these questions. Either the Council needs to reword, or offer up the other question. **Council Member Anderson** questioned how does one limit multi family? **Mayor Pro Tem Mehr stated** maybe take out the word limit. **Council Member Scott** stated the heading for this section is what types of developments should Ivins City encourage. The survey should just say higher density, single family and multi family. **Mayor Pro Tem Mehr** inquired if the Council all sees it that way? **City Council** agreed. **Mayor Pro Tem Mehr** stated there is a bias when it says limit. **Council Member Anderson** inquired about the multifamily rental development and what does it mean? **Mayor Pro Tem Mehr** stated to him it means a big apartment complex. Someone owns the complex and renting it out to 80 people. **Council Member Anderson** commented and multifamily means condos and leased townhomes. The city can't control rentals. 30 days or more is state statute it has nothing to do with the city. Council Member Murphy stated no, it means an entire rental complex or the entire retirement building is rented. It doesn't mean renting one at a time. **Council Member Anderson** stated he understands that. **Mayor Pro Tem Mehr** commented let's clarify. Multifamily rental development EG Apartment complex. **City Council** Agreed. **Council Member Anderson** inquired what does it mean multifamily for sale development? **Mayor Pro Tem Mehr** stated sell individual condos or townhomes in in a complex paying into an HOA. **Council Member Murphy** commented maybe instead of a for sale, say multifamily like owned. One is rented and one is owned. **Council Member Scott** stated instead of saying multifamily for sale development, say condominiums and townhomes. **Council Member Anderson** stated if it's condominiums and townhomes, the city can't control whether it's rented or not. **Council Member Murphy** indicated multi-unit is what it really means. It says multifamily, but it means townhomes that people can own. Its not all owned by one person. **Mayor Pro Tem Mehr** indicated to make the survey very clear. Say multi-unit/family for sale development parentheses (E.G) Condominiums, townhomes, etc. What is missing? **Council Member Anderson** commented it is missing the context of what a condo and a townhome means. It means they can be subdivided, and an individual can own them. **Mayor Pro Tem Mehr** indicated that is what the Council is trying to have the Survey say. **Council Member Scott** stated what Mayor pro tem Mehr suggested getting rid of "multifamily for sale development" instead say multi-unit for sale development for example, condominiums and townhomes. **Mayor Pro Tem Mehr** stated not going to have the words encourage and limit here, but we'll come back and review to summarize for the minutes. **Council Member Murphy** stated the very first paragraph say primarily low density single family residential development and leave it at that. Then high-density single-family development, multi-unit for sale development, condos, townhomes, multi-unit rental development I.E. Apartments. Don't need to talk about moderate income housing and low-income housing because it's the type of houses we're having. It's not up to people to say, Ivins does not want moderate income housing. That's not something that needs to go in the survey. There has to be moderate income housing. The question is what do people want? Apartments, condos, or townhomes? High

DRAFT

density or low density? It's cleaner. **Council Member Scott** questioned to Council Member Murphy take out encourage primarily and say low density single family residential development and take out the next two. **Council Member Murphy** stated exactly. And High density, not higher density. **Council Member Anderson** questioned what is workforce and family? **Council Member Murphy** questioned and what does that mean? Then multi-unit for sale development, I.E., townhome, condo. Then multi-unit rental development I.E apartment complexes. **Council Member Anderson** commented don't need the rental development one, because that's the apartment complex. **Mayor Pro Tem Mehr** stated that will be in parenthesis. Now, back up on the workforce, workforce goes back to that affordable, attainable housing. It has been indicated that Ivins City has to have it. So, why are we asking our community? **Council Member Murphy** indicated multifamily unit, townhome, condo, and apartment complex that is that. Maybe don't put that in the Survey because the Council may not like some of the answers. There have been some strong comments made about employees and where they live. She really doesn't want to see comments on that. She just wants what kind of housing does Ivins wants. Not who is going to be in it and where do they work. **Council Member Anderson** indicated both questions can't be answered. **Mayor Pro Tem Mehr** stated remove the bias of the question. Not having the words encourage or limit. Just have what is there in black ink eliminating actually any of the red on this section. **Council Member Scott** referred to page 3, sections "encourage additional retail development." He got some comments that go with the bias issue. The way it's written is biased sort of pushing people in a direction. Maybe suggesting that's how the city can get more sales tax. Maybe it's just retail development or Resort development. **Council Member Anderson** commented commercial development. **Mayor Pro Temp Mehr** Clarified on page three (3) first paragraph strike out all the red. The second, third and fourth paragraph take the word limit as discussed. **Council Member Scott** stated box one (1) low density single family residential development. Box two (2) High density single family residential development. Box three (3) multi-unit for sale development, condos, townhomes. Box four (4) multi-unit rental development apartment complex. **Mayor Pro Temp Mehr** inquired if medium density needs to be added since its an existing thing. **Council Member Anderson** stated No. **Council Member Scott** stated Box five (5) retail development and take out the rest. **Mayor Pro Temp Mehr** commented not worried about the result of that retail, not leading in any direction. Council Member Murphy stated add commercial/retail development. **City Council** agreed. **Mayor Pro Tem Mehr** inquired about commercial/resort development or just resort development? **Council Member Johnson** stated resort development is awfully broad. Resort is also businesses such as restaurants and those types of things. Must be careful because that's what people think is short term rental. **Council Member Scott** stated the idea is how much tourist accommodation. Maybe resort accommodation. **Council Member Murphy** commented full-service resort. **Council Member Anderson** commented this would just relates to the rooms. It also says to increase room tax. **Council Member Murphy** stated take all that out. **Council Member Johnson** stated taking all that out and just saying resort development gets confusing. **Mayor Pro Tem Mehr** commented It's pretty broad, may have to add another differentiating question. **Council Member Anderson** stated the intent was to say do Ivins City residents want Room tax, transient tax? Build Buildings for transient tax. **Council Member Scott** stated the survey isn't really from the revenue side. Its do Ivins residents want more hotel rooms? **Mayor Pro Tem Mehr** inquired if there should be a question about taxes and how it should be funded. **Council Member Johnson** commented Lisa Ganz had a tax question in her draft survey. If it was tweaked a bit, it could be appropriate question. Lisa also has an additional question that goes with it. **Council**

DRAFT

Member Murphy read the question "Taxes are needed to provide residents with city services, defined as Police, fire. Would you support raising taxes on residents or raising transient taxes on visitors and resorts." **Council Member Johnson** stated that is only two issues. There is also does Ivins want more commercial such as restaurants, art studios, whatever, which are not one or the other of those. If the survey asks about taxes, it can't just be one or the other of those two. More needs to be added. **Mayor Pro Tem Mehr** inquired back to commercial/resort development. Should the survey give an example of what is meant by a resort? **Council Member Scott** stated Red Mountain Resort. **Council Member Anderson** commented with the survey the council is trying to figure out if Ivins residents want more hotel rooms, whether they're vertical, or whatever, should there be more hotel rooms to create the tax. **Council Member Scott** commented tourist accommodation. **Mayor Pro Tem Mehr** stated either make that as another question or modify this one as that. **Council Member Scott** stated in brackets, say resorts and hotels. **Council Member Anderson** stated it's referring to the transient tax. There are two different taxes being looked at. The first one is the commercial and retail. Sales tax sales. The other one is Transient Room Tax. Yes, the question is Ivins willing to put in more hotels to get that Transient Tax? **Mayor Pro Tem Mehr** agreed but in this section it's what types of development should Ivins City encourage? **Council Member Scott** stated tourist accommodations, resorts, hotels. **Mayor Pro Tem Mehr** stated Yeah, that covers it. **Mayor Pro Tem Mehr** referred to "create a downtown Ivins center and affordable housing" and stated the red edits from Mayor Hart can stay. He referred to water conservation requirements for new construction on page three (3) That could be interpreted as not caring about how much water is in. That needs to be fixed. **Council Member Murphy** stated current water conservation requirements for new construction are sufficient. **City Council** Agreed. **Council Member Anderson** referred back to the top of page three (3) "Make housing more affordable for a wider range of household income levels. He questioned how the city is going to look at more options to make housing more affordable. **Mayor Pro Tem Mehr** stated the sentiment is as a Council and City it must be acknowledged in a general plan that there has to be a solution for affordable housing. **Council Member Scott** commented say look for options to make housing more affordable. That would create opportunities for a wider range of household income levels. It's kind of duplicate. **Mayor Pro Temp Mehr** repeated inaudible comment from audience member. "Look for options to make housing more available for a wider range of household income levels." **City Council** agreed. **Council Member Murphy** commented it's not affordable housing. It's moderate-income housing. **Mayor Pro Temp Mehr** referred back to water conservation. **Council Member Scott** stated current water conservation requirements for new construction are adequate. **City Council** agreed. **Mayor Pro Temp Mehr** referred to page three (3) "Support development in which eco-friendly buildings are encouraged." He inquired what does Eco mean? **Council Member Murphy** indicated Environmental or green - energy efficient buildings are encouraged. **City Council** agreed to strike that question. **Mayor Pro Temp Mehr** referred to page four (4) what types of business do you like to see encouraged? Instead of clinic replace with Medical or health care clinic. That is more descriptive. **City Council** agreed health care clinic. **Mayor Pro Temp Mehr** questioned if examples should be given? **City Council** stated no. **Council Member Anderson** stated short term rental goes away because it doesn't exist anymore because it's a resort. **Council Member Scott** stated but short-term rental is allowed in resort commercial. **Mayor Pro Temp Mehr** commented leave it and allow people to survey it. **Council Member Murphy** commented be honest about it and say short term rental in resort commercial. So, people don't think they can just have them anywhere. That is not what

DRAFT

is being asked. **Mayor Pro Tem Mehr** stated yes, but the Council is asking residents to help plan for the future. He inquired what should it say? **Council Member Murphy** stated short term rentals in resort commercial because that's the only place they are allowed. **Mayor Pro Tem Mehr** inquired to the Council because Ivins city has an ordinance that says the short term rentals are no longer available in Single family Residential, the question shouldn't be asked. **Council Member Murphy** stated she didn't say don't ask the question. Say short term rentals in resort commercial zones because that's where they're allowed. **Mayor Pro Tem Mehr** stated going back to just the removing bias and planning for the future. Someone may see short term rental and be absolutely opposed and say a one (1) and the Council may think residents don't want it. Whereas you can compare and contrast. Getting more of a sense of where the the public population is at. That would be his argument. Lisa Ganz audience member commented say resort hotel and leave out short term rental because those are short term rentals. **Council Member Scott** disagreed in resort commercial anyone can do a short term rental which means building 50 single family homes and just run them as a short term rental business. He does not like that product. He does like a resort like Red Mountain Resort or Black Desert Resort that has a whole list of amenities for the residents. That's entirely different things. It may rent day-to-day just like short term rentals, but it isn't short term rentals. Short term rentals as a land use are allowed in resort commercial. **Mayor Pro Tem Mehr** stated must have the compare and contrast here it's a survey. **Council Member Murphy** commented the biggest issue with short term rentals is she likes them in a resort commercial where there's a central booking system. **Council Member Scott** stated it really isn't a short-term rental then. It is a resort and guests are staying in a villa or a single family home. He stated it should read short term Rental and resort commercial zones. **City Council** Agreed. **Council Member Scott** referred to Lisa Ganz draft survey. **Council Member Murphy** inquired if Judy Gubler the facilitator had a look at the survey, She should look at it to incorporate since she is the one who took all the notes. Some of the stuff on the survey is not stuff that was being said at the meeting. **Mayor Pro Tem Mehr** questioned if it was left open-ended? Please share the top five (5) – three (3) attributes that enhance your quality of life. **Council Member Scott** stated in the original draft he did have a bunch of open-ended questions. He picked three and put them in and Judy didn't like the open-ended questions. Five (5) people might say the same thing but word it differently. How would that be tabulated. Ones on the list can only be checked making it easier to tabulate. The Goal is to get this out by the end of the month. **Council Member Murphy** indicated the survey is getting to the point where it could be too long and residents may get frustrated and not do the survey. It can't get much longer, its already at four (4) pages. **Mayor Pro Tem Mehr** indicated one modification he would like to see, on the things that distract it should read detract. **Council Member Johnson** indicated the questions at the bottom of the pages are similar and gives opportunity to write that down, but it is redundant. If things keep getting added it will end up being twenty (20) pages. There is a place on each page to talk about some of those things. **Mayor Pro Tem Mehr** stated he doesn't believe someone is not going take the survey because it's four (4) pages versus five (5) pages. The survey will be taken because residents are interested in their wanting to engage. **Council Member Murphy** inquired why put a negative thing in the survey like affordable housing. That's insulting to put that in there. **Mayor Pro Tem Mehr** question what if the Survey asks the attributes that enhance residents' quality of life? And what are the top reasons why you chose to live in Ivins and rank them. Its not a top three (3). It's a one (1) thru ten (10) and have Lisa and Judy look them over. Is it the spiritual quality land that really brought me here to Ivins, the Red Mountain, the people, the low crime, or the night sky.

DRAFT

Giving a sense of where it relative to the other things because it might incorrectly conclude. Is that all residents love the landscapes, peaceful town, and bedroom community. Concluding that nobody wants retail or roundabouts and that might not necessarily be the case. **Council Member Anderson** inquired about Public Transportation**. Council Member Murphy** indicated adding Public Transportation to What should Ivins City focus on. **Mayor Pro Tem Mehr** inquired if the Council liked the ranking of 1-10. **City Council** Agreed. **Council Member Murphy** indicated there would be more than ten options, but you would rank your top ten (10). **Mayor Pro Tem Mehr** inquired if the word "more" is correct. Should Ivins focus on more parks. **Council Member Murphy** commented she sees the word "more" Do we need the word more? Why doesn't the survey just say parks, open space, dog facility. **Mayor Pro Tem Mehr** stated strike the word "more." And add a line stating Public Transportation. He referred back to how satisfied are you with development that has occurred? He is concerned about the first question because it is very broad. It could be dissatisfaction with SITLA, Black Desert, or the white houses. **Council Member Anderson** indicated it's a general statement about Ivins. **Council Member Johnson** inquired if adding the word overall development make a difference. How satisfied are you with the overall development? Not focusing on anyone. **Council Member Scott** stated how satisfied are you with the overall development of the city? **City Council** Agreed. **Council Member Scott** referred to a suggestion from Mayor Hart made by Cathy Barth suggested something that Vision Dixie did that have a big map and have people put stickers of what they want to see where but the problem is they want it on the opposite side of town from where they live. **Mayor Pro Tem Mehr** indicated approve the survey with idea that Judy is going to look at it. The second piece is the security of the survey. The Council is saying they would like to hear from residents. How is it ensured that its from the residents. One Vote per household. **Council Member Anderson** indicated there will be a way to identify what area the survey came from. **Council Member Murphy** clarified it also has a watermark so it can't be copied. **Kari Jimenez** stated she and Cade had this discussion and what if someone doesn't want to mail it? They want to just come in to hand deliver it? The question is they hand that into the front desk. Who is it addressed to? Does it go into a box? There needs to be some guidance on that because there's more than one person working at the front, then if it does go in a box, you open that envelope. Where does that survey go once it's opened? **Council Member Anderson** indicated Mayor Hart suggested using a box like voting and handing it to front reception to put in the box so there was no confusion.

At 3:04:19 a Motion was made by Council Murphy to approve the survey for updating the General Plan as amended tonight with the proviso that Judy Gubler uses the top ten list. Council Scott seconded.

Council Member Anderson continued the discussion and inquired if other ideas could be submitted later if it comes up? **Mayor Pro Tem Mehr** stated no. This is our time. Unless you want to add that to the motion. **Council Member Murphy** modified her motion to say once the survey is put together we have a chance to look at it. Mayor Pro Tem Mehr stated that the problem is that we would need a quorum for that and have to agree. **Council Member Murphy** removed her modification of the original motion.

Council Member Johnson asked to have discussion one more time from **Pam Gardiol** clarified

DRAFT

that grammatically it should say let's plan Ivins' future together, and the same thing above the yellow box. All voted in favor.

MOTION: Council Member Murphy moved to approve the survey for updating the General Plan as amended tonight with the proviso that Judy Gubler uses the top ten list.
SECOND: Council Member Scott
VOTE: The motion carried.

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

G. Update on the water situation

Mayor Hart was absent and unable to provide this update. The City Council suggested this be continued to the next City Council meeting.

MOTION: Council Member Murphy moved to continue this agenda item to the next City Council meeting.
SECOND: Council Member Johnson
VOTE: The motion carried.

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

H. Discuss and consider approval of Resolution No. 2022-18R, a Resolution of Ivins City, Utah, adopting the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan

Mayor Pro Tem Mehr stated that this was at the request of the County and has been done previously. **Council Member Scott** indicated that there are some issues with this but Chuck Gillette has been responsible for the data but he thought that some of the mitigation strategies are dated or a little week but are the strategies that they are working on. The **City Council** agreed that some of the information was dated but that this could be passed, with the understanding that there is outdated information as it relates to the Ivins City section.

MOTION: Council Member Johnson moved to approve Resolution No. 2022-18R, a Resolution of Ivins City, Utah, adopting the 2022 Five County Association of Governments Multi-Jurisdictional Natural Hazard Mitigation Plan, with the comment that there is some outdated information relative to Ivins City.
SECOND: Council Member Scott
VOTE: The motion carried.

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

DRAFT

Roll call vote. All Council Members were presented and voted in favor.

I. Discuss and consider approval of Resolution No. 2022-19R, a Resolution of Ivins City, Utah, approving Employee Core Benefits

Cade Visser reported that the City met with the insurance broker to see what the health care premium increase would be and it came back at 2.9%. The City is proposing to keep the same employee core benefits. **Mayor Pro Tem Mehr** commented that was actually remarkable.

MOTION: Council Member Scott moved to approve Resolution No. 2022-19R, a Resolution of Ivins City, Utah, approving Employee Core Benefits

SECOND: Council Member Anderson

VOTE: The motion carried.

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

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

6) CONSENT AGENDA

A. Approval of expenditure for streets pavement maintenance - crack seal materials
B. Approval of expenditure for video inspection of sewer lines
C. Approval of expenditure for leasing sonar sewer inspection equipment
D. Approval of City Council Meeting Minutes for September 15, 2022

MOTION: Council Member Anderson moved to approve the Consent Agenda.

SECOND: Council Member Murphy

VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported she, Mayor Hart and Council Member Scott attended a meeting last week where it was brought to their attention that the Padre Lakes subdivision would like to reduce the amount of sod on that property and it is a considerable amount. They may be able to repurpose some of that at the cemetery. **Council Member Scott** indicated that the approximate amount of sod is just 60,000 sq. ft. **Council Member Scott** reported that Mayor Pro Tem Mehr did awesome job tonight as Mayor Pro Tem. **Council Member Mehr** reminded the City Council of the Work Meeting that is scheduled for Wednesday, November 9th regarding the Munsell Book of Color and Light Reflective Value. **Council Member Johnson** indicated that she will be out of town and not in attendance.

B. Mayor
C. City Manager/Attorney Dale Coulam
D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

DRAFT

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

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

The meeting adjourned at 8:52 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT