IVINS
CITY COUNCIL
MINUTES
November 17, 2022

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video 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 Murphy, and Council Member Anderson.

STAFF: City Manager/Attorney Dale Coulam, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, Public Safety Director Bob Flowers, Building and Zoning Administrator Mike Haycock, and Deputy City Recorder Sharon Allen.

EXCUSED: Council Member Johnson

Audience: Jamy Dahle, Summer Terry, Conner Oliphant, Dave Robinson, Michelle Adams, Evelyn Kosidowski, Bryan Pack, Chris Reed, John Larson, and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Johnson was 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 had a conflict with agenda items 2)C and 5)G. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

B. Youth Council Report--Jayme Dahle.

Jamy Dahle reported that Summer Terry and Conner Oliphant will be giving the Youth Council report. They appointed positions for the youth and allowed them to pick the positions they were interested in. We have Mayor Summer and Brennen Kinslow is Mayor Pro Tem. Conner is the Treasurer and Parliamentarian. Avery Jackson is the Recorder and over their social media and marketing and Sam Gillette is working in Community Relations. They have been working on some fun projects and have a future project that they are working with the Parks and Recreation Department on as well. **Conner** reported that some of the activities they have been working on and posted as a Youth Council, is paddle boarding, kayaking and a cookout at Fire Lake Park during the summer. They held a fundraising event selling baked potatoes at Heritage Days. They also teamed up with the Parks and Recreation Department for a movie in the park for Halloween. The events all had good turnouts and in the future they are planning to help with Santa in the park on December 6th, as well as helping to place wreaths on the Veteran's graves on December 17th. They are planning a legislative trip in January, where they can meet other Youth Councils. **Mayor Summer** reported that for their project, they want to put in a park on Main Street because it is important for the youth to have a place to meet. They obtained

information for that but it was triple the price they thought it would be. They will look at other areas and do fundraisers for that. **Jamy Dahle** stated that they met to discuss fundraising options and they will come back to City Council after they figure out logistics, collaborating with the Parks and Recreation Department, the ultimate cost and how to make that happen. They intend to fundraise with Ivins community and businesses. A playground costs approximately $150,000 and they had anticipated the cost to be $40,000. **Mayor Hart** indicated that the City has a Mayor's Message in every newsletter and maybe the newsletter in January or February should be by Mayor Summer, describing what the Youth Council wants to do and how people can donate. He thanked the Youth Council for their efforts.

A. Fiscal Year Ending 2022 Audit Report--Larson and Company

John Larson with Larson and Company reported that they have finalized their part of the audit and that Cade Visser was putting the final introductory and statistical section together, which is required for the report to be complete. The audit report has changed this year. The Opinion is thought to be the most important part so it is listed first. It is an unqualified or unmodified opinion and is a clean opinion. The basis of their opinion is that they have to follow certain auditing standards and that is set by National boards, as well as Governmental auditing standards. Ivins responsibility are the financial statements and Ivins is required to make sure that they are presented fairly, that Ivins knows and understands accounting principles and that Ivins keeps financial records and has internal controls. The bullet points are new to the audit report and he his firm has to maintain professional judgment and skepticism. They know Ivins staff and that they do a good job and that they want to do what is right. They trust that Ivins does it right, but their job is to verify that it is being done correctly. They have to identify and assess the risk of material misstatements in Ivins financial statements and internal controls need to exist and be functioning. They do walk throughs with staff members and look at Ivins policies and procedures to be sure they are being followed and that there are not any control deficiencies. They also look at the accounting policies and how they are being applied and have to mention anything that they feel may be a concern. The management discussion analysis does not fall under their opinion. Those sections are not considered part of the basic financial statements but are required to be with it. He recommended that they read those because it gives a broad overview of what is contained in the financial statements and where Ivins will find comparative data. Their report states that they did the audit in accordance with government standards. Everything they do is outlined in their signed engagement letter and their scope of the audit. There were no difficulties in performing the audit. Ivins has great staff and a very clean audit. All of the information they requested, they received within a matter of hours and is a good sign that he and his staff are not waiting on information. There were no disagreements with management. They receive a letter signed by Ivins at the end of the audit that states that Ivins has been open and honest on all presented information. This year there was one finding that was kind of frivolous, but in the Open Public Meetings Act the Minutes are to be posted to the Public Notice website. You guys are awesome about putting them on your website. Everything is easily found there. However, in the code it says you have to post to the Public Notice website. It is a horrible website and you can never find information on it, but that is the rule. All Minutes were on your website but not all posted on the Public Notice website. It was an oversight and he was not concerned. He recommended that Ivins contact the State and put a link back to Ivins website where the Minutes are contained and the State Auditors are totally fine with that or just post them to their website. Since the audit, that has all been taken care of and uploaded. It is done now and won't be an issue next year.

C. Concept Plan Report for Mojave Village Subdivision located at approximately the southeast corner of Guy Lane and Fitness Way. Teancum Properties, LLC-Owner. Lance Anderson-Applicant

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** stated that this subdivision consists of a total of 95 units on 9.46 acres. The land use is High Density Residential and the property is zoned Resort Commercial, which is one of the zones allowed for Resort Mixed Use.

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

Mike Haycock stated that last month we talked about building permit numbers. Even though permit numbers are down, our commercial construction revenues are actually up. Those are only one-time fees. It is hard to manage budgets when they are up and down. In the next few months as permits come in on the commercial projects, we have to maintain those projects for 3-5 years off of those revenues. These are just fees and not impact fees.

Chuck Gillette reported that they have been running the sonar device and inspecting the sewer. They had four (4) leaks last month and the cemetery just got paved yesterday. Public Works is working on reconfiguring the area adjacent to the cemetery expansion area for dumpsters but it won't be ready for the December dumpster date but they expect to be ready in January. **Mayor Hart** inquired if there was another route or area to place the dumpsters because the idea of having people go in and out of the cemetery to haul garbage bothered him. **Chuck Gillette** indicated that he will look at that.

Cade Visser reported that each department has kept their expenditures under budget and are managing them well. With interest rates rising, Ivins interest earnings have been $119,000 so far, and Ivins is on track to receive an additional $200,000 by the end of the year that the City didn't budget for. The City doesn't control that but will continue to watch it. Tax revenues are coming in and the City is meeting and outpacing a little bit of that. In the next few months, property taxes will be coming in. Regarding the end of Fiscal Year 2022, he is working on getting his portion of the audit done. The General Fund balance at the end of Fiscal Year 2022 was $3,021,275, which is an increase from Fiscal Year 2021. The City not allowed to have more than 35% of our General Fund revenues at the end of the year, and the City came in at 31.3%, which is a healthy fund balance. Everything is operating normally for this time of year. **Mayor Hart** stated that Cade Visser and staff have done a wonderful job helping with the survey. It has been an all-hands on deck project.

E. Planning Commission Report

Commissioner Robinson reported that the Planning Commission had a Concept Plan Report for the Mojave Village Subdivision, discussed additional regulations for Short-Term Rentals in the overlay district, as well as the Resort Commercial zone and approved their meeting dates for calendar year 2023.

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. Discuss and consider approval of Resolution No. 2022-24R, a Resolution of Ivins City, Utah, Appointing a Member to the Arts Commission

Mayor Hart stated that he received two (2) applications for the vacant positions and met with both applicants by phone. **Evelyn Kosidowski** stated that she has been a resident of Ivins since

1996. One of the things that attracted her to the community was Kayenta and their love for the arts. She recently retired and has time to give back to the community that she has lived in and loved. She has a degree in Art and is a practicing artist. She has worked as an Art Instructor in an elementary school program and volunteered with the school district on art presentations with mostly 5th graders. She was excited to serve.

MOTION: Council Member Mehr moved to approve Resolution No. 2022-24R, a Resolution of Ivins City, Utah, Appointing a Member to the Arts Commission
SECOND: Council Member Scott
VOTE: The motion carried.

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

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

B. Discuss and consider approval of Resolution No. 2022-25R, a Resolution of Ivins City, Utah, Appointing a Member of the Arts Commission

Michele Adams stated that Merilee Perkal was picking up family at the Las Vegas airport and their flight was delayed, but her text was that she had studied the Ivins website and was pleased to see all of the work and dedication reflected there. She was particularly happy to see that the Mayor was keenly focused on the implementation of established visions and goals. Many plans fail when leaders are not committed to implementation and she looked forward to helping the City focus on the Arts. She also volunteered at Heritage Days for the full day. The Arts Commission interviewed all of the candidates that applied and they put forth the two strongest applicants. **Mayor Hart** indicated that he had wonderful conversations with both Evelyn and Merilee. **Dale Coulam** stated that she will serve a term that expires 2025.

MOTION: Council Member Murphy moved to approve Resolution No. 2022-25R, a Resolution of Ivins City, Utah, Appointing a Member of the Arts Commission
SECOND: Council Member Anderson
VOTE: The motion carried.

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

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

C. Discuss and consider award for the Old Highway 91 Improvement Project

Chuck Gillette indicated that the numbers that came in on the bid on Old Highway 91 came in higher than previous estimates. It came in at approximately $500,000 above the engineers estimate, which was $100,000 less back in July. UDOT masks the identity of the bidders so the City does not know who the low bidder is. The bids came in high and Ivins needs to figure out if we are willing to commit an additional $532,000 to the project. Ivins can tell UDOT to award it and commit to the additional funding or Ivins can do a change order and reduce the scope or another option would be to reject all of the bids, reduce the scope and rebid it. He did identify in the staff report that there are funds available to pay for the additional cost. **Mayor Hart** stated

that the bid includes unit pricing so you could see what happens if the scope is reduced. Ivins doesn't want to put it back out to bid. he inquired if the Council would like to proceed. **Council Member Scott** commented that back in July the City was estimating construction costs at $6.9 million and included a 10% contingency and a $50,000 performance incentive. Bids are now around 7 million. He inquired if that included the 10% contingency and the $50,000 performance incentive. **Chuck Gillette** indicated that the $6.9 million does not include those fees. **Council Member Scott** stated without that, it is similar to what the bid was in July. All total it was $8,889,000. It is a big project and it keeps growing. **Council Member Anderson** indicated that today pavement is $7 a sq ft when it should be $2. Refineries are getting more expensive fuels because they make more money off of that. Oil for pavement is becoming unavailable. **Mayor Hart** inquired if it was the time to pull the trigger or not? There is nothing to indicate that it is getting any cheaper. **Council Member Scott** stated that Chuck Gillette has already gotten the City a lot of funding for this with there being $5 million in place. He inquired if there was a time limit on that? **Chuck Gillette** indicated that if the City doesn't use it now, the City could lose $3.5 million. **Council Member Anderson** stated that there was $160,000 in adjusting power poles in the bid. He wanted to get serious about how the City can get money for that. **Mayor Hart** indicated that the next phase of this is a $2 million appropriation made by Congress that takes us out to the Shivwits boundary and UDOT participates in that. **Chuck Gillette** stated if the Federal Government is involved, UDOT is involved as part of the MPO (Metropolitan Planning Organization). **Mayor Hart** inquired where they stand with that entire project. **Council Member Scott** stated in July, on the $5 million that was coming in, UDOT accounted for $809,000 and the Dixie Metropolitan Planning Organization was $3.5 million. **Mayor Hart** inquired if that was anticipated again in the next phase. **Chuck Gillette** stated no. The UDOT funding was based on trails. The whole trail will be completed as Phase 1, and the second phase is a bike lane, safety and widening. The City could try to acquire safety funding from UDOT but UDOT gave $0 when he looked into it before, but he could request it again. **Mayor Hart** indicated that the idea of postponing the project and losing $3.5 million was not an option. **Council Member Anderson** stated that his goal was to finish that side of Ivins completely with walkways on both sides, a median in the middle, and four lanes. That's where most people drive. He wanted that portion of the road completed. **Chuck Gillette** commented that Council Member Anderson wants the City to put $2 million to go in that area and free up funds to lower the power lines. **Council Member Anderson** stated or they could use ARPA funds. It is as important as the horse roundabout because it is one of our main entrances to the community. **Chuck Gillette** indicated that he is looking into that to see if the City can use the $2 million for that. Regarding improvements on that stretch of road, if they don't complete those, they have a safety issue. There has already been a fatality. **Council Member Anderson** stated that they have to decide what's most important to work on in Ivins. **Mayor Hart** indicated that this is the area we are discussing right now, based on certain specifications that have been bid. **Chuck Gillette** stated that the City doesn't know when this project would start because he doesn't know who the bidder is. Depending on when they can start, there could be a delay on this project until later in the year. **Council Member Scott** indicated that he didn't want to lose the money that Chuck Gillette has already found for this project. Costs are going up and this is not an isolated situation. This is happening to everyone everywhere. We should move forward with this, with the low bidder.

MOTION: Council Member Murphy moved to approve the award for the Old Highway 91 Improvement Project to the low bidder 8C7C7 retaining a 10% contingency and a $50,000

performance incentive
SECOND: Council Member Scott
VOTE: The motion carried.

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

D. Discuss and consider approval of Water System AMI (Automated Metering Infrastructure) Project Costs and Funding

MOTION: Council Member Mehr moved to suspend the rules to Discuss and consider approval of Water System AMI (Automated Metering Infrastructure) Project Costs and Funding
SECOND: Council Member Anderson
VOTE: The motion carried.

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

Chuck Gillette stated that this is on the agenda because of Council Member Scott and his desire to consider some options. The City has been running an automated meter reading system. The next generation of meter reading is AMI automated metering infrastructure. The difference is that AMR is only collecting data on residents once a month but AMI is at least daily and likely more than daily. It would be available as an app or an internet cloud based program so that feedback can be given to water users on whatever type of notification they wanted to set up. **Council Member Scott** indicated that even though it is once a day, it gives you a reading for every hour. **Chuck Gillette** stated that was correct, so you get a full picture of what is going on in your system. The idea of feedback to residents is to help them. He has looked into cost, and the advantage of fixed towers is that 45% of Ivins water meters already have the correct radios to use the fixed tower system. If the City uses the cellular system, the City would have to retrofit every single meter. The fixed tower system is about $600,000 and the cellular system cost is about $1 million dollars. The cellular system has an additional cost because you are using cell towers, so the phone companies are going to collect their fee of .95 cents per meter or about $50,000 a year for the use of the cellular system. The radio towers would have an additional maintenance cost because it costs the City about 4 hours a day to read meters and then they have to back out to any misreads. **Mayor Hart** indicated that it has been demonstrated that if this program goes into place, there is an automatic improvement on water efficiency and leaks and usage drops. That has occurred virtually everywhere the system has been installed. **Council Member Scott** stated that he asked for this because he asked Zach Renstrom at the Water Conservancy District what they thought about these type of issues and he thought the AMI system was the best. He met with Washington City's staff that are implementing that system. It will be fully operational next year. They opted to go with the radio system. He compared the cost benefit of the AMI system as opposed to the turf replacement rebate program and ran those numbers by Zach Renstrom. Basically, the rebate amount of $2 per sq ft, the cost of that is over

.25 cents per gallon saved. Whereas with the AMI system even if we only had a 2.5% reduction in water use, as a result of AMI, may be up to 5% to be conservative, the cost for every gallon saved would be about 3 cents. It is about a tenth of the cost compared to turf replacement. AMI is the low hanging fruit on conservation. It is expensive. Washington City went with the radio system and the City of St. George is doing cellular, as are Hurricane and LaVerkin. Ivins City is really falling behind on this. There would be three (3) radio towers. **Chuck Gillette** indicated that it would be a total of five (5) towers but two (2) of those towers would be up against the Red Mountain and would be hidden. If the City ends up with the Kayenta system, there are probably two (2) more towers we would need to go over on the Kayenta side. **Council Member Mehr** commented that it is expensive and the reason Ivins City monitors water in principle, is to charge. Unless we are charging people daily we will keep to a monthly bill. There is a lot of fervor and energy around water conservation, and he understood that, but a million dollars is a lot to spend, to save. He suggested that they wait and see what Washington City does with theirs. **Mayor Hart** stated that this is very high on the State legislation's radar and that may translate into having matching funds available. **Council Member Anderson** indicated that the City should keep this in mind and work towards it but watch for grants to pay for it. **Mayor Hart** commented that Council Member Scott was thinking of using ARPA funds. Ivins City has a million dollars of ARPA funds and those funds are restricted on what the City Can use them for. **Council Member Anderson** stated that they can be used on power lines too. **Council Member Scott** indicated that ARPA funds can possibly be used for this but his only concern there was whether we need more money for fire and emergency services. He would hate to dip into that fund if it comes back to biting the City for needing it for fire and EMS. Zach Renstrom stated with the surcharges it can pool money to help contribute to covering costs for conservation programs like this. He thinks the City should be aggressively exploring all options and decide what is the best one for the City to implement. If the City doesn't look at the differences between the programs, the City is behind the curve when it is time to make that decision. The City needs to flush out what system the City would choose to do and how it compares to other ways. The City has a secondary water system as well. The City should look at them all together to decide what makes the most sense. **Council Member Anderson** commented that it does more than just conserve. It gives Chuck Gillette the ability to manage the system better too. It shows flows on a daily basis. **Council Member Scott** stated that in Washington City, one of the Public Works guys found an ongoing leak under his own house that was discovered immediately once they installed the system. Ivins City has a lot of second homes and the system would keep track of that since those people don't know what is going on in their homes on a daily basis. This system lets them do that and can also notify the City when water usage is above a certain threshold that the City sets. **Mayor Hart** indicated that ARPA funds are a one-time fund and Public Safety is an ongoing thing. The City should look at a one-time expenditure that nets the City a significant benefit for those funds to go to. This system is one of those. The secondary system is up in the air and we are not sure where the Water Conservancy District is going to take those now after all of our preparation, planning and studies. This would net an immediate benefit. The secondary system is not a conservation mechanism. It is just replacing one system for another. His personal inclination is to go this direction. **Council Member Anderson** stated that he would like to lower the power lines on Highway 91 with the ARPA funds. **Council Member Murphy** indicated that was a good idea but it is expensive. If there are grants and the City does not have to do an expenditure, then they should keep it on our radar. **Mayor Hart** stated that the City will know within a few months if anything happens with the legislature. **Cade Visser** indicated that the

front office gets frequent calls on high water bills and leaks and this system would benefit the residents so they can know right away what their usage is.

E. Discuss Subdivision/Development Permitting Process and Fee Restructuring due to water availability concerns

Mayor Hart stated that Council Member Scott has done an incredible research project regarding water in general. **Chuck Gillette** indicated that the City is concerned about getting this framework in place by January 1st, as per the Washington County Water Conservancy District. His meeting with the water group, which includes Zach Renstrom, will not have this structure in place by then. There is an idea of an impact fee and when the impact fee is paid, which the discussion right now is, it be paid at Final Plat recording, when construction drawings are approved by the City. **Mayor Hart** stated construction drawings are approved at Preliminary Plat because they are required to get the Will-Serve letter from the District. If the fees are to be paid at Final Plat, that is potentially up to 18 months after the Will-Serve letter has been granted. **Chuck Gillette** indicated that they would have to have Preliminary Plan approval, have the construction drawings signed and approved and record the Plat, and then they get the Will-Serve letter at the construction drawing phase. The next discussion was stand-by fees. **Mayor Hart** stated that right now the fees are paid at building permit. The change here is the burden of paying the impact fees is at the time of the Will-Serve letter and they refund that if the water is drawn back into the system. The City would need to change its ordinance. **Dale Coulam** indicated that was correct. **Mayor Hart** stated that it would be a Public Hearing. **Dale Coulam** indicated yes and the City would need to look at that change in the subdivision ordinance. **Council Member Anderson** inquired if they would get their Preliminary Plan and approved construction drawings to obtain a Will-Serve letter if they pay the water impact fee and then they say 18 months? **Mayor Hart** commented that none of this has been codified but it has been informally agreed upon by SUHBA (Southern Utah Home Builders Association) and other stakeholders, that there will be an 18 month period from when the Will-Serve letter is granted, to get the subdivision built or have the final improvements bonded for. At Final Plat that water is committed to those parcels. If not, that water is drawn back into the system and the money is refunded and the project drops to the bottom of the list. **Council Member Murphy** stated if it is done in 18 months, there is no issue of losing water shares. If they don't do it in time, they revert the water back and they get their money back. **Chuck Gillette** indicated that they have Final Plat approval and approved construction drawings. The bonding is for when they record. **Council Member Anderson** stated that there are a lot of tax consequences. **Mayor Hart** stated this is designed in recognition of the fact that a single well-funded developer could come in and acquire literally all of the remaining water. These functions are intended to force any developer into taking a realistic look at absorption and not draw more paper water into their project than they can afford to sustain. **Chuck Gillette** indicated that is the point and purpose of this is to prevent deep-pocket developers from acquiring all of the remaining water. There will be a process and they have to have a plan in place. If they cannot execute on that plan, then they lose their Will-Serve letter. The City needs to consider if they want to change any of Ivins impact fees and charge them with the Water District. **Mayor Hart** stated that when a developer secures a Preliminary Plat, the City assumes an obligation for providing those services at that moment in that time. That means the infrastructure is in place so when they come in for a building permit, the City has that done. In listening to Mayor Rosenberg, who is an Engineer has analyzed that, that is when the impact occurs. **Chuck Gillette** indicated that another proposal is when a lot is graded and/or they record the plat and utilities are stubbed in, the City can require a

utility account and charge fees on the utilities immediately. **Council Member Scott** inquired if the City of Santa Clara does that? **Chuck Gillette** stated that they have not implemented that yet. Ivins City is providing that service whether they are drawing water or not and maintaining the service. **Council Member Anderson** commented that after all this, they can never talk about affordable housing again because it's a contradiction. They say the State can't deal with labor, inflation and the supply chain but they can deal with impact fees. **Chuck Gillette** stated if the City did charge a stand-by fee, it could be less. Water has a base rate and a usage rate. These are the issues we have been discussing, and they will be discussed in his next group meeting. **Mayor Hart** inquired if this is something to hand off to the Planning Commission to get it started? **Chuck Gillette** indicated that we can work on our portion of the fee. **Mayor Hart** stated we could wait until the District gives us a launch date. **Chuck Gillette** indicated that he feels like the District needs to hand out their guidance memos. **Mayor Hart** stated the Council can table this until that happens. **Council Member Scott** indicated that they should do the research but the City needs that direction first for the parameters. **Mayor Hart** commented that there are things that have to be adopted and there is no District meeting in December. He is on that board. When it does happen, it will be a couple of month's process here. **Dale Coulam** clarified that it would only be on the subdivision ordinance portion and the fees may just be in the consolidated fee schedule which comes before the Council.

MOTION: Council Member Anderson moved to table this discussion
SECOND: Council Member Murphy
VOTE: The motion carried.

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

*F. Discuss and consider approval of expenditure for Guy Lane roadway improvements

Chuck Gillette stated the cost on this exceeded what he had in the budget. He was trying to use undesignated road funds. Ivins has two different developers working down there and each on one side and then each side is taking turns getting improved and a strip of old asphalt in the middle. We had already agreed to replace that old strip of asphalt and use undesignated road funds but there is a terrible area where there was a previous water leak and it was patched. It has now settled and needs repaired so he had the idea to replace the asphalt around that patch and got pricing but it blows out the budget for undesignated road funds. He is now looking at funds for just patching that area and that doesn't require Council approval.

MOTION: Council Member Scott moved to table this discussion
SECOND: Council Member Anderson
VOTE: The motion carried.

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

*G. Continued discussion regarding a zone change on the horsehead portion that was withdrawn from consideration in Ordinance No. 2021-16, on September 2, 2021

MOTION: Council Member Mehr moved to suspend the rules to have Continued discussion regarding a zone change on the horsehead portion that was withdrawn from consideration in Ordinance No. 2021-16, on September 2, 2021
SECOND: Council Member Scott
VOTE: The motion carried.

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

Council Member Anderson recused himself and sat in the audience. **Dale Coulam** stated that the applicant is on another application for a different land use matter as well. This portion of this parcel was omitted due to a moratorium from an ordinance that had originally passed. It has now been some time. If you feel like the public needs to comment on this portion again, that could be done. **Council Member Murphy** indicated that it was withdrawn from consideration because of the reservoir. **Dale Coulam** stated that the City did a moratorium and from the public's point of view they may wonder what this is all about since it is has been a long time. **Council Mehr** indicated that they could discuss this and not take any action tonight. **Dale Coulam** stated that it is clear from the staff report but the agenda item shows the zone change language as stricken. **Council Member Scott** commented that it is just a discussion tonight because it was a moratorium that happened over a year ago. He was in favor of a new Public Hearing. **Council Member Murphy** inquired if the only thing left was the RE-15 with lot averaging? The R-1-5 is a done deal and was already completed. The RE-15 was pulled back because of the moratorium for the reservoir. **Dale Coulam** clarified only on the horsehead portion. That part was voluntarily withdrawn from consideration so RA-5 to RE-15 with lot averaging. **Council Member Scott** stated that this was consistent with the Land Use Plan. RE-15 is Low-Density Residential. There is a portion on the throat of the horse head that has an issue with the Washington County Water Conservancy District having access at the northern portion at the nape of the horse head for the dam. Zach Renstrom thinks they still need access along that northern end. **Lance Anderson** indicated that they have determined that this will not affect the dam. Their trail will come off Center Street and below their property. **Mayor Hart** stated that should be verified. **Lance Anderson** commented that technically six (6) months ago this should have been passed but he was okay with them verifying that. **Council Member Murphy** indicated that she was for clarifying this but not holding another Public Hearing because they already had one. **Council Member Mehr** stated that the public got their chance for input. It would be an unnecessary burden the City would be imposing on the applicant to hold another Public Hearing. **Mayor Hart** indicated that he did not remember there being huge resistance to this. The City can continue this and get clarification on those questions and resume the discussion and potentially make a decision at the next City Council meeting. **Council Member Murphy** commented that especially because it is Low-Density Residential and within the land use, it is not controversial.

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

SECOND: Council Member Scott
VOTE: The motion carried.

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

Council Member Mehr left the meeting at 7:15 pm.

H. Discuss and consider approval of Ordinance No. 2022-16, an Ordinance of Ivins City, Utah, amending Maximum Building Height Regulations for One or Two Family Dwellings

MOTION: Council Member Mehr moved to suspend the rules to Discuss and consider approval of Ordinance No. 2022-16, an Ordinance of Ivins City, Utah, amending Maximum Building Height Regulations for One or Two Family Dwellings.
SECOND: Council Member Anderson
VOTE: The motion carried.

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

Mayor Hart stated that Council Member Johnson wanted to be part of this discussion. Her flight was delayed and she is unable to join in this conversation and inquired if they could continue the discussion. **Council Member Mehr** stated that he supported that but had a couple of clarifying questions. In the ordinance as drafted, the State Code refers to 17-27-A-530, the regulation of building design elements prohibited that was effective in May 2021. **Dale Coulam** clarified that should be 10-9A-534. It is under the Land Use Development Management Act. Section 17 may be similar but it applies to Counties. Section 10 applies to cities. **Council Member Mehr** stated that they are barking up the wrong tree on height. **Mayor Hart** indicated that he has rethinking the height, having gone through his portfolio of plans and what is reasonable and what is not. If the momentum is towards adopting this, he felt that the numbers were too restrictive but suggested including Council Member Johnson in this discussion at the next meeting.

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

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

I. Discuss and consider approval of Resolution No. 2022-23R, a Resolution of Ivins City, Utah, approving a General Fund Transfer to Fund Pay Increase for SCI Law Enforcement Officers

MOTION: Council Member Scott moved to suspend the rules to Discuss and consider approval of Resolution No. 2022-23R, a Resolution of Ivins City, Utah, approving a General Fund Transfer to Fund Pay Increase for SCI Law Enforcement Officers
SECOND: Council Member Murphy
VOTE: The motion carried.

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

Dale Coulam stated that this resolution puts in place funding explained in Cade Visser's email to Council to approve the raise for our police officers. It explains the general fund transfer necessary for the portion from the City Attorney position and also some cuts within Public Safety. **Chief Bob Flowers** thanked them on behalf of the Department. Our officers are wonderful people so this can keep us competitive with other agencies in the rest of the County. It means a lot. **Councilmember Lance Anderson** inquired if Santa Clara will pay a portion? **Dale Coulam** stated yes. We were the last entity to approve in the County so that they had time to go over it and approve their portion.

MOTION: Council Member Scott moved to approve Resolution No. 2022-23R, a Resolution of Ivins City, Utah, approving a General Fund Transfer to Fund Pay Increase for SCI Law Enforcement Officers
SECOND: Council Member Murphy
VOTE: The motion carried.

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

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

J. Discuss and consider approval of holidays for calendar year 2023

MOTION: Council Member Scott moved to approve holidays for calendar year 2023
SECOND: Council Member Anderson
VOTE: The motion carried.

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

6) CONSENT AGENDA

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

Council Member Scott stated that he made a number of corrections that he provided to Deputy City Recorder Sharon Allen

MOTION: Council Member Scott moved to approve City Council Meeting Minutes for October 20, 2022, as amended

SECOND: Council Member Murphy
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Scott reported that he handed out the General Plan survey progress sheet that shows responses. The City is currently at over a 30% response rate with 20 to 25% or better in all 14 neighborhoods they have identified, with the exception of Palisades. Mail was not delivered correctly to the Veteran's home and Rocky Vista University student housing. They have 12 volunteers and City Staff who have all put in a lot of work. They are opening the surveys, coding them, sorting, data input, proofing the data input and going through the comments. People have lots of comments and we have input about 350 survey comments. There are about 21 pages of comments. They could always use more volunteers. **Mayor Hart** stated Patty Dupre is amazing the way she has organized this. It has really been a remarkable thing to see. **Council Member Scott** indicated that the last day to receive the surveys was the 20th but mail didn't deliver to the student housing, approximately 500, so they got those back out and will extend the date and be processing through the end of the month. **Mayor Hart** stated they were sent out to physical addresses and when the City received a number of them back, Dale Coulam authorized to go through those returns and look up billing address with new envelopes. Even then, a third of those were returned. It is anticipated that they will give a report to the City Council with the Planning Commission, at the second meeting in December and following that, it will be published on Ivins website. The program for the comments identifies the most used words. **Council Member Scott** indicated that water and development are the two most used words, not for or against, one way or the other, but it is on people's minds. **Mayor Hart** stated that any difference in opinion in the 14 areas will be immediately evident.

There were no other reports.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

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 Murphy	AYE
Council Member Anderson	AYE
Council Member Mehr	ABSENT

Council Member Johnson	ABSENT

The meeting adjourned at 8:14 p.m.

Respectfully,

*Kari Jimenez, MMC
Ivins City Recorder

*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez and Deputy City Recorder Sharon Allen prepared these Minutes.