IVINS
CITY COUNCIL
MINUTES
December 1, 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 Johnson, Council Member Murphy, and Council Member Anderson.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Fire Chief Andy Parker, Building and Zoning Administrator Mike Haycock, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: Dave Appel and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Anderson and Council Member Mehr were expected to arrive shortly.

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

Council Member Anderson and Council Member Mehr arrived at 5:35 p.m.

D. Disclosures

Council Member Anderson disclosed that he had a conflict with agenda item 5)C. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen provided a written report, a copy of which is available as an attachment to this agenda. He reported that Bingo in the Park ended on November 17th and they had a consistent group of 20 to 30 people participate. Registration for Youth Basketball for 2023 has closed and the Run Run Reindeer 5k run will be held on Saturday, December 24th at 9:00 a.m. The Parks crew put up Christmas decorations and had three (3) burials in November. He provided information to the Mayor and City Council regarding water wise landscape for cemeteries and inquired if the City Council would like to discuss that in the future. The Mayor and City Council indicated that they did.

There was no one present from the Public Safety Department. An electronic report is available as an attachment to this agenda.

Fire Chief Parker provided a written report. A copy of the report is available as an attachment to this agenda. He reported that SCI Fire & Rescue provided a dispatcher training and update to the Washington County dispatch staff. The 2023 fire budget workshop was completed and presented the budget to both City Managers and he will presenting it to the Santa Clara City Council next week. Battalion 31 conducted a presentation for the Santa Clara Youth Council

regarding the Fire Department's role in government. Crews conducted a prescribed burn at Tobler Park in Santa Clara. The burn window closed on November 15th but if there are residents who need assistance with burning, they can contact the SCI Fire Department. Crews conducts structure fire drills on A, B & C shifts at a residence in Ivins and trained on high angle rope rescue systems.

B. Planning Commission Report

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 a Proclamation regarding Wreaths Across America

Sharon Gillespie and Tiffany Martineau were presented and reported they met their financial goal for purchasing wreaths and will not need the City's assistance with that this year. There will be a laying of remembrance wreaths on the graves of the Country's fallen heroes, throughout the Country on December 17th at 10:00 a.m. They will be doing that in Ivins at the Ivins City Cemetery on the same date and time and requested that Mayor Hart be present to read this Proclamation. **Mayor Hart** indicated that he would be pleased to be in attendance and to read the Proclamation.

B. Discussion regarding proposal to move the Snow Canyon South Entrance station

Kristen Comella, Park Manager of the Snow Canyon State Park, provided a handout to the Mayor and Council of the proposed south entrance station relocation. A copy of that information is available as an attachment to this agenda. For several years, the Park and Ivins City have been discussing the possibility of moving the south entrance station. That would involve transferring Ivins City owned roadway of approximately 1000 feet, to the State of Utah Division of State Parks. In October of 2020 she was before the City Council regarding this and at the time there was tentative support but there were some unknowns as well. The State Park wanted to have an Engineer work up a design to see if they could do some expansion work at the Johnson Canyon parking lot and move the south entrance station to the south of the Johnson Canyon parking lot. On page one (1) of the handout, it shows the existing location of the south entrance station to the Park and to the south of that is the Johnson Canyon trail and the Padre Canyon parking lot. On page two (2), further south is the Vermillion Cliffs subdivision which is the closest development to that entrance and is approximately 2,150 feet from the Park on that roadway. All of that roadway, except for 186 feet, which is State Park roadway, is owned by Ivins City. The State Park is proposing to move their south entrance station immediately south of the Johnson Canyon parking lot. There are a few reasons for moving the entrance station, one being for the visitor experience. A lot of people do not realize that they are in Snow Canyon State Park when they are in that southern lot. Another reason would be for management and patrolling and making that easier. If they are able to move the south gate, that would allow for a second incoming lane into the Park and that lane would be a few hundred feet in length. There's not a lot of land to work with in that area but there is enough space to put in a new entrance station and add that second incoming lane, which would be geared towards the annual pass holders. **Council Member Anderson** inquired who takes care of the path in that area. **Kristen Comella** stated that Ivins City maintains all but approximately 186 feet and the Park is not proposing taking over maintenance or control of the existing paved path, just the roadway. That wasn't part of the proposal but if Ivins City felt there was a benefit to that, that would be something the Park could explore. **Council Member Anderson** commented that would keep an

even line for maintenance. **Council Member Mehr** inquired if the City would be giving up any land other than the roadway. **Kristen Comella** indicated that there was no land and commented that the reason the Park positioned the new entrance station where they did is because it is the widest spot that they have down there and they need to be careful with any project they do about encroaching into habitat so that they are not triggering replacement or payment back to some of the grants that were used to purchase desert tortoise habitat. They also wanted to leave a large enough buffer that on busy days, they don't want traffic to back up into the residential areas. **Council Member Scott** inquired if by moving closer to Vermillion Cliffs, if she anticipated more of a negative impact on ingress and egress for that development or is the second lane going to moderate some or most of that? **Kristen Comella** stated that they have a tremendous number of users that are annual pass holders so that second lane will definitely help to mitigate some of that. She did not foresee a scenario where traffic would be backing up down to the Vermillion Cliffs development. There are a handful of times in the spring during peak visitation that there could be 15 to 20 cars waiting in line to get into the Park but there should still be enough of a buffer with that second incoming lane to mitigate that. Another piece of the puzzle that they have been trying to work on are cameras. They have installed cameras at the south gate so they can track the number of vehicles going into the Park to look at the peak visitation times although they have been having issues with vandalism of the cameras so that has not helped with the data they are trying to collect. **Mayor Hart** referred to the possibility of there being a little more room to extend the second lane a little further to the south. **Kristen Comella** indicated that there is a little bit of room to work with. When the Engineer put this proposal together, they were focused a little more on the parking lot to the north and making certain they were not creating a hazard in relation to the gate, cars going into the Park with cars pulling in and out of that lot. When they went out on the ground, they do think there is a little bit of additional room that they could add to that second lane. **Mayor Hart** requested that the Park have their Engineers look at how far south they can bring that second entrance lane down because on those ultra-busy days, the problem compounds because they can't get their season pass holders into that auxiliary lane very quickly, if it's stacked up past that entrance point. **Kristen Comella** stated that as they get closer to the lane, there is a slope there and there may need to be a retention wall and a safety feature so that somebody is not falling off of the paved trail. **Mayor Hart** referred to the roadway that the Park is asking the City to give up and inquired if that just goes to the booth or does it go down to the bottom of where the road is going to be? **Kristen Comella** clarified that it would be down to the bottom. **Mayor Hart** inquired if the State would then take over maintenance of that as well. **Kristen Comella** indicated that they would. **Council Member Anderson** requested that they include the path so that Ivins City does not have to deal with the line. **Mayor Hart** commented that once the line is set, the path would be the Parks as well because that would be the most logical. **Council Member Anderson** referred to the Vermillion Cliffs subdivision and commented that if there are no negatives to them with this project, this is a good solution. **Mayor Hart** stated that the City may need to look at a no parking ordinance along some of that area. **Kristen Comella** indicated that currently on the east side of the road by the toe trail, the City allows parking to the south for a distance. That could be something that she could foresee Vermillion Cliffs residents feeling like there is a lot of congestion in that area but north of there, there are already no parking signs and boulders. **Mayor Hart** inquired as to a formal action on this. **Dale Coulam** clarified that in order to give up the road, that requires a Public Hearing so once the engineering is straightened out and Chuck Gillette with the City has confirmed exactly what the City is going to give or deed

over to the State, and he's assuming the consideration is that the State takes on the maintenance of the trail and the road. **Kristen Comella** inquired how long the Public Hearing process would take. **Dale Coulam** clarified that the Public Hearing would only take place before the City Council. Once the Engineers from each side are satisfied with the legal description of what is being donated and the deeds are drawn up then they can notice the Public Hearing.

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

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** referred to the zone change exhibit map, a copy of which is available as an attachment to this agenda and reported that the diagonal area on the map has already been approved as part of the original application and the horsehead portion of it was held for discussion as the reservoir was discussed. **Mayor Hart** indicated that one of the specific questions Mike Haycock was asked to look into was what is the Water Conservation Districts need for access around the east end of the proposed reservoir. **Council Member Scott** indicated that he brought that up at the last meeting because a few months ago he was meeting with Zach Renstrom and this came up in the conversation. He went back to all of the meetings in 2021 including the Public Hearing at the Planning Commission and the Public Hearing at the City Council and the final meeting that was held on September 2, 2021. Back then Chuck Gillette was thinking that the District may need 300 feet depth of access for earthwork but further study needed to be done. When he met with Zach Renstrom with the District, his sense of this was that the need wasn't that dramatic, he was saying that they thought that they still needed access along the northern portion of the horsehead so that they would have access to the dam or retention work and he felt that if the development was done such that there was a road along that north end, that's all the District needed. The applicants have been very patient in putting this on the backburner and he did not want to see them on hold for months into the future because they are waiting for engineering studies that may or may not materialize anytime soon. This also seems like a simple question for Zach or someone at the Water Conservancy District to answer the questions as to whether or not they need access. **Lance Anderson** commented that approximately a month ago the District asked him to take their machines onsite and do some work. All of the conversations he has had is they are trying to protect 10 feet of the face of that horsehead. The road will be down below that. **Dale Coulam** commented that Chuck Gillette sent a copy of the Concept Plan to Zach Renstrom and one issue that came up in TRC (Technical Review Committee) was testing and who was responsible for doing testing. It was represented by Lance Anderson and he confirmed with Zach Renstrom, that there had been some test holes drilled on the top of the land but the District is awaiting the results of the analysis of those tests to say from a Concept Plan standpoint, how close the houses can go on a lot to the edge and still be safe. **Lance Anderson** indicated that their soils technicians said that was 14 feet as the land exists today but when they put the water there in the reservoir, he has been waiting for those answers as well. It was a year this past July that he filed this application and this is just a zone change and the property is currently low density. They will need more information at the Concept Plan stage but not at this stage for the zone change. The **Mayor and City Council** agreed. **Dale Coulam** stated that he will be meeting with Zach Renstrom next week on a different matter and he will ask Zach about what the District needs as it relates to access.

MOTION: Council Member Scott moved to approve a zone change on the horsehead portion that was withdrawn from consideration in Ordinance No. 2021-16 on September 2, 2021 for the following reasons: the zone change is consistent with the current land use, the

zoning being asked for is within the low density zone, a range for that land use, and because this has been an issue that has been set aside for well over a year. It is reasonable to let the applicant move forward.
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. Continued discussion to consider approval of Ordinance No. 2022-16, an Ordinance of Ivins City, Utah, amending Maximum Building Height Regulations for One or Two Family Dwellings

Mayor Hart indicated that whether the City Council moves this forward or not, his recommendation for heights is that a home can be built with a flat roof with a 14-foot ceiling and a maximum parapet of 17 feet. A pitched roof is far less invasive from a color standpoint than a sheer stucco wall. His recommendation is adding an additional 4 feet or even more and it should be a 21-foot ridgeline on a pitched roof the wall line on the order of 14 feet. That allows for a luxurious type of interior environment. In the Springdale version, the heights are lenient. As the Council talks about a parapet height, that should also reflect a maximum visible wall height on any type of structure, regardless of roof type. **Council Member Mehr** stated that the ordinance reads that it is the Ivins City Council's desire to amend the zoning ordinance text regarding maximum building regulations. That is disingenuous because that is not what the Council is doing. The Council is trying to create design guidelines for colors of homes in the Ivins community so that verbiage in the first "whereas" is not factual. The second is, it is not in the interest of the general welfare of the City and its residents to approve this because the first "whereas" is not true. The Council wants to support the Ivins design guidelines and figure out the appropriate way to do that but not punish developers or families. He has heard the argument that people are buying homes that are one story. That is because that is what is supplied. If Ivins started supplying homes that are two stories that are designed appropriately within the design guidelines, they would sell just as well. The Council needs to be honest with what is being approached and not do a back door, which is exactly what this is. **Council Member Anderson** disagreed with Council Member Mehr. Anybody can come to Ivins and build a two-story home without any extra cost, it just needs to meet the design guidelines that have been in place since 2008. He doesn't think the Council is going through the back door, the Council is being very upfront about it. All ordinances are the same. They are there to accomplish a task. That's why design guidelines are in place. He doesn't think design guidelines are running families out. **Mayor Hart** stated the only one that would feel excluded is the family that it was determined that the color of their home was too light and they want to live in Ivins in a two-story home. Anyone else who is willing to adjust their color desires could build any home that that Council Member Mehr was talking about. If this moves forward, the Council would also need to add a minimum of two (2) feet for a chimney. **Mike Haycock** stated that the zoning ordinance also requires that mechanical equipment be screened. **Mayor Hart** inquired how this ordinance connects to the option that someone if someone wants to build to an increased height, they have to sign a Development Agreement because he did not see a reference to that. **Dale Coulam** clarified that if a Development Agreement is entered into that an individual specifically

agrees to abide by the Ivins City design guidelines, then the house can be taller t. A white house can be built, but it would be within the lower heights. **Council Member Murphy** indicated that she has been back and forth on this. She appreciated Council Member Mehr's passion for families and felt the same way. She did not want to see families ran out of Ivins. Light-colored houses can still be built and there are a lot of light houses in Ivins but one white house out in the middle of everything, it stands out. If the Council does decide to pass this, she felt that the Historic Township should not be included. This ordinance should not apply to The Historic Township area. The Council needs to explain why this ordinance needs to be done and the face that the General Plan talks about preserving the natural views by making sure that the built environment doesn't detract from the views is important. The City has made all the Ivins ordinances and design guidelines in order to put forth the General Plan and Ivins is like no other place. Ivins is not a resort area like Springdale is but Ivins does have vistas that need to be protected. She did not want to make Ivins one big HOA because that is not the path that the Council wants to go but the disingenuous thing is what the State did. That's where the disingenuousness started because the State said this was all about affordability and it has nothing to do with it. She inquired what the unintended consequence could be. She did not know but felt that something needs to be done because the Council has worked hard to make design standards and those have been in effect for many years and to just take them and let them get thrown out the door would be a mistake. There needs to be some "whereas" paragraphs that really explain that the building design regulations are intended to help achieve the Ivins General Plan vision. **Council Member Mehr** inquired if the Council was looking at Utah State Code 17-27-530 "Regulation of Building Design Elements Prohibited Exceptions". **Council Member Murphy** stated that was the County code but it is mirrored. The section is in ten (10). **Council Member Mehr** referred to exceptions in the code relating to imposing building design elements and indicated that as used in that section, it gives A through L and then number two(2), "Except as provided in subsection three (3)". Ivins may not impose a requirement for building design element on a one or two-family dwelling. Therefore, the Council is having this discussion. However, missing section three (3), subsection (2), does not apply to and it doesn't apply to the following scenarios of A through H and letter D, "building design elements agreed to under a development agreement". Ivins has Development Agreements and those say what developers can do for their design guidelines. **Council Member Anderson** clarified that those Development Agreements are driven by the Ivins City Ordinances so if any developer or builder comes in and says they want to build pink houses in their subdivision, that gets puts into a Development Agreement. **Dale Coulam** commented that every subdivision is now required to have a Development Agreement. **Council Member Mehr** inquired if Ivins City enforces Development Agreements. **Dale Coulam** stated yes and commented that every subdivision is required to have a Development Agreement. A developer or builder could negotiate the color issue and still save the heights that were granted in the zoning ordinance previously, that being 25 feet for residential. What this draft ordinance is proposing, is to lower the residential building heights but if a developer or builder agrees to abide by the Ivins City design guidelines in the Development Agreement, then they would be allowed to build up to 25 feet. If a developer or builder chose not to abide by the Ivins City design guidelines, that could still be done but the house would be built at a lower height. **Council Member Murphy** referred to the Development Agreement and commented that if a developer can still build pink houses under a Development Agreement, she inquired what the point of the Development Agreement was as it relates to color. **Council Member Scott** indicated that because the State of Utah has stricken cities' ability to enforce

design guidelines, a developer or builder does not have to abide by Ivins City design guidelines. The design guidelines become negotiated through a Development Agreement where Ivins City asks the developer or builder to abide by Ivins design guidelines. **Mayor Hart** clarified that all developments require a Development Agreement, but it is an agreement and the City cannot impose the color requirements on a developer or builder unless they agree to that and then they could obtain the additional height on the home if this ordinance is passed. He pointed out that there are several parcels in Ivins that have not been built on yet that fall under earlier approvals that have no Development Agreement or other requirements of any kind and if this ordinance is approved, it would become the law of the land for anything that would be in the future, whether it's built on an existing parcel or one that's just being approved. **Dale Coulam** stated that was not correct. If a developer or builder is already vested and this ordinance passes, the ordinance would run from the date that it is passed going forward and not affect those that are already vested. Regarding a Development Agreement, the primary purpose of a Development Agreement is not to set forth the color of a house. It is to set forth requirements for infrastructure, roads, sewer, water lines and all kinds of improvements for the subdivision. That is the primary purpose. **Council Member Anderson** indicated that this whole thing is being driven because can't impose any of these requirements anymore and the whole intent is to give Ivins City something to negotiate with. **Council Member Mehr** indicated that he understood the intent but inquired why use the height of a home, versus something else? On a per square foot basis, a one-story house is more costly to build than a two-story home. **Council Member Murphy** stated that the reason that height is so important is because height is the thing that makes it so obtrusive. **Council Member Mehr** indicated that he liked local control from a governmental standpoint and the more local that they can keep things, the better. He was not judging whether the State did something right or wrong here but he did not like the theme of the City moving towards a large homeowners association. **Council Member Johnson** agreed with Council Member Mehr and commented that she liked Council Member Murphy's idea of excluding the Historic Township from these requirements and inquired how that would be defined. **Council Member Anderson** recalled there being a Historic Township designated on Ivins map. **Council Member Mehr** inquired why the Historic Township would be excluded and asked if it was because there are existing light-colored homes in the Historic Township? He inquired why would they allow pink houses in the Historic Township area but not elsewhere? **Council Member Murphy** stated because it's a whole different animal. The Historic Township has a different feeling to it when you drive through it. There are yellow houses, blue houses, pink houses and similar. Those fit in that area and it has its own charm and look. **Mayor Hart** indicated that this would establish a new standard for anything that doesn't have a Development Agreement. **Council Member Anderson** stated that a Development Agreement does not relate to this ordinance. If a developer wants to meet the design guidelines, a house can be built to the 25 feet whether you have a Development Agreement or not, because there are parcels that can be built on without a Development Agreement. **Mayor Hart** indicated that the Development Agreement is what qualifies this, according to the State. **Council Member Johnson** inquired if Council Member Anderson means to change the ordinance to make it to where homes are no longer 25 feet ever, unless there is a Development Agreement? **Council Member Anderson** stated that he did not realize that Ivins City needs a Development Agreement to make the ordinance work. His goal was not to have a Development Agreement, just an ordinance. **Mayor Hart** indicated that the State specifically says that cities cannot regulate building color except under certain conditions and a Development Agreement is one of

those. **Council Member Scott** stated that the ordinance is written so that a house can't go higher than 25 feet but commented that the maximum height should be whatever is decided and reducing that number from 25 feet to 17 to 21 feet but if they are subdividing, then a Development Agreement is needed, and the Development Agreement would let the developer or builder build up to 25 feet if they follow Ivins design guidelines. **Council Member Anderson** suggested reversing that and have the ordinance say that a house can be built between 15 and 17 feet using whatever color they want and be up front about that. If a developer or builder meets the design guidelines of Ivins City, then they can build up to 25 feet in height. **Dale Coulam** clarified the statue prohibits the regulation of a lot of design guidelines other than just exterior color. It is architectural features, and all of that is prohibited from being regulated and yet that is all included in the Ivins City design guidelines. If a house is built under the design guidelines, then it must come under some exception under the statute. Because the City would be regulating architectural features, Ivins City would have to change the whole zoning ordinance because under architectural features, those all fall under design guidelines. **Council Member Anderson** stated that they would be leaving them all in. **Dale Coulam** indicated that they can't all be left in and then regulate them by stating they are required for a house because the State has said cities cannot regulate design guidelines unless there is a Development Agreement where the developer or builder is voluntarily agreeing to abide by the design guidelines. It can't just be imposed by law. That's what the state took away. **Council Member Anderson** stated that is what the Town of Springdale did. He inquired if Springdale does Development Agreements. **Council Member Murphy** stated that Springdale has a chapter that refers to residential height and there being a size bonus. Springdale has taken all of their heights and knocked those down and has basically said that single and two-family residents are exempted from the code chapters and are exempted from the building design requirements, exempted from architectural standards, exempted from the color palette and exempted from landscaping. However, Springdale does say that an owner of a property may request that the town apply all of those - the building and design requirements, architectural standards, color palette and landscaping and then because of a valid request to apply to all those things, the developer can then go higher. What Springdale is saying is that the single family and two-family residents are exempt from all these design guidelines, but an owner of a property can request that those all apply and if that is requested, then the development can be permitted with higher building heights. **Council Member Scott** commented that the legal question was for the term "regulate" and inquired if Ivins City was regulating the design guidelines if they are giving the applicant the choice to request them for additional height. **Dale Coulam** stated that in his legal opinion, a "request" can take many forms. To avoid liability and confusion in the future, he would prefer that there be a recorded document, like a Development Agreement. That is where the request is made, that is where the permission is given, that is where the exception is and it is recorded. Everybody knows about it and it wasn't just some obscure request. It is a recorded document against that piece of property. **Council Member Murphy** clarified that Springdale's code goes further on to say that the town shall record a written request under this paragraph with the Washington County Recorder's Office.

Dale Coulam indicated that making a request is a voluntary action on the part of the homeowner so the City would not be imposing something and would not violate the statute. Now it is a matter of proof. Can you prove that it was voluntary and not imposed by the City in some way? That is why he favored a recorded Development Agreement. **Mayor Hart** referred to the Historic Township and stated that there needs to be a clear definition of that if the Council is

leaning towards an exemption for that area. **Dale Coulam** stated the answer to the question of how this Historic Township was defined is in the legend of the zoning map. It is shown as a cross hatch, but it's not applied to the map. The only clear definition of that area was when they identified that area for the SAA (Special Assessment Area) street improvements project. **Council Member Anderson** suggested that there may be something on an older map defining the Historic Township area. **Council Member Johnson** indicated that it would depend on what the Council really wants to consider "Historic". There are a lot of the older homes that go down to 800 South but not all of them are older. They should absolutely include homes from 400 South, north to the mountain. **Council Member Murphy** agreed with Council Member Johnson with regard to 400 South and up north to the mountain or to the dike below the mountain. There are quite a few developments below 400 South. **Mayor Hart** commented that east of Main Street, the Historic Township goes down to approximately 800 South. They may have to draw a boundary on the existing development. **Council Member Anderson** recalled there being a Historic Township overlay. **Council Member Scott** recalled seeing that on the maps. **Mayor Hart** inquired if the Council would like to table this to get further information about the Historic Township are. The **City Council** agreed.

MOTION: Council Member Scott moved to continue 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 Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

E. Discuss and consider approval of Telecommunication Franchise Agreement between Ivins City and FIF St. George, LLC d/b/a InfoWest

Dale Coulam indicated that historically InfoWest has been site-to-site antenna form of internet and are now wanting to put some fiber in the ground, which requires a Franchise Agreement. This is not a Cable Franchise Agreement, it is a Telecommunications Franchise Agreement. **Council Member Mehr** requested information as to why so many companies are digging holes throughout the County. **Randon Anderson** with InfoWest stated that there are several companies that are putting fiber in the ground due to the population growth in Washington County and people needing improved internet. InfoWest is a competitor to TDS and CenturyLink but they work on the old infrastructure instead of just the new construction, which most companies primarily focus on. **Council Member Anderson** requested that the provision in the agreement allowing them to hang things on poles or even get permission from Rocky Mountain Power to hang things on poles, be removed. He did not want things hanging on the poles. **Dale Coulam** commented that that would exclude some of the older areas that would be in need of faster internet because a lot of the other companies want to cherry-pick the new developments but very few companies like InfoWest want to go into the older areas and some of those older areas have poles. **Council Member Anderson** inquired if it was a certain corridor or size, if they could prevent them from placing things on poles because he did not want to hinder the Historic Township receiving upgraded internet but he did not want any more wires or things hung on the poles on Highway 91. **Randon Anderson** clarified that they do want to be on

Highway 91 because of the connection but they will work with the cities. **Dale Coulam** suggested that the City require that they have to go underground from the start and there is an avenue to do that because of the Highway 91 construction project is about to begin so if InfoWest could get some conduit in the ground or if the City has some conduit but he would need to talk to the City Engineer otherwise they would be doing two (2) installations at double the cost. The Council may want to modify the paragraph regarding the poles to say that along Highway 91, the fiber is required to be underground. **Randon Anderson** indicated that would not be a problem. **Council Member Scott** commented that the way the agreement is written currently, it says a rate up to 3 1/2 percent. He would like to change that to say "a rate of 3 1/2 percent". That rate is dictated by the State and the last time they set their rate was in 2007 and inquired if the State were to increase the rate in a year or two, the City is entering into a 10 year agreement so he would like to have language in there that the City can charge a rate of 3 1/2 percent or the State rate if it is higher. **Council Member Mehr** commented that they get into a mindset that they are to maximize revenue for the City but they need to think about the citizens and taxes because it's passed onto them as residents. A rate increase should have to come back to the City Council for review and approval. **Council Member Scott** stated that was a good point and suggested that be built in to the agreement. Dale Coulam indicated that they could add verbiage regarding the rate to say "subject to Council approval". The **Mayor and City Council** agreed.

MOTION: Council Member Scott moved to approve a Telecommunication Franchise Agreement between Ivins City and FIF St. George LLC d/b/a InfoWest as written, with the changes that all connectivity along Highway 91 be underground, not on poles, and with the change that in section number 2.1 A, instead of saying "of a rate up to 3 1/2 percent", say "a rate of 3 1/2 percent or the maximum rate allowed under any future amendment to the municipal license tax act, whichever is greater, subject to the approval of the City Council.
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

F. Discuss and consider approval of Resolution No. 2022-26R, a Resolution of Ivins City, Utah, appointing Sarah Nash as an additional Ivins City Deputy Treasurer

Dale Coulam indicated that the City learned as they approached the Thanksgiving Holiday that the City needs to be three (3) deep for coverage.

MOTION: Council Member Mehr moved to approve Resolution No. 2022-26R, a Resolution of Ivins City, Utah, appointing Sarah Nash as an additional Ivins City Deputy Treasurer, as recommended by Staff
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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for November 3, 2022

B. Approval of City Council Work Meeting Minutes for November 9, 2022

C. Approval of City Council Meeting Minutes for November 17, 2022

MOTION: Council Member Mehr 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

There were no reports.

B. Mayor

Mayor Hart reported that there is a newsletter article that comes out today, talking about where they go from here on the survey regarding updating the General Plan. The City has received 51% in terms of responses, which is phenomenal and he has been told by the professionals that conduct surveys, that receiving a 15% response rate would be regarded as a very good response. At the City Council meeting on December 15th, they have invited the City to attend via Zoom, YouTube, Granicus or in-person and the report is going to be given by Patty Dupre. Her system is failsafe, every survey has been tabulated and he thanked Council Member Scott who has gone through every single survey, which is now approaching 2100 or 2200 and has dictated every comment into a word processing program that will allow him to explain to the City, based on key words, what has been stated and it is a pretty wide variety. There have also been 14 or 15 volunteers assisting with the data entry and proofing. The survey is completely auditable and can be verified that the data has been entered correctly. They are inviting the City Council to that meeting and have planned on approximately 45 minutes for the presentation and then questions by the Planning Commission and City Council. He reported that on January 10, 11 and 12, 2023, they will be holding their annual Neighborhood Meetings and focused on the results of the survey. In the newsletter he has invited people, after they have heard the report, to submit questions that the City can try and answer in those Neighborhood Meetings, even regional information because of the way the survey was done, they know the results from all of the different areas of the City.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that Ivins City failed on the Moderate Income Housing report that was submitted but Ivins City is not alone in that category. He was recently on a webinar with the Utah League of Cities and Towns where they had a representative of the State Department of Workforce Services and those municipalities attending, learned just how strict they are in interpreting their assignment and the statute. For example, one rejection reason for one City was that they did not state the strategy verbatim. They had changed one word but there is nothing in the statute that gives municipalities discretion to allow a variation of the language. How the City is going to accomplish those strategies, is by specificity, timelines and measurability. One item

that Ivins threw out and may want to consider adding back in the plan was accessory dwelling units. The Council said we had already done that. That was an example that came up in the meeting that the State person pointed out and then provided some easy ways to fix that if that was one of their goals. The Council could say "here's what we have done so far, here's what we're going to do now". The City has an ordinance with regard to accessory dwelling units but people don't really know about it so the City could put together a marketing campaign notifying Ivins residents by email, newsletter and similar. The City would then been able to check off a measurable list of things that the City has done to accomplish the listed strategy. A harder thing to do is say that they will get together with another City and talk about somethings to see if there is a joint project that could be done down the road. The State also does not like to see the goals change or change strategies because they feel like cities do that to hide the ball. They like consistency in the strategies and showing how they are trying to meet those. If the City says they are going to allow more high density, two-story buildings like some townhouses to be built but the market was such that it didn't come anywhere near the moderate income pricing point. That's the market and the City can't control the market but they would have done what they did have control of - they changed the zoning, they encouraged more housing units, they're housing more people in Ivins and that's allowing a lower price point than in most cases and that meets the State standard. The Moderate Income Housing Plan will go back to the Planning Commission for their recommendations to the City Council. The City has a 90 day cure period from the date of the letter, which means the City needs to address this before the middle of February, 2023. The City does not have to redo the entire plan, they just have to pass an ordinance that says these are the City's strategies, list how the City is going to get there and identify how they are going to measure those specifically.

D. Items to be placed on future agendas

Accessory Dwelling Units discussion to start at the Planning Commission and potentially tied into the Moderate Income Housing Plan.

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

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

The meeting adjourned at 8:34 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder