IVINS
CITY COUNCIL
MINUTES
January 5, 2023

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 , and Council Member Anderson.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Building and Zoning Administrator Mike Haycock, Fire Marshal Con Fulde, and City Recorder Kari Jimenez.

EXCUSED: Council Member Murphy

Audience: Matt Loo, Judith Kapuscinski, Adam Allen, Becky Warren and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Mehr was not present but expected shortly. Council Member Murphy was excused.

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

Council Member Mehr arrived at 5:33 p.m. **Mayor Hart** disclosed that he knows one of the artists for the Art-on-loan program under agenda item 5)A. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Desert Willow Townhomes located at approximately 400 West and Highway 91. Bill Papanikolas/Blue Cactus Development, LTD-Owner; Adam Allen-Applicant

Mike Haycock reported that the Desert willow project is located along Highway 91 and consists of a total of 27 proposed townhome units and five (5) single-family homes on 3.32 acres. The Land Use is High Density Residential and is zoned R-TH Townhomes with a buffer of R-1-5 single family residential against the neighboring R-1-10 single family zone. Both the R-TH and R-1-5 zones are consistent with High Density Residential use. Concept plans do not typically identify height but this development would have the view corridor for Highway 91 and going off of the new boundary, the applicant would not be able to make the height on the development unless they asked for a special height exception that can be used between the original boundary and the new boundary, to use as the height requirement for the view corridor. **Dale Coulam** clarified that the diagram in the zoning ordinance shows a stick figure on a sidewalk or the trail, which is typically behind the back-of-curb. In this case, the trail is in the landscape buffer area, which means it is away from the new property boundary. The City Council could either make a finding to measure it from the path, in which case this would be in compliance, otherwise the applicant would need a

special exception. **Council Member Scott** commented that the new property boundary is approximately 38 feet from the building. The view corridor protection of the 15-degree angle would work if it was at about 50 feet, 12 feet further out. He inquired as to what happens in that 12-foot area from the property boundary to the 15-foot point? **Mike Haycock** indicated that it would be landscaping that will occur with the expansion of the Highway 91 project. **Mayor Hart** commented that the whole point of the angular reference is sidelined from the sidewalk, or in this case, a path.

B. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen reported that Santa Claus and the Grinch were at City Hall for the kindergarten kids to visit. Basketball starts next week. The Run Run Reindeer went well and there were over 600 runners. There were four (4) burials in the month of December and two (2) already scheduled for January. The Wreaths Across America event went well and they are already getting ready for next year's event.

Fire Marshal Con Fulde reported that there were a total of 1,512 calls for the entire year of 2022, equating to approximately four (4) calls a day. The ISO (Insurance Services Office) inspection was December 13th the individual doing the inspection spent approximately (4) hours with SCI Fire and EMS. It will take about three (3) months for the report to be concluded. Chief Parker presented the 2023-2024 budget to the City of Santa Clara during the month of December and a pump test company from Salt Lake City tested all of the apparatuses, which all passed. CERT certification classes are still going and the entire SCI Fire EMS Department had physical evaluations with blood draws. Paramedic Ryan Moore graduated from the Dammeron Valley Fire Academy and they assisted with three (3) big responses including a vehicle accident on Santa Clara Drive at Swiss Village; supported a structural fire in Veyo; and assisted with a fall on Red Mountain where two (2) helicopters were present and the patient was transported off of the mountain and then to the hospital. **Council Member Mehr** referred to the SCI Fire EMS budget that was presented to the City of Santa Clara and inquired if the Ivins City Council would be able to review that. **Mayor Hart** clarified that there is a Joint Work Meeting with the City of Santa Clara on January 26th at Ivins City Hall. **Dale Coulam** indicated that each City is required to present their final budgets by March 1st, per the Interlocal Agreement.

Chief Bob Flowers reported that yesterday there was a heart attack at the Santa Clara pickleball courts. There was a nurse on scene and SCI Fire showed up and used a device that assisted the individual with their heartbeat and then that individual was transported to the hospital. It was significant lifesaving effort by Police, Fire and EMS and he thanked SCI Fire/EMS for the job that they did. He reported that when SCI Public Safety receives complaints about speeding, they provide a response to every one of those. They have had a couple of requests for the speed trailers to be placed. He agreed that there is a speeding problem in Ivins and commented that it seems to be a problem everywhere. Part of addressing that is with enforcement and education. There is also some problems with individuals running stop signs. In the next month or two, tourist traffic will increase and Public Safety will continue to monitor and take action. He reported that when there are complaints about Public Safety employees, SCI stays very transparent and invites people to see the bodycam footage. The footage is very helpful and the Ivins community can be confident that nothing is ever ignored and they are responsive and transparent. SCI Officers were in route the other morning around 3:00 A.M. and came up on a vehicle that was parked with a trailer and a couple of individuals sitting in the vehicle. The Officers obtained some good video footage of the vehicle and individuals and it turned out that there was a burglary on a construction site. The individuals in the vehicle had burglarized the

scene and tried to sell the property the next day. Through investigative techniques, Officers were able to set up a buy for the property and make arrests. It was a great case, leading into another significant case in City of St. George.

C. Planning Commission Report

Chairperson Robinson reported that the Planning Commission held a Public Hearing on a zone amendment from RA-5 to RE-15 low density on approximately 17 acres, for a property located on Highway 91 and 1000 West. RT Martin Utah LLC is the owner and Lance Anderson was the applicant. The Planning Commission recommended approval and forwarded that onto the City Council for a Public Hearing and discussion. The Planning Commission also held a Public Hearing on the goals section of the Moderate Income Housing Plan as it related to the modifications requested by the State of Utah. The Planning Commission made their recommendations and moved that onto the City Council for discussion and a Public Hearing. Chairperson Robinson inquired about a timeline for when the Planning Commission should start to go over the General Plan and what approach the Planning Commission should take? **Mayor Hart** indicated that the City Council will have some direction for the Planning Commission after the Ivins City neighborhood meetings are held, which will occur next week.

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 the Arts Commission's recommendations regarding Art-on-Loan

Michelle Adams referred to a City Council meeting last January where the former Chair, Judith Kapuscinski, presented the Art-on-Loan concept to the City Council, and it was approved. She reported that there are many artists in the Ivins community and two (2) of the artists are members of the Arts Commission that submitted to this program. Those Commission Members were not involved in any discussion and not involved with the voting. It was a blind vote where it was not known who specifically voted for what. She discussed any potential conflicts with City Manager Dale Coulam and it determined that there was no conflict for the two (2) Commission Members to submit applications. All applications have been provided to the Mayor and City Council and are available as an attachment to this agenda. The Arts Commission is recommending six (6) art pieces be selected that were submitted, those being Elizabeth Fortney, Judith Hutcheson, Brad Johnson, Lance Ludlow, Charley Moore, and Darcey Lee Saxton. **Mayor Hart** inquired if there are specific places in mind to place the art pieces. **Michelle Adams** stated yes. **Council Member Mehr** commented that this program is to promote Ivins City local artists and celebrate their talents and the beauty that they bring in. City Hall is limited on space, so the Council is choosing six (6) of the nine (9) submissions. **Michelle Adams** stated the Arts Commission would love to expand the placement of art and suggested the possibility of next door in the Police Department or the Fire Department but clarified that when the Council approved this, it approved up to six (6) because there is a stipend involved. **Council Member Scott** indicated that the Arts Commission did a lot of a lot of work in selecting the six (6) pieces out of out of the nine (9) pieces. He would like to approve that for this year but commented that the money for the Art-on-Loan program for this year, was coming out of the Ivins City General Fund budget. He suggested that the Council move ahead with this year, but per the General Plan survey results, it showed that there really wasn't public support for spending

City money on public art. He likes the Art-on-Loan program and loves the Arts Commission but stated that the Council needs to listen to the public comments. He suggested that the Art-on-Loan program continue but in the future, it should be funded through RAP tax money and not through the General Fund.

MOTION: Council Member Scott moved to approve the Arts Commission's recommendations regarding the Art-on-Loan for the six (6) pieces identified
SECOND: Council Member Anderson
VOTE: The motion carried

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

B. Discussion and consider waterwise cemetery options and whether grass or waterwise option should be used on the new section

Benny Sorensen reported that he has spoken with the City Council Members individually and gone over the ideas and drawings showing the layout and what plants could be used. **Joseph Rawlinson** indicated that there are a few plans as it relates to culinary use of water for a water wise cemetery, a vegetation plan that is a list of vegetation that have been determined to be good for this project and an irrigation plan showing the actual water wise system that has been put into place. With the new water wise situation there is the ability to install benches, as well as future columbarium. A columbarium is basically a memorial that can store cremated remains of people who have passed. As far as the grand plan goes, there is a similar allotment of burial plots as well as a sod option as well as the possibly of incorporating a future Veterans Memorial. He referred to a layout, a copy of which is available as an attachment to this agenda, and indicated that the red boxes indicate that there are 16 burial plots with planter easements in between the plots. The planter easements will also work as a walking easement and a viewing easement so that people can access the burial blocks, as well as come in the future to visit their deceased. Each of the planting beds will be planting zones where different types of plant material can be incorporated, to be able to have different aesthetics that offer a greater variety of landscapes. There will be a desert aesthetic which would have a lot more of the low growing Palo Verde, Desert Willow and Mesquite style trees. In the middle it would be a blend of those types of trees, as well as decorative or ornamental trees that will produce flowers and leaf aesthetics, incorporating different greens and purples, providing for a canvas or background for people to be able to view as they come visit there deceased, as well as offer shade coverage in the future. The irrigation system will no longer be broadcast irrigating but would be point source irrigation through drip tubing, which cuts down on evaporation, as well as runoff and overall water usage. There will be five (5) planting easements that will already be planted and ready for vegetation immediately. The vegetation would be kept within the planting easement for ease of maintenance purposes. **Mayor Hart** inquired what the ground cover would be. **Joseph Rawlinson** stated that it would be some kind of chat gravel or something very similar to the landscape that's presented on the outside of town hall. **Council Member Johnson** referred to the slope and inquired if in bad weather, if the chat would wash away. **Joseph Rawlinson** indicated that due to the compaction, he did not see that as a problem. **Council**

Member Johnson commented that it absolutely should be required that benches be put in and not having benches should not be an option because lawns are for people to go and sit and if they can't sit on the chat, there needs to be somewhere to sit, with a lot of places to sit. **Joseph Rawlinson** agreed. **Council Member Mehr** inquired as to how quickly water reuse option would come online. **Mayor Hart** clarified that he did not see that happening within five (5) years. He inquired if the intent was to move straight forward with this, with City Council approval and get the vegetation going because the City is running out of space. **Joseph Rawlinson** stated that was correct. **Council Member Mehr** inquired if anyone could be buried in the Ivins City Cemetery or if there were limitations? **Benny Sorensen** indicated that currently there is a resident rate and a non-resident rate. The non-resident rate is double the resident rate. **Council Member Scott** commented that this was really innovative and a lot of work has been put in to this and it is a good plan.

MOTION: Council Member Scott moved to approve this plan, ensuring benches are used and connected to shade trees.
SECOND: Council Member Johnson
VOTE: The motion carried

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

C. Discuss and consider approval of the First Amendment to the Development Agreement for the land located in what is generally known as Black Desert Resort

Dale Coulam referred to the map and pointed out the Western Corridor and what used to be the Alan Layton parcel, which is in light blue. That is now called North Village. This first amendment is to incorporate North Village into the Development Agreement for the rest of Black Desert Resort. The maintenance yard and the practice golf facilities will have a different Development Agreement. It is anticipated that the North Village will follow the same concepts and be part of Black Desert Resort. Ivins City has asked for an updated site plan. The maps and agreement are available as attachments to this agenda.

MOTION: Council Member Scott moved to approve the First Amendment to the Development Agreement for the land located in what is generally known as Black Desert Resort
SECOND: Council Member Johnson
VOTE: The motion carried

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

D. Discuss and consider Fiscal Year 2023/2024 Budget preparation calendar

Cade Visser reported that there will be a Joint Work Meeting with the City of Santa Clara on January 26th to discuss Public Safety budgets. Fire Chief Parker has sent in a tentative budget that's been presented to the City of Santa Clara and to Council Member Scott, per his request. He will forward that onto the other Council Members as well. **Dale Coulam** indicated that March 1st, 2023, has been added to the schedule, as far as the deadline to submit the Public Safety budget to the City of Santa Clara. **Cade Visser** indicated that March 23rd is scheduled for the City Council to discuss and review that budget and that can occur earlier if desired. Other than that, the schedule is similar to what was provided last year. **Council Member Mehr** commented a budget reflects the values a city has and thinking about some of the feedback the Council has heard. The Council and City should do their best to align those with how the money is spend from the funds from the taxpayers.

MOTION: Council Member Johnson moved to approve Fiscal Year 2023/2024 Budget preparation calendar
SECOND: Council Member Scott
VOTE: The motion carried

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

E. Presentation and discussion on the Planning Commission's recommendation revising the goals, section of the 2022 Moderate Income Housing Plan, to cure deficiencies identified by the State of Utah

Mike Haycock stated that a report was sent to the State of Utah and like many other cities, Ivins City received a letter back requesting more detail. The State of Utah wants better time frames and a better plan on how to accomplish the goals. The Planning Commission has reviewed and sent back their recommendations. The first time around four (4) recommendations were set forth from the Planning Commission, and the City Council narrowed those down to three (3). One was to rezone, which Ivins has done with Multi-Family. There was some verbiage added due to the pending land use appeal. Going through the General Plan and Land Use Plan could answer a lot of those questions on exactly what areas would we be appropriate in the future to rezone. Depending on the pending appeal, Ivins City may have already accomplished that. The second option was to rezone Mixed-Use which Ivins does not currently have, but it could be addressed through the General Plan to identify an appropriate Mixed-Use zone. Ivins currently has an overlay but it would be appropriate to have a Mixed-Use zone and a mixed-use development designed where there could be moderate income housing mixed in with commercial. **Council Member Mehr** inquired if that was the intent of Resort Commercial or if Mixed-Use was totally different. **Council Member Anderson** clarified that you currently cannot have residential in commercial. It makes sense to have some housing mixed in with Resort Commercial but currently Ivins has nothing that allows that. **Mayor Hart** referred to a Town Center concept that would have been a true Mixed-Use with various types of residential zones mixed in with commercial. **Council Member Scott** referred to these three (3) goals and commented that they should really be called strategies because they're not goals, they are strategies. That is what the State calls them and that needs to be consistent. He referred to the

milestones and interpreted that to include milestones showing progress that Ivins City has made. Mike Haycock identified one that happened this past year, but there were other things that happened this past year too that fit some of the goals. He inquired if those should be discussed as well? For example, the Concept Plan that was presented tonight on townhomes, that zoning occurred in early 2022. The Land Use was changed from Low Density Residential to High Density Residential, allowing for townhomes. That shows movement towards achieving Ivins strategies. **Mike Haycock** commented that he was not sure a townhouse would fit into the Moderate-Income Housing definition. Multi-family has a better chance of fitting the definition as it relates to percentiles of the medium income. **Council Member Scott** indicated that it fit strategy number one (1), rezoning for densities necessary to facilitate the production of Moderate-Income Housing. That does not guarantee that it is going to but going from low density to high density and he was not a fan of making that kind of a zoning change, but since it has been done, Ivins should receive credit for that with the State of Utah. Anything that Ivins did this past year, that has increased densities, should be celebrated in this document. **Mike Haycock** clarified that this document has already been sent to the State of Utah and the State just wants Ivins to cure the deficiencies as simply as possible. Everything does not need to be revamped. The City just needs to look at the goals and state the milestones. **Dale Coulam** stated that following the Planning Commission meeting, amended language was added that clarified what has occurred on the SITLA 120 property and that there is a pending appeal to the zone change that was approved. That appeals is still pending but that is something in the future for Ivins City to address, as opposed to saying Ivins did it in the past. Following the Planning Commission meeting, Mike Haycock sent this to the State for review and they have tentatively accepted it, but to the Council's point, Ivins has something that was done last year that can be reported on. The State made it clear that if property was rezoned to a townhome zone, which is a much higher density use than what the property was previously zoned, and it doesn't result in housing that meets the 85% of the median income, the State isn't going to penalize the City for that because Ivins followed the goal or strategy. Ivins will not be penalized for what the market drives. because that is out of the control of the City.

Mike Haycock indicated that goal number three (3) is ADUs (Accessory Dwelling Units). Ivins ordinance does not necessarily need to change, but there are some advertising things that can be done to let people know about Accessory Dwelling Units, that will accomplish that strategy. The ordinance can be looked at, but the education part of it is where it could be successful and suggested the possibility of doing that through the newsletter. **Dale Coulam** stated that was an example that was used by the State, saying Accessory Dwelling could be one of the goals because that is a measurable milestone with an advertising campaign that educates residents that they can rent their ADU. That could be done in a newsletter or through an e-mail blast. **Council Member Scott** inquired about Ivins current regulations that regulate the size of accessory dwelling units based on the property size or the home size. **Mike Haycock** stated that the regulation is based off both the property and home size. **Council Member Scott** indicated that the current limitation or requirement on size may be totally adequate or appropriate, but maybe it isn't, and it would be worthwhile to look at that ordinance, especially in light of looking at more affordable housing options. **Mike Haycock** commented that one thing he gets a lot of calls on, is if an ADU could go on top of a garage. That is difficult to do under Ivins current ordinance and if there were a few changes, the City may be able to accommodate those easier. **Council Member Anderson** referred to keeping philosophies moving forward, it's not something the Council is trying to promote, it is criteria set by the State and needs to be met by

the City, to keep funding for the City. **Mayor Hart** stated the Accessory Dwelling Units are probably the most palatable Moderate-Income Housing option, according to the Ivins City survey. **Mike Haycock** indicated that another positive thing about ADU's is that they are owner occupied. The owner is going to have to live there and put up with the same thing the neighbors have to put up with. **Dale Coulam** stated that the comments were all good points but reminded the Council that the legislature changed State law and said that municipalities will allow Accessory Dwelling Units to be rented out long term. That was only for a certain type of ADU but Ivins ordinance went beyond that. The **Mayor and City Council** agreed that this should move forward to a Public Hearing at the next City Council meeting being held on January 19, 2023.

F. 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 stated that Council Member Murphy was not present but wanted to be a part of this discussion. This does not need to be tabled but if the Council would like to move it forward until she can be present, that is an option.

MOTION: Council Member Mehr moved to continue this to another meeting
SECOND: Council Member Scott
VOTE: The motion carried

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

G. Discuss and consider electing a Mayor Pro Tem for the 2023 calendar year

MOTION: Council Member Anderson moved elect Council Member Mehr as Mayor Pro Tem for the 2023 calendar year
SECOND: Council Member Scott
VOTE: The motion carried

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

H. Training on Open Meetings and requirements for disclosure of conflicts

Dale Coulam provided training to the Mayor and City Council regarding Open Meetings and Rules of Conduct and Disclosures.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 15, 2022

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Scott reported that the Youth Council Director, Jamy Dahle, Planning Commission Member Bob Morris and himself will be taking the Youth Council up to the Capitol in Salt Lake City on January 18th for Legislative Day. He acknowledged and appreciated that Senator Don Ipson would be hosting the night before with a dinner and a private after-hours tour of the Capitol, including an exterior tour of the rotunda. Representative Neil Walter will also be participating.

Council Member Mehr reported that he had the opportunity to attend the Vista Charter School Open House for the new addition. He was impressed with how it looks and he hoped that the people in the community are able to attend events there and support the school because it is a great asset to the Ivins community. **Mayor Hart** added that Vista is having a ribbon cutting ceremony this upcoming Saturday, January 7th at 1:00 p.m.

There were no other reports.

B. Mayor

Mayor Hart reported that the Ivins City Annual Neighborhood Meetings start next week and will be held on Tuesday, Wednesday and Thursday January 10th through January 12th, 2023 and begin at 7:00 p.m.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the What's Up Down South Economic Summit will be held on February 1, 2023. If they would like to attend, let the City Recorder know and she will get them registered.

D. Items to be placed on future agendas

Mayor Hart inquired if the City Council would like to add a future agenda item to discuss the sequence the Planning Commission should take when reviewing the General Plan. The **City Council** agreed. **Mayor Hart** commented that he would like to hold a frank discussion about water and housing because there are so many misconceptions out there as to what the City can and can't do. He would like an interactive meeting so that residents can develop a better understanding as to what the City is obligated to do and what the implication is for moderate to low-income housing and when it comes to water, it is obvious that it is on everybody's mind. **Council Member Scott** indicated that it is just past the commitment to have a six (6) month review on the water conservation ordinance that was passed last year. The **Mayor** and **City Council** agreed that could be addressed on a future agenda.

9) CLOSED MEETING

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 Anderson	AYE
Council Member Murphy	ABSENT

The meeting adjourned at 7:08 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder