IVINS
CITY COUNCIL
MINUTES
January 19, 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, Council Member Murphy, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Parks and Recreation Director Benny Sorensen, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: James Barden, Bryan Pack, Sharon Barton, Sharon Gillespie, CJ Koharcheck, Dave Appel and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Anderson and Council Member Mehr were not present but were expected shortly.

B. Flag Salute

Council Member Murphy led the Flag Salute

C. Invocation

Council Member Murphy gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda. Council Member Mehr and Council Member Anderson were not present at the time.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

Council Member Anderson and Council Member Mehr arrived at 5:35 p.m. **Council Member Mehr** had no disclosures or conflicts of interest with items on this meeting's agenda. **Council Member Anderson** referred to agenda items 4)C and 4)D and disclosed that he was the Applicant.

A. Presentation regarding Veterans Memorial proposal - Laela Gaylord

Laela Gaylord provided a presentation to the Mayor and Council, a copy of which is available as an attachment to this agenda. The logistics of constructing a Veteran's Memorial with design, costs, location and similar would be left to the group or organization that would support and sponsor the Veterans Memorial. An example would be the American Legion, Rotary Club, Elks Organization, private donors and/or a large or small corporation located in the area and possibly they would assist with sponsorship and fundraising. **Mayor Hart** clarified that this is a presentation and that the Council would not take action on this tonight. The next step would be to research as to what groups or businesses that would be willing to participate in this because this is not currently in the budget. **Laela Gaylord** commented that it would take $100,000 or

more to be raised and that grants can be written. She thanked Benny Sorensen and Mike Scott for their assistance in looking into this. **Mayor Hart** inquired if Laela was willing to continue to lead the charge on this. **Laela Gaylord** clarified that she is on the Wreath's Committee and did not know much about it. Her question was if the City would provide the public land needed to place the memorial. **Mayor Hart** commented that the City already has a half built Veteran's Memorial Park that is located north of the Veteran's home and may be another option from a cost standpoint. **Laela Gaylord** stated that the memorial needed to be located in the cemetery. **Mayor Hart** indicated that Benny Sorensen would need to look and see where this could be done. **Benny Sorensen** commented that there is a road along the top of the cemetery where there is a retaining wall and then there is no retaining wall along approximately 270 feet in length that is 28 to 30 feet from the wall to back of curb that could be utilized for this. **Council Member Scott** suggested that this be an agenda item on the next City Council agenda to say either yes or no if the City would provide the land. The **Mayor and City Council** agreed.

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

Mike Haycock provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported on enforcement of the water ordinance that was passed last year and reported that the first couple of months the City educated the developers and contractors and the City is stamping on plans information about water conservation. Developers and contractors are noticing and discussing that and it has been going smoothly.

Chuck Gillette provided electronic reports, copies of which are available as attachments to this agenda. He reported that Council Member Johnson assisted with checking identification on dumpster day. **Council Member Johnson** reported that there were four (4) non-residents that were turned away and 62 residents that were able to use the dumpsters before they were full. Almost everybody when they left were grateful for how the new dumpster location was constructed. **Chuck Gillette** reported that the crew finished testing the sewer lines with sonar and cleaned where the pipes were deficient. There are plans to do video inspections of the lines and the City is just waiting for the contractor to come down and do that. The crew is crack sealing now and the City will be issuing bid documents next month for the spring road maintenance project. The City is ready to start constructing old Highway 91. That was originally going to begin on January 17th but that has been delayed and will now start on February 7th. The City will hold an Open House on Wednesday, February 1st at Ivins City Hall and they will also be displaying information at the Transportation Expo that is being held on February 7th at the Dixie Convention Center. It is advisable to avoid Highway 91 until this fall. He has been attending the water meetings at the Washington County Water Conservancy District where he representing Ivins and providing updates to the Mayor, City Council and staff.

Cade Visser provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the fiscal year is 50% complete through the end of December and as of the end of December, 2022, the City has received 59.22% of budgeted tax revenues year-to-date and sales tax revenue is 21% higher than the prior year-to-date. Impact Fee Funds are affected by the number of building permits being issued and impact fees are behind the year-to-date budget. Both operating revenue and expenses in the Enterprise Funds are in line with expectations.

C. Quarterly Report

Cade Visser provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available as an attachment to this agenda. He reported that interest earning are on

track to reach $400,000. Consumer spending is regressing back to normal and the Department Heads are maintaining expenditures below budget.

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

There was one Citizen request submitted by Sharon Barton. A copy of the request is available as an attachment to this agenda. **Sharon Barton** requested implementation of a six (6) month moratorium on hearings for land use amendments, zone changes, concept plans and preliminary plans, with the exception of low density residential, to give the Planning Commission and City Council the opportunity to focus on revising the General Plan and modifying codes based on the General Plan survey results. This should include commercial as well. **Dale Coulam** indicated that he will check the moratorium statute to see if that would qualify because the General Plan is not a new ordinance. He will look into that and report at the next City Council meeting.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation regarding the Goals/Strategies section of the 2022 Moderate Income Housing Plan to cure deficiencies identified by the State of Utah

Mike Haycock that the State of Utah liked the information that he preliminary provided after the Planning Commission's public hearing and are satisfied with what has been submitted. **Mayor Hart** opened the Public Hearing and commented that an email with comments was submitted to the City by resident Lisa Ganz. A copy of the email is available as an attachment to this agenda. He inquired if there was anyone on the Zoom application who wanted to make a Public Comment. **Cade Visser** indicated that there was no one on Zoom expressing interest to make a Public Hearing comment. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2023-01, an Ordinance of Ivins City, Utah adopting revisions to the ?Goals/Strategies? section of Ivins City's 2022 Moderate Income Housing Plan

Council Member Scott questioned if the Council is going to have to relook at this at the end of this year? **Mayor Hart** stated yes. **Council Member Scott** indicated he had some issues with density. He questioned to Mike Haycock about the issue he heard at last meeting that the revision the Council may approve tonight has been ran by the State and there was no objection and Ivins City is under a deadline to cure the deficiencies. **Mike Haycock** stated yes. **Council Member Mehr** inquired when the deadline is. **Dale Coulam** stated February 2023.

Council Member Scott moved to approve Ordinance 2023-01, with the condition that the Plan be revised in 2023 to state and define goals and select strategies that are most likely to be effective and appropriate for the community

Council Member Mehr seconded the Motion

Mayor Hart stated that discussion as he understood it is the State Legislature has clamped down on the way the City does the Plan. The State wants to see the same strategies or goals year-to-year and not changing them out. **Mike Haycock** indicated that the better time to have that discussion is after the legislative session has concluded, to see what kind of changes come about. Approving this will give the City six (6) months. It can be revisited but the State wants cities to stay with same goals over next five (5) years. Changes can be made. The three (3) strategies Ivins has picked are the simplest of them all. The others are a bit more complex. **Council Member Mehr** questioned two (2) things - should or hope? Is it a requirement or a law and what is going to happen if this is delayed. **Mike Haycock** stated that Ivins City could lose

funding for the Highway 91 project. **Council Member Mehr** questioned could or may? **Dale Coulam** indicated that topic is likely going to be part of this next legislative session. As it currently stands, it says cities lose State funding. There has been some inequity as that's been applied to some cities that didn't comply. The State is looking at modifying what that penalty is, and what State funds would be subject to being withheld. As it's currently laid out next year and for the near future, what is anticipated is cities will be filing reports as to how they are doing on the goals and strategies that have been selected. The State does not necessarily want to see a new plan. This is part of Ivins General Plan pursuant to the Statute, and is law. It is within the Council's prerogative to amend that portion of the General Plan as it sees fit. Ivins does need to exercise a little bit of caution as Mike Haycock indicated. The State does not want to see one year a City list out a certain set of goals and then the next year list out different goals, never reporting the progress. The State wants to see the progress on the selected goals, with some consistency. That does not preclude the Council from revisiting it and seeing if it needs to be tweaked. He agreed that it will be governed by the new legislation that comes out or that may change. **Council Member Mehr** commented that this is on people's minds. When looking at the revised goals and strategies, Ivins is saying it will be rezoned for higher density in commercial or mixed-use zones near major transit, investment corridors, commercial centers, and employment centers. He does not know if those things even exist, nor does Ivins City want them to. In a way, this could be defined by a future Council or a future set of individuals. The question is, is there any flexibility to push this down and delay it? **Mayor Hart** indicated that the Council could, but it would be risky. **Mike Haycock** clarified that Ivins City does not have partners for the projects. The State understands that what the state wants is for Ivins to make housing available so that if a partner comes in, there is a way to get to the Moderate Income Housing. The cost of land is pretty expensive in Ivins and it's going to be hard to find a partner but what Ivins needs to do is have the General Plan identify that Ivins City is willing if everything works out. It would need to be in the right place in the City, at the right time and with the right partner. The City is not committing to do a project, the City would be committing to be available for a project and make it a land use ordinance and zoning ordinance making the zone available. **Council Member Scott** stated that his reason for suggesting the review in six (6) months, was a way to move this forward because of the concern of the deadline and funding issues. The reason he would want a review is basically the same reason as Council Member Mehr wanting a delay, giving Ivins City time to see if this is really the right thing. **Mike Haycock** clarified that the plan says cities shall rezone but cities are not going to rezone a parcel without a partner and application and the State understands that. The questionnaire is going to be, did the City do these things? What were the obstacles in doing it? For rezoning to higher densities, there are a couple parcels that the Council has rezoned for higher density, including the one that is in the appeal process. Ivins City is already in the process of doing or achieving some of the listed goals. The complex one is going to be the Commercial Mixed-Use along transportation corridors. That's going to be the hardest strategy to conclude on and accomplish. **Council Member Murphy** indicated that this Plan does not jive with the General Plan that is being talked about. **Mayor Hart** stated that with the legislature likely acting on this, it is unknown what the rules are going to be in six (6) months. It is known that Ivins City could potentially lose funding on the Highway 91 project and there isn't time to change this and go through another public hearing. **Dale Coulam** stated that he would not advise that because this Plan has already been pre-approved by the State. From the public hearing at the Planning Commission meeting, there was a suggestion for an amendment, and it was made before being submitted it to the State. The State was still okay with it and said it met

the requirements. He indicated that as far as the wording of the goals and strategies, the state was clear they had to be included verbatim as it was listed in the statute as choices. There is no flexibility there, at least at the current time. **Mayor Hart** indicated that there is a current specific motion pending. **Council Member Mehr** inquired if Council Member Scott would be willing to remove his amendment verbiage? **Council Member Scott** amend his motion.

MOTION: Council Member Scott moved to approve Ordinance No. 2023-01, an Ordinance of Ivins City, Utah adopting revisions to the Goals/Strategies section of Ivins City's 2022 Moderate Income Housing Plan, with the condition that the Plan be reviewed after the Legislative Session is completed, to determine if there are strategies that are more likely to be effective and appropriate for the community.

SECOND: Council Member Mehr

VOTE: The motion carried.

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

Roll call vote. All Council Members voted in favor.

C. Public Hearing on the Planning Commission's recommendation to approve a Zone Amendment from RA-5 (Residential Agricultural, minimum lot size 5 acres) to Low Density Residential RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 17.533 acres, located at approximately Highway 91 and 1000 West. RT Marten Utah, LLC-Owner. Lance Anderson-Applicant

Council Member Anderson recused himself and sat in the audience. Mike Haycock reported that the applicant is proposing a Zone Amendment from RA-5, Residential Agriculture, minimum lot size of 5 acres, to RE-15, Residential Estates, minimum lot size of 15,000 sq ft, with a Low Density Land Use on approximately 17.533 acres. RE-15 is consistent with the Low Density Residential land use designation. **Mayor Hart** opened the Public Hearing and commented that an email with comments was submitted to the City by resident Lisa Ganz. A copy of the email is available as an attachment to this agenda. He inquired if there was anyone on the Zoom application who wanted to make a Public Comment. **Cade Visser** indicated that there was no one on Zoom expressing interest to make a Public Hearing comment. There being no other comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2023-02, an Ordinance of Ivins City, Utah, approving a Zone Amendment RA-5 (Residential Agricultural, minimum lot size 5 acres) to Low Density Residential RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 17.533 acres

Council Member Scott commented that this fits with the Land Use Plan. The Mayor and other Council Members agreed. Regarding the water situation for this parcel, he understood that the water at this point is intended to be supplied by Kayenta Water Users and not the Washington County Water Conservancy District but Kayenta Water Users has agreement with the Water Conservancy District for X number of hookups so if development happens, there could still be a risk of not receiving a Will Serve letter from the District. **Lance Anderson** commented that that was a fair summary and that the developer may obtain water from another source in that situation.

MOTION: Council Member Johnson moved to approve Ordinance No. 2023-02, an Ordinance of Ivins City, Utah, approving a Zone Amendment RA-5 (Residential Agricultural, minimum lot size 5 acres) to Low Density Residential RE-15 (Residential Estates, minimum lot size 15,000 sq ft) on approximately 17.533 acres
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	ABSTAIN

Roll call vote. All Council Members voted in favor, with the exception of Council Member Anderson, who abstained.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2023-01R, a Resolution of Ivins City, Utah, adopting the Pass-Through of the increase in the excess water use surcharge for new connections made on or after January 1, 2023

Dale Coulam indicated that this Resolution states that in addition to the water rates charged by Ivins City, beginning January 1, 2023, excess water use would have a surcharge as set forth in Attachment A. That was passed by the Water Conservancy District as the surcharge. **Council Member Mehr** questioned if the Water Conservancy District would be charging Ivins City or the household? **Mayor Hart** stated that it is a household charge. **Council Member Scott** clarified that Ivins City would collect it and then provide it to the District. **Council Member Mehr** inquired how the Water Conservancy District knows the data of what is being used and how does that work? **Mayor Hart** indicated that this applies to new construction only at this point. He was lobbying that this be required for existing residences as well. The concept is there are over users and abusers and the cost of the penalty goes up based on the extent of the abuse, like a tiered rate system. What needs to be understood about new construction is, it has been agreed to a .59-acre foot commitment. Anything beyond that is penalized. **Council Member Scott** stated that as an example, it would vary from summer to winter but for a 10,000 gallons a month user, the different seasonal rates do make a difference. It raises from the current charge, which is about $54, up to a maximum of $74, depending on the highest surcharge season. On a percentage basis, that's a significant increase. On a on a very high end user, it more than doubles the cost, which is part of the goal to penalize the very high end user. **Mayor Hart** indicated it's the only way the Water Conservancy District can enforce the landscape ordinances and there must be a mechanism in place to convince extreme abusers. **Council Member Mehr** commented that he worried about Mayor Harts statement that he hoped this would be required for existing residential as well because this goes to the growth question. Ivins City has individuals that have lived in the community for a long time and using water at the rate that has been used or even less, and now residents may be penalized and have to adapt because of new growth coming in. **Mayor Hart** inquired if that was not the right thing to do in a drought that is being experienced. **Council Member Mehr** indicated it could be discussed and he was not saying that it is was right or wrong, but it is a complex issue. **Council Member Anderson** clarified that this only applies to new construction. **Council Member Mehr** stated that it seemed that a very significant minority of the community abuses the water situation and maybe there was a better way that this could be addressed but he did not have a

recommendation. **Council Member Scott** indicated that the surcharges do not have any impact on a user that stays under 10,000 gallons a month so there is some safety level there. If this were to be applied to existing users who are not consuming 10,000 gallons a month, they will see no impact from the surcharges. Whether or not that was the right number or not, he did not know but he was in favor of this approach. **Chuck Gillette** clarified that there is a base surcharge and then there is an excess surcharge. The base surcharge is $1.75 per connection per month and that is a separate charge that's already being charged to all connections. The excess surcharge is when it goes over. Existing users have to hit 36,000 gallons a month and may only hit that in the summer, which is a dollar per thousand gallons over 36,000. It's a pretty weak excess surcharge. It's the new users that come on where they get hit pretty heavy for excess use. The Water Conservancy District has said that if somebody comes in that has high water use and they can show that there was a verified water leak, the City has the option to waive the excess surcharge.

MOTION: Council Member Mehr moved to approve Resolution No. 2023-01R, a Resolution of Ivins City, Utah, adopting the Pass-Through of the increase in the excess water use surcharge for new connections made on or after January 1, 2023
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

Roll call vote. All Council Members voted in favor.

B. Review and discuss Ordinance No. 2022-06, adopted on June 2, 2022 regarding adoption and implementation of regulations for landscaping and water conservation for developing land in Ivins City, Utah

Mayor Hart stated when the Ordinance was adopted, the Council agreed to re-visit this in six (6) months, to talk about the effectiveness of it. **Council Member Murphy** referred to Mike Haycock reporting earlier and inquired if he was aware of any pitfalls and if this has been working. **Council Member Scott** agreed and asked for a little bit of extra direction. He questioned if there had been any confusion that has been hard to overcome or if the City has received any pushback. He inquired if the calculations for grass and deductions for pools and water features have worked well and if he suggests any changes. **Mike Haycock** indicated that the only change the contractors have said is maybe instead of using square footage of house on the circulation system, to use the length of the pipe. He is okay with how it is written in the Ordinance as per the square footage of the house. Where a circulation pump is needed, some of the contractors are arguing that there is a water heater that's 20 feet away so why is there a need to put a circulation pump on that part of the system. That's the biggest feedback from the contractors. The square footages are working out well. There haven't been a lot of houses finalized on yet, but the contractors are aware and they have discussed it. **Council Member Scott** referred to the calculations for grass, pools and water features and inquired if so far there were no problems and running pretty smoothly? **Mike Haycock** stated yes. **Mayor Hart** commented that other than Hurricane, Ivins City has the largest allowance for grass of any other City that has adopted an ordinance like this. That seemed inconsistent with the fact that Ivins has been the most aggressive about conservation measures and since turf is the biggest defender out there, he wondered if the City Council should rethink that. **Council Member**

Scott inquired about the water conservation ordinance and the grass issue. It is probably a lot of things developers are already doing but he inquired how much grass is actually going in? **Mike Haycock** indicated that another employee does the final inspections but he will speak with him and get some specifics because there are only a handful of houses with final inspections that fall under this ordinance. **Mayor Hart** inquired if that is identified on the landscape plan that is now required? **Mike Haycock** stated yes, it is reviewed on the plan review. **Mayor Hart** indicated without going out and measuring, there should be some idea about how much is going in per the plan. **Council Member Scott** indicated he would like to see more information because he suspects it might be less than what Ivins City even allows and then revisit the grass issue, to see what other communities in the county are doing. **Mayor Hart** suggested tabling this discussion pending further information. **Mike Haycock** indicated some pictures could be taken of some of the final inspections and sent to the City Council.

MOTION: Council Member Scott moved to table this agenda item to get more data
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

C. Discussion regarding the process the Planning Commission should follow in amending the General Plan

Council Member Johnson indicated that in the neighborhood meetings prior to the last ones, there were a lot of people talking about the General Plan and how the basics in it were very good and the whole plan did not need to be re-invented but that it could be reviewed and just change the things that pertain to what people wanted to have changed. like the resort destinations and the density situation. She suggested giving the Planning Commission the specific wording of what is needed in the General Plan such as anything that has to do with resorts and that sort of thing to review and then working on sections of the General Plan and leaving it pretty basic. **Council Member Scott** stated that when this process started, it was agreed that the current General Plan was liked. He agreed with Council Member Johnson and so did the public. The public likes what the General Plan said but they do not necessarily like what the Council has done. The 2015 update of the General Plan basically took the prior plan and made minor changes to the prior plan. Times have changed. In looking at the State Code and General Plan Writing Guide, the Writing Guide makes a lot of suggestions to put more detailed information into the General Plan so that it is not confusing and not as ambiguous. Maybe Ivins is just behind the times in the way the General Plan is written. He suggested giving the Planning Commission the direction to look at that Writing Guide. It does not have to go into all the depth of it, but that would be for the Planning Commission to decide how much is used as sort of a foundation for how to work through the General Plan. It can be done chapter by chapter, but with the kind of information that is appearing now in newer General Plans, rather than just brushing the dust off an old one and changing a few words. The General Plan survey results can be given to the Planning Commission to use so the survey results may be incorporated. It will take a number of months to complete, and he would like to see periodic monthly updates, then if the Council thinks it is going off base, some direction could be given back to the Planning Commission. He also thought that getting focus groups from the community involved, would help keep the General Plan

transparent and working well. **Mayor Hart** inquired as to the legal components and if they have been addressed as those have come along because there are requirements now that did not exist in 2015. Have those been rectified up to this point? **Dale Coulam** stated yes. **Mayor Hart** agreed with Council Member Scotts suggestions but was concerned with the idea of having individuals or focus groups provide the expertise for the re-write. The purpose of the survey was to find out what residents thought across Ivins city. He was worried that having specific individuals who are asked to participate in the way Council Member Scott prescribed, would dilute or even eliminate the sense of validity on the survey. **Council Member Mehr** inquired when a public hearing would need to occur? Should this be done chapter by chapter or what is the thinking there? **Dale Coulam** indicated that there is flexibility. It just requires a public hearing. It could be when the whole proposed General Plan is written, or that could occur along the way, chapter by chapter. **Council Member Murphy** stated that not all chapters need to be addressed. **Council Member Mehr** indicated that it would move quicker to do a chapter every meeting as a guide. There might be sometimes where it is a continued discussion or what not, but it does not need to be drug out. **Council Member Anderson** stated that the Planning Commission has to address it before the City Council can even touch it. **Council Member Mehr** understood that. **Mayor Hart** indicated that the Planning Commission could move relatively quickly through most of the General Plan because there are areas that are not controversial. **Mike Haycock** stated that the General Plan is a guide and the ordinances are based off of the General Plan. The ordinances are what's enforceable. More time needs to be spent on the ordinances. There has been discussion about a moratorium and he was involved in a moratorium that took over six months to figure out what was wanted. The best time to do a moratorium is the last six months, not the first six months. When dealing with a General Plan, it is dealing with thoughts and ideas and those have to be codified, during that six months is when they would do the moratorium. Moving forward, Chuck Gillette has already started working on the statistics and updating all that information for the General Plan. **Council Member Mehr** indicated that the Council has the survey to know what people are thinking and feeling and did not think the update should take a lot of time. He did not think that the update should be delegated because it is the Planning Commission and City Councils authority. People are free to interact and ask questions, but it does not need to be turned over to so-called experts. The Council needs to do the work that they were put in these positions to perform. **Mike Haycock** agreed. It could be put on the Planning Commission agenda and see how far it gets. Applications are slow and this is a good time to work on it. **Mayor Hart** stated that he had a personal request of the Planning Commissioners - to read through the General Plan Writing Guide. It is excellent because it is current and shows the way that certain things have been addressed in response to changes over the last several years in the legislature. He has personally found it useful when picking out language because that can be tricky. **Council Member Scott** indicated that he understood the issue about the focus groups and the General Plan survey sort of speaks to that. He tried to estimate a reasonable timeline for the Planning Commission because looking at that State guide, it should take more time to be more thoughtful than just making some nice narrative revisions to the General Plan. He thought that it would take quite a few months for the Planning Commission to do this. **Mayor Hart** stated that it could be laid out as a guideline, more than it needs to be done by a certain date. **Council Member Mehr** suggested that the Planning Commission do their diligence and break it up chapter by chapter. When a chapter is done, it gets sent to the City Council, keeping it going at a more rapid pace. In those areas that need to take time, they take the time. There are chapters that will

go quicker and they can take into account all of the feedback from the survey. **Mayor Hart** inquired from a time standpoint, how many public hearings were required. **Dale Coulam** clarified at a minimum, two (2). One before the Planning Commission and one before the City Council. **Mayor Hart** inquired about the time if breaking it chapter by chapter. A public hearing in the Planning Commission for each chapter rather than for their total recommendation? **Dale Coulam** indicated that there might be a couple of chapters that could be done at a time so it would be hard to say.

Council Member Mehr suggested holding a public hearing on the chapters that impact the growth and development ordinances. **Mayor Hart** liked that idea and suggested that the Planning Commission first focus on the vision statement. **Mike Haycock** indicated that the Planning Commission thinks that the finances should be more identified in this process because the economy is coming off of a high growth time and starting to slow down. As construction picks up again, there will be development fees coming in for a certain time, then there will not be any development fees anymore and the City will need to plan for the future financially. The Planning Commission felt financial direction needs to be added in to the General Plan. Looking at different areas of the General Plan, it talks about Parks, Police, and Fire. It's not just Planning and Zoning. The direction that the City is going with land use, is also how it is developing as a City because decisions will need to be made coming off the development fees after the growth. How will things be paid for? **Mayor Hart** stated that the General Plan Writing Guide addresses something similar to that. **Council Member Scott** indicated that was right. **Dale Coulam** stated that it is a good idea to give some vision as to what the sources of revenue will be going forward. **Mike Haycock** indicated that updating the General Plans generally occurs every (5) five years, but they likely need to plan for seven (7) years of financial planning. **Mayor Hart** stated that he did not oppose that, but he would not prioritize that as number one. That should come after addressing some of the land use related sections. **Council Member Scott** indicated that the financial recommendations in the States guide have to do with the goals that are set. Ideally identifying what is this going to cost the City, or what is it going to generate for the City and not going beyond the goals that are being addressing in the General Plan. **Mayor Hart** commented that he sees a refined version of the General Plan defining acquisition of preserving farmland and open space. All of those things have price tags and if that's the direction residents want, then the Council needs to find ways to preserve some of the farmland and open space throughout the city and there needs to be a financing mechanism thought about and likely included in the General Plan. **Council Member Scott** stated that is exactly what the States guideline is suggesting. What is it going to cost and what the strategies are to cover the cost. The General Plan can be very general, but it can also be more specific. Adding a little specificity to it helps move Ivins City in that direction. He referred to the moratorium idea and indicated that no matter how quickly the General Plan can be put together, it is still going to take a number of months. They should discuss the potential for creating a building moratorium, or a partial building moratorium. Not on Low Density Residential, but on Medium, High Density Residential and Commercial zones. A moratorium cannot be done unless an emergency or critical issue can be identified, then it can be addressed. The Ivins City Code allows short-term rentals and tourist accommodations in a few zones and land use designations. The University of Utah's Kem Gardner Policy Institute's June 2022 policy brief states that increasing short-term rental supply, leads to a decrease in affordability. That conflicts with the States requirement that the City improve affordability. The Ivins City Code also allows housing types that are more affordable but the General Plan survey shows strong community resistance to where those have

been built and how they have been built. Ivins City has an obligation to address affordability and the amendment to the Moderate Income Housing Plan still deals with that. It needs to be considered where the higher densities should occur and how they need to be designed. If the Council waits until the General Plan goals and strategies and the Land Use map are finished and then put in a moratorium while codes are adjusted, that's one approach but the problem with that is it could be a number of months away, and during that whole time, it remains business as usual. The City would be risking adding to the affordability problem by using land the way it is currently used, missing the opportunity. **Mayor Hart** inquired if these issues could be resolved or solved in the six-month time frame? **Council Member Scott** stated yes. The General Plan update could cause a lot of things in the codes to change, but this would address basically two specific issues. Ivins must get rid of the short-term rentals. **Mayor Hart** inquired what he meant by get rid of, meaning don't add more? **Council Member Scott** indicated that increasing short-term rental supply leads to a decrease in housing affordability. **Mayor Hart** stated that when Council Member Scott says eliminate, he needs to be very clear about what Council Member Scott means by that. **Council Member Scott** stated Ivins currently has land use and zones that allow short-term rentals. Anybody could walk in tomorrow with a Concept Plan and Ivins must follow that because it's allowed. Ivins should not allow it. Likewise for the Medium and High Density residential. Ivins is committing to provide higher density for more affordability, but where should it be and what should it look like? The community clearly does not like what is being created. It may create housing that is more affordable than Low Density single-family housing but it doesn't come close to creating what the State is defining as housing that's affordable for moderate income families. Just simply to have the moratorium to address only those two specific issues. Taking meetings at the general plan level, public hearing there, meetings at the City Council level, public hearing, the City Council level. That could easily be done within six months, because it is just two issues. Just a partial moratorium for those things. Low Density single-family is a separate issue. Concept Plans could keep coming in all day long on Low Density. **Council Member Anderson** indicated that an inventory needs to be done of what properties would be affected by a moratorium. It is not fair to tell someone who has planned for decades, that they can no longer do that plan. It was a great survey and people did a lot of work on it, but it's still only a percentage of the people. It's still less than an average of 35% of the people on the high numbers because one person filled it out in each household. It was one per household, not one per person. The Council should be careful when using those numbers. **Council Member Scott** stated he would like the opportunity at the next meeting to completely refute what Council Member Anderson said. Again, the moratorium, then this all becomes discussion. There may be carve outs that become exceptions. Right now, it's business as usual and the City is running the risk of losing what Ivins City is obligated to do for the State. **Council Member Anderson** suggested there be an inventory of what properties right now are zoned Resort Commercial and see what that really means for Ivins City. Looking around, he does not see that many pieces that can be Resort Commercial. **Mayor Hart** indicated that a moratorium is a pretty drastic step and there are properties already zoned Resort Commercial that have plans in various stages of application in place. He questioned what a moratorium would do? **Council Member Scott** stated that a moratorium can be done where the City will not issue any building permits for six months. He is not saying building permits, he is saying until something is vested. Ivins City is not going to look at anything that causes a property to be vested. If Preliminary Plans are already approved by the City, then that is vested. **Dale Coulam** clarified that once an application is filed and a fee is paid, it is vested. **Council**

Member Scott indicated that if it's vested, that continues. He was not saying that the moratorium is to stop permits. The moratorium is to stop the ability to vest until the Council can decide whether that's the use to have. **Mayor Hart** stated that would be an agenda item all by itself on a future agenda. He questioned if this is something that the Council would like to address as an agenda item, at least to have a discussion about it? **Council Member Scott** commented that the discussion would be limited in scope and not on building permits. **Council Member Anderson** indicated that a moratorium would create a lag on what happens next and creates a false economy. **Council Member Mehr** requested a point of order and suggested that they move on in the agenda and if this discussion is to be on a future agenda, that could happen under items for future agenda.

Mayor Hart invited Planning Commissioner Pam Gardiol to the podium. **Pam Gardiol** indicted she appreciate a lot of the things discussed and had been taking notes. She is very excited about reading the document because she also felt that some structure needs to be added to the General Plan. There are some words in the General Plan that she did not know how to measure like "we will encourage acts". It will be encouraged by doing these things and the General Plan gives a guide and framework. This will take some time and discussion. She stated that the public has expressed a lot of desire to hear what's happening while going through this process and suggested that there be a monthly article in the newsletter so that there can be a feel of ownership of what the Council and the Planning Commissioners are doing. **Mayor Hart** indicated that they need to first start with the vision statement, then move to each section that has to do with development, land use and zoning. **Pam Gardiol** agreed doing those first was valuable as long as the Planning Commission goes through the entire plan and she liked the idea of adding the financial component. **Mayor Hart** inquired if the Planning Commission feels like they know what to do at the next meeting. **Pam Gardiol** indicated that she could not speak for her colleagues but believes that they can. She will follow her notes and look to Dale Coulam and Mike Haycock to correct any information. **Council Member Mehr** restated that the Council wants the Planning Commission to review the General Plan chapter by chapter and as chapters are completed, forward those to the City Council to figure out the public hearing timing later. **Council Member Scott** agreed with Council Member Mehr but with the addition to the Planning Commission using the State's guide and the results of the survey as references. **Council Member Anderson** indicated a lot of people don't realize with land use, whenever a zone is changed, it affects the tax value and it can give a misperception of value. **Mayor Hart** stated that is a really important discussion when it has to do with the holding zones. If it's in the Greenbelt, there's a five (5) year rollback for whatever value is put on it that must be paid for five (5) years back if the property is moved out of the Greenbelt. **Council Member Murphy** clarified that Greenbelt taxes could be $3 but if the property is rolled back and the value was $2 million five (5) years ago, that is all taxed. **Mayor Hart** stated that is really a prudent statement that the Planning Commission needs to realize because it is affecting people's lives with what is done and when it comes to those who own property versus those who want to tell others what to do with their property. The Planning Commission and the City Council need to be careful about that.

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 he was amending everything he has said in the past. It's obvious the majority of the survey suggested that residents want to see the City continue to regulate things like color and so forth. It's been mentioned several times that there is a punitive nature to this,

except that there are areas where someone can live, and the compromise is a change in color. He personally did not see how color can be the reason why someone would not choose to move to Ivins. He may be wrong on that, and he does not have a young family at home. He doesn't know how the difference in a white House and a warmer toned house makes a difference in how the family resides there. His amendment is that if the Council wants this to be such that it forces the discussion about color, then a home with a 10' ceiling requires 13' feet, adding three (3) feet to whatever the height is. If the Council decides to move forward with this, then 17' feet is not penalizing anybody. It needs to drop to 15' feet at most, then adjustments for pitched roofs, which are far less impactful, come off that number. There needs to be some real work done on how to define what a wall plane is or what an accent is and what can exceed the maximum elevation like a chimney. It's not just a matter of inserting the numbers and calling it done. **Dale Coulam** indicated that while heights are being addressed, if they want to change the numbers, that is fine and they can look at that now. The tallest thing on the roof is what the height is measured off of. If there were a chimney, the height is measured from the chimney down. **Mayor Hart** stated that it could be written to allow an additional two feet over the maximum prescribed for a chimney instead of giving the allowance to have the entire house that elevation. **Council Member Anderson** suggested that they could have an ordinance to allow higher for chimneys and saying that they meet a certain square footage above that height and that way it does not become a facade, it's an actual chimney which is a feature to the house. **Mayor Hart** commented that is sort of like trim and what defines trim color. **Mike Haycock** indicated that would be a conflict in the ordinance because it is required to have screening around HVAC equipment if it is on the roof. **Mayor Hart** stated that the Council is either going to enact a penalty for the color requirements or not. That is the heart of this discussion. **Council Member Anderson** commented that there are two (2) things - it is not just color, it is also texture. In the guidelines it talks about approved and disapproved colors. He agreed with flat roofs and he puts 12-foot ceilings on roofs all of the time. 30-32 inches is what is needed to get the parapet to seven inches on top for drainage. If pitched roofs meet the design guidelines for the roofing material, then he suggested going up to 21 feet because with an 8-foot wall, the pitch will vary between 6 to 8 feet and only a little bit of the white will show. **Mayor Hart** indicated that in a pitch roof situation, the maximum height of an exposed wall would need to be defined. If it's a hipped roof formation where the roof slopes off every wall plane, it doesn't have a gable end showing so the gable end could be 20 or 21 feet in what Council Member Anderson is describing. That's almost like a steeple showing. **Council Member Anderson** commented that whatever the plate height, that's what's important because with the roof and the design guidelines, it can go higher. You have a 6-foot wall, then up another 4-feet, it's a 10-foot plate, which means that's the ceiling height. **Mayor Hart** stated it will still need to be defined how high the wall goes or is allowed to go on a gable type structure. **Council Member Anderson** indicated that it is shorter if it is a pitched roof with the gable end on it, compared to if it's a hipped roof that would be the same color all the way around. **Mayor Hart** disagreed because in a hipped formation, everything comes off the plate line. It's just sloping off the plate line instead of creating a triangular end roof. He questioned the Council on whether or not they would be in favor to spent time coming up with the details of this. The fundamental question is does the Council want to not create a regulation on color? If not, the Council does not need to spend any more time on this. **Council Member Anderson** suggested that they call it the design guidelines and not just color. **Council Member Mehr** stated he was not convinced. Mayor Hart has made a point that the offensive home is not the height, it's the color. This does not address

what is trying to be addressed and he maintains that. **Mayor Hart** indicated that the offensive house would not be the color that it is if the maximum allowed wall had been 13 feet. **Council Member Murphy** stated that it does make a difference when you have a lighter colored house that has a darker colored roof because it doesn't stand out as much. A flat roof house that is white really stands out but the color of roof softens it all. **Mayor Hart** indicated that a pitched roof is an entirely different animal from a flat roof. They are two different kinds of architecture. **Council Member Murphy** commented that it's more of an issue with flat roof homes. **Mayor Hart** suggested that there could be a definition for flat roofs and one for pitched roofs. **Mayor Hart** inquired if the Council wanted to do this or not? **Council Member Anderson** stated yes, **Council Member Mehr** stated no. **Council Member Murphy** indicated that she was very concerned about the middle part of town. She would be a yes if this did not apply to the homes from 800 South to 400 and 400. **Council Member Anderson** stated that was one of Council Member Johnson's ideas. **Mayor Hart** indicated that the Council went through a similar thing with lighting. He referred to the survey where different neighborhoods had different responses to solutions for lighting. **Council Member Anderson** indicated that the Council previously requested to see the old historic overlay. **Mike Haycock** clarified that it was located in the ordinance but only consists of two blocks by two blocks. **Council Member Murphy** indicated that was not big enough and would need to be delineated by the Council. **Mayor Hart** commented that the Council could choose the SAA (Special Assessment Area) where improvements were done for curb and gutter. **Council Member Murphy** stated that would not be big enough. **Dale Coulam** clarified that it would only go to 200 South for the SAA and there are some older neighborhoods down further. **Mayor Hart** commented that the Council is diving into a really complicated pool and before the Council continues hammering out the details, there needs to be a vote.

MOTION: Council Member Mehr moved not approve Ordinance No. 2022-16
SECOND: Council Member Johnson
VOTE: The motion failed

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

The motion failed for lack of a majority.

Mayor Hart indicated that before leaving the meeting tonight, he needs to know either the majority of the Council does not want to do this, or it does. There can be another meeting to talk about what the specifics are, but it's just pointless if it's not going to pass. If there's a condition on it passing, then a motion needs to be made with that condition and they will see if it carries or not. It doesn't have to be a defined area it can be a general area. **Council Member Murphy** stated that she did not agree with the heights in the draft ordinance because are a little too restrictive. **Mayor Hart** indicated that the Council does not necessarily need to adopt the version that is before them. It could be a continued discussion. **Council Member Scott** suggested that Council Member Murphy could make a motion because it is being looked at as carving out a zone. Then on the issue of height, leave that to be determined. **Dale Coulam** clarified that it would be a second condition on the motion. A motion to determine a district that this would not apply to and a second condition to modify and then come back and look at the heights. **Mayor Hart** commented to go ahead and say which height you think is

right. **Council Member Murphy** indicated that was the problem. She didn't know which height was right. She does not know enough about this construction, but knows that the roofs do make a difference. **Dale Coulam** stated that this should be a continuation. **Mayor Hart** referred to Mike Haycock and instructed him to come back prepared to show the Council something that incorporates the Historic Township area. **Council Member Murphy** commented that it needs to include at least 800 South, 200 West and 400 and 400.

MOTION: Council Member Anderson moved to continue

SECOND: Council Member Scott

VOTE: The motion carried.

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

Council Member Anderson commented that if the roof meets the design guidelines, he would allow that pitched roof to be a little higher. He suggested in the future when this is discussed, to have three (3) criteria - 14 feet on flat roofs, leave the 17 feet alone and then allow 21 feet if the roof meets the design guidelines.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for January 5, 2023

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

Council Member Scott reported that there are new bike racks in the front and back of the Ivins City Hall. Those were placed as an Eagle Scout project by a wonderful young Ivins resident, Connor Oliphant, who is also a member of the Ivins Youth Council. It was a Scout project and not a Youth Council project. He also reported that he and Planning Commission Member Bob Morris took the Youth Council up to Salt Lake City on Tuesday, January 17th. That Tuesday night, Senator Don Ipson hosted the Ivins and St. George Youth Council to a dinner and then took them on an afterhours tour of the Capitol. There was a plan to go outside of the dome but unfortunately it was shut down by the State Patrol because it was snowing and was icy and slippery. Neil Walter, the new House Representative, wanted to participate and sat with the Ivins Youth Council at dinner for almost an hour and a half. He challenged the Youth Council, questioned them, answered questions, and gave them suggestions. It was non-stop engagement and on the drive home, the kids were asked to list their three (3) favorite experiences from the trip and their three (3) worst. The worst experience was their disappointment that they could not go out on the dome but their number one favorite was they couldn't believe the hour and a half

that they spent with Neil Walter.
There were no other reports.

B. Mayor

Mayor Hart reported that he spoke for over an hour with Neil Walter, the House of Representative rep for the Southern Utah area and commented that he is genuine and will be a great representative. Regarding the Talk About meetings, those are intended to be educational and not just telling the residents things, but hearing from the residents as well. The tentative dates are February 22nd regarding water, March 22nd regarding housing and April 19th regarding finance. Director of Finance Cade Visser is going to create models for them as to what happens with commercial and non-commercial development and Dale Coulam has contacted a company that provides graphs. If they can get that put together, that will be shared at that meeting. There will also be a Talk About meeting on May 17th or May 24th regarding future commercial development, if any, to explore some different options or models and all of the Talk About meetings will be held at Rocky Vista University in their auditorium. He reported that next Thursday there will be a Joint Work Meeting with the City of Santa Clara, here at Ivins City Hall, beginning at 5:30 p.m. He has been asked to deliver the State of the City address on Thursday, February 16th at Ivins City Hall. It is sponsored by the Chamber of Commerce, begins at 12:00 and lunch will be served.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the Talk About meetings and commented that if there was a quorum present, the City would need to notice those as meetings and record them. **Mayor Hart** indicated that he did not want to go through the notice process and will only have two (2) Council Members at each meeting participating. **Dale Coulam** reminded the Mayor and City Council that the Economic Summit will be held on Wednesday, February 1st and if they would like to attend, to let the City Recorder know and she will get them registered.

D. Items to be placed on future agendas

Council Member Scott requested that the discussion be continued on the water conservation ordinance, with more information on the moratorium issue. The Youth Council will also be providing a report on their legislative day.

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 Murphy	AYE
Council Member Anderson	AYE

The meeting adjourned at 8:36 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder