IVINS
CITY COUNCIL
MINUTES
February 16, 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, Council Member Anderson, and City Recorder Kari Jimenez.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Public Works Director/City Engineer Chuck Gillette, and Building and Zoning Administrator Mike Haycock.

EXCUSED: None.

Audience: Chris Haddad, CJ Koharcheck, Sharon Gillespie, Gordon & April Beardall, Eric & Lynn Savage, Bonnie Kline and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

B. Flag Salute

Council Member Scott led the Flag Salute

C. Invocation

Council Member Scott gave the Invocation

D. Disclosures

Council Member Anderson referred agenda items 5) D and 5)E and disclosed that he was the applicant for those agenda items. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Arts Commission's Annual Report

Michele Adams provided the 2022-2023 Annual Report to the Mayor and City Council. A copy of the report and budget are available as attachments to this agenda. She reported that the Arts Commission set goals on how the Arts Master Plan could be best implemented; made recommendations to the City Council for appointment to the Arts Commission; appointed an Arts Commission sub-committee to begin the Arts Master Plan review process; and made recommendations to the City Council regarding RAP Tax applications and funding. In addition to the duties outlined in the Annual Report, the Arts Commission accepted an assignment from the Mayor and City Council to develop an Ivins City color template using the Munsell Book of Color and they are working with the City Council and Building Department to better articulate the City's desire to have a more objective method of working with future development applications.

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

Mike Haycock reported that the 12 month average for residential building permits is still going down but in February that appears to be turning around and commercial building permits have made up for that.

Chuck Gillette provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that in January the Public Works crews main tasks were inspecting sewer lines and manholes in preparation for cleaning and preparing the dumpster area for dumpster days. They will also be starting street maintenance in preparation for crack sealing. The project on Old Highway 91 began on February 6th and the contractor has been working on underground utility work and clearing for the trail and roadway improvements. He has received a lot of questions about moving dirt on the north side of Highway 91 and clarified that the developer that owns the property next to the project that is being built, donated property to the City to place the along Highway 91 and part of the donation was to dig out sand and bury clay. The City has also received a request to start grading for the Hidden Springs RV Park and that grading plan has been approved. **Mayor Hart** thanked Chuck for hosting the open house regarding the Highway 91 project as well as providing a booth at the Transportation Expo.
Cade Visser provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the sales and use tax continues to out-pace the budget and department heads are continuing to work on their budgets. The City of Santa Clara is fine-tuning their budget on Fire and he will provide that to the Mayor and Council when it is available. **Mayor Hart** indicated that he provided a list of questions to Santa Clara regarding Fire and requested that in Cade's conversations with Santa Clara, if he would ask that those be considered.

C. Water Supply Status Update Report

Chuck Gillette provided an updated report to the Mayor and City Council. A copy of the report is available as an attachment to this agenda. He reported that he attended an AAC (Administrative Advisory Committee) meeting last week. The AAC is a quarterly meeting for City Managers, Mayors and staff from the municipalities that participate in the RWSA (Regional Water Supply Agreement). The AAC discussed the Drought Contingency Plan and the consultant spent a lot of time discussing how they came up with the drought monitoring computer model. There are five (5) drought stages that are proposed from Stage 0 to Stage 4 with Stage 4 being an extreme drought with a depleted water supply. They also discussed the number of lots that are at varying levels of approvals in each of the participating municipalities, with the lots totaling more than 72,000. The District believes that they can supply water to all of those lots with their action plan. See page five (5) of the updated report for more information on the Districts action plan. **Council Member Scott** referred to the drought monitoring model and that being discussed at the Talk About meeting. **Chuck Gillette** clarified that the Districts General Manager, Zach Renstrom, will talk about that at the Talk About. **Council Member Scott** referred to the drought stages and how they make that mandatory? He commented that for the cities, it seemed like all of the action steps were doable and inquired if Chuck Gillette felt that the action steps were things that the City can implement? **Chuck Gillette** stated yes but indicated that if they are going to be serious about this, there will need to be enforcement. So far communities have been very reluctant to do any enforcement on water conservation. **Council Member Scott** referred to the middle column of the Water Availability and Response Stages where municipalities are supposed to respond and inquired if those were doable; **Chuck Gillette** indicated that they were.

D. Planning Commission Report

No report. There was no Planning Commission meeting this week.

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

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation on a Zone Amendment from RE-43 (Residential Estates, minimum lot size 43,000 sq ft) to RE-12.5 (Residential Estates, minimum lot size, 12,500 sq ft) on approximately 9.5 acres. Kamas-Outback, LLC-Owner. Tim Anderson and Kirton McConkie-Applicants

Mike Haycock reported that the applicant is proposing a zone amendment from RE-43 (Residential Estates, minimum lot size 43,000 sq ft) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) on approximately 9.5 acres located at approximately 200 North and 500 East. The application is complete, the proposed change is in compliance with City Ordinances and the Planning Commission held a Public Hearing in January and is recommending approval. **Mayor Hart** opened the Public Hearing. **Attorney Tim Anderson** representing the owner indicated that this change is very consistent with what is across and in the area. **Sharon Gillespie** stated that she resides across the street in the Palisades subdivision and commented that as a neighborhood they are very pleased to see this because the presentation made last year greatly concerned them. It is in line with the neighborhood adjoining this property and the entrance to this subdivision will be off of north 400 East, which will help traffic flow. They spoke with Mr. Anderson at the Planning Commission meeting and were told that the homes are going to be single story family homes. One major concern was the safety of the children at Vista School. There is parking all up and down 400 East and if you add construction traffic during school pick-up hours, that is difficult. She has witnessed illegal U-turn's, illegal left turns from lanes and adding construction traffic to that, along with the children at Vista School during PE classes jogging around the block, there are safety concerns. **C.J. Koharcheck** had concerns with the route of the construction traffic and whether or not they will be taking dirt down to Santa Clara and using Puerto Drive as the transport corridor. She has made it known on numerous occasions about what a problem that is for that street. **Mayor Hart** inquired if there was anyone on Zoom wanting to comment for this Public Hearing. **Cade Visser** indicated that there was not.

B. Discuss and consider approval of Ordinance No. 2023-02, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RE-43 (Residential Estates, 43,000 sq ft minimum lot size) to RE-12.5 (Residential Estates, 12,500 sq ft minimum lot size) on approximately 9.5 acres located at 200 North and approximately 500 East

Council Member Murphy commented that this development is currently just for the top 9 acres and not the entire 29 acre parcel. **Council Member Anderson** clarified that it is only zoning and the Council would not be approving the plat that was shown. **Council Member Mehr** inquired if the owner is the same owner of the property where there was a proposal made in 2022 for a City Center? **Tim Anderson** indicated yes. **Council Member Mehr** inquired if the owner intended to proceed with that City Center concept? **Tim Anderson** stated no. **Council Member Mehr** inquired if they had abandoned that proposal? **Tim Anderson** indicated that there was no plan to move forward with that yet. If you look at the property, it moves down towards Center Street and exactly what they do in terms of buffering the property and making the uses there, that remains to be seen. They have turned down a number of commercial uses already, that they think would be incompatible for that area. At this point, the plan that they showed the Council in 2022 was to give the Council some idea of what could be done in this community for a

downtown center area but it does not sound like there is much enthusiasm for that so that is not planned. They obviously have the right to use their property and that is fundamental but they take input from the community seriously. **Council Member Mehr** referred to the Concept Plan and inquired if they intend to build as shown. **Tim Anderson** stated that in the Preliminary Plat that the Council will see, the Concept Plan is what they will see in that plat. **Council Member Mehr** commented that his concern would be if a strategy is to pursue the town center concept that was previously presented and that he was not enthusiastic about that. Lance Anderson has been a proponent of buffering but he had an intuition that this may be a strategy to backdoor into a concept that was presented a year ago, which would not be welcomed. **Tim Anderson** clarified that whatever they would do for the use of their property, would be something that they would want to make sure considerable interest throughout the community to have there. That is what they showed the Council before. There are concerns about this community in having a good solid commercial tax base and use of major throughfares for that purpose. This property is in an interesting spot and the way it is zoned allows for certain things but at this point, they are doing what is most acceptable and compatible for the community. If that view changes, he encouraged the Council to let them know and they may look at that again. **Council Member Scott** referred to the concept plan and committed that it looks like shaded in below this property, is another approximate 9.5 acres for pretty much the same size lots and inquired if that was their thinking at this point and the next step or future step would be to continue south with more rows of housing, similar to what they are requesting tonight? **Tim Anderson** indicated that when they prepare these and when you see a road on the plan of where that road is likely to go that be put in but they are not submitting that as part of the Preliminary Plan at this point, but logically they do not want to leave the Council in the dark as to how or where that would likely go. **Council Member Scott** commented that if the City were to approve this, the possibility is that he or someone else could build 12,500 sq ft lots. Those are smaller lots than the lots for the existing homes to the north and to the east, which are all about 15,000 sq ft lots but this is still better than what was in their Preliminary Plan last May. **Tim Anderson** clarified that what was presented last May was not a Preliminary Plan, it was just a concept. **Council Member Scott** commented that back then, the developer was looking at the top northern-most lots, were going to be 10,000 sq ft lots then below that was proposed to be 4,500 to 10,000 sq ft lots with 33 homes, but now the City is looking at only 21 lots and based on the plan before them, and to put it into perspective, the existing homes directly across 200 north in the same width, there are 11 homes there and the developer would have 10 homes so the lot sizes are very similar. **Tim Anderson** agreed. **Council Member Anderson** inquired if the Land Use RMU (Resort-Mixed Use) can the zone of RE (Residential Estates) be used and the zone? **Dale Coulam** clarified that in an RMU land use, you can use any residential zone or any commercial zone.

MOTION: Council Member Murphy moved to approve Ordinance No. 2023-02, an Ordinance of Ivins City, Utah, approving a Zone Amendment from RE-43 (Residential Estates, 43,000 sq ft minimum lot size) to RE-12.5 (Residential Estates, 12,500 sq ft minimum lot size) on approximately 9.5 acres located at 200 North and approximately 500 East

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE

Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Memorandum of Understanding regarding a Transparent Billing Grant

Chuck Gillette reported that this relates to billing and to let people know when they are using more water than they need to use. More information is provided on the bill as well as a portal where residents can login and see what's going on. They can also receive notifications by text or email, depending on how they want to set that up. The Council may want to use a certain software for one (1) year to see how things go and then continue to use that software or switch to another one but he recommended that City go ahead and agree to this MOU and work with Yoppify. **Mayor Hart** inquired if this software is proven to save water. **Chuck Gillette** stated yes. **Council Member Mehr** referred to "II. AUTHORITY" where it reads in part "...engage in the activities described herein..." but he was not seeing the activities described. He did not want to create a surveillance state in Ivins because we don't need to be watching how much time people take to shower. **Chuck Gillette** clarified that this is a volunteer program to receive more information so that people are more aware of what they are using and ultimately reduce their water usage. **Mayor Hart** inquired if individuals would be forced to sign up. **Chuck Gillette** stated no. **Council Member Scott** referred to the reference of and estimated conservation of 6,090 acre-feet of water and inquired if that was per year? **Chuck Gillette** clarified that is the number given as an annual savings. **Council Member Scott** inquired if the funding was coming from State and County and not Ivins? **Chuck Gillette** indicated that the City would be providing them data. **Council Member Murphy** inquired if this would require residents to go into another portal to pay their bill. **Chuck Gillette** stated no. **Council Member Johnson** inquired if the data was secure and others would not be seeing everybody else's information, only their own? **Chuck Gillette** indicated they might do something where they say in your neighborhood you use more water than your neighbors or similar but nothing specific. **Council Member Mehr** inquired if the City would need to do any upgrades to infrastructure or similar? **Chuck Gillette** stated that the City may be downloading and sending them information on a monthly basis but beyond that he did not see that. **Council Member Anderson** inquired who in the City would be doing that. **Chuck Gillette** indicated that it would be the Public Works Department and likely Billing.

MOTION: Council Member Scott moved to approve a Memorandum of Understanding regarding a Transparent Billing Grant

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

B. Discuss and consider approval of Ivins City increasing funding for the Old Highway 91 project and consider possible changes to project scope

Chuck Gillette reported that Ivins City has already received a $2 million earmark for this project and it is in Ivins best interest to take that $2 million and put it into phase one (1) that is a Federal project. If Ivins City makes phase two (2) a local project where UDOT (Utah Department of Transportation) and the Federal government will not have to be involved, it will be quicker, with less hurdles to jump through and cheaper to build a project that way. **Council Member Murphy** inquired if phase one (1) and phase two (2) could be explained. **Chuck Gillette** explained that phase one (1) is widening the road and putting in intersection improvements from 200 East to Kwavasa Drive and then putting a trail in from 200 East all the way to Fire Lake Park. Ivins has a road that's falling apart from 600 West to the Shivwits. The shoulders are inadequate and it is not a safe roadway. There is a desperate need to finish the project, and that is what the earmark was intended to help do, but Ivins does not have to spend the earmark there. It could be spent on phase one (1) and then use the freed-up funds to do the rest of the project with local funds. Originally this project was three (3) lanes but now they are building what is called the two-lane section. A two-lane section is a lane in each direction, plus bike lanes and then at the intersections, adding lanes for left and right turns. If a roundabout is added, there wouldn't be a need for any extra lanes because those feed into the roundabout. **Chuck Gillette** referred to a few maps, a copy of which are available as attachments to this agenda. The road is a two-lane section and the trail is out further because someday a five (5) lane section may be needed. **Council Member Mehr** inquired if the project will be similar to Snow Canyon Parkway? **Chuck Gillette** indicated yes, with a little extra landscape and no curbing or gutter. Instead of curb and gutter, they are using roadside drainage. Highway 91 may potentially need to be five (5) lanes and thinking that it would be impossible to obtain funds, Ivins could build a three (3) lane section. It would not be three (3) lanes, but would be two (2) lanes with the third lane could be a landscape median with turning lanes at all the intersections. There are already three (3) lanes at the intersections so adding a third lane where there are only two (2) lanes, would just be filling in the gaps to add an extra lane in those straightaways. **Mayor Hart** inquired if doing that would make the road a safer road? **Chuck Gillette** stated that if the landscape median was put in, yes it would be because the landscape median acts as a barrier between the two lanes, there is less chance of a head-on collision and the landscaping discourages higher speeds. Additionally, right now the plan has always been a 10-foot-wide trail but recently, the County is putting forward a design, recommending that all trails be 12 feet wide because when bikes are passing each other, they have five feet on each side of the lane and it is still a little bit tight and having some extra width there would be beneficial. The project could not easily be done to accommodate a 12-foot-wide lane, but an 11-foot-wide lane for an additional cost of $80,000, could be done. **Council Member Mehr** indicated there are two classes of bikers, those being recreation, and the serious cyclists. The cyclists are not going to use the trail. They will be in the bike lane, on the road and inquired why Ivins would even need to go to 11 feet on the trails? **Chuck Gillette** stated that the trail does not have to be 11 feet, it would just be an effort to get closer to the regional standards that are occurring. **Mayor Hart** inquired if the other trails in Ivins are 10 feet wide? **Chuck Gillette** indicated that they are. When the Master Plan is updated, the City may want to have some of the trails be 12 feet wide but right now the Master Plan provides for 10 feet wide trails. There are also some irrigation lines that should be connected so the road does not have to be cut in the future. That's approximately $40,000 and would be impact fee eligible. There is a need to reserve right-of-ways for future roundabouts so it would not be appropriate to sell property at this time. Ivins City is the owner of the connection property, it would be wise to

connect the sidewalks down to the trail, as part of this project. It was not recognized earlier but it should be added as a change order and the location of that is on 200 West. One more recommendation is the design of the trail at the wash crossing by the horse corrals that are owned by JK Frei off of Highway 91 going towards the Kayenta area. Right now, the trail has been designed to dip through the wash and one of the reasons is that UDOT requires a concrete reinforced box culvert. When they were in the design phase with UDOT, it was required to spend $40,000 to $50,000 doing some extra engineering just to extend the box culvert but there will be some cost savings that were not considered, by pulling out a concrete section. One of the complications of extending that box culvert is there is a 20 inch water line that will need to be lowered in depth and would be difficult to do. **Council Member Anderson** referred to the horse corrals owned by JK Frei and commented that the City would likely end up building a wall there too because the corral is right on the edge and if the dirt was taken away, that would need to be figured out if the box culvert is not put in. If the box culvert is put in, that solves those problems. **Chuck Gillette** referred to a map pointing out Anasazi road and stated the originally a road was planned through that area but with the new reservoir going there, that road likely will not go there. There are discussions about rerouting that road and rerouting a water line that goes through there where the road would wind its way up through a narrow valley where not a lot of development could occur along that roadway. The road would continue and then connect back in to where the original roadway was planned. Walking out in that area, it would be nice and would be a great improvement to the trail to have it meander away from the highway, go around the future roundabout, go up the hillside and then drop back down and connect back into the other trail. That can't be done as part of the Federal project because when environmental clearances are done, a certain distance is cleared out and it isn't cleared out as far as this alignment is being looking at. They could possibly chop out a section of the trail and lump it into phase two (2) or make that a separate project when they are working on a different alignment. **Council Member Scott** inquired if Chuck was proposing that a portion of the trail would not happen in phase one (1), so the trail will not be able to be used all the way to Fire Lake Park? **Chuck Gillette** stated that they may want to use gravel for that section so that it allows people to still get there but may not be paved all the way there. **Chuck Gillette** stated that last element of this discussion is the stretch between 400 West and 600 West. Initially when negotiating for the right-of-way, Ivins City tried to get the King property landowners to dedicate 30 feet and the City would build the landowner a trail, but the landowner was in an awkward situation where two (2) brothers owned it and one (1) of the brothers did not want to be a part of the donation. That brother has since passed away due to illness. The King property landowners were told that if Ivins puts the trail in the right-of-way, the King property landowners would have to relocate it onto their property in the future. The trail could be put in and moved later. Council Member Anderson feels very strongly that Ivins City should do whatever possible to get the trail in its future location. **Council Member Anderson** requested that COG (Council of Governments) funds to be explained. **Chuck Gillette** clarified that the Mayor sits on the Council of Governments body and it is basically a body of all the Mayors and the County Commissioners that make decisions on where to spend funds to purchase right-of-ways. It is a great source of funding for projects like these to get the funds and the funds do not come out of Ivins budget. Purchasing the King and Roberts property does not cost Ivins City anything, although if the Council does approve the agreement that is on the agenda tonight, part of the negotiation was to build a sound wall for the Roberts. The other property owners have rejected any discussion about a trail going through the front part of the properties and moving that trail out there. In order to move the trail out into the

future location that is considered to be the location of the trail, it would require eminent domain. As staff, he and Dale Coulam do not recommend going through the eminent domain process but Council Member Anderson has disagreed with that. Ivins City staff is looking to the Council to say whether to proceed with eminent domain or move the trail at some point in the future when it is needed. **Mayor Hart** inquired if five (5) lanes was a good idea? **Chuck Gillette** stated that the five (5) lane section can't be done right now. UDOT has said they would not allow a change order of that magnitude. **Mayor Hart** stated there is a substantial right-of-way that is owned by the County and inquired to what extent could things be slid to the south? Can the median go away and solve the problem for a short section of road? Right now, there are sections with no median for long stretches and this wouldn't be a very long stretch. **Chuck Gillette** indicated that because of driveways, that extra space will be needed for homeowners to turn left into their own driveways. **Mayor Hart** stated that there is a substantial space between the edge of the of the five lanes and the edge of the trail. **Chuck Gillette** indicated that was correct and commented that there is the property line, then the distance between the 30 feet and the edge of the bike lane is 12 feet. **Mayor Hart** stated that he was asking because a roundabout will be added right at that intersection where the three (3) properties begin. **Chuck Gillette** indicated that a curb and gutter could possibly be put in where the gravel shoulder is and then a trail where the ditch is. **Mayor Hart** stated that it looked like five (5) lanes could work and things could be compressed together, having both trails come closer to the back of a curb and not have to go through any eminent domain process because the existing right-of-way is sufficient. **Chuck Gillette** agreed. **Mayor Hart** clarified that Council Member Anderson's point is that Ivins will have a two (2) lane highway with turn lanes all the way from the Shivwits border, clear through Santa Clara. If there is a section going from Kwavasa to the future Western Corridor intersection, and there is a potential to have passing lanes there, as this develops, and Council Member Anderson's projects are a part of this, but there is also a lot of multi-family being built there so he was nervous about the safety and personally called into question the 50 MPH speed limit though there. He thought that the speed limit should be 40 MPH all the way through Ivins on that road, similar to Snow Canyon Parkway. There is no question that adding a lane in each direction will speed things up. He understood and recognized the logic for what was being proposed but agreed that they should not condemn land. He was interested in seeing how it would work to compress everything to the south, allowing residents to retain their property. **Council Member Anderson** indicated that he spoke to one of the property owners, Kendra (Thomas) one time on the phone regarding sewer within the distance for having to connect. He also spoke with Lloyd and Bill Roberts. He was being accused that this would be for his benefit but he has three (3) more lots on Highway 91 so when people say it's for his benefit, he clarified that it is for his benefit only because he lives in Ivins. The Corridor Plan started in 2003 and this was part of the Western Corridor plan. He sat on the Planning Commission for eight (8) years because he cared about Ivins. He has no personal gain no more than anyone else by building this road or pushing it. There is 400 feet of 16,000 feet of property that is problematic where property owners have not surrendered or negotiated in some way to accomplish what is on the Corridor Plan. He did not want to take 30 feet. **Mayor Hart** commented that ultimately the Western Corridor is going to be a major entrance into Ivins City and the intersection on Highway 91 and Kwavasa will be a major entrance into Kayenta, which is why a roundabout is planned out there. As Ivins is developed, there will be a substantial amount of traffic and having five (5) lanes may be useful whether those lanes are built now or not. **Council Member Anderson** agreed and stated that at the beginning of Mojave

and 400 West, that lane on the south side is already built and the thing that is needed, is to add seven (7) feet of asphalt to get another lane. **Kendra Thomas** indicated that she was the property owner at 430 West Old Highway 91. The thing she got sideways with was when Council Member Anderson came out to her two (2) neighbors the Roberts and Warners first and she was not involved from the beginning. They are older gentleman, and were under the impression there was no other option. She never didn't give Council Member Anderson permission to not come on her property, but he may have sensed that she didn't. When she started speaking to the other two (2) neighbors, she went to the City and talked to Chuck Gillette and he let her know that the way the plan was now, is that the road is just going to be upgraded by chip sealing the two (2) lanes, a turning lane and the roundabouts, and putting the bike path on the outside of her fence. She was fine with that and thought everyone was getting upset for no reason. She didn't understand why Council Member Anderson was trying to obtain her property when it wasn't even in the plan from the beginning. A meeting was scheduled with the Warner's, Dave Appel, herself and her husband, Dale Coulam and Chuck Gillette, for the actual details of the project as it was constructed and the construction was not going to affect her property. She felt that the way the City contacted the property owners was not done correctly and that they should have been notified through certified mail and email that the City was interested in possibly obtaining some of the property, instead of just cold siding the property owners and coming out to the properties and telling the property owners that if they did not negotiate with Ivins, that is what really upset her. **Mayor Hart** inquired if the right-of-way was on her fence line. **Kendra Thomas** clarified that it is a little bit to the inside of her property line, making the right-of-way outside of the fence line. **Mayor Hart** commented that the scope of the project is changing, the project has started and Council Member Anderson is trying to figure out a way to expand to the five (5) lanes. The way the City approached may have not been the best way to approach the property owners and he apologized for that. As he has listened to Kendra, her mind has not changed and she is not ready to give up any amount of property. He was out looking at it today and the change would impede on the existing driveway. **Kendra Thomas** stated that her house sits the closest to Old Highway 91 and would be affected. Lloyd's property sits close as well but Bill's house sets back off the highway quite a bit. This change would affect her family dramatically. It was frustrating to her because it seems like her family is being hit with one issue after another with Ivins City needing her property, then the driveway and connecting to the sewer. Her property is the middle property and 12 to 18 feet for the path would totally take out a desert area that's in the front of the U shape driveway. They have trucks and trailers in that area that they need to be back and not be backing out onto Old Highway 91. This project would bring everything closer to her front door, which really affects the safety of her children, dogs, horses, and cows. She did not feel that there was a need for the five (5) lanes. She suggested that they do what occurred on Bluff Street in St. George and stay on the outside of the property until the need occurs for the five (5) lanes and the Western Corridor or a traffic study that proves that five (5) lanes are needed. At that time, the City could then go to the property owners the proper way, through writing and negotiations, instead of just showing up and saying Ivins City is going to take a portion of their property. In speaking with Chuck Gillette and Dale Coulam, it is not needed right now. She understood that Council Member Anderson wanted to see the road where it should be in the future 25 year plan, but Ivins is not there yet. **Mayor Hart** indicated that as he looked at Kendra's property today, it appeared that the land taken through condemnation would take it right up to a horse trailer. **Kendra Thomas** stated that was correct and that area is currently being used for parking a horse trailer

and our flatbed trailer and then backing out onto Old Highway 91 really crams them up. Considering the driveway issue and sharing a driveway, there are just a lot of issues. She asked why can't it just be kept outside of the right-of-way like the current project is and then in the future when five (5) lanes are needed, then revisit the topic? **Mayor Hart** questioned if the project is 20 years down the line and the five (5) lanes are needed then, that would require the property owners to their sell that property 20 years from now. To achieve that, the trail would simply have to be moved at that point. **Chuck Gillette** agreed. **Council Member Anderson** stated that they needed to stop saying it is 20-25 years down the road because a need is based on the community and what they want. **Mayor Hart** stated that isn't even the point. Council Member Anderson may be right because in whatever period from now, if Ivins City proceeds with the current design, that property would have to be acquired by whatever means to expand the road, to satisfy that need. **Chuck Gillette** indicated that was correct. **Mayor Hart** stated that it was prudent to look at a way to avoid having to do that and in looking at that cross section, that could be shrunk down. **Council Member Anderson** indicated that the purpose of that distance is to keep the people walking on the path. **Mayor Hart** clarified that they were not talking about the entire length of the project being squeezed down, just taking a section that is difficult and figuring out a way to allow the properties to retain their driveways and buffer for safety. He personally agreed with Kendra. If he were living there and suddenly 20 feet or more of the front yard and driveway was gone, it would be shocking. **Council Member Mehr** inquired if UDOT could be asked about doing the five (5) lanes before assuming they won't accept it. **Chuck Gillette** clarified that UDOT has already said no. If Ivins City wanted to go to five (5) lanes, it would be a future project. **Council Member Mehr** inquired if the road could be moved to the South? **Mayor Hart** commented that coming off the roundabout going to the west, that already has a curve as it straightens out onto the Highway 91 alignment. If that curve is adjusted, they could squeeze that section of the road for that length running the curve past the properties in question, and then let it spread out. That's probably a compromise that most would be willing to see in its completed form. **Council Member Anderson** commented that if that suggestion can be made to work, he is okay with that. **Council Member Mehr** stated that would be a good solution. **Mayor Hart** inquired if Chuck Gillette would be willing to pursue that. **Chuck Gillette** stated that he would look at that and commented that a lot of the items would have been done without Council but he preferred that they weigh in on the changes. **Council Member Mehr** indicated that he was not excited about the additional $80,000 for the 10 to 11 feet of paved trails but other than that, he was fine with the changes. **Council Member Anderson** stated that in most places the trails are too narrow so if trails are going to be built, he suggested they be built so that they can be enjoyed. **Chuck Gillette** indicated the wider width is nicer, safer and comfortable. **Mayor Hart** stated that this is at least one of the most important trails Ivins will have in the entire City. **Council Member Scott** clarified that he broke down Chuck's memo into four (4) parts. Part one (1) was moving the $2,000,000 into phase one (1) and taking out the $2,000,000 that Ivins City put into phase one (1) and understood the rationale for that, which makes total sense. Part two (2) is adding $500,000 because Ivins City will be saving $100,000 on the dry wash, adding another $500,000 for the change orders. He inquired where $500,000 would be coming from - impact fees or the General Fund? **Chuck Gillette** stated that it would be the General Fund and some impact fees for the irrigation lines. **Council Member Scott** indicated that if Ivins takes the $2,000,000 million out, but leaves $500,000 in, Ivins City is only taking out $1,500,000 but Ivins City would now be $500,000 behind on phase two (2). **Chuck Gillette** clarified that might have been saved by not having it

be a Federal project. **Council Member Scott** stated part three (3) he just needed to understand was why money was being pulled from the project but that was explained as it relates to the eminent domain. He understood what Council Member Anderson was looking for as it relates to vision but, in his mind, eminent domain isn't done unless it is an absolute necessity and this isn't an absolute necessity. He liked the Mayor's suggestion on what can Ivins City do to generate five (5) lanes within the current right-of-way so that doesn't impact those two (2) existing homes. It's one thing for vacant property to give up some of their property but those two homes are there and that's very hard to lose any of that property. He liked the idea of what can be done in that section that would still protect the ability to five (5) lanes without impacting those two properties at all. **Mayor Hart** commented that the question boils down to, does the Council want to do this road the right way and by right way, he was talking three (3) lanes with the ability to expand it to five (5) lanes? He has never thought that the two (2) lane approach was the right way. The three (3) lane boulevard type street is the right way and that's really what this is mostly about other than some essential change orders to make it functional. **Council Member Anderson** commented when Highway 91 comes to look like Snow Canyon Parkway, that is when phase one (1) is complete and then Ivins City will work on phase two (2). **Mayor Hart** indicated that Highway 91 is unsafe and deteriorating and the road needs to be addressed all the way to the Shivwits border and something needs to be done.

MOTION: Council Member Anderson moved to approve the funding for the Old Highway 91 project and consider possible changes to project scope, with the amendment of looking to see if the City does not have to move the property for the Warner and Thomas properties and the City make a change that phase 1 when it's complete like the Snow Canyon Parkway, that is when they are done with it and based upon the findings of the Staff report

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	RECUSE

Mayor Hart clarified that the motion included a modification to the cross-section through those three (3) lots, coming off that curve on the roundabout and pinching that until they get past that. The cost of the curb and gutter is not going to equal the cost of the land.

C. Discuss and consider approval of agreement between William and Dawn Roberts and Ivins City

Given the discussion that was just held regarding the Old Highway 91 project, the **Mayor and City Council** agreed that this agenda item should be continued to the next City Council agenda for Chuck Gillette to figure out how the reconfiguration is going to work and then possibly modify the agreement. **William Roberts** commented that he was happy to assist one way or the other, as he did not want to stop progress. **Council Member Mehr** referred to preparing and planning for the future and there being a willing seller, he felt it was prudent to think about that.

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

SECOND: Council Member Johnson

VOTE: The motion carried.

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

D. Discuss and consider approval of a Preliminary Plan for Mojave Village Subdivision, located at approximately Fitness Way and Guy Lane. AnA Enterprises-Owner; Lance Anderson-Applicant

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** reported that the Mojave Village Subdivision consists of a total of 95 units on 9.46 acres. The land use is Resort Mixed Use and the property is zoned Resort Commercial, which is allowed in a Resort Mixed Use land use. The property density and use is consistent with the land use and zoning. The TRC (Technical Review Committee) and Staff have reviewed this and recommend approval. The Planning Commission held a meeting on January 31st and is also recommending approval. **Council Member Scott** inquired if the buildings are 3-story buildings? **Mike Haycock** indicated that they have the potential to be 35 feet in height but the applicant has not specifically set the heights. **Council Member Scott** referred to the parking and commented that he saw 43 stalls on the plan but was assuming at each of the units there is parking as well. **Mike Haycock** clarified that there was parking on the main level where there is a garage with 2 parking spaces. **Council Member Scott** inquired how many bedrooms the units were. **Mike Haycock** stated that this is an RC zone and the units are not established by bedroom. **Council Member Scott** commented that the street's 26 feet in width and inquired if they are City streets and if parking was allowed overnight or not? **Mike Haycock** commented that is not identified on the plan but for firetruck access, they need both sides so the plan should be that the parking is inside the two stalls that are allowed and controlled by the HOA. **Council Member Scott** commented that the current plan is no on-street parking overnight? **Mike Haycock** indicated that was correct. **Mayor Hart** stated that could be imposed as a condition. **Council Member Scott** referred to the two (2) dumpster areas and inquired if there would be curbside pickup? **Mike Haycock** indicated that there was a potential for curbside. **Council Member Scott** commented that the perimeter wall looks like it goes around the property so the dumpster and trailer area were all screened from adjoining properties and inquired if that was correct. **Mike Haycock** indicated yes. **Council Member Murphy** inquired if there was a central booking system and that they were talking reservations through an Airbnb type of booking? **Mike Haycock** clarified that it would be a central booking system and an office for check-in and check-out. **Mayor Hart** if it was a resort hotel with amenities? **Mike Haycock** stated yes. **Mayor Hart** commented that the residents have overwhelming said they do not want any more projects like this but this was in process before that occurred. **Council Member Mehr** indicated that this project was in the process and is a legal use per Ivins ordinance and if Ivins is going to have projects like these, this is the area of the community to put it and not in a single family neighborhood. **Mayor Hart** commented that the location of this project is literally a stone's throw from the Movara Fitness Resort.

MOTION: Council Member Mehr moved to approve the Preliminary Plan for Mojave Village Subdivision, located at approximately Fitness Way and Guy Lane. AnA Enterprises-Owner; Lance Anderson-Applicant, based on the finding that this complies with City ordinance, zoning and Staff report

SECOND: Council Member Murphy
VOTE: The motion carried.

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

E. Discuss and consider approval of a Class V Conditional Use Permit for Mojave Village, located at approximately Fitness Way and Guy Lane. AnA Enterprises-Owner; Lance Anderson-Applicant

Council Member Anderson recused himself from this discussion, remained in the audience and did not participate as a Council Member. **Mike Haycock** commented that one issue that was not addressed at the Planning Commission was phasing. **Council Member Scott** suggested that the Council add two (2) conditions :1) garbage can only be through the dumpsters and not curbside; and 2) no on-street overnight parking. **Council Member Murphy** referred to there being no curbside and commented that 95 units are going to drag their garbage to the dumpster? **Council Member Scott** indicated that is how it is with apartments. **Lance Anderson** indicated that it was suggested by staff to go curbside because of the distances and to keep it tidy. **Council Member Scott** commented that had been a problem elsewhere with short-term rentals because the garbage cans are left out and not taken in so that is the reason for the dumpster only. **Lance Anderson** stated that the concern with not having curbside would be if the units are used for living rather than as a rental. **Dale Coulam** clarified that all of the units are required to be in the pool but they are not required to be rented and they do not know which units would be permanent living units and which ones would be short-term rentals. **Lance Anderson** indicated that he was okay with whatever was decided. **Council Member Mehr** commented that the issue of garbage cans being left out on the street could be dealt with through the HOA and would be better handled by the HOA. **Mayor Hart** stated that if there was an issue or a mess within the project, the roads are private roads and everything is internal and not seen from outside the project. **Council Member Mehr** requested that parking be clarified. **Council Member Scott** clarified that there should be no overnight parking on the street. **Lance Anderson** agreed. **Council Member Mehr** inquired what the experience or problems have been with the Encanto short-term rental development. **Mayor Hart** indicated that development is gated and one cannot just drive in. **Council Member Murphy** clarified that a lot of the individuals who live in Encanto reside there full-time. **Mayor Hart** stated that there has been a demographic shift as short-term rentals have been overbuilt where a lot of them are being converted to full-time use and if someone is going to be occupying the property full-time, they should have the right to have a garbage can curbside. **Council Member Murphy** indicated that would be better handled by the HOA, as opposed to the City saying no garbage cans. **Lance Anderson** referred to the phasing, he suggested that he continue to do what he does on his other projects and say that he has to have ingress and egress for fire and that is how the phasing would be applied. **Dale Coulam** stated that could be made as part of the conditions. **Mayor Hart** clarified that they were talking about two (2) or three (3) additional conditions, those being 1) no overnight street parking; 2) if there is phasing that there will be fire ingress and egress; 3) being discussed is no trash cans allowed and Mayor Hart indicated he would take a motion to see how the motion plays out.

MOTION: Council Member Murphy moved to approve a Class V Conditional Use Permit for Mojave Village, located at approximately Fitness Way and Guy Lane. AnA Enterprises-Owner; Lance Anderson-Applicant, with the additional conditions that there will be no overnight street parking and if there is phasing, that ingress and egress for fire will be required.
SECOND: Council Member Mehr
VOTE: The motion carried.

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

6) CONSENT AGENDA

A. Approval of City Council Joint Work Meeting Minutes with Santa Clara held on January 26, 2023
B. Approval of City Council Meeting Minutes for February 2, 2023

MOTION: Council Member Mehr moved to approve the Consent Agenda
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported that she had a meeting with the Sand Hollow Aquatic Center (SHAC) tri-city committee and it was interesting that Ivins attendance, in comparison to the City of Santa Clara, Ivins City had 1307 family passes used in the last year and Santa Clara had 818. Ivins attendance for individual passes was 289 and Santa Clara was 730. **Council Member Anderson** inquired what Ivins pays for the use. **Council Member Johnson** indicated that Ivins pays a percentage and it varies. She has some information that she will forward onto the Mayor and City Council regarding the figures. Also of interest was in the prior year, the center used 3.1 million gallons of water and with their new filtration system, the center used 2.5 million gallons of water. They have really reduced the amount of water that they are using and in the next couple of months the SHAC is planning on having all of their landscaping watered with secondary water. They also requested that the Council pass on to the community that a lot of health insurance companies cover retirees if they obtain a swim membership. They also talked about ways that the SHAC could be used to benefit the Ivins community and during Heritage Days there will be a free swim day and during that day, Ivins will be allowed to obtain a membership discount for individual or the family.
Council Member Scott reported that Park Manager Kristen Comella of the Snow Canyon State Park with be holding her annual meet the cities on Friday February 24th at 10:00 a.m. and they will do a walk to the new tortoise project and talk about upcoming projects that they have in the

planning stages.
Council Member Mehr referred to the applications for Youth Council and inquired when those were due? **Council Member Scott** indicated that there was no deadline but suggested that it be sometime after Easter.
There were no other reports.

B. Mayor

Mayor Hart reminded the Council of the "Talk About" regarding water that will be held on Wednesday, February 22nd at Rocky Vista University. The "Talk About" regarding housing will be held on March 22nd, also at Rocky Vista University and will include Representative Neil Walter. He reminded the Council that the Miss Ivins pageant will be held on Saturday, February 25th at 7:00 p.m. at Snow Canyon High School 7:00 pm. He reported that he spoke with the Desert News and KSL regarding water in Southern Utah and a week later he was contacted by reporter Bill Weir with CNN where they did an interview in Ivins about what Ivins is doing regarding water conservation.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the renewal of the Cable Franchise Agreement for TDS will be on the next City Council meeting agenda. The Annual MBA Meeting will be held on Thursday, March 23rd at 5:15 p.m., followed by the re-scheduled City Council meeting. The Mayor and Council re-scheduled the March 16th City Council meeting and moved it to March 23rd due to spring break. He will be out of town on Thursday, April 20th but will participate via the Zoom application for that City Council meeting. A resident in Ivins has built within their basement an indoor shooting range enclosed with a great deal of concrete and has a substantial rubber target backing 4' deep. Ivins currently has an ordinance prohibiting the discharge of firearms in city limits and Public Safety has asked if this violates that ordinance. It has been talked about making an exception since and indoor shooting range has been built and already gone through the permitting process and approved. Does the Council want to make that an exception and legal use if meets the specifications that would be required. There is no real certification board. **Council Member Anderson** inquired if there is a building code for an indoor shooting range. **Dale Coulam** stated the concrete is to make sure the round doesn't escape the shooting range and the rubber is to slow the round down and capture it. The second issue would be that of noise where the firearm is actually discharged. The floors and walls have been treated with some acoustical material that will absorb sound. **Council Member Scott i**nquired if this is in a basement? **Dale Coulam** stated that is his understanding. **Council Member Scott** commented it's not really in the city it's under the city. **Dale Coulam** inquired if the Council would like to add as a future agenda item. **City Council** agreed. **Mayor Hart** indicated there are specifications that can be found when it comes to the sound function of sound check. **Dale Coulam** indicated it was doubtful that there would be any noticeable sound because of the way it was constructed with all the concrete, but it is an issue that should be addressed.

D. Items to be placed on future agendas

Council Member Mehr inquired about the state of the city and the Regional Park and if an application has been made. **Mayor Hart** stated there has been no application. It's just been trying to determine what the county and the state would be supportive of, and it needs to be something unique. He will report at the next Council meeting. **Council Member Mehr** indicated he would like to have an opportunity to discuss and gather ideas from the Council and incorporate those into that vision. **Council Member Scott** suggested that they have a discussion about the Water Talk About meeting at the next City Council meeting on March 2nd to address anything that may

come up in the Talk About. **Mayor Hart** suggested looking at the Table of Uses. **Dale Coulam** clarified that would start with the Planning Commission. **Council Member Anderson** indicated that they need to have a discussion with the Arts Commission regarding their suggested color templates. **Mayor Hart** stated that would be in a Work Meeting and suggested that be scheduled after the Talk About meetings have concluded.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn

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

The meeting adjourned at 8:22 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder