IVINS
CITY COUNCIL
MINUTES
March 2, 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, Fire Chief Bob Flowers, Fire Chief Andrew Parker, Parks and Recreation Director Benny Sorensen, Building and Zoning Administrator Mike Haycock, City Engineer Tom Jorgensen and City Recorder Kari Jimenez

EXCUSED: None.

Audience: Chris Haddad, Jordan Whitlock, Dave Appel, D. Dant and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that a quorum was present. **Council Member Johnson** was in attendance electronically.

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Mehr gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for the Arava Subdivision, located at approximately 200 North and 500 East Kamas-Outback, LLC-Owner. Tim Anderson-Applicant

Mike Haycock reported that the Arava subdivision consists of a total of 21 lots on 9.5 acres. The land use is Resort Mixed-Use and the property is zoned RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft. The application is complete and meets the required zoning and existing land use.

B. Concept Plan Report for Black Desert Resort Boardwalk Village, located at approximately Snow Canyon Parkway and East Black Desert Drive Enlaw, LLC-Owner. Stephenie Nast-Applicant

Mike Haycock reported that the Black Desert Resort Boardwalk Village subdivision consists of 1 lot on 16.7 acres. The land use is Resort Mixed-Use and the property is zoned Resort Commercial. The application is complete and meets the required zoning and existing land use.

C. Concept Plan Report for Movara Villas Amended and Extended Final Plat, located at approximately 290 Fitness Way Movara Fitness, LLC-Owner. Cameron Kelsch-Applicant

Mike Haycock reported that Movara Villas consists of 20 units on 1.75 acres and are requesting to add one unit, for a total of 21 units. The land use is Community Commercial, Community Professional and Community Resort. The property is zoned MU (Mixed-Use) RM (Residential

Multi-Family) and C-1 (Commercial). The application is complete and meets the required zoning and existing land use.

D. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen submitted an electronic report, a copy of which is available as an attachment to this agenda. He reported that the 20th year of basketball has gone well and finishes tonight. Baseball registration has started and the Red Mountain 55k, 30k and Dirty Hurty Half Marathon and Trail Run, Hog and Jog 5k Fun Run and Easter Egg Hunt are all coming up. There will also be a Geology lecture on Wednesday, March 29th at 7:00 p.m. at Ivins City Hall.

Fire Chief Parker provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that staff met with Chief Kuhlmann from Hurricane Fire regarding House Bill 392, met in Layton for the annual wildland discussion and met with a Lexipol representative regarding House Bill 23. CERT members completed their certification, crews were presented with their Life Saving Awards, trained and certified several residents in CPR at the Kayenta Center and completed several controlled burn projects. The new drone was used to assess the Santa Clara river and flood control waterways up to the Gunlock dam. They will likely be moving to a vehicle and apparatus lease program and they held an orientation for 9 youth Fire Explorers and their parents. **Mayor Hart** inquired when they anticipate receiving the new ratings? **Chief Parker** indicated in the next couple of months.

Police Chief Flowers submitted an electronic report, a copy of which is available as an attachment to this agenda. He reported that there have been large cluster mailboxes that have been torn off and stolen recently and they have made contact with residents who have been affected by that. **Council Member Anderson** inquired if a speed trailer could be placed on Highway 91 during the construction to obtain a vehicle count. Chief Flowers indicated that they could do that. He noticed that there are big signs on Highway 91 that say "No Pedestrians/No Bicycles" but those are being ignored. He will look into enforcing those signs.

Mayor Hart requested that the 50 mph signs be removed and the speed be permanently reduced to 40 mph. **Chief Flowers** commented that he will leave that to the engineers but was concerned about safety on Highway 91.

E. Planning Commission Report

Planning Commissioner Dave Robinson reported that the Planning Commission reviewed the three (3) Concept Plans that were presented to the City Council tonight, held two (2) Public Hearings, approved two (2) Amended and Extended Final Plats and continued their discussion on the General Plan.

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

Mayor Hart acknowledged that Kendra Thomas submitted a request and indicated that it would be addressed under agenda item 5)B.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

*A. Discussion to confirm that Ivins City desires to continue with the Interlocal Agreement with Santa Clara regarding Fire and EMS

Dale Coulam indicated that according to the Interlocal Agreement, there was a Joint meeting where budgets for both Fire and Law Enforcement were presented to the Ivins City and Santa Clara City Councils. Those budgets are required to be presented prior to March 1st and then both cities have until March 15th to decide as to whether or not to continue with the Joint agreement

based upon the budgets. Tonight is the last Ivins City Council meeting before March 15th and he needed confirmation that Ivins City will continue with the Interlocal Agreement with the City of Santa Clara. **Mayor Hart** stated he had posed three (3) questions at the end of the Joint meeting and commented that he had not seen any response to those. **Council Member Mehr** indicated he had also requested at the Joint meeting, some data but has not seen that yet. **Mayor Hart** stated that it is a dramatic increase in the budget for all of Public Safety. After hearing the presentation at the Joint meeting, he commented that SCI Fire has a year with the station being manned with two (2) full-time people and then filling in with volunteers. There are also cross-trained officers right next door so his first question was is there a need at this moment in time for the additional personnel to full-time to staff the station with three (3) full-time people? The second question was Chief Parker suggested the need to acquire some equipment for some search and rescue type functions. That was puzzling to him because that is the jurisdiction of the County and he was not sure that it is SCI Fires place to be budgeting for that where the County has all of that equipment. The third question he had, had to do with the ladder truck. It is not in the current budget but is in the long-term plan. Looking at both Santa Clara and Ivins, the most likely locations that a ladder truck would be required would be Black Desert Resort and Tuacahn. There is a ladder truck in St. George at the Dixie Drive station that is closer to Black Desert Resort and Tuacahn, than the Rachel station in Santa Clara. Ivins City and Santa Clara City purchase major pieces of equipment jointly and asked if it would be more economical to have St. George City participate in the purchase and maintenance of that machine? There is an agreement already that St. George would respond to a fire that would need to be reached from above or was a multi-story. **Council Member Anderson** commented that the question he would ask is one enough for the type of buildings that are going in at Black Desert Resort? **Mayor Hart** stated that these are just questions and Dale Coulam has passed them along, but Ivins City has not heard back yet from Santa Clara. **Council Member Mehr** indicated that in the Joint Work Meeting the Council was given a number of an additional $500,000 that will put on taxpayers to move from the volunteer part-time as needed staff, to a professional staff. He questioned what metric fire was using to define success? The answer from Chief Parker, as noted in the Minutes, is that they use response time data. He then asked and requested, and Chief Parker agreed, to see the data that would show year by year, the performance to that metric on how SCI Fire has done in response time, compared to a professional force and to years in the past. Is the added dollar amount justified? That data is still needed. **Mayor Hart** stated that his questions aren't enough to negate action on this and likely not to Council Member Mehr's questions. **Council Member Mehr** commented that this was introduced as "Is the Council still in favor of the interlocal agreement"? He viewed that as not the same thing as "Does the Council agree on what the budget is?" He inquired if those were one in the same. **Dale Coulam** stated not really and indicated that the budgets have been seen and they are an initial proposed tentative budget. The agreement gives Ivins an out that if Ivins can't afford it or just are in so much disagreement, to not proceed and to be separate entities. If that is the case, Ivins City should give notice before March 15th. On the other issue of the budget, there is a few more months of the budget process where there still can be input and the Council can still receive information and give input back to Santa Clara for them to consider. They can do the same to Ivins City on Law Enforcement. The budgets can be adopted later but March 15th is the deadline to give the notice to continue with the Interlocal Agreement. **Council Member Scott** commented that the interlocal Agreement says that Ivins City can terminate participation in that agreement by giving notice by March 15th and then the termination date would be at the end of this fiscal year, which

is at the end of June. That would only give Ivins City a few months to find other solutions. If Ivins City really wanted to do this, it should be talked about now for a future year. **Dale Coulam** stated that was correct. **Council Member Mehr** inquired if the Interlocal Agreement is addressed every year? **Dale Coulam** indicated that it was. **Council Member Mehr** commented that it has never been his intent to end the agreement but he did believe that his underlying concern has not been sufficiently addressed. **Mayor Hart** requested that Dale Coulam make Brock Jacobson, the City Manager for Santa Clara, aware of the fact that the report has not been received. **Dale Coulam** indicated that he would do that and when the Minutes are prepared, a reminder would be sent of the outstanding requests. **Council Member Anderson** referred to reimbursements that come in and out of the budget and inquired how that flows through the balance sheet? **Mayor Hart** stated that what he heard at the Joint meeting was that Ivins City pays a share of whatever that net ends up being. **Dale Coulam** clarified that Santa Clara and Ivins share budget expenditures and anticipates what the revenues will be. They are two separate categories. You need money to spend money. That money is going to come from some source and those revenue sources are shared revenues with Santa Clara. **Cade Visser** referred to the SCI Fire consolidated budget and showed the total budget. Ivins City's portion is $1,658,000. SCI Fire is projecting $150,000 worth of revenue knocking that off the $1,658,000 so Ivins total net cost would be $1,508,000 which is divided into four (4) quarterly payments. **Council Member Anderson** inquired if that is the only reimbursement? **Cade Visser** stated that there was the wildland reimbursement but that's really it. **Council Member Mehr** requested that they note that big number of $1,602,860.00 in salaries.

MOTION: Council Member Mehr moved to confirm that Ivins City desires to continue with the Interlocal Agreement with Santa Clara regarding Fire and EMS
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. Continued discussion and approval regarding Ivins City increasing funding for the Old Highway 91 project and consider possible changes to project scope

Tom Jorgensen referred to a map, a copy of which is available as an attachment to this agenda. He reported that a couple of weeks ago, the Mayor proposed an idea of putting in some curb and gutter to help contain storm waters that come down Kwavasa and then travel along Highway 91. The full section for Highway 91 is supposed to be 74 feet but something a little narrower is now being proposed. Where the narrowing comes in the median, instead of being 14 feet, it would now be 12 feet. One of the lanes would remain at 12 feet, but then one (1) of the lanes would be reduced to 11 feet, and then the bike path and instead of being a full 6 feet, the bike path would be reduced to 5 feet. That reduces it by 6 feet total. Instead of being 74 feet, it would be 68 feet. **Council Member Scott** inquired if with this design, Ivins City would not be going beyond the existing right-of-way where the two (2) homes are? **Tom Jorgensen** stated that was correct. The other major proposed change is the center line would need to be moved over approximately 3 feet. On the west side, that asphalt would match and then they would start building the roadway section from there. That is what allows the City to take that full six feet off the cross-section by scooting that cross-section over. With curb and gutter, which is 2 1/2 feet,

then 5 feet of space between the back of curb and the front face of the trail, and then the trail that is 10 feet wide, leaving a foot and a half between the backside of the trail and the home property lines. **Council Member Anderson** inquired if the pavement on the southside will be changed? **Tom Jorgensen** indicated no. **Council Member Anderson** inquired if it stays there, everything into that point will be moved? **Tom Jorgensen** stated that usually it is based off of a center line, but in this instance, it will be based off of the south side of the asphalt. **Council Member Anderson** inquired if both parties, Mr. Warner and the Thomas', have been willing to indemnify the City against flooding? **Tom Jorgensen** stated that the other challenge is drainage. Ivins City wants to be able to move all of that drainage that comes down Kwavasa on Highway 91. There is probably just as much capacity in this configuration with the trail at a slant, the curbing and gutter and then the street, as there is now currently. In the past, those properties have been able to drain to the south out to Highway 91 and then along Highway 91. The properties won't really be able to do that now because the road will be approximately a foot above the properties from existing grade. The properties will now drain to the road, which will essentially be a barrier. Referring to the map, on the top there's an inlet on the way to Warner's property and a couple of inlets on the Thomas property which then goes out to the storm drain. The concern is when that storm drain gets overwhelmed with a lot of water flowing through there, the water levels start to rise and that water has the potential to come out those three (3) inlets. To try and alleviate that concern, Ivins City would tie in as far down as possible so that the hydraulic grade line of how high that water can go, is reduced. In the discussions with the property owners, Ivins City asked if the property owners would enter into an agreement with the City if Ivins City did the improvements and if those storm drains did surcharge and cause some damage, that they would hold the City harmless. **Dale Coulam** clarified that the agreement would likely be a release and indemnification, releasing Ivins City from any liability if there was any damage to the owners property. **Council Member Anderson** inquired if Lloyd was agreeing to that also? **Tom Jorgensen** stated that he has agreed. **Council Member Anderson** commented that if both property owners were willing to do that, that would solve a lot of problems.

Kendra Thomas resides at 430 West Old Highway 91. She thanked the Council and expressed appreciation for the City working with the property owners on this. She was concerned about drainage, but stated that this is a much better option than eminent domain. She inquired if the drainage outlets could be closer to the road and if that would help if there was flooding? **Council Member Anderson** inquired as to who would own the drainage when it was done and who would be responsible for those drainpipes? **Tom Jorgensen** indicated that the drainage would be located on the property owners' property. **Council Member Anderson** stated that if it is on the property owners' property, it should be those owners' responsibility when it is done. **Tom Jorgensen** agreed and stated in the end, it would be the property owners' drainage system and Ivins City would not maintain it. **Mayor Hart** inquired if Kendra had a concern about her circle driveway? **Kendra Thomas** indicated that when they spoke with Chuck Gillette about the City obtaining an easement to put the drains in, the City would help maintain that drainage system with an indemnification clause, as well as if there was flooding, the City would be there to help with emergency pumps, sandbags, and anything possible. That was discussed yesterday. When all of this all started, Public Works notified them that in all of the updates her second drive would possibly have to be done away with. That is what she wanted to get on the agenda and the importance of that second driveway. Her family moved into the home in 2015. There was a need to be able to get her 40-foot trucks and trailers out of there, her family

professionally rodeos and has living quarters, trailers, flatbeds and similar. There can be two (2) to three (3) trailers parked in there. Additionally, her husband is a plumber and has trackhoe's. Shortly after 2015, the second drive was installed, and she admitted to not knowing that it needed a permit. It was installed around 2017. Chuck Gillette notified her that it would probably need to be done away with. Per her conversations yesterday, there is a clause that a circle driveway can be assumed as one entrance and Chuck Gillette told her they could negotiate that. The concern she had is the need to have more than one main entrance onto the highway. She voiced the importance that it is a safety issue if there was only one main driveway and backing up 40-foot trailers with horses and kids around, onto the highway. There is not enough room to crank around a 40-foot trailer into that driveway and exit through the main driveway. When pulling in, she uses the first driveway next to the Roberts property, pulls around the drive and then backs straight in without pulling into the road. She asked Chuck Gillette about applying for a permit now and he said it would probably be denied. That was why she was asking for the Councils consideration. For safety reasons because backing out onto the highway is not safe.

Mayor Hart inquired if there were Federal or State requirements or standards with that level of road, to have a certain kind of separation on any ingress or egress? **Tom Jorgensen** clarified that Ivins City has its own standards that would apply in this situation. **Mayor Hart** inquired if there was a technical reason saying that this is something the City should not do because of the potential traffic on that road? **Tom Jorgensen** stated that road is a corridor and the intent is to limit the number of entry points. One of the reasons why Chuck Gillette was considering allowing this is because the number of times the residents leave or come to that property will not be different based on the number of entry points. **Mayor Hart** commented it will be the same number of exits and entrances regardless. Kendra's argument is compelling to safety and pulling a big trailer in off the road and then getting back on the road with limited space to somehow turn that around. **Mayor Hart** inquired how often the circle drive was needed to be used. **Kendra Thomas** indicated weekly. There will not be additional traffic but the circle driveway is used for trailers. **Mayor Hart** stated that if there is no other alternative but to back the trailers out onto the highway, the circle drive seemed much safer. **Council Member Anderson** inquired how a truck and trailer gets backed in now? **Kendra Thomas** indicated that a truck is pulled in on off of Highway 91 into the first drive, pulled forward and then backed up straight. **Council Member Anderson** stated that it works the same way if you pull in and then back around. It's the same radius. The circle driveway as a second entrance is not needed there. **Kendra Thomas** indicated that a trailer could not make that radius. **Council Member Anderson** referred to a hammerhead road design that is 20 feet wide and stated that works for every vehicle in the City per the fire code. What is being referred to with the Thomas property would be considered a hammerhead. From an access management standpoint, Highway 91 has big vehicles driving on it every day that are 105 feet long. That road needs to keep the access management or it will become a road that is slowed down to 25 mph. **Council Member Murphy** stated that she understood that the driveway was supposed to be permitted but inquired what was to stop anybody else along Highway 91 with property from putting in more ingress and egress and would this set a precedent for somebody else to come in and do the same thing? **Dale Coulam** indicated that the City would have to be more vigilant in watching for unpermitted driveways in the future. This went in without the City knowing it and was not a permitted access point. He has heard Chuck Gillette say that a circle drive is considered one access and he has heard that comment consistently going back to the 200 East access issue that was address nearly

10 years ago. **Council Member Mehr** commented that this is where the Council is to do the best to ensure the safety of the Community and Kendra has sufficiently explained why it would pose a safety issue if the City were to limit her to one drive and given that is already in place, he was 100% in support of an exception to allow the continued use to the property in the way that the property owner has been using it. **Mayor Hart** inquired about the neighboring driveway that was shared by the two (2) property owners, making one big drive. He inquired if that would be a similar double curb cut to accommodate both driveways? **Tom Jorgensen** clarified that entrance was going away.

Council Member Anderson stated that Bill Roberts wanted to keep that entrance, but Chuck Gillette told him no. There is no turning lane into the driveways. Talking about safety, it needs to be figured out the number of cars that will be using this road, compared to the times the driveway is being turned in to. This is a highway and if the Council does not do its diligence, the City could be in trouble. If the City is going to maintain those pipes or have any responsibility with those drains, he did not want anything to do with that but if the property owners are willing to give indemnify the City and willing to take on the responsibility of the drains on their private property, he could get on board with that. He did not want to make those drains the City's responsibility to maintain. **Kendra Thomas** indicated that her argument was that they will be turning in or coming out and either way, it is just which drive is being used and not backing a 40 or 50 foot trailer onto the highway and blocking the road. **Council Member Scott** stated that Chuck Gillette's focus is to limit access on really busy roads and Highway 91 is the busiest road in Ivins. For any new access for a new development, it needs to be limited. This circular drive is one property, whether there are two (2) entrance points or (1) one. It will be the exact same amount of traffic and by having the two (2) points with no turn lane, the big trucks should come out front way first. He liked the redesign of the road because it stays within the existing right-of-way. A very creative and safer solution would be to leave it as a circular driveway. **Council Member Murphy** indicated that she agreed but wanted to make sure something like this did not happen again. **Mayor Hart** stated that anyone in the future would have to come in and get a permit. He inquired about Bill Roberts property access on Highway 91 and if he would like to keep his Highway 91 access? **Bill Roberts** stated his access is in the agreement on the easement with Ivins City. **Mayor Hart** indicated that if that access remained, there would be two (2) wide curb cuts that would serve two (2) properties. He inquired if that was amenable to adjusting the second driveway? **Tom Jorgensen** clarified that was not the City's recommendation. The recommendation is that that access goes away on Highway 91 and the Roberts will use the access on 400 East instead, which is a much better access. **Council Member Anderson** reiterated his argument about it being the same to pull up, back down and pull up large trailers and vehicles and that the circle drive was not necessary. **Mayor Hart** commented that there was a difference between professional drivers doing that and someone who is doing it as a hobby. **Council Member Mehr** stated that it would not be doubling the traffic by having two (2) accesses. They are the same owners with the same number of trucks that would normally come in. **Council Member Anderson** asked for clarification on the drainage and inquired who was responsible for it and who would own it. **Tom Jorgensen** stated that it would be inappropriate for it to be a public drainage facility since it would be on private property and draining private property. That is typically is not what the City does. **Mayor Hart** inquired of Kendra Thomas if she would be okay with the drains being a private system but wanted some help from the City if there was a rare event where there's so much water that the drains back up onto the property? **Kendra Thomas** inquired if the City would install the system? **Tom Jorgensen** stated yes, Ivins City

would install the system and work with the property owners on where the boxes would go and then once the system is constructed, the drains would be turned over to the property owners to maintain. **Kendra Thomas** agreed to that. **Council Member Mehr** referred to the map and inquired why one (1) lane was 11 feet and one was 12 feet and why they wouldn't make the median 10 feet and keep the lanes the same width? **Council Member Anderson** clarified that the median is a turning lane. **Mayor Hart** indicated that the other two (2) lanes could be 11 1/2 feet, it just depends on where the line is painted. **Tom Jorgensen** indicated that it would be great to have the center median the full 14 feet because this is already a reduced median. There may be a possibility of getting rid of the turn lane and just turn it into a landscape median to reduce the number of conflicts on Highway 91. **Mayor Hart** stated that the roundabout would be nearby and someone could turn onto the roundabout and then go right to turn around. **Council Member Anderson** indicated that the lanes and the median are more important than 6 foot bike lanes. The bike lanes could be reduced to 4 feet and then they could keep the 14 foot median. There are more people driving than riding on the bike lanes. **Council Member Murphy** inquired where there were 6 foot bike lanes? **Council Member Anderson** stated that they are starting to be put in at 6 feet. **Mayor Hart** indicated that he did not agree. Four foot bike trails are too narrow. He inquired how wide the drive lanes were on Snow Canyon Parkway? **Tom Jorgensen** stated that it depended on what section but most of it was 11 foot drive lanes. **Mayor Hart** indicated that Highway 91 is the road that two (2) cycling deaths have occurred on in the last 15 years and one (1) of those deaths occurred within the last six (6) years. To compromise the bike lane with as much traffic as there is on Highway 91 would be a mistake. **Council Member Anderson** stated that 11 foot lanes are narrow for a semi. It has always been said it is safety for one side but there is always another side. Most bike lanes in Santa Clara are 2 feet wide. **Tom Jorgensen** indicated that the intent of the 12 foot lane is so that trucks that are coming on that outside lane, have that additional foot, If they are going to add a foot, they should probably add an additional foot to that lane, making it 13 feet and giving an extra foot to the bike lane. The 12 feet and the 5 feet and 11 feet is a good compromise. **Council Member Anderson** questioned if that included 14 feet for the median? **Tom Jorgensen** stated no. **Mayor Hart** indicated that the engineers have presented the best alternative to function within the parameters of not having to go through condemnation on the two (2) properties. **Council Member Anderson** stated that in his opinion, the recommendation should be to keep the median at 14 feet. **Council Member Mehr** requested a point of order and indicated that the agenda item says this is a continued discussion and approval regarding Ivins City increasing funding for the Old Highway 91. He inquired if that has been discussed? **Mayor Hart** commented that had to do with the curb and gutter that's been added to accommodate this change. **Tom Jorgensen** indicated yes and commented that at the last City Council meeting when the motion was made, the funding had already been approved. This is now to decide if the Council wants to go this route through the front of the homes. **Mayor Hart** stated this design is brand new and there probably hasn't been time to cost out the curb and gutter. **Tom Jorgensen** indicated that was correct. The question that remains is whether to put in the curb and gutter and the additional lane as part of this project. The trail is going in as part of this project so they need to make sure that the trail is put at an elevation that works with a design that is favorable. The current plan is to put in the trail so that it can accommodate this design in the future. **Council Member Anderson** stated that he talked to Chuck Gillette about this and if the property owners are willing to deal with the drains and indemnify the City to keep the drainage on the road, the plan would be to slant the trail towards the road and make the trial high enough that if any water

comes down the road, it will go over to the south side and might not even need curb. **Mayor Hart** inquired if the Council in agreement that this works and the City can move past the condemnation issue and relocate the trail? **Council Member Mehr** indicated the Council needs to act on as much as possible and then separate out the things that can be acted on as a separate agenda item. **Mayor Hart** inquired if an action was needed for the double access? **Dale Coulam** stated yes and that it would be a circular access. **Mayor Hart** inquired if that would that include Bill Roberts drive as a part of a second double wide driveway. **Council Member Murphy** indicated if that was the case, that may require the City to look at the next agenda item, which is the agreement with Bill Roberts, because that might not be what the intent of that agreement is. **Mayor Hart** questioned Bill Roberts if he still wanted that access. **Bill Roberts** stated that the agreement he signed on the easement with Ivins City was that the City was going to put the wall up and do away with the access on Highway 91. If the Council approves that agreement, he could go along with that and forego his access to Highway 91. He liked the idea to just go with the wall all the way to the neighbor's property line and put the wall in like what was agreed so that he can afford to put in over 300 feet of sewer line to two (2) houses. That will cost him thousands of dollars and he has depended on the agreement going through. so that he could pay for the sewer lines. **Mayor Hart** indicated that the Council now understands that Mr. Roberts is willing to forego the Highway 91 access and that is the preference of the Ivins City engineers. **Tom Jorgensen** clarified that was correct. **Council Member Johnson** wanted to make sure that everyone understood the block wall part of it, that was either going to go away or stay, whatever the decision was. **Mayor Hart** indicated that Bill stated here tonight that he wants to retain the wall and forego the access. The agreement as it is currently written is still satisfactory. **Bill Roberts** stated that was correct.

Mayor Hart inquired if Council Member Andersons contention to retain the 14-foot median was a necessary thing to decide tonight or if it could be part of the debate on the eventual section? **Tom Jorgensen** stated that at some point, it needs to be decided as to whether or not it is going to be a 12 or 14 foot median. **Council Member Murphy** inquired if it needs to be known whether there are going to be five (5) lanes before the Council starts deciding how wide everything is going to be? **Mayor Hart** clarified that the 4th and 5th lanes are going to be added at some point in the future but they are not programmed now. The placement of the inner three (3) lanes that are proposed, will be contingent on the width of the median. They are not going to build a 12 foot median and then expand it to 14 foot later on. It will be one or the other and stay that way. **Council Member Anderson** indicated that does not need to be decided right now because it is the same width of asphalt no matter what. Chuck's intent was to find out if the Council is thinking of five (5) lanes. **Mayor Hart** stated it currently was not known how that could be done, whether UDOT approves it or not because it is a UDOT call. The City was not prepared to act on that because it is unknown. **Council Member Mehr** inquired if the Council was comfortable with what was shown, along with Council Member Andersons objection? **Council Member Anderson** clarified the two issues were indemnification and drainage. **Mayor Hart** stated that Council Member Anderson also brought up a 14 foot median. **Council Member Anderson** stated that was not shown on the map. **Tom Jorgensen** clarified that the median that is shown, is a 12 foot median. **Council Member Anderson** reiterated that he wanted a 14 foot median. **Mayor Hart** indicated that if a motion is going to be made, any of the Council Members were free to make it based on the cross-section as it is shown, with some variation on that and the other critical point that needs to be made are the intent to allow for the egress. He inquired if that was something that needs to be specified in the

motion, along with the drainage that will be installed by the City and then turned over to the property owners? **Dale Coulam** clarified that would need to be a separate agreement that would come back to the Council.

Council Member Anderson made a motion to approve the cross section as shown, with the exception of making the median 14 feet and the pathways 4 feet and 4 feet and an agreement for the drains and indemnification and then amended the motion to also allow the circular driveway as is one entrance and that an agreement would come forth for the drainage to be a private drainage and an indemnification. Council Member Scott seconded the Motion.

Mayor Hart stated that there was a discussion point of Ivins City adding two (2) more feet of landscape in the median and taking one (1) foot off each of the bike lanes.

Council Member Mehr requested further discussion and inquired if the City would be giving up one (1) foot of bike lane on each side of the road, and that becomes the two (2) feet added to the median? **Mayor Hart** stated yes. **Council Member Mehr** inquired what the current standard of bike lane is right now in the city? **Tom Jorgensen** indicated that the Highway 91 cross-section shows six (6) feet for the bike lane. **Council Member Mehr** stated that the bike path was already compromised at five (5) feet? **Council Member Anderson** indicated that they are compromising on everything to make it work and commented that the landscape was more important as an Ivins resident than giving five (5) feet for a bike lane for those 400 feet. **Mayor Hart** stated that they were not just talking about Ivins cyclists. This is about cyclists from all over the county. **Council Member Scott** indicated that the idea for this cross-section started at the last meeting regarding how they could get five (5) lanes within the right-of-way. That was the main goal and they are arguing over a foot here a foot there. He was nervous about the narrow bike lanes because safety was a critical issue. He inquired if the cross-section could be approved so that the trail could be built and then the ultimate decision on modifying the cross-section to have a wider median, could happen later? Tonight the Council is defining to stay within the right-of-way and not infringing on private property. **Mayor Hart** indicated that was correct to a point but the problem is the decision on the median is critical for phase one (1) of this project. A 14 foot median would reduce the bike lanes to four (4) feet. **Council Member Murphy** inquired how wide the bike lanes were on Snow Canyon Parkway? **Tom Jorgensen** stated they are approximately four (4) feet. **Council Member Mehr** inquired if they were talking about safety? **Mayor Hart** stated that this is a discussion between cosmetics of a 14 foot median and safety of the trail. **Council Member Mehr** inquired if there was a smaller median, what were the potential hazards through the 400 foot section of having a narrower median? **Mayor Hart** commented that there are no turnouts in the 400 feet. **Council Member Anderson** stated that there was a turnout into Mojave Way. **Council Member Mehr** inquired what the safety concerns, pros and cons, of having a 12 foot versus a 14 foot median? **Tom Jorgensen** indicated that a 12 foot median is standard for a turn lane median. On Center Street, those are 12 foot turn lane medians but the goal is to have a minimum of 12 feet for those turn lanes in the medians. **Council Member Mehr** inquired if the 12 feet median is the standard? **Tom Jorgensen** indicated yes and that is what is proposed but Council Member Anderson is proposing a 14 foot median. **Council Member Mehr** stated that if 12 feet is the standard, he would vote "nay" to a 14 foot median, in favor of a larger the bike lane. **Council Member Anderson** commented that the bike lane standards are 4 feet in most cities. **Mayor Hart** stated that the vote concluded with two (2) ayes and three (3) nays, so the motion did not carry.

Council Member Mehr inquired what the safety difference was between a 12 foot median and a 14 foot median? **Tom Jorgensen** indicated that it depends on what kind of median gets

installed. If it ends up being a raised median like the City has on Center Street or Snow Canyon Parkway, the width of that median is not very important. If it ends up being a level median, there may be cars that are crossing that could cause a head-on collision but there is not much of a safety difference between a 12 foot median and a 14 foot median. **Council Member Mehr** inquired if the median would be landscaped. **Tom Jorgenson** stated that the intent is it will be landscaped as much as possible and a decision does need to be made as to whether vehicles turning right in and right out, is done at Mojave because that is the only access through that section, other than the properties that were talked about tonight. It would be minimizing the traffic conflicts that are the largest safety issues. **Council Member Anderson** indicated that at first, he was adamant about getting all of them right in, right out right now, but then he looked at the flows of traffic and currently, and it was not that critical. The goal is to keep Highway 91 a highway and all of the roads may need to eventually be right in, right out at the roundabouts when they are built out. To him, the 12 foot lane there is fine, it doesn't make it less safe. It is when the medians go to 14 feet, that's an extra two feet and the City has been analyzing these for years but the City keeps compromising its cross-sections. The 6 foot bike lane was there because they wanted to give enough room for it but in the same token, the City always says it's not safe but you have 5 feet of lane and some streets have 2 feet but either way, the bike lane isn't going to cause any more less safe or the median, it is what they want the City to look like. If the Council wants to have a 12 foot median and 5 foot bike lanes, they can do that. It's just a landscape area and has nothing to do with safety. **Mayor Hart** stated that the medians on all of Ivins other boulevard streets are not 14 feet. The City is talking about 400 feet of compromise here to accommodate this one problem. The City has compromised but the median if it stays at 14 feet and his contention is that is the first thing that ought to be compromised down to some safe level, because people are not driving in that one. **Council Member Anderson** commented that medians are a proven factor to slow traffic down. **Dale Coulam** indicated that he had some points to make. First, the point of order from the last motion when somebody votes, it is not proper to argue against someone's vote. Immediately after they make a vote, people should be able to make a vote and go through the voting process without having contention. Second, individuals should address the Mayor before making comments so that this is an organized discussion. Third, the primary function of the City Council is health, safety and welfare. It is not aesthetics. In this discussion, that should be foremost in the Councils mind when considering which option to take. He was not saying which option should be taken but health, safety and welfare should be the primary concern. **Council Member Mehr** commented that the Councils primary concern as a government, is to ensure the inalienable rights of its citizens for life, liberty, and the pursuit of happiness, in that context of health, safety, and welfare. That is what the Council is doing here, by not encroaching on the property of the Thomas family and he applauded the Council for that.

MOTION: Council Member Mehr moved to approve the cross-section as shown, to further clarify that the City is allowing the egress for the two entrances for the property and drainage in a separate agreement
SECOND: Council Member Scott
VOTE: The motion carried.

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

Council Member Anderson	NAY

C. Continued discussion to approve an agreement between William Roberts and Ivins City

MOTION: Council Member Scott moved to approve an agreement between William Roberts and Ivins City
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

Council Member Mehr inquired if this agreement represents what they have been talking about and agreed as they have been having the conversations tonight. **Mayor Hart** clarified that the agreement includes the removal of that access and wall that the City is going to build across the front of the property there behind the trail.

D. Discuss and consider approval of sewer easement abandonment in Santa Clara for Solace SC, LLC

Tom Jorgenson reported that the shared sewer trunk line is being relocated and is located in the City of Santa Clara. **Dale Coulam** indicated that the Santa Clara City attorney stated that the Santa Clara City Council approved the subdivision which will require the relocation of the sewer line. **Mayor Hart** inquired who was paying for the relocation? **Dale Coulam** clarified that it was someone other than Ivins City, but that Ivins City has been asked to approve the abandonment of the existing easement. **Council Member Mehr** questioned if the owner of the property was okay with this. **Dale Coulam** indicated that the property owner is the developer of the subdivision.

MOTION: Council Member Mehr moved to approve the sewer easement abandonment in Santa Clara for Solace SC, LLC
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

E. Discuss and consider approval of a Franchise Renewal Agreement between Ivins City and TDS Broadband Service, LLC

Dale Coulam reported that this agreement is lengthy but the main change is that Ivins City removed the buildout requirement. The buildout requirement would have required anyone requesting cable service from TDS, that was within a quarter cable mile of its trunk line, TDS would extend and provide service to the party that requested cable services. The trunk line is likely not the last house served by cable TV. The coax that goes to that house runs back into the road and eventually goes to a trunk line that might be located much farther away than a quarter mile because the trunk line may be back up in the street. Ivins is not giving up a lot and gaining the ability to have competition. There are a few small changes, some of which he suggested to match what St. George's agreement had previously provided. **Council Member Scott** commented that the build out requirement still doesn't guarantee that one would get

service, only if the home is located within a quarter mile of the trunk line but theoretically homes or businesses may not get access and inquired if that risk was significant or substantial? **Dale Coulam** indicated that is the risk of removing the buildout requirement. If someone was within a quarter of a mile of the trunk line and the requirement is removed and TDS said, no, they are not going to provide it, another company would need to be contacted to see what the infrastructure was or look to a wireless form of internet. Kayenta has a separate company that is used in the Kayenta area that is also wireless and provides an alternative. **Council Member Anderson** clarified that Kayenta Technologies has nothing to do with Kayenta. They supply more people in St. George and other areas, than they do in Kayenta. **Dale Coulam** stated that it was good to have options and commented that there was one change that Council Member Scott noted in one of the "whereas" clauses regarding there being an opportunity for public comment on this agreement.

He reviewed the Ivins Cable Franchise ordinance, State law, and Federal law and there is no requirement for a public hearing so that language has been removed. **Council Member Anderson** inquired what defines a trunk line because trunk lines are being moved all the way along and how would the City know where those trunk lines exist today? **Dale Coulam** stated that Ivins City does not know where the trunk lines are, but the providers do. **Mayor Hart** indicated that in conversations that he had with TDS, a trunk line was defined as a fiber optic cable that goes to a node and then the node splits off and services homes. The trunk line can be back a ways and not necessarily one of the huge fiber optic regional lines that are going through the center of the City. **Council Member Anderson** inquired when it says trunk line, how far can that go? It is not known what that means to the City. **Dale Coulam** indicated that Ivins is not advised of where everything is in the City and some of that is proprietary. **Council Member Anderson** inquired as to what was being done for the west side of the City? When creating competition, it could hurt Ivins and it could help Ivins. **Dale Coulam** stated that this can cut both ways, but it also cuts both ways throughout the City. **Council Member Anderson** indicated UDOT (Utah Department of Transportation) has cable throughout the whole state and are putting it in along Highway 91 right now, which could help. TDS, CenturyLink and Kayenta Technologies are all putting in conduit, creating that ability. He was worried that not including the build out requirement would take away the ability to force companies to get internet to the west side of Ivins. **Dale Coulam** clarified that the City has the build out requirement currently and companies still are not out on the west side so it is not really helping.

MOTION: Council Member Scott moved to approve a Franchise Renewal Agreement between Ivins City and TDS Broadband Service, LLC, with the change stated by Dale to the 5th whereas in the agreement

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	NAY

F. Discussion regarding the Water Talk About held at Rocky Vista University on February 22, 2023

Mayor Hart commented that this was self-explanatory. Based on emails that he received, there were some residents who left not knowing if the Washington County Water Conservancy District

or the City determines when development needs to stop. He clarified that the Water Conservancy District operates on a pooling agreement with seven (7) communities in the County and in order for that agreement to be changed, it would require all of the cities to vote in favor of that. As an example, those cities adopted a conservation ordinance that had to go to all of the separate City Councils and the result of that was that that ordinance varies from City to City and the same would be true of any policy. For development to stop, it would require a declaration of a water emergency and a vote from all of the cities. **Council Member Scott** inquired if that vote had to be unanimous. **Mayor Hart** indicated that it did. At a meeting recently there was a motion made to do just that and it was not approved. If Ivins enacted an ordinance terminating new development, it would simply occur elsewhere in the county. What is happening now, and the reason it is taking more time for the Will Serve letters to come into effect, is cities are trying to figure out how that will work in their cities and the Will Serve letters can't be done until there is a consensus.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for February 16, 2023

Council Member Anderson referred to the discussion in the last meeting regarding Highway 91 and had a clarification to the Minutes where it says "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..." what he was trying to say was that to consider phase 1 complete when it looks like Snow Canyon Parkway. That was his intent. **Dale Coulam** indicated that the motion was typed as it was made so what Council Member Anderson just said, is a clarification in these Minutes and not a correction to the motion from the last meeting.

MOTION: Council Member Mehr moved to approve the City Council Meeting Minutes for February 16, 2023
SECOND: Council Member Scott
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 Mehr reported that he attended the Miss Ivins Princess Pageant and commented that it would be appropriate for the Princess Pageant Royalty to come to the City Council and be introduced formally.

Council Member Scott reported that Snow Canyon State Park is adding a few campsites near where the current RV sites are and are working with Friends of Snow Canyon to fund adding a shade pavilion at the Chuckwalla Trailhead, which is approximately a $100,000 effort. The Park also plans to improve and expand the parking lot at the Chuckwalla Trailhead. He also learned that the City threw the Park a curveball when they came in and presented their idea to move the entrance of the park to allow for the traffic to flow better and the City asked them to come back

with something more concrete with some engineering. The way funding for the State Parks work is they do not get funding for engineering, they get funding for the project. The City has asked them to do something preliminary that they have not received money for. Typically when they get funding for the whole project, they'll carve out a percentage for the engineering. That has set them back but they are looking for funding and he inquired if there was anything that the City could do to help them out? **Mayor Hart** suggested a letter of support from the City. The City Council Members agreed.

There were no other reports.

B. Mayor

Mayor Hart reported that he has extended the time period for submittal of applications for the Planning Commission vacancies until March 10th.

C. City Manager/Attorney Dale Coulam

Dale Coulam reminded the Mayor and City Council that the next meeting will be held on Thursday, March 23rd and that they will begin at 5:15 for the Municipal Building Authority Annual meeting and then the City Council meeting at 5:30 p.m.

D. Items to be placed on future agendas

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 7:58 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder