IVINS
CITY COUNCIL
MINUTES
March 19, 2020

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 Mehr, Council Member McDonald, Council Member Elliott, and Council Member Gordhammer.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Rodriguez, Director of Finance Lane Mecham, and City Recorder Kari Jimenez.
EXCUSED: Council Member Johnson

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Johnson was excused.

B. Flag Salute

Council Member Elliott led the Flag Salute

C. Invocation

Mayor Hart gave the Invocation

D. Disclosures

Council Member Elliott referred to agenda item 2)A and disclosed that she resides near the Anasazi Vista subdivision. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

Mayor Hart requested that the Council suspend the rules and bring item 5)A forward for discussion.

MOTION: Council Member McDonald moved to suspend the rules and bring item 5)A forward for discussion
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

Mayor Hart indicated that there have been some changes made to the City Council procedure, in order to maintain social distancing and minimize the number of attendees in the City Council room. Anyone who has a comment to make for the Public Hearing or Citizen Comment, they will be directed by law enforcement to come into the Council room, make their comment or comments and then exit through the opposite door. The City Council Members are spaced out as well. **Mayor Hart** extended his appreciation to those who are trying to do what they can to minimize the impact of this health issue (COVID-19). He was aware of a number of special things already done by businesses and individuals in the City. He read a note from the owner of

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The Ice Box, Troy Dennett, indicating that Troy receives two (2) commercial food deliveries a week and offered for anyone needing certain items, to contact him and they may purchase those items for his wholesale cost plus tax. Those items could then be picked up curbside or delivered.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Interlocal Cooperation Agreement to provide support to Washington County in hosting the Ironman 70.3 World Championship – St. George 2020, the Ironman North American Championship – St. George 2020 and 2023 and the Ironman 70.3 North American Championship 2021, 2022 and 2024

Doug Boyer, Marketing Specialist with Greater Zion, handed out information to the Mayor and City Council regarding the Ironman bike course, which will go through Ivins. A copy of the information is available on Ivins website, www.ivins.com, as an attachment to this agenda. The race was originally scheduled for May 2, 2020 but has been postponed to September 19, 2020 due to the coronavirus outbreak. He encouraged as much community involvement as possible. **Mayor Hart** inquired if there is a provision that if the health crisis continues, if there will be a cancellation or another postponement. **Doug Boyer** stated yes and indicated that they are following whatever the State of Utah recommends. There are approximately 2700 athletes registered and they have been given the option to switch dates and compete in other Ironman races. **Mayor Hart** inquired if there was a requirement for those participating to be tested. **Doug Boyer** indicated not to his knowledge. **Mayor Hart** commented that participants would be coming in from all over the world. **Doug Boyer** agreed and commented that travel was already banned but he would look into that. **Council Member Mehr** inquired if there were any suggestions as to the best practices of showing community involvement along the race route. **Doug Boyer** stated to volunteer and get out and support the racers. He encouraged them to prepare now because there is going to be approximately 7000 athletes in 2021, when there is usually 2500. **Council Member McDonald** commented that Ivins Heritage Days is in September. **Doug Boyer** indicated that he was aware of that and they have worked around Ivins Heritage Days and Santa Clara's Swiss Days.

MOTION: Council Member McDonald moved to approve the Interlocal Cooperation Agreement to provide support to Washington County in hosting the Ironman 70.3 World Championship - St. George 2020

Council Member Mehr requested a discussion and commented that the agenda item mentions other years and inquired if the motion should be amended. Council Member McDonald amended his motion to include the other years.

MOTION: Council Member McDonald moved to amend the motion to approve the Interlocal Cooperation Agreement to provide support to Washington County in hosting the Ironman 70.3 World Championship – St. George 2020, the Ironman North American Championship – St. George 2020 and 2023 and the Ironman 70.3 North American Championship 2021, 2022 and 2024
SECOND: Council Member Elliott
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

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Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Revised Concept Plan for Anasazi Vista, located at approximately 700 West 150 South. Anasazi Vista, LLC-Owner/Applicant

Mike Rodriguez reported that this subdivision recently went through the concurrent Land Use and Zone Change process and this is the revised concept plan. This subdivision consists of approximately 22.51 acres and is being subdivided into 72 lots. **Council Member Elliott** referred to an email that the Mayor and City Council received from Logan Blake regarding this project. **Mike Rodriguez** stated that the issues outlined in the Mr. Blake's letter are issues that will be addressed when the development application comes forward. The item they're looking at tonight is just a concept plan. **Council Member Mehr** inquired if those issues are not addressed satisfactorily, if they will come to the City Council's attention. **Mike Rodriguez** commented that all of those issues go through the process and any issues are brought to the City Council's attention.

B. Revised Concept Plan for Crossings at Red Desert, located at approximately 850 South Main. V.E. Management Investments-Owner. Ben Willits-Applicant

Mike Rodriguez reported that this subdivision consists of approximately 10 acres and is being subdivided into 159 townhome/condominium units. The property is zoned RM (Residential Multi-Family) with a buffer to the east of R-2-6 (High Density Residential, 2 units on one lot, minimum 6,000 sq ft lot size). The buffer is not part of this application because they are only considering developing the RM portion. The Planning Commission preferred the site plan with the landscaping and open space on the east side and did not feel that there was a requirement to re-zone. **Dale Coulam** clarified that the difference between the two plans, is the green landscaping buffer along the east side parking, which screens the parking from view and complies with Ivins zoning. When this property was re-zoned, the motion indicated that the buffer lined up approximately with a certain point but if the City stuck with strictly aligning that to the boundary of the storage units, there would be a lot of dead space. The City is looking for input whether or not there should be a zone change to expand the RM zoning and shrink the R-2-6 zoning or if what is shown is close enough. The prior concept plan for this property had shown very dense townhome apartments on it. **Council Member Mehr** inquired if these would be two-story units. **Mike Rodriguez** clarified that they would be two and three-story units. **Council Member Mehr** inquired how high they could be. **Mike Rodriguez** indicated they could go up to 35 feet high for the interior buildings and 25 feet for the buildings on the outside of the project. **Council Member Mehr** inquired as to the roof lines. **Mike Rodriguez** clarified that the maximum height allowed is 35 feet and they would be required to comply with the City's design guidelines. **Council Member Mehr** was concerned that the buffer of townhomes on the east side would never be built and inquired what the zone was to the east of the buffer of townhomes. **Mike Rodriguez** stated that the zone is R-1-5 (Residential Single Family, minimum lot size of 5,000 sq ft. **Council Member Mehr** expressed concern regarding the owners later on requesting that the piece of land that is currently the buffer, be re-zoned.

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

Mike Rodriguez reported that building permit activity is continuing and remaining steady. Weather has been impacting inspections recently. He referred to social distancing and

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stated that the City has created the ability for people to submit their building applications digitally.

Assistant Public Works Director Tom Jorgensen reported that the majority of the work done recently has been street maintenance, primarily crack sealing. The trail around Ivins Reservoir is approximately half way done and should be done in the next couple of weeks if the weather cooperates. The storm water projects are still going in full force. He referred to the email letter from Logan Blake and stated that he responded to him, telling him the same thing Mike Rodriguez had told him. From an engineering standpoint, they agree with what Mr. Blake is recommending but they will address it at the next stage in the process. He referred to pavement maintenance and indicated that what they are doing is standard from years past. They are doing various streets in chip seal, slurry and HA-5. **Council Member McDonald** inquired if this covers everything Chuck Gillette wanted to do this year, if it is scaled back or if the City is still on its maintenance schedule. **Tom Jorgensen** stated yes and that they are still on schedule. The prices for the slurry seal came in high but prices for chip seal came in low so it worked out. **Mayor Hart** indicated that they may want to wait and negotiate because of the drop in oil prices. **Tom Jorgensen** stated that when the bid results came in on Wednesday, March 11, 2020, some oil drop pricing had occurred but he will still have a conversation with the contractor.

Lane Mecham reported that everything is tracking where it should be. The City will want to monitor some of these revenues going forward but property taxes have already been received. **Council Member Mehr** inquired if there was a budget amendment planned for the near future and if there is a limit on the number of budget amendments that can be made. **Dale Coulam** stated that there is no limit, but the fewer, the better, because the more amendments that occur, it raises flags and the auditors wonder why the City isn't able to follow their budget. **Council Member Mehr** commented that the transient room tax will be going down significantly because of COVID-19 and inquired how much of that will affect the budget. **Lane Mecham** clarified that it was not very significant. He indicated that the Department Heads are formulating their budgets for the next fiscal year right now and the budget to complete this fiscal year. **Council Member Mehr** inquired if there may be a post-ponement of the payment of property taxes. **Mayor Hart** stated that he had not heard that.

D. Planning Commission Report

Lance Anderson reported that the Planning Commission reviewed the two concept plans that the City Council saw tonight, for Anasazi Vista and Crossings at Red Desert. There were only three (3) Planning Commission Members present so the other items on the agenda were continued.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS - NONE

A. Citizen requests to be placed on a future agenda

4) PUBLIC HEARING AND ACTION ITEMS

NOTICE: Attendance at this Public Hearing is optional. If you are over 60 years old or have an underlying health condition, you should consider staying home and submitting your public comment(s) in writing prior to the date of the Public Hearing, preferably by email to the City Recorder at kjimenez@ivins.com

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Concurrent Land Use Amendment from LDR (Low-Density Residential) to MDR (Medium-Density Residential) and Zone Amendment from RE-25 PD (Residential Single Family, Planned Development) to a combination of RE-12.5, (Residential Estates, minimum lot size

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12,500 sq. ft.) and R-1-10 (Residential Single Family, minimum lot size 10,000 sq. ft.) and lot averaging, on approximately 15.52 acres

Mayor Hart indicated that the procedure for this Public Hearing is that individuals who want to speak needed to sign-in at the entrance to the building, return to their vehicle or wait outside and then the Public Safety Officer that is out front would call the individual and invite them into the building when it is their turn, to make their comment. **Mayor Hart** appreciated the public's willingness to work under these conditions. **Dale Coulam** stated that there are individuals who are waiting outside and indicated that the meeting was being broadcast live outside so that they could listen to it as well. The seating in the Council room was very limited for social distancing and would allow a couple of people in the Council room at a time and after they make their comment, they could leave out the side door so that others could come in and make their comment. The Council is familiar with this property on Center street at approximately 750 East and currently listed for sale. The Council has had numerous discussions regarding this property. It is currently under contract and there is a backup offer in place. Any decision the City Council makes is legislative and is not hinged on an offer or backup offer, but what the City Council sees is appropriate for this piece of property. The conceptual layout from the primary offeror shows an R-1-10 buffer along the north and east of the property and R-1-7.5 in middle, and then lot averaging that would allow some lot sizes below 7000 sq ft, with a total of 53 lots. The density example that Rosenberg Engineering drafted for the Council, to try and get something close to what the Hart family originally proposed and had been approved, resulted in 47 lots using a combination of R-1-10 and R-1-7.5. He reminded the City Council that the Palisades at Snow Canyon Phases 6 and 7 that is north of the City property would fit R-1-10 zoning. Justin Aucoin is the backup offeror and developer of the Palisades to the north. He has submitted three (3) conceptual layouts showing larger lots, which would be low density residential, as opposed to medium density residential. **Dale Coulam** reminded the City Council that when they were discussing the counteroffers, the Council instructed that the offeror work towards a zone of R-1-10 with lot averaging. **Council Member Mehr** referred to Public Comments made at the Planning Commission regarding the developer gating the road and inquired if the developer can do that for egress. **Dale Coulam** stated that at the Planning Commission Public Hearing, it was made clear that if it was a different developer, it would be gated to prevent home owners on the City's property, access into the Palisades subdivision and to prevent them from trying to access the clubhouse. There may be a requirement for another access but that would be addressed when a Preliminary Plan was submitted. The Palisades at Snow Canyon has one (1) access and two (2) crash gates to provide necessary access for fire. **Council Member Mehr** inquired if the streets above the City's property were maintained by the City. **Dale Coulam** indicated that they were private streets and maintained by the development. **Council Member Gordhammer** inquired if this was the time to address Lance Anderson's comments regarding an enhancement overlay. **Mayor Hart** stated that would occur after the Public Hearing. **Dale Coulam** commented that Lance Anderson has been an advocate of development that is similar to the Cliff Rose subdivision where it is zoned with less density and the developer is forced to ask for a subdivision enhancement overlay (SEO) and then the City can negotiate some things and have some representations by both offerors, but there is no written commitment to bind either one. **Mayor Hart** opened the Public Hearing. **Justin Aucoin** stated that he is the owner of Desert Sky and Rocky Canyon Properties and would like to help the City get to where they ultimately need to be. **Mayor Hart** indicated that he saw a drastic difference in the layouts submitted by Sullivan Homes and Justin Aucoin and commented

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that the Council has been reminded on several occasions that higher density is required to justify the cost for the land. He assumed that somehow that works for Justin Aucoin with his proposed 20 or 21 lots. **Justin Aucoin** stated that they have taken a different approach to this because of the traffic and different things that they have with the school and not try to fit a bunch of lots but actually create an estate lot similar to the neighboring subdivision of Citadel. Those are going to be very expensive lots and to try and get their money back and different things like that, they're going to estate lots, they're going to be big, nice, custom homes and is kind of the continuation of what he has going on in the Palisades at Snow Canyon. He doesn't necessarily include these lots with the Palisades at Snow Canyon, that's not what he's asking here because he thought that the homeowners of the Palisades at Snow Canyon have a legitimate concern about overrunning their clubhouse, pool areas, the traffic through the neighborhood and certain other aspects so he's taking approach. Most of the homes being built in the Palisades at Snow Canyon subdivision, are truly big, custom homes. He wanted to take a different approach, but not to say he couldn't go back to the RE-12.5 or the 15,000 sq ft but these are big giant lots. His approach to this is to maintain the views of all of those lots, with given it the depth, it maintains the gorgeous views that Ivins has to offer along the Red Mountain corridor. It also helps with the traffic flow. With not as many homes there, of course you're not going have as much traffic going in and out especially the one road that gets hammered when people drop off and pick up their kids from school. He wants to try and maintain something and not make it harder for the school. If he puts another 50 or 60 homes in there, or even 47, the traffic is still a concern to the Palisades home owners and to the kids at the school so he's taking a different approach and believes this is a very good approach because his clientele wants that. They want the bigger, larger lots. That's what they're looking for. There are many subdivisions in the area where you can buy a 5,000, 7,500 or 10,000 sq ft lot. He just has an approach that he wants to be able to maintain the quality of the subdivision and to keep the custom home feel and not affect the other home owners above that property and their values that they have spent on their homes because when you do allow a different home builder, they have a purpose too, he's not saying a less expensive home, but it does change the values of the people above them and it's going to change with appraisals and different things like that. **Mayor Hart** stated that if the Council has questions, now would be the time to ask those. There were no questions from the Mayor or City Council for Mr. Aucoin. **Dale Coulam** indicated that there were a couple of forms submitted on-line by the public. One from Lisa Rutherford and one from Robert Heffernan. **Mayor Hart** read the following comment form from Lisa Rutherford: "It's pretty clear from the PC (Planning Commission) meeting that there are challenges facing this decision that may affect our city in ways we have not given enough consideration to at this point. I do not think that a contract should be pushing a decision at this time. It's unfortunate that this is being pushed at this point when our city, county, state, nation and world are faced with an extremely serious situation. I understand that not all things should be cancelled during this time of this COVID-19 pandemic but having a public hearing at this time with social distancing being advised everywhere does not serve the interest of our city. There is no way that adequate protection could be provided at the meeting, and having an internet link such as I am now using for my comment does not adequately replace the opportunity to hear all comments and make a public comment at the meeting. There are times when I've attended public meetings and heard comments given that have provided knowledge that helped my own public comment. This system that's been provided does not serve the public well nor the needs of this city. I am very sorry that our leaders have chosen to proceed with this public hearing given the situation." **Mayor Hart** read

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the following comment form from Robert Heffernan: "Sell it." There were no other comments submitted through the City form or to the City Recorder. **Mayor Hart** stated that the Mayor and City Council received a letter from Sullivan Homes, the primary offeror, indicating why the densities that they are proposing as they are and ended up with around 9,000 sq ft as an average lot size so it's just under the 10,000 sq ft that the Council was discussing. **Council Member Elliott** read Sullivan Homes letter into the record: Ivins Mayor and City Council, Thank you for your consideration in the following matter. As you know Sullivan Homes, a reputable and successful local homebuilder, has been working closely with the City in regards to the City owned property that is for sale. The initial conversations have always been to blend with the surrounding areas, provide a look pleasing to the eye on visible areas, and develop/build a project the City can be proud of. The concerns have arisen regarding density, lot size, etc. Some of the this has risen based off of inaccurate information. As the site has been more fully investigated, we have worked closely with staff to propose a site that is concurrent with current goals. The property was appraised for highest and best use/density and it was agreed to pay top dollar based on being able to get close to reaching that. It would be unreasonable for a seller to expect the highest price but the lowest density- that doesn't make sense. In review of the neighborhood to the North given the lot size and building envelopes that neighborhood is closer to, or has many components of, a R-1-10,000 sf lot subdivision. The revised layout we are proposing has a 10,000-17,000 Sf lot buffer along the Northern and Eastern boundary. The average lot size is 9,121 sf. Since we are both the developer and builder we have planned and designed all single level flat roof homes. These will be very nicely finished semi-custom homes that will add value to the area and be very desirable. We have built and do currently have under construction similar product that is successfully being absorbed. While for most people paying top dollar for lower density doesn't make sense, we are a home builder looking to maximize the City's return on the land and being willing to essentially break even on the land development. We like the area, believe we will add value to the City, and want to form a good working relationship to do more here in the future. We are not asking for the maximum allowed density; however, we are also not asking for the lowest allowable density either since we are offering to pay a premium for the land. We are also hoping the Council will be reasonable in considering that we are being responsible in design and that sometimes it takes a little give and take to make a win-win deal. Our smallest lots are along a busy noisy roadway and the proposed transition blends in well. The builder has a track record of quality and success. The surrounding neighbors would have no negative impact on their values, life-style, or in any other way in this development versus another. A viable reason that would justify lower end density has not been brought to our attention. We are still willing to pay upper end pricing without the upper end density. We are a cash buyer who can perform and close on this contract. We hope that you find our request reasonable and that we can continue to work together on a great new addition to Ivins City. Thank you, Shaun Sullivan".

Dale Coulam indicated that attached to this agenda was a copy of the Minutes from the Planning Commission so all of the comments that were made at the Planning Commission meeting are available to them and are part of the record. There being no other public comments, **Mayor Hart** closed the Public Hearing. He reminded the City Council that their decision should not be based on the offers before them. **Council Member Mehr** acknowledged and validated Lisa Rutherford's comments and concerns and stated that it is a difficult time for everyone. He concurred that if this were a new discussion item or a controversial discussion that a Public Hearing shouldn't be held in this manner but the City Council has been discussing this property

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for some time and the public had the opportunity at the Planning Commission Public Hearing to comment and the public has access to the comments in the Minutes. The Council has taken this seriously and doing its due diligence to make the best decision for the community and because the Council has discussed this for such a long period of time, on multiple agendas, the Council is not hastily going about this decision and felt that the Council should proceed. **Mayor Hart** indicated that government bodies, businesses, educational institutions and so on are all being driven to adjust procedures and policies to make it possible to continue to function. Ivins has gone to great lengths to make it possible for information regarding this to come to the City Council through public comment and information has certainly been made available. He agreed with Council Member Mehr regarding proceeding and stated that it is time for this to be brought to a conclusion. The City may be able to post-pone Public Hearings in the future but some items need to be acted on and the Council has a responsibility to continue to act as a Council, otherwise it is pointless to be here. **Council Member McDonald** had a concern about addressing this issue as well but the City does not know how long this pandemic is going to last. He felt that the City has done a great job to accommodate the public. **Mayor Hart** stated that two (2) developers have made substantial offers on this property and they have a right to know what the City Councils intent is. **Council Member Elliott** commented that Lisa Rutherford's other concern was that using this procedure in the future will not be adequate.

B. Discuss and consider approval of Ordinance No. 2020-03, an Ordinance of Ivins City, Utah, regarding a proposed Land Use and Zoning District Amendment on 15.52 acres located at approximately 750 East and Center Street

Council Member Gordhammer referred to the motion that was made by Commissioner Lance Anderson that passed and inquired as to the number of lots that would represent. **Dale Coulam** indicated that it was approximately 48 lots. **Council Member Gordhammer** commented that after reading all of the comments from the Planning Commission's Public Hearing, the majority of them were regarding traffic and questions about the gate. In terms of the question before them, she thought there was a very good discussion at the Planning Commission level and she was comfortable with the Planning Commission's recommendation. **Council Member Elliott** referred to the gate off of the trail and requested clarification on that. **Mayor Hart** explained that is a public trail and is designed to connect Center Street to the Reserve and in no way would anyone be allowed to close off access to that trail. **Council Member Elliott** inquired if the City Council went with the Planning Commission's recommendation, if the developer could chose to a lower density. **Dale Coulam** stated yes. **Council Member Elliott** indicated that she was also comfortable with the Planning Commission's recommendation. **Council Member Mehr** was also comfortable with their recommendation but stated that what the developer asked for initially was R-1-10 with lot averaging so the Council should be informed of the potential consequences with this decision. **Mayor Hart** inquired of Ivins Real Estate Agent, Neil Walter. **Neil Walter** indicated that he represented the City and no other parties in this transaction and commented that these are two (2) very capable parties. If the City Council proceeds forward as proposed by the Planning Commission, the consequences are that there's a reasonable chance that the primary offeror may not proceed with the purchase because the density would be slightly lower but that is their choice and option and the Council has already heard from the backup offeror. The scenario they could be concerned about is if neither offer worked out. That would be a more challenging situation but as of today, the parties have every intent to move forward. The most important thing for the Council to decide is how they want the property zoned and what do they want to see. The City is

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in a good situation where it owns a 15.5 acre property that has two (2) very strong offers and both are cash buyers. The primary offeror is a full price offer. The price for the ground would normally be considered for land that was zoned for townhomes but this piece of property is a substantially lower density than townhomes. If this property was located in Washington Fields with a similar proposed density, the price per acre would be in the $120,000-$130,000 per acre. There are no comparables at that price, for that low density. **Mayor Hart** stated that he was also comfortable with what the Planning Commission had recommended. **Council Member Mehr** inquired if the Mayor and Council were also comfortable with the Council's prior recommendation. **Council Member Gordhammer** requested that Lance Anderson explain why he made the motion that he did at the Planning Commission. **Lance Anderson** commented that he looked at the densities and one plan showed 54 units but if the property was developed with an SEO that would give a developer approximately 48 lots and would be a good compromise. **Council Member Mehr** inquired what the difference was in the number of lots. **Lance Anderson** indicated 54 lots versus 48. **Council Member McDonald** stated that he looked at both options and discussed this with Lance previously and was leaning in favor of the Planning Commission's recommendation. **Council Member Mehr** indicated that he was content with what ends up being decided. The property on and near Center Street seems that it would be natural to have more of a medium density zone because that is a busy street. If he was looking for an estate lot, he would not want to live next to Center Street. He recommended that the City Council proceed with approving a medium density R-1-10 zone with lot averaging. **Council Member McDonald** inquired of Mayor Hart, his thought on this since he's a developer. **Mayor Hart** stated that he saw two (2) different proposals and in this setting, if both offers failed to perform, then the City would be looking at some future developer. He and his family conceived a plan that did not include a trail but included a number of lots was over 16 acres with larger lots at the top of the property and then smaller and the property went down to Center Street. His personal preference was more estate looking types of developments but in either case, the City is not looking at affordable housing. The temptation is to look at developer A and B but the City can't take that position because if neither developer performs, the City wouldn't know what will be built there in the future. **Council Member Mehr** inquired what a large estate home site-line looks liked compared to a smaller home. **Mayor Hart** indicated that both would have to comply with the ordinances but a larger lot opens up the view. **Council Member Elliott** indicated that what a developer tells the Council they are going build what they actually build isn't binding. She saw an advantage of zoning the property the way Lance Anderson has suggested because it gives the City something to negotiate with. **Council Member Mehr** stated that he knows there's nothing binding the developer from building what they say they're going to build, but he did not think that the backup offeror had any intention of building the low density that he represented tonight. **Mayor Hart** indicated that there was no guarantee of that and if it were the case that both offers withdrew, some other potential developer is going to look at that property and come to their own conclusion and base a future offer on what the yield is. **Council Member Gordhammer** stated that the main difference between the recommendation the City Council made and what the Planning Commission recommended is the City Council recommendation allowed 7,500 sq ft lots. Listening to what Neil Walter has said and if Sullivan Homes said they're walking away from this, she'd be disappointed but she felt that the comments at the Planning Commission's Public Hearing from the neighborhoods, they took the time to express their concerns and the City should do the best that it can to minimize traffic and density. To her, the Planning Commission's recommendation feels like a compromise and she personally looks to

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the Planning Commission for their expertise. **Council Member Mehr** agreed and commented that the City Council values their recommendations in almost every case. He inquired what size of lots are in the Heritage Estates subdivision. **Dale Coulam** indicated there are different lot sizes but generally R-1-7.5. **Council Member Mehr** stated that the proposed lots on the City property would be bigger than those in Heritage Estates and commented that Heritage Estates is a beautiful neighborhood. Regarding the concerns of the HOA for Palisades at Snow Canyon with people accessing their facilities, those concerns currently exist and are not created by this project. **Mayor Hart** indicated that the letter that Sullivan Homes provided to them, gives an indication as to what the practical limits are. They are paying a premium price for the property. He took a poll of the Council on how they may vote. **Council Member Mehr** would vote for the original motion at the Planning Commission that failed. **Council Member McDonald** wondered how the vote would have been had the other two Planning Commissioners been present. **Council Member Gordhammer** and **Council Member Elliott** would vote for the Planning Commissions' recommendation to the City Council.

MOTION: Council Member Elliott moved to approve the Planning Commission's recommendation to approve a concurrent Land Use Amendment from Low Density Residential to Medium Density Residential and Zone Amendment from RE-25 PD, to a combination of RE-12.5 and R-1-10 and lot averaging on approximately 15.52 acres - Ordinance 2020-03, with those components
SECOND: Council Member Mehr
VOTE: The motion carried.

Mayor Hart	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Mehr	NAY
Council Member McDonald	NAY
Council Member Johnson	ABSENT

The vote on the motion tied among the Council Members. **Mayor Hart** voted to break the tie. The motion carried. **Neil Walter** commented that there aren't too many discussions that are as open as these discussions have been as they have gone through this process and he thanked the Mayor and City Council for that. **Mayor Hart** stated that he was grateful for Neil's professional expertise and his knowledge has been very helpful in guiding the City through this.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Discuss and consider approval of Resolution No. 2020-03R, a Resolution of Ivins City, Utah, re-appointing a Planning Commission Member

Mayor Hart indicated that he has spoken with Bryan Pack and he is willing to continue to serve. He is currently the Chair of the Planning Commission and Mayor Hart recommended that he be re-appointed.

MOTION: Council Member Mehr moved to approve Resolution No. 2020-03R, a Resolution of Ivins City, Utah, re-appointing a Planning Commission Member Bryan Pack
SECOND: Council Member McDonald
VOTE: The motion carried.

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Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

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

C. Discuss and consider approval of Resolution No. 2020-04R, a Resolution of Ivins City, Utah, amending and expanding electronic meeting procedures for member participation in electronic meetings

Dale Coulam stated that the City already has a Resolution in place that would allow electronic meetings. The requirements were recently relaxed by the state to run through this calendar year. In this draft, he has also included the Planning Commission to be allowed to hold electronic meetings. The anchor location language has changed to include that in the event a declaration of local, state or national emergency, which the City is under right now, the anchor location may be the communication device of the member convening the electronic meeting, otherwise the anchor location is Ivins City Hall. **Council Member Mehr** commented that the Council is responsible to the public and their needs, including the public being able to see them. The public does not know who is in a room with the Council Member that may be influencing his decision. As part of an open meeting, he needs to be able to participate fully and the City could look into that occurring via some kind of video conferencing and then his concern may be lessened but he felt that the anchor location should require a quorum of the governing body. He was okay with the other members being in different locations and voting from there. **Dale Coulam** indicated that ideally the City would have either the City Recorder or the Deputy City Recorder who would be at City Hall to activate Granicus and City Hall would still be an anchor location. The Council may want to consider lessening the requirement that a quorum be present at City Hall because if a quorum is required, that would only allow two (2) Council Members to be gone. There may be some advantage to say that a quorum would be considered as those participating in the meeting. **Council Member Gordhammer** referred to an email that she received from the Utah League of Cities and Towns where they have a list of service options that would allow them to disable and mute the publics' comments. She felt it was important to have an option that doesn't tie people to being physically in the building because they do not want people risking their health. **Dale Coulam** stated that part of this would create a new set of guidelines that are already in place, some of which apply and the preference is still that a quorum is present at an anchor location but also specify that in the event of an emergency, identify how to proceed. In this Resolution the City has included that in response to an Executive Order from the Governor, some of the noticing requirements for an electronic meeting are relaxed but that only runs through the end of the calendar year. It may be advantageous to have these types of things that in the event that an emergency is declared, the City is ready to proceed and participate electronically. The City is currently looking into options that would allow electronic participation both for the Council, as well as the public. Participants are going to have to be computer savvy and know how to activate the meeting. In paragraph number 2 "Electronic Meetings Authorized", in the event of a declared emergency, a quorum is not required to be physically present at a single anchor location so long as a quorum is participating electronically in the meeting. Paragraph number 4 "Member Notice" is notice to the Mayor and City Council and needs to be given at least 24 hours before the meeting so that the member can

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participate and be counted as present. Paragraph number 6 "Notice of Electronic Meetings" - 24 hour notice is still required and that is why the City did not activate an electronic meeting with Council Member Johnson with her being absent, because the City did not have 24 hour notice. Paragraph number 7 "Minimum Required at Anchor Location" states that in the event of a declared emergency, the anchor location may be the communication device of the member convening the electronic meeting. **Council Member Elliott** thought that there was another section that had something slightly different and she read this paragraph as three (3) people have to be at the same electronic device and felt that needed to be clarified with the language used in the other section (no section was referenced and no specific language was repeated, just "we need to add that same language". **Dale Coulam** referred to paragraph 8 "Public Attendance". **Council Member Mehr** stated that he preferred the very last line read "Minutes of the meeting will be made available to the public. An audio recording of the meeting will be made available to the public, the same as with any other public meeting when possible" because Minutes should always be possible. **Mayor Hart** inquired if this Resolution addresses the need for the meeting to be public via some mechanism like it is now where it's live. **Dale Coulam** clarified that there is no legal requirement to do that and the City does that as a courtesy and prefers to do that, but in the event of an emergency, the City may not be able to do that. **Mayor Hart** referred to the Member Notice paragraph and inquired what difference it made whether Council Member Johnson was present or not, that it would require a special notice for someone to participate electronically. With the meeting noticed and date and time understood, it struck him as odd that a member of the Council could not participate electronically, without a 24 hour notice, that the meeting was going to become an electronic meeting. **Dale Coulam** clarified that the language is taken directly from the statute. In the event of a local emergency, some of the requirements can be waived. **Council Member Gordhammer** inquired if a meeting is electronic if Council Member Johnson had dialed in today, even if the quorum is present at City Hall. **Dale Coulam** stated yes and indicated that if Council Member Johnson was going to participate in the discussion and vote, it would be an electronic meeting. **Council Member Gordhammer** referred to Council Member Johnson listening and not voting. **Dale Coulam** clarified that Council Member Johnson could listen to the meeting and submit a public comment as part of a Public Hearing on the form, and that would have been considered, just like any other member of the public but Council Member Johnson would not be able to participate in the discussion or the vote. **Mayor Hart** indicated that if the City had an emergency that was physically devastating and the Mayor and Council were not able to get together, it becomes his responsibility to sign an emergency declaration and then on the heels of that, he'd want to involve the City Council and key staff members and meet however they are able to meet. **Council Member Mehr** inquired if he was correct that the City was not under local emergency. **Mayor Hart** stated no but indicated that will be discussed under the next agenda item. **Dale Coulam** referred to paragraph number 6 "Notice of Electronic Meetings" and indicated that is where the Executive Order comes in. In the emergency that the City is currently experiencing, unless there is a hard closure, meaning no one comes into City Hall, the City does not need to invoke that. **Mayor Hart** referred to the Executive Order being defined as a State order and not local. **Dale Coulam** indicated as issued by the Governor. **Council Member Mehr** inquired if the City should be codifying that in a Resolution if the Executive Order is temporary. **Dale Coulam** stated that it was good to have one place to go for electronic meetings. If the City needs to remove it next year, they can. **Mayor Hart** inquired if the City would want to have that possibility because if Ivins is stuck with a

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Governor's declaration, that's state wide. **Dale Coulam** commented that he did not think that the City had the authority to do that in this case. It was the Governor's specific Executive Order that gave the authority for the waivers and there is nothing else.

MOTION: Council Member Elliott moved to approve Resolution No. 2020-04R, a Resolution of Ivins City, Utah, amending and expanding electronic meeting procedures for member participation in electronic meetings
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

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

D. Discussion regarding coronavirus (COVID-19)

Mayor Hart indicated that this is an agenda item for the City Council to review the procedures that the City has put in place, based on recommendations from health officials that were on display this evening but have not been acted upon by the City Council. He sent a statement out to the community, a copy of which is available on Ivins website www.ivins.com, as an attachment to this agenda, explaining Ivins response to COVID-19. He commended Dale Coulam for being way ahead of the curve on this and having thought about a number of things, including having a local disaster declaration in place, in the event that the City needs to do that and they would need to talk about what that would mean because the City is covered under the much larger umbrella from the State under the Executive Order. He would like this to be an open discussion about the kinds of things that the City ought to be thinking about worst case scenario, with the observation that the City has a large population of vulnerable in Ivins and is cause for concern. He has heard comments made that the City contemplate some means through the City to potentially deliver food to those who can't afford to have it brought to them from some delivery service and there may be other kinds of things that they have either heard or read about and are worthwhile for the Council to discuss. Currently there is no confirmed case of coronavirus in Washington County and many people are staying home and practicing social distancing. He appreciated speaking with Mitch Cloward and Dr. Caroll about the hospital readiness for this. **Council Member Mehr** felt that what the Mayor shared with the community was on point and using good common sense with washing your hands, not touching your face and similar. He appreciated the Mayor's heart-felt prayer that he gave tonight and felt that the community should feel comfortable that all the right people are doing all the right things to help protect them. If they're able to reach out to their neighbors in some way and to support one another, that's what community is about. **Mayor Hart** indicated that he has had requests to support a GoFundMe effort for two specific groups. One was for individuals who work in food service and similar. **Council Member Gordhammer** stated that is what the Xetava restaurant in Kayenta is doing. **Mayor Hart** indicated that the suggestion was that the City ought to get behind that by either encouraging or donating to that. **Council Member Gordhammer** stated that with the closure of restaurants state-wide to carry-out only, Xetava made the decision that they financially can't afford to do carry-out and decided to operate what is essentially a resource

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center for food service workers who work in the restaurant business and have lost their jobs. Volunteers put packets together and on this upcoming Saturday, anyone who has lost their job or is in need, can go in with their identification and paystub and are then given some supplies. They have raised almost $10,000 so far. **Council Member Elliott** indicated that there are some other endeavors as well. **Mayor Hart** commented that he did not know how to do that. **Dale Coulam** stated that he will look at the budget tomorrow but often he has discretion to be able to donate up to $250. **Council Member Mehr** inquired if there are volunteer opportunities or just funding needs. **Council Member Gordhammer** indicated both. **Council Member McDonald** inquired what was in those packages. **Council Member Gordhammer** stated food and supplies. **Council Member Mehr** indicated that the website www.justserve.org may be helpful for them as well. **Council Member Elliott** indicated that there is an organization called Southern Utah Quarantine Support that provides free delivery of necessary items for the most at risk. She has volunteered to be a runner. A person makes a request, it goes through the channels and an arrangement is made to pick-up a prescription or similar and then the runner picks it up and delivers it. It's pretty sophisticated and is a worthy effort to at least promote it. **Mayor Hart** stated that neighborhoods and ecclesiastical leaders are going to pick up the pieces as well. **Lane Mecham** referred to Rocky Mountain Power suspending power shutoffs and something the City may want to look at as it relates to utilities, is something along those lines to get an individual through a layoff. Mayor Hart commented that evictions are on hold and the IRS (Internal Revenue Service) has extended the tax filing deadline. **Dale Coulam** suggested that the City proceed as they normally would indicating when someone would have been on the shut off list, with it being understood that we will not actually shut off during this time. **Dale Coulam** stated that the danger of extending the requirement to pay a utility bill, is the bill continues to grow and then the individual isn't able to pay it. **Mayor Hart** indicated that the details seem to be administrative and the **City Council** agreed. **Council Member McDonald** inquired at what point would a report be provided to the City Council regarding that. **Dale Coulam** indicated that could become part of the Director of Finance's report where he'll track that and report. The **Mayor and City Council** agreed with an administrative approach to utility billing and did not feel that it needed to be on a future City Council agenda at this time. **Council Member Elliott** referred to the shortage of protective equipment for police officers and inquired as to an update on that for SCIPD. **Dale Coulam** stated that they have protective equipment but he did not know how long that equipment would last but there are protocols in place and there is enough for the immediate future. **Council Member Elliott** referred to an emergency pandemic sick leave policy and inquired what the City is doing for Ivins employees. She also indicated that the City of St. George has cancelled their Planning Commission and City Council meetings for the next two (2) months and commented that she was concerned about the people in her home. **Dale Coulam** clarified that the Federal government has taken care of the leave policy by providing two (2) weeks of COVID-19 leave and that is before an employees' normal leave with the City is triggered. As far as meetings go, the City is prepared for a soft closure where the City buildings would be closed to the public, except for by appointment. The City is ready to accept building permits and water applications online and those can be paid for online. The last Public Hearing was tonight and there are no others currently coming up. The City can hold off on scheduling Public Hearings and the Council is well within their abilities to cancel next City Council meeting if they choose. The Planning Commission will hold a brief meeting on March 31, 2020 because two (2) plats couldn't be approved at the last Planning Commission meeting because of lack of a

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voting quorum. The Planning Commission is not required to hold monthly meetings. The next City Council meeting is April 2, 2020. **Council Member Mehr** stated that it might be better to hold a City Council meeting on April 2nd, only because this pandemic will likely progress and if they meet at the first meeting in April, then the Council could potentially not need to hold a meeting until the end of May. The City Council agreed. **Dale Coulam** indicated that if the City Council agreed with the soft closure, that would occur tomorrow, Friday, March 20, 2020. The City has information for the website regarding a soft closure and the coronavirus and will continue to update those things on the website with current, accurate information. The **City Council** agreed that to protect staff, a soft closure would occur tomorrow. **Dale Coulam** stated that the City will proceed with holding the next City Council meeting as scheduled and that would allow the next two meetings to be cancelled if need be. **Council Member Gordhammer** commented that those could be done electronically. **Mayor Hart** stated that they should be prepared to be present at City Hall but if there is any concern, they could attend electronically. Meetings throughout the County and other cities are being held electronically.

6) CONSENT AGENDA

A. Approval of expenditure of 2020 streets pavement maintenance

Staff Report

Council Member Mehr inquired if this was in the budget. **Dale Coulam** stated that it was.

B. Approval of City Council Meeting Minutes for March 5, 2020

Minutes - DRAFT

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Sue Gordhammer - no report but she had a question regarding an email she received about removing the back lighting on the Fire Lake Park entrance sign. She inquired the status of that. **Mayor Hart** inquired if the Council felt there was any need for back lighting. The park is a dusk to dawn park and with it being in that location, back lighting likely isn't needed. The City Council agreed that back lighting on that sign was not necessary.

Council Member Elliott - no report

Council Member McDonald - no report

Council Member Mehr - no report

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

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Council Member Elliott referred to a letter she received from Bill and Brenda Davidson regarding the Canyon Crossing project. The letter refers to changes to the ingress and egress and inquired if that triggers an updated traffic study. **Dale Coulam** stated the applicant had vesting and if a modification triggered a new traffic study, then the developer will simply not modify the turnaround. **Council Member Elliott** was concerned about bicycles and pedestrians and inquired if there was a better option to address that. **Council Member McDonald** suggested that the City Council Members could come in to City Hall and look at it on our own time or what Mr. Upchurch provided could be emailed to them. **Council Member Elliott** would like to ask questions of Mr. Upchurch. **Dale Coulam** stated that the information provided by Mr. Upchurch will be emailed to the Mayor and City Council.

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member Mehr moved to adjourn
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE
Council Member Johnson	ABSENT

The meeting adjourned at 9:00 p.m.

Respectfully,

Kari Jimenez,
Ivins City Recorder

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