IVINS
CITY COUNCIL
MINUTES
June 18, 2020

***NOTICE: This meeting was held electronically, with some staff located at City Hall as the anchor location. The audio feed of the meeting is available to the public and can be accessed by going to www.ivins.com, clicking on the "Government" tab, clicking on the word "HERE" under the words City Council, and under the "City Council" tab at the top of that page.**

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 Johnson, 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 Public Works Director/Engineer Chuck Gillette.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Members Mehr, McDonald, Johnson, Elliott and Gordhammer were present via the electronic "Zoom" platform. Mayor Hart was present in person at Ivins City Hall. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member acknowledged their presence.

B. Invocation

Council Member Mehr gave the Invocation

C. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Rodriguez reported that there has been quite a bit of permit activity this month. The City is ready to issue permits for the remaining two buildings for the Tuscano Townhomes on Center Street and that subdivision will be built out before the end of this calendar year. The City has received the plans for the first three (3) shell buildings for the Canyon Crossing Center on Snow Canyon Parkway/Snow Canyon Drive near the roundabout.
Chuck Gillette reported that staff has been busy at the Public Works yard. The block wall has been built at the yard and installing road base for the shade structure, which should be started in a week and a half or so. There is a new ramp being installed at Vista School and the crosswalk is being moved. **Council Member Mehr** referred to the flashing crossing light by Rocky Vista University and inquired why that cannot be done at the Vista School. **Chuck Gillette** stated it isn't needed because the City has crossing guards. **Chuck Gillette** referred to the application that the City made to the BLM for 100 acres and indicated that last month he reported that there were some tortoise sightings in the environmental studies. He found out that rather than the City acquiring the property directly from the BLM (Bureau of Land Management), the City will likely

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need to enter into a low cost lease and shouldn't be much different if the City were to acquire the property outright so the City is proceeding with that intent. **Mayor Hart** inquired where that leaves the City in terms of the time frame. **Chuck Gillette** indicated that the City is a year into the process so the time frame is approximately at least another four (4) years to complete the process. **Council Member Johnson** inquired if leasing the property will change building a new cemetery on that property. **Chuck Gillette** stated that it looks like the City will still be able to do that, although the City may still have to purchase it or pay more for a lease. **Chuck Gillette** reported that the consultant on the Transportation Master Plan submitted a draft and he is reviewing that. He will bring that forward to the Planning Commission and City Council in July and then set the Public Hearings for that. **Council Member Gordhammer** referred to the status of the installation of the gate at Fire Lake Park. **Chuck Gillette** inquired if the Council decided to wait until construction was done or to move forward. **Mayor Hart** clarified that the Council would like to move forward with that installation. **Chuck Gillette** indicated that he will try to get that done in July.

Lane Mecham indicated that the budget process is proceeding as it normally does. He reported that Utah is fairing much better than other states in the country right now with regard to the impacts of COVID. Sales tax in Washington County has increased as well.

B. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held a Public Hearing on a Class V Conditional Use application for the property located at approximately 3052 Snow Canyon Parkway. The Planning Commission also discussed amendments to density allowances for Multi-Family and hope to have a Public Hearing on that in the near future.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

None

4) PUBLIC HEARING AND ACTION ITEMS All persons interested will be heard electronically via email to City Recorder Kari Jimenez at kjimenez@ivins.com, in person with limited seating to observe social distancing, OR to make a live public comment electronically, go to this Zoom webinar link:
https://us02web.zoom.us/j/82881659771
Webinar ID# 828 8165 9771

A. Public Hearing to receive comment on the proposed Amended FYE 2020 Budgets for the General Fund, Debt Service Fund, Special Revenue Funds (Public Safety, Streets, Parks) Capital Projects Fund, water Fund, Sewer Fund, Storm Drain Fund and Municipal Building Authority Fund

Mayor Hart requested that Lane Mecham explain how one can join the meeting electronically and make a comment for the Public Hearing. **Lane Mecham** provided instructions as how to make a public comment for the Public Hearing. He indicated that while individuals are connected to the Zoom webinar, if they hover over the Zooming meeting at the bottom, they will see a raised hand and if they want to make a comment, they just need to click on that to raise their hand to be allowed to make public comment. **Dale Coulam** indicated that the Public Hearing was for the purpose of amending the budget to complete this year's budget and was brought about due to the sale of the property. Anytime a budget is amended, a Public Hearing is

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required. **Mayor Hart** opened the Public Hearing. There being no comment, **Mayor Hart** closed the Public Hearing. There was no discussion.

B. Discuss and consider approval of Resolution No. 2020-07R a Resolution of Ivins City, Utah, amending the Budgets for Fiscal Year Ending June 30, 2020

MOTION: Council Member Johnson moved to approve Resolution No. 2020-07R a Resolution of Ivins City, Utah, amending the Budgets for Fiscal Year Ending June 30, 2020
SECOND: Council Member Elliott
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. All Council Members were in attendance via the Zoom meeting platform and voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2020-08R, a Resolution of Ivins City, Utah, adopting the final Budgets for Fiscal Year Ending June 30, 2021

Mayor Hart indicated that there was a concern brought up regarding a budget for the Arts Commission. **Lane Mecham** clarified that has been incorporated into the budget. **Council Member McDonald** referred to the recommendation at the last City Council meeting to go through the Minutes and review discussions regarding a budget for the Arts Commission, and inquired if that had occurred. **Lane Mecham** indicated he did that and only found discussion regarding the track lighting and that's what's been appropriated. **Council Member Mehr** inquired if this was a balanced budget. **Lane Mecham** stated that it was, as well as conservative.

MOTION: Council Member Elliott moved to approve Resolution No. 2020-08R, a Resolution of Ivins City, Utah, adopting the final Budgets for Fiscal Year Ending June 30, 2021
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. All Council Members were in attendance via the Zoom meeting platform and voted in favor.

B. Discuss and consider updated Interlocal Agreement with Suntran/City of St. George for the provision of public transit service

Chuck Gillette indicated that Cameron Cutler with the City of St. George was also participating. Several years ago, the City implemented the bus program and the City entered into an agreement with the City of St. George. Originally the bus service was to qualify as a commuter route and as a commuter route, paratransit service did not need to be provided.

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However, the FTA (Federal Transit Administration) stated that the route does not qualify as a commuter route and paratransit service is required to be provided. The City of St. George went ahead and has been providing that paratransit service, without increasing Ivins' cost, although with the quarter percent sales tax that was recently implemented, that increased Ivins income, to help pay for the paratransit service. The City of St. George is now looking to change Ivins agreement terms so that Ivins City starts paying for the paratransit service. **Cameron Cutler** stated that the agreement was signed in 2013 and was for a term of 5 years and the agreement needs to be renewed. The City of St. George has been providing the paratransit service since October, 2016. As the City of St. George is updating the agreement, they are requesting that Ivins City pay for the paratransit service. The original cost was around $71,000 a year and that cost is shared with the City of St. George, but the cost has increased to $97,000 per year, shared with the City of St. George. **Mayor Hart** inquired why the route was no longer considered a commuter route. **Cameron Cutler** indicated that there is a five (5) miles distance requirement where there are no stops and that made it a commuter route. That is how it was presented to the FTA and at the time, they said that was okay but as they started looking at that route, they stated that because the route is looped, it was not considered a commuter route and that paratransit service was required. **Mayor Hart** commented that he sees a number of residents use it. **Council Member Gordhammer** indicated that she is a big fan of bus service but noticed that ridership declined slightly in November and December of 2019 and inquired if that same trend occurred in St. George. **Cameron Cutler** stated that ridership in St. George had been steadily climbing over the years and they thought they would hit the 500,000 mark but they never did hit that and when ridership was around 470,000 to 480,000, ridership started to decline down to 440,000-450,000 and is stabilizing around those numbers. There is a turnover rate every couple of years for whatever reason. There has been an approximate decrease of 30% since the COVID-19 pandemic but ridership is starting to come back. **Mayor Hart** was optimistic regarding ridership because of the multi-family developments that are occurring in Ivins and thought that they need to take an additional route under consideration. In the long-term, he saw ridership increasing. **Council Member Mehr** commented that the City of Santa Clara does not contribute to the bus service but indicated that there are residents of Santa Clara that use the Ivins bus route by walking across the street into Ivins and he felt that it would be nice if Santa Clara would participate in some way. There was a discussion regarding expenses of a bus service, revenues and reducing the number of routes to help reduce the costs of the service. **Council Member Mehr** inquired what the urgency was of this. **Cameron Cutler** indicated that it can wait. The current agreement is expired but the City of St. George will continue the route and charge the same amount they have been charging. **Mayor Hart** requested that Cameron calculate the numbers and report back. **Council Member Mehr** was in favor of continuing this service but in a more economical way because he has seen buses go around the City empty during certain times of the day. **Council Member Gordhammer** referred to residents riding the bus who are not Ivins residents and commented that the City should not be subsidizing those riders and requested that they talk about ways to address that. **Mayor Hart** stated that the Santa Clara City Council have addressed this a couple of times and their residents have requested that they become part of the route. Additionally, individuals who are riding the bus to the resorts in Ivins are being subsidized as well as those not residing in Ivins. **Council Member Elliott** suggested that the City Council consider this tonight and then revisit it in a year when there's more development. **Mayor Hart** commented that the Council needs to study the information.

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Council Member Elliott moved to approve the updated Interlocal Agreement regarding Suntran and **Council Member Gordhammer** seconded the motion. **Council Member Mehr** requested discussion and stated that he was in favor of pushing this to a future meeting to get a sense of what the data is and suggested a two (2) to four (4) week delay. The motion failed for lack of a majority. **Council Member Elliott** indicated that she was comfortable with delaying this to a future meeting. **Mayor Hart** stated that this agenda item would be continued to the next meeting so that the Council can obtain more information. **Cameron Cutler** commented that he will share the data he has with the Mayor and City Council.

MOTION: Council Member Mehr moved to continue this to the next City Council meeting
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. All Council Members were in attendance via the Zoom meeting platform and voted in favor.

C. Discuss and consider approval of the Code of Ethics and Standards of Conduct for all Municipal Officers and employees related to the State of Utah Fraud Risk Assessment

Lane Mecham reported that the State Auditor has implemented the Fraud Risk Assessment this year but the assessment has been around for several years. This year, the new thing is that a municipality is required to fill out the assessment and present it to the Council. It is then submitted to the State Auditor. The total points earned for Ivins City may place the City in the high risk category but in his opinion, Ivins City is not high risk. Many municipalities are going to fall under the high risk category because most municipalities do not have a fraud hotline, a formal internal audit function or a formal audit committee. **Council Member Mehr** inquired if the terms are defined formally or if they're left to the City Council to define. When he thinks of an internal audit committee, he inquired if that could be the City Council because they are the governing body and didn't see why they could not function as an audit committee. As far as internal audit, the City has chosen to outsource that so the fact that the City has an external auditor should be better than an internal auditor. The City should receive credit for that. He commented that as he was going through the training, it seemed like it was one-size-fits-all and where the City Council is elected, he did not think there was a one-size-fits-all definition. If an employee has a concern, they should talk to their supervisor or reach out to a member of the City Council. The City should think about how the City responds to this because he felt that the City was doing better than what the score and color on the assessment suggests. **Lane Mecham** clarified that it is somewhat defined and they have some discretion. The City doesn't have staff to provide an internal audit function and the City cannot audit itself. **Dale Coulam** indicated that cities are already required to have an independent external audit and Ivins City has always fared very well with the independent audit as far as risk assessment. As for a Code of Ethics, Lane Mecham located a sample form of the Code of Ethics on the State Auditor's website. He compared that form with the Municipal Employee Code of Ethics and found discrepancies. Rather than have a third party re-write the statute and putting their spin on what is required, his legal opinion was that if the legislature has enacted language in a statute, the

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City should follow the language of the statute. He was not comfortable recommending a form that uses language that is different from, and changes some of the requirements of the statute itself. **Mayor Hart** agreed with Dale Coulam. **Council Member Mehr** also agreed and suggested that Dale Coulam write a letter and send copies to other representatives. **Dale Coulam** suggested that the City work through the Utah League of Cities and Towns to express any comments or concerns. The **Mayor and City Council** agreed.

MOTION: Council Member Mehr moved adopt the statutory Code of Ethics
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. All Council Members were in attendance via the Zoom meeting platform and voted in favor.
Council Member Johnson was excused at 6:40 p.m.

D. Discuss and consider authorizing execution of the CARES Act Funding Agreement

Dale Coulam reported that there are some cities in Utah that already have their funds but he understood that it has been a point of concern to just accept money from the Federal Government. If the City passes this and submits the agreement electronically, the City will receive the first installment of funds in one week. Local government will have discretion to establish criteria to help businesses within their municipality and oversee distribution of those funds. There are three (3) installments, the first of which is approximately $239,000. If the City does not choose to accept the funding, the funds stay with the State and local businesses may or may not obtain funding. Direct COVID expenses the City has incurred are reimbursable but most of the funds will be to help local businesses. **Mayor Hart** commented that Red Mountain Resort has taken a huge hit and thinks the funds would apply to 501(C)3 non-profits as well. **Council Member McDonald** inquired if the funds could be used for Ivins business owners as well even if that business is not in Ivins. **Dale Coulam** indicated that it would be according to the criteria the City Council establishes. **Mayor Hart** stated he thought that Xetava Gardens was still closed and could benefit from the funds. **Council Member McDonald** inquired if the funds were a loan or a grant. **Lane Mecham** clarified that the funds are grant money that do not need to be paid back. **Council Member McDonald** inquired if the catch was that if the funds are not used, they have to be given back, and if the funds are not used correctly, would the City have to be those funds back? **Mayor Hart** indicated that the City is just talking about the application tonight and submitting the application will give the Council time to consult with some of the entities in the City and determine if they qualify or not for the funds. The **Council Members** agreed and agreed to proceed with applying for the funds.

MOTION: Council Member Elliott moved to approve authorizing execution of the CARES Act Funding Agreement
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE

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

Mayor Hart requested a roll call vote. All Council Members, with the exception of Council Member Johnson, were in attendance via the Zoom meeting platform and voted in favor.

E. Discussion regarding amendments to Table 33-2 Table of Uses in Non-residential Zoning Districts

Dale Coulam reported that the City Council asked that the Planning Commission to look at this Table regarding concerns about self-service gas stations in a Resort Commercial Zone. That has now been changed to not be allowed, as well as convenience stores being allowed to have gas pumps. There were also a few other technical changes in the Table. The City is required to go hold a Public Hearing but he thought the Council should look at it first and have time to review the Table before holding a Public Hearing. **Council Member Gordhammer** was in favor of the Planning Commission's recommendation but read all of the items that are allowed in the Resort Commercial Zone and questioned light manufacturing, food products and cosmetic products because it appears some are allowed in one area but not in another so they should look at that for consistency. **Council Member Elliott** also saw a few areas where residents would want them to discuss things like an artware shop, items covered under retail sales, motels and nursing homes, not storing things outside of the establishment; drive-thrus; fast-food and the difference between Neighborhood Commercial and Resort Commercial. The **Mayor and City Council** agreed to review the Table before the Public Hearing which was to be scheduled for the next City Council meeting.

F. Discussion regarding issues, policies and/or procedures related to coronavirus (COVID-19)

Mayor Hart reported that the virus numbers are up as the State is systematically opening but things are going well in Ivins. He talks a couple of times a week to hospital representatives and there is a resident in the City that is a Physician who co-wrote a letter and he intended to include that in the upcoming. **Council Member Elliott** referred to people coming into City Hall and the City requiring them to wear masks and inquired how that was going. **Dale Coulam** clarified that the City does not require them to wear masks but request that they do so and we have masks available for them. Some wear them and some don't and if they are in a meeting, they are aware of social distancing with chairs spread apart and then if they need to get closer to see something, they put on a mask. He felt that there was more compliance at City Hall than there is out in the community. **Mayor Hart** indicated that the school district is preparing to open school in the fall and is suggesting that students wear masks. He stated that Tuacahn is still trying to salvage some portion of their season but the Actors Union is not allowing the actors to return.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for June 4, 2020

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

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Council Member Johnson	ABSENT

Mayor Hart requested a roll call vote. All Council Members, with the exception of Council Member Johnson, were in attendance via the Zoom meeting platform and voted in favor.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr - no report

Council Member Elliott thanked Chief Bob Flowers for inviting the Mayor and City Council to their recently training and letting them know what their Use of Force procedures are. She hoped that the City will continue to listen and have conversations. She reported that the State Legislature passed a ban on "Knee-on-Neck" choke-holds. She reported that tomorrow evening is a "Juneteenth" BBQ which commemorates June 19, 1865 that emancipated those who had been enslaved.

Council Member Gordhammer echoed what Council Member Elliott reported regarding Chief Flowers and the rest of that department. She appreciated them being open and willing to include the Mayor and City Council in their training.

Council Member McDonald reported that the Washington County Board moved to continue to have Republic operate the landfill, which was the best option on the table so the City Council should see a contract come forward for the City Council to ratify it.

B. Mayor

Mayor Hart reported that there was significant vandalism at the Black Desert location that occurred within the last couple of weeks. Chief Flowers and the Detectives are working hard on that where there was approximately $200,000 in damage done. He would like the City to look into cameras because a in the roundabout where the horse statues are would have solved this case already. **Mayor Hart** also reported that he put some information in their boxes regarding UTOPIA fiber.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he received formal notification regarding entering into the renewal franchise agreement with TDS. That can occur three (3) years before the expiration but he has not indicated that Ivins is considering UTOPIA as an option. The franchise agreements with TDS are substantially similar to those TDS has signed with St. George and other municipalities and it would be a good idea to renegotiate those franchise agreements with the other municipalities, which would allow other options such as UTOPIA. He appreciated the Mayor and City Council's patience as they deal with hybrid meetings and the old technology in the Council room. If the meeting is held entirely through the Zoom platform or if the Mayor and City Council Members are all present in the Council room, the audio works great but with a hybrid meeting, the City never knows what's going to happen. **Mayor Hart** indicated that Chris Reed from St. George News was present in the Council room, along with Lance Anderson and one other resident.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

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MOTION: Council Member McDonald moved to adjourn
SECOND: Council Member Mehr
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 requested a roll call vote. All Council Members, with the exception of Council Member Johnson, were in attendance via the Zoom meeting platform and voted in favor.

The meeting adjourned at 7:53 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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