IVINS
CITY COUNCIL
MINUTES
July 16, 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.**

For approximately 9 minutes of the first part of this meeting, there were technical difficulties with the 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 Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, and Council Member Gordhammer.

STAFF: City Manager/Attorney Dale Coulam, Lane Mecham Director of Finance, Building and Zoning Administrator Mike Rodriguez, Public Works Director/Engineer Chuck Gillette, Public Works Engineer Tom Jorgensen and City Recorder Kari Jimenez

EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Members Johnson, Elliott, McDonald, Gordhammer and Mehr 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 McDonald 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

A copy of the Building Department report is available as an attachment to this agenda.

A copy of the Public Works and Engineering reports are available as an attachment to this agenda. **Council Member Gordhammer** inquired as to the status of the gate at Fire Lake Park. **Chuck Gillette** indicated that the City is working on the gate and getting power to the sign so both of those are interconnected and hope to have those wrapped up by the end of August.

Lane Mecham reported that they finished the year out normally and very close to where they were budgeted to finish out the fiscal year. The CIB (Community Impact Board) approved the City's requested funding of 2.5 million for the new City Hall and that will likely occur in September. The City is grateful to the CIB for that funding. Utility accounts have stabilized from the previous numbers as far as number of accounts that are in the shut off zone.

B. Planning Commission Report

Mike Rodriguez reported that the Planning Commission approved a Final Plat for Taviawk 12-C and an Amended and Extended Final Plat for Mojave Phase 1-A. The Planning Commission

DRAFT

also continued to discuss density allowances for Multi-Family and discussed zoning text amendments regarding grading.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

There was one Citizen Request submitted by Kim Ragan, who was not present. A copy of the Citizen Request is available as an attachment to this agenda. **Mayor Hart** read the request. Ms. Ragan requested that a flashing speed limit sign be placed on Snow Canyon Drive because may out of state vehicles do not pay attention to the speed entering the State park. **Chuck Gillette** commented that Ms. Ragan spoke with him and he provided to her and the City Council regarding the pros and cons of that type of sign and concluded with his recommendation against it. The Mayor and City Council agreed this would not be on a future agenda for discussion.

4) PUBLIC HEARING AND ACTION ITEMS-NONE

Mayor Hart requested that there be a Motion to suspend the rules and address agenda item 5)D at this time, with Cameron Cutler regarding the Suntran Agreement.

MOTION: Council Member McDonald moved to suspend the rules
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

D. Continued discussion and consideration of an updated Interlocal Agreement with Suntran/City of St. George for the provision of public transit service

Cameron Cutler referred to data regarding ridership in Ivins. That data is available as an attachment to this agenda. He reported that Suntran saw a 30% decrease in ridership because of COVID. **Mayor Hart** referred to the County imposed the 1/4 percent tax, that was dedicated to transit and Ivins is one City that qualified for a portion of that share of approximately $60,000. Those revenues are required to be used on transit. **Council Member Mehr** commented that the principle behind this is it is tax dollars being spent and those are sacred. He wanted to be sure that the City is honoring its residents as they're paying for these kinds of services. He appreciated the data and indicated that the due diligence shows a balanced ridership and with the share of the county imposed sales tax being dedicated to transit, he was more comfortable with this agreement. He challenged Cameron Cutler to look at this and see if there was a way to provide a better service but he had no other concerns and was satisfied with what has been provided. **Council Member McDonald** stated that the bus service was a great benefit to the Ivins community and he was in favor of providing it for Ivins residents. **Mayor Hart** indicated that Ivins City was the second City in the County to secure transit service and he is aware of some residents whose freedom has been enhanced dramatically because Ivins City has transit. **Council Member Johnson** referred to paragraph 3.19 and indicated that the address for Ivins needed to be corrected. **Cameron Cutler** stated that he will make that change.

DRAFT

MOTION: Council Member Johnson moved to approve an updated Interlocal Agreement with Suntran/City of St. George for the provision of public transit service
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.

A. Discuss and consider a proposed Class V Conditional Use Permit application for Black Desert Resort at Entrada, located at approximately Snow Canyon Parkway south of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant
Dropbox link with photos:
https://www.dropbox.com/sh/5jmsyd51d24icay/AADo8EumXXNhPXLhG0c9OC-Ia?dl=0

Mike Rodriguez indicated that this site is located on an overall site of approximately 247 acres along Snow Canyon Parkway, just south of the horse roundabout, across from the Reserve at Entrada subdivision. The applicant currently has an approved Class IV Conditional Use Permit for three (3) temporary buildings being used as a construction office, project information office and a shed with a golf simulator. The applicant also has an improved temporary parking area on approximately half an acre. The applicant is requesting a Class V Conditional Use Permit to develop a proposed resort hotel, golf course and related resort commercial uses on the remainder of the site. The proposed improvements have been reviewed by the Technical Review Committee and there are 21 conditions included with this application. **Applicant Patrick Manning** stated that of the 247 acres, they are only developing 20% of that. The remaining acreage is preserved lava flow. They are creating trailheads and public trails through that lava and the resort is intended to be very inclusive resort. They want the want public and local participation to make it easy and possible to park, bike, walk in and through the property. It is an extension of the Entrada Resort but is the public resort side. He provided several documents including a concept plan, renderings, photos, the list of conditions, narrative, conceptual plant list, traffic impact and parking studies synopses, drainage study and a water and sewer master plan summary. Copies of these documents are included as attachments to this agenda, as well as available through the following Dropbox
link: https://www.dropbox.com/sh/5jmsyd51d24icay/AADo8EumXXNhPXLhG0c9OC-Ia?dl=0

Council Member Mehr indicated that his primary question is if there is anything different now, than what was presented when this idea first came up. **Patrick Manning** stated that nothing is different. The main entry is for guests and there is a secondary entrance for deliveries, maintenance and employee parking, which are all down in Santa Clara behind the substation off of Pioneer Parkway. **Council Member Mehr** referred to the plant list and commented that he trusted that none of the plants listed are non-native or prohibited. He appreciated the efforts regarding the sensitive lands. He referred to the proposed 24-hour golfing and inquired if that would be sensitive to then night sky and as it related to the proposed lake, he inquired where they would be getting the water from. **Patrick Manning** clarified that the 24-hour golf is an indoor

DRAFT

golf simulation and they are very sensitive to the Night Sky. Regarding water, they have acquired 450 acre feet of reuse irrigation water, which is more than they need for the lake and golf course. **Mayor Hart** commented that one issue that the Water Conservancy District has is there is insufficient storage for the reuse water so Patrick Manning has reached an agreement with the district that allows for the lake to be a conditional storage for that reuse water. **Council Member Elliott** thanked Patrick Manning for the presentation and echoed Council Member Mehr's appreciation for the thoughtfulness of open space and public amenities. She also thanked him for their dedication to the night sky. She referred to condition number 10 in the list of conditions regarding off-site employee parking and employee type housing and commented that Ivins City has an Affordable Housing Task Force and pressure for accessible housing and asked for clarification on what condition #10 means. **Patrick Manning** recognized the affordable housing concern and serves on the Housing Action Coalition for the City of St. George. Affordable housing is tough because it is needed but everybody fights it when it's proposed to be in their backyard. On the border of the owners property, which is located in Santa Clara, Santa Clara recently approved a 188 unit multi-family project, a 250 unit project, with another 180 units that are proposed. He is not developing those but those are going to help with the affordable housing situation. The multi-family units seem to be done well and nice and some are nice single family homes that are for rent rather than for sale. There may also be some affordable housing developed on the Indian tribal land by their existing gas station but as a developer, he cannot accept the entire burden of employee housing. **Council Member Elliott** requested that Dale Coulam give his interpretation of condition number 10. **Dale Coulam** indicated that the employee parking and housing is located in Santa Clara and Ivins is not obligated to provide housing for those employees within Ivins City. That's not what a Moderate Income Housing plan does. There will likely be people coming from other cities within the County. There is no requirement for the City to provide all of that employee housing. There is a whole other piece of this project that goes into Santa Clara and what has been shown is just what's in Ivins and the developer has chosen how to arrange the pieces and what goes where. **Council Member Elliott** agreed that Ivins City is not required to figure out and provide all of that housing but this is a substantial development and they are not proposing to place any housing on their project but are relying on other projects in another City for that housing. She was interested in knowing what the Council thought. **Council Member Gordhammer** referred to grading by phase and inquired what was included in phase one (1). **Patrick Manning** indicated that Phase one (1) is the hotel and grading will be limited to the roadway coming in to the project and the underground parking. They do not have the need or desire to scrape the earth aside from developing. There has been a lot of respect paid to the natural topography of the site. **Council Member Gordhammer** referred to the Sentierre project being a real eyesore and she did not want to recreate that. She also inquired as to financing of the project. **Patrick Manning** clarified that one key difference between this project and Sentierre is that this developments first phase is the entire golf course, hotel, 300 residences and convention center. They are not asking for a permit to build two (2) houses like Sentierre did and this project is fully funded. If the first phase is built and nothing is built after that, the first phase by itself is a great resort and that's why those have been strategically placed in Phase one (1). **Council Member Gordhammer** referred to condition #20 regarding financial backing for the project and inquired if that would transfer if the property were to be sold. **Patrick Manning** stated that any Conditional Use Permit or Development Agreement that is signed, would run with the land. **Dale Coulam** agreed that was correct. **Mayor Hart** referred to

DRAFT

attainable housing and commented that he is a proponent of that but there is no ordinance in place that requires a developer to specifically provide that. He recalled that Patrick came in with a proposal at one point for developing workforce housing on the project but the fallout was intense. Everybody needs attainable housing but nobody wants it in their backyard. He personally appreciated Patrick and his group being involved from the beginning. **Council Member McDonald** referred to the Night Sky standard and inquired as to that. **Dale Coulam** clarified that the City has a lighting ordinance that many consider pretty strict and the conditions for this development are similar to the condition imposed on the Canyons Crossing project. They have used the term night sky compliant but that doesn't mean it is compliant with a particular ordinance, it just clarifies that they have to meet Ivins current lighting ordinance. Their application is filed so anything that is passed subsequently does not apply to them. **Council Member Elliott** referred to accessible housing and heard informally about the proposed workforce housing but didn't hear the public backlash. She would have preferred to have that as part of the process and have the Council decide if that's something that they are willing to take some risk on but the County is going to have to address it and she appreciated what Patrick and his group have done. **Council Member Johnson** reiterated what everyone else said.

MOTION: Council Member Gordhammer moved to approve a Class V Conditional Use Permit application for Black Desert Resort at Entrada, located at approximately Snow Canyon Parkway south of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant, with conditions identified by the Technical Review Committee and approved by the Planning Commission
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 approval of Resolution No. 2020-09R, a Resolution of Ivins City, Utah, supporting the Utah Leads Together Plan

Mayor Hart indicated that **Council Member Gordhammer** provided a basic draft of this for the Council to consider and commented that another resolution or similar is being drafted in collaboration with the City of St. George and Washington City for a County collaboration of this. He hoped to have the draft of that to provide to the Council this evening but it was not available. **Council Member Gordhammer** addressed a comment that Council Member Mehr made in an email regarding him being pleased with the way the Council has worked together as a Council as a single voice. She completely concurred with that and this resolution is intended to speak to residents that the Council is sending a consistent message from all levels of government, starting with the Governor and down through to Ivins. She was fine with waiting to see what the wording is from St. George, Washington City and the other communities. **Council Member McDonald** was fine with waiting as well and commented that he personally has not appreciated

DRAFT

some of the directions the State has given but was not opposed to looking at precautions. **Council Member Johnson** commented that it would be a good idea to wait and see what the language is from the other communities.

MOTION: Council Member Johnson moved to table this agenda item to a future 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. Continued discussion to consider approval of Ordinance No. 2020-06, an Ordinance of Ivins City, Utah, amending the Table of Uses, Nonresidential Zoning District (Table 33-2)

Mayor Hart indicated that Council Member Gordhammer and Council Member Elliott had suggested some changes and commented that they would address those suggestions in alphabetical order. He referred to "Agricultural Building" and inquired whether or not that was appropriate in a Resort Commercial zone. **Council Member Gordhammer** commented that she felt that should move from a Class II Use to a Class III and be approved by the Planning Commission as opposed to just the Zoning Administrator. **Mayor Hart** inquired if there was any objection. The City Council had no objection to that change. **Mayor Hart** referred to "Animal Hospital veterinary clinic without outdoor holding facilities." **Council Member Gordhammer** commented that should be a Class IV Use and allowed in the Commercial Professional zone where it currently is not allowed. The City Council had no objection to that change. **Mayor Hart** referred to "Art Workshop". **Council Member Elliott** commented that is currently allowed in those zones as a Class IV Use, except for in CN Neighborhood Commercial and indicated that to be consistent, that use should be allowed in the CN zone, the same as the other zones. **Council Member Mehr** inquired what a Class IV Use meant in practical application. **Dale Coulam** clarified that a Class IV Use is approved by Planning Commission after a Public Hearing. **Council Member Mehr** stated that the Council should be mindful of any unintended consequences. He inquired as to changes that occur with regard to these uses, what happens with properties that are no longer in compliance because of the changes and how is that handled as a City. **Dale Coulam** clarified that something that is currently allowed and then changed to not be allowed, becomes a legal non-conforming use. **Council Member Mehr** did not have a problem with what Council Member Elliott proposed and just requested that the Council be mindful that changing this use may relax some things where a neighbor may have a workshop with buzzing saws next to them. The City Council member that categorized these uses the way they did for a reason and we should think about why they did that. **Mayor Hart** clarified the background on this that when it was put into place there may have been a need in the Neighborhood Commercial zone where there might be a service needed like a hair dresser, dog groomer and similar but is very restrictive as it relates to noise. **Council Member Gordhammer's** though was that those kind of concerns could go before the Planning Commission and be sorted out there and noted that the art studio and the art workshop call out in

DRAFT

the last line of the use that they may not create smoke, fumes, noise and nuisance or health safety hazards outside of the building. **Council Member Johnson** stated that is exactly why there's a difference between Art studio and Art Workshop and why the Art workshop is excluded in the Neighborhood Commercial zone. **Council Member Elliott** agreed with Council Member Johnson but did indicate that it would be nice for an Art workshop but did not have strong feelings either way. **Council Member Johnson** did not have strong feelings either but just noticed that difference and it made sense for it to stay. **Mayor Hart** inquired if the Art workshop should be allowed in the Neighborhood Commercial zone or just left alone. The City Council decided that it would be allowed. **Mayor Hart** referred to "Automotive self-service station". **Dale Coulam** clarified that this came about due to the Canyon Crossing project allowed in Resort Commercial and the desire to prohibit an automotive self-service station in the Resort Commercial zone. The City Council had no objection to that change. **Mayor Hart** referred to the "Convenience store" use and commented that the last portion of the language is crossed out. **Dale Coulam** commented that the concern was that the last portion of that paragraph is a backdoor to allow a gas station, so by eliminating that last half, it would prevent that. **Council Member Mehr** had no problem with that change for the Resort Commercial zone but in removing that second half of the paragraph, it seemed to him that it removes that from all of the zones and does not allow the sale of gas and inquired if that was correct. **Mayor Hart** stated yes. **Council Member Mehr** referred to the possibility of someone wanting to build a convenience store on Highway 91 on a commercial piece, he thought that they may want to put in a couple of gas pumps. **Council Member Gordhammer** commented that was a good catch because she didn't think the City would want to prohibit that throughout the Community Commercial C-1 zone for example but she would advocate that the use of a convenience store be removed from all Resort Commercial zones because there is a large piece of property just west of the Canyon Crossing project that if a convenience store went in there, residents would not be pleased. **Council Member Elliott** agreed with Council Member Mehr that an automotive service station should be allowed in a C-1 as she reads it, the City would not be prohibiting that. She also agreed with Council Member Gordhammer regarding the parcel across from the Canyon Crossings project. **Mayor Hart** inquired if the idea was that a convenience store with gas pumps should be allowed in some of the listed zones. **Dale Coulam** clarified that if someone wanted to have gas pumps, that could be done as an automotive self-service station in a C-1 zone. A convenience store that also sells gas is allowed in a Resort Mixed Use zone so the Council needs to either be careful on zones and prohibit in specific zones that they don't want it, or just take gas pumps out of convenience stores definition. **Council Member Mehr** commented that if the City Council is going to remove the last section under the "Convenience store" there ought to be a notation that says for gas pumps, refer to the Automotive self-service use so that it is clear that gas pumps are allowed in the C-1 zone. The City Council agreed with that suggestion. **Mayor Hart** referred to "Drive-through/drive-up facility" and commented that Ivins Realtor, Neil Walter, has reported that with the current COVID-19 situation, a drive-through or drive-up option has been imperative and he was not sure the City would want to eliminate that with what's going on currently. **Council Member Mehr** commented that there's a protection there because that isn't allowed in the Neighborhood Commercial zone and is a Class IV in the other zones and an applicant could explain what they're doing to provide. **Council Member Elliott** agreed and commented that the original reasoning was going back to the General Plan and specifically across from the Canyon Crossings project. A drive-through seems to just be going through rather than creating a

DRAFT

gathering place. Someone could bring forward an application and ask for a change to allow a drive-through but with regard to COVID, she relies on those drive-thru and drive-up services, although she was hesitant to make a short-term acknowledgement rather than the long-term vision because the residents will need to live with the consequences in the long-term. **Mayor Hart** commented that if the City doesn't allow that, the City could never have a pharmacy and if it comes down to one property, he inquired if they were thinking of rezoning that property. **Council Member Mehr** stated that the owner of that property has a certain understanding of what is allowed there so the City should not re-zone that without that owners knowledge. **Chuck Gillette** indicated that parcel is approximately 15 to 20 acres and the current owner has discussed building what is allowed in Resort Commercial. **Council Member Gordhammer** stated that her initial thought was that drive-throughs did not make sense in Resort Commercial but if Council Member Elliott's comment about a drive-through not being an approved use but someone could ask for a drive-through to be approved, she inquired if that was correct. **Dale Coulam** stated no. If the use is prohibited, it's prohibited. **Council Member Elliott** inquired if someone could apply for a specific parcel of property. **Dale Coulam** indicated that would be a zone change. **Council Member Gordhammer** suggested that it be left as it is. **Council Member Mehr** agreed, as did the remaining members of the City Council. The Drive-through/drive-up facility use remained unchanged. **Mayor Hart** referred to "Model home". **Council Member Gordhammer** inquired why that was not allowed in Neighborhood Commercial. **Dale Coulam** stated because that is a residential use and this is a commercial chart. That use remained unchanged. **Mayor Hart** referred to "Nursing home, convalescent care center" and indicated that the suggestion is that be changed from a Class IV to a Class V Use in Resort Commercial. **Council Member Mehr** inquired if this is any more significant or less significant and if it should be adjusted in the other categories. **Council Member Gordhammer** commented that it should be a Class V across the board, except where it is not allowed. **Mayor Hart** referred to "Restaurant, fast food". **Council Member Elliott** suggested that this should be moved in the areas where it is allowed, from a Class IV to a Class V. **Council Member Mehr** inquired if they should keep that consistent with the drive-through and the City Council agreed that the use would change from a Class IV to a Class V Use. **Council Member Mehr** inquired of Dale Coulam as to his thoughts on changing these Uses from a Class IV to a Class V. **Dale Coulam** reminded the City Council that a Conditional Use Permit is a permitted use with conditions and by changing a Use to a Class V where it has to come before the City Council, that begins to look more like a legislative action rather than the administrative decision that it is. The Land Use Institute in the State would say to push these things down and handle them administratively as much as possible but what the Council is saying, is to bring them up to the City Council, which looks more legislative. **Council Member Mehr** recalled that and suggested that this use be left as a Class IV Use. **Council Members Johnson and McDonald** agreed. **Council Members Gordhammer and Elliott** suggested they be moved to a Class V but the majority of the Council agreed that Use would remain as a Class IV with no change. **Mayor Hart** referred to "Storage of recreational vehicles". **Dale Coulam** clarified that Lance Anderson brought up the need for RV storage some place in City. The City Council agreed that there would be no change to that Use. **Mayor Hart** referred to "Small Wireless". **Dale Coulam** clarified that this is just pointing out that they have started the process of looking at an ordinance for small wireless.

DRAFT

MOTION: Council Member Mehr moved to approve Ordinance No. 2020-06, an Ordinance of Ivins City, Utah, amending the Table of Uses, Nonresidential Zoning District (Table 33-2), as amended
SECOND: Council Member Gordhammer
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.

E. Continued discussion to consider criteria and application for CARES Act assistance to small businesses

Dale Coulam referred to a recent article regarding Iron County working with its cities to administer a loan program for businesses within the cities. The Chamber of Commerce in St. George may be able to do the same thing because they previously administered a loan program for Ivins and it may be similar for them to administer a grant program. The City would want to make sure that money contributed by Ivins City benefits those businesses within Ivins City. The City Managers recommend that rather than each City come up with their own criteria and do things separately, there should be an organization, either the County or the Chamber of Commerce, develop criteria that there is representation on that board or committee and they administer the program. **Mayor Hart** commented that if they met as a City Council and allocated money to individuals or businesses, they could be putting themselves in a position where they could appear to be arbitrary so he liked the idea of distancing themselves as a Council but securing the revenue for businesses within Ivins City. **Dale Coulam** indicated that it would require a lot of work and resources at the City level to administer something like this and resources that the City does not have. **Mayor Hart** suggested that the process could be done by agreement and they could specify that the revenues comes to Ivins City and not be distributed around the County. **Dale Coulam** agreed that whatever funds the City puts in to the fund, that money has to come back to Ivins. **Mayor Hart** referred to Ivins SAA (Special Assessment Area) project that the Five Counties Association of Governments administered for low income or fixed income individuals and suggested that may be an option for them to administer these funds. **Council Member Mehr** was not in favor of giving up Ivins legal authority to administer the funds. He inquired if there were fees associated with another entity to administer the program and what the incentive would be for the County to do this for the cities. **Dale Coulam** clarified that a third party could charge a fee that would be paid for by the CARES Act funding but the Chamber of Commerce represents businesses and would be unbiased and issue funds based on the need. **Council Member Elliott** indicated that it seemed like these funds could be used for individuals as well to prevent evictions, pay overdue rent or mortgage payment and other individual emergency needs. She would like to see the City allocate some of those funds for those individuals. **Dale Coulam** stated that the applications could all come before the City Council to decide but he would discourage that because anything that comes before the City Council is public and not confidential. He preferred that that information be a protected record and private to the extent possible. **Council Member Elliott** liked the idea of the County being in

DRAFT

a position to administer that but wants individuals to be included. **Mayor Hart** indicated that federal programs have done a lot for individuals and families recently and these funds were intended primarily to help governmental bodies and businesses to recover. The Mayor and majority of the City Council agreed that this ought to be administered by another entity, either the County or the Chamber of Commerce and that there be an agreement that specifies that the money goes specifically to business in relation to Ivins. **Council Member Mehr** would like there to be some City authority to have their own modifications. The Chamber of Commerce are not elected and if the County could administer this, that would be his preference. **Council Member Gordhammer** read the article Dale Coulam referred to and that made sense as to what Iron County was doing but stated that it comes down to how quickly the funds can be distributed to help people. She felt that the City could move more quickly with that if they put together a review committee to get those funds out. She had concerns about the Chamber of Commerce because they are a non-elected body and would hope that they would not give preference to Chamber members. She would like to move as quickly as possible and as fairly as possible. **Mayor Hart** indicated that putting a committee together would be a challenge and they would be non-elected as well. **Council Member Mehr** suggested that Dale Coulam, Mayor Hart, Lane Mecham and Administrative staff review the applications and give prioritization to training programs. Those types of programs would be an excellent use of these funds rather than paying somebody's utility bill. **Mayor Hart** stated that he was happy to participate with Dale Coulam and whomever to get a good list of criteria together for an application. **Lane Mecham** clarified that it is up to the City Council to determine the criteria. **Mayor Hart** suggested looking at some good examples and refining what is right for Ivins. He also suggested thinking about an administrative group to review the applications. **Dale Coulam** indicated that he needs some guidance from the Council and once he knows the criteria, he can put together a list and come up with an application. The establishment of the criteria should be done by the City Council. **Mayor Hart** referred to Lane Mecham and requested that he look at what the criteria options are to include in the application. **Council Member Mehr** stated that he could help Lane with that as well and suggested that this be a continued discussion at the next City Council meeting. **Council Member McDonald** was concerned about continuing the discussion because it pushes the availability of funds down the road and delays the money being available to businesses. **Mayor Hart** indicated that the Council needs to hone-in and resolve this at the next City Council meeting. Regarding individual needs, his thought was that the Five County Association of Governments ought to administer this because they already have a great way of assessing those needs.

The meeting was in recess from 8:54-8:59 p.m. **Mayor Hart** reconvened the meeting at 8:59 p.m.

F. Discuss and consider approval of Resolution No. 2020-10R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary water rate to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons from $1.24 to $1.34 per thousand gallons

Chuck Gillette clarified that the Resolution needs to be amended to indicate that all rates are increased by .10 cents and not indicate a specific amount. When the City approved the rate studies a few years ago, they built in some rate increases but decided not to implement the 2020 rate increase until it was discussed with the Council. The original schedule for 2020 is an approximate rate increase of 5%, which generates the revenue the City needs, based on the rate study. **Council Member McDonald** inquired if the City needs it for the income based on the

DRAFT

study, or if the City can delay implementing the increase. **Chuck Gillette** stated that is unknown. The increase is based on the rate study that was done if the City is going to stay on schedule, it should follow the rate study. **Council Member McDonald** commented that a small increase is better than a huge increase in the future. **Mayor Hart** clarified that the City Council has already agreed to and approved the schedule. **Lane Mecham** indicated that there is no infrastructure replacement fund to replace and repair older infrastructure so there is something to be said about staying on schedule. The **Mayor and City Council** agreed to stay on schedule and proceed with rate increases as approved previously.

MOTION: Council Member McDonald moved to approve Resolution No. 2020-10R, a Resolution of Ivins City, Utah, amending the Ivins City Culinary water rate to pass-through Washington County Water Conservancy District's wholesale water rate increase of $0.10 per 1,000 gallons, as amended
SECOND: Council Member Johnson
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.

G. Discuss and consider approval of Resolution No. 2020-11R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater reclamation facility's rate increase of $1.88 per equivalent residential unit

Chuck Gillette indicated that it has been awhile since the City of St. George has increased their water rate that they charge Ivins and the rate has increased more than usual because of that. **Council Member Mehr** noticed that the Resolution indicates that this is effective immediately and inquired if the City of St. George can require that. **Mayor Hart** stated yes. **Chuck Gillette** clarified that the City of St. George began charging the new rate on July 1, 2020.

MOTION: Council Member Johnson moved to approve Resolution No. 2020-11R, a Resolution of Ivins City, Utah, amending the Ivins City Wastewater reclamation facility's rate increase of $1.88 per equivalent residential unit
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.

DRAFT

H. Discuss and consider approval of an expenditure of approximately $1,224,000 in Park Impact Fees to pay off UNITY Park MBA loan

Lane Mecham indicated that this has been discussed previously. The City is moving forward with paying off the UNITY Park bond with Park impact fees. Council Member Mehr appreciated the City paying off debt.

MOTION: Council Member Johnson moved to approve an expenditure of approximately $1,224,000 in Park Impact Fees to pay off UNITY Park MBA loan, plus any accrued interest at the time of payment
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.

I. Continued discussion regarding updates on Ivins new City Hall

Tom Jorgensen reported that the Architects are finishing up the construction set to go to bid and the Contractor is planning to bid the project out by the middle to end of August. Once bids are received, the intent is to take those before the City Council the first meeting in September and possibly approve the bids the first meeting of September. They are anticipating holding the groundbreaking ceremony at Heritage Days on Friday, September 11, 2020.

J. Discussion regarding firework restrictions

Mayor Hart requested that this be placed on the agenda because 1/6th of the Red Cliffs Desert Reserve recently burned because of a foolish kid setting off fireworks. It is tinder dry in Ivins and some other cities are restricting fireworks to only be allowed in their own parks. **Dale Coulam** indicated that he reviewed the statutes on this and a City can prepare a map showing the areas that are closed to fireworks and Fire Chief Randy Hancey did that in May. That map has to be submitted to the County by the end of May so the closed areas can be included in the maps. Fireworks are not allowed west of 400 West so the City has restricted what is legally allowed to but short of an emergency declaration, the City is bound to follow those statutes. Even if the entire City was closed to fireworks, the recent fires that were the result of illegal fireworks. Fireworks are only allowed two (2) days before the holiday, on the day of the holiday and one (1) day after the holiday so any fireworks being set off outside of those times are illegal. The SCI Fire Department does a good job watching for things and responds quickly so kudos to the Fire Department for what they do and educating and reminding people that we're in a very dry condition, fire is a real hazard so we need to be careful.

K. Discussion regarding noise at Fire Lake Park and the amended Memorandum of Understanding for Fire Lake Park

Mayor Hart stated that there have been some complaints and concerns made by residents in Kayenta regarding loud music that carries across the water. The City has an agreement with the Shivwits band where they have the exclusive rights to concessions at Fire Lake Park but there is now an ice cream truck there with its ice cream truck music. **Dale Coulam** clarified that as he

DRAFT

read through the agreement with Shivwits, they have exclusive rights to the concessions on their side of the property and he believed that the Shivwits' understanding is that the City would not compete with them. Regarding the ice cream truck, he did not know if the vendor has an Ivins business license so he has let Public Safety know that if they see that vendor at Fire lake Park, to have a discussion about that with the vendor. **Mayor Hart** commented that the other problem with the ice cream truck is the noise from the music coming from the truck. He inquired if the City Council would want to impose a noise restriction and if so, measure by decibel or ban music all together? **Council Member Gordhammer** clarified that nobody is complaining about having fun at the lake. It's the music that doesn't translate as music when it travels across the water and hits the homes. It's just loud noise and the ice cream truck played the same music for over an hour. She envisioned Fire Lake Park as a nature park and suggested that amplified music not be allowed without a permit. If someone wants to have a special function there, they could apply for that. There are already enforcement problems there so she thought that enforcing a decibel level would be difficult. **Council Member McDonald** commented that there is still going to be that 1 person in 100 blasting their music. **Mayor Hart** indicated that amplified music currently is not included in the list of rules and inquired if the Council wanted to add that to one of the rules so that it can be enforced. **Council Member McDonald** inquired who was going to measure the noise. **Mayor Hart** clarified that Council Member Gordhammer was suggesting that amplified music not be allowed. **Council Member McDonald** indicated that he was not sure that he agreed with that because people are out at the park relaxing and listening to their music. **Council Member Elliott** stated that UNITY Park has this rule that is posted because the park is close to the residents in Amber Estates. People who go to Fire Lake Park don't understand how close the homes in Kayenta are to Fire Lake Park. She felt that there should be the same rationale as the rule at UNITY Park. **Council Member McDonald** indicated that that area was a recreation area long before any of the homes in Kayenta were built. When UNITY Park was built, the homes were already there. **Council Member Gordhammer** stated that she understood that point but indicated that some of those homes were built in the early 80's and those that still live there have noticed a huge difference where the volume and noise volume has increased. **Council Member Mehr** inquired if verbal warnings would be given or if the City would be citing everybody. He appreciated that it is annoying and worse if you live there. He grew up around lakes where people brought their picnic and music so he understood where Council Member McDonald was coming from. He has also heard from several residents about the noise but indicated that it would be hard to enforce a decibel. **Mayor Hart** indicated that if amplified music was not allowed, that would take care of the ice cream truck. **Council Member McDonald** stated that he was not opposing to not allowing amplified music, he was just trying to understand how to make it work. **Council Member Gordhammer** indicated that it would be the same way as enforcing what they do at UNITY Park. **Council Member Mehr** suggested adding it as a rule and report back on how it's going. That way non-offenders are not being harassed but it would address those who are breaking the rule. **Mayor Hart** clarified that the City will duplicate the rule at Fire lake Park, that exists at UNITY Park.

MOTION: Council Member Elliott moved duplicate the rule that exists at UNITY Park, at Fire Lake Park, that is, no amplified music permitted
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE

DRAFT

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.

L. Continued discussion regarding issues, policies and/or procedures related to coronavirus (COVID-19)

Mayor Hart indicated that for the first 1000 COVID-19 cases in Washington County, the average age was 68 years old. For the second 1000 cases in Washington County, the average age is 36 years of age, which suggests that older individuals are wearing a mask and staying at home.

6) CONSENT AGENDA

Council Member Mehr requested that both Consent Agenda items be removed for discussion.

A.. Approval of expenditure for the purchase of large format printer/copier/scanner

B. Approval of City Council Meeting Minutes for July 2, 2020

7) CONSENT AGENDA ITEMS FOR DISCUSSION

A. Approval of expenditure for the purchase of large format printer/copier/scanner

Council Member Mehr indicated suggested that the City lease this instead of purchasing it. **Mayor Hart** clarified that what this purchase is for a large printer that prints engineering blue prints and maps. **Dale Coulam** stated that the City does lease the other regular copy/printing machines.

B. Approval of City Council Meeting Minutes for July 2, 2020

Council Member Mehr referred to the Minutes and indicated that at the last meeting he was having a difficult time connecting to the meeting so he was not present for the meeting after the Table of Uses discussion. He requested that the Minutes reflect that he was absent after that discussion.

MOTION: Council Member McDonald moved to approve Consent Agenda item A and the Meeting Minutes as amended
SECOND: Council Member Johnson
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.

8) REPORTS

A. Council

DRAFT

Council Member Johnson reported that they are still planning for Heritage Days but the Heritage Days committee would like input from the community as to their feelings about holding the event for the Friday evening in September. They are currently moving forward unless the State moves back to orange. There were no other reports.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

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. The meeting adjourned at 9:56 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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