IVINS
CITY COUNCIL
MINUTES
September 3, 2020

***NOTICE: This meeting was held electronically and in person, with limited seating to observe social distancing. City Hall was the anchor location for the electronic meeting. You may listen to the audio feed by going to www.ivins.com, clicking on the "Government" tab, clicking on the word "HERE" under the words City Council.**

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, and Council Member Gordhammer.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Lane Mecham, Public Works Director/Engineer Chuck Gillette, Public Safety Director Bob Flowers, Parks and Recreation Director Benny Sorensen, Building and Zoning Administrator Mike Rodriguez and City Recorder Kari Jimenez
EXCUSED: Council Member Elliott

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Members Mehr, Gordhammer and Johnson were present via the electronic "Zoom" platform. Mayor Hart and Council Member McDonald were present in the Council Chambers. Council Member Elliott was excused. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member who was in attendance, 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.
Mayor Hart reported that Council Member Elliott has submitted a resignation letter, resigning from her position on the City Council. Mayor Hart read the resignation letter submitted by Council Member Elliott.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Palisades at Snow Canyon Phase 8 Subdivision

Mike Rodriguez reported that this is the property that the City sold earlier this year. It is a 15.38 acre lot that is being subdivided into 32 lots and the proposed improvements appear to be in compliance with City Ordinances.

B. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided a written report to the City Council, a copy of which is available on Ivins website www.ivins.com as an attachment to this agenda. He reported that the City just finished with Movies in the Park. There were two (2) burials in August and the Parks Department continues to keep the parks, landscape buffers and cemetery looking good.
Bob Flowers reported that the City has received some grant funds to replace radios and radars in the patrol vehicles. They have also been asked to support a County-wide emergency response

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team to help with protests and the City has agreed to send two (2) people to training so they can assist with that. The City has received a grant to fund half of that cost.

C. Planning Commission Report

Dale Coulam reported that the Planning Commission approved two (2) Final Plats and held a brief discussion regarding grading but continued that discussion to their next meeting.

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

A. Public Hearing on the Planning Commission's recommendation to approve a Zone Change on 113 acres from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RE-37 (Residential Estates, minimum lot size 37,000 sq ft), R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft), RC (Resort Commercial) and a mix of RM (High Density Residential Multi-Family) located at approximately Puerto Drive and 400 South; SITLA-Owner; Patrick Manning-Applicant

Dale Coulam reported that the applicant is proposing a Zone Change from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RE-37 (Residential Estates District, minimum lot size 37,000 sq ft), R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft), RC (Resort Commercial District) and RM (High Density Residential Multi-Family District) on 113 acres of property currently owned by SITLA (School & Institutional Trust Lands Administration). The property is located south of Padre Canyon Estates and east of Puerto Drive, extending to the east towards the lava fields. The Land Use has already been changed to match what it abuts and now the zoning occurs. A project plan would define what their project is and narrow what's an allowed use in the proposed RMU zone. The Residential choices they have asked for is allowed, as is the Commercial use. Per Ivins Zoning Ordinance, a mixed use Project Plan shall be presented to the commission for recommendation and approval by the city council, as part of the application for a zoning districts map amendment to establish a mixed use development overlay district (MU). The Project Plan must achieve, and must identify techniques to provide, a mixed use development with uniform and compatible site and building standards when the project area is completely built out. The Project Plan must also demonstrate compliance with the requirements of the Ivins City Code and all other land use ordinances, as applicable. A Project Plan helps answer the questions and concerns that citizens have raised and helps to establish the density of what the project is going to be. The applicant is entitled to the zone changes for Medium Density (R-1-10) and Low Density residential (RE-37). The applicant requested R-1-7.5 because that matched what is around that area but the Planning Commission recommended a zone of R-1-10, hoping the Applicant would request a Subdivision Enhancement Overlay. **Dale Coulam** recommended that the Council approve the low density and medium density residential zones, but hold off on making a decision regarding the Mixed Use until there is a Project Plan that addresses that. The Narrative that the Applicant has provided helps but is not a Project Plan. **Council Member Gordhammer** recalled that comment being made at the Planning Commission meeting about waiting for a Project Plan and inquired if the Council has the authority to wait to make a decision on all of this, or only on the mixed use portion. **Dale Coulam** clarified that applicant is entitled to the designated zoning for those clear land uses of Low Density Residential and Medium Density Residential and could start building once approved. That is separate and apart from the Resort Mixed Use. He did not think there was a reason to delay the zoning on the clear land uses, only the Resort Mixed Use. **Council Member**

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Gordhammer was concerned about the water and drainage issues in the Medium Density Residential zone. **Dale Coulam** commented that if there are issues, the applicant could offer those areas as open space as part of a Subdivision Enhancement Overlay application or just deal with those issues as the construction plans come forward. The Land Use is clear and the applicant has requested a zone that is within that Land Use and the recommendation of the Planning Commission is within that Land Use and the applicant is entitled to have the residential portions zoned. **Mayor Hart** opened the Public Hearing and 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.

Mayor Hart indicated that he has received a number of thoughtful emails on this. **CJ Koharcheck** resides at 109 S. Puerto Drive in Ivins and commented that one of the things that is dismaying to her is that the Ordinance is already drawn up and ready to sign by the Council and that the Council only has a few minutes to digest what is said tonight. She indicated that this is a really important decision because the residents are going to have to live with their decision. She indicated that the Land Use changes were approved by three (3) Council Members, one of whom is not a Council Member anymore. The City cannot "take" property so selecting zones are critically important and she hoped that the City does not feel pressured to make a decision tonight if more research should be done. Once the zoning is changed, no matter how much they like the Black Desert concept, if the developer changes, the only thing that guides what is built, is the zoning. This piece of land is surrounded by houses, kids, bikes, dogs and similar and plopping down a resort in the middle of those neighborhoods is not the most desirable thing to do. She lives on Puerto Drive and was concerned about the construction equipment getting in and out. The two transportation corridors that might alleviate some of her concerns are the Western Corridor and Red Mountain Drive and those are both years, if not decades, away from being in place. That area is also full of blue clay and there is an aquifer that comes to the surface and inquired where the water was going to go if that is developed. She suggested that the problematic corner of that property be designated as open space but did not know if City could condemn property that cannot be built on but suggested that should occur. The wash should be the dividing line between residential and the retreat, with the retreat being on the east side of the wash and a Geo Technical evaluation should be required before zoning changes are put into place. She felt that the applicants Narrative was vague and incomplete and the City should expect more than that. **Regina Roper** resides at 754 Cordero Circle and her back yard is at the base of the lower area of the project. She read the following statement: "It appears we've come to a critical stage of approving the transformation of the 113 acre SITLA parcel into part of the Black Desert Resort. For almost 2 years now, I and a handful of Ivin's residents have been closely following this development process and striving to keep our community informed of its' progress. Thankfully, there have been many changes from the initial "Snow Canyon Resort" as presented James Rose to the "Black Desert Resort" concept we see today from Patrick Manning. While I appreciate the concessions made by Patrick and SITLA, and there have been many, I-like others-are very nervous about changing the zoning at this point in time. Top on my list of concerns is the fact that our nation and economy is undergoing a period of turmoil, the likes of which I have never witnessed in my lifetime. I believe the next 6 months will see

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massive civil unrest in large parts of this country, which will likely impact all our lives. The economy is teetering on a razor's edge and could very likely experience a deep recession, sparking massive inflation-thanks to the Fed's recent announcement-leading to an increase in the already huge unemployment numbers. If this scenario comes to pass, how will the developers contend with such challenges? Hyper-inflation could seriously drive up the costs of all their materials. With no jobs and loss of purchasing power, how could average Americans afford to buy the homes, especially the High Density Multi-Family homes? I do not believe this is a "Field of Dreams...if you build it, they will come." We are going on the assumption that the world around us is stable and predictable; I seriously question that assumption. If we change the zoning now and if the Black Desert Resort falls upon hard times, what then? Will another developer resurrect another "Snow Canyon Resort" monstrosity? Or will we be left with flattened and scarred lands that will turn that area into a vast dustbowl? Secondly, I am at a loss to understand why these 113 acres have to be re-zoned at this time. As the plans currently stand, the SITLA parcel will only contain the spa, spa-dwellings and homes. I find it unfathomable that a hotel, convention center, golf course, spa, spa-dwellings, culinary school, retail shops, restaurants and homes can all be built simultaneously on this 600+acre parcel. Is this even physically possible? What is the harm in waiting to learn of the success or failure of the Resort before we launch such a massive change to these pristine desert acres which so many in Ivins cherish? Why can't we wait until we have a firm Development Plan before rezoning? Changing times will likely require changes to the developer's "narrative" to ensure economic viability so this must be factored in. If the council deems my concerns unwarranted, at the very least I would request that more details be provided regarding the ratio of "High Density Homes" to "Resort Rentals" in Areas 3 & 4. I was caught off guard when I read last week the announcement for the Public Hearing that Areas are now-for the first time-being called "High Density". This, combined with the face, which we just recently learned, that 400 S will be extended into the development will ensure that traffic on 400 S and Puerto Drive will be further exacerbated. I would strongly encourage the city to consider making the Area 3 west of the wash all medium density. Areas East and South of the wash-adjacent to the actual Resort and golf course, should be reserved for Resort/Commercial development. **Lane Mecham** indicated that Sharon Barton was waiting to comment through the Zoom platform. **Michael & Sharon Barton** reside at 571 Mesa Vista Drive was concerned with zoning decisions being made by a Concept Plan when the applicant did not include the number of acres and how many acres should be determined by the City Council. The area West of the wash is surrounded by established residential neighborhoods and they strongly supported Area 2 on the west side of the wash should not be zoned anything but residential. They also wanted to be assured that if another developer develops this, that the zoning stays with the land so they do not have to go through another fiasco of this process. She understand the financial stability of the public school system but indicated so is the preservation of Ivins and there is a value in preserving and protecting this acreage but still allowing the developer to develop a portion. **Lane Mecham** indicated that Lisa Rutherford was waiting to comment through the Zoom platform. **Lisa Rutherford** was difficult to hear her but thanked the Council, agreed with what other had said and hoped that the Council will make the right decision. There being no other comments, Mayor Hart closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2020-10, an Ordinance of Ivins City, Utah, regarding a zone change on approximately 113 acres on property located at approximately Puerto Drive and 400 South from RA-5 to RE-37, R-1-10 and a mix of RM and RC

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Council Member Gordhammer requested clarification on Sharon Barton's comment about her supporting Area 2 being zoned residential because she thought that Ms. Barton was referring to Area 3 and not Area 2. **Regina Roper** commented that she thought that Sharon Barton misspoke and meant supporting Area 3. **Council Member Gordhammer** shared the same concerns that have been expressed tonight and that were expressed at the Public Hearing before the Planning Commission. Her primary concern rests in having control of the Mixed Use, the water issues associated in Area 2, the blue clay and putting a spa in a residential neighborhood. She supported what Dale Coulam recommended about delaying a decision on the Mixed Use portion until a Project Plan is provided. Regarding Area 2, she spoke with residents last year just across from 400 South and she was surprised to learn about the extent of the water issues that have been there over the years. One resident told her that they saw water flow changes when one home was being constructed so she was concerned about what building a number of homes would do. The City has an oasis in the desert and she agreed that commercial development should be kept to the East of the wash. She would also like to see there be protection of the view shed and nightly rentals being de-restricted, with all of this contained in a document that is binding. She did not want to approve anything this evening. **Council Member Mehr** inquired where the Cordero neighborhood was in relation to Area 2. **Mayor Hart** indicated that it is just below it and commented that there is a grade change from Cordero Drive to the ridge and that any technical issues having to do with water and clay are the burden of the developer. The City cannot say something cannot be developed if conditions can be mitigated. It is the burden of the developer to take on the economic risk of development. **Council Member McDonald** stated that he had not been able to digest this as much as possible but did walk around the area and saw areas of concern, which are valid. He agreed with Council Member Gordhammer about not making a decision on anything tonight. He spoke with one Planning Commission member and wanted to speak with others to obtain more clarification. **Council Member Johnson** inquired if this needed to be post-poned for the Council to look into this further. **Mayor Hart** indicated that the developer was present. **Patrick Manning** stated that he is trying to move forward with this because the State would like to see something happen. Collaboration with the residents and the City has been good and he was not concerned with tabling the portion relating to the Mixed Use and a Project Plan but he saw no reason not to rezone the single family residential zones because the neighborhoods are already buffered. Regarding the water issues, if it ultimately doesn't make any sense to develop that area, they won't. Regarding the Resort Mixed Use, they originally included a C-1 (Commercial) use, which would allow a gas station but he dropped that. There are 230 acres of land in this project. He felt that the City Council needed to act on the zone change for the Single Family Residential because it is consistent with the Land Use. **Mayor Hart** inquired if he objected to the Planning Commission's recommendation to zone some of the Single Family as R-1-10 rather than R-1-7.5 that he requested. **Patrick Manning** commented that he could come back in and negotiate but the intent is to build single family homes. **Council Member Mehr** commented that if the developer did not have an issue with the Planning Commission's recommendation, he inquired when they discuss the more detailed information on water and traffic and where is that relative to the zoning vote. **Mayor Hart** stated that once zoning is established, the developer works on detailed project plans, works on hydrology and similar studies and that all happens when the subdivision application comes forward. A Project Plan offers additional clarity to those that have concerns and provides an essence of what the project is going to be. The applicant is here requesting zone change and at least part of that is where the Land Use change has been made and his request is already consistent with that and

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suggested that the Council take Dale Coulam's suggestion seriously as it relates to continuing Mixed Use portion to receive a Project Plan, but not delay the zoning. They need to be careful that the City is being fare because the Council has an application before them to be acted upon. **Council Member Mehr** inquired what the range was that fit into Medium Density Residential. **Dale Coulam** clarified that RE-12.5 (Residential Estates, single family lots, minimum lot size of 12,500 sq ft), R-1-10 (Single Family Residential, minimum lot size of 10,000 sq ft) and R-1-7.5 (Single Family Residential, minimum lot size of 7,500 sq ft) **Mayor Hart** clarified that the adjacent lots are R-1-7.5 and some are slightly larger. **Council Member Mehr** inquired where those lot were along Puerto. **Dale Coulam** clarified that the bottom part is a higher density. **Council Member Mehr** inquired if an overlay would be included in a motion. **Mayor Hart** stated no, that would be at a different time but if the Council chooses R-1-10 , the applicant could come forward with a development plan that has an overlay and open space and other concessions, of which he has already conceded to lower homes. **Council Member Mehr** inquired if the City Council could act on the Low Density Residential and then ask for the Project Plan to also be inclusive of the Medium Density Residential. **Mayor Hart** indicated that the City does not ask that of any other developer because it is an allowed zone. **Council Member Gordhammer** inquired how the City determines something is a sensitive land, what warrants review by the Sensitive Lands Committee and inquired if this area falls into that category. **Dale Coulam** stated that there are some sensitive lands on this site but that doesn't have to do with zoning. The applicant is entitled to a zone that is within the land use plan and within the zones allowed, which these are. The applicant is entitled to a decision on that and if there's a denial, the Council would need to state very specific grounds for denying the zone change. He understood the reason for delaying moving forward on the Resort Mixed Use piece but it was his opinion that the Applicant is entitled to the residential zone changes. The zone matches the zones of the abutting property. The Applicant is willing to build single family developments to be compatible with the surrounding areas and the City may get into some legal issues if the City is not careful. If the change is denied, the Applicant could submit a request for a decision and then the City would be required to address the request within a certain amount of time. It was his opinion that the Applicant was entitled to an appropriate low density zone for the Low Density Residential area and an appropriate medium density zone for the Medium Density Residential. **Council Member McDonald** asked Patrick Manning if he was opposed to post-poning this one more meeting. **Patrick Manning** indicated that as it relates to Single Family Residential, he was opposed to post-poning this because he did not see any reason for it. **Council Member Gordhammer** stated he did not have an issue with the Low Density Residential. **Council Member Mehr** referred to Medium Density Residential and sensitive lands and inquired when those concerns would be addressed. **Mayor Hart** indicated that studies are required for land to be developed but that is not part of zoning. A developer cannot move forward until zoning is established. **Council Member Mehr** if there are the same requirements for studies in Low Density Residential as well. **Mayor Hart** indicated yes. Traffic studies, hydrology studies and similar. **Council Member Mehr** shared all of the concerns mentioned and wanted to see West of the wash as residential and East of the wash, the resort commercial stuff and public access. He did not see that anything would change between now and the next City Council meeting. **Council Member Gordhammer** inquired where Council Member Mehr was as it related to R-1-10 and R-1-7.5. **Council Member Mehr** stated that he would like to see lower densities and was concerned with traffic and water issues but the buffer zones are compatible with the existing neighborhoods so he did not know how the City Council could not

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act. **Council Member Gordhammer** commented that she was not on the Council when the Land Use was changed and thought it was unfortunate that people bought their property thinking they would see five (5) acre lots but those are now going to be Medium Density Residential. **Mayor Hart** clarified that much of the City started out as RA-5 and that has functioned as a holding zone through much of the City.

MOTION: Council Member McDonald moved to approve Ordinance No. 2020-10, an Ordinance of Ivins City, Utah, regarding a zone change on approximately 113 acres on property located at approximately Puerto Drive and 400 South, the border area labeled LDR to RE-37 and the border area labeled MDR to R-1-10 and table the area labeled RMU until a Project Plan

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	NAY

Mayor Hart requested a roll call vote. All Council Members were in attendance. Three (3) Council Members voted in favor and one (1) Council Member voted in opposition. The motion passed.

Council Member Mehr requested discussion on the written ordinance draft. He indicated that it is usual and customary for a draft ordinance to be prepared in advance for the Council to review. It is a form that will be changed based on what is decided on.

C. Public Hearing on the Planning Commission's recommendation to approve a Concurrent Land Use and Zoning amendment from no current zone designation to RC (Resort Commercial) on property located on the south side of the horse roundabout; Enlaw, LLC-Owner; Patrick Manning-Applicant

Dale Coulam stated that this property is the property that the Council recently approved a boundary adjustment with Santa Clara and it now part of Ivins but has no Ivins City Land Use or Zoning designations because it was previously in Santa Clara. It is part of the overall Black Desert Resort project and the Applicant is requesting that the Land Use and Zone Change match the abutting RC (Resort Commercial). **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2020-11, an Ordinance of Ivins City, Utah, regarding a proposed Land Use and Zoning District amendment on approximately 6 acres located on the south side of the horse roundabout

There was no discussion.

MOTION: Council Member Johnson moved to approve Ordinance No. 2020-11, an Ordinance of Ivins City, Utah, regarding a proposed Land Use and Zoning District amendment on approximately 6 acres located on the south side of the horse roundabout

SECOND: Council Member Gordhammer

VOTE: The motion carried.

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

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Mayor Hart requested a roll call vote. All Council Members were in attendance and voted in favor.

Mayor Hart requested that the Council suspend the rules to address the Consent Agenda.

MOTION: Council Member McDonald moved to suspend the rules

SECOND: Council Member Mehr

VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. All Council Members were in attendance and voted in favor.

Council Member Johnson was excused at 7:23 p.m.

6) CONSENT AGENDA

A. Approval of purchase of firearms for Public Safety

Chief Bob Flowers, Sergeant Jaron Studley and Officer Nick Tobler provided a presentation on upgrading a portion of their firearms to modernize them with red dot sights and light attachments. The modernization of the firearms will assist with the accuracy of the weapons, the red dot sight does not give an officers position away and officers are able to shoot with both eyes open, reducing eye fatigue. **Chief Flowers** indicated that this is the future and SCI has been looking at this for some time. Existing firearms will be purchased by the vendor for resale and will next against the purchase. **Council Member Mehr** inquired if the Council could act on this now. **Mayor Hart** stated yes. **Council Member McDonald** suggested that the Council act on the whole consent agenda.

B. Approval of City Council Meeting Minutes for August 20, 2020

MOTION: Council Member McDonald moved to approve the Consent Agenda

SECOND: Council Member Mehr

VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. The Council Members that were in attendance, voted in favor.

E. Public Hearing on the Planning Commission's recommendation to approve a General Plan Amendment to the Transportation Master Plan element on property located on the south side of the horse roundabout; Enlaw, LLC-Owner; Patrick Manning-Applicant

Chuck Gillette referred to the alignment map submitted by the developer, a copy of which is on Ivins website www.ivins.com and attached to this agenda. He reported that there are three (3) elements to this. The green line is a road down into Santa Clara but per the Applicants Traffic Study, that road is not needed. **Chuck Gillette** did not have a problem removing the green road connection. The pink color line represents a residential road connection but it is more of a relief road and private roadway, rather than a public roadway. He would prefer to have that road, but could live without it. The third part is the re-alignment of the Western Corridor. There are some home owners where the re-alignment would be pushed closer to those owners properties. Patrick Manning may lower that road, which would lower the noise. Parts of the resorts golf course

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would be impacted if the road is not re-aligned. **Patrick Manning** indicated that he would like to keep the road as low as possible and disrupts as little as possible. The golf course layout is consistent with an agreement in late 90's where the alignment runs along the residents' property lines but he would like to push it off of the property lines to protect the lava features and provide a buffer to the residents. He is trying to do the right thing by the residents and the land. **Council Member Mehr** inquired if the trails part of the Transportation Master Plan or if they are just part of this development. **Chuck Gillette** stated that there are trails planned along the Western Corridor. **Council Member Mehr** inquired if the road into Santa Clara was removed, was there no other way to get from Santa Clara Heights to Tuacahn. **Chuck Gillette** indicated that there was another way on Red Mountain Drive, which will be located just east of Harmon's grocery store and connect to the Western Corridor and Rachel Drive in Santa Clara will connect to the Western Corridor. **Council Member Mehr** stated that he was interested in keeping traffic off of Puerto Drive. **Mayor Hart** opened the Public Hearing. **CJ Koharcheck** resides at 109 South Puerto Drive and commented that there are blind curves on Puerto Drive and she appreciated Council Member Mehr's statement about of keeping traffic off of Puerto, which is the only north/south road, absent the Western Corridor and was never meant to be a major connector road. **Lane Mecham** indicated that an individual by the name of Shelley Bryan would like to make a comment through the Zoom platform. He activated her but she was using an older version of the platform that did not have a microphone. **Mayor Hart** requested that Ms. Bryan write down Lane Mecham's email address and email her comment to him and he will read it. **Mayor Hart** closed the Public Hearing.

F. Discuss and consider approval of Ordinance No. 2020-12, an Ordinance of Ivins City, Utah, amending the Transportation Master Plan as an element of the Ivins City General Plan

Council Member Mehr inquired what year the Western Corridor is supposed to be built. **Chuck Gillette** clarified that if SITLA develops the property in the near future, the Western Corridor will be built pretty quick in the development and connects across from the Encanto development. **Council Member Mehr** inquired if the Western Corridor is required to be built as part of the Development Agreement. **Chuck Gillette** indicated that it was. **Mayor Hart** commented that the alignment that Patrick Manning has proposed would be better tolerated with the residents because it drops down, reducing noise. **Patrick Manning** agreed and commented that he felt that legally he could run Western Corridor across the back of the yards because of an agreement that has existed since the 1990's but he did not want to do that. The proposed re-alignment impacts two homes. **Lane Mecham** commented that he had not received an email from Shelly Bryan yet and offered a phone number for her to call in on. **Shelley Bryan** resides at 1098 Mesa Vista Drive and indicated that she is one of those two people that would be affected by the Western Corridor alignment. It would be closer to her back yard and she did not love the idea of it being moved closer to them. **Mayor Hart** inquired if the road being lower was a positive thing in her mind. **Shelley Bryan** understood that the developer did not want to move the road because it would interfere with the 18th hole of their golf course and preferred to move the road closer to her backyard. **Mayor Hart** inquired of Patrick Manning regarding that. **Patrick Manning** indicated that they did the road alignment based on elevation of the road and the lava features and it would affect the golf course, but it did not start out as that. **Council Member Mehr** inquired as to the exact placement of the road relative to Shelley Bryan's property and if there was any way to adjust it when construction starts. **Chuck Gillette** stated that they need to nail down where the road is going to be pretty quickly, especially if the developer is going to be moving rock. **Council Member Mehr** inquired if the

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re-alignment is 120 feet closer to the two home owners property. **Chuck Gillette** indicated that it is closer to 200 feet. **Dale Coulam** referred to the Master Plan and inquired of Chuck Gillette if there was a little of bit of flexibility that as the developer builds, the road can be adjusted. **Chuck Gillette** stated that there is some flexibility and that was the whole reason he why thought that this re-alignment request deserved a Public Hearing. There are going to be some who will be affected by this so the public hearing helps the public understand what is happening. **Dale Coulam** indicated that if the alignment is moved south substantially, it looked like that would create a pocket of buildable land and inquired of Patrick Manning if he would build that land. **Patrick Manning** stated that they would not want to landlock that piece and would intend to build on it. There has been a great relationship with the City and public but they are forced to re-design the project, of which they have already paid $800,000 for construction drawings on the golf course, he would be inclined to just say keep the alignment to the north and not accommodate the neighbors. **Mayor Hart** inquired if Patrick Manning would have the right to build on the south property line. **Chuck Gillette** indicated that he has seen the agreement and he did not agree with that premise. There are references to a loop road and a map and the map shows some roads in a different location but he was not sure there's a clear case for that. **Dale Coulam** agreed and commented that it's an old agreement, unclear and references things that are not there now and would be up to the courts to determine and then both sides would be tied up in litigation. **Mayor Hart** stated that the trade-off would be that there would be residential development on the north side of the road. **Council Member Gordhammer** referred to them discussing different options, she felt like they needed more information and would like to hear from Shelley Bryan again and understand exactly what the concerns are, what the elevations are and similar. **Mayor Hart** inquired if the Council was willing to conduct an on-site tour of the property if this was tabled. The **City Council** agreed. An on-site Work Meeting will scheduled before the next City Council meeting. **Patrick Manning** agreed to the on-site tour. **Council Member Mehr** indicated that he appreciated all that Patrick Manning has done to work with the City and the neighbors.

MOTION: Council Member Gordhammer moved to continue this to the next City Council meeting and in the meantime, go out on-site
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. The Council Members that were in attendance, voted in favor.

There was a five (5) minute break from 8:11 p.m. to 8:16 p.m.

Mayor Hart called the meeting back to order at 8:16 p.m.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding Constitution Week

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Council Member Mehr commented that the City Council addresses this every year around this time and felt that option 1 was a good choice. **Council Member Gordhammer** liked option 2 but was not opposed to option 1.

MOTION: Council Member Mehr moved to approve option 1, a Proclamation regarding Constitution Week

SECOND: Council Member McDonald

VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. The Council Members that were in attendance, voted in favor.

B. Discuss and consider request to purchase property from Ivins City that is currently licensed through a Revocable License Agreement

Dale Coulam indicated that he read the Minutes from the last City Council meeting regarding this and recalled Mike Rodriguez objecting to this. He stated that there is a landscape buffer along Center Street and 200 North that was counted as part of the open space so that a density bonus could be obtained. That development has been subdivided and homes built. Lot owner Cliff Gustin would like to purchase some property from the City that he is currently using under a Revocable License Agreement. At the previous meeting, there was a concern that the wall that Cliff Gustin's neighbor had constructed, would continue down because it juts out too far but after Dale met with Cliff, Dale learned that Cliff's neighbor misread a number on the plans, which is why the wall extends past where it should be. The problem Mr. Gustin has is that the house design that he has laid out and the lot being pie shaped, one of the wings of the home extends into the setback area. The current Revocable License allows Mr. Gustin to use that area, but it did not move the boundary line or setback. The purchase of City property for good and valuable consideration requires a Public Hearing because it is public land that is in question, as well as the property having been used as part of the SEO (subdivision enhancement overlay). Parks and Recreation Director Benny Sorensen does not want to have the responsibility of maintaining that landscape buffer so he is in favor of this and this discussion came forward after Mr. Gustin made a Citizen Comment for this to be a future agenda item. **Mayor Hart** stated that he looked at this piece of property and it seems to him that if Mr. Gustin acquired it, it would not make any difference in the way it looks and for those reasons, he would support moving forward with a Public Hearing. The **City Council** agreed. **Dale Coulam** indicated that the Public Hearing requires 14 days' notice, which means this won't be on the next City Council agenda, but will be on the October 1, 2020 City Council agenda.

C. Continued discussion regarding legal issues involved with allowing landlords to terminate water service while property has tenant living in it

Dale Coulam commented that the public likes the City to handle a lot of their problems. The City has never shut off someone's water for the purpose of allowing the landlord to evict the tenant. That acts as a wrongful eviction and there is a remedy by law that is provided to the landlord. The landlord is required to provide a habitable residence and if there is no water, the residence is not habitable. **Mayor Hart** indicated that the City could authorize notification go to the tenant and the owner. **Council Member Mehr** stated that this became relevant because it was brought to his attention by an owner that had a renter who was not paying but he inquired

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what the Council's desire is now on how to handle shutting water off for lack of payment. Due to the COVID situation, the City has been giving notification of shut off but put off actually shutting the water off. The economy is strong in Utah and he felt that it was time to go back to what the City was doing pre-COVID. **Dale Coulam** clarified that the City would go back to doing what existed pre-COVID but the City will not be turning the water off to evict, only for non-payment. **Council Member Mehr** suggested that the City follow the normal administrative procedure. **Council Member Gordhammer** agreed. **Dale Coulam** confirmed that the City currently sends the shutoff notice to the tenant and the owner. **Lane Mecham** indicated that was correct; 3 votes saying that is the policy. The **City Council** agreed to proceed with shutting water off for non-payment.

D. Discussion regarding whether the Shivwits Band entity should be added as a party to the County-wide Mutual Aid Agreement

Dale Coulam clarified that the Shivwits Band is part of Ivins' response area but the Band may have some heavy equipment it could offer. **Mayor Hart** indicated that he had no objection and stated that the agreement is to help one another with personnel and equipment. The agreement is coming due again and he will be asked to sign on behalf of Ivins City. He inquired if it was acceptable for the Council to add the Shivwits Band to the agreement. The **City Council** agreed.

E. Discuss and consider model Resolution submitted for review from Washington County regarding the HCP/Northern Corridor

Mayor Hart indicated that this is a controversial issue and asked Chuck to provide a background. **Chuck Gillette** stated that the County has issued a request for the Municipalities to approve the model Resolution. A presentation was given at the prior City Council meeting regarding this. The Model Resolution is very adamant and very strong that the UDOT (Utah Department of Transportation) application is the preferred alignment and is the negotiated Model Resolution for all parties. He personally disagreed that the UDOT application was the best alignment for the tortoises and felt that the T-bone application is. **Mayor Hart** indicated that the Council represents Ivins residents and they are going to have to face the reality that they are going to have a difficult time getting from here to the East side of the County without the Northern Corridor. There are various proposed alignments, two of which occur through the City of St. George but because those are in St. George boundaries, the City of St. George can veto those alignments. If the Municipalities do not support some form of the Northern Corridor, the likelihood is that congestion will compound and traffic modeling shows vehicles will be stopped 2-3 times at a light before getting through the light. The practical question is whether each of the Council Members support or doesn't support the Model Resolution. **Council Member Mehr** referred to emails that Lisa Rutherford has sent because she is passionate about this issue and one thing to do would be to do nothing at all, but of the options, UDOT is going forward and going to choose one of the options. **Council Member Gordhammer** inquired why as a City, did they feel that they needed to give their opinion on behalf of the residents, when they can all individually take the opportunity to express their individual opinions. **Mayor Hart** clarified that the County is looking for local support. **Council Member Gordhammer** understood why the County was asking for that but she had no problem not supporting the Northern Corridor going through the Red Cliffs. **Mayor Hart** commented that it was likely that no Resolution would be adopted tonight. **Chuck Gillette** clarified that if the City Council continues this, the City will miss the deadline for comments. **Council Member Mehr** commented that as a collective government, the though is that they somehow have the expertise that Ivins citizens don't. He felt that everybody can respond on their own, in a way that is personal and meaningful to

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them. **Mayor Hart** commented that the fact is for tonight, there won't be three (3) votes which means no unified voice as a City on this. **Council Member McDonald** advocated that the City sign a version of this Resolution.

MOTION: Council Member McDonald moved to approve the Model Resolution
SECOND: None-1
The Motion failed for lack of a second.

F. Continued discussion regarding Ivins replacement City Hall

Gene Madsen with Hughes Contractors reported that he has a hot sheet that consists of 25 pages worth of scope items in the bid contract that he goes through to minimize change orders and they ended up, after all of the post-bid reviews, $93,675 below the estimate. The cost summary and square foot analysis ended up at $340.51 per sq ft, which is less than the targeted amount. The guaranteed maximum price is $4,756,325, plus any alternatives of the four (4) alternatives, that they would like to include in the building. Gene Madsen indicated that they are ready to start on this immediately if the City Council is ready to proceed. **Council Member Gordhammer** was super impressed with what has occurred and inquired if Hughes wanted a decision tonight on the alternatives. **Gene Madsen** clarified that was preferred because the City would receive the best value by doing that and encouraged the City to move forward with the alternatives that they would like to include now, rather than later. He could then call the subcontractors and suppliers and secure pricing. The **Mayor and City Council** agreed to proceed with signing a contract and including all four (4) alternatives in the new City Hall.

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

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

Mayor Hart requested a roll call vote. The Council Members that were in attendance, voted in favor. **Mayor Hart** indicated that the original date for groundbreaking for September 11, 2020 but he felt that was inappropriate so the groundbreaking has been moved to September 25, 2020.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

No reports

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam reported on the mid-term Council vacancy and indicated that the City has to provide Public Notice 14 days prior to the meeting addressing the applicants who have filed for the vacancy. The applicants will appear before the City Council in an open meeting for an interview. That will occur at their City Council meeting on October 1, 2020.

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 Gordhammer
VOTE: The motion carried.

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

Mayor Hart requested a roll call vote. The Council Members that were in attendance, voted in favor.

The meeting adjourned at 9:38 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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