IVINS
CITY COUNCIL
MINUTES
December 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, Council Member Gordhammer, and Council Member Larsen.

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

EXCUSED: None.

Audience: Tom Flowers, Lance Anderson and others who did not sign in

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Gordhammer was present via the electronic "Zoom" platform. Mayor Hart, Council Member McDonald, Council Member Johnson and Council Member Larsen were present in the Council Chambers. Council Member Mehr was not in attendance at the time of the acknowledgement. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member who was in attendance, acknowledged their presence.

B. Flag Salute and Invocation

Council Member McDonald led the Flag Salute and gave the Invocation

C. Disclosures

Council Member Larsen disclosed that his business provides rain gutter work for Sullivan Homes. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for the Fisk Subdivision located at approximately 45 West 300 North, Ivins, Utah. Justin K. Fisk-Owner; Casey Stratton-Applicant

Mike Rodriguez reported that the applicant purchased this lot where the subdivision process had not been followed. The applicant would like to properly divide this parcel. This parcel consists of a total of .47 acres from the neighboring parcel to the east that was part of the original .91 acre parcel.

B. Department Reports: Parks and Recreation and Public Safety

Dale Coulam indicated that Benny Sorensen was excused but a written report was provided. A copy of the report is available as an attachment to this agenda. **Mayor Hart** thanked Benny Sorensen and Sarah Nash for conducting Bingo in the park.

Council Member Mehr joined the meeting via the Zoom platform and had no disclosures or conflicts of interest with items on this meeting's agenda.

DRAFT

Chief Flowers provided a written report, a copy of which is available as an attachment to this agenda. He reported that they have a couple of employees out with the COVID-19 virus. The Animal Shelter is by appointment only. Officers were able to administer Narcan to an individual who went into full cardiac arrest and save their life. The Victims Advocate is working from home and they have moved the Administrative staff around to limit contact. **Council Member McDonald** inquired if there was any progress on that vandalism that occurred at the Black Desert Resort project. **Chief Flowers** reported that it is a current and active investigation that is being worked on.

C. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held two (2) Public Hearings, one regarding a concurrent Land Use and Zone Change for property located on 600 West and 350 North and one regarding a Class V Conditional Use Permit amendment for the Black Desert Resort at Entrada. Those will move forward to the City Council. Regarding the citizen comment regarding an exception for the use of corrugated metal for fencing, there was already an exemption in the ordinance that allowed the citizen to use that material, based on the design. The Planning Commission also continued to discuss the existing lighting ordinance.

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 Concurrent Land Use Amendment from LDR (Low Density Residential) to RMU (Residential Mixed Use) and HDR (High Density Residential) and a Zoning Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RMU (Resort Mixed Use), R-M (Multi-Family District) and R-1-5 (Single Family Residential District, minimum lot size 5,000 sq ft) on a parcel approximately 18.172 acres, located at Approximately Fitness Way and Guy Lane. Teancum Properties, LLC and Washington County School District-Owner. AnA Enterprises, LLC-Applicant

Mike Rodriguez reported that this property located at approximately Fitness Way and Guy Lane. The Planning Commission held a Public Hearing on this and recommended approval. **Mayor Hart** requested that Lane Mecham explain how one can join the meeting electronically and make a comment for the Public Hearing. **Lane Mecham** provided instructions as how to make a public comment for the Public Hearing. **Mayor Hart** opened the Public Hearing. **Lance Anderson** commented that this project is next to Ryder's Automotive and below the Sage Villas townhome project. **Tom Flowers** inquired as to the location of this project. **Mayor Hart** clarified that is next to the mechanic shop near Movara Resort. **Mayor Hart** inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. There being no other public comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2020-14, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately Fitness Way and Guy Lane

Council Member Gordhammer commented that she understood the rationale of this but indicated that as you drive by the property and along Highway 91, that area, in her opinion from

DRAFT

a visual perspective, is getting so crowded around Ryders and with it being zoned RA-5 where three (3) homes may be built, this is now being changed to Multi-Family with approximately 120 homes. That is a huge increase in density, as well as traffic and those were her concerns. **Lance Anderson** clarified that the piece of land to the west and the south directly east of Sage Villas was going to be an LDS Chapel but that did not work out and the RA-5 zone is a place holder and was never intended to be built as RA-5. He agreed that the area is too dense but he was stuck with what it is and he is trying to increase lot sizes as homes are built towards the west, with the majority of the lots being larger than 8000 sq ft. **Council Member Gordhammer** had a thought that the RA-5 zone was a place holder but it is hard for someone to see and understand that on paper. **Mayor Hart** indicated that a consultant was brought in at one time and directed the then Council on how to zone the City at that point in time and the RA-5 zone was blanketed across the City as a placeholder but that zone is not a reasonable demand on any developer. **Council Member Larsen** commented that Ryders Automotive is being surrounded by residential development and commented that he thought at one time that was going to be commercial development and inquired if that would be an option to the west. **Lance Anderson** stated that is the intent. He would like to build an office there. **Mayor Hart** commented that this concurrent request is reasonable.

MOTION: Council Member Johnson moved to approve Ordinance No. 2020-14, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately Fitness Way and Guy Lane
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

C. Public Hearing on the Planning Commission's recommendation to approve a Concurrent Land Use Amendment from LDR (Low Density Residential) and RMU (Residential Mixed Use) to just LDR (Low Density Residential) and a Zone Amendment from RE-37 (Residential Estates, minimum lot size 37,000 sq ft) and RC (Resort Commercial) to RE-37 (Residential Estates, minimum lot size 37,000 sq ft) and RE-20 (Residential Estates, minimum lot size 20,000 sq ft) on a parcel approximately 28.62 acres, located at approximately Red Mountain Circle and Snow Canyon Parkway. Parkway Partners-Owner. Shaun Sullivan/Sullivan Homes-Applicant

Mike Rodriguez reported that this property located at approximately Red Mountain Circle and Snow Canyon Parkway. The Planning Commission held a Public Hearing on this and recommended approval. **Mayor Hart** opened the Public Hearing and indicated that there was no one present in the Council room who wished to make a comment. He inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. There being no public comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2020-15, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately Red Mountain Circle and Snow Canyon Parkway

Council Member McDonald inquired if there were many comments or concerns at the Planning Commission Public Hearing. **Dale Coulam** indicated that he did not recall there being many comments because this proposes to now be all residential estates. **Lance Anderson** clarified that the Planning Commission stuck close to what was agreed regarding the buffer and is very generous to those in the area. **Mike Rodriguez** confirmed that they received a few comments and most of those were favorable to residential over commercial. **Mayor Hart** commented that this property abuts the current route of the Western Corridor. **Dale Coulam** clarified that there is a lot of lava there as well and the Sensitive Lands Ordinance requires some of that lava to remain, hence the larger lots. **Council Member Gordhammer** concurred with this change given that there may be a fair amount of Resort Commercial close by. **Council Member Mehr** agreed with Council Member Gordhammer but indicated that the City needs to preserve commercial and **Council Member Larsen** agreed.

MOTION: Council Member Larsen moved to approve Ordinance No. 2020-15, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately Red Mountain Circle and Snow Canyon Parkway
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

E. Public Hearing on the Planning Commission's recommendation to approve grading amendments

Chuck Gillette indicated that there are two parts to the new grading rules and based on suggestions from the Planning Commission, are guidelines rather than rules. The guidelines are intended to provide a way for developers to have less impact on existing homes that are on the downhill side. The guidelines are also intended to reduce the risk of when a development goes in above a development, to lessen the loss of privacy and loss of view, with more mitigation of loss of privacy than view because view would likely be lost no matter what. There are also some new wall regulations that are mostly minor tweaks. **Mayor Hart** opened the Public Hearing. **Lance Anderson** commented that the Planning Commission has been reviewing this for some time and one of the reasons he was promoting this to be a guideline was to allow people flexibility but when he's done the math, it makes the lot bigger. The setbacks and heights are just as important as this ordinance. **Mayor Hart** inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. There being no further public comments, **Mayor Hart** closed the Public Hearing.

F. Discuss and consider approval of Ordinance No. 2020-16, an Ordinance of Ivins City, Utah, regarding grading amendments

Mayor Hart commented that he had an opposite point of view of Lance Anderson as to whether this should be being mandatory or optional. The City would have the same nightmare that initiated this whole discussion if this was optional and it would be pointless to go through this process if this Ordinance can be adhered to or not. Beyond that, he has gone through this Ordinance several times and did not have any alterations to make. He liked what staff has added

DRAFT

because there are technical reasons that the staff can allow some variation in this for drainage and other issues that have to be taken into consideration but that's the only level of flexibility that ought to be in the Ordinance. **Council Member Gordhammer** agreed and stated that if this Ordinance is optional, it negates the Ordinance. She would like it to be mandatory and complimented Chuck Gillette and those who worked on this Ordinance because it will help owners as developments occur. **Council Member McDonald** referred to his comments at the last meeting regarding the reasoning for a three foot (3') offset for a short wall and inquired why that would be required. **Chuck Gillette** referred to Ivins main transportation corridor and indicated that the City is trying to avoid walls right up to the sidewalk. **Council Member McDonald** understood the concern on major corridors but stated that he did not see the need for that offset across the City. **Council Member Larsen** indicated that a property owner should have the right to build a wall that matches the neighborhood. **Council Member Mehr** stated that if Chuck Gillette insisted on this setback, he suggested that it only be required for new developments because it made sense to blend in with the neighborhood. **Cody Mitchell** indicated that there needs to be at least one foot (1') so that the City can repair the sidewalk and typically the property line starts at one foot. He clarified that it is rare for a resident to request a wall in the front to be that close to the road. **Council Member McDonald** clarified that he was not proposing that a wall be allowed right on the back of sidewalk but felt that three feet (3') was excessive. **Mayor Hart** inquired how much room would be needed for a backhoe to repair something. **Chuck Gillette** stated one foot (1'). **Council Member McDonald** indicated that he would be okay with one foot (1'). **Council Member Larsen** agreed with one foot (1'). **Chuck Gillette** did not have a problem with that change. **Council Member Gordhammer** commented that it made sense. **Dale Coulam** inquired of the City Council if this ordinance was going to be mandatory or if it was going to be a guideline. If it is going to be mandatory, the motion would need to say the Ordinance is approved as amended to be mandatory. **Council Member Mehr** inquired if all of the "mays" and "shoulds" language would then become "musts" in the document. **Dale Coulam** clarified that Chuck Gillette would put the language back to mandatory requirements before the Planning Commission changed the language to be recommended guidelines. The City Council agreed that the ordinance should be mandatory, a one foot (1') setback applies to the wall in the front yard and there was no differentiation between new or existing developments for the front yard wall setback.

MOTION: Council Member McDonald moved to approve Ordinance No. 2020-16, an Ordinance of Ivins City, Utah, regarding grading amendments as amended, as mandatory and a one foot setback from the property line applies to the wall hedge in the front yard.
SECOND: Council Member Johnson
VOTE: The motion carried.

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

Roll call vote. All Council Members voted in favor.

5) <u>DISCUSSION AND POTENTIAL ACTION ITEMS</u>

A. Discuss and consider approval of Ordinance No. 2020-17, an Ordinance of Ivins City, Utah, adopting the City Council Meeting Schedule for the calendar year 2021

There was no discussion.

MOTION: Council Member Mehr moved to approve Ordinance No. 2020-17, an Ordinance of Ivins City, Utah, adopting the City Council Meeting Schedule for the calendar year 2021

SECOND: Council Member McDonald

VOTE: The motion carried.

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

Roll call vote. All Council Members voted in favor.

B. Discuss and consider using CARES funds to offset law enforcement costs

Dale Coulam indicated that initially some cities were using CARES Act money to reimburse law enforcement wages and the language at that time was for law enforcement that was substantially dedicated to something related to COVID-19. Since that time, the Federal Government clarified the guideline, the State clarified its position on it, the Utah League of Cities and Towns came out with a position on it and Ivins' own Auditor came out with a position, all focusing on the presumption that any law enforcement wages were substantially dedicated to COVID-19 because they deal with it on such a frequent basis. The plan for the third installment, which was a little less than the previous two installments of the CARES Act money, will be to complete reimbursing the City for direct expenses, some of which would be for COVID-19, which was required by the Federal Government. The City has to have a plan in place to spend the money before the end of the year so the plan that Lane Mecham submitted to the State was to reimburse the City for any COVID-19 leave that the City has paid to employees while quarantining and then any remaining funds the City will apply towards law enforcement costs. **Mayor Hart** inquired what that amount was. **Lane Mecham** stated approximately $240,000. **Dale Coulam** clarified that amount is before the COVID-19 leave is taken out. **Council Member McDonald** inquired if assigning the money to the City would negatively impact the business owners in Ivins and would not stop them from getting what they qualified for. **Dale Coulam** stated that money has already been distributed. **Lane Mecham** indicated that the original $500,000 has been distributed with a total of $780,000 received. The City has used $540,000 and $500,000 of that was for the business grants. They are just talking about the remaining portion of the last distribution. **Mayor Hart** stated that was disappointing to him because the Council's discussion was that if a third distribution was received, it would go to the qualifying businesses. He could see reimbursement for COVID leave for those who were in quarantine but thought that the remaining distribution would go to the business entities and not to the City. **Council Member McDonald** thought that was the original plan as well. **Lane Mecham** indicated that the City is not prevented from still doing that but the challenge is that the money needs to be spent by the end of the year. **Mayor Hart** could see some amount of going to law enforcement that could be justified. **Council Member McDonald** stated that he talked to several business owners that have said if there could have been a little more money received, that would have been helpful. He inquired if the police department was going over budget due to COVID. **Lane Mecham** stated no but indicated that there was a risk in the timing of distributing

DRAFT

a large amount to a business to spend unless prior expenditures were used. **Council Member McDonald** was in favor of the businesses' past expenses qualifying between the last distribution and this one. **Council Member Mehr** inquired if the budget is reimbursed with this money, does that then become a surplus because the budget is okay? **Lane Mecham** stated that he would not characterize it that way. **Dale Coulam** clarified that it is additional revenue and with the COVID environment, revenue is still an uncertain factor. **Council Member Mehr** commented that Dale Coulam and Lane Mecham thought about this and felt that it would be good for the City, the City wasn't aware that this money could be used for law enforcement and the League of Cities and Towns, Ivins' Auditor and other entities have said that the City should use this money to reimburse itself. **Council Member Mehr** liked that idea because the City has helped Ivins businesses to a large measure and there's obviously more could be done, but with law enforcement, this is really giving the money to the tax payers. The money comes into the City and the City can use that money for law enforcement purposes, which ultimately would save the tax payer in a future year and inquired if that was correct. **Lane Mecham** indicated that was correct. **Council Member Mehr** stated that what Dale and Lane have done is a great plan and they should support it as a Council. **Council Member Johnson** was in favor of the City retaining some money as a buffer for COVID expenses and providing some money to Ivins businesses. **Council Member Larsen** commented that he was not part of the original decision but he was in favor of providing the majority of the money from this last distribution to Ivins businesses and retain a buffer for the City and stick with their original decision. **Council Member Mehr** clarified that the City is the tax payers. It's them. It isn't the bureaucracy. **Council Member Gordhammer** recalled that a third distribution was uncertain but felt that the decision was if that distribution was received, the City would try to reach out to the businesses but Lane Mecham brought up the point that CARES funding does not cover past expenses and needs to be spent by end of December. She inquired if the City could amend the plan to cover past expenses for businesses. **Lane Mecham** indicated that this third distribution is an extension of the original distribution. The message to business owners was from that time forward was when they needed to spend the funds and a distribution could be an extension of the original funding from that time forward. The discussion was a little different the original time because at that time, the City was operating under assumption that the City couldn't use the funding for the City because of how the Treasury's language was stated and the decision criteria was different but there is new information regarding that. **Council Member Gordhammer** commented that she appreciated Council Member Mehr's comments but because the City was in decent shape, she would like the City to retain a buffer that if the City does not use all of the buffer, that goes to law enforcement and the $200,000 goes to businesses. **Council Member McDonald** proposed that the City retain a buffer of $100,000 and provide $150,000 to Ivins businesses. **Council Member Larsen** inquired of Council Member Mehr and would feel better if there was a 50/50 split of the money. **Council Member Mehr** stated yes. **Council Member McDonald** indicated that he could accept a 50/50 split. **Council Member Mehr** inquired how many businesses received the grants. **Lane Mecham** indicated 15. **Council Member Mehr** suggested that businesses be given $5,000 each and the rest goes to law enforcement. **Council Member Gordhammer** stated there was a formula that was used to determine the level of need based upon the loss and suggested that the City divide the money as Council Member Larsen suggested (50/50 split) and then the City apply that need calculation that was used previously for the businesses. **Lane Mecham** indicated that if a motion is made to split

DRAFT

the funds in some way, he suggested that a fixed amount be indicated for the businesses and the remainder to go to the City so that he is not having to try and match the numbers somehow.

MOTION: Council Member Mehr moved that the businesses get $75,000 based on the formula that was used previously and the remaining goes to the City, to law enforcement
SECOND: Council Member McDonald
VOTE: The motion carried.

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

The motion carried three (3) to two (2).

C. Continued discussion regarding Ivins replacement City Hall

Mayor Hart reported that they are continuing to hold the weekly meetings. Two rammed earth wall samples have been done. The first one was missing a color so a second sample was done and is located near where the pavilions used to be. That will be used as signage for Ivins City Park. The contractors and architectures are working incredibly well and it may be possible for residents to bring a small amount of dirt from their property to be placed in the rammed earth wall.

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

Mayor Hart indicated that he received an email from a medical professional urging the City to restrict or even close Tuacahn. Out of respect for that request, he called Dr. Blodgett, Director of the Southwest Utah Health Department and asked specifically if they have traced a single COVID contact back to Tuacahn. The answer was no, so he was not inclined to recommend moving on something speculative.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for November 19, 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 Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr thanked staff for all they do. **Council Member Larsen** reported that he will be out of town for the next City Council meeting but will be in attendance through the Zoom application. There were no other reports.

B. Mayor

DRAFT

Mayor Hart reported that he received a letter from Tuacahn and other businesses who were recipients of the CARES Act funding, expressing their appreciation for the funding.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the corrugated fence that did qualify as a special exception but in the fencing part of the ordinance there is an exception that states that if the fence is a designed fence and consistent with what was around it, then it could be approved. **Council Member McDonald** inquired if Code Enforcement saw the fence and thought it was a violation. **Dale Coulam** indicated he was not sure if it was based on a complaint or code enforcement. **Council Member McDonald** stated that he received a letter from Code Enforcement. **Dale Coulam** reported that the Black Desert Resort project was not prepared to provide additional information to the City and that is why those agenda items were removed.

D. Items to be placed on future agendas

Council Member McDonald was not sure this needed to be a future agenda item but commented that several people have received courtesy notices from Code Enforcement, although he did not think they're perceived as courtesy notices when they are received. He thought that Code Enforcement made a verbal contact, whether that be knocking on door or making a phone call, before sending a letter. He wanted to make sure that as a City, the City is still trying to maintain that community feeling where communication is open and not just receiving a letter. He took care of the issue that caused him to receive a letter and stated that he deserved to receive the letter. He would like to have the new Code Enforcement Officer come to the City Council and introduce himself. **Dale Coulam** indicated that Code Enforcement has discussions with people and have been able to resolve things with people but he committed to having a conversation with the new Code Enforcement Officer to make it clear that is the preferred approach. **Mayor Hart** stated that this would be something that was handled administratively. **Council Member Johnson** commented that it would be a good idea for any staff member who is hired, to come in and introduce themselves to the Council.

9) CLOSED MEETING

10) ADJOURNMENT

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 Gordhammer	AYE
Council Member Larsen	AYE

Roll call. All Council Members were still in attendance. The meeting adjourned at 7:43 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT