IVINS
CITY COUNCIL
MINUTES
December 17, 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 Larsen, and Council Member Gordhammer.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Lane Mecham, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, City Engineer Tom Jorgensen, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Stephania Nostadt, Jerry Nostadt, Janell Kessner, Matt Loo, Rick Ward and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Mehr, Council Member Gordhammer and Council Member Larsen were present via the electronic "Zoom" platform. Mayor Hart, Council Member McDonald and Council Member Johnson were present in the Council Chambers. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member was in attendance and acknowledged their presence.

B. Flag Salute

Mayor Hart led the Flag Salute

C. Invocation

Mayor Hart gave the Invocation

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for the Larsen Subdivision

Mike Rodriguez reported that this parcel is .93 of an acre and the applicant would like to subdivide the parcel.

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

Mike Rodriguez provided a written report, a copy of which is available as an attachment to this agenda. He reported that it is has been a busy year with the City issuing 142 single family home permits for the year. A significant number of multi-family permits and a variety of other permits have been issued as well. Code enforcement activity remains constant with the new Code Enforcement Officer working on resolving some old cases and contacting residents who may have some code issues.
Chuck Gillette provided a written report. A copy of the report is available as an attachment to this agenda. He reported that the project kickoff for the Old Highway 91 and 200 East to

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Shivwits occurred in May and the design will take until the end of this year or into early next year. It's anticipated that construction will begin in 2021. The Public Works crew put down road base along the edge of 200 West near the Shadow Canyon Subdivision and are building a path along 400 West. **Council Member Johnson** inquired as to the status of the request to re-stripe 200 East at 400 South to make the road transition more clear. **Chuck Gillette** indicated that he would like to do that when the next striping project occurs, which is usually sometime in the spring.

Lane Mecham reported that the Department Heads have submitted their capital projects that they expect over the next five (5) years and the Council will be seeing that in the near future for prioritization and that will kick off the budget season. Property taxes are coming in and going to hit the target and the City's sales tax related revenues and building revenues are packing ahead of where they're supposed to be. The City will be starting the budget amendment process to update the budget.

C. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held a Public Hearing and recommended approval of a Preliminary Plan for Palisades at Snow Canyon Phase 8. The Planning Commission also approved a Preliminary Plan for the Fisk Subdivision, a Final Plat for T&L Parkway, an Amended Final Plat for lots 235 and 237 at Palisades at Snow Canyon and continued discussing the existing lighting ordinance.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

There was a Citizen Request submitted by Victor Paul. Mr. Paul was not able to be present. **Mayor Hart** read the request from Mr. Paul regarding the possibility of installing a columbarium wall at the cemetery. **Dale Coulam** stated that this is in the City's future plans and Benny Sorensen has been researching that. The demand currently in Ivins City is for full burial plots and the City needs to stay ahead of that demand. **Mayor Hart** stated that this will not be a future agenda item for discussion and commented that a columbarium wall is in the City's plans for the future.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a Concurrent Land Use Amendment from a mix of HDR (High Density Residential) and CN (Commercial Neighborhood) to MDR (Medium Density Residential) and a Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) on approximately 12.07 acres. Located at approximately 600 West and 350 North. Southern Land Ventures and Peak Land Ventures-Owner, Ryan Button-Applicant

Mike Rodriguez reported that this is a concurrent Land Use and Zone Change application for a rectangular piece of land consisting of just over 12 acres. There was little to no input from the public at the Public Hearing before the Planning Commission. **Mayor Hart** requested that Lane Mecham explain how one could 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.

Janell Kessner resides in Kayenta and inquired what the houses would look like that were going to be built. **Mayor Hart** clarified that at this point in the process, the City does not know what they would look like but with this Land Use and Zone Change, the City knows that what is built there would not be duplexes or townhomes, rather single family lots. **Janell Kessner** inquired

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how large of a home might be built. **Mayor Hart** clarified the sizes could vary and a home the size of 3000 sq ft or more could easily be built on a lot. **Janell Kessner** inquired if the developer would be required to pave the road on 600 West. **Mayor Hart** indicated that per the City Master Plans, developers will have to install infrastructure, roads, curb, gutter and sidewalk as part of their development. He referred to the maximum height of the homes and commented that the homes could not exceed 25 feet. **Janell Kessner** stated that the development would affect the value of her home and depreciate values of other homes in the area. **Mayor Hart** inquired if the developer was in attendance via the Zoom application. **Lane Mecham** indicated that he was. Developer **Ryan Button** stated that they are not to a point of home designs to be shown but that is the next step in the subdivision process and the residents will have further opportunities to review some of those items. **Mayor Hart** indicated that this application is straight forward and commented that as development moves west, there are increasing concerns by some in Kayenta as to the character of development and recommended that there be some sensitivity to that by developers. **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2020-18, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately 600 West and 350 North

Mayor Hart commented that a portion of the property is already zoned RE-12.5 Residential Estates. **Mike Rodriguez** indicated that was correct and stated that the developer is asking for all of that parcel to be a Land Use of Medium Residential and zoned to RE-12.5, rather than the current Land Use and Zoning. **Council Member Mehr** commented that it seemed that this change would actually help insure a more peaceful neighborhood. **Mike Rodriguez** agreed. **Council Member Mehr** referred to the little circle designated as Commercial Neighborhood and inquired what was originally envisioned for that area. **Mayor Hart** indicated that the concept at the time was that it might be valuable to the City to have small pockets of Commercial Neighborhood for a convenience store, barber shop or something similar but that did not materialize. **Dale Coulam** clarified that the City hired an outside third party planning consultant who really did not know the City and was not in touch with what Ivins really wanted. **Council Member McDonald** requested a refresher as to why the process is the way it is and why are they not able to see the final outlay of the project at this point. **Dale Coulam** stated that was a great question for the Legislature. The process is pursuant to the Utah Land Use Development & Management Act. Land Use and Zoning is established and then plans come forward for subdivisions so the developer is following that statutory process. **Council Member McDonald** commented that Ivins City was also following the process and clarified that this process is not something that the City would be able to change. That would have to occur on a State level. **Mayor Hart** clarified that the logic behind the process is that for someone to go to the extent and expense of having architectural drawings prepared before they know what the Land Use or Zoning is did not make sense. **Council Member Gordhammer** concurred with Council Member Mehr that the change from High Density to Medium Density is more peaceful and matches the zoning on the other side of Kwavasa. She felt that the change was appropriate and advantageous for the surrounding home owners. **Council Member Larsen** and **Council Member Johnson** agreed.

MOTION: Council Member McDonald moved to approve Ordinance No. 2020-18, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately 600 West and 350 North

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SECOND: Council Member Johnson
VOTE: The motion carried.

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

Council Member Mehr requested a discussion and inquired if the motion needed to include what they are stating as is listed under the Public Hearing in agenda item 4)A or is the motion acceptable? **Dale Coulam** clarified that the motion is acceptable because the property is described in the Ordinance.
Roll call vote. All Council Members were in attendance and voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion regarding other Tax Incremental Financing (TIF) projects in neighboring communities

Mayor Hart indicated that a couple of agenda items relating to this subject were withdrawn by the developer of Black Desert Resort. **Mayor Hart** asked Matt Loo, former Economic Development Director for St. George and current Economic Development Director of Washington City to provide information on the use of CRA's. **Matt Loo** indicated that he has had opportunities in St. George, working specifically with over half a dozen projects using CRA's (Community Reinvestment Agency) tools. They are limited tools that municipalities can use in the State of Utah to incentivize or attract businesses for sales tax and property tax and it is a process that the City Council controls. The City Council decides how to utilize the tools, what vision and plan is in a certain project area, and what that Council wants it to do and look like. By doing that, the City attracts good development, what a project will bring to Ivins City not only today, but to Ivins City 25 years from now. The tools are available to utilize and do those things like roads, parks, affordable housing and similar. The City of St. George has used these tools to purchase old homes and redevelopment downtown, obtain money for the homeless shelter, assist with building Riverwalk and similar projects. CRA's are a partnership with the School District and County and it really helps when the City is in the driver seat on what the City would like to see. He has had experience with Jason Burningham and Zions Bank and commented that they are very reputable and very experienced. **Mayor Hart** inquired if there were some projects where it was advised that the City not pursue using these tools and asked what the difference is between a project he would be anxious to have this tool used for versus one he wouldn't. **Matt Loo** commented that the tools are a good thing if they create jobs and expands the growth of sales tax. **Mayor Hart** indicated that the developer is asking that this tool be used for an underground parking structure that is not able to be financed. If the parking isn't underground, that parking comes to the surface. **Matt Loo** stated that information is helpful to discuss because those are the same discussions that the County and School District will likely ask and that's why it is important to bring in the experts and especially reviewing the financials. **Council Member McDonald** inquired if he was referring to the use of a PID, TIF or both. **Matt Loo** clarified that is in general and stated that the PID will affect those in that specific area where taxes in that specific area are higher to fund the PID. **Council Member McDonald** inquired why the County or School District would want to get on board. **Matt Loo** commented that they are great partners to local municipalities because a project or development may or may not be built or built differently if the tools are not used. There is a lot

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of collaboration involved in these discussions and a potential project is driven by the Council, which is a good thing and it gives the City an opportunity to increase revenue without increasing property taxes for existing residents. **Mayor Hart** inquired if the County and School District are involved in every CRA/TIF. **Matt Loo** indicated absolutely. **Council Member McDonald** inquired if the concept is by the City participating in a CRA/TIF, if that makes them a partner and in a position to see the project be something more of what the City wants to see and not just the developer. **Matt Loo** stated yes and commented that the great thing about cities that use these tools is to create City Centers and gathering places. It is important for the City to understand that this is a great opportunity and project that the City can control on how it rolls out. **Council Member McDonald** inquired if Mr. Loo would be available to speak with any of them one-on-one regarding this. **Matt Loo** stated absolutely and commented that he believes in cities and communities. He liked to see exciting things happen because when a city is successful, the surrounding communities are also successful. Cities can either be proactive or reactive because the reality is that growth is coming and will happen. **Council Member Johnson** indicated that they have heard the positives of CRA's and PIDS but they have not heard what they've done with the TIFs and what the positive sides to TIFs are. **Matt Loo** referred to the Industrial Park TIF that created jobs and Tech Ridge, where the former airport was, created a whole other concept and another industry related to technology where locals can use their skills, obtain a great paying job and stay here, rather than moving away. TIFs provide more jobs and industry and is an interesting balance that is all about building a community at the end of the day. **Mayor Hart** stated that one of the huge challenges for Ivins City is what does Ivins do to attract commercial development. Residents have concerns regarding Black Desert Resort drawing a lot of people to the City, along with traffic but the resort is right on the edge of Ivins City. **Matt Loo** indicated that the location was a plus for the City. **Mayor Hart** stated they have discussed what industry the City wants to attract and can attract. Ivins offers scenic beauty, spas and resorts and those are clean industry. The City needs to look at the long-term sales tax base and inquired of Matt Lou regarding whether or not these tools are a good or bad thing. **Matt Loo** indicated that growth is coming and with growth comes cost. A City can either be proactive or reactive and look at what a City needs to do to offset City the coffers to pay for roads, law enforcement, staff and similar and determine where those funds are going to come from. Generally, those come from property taxes and sales taxes but the City may be looking at developments that pay for themselves and that helps the municipality pay for services that are enjoyed by the community. The last thing a City wants to do is raise property taxes but that is likely if there are no other options. **Council Member Larsen** referred to the TIF and commented that the developer is asking for millions of dollars for the parking garage and inquired if that raised a red flag to Matt Lou. **Matt Loo** commented that is why it is important to look at the data, look at the numbers, ask if that is the only alternative, is that the hard cost or is there another option. it is important to ask why is the underground parking garage so critical in the overall success of the project and why is it that expensive. He recommended as far as strategy to identify and layout the plan, what it looks like, what it feels like and then ask themselves if the City can support that. Once they get to that point, the developer talks to the partners and then the plan is fine-tuned and can move forward. **Council Member Gordhammer** commented that the examples Mr. Loo gave were of existing businesses expanding and adding jobs or the City looking to attract a specific type of business. In this case, she inquired if Mr. Loo has had experience with a CRA or TIF where the developer went to the City and requested that the City participate with them in a development because they were

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unable to obtain financing. **Matt Loo** stated that in every project he has or is working with, they have had that similar tone. Developers understand that this tool is available and are bringing that tool to the table to help them bridge the gap of what they are proposing. **Council Member Gordhammer** commented that Ivins City's participation would simply be in the parking structure but inquired if the City would have influence in the project. **Matt Loo** indicated absolutely and commented that's what makes the partnerships strong and that's what makes communities viable in moving forward and successful, is because of those partnerships and listening to elected officials, listening to community members and residents. If a developer is doing an $800 million or $900 million dollar project, that developer needs to spend a lot of time talking to people, especially elected officials and residents who will be affected by that project. **Council Member Mehr** stated that the City Council does not have any more or less influence with this funding except for what Ivins Ordinances allow i.e. design guidelines, zoning, land use and similar. This doesn't buy the City access meaning it certainly influences and maybe one could argue inappropriately so, but it doesn't require the developer to do anything beyond what Ivins Ordinances and guidelines already require. **Dale Coulam** indicated that this is little different in that this tool allows the City to work with the developer. If the developer wants this type of financing, they are going to comply with what the City's desires are, what the City's vision is, otherwise they are not going to obtain public assistance financing so the developer is trying to build something that is helpful to the City because they need some financing. That gives the City leverage that LUDMA (Land Use Development Management Act) itself doesn't. This is also a commercial development with a Development Agreement. Regarding laying out the plan and vision that Matt Loo referenced, Black Desert approached the City very early on and prematurely, wanting to pass a Development Agreement. As the City works with these tools, this should all be part of the Development Agreement and what their vision is for this resort. That should be spelled out and locked into a Development Agreement so that all of the parties know what it's going to be and what is expected. As Mr. Loo suggested, as far as the next step, if the Council is inclined to possibly pursue TIF, then the Council would authorize the Mayor to have informal discussions with the other partners, those being the County and School District, which is why the agenda item that was on for tonight - one was to consider the PID and one was to authorize the Mayor to have these discussions with the partners. The City has its finance people looking at the data to see if it meets the "but for" test to see if the numbers make sense; for example, does it generate the revenue for the City that the developers say or that the developers think it will. Staff has a duty to the citizens and to the City Council to double check those things and then advise the Council. It is up to the Council and they control this. The City is very much at the negotiating table. The developer has come forward with a pretty comprehensive plan and the Council may say that you love the plan as presented, just verify the numbers and if that works, the City is off to the other partners and it moves forward but that decision is made by the City Council.

Council Member Mehr thanked Matt Loo for the information he provided. He wanted the Council to think about a couple of things. The State of Utah provided limited tools to incentivize and attract businesses. He thought that is exactly and precisely by design so rather than have the mindset of "boy that's unfortunate, we have limited tools" it's actually a protection by State government. He believes in a conservative principled manner that you allow the market to work and operate and that's why the tools are limited. The tool was put into place as the wording describes and although the title has changed, the Community Reinvestment Area, that does not describe the area (Black Desert Resort) that fits that definition. It is not an old part of central St.

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George where old homes are removed to renew the downtown and it is not an industrial park where the City is trying to attract major employers to the area. He did not think that having a million square foot warehouse to attract businesses like Family Dollar, Viracon or something like that fits within Ivins General Plan or inside Ivins community. He referred to the Council having the Mayor discuss this with key partners and contacts with the School District and the County, some of the questions that they may ask the City is why is financing not available for the parking structure? He answered that it is because it doesn't pencil and inquired why does the City then believe that it is going to pencil for tax payers if it doesn't pencil for investors? As tax payers, they are investors in their own community and are the ones living here. Can they do this project without the incremental financing? The answer is yes, as the developer has indicated. They can move forward. It might not be this grand project with the parking structure. When he thinks a parking structures, he thinks that is eyesore and all the better to have surface parking to start and see how the project develops. That's what he would call soft space that can be redone and is not as permanent of a fixture in the community as a parking garage in the lava flow. Moving forward with this with assumptions of how to proceed, he felt that the assumptions are not in place. They have this backwards. They have someone who is saying here's our project and we want to bring it to your community and they're going to bring it and now they're asking for an incentive. There shouldn't be a motivation for Ivins to want to attract development and growth. Mr. Loo referred to growth is coming but the fact is, growth is here and the City does not need to incentivize any developer further. Currently the City is receiving 100% of the tax increase from developments but the City would give up 75% of that if this financing is done. They don't need to have a parking garage. it is not a public library and not benefitting the whole community. He felt that the City is spending a lot of extra time and staff resources discussing this and felt that the City should not pursue this. It is out of focus. He thought that the Council could continue to think about the PID but the CRA/TIF funding mechanism does not apply based on the definition and he was opposed to it. **Mayor Hart** clarified that agenda item was removed from the agenda and is not on the agenda for consideration tonight. **Dale Coulam** requested a point of order and commented that the specific agenda items for the resort itself for consideration of a PID and TIF were removed by the developer. They voluntarily asked that those items be removed. The agenda item tonight is limited to trying to understand how TIF has been used on projects here and around the county. The Council should not be addressing the resort specifically without having representatives of the resort here to rebut and answer questions and respond. That will likely occur at a Council meeting in January. **Mayor Hart** indicated that it was important to note that this development looks like it is going to materialize whether the City is involved or not. The developer is asking for the City to provide this tool to enhance, rather than to determine whether or not it is going to occur and inquired of Matt Loo if he has been involved in anything like that. **Matt Loo** stated it is the role of the developer to prove why this is valuable, why this is important to the citizens of Ivins moving forward and that's where the role should start. What Council Member Mehr has stated is true but it all depends on what it is at the end of the day that the City Council as elected officials, would like to accomplish with a project like this and what will a project like this bring as far as the future to support Ivins City moving forward. **Council Member Johnson** clarified that it not just paying for a parking structure. There are shops, eateries and things that go along with that and it is important to think about that and how does a TIF and CRA benefit the City to bring in those types of things and are those things that the City wants. An underground parking structure is proposed so that the project can accommodate the shops and eateries. **Matt Loo** indicated that is a very good and

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strong point because part of this tool is to create sales tax. In any community sales tax and property tax makes everything tick and if a City expands the sales tax base, it is a win. **Mayor Hart** commented that they are facilitating more than just the parking structure. **Council Member McDonald** inquired as to examples of where this funding was approved, the development failed and what that looked like. **Matt Lou** referred to financing that was used to attract Blue Bunny Ice Cream and then the markets turned in 2008 and the company had to bow out of their commitment for the funding. Everything stopped but what the City realized is that even if that development didn't happen, they had a building for another company to come into and that facility was repurposed for another company that brought jobs to the area. **Council Member Larsen** stated that in the research he's done, the negatives of this are attracting a big box store that didn't materialize and then the City was left with a vacant building. His question was if the benefit of having the eateries and sales tax benefit the City in the long-term. **Council Member Gordhammer** was interested in seeing the financial evaluation that the consultants and staff have put together. One concern is she felt like the vision that is being articulated for plan A isn't consistent with what she's hearing residents wanting, which is a smaller scale resort with less impact. They are not in the same frame of mind and are asking residents to participate. **Council Member McDonald** commented that those same residents will be opposed to paying higher property taxes so the Council has to consider that as well. **Mayor Hart** indicated that an increase in residential development, increases cost to the City. Without some compensating sales tax base, property tax remains the only real tool to consider. **Matt Loo** stated that he was happy to help answer any questions the Council may have and they are welcome to contact him.

B. Discuss and consider approval of the Planning Commission's recommendation to approve a Class V Conditional Use Permit Amendment Application for Black Desert Resort at Entrada

Dale Coulam indicated that item number 12 has been added to the Conditional Use Permit list of conditions and addresses large construction traffic and commented that Patrick Manning was in attendance via the Zoom platform and would stipulate to the addition. **Mayor Hart** inquired if the City of Santa Clara has been informed of this. **Dale Coulam** stated that Ivins has not shown them the document but they were on the conference call when this was discussed. Santa Clara's concern was that all large construction traffic stays on Snow Canyon Parkway and does not go through their City. Delivery trucks for groceries and items for the restaurants in Santa Clara will be transferred to smaller trucks to go to the resort. **Patrick Manning** commented that they have not shared the list of conditions with Santa Clara but Santa Clara has expressed their concerns. Santa Clara did not think it's fair that all construction traffic, whether it's for the benefit of Ivins or Santa Clara, come through Pioneer Parkway and up the Red Mountain extension and all of it would be to the burden of Santa Clara. He thinks that the construction traffic should be divvied up pursuant to each Municipality. He confirmed that Santa Clara has seen the resorts parking lots, delivery and distribution center that is behind the City of Santa Clara's power substation but those are all items that are post construction. He was comfortable that this change satisfies the City of Santa Clara's concerns that the resort is not bringing large construction traffic 100% through Santa Clara. Let Ivins serve Ivins and let Santa Clara serve Santa Clara. **Mayor Hart** inquired if this change suggests that all construction traffic even for the portion of Black Desert Resort that is going to be built in Santa Clara go through Ivins. **Dale Coulam** clarified that is something he wanted to address and indicated that the verbiage needs to be amended to include "...all large construction traffic related to the Ivins City portion of Black Desert Resort..." **Council Member Mehr** inquired if the word "large" is a key word and

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inquired why does it not just say "all construction traffic". **Mayor Hart** clarified that the concern Santa Clara raised to Ivins, had to do with heavy traffic on their roads. **Council Member Mehr** commented that this isn't like there is small construction traffic that will be allowed on residential streets and inquired if that was correct. **Mayor Hart** clarified that small construction traffic could be a pick-up truck. **Council Member Mehr** stated that was a concern. He's going back to wanting to keep all construction traffic off of the residential streets and inquired if this change ensures that will be the case. He was concerned with construction traffic going down Puerto and across 400 South pass Cordero. **Dale Coulam** indicated the Council could make that distinction. **Council Member Mehr** stated that he would like that to be an amendment. **Mayor Hart's** response to that was really? and inquired if he thought that the City ought to be stopping somebody from driving up from Santa Clara to come work on the Ivins side of this project and having to out and around and up to the Snow Canyon Parkway? **Mayor Hart** did not agree and commented that the concern that was expressed had to do with large construction vehicles like dump trucks, concrete trucks and that sort of thing. There wasn't any comment made to the effect that it would be a problem for people driving other types of construction vehicles to come through Santa Clara. **Patrick Manning** indicated that his concern would be that the resort really wants to include those subs and suppliers that might be found in Ivins. If they are told they can't drive on the roads from Ivins to get to project and they have to somehow go around, that would be eliminating all construction traffic and would be a bit extreme to say all construction traffic because it could just be an electrical contractor coming over to work on something. **Council Member Johnson** and **Council Member McDonald** were fine with the way it has been worded. **Council Member Gordhammer** understood how this came about and was okay with the way it is worded, with the amendment of Ivins City construction traffic referenced by Dale Coulam. **Council Member Larsen** was fine with the way it is amended and commented that eliminating all construction traffic would be excessive.

MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation to approve a Class V Conditional Use Permit Amendment Application for Black Desert Resort at Entrada as amended
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

The motion carried.

C. Discuss and consider approval of an Assignment of Rights under the Development Agreement for the Sage Villas Subdivision project

Dale Coulam indicated that the Development Agreement has a paragraph with standard language that says that the Development Agreement can be assigned with the approval of the City Council and Mayor. He reported that Sage Villas was the Affordable Housing project where two (2) units in each building were being sold as affordable housing. The Development Agreement says there's the intent for a deed restriction on those units but it is not mandatory. At the time that the Development Agreement was approved, he requested of the other parties that that be made mandatory but they turned that down. The intent is there but it is not required so those will be sold as affordable housing but there is no guarantee that they will remain as

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affordable housing. The assignment is a simple legal process but he wanted the Mayor and Council to be aware of the affordable housing component. **Mayor Hart** inquired if there was an opportunity to make that mandatory. Dale Coulam stated that he could try and negotiate that if the Council would like to continue this. The Mayor and City Council agreed.

MOTION: Council Member McDonald moved to continue to a future meeting after negotiations take place
SECOND: Council Member Johnson
VOTE: The motion carried.

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

D. Discuss and consider approval of an additional expenditure of $20,931 to expand the solar covered parking stalls from 12 stalls to 18 stalls for the new City Hall

Council Member Mehr inquired how this fits in the overall budget. **Lane Mecham** stated that the City has the funds in the budget for this. **Mayor Hart** indicated that the shade benefit is one discussed and the City would be compounding that value. **Council Member McDonald** commented that there is a long-term benefit for the vehicles, especially when the City re-sells them. **Council Member Johnson** inquired if these parking spaces are in addition to what is already existing. **Mayor Hart** stated no, they are just covering the current stalls and not adding any.

MOTION: Council Member McDonald moved to approve an additional expenditure of $20,931 to expand the solar covered parking stalls from 12 stalls to 18 stalls for the new City Hall
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

E. Discuss and consider approval of an expenditure in the amount of $21,989 to AGEC for testing relating to the new City Hall

Tom Jorgensen reported that sometimes testing is taken up by the contractor and included in the contract but this is one of those things that got missed but needs to be done and would be paid outside of the contract. **Mayor Hart** commented that this is common to bring in a specialized inspector for this type of project.

MOTION: Council Member Mehr moved to approve an expenditure in the amount of $21,989 to AGEC for testing relating to the new City Hall
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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Council Member Larsen	AYE
Council Member Gordhammer	AYE

F. Discuss and consider an expenditure for a Wastewater Treatment Plant feasibility analysis

Tom Jorgensen reported that the City needs to start construction on an irrigation system but has found it difficult to find a reliable source of water for the system so the design work has been delayed. There is a source of water that may be available by negotiating with the Shivwits Band of Paiute Indians but it is not inexpensive. He suggested that the City look at one more alternative before pursuing any options. Staff asked for an estimate from Bowen Collins and is requesting that the Council approve the full scope but provide an option to evaluate the progress of the study at the lower cost level before deciding to proceed with the full study. **Council Member McDonald** referred to recently discussing having to upsize the pipes that carry all of the fluids and inquired if that would affect that if Ivins had its own treatment plant. Tom Jorgensen indicated yes and commented that is another reason why they are looking at it a second time because it will be necessary to upsize the line from Harmon's to Sunset if the City does not end up having its own treatment facility. The **Mayor and City Council** agreed that the feasibility analysis should be done.

MOTION: Council Member McDonald moved to approve an expenditure for a Wastewater Treatment Plant feasibility analysis not to exceed $28,969
SECOND: Council Member Larsen
VOTE: The motion carried.

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

G. Continued discussion regarding Ivins replacement City Hall

Tom Jorgensen reported that they are working on the forms for the wall panels and there's a pretty big crane on site to start pouring the panels. The following week the panels will start going up. The heaviest wall panel is 67,000 pounds. The size of the crane wasn't needed, but was the least expensive alternative because of the proximity of the crane to location of Ivins new City Hall.

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

Mayor Hart reported that there is good news on the immunization front.

Audience member Rick Ward resides in the Quail Cove subdivision and passed out a one page letter with signatures that he requested be read by the City Council before the next meeting, regarding the Black Desert Resort. **Mayor Hart** commented that there will be a number of public hearings between now and construction of the resort.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 3, 2020

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr did not have a report but inquired as to the status of the citizen comment request that was made regarding fencing materials. **Dale Coulam** indicated that he reported on that at the last City Council meeting and that there is a provision in the ordinance already that allowed the individual to build the fence so that has been resolved.

Council Member McDonald reported that the County is continuing to recycle. Ivins ended at a total of 85% participation and is equal to the highest rate or equal to Springdale. **Mayor Hart** inquired if one can opt in to recycle at any time. **Council Member McDonald** stated yes and indicated that any new service is automatically opted in. Recycling is the best practice for ensuring the longevity of the landfill.

There were no other reports.

B. Mayor

Mayor Hart reported that Governor Cox will be inaugurated at Tuacahn on Monday, January 4, 2021.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that staff met with representatives of Sentierre. A new architect is on board with updated plans for the hotel and they are getting close on some exciting things.

D. Items to be placed on future agendas

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 Larsen	AYE
Council Member Gordhammer	AYE

The meeting adjourned at 8:00 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT