IVINS
CITY COUNCIL
MINUTES
January 7, 2021

***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, Building and Zoning Administrator Mike Rodriguez, Parks and Recreation Director Benny Sorensen, Public Works Director/Engineer Chuck Gillette, and City Recorder Kari Jimenez

EXCUSED: None.

AUDIENCE: Regina Roper, Chris Haddad, Patrick Manning, Jerry Nostadt, Ron Stoops 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 and Council Member Johnson and Council Member Larsen were present in the Council Chambers. Council Member Mehr was expected to be in attendance shortly. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member that was in attendance acknowledged their presence.

B. Flag Salute

Council Member McDonald led the Flag Salute

C. Invocation

Council Member Gordhammer gave the Invocation

D. Disclosures

Council Member Larsen disclosed that he and his business partner have a down payment on a condo in the Black Desert Resort project. He also disclosed that his company is installing rain gutters for the contractor building the Sage Villas project. 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 Mojave Flats, located at approximately Palo Verde Way and Foxtail Way. Teancum Properties, LLC-Owner. Lance Anderson-Applicant

Mike Rodriguez reported that the applicant would like to divide this 9.24 acre parcel into 29 lots for single family homes. The project is located off of Guy Lane and Fitness Way, south of Ryder's shop and the Sage Villas townhomes. This is consistent with the current zoning.

B. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen reported that basketball began this week and they are following the guidelines for gym use set by the School District for COVID-19. They are currently moving some

sidewalks due to tree roots lifting them. There were four (4) burials in December and two (2) so far in January.

Council Member Mehr joined the meeting via Zoom at 5:40 p.m. and indicated that he had no conflicts or disclosures.

Public Safety was excused but a written report is available as an attachment to this agenda.

C. Planning Commission Report

Lance Anderson reported that they also saw the Concept Plan that is on the agenda and –also continued their discussion of the outdoor lighting ordinance. He appreciated the Mayor giving the history on that subject.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion to consider approval of an Assignment of Rights under the Development Agreement for the Sage Villas Subdivision project

Dale Coulam indicated at the last City Council meeting that the Development Agreement with Sage Villas has a provision authorizing an assignment of the contract and the assignment is not to be unreasonably withheld. It appeared that it was being assigned to the developer and the City would like to make sure that the project remains affordable. Sharlene Wilde was in attendance and asked to explain that further. **Sharlene Wilde** clarified that the Development Agreement included the Richardson brothers and they are acting as the General Contractor. The affordability aspect remains with the non-profit organization. They have 12 different funding sources and on the advice of their Attorneys, they need to keep their developments separate. There are deed restriction that go into place to ensure the affordability aspect of the units. **Mayor Hart** stated that the City's concern was that the affordability aspect of the agreement was going to transfer and inquired of Dale Coulam if he was satisfied with the explanation by Ms. Wilde regarding that. **Dale Coulam** indicated yes and recommended that the assignment be executed.

MOTION: Council Member McDonald moved to approve an Assignment of Rights under the Development Agreement for the Sage Villas Subdivision project to Sage Villas LLC
SECOND: Council Member Larsen
VOTE: The motion carried.

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

B. Discuss and consider approval of Proposal/Agreement for Engineering Services by Sunrise Engineering for Public Safety Impact Fee Facilities Plan and Impact Fee Analysis

Dale Coulam stated that it is time to begin new impact fee studies and there is urgency with Public Safety because of the remodel scheduled for the current City Hall building. That was not included in the last plan that was done so they need to update the impact fee studies to use impact fees for a portion of the remodel. The City has chosen Sunrise Engineering because they work closely with Santa Clara and they are familiar with Ivins City and Santa Clara's sharing agreements regarding Public Safety.

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MOTION: Council Member Johnson moved to approve a Proposal/Agreement for Engineering Services by Sunrise Engineering for Public Safety Impact Fee Facilities Plan and Impact Fee Analysis in the amount of $16,000
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

C. *Discussion regarding status of Black Desert Resort's request for PID financing

Dale Coulam clarified that this discussion includes TIF (tax incremental financing) because both TIF and PID financing sources are being requested. Staff had a conference via the Zoom platform with the City's experts and Black Deserts' experts. Patrick Manning was present representing Black Desert Resort. Black Desert experts found some adjustments that need to be made but with the holidays, they have not been able to complete those adjustments. There was good discussions with all of the experts involved this week and they are making progress on the adjustments. There is a lot of data that needs to be gone through and with some adjustments, that will change the proposal. As soon as the City receives Black Desert's revised proposal, it will be provided to Ivins' experts and hopefully another conference call can be held so that the Council can consider that in greater detail at the January 21, 2021 City Council meeting. It will be first on the agenda and will be similar to a Work Meeting so that the Council can fully understand this. **Mayor Hart** commented that it is extremely important that the Council understand and thoroughly grasp what is being proposed and the impact to the City before moving on. **Patrick Manning** indicated that he appreciated the time the City has put in with them, the experts and consultants. It has been very helpful through the process. He has personally spoken with some of the Council members, residents and some non-profit companies in Ivins regarding this important decision.

D. Discuss and consider approval of Implementation Agreement for the Washington County Habitat Conservation Plan Amended 2020

Mayor Hart stated that the Habitat Conservation Plan (HCP) was created 25 years ago and was due for renewal four (4) years ago. The HCP Advisory Committee has been working on this, along with Fish and Wildlife, the BLM (Bureau of Land Management) and other agencies to put together an updated renewal. Washington County was one of the first counties in the country to create an HCP. When it comes to Ivins City, the implication is that without the HCP and the City's subscription to it, each individual developer would have to create their own plan and that is why the County created this in the first place. This would continue to function through the County like it has and fees are paid by development to support the HCP. The implementation of this renewal agreement outlines what the terms will be in the future but there are no significant changes. There is an appendage referencing the Northern Corridor, that if that occurs through the Reserve, it can be addressed. **Council Member Gordhammer** inquired that even though the Northern Corridor has not been approved, it is referenced as an addendum? **Mayor Hart** clarified that there is a mechanism put in place if that's the way it ends up going, and the final decision is through Fish and Wildlife, it can be addressed.

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MOTION: Council Member McDonald moved to approve Implementation Agreement for the Washington County Habitat Conservation Plan Amended 2020
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

E. Discuss and consider electing a Mayor Pro Tem for the 2021 calendar year

Mayor Hart indicated that Council Member Johnson was Mayor Pro Tem for the calendar year 2020. **Council Member McDonald** nominated Council Member Mehr.
MOTION: Council Member McDonald moved to approve electing a Council Member Mehr as Mayor Pro Tem for the 2021 calendar year
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

F. Discuss and consider approval of Resolution No. 2021-01R, a Resolution of Ivins City, Utah, appointing Cody Mitchell as Building Official/Zoning Administrator

Dale Coulam stated that is unusual to appoint someone to a position that is currently filled but he thought it was important for the building community to know who was going to be the next Building and Zoning Administrator. The building community has a lot of confidence in Cody Mitchell and this should be a seamless transition. **Mayor Hart** indicated that he and Dale Coulam have talked to Cody about this. Cody has been with the City for a number of years under the former Building and Zoning Administrator Kevin Rudd and has been under the current Building and Zoning Administrator Mike Rodriguez for the last four (4) years and commented that he has been a tremendous asset to the City. **Mayor Hart** inquired of Cody Mitchell if he was ready to take this on. **Cody Mitchell** commented that he was ready to take on this challenge. **Council Member Johnson** publicly thanked Mike Rodriguez for all of the work he's done since working for the City. **Mayor Hart** agreed and commented that he has worked with Mike on a number of things and he has been thoughtful, kind and patient and has taken time to work through issues with people. He has also been rigid in seeing that Ivins' ordinances are enforced. The City Council members agreed and thanked Mike Rodriguez for his service.
MOTION: Council Member Mehr moved to approve Resolution No. 2021-01R, a Resolution of Ivins City, Utah, appointing Cody Mitchell as Building Official/Zoning Administrator
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

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Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

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

G. *Discuss and prioritize capital projects for the 5-year plan

Lane Mecham stated that the 5-year plan is put together by the Department Heads and this is what is expected for capital expenditures over the next five (5) years. This is the Mayor and Council's first opportunity to make changes. **Council Member Mehr** referred to the street improvements and sidewalk to be installed on Puerto Drive. He recalled a presentation regarding that and wasn't too excited about the way that would look. He inquired when he would have the opportunity to influence that. **Chuck Gillette** indicated that they are still working on that Master Plan where they are looking at some of those concepts and the reason it has been delayed is that the data collection for 2020 is messed up because of COVID-19. There may be another work meeting in the future. He thinks that the City can obtain a grant to pay for at least 50% of the improvement and possibly up to 75%. They still have some flexibility to change the design. **Council Member McDonald** stated that they need to prioritize that, especially with the expansion of Vista School and more kids walking down that road. **Chuck Gillette** suggested that the sidewalk design and other design concepts on Puerto Drive be a future discussion item. There were other questions by the Mayor and City Council regarding the 5-year plan. **Dale Coulam** explained that this is the initial draft and the Council will discuss it further at the first meeting in February after the Department Heads have met regarding the budget.

H. *Discuss and consider budget schedule

Lane Mecham indicated that the schedule is similar to the prior year schedules. There were no concerns regarding the schedule.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 17, 2020

MOTION: Council Member McDonald moved to approve the Consent Agenda
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Larsen referred to the lighting ordinance that is going through the Planning Commission right now and inquired if now was the time to think out of the box and discuss the possibility of lighting districts where some areas may be lighter than others. **Mayor Hart** commented that the Council will likely be seeing that discussion before the City Council in the near future. **Dale Coulam** commented that Council Member Larsen could make that suggestion at the Public Hearing before the Planning Commission. The Planning Commission is just about ready to hold a Public Hearing and that would be an appropriate time to raise that his suggestion to the Planning Commission. There will be also be another Public Hearing opportunity at a City Council meeting in the future. **Council Member Larsen** commented that

the City did a good job with Rocky Vista University in toning those lights down and suggested that they could look at different areas of the City and think about something that protects the night sky and fits the City because the City is pretty diverse. **Mayor Hart** suggested that Council Member Larsen start doing his research. There were no other reports.

B. Mayor

Mayor Hart reported that he attended the inauguration of Utah's newest Governor, Governor Spencer Cox, and spoke with him briefly. The event took place at Tuacahn and was the first time in history that it took place in a rural community.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he helped with the on-site testing at City Hall for COVID that was done prior to the inauguration.

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 Gordhammer	AYE
Council Member Larsen	AYE

The meeting adjourned at 6:42 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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