# IVINS
## CITY COUNCIL
## MINUTES
## February 18, 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 Larsen, and Council Member Gordhammer.
**STAFF:** Dale Coulam City Manager/Attorney, Dale Coulam City Manager/Attorney, Director of Finance Lane Mecham, Building and Zoning Administrator Cody Mitchell, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
**EXCUSED:** None.
**Audience**: Taylor & Taryn Ence, Mike & Sharon Barton, Bryce Hunt, Adlai Elison, David Baird, Arma, Arnoldi & Isabella, Alissa Moelhendort and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged there was a quorum present. Council Member Gordhammer, Council Member Johnson and Council Member Mehr were present via the electronic "Zoom" platform. Mayor Hart, Council Member McDonald and Council Member Larsen 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

**Council Member McDonald** led the Flag Salute

C. Invocation

**Council Member McDonald** gave the Invocation

D. Disclosures

**Council Member Larsen** disclosed that he and his business partner have a $1,000 deposit on a condo in the Black Desert Resort project. He also disclosed that he knows Taylor and Taryn Ence very well. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

### 2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

**Cody Mitchell** provided a written report, a copy of which is available as an attachment to this agenda. He reported that the Building Department is still very busy and experiencing a lot of growth. The City has issued 32 building permits for the months of January and February of this year. During that same time period last year, the number of permits issued was 16 so the City has issued double the permits. They have also issued 18 permits for accessory buildings, pools, solar and similar and they are continuing to receive calls regarding land development and acquiring property.

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**Chuck Gillette** referred to the written reports that were provided. Those reports are available as an attachment to this agenda. He reported that Public Works has been busy crack sealing streets and is obtaining bids to slurry seal. He reported that "No Parking" signs were installed on Snow Canyon Drive and it appears that the signs are helping with the parking situation, although there are still some parking issues. The City will likely place some boulders to help prevent vehicles from parking in areas that they are not supposed to be parking.

**Lane Mecham** provided a written report, which is available as an attachment to this agenda. He reported that everything is proceeding normally for this time of year with the budget.

B. Planning Commission Report

**Cody Mitchell** reported the Planning Commission held a Public Hearing on a concurrent Land Use and Zone Change on the northwest side of Coyote Gulch. The Planning Commission recommended approval of those changes and it will go forward to the City Council for a Public Hearing. The Planning Commission also discussed the lighting ordinance and will discuss it again at their next meeting and then it will likely go forward to the City Council.

**3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

A. Citizen requests to be placed on a future agenda

**Mayor Hart** stated that there were three (3) Citizen Comment forms submitted. The first being from Taylor and Taryn Ence regarding stucco color on homes. **Taylor and Taryn Ence** indicated that they started building a home in 2020 and are waiting for their Certificate of Occupancy inspection but currently cannot pass because the stucco on their home is white. There are several homes in their neighborhood and throughout Ivins that have the same or similar white stucco on them. They would like the City to revise the current ordinance so that each subdivision in their CC&R's (Covenants, Conditions & Restrictions) can individually state what is allowed or not allowed. **Mayor Hart** indicated that this should advance to the City Council, which would include revision of Ordinances and design guidelines. **Council Member McDonald** commented that this topic had already been requested to be addressed. **Dale Coulam** stated that was correct but the Planning Commission and City Council need to get through the other ordinances that are before them first. He requested that Cody Mitchell explain the color spectrum. **Cody Mitchell** showed some examples and explained the light reflective values and commented that the ordinance is difficult to enforce as it is written when it comes to building colors. **Mayor Hart** clarified that the history of building colors dates back to when the City was planning the character of the City and it was brought forward that some colors stood out drastically against the mountain but was hearing that the City Council would like to move forward with addressing this. **Dale Coulam** commented that in the meantime, Taylor and Taryn Ence are ready to move into their home and inquired if the City Council had any objection to allowing them to move in until the Council makes a determination on this issue. **Council Member McDonald** stated that he was okay with that, with the understanding that if their requested change is not made, then the color of their home would have to be changed to comply because this process takes a while. The Mayor and City Council agreed.

**Mayor Hart** indicated that the second request was submitted by Sharon Barton regarding placing a traffic sign restricting commercial traffic along Puerto Drive and provided an example of a sign. **Sharon Barton** stated that in Ivins Transportation Plan, Puerto Drive is a minor collector road but she has seen a huge increase in Santa Clara on Rachel Drive, which turns into Puerto Drive when you come into Ivins. There has been a large increase of commercial traffic using Puerto Drive for Santa Clara construction. She was concerned that once buildings are built, there will be delivery trucks and similar, increasing commercial traffic and she would like

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to see that restricted. **Mayor Hart** commented that it is a public road and they can legally use the road. **Dale Coulam** indicated that Chuck Gillette could advise but stated that he spoke with the City Manager of Santa Clara and was assured that he would insist not using Puerto Drive regarding Black Desert Resort, just like Santa Clara insisted that Ivins construction traffic use Snow Canyon Parkway. He has personally been behind some side dump trucks that are loaded with dirt that turned off of Snow Canyon Parkway, onto Pioneer Parkway and then went to the subdivisions that are being built behind Harmons. **Sharon Barton** indicated that they are Sunroc trucks and commented that the drivers likely do not know they should be using another route. **Chuck Gillette** referred to Puerto Drive being a minor collector road and indicated that would not restrict commercial traffic. Generally, they work with the contractor and builder to see what's going on and then talk with them to see if there's a better route or an alternating schedule. He commented that in the last 15 years, every time there is a project where the vehicles use Puerto Drive, the City receives calls and complaints but at the end of the day, it is a public road and the City cannot say that they can't drive on it. Regarding the proposed sign, it is not an approved sign that is regulated through the State. An approved sign would be black on white but didn't think that would be fair because there are times when trucks need to go down that road. He preferred that they address the issue by finding out the source, their destination and work with the contractor and see if there's a better route. He struggled with shutting them down and commented that if the City did that, the City would likely be sued. **Mayor Hart** suggested that Chuck Gillette pursue a conversation with the companies that have that traffic on the streets and see what they say. **Chuck Gillette** agreed. **Sharon Barton** commented that the speed limit on that road is 25 mph and the truck drivers do not seem to be aware of that speed zone.
**Mayor Hart** stated that the third request was submitted by Bryce Hunt regarding code enforcement and a request for an extension of time. **Bryce Hunt** here for 3 reasons 1) to request an extension of time for getting property into compliance; 2) request an extension of time for his son to get his property into compliance; and 3) to advise the City that they could handle this process better. There's a total of four (4) properties with the same deadline for all four (4) and that stated that is too much to handle for one (1) person. He commented that people who are in violation have physical and mental issues and sending a Code Enforcement Officer instead of a Social Worker goes nowhere. He did not appreciate the approach of the Code Enforcement Officer and complained about how he was treated. **Dale Coulam** indicated that legally this was not the proper forum, however, as the City Attorney, he granted Mr. Hunt a two week extension and stated that there are multiple trailers and multiple vehicles on the property and that he has already been granted multiple extensions through this process. As long as there is progress being made on the properties, additional extensions could be granted. He also indicated that the Code Enforcement Officer did not appreciate the derogatory remarks that were made to him and was offended as to what Mr. Hunt said to him so the City will likely need a witness present in the future when working with Mr. Hunt. There has to be progress being made or the next step is going through the Administrative Law Judge, that is the appropriate forum and he could plead his case there. Short of that, he was granted an extension of time but he has to keep showing progress if he expects to keep getting extensions. **Mr. Hunt** continued to argue about his property, fines and similar. **Dale Coulam** reiterated this was not the appropriate forum but that he had been granted the extension of time that was requested. **Council Member McDonald** stated that he recalled some time ago that the City had fallen out of the habit of introducing new employees to the Council and he made that request recently but has not seen that happen. **Cody Mitchell** indicated that he would make that happen.

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**4) PUBLIC HEARING AND ACTION ITEMS-NONE**

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

A. Discussion regarding options for public assistance financing for Black Desert Resort at Entrada

**Dale Coulam** referred to a presentation provided by Benj Becker with Zions Bank. A copy of the presentation is available as an attachment to this agenda. The hope of showing these scenarios is to look at alternatives that might be workable to the developer and to the City and to understand that by adjusting certain financial levers can have a significant impact on how determining public assistance financing. **Benj Becker** referred to the presentation and stated that these are scenarios that have not been vetted for full feasibility studies but have looked at different levers to allow the City to see that there are multiple options and to understand the options associated with what has been presented to the City, particularly considering there has not been an agreement with the other taxing entities on their participation in this project. Ultimately if the School District decides that participating to the tune of 43 million dollars is not within their scope and vision, there will need to be other levers that are adjusted, in order to account for that lack of participation. This is a great project and has great potential benefit for Ivins but they want to look at those levers to understand if there isn't that participation, what are other ways that could make this project work and what is the best way to make this work for Ivins. The developers stated needs are $82.8 million dollars through a Public Infrastructure District (PID) over the course of their proforma and discounted to a net present value (NPV) of $31.2 million and from the Community Reinvestment Area (CRA), 62.1 million or 25 million net present value, with the totals being $144.9 million and $56.2 million net present value and the $56.2 million is the number they want to look at to understand what has to be done to get to that number. That is the developers stated gap for making this project feasible. **Mayor Hart** inquired where the $82.8 million dollar figure came from when the request was for $32 million. **Benj Becker** clarified that all of the payments over the course of the time period, it sums to $82.8 million dollars and the net present value is taking all of those cash flows and discounting them to what is believed to be their value in today's dollars. It's important to note that while the request is for $56 million net present value, overall and over the course of approximately a 30 year period, it's $144 million in today's dollars, that is what the net present value is. That brings up a couple of concerns and why they have looked at the different scenarios. A $62 million dollar CRA is quite notable in terms of what has been done in the State of Utah. There have been CRA's that have created greater amounts of increment but this will raise the attention of people in Salt Lake City at the State Capitol. It is notable because it is not going to an area of redevelopment, fixing blight, or a project that is really contained within itself, and he suggested that they keep that in mind. The first scenario outlined in the presentation assumes a 5.5 mill tax rate for the PID, that's just the tax rate and a 6% discount rate. **Council Member McDonald** requested clarification as to Benj Decker and who he represents. **Dale Coulam** clarified that he is with Zions Bank and working on behalf of Ivins City. **Benj Becker** referred to the next scenario where they suggest the idea of increasing the PID mill rate from 5.5 to 7.5. Legislatively the PID is allowed to have a mill rate of 15 but that is high and would certainly have a notable impact on all of the residents and property owners who live within the PID project area because they are ultimately the ones who are paying that bond payment via their property taxes. In this scenario, if you increase the PID mill rate from 5.5 to 7.5, and that is something that the City Council can determine, up to a total of 15 mills, but changing the mill rate up to 7.5 ultimately changes the PID to $112.9 million over the time

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period that the developer has proposed, resulting in a net present value of $42.6 million. The number that the developer is trying to bridge is $56 million. That would suggest that the difference between the PID and the CRA is $13.6 million, as opposed to the $25 million that is currently being asked. That doesn't suggest that it is feasible necessarily for the developer and the developer will need to provide their own scenarios and response to that but he is showing the Council a few different levers. He referred to scenario II and indicated that if the mill rate is increased from 5.5 to 10, the PID would generate $56.8 million, essentially covering that $56 million dollar claimed gap in the developer's financial needs and a CRA would not be needed in that scenario. He referred to scenario 3 which caps the CRA at $10 million net present value, resulting in a PID in the amount of $46 million net present value that would be required to bridge that $56 million dollar gap. If you look at the fourth scenario and adjusting the PID rate to pay for the parking garage costs, a mill rate of 5.25 would be needed. They look at this differently than the developer and referred to the discount rate. The developer has used a discount rate of 6% and will likely indicate that is their cost of funds. Zions understands that point of view very clearly but in looking at it from the angle of the taxing entities, particularly from the angle of Ivins, they are not only looking at the risk associated with receiving that income, but also opportunity cost of what would those funds be doing otherwise if they were not in this project. For Ivins as a City, is the State's PTIF fund, which is where Ivins money deposited that's not being used and generates interest. The rate on the PTIF right now is at historically low levels, at less than 1% but if you look at historical rates - closer to 2 1/2 to 3%, suggests that looking at it through the eyes of the taxing entities, could discount this 2 1/2 or 3%. Wanting to meet the developer half way, they have looked at a 4% discount rate. There are a lot of different levers. The discount rate is one of them and the PID mill rate is another one. There is an ability to look at this from multiple angels and make sure that the City fully understands all of the implications of these decisions in determining public financing and particularly looking at secondary or other scenarios in case they do not have the full participation of the taxing entities, as has been projected by the development team. **Council Member Gordhammer** inquired about the fourth scenario where the PID is at the mill rate of 5.25 with a discount rate of 4% and recalled that Black Desert has asked for a PID of 5.5 and indicated previously that they had concerns with it going higher than that and it being a barrier to selling their units. In this scenario, the PID rate is lower than what Black Desert is asking for and inquired what Black Desert's biggest objection would be to lowering the discount rate from 6% to 4%. **Benj Becker** clarified that the lower the discount rate, the less that it's discounted and the closer it is to the actual funds generated. For example, if they're looking at the difference of a 6% discount rate on the CRA, that generates $25 million. A 4% discount rate ends up being closer to $33 million. The difference is a reflection of how they view the property. A taxing entity looks at the property differently than the developer with regard to the discounted rate. The lower rate suggests that less might be needed to bridge those gaps.

**Jason Burningham** with the firm of Lewis Young stated that he was disappointed with the idea that the discount rate is a fungible number and that it has anything to do with the taxing entities perspective. The discount rate is actually the cost of funds in order to raise the project financing for the development through the PID. There have been $4 billion plus dollars' worth of Public Infrastructure District bonds that have been issued, not in Utah, but in the Intermountain West and currently the market rate for the majority of those bonds is 6% so when they're talking about theoretically changing the discount rate because it can simply be changed, is absurd. The reality is that the PID can only leverage what the market will allow it to leverage. If Zions Bank is

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willing to purchase these bonds at 4% then he would agree with Benj Becker's point but he did not agree with putting 4% in there because the cost of funding these improvements through the PID, is easily 6% in today's market. Black Desert Resort recognizes that there are levers and things that can be used to potentially look at other scenarios and they are more than willing to look at the mill rate, look at some of the other components relative to this, but the discount rate is not being presented in a fair way. That is not what the 6% represents. It is clearly what the bond financing would require in order to raise the money through the PID. If there is 4% monies that someone is willing to purchase, including Zions Bank, they would be more than happy to talk to them about it. **Mayor Hart** inquired if what he was saying is that the 6% number is not arbitrary but that is a market number. **Jason Burningham** stated yes and indicated that there was $4 billion dollars' worth of these bonds that have been placed in the market in the last two (2) years and over the last year, a billion dollars' worth of these bonds have been placed. They know what the investors require and for the type of PID that they are doing, the market rate is going to be 6% and not 4%. **Benj Becker** stated that Zions Bank is not interested in buying anything at 4% and not interested in buying PID bonds. They look at this very differently. The way he looks at the discount rate is that he looks at a simple expense item and the developer is looking at the cost of interest on the bonds and he sees that as a specific expense item in their proforma, where a discount rate to him is the risk associated with receiving the income stream. It's essential for a taxing entity to say what is the opportunity cost for that entity receiving that income, as opposed to something else. He did not see it in any way associated with the rates associated with the PID and the CRA and he did not see the correlation there. **Jason Burningham** inquired why wouldn't it be because they're both issued through the PID and they're both revenues pledged to the bond holder. **Benj Becker** clarified that he views it as an expense on the developer's proforma that is going to flow through to their ability even to generate increment and he did not see discounting future dollars as tied to the expense of the bonds. **Mayor Hart** stated that the conversation was a discussion or debate that likely should not take place in this forum. **Jason Burningham** indicated that the road they are going down is untenable in the market place. He could appreciate trying to change the levers and trying to look at the discount rate the way they're looking at it, but the fact of the matter is, when they are trying to net present value dollars to put into the amenities that are going to be financed for the PID, the appropriate discount rate is not an arbitrary 4%. It is what the market is going to require - the investors of the PID are going to require, in order to monetize that cash flow. That is what the market is going to bear and 4% is not going to generate the $56 million dollars, nor is it going to generate enough to cover the gap in terms of what the financing is. That's where the developer was talking about Plan A versus Plan B and there are other alternatives in terms of what's developed but he was trying to point out that 4% is not a fair depiction and to just say 4% is the discount rate Zions chooses to use, because they want to use it. The net present value is not going to equate to the dollars that are needed in order for the project to work, it requires 6%. **Dale Coulam** clarified that what Benj Becker is saying, from a taxing entity - from the City, from the County, from the School District, it's viewed not as the cost of money, that's the developer's view. If you put on developer glasses, that's how they're going to argue that that's what it should be. From a taxing entity aspect, they are losing that money for a period of time. That's called an opportunity cost. The taxing entity could have taken that money, invested it and done other things with it. For example, the City has a lot of projects and the City could avoid rather than borrowing from CIB (Community Impact Board) to finish the Highway 91 project. So the City is losing the opportunity of using that money to save borrowing at 2% in

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order to let Black Desert Resort use that for the financing of their resort. If they are looking at this through glasses of the taxing entities, it's a different measurement. It's an opportunity cost that is lost. It's not the cost of funds. Opportunity cost is what the City could have used it for, whereas the developer is looking at what their cost of money is. **Jason Burningham** stated that he respectfully disagreed only because the PID is tax that would be increased on top of the taxes already but he did not disagree about what was said regarding the CRA. The PID is not tax monies that the City can go and do what Dale Coulam was talking about. The PID cash flow is discounted and what he understood that Benj Becker did, was he took the RDA out of it and he just used the PID and said if you use a 4% discount rate, then $40 million dollars can be generated. What he's trying to say is no, that's not correct. The PID isn't flexible money to the City, it's only available to the PID. **Dale Coulam** clarified that as he looks at this, in scenario 3, the PID was discounted at 6%, the CRA was capped and a discount rate of 4% was used. That is what Jason Burningham is saying. Opportunity costs come on the CRA, the Tax Increment Financing (TIF) because the City is giving up money that they might otherwise have received and used someplace else. That is an opportunity cost in the eyes of a taxing entity. The developer is looking at it as cost of funds; but on the PID, it still used the developer's rate of 6%. **Jason Burningham** indicated that was correct but stated that the idea was to take both revenue streams and use the PID to take the risk away from the City on any issuance. They have looked at both the PID and the CRA to monetize and get to the $56 million. The PID is the vehicle that levers the dollars. **Council Member McDonald** inquired if a CRA is similar to a TIF. **Dale Coulam** clarified that the CRA is the vehicle that uses a TIF. **Council Member McDonald** commented that the Mayor and City Council have received a lot of emails arguing about the "but for" cause and inquired which funding source has to have the "but for" cause. **Dale Coulam** stated that it's typically used on a TIF. **Council Member McDonald** referred to the developer already starting construction with a plan in place and inquired if the developer has already passed up the opportunity to use the "but for". **Mayor Hart** and **Dale Coulam** clarified that the developers are just moving forward with the golf course at this point in time. **Benj Becker** indicated that it becomes more difficult to prove or explain the "but for" argument if the project has been financed and construction has begun but that's likely one phase of many and the developer is looking for public financing for additional phases. The "but for" argument is to be proven with the CRA and the generating of the TIF. **Mayor Hart** thanked Benj Becker for the presentation and for Jason Burningham being in attendance to help clarify the developers point of view. **Dale Coulam** commented to the Mayor that as he goes forward to the other taxing entities, they may so "no", which means the developer needs to find a way to use the PID to build the underground parking garage and there was an example in the presentation that showed that. Zions Bank has showed how adjusting some of the levers might still result in Plan A but financed a little differently than what the original ask was. **Council Member Gordhammer** inquired if there has been another date set for the parties to meet with the other taxing entities because she felt that would have a huge impact on Ivins participation. **Mayor Hart** stated that they have a meeting this upcoming Monday, February 22nd and he's waiting for Patrick Manning to let him know if he wants to meet with the School District in that same time frame. **Council Member Gordhammer** inquired who they can contact if they have follow-up questions about the scenarios. **Lane Mecham** commented that they could filter those questions through him or contact Benj Becker directly.

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B. Discuss and consider approval of expenditure to purchase/trade-in backhoe loaders

**Chuck Gillette** indicated that two (2) years ago the City purchased two (2) new backhoes and prior to that, the City utilized the lease programs that were available to cities because the lease provisions were the least cost option. When the backhoes were purchased in 2018, the City considered using the guaranteed buyback program or selling the used equipment through auction sites or similar every few years. **Mayor Hart** inquired as to what was wrong with the backhoes that the City currently has. **Chuck Gillette** stated nothing and indicated that is something they could consider but the problem is that they require specialty repairs that cannot be done in-house so there are maintenance costs. There is a great advantage to turning them in every 2 years rather than training someone to repair them and you have to have two (2) because one (1) is usually on-site and one (1) is at the yard in case there is a call out. **Mayor Hart** commented that the City backhoes are not out as frequently in comparison to private contractors using them every day and inquired where the City's use of the backhoes are by comparison. **Chuck Gillette** stated that the backhoes are used 200-300 hours per year but they could table this item to the next meeting and bring the Public Works Supervisor Shiloh in to answer questions. **Council Member McDonald** stated that with contractor use, the machines have 1000 to 1500 hours per year, per machine. **Council Member Larsen** inquired if he was seeing increased maintenance costs for the current backhoes. **Chuck Gillette** commented that with a lease they are leased for 12 months and includes a warranty but he did not know the specifics of that. **Council Member McDonald** inquired as to the reason that they need to have a couple on hand and if another option is to rent backhoes rather than purchase them. **Chuck Gillette** indicated that they would be responding to a water leak, which is an emergency and there wouldn't be enough time to rent one and then respond. **Mayor Hart** commented that over last few years, the City has acquired a considerable amount of expensive equipment and some of that is used fairly frequently and some is not, which is why some cities have chosen to contract out the work. He agreed with being well equipped but was concerned about the big expenditures. There was a lengthy discussion regarding maintenance, hours, use, purchasing versus leasing and similar. **Council Member McDonald** suggested that the City follow-up with its in-house Fleet Mechanic regarding maintenance of this type of equipment. **Mayor Hart** stated that there are people who watch how revenue is spent and suggested that they want to make sure the City is being prudent because in his business as a builder, he would not be turning over equipment that quickly.

**MOTION: Council Member McDonald moved to approve the expenditure to purchase/trade-in backhoe loaders as stated**
**SECOND: Council Member Larsen**

**Council Member Mehr** requested a discussion and requested that Council Member McDonald amend his motion to include Chuck Gillette looking at the auction opportunity so if the City can get more money through that process than the trade-in, the City should pursue that. **Council Member McDonald** was fine with that amendment.

**MOTION: Council Member McDonald moved amended his motion to approve an expenditure to purchase/trade-in backhoe loaders, to include Chuck Gillette looking at the auction opportunity so if the City can get more money through that process than the trade-in, the City should pursue that.**

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**SECOND: Council Member Larsen**
**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 |

C. Discuss and consider the Planning Commission's recommendation to approve a Second Amended Preliminary Plan for Mojave Mesa located at approximately Mojave Way. AnA Enterprises, LLC-Owner/Applicant

**Cody Mitchell** indicated that the amended plan removes 6 lots on the southwest portion of Mojave Mesa and include them within the neighboring Mojave Flats subdivision, which is the next agenda item. Applicant **Lance Anderson** stated that they want to carry the flat roofed houses into the Mojave Flats at subdivision and currently those 6 lots are pitched roof homes in Mojave Mesa.

**MOTION: Council Member McDonald moved to approve the Planning Commission's recommendation to approve a Second Amended Preliminary Plan for Mojave Mesa located at approximately Mojave Way. AnA Enterprises, LLC-Owner/Applicant**
**SECOND: Council Member Mehr**
**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 |

D. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Mojave Flats located at Mojave Way and Guy Lane. AnA Enterprises LLC-Owner/Applicant

**Cody Mitchell** commented that as was just explained in agenda item 5)C, the six (6) lots in Mojave Mesa, would become part of the Mojave Flats subdivision.

**MOTION: Council Member Larsen moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Mojave Flats located at Mojave Way and Guy Lane. AnA Enterprises LLC-Owner/Applicant**
**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 |

E. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for the Scott Larsen Subdivision located at approximately 70 West 200 North. Scott Larsen-Owner/Applicant.

**Cody Mitchell** reported that the applicant would like to subdivide this .93 acre parcel. The proposed lots and improvements appear to be in compliance with City Ordinances and Staff and the Planning Commission recommend approval.

**MOTION: Council Member McDonald moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for the Scott Larsen Subdivision located at approximately 70 West 200 North. Scott Larsen-Owner/Applicant.**
**SECOND: Council Member Larsen**
**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 |

F. Discuss and consider approval of an MOU (Memorandum of Understanding) with Washington County and Santa Clara-Ivins to provide Animal Shelter Services for a fee

**Dale Coulam** indicated that SCI (Santa Clara Ivins Public Safety Department) has been helping out the County with some animal control issues on the west side. At one time the County was talking about building and supporting an animal shelter but that hasn't happened. They are now proposing to contract with Ivins City to continue to help them with animal control services in exchange for a fee that may be offset with a trade of services to the satisfaction of SCI. **Council Member Mehr** inquired if this is new or something they did not have in the past. **Dale Coulam** clarified that it was a test case that was verbally agreed upon between the Sheriff's Department and SCI. It has worked out well and they are now formalizing the agreement into a written document. **Council Member Mehr** inquired if there was a protection so that the City would not be receiving animals from outside of the area. **Dale Coulam** clarified that the City has the right to turn down animals and can revoke the agreement. This is formalizing what has been occurring in the past. **Council Member Larsen** inquired if Dale Coulam was comfortable with the way it's written. **Dale Coulam** stated yes.

**MOTION: Council Member Mehr moved to approve an MOU (Memorandum of Understanding) with Washington County and Santa Clara-Ivins to provide Animal Shelter Services for a fee**
**SECOND: Council Member McDonald**
**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 |

G. Continued discussion regarding Ivins replacement City Hall

**Mayor Hart** reported that they have started to sandblast the exterior and they continue to hold their weekly construction meetings at 10:00 a.m. every Wednesday where the Architect and the contractors show them around the areas of the building that are being built.

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

**Mayor Hart** reported that cases have dropped and the vaccination program continues. **Dale Coulam** indicated that vaccines in this County includes those ages 65-69 years old and those with health issues, in addition to those that already qualify to receive the vaccination.

I. Open Meetings Training

**Dale Coulam** indicated that this training is required annually. He reviewed the requirements for Open Meetings and provided Open Meetings Training to the Mayor and City Council.

**6) CONSENT AGENDA**

A. *Approval of an amount for consultant to update the Parks & Trail Master Plan, Impact Fee Facilities Plan and Impact Fee Analysis

B. Approval of City Council Meeting Minutes for February 4, 2021

**MOTION: Council Member McDonald moved to approve the Consent Agenda**
**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 |

**7) CONSENT AGENDA ITEMS FOR DISCUSSION**

**8) REPORTS**

A. Council

**Council Member Gordhammer** referred to a current House Bill that has to do with the electronic display signs. A resident asked her if the City was taking a position on that, as it would remove Ivins authority on electronic sign boards. **Dale Coulam** clarified that Bill is with regard to billboards and upgrading an existing billboard into an electronic billboard and removes a City's ability to prevent that. **Mayor Hart** clarified that the Utah League of Cities and Towns was objecting to that Bill. **Council Member Gordhammer** indicated that she has been following that and has written to them personally.

**Council Member Johnson** reminded the Mayor and City Council that the Princess Pageant is coming up a week from this Saturday and the City now has seven (7) girls participating. It will be held at the Tuacahn Hafen Theatre at 7:00 p.m.

**Council Member Mehr** - no report

**Council Member Larsen** - no report

**Council Member McDonald** reported that the Solid Waste District and the County are planning to start a pilot program with road cleanup. They had been using inmates but that is dwindling and likely not coming back.

B. Mayor

**Mayor Hart** reported that next Wednesday he has been invited to join with the Chamber of Commerce regarding a presentation on the State of the City. That will be taking place at Tuacahn and will include a luncheon and they are invited to attend. He reported that he will be attending a meeting regarding Black Desert on Monday, February 22nd and Planning Commissioner Lance Anderson's term ends on March 31st. He will include something in the March newsletter inviting applicants to let him know of their interest. He will then review those, forward them to the City Council and make a recommendation for that appointment. There are

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also two (2) Arts Commission Member positions to be appointed. **Council Member McDonald** inquired if Lance Anderson was not interested in serving again. **Dale Coulam** indicated that he has served the maximum term that is allowed. **Mayor Hart** reported that resident Jack Reber will be turning 100 years old in a few months and he is hoping there will be something done that will be memorable for him and the City. Mr. Reber was responsible for securing the 10 acres that the Southern Utah Veteran's home is on and is where Mr. Reber currently resides.

C. City Manager/Attorney Dale Coulam

**Dale Coulam** reported that at the request of Council Member Johnson, he looked at the possibility of going back to a printed newsletter due to the difficulty of some to find it on Ivins website or the ability to go to the website. Currently it is on Ivins website on the front page and takes the whole right half of the page. He looked into the cost of preparing and mailing out a written newsletter and the cost would be between $18,000 to $20,000 per year and would require a reduction in size of the current newsletter by a couple of pages. People can still come into the lobby at City Hall and pick one up or they can get on a list and have one mailed to them. **Council Member Mehr** suggested putting a one liner on the utility bill saying that if they're interested in receiving a printed newsletter, they can contact the City.

D. Items to be placed on future agendas

**9) CLOSED MEETING**

**10) ADJOURNMENT**

**MOTION: Council Member McDonald moved to adjourn**

**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 |

The meeting adjourned at 8:12 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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