IVINS
CITY COUNCIL
MINUTES
April 1, 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 under "City Council" on the right of the home page and selecting "Audio".**

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 Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Larsen, and City Recorder Kari Jimenez.
STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Director of Finance Lane Mecham, Building and Zoning Administrator Cody Mitchell, and City Engineer Tom Jorgensen.
EXCUSED: None.
Audience: Tom & Barbara Medlock, Chris Haddad, Pam Gardiol, Bob & Lorrie Morris, Patrick Manning, Glenn & Kathy Ravenberg, Vinnie & Marilyn Pisani, Carry Magar, Sam & Vic Patel, JC Wellman, Tony A. and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Members Mehr and Gordhammer were in attendance via the Zoom application. All other Council Members were present in the Council Chambers.

B. Flag Salute

Council Member Larsen led the Flag Salute

C. Invocation

Council Member Larsen gave the Invocation

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that the Easter Egg hunt, Scavenger hunt and Hog and Jog will be this upcoming weekend. **Council Member Johnson** commented that the landscaping at the entrance sign on Highway 91 coming into Ivins from Santa Clara looks great. **Council Member Mehr** inquired about when groups approach the City to use the City soccer fields, if that is a revenue generating endeavor. **Benny Sorensen** commented not at Ivins' current rates. He is looking at reviewing most of those and making sure that it is worth the City's time and effort. He's aware that Washington City charges $1,000 a day to rent one of their soccer fields. When Ivins City has hosted tournaments in the past, it has put the City behind because Ivins Staff is small and it's the same staff that does all of the other work, in addition to the

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weekend work on the fields. **Council Member Mehr** indicated that he spoke with Casey Cottam and his wife who head up Ivins Soccer League and understood that some of the groups are willing to do all of the work and the City would just be leasing the field to the groups and he felt that might be an option if it brings people to Ivins community and generates some revenue. **Council Member Gordhammer** commented that somebody posted on the social media platform Nextdoor regarding the field lights being on all night and inquired if they were on a timer. **Benny Sorensen** clarified that all of the lights at UNITY Park are on timer and big lights are controlled by the Parks and Recreation Department and unless he allows them to go on past 10:00 p.m., they do not go on past that time.

Chief Flowers provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that there was a vehicle pursuit up into Tuacahn where they arrested two (2) individuals who had more than 50 stolen credit cards and may be connected to the vehicle burglaries at the hiking trailheads. He reported that two (2) of SCI's Public Safety Officers were part of the emergency response team at a standoff in Washington City that occurred recently. **Council Member Mehr** inquired as to placing "High Theft Area" signs at the trailheads. **Chief Flowers** commented that that was a great idea and indicated that placing game cameras may be a possibility as well.

Fire Chief Randy Hancey reported that the Rachel Fire Station in Santa Clara is being remodeled with sleeping quarters. They will be reviewing applications next week for full-time wildland employees where they will hire five (5) employees at the beginning of May and that season will run through the end of October/first of November. They have had a lot of rescues associated with spring outdoor activities. **Mayor Hart** inquired if their EMS teams have been busy. **Chief Hancey** stated yes and commented that they average 3 calls a day but have handled up to 12 calls in one day and 70 to 80 percent of their calls are EMS type calls.

B. Planning Commission Report

Commissioner Anderson reported that the Planning Commission approved two (2) Final Plats, one for Mojave Flats Phase 1-A and one for Red Desert Phase 4. They also elected Commission Loris as the Chair and Commissioner Pack as the Vice-Chair of the Planning Commission.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the first portion only of the proposed amendments to the existing outdoor lighting ordinance as attached to the agenda

Dale Coulam indicated that there were a few changes made, those being Electronic Message Boards and on-site digital signs, LED lamps added to the list of types of lights recommended for use, color temperature changed from 2700 Kelvins to not to exceed 3000 Kelvins, elimination of the outdated sources of light, changed the maximum lumen output for lighting flags from 6000 lumens to 1500 lumens per flag and added at the end of the ordinance that the provisions of this chapter only apply from the date it is adopted and not retroactively. **Mayor Hart** commented that this is not a Public Hearing on the Planning Commission's but just on the few modifications and comments. **Dale Coulam** clarified that they are the recommendations of the Planning Commission but only on those few recommendations. A member of the audience, **Bob Morris**, referred to the Kelvin color and stated that the Planning Commission's recommendation was for 4000 kelvins. **Dale Coulam** indicated that it is an area of recommendation by the Planning Commission and the City Council has made a change from the Planning Commission's recommendation on that number. **Mayor Hart** requested that Lane Mecham explain how one

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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. **Bob Morris** resides at 134 West 200 South in Ivins and stated that he is also on the Planning Commission. He read the following from a prepared statement: I'd just like to point out that the current Ivins City lighting ordinance was adopted by a split vote with no public comment. It was made a law through the backdoor. It was obviously drafted by a dark sky proponent. When certification was attempted, it was defeated, yet the ordinance remained untouched. The leave-as-is crowd know what they are getting away with. Now you are proposing to raise the kelvins to 3000 after all the emails, misinformation campaigns and personal attacks. If you visit the International Dark Sky Associations website, it suggested 3000 (kelvins) or less. Generally speaking, homeowners have no legal rights to their views. I can see what is happening and disagree with this campaign to darken my City. Three (3) State Parks have recently achieved Dark Sky Certification. We all do not need a 25 yard by 25 yard meter lap swimming pool in our backyard, when Sand Hollow Aquatic Center is close and convenient. It is unbridled selfishness to impose stringent lighting restrictions on your neighbors while ignoring their concerns and desires, just so you can star gaze from your backyard. To promote a fear of well-lit properties and streets with doom and gloom, threats of illness, elimination of unrecoverable natural resources, in my view is absurd. You have your work cut out for you. There appears to be no willingness to compromise on the IvinsNightSky.org. The perceived nobility of their quixotic endeavor, gives them license, license to achieve their end through any means. A sort of Savior complex that just masks self-serving interests when expert advice is ignored because it may not agree with you, you know there is an agenda that supersedes truth and wisdom. He requested that the City Council exclude residential properties from these restrictions. **Lance Anderson** resides at 566 Bighorn Way and commented that he is also on the Planning Commission. He was in disagreement on this with Commissioner Morris. The Planning Commission is not trying to obtain the Night Sky designation. They are trying to maintain what they have been working on for over a year. The Planning Commission was trying to maintain what they have been working on and they have discussed this for over a year. Bob Morris recommended 4000 kelvins for color but the American Medical Association recommends a kelvin color of 3000 or less and the majority of the Planning Commission felt that 3000 kelvins was a good number to achieve and that isn't a compromise, it's based on what the Council found out with regard to bulb availability. The lighting ordinance has been in place for quite a while and if people already have lighting in place, they would not be out of compliance because the changes are not retroactive. He also commented that there are a lot of people who want to be able to look at the stars from their yards and a lot of people come to Ivins for the night sky. Ivins is known for that and has a reputation for that. He would like to protect what Ivins has, maintain that and maintain peoples values in their property. **Mayor Hart** inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2021-02, an Ordinance of Ivins City, Utah, updating regulations for Outdoor Lighting

Mayor Hart clarified that this discussion is specific to those items that Dale Coulam just outlined, with more extensive discussions of the remaining items in the ordinance, in the future. **Council Member Mehr** referred to high pressure sodium lights versus LED and inquired if high pressure sodium lights are no longer available or if they're not worthy because

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they are not energy efficient. If so, he can't stand the headlights of the newer vehicles where one is practically blinded by the bright white headlights so the filter that Wilson (Jimenez) innovated and engineered has been a good resolution but he inquired if that will always be part of the plan for LED lighting. **Mayor Hart** clarified that high pressure sodium was the standard of illumination for streets and parking lots for decades but with the advent of LED, you can no longer purchase high pressure sodium fixtures or bulbs so as those burn out, they have to be replaced with LED lights. The color temperature of LEDs are measured in kelvins and if the Council recalls the complaints that the City received regarding the intensity of the lights in the parking lot at Rocky Vista University, the City had Wilson look at solutions and he came up with a lens filter that artificially creates the color temperature of high pressure sodium for the LED lights. One can purchase LED bulbs that are supposed to mimic the color of high pressure sodium lights but they are more of an orange Halloween color, but as technology advances, options increase as to what can be used but using the lens filter creates the illusion of high pressure sodium lighting. **Council Member McDonald** commented that someone was in the foyer for the Public Hearing portion of this but was not able to get in but in. **Mayor Hart** allowed the individual to make a public hearing comment. **Tracy McDonald** resides in Ivins City and is completely blind. Eight (8) or nine (9) years ago she requested that the City work on getting public transportation in Ivins City and in 2012 the percentage of individuals who were handicapped in Ivins was 13%. That is now up to 17% and commented that although she is blind, there are others in Ivins who need lighting for safety reasons. **Mayor Hart** commented that the City is focused on pedestrian safety and that has been at the top of the list. The City is currently undergoing a review for placement of lighting and replacement of the tall cobra lighting. **Mayor Hart** thanked Tracy for her comments. **Council Member Mehr** referred to the lumens on the flag and inquired if that was interpreted per bulb or in total. **Cody Mitchell** stated per bulb. **Council Member Johnson** commented that the ordinance says per flag and not per bulb so that would need to be changed and suggested that it be clarified to be per pole. The **Mayor and City Council** agreed. **Council Member Johnson** referred to the electronic message boards and one of the things that the Heritage Days Committee uses for advertising are the big message boards that are used for traffic and those are up typically between one (1) and two (2) weeks and suggested that there be an exemption for that to be allowed. **Dale Coulam** agreed that if there is going to be an exception, that they be as specific as they can. The **Mayor and City Council** discussed ways of exempting those signs and determined that they would be allowed if they were approved by the City for special events. **Council Member Johnson** referred to kelvin color and indicated that she thought they were talking about commercial and residential and not just residential for kelvin color. The **Mayor and City Council** agreed that that discussion would be part of the more detailed discussion at a future meeting because they felt that the public understood that the discussion tonight was going to be limited to just a few changes. **Council Member Gordhammer** suggested that there be a field trip to Rocky Vista University before that discussion so that they can see the difference in lighting there. **Council Member Larsen** referred to the electronic message boards and inquired if illuminated open and closed should be addressed. **Council Member McDonald** suggested that there could be an exemption for those. **Dale Coulam** reiterated that the amendments are an exemption for special events for Ivins City, open/closed signs in windows, the verbiage as it relates to kelvins is "not to exceed 3000" and the lumens maximum is per pole and not per bulb and suggested that when the motion was made, to include "as amended".

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MOTION: Council Member Johnson moved to approve Ordinance No. 2021-02, an Ordinance of Ivins City, Utah, updating regulations for Outdoor Lighting, as amended
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

Roll call vote. All Council Members were present and voted in favor. **Council Member McDonald** clarified that he voted in favor due to the limited changes being made and that the Council will be addressing more of the ordinance in the future.

C. Public Hearing on the Planning Commission's recommendation to approve a Zone Change from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-1-10 (Single Family Residential, minimum lot size 10,000 sq ft) with lot averaging on 10.23 acres located at 400 South and 200 West. Burton Creation, LLC-Owner. Tony Allen-Applicant

Mayor Hart stated that the City has received a statement by a group of adjacent property owners expressing some concerns and indicated that is part of this record. **Cody Mitchell** reported that this parcel is located just south of the Skate Park on 400 South and 200 West and consists of 10.23 acres. The parcel is surrounded by R-1-10 zoning and the applicant has requested R-1-10 zoning with a lot averaging overlay. The average lot size will be 10,000 sq ft and only 25% of the lots under would be under 10,000 sq ft. The neighboring development is the Haven development, which has a subdivision enhancement overlay. **Mayor Hart** opened the Public Hearing. **Applicant Tony Allen** indicated that the lots that they are proposing are larger than the lots in the Havens at Heritage. There are currently 30 lots planned and only four (4) of those lots are under 10,000 sq ft. They are sensitive to the views and intend to build similar to the existing homes in the Haven subdivision and they intend for it to be an enhancement to the community. **Mayor Hart** inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. There being no other comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2021-03, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located at 400 South and 200 West from RA-1 to R-1-10 with lot averaging on 10.23 acres

Mayor Hart inquired of Cody Mitchell if this project is similar to the existing subdivisions that are nearby. **Council Member McDonald** also inquired what the difference was between the Haven subdivision and this proposed project as an R-1-10 zone. **Cody Mitchell** indicated that there is no difference in the zone, just in the overlay. He clarified that the Haven subdivision consists of 20 acres and received a Subdivision Enhancement Overlay bonus for density throughout their development. The applicant is requesting lot averaging that consists of 30 lots and only four (4) of those lots are under 10,000 square feet. The majority of the lots in the Haven subdivision are under 10,000 square feet. With lot averaging, the proposed subdivision could have up to 25% of the lots under 10,000 square feet but they are only asking for four (4) of those lots to be under 10,000 square feet. **Council Member Mehr** referred to the letter that the adjacent neighbors had and them requesting that the zone be for lots that were no smaller than 12,500, he inquired what the difference was. **Dale Coulam** clarified that the difference in this

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proposed subdivision and the Haven subdivision is that this proposed subdivision has requested lot averaging and the Haven subdivision received a Subdivision Enhancement Overlay. **Council Member Mehr** commented that it appeared that this proposed project was more desirable because it is less dense and he liked how the zoning is consistent with neighboring projects. He inquired if the egress and ingress would impact what the City is trying to accomplish for UNITY Park parking. **Cody Mitchell** clarified that the street improvements would continue. **Dale Coulam** stated that the street would be a continuation of the right-of-way from the Haven subdivision. **Council Member Gordhammer** referred to house size per lot and inquired if there is a limitation on how large the homes can be. **Cody Mitchell** indicated that they can fill the building envelope which is everything inside of the setbacks but with larger lots, that generally means larger homes and massing. **Council Member Johnson** restated that the City Council did pay attention to the letter from the adjacent homeowners and she has taken that into consideration as well as what the surrounding developments are and she was in favor of this zone change request.

MOTION: Council Member Johnson moved to approve Ordinance No. 2021-03, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located at 400 South and 200 West from RA-1 to R-1-10 with lot averaging on 10.23 acres
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

E. Public Hearing vacating a portion of Guy Lane to match the alignment of the Mojave Flats subdivision

Cody Mitchell reported that this is west on Highway 91 just past Rider's shop. **Dale Coulam** clarified that the application is under the name of AnA Enterprises, LLC but the County shows the ownership as The Washington County School District so they will not be able to pass the ordinance tonight. **Council Member Mehr** inquired if any of the bordering neighbors including Rider's, have an issue with this. **Cody Mitchell** indicated that the owners within 300 feet were given notice and he has not had any comments or concerns about it. **Mayor Hart** stated that whenever the City vacates something, they should make sure it does not create an access issue. **Lance Anderson** clarified that they are not vacating the road, just the alignment. He clarified that he currently owns the property but that the County Recorder's Office is behind in recording the maps.

Mayor Hart opened the Public Hearing and confirmed that there was no one online or present in the Council room who wanted to make a comment and closed the Public Hearing. **Dale Coulam** recommended that this be continued to the next City Council meeting to confirm ownership. **Council Member Mehr** inquired if the City would maintain ownership of Guy Lane. **Dale Coulam** clarified that they are vacating the street and relocating it but it will still serve the same purpose. **Council Member Mehr** inquired who will maintain the road. **Dale Coulam** clarified that if it is dedicated to the City as a public street then the City would maintain it.

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F. Discuss and consider approval of Ordinance No. 2021-04, an Ordinance of Ivins City, Utah, vacating a portion of Guy Lane to match the alignment of the Mojave Flats subdivision

MOTION: Council Member Mehr moved to continue to the next City Council meeting
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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider Black Desert Resorts updated presentation regarding public assistance financing

Dale Coulam indicated that a few meetings ago the Council was shown a presentation where the financial levers were adjusted and the tools were used differently to get to the same goal. When the County was approached, they would not go any longer than 10 years and that has been taken into account now by the applicant and they have prepared a new presentation within those parameters and then have the Council provide direction as to whether or not they are satisfied with what their proposal is and move forward with forming a CRA (Community Reinvestment Agency) that would utilize a TIF (Tax Increment Financing). **Patrick Manning** provided a presentation to the City Council, a copy of which is available as an attachment to this agenda. **Attorney Damon Georgelas** reported that Black Desert Resort had great meetings with Washington County and the School District but there is still some work to be done. They went back to the drawing board at the direction of the County and adjusted the levers on financing including increasing the levy to 6 mills, shortened the Ivins City tax increment from 20 years to 10 years, participation by the County and School District participation for 10 years and the tax increment from Ivins City reduced to $5 million instead of $10 million. **Mayor Hart** commented that he has been involved in the meetings with the County Commissioners separately regarding their concerns and indicated that there might be room to consider this formally as well as the same with the School District so that is somewhat encouraging. The School Districts decision is made by the School Board and they are on schedule to have a formal meeting with that board sometime in April. When it comes to the CRA, the action for the City to make is to create the agency, which is requisite by the County and School District. **Dale Coulam** stated that that would be created by an Ordinance, which has been drafted. He thanked the applicant for considering alternative ways to achieve this result. He, the Director of Finance and Staff favor the changes they have made, which is a much better proposal for the City. If the Council is comfortable allowing the City to create the agency. After the agency is created, then the project area is defined. On the PID (Public Improvement District) Ivins legal expert is working on that and reviewing some documents from Damon Georgelas and negotiating those at the same time. **Council Member Gordhammer** referred to the graph on page four (4) and asked for clarification as to what the ongoing expenses are. **Damon Georgelas** clarified that it is public service associated with having 1200 more units in Ivins. **Council Member Gordhammer** inquired of Dale Coulam or Lane Mecham if that was on target. **Lane Mecham** commented that it is reasonably forecast, based on several assumptions and Ivins expert Benj Becker with Zions Bank Finance believes they are reasonable. **Mayor Hart** commented that under the new proposal, the City is obligated to a $5 million dollar

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contribution of TIF with $36 million net benefits to Ivins City, including $3 million dollars in funding for affordable housing. **Council Member Mehr** commented that they have heard a lot of numbers throughout these discussions, as well as proposals comparing proposal A to proposal B to revision C, along with financial analyses and indicated that it would make sense to update those numbers and bring it back to the City Council. As it relates to revenue, he inquired if the Council was privy to see what the applicant is proposing to the City of Santa Clara and how that compliments and fits in with this project. **Damon Georgelas** clarified that nothing has been provided to Santa Clara at this point. **Mayor Hart** commented that it largely goes back to the vision. They are looking to have the culinary village with parking not visible and a conservation easement but that may not necessarily materialize if this doesn't occur. **Damon Georgelas** stated that they have always planned on the conservation easement and if they can get this done, they will follow through with the conservation easement. **Council Member Mehr** referred to the conservation easement and indicated that this is the first time he has heard that easement was at risk. He was concerned that that was being used as a lever to help Ivins see it the way that the applicant is wanting the City to go. The Black Desert Resort would be a phenomenal project with or without Ivins participation and that's his belief so the comments about conservation easement and nature center possibly not occurring, he was taken back by that and felt that they were using emotional arguments to get the City to do the TIF. **Mayor Hart** indicated that the creation of the culinary village is a part of Black Desert Resorts overall proforma and with the zoning that is all the way along Snow Canyon Parkway, Black Desert Resort is entitled to develop that so that is so entirely appropriate to bring up because that is a value and a view that they want to see maintained and they are not leveraging anything with that. **Council Member Mehr** commented that there was no question that they want to see that preserved, he just did not know that the conservation easement was on the table until tonight. **Mayor Hart** clarified that they are entitled to develop more than they are proposing but have not indicated that they are going to do that. **Patrick Manning** clarified that they are not using the conservation easement as leverage at all. They do think there is value in saying that they love the lava flow and that has a valuation on it. He was emotional about this project and commented that there is a jeopardy involved in not being able to finance all of the things using the legislative tools. What they are proposing are public spaces above the parking garage. **Council Member Mehr** commented that where has been coming from is that the resort is going to bring people in and people are going to buy in the property whether there's a culinary center or not and the City will receive the benefit whether or not there's a culinary center. It comes down to principle and is the City going to be a partner. **Mayor Hart** commented that the City has retain financial specialists and inquired of Dale Coulam as to their review of this. **Dale Coulam** indicated that they have reviewed this new proposal and they concur that these changes are favorable to the City, much better than originally proposed, and they had no objections to voice tonight. **Mayor Hart** stated that if the County or School Board rejects their request, this will all be dissolved anyway. **Council Member Gordhammer** indicated that she is very much in Council Member Mehr's camp in that she thinks that the City owes it to the residents to see the updated financial analysis of Plan A and Plan B and in writing before making a decision. **Council Member Johnson** commented that there are still a lot of steps involved before approving the funding and was in favor of the CRA. **Mayor Hart** stated that there was no financial commitment. **Council Member Johnson** indicated that they need to make a decision based upon the need to follow Ivins General Plan and suggested that they keep that in mind. Ivins five (5) year plan talks about economic development and urged them to think about those things because the General Plan indicates that

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it is the intent of Ivins City to develop business diversity and create commercial areas where residents can thrive and gather. It is important to attract business to the City that allows residents to work in Ivins City, serve tourism and encouraging housing options. She liked that the resort would attract visitors and she liked that there would be a benefit of $3 million dollars for affordable housing. She suggested that the Council at least start with the CRA. **Council Member Larsen** agreed with Council Member Johnson and commented that the prior City Councils have turned a lot of the commercial areas into residential and Ivins is a resort community and the resort would be a community resource. **Council Member McDonald** greatest concerns has been that Ivins residents are worried about their personal taxes and requested that that be clarified. **Damon Georgelas** clarified that the only residents who are taxed on this project, are those that own within the project area and not existing residents. **Council Member Gordhammer** referred to the formation of the CRA and inquired if the applicant pays for the City's experts. **Dale Coulam** clarified that they do. **Council Member McDonald** understood that the City would be partners in the development and could potentially mandate certain things. **Dale Coulam** clarified that was not the case by just creating the CRA, which would be an entity similar to the Municipal Building Authority where the City Council would be the board of that agency. Creating the CRA is what the County and School District are requiring before they take the next step to use TIF. Where the Council could mandate certain things would be part of the governing document in the PID. **Council Member Gordhammer** supported that and suggested that if they have the financial analysis for next meeting, they can vote on whether or not to create the CRA. **Council Member Johnson** agreed as well. **Patrick Manning** requested that the Council also have on the agenda to consider approving the governing documents for the PID as well. **Dale Coulam** commented that he did not think the City would be ready for that for the next meeting but the CRA ordinance is already drafted.

Council Member Gordhammer was excused at 8:12 p.m.

B. Discuss and consider color revision for Canyon Crossings due to unavailability

Cody Mitchell referred to a project material sample board that was approved when the Canyon Crossing Conditional Use Permit was approved. Those colors were approved with language that the colors and materials used on the project had to be substantially similar to what was approved. It has been brought to the attention of the Building Department by residents that some of the materials being used are not substantially similar. The contractor has represented that due to COVID and the reduction in manufacturing, some of the colors and materials that were approved, have been discontinued and the aluminum wood brushed siding is not available. In lieu of that, the contractor has used a rust color and a red color that they have placed on the first building. **Watts Representatives** stated that because of COVID and limited manufacturing, they were working with former Building and Zoning Administrator Mike Rodriguez, regarding replacement materials and colors and represented that Mike did not have any challenges with that. They did not have a project material sample board to compare the materials and colors to because they indicated that they were told by Mike Rodriguez that the board was lost. **Mayor Hart** reiterated that Watts was claiming that they came into the Building Department, the sample board got filed away somewhere and they took a stab at matching the colors that were on the board. **Watts Representatives** indicated that was correct. They went to the architect and brought back the samples to Mike Rodriguez and they never heard back from him challenging the colors or materials. The manufacturing issues are specifically affecting metals and they gave

the replacement options to Mike and he didn't challenge any of them. **Mayor Hart** commented that the stucco color is not offensive but the thing that sticks out is the red metal and that does not harmonize with the other colors and during the daylight hours, it looks like fire engine red. **Council Member Mehr** inquired if the Council says the contractor cannot use that color or material, then what happens? **Mayor Hart** stated that Watt's Construction has already procured that product. **Council Member Mehr** inquired as to the cost. **Watts Representatives** indicated it was over $4,000. **Council Member Mehr** inquired if the City eats that cost. **Cody Mitchell** clarified that there was nothing from the City in writing that gave them approval to use what was provided and no response from the City is not an approval to go ahead. **Watts Representatives** commented that they let Sharon Allen know that they were struggling to get the material and did not have an approved sample board to compare the colors to and that is when Sharon found the board. **Mayor Hart** stated that Cody Mitchell was dead right in that no response is not an approval to go ahead. **Council Member Johnson** commented that one of the substitute materials is more reflective. **Dale Coulam** inquired if Watts Construction could send back the unused portion of the material and receive a credit. **Watts Construction Representatives** indicated no because the material had been rolled and cut. **Council Member Larsen** commented that he would put a call into his suppliers in the morning because he was sure that the material was still available. **Mayor Hart** inquired if the Council was okay with the color of the stucco. The City Council was okay with the stucco. **Cody Mitchell** suggested that the contractor explore if there are other jobs elsewhere that the red siding could be used on. **Dale Coulam** commented that the City could split some of the cost of the material as a settlement. **Mayor Hart** commented that that location is the premier intersection in the City and will be forever more and there is no question that the red material sticks out. **Watts Representatives** agreed to explore with the City to see what can be done. **Mayor Hart** suggested bringing this back before the City Council to see if there is a solution to bring the project back to where it was supposed to be as the approved colors.

C. Discuss and consider approval of an additional expenditure for entry replacement for the new City Hall project

Tom Jorgensen reported that the two entrances off of Main Street into the existing parking lot are in disrepair and do not meet ADA requirements. The Public Works crew will be doing the demolition and disposal of the existing entrances and the contractor would be doing the forming, reinforcement, ADA domes and installation of those, as well as the concrete.

MOTION: Council Member McDonald moved to approve an additional expenditure for entry replacement for the new City Hall project
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	ABSENT

D. Review and discuss the proposed Tentative Budgets

Lane Mecham provided a PowerPoint presentation to the Mayor and City Council, a copy of which is available as an attachment to this agenda. He reported that there is anticipated strong economic performance as the pandemic interruptions relax. The budget is balanced and is a conservative budget. The next steps are to continue discussing the Tentative Budget at the

City Council meeting on April 15, 2021. At the City Council meeting on May 6, 2021 the City Council may adopt the Tentative Budget and set the Public Hearing for the Final Budget, which is anticipated to be held at the City Council meeting on May 20, 2021. The estimated date to adopt the Final Budget is at the City Council meeting on June 17, 2021.

E. Discuss and consider approval of first amended Interlocal Agreement supporting the renewed Mojave Desert Tortoise Incidental Take Permit issued to Washington County

Dale Coulam indicated that this is a renewal. **Council Member Mehr** inquired why the renewal is every 25 years rather than every 10 or 50 years. **Mayor Hart** stated that it was suggested to be every 30 years because of the time it takes to get this done but because of the nature of the conservation areas, there is no real need to review it every few years but it can be amended along the way.

MOTION: Council Member McDonald moved to approve the first amended Interlocal Agreement supporting the renewed Mojave Desert Tortoise Incidental Take Permit issued to Washington County
SECOND: Council Member Mehr
VOTE: The motion carried.

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

F. Continued discussion regarding Ivins replacement City Hall

There was no further discussion.

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

Council Member Mehr commented that he'd like to know about the implications, changes and similar in preparation for the Governor's mask mandate being removed as of April 10th and discuss those at the next meeting.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for March 18, 2021

MOTION: Council Member McDonald moved to approve the Consent Agenda
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	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

No reports

B. Mayor

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Mayor Hart reported that the inaugural class at Rocky Vista University is now graduating and he has been asked to speak at their graduation.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member McDonald

VOTE: The motion carried.

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

The meeting adjourned at 9:18 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT