IVINS
CITY COUNCIL
MINUTES
April 15, 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, Council Member Gordhammer, and City Recorder Kari Jimenez.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Cody Mitchell, Public Works Director/City Engineer Chuck Gillette, and Finance Director Lane Mecham.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. All Council Members were in attendance in the Council room, with the exception of Council Member Mehr, who was expected to be in attendance shortly.

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 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.
Audience: Tony Allen, Robert Allen, Chris Haddad, Pam Gardiol, Patrick Manning, Damon Georgelas, CJ Koharcheck and others who did not sign in.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for the Tony Allen subdivision located at approximately 200 West and 400 South. Burton Creations, LLC-Owner. Corner of the Market LLC-Applicant

Cody Mitchell reported that this subdivision is located at approximately 200 West and 400 South and was recently rezoned to R-1-10 with lot averaging. As submitted, 20% of the lots are below 10,000 square feet and the average lot size is 10,873.57 square feet. There were no questions or discussion by the Mayor and City Council.

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

Cody Mitchell reported that the issuance of building permits continues and they are significantly ahead of the average number of permits they usually issue. They are still trying to recruit another building inspector. They are receiving some code enforcement calls as well as continued questions regarding the purchase of land.

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Chuck Gillette provided two written reports, copies of which are available as attachments to this agenda. He reported that water conservation is on a lot of people's mind due to current drought that the State is experiencing. He reported that they have enough water for this year but reminded the Mayor and Council that in 2018 they passed the 2018 Water Conservation Plan where they set some goals and he reported that they are going in the right direction and are on track for meeting those goals. The Water Conservancy District is working on educating the public about being smarter with water and have suggested that there be a watering restriction between 8:00 a.m. and 8:00 p.m. **Mayor Hart** commented that the Water Conservancy District is also identifying conservation measures and will be looking to the cities to adopt those. **Council Member Gordhammer** indicated that she was very encouraged that the Water Conservancy District is coming out with a model ordinance for water conservation and she supported that. **Council Member McDonald** requested that on a future agenda as it relates to water conservation, that they consider limiting the number of building permits issued by the City. **Mayor Hart** stated that the Water Conservancy Districts preferred solution is the Lake Powell pipeline but there is a lot of resistance from lower states that other states are not doing enough on water conservation and they will continue to oppose the pipeline.

Lane Mecham provided a finance report, a copy of which is available as an attachment to this agenda. The City 75% through the budget year, tracking normally and right on pace with where the budget should be.

C. Planning Commission Report

Commissioner Anderson reported that the Planning Commission saw the Concept Plan report for the Tony Allen subdivision that was presented to the City Council tonight and approved three (3) Final Plats for Anasazi Vista phases 3, 4, and 5.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

None

4) PUBLIC HEARING AND ACTION ITEMS-NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider Black Desert Resorts financial analysis comparing the project with or without public financing as currently proposed

Damon Georgelas, Attorney on behalf of Black Desert Resort, reported that at the last meeting the Mayor and City Council asked Black Desert Resort to go back with the new plan of finance and compare the new Plan A and new Plan B and how they compared with the two. The new Plan A is about $5 million dollars to the better than it was previously when comparing Plan A to Plan B. In general, the overall 30-year net revenue to the City is $92,392,000 dollars under Plan A. Expenses are $54,184,000 dollars under Plan A and the next benefit of Plan A is $38,208,000 dollars and that is under a 10-year plan of finance instead of the 20-years as originally suggested, with a 75% participation. With Plan B, the revenue drops to $64,090,000 dollars over the 30-year period. The expenses are $38,280,000 dollars and the net benefit is $25,810,000. The difference between Plan A and Plan B under the new plan of finance is that Plan A is approximate cumulative net benefit to the City of $12.4 million dollars benefit to the City and over the 50-year period, that amount increases to just over $36 million dollars. The net benefit that they are discussing presumes all of the expenses that would increase to the City for the new project and nets those out, as well as participation of the City, which is 75% of the CRA incremental tax that comes back to help support this over the 10-year period and under the current plan of finance it still maintains a fund in the approximate amount of $3 million dollars

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for affordable housing. **Mayor Hart** commented that from judging by the emails and questions, there is a clear and prevalent misconception that the tax payers outside of the CRA are being called upon to subsidize this. If he understood Damon Georgelas analysis correctly, Black Desert has taken into account the added cost to the City for services and that that has been factored into the net benefit that would accrue to the City over the various periods of time. He inquired of Damon Georgelas if it was a fair or safe statement to make that no property tax payer outside of the CRA is actually subsidizing this project in any way. All of the revenue is generated from within the project area. In terms of the PID, it's solely those residents there that are paying for all of that. The other, the CRA is involving a reinvestment of a portion, 75%, of the property tax and/or other taxes potentially but none of that is being taken out of the pot of the property tax coming to the City from other residents in the City and inquired if that was correct. **Damon Georgelas** stated that was absolutely correct and commented that the difference between what is collected today and what is collected at a future time that is actually reinvested back to the property. They have to perform and they are ready to do that. **Mayor Hart** indicated that he received some written communication suggesting that at least in this moment in time, it is going to be a tough road to hoe with both the School District and the County. **Damon Georgelas** indicated that they are still optimistic that the net benefit both to the County and School District is substantial and meets every one of their criteria for participation that they will get there but it is going to require additional education. **Patrick Manning** stated that he has spoken with a couple of the County Commissioners and one of the School Board Members and what occurred to him after those conversations is that they have never had anything so complex and there was a lot of misunderstanding. It has taken some time to educate Ivins City Council on this process so one meeting with those entities is not enough to explain this.

Council Member Mehr indicated that he was present and had been as of 5:52 p.m. and stated that he had no conflicts or disclosures. **Council Member Mehr** inquired when they first learned that the School District and the County had some concerns. **Mayor Hart** stated that with the County there has not been a rejection of this, just an expression that some of the criteria that they have historically used may not fit here so the conversation will likely be ongoing there and the City just barely received the note from Superintendent Bergeson suggesting that it may not fit the criteria there as well but there will likely be some follow-up conversation with their finance people and see where that goes.

B. Discuss and consider approval of Ordinance No. 2021-05, an Ordinance of Ivins City, Utah, creating the Ivins City Community Reinvestment Agency

Dale Coulam indicated that he had already drafted this ordinance and Ivins City's Attorney Randy Larsen was participating in this meeting through the Zoom platform. Adopting this Ordinance is the first step to create the CRA and doing so now may help persuade the County and School District. **Randy Larsen** stated that the Ordinance for the creation of the Agency can be done to the benefit of both groups. If the Council were to take action to approve this, that would show the other entities the City's support for any TIF coming from the School District, County or other entities but refrain from posting with the Lt. Governor, the boundaries and not complete the creation of the CRA until the other entities are on board. **Mayor Hart** understood that creating the CRA is a vehicle that is required by the City, County and School District and would need to be in place if they were to move forward. **Randy Larsen** indicated that was correct and that this would be the interim first step to having increment within a project area of the City so the Agency (CRA) needs to be in place first. The second step would be to create a project area with boundaries. **Mayor Hart** requested comment from Randy Larsen and/or Dale

Coulam regarding a situation if the Black Desert Resort did not materialize, what the City would be going through for no reason. **Dale Coulam** stated that the City would be passing an Ordinance that if filed with the Lt. Governor and actually created the agency, that would impose on Ivins City certain filing requirements but the City is always free to dissolve the CRA. **Randy Larsen** commented that it was worth noting that the CRA is essentially the alter ego of the City where the City Council is the governing board. **Council Member Gordhammer** inquired if the Council chose to create this, the CRA would be created now and the only additional work would be created if the County and School District chose not to move forward, would be dissolving the CRA. **Dale Coulam** indicated that was correct. **Council Member Mehr** referred to previous comments that had been made regarding the County having dealt with this type of funding more often than Ivins City and yet they are pausing on moving forward. It is clear where he stands on this and commented that it sets a historic precedent, one which the City may regret. He stated that he thought that the jury was still out on the first line in the ordinance that states in part that the City has determined that it is in the best interests of the City. That is still being debated and negotiated and he did not support approving a CRA tonight. **Council Member Gordhammer** agreed and stated that at this point in time, it would be prudent to wait and see what the County and the School District does if the parties renegotiate and the deal changes like the Council saw in the first round of discussions. **Council Member McDonald** indicated that this is something that they have been trying to wrap their heads around and is very complicated. He had reservations about approving a CRA at this time. He understood that that does not necessarily bind the City but by approving it now, that gives the appearance that the Council is in full support of it. He thought that it was appropriate for Black Desert Resort to take the time they need to educate the County and the School and get them up to speed because knowing where they stand now, he was currently not in favor of creating the CRA. That's not to say that he was opposed to it all together, depending on what future information the City might receive from those other entities. **Mayor Hart** inquired of Randy Larsen if failing to create the CRA limits or prevents Black Desert Resort from providing the continued education to see if there is a different outcome. **Randy Larsen** clarified that there was nothing in not creating the CRA that had any legal impact on continuing the education.

Mayor Hart stated that there are a couple of different actions that could be taken tonight, the Council could table this or vote in favor or against it. **Dale Coulam** clarified that they could also adopt the ordinance with a clear understanding that staff was not to submit any information to the Lt. Governor's Office until the other taxing entities are on board. **Patrick Manning** clarified that it is typical for a City to create the agency so that there is a vehicle and the County and School District takes that more seriously if the City has made some attempt. There is nothing that binds the City or vests anything to the developer by creating the agency. What he's asking for and whether this is approved or not approved, he's asking for an olive branch for the City to form the CRA to say that the City has shown evidence that they're willing to explore this because literally they are talking about bringing the City an additional $40 million dollars to the City. They are creating a public benefit with that plan and was asking the Council to create the agency so they have more credibility when they go back to the County and School District. **Council Member Johnson** indicated that she has read a lot of comments and concern on social media and some of the biggest questions that people are asking is how will Plan A, as opposed to Plan B, benefit the community. **Patrick Manning** clarified that they are setting aside 250 acres of Lava Flow and putting in a nature center, trailheads, restrooms, providing extra dining options, the ability to stroll down the boardwalk and provide a place for the community to congregate. **Mayor**

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Hart inquired how many parking stalls they were talking about on a surface parking lot with overhead lights for security and similar, how large of an area will that be if the parking is surface parking. **Patrick Manning** stated eight (8) acres for 1000 parking stalls, which is approximately 12% of their project area. **Mayor Hart** indicated that in comparison, the Canyon Crossing development consists of 2 1/2 acres. He commented that the Black Desert Resort is going to be built and he guaranteed that a lot of people who are questioning or are opposed to what Black Desert Resort is trying to do, when they drive by and see that eight (8) acre parking lot, are going to be extraordinarily unhappy. He hoped that the Council would take that into consideration because that is a huge point and the other point is that the developer at some point is going to have to figure out how to make this whole project pencil out and the 250 acres in a conservation easement of some kind, there's no guarantee that can happen if the parking does not go below because they're talking about putting the village on top of the parking garage. The potential for restaurants and residential to occur in other areas and there are benefits to the City that the developers have not been bragging about. **Council Member Johnson** stated that it is important to remember that the developers build the parking garage and the culinary village, or it does not get built at all. **Patrick Manning** referred to Mayor Hart's comments, as well as Council Member Johnson's comments, and indicated that there is nothing that prohibits them from developing on the 250 acre lava flow. Regardless of what the Council decides, they are not going to do that. They love the lava flow, they love the trails, they love how that is all coming about and love that they are really good neighbors with the community and he's committed to it not being built on. Regarding the parking garage, it's as simple as they cannot build the first phase and then build the parking garage in front of that. The parking garage needs to be built first. **Council Member Gordhammer** requested clarification on comments that were made that if the CRA is not created and approved, the parking would be surface parking on approximately 8 acres, which then push shops and restaurants down. She understood that the culinary village wouldn't happen which means those shops and restaurants would not be there either and inquired if that was correct. **Patrick Manning** stated that was correct. **Council Member Larsen** stated that the City would lose nice amenities and commented that there's a misconception regarding the taxes. He was in favor of moving forward with creating this because he sees a benefit to the City. **Council Member Johnson** commented that it goes back to the question of are they in support of the project at all and if they are, the City should take the next step. She sees the benefit of creating the CRA because there is nothing negative to the City by creating the CRA but not filing it with the Lt. Governor's office. That would also show support for the better plan. **Council Member McDonald** indicated that for him, it was not that he's completely against the project and underground parking would be the most ideal to keep the lights down but his hesitation towards creating the CRA at this time is more so due to the letter the Council has received, the advice they have received from Counsel and the discussion tonight that more education needs to occur. He has personally spoken with one of the County Commissioners himself so it is not a "no" for him right now, except for tonight because he did not think they're to that point because it would be tough to move forward without the other taxing entities being on board. He was in favor of waiting but was committed to listening. **Council Member Mehr** stated that the question that they are being asked is not whether or not they're supportive of the project. Property owners and developers bring development proposals, zoning and similar and it is the City Council's job to ensure that they are complying with City ordinances and the Council approves those. That has already been done. There's absolutely a tax benefit to the City and nobody is arguing that. The reality is, the City has 100% of the tax increment in-hand. If

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the Council proceeds, then the City is going to give 75% of that back to the developer and keep 25%. There is an indirect cost to the City and would be giving up 75 cents on the dollar for a project. This creates a huge precedent and historic. This isn't just Black Desert Resort, this is everybody coming in the future and they are definitely undecided as a community. whom they represent, as to whether this is the point in which they want to fully embrace being a resort community because Ivins is actually a bedroom community with families and resorts, it's a combination so they should not forget that part. There are people who have lived in Ivins for generations and want their children to live here and by doing this, one of the unintended consequences will be pricing people out of the market. The question that the Council is really being asked is should they give up 75 cents on the dollar for a period of time and to answer the "but for " question. The Council is undecided as to whether that "but for t" test has been answered. He loved and appreciated that the Sensitive Lands will be preserved and thought that they would have to be to some extent because of ordinances that are in place and that's what will make this project phenomenal. The banks, investors and experts do not see that it is wise for them to take the risk to fund a parking garage and so he was not sure why Ivins City would be so quick to take on that risk when the experts who do this every day and who understand this, do not think it's a wise decision. The Council should take action not to approve this ordinance and definitely not until the Council hears from the County and the School. **Mayor Hart** clarified that the City has been setting the stage for nearly 20 years to have a resort component in Ivins and that is not specifically defined as a resort community because the resort areas are on the fringe of the City and not interspersed throughout the residential areas so Councils back as far as he can remember, have worked to try and establish this as the commercial opportunity that they would enjoy in Ivins. **Council Member Johnson** indicated that it isn't that the City is receiving 100% benefit tax wise and that the City is losing 75%, on top of the property tax, the City will be receiving other taxes that the City would not otherwise be receiving so that benefit outweighs the 75% that the City would temporarily be giving up. The City has to be careful what they say because citizens listen to the one part and that's what they get in their head and then there is so much argument over it, social media has gone crazy over the negativity part of it. They need to be informed about the whole.

Damon Georgelas clarified to Council Member Mehr that the City would lose 100% of the value of A if it doesn't get built, which is the difference of $10 million dollars conservatively. The developers want plan A and if the City wants plan A, they need the City's buy-in in their participation in the CRA, along with everybody else at the table. **Council Member Mehr** stated that he fully understood that the tax increment or the benefit, the City is going to receive 100% percent right now. The City would be giving up 75% but to the point that the City will lose 100% value of the increment if it's not developed is obvious. If the property is empty, there's no tax revenue being generated but the counter to that is that the City does not need tax revenue to generate against an undeveloped piece because it is not demanding services from the community. The City is not in the business of making money on private property owners and developers. He felt that was a mindset they have gotten into over the generations. It should equal the services that are required, the impact of that development and the services that are needed. His philosophy is that the City is taxing the public too much. He agreed that they would lose 100% of the value because there isn't going to be an increment if it's not developed. The City has done a nice job in the way the City has developed over the last 10 years or more. That is what has attracted Black Desert and others. Everybody is tripping over each other to get here. Black Desert Resort has a vision, He loves it but indicated that they should let

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the market bear that vision. **Mayor Hart** commented that Black Desert Resort will be built regardless of this so the question is does the City want the best version of what's coming or do they want something else. **Lane Mecham** clarified that when they are referencing Black Desert Resort being built regardless, they are talking about Plan B. That is the scenario where Black Desert will build if the CRA is not approved. **Randy Larsen** commented that if there no development at all, then the City would be giving up the potential of 75% of taxes if nothing was developed on the Black Desert Resort property but the City would only do that if the City had partners with the County and School District, who make up the vast majority of property taxes. The deferral of the 100% of the new development would be an incentive for economic development. If nothing were to develop, the City would not be losing anything because there would be no new increment. The assumption is if the City assumes that something would occur in Black Desert, with or without tax increment, the City would have to consider what would happen in the property deemed Black Desert Resort, without any incentive, would it develop? What kind of revenues would it produce? Those are what have been identified by Black Desert Resort in their presentation. **Council Member Mehr** inquired of Lane Mecham what the key assumptions are for Plan A and Plan B and why there is more revenue with Plan A than Plan B. **Lane Mecham** clarified average daily room rates because Plan A is a nicer development and they can obtain a higher price on average for each night and there is more square footage with the retail space if there is no surface parking. **Damon Georgelas** stated that there is value to the underground parking because the project is more pedestrian friendly, walking and spending within the development. People tend to spend more nights and more money on the property and generally arrive on Thursday and leave on Sunday. **Council Member Mehr** inquired if the development could obtain a higher room rate or spend more per night because there are more retail shops and restaurants. **Damon Georgelas** indicated that was correct because of instead of driving out to go eat, they eat on-site. **Mayor Hart** clarified that everything they are looking at is based on the assumptions and requested clarification as to where the assumptions come from. He understand that the developer has invested in specialized studies to certify the assumptions are what is expected. **Damon Georgelas** clarified that they have worked closely with all of the experts on the assumptions, including the underwriter that would eventually do the bonding and they agree with the studies. **Council Member Gordhammer** inquired if something happened and the developer defaulted on the bonds, what the impact would be to the City. **Damon Georgelas** clarified that there would be no impact to the City because the bond holders are the ones taking the ultimate risk.

MOTION: Council Member Larsen moved to approve Ordinance No. 2021-05, an Ordinance of Ivins City, Utah, creating the Ivins City Community Reinvestment Agency
SECOND: Council Member Johnson
VOTE: The motion failed for lack of a majority vote

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

C. Continued discussion and consideration regarding Canyon Crossings color revision and proper procedure to amend Canyon Crossings Conditional Use Permit

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Mayor Hart commented that the developer requested late today that is be removed from the agenda but it was too late to amend the agenda and he was not aware of the reason for that request. **Cody Mitchell** clarified that the developers were not ready to discuss this. **Mayor Hart** clarified that this is an agenda item again because this issue has been gnawing at him and commented on a few points, the first being that the City did not impose the specifications. They were created by a member of the developer's design team, the placard is a result of those specifications and is not the sole evidence regardless of whether the materials were readily available when the former Building and Zoning Administrator was with Ivins. He is not aware of any project where materials are presented for approval and approved, are not a very prominent part of the specifications so when the developer or contractor comes forward and says they need to see the placard because they do not know what they are putting on the project, that is difficult for him to fully accept. The second point relates to the purchase of siding material that was not consistent with the material that was approved and commented that Council Member Larsen was able to verify that the material that the developer or contractor sought approval on is available but is very expensive and has a very low reflectivity. It sunk into the Mayor thinking that should the Council decide to allow the variants and accept the changes, there is a cheapening in this project in terms of cost and also a cheapening of the project in terms of presentation. One of Ivins residents contacted Cody Mitchell who had taken a picture of the placard at the time it was approved and knew that the materials being used were not right and expressed their concerns from the beginning. It was expressed previously by the developer that using the more expensive product would raise the cost of the buildings and potentially raise the lease rates. That is between the developer and the tenants and once again, the City did not mandate this. It was originally presented to the City as the desire of the developer for the overall appearance of the project. Trying to pin the tail on the former Building and Zoning Administrator for this situation was troubling to him. The City Council represents the residents and it is up to the Council to decide what is in the best interest of the residents. **Council Member Gordhammer** agreed and commented that deviating from the approved materials would set a bad precedent because someone could submit materials and residents would expect those materials to be used and then after the fact, the project is different. That feels wrong and the City will lose confidence with residents. **Dale Coulam** referred to a variance and stated that as far as a legal variance is concerned, a variance cannot be man-made, which this situation was so it does not qualify. The applicant knew how to file an application for a Conditional Use Permit (CUP), they went through the entire process before the Planning Commission and the City Council, so they know the process and rather than file an application to amend the CUP, they simply sent an email to the former Building and Zoning Administrator with "if you don't respond then it's amended and approved" and that is not correct. They knew the way to amend the CUP and chose not to follow that. **Mayor Hart** indicated that Council Member Larsen found a similar product that is less expensive and inquired if they wanted to entertain looking at that product. **Council Member Johnson** inquired if the original approved material was available and could be purchased, but it was more expensive. **Council Member Larsen** stated yes. **Council Member Johnson** indicated that based upon that, the developer should be required to use the approved material since it is available. The **Mayor and City Council** discussed the difference between the original approved longboard material and the similar, less expensive material but agreed that it was not substantially similar to the approved material and the developer and contractor needed to stick with the original approved design and materials. They were sympathetic to the cost difference but agreed that they needed to use what was originally approved.

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MOTION: Council Member Mehr moved that the contractor builds with the materials as per their design submitted to the City
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

D. Continued discussion 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

Cody Mitchell indicated that this item was introduced at the last City Council meeting. The ordinance would create a realignment that better serves the Mojave Flats subdivision. **Dale Coulam** clarified that they did not proceed with the ordinance because of the difference in ownership on the county records at the last meeting but Lance Anderson has submitted information to him showing that both parcels are in the correct parties' name and he recommended approval of the ordinance.

MOTION: Council Member Johnson moved to approve 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
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

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

E. Discuss and consider approval of the Amendment to the Interlocal Cooperation Agreement to provide support to Washington County in hosting the IRONMAN events

Dale Coulam stated that this updates the dates because some of the previous events were cancelled due to COVID. The City of Santa Clara just passed this as well and then it will go back to the County.

MOTION: Council Member McDonald moved to approve the Amendment to the Interlocal Cooperation Agreement to provide support to Washington County in hosting the IRONMAN events
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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Council Member Gordhammer	AYE

F. Presentation and discussion regarding draft of the new Transportation Master Plan

Chuck Gillette indicated that he started working on this last year and then COVID hit. He provided a presentation to the Mayor and City Council, a copy of which is available as an attachment to this agenda. The update includes updated Traffic Counts, Accident Data, Population Projections, Regional Traffic Demand Model, revision of important Figures and the Transportation Improvement Plan. He suggested that the Mayor and City Council Members review this between now and the next meeting for further discussion.

G. Discussion regarding streetlighting in the rural zone

Chuck Gillette stated that years ago when the Council approved the streetlighting ordinance they proposed streetlighting in the rural zone but he was unsure if the Council still wants Kwavasa Drive to be the dividing street and requested direction at the next City Council meeting so that they can discuss this in depth.

H. Discuss and consider expenditure for purchase of streetlights for upcoming development and City streetlighting

Chuck Gillette reported that the City has been stocking streetlights for developer projects to prevent any excess charging from the suppliers. The City has also budgeted to make improvements to the existing lighting system to eliminate old style light, improve the day and night attractiveness of the streetscape and to improve the night-sky friendliness of the City's lights.

MOTION: Council Member McDonald moved to approve an expenditure to purchase of streetlights for upcoming development and City streetlighting, not exceed $50,000
SECOND: Council Member Johnson
VOTE: The motion carried.

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

I. Discuss and consider approval of an expenditure for pavement striping for the 2021 Spring Pavement Maintenance project

Chuck Gillette reported that there are three (3) striping projects that they are recommending be done this year. They received one estimate from Straight Stripe Painting and they are the only company in the area that provide this service so they are recommending this expenditure.

MOTION: Council Member Mehr moved to approve an expenditure not to exceed $38,594.50 for pavement striping for the 2021 Spring Pavement Maintenance 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	AYE

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J. Discuss and consider approval of Professional Services Agreement with Shums Coda Associates for Building Inspection Services

Cody Mitchell reported that the City is struggling to recruit a Building Inspector and this company would be used as a backup and safety net for the Building Department and is something that's common with other municipalities. **Council Member Mehr** inquired as to the reputation of the company. **Cody Mitchell** stated that the former Building Administrator had more experience with them but they have recently come into Southern Utah and are very reputable and growing. **Council Member Mehr** referred to the industry standard of fees in Exhibit C and inquired if that is usual and customary. **Cody Mitchell** indicated that they are.

MOTION: Council Member Mehr moved to approve the Professional Services Agreement with Shums Coda Associates for Building Inspection Services
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

K. Discussion on the Planning Commission's recommendations regarding proposed amendments to the current Outdoor Lighting Ordinance

Mayor Hart suggested that the Council start with scheduling a Work Meeting and then a field trip associated with the meeting. The City Council Members agreed. The City Recorder will contact the Mayor and Council for available dates and schedule the Work Meeting.

MOTION: Council Member Mehr moved to continue this to a Work Meeting
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

L. Continued review and discussion of 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 some noteworthy budget items are the purchase of a street sweeper, a new vehicle, design of new Public Works yard, road maintenance, street lighting, the Kayenta roundabout, gap fill projects and the new City Hall expenditures that include servers, IT equipment, office furniture, telephone systems and similar. Some noteworthy projects include the Old Highway 91 highway and trails, expansion of the cemetery, phase 1 irrigation system and tank coatings. **Council Member Mehr** requested another presentation on the irrigation system to help re-educate them on that. **Chuck Gillette** commented that they have put a pause button on the irrigation system due to the sewer study for a wastewater treatment plant being done. **Lane Mecham** reported that the City has budgeted to hire a Police Officer, Building Inspector and a Public Works crew member. **Council Member Mehr** referred to the new park/detention basin that is just south of the splash pad that is being utilized for soccer games and noticed there's some concern by the homeowners regarding

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parking. He suggested that some stairs be installed halfway in the middle of the block so that people can park on the street and walk down the stairs to access the park. That would likely help address the crowding of cars. **Council Member Gordhammer** referred to the Old Highway 91 project and the power poles along Highway 91 and inquired if those will be removed or buried. **Chuck Gillette** clarified that some of those are owned by the City of St. George and some are owned by Rocky Mountain Power and are high voltage lines which are difficult to bury. An estimate was obtained a while ago to bury the lower voltage lines on the north side of the road and the cost estimates were over $1 million dollars and a developer is not required to do that. The Council would need to budget for that if that is something they want to do but there is an issue with the City of St. George because they do not want to go underground with the high voltage lines and they don't have the easements required. Rocky Mountain Power will be doing some updates in their substations on Highway 91 and that line could potentially go underground.

M. Continued discussion regarding Ivins replacement City Hall

Mayor Hart reported that the partitions are being putting up inside and the roof is virtually on. The contractor will be sealing the rammed earth wall in the near future. In the weekly meeting that they have with the contractor, the contractor told them that if the Council were bidding that same building today instead of a year ago, the cost would be $1 million dollars more.

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

Mayor Hart reported that the hospital reported no critical COVID cases. **Council Member Mehr** clarified that there are four (4) in the hospital but none in the Intensive Care Unit. **Mayor Hart** reported that Rocky Vista University will be holding a vaccination clinic in the future.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for April 1, 2021

Council Member Mehr referred to line 1 on page 2 and commented that the name Casey is spelled with a "K".

MOTION: Council Member Mehr moved to approve the City Council Meeting Minutes for April 1, 2021

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	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Larsen inquired if the stucco coloring issue has been resolved and if so, what was decided because he has a couple of people in his neighborhood who are ready to stucco their preferred color that isn't currently allowed. **Dale Coulam** stated that is before the Planning Commission but in a brief discussion with the Private Property Rights Ombudsman, there may be a possible legal vesting when the subdivision was approved. The Legislature is also discussing this and there may be a decision from them in May at the Special Session. **Mayor**

Hart clarified that they don't have anything to tell the people waiting to stucco until that's decided. **Council Member Larsen** inquired if they should just sit tight and wait. **Dale Coulam** clarified they can do that or follow the approved Light Reflective Value color chart. **Council Member Larsen** stated that they would prefer to wait and get the color they want.

Council Member Mehr reported that the Washington County Fair and moved to the spring this year where he attended. He thanked Hughes Construction for assisting with a tour of the new City Hall with some local boys and girls in the community and commented that they learned a lot from that tour.

There were no other reports.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to Council Member Mehr inquiring as to what the City would be doing as of April 10th regarding the mask mandate being lifted. Ivins is following the State guidelines, which extends the mask mandate through May 31, 2021.

D. Items to be placed on future agendas

Council Member McDonald would like to discuss the possibility of limiting the number of building permits that the City is issuing each year. **Mayor Hart** requested that Dale Coulam look into the legalities of that.

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 9:16 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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