IVINS
CITY COUNCIL AMENDED MINUTES
May 20, 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 Gordhammer, and Council Member Larsen.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Cody Mitchell, Public Works Director/City Engineer Chuck Gillette, Director of Finance Lane Mecham, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Judith Kapuscinski, Sharon Barton, Pam Gardiol, Annette Densley, Norene & George Mackley, Julie Dean, Connie Butterfield and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Members Johnson was in attendance via the Zoom application. Council Member McDonald, Council Member Gordhammer and Council Member Larsen were present in the Council Chambers. Council Member Mehr was not present but expected to be.

B. Flag Salute

Council Member Gordhammer led the Flag Salute

C. Invocation

Council Member Gordhammer gave the Invocation

D. Disclosures

Council Member Larsen disclosed that he and his business partner have a $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. Proclamation for Jack Rebers 100th Birthday, declaring June 16, 2021 as Jack Reber Day

Mayor Hart read the Proclamation. A copy of which is attached to this agenda. Jack Reber is a former Mayor of Ivins and while serving as Mayor, Jack approached Allen Blood, requesting that the Blood family, then significant land owners in Ivins, to donate ten acres to Ivins for a future municipal use. The Allen Blood Estate honored Jack's request and that land was ultimately used to bring the Southern Utah Veterans Home to Ivins. Jack Reber is the oldest living long term resident of Ivins and on June 16, 2021, he will celebrate his 100th birthday. He resides in the Veterans Home he helped to make possible. Jack's daughters Noreen and Annette were present and both spoke fondly of their father, indicating that he is very patriotic and procuring that land has greatly helped his mental state, he loves it at the VA Home and loves this community fiercely and passionately. There will be a parade on June 16th on Center Street in

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honor of his birthday and that day will be declared "Jack Reber" day. The City Council ratified the Proclamation.

B. Concept Plan Report for Hidden Springs RV Resort

Cody Mitchell reported that the original Concept Plan application was made in 2019. The Hidden Springs RV Resort is located on 24.52 acres on the southern portion of Highway 91 between 200 West and Main Street. The applicant has expressed the possibility of an orchard or petting zoo on the buffered portion. The layout is basically the same as before but the applicant would like to be allowed to put trailers where small cabins are ultimately to be built and would like permission to have the pads be gravel rather than cement. The request regarding the RV pads being gravel rather than cement differs from the RV Resort ordinance that was prepared during the initial application process, with input from the applicant but since building costs are up, the applicant is looking at the text of the RV ordinance limit the use of concrete for the time being and use gravel.

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

Cody Mitchell provided a written report to the Mayor and City Council. A copy of the report is available as an attachment to this agenda. The number of permits issued this year is significantly higher than last year. The City has issued 17 building permits for new residential homes this month, with a total of 102. If you compare that to last year, and last year was a record year, in January, 2020 they issued 9 building permits and in January of 2021, they issued 18. In February of 2020, they issued 7 building permits and in February, 20201, they issued 19 building permits. In March of 2020, they issued 15 building permits and in March of this year, they issued 31 building permits. In April of 2020, they issued 5 building permits and in April of this year, they issued 17 building permits. In May of 2020, they issued 6 building permits and so far in May of this year, they have issued 17 building permits so every month has doubled from last year's number of building permits issued. They are on a record setting pace again and it is the same with the multi-family permits. In 2020 they issued 6 building permits with 24 units and this year they are at 9 buildings with 30 units, with many more to come with the Azalea and Movara projects. There are still individuals looking for land to build multi-family projects. The City has offered employment to another building inspector in an entry level position and that individual will go through 6 months of training. The Canyon Crossing project is moving along and the contractor has ordered the longboard and this morning he was made aware that one of the tenants will be a bike shop, repairing electric bikes and have a rental fleet. The new City Hall is moving along and the insulation is scheduled to be sprayed in the building tomorrow.

Chuck Gillette provided written reports, copies of which are available as attachments to this agenda. He reported that this week was National Public Works Week and Council Member Mehr attended their luncheon at the shop, representing the Council.

D. Planning Commission Report

Commissioner Anderson reported that the Planning Commission was presented the same Concept Plan Report for the Hidden Springs RV Resort. They held a Public Hearing on a proposed temporary Class IV Conditional Use Permit Amendment for Black Desert Resort and a Public Hearing on a proposed Preliminary Plan for Canyon Crossing. They also approved a Final Plat for Red Desert Phase 5, discussed an update on exterior colors and discussed amending limitations on height and size of attached garages in relation to primary dwellings in residential zones.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

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A. Citizen requests to be placed on a future agenda

Terry Marten submitted a Citizen Comment regarding the firehouse location in Kayenta and indicated that Fire Chief Randy Hancey talked to him the other day and notified him that the Fire Department and Santa Clara were not interested or willing to continue to pay $800 a month for the 2000 sq ft space and that Ivins did not disclose to Santa Clara about that rent. It is a comfort to the Kayenta residents to have the ability to fight a fire out there but Chief Hancey pointed out that the space isn't a manned station. He would like to know the situation with fighting fires in that area and does not want that area to weakened in their position to fight fires in that area. He stated that Kayenta has either donated or given some type of subsidy to the that firehouse location in the west part of town for over 25 years and has been in a lease agreement for the last 6 years. **Mayor Hart** commented that was a conversation that they should have. **Dale Coulam** referred to the claim of Ivins City not disclosing the renting of that space and stated that certainly all of the fire and EMS employees that went to Santa Clara were all aware of the firehouse in Kayenta so strikes him that Santa Clara was well aware of the agreement. Santa Clara seeing an unmanned station and feeling it is not useful sounds like Santa Clara wants to cancel the lease. He suggested that this is a worthy agenda item to discuss how fires are being responded to and the location on the west side to respond to a fire. Public Safety will be reporting at the next City Council meeting. They Mayor and City Council agreed that this should be an agenda item on the next City Council agenda.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to receive comment on the proposed and/or amended FYE (Fiscal Year Ending) 2021 Budgets to complete and FYE (Fiscal Year Ending) 2022 Budgets for the:

1. General Fund
2. Debt Service Fund
3. Special Revenue Funds – a. Public Safety; b. Streets; c. Parks
4. Capital Projects Fund
5. Water Fund
6. Sewer Fund
7. Storm Drain Fund
8. Municipal Building Authority Fund

Mayor Hart requested that Lane Mecham explain how one could join the meeting electronically and make a comment for the Public Hearing. **Lane Mecham** provided instructions as how to make a public comment for the Public Hearing. **Mayor Hart** opened the Public Hearing. **Lance Anderson** commented that years ago the City passed an ordinance when they did work on Highway 91 and dropping the powerlines. As a contractor or a developer, whether their budget allows it or not, they have to do what the ordinance requires which is if there's an opportunity to drop the lines, they should do that. They tried one time when they did the drainage but was told there no actual easement. They created the created the Highway corridor plan years ago and he'd like to see some participation from owners, similar to the SAA project that occurred in the Old Township area and see it in the budget to drop the power lines. **Dale Coulam** indicated that they would need the power companies approval due to needing to turn off their power before putting it under ground and the City would not want to trespass on their property and remove their poles without their permission. They may have the voltage situation worked out but right now there is no agreement with the power companies. **Mayor Hart** commented that the City could try and pursue that. **Chuck Gillette** stated that he could see if they can include powerlines as part of the project with a grant although there are going to be issues with convincing the City of St. George

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regarding voltage and convincing them that their lines won't be damaged. **Mayor Hart** and **Lane Mecham** confirmed that there were hands raised to make comments through the Zoom application. There being no other comments, **Mayor Hart** closed the Public Hearing

B. Discussion regarding the above Budgets

Mayor Hart commented that the budget document is very involved and detailed. **Lane Mecham** stated that the County has not posted the mill levy rate and assessed values and there will likely be some minor changes at the final meeting before they adopt the budgets and those will be summarized. **Dale Coulam** indicated that the mill levy calculation is designed to give the City the same amount of tax as the previous year. If property taxes go up, then the mill levy goes down and some time it takes a year or two to catch up and that's why they are waiting for the mill levy to know what that does to the revenue calculation. **Mayor Hart** suggested that this be continued to the next City Council meeting.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Status report on Black Desert Resort's request for Public Assistance Financing

Dale Coulam reported that at the April 15, 2021 City Council meeting, the Council voted to not proceed with a CRA (Community Reinvestment Area) or the tax incremental financing aspect for now for the Black Desert Resort property. Damon Georgelas, Attorney for Black Desert group, that group has recalculated what it would take for a mill levy from a PID (Public Infrastructure District) to cover the cost of the underground garages and the boardwalk that goes over the entrance into the resort. They are thinking that that rate is 8.1 mills and in Ivins policy that could go up to 10 mills as the maximum. That would be finalized as they bring forward the governing document for the PID. Having the Council say for the time being that the City is not proceeding with the CRA as it was proposed, the City can now focus on finalizing the governing document and hopefully even the Development Agreement, focusing on the PID and not the CRA component of that. Ivins experts are working on that and expect to hold a conference call with them next week and hope to be able to turn around draft with our comments on it as they review it and make sure that everything is in this document because once it's approved, the bird flies and the City has no control over it so they need to be careful that they address everything and then get that document to Black Desert Resorts experts to review and comment on and if they all agree that they are comfortable with it, then it will be brought forward on an agenda for the Council to consider for approval. **Mayor Hart** referred to the CRA and inquired if that was on hold temporarily unless conditions change. **Dale Coulam** indicated that was correct and thought that Black Desert Resort may be considering looking at an opportunity of putting the convention center on the Santa Clara side of the resort to see if Santa Clara would be willing to pursue a CRA and then see if the County would back that. The School District has currently said they will not contribute anything and the County has indicated nothing over $2 million for now and Ivins has said not to the CRA so they want to try and take it to Santa Clara but while they pursue that, on Ivins end, it's temporarily on hold so the City can proceed with a PID and keep moving forward.

B. Continued discussion regarding the Arts Commission's recommendation that the City Council establish and maintain through the Arts Commission, a designated Arts Commission website and media presence collectively referred to as "social media" and to adopt a logo for the Arts Commission

Judith Kapuscinski stated that the Arts Commission will comply with any policy in effect. They have the designs for the banner and the logos and a rough mockup of the trifold. A copy of those are available as attachments to this agenda. **Mayor Hart** commented that as it

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stands right now, the arts scene is acknowledged on Ivins website and inquired what more was occurring. **Judith Kapuscinski** indicated that she provides City employee Jennifer Chapman with a listing of Explore the Arts in the newsletter and on the website and those are things that are occurring at Tuacahn and through Kayenta Arts Foundation. Ivins City website is handling a lot of information about the City and it can be cumbersome to get to information about the Arts so the Arts Commission would like to have the social media presence to continue that same information. **Council Member Larsen** commented that the Council previously talked about defining a policy and inquired about that. **Dale Coulam** stated that will likely come forward on a future agenda but he was comfortable with the Arts Commission following the existing policy of pushing information out and not editing any comments. **Council Member Gordhammer** indicated that she had no concerns and viewed this as another channel for the Arts Commission to communicate. **Council Member McDonald** stated that the Council has seen the hand drawing examples and he would like to see the final drawings before they go out. A final draft or even a digital copy would work. **Mayor Hart** commented that he thought that what Judith was looking for was a go-ahead from the Council for them to pursue this and commented that what Council Member McDonald would like is to see it before it goes out. **Judith Kapuscinski** indicated that they can make that happen. **Dale Coulam** clarified that the Arts Commission is looking for a thumbs up. The **Mayor and City Council** agreed. **Judith Kapuscinski** commented that they will get the Council a product to look at before it goes out.

C. Discuss and consider modifying the existing City Ordinance regarding the size of garages in residential areas in relation to the overall footprint of the floor plan

Dale Coulam commented that this has been referred to the Planning Commission and he will report on it after the Planning Commission has discussed it.

D. Continued discussion regarding draft of the new Transportation Master Plan

Chuck Gillette reported that the City typically updates impact fee studies every five (5) years. The highlights of the Impact Fee Analysis are on page eight (8) where they have raised the lanes to calm traffic. **Council Member Gordhammer** referred to the bike lane in the plan going up Puerto Drive and inquired if Chuck Gillette had any concerns with the cyclists being pushed closer to the driveways and not having any place to move if a vehicle is pulling out of the driveway. **Chuck Gillette** commented that might be something to consider and keep the bike lane out by the travel lane but currently the plan is conceptual and there will be a construction plan that will be prepared in the future. This will be in the five (5) year plan but it is important to apply for grants in the meantime and if the City Council was comfortable, he would like to move forward and set a Public Hearing at the next City Council meeting for the Transportation Master Plan, Impact Fee Analysis and Transportation Impact Fee Facilities Plan. The **Mayor and City Council** agreed.

E. Continued discussion regarding streetlighting in the rural zone

Chuck Gillette commented that he had a clear sense that the Council preferred to use bollards in the rural zones and not poles. The Mayor and City Council agreed. Chuck Gillette stated that he will work on changing the specifications for the City Council's approval.

F. Continued discussion on the Planning Commission's recommendations regarding proposed amendments to the current Outdoor Lighting Ordinance

Council Member Gordhammer indicated that the City Council requested that the Planning Commission look at specific things and the serious issues that were outstanding have been dealt with previously so she was satisfied at this point to not pursue any additional deliberation on this or alternatively, to review the ordinance line by line by on what the Planning Commission

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recommended. **Council Member Larsen** suggested going through the ordinance and addressing light zones and fixture types based on what they saw in the Kayenta parking lot where the lights were 3,000-4,000 kelvins and not filtered, yet they were shielded and set deep inside the fixture and work well. He felt that the City can do a better job of creating a better night sky and brighter lights. He felt that it was all about fixtures and shielding more so than color of the light. The **Mayor and City Council** agreed to go through the ordinance line by line. **Council Member McDonald** requested that he'd like to discuss protecting park lighting and that not being negatively affected by any changes to the ordinance. Due to the number of versions of the ordinance that the Council has received, the **Mayor and City Council** requested that they be given the current codified version of the ordinance and the recommendations made by the Planning Commission so that they can review the two side-by-side.

MOTION: Council Member Larsen moved to continue this 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

G. Discussion regarding water restrictions

Dale Coulam provided a copy of what the model ordinance is from the Water Conservancy District, as well as Ivins Ordinance that has been in place since 2004 and sets more strict restrictions. The City of St. George lists their times for non-water between the hours of 8am and 8pm. The District is recommending 10am to 8pm and Ivins restrictive times are 6am to 8pm. He inquired if the Council would like to change that and keep the restriction stages in place and codify the ordinance or make changes to the existing ordinance based on the Water Conservancy Districts recommendation. **Mayor Hart** commented that Ivins existing ordinance is the right thing. The **Mayor and City Council** agreed that the watering restriction times from 8am to 8pm is the easiest to remember. **Dale Coulam** referred to there being assigned times for use of irrigation water. **Mayor Hart** requested that language be included in the ordinance. **Dale Coulam** indicated that he will prepare an updated Ivins City ordinance for their review and approval.

H. Continued discussion regarding Ivins replacement City Hall

Mayor Hart reported that they have ran into a technical issue with the solar panels and battery storage as a stand-alone system and indicated that Cody Mitchell identified that the current solar system is not designed to be a stand-alone backup system and it will not run the building in the event of loss of electricity. The City will be meeting with Intermountain Wind and Solar. next week to determine if there needs to be a change order for additional batteries or for the installation of a generator and then that will come forward to the Council for discussion and approval.

6) CONSENT AGENDA

A. Discuss and consider approval of an expenditure for construction of Contract 21-02 Center Street Wall Gap Fill

B. Approval of City Council Work Meeting Minutes for April 29, 2021

C. Approval of City Council Meeting Minutes for May 6, 2021

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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 Gordhammer	AYE
Council Member Larsen	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported that she was currently in Florida and able to attend this meeting electrically because of the Zoom application. She requested that if the City continues to use the Zoom application, that a computer be placed at the podium so that those attending electronically can see and hear who is speaking. **Lane Mecham** indicated that they could do that. **Council Member McDonald** inquired why the City was still using the Zoom application. **Dale Coulam** clarified that they may need to use it from time to time. There are several instances where individuals, including the experts on the Black Desert Resort project attend via Zoom because they are located outside of the County. **Council Member Gordhammer** commented that in this instance, Council Member Johnson was able to participate because of the Zoom application. **Dale Coulam** stated that the City may provide the City Council Meetings via the Zoom application for a while as a courtesy.

Council Member Gordhammer - no report

Council Member Larsen - no report

Council Member McDonald reported that the new Solid Waste District Manager starts on Monday, May 24th. Contracting with Washington County for Human Resources has worked out really well. He referred to Tuacahn High School holding its final graduation and inquired with Tuacahn High School no longer being located at Tuacahn, if that will change the Sun Tran bus route. **Mayor Hart** stated that it did not go up there that often before and when it did, someone would have to call for the service. He referred to a request for a future agenda item regarding garage sizes and attached garages and requested an update on that. **Council Member McDonald** requested that also include casitas to be considered. **Cody Mitchell** indicated that there has been new legislation regarding accessory dwellings and he would like to consistency in the numbers.

B. Mayor

Mayor Hart reported that Melissa Anderson with the Community Education Channel reported on the growth that is occurring in Ivins. With Tuacahn High School relocating, Tuacahn is looking at difference uses for that facility.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

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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 Gordhammer	AYE
Council Member Larsen	AYE

The meeting adjourned at 8:23 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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