IVINS
CITY COUNCIL
MINUTES
June 3, 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, Council Member Larsen, and City Recorder Kari Jimenez.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Lane Mecham, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Cody Mitchell, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, and Fire Chief Randy Hancey.

EXCUSED: None.

Audience: Those who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Johnson was in attendance via the Zoom application. All other Council Members were present in the Council Chambers. There were no disclosures or conflicts of interest with items on this meeting's agenda.

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Mehr gave the Invocation

D. Disclosures

Mayor Hart reported that he attended the funeral service for former Council Member George Elwell today who was passionate about Ivins dark night sky and the No Kill Animal Shelter. He served for 14 years on City Council and with his wife Linda, they formed FIAS (Friends of Ivins Animal Shelter) raising funds for the shelter. Mayor Hart expressed his appreciation for George and Linda and expressed his condolences to Linda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Indigo Trails Phase 2 Subdivision located on the south side of Highway 91 at approximately 600 West (Kwavasa Drive). AnA Enterprises-Owner. Lance Anderson- Applicant

Cody Mitchell reported that this subdivision consists of 37 lots on a total acreage of 16.064 acres. The property is zoned RE-12.5 Single Family Residential, minimum lot size of 12,500 sq. ft. This is a conventional subdivision and the proposed improvements and lots appear to be in compliance with City ordinances.

B. Department Reports: Parks and Recreation; Public Safety

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Benny Sorensen provided a written report to the Mayor and City Council, a copy of which is available as an attachment to this agenda. He reported that Fire Lake is busy and they have installed some things to help control where people park. He observed a woman at Fire Lake walking around and picking up trash. She filled eight (8) buckets of trash just because. **Mayor Hart** referred to the uptick in vandalism and inquired if that had mellowed. **Benny Sorensen** indicated that there was another attempt to set fires in the bathrooms and the heavy bleachers have been moved and flipped over. The City has installed new locks on the bathrooms where they that lock at 10:00 p.m. and do not open until 6:00 a.m.

Chief Flowers provided a written report to the Mayor and City Council. A copy of the report is available as an attachment to this agenda. He reported that accreditation is a lot of work but is moving forward. The department responded to a homicide in Ivins where they put all of the final things together to meet with the County Attorney and he was grateful for the department and impressed with the whole crew. He reported that Fire Lake Park was full over the holiday. **Mayor Hart** acknowledged that Chief Flowers and three (3) of the departments Officers performed a folding of the flag at former Council Member Elwell's service and commented that it was a beautiful and dignified ceremony. He requested an explanation of the three (3) salutes that were given. **Chief Flowers** clarified that they were symbolic with the first salute being for George Elwell's service in the military, the second salute was for him being a retired Los Angeles County Deputy who served in that position for 22 years and the third salute was for his service to Ivins City.

Fire Chief Hancey provided a report to the Mayor and City Council, a copy of which is available as an attachment to this agenda. He reported that they assisted the City of St. George with a couple of big structure fires where they sent two of their engines, as well as covered calls on the west side of the County, along with the bamboo fire in Ivins and a rollover on Highway 91. The bamboo fire was started by an individual grinding metal and suggested that there be a discussion on a future agenda regarding fire restrictions. **Council Member McDonald** commented that it was not the first time that's occurred, that area has caught on fire before. **Fire Chief Hancey** reported that the Wildland Fire Fighters are in place and have been since the beginning of this month. The outlook for the fire season is that it is not anticipated to get any better but rather hotter and drier. **Mayor Hart** referred to the discussion on the agenda tonight regarding the SCI fire lease in Kayenta and commented that it would be a good idea to have a sit down a couple of times a year with the Ivins and Santa Clara Mayors and City Managers to talk over things being explored so neither City is surprised. **Fire Chief Hancey** agreed.

C. Planning Commission Report

Cody Mitchell reported that the Planning Commission saw the Concept Plan Report for Indigo Trails Phase 2, approved a Final Plat for Red Mountain Terrace Phase 2-A, as well as approved an Amended Final Plat for Shonto Point VI-A and discussed an update on exterior colors of residential buildings. **Dale Coulam** referred to House Bill 1003 which states that exterior colors is one of several defined things for design elements in the first subsection of the bill. The second subsection says that a City may not regulate or prohibit exterior colors or call for certain design elements. The third subsection contains exceptions to that. Cites could require such regulations, for example, if it's a historic District, built before a certain year and similar, if it's in a Development Agreement or if a density bonus has been received for a design element requirement. The City has not passed those overlay elements yet. Another House Bill that was passed allows certain accessory dwelling units, those that fit within the footprint of a dwelling, are now allowed, as long as the primary resident is living there. That means that they can rent

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out a room, a basement and so forth. For a subdivision enhancement, the City has always required open space and that was a big thing and may still be, but design elements may now be key. The Council will revisit that in the future and see how they want to work that in to a density bonus. House Bill 1003 only applies to one (1) and two (2) family homes, whereas prior House Bill 98 also included townhomes but that was eliminated from what has been signed by the Governor now. Bills addressed in the Special Session were supposed to become effective upon passaged but within the text of House Bill 1003, is a July 1, 2021 effective date. For those people, including the couple who came before City Council asking for some relief, there was not a Development Agreement in place and no density bonus given so the color on those homes is fine.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mark Howard commented that he tripped on the sidewalk where the pavement had moved away from the pavement and when he went into the City and asked them to repair it, it was repaired in less than a week and he greatly appreciated that. He indicated that he is losing the ability to walk but does walk a lot in the Kayenta area and there is an area where he is forced to go out into the street because there's a pathway that is all stone. He requested that the City find the money for that pathway and pave it so that it is easier to walk on.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to approve the amended Transportation Master Plan, Transportation Impact Fee Facilities Plan and Transportation Impact Fee Analysis

Chuck Gillette referred to the Public Hearing notice and commented that since this is a General Plan amendment, it also needs to go through the Planning Commission with a Public Hearing. **Dale Coulam** clarified that that was correct for the Transportation Master Plan but that the notice was legitimate for the Transportation Impact Fee Analysis and Transportation Impact Fee Plan. **Chuck Gillette** indicated that he will be giving a presentation to the Planning Commission at that Public Hearing and commented that since they are updating these every five (5) years or so, the changes are small now. **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. **Mayor Hart** and **Lane Mecham** confirmed that there were no hands raised to make comments through the Zoom application. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2021-07, an Ordinance of Ivins City, Utah, adopting the Ivins City Transportation Impact Fee Facilities Plan and Impact Fee Analysis; enactment of Transportation Impact Fees

Mayor Hart inquired if there was a reason to proceed with the Impact Fee Facilities Plan and Analysis without the Transportation Master Plan. **Council Member Gordhammer** commented that she received an email from a resident asking about the table of properties listed in Transportation Master Plan and there being no mention of RV Parks. **Chuck Gillette** stated that was a good observation because the RV Park wasn't an approved use when the plan was last updated so he will add that and stated that there was no issue with waiting on these until after the Public Hearing at the Planning Commission. **Council Member Johnson** indicated that she preferred to wait and the rest of the City Council agreed.

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MOTION: Council Member McDonald moved to continue
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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion regarding SCI Fire lease in Kayenta

Dale Coulam indicated that there have been some changes since this agreement was originally put in place. Volunteer Fire Fighter Charlie Peterson had a shop in Kayenta and lived in Kayenta but the makeup now for Fire Department employees may be such that there isn't someone who is usually there in Kayenta so the City would have to send somebody from the station in Ivins or Santa Clara, to Kayenta to pick up a truck. **Chief Hancey** stated that was correct and commented that there is no volunteer response in Kayenta and it does not make sense as far as response times, to house an apparatus in Kayenta. A background as to the terms of the lease was that it was for 5 years beginning in 2013 when that storage in Kayenta was built and the contract has been in place with Terry Marten since that time. In 2018 the Ivins and Santa Clara Fire Departments were combined and at that time, whether the lease was an oversight, it was not carried forward and the lease has now been expired since 2018. Santa Clara City went to renegotiate the lease with Terry Marten to seek a reduction in the fees have but Mr. Marten actually wanted to increase or double the rate so that is not something that Santa Clara City is interested in doing. **Chief Hancey** understood the residents' concerns in Kayenta but clarified that the cities would not be taking a fire station away, just parking the apparatuses in a different location. The Rachel station in Santa Clara and the station on Center Street in Ivins are manned stations that can respond to both cities. There are currently two (2) brush trucks and an old fire engine that is used for parades, being housed in Kayenta. The department can get an apparatus and fire fighters out to the Kayenta area as quickly from another location because otherwise they have to go out to Kayenta where the vehicles are being stored. The bulk of their fire fighters' are located in Ivins and Santa Clara and currently have to go out to Kayenta, retrieve the apparatus' and then respond. **Mayor Hart** commented that housing those elsewhere made sense. **Council Member Mehr** indicated that if the fire department can improve response times and lower cost to tax payers, he was in support of that. **Council Member Johnson** clarified that there was a time when they had an entire crew in Kayenta and that is why they started storing those vehicles in Kayenta. There has not been the response time or the people to man that station for several years and she felt that that station in Kayenta has not been useful for a number of years now. The vehicles would be much more beneficial elsewhere unless they have volunteers from Kayenta who can respond. **Council Member Gordhammer** stated that there a few volunteer fire fighters in Kayenta, although they are not full-time. She inquired if the facility was put there in the first place because the risk of fire was viewed as being greater on that part of Ivins or if it was for convenience. **Chief Hancey** indicated it was a little bit of both. **Council Member Gordhammer** indicated that she would be interested in seeing the response times from the Center Street station as opposed to going to Kayenta and responding. **Chief Hancey** stated that he can look at that. **Council Member Johnson** clarified that the whole reason they put a station out there was because of the possibility of having a fire out there so they recruited people from

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Kayenta to become fire fighters and in return the City received better ratings to have fire stations within certain distances. If they could keep a good crew, she could see keeping a station there but it is hard to keep volunteers. **Mayor Hart** indicated that it might be useful to know the criteria for determining the service level and what removing that station does to the technical service level. **Chief Hancey** stated that would be assuming that a station is manned. **Mayor Hart** inquired if it was feasible to man the Kayenta station. **Chief Hancey** indicated that was not likely. **Dale Coulam** clarified that the Kayenta station has never been a manned station. **Chief Hancey** referred to the agreement and commented that it was terminated in 2018 and that the City is now paying on a month to month basis. **Council Member McDonald** inquired if there are any efforts being made to recruit fire fighters. **Chief Hancey** stated yes that they are always looking for volunteers and handed out recruiting cards to the Mayor and City Council. **Council Member Johnson** recommend that based upon what has been said, she felt that the Fire Department should look at somewhere else to store the vehicles for now and see what the options are and if they can get more volunteers in the Kayenta area, then they could consider something out there at that time. **Council Member Mehr** referred to the current lease being paid of $9,600 per year and it they are talking about doubling that, that is nearly $20,000 per year so that was a no brainer to him and then they can look at an area in Kayenta in the future as the City grows. **Council Member McDonald** indicated that one of the things that Terry Marten brought up was that having that station there brought peace of mind that one was close but obviously if it extends the response time, then that is a hard argument. **Chief Hancey** clarified that they would just be placing the vehicles at a different location.

B. Discuss and consider locations for setting off fireworks

Dale Coulam stated that the two City park locations in the dirt areas, are the best places to set off fireworks and reduce the risk of fires. The City of St. George has done the same thing and this will make it easier to patrol as well. **Council Member Mehr** inquired if using the asphalt at the parks would be okay. **Fire Chief Hancey** indicated that they could probably use some but that would make the location closer to the bamboo and the dry field, which is why they limited it to the dirt areas. **Council Member Mehr** inquired what they were doing in Santa Clara. **Fire Chief Hancey** stated that fireworks are limited to the Heights neighborhood and Gubler Park because there is less park area in Santa Clara.

MOTION: Council Member Mehr moved to approve locations for setting off fireworks
SECOND: Council Member McDonald
VOTE: The motion carried.

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

C. Discuss and consider second amended Development Agreement for Sentierre

A PowerPoint presentation was provided by Sentierre representatives. **Stan Castleton** stated that the current Development Agreement includes the contemplation that if there are market or financing changes or changes in circumstances, with the approval of the City Council, the developers could change some of the restrictions as it relates to the issuance of the certificates of occupancy. The only real source of financing they have is to sell the villas. People from everywhere want to come here to visit and those purchasing are high net worth buyers. **Mayor Hart** appreciated the presentation and thought that this was the right direction. In the earlier

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Development Agreement, the City had assurances that the amenities would be built and that was done by only allowing the developer to sell a certain number of villas at a time before amenities were built but he is hearing that financing structure doesn't work now in the current environment. The City would be abandoning that assurance in favor of the flow of money, that would then assures their buyers that the amenities would be built. **Alan Layton** indicated that it is very important to the owners of the project for the project to be successful but with the current restrictions, they cannot close sales. They want to build something amazing with amenities that are available and open to the public. He was very confident that buyers are there but they need to know that the hotel is going to be realized but the developers have exhausted the financial market to finance that with the current restrictions in place. They have confirmed with the project that they built in Jackson Hole, Wyoming that as they sell the residences, they will be able to build the hotel at the same time. The money goes into an escrow that is controlled by a fund manager. **Dale Coulam** clarified that what he's hearing and has discussed with their legal counsel, is that what they are proposing is that it is of the utmost importance to the buyers of the residences that the amenities get built because they are buying into a resort so the City Council is being asked that instead of controlling the building of the hotel by the number of certificates of occupancies issued, it is controlled by the escrow agreements and that the funds are being accumulated into an escrow that is managed by a fund manager. The developers are then available to build the residences and all of the amenities that they expect to have when it's finished. He inquired of the City Council if they were comfortable with what's been presented as the new plan and assurances that the buyers are going to insist on the amenities being completed before the owners of the project ever receive any money from the project, as opposed to the restriction of limiting certificates of occupancy. The **Mayor and City Council** agreed that this was a positive thing for the developer and the City, as there will be movement on the project, transient room tax collected and they were all anxious to see something happening on this project. They felt that this change was in the best interest of all parties and gives the developers and City the avenue to move forward and they were in favor of the amendments. **Council Member McDonald** referred to trails being open to the public and inquired if that was still going to be the case. **Stan Castleton** stated not as it relates to the trail by the Padre Rock because Snow Canyon State Park does not want that trail there but the amenities would be open to the public and the other trails that are contained within the project. **Council Member Mehr** supported what the developers were asking for and inquired what would need to be in a Motion. **Dale Coulam** clarified that it may or may not be a motion but basically a thumbs up to proceed with amending the Development Agreement and then he will bring it back at the next meeting with a clean Development Agreement for them to see.

MOTION: Council Member Mehr moved to approve proceed with amending the Development Agreement as has been outlined

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

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The meeting recessed from 8:04 p.m. to 8:12 p.m. **Mayor Hart** called the meeting back to order at 8:12 p.m.

D. Continued discussion regarding FYE 2021 and FYE 2022 Budgets

Lane Mecham reported that there were no other updates. The City is waiting for the last meeting in June to capture as much as he can, not only for changes that are happening with City Hall, but also for the regular annual adjustments that the City makes. The County tax rate came in at .1215% and last years was .1324%. This year's tax rate has decreased slightly from last year, but was expected.

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

Dale Coulam provided a copy of the section 16.22.104 of the outdoor lighting ordinance that is contained in the zoning ordinance and indicated that was in place originally under the building code and that has now been combined into a new Chapter. That can be used to compare the Planning Commission's recommended language. **Mayor Hart** commented that after the last meeting he sensed they will be discussing shielding, lighting zones and then go through and refine the language. **Council Member Gordhammer** stated that one important thing about the lights in the Kayenta parking lot is that the poles are much shorter, which impacts the degree of spread as well. **Mayor Hart** suggested that the higher the pole, the deeper the shielding should be. **Council Member Larsen** commented that he cannot tell the difference in the new street lights and old street lights. **Mayor Hart** suggested that they look over the comparative languages and come back to the next meeting with some ideas as to zones and shielding.

MOTION: Council Member Gordhammer moved to continue
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

F. Discuss and consider approval of an update to Standard Specifications for Lighting Design

Chuck Gillette indicated that these are based on guidance that the Council gave to him when they were on-site for the work meeting recently. The direction given to him was that lighting of streets in the rural area would be limited to bollard lighting only. The **Mayor and City Council** agreed. **Council Member Gordhammer** inquired what the definition of a crosswalk was. **Chuck Gillette** stated that in his mind, it means that every intersection has a crosswalk whether it's painted or not. **Council Member Gordhammer** stated that it would interesting to see how many bollards the City would be talking about and inquired who determines the design of the bollard. **Chuck Gillette** indicated that is determined by the specifications but the City could approve those on a case-by-case basis. **Council Member Mehr** stated that the design should be unified throughout the City. **Council Member Gordhammer** requested a map that identifies bollard lighting throughout the City.

MOTION: Council Member McDonald moved to continue
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

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

Chuck Gillette indicated that he will bring this back to the City Council with a map and a better definition of a crosswalk.

G. Discuss and consider approval of Ordinance No. 2021-06, an Ordinance of Ivins City, Utah, regarding water use efficiency and watering times

Dale Coulam stated that he attended a meeting this morning where all of the City Managers met with Zach Renstrom who is with the Water Conservancy District. The District will be sending out a letter with some possible things to consider, as an example, in a Development Agreement and on new plats, there may be a note that says they are not be able to guarantee water. The District is also looking at new construction and limiting the amount of turf that can be used. **Council Member Gordhammer** indicated that after looking at the cost of the wastewater treatment plant and if the City cannot limit issuing building permits, the City should look at limiting the amount of grass that is allowed. **Mayor Hart** commented that it might be wise to wait on approving this ordinance until additional information is received from the Water Conservancy District. **Dale Coulam** agreed and stated that the District talked about the watering restriction of 8am to 8pm and 10am to 8pm but the City of St. George currently uses the 8am to 8pm language and is not planning on changing their language. Zach Renstrom did not seem opposed to that but the Water District board may have to weigh in on that because they are going to spend a lot of money on campaigns of when to water and when not to water. **Council Member Mehr** indicated that the City should differentiate between a lot in a subdivision versus a new development and the City needs to make sure that Ivins is inviting to all because some families may not want to come to Ivins if they can't have grass in their back yard. He also suggested that the Water Conservancy District meet with the landscape companies first and incentivize them to help with conservation. **Mayor Hart** stated that there are technologies out there that if someone wanted grass, there's a drip irrigation that is subsurface with sophisticated timers that sense ground moisture so that remains an option. **Dale Coulam** clarified that the Water Conservancy District agreed that this campaign has to be a collective effort and they feel that this year's drought is very serious and they need to start adopting some ordinances and taking some steps on water conservation.

MOTION: Council Member McDonald moved to continue
SECOND: Council Member Mehr
VOTE: The motion carried.

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

H. Discuss and consider change order for emergency electrical generation for new City Hall

Mayor Hart indicated that there is no change order yet but they have discovered that the technology with the inverters doesn't allow the solar system to kick in and run everything in the building if there is a loss of power. The second problem is the battery system that was planned isn't big enough and to upsize the battery system does not make sense. The architects and contractor brought in an electrical engineer and determined there needs to be a natural gas generator as backup power, to run the entire building. The building is going to have the most

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efficient AC system and if residents lose power, they may need to have a place to go if they need power for medical needs. The contractor has assured the City that the cost of the generator would not exceed $75,000 and there is a credit of approximately $35,000 for the batteries so the approximate expensive would be $40,000. The City Council agreed that it was a better situation to have a generator to power the building in an emergency situation.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for May 20, 2021

Council Member Mehr clarified that he was not in attendance at the May 20, 2021 City Council meeting and would like the Minutes to reflect that.

MOTION: Council Member Mehr moved to approve the City Council Minutes as amended
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr reported that there have been three (3) community members who have passed recently, those being George Elwell, Shawntell Smith and the former CEO of Tuacahn, Kevin Smith's wife. He wished their families and other families in the community that have lost loved ones over the past year. He reported that he attended a Cub Scouting Cub Day camp at Quail Creek Reservoir.

There were no other reports.

B. Mayor

Mayor Hart reminded the City Council that June 16, 2021 is Jack Reber day and there will be a parade from the Veteran's Home to City Hall.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he was in a City Manager meeting this morning and they discussed that electrical utilities are worried about rolling brown-outs. The City has the capability to provide power in the current City Hall building and should have that capability in the new City Hall. It is an extreme fire year and they need to be prepared for possible brown-outs and he was glad to see that they will be getting a generator for the new City Hall.

D. Items to be placed on future agendas

Council Member Johnson requested that they discuss the idea of changing the Ivins City Park name to Heritage Park.

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

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

The meeting adjourned at 9:00 a.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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