IVINS
CITY COUNCIL
MINUTES
June 17, 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 Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Gordhammer, and Council Member Larsen.
STAFF: Dale Coulam City Manager/Attorney, 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: Chris Haddad, Dan & Jan Brown, Don Willie, Josh Vidal, Paul Bryson, Judith Hutcheson and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member McDonald and Council Member Gordhammer were 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 Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

Council Member Larsen disclosed that through his business, he does some work for S&S Homes. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Presentation by the St. George Chamber of Commerce

Don Willie is the current President and CED of the St. George Area Chamber of Commerce and indicated that the Chamber covers five (5) cities as part of the Washington County metropolitan area, those being St. George, Washington, Hurricane, Ivins and Santa Clara. The Chamber puts together an annual printed area guide that is distributed through local hotels and restaurants, as well as all over the globe. He provided a copy of the magazine to the Mayor and City Council, a copy of which is available in digital format on the Chambers website. The publication features specific locations, businesses and recreational opportunities for individuals looking at the guide, to get a feel for what is here. He requested a $10,000 commitment, which includes the annual Chamber membership fee of $1,000. **Mayor Hart** indicated that this will be part of the budget discussion this evening.

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

Cody Mitchell reported that the City has issued 17 new single family building permits so far in the month of June, with a total of 121 new single family residential permits for the year so far. There are also 10 new buildings of multi-family with 31 units. The Canyon Crossing project is finishing up the exterior and the City is receiving calls about calls about tenant improvements and interest but no applications to date. Regarding the progress of the new City Hall, drywall is now being hung. **Cody Mitchell** indicated that with work demands , the City has hired Fred Castagne as a new Building Inspector. **Fred Castagne** introduced himself, stating that he is originally from Quebec, Canada and has been in the masonry business for over 20 years, including performing commercial and structural inspections.

Chuck Gillette reported that the Public Works Department lost an employee to Santa Clara but gained a new employee by the name of Derek Jones from Enterprise, Utah. The Public Works crew has been working hard and exercising water valves to make sure they're working. They fixed six (6) water leaks, block walls are going in on Center Street and crew helped with fill and compaction of the soil for the block walls. They have also been repairing sidewalk, curb and gutter throughout the City. He reminded the Mayor and Council that there will be some rate increases next month where the Water District increased their rates and that is passed on to the City and residents. They looking at the possibility of placing a reservoir in the Kayenta area and looking at all possible options. There is a lot of planning going on and he wants to make sure the City is doing what is best for the City and its residents. **Council Member Larsen** referred to the water leaks and inquired if there was a common thread with the leaks. **Chuck Gillette** stated yes, it is faulty poly pipe and they have been working towards obtaining compensation for the faulty pipe.

Lane Mecham reported that things are proceeding normally for this time of year.

C. Planning Commission Report

Lance Anderson reported that the Planning Commission held a Public Hearing on the amended Transportation Master Plan, as an element of the General Plan and made some recommendations on the amendments. That will move forward to the City Council for a Public Hearing. The Planning Commission also approved a Final Plat for Red Mountain Terrace Phase 2-A and discussed exterior colors and accessory dwelling units.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

Mayor Hart indicated that there was one request submitted by Justin Egbert with S&S Homes but stated that it was not appropriate to take a comment at this time that could be interpreted as a Public Hearing comment. The comment relates to agenda item 5)E and the City Council will discuss that tonight to decide whether or not to pursue that.

4) PUBLIC HEARING AND ACTION ITEMS – None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion regarding approval of FY 2021 budget amendments and the proposed FY 2022 budget

Lane Mecham stated that some of the amendments and changes to the upcoming fiscal year are changes that they have talked about many times throughout the last couple months, as well as things that have come before the City Council for approval. Each year at the end of the year, the City makes some adjustments to make sure that the City is state compliant. The amounts in the budget are legally binding and the City needs to stay within those appropriations. The budget amendments reflect adjusting the budget to reflect changes. **Council Member Mehr** referred to

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budget items reflecting paying off UNITY Park funds and inquired as to that. **Lane Mecham** clarified that was paid off this fiscal year. **Mayor Hart** referred to the request received from the St. George Chamber of Commerce and inquired if that had been addressed. **Lane Mecham** clarified that it had not and that they could discuss that at this time. **Council Member Mehr** indicated that he did not think the City should spend the money on the St. George Chamber of Commerce publication but felt that the City could support the Chamber in a different way. He was not sure what the return on the investment would be if investing in the magazine publication. **Council Member Gordhammer** agreed with Council Member Mehr and questioned the investment for the magazine. She would be more supportive in a smaller amount but supported electronic version of the magazine. **Council Member Larsen** commented that it is a nice magazine with a lot of advertisements and inquired how much is advertisements compared to content. **Don Willie** clarified that the Chamber of Commerce is not a revenue generator but they generally follow the 60/40 rule where 60% is content and 40% are advertisements. The City Council agreed that this may be more relevant to Ivins in three (3) to five (5) years with projects that are currently in the process and wanted to take the "wait and see" approach and approve the budget as it stands.

MOTION: Council Member Mehr moved take a wait and see approach and proceed with the budget approval as it stands, which includes the $1,000 membership fee to the Chamber

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

B. Discuss and consider approval of Resolution No. 2021-06R, a Resolution of Ivins City, Utah, adopting the Final Budgets for Fiscal Year Ending June 30, 2022

Mayor Hart referred to the need for a generator for the new City Hall and commented that it is approximately one (1) year from the time the City purchases a generator, to the time it would be available and the City would be required to pay half now, which is already in the budget and then the balance when it is installed, which would be in a different budget. The **Mayor and City Council** discussed the cost difference between purchasing a 150KV generator and a 175KV generator. The have been discussion that using a 150KV generator would power up most everything but they were unsure as to what "most everything" was but the 175KV would definitely power everything in the event of a power outage. They determined that they wanted to include a generator in the budget as a back-up power source but needed more information and answers as it related to what would be powered by a 150KV compared to a 175KV generator. **Mayor Hart** suggested that the Electrical Engineer be present to answer those questions. **Dale Coulam** commented that the new City Hall is being built so that it could be added onto in the future and inquired if the Electrical Engineer had taken that into account for future power needs. **Mayor Hart** indicated that he will arrange for the Engineer to be present or have an explanation of those things for the City Council.

MOTION: Council Member Johnson moved to approve Resolution No. 2021-06R, a Resolution of Ivins City, Utah, adopting the Final Budgets for Fiscal Year Ending June 30, 2022

SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

Lane Mecham requested that the Council also approve the amendments to the fiscal year 2021 budget that was discussed under agenda item 5)A.

MOTION: Council Member McDonald moved to approve the budget amendments for Fiscal Year Ending June 30, 2021
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

C. Discuss and consider approval of Resolution No. 2021-07R, a Resolution of Ivins City, Utah, approving the Certified Property Tax Rate for Calendar Year 2021

Lane Mecham stated that each year the Certified Tax Rate is required to be adopted. The rate is .001215 which is the rate that the Auditor has put forth.

MOTION: Council Member McDonald moved to approve Resolution No. 2021-07R, a Resolution of Ivins City, Utah, approving the Certified Property Tax Rate at .001215 for Calendar Year 2021
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

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

D. Continued discussion to consider approval of second amended Development Agreement for Sentierre

Dale Coulam indicated that what was attached to the agenda was a clean version and a redlined version of the Development Agreement. He spoke with Sentierre's Attorney and explained that the City does not have a "lot split" procedure or a simple subdivision procedure but if the City has already had a plat approved, they could amend the plat so instead of lot splits, it would actually be amending the plat every time they want to do that for just those lots. This afternoon he received their presentation materials that were referenced as exhibits to the agreement and the

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proposed funding document but he would like those to be reviewed by Ivins financial experts. Sentierre's Attorney agreed to continue this to the next meeting. **Council Member Mehr** referred to page four (4) where the City previously was going to contribute $100,000 to replacing and burying the water tank but now they are proposing to shielding that and it seemed to him that shielding would cost much less than replacing and burying the tank and thought that $100,000 should be negotiated. **Mayor Hart** clarified that the history of that is that the $100,000 number came from the fact that the City needed to repaint the tank and that was what the cost was going to be. Ivins participation was not to contribute to what they were doing but to provide what the City was going to spend anyway. **Chuck Gillette** stated that was correct and the City should not be contributing to any sort of hiding of the tank, as the City needs to paint the inside and the outside of the tank.

MOTION: Council Member Mehr moved to continue to the next meeting
SECOND: Council Member Johnson
VOTE: The motion carried.

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

E. Discussion on the Planning Commission's recommendation to deny an amendment to size limitations for attached garages in relation to primary dwellings in residential zones

Mayor Hart indicated that this was Justin Egbert's request and commented that the Planning Commission reviewed this and recommended that they would like to see the ordinance remain as it is. He inquired if the Council would like to proceed with a Public Hearing before the City Council. The **Mayor and City Council** commented that there is a demand for larger garages and agreed to proceed with a Public Hearing.

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

Mayor Hart commented that they landed on two additional elements that they would like to discuss, those being shielding and zoning districts. He referred to section 16.23.101 under "Purpose" and read the following "The purpose of this chapter is to encourage the quantity and level of lighting necessary for safety, security and the enjoyment of outdoor living. The type of lighting and the location of lighting fixtures are key components of effective lighting. It is the intent of this chapter to effectively light areas with lighting fixtures that limit glare and direct light onto the area to be lit." **Mayor Hart** indicated that was a pretty clear statement. He referred to section 16.23.105 (4) "Light Trespass" and read the following: "All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. Direct illumination shall not fall onto or across any public or private street or road. No spill lighting is permitted." He referred to section 16.23.105 (5) "Fully Shielded Fixtures" and read the following in part: "All outdoor lighting, emitting more than 2000 initial lumens, shall be full cut-off fixtures fully shielded with fixtures installed and aimed in such a way so that no light is emitted above the horizontal. For luminaires under 1800 lumens the bulb must be frosted glass or installed behind a translucent cover..." The reason he wanted to read those is that the City actually already has the language in place to do what Council Member Larsen is talking about, but is not illustrated very well. The two requirements ought to be that the light bulb or light source cannot be seen and that it does not

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spill beyond the backyard. **Council Member Larsen** was concerned with wanting to build a community together because he felt that policing each other pulls the community apart. **Mayor Hart** commented that one can buy an inexpensive double flood light and place hood over it so that it does not spill over into the neighbors yards. **Chuck Gillette** provided diagrams illustrating how light is projected down using shielded fixtures, as well as how light is projected when it is not shielded. A copy of the diagrams are available as an attachment to this agenda. **Council Member Gordhammer** commented that there is a resident who was wondering about elevations where there is home with a garage that has shielded lighting but it is up above a home below and the light shines down on the home. **Cody Mitchell** clarified that in that particular case, the home owner above is compliant. **Council Member Gordhammer** commented that what the City has currently seems to be what is needed and in a situation where a home is above another home, even with shielding, the lower property is potentially going to see the light but she did not know what could be done about that. **Mayor Hart** suggested that there were some things that needed to be cleaned up in the ordinance that are difficult to enforce. He referred to the rural area of the City and commented that the City already has a demarcation of the rural area of the City so they may not need to come up with any other lines. **Council Member Larsen** commented that there are places in the City where people are more concerned about lighting, particularly in the North, East and West areas of the City and suggested those areas could be identified on a map. **Chuck Gillette** commented that could be done by adding figures to the ordinance and then having its own map. **Mayor Hart** referred to concerns regarding safety on the streets and indicated that goes to the need for more street lights in some of the areas and making sure the street lights that are in place work. He suggested that this be continued and bring it back with Chuck Gillette providing a map showing the darker sky areas and then they can move into the Planning Commission recommendations. **Dale Coulam** reminded the City Council that once they have finalized this discussion, they will hold a Public Hearing before the City Council. **Council Member Larsen** suggested that if the City is adding more street lights, they should add more shielded street lights because even though they are cut-off fixtures, there is still a lot of light spill. **Chuck Gillette** stated that they could possibly tuck the lights in higher.

MOTION: Council Member Johnson moved to continue
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

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

Chuck Gillette provided some alternative language with a couple of different versions of the alternative language. The **Mayor and Council** discussed the different versions of the language. **Council Member Gordhammer** commented that alternative A or option A would dramatically change the character of the Kayenta community and she felt that option C was the best option. **Mayor Hart** indicated that there is a fair amount of development occurring in the Taviawk area and there may be concerns regarding traffic and safety. **Council Member Gordhammer** stated that she did not have a problem addressing those issues when there was an issue but she did not see the rationale of placing lights in those areas when there is currently no

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issue there. If the traffic count warrants that, then she was okay with that. **Chuck Gillette** clarified that the reason to put those in the specifications is so that when a developer comes, they pay for it. **Council Member Gordhammer** commented that it seemed like they were trying to solve a problem that isn't there. If the numbers justify the changes then she was okay with that but not on a whim. **Mayor Hart** referred streetlight locations. **Council Member Johnson** suggested that the City make sure that the lights that the City has are working because in the Historic Township area, there is good lighting when it is working. There are so many lights out consistently that it would help if those were working. **Mayor Hart** suggested that Chuck Gillette come back with further clarifications and a map.

MOTION: Council Member Mehr moved to continue
SECOND: Council Member Johnson
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. Discussion regarding water restrictions

Dale Coulam referred to information provided to the City by the Washington County Water Conservancy District. A copy of this information is available as attachments to this agenda. One easy recommendation to follow is that no more golf courses will be allowed. The one that is under construction is already vested but as far as new construction, they would not be approving any more golf courses. The easiest way to remove that use would be to amend the Table of Uses. The City needs to amend that Table anyway because an RV Resort is not currently in the Table. Governor Cox has come out with Emergency Declarations regarding the drought and the City could look at some of those things. Regarding fireworks, Ivins has put together a pretty tight map of where fireworks are allowed, which is in the dirt infield in two (2) parks. **Council Member Mehr** inquired how the City is letting the community know about where fireworks are allowed. He did not want everyone getting cited but he also did not want to see any fires caused by fireworks being set off where they shouldn't be. He would like to see the City be proactive in letting people know. **Mayor Hart** referred to the idea of limiting building permits but that is currently fraught with peril because of how that would be done but the City needs to be thinking about the possibility of there coming a time where the City may need to say that they are not going to look at any new developments because of the possibility of not being able to provide water. The City needs to start thinking ahead a contemplating what they are going to do. The other thought is that someone moving here now is moving into an environment that is not sufficient for them to come here, yet the economy is based on growth and he inquired if it should pay a price for the privilege to be here. Recirculating pumps save 10% on water use. Regarding exterior landscape, the City may have to say sorry, you cannot have grass in your yard. **Dale Coulam** commented that there is a valid point of if Ivins does these things to conserve water but other municipalities do not, they are using the water Ivins has not. **Mayor Hart** inquired if at some point in time, does the City say don't buy land because we don't have water. **Dale Coulam** indicated that there are a lot of ideas and as they review those, they can discuss those as future agenda items and bring those forward as they identify things that stand out to them. It's also important to educate the public.

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I. Discuss and consider approval of Ordinance No. 2021-06, an Ordinance of Ivins City, Utah, amending Sections 10.01.125 through 10.01.127 of the Ivins City Code regarding Water Conservation

Dale Coulam indicated that he included water conservation measures, stages, watering times prohibited between the hours of 8am to 8pm and the last item involves emergency declarations, which may be something the City considers at some point, as well as imposing some drought restrictions. **Council Member Gordhammer** was in favor of acting on something tonight. The Council needs to be thinking about, as well as the community, the stage that Ivins is in so that residents understand that the City is in fact doing some things regarding conversation as it relates to no new golf courses, limiting grass in new developments and using xeriscaping instead, as well as suggestions that residents can do now to help. **Council Member Mehr** referred to the emergency restriction section and commented that coming out of what they have been through with the pandemic and the controversy with executive orders, he wanted to guard against government overreach and inquired what the City would be saying in the emergency restriction. **Dale Coulam** clarified that it would be what is set forth in a Proclamation and can vary but is flexible. The Mayor can issue an emergency order then and it is in effect for 30 days then the City Council could extend that. **Council Member Mehr** appreciated the explanation and stated that he had no concerns.

MOTION: Council Member Johnson moved to approve I. Discuss and consider approval of Ordinance No. 2021-06, an Ordinance of Ivins City, Utah, amending Sections 10.01.125 through 10.01.127 of the Ivins City Code regarding Water Conservation
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

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

J. Discuss and consider name change of the Ivins City Park to Heritage Park

Council Member Johnson stated that a lot of people are not sure where to go when they are told to go to Ivins City Park and suggested this name change for the park that is adjacent to the current City Hall. **Council Member McDonald** understood and was okay with that but had an idea of naming it Ivins City Heritage Park. **Council Member Johnson** was pleased with that.

MOTION: Council Member Johnson moved to approve the name change of the Ivins City Park to Ivins City Heritage Park
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

K. Continued discussion regarding a change order for emergency electrical generation for Ivins new City Hall

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This agenda item was addressed previously tonight under the budget discussion.

6) CONSENT AGENDA

A. Approval of City Council Work Meeting Minutes for May 19, 2021

B. Approval of City Council Meeting Minutes for June 3, 2021

Council Member McDonald complimented the City Recorder, stating that she does a wonderful job. The Mayor and other City Council Members agreed.

MOTION: Council Member Mehr moved to approve the Consent Agenda

SECOND: Council Member Johnson

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 he attended Jack Reber day on June 16th and commented that it was a great event. Mr. Reber celebrated his 100th birthday that day, was a former Mayor and Council Member. He was in a horse drawn carriage and the parade went around the Veterans Home, down Center Street and ended at Ivins City Hall.

Council Member Johnson reported that Mr. Reber has been here since the very beginnings of Ivins and commented that it was incredible to think when you compare his lifetime to the community, they are the same.

There were no other reports.

B. Mayor

Mayor Hart referred to a letter that he received from the City of St. George's Mayor and Fire Chief, thanking and extending their appreciation to the Santa Clara Ivins Fire Department for helping them out recently with a couple of significant structure fires.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the generator and clarified that the amounts are an increase from $80,000 to $125,000 and then when they deduct the cost of the solar batteries that they are no longer purchasing, that brings the cost to $88,000 but the Engineering Firm VCBO is having the Electrical Engineer review the efficiency of the two KV generators and will report back to the City.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

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

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Council Member Larsen	AYE

The meeting adjourned at 8:25 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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