IVINS
CITY COUNCIL
MINUTES
September 16, 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: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Cody Mitchell, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, and Deputy City Recorder Sharon Allen.

EXCUSED: None.

Audience: Claudette Larsen, CJ Koharcheck, Patrick Manning, Stephanie Nast, Lance Anderson, Zach Renstrom, Claudette Larsen, CJ Koharcheck, Karry Rathje, Mark Wilson, Max Gross and others that did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. All Council Members were present in the Council chambers.

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.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Presentation and discussion by the Washington County Water Conservancy District regarding water conservation in new development – Zach Renstrom

Zach Renstrom with the Washington County Water Conservancy District provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available as an attachment to this agenda. He stated that because of the drought and growth that is occurring in the County, he met with the Mayors earlier this year regarding best practices as it relates to water and new growth. The Water Conservancy District hired a consultant. With new home builders coming in and the growth, there is only so much water and he felt that they should always use best practices. Washington County is the number one County in the nation for growth right now and has done a good job in meeting water conservation goals, as well as other areas like time-of-day watering ordinances that municipalities have passed and most

municipalities have landscape ordinances. The Water Conservancy District would like input from the City Councils and then hold a water summit towards the end of this year and look at the recommendations. **Mayor Hart** commented that it is a balance between conserving water and still having the property be livable. He indicated that it is not the intent of the Water District to retroactively require turf be removed. They are working on educational programs and an incentive program to be able to have more water efficient use across the cities.

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

Cody Mitchell reported that Building Inspector Fred Castagne is now a residentially certified inspector, Building Inspector Randall Martin recently passed his second commercial exam certificate and the Deputy City Recorder who works in the Building Department, Sharon Allen, does a great job for the department. He reported that he has accepted a job with the City of Santa Clara and will be leaving Ivins City on Friday, October 8th.

Chuck Gillette provided a written report, a copy of which is available as an attachment to this agenda. He reported that there have been a lot of water leaks this summer. They are working on no parking signs on Puerto Drive that will indicated no parking on school days from noon to 4:00 p.m. The Public Works Department extended an offer of employment for the Administrative Assistant position to Marty Thomas and he will be starting next week. They have been working on storm water inspections and looking into the Cityworks software program. They may also need to purchase another sweeper. The current sweeper operates using two (2) engines, one for the drive train and one for the vacuum. The new sweeper operates with one (1) engine and is linked through a hydraulic system. That system is new to the U.S. so they are looking into those, as that might be a good way to reduce maintenance. They submitted a few grant applications for irrigation and one for an advanced water metering infrastructure system. They had a demo set up at the Public Works yard for street lighting shielding and some 3-D mockups on paper to shield the City's existing lights. A copy of the mockups are available as an attachment to this agenda. **Mayor Hart** commented that the deeper the bulb, the better the shielding. The **Mayor and City Council** looked at the models on paper and agreed that the 4" appears to be the best option for shielding. **Chuck Gillette** stated that they will work on that. He provided data on the 2020 Census, a copy of which is available as an attachment to this agenda. According to the 2020 Census, Ivins City's population was 8,978. That was an increase of 2,225 residents in ten (10) years.

Cade Visser reported that the Auditors will be in Ivins the last week of October. **Mayor Hart** thanked him for the written financial information that he provides. A copy of that information is available as an attachment to this agenda, as well as on Ivins City's website.

C. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held a Public Hearing on a Class IV Conditional Use Permit for Sentierre Development and Construction Offices and approved that Conditional Use Permit.

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. Status of Impact Fee Facilities Plan and Impact Fee Analysis for Public Safety

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Dale Coulam stated that Marv Wilson with Sunrise Engineering was present if further explanation is needed. They have been trying to get more accurate growth numbers, increased the construction costs and tried to get more specific. They are in the ballpark as to how much Black Desert Resort adds to the growth and it should be finished within a 10-year horizon. He and Lance Anderson met with Fire Chief Randy Hancey so they could get a better understanding of what the plan is for fire stations. SCI Fire has moved temporarily to the station on Rachel drive in Santa Clara and the next manned station that is planned, would be in Santa Clara, on Santa Clara property where the old City Hall used to be. They are also looking at sites with Lance Anderson and have identified an area that could work, which would be Kwavasa. It would have quick access into Coyote Gulch and Kayenta Parkway. Fire Chief Hancey's intention is if the City can build a fire station there, he would like to see it be a manned station with a fire engine, a brush truck, and an ambulance. The fire station on Rachel Drive is close enough to a lot of the other areas of Ivins and has a good response time. Ivins City does anticipate a need with the commercial growth with Black Desert Resort, Rocky Vista University and the adjacent student housing that is already here, as well as Tuacahn's actor housing. Patrick Manning with Black Desert Resort has mentioned that they may be able to work out a location for a fire station somewhere in the resort area but whether that would be on the Santa Clara side or in Ivins, that has not been determined but that would be an ideal location to house a ladder truck. If the Santa Clara station is built first, it could house a ladder truck and they can pull in on Vineyard and drive into the station. The station just needs to be deep enough to hold the length of the ladder truck and could go there temporarily until there is something established in the Black Desert Resort. The goal would be to have manned stations on both ends of Ivins City. The Rachel station would then likely go to an unmanned station and Santa Clara's new one at the old City Hall, would become their manned station, along with what' may be in the Black Desert Resort. He is being reassured that Ivins City would have good response times to all areas, although building fire stations are very expensive projects. Regarding the impact fees, there will be some refinement but the City is trying to get the fees to a point where it's close enough to where they can move this to a public hearing. The plan is updated and the version that the City Council is looking at, explains the level of service and how to calculate the impact fee and calculate ERU (equivalent residential unit) based off of the square footage. The impact fee was $480 and then dropped to $95 when the market hit a low and the two cities combined Law Enforcement and Fire. The proposed Impact Fee for Ivins City is now $1,478. The City of Santa Clara's impact fee is approximately $1,300 and should likely be higher, as it was calculated prior to the construction spike. **Mayor Hart** inquired of Marv with Sunrise Engineering and inquired if the Capital Facilities Plan for Public Safety includes all of the items that Dale Coulam has discussed. **Marv Wilson** stated that it did and clarified that the one thing that has changed from the last plan, was that they have reduced the amount for Animal Control due to there being plenty of square footage for Animal Control and it will be more than ten (10) years before more is needed for Animal Control. **Dale Coulam** clarified that Santa Clara and Ivins Animal Control also combined Animal Control and there is an animal control facility in Santa Clara that has been used for quarantine and storage of food and other supplies. Both shelters are counted as existing level of service and the facility in Santa Clara could be used as overflow if need be. The shelter system is designed to take in animals and then adopt them out as quickly as the cities can. The current Animal Shelter Manager, Bailee Mabe, is doing a tremendous job and the shelter does not have overcrowding. **Mayor Hart** commented that was

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interesting because early on, the Animal Shelter was packed. **Dale Coulam** clarified that was a time when the Animal Shelter was managed by a different Shelter Manager who had a different philosophy. **Marv Wilson** referred to growth and commented that the current Animal Shelter is sufficient but clarified that the more Ivins grows, the more money is required. The less Ivins grow, the less money is required, with the exception of the fire ladder truck because those are expensive, which is estimated to be $1 million dollars. **Dale Coulam** clarified that in order to use impact fees, that expense has to be at least $500,000. The last fire truck that the City purchased was over $500,000 and then by the time it was outfitted, it was over $600,000. The current base price of a ladder truck starts out at $1 million dollars before it is outfitted. **Marv Wilson c**larified that Ambulances are not impact fee eligible and neither is operation maintenance or anything that is not brick and mortar, with the exception of the fire truck. **Dale Coulam** stated that after speaking with Fire Chief Hancey, the cities will be receiving a newer ambulance from the county. They will have a total of three (3) ambulances that are functional, with one being older. They could place an ambulance at the different facilities and still have good coverage. Ivins City originally became licensed for the ambulance service by showing Ivins much faster response times. The closer they are, the quicker the response time, so they would want to spread those out in the two communities. **Marv Wilson** stated that as they are discussing replacing a facility, that is not impact fee eligible, nor is a lease. After the last meeting they have revised the cost of construction and have been trying to figure out what to do to reduce costs and be fair to the residents of Ivins City. **Mayor Hart** indicated that it is an increase but it's one of those things where it is what it is. The City is confronted with additional costs so this has to happen. **Dale Coulam** commented that it seems like a huge jump because the fee plummeted to practically nothing the last time the City did this but the City has expensive projects coming up a fire house is not inexpensive. **Council Member Mehr** inquired when the last Impact Fee evaluation was done. **Dale Coulam** clarified that they are done every four (4) or five (5) years and was last done in 2017. **Mayor Hart** stated that after the merger with the City of Santa Clara, both cities were saving money but that was mostly administrative and does not help this much due to Ivins capital projects. **Marv Wilson** commented that Sunrise Engineering prepared the Impact Fees studies for both Ivins City and the City of Santa Clara. **Council Member Mehr** commented that the City is currently talking about some things that Ivins has not discussed before, that being fire stations and locations. With the timing and the fees, the City needs a formalized plan that includes the fire station and fee that the Council can agree on and follow. **Marv Wilson** clarified all of that is in the document, but they have left it flexible because they know it needs to be built and they have identified three possible (3) locations. **Council Member Gordhammer** indicated that right now there are portions of Ivins that are outside of the response time window and inquired as to poor response times. **Dale Coulam** clarified that there is the potential for a poor ISO insurance rating as it relates to response times, which could cause higher insurance rates. The City is trying to get everywhere in the City within a five (5) minute response time. He inquired of the Council if they were ready to move forward with this to a Public Hearing on this at the next City Council meeting. The **City Council** agreed that they were.

B. Discuss and consider approval of Ordinance No. 2021-15, an Ordinance of Ivins City, Utah, regarding Small Wireless Facilities

Dale Coulam stated that the Ordinance that the Council looked at previously was based on an Ordinance from Ogden City and follows the statute very closely. It is likely that a small wireless

facility in Ivins would be a monopole with a larger top, which is the antenna. The equipment will have to be housed someplace and could be placed at the bottom of the pole but must be less than 28 cubic feet. Some municipalities have required that they place the equipment in the landscape buffer or underground. **Council Member Mehr** inquired if these are the ugly large cell towers that are around. **Dale Coulam** indicated no. They are a monopoles' a regular sized pole that gets larger in diameter at the top for the antenna. The City would likely want to require that the poles match the colors of the City's utility poles. They would not be the same style as the light poles but would at least be the same color and would not have a light on the top. If Ivins poles were larger, the antenna could go on the top of the poles but in Ivins, the City has smaller light poles which is why the monopoles would be used. The poles cannot be placed on residential streets because the streets have to be 60 feet or wider. The statute does allow the City to charge some fees, which is a telecommunications tax. The City would receive 3.5 percent or $250, whichever is greater. If the City wants to have some limited control, this ordinance needs to be passed. He suggested that the City change the preference to landscape buffers and he will bring it back for their review at the next City Council meeting. The small wireless facilities are necessary for 5G. **Council Member McDonald** inquired if any company could come in and place these poles and then they would be everywhere and inquired if the City can put some limits on them. **Dale Coulam** clarified that they could co-locate if it's possible on a pole like on Rocky Mountain Powers poles or on a wooden telephone pole. For Ivins standard of lighting, these would look better as a monopole, colored the same as Ivins lights that and match Ivins standards. The poles have a much smaller distance of coverage to have the 5G speed so they need more poles. **Council Member McDonald** inquired which roads the poles could go on. **Dale Coulam** stated Center Street and any street that is 60 feet or wider. He will bring the Ordinance back for their review at the next City Council meeting.

C. Discuss and consider approval of a Software Services Agreement with OpenGov Inc.

Dale Coulam indicated that this can be pulled from the agenda. The City met with the CEO of OpenGov and decided to wait to see if been some glitches that they talked about can be fixed.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for September 2, 2021

MOTION: Council Member McDonald moved to approve City Council Meeting Minutes for September 2, 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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson reported that they had a successful Heritage Days. There were no other reports.

B. Mayor

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Mayor Hart reported that Constitution Day takes place tomorrow and the Southern Utah Veterans Home has agreed to let the City do that at their Memorial Park. Balance of Nature is bringing 50 bells and letting the Veterans ring the bells. Kevin Smith will have Tuacahn sing the National Anthem.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that Ironman is this upcoming Saturday and will be a combined single day event. The Canyon Crossing gas station is not finished yet so it should be easier to negotiate around that turn for the cyclists. He reported that Mayor Hart will be holding the tape for the winner to run through. The Dixie Rodeo is also going on at the same time and the Utah League of Cities and Towns Conference is coming up. It will be live at the Salt Palace September 29th through October 1st. If they would like to attend, they can let the City Recorder Kari Jimenez know and she will get them registered.

D. Items to be placed on future agendas

A. Possible request/motion to reconsider the Planning Commission's recommendation to approve a Special Height Exception within the Resort Commercial Zone for Black Desert Resort

Dale Coulam indicated that in the Rules of Procedure, there is a procedure for a motion to reconsider. Within 30 days, if someone made a request in writing, an item could be brought back on a City Council agenda. Black Desert Resort has made modifications and to show good faith they have removed the elevator in question and are working on a new deed restriction with Mr. Beasley that conforms to the height that they were planning and this has been memorialized in their Development Agreement. This agenda item can be reconsidered if someone that voted against this item previously, based upon new evidence, makes a motion to have it reconsidered at the next City Council meeting. Then the Council could have a discussion and reconsider the agenda item. **Council Member Mehr** commented that there will still be an elevator. **Patrick Manning** clarified that there would be, but not to the roof. Roof maintenance could be accomplished by accessing the roof from a staircase. The deed restriction would say no public access and the elevator would not go to the roof.

Council Member Gordhammer explained that the reason she was going to move to reconsider, because previously she was very much opposed, her motion was based on Black Desert hearing the residents of Ivins and their discussion where they expressed concern over the use of the rooftop as a potential event center, concerns about noise pollution and light pollution, and because they heard us and because they changed the design, now the highest, the roof would be 42 feet, which is a 7 foot increase over the 35 foot maximum. Based up on that, it is worth the Ivins City Council reconsidering.

MOTION: Council Member Gordhammer moved to reconsider at the next City Council meeting, with the stipulation that the deed restrictions go in place

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

9) CLOSED MEETING

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10) <u>ADJOURNMENT</u>
MOTION: Council Member Mehr 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
Council Member Larsen	AYE

The meeting adjourned at 7:35 p.m.

Respectfully,

*Kari Jimenez
City Recorder

*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.

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