IVINS
CITY COUNCIL
MINUTES
December 16, 2021

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, and Council Member Gordhammer.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, Finance Director Cade Visser, and City Recorder Kari Jimenez.
EXCUSED: Council Member Larsen

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present in the Council Chambers. Council Member Larsen was excused and Council Member Mehr was not present, but expected shortly.

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Chuck Gillette reported that the City received grant for the Highway 91 project and they hope to bid that out in March of 2022. They are not going to recoat the Tuacahn water and are working with Sentierre to replace with concrete tank. They have proposed a square tank design with the idea that a square shape might be able to hide it more easily with some sort of a faux rock and Sentierre may be coming to the City Council to request a night sky viewing platform on top of the tank. The results of the sewer acoustical inspection was that the majority of the sewer lines were open. He is working with the Building Department and the Water Conservancy District to obtain a number of how many vacant lots and approved lots to determine how many are under construction. From a preliminary aerial photo that was taken in April of 2021, there were 420 vacant lots with an additional 171 lots that have been approved through the Preliminary Plan process since that time.

Council Member Mehr was in attendance at 5:38 p.m. and had no disclosures or conflicts of interest.

Council Member Johnson referred to the Tuacahn Tank and inquired if it would be maintained by Ivins or Sentierre. **Chuck Gillette** clarified that Ivins City would maintain it. **Council Member Johnson** inquired if a square tank was harder to maintain than a round one. **Chuck Gillette** stated no.

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Mike Haycock reported that he is going to start reporting single family dwellings separate from accessory dwelling units. He invited the City Council to a joint Work Meeting with the Planning Commission on Tuesday, January 18, 2022 at 5:30 p.m. to discuss the Land Use Plan.

Cade Visser reported that revenues and expenditures are pacing with the budget overall as a whole and the Department Heads are doing well with their expenditures. He publicly thanked City employee Char Raine for handling a number of human resource related issues.

B. Planning Commission Report

Mike Haycock reported that the Planning Commission held a Public Hearing on a concurrent Land Use and Zone Change Amendment, which will come forward to the City Council for a Public Hearing. The Planning Commission also made a recommendation on a Preliminary Plan for Black Desert Resort Phase 1 subdivision, as well discussed revisions to the Ivins City Land Use Plan and defining Ivins City Solar ground-mounted solar and wind power.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

There was one Citizen Comment form submitted by Randall Johnson. Mr. Johnson was not present but **Mayor Hart** read the request regarding water conservation. Mr. Johnson was seeking legislation allow residents with HOA (Home Owners Association) governance, to have the option to change grass areas to approved desert landscaping especially where culinary water was being used. **Mayor Hart** indicated that Mr. Johnson called him and his interest was that there are some of the older HOA's that continue to have substantial grass areas and written into their CC&R's is the requirement for grass areas but Mayor Hart thought that the State of Utah reversed that. Mr. Johnson was interested in having the City adopt some kind of legislation that allows HOA's who have grass areas, even if it's written in their CC&R;s. **Dale Coulam** clarified that HOA's are allowed to change their CC&R's (Covenants, Conditions and Restrictions) at any time they want to. That's a private agreement and the City could not interfere with their private agreements. **Mayor Hart** stated that the City has an ongoing discussion on water conservation and this could be a part of that topic rather than a separate agenda item.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to receive comment on the proposed Amended FYE 2022 Budgets for the General Fund, Capital Projects Fund, Municipal Building Authority Fund, and Enterprise Funds

Cade Visser reported that for the amended budget, they are using some of the appropriated fund balance to cover expenditures that are coming up. A big portion of that is the 6% COLA (Cost of Living Adjustment) that was approved at the previous meeting, along with some budget true-ups for some mistakes that were in the prior budget. They will be adding some new software to assist staff in being more efficient and the timing of some of the capital projects that Public Works and Parks Departments are doing will be reflected. **Mayor Hart** inquired as to the amount from the reserve that is being drawn to cover the amended budget. **Cade Visser** clarified that they would be using approximately $300,000 of the General Fund account. Based on this budget, there will still be a higher reserve balance at the end of this fiscal year than there was in 2020. The gain that the City had in fiscal year 2021, the City is essentially taking that away and dropping the fund reserve back. Part of that was $1.4 million was transferred from the General Fund to the Capital Projects Fund to help fund the new City Hall and the old City Hall remodel for the police station. The City would be using approximately $300,000 to get two new buildings and the General Fund will still have a balance of approximately $2.1 million if the

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budget is amended. **Mayor Har**t opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Resolution No. 2021-19R, amending the Budgets for Fiscal Year Ending June 30, 2022

Council Member McDonald referred to the remodel of the old City Hall for the SCI Police Department and recalled them discussing that amount being around $500,000 and not $650,000 or $750,000. **Cade Visser** clarified that the increase from $500,000 to $650,000 was budgeted and occurred before he worked for Ivins and there are not many notes in terms of that increase. The increase from $650,000 to $750,000, is based on inflation and the cost of supplies and material going up. **Mayor Hart** indicated that when it came time for that part of the project to commence, and upon review of Chief Flowers and his staff, they discovered other things that needed to be addressed. **Dale Coulam** commented that there are some potential change orders where the expenditures are not exactly known, one of those being a ballistic film that apparently will stop a bullet and glass shattering and provides a level of extra protection on the windows that are not bullet proof glass and this is a placeholder in the amended budget. It would be better to have the Public Safety Department well protected both in the foyer and from anything outside but it does depend on the cost, so the City has not made a final decision on that. **Council Member McDonald** inquired if Council approved the $650,000 and if the Council was now being asked to approve another $100,000. **Cade Visser** clarified that the $650,000 amount was the amount that was approved in June of this year. **Mayor Hart** stated that Chief Flowers came to the City Council, wanting to update the appearance of the front of the building and there are also some functional issues with water leaking into the basement after heavy storms. It was determined that there needs to be a cover over the south stairway so the architects came up with a revision taking the front gable off and turning it into something that's more contemporary looking and then mimicking that on the south side and extending it over the stairway. The other part of this is the inflationary pressure on the material and there's no question that has occurred since this contract was signed. **Council Member Mehr** inquired as to why there was such a decline in interest revenue. **Cade Visser** clarified that the 31 to the 39 accounts are all revenue accounts so the $195,000 going down to $21,000 is a negative number. **Council Member Mehr** commented that they're being added separate from the expenses. **Cade Visser** stated that was correct. **Dale Coulam** stated pre-COVID, the City had a fair amount of money invested in stocks and bonds and those were performing well. When COVID hit, the City decided to cash all of those out and even though they're not earning much interest, the City did not want them in an environment where it was riskier to lose. If things level out and the City feels like things are stable again, the City might consider venturing into some better yielding investments.

MOTION: Council Member Gordhammer moved to approve Resolution No. 2021-19R, amending the 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	ABSENT

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

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5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of the Planning Commission's recommendation to approve a Preliminary Plan for Black Desert Resort Phase 1 Subdivision located at approximately Snow Canyon Parkway and Black Desert Drive. Enlaw, LLC-Owner, Patrick Manning-Applicant

Mike Haycock reported that the Phase 1 subdivision consists of 324 lots on a total acreage of just over 17 acres. The property is zoned Resort Commercial and the Development Agreement was approved by the City Council in October of 2021. A special height exception was also passed by the City Council in October of 2021. The proposed improvements are in compliance with City Ordinances.

MOTION: Council Member Mehr moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Black Desert Resort Phase 1 Subdivision located at approximately Snow Canyon Parkway and Black Desert Drive. Enlaw, LLC-Owner, Patrick Manning-Applicant
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	ABSENT

B. Discuss and consider approval of Resolution No. 2021-18R, a Resolution of Ivins City, Utah, amending the Consolidated Fee Schedule

Dale Coulam reported that the fees are designed to cover Ivins costs and not to be a profit and this is being updated to match what is being charged per the Impact Fee studies. Public Safety no longer provides finger printing services and the ambulance fees are governed by the City of Santa Clara so those are being removed from Ivins fee schedule. Regarding the Cemetery and Parks, Benny Sorensen provided a written explanation. A copy of the explanation is included as an attachment to this agenda. The costs more accurately reflect what it costs to prepare the fields. Ivins City used to subsidize tournaments to bring people into Ivins but now that they know where Ivins is, there is a need to cover the costs. **Council Member Mehr** referred to the building permit and impact fees and inquired if all of those had been previously discussed and adopted in other meetings. **Chuck Gillette** indicated that they were. **Council Member Mehr** referred to the solar & pool permits and why they were being changed as suggested on the schedule. **Mike Haycock** stated that up above those fees is a valuation based off of an old uniform building code table that was created in 1994. That table has been adopted and as values go up, the cost of permits go up and that is what he is suggesting occur with pool and solar permits so the percentage of the valuation will be the fee. Currently pool permit fees are approximately $200 and he looked at the pool permits over the last year and those need to increase to $300 or $400 to cover the actual cost of the inspection work. Solar permits would be about the same. If the solar system has a battery, the fee would be closer to $500. Not all solar systems are the same so the more complex ones will cost more. Structures, single family dwellings, remodels and additions are already valued the same way that he would like to value pool permits and solar systems. **Council Member Mehr** did not understand why one neighbor would pay more than another to put in solar panels if the City is not doing anything except inspecting that the proper connections or and the safeguards are in place. **Mike**

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Haycock clarified that typical solar systems costs around $20,000 but if those have a battery system, the cost is around $40,000. When the City inspects the battery system, the inspector reads the listing on the inspection and the connections. It is not a simple inspection. The inspector has to look at all of the literature that comes with the inverter and the battery to make sure it all works together and there's a considerable amount of time required to do that. If it is a simple solar system, there is not that much more time needed to inspect, it is the battery that takes more time. **Council Member Mehr** referred to the cemetery and the non-resident fees versus resident fees and commented that the City should not be incentivizing non-residents to come to Ivins cemetery if Ivins cemetery is not capable of taking care of our its residents. **Mayor Hart** clarified that there may be a situation where someone may have lived in Ivins for a number of years but is no longer a resident and may want a plot in Ivins cemetery. The interment fee has been increased for a non-resident. **Council Member Mehr** referred to the fields and inquired how that would impact Ivins Soccer League. **Dale Coulam** clarified that would not include Ivins Soccer League. **Council Member Mehr** stated that should not be included because that is benefiting Ivins community and a lot of Ivins kids and if the fee increases included the Ivins Soccer League, that did not sit right with him. **Mayor Hart** suggested that could be included in a motion, excluding the Ivins Soccer League. **Council Member Gordhammer** clarified that Benny Sorensen's explanation that the reason the fees were going up for the tournaments was to prevent increasing fees for resident programs and the same with the cemetery. Non-residents are paying more to hold the cost down for residents. **Council Member Mehr** indicated that he was unsettled about the suggested changes to the solar and pool permits and did not know how those would apply in real life. **Council Member Gordhammer** shared that concern as it related to solar permits and inquired if it was possible to have a separate permit fee for a battery system that would reflect the complexity of that system and then have a separate fee for a non-battery system. **Mayor Hart** clarified that solar really is part of what Ivins City is and is part of Ivins brand. An important thing to note is that what Mike Haycock is suggesting is the way building permits are handled and have been for a long time. The cost of a permit is based on valuation and what he is proposing is exactly how that would show up. **Mike Haycock** referred to the pool permits and clarified that valuations change as amenities change on the pool. **Mayor Hart** indicated that the Council could look at what a reasonable fee would be for the pool and solar inspections rather than those being based on valuation. **Council Member Mehr** stated that government needs to be reined in and if it does not take more of staff time to do an inspection, he did not see why the fee should be tied to the building permit valuation. The City also needs to have oversight and to look at these fees annually so they do not get out of hand. **Mayor Hart** asked Mike Haycock if he believed that the current fees for pools and solar system were inadequate. **Mike Haycock** indicated yes. **Mayor Hart** inquired if he had a number in mind. **Mike Haycock** stated $300 for pools and typical solar systems and $400 for solar systems that have batteries. That should cover the City's expenses.

MOTION: Council Member Mehr moved to approve Resolution No. 2021-18R, a Resolution of Ivins City, Utah, shall be amended as set forth on Exhibit "A" attached hereto, with the following amendments: the solar permit will be changed to $300 for a regular solar permit and add $100 to that permit amount if there is a battery apparatus system, for a total of $400. For a pool permit, $300 and for the cost of the fields, Ivins City Soccer League, being that they are doing a service on behalf of the City, is exempted from any fee.

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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	ABSENT

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

6) CONSENT AGENDA

A. Approval City Council Meeting Minutes for November 18, 2021

MOTION: Council Member McDonald moved to approve Consent Agenda item A
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	ABSENT

B. Approval of City Council Meeting Minutes for December 2, 2021

MOTION: Council Member Mehr moved to continue the City Council Meeting Minutes for December 2, 2021 to a future 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	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member McDonald reported that there will be a fee increase for the Washington County Solid Waste District due to fuel prices and other related costs and that increase was approved by the Board.

Council Member Mehr thanked Council Member McDonald for his service to the City and wished him the best.

There were no other reports.

B. Mayor

Mayor Hart thanked Council Member McDonald for his service and commented that over the last 12 years he has been an independent voice and thoughtfully addressed issues that came before the City. He represented Ivins City well with the Solid Waste District Board and they are hoping to keep him on that board. He has been involved in many City projects and everyone who owns a skate board owes him a debt of gratitude for his persistence on the skate park project that made the skate park a reality.

Mayor Hart reported that he spent the last three (3) days in Las Vegas at the Colorado River

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Water Users Association conference. It was sobering. They are down to 1/3rd capacity storage in Lake Powell and the same in Lake Mead, coming dangerously close to the level at which they can no longer produce power. They talked about loss of revenue due to the reduced capacity to produce power and how that power revenue funds things like endangered species projects, Native American interests and number of things that are suffering as a result of that. There were also a number of symposiums where representatives from the various upper and lower basin states that utilize the Colorado River water and the things that they are doing to conserve. Las Vegas is about to implement another series of requirements on new residential and are trying to get their average per capita use per day, down to 86 gallons. Currently in Washington County that is approximately 130 gallons but Las Vegas recycles virtually 100% of their water. At the last board meeting with the Washington County Water Conservancy District, on behalf of Ivins and all of the cities in the County, he asked them to provide platted/vested lots that could be eventually built on because it is a real worry county-wide as to the needs and the District needs to know exactly where it's at and like other areas of the Southwest, are going to have to continue to look at ways to creatively solve consumption. There is a project in California where they draw water out of the ocean and it goes through a de-salinization process, so that will be interesting to watch.

C. City Manager/Attorney Dale Coulam

Dale Coulam indicated that Chuck Gillette had something to add to his earlier report. Chuck Gillette reported that on the older backhoes, it was recommended by the City Council to sell the those. The City sold both of them and one sold for about same for what Ivins paid for the new ones, $90,000 with no commission and the second one sold at auction for $113,000 with an 8% auction commission.

D. Items to be placed on future agendas

9) CLOSED MEETING

A. Discussion regarding pending or reasonably imminent litigation pursuant to Utah Code section 52-4-205(1)(c)

B. Discuss regarding character, professional competence or physical or mental health of an individual pursuant to Utah Code section 52-4-205(1)(a)

MOTION: Council Member McDonald moved to adjourn this meeting pursuant to Utah Code section 52-4-205(1)(c), pending or reasonably imminent litigation and pursuant to Utah Code section 52-4-205(1)(a) regarding the character, professional competence or physical or mental health of an individual
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	ABSENT

The meeting adjourned at 7:06 p.m.

Respectfully,

Kari Jimenez,

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Ivins City Recorder

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