IVINS
CITY COUNCIL
MINUTES
May 19, 2022

NOTICE: This meeting was held electronically and in person. 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 Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, and City Recorder Kari Jimenez
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Mehr and Council Member Anderson were not present but were expected shortly.

B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

All Council Members were present. **Council Member Anderson** referred to agenda item 5)B and disclosed that he was involved in that subdivision. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Swearing in of Ivins Youth Council Members

Mayor Hart introduced the Youth Council Members, those being Samuel Gillette, Averi Jackson, Brennen Kinslow, Connor Oliphant, Mikiela Snyder, Summer Terry and Roxie Sparling. Their Advisor is Jamy Dahle. **Mayor Hart** administered the Oath of Office for the Ivins City Youth Council.

B. Introduction of Ivins City Princess Pageant Royalty

Mayor Hart introduced the Ivins Princess Pageant Royalty, those being: Bella Waggoner - Princess; Keirra Campbell-1st Attendant; Avery Nickle-2nd Attendant; and Piper Doty-Miss Congeniality. Ivins City provides a scholarship to the winners of the Princess Pageant, to the University or College of the winners choice. The City asks a lot of Ivins Royalty. They assisted with the Easter Egg Hunt and represent Ivins City in a number of events. The **Mayor and City Council** thanked them for their participation.

C. *Presentation by Attorney Randy Larsen regarding how the Black Desert Public Infrastructure District (PID) can be used to obtain Commercial Property Assessed Clean Energy (C-PACE) to finance energy efficiency and renewable energy improvements on commercial property

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There were technical difficulties with the Zoom application in which Attorney Randy Larsen was attending. **Patrick Manning** indicated that they are adding approximately $150 million worth of additional energy saving components into the Black Desert Resort. One of those components is power over ethernet and will be the largest resort in the world utilizing that technology. Instead of having to run 120 volts of electricity for lights, key card door locks, security cameras and similar, they are running CAT5 cable and only running 10 volts for those components instead of 120 volts and reducing the carbon footprint for that by approximately 80%. Rocky Mountain Power has indicated that their substation will only need to be a 3rd of the size because of the way the resort is doing things. C-PACE is a financing tool that has to be paid back but is used to help pay for the cost of those additional items to create the efficiency they will receive and it allows them to pay it back over 30 years, instead of out-of-pocket. **Randy Larsen** described the C-PACE Statute and referred to what the C-PACE program is, what it does and how it is financed and how it might be beneficial to the City and to the PID, to be able to structure a financing for C-PACE. A C-PACE program is not a Federal subsidy. Each State selects what types of improvements or projects can be financed with C-PACE financing. It creates a governmental lien. It is not a property tax. You take the bucket of improvements and divide those by allocation method, to buildings or properties that will benefit from these improvements. Those are turned into an assessment that is repayable for up to 30 years. Those assessment liens are in a first position so they are very secure to investors and are on a parity of other governmental liens such as property tax and creates a nice security as well as a superior interest rate from banks to lend against it. In Utah, the types of improvements that a C-PACE bond can finance are for energy efficiency, which could include natural gas, electric for lighting, HVAC, insulation, window tinting and similar. Utah has also added water efficiency with more efficient shower heads, sprinklers, and all of those types of improvements that are above the standard code, qualify as well for C-PACE. In Utah, C-PACE also allows seismic upgrades that are above and beyond code, and any structures that would eliminate asphalt parking lots. The type of parking that Black Desert Resort has could qualify. C-PACE is a limited universe of improvements that are bundled and allocated to properties based upon their benefit. C-PACE is limited to commercial properties. There is a carve out for residential ownership within a hotel or condo driven unit, which would be applicable for the Black Desert Resort. It would not be available for single family homes. The C-PACE statute requires consent and cannot be imposed upon any property owner. It would require consent of the property owner as well as require consent of any existing lender at the time where they would have to agree to subordinate. Those bonds are amortized through a financing model based upon those assessment liens on the properties and are pre-payable, depending on the bond terms. The policy behind the C-PACE Act, was to incentivize developers and builders of commercial properties, to make financing for things that are above what code requires, to put those kinds of things in. It creates a lower interest rate as they are putting in qualified improvements. He referred to financing and how they finance with the assessment lien created by C-PACE. There are two (2) options for financing. One is to create the assessment lien and then assign that lien to a bank. The bank then essentially becomes like a commercial lender and they have that lien, rather than a mortgage, they have a C-PACE assessment lien on their financing. Those are not typically called bonds because the entity that creates the assessment lien, whether it's the City or the PID, creates the lien and then assigns it to the bank, hands off and no more entanglement with that financing. A second method of financing is to issue bonds. Those would be securities secured by these assessments. Bonds are by far superior in rate and in terms because of the competition that they bring and the ability to

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sell to multiple investors, as well as liquidity for those investors. The distinction for a bond is that it does become an obligation, albeit a limited obligation solely payable from the assessments, nonetheless an obligation of the issuer. Currently relating this to Black Desert, they currently expect or contemplate the best terms from a bond, given the potential size that would be secured by the assessment liens. In that instance where the size of the bond could be $50 million to $150 million, bonds make a lot of sense by spreading those costs and creating a security with larger financing. If the PID or Black Desert Resort would like to proceed with C-PACE financing with bonds, his recommendation to the City would be, to enable the PID to have that authority, such that it would never become an obligation or on the books of the City. The PID would be the issuer of it, it would be limited to the types that the statute allows and would therefore not be an obligation of the City. The next step would be for the City Council to amend the governing document of the Black Desert PID in a manner that would allow it to issue C-PACE financing that takes it off of the books of the City.

Council Member Mehr wanted to understand the motivation and commented that there's efficiency standards that the developer can do that they would ordinarily finance themselves and pay for and hope they would re-coupe that through the profits but there's this mechanism or tool that is allowed by the State of Utah called C-PACE that allows some level of financing to pay for that and incentivize the developer to do something that otherwise they might not do. **Randy Larsen** stated that was the intended policy and the intent of the tool, to create a governmental lien, in a way that reduces the financing cost to incentivize a developer to put in things that would otherwise not be required. **Dale Coulam** another purpose would be if you place bonds, then you get that financing immediately so it speeds up the construction process and allows them to install the energy efficient improvements and have the funds to do that up front. It would expedite the construction of the resort. **Randy Larsen** indicated that was correct. The PID had the concept of required improvements and additional improvements. The PID bonds by themselves were insufficient to cover both. Black Desert Resort wants to install energy efficient improvements to assist with reducing water, asphalt and things that would qualify and this would be part of their capital to help complete the objectives of the resort and help complete the financing. There is still going to be equity and commercial financing involved but this would help that and get the vision of those energy efficiencies into the project that would be a benefit to the City residents and the developer. **Council Member Scott** commented that in a normal commercial development and one would get a normal commercial construction loan and inquired if this financing will be at a better interest rate and terms than a commercial construction loan? **Randy Larsen** stated yes and commented that if it is not, then Black Desert will not use it. A commercial lender would look at a project, the square footage, what is being built and they have a predetermined formula for what that should cost in appraised value but they will not take into account in that appraised value, extra energy efficiency components that cost more money. The C-PACE tool comes in to be a gap and provides for a better bucket of financing, as opposed to the typical commercial loan for any major project. **Council Member Scott** inquired of Randy Larsen if it was his expectation that when a developer goes out to get commercial financing, that that commercial lender will consider the overall debt coverage, including the C-PACE cost of debt or is that a separate layer that goes on top that creates additional leverage beyond what a commercial lender would offer? **Randy Larsen** indicated that it is a little bit of both. Commercial lenders are typically restricted as to how much they can loan on a project and often times they appreciate having another as part of the capital stack so that they can share that burden and lend the amount against the valuation and then someone else

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picks up the gap such as C-PACE so it can be a benefit to both. Either way, the commercial lender will have to be aware of it and accepting of that and would have to consent to it. **Council Member Anderson** commented that what Black Desert Resort is going to be able to do is take the efficiency of the C-PACE with the lower interest rate and more ability to put in the energy efficient improvements. **Mayor Hart** commented that the only reason that the developers they have to come to the City is because Ivins City created the PID so the City is the one that has to amend the conditions on the PID. **Randy Larsen** stated that was correct and commented that the City intentionally limited what the PID could do. **Council Member Johnson** inquired what negative aspects there were for the City to be doing this. **Randy Larsen** indicated that the thing to be concerned about, was that as an assessment lien, if the assessment is not paid, then foreclosure procedures can occur, just as they could with a commercial loan. C-PACE by statute cannot be on residential and is strictly a commercial financing tool for a resort property, that likely would not be a concern. Most cities find C-PACE to be very indifferent because it is commercial in nature and the universe of improvements are so small. It cannot be used for a golf course or amenities that could jeopardize residents' properties. **Council Member Mehr** inquired if it is for commercial and not residential and the owner of the property is Black Desert, this authority that the City would be granting, would lend the money to Black Desert, who then would be assessed or assessing themselves at a lower interest rate rather than a commercial bank and if they go into default, they would be foreclosing on themselves? **Randy Larsen** stated that was correct but clarified that investors and the City would ensure those C-PACE funds go into a lock box and are only dispersed for qualified improvements. It would not just be funds going to the developer. The funds would be held by a Trustee and dispersed only for improvements that qualify and those proceeds have a limited purpose. **Council Member Mehr** inquired if that with the State of Utah, that is the intent in scenarios like this or is this a loop-hole? **Randy Larsen** indicated that the stated intent is to provide for energy efficiency where the commercial lending wouldn't allow it or didn't give room for developers to do that.

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

Chuck Gillette reported that the Public Works Department and the Parks and Recreation Department participated in the State-wide "Flip Blitz" where grass it converted to something other than grass. They removed grass down by Painted Hills Drive and Center Street, as well as in Heritage Park by the ball fields and grass at UNITY Park that was non-functional, for a total grass removal of approximately 4000 sq ft. Pavement maintenance is occurring and he mentioned looking at some alternatives to chip sealing, due to the price. The City did a scratch coat on 800 South to remove the bumpiness of that road and the City has the equipment to do that, as well as place a top coat. He received notice that the City has been awarded a $55,000 grant to participate with the Division of Water Resources regarding a water billing project that is a pilot program. The City is still working on Highway 91 and obtaining rights-of-way. **Mike Haycock** thanked the Planning Commission for their hard work on several items. They will be addressing the Moderate Income portion of the General Plan in the near future. The City is now taking permit applications electronically and Black Desert Resort is building. **Council Member Anderson** commented that some HOA's have brought up concerns that the ACC (Architectural Control Committee) and HOA's (Homeowners Associations) are not signing off on the building permits. **Mike Haycock** clarified that the City is trying to catch those and have sent letters to the HOA's asking them to provide a letter or stamp of approval but some HOA's

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don't provide that, even when it is requested. The City will work internally to make sure they're catching those but the City cannot hold up a permit for that reason.

Cade Visser reported that there are two (2) months left in the fiscal year. The past week the Santa Clara Ivins Public Safety Department moved into their new location at the remodeled old City Hall building and are fully functional. He recognized City Recorder Kari Jimenez for being the first State certified City Recorder in Southern Utah and the 11th State certified City Recorder among over 300 Clerks/Recorders in the State. He has had discussions with Zions Bank and Wells Fargo regarding investments while markets are low and the City may issue an RFP (Request for Proposals) related to investments.

E. Planning Commission Report

Commissioner Gardiol reported that the Planning Commission held three (3) Public Hearings and it was standing room only. The Public Hearings covered a Class IV Conditional Use Permit amendment for Black Desert Resort, a proposed city-wide Land Use Map and Zoning Map Amendments and a Zone Amendment on 113 acres owned by SITLA (School Institutional Trust Lands Administration).

3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS

Resident **Neal Smith** submitted a Citizen Request and commented that there are not enough benches throughout the City and requested that those be required for new subdivisions. He has been thinking about a service project to purchase the benches and then have the City install them. **Mayor Hart** commented that this would be something that the City Council would consider as a budget related item. **Dale Coulam** commented that the issue would be trying to retrofit the City and the City does not own the property next to the sidewalk for existing subdivisions but going forward the City could consider adding those as a requirement in the landscape buffers but the City would need to come up with a standard. **Council Member Anderson** suggested placing them on pathways in easements if someone doing an Eagle project would like to do that. **Neal Smith** commented that he would do more research to get help with purchasing the benches and will follow-up with Benny Sorensen in the Parks Department.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to receive comment on the proposed and/or amended FYE (Fiscal Year Ending) 2022 Budgets to complete and FYE (Fiscal Year Ending) 2023 Budgets for the:

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

Cade Visser provided an introduction and discussed the amended 2022 and 2023 budgets. This process started back in February. The department heads each looked at their incoming expenditures and revenues and went over it with Cade and Dale to try and forecast the future. They have gone to seminars and summits to put together this budget for the public. **Mayor Hart** stated the budget report is available on the Ivins City website for anyone to review. **Dale Coulam** clarified the department heads put together what their priorities were. It then was brought forward to the City Council and the Council then decided they agreed with those

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priorities, and instructed staff to move forward with it. It was then put in the budget to see if it could balance. That's why it's called a tentative budget and tentatively approving the tentative budget. Giving this instruction to let it go to a Public Hearing, it's in a form that is close enough to go out to the public and receive comment. Ivins City receives awards for the budgets format from the GFOA (Government Finance Officers Association). They require it be in a certain format so there's a lot of text involved but it is all good information that helps understand the budget a little better. The priorities are trying to be match with the expenditures that each department has seen the need for to finish out this year and going forward into next year with what we see in the revenues that are coming in and then trying to match it. As was mentioned this year we don't want to call it an excess but there were some expenditures planned for this year that got pushed into the next fiscal year. That money will be put in reserve so it will kind of artificially raise the reserve amount but then next year that money will be used to do those projects that got pushed into next fiscal year. It will even out, there really is no excess. It's just some money that got pushed from one fiscal year into the beginning of the next fiscal year. Just a timing issue. The budgets are always very tight, and Cade has done a wonderful job and should be commended for being able to take those revenue streams compare them to the anticipated expenses of the priorities and put something together that actually balances and now is in a form ready to receive public comment. **Mayor Hart** opened the Public Hearing.

Richard Lambarth resides at 57 West 400 South in Ivins and was present to discuss the need for Pickleball Courts. He recognized that they need to put these kinds of things into the five (5) year plan and has looked at the 2023 budget, particularly as it relates to Parks and Recreation. He has looked at many of the different documents and some of those documents need to be updated. **Dale Coulam** clarified that is happening and a presentation will be made in the near future. **Richard Lambarth** commented that the document is dated in 2015 and the Ivins community has changed significantly since that time. Ivins has added at least 1/3 in terms of residences. There was a petition with over 300 signatures that was given to the City Council in February of this year and commented that those signatures were gained simply by an individual walking around the community or encountering people in parks. There was no door-to-door activity or anything like that. He felt that the City Council needed to understand that there are many people in the community who are interested in pickleball in this area. They have done as they were requested, which was to speak with the Director of Parks and Recreation, Benny Sorenson. Benny reported back that the suggested space near UNITY Park would be taking away a soccer field for the youth. He stated that if the soccer fields were moved slightly, the space for the pickleball courts is there. Ivins City needs to focus on what is in the Parks Plan, which is adding an amount of new park land periodically because there is a shortfall of parks as it relates to the plan. He requested that somewhere in the future five (5) year plan, that the City Council plan on adding additional park land and some of that can be dedicated to pickleball courts. Ivins City is falling behind on what other cities are doing with pickleball courts. **Becky Warren** stated she reviewed this year's budget and did not see a line item for a fire station in Ivins City or a plan for it in the five (5) year plan. This past week a study was released reflecting the highest fire danger in the United States is in Southwest Utah. She has sat through City Council meetings during discussions of the fire station status and is aware of the history of fire stations in Ivins. She feels strongly that the City needs to deal with the lack of a fire stations for the following reasons: 1) The fire danger dictates the need for a quick response time. Moving the fire station to Rachel Drive increased the fire response time, especially for those living in the western part of Ivins. 2) The increase of homeowners insurance. She has direct knowledge of

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one homeowner whose house insurance was recently canceled because of threat of fire danger and the lack of a nearby fire station. Another homeowner's insurance company is in the process of assessing if their coverage can continue. If a fire station is not within a five (5) mile radius, with a rating system insurance companies use, the area automatically defaults to an increase of premium of approximately 8% or can even cause loss of coverage. This is currently happening to residents in Ivins City and that is unacceptable. She strongly encouraged the City Council to move to a high priority, a new fire station and add it as a line item in the 2023 budget. **Mayor Hart** clarified when Ivins City merged Fire, that included EMS. Ivins City manages law enforcement and Santa Clara manages Fire and EMS. The reason you don't see specific line items related to Fire, is that is all being budgeted through the City of Santa Clara, including a station that may be located in Ivins. The City of Santa Clara's long term plan slighted Ivins. Ivins needs to exert influence to change that plan or remove that interlocal agreement and bring in our own Fire and EMS into Ivins City. That has been discussed but Ivins is hesitant to do that. It makes it a far more expensive burden on both cities because you would have two (2) administrations instead of one (1), and the shared equipment. **Dale Coulam** stated the new Fire Chief is in the process of having a study done to determine the ISO ratings that are for the insurance companies. The study is looking to see where the location for a fire station on the West side would be best located. The other big issue is acquiring land to put the fire station on and then to pay for the construction of the fire station, which is a lot of money with today's prices. Possibly with development somebody would be willing to donate the land or something in exchange for some benefits for the subdivision but that is unknown. Kwavasa drive has been discussed as a good location for a fire station but the official study may come up with a different location. The informal study says somewhere on Kwavasa Drive because that allows for direct access into Kayenta and direct access into the City. Ivins City is concerned about this as well, but the Fire Chief and some new additional administrative people will be located in the Ivins building on Center Street. That was vacant for a while, but the new Fire Chief has his office there and there are some trucks located in that station so it's not totally unmanned or totally inoperable but yes, right now Rachel Drive in Santa Clara, that is the main fire station for Ivins City. Ivins has expressed some concern about that to Santa Clara City and the need to look at something on the westside of Ivins and that should be included in the new study. **Becky Warren** indicated the need is now and Ivins needs to be proactive with this. **Mayor Hart** stated if there are any known individuals or if anyone is aware of households that are being penalized in either their rates or having their insurance cancelled, he would like to know who these resident are. That is a significant piece of evidence that should be presented. **Council Member Murphy** stated she has neighbor who tried to change something on their insurance, and he was told if he changed anything, he would not have coverage. **Council Member Anderson** indicated he has had four (4) people where the insurance companies are asking them to destroy all of their landscape. The residents even wanted the Fire Chief to come out and sign off on their property not being a fire hazard, which is not the responsibility of the Fire Chief, to say whether or not they would protect their home or not. **Council Member Murphy** stated it depends on the insurance company. She just made some changes and it was not a problem. **Mayor Hart** commented it's a valid point. There are a lot of Ivins residents that are concerned about it. **Becky Warren** commented that it sounds like it could take several years to do something. **Mayor Hart** indicated that in the budget there is an expenditure that Ivins City makes based on population, to the City of Santa Clara for fire services. **Becky Warren** stated Chief Flowers gave a report about a month ago about a crosswalk sting, there was 49 crosswalk

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violations with mandatory fines. It was said they received a grant for that operation. She is curious how much the City made in that one day so she Googled it. The fine for each ticket was a minimum of $140, which means the City made just under a $7000 in one day. She then looked at the budget to see where the court fines were documented. In 2018 it indicates that the City received $91,000 in court fines but that revenue has gradually decreased since then. The 2022 budget projects $11,000 and the 2023 budget reflects $0.00. She is guessing no funds are listed as received in 2022 and 2023 because that is not guaranteed income. She is curious because the court fines dropped $80,000 since 2018 as a budget line item. **Dale Coulam** stated he doesn't have an immediate answer, but read that the City of Santa Clara recently considered doing away with their Justice Court and that would change the structure. Ivins would then need to go back to the County Justice Court. The City of Santa Cara ultimately decided to keep their justice court. **Becky Warren** commented that per the budget, Ivins City is giving the City of Santa Clara court $100,000 a year to support it and inquired where are the fines going? **Council Member Scott** stated that the information on what Ivins City pays to Santa Clara for fire is on page 30 of the budget and its item number 10-4470. **Becky Warren** inquired if the budget talks about money going for a fire station. **Council Member Scott** clarified that it did not. **Becky Warren** stated she saw an immediate need to have an accurate budget analysis done on exactly what will happen to the City when growth stops. There continues to be talk about the possibility of having to stop construction because water cannot be guaranteed for homes. She inquired what would happen to City services if construction stopped? If she is reading the budget correctly, the yearly total revenue is about $23 million. The concern she hears is not that general City services would stop, but that the money owed for bonds is the issue. When looking at the budget it looks like Ivins yearly bond debt is $226,000 and in a budget of $23 million, that is not very much. She understood that money generated from building permits goes for infrastructure such as sewer, water pipe lines, bike paths and all the infrastructure that growth requires. When growth stops, the need for a lot of that underlying infrastructure stops. Unfortunately increasing growth also means more services are permanently required for more police, fire, maintenance of streets and similar. More people means you must have more money for essential services then you need more income growth to pay for those services. You cannot just rely on property tax. That's where the decision about business and Ivins comes in. She hears decisions being made regarding revenue sources for the City. Recently she heard a Planning Commission member say he was in favor of the 500 plus high-density rental units on the SITLA property because the City needs the revenue. She would like a budget analysis to see if that is true. Our quality of life in the Ivins community is being affected by these decisions. Snow Canyon State Park is now the 4th busiest park in Utah and that is not even considering the impact that the Black Desert Resort will have on the park. Residents quality of life is being affected and will continue to be negatively impacted if the City doesn't pause, analyze and then make conscious and careful decisions about the kind of City we want Ivins to be. Her request was to have the Director of Finance analyze and presents to the City, two scenarios based on current knowledge. As an example, it is known that the City will receive revenue from Black Desert Resort and hopefully the Sentierre Resort at some point. That should be factored in and identify how much more revenue is needed beyond property taxes, to keep the City operating if there is no more infrastructure money coming in. The first scenario is what is the budget impact if on December 31st of this year, there are no more building permits issued? The second scenario would be what is the budget impact if the City reaches maximum population? Can Ivins survive just on property tax or how much income from outside businesses will the City need? The

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answers to these questions will help frame responses to potentially having one of the most beautiful cities in the world.

Karen Lambarth stated that she wants more pickleball courts. She already submitted a petition and it had over 300 signatures and now she is submitting 16 more signatures. There are 10 people here at the City Council meeting tonight and that tells the Council that there are a lot of people that care about that. **Mayor Hart** commented that the Council understood that they want more pickleball courts but they need to focus on the budget related aspect of this, because that is what this Public Hearing is about. **Karen Lambarth** commented that there are taxes that are available and Ivins is significantly below what other cities are doing. She wants to know what is going to be done this next year on the budget to address the need that the City has now for pickleball courts. **Mayor Hart** stated that discussion will need to take place as a part of the Council's final budget discussion. It has been made obvious and the Council knew beforehand that they want more pickleball courts to be built. Those are in Ivins' plans but the trail from 600 east, all the way out to the Shivwits Reservation is a desperate need and that's a Parks and Recreation related big ticket item of approximately $600,000. Pickleball courts require land and Ivins doesn't have that available without tearing up a soccer field and turning it into pickleball courts. This is a discussion that obviously is going to continue, it'll be a part of the discussion after this Public Hearing when the Council has their final review of the budget. **Council Member Scott** clarified he has asked Cade about this, and Cade gave him a little information and unless he misunderstood, Parks and Recreation has a significant amount of money in reserves and impact fees of approximately $1.3 million. The problem is that money can only be used on new things and that doesn't mean a new pickleball court or a new swing at an existing park. It would have to be a new park with a new pickleball court. It is very tightly controlled on how that money is used. **Dale Coulam** commented that it must be based upon new growth and must be shown that there is a need to increase the level of service based upon new growth. That is part of the studies that are done, and it must be in a current study in order to be able to use the impact fees for that purpose. The Parks have been going through one of those studies and the Council may be hearing a report on that soon. If it is not addressed, it may be sent back and asked to address that in the study for level of service as it relates to pickleball courts. The current level of service is the amount of growth that would raise the number of pickleball courts to be based upon growth, then you could use impact fees. If the number of pickleball courts are increased and those aren't based upon growth, you're just increasing the level of service because you want more pickleball courts in your City. That comes out of the General Fund and is not impact fee eligible. There are guidelines and some strict rules that govern the use of impact fees. **Mayor Hart** commented with limited funds available through impact fees, the cost for acquiring land and building courts would come out of the General Fund and would need to be established as a priority and compared to other priorities identified in the budget. Some are health and safety related that cannot be ignored. Pickleball courts are recreational and that doesn't mean that it's not important but that's the sort of thing that the Council has to weigh in on when it comes to the use of General Fund revenues. The City has pickleball courts planned as part of the Regional Park that is likely five (5) years out.

Mayor Hart inquired if there was anyone in attendance through the Zoom application. **Cade Visser** indicated that there was no one on zoom. He clarified that the $23 million dollar revenue that was talked about, includes impact fees and water fees and is not just General Revenue funds and are used for debt services. The actual operating revenue funds in general for the General Fund is a little under $10 million. He has started working on a holistic analysis based on Council

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Member Scott's request. So far as expenditures continue to grow and it is not matching the revenue. For the next few years, the City's capacity to build up the General Reserve fund or to be able to bond is slowly shrinking. As we get further along it's complicated. The City cannot bond on bond on impact fees but the City can use impact fees to help pay off bonds. If Ivins needs a bond for Hwy 91 or to bond for a fire station but the City limits its growth, the City loses that revenue stream to pay off that debt. As an example, if it takes $5 million dollars to build a new fire station and the City says no more growth, the City is losing roughly $125,000 a year that could be used to help pay off that debt. If the General Fund money was used to just fully fund these debt services, the City would need to look at either cutting back on services or cutting back on staff and there would be a lot of things to look at. **Dale Coulam** stated that for point of order, this is still a Public Hearing and has not been closed before discussion. **Mayor Hart** inquired if there was anyone else who wanted to make a comment. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discussion regarding the above Budgets

Council Member Johnson thanked Cade Visser and staff for having the budgets on the website and making it easy and clear for the average person to be able to understand. Regarding the Fire Department, she had some of the same concerns as resident Becky Warren. It would be a benefit to have a future discussion about fire, to discuss in further detail beyond the budget. Regarding the budget, it says that the Santa Clara Fire Rescue amount that Ivins City provides is $1,301,859 million as referenced on page 30. The Mayor had mentioned earlier that is based on our residential numbers. **Cade Visser** clarified that it is based on population, as well as sewer connections. Reports are run between the City of Santa Clara and Ivins, to see how many connections and buildings are in each City. **Mayor Hart** inquired if that takes into consideration second homes. **Cade Visser** stated that it did and it includes any connections in both cities. **Council Member Johnson** indicated she tried to get on and see what the City of Santa Clara's budget was, to compare it, but could not find it. She knows the City of Santa Clara are administrative and run Fire, but it seemed like a big jump over the last couple of years, especially considering it was supposed to be beneficial financially for the City of Santa Clara and Ivins, to combine. When it's doubled or almost tripled in the last three (3) years, she inquired if that is financially beneficial to the Ivins community. The services have diminished considerably. Fire Chief Parker came to the last City Council meeting and reported on using different programs and equipment. She inquired if Ivins City has a say in what gets put into the City of Santa Clara's budget or does Ivins just hand over the $1,000,000 and say have at it? Is that what we want as a community regarding Fire? **Dale Coulam** clarified that is a policy decision of the City Council and is not a budget question that Cade can answer. Cade reports the numbers, and the Council must decide if it is beneficial and ask the Fire Chief or the City of Santa Clara to provide additional information regarding the operations. Cade simply reports what the shared amount is, similar to law enforcement. The City of Santa Clara sees a number and Ivins determines all the budget items. Chief Parker explained some of that. He was hired and that increased the administrative expense and then they hired three (3) additional people. Personnel is largest expense in any department. It's difficult to answer the operational questions on Fire and EMS because that is through the City of Santa Clara. **Mayor Hart** commented that the City of Santa Clara's budget is a matter of public record too, so theoretically they can go in and look at the budget items under Fire. **Dale Coulam** indicated that under the joint agreement, with regard to real property, that is the responsibility of each City. The purchase of land and construction of a new fire station would be Ivins responsibility, at least on the site acquisition. **Council Member**

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Johnson stated that Ivins City just hands the City of Santa Clara a certain amount of money and then the City of Santa Clara decides how to spend it. She inquired if the City of Santa Clara comes to Ivins for additional resources or is that the amount Ivins gives them and that's it? **Cade Visser** stated yes, that's how it's been operating for the past few years. **Dale Coulam** clarified that is what Cade's responsibility is but for what Council Member Johnson was asking, that's the City Council's responsibility, to understand how this joint operation is working and determine if they are satisfied with it. **Council Member Johnson** indicated she had some serious concerns and would like this put on a future agenda for discussion, based on some things she has heard and seen in the last few weeks. **Dale Coulam** stated that Chief Parker is on the agenda to report at the next City Council meeting and the City could ask for the City of Santa Clara's financial person and or their City Manager to attend as well.

Council Member Anderson referred to the Fire Budget of $1,301,859 and inquired when the permit is pulled, how much of that is impact fees for Fire? **Cade Visser** stated he did not have the exact number but Public Safety in general is now approximately $1,200. **Council Member Anderson** commented that there should be a line item in the budget to address the Fire Station. He inquired if Ivins supplies the trucks too or if the City of Santa Clara was responsible for that. **Dale Coulam** clarified that the vehicles are shared and there is a list. If there were to be a split of the current situation, Ivins would take back its vehicles but may have to buy out some things. It would be an ugly divorce, but it's possible and is addressed in the agreement. **Council Member Anderson** indicated that the City doesn't want to do that, they are just trying to understand but the City needs to prepare for a future Fire Station. **Mayor Hart** stated that the huge concern that has been voiced to the City of Santa Clara is that their plans do not show the investment in Ivins but show plans to expand Fire service in the City of Santa Clara and for him, that would be grounds for divorce. For example, if another fire station was built and manned in the City of Santa Clara before an Ivins station, he would say Ivins is done with this agreement because Ivins residents deserve better than that. A fire station in downtown Santa Clara is not going to respond anymore quickly to Kayenta than the Rachel station would. There would definitely be a significant budget impact if the divorce happened between Ivins and the City of Santa Clara. **Cade Visser** indicated that this morning, the City of Santa Clara sent an updated Fire/EMS budget and it was $2.6 million. **Council Member Johnson** commented for the record that not only has Fire gotten more employees, but the volunteers have changed and the City of Santa Clara is now requiring them to sign on for at least one full time shift and if they don't, they're gone. It is changing the whole thing and is becoming paid in a sense, instead of volunteer. There was a fire at 300 South and Main Street in Ivins today. Her daughter called her and said she could see black smoke. She lives two (2) blocks away from where the fire was and could see it had been going for a while. She put on her shoes and walked down to see what it was and from the time it took her to walk down to it, there still was no fire truck. She was concerned about the response time for Ivins and when the fire truck finally arrived, there was only two (2) firefighters on the truck. **Council Member Murphy** inquired if the building permit impact fees are a set standard or if it is different based on the value of the building permit and what the value is? **Mike Haycock** clarified that the only time it's different, is on commercial. It's done by square footage but is set on residential as a flat fee. **Mayor Hart** referred to the impact fee study and inquired if when they budget for Fire, is it based on the stated equipment demands and similar by our provider or do we have a number that we have paid for that service and how detailed is that study in Ivins case? **Dale Coulam** stated that Ivins had the same company do the Public Safety impact fee study as Santa Clara so they

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knew the situation and Ivins told them the need of a new fire station on the westside and that was included in the impact fee. That is why the Public Safety impact fee increased significantly. The fire station was one of the reasons to get the Ivins study updated so that they could make sure that Ivins could use impact fees for a new fire station. As far as the budget number, the City of Santa Clara tells Ivins what their total estimated budget is, just like Ivins does for the coming year for law enforcement's total budget. They take a percentage and plan on budgeting that number for this year. It is paid periodically through the year and then at the end of the year, there's a true-up. The goal is that you come in, at, or under, that budget number. Ivins City provides the total number for Law Enforcement and Santa Clara provides the total number for Fire and EMS. **Mayor Hart** indicated the impact fees can be used for bond repayment, so if the City incurred the debt to build a fire station, if there is growth, could that be a resource for paying back that bond? **Dale Coulam** stated yes. Growth helps pay off the bonds and if growth stops then that revenue stops and it must be made up out of the General Fund. That would cut services and employees and has a significant impact on the City. That amount of money would likely be the equivalent of a fairly large property tax increase.

Council Member Anderson commented he has heard that they can create Special Improvement Districts for Fire. **Dale Coulam** stated that is another option to consider but inquired if the City wants to create one of those for Santa Clara Ivins and is it just Fire, EMS and Fire, or all, including police? What happens in that event, is that then comes off the books of Ivins City and Ivins budget decreases. Public Safety is such a large expense in the budget. It would be a separate budget with a separate taxing entity, and they can increase taxes to the ability of the Fire Department to buy or build new buildings. **Council Member Anderson** suggested that it would relate to just Ivins City and be responsible for Ivins own buildings. **Mayor Hart** suggested that discussion be a future agenda item so that they can get through the budget. He inquired if Ivins City gets the prerogative of digging down into the details and responding if it is not agreed with? Ivins doesn't for Fire and Santa Clara doesn't with Law Enforcement, which is the tricky part of an agreement like this. **Dale Coulam** indicated that the City Santa Clara wanted a new fire truck and Ivins didn't have it in the budget because of the new Ivins City offices and the Police Station remodel. Ivins said it couldn't be budgeted and in the agreement, that results in a divorce and that separates the two cities. That didn't happen and the City of Santa Clara didn't proceed with the purchase of a ladder truck at that time. That is a large expense that both cities must share. The City Managers are trying to coordinate and give information about when that will occur, which may be in 2024. **Mayor Hart** commented that Ivins City doesn't really have a say in the type of fire truck that is purchased but would like to. **Dale Coulam** indicated that an expense that large, he thought that Ivins would have a say in that.

Council Member Johnson referred to the Fire and Rescue situation as to the revenue and inquired how that is determined, what the revenue for the ambulance fees and similar are and how those come to Ivins? **Cade Visser** clarified that all goes through the City of Santa Clara. That is part of the calculation each quarter when the City of Santa Clara pays Ivins. The fees are state based and are collected through their billing process then they factor that in and send it over and then that's part of the quarterly payment. **Council Member Johnson** referred to wildland fire reimbursements and inquired if that is also refunded based on population? **Cade Visser** indicated he would have to follow up on that. **Council Member Johnson** stated that greatly affects Ivins City if a whole crew is being sent out for the summer. Regarding salaries and wages for Ivins employees, her opinion is that based upon the numbers, Ivins City is not paying their employees very much. Ivins City has lost a lot of good employees to other cities,

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and she felt very strongly that needs to be highly considered so that Ivins is not losing its good employees. She talked to a current Ivins City employee just a couple of days ago who is considering going elsewhere because he can get more money somewhere else. He is an excellent employee and she would hate the thought of losing another one because of salary situations. She would like to see that addressed. She referred to the increase in salary in the Building Department and inquired what that was for. **Cade Visser** clarified that the City is forecasting the need for an additional employee to assist with Black Desert, as well as hiring a City Attorney with benefits. **Council Member Scott** referred back to the fire discussion and stated that when you have a new fire station, you also need to have employees in that station. Right now, the Center Street station isn't even fully operational and he wouldn't call that an operational station. The Ivins 2021 Public Safety Facilities Plan showed that without the Center Street Fire Station, less than half of Ivins has five (5) minute coverage - almost nothing north of Center Street and West of Main Street, and nothing north of 400 South have coverage and certainly nothing West of 600. He thought that Ivins City has an emergency situation as it relates fire. The City of Santa Clara manages it but Ivins is their customer, and it needs to be expressed that Ivins City is a very unhappy customer. It was untenable to him that less than half of the City has coverage. Right now there is a perfectly fine fire station on Center Street but it isn't doing any good. In the 2023 budget, the City could find ways to save money on what is being given to the City Santa Clara, but Ivins City needs to budget for the Center Street Fire Station. It is fully functional and has the proper staffing to be functional right now. That still doesn't give Ivins a five (5) minute coverage all the way through Kayenta, so another fire station will be needed at some point and it would need to be staffed. Ivins City needs staffing right now at the Center Street Fire Station location because we have totally inadequate fire protection within Ivins City. It needs to be in the 2023 budget. **Mayor Hart** commented Ivins has been assured more than once that the Rachel Station is able to cover the entire city, but Ivins residents don't feel that way. **Council Member Scott** stated that the 2021 Public Safety Facilities Plan has the maps showing the five (5) minute response times and the Rachel Station hardly covers anything north of Center Street, nothing West of 600 and when you go West of Main Street, very little north of 400 South. That is in Ivins own Public Safety Facilities Plan from last year. How can Ivins operate as a City and say "well we just don't care about half of the City"? **Mayor Hart** commented that this is a big deal. The explanation that the City of Santa Clara gave was that they could respond out of the Center Street Fire Station, but they would have to get personnel there. **Council Member Johnson** clarified that the equipment at the Center Street Fire Station is not the first response equipment, it is the extra equipment. Anything that would be required to go to a fire, they would have to go to Rachel Station to get. She watched the fire in her neighborhood and a couple of the volunteers who live in Ivins, arrived on scene in their personal cars. They didn't go to the Center Street Fire Station to get an apparatus, they had to go to where the apparatus was. That was the issue with the Kayenta Fire Station for years and then it kind of fizzled out. It was used to store the extra equipment. It wasn't functional and that's the way it is right now with the Center Street Fire Station in Ivins. It can be used but it's not a first response situation. **Council Member Anderson** commented that the Center Street Fire Station is now the old Kayenta Fire Station. **Council Member Johnson** stated that's exactly what has happened. It's a storage unit. **Mayor Hart** indicated it's basically an unmanned station, which is what Kayenta was Regarding volunteer, the training requirements to become a volunteer fire fighter are so extreme now that it's very hard to retain volunteers. In the discussion with the City of Santa Clara, he was told those added firefighters are essentially making the conversion from a

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volunteer-based force to a full-time professionally manned force. **Council Member Johnson** stated that it's not that the training itself and the certification is so hard, the problem is you don't get paid but because you have that certification, you can then go somewhere else and get paid as a full-time person with that certification. There needs to be requirements that they have to stay for two (2) years, or they pay back the costs of those certification fees or something like that. It's not that it's hard for them, it's that it gives them opportunity to go elsewhere and make a lot of money.

Council Member Johnson referred to page 30 under the Ivins City Arts Commission where there is a budget amount of $9,525 and inquired if that is what was leftover and was going to be used for art or is that different? **Cade Visser** clarified that is different. This is the budget that the Arts Commission provided to him. The line item is brand new. In the past, there was no budget line item for the Arts Commission. That is just for their operating expenses and does not include the $5,000 that has been taken off the top in the past years for future art projects. **Council Member Johnson** inquired if that come before this City Council or if that is just a recommendation because it seemed high to her. **Cade Visser** clarified that it is different than the RAP tax distribution. **Council Member Johnson** stated that she understood that but was confused about the fact that the Arts Commission is receiving that much money and would like to address that because the number is a little high based on what they have to do. **Council Member Scott** thanked Cade for being phenomenal and answering his questions in tremendous detail. **Mayor Hart** indicated that the fire issue needs show up on the next City Council agenda. **Cade Visser** indicated that the questions they had on fire would require somebody from the City of Santa Clara to be present at the meeting to answer those questions. **Council Member Anderson** would like to see the whole budget from Ivins and Santa Clara as it relates to Fire. **Council Member Mehr** requested that there be a discussion on a future agenda for pickleball courts. **Dale Coulam** indicated that he talked to the Ivins Soccer Association and they would be willing to give up the detention basin space. **Council Member Johnson** stated that the residents adjacent to that subdivision may not like that because it is noisy. **Dale Coulam** commented that the Red Rock Park area could possibly be retrofitted for two (2) pickleball courts but the soils are really bad but that would be a discussion for the City Council as it relates to priorities. **Council Member Anderson** stated that some residents want the enjoyment today, rather than years down the road when they can't enjoy it. **Council Member Scott** supported Council Member Mehr's request to discuss this on a future City Council agenda. **Council Member Johnson** commented that while she was not opposed to pickleball, what is popular now isn't going to be in the future. The City has other things that the City doesn't have or needs and the point is that Ivins has pickleball courts and resident have the ability to use those. She inquired if the City is going to end up with a bunch of pickleball courts that will need to retrofitted in the future because they're not used? Regarding the petition that was referenced and the signatures, she called some people on the petition and was told that they signed it because they were not opposed to pickleball courts but they were not pickleball players themselves.

Cade Visser referred to Council Member Mehr's question regarding a large deficit number. That is the Wastewater Fund that shows $1.38 million as a deficit number and clarified that is a way to look at the Water Fund as a whole to say based on all of the projects, the City still needs $1.38 million dollars and that would be coming from impact funds. When they look at that number, its saying here are all of the Capital Projects and operating expenditures and here are all of the

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revenues coming in that year and we need this much more to balance that budget and we have enough impact fees to cover that amount.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Preliminary Plan for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant

Mike Haycock reported that this subdivision is a three (3) lot subdivision on .94 of an acre. The Land Use is Medium Density Residential and the Zoning is R-1-10 (Residential 10,000 sq ft lots). The density and use is consistent with the General Plan. The Preliminary Plan was reviewed by the TRC (Technical Review Committee) and Staff recommends approval.

MOTION: Council Member Murphy moved to approve a Preliminary Plan for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

B. Discuss and consider approval of a Preliminary Plan for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant

Mike Haycock reported that this subdivision is a 28 lot subdivision on 10.27 acres. The Land Use is High Density and the zone is R-12.5 (Residential, 12,500 sq ft lots). The proposed density and use is consistent with the General Plan. The Preliminary Plan was reviewed by the TRC (Technical Review Committee) and Staff recommends approval. **Mayor Hart** commented that this appears to be a solution to a prior situation. **Dale Coulam** commented that it was and it resolves the issue for Terry Marten. The City appreciates Terry and Lance's efforts in resolving this rather than litigation.

MOTION: Council Member Johnson moved to approve a Preliminary Plan for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant
SECOND: Council Member Scott

Council Member Scott requested a discussion and commented that the motion should be amended to show a correction of the Center Street label to 100 North. **Council Member Mehr** commented that Council Member Anderson doesn't have to recuse himself. **Dale Coulam** stated that was correct, he does not need to recuse himself because he disclosed the conflict and he is not the applicant but that is up to him. Based on that clarification, Council Member Anderson voted "Aye".

MOTION: Council Member Johnson moved to amend the motion to include that change
SECOND: Council Member Scott
VOTE: The motion carried.

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Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

C. Discuss and consider approval of Resolution No. 2022-09R, a Resolution of Ivins City, Utah, regarding City Authorization to obtain Rights-of-Way with COG (Council of Governments) Funding

Dale Coulam indicated that Chuck Gillette has been assisting with obtaining Rights-of-Way and the document requires an authorized representative of Ivins City to sign and this Resolution proposes that Chuck be authorized to sign on behalf of the City for Rights-of-Way. **Council Member Mehr** referred to checks and balance and inquired if there was an issue with the same person negotiating for Rights-of-Way and also signing off on behalf of the City. **Dale Coulam** commented that Chuck Gillette is not personally negotiating. **Chuck Gillette** clarified that another agent is doing the negotiating.

MOTION: Council Member Murphy moved to approve Resolution No. 2022-09R, a Resolution of Ivins City, Utah, regarding City Authorization to obtain Rights-of-Way with COG (Council of Governments) Funding
SECOND: Council Member Scott
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

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

D. Discussion regarding ideas and activities to celebrate Ivins City's 100 year anniversary

MOTION: Council Member Mehr moved to continue this agenda item to a future meeting
SECOND: Council Member Scott
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

6) CONSENT AGENDA

A. Approval of an expenditure for pavement striping for 2022 Spring Pavement Maintenance Project

B. Approval of City Council Meeting Minutes for May 5, 2022

MOTION: Council Member Mehr moved to approve the Consent Agenda
SECOND: Council Member Scott
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE

Council Member Murphy	AYE
Council Member Anderson	AYE

Council Member Mehr requested a discussion. There's a concern about the striping at the Red Mountain Market and 400 South intersection and inquired if the HA5 can be used on that intersection and area. **Chuck Gillette** commented that HA5 is a good product to get rid of the current striping but the problem with HA5 is it takes 24 hours to cure and the last time they used HA5 on that road, people were not happy because they were shut down.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

There were no reports

B. Mayor

Mayor Hart reported that he was invited along with several other presenters, to make a presentation before group of architectures, engineers and construction people and he shared the success story of the new City Hall. On Tuesday, May 24th he will be attending a meeting with the Mayors and their water masters. The Water Conservancy District is now taking action and moving forward towards Will Serve letters regarding distribution of water among the cities so that they can plan and understand plat approvals and similar. The cities that are signatory to the agreement with the District, have to work out a solution in this extreme drought and limited water supply situation, If the cities are unable to do that, the District will come up with a formula. Different cities across the County have taken the Water Conservation ordinance seriously but not approving growth due to water, has to be based on facts.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the Attorney for the owner of Rocky Vista University and the property between Park Avenue and 400 East, would like to have a presentation given to the Mayor and City Council regarding the vision for what could be developed on that property. He suggested that be done in a Work Meeting. The **Mayor and City Council** agreed to hold a working lunch meeting on Thursday, May 26, 2022 at 12:00 p.m.

D. Items to be placed on future agendas

Council Member Mehr referred to discussions regarding the fire department and requested that the monthly fire report be given first and then on the agenda under action items, they have a discussion regarding the combined Fire Department so that they are two separate agenda items.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

The meeting adjourned at 9:10 p.m.

Respectfully,

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Kari Jimenez
Ivins City Recorder

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