IVINS
CITY COUNCIL
MINUTES
December 15, 2022

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video 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 Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, and Council Member Anderson.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: James Barden, Chris Haddad, Fred Brown, Lisa Ganz, Becky Warren, Chiska Derr, Don Herd, Steve and Faye Helm, K. Wagener, Michael Cook, Julie Dean, Andrew Kramer, William Mayol, Patty Dupre, Patrick Manning, Ed and A. McDonald, Shelley Moeller, Mike and Sharon Barton, Judith Kapuscinski, Beverly Garr and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Murphy was excused and Council Member Anderson was expected to be present shortly.

B. Flag Salute

Council Member Scott led the Flag Salute

C. Invocation

Council Member Scott gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest, with items on this meeting's agenda, for the Mayor and City Council Members who were present at the time. Council Member Murphy was excused from this meeting and Council Member Anderson was not present at the time this agenda item was addressed.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Washington County Solid Waste District Report - Cheyne McDonald

Cheyne McDonald reported that it is going well at the District and they are on pace for expanding the facility. The pit is always growing and the District requires Republic Services to have at least two (2) years on hand and roughly three (3) years in advance. As part of expanding the facility, they will be improving the commercial and residential lane travel, the old administrative building will be repurposed and they are building a new administrative building. There have been some questions about recycling and if the material is actually being recycled. There is a transfer station and an area specific for unloading the recycle trash truck and then loading the recyclables onto a transport truck to take it to the recycling center in North Las Vegas. If the Mayor and City Council would like to tour the murf, (Materials Recovery Facility) he can arrange that. It is a very hands on process. They have technology to help sort the

DRAFT

material but a lot of the recyclables are sorted by hand and there is a percentage that is not able to be recycled because people put things in the recycle bin that cannot be recycled. For a list of what can be recycled, that is on the Solid Waste Districts website: https://wcsw.org. Recycling is occurring and residents can either pay to recycle or plan for another landfill replacement sooner rather than later. **Council Member Johnson** referred to refrigerators and inquired if they are still required to remove the freon. **Cheyne McDonald** indicated that is no longer required.

B. Concept Plan Report for the Horsehead Subdivision, located at approximately 130 South and 800 West. Kayenta Development, Inc.-Owner. Lance Anderson-Applicant

Mike Haycock reported that this subdivision consists of a total of 10 lots on 5.26 acres. The Land Use is Low Density Residential and the property is zoned RE-15 Single Family Residential Estate, minimum lot sizes of 15,000 sq ft., which is one of the zones allowed for in the Land Use.

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

Chuck Gillette reported Ivins City is moving forward with the Highway 91 project. There will be a pre-construction meeting in January with a tentative date for a Notice to Proceed for them to start the work on January 17th, 2023. He received news that the MPO (Metropolitan Planning Organization) went through their allocation of funds for different projects and there was some funding available for trails. There are also funds from the Carbon Reduction Fund and TAP funds, which stands for Transportation Alternatives Program. Both of those are good sources for trails. The MPO has been having a hard time spending their funds because the funds usually come in little chunks and because of federal monies, it's hard to spend them on construction projects because all the money ends up in environmental studies. The MPO had about $1 million sitting on the table and nobody else submitted a project except for Ivins. The MPO allocated $620,000 of that for Ivins. He submitted for funds to do a gap fill project with Ivins trails. Along Center Street there are areas where the trail is 10 feet wide but then it shrinks down to a six foot (6') sidewalk. Those will be widened with this money to the full 10 feet. He would like to have all of the trails connected from Ivins Reservoir to Snow Canyon State Park. **Council Member Anderson** inquired if the funds could be used for the Highway 91 project. **Chuck Gillette** indicated that is not included but he did have an application in for some State tourism funds that may be able to help with that.

Cade Visser reported that the City received the main portion of the current fiscal year property tax and it is anticipated that the City will receive the remaining disbursement in January or February. The Sale and Use tax is outpacing the budgeted amount and is a 19% increase year-over-year from Fiscal Year 2022. Through November, all of the Departments have kept their expenditures under budget and they are doing well managing those January starts the Fiscal Year 2024 budget items and they are preparing for that.

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

None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Presentation and discussion of the executive summary of the General Plan Survey - Patty Dupre - results are on Ivins website and posted to this meeting's agenda

Mayor Hart commented that the survey and results was a monumental effort and one that has never been done in Ivins City before and has yielded a remarkable set of data for the City to use as they move forward with the General Plan review. He recognized that Planning Commission members Pam Gardiol, Bob Morris and Dave Robinson were also present. **Patty**

DRAFT

Dupre disclosed that she is married to Council Member Mike Scott. She indicated that these presentations are typically shown in split screen but she has asked that the slides be displayed instead for those attending the meeting remotely. The survey was conducted because the General Plan needs to be updated. The last time the General Plan was updated was around 2015. Beginning in January of this year, the City conducted six (6) community meetings that were attended by approximately 600 people via the Zoom application and in-person, which was approximately 250-300 households. This survey was very focused, addressed specific issues and was sent to all Ivins households. The results are on Ivins website and available as an attachment to this agenda. The survey results are a tool for the City to update the General Plan, using more resident input. She was chosen to conduct this survey because she designed and conducted survey research for 38 years and agreed to do this at no charge. The survey design was based on surveys from other cities, input from locals with experience, modifications made and then final approval by the City Council. The City received a high response because they did extensive advertising, it was anonymous, included a self-enclosed, stamped envelope. Many surveys were returned to the City with the wrong addresses and those were resent out with correct addresses. The surveys were mailed on or about November 3, 2022 and those with good addresses were coded and proofed for further auditing. The bad addresses were re-sent out with the help of Ivins City staff looking up the correct addresses for those. Once the surveys were coded, they were handed over for data input using Microsoft Excel. All surveys and all questions were proofed. If there weren't any errors, they were sent to database storage, otherwise the corrections were done by the input team. Towards the end they designed the data output as to what the report should look like. They proofed formulas that went into producing the tables and graphs. Council Member Scott went through all 2,244 surveys and dictated resident comments into Word. Those are published as a separate report. All of the results from the surveys were generated into a report. This project would have been impossible without the tremendous help of the volunteers. A list of the volunteers is contained in the slide presentation. The volunteers spent over 250 hours, put up and removed 25 yard signs and 200 posters, coded, data input, proofed and corrected all surveys and there were over 210,000 data fields. The response rate was extremely high at 52.7%. It was a blind survey, meaning it was sent out without knowing who received the survey, and was sent to 14 neighborhood areas. When more than 50% responded negatively with 1&2 combined or positively with 4&5 combined, the results are shaded in red for 1&2 and in green for 4&5. There were a few unexpected issues that came up as a result of the survey. The last 2 questions the ranking was reversed where the first half of the survey identified 1 as being the least important and the second half of the survey identified 1 as being the most important. 34% misinterpreted instructions to rank only 10 of the attributes and not all of them. 66% ranked those 38 questions correctly and those were the ones used. The other unexpected issue was about water. There were only 2 questions on the survey but it was evident in the comments how important that issue is and more questions were needed relating to water. There are two parts to the finished reports, Part 1 is the process, tables and graphs and Part 2 are the comments from over 1600 people. In Part 1, there are 22 reports by Neighborhood and Household Characteristics. Each report has the overall satisfaction, asks what Ivins should focus on for resident needs, what types of development should Ivins encourage, and what types of businesses would residents like to see encouraged. 54 reports are by topic, with each report showing positive, neutral and negative responses. There are 2 reports on Attributes that enhance residents quality of life and why they chose to live in Ivins. In Part 2, which are the survey comments, there is a slide in the presentation depicting the

DRAFT

most frequently used words from over 100 pages of survey comments. 72% of survey respondents provided comments, which was more than 1600 people and those comments were dictated by Council Member Scott, into a 100+ page document. The comments were anonymous and the only known information was from what neighborhood area the comments came from. It would be valuable to read so that it is understood what the concerns are, suggestions for improvement and more. All neighborhoods had a very high rating for Police/ Fire/ EMS. Residents would like Ivins to focus on open space and/or trails, encourage Low Density Single Family residential development, continue to regulate outdoor lighting to maintain a dark night sky, with there being comments about safety concerns in a few neighborhoods, and preserve agricultural land but the question is, how do we pay for that? Residents would like better high-speed broadband/internet, provide standards and enforcement for unkept properties but there needs to be a better understanding of concerns in some neighborhoods. Residents would like to see roundabouts instead of traffic signals at busy intersections, they would like architectural and design standards for new development to enhance the City's unique character, they would like parks and/or playgrounds/outdoor sport space, bike lanes and traffic calming solutions to reduce speeding. Regarding a Community/Senior Center and/or a City Recreation Center, there was no clear answer but it is a big issue and worth more research. Overall satisfaction of development in the City was nearly a three-way tie between positive, neutral and negative. There was no clear answer on what type of Commercial/Retail Development Ivins should encourage but there were a lot of comments about what type of businesses people want to see in Ivins. There were more negative than positive responses for public art in outdoor public spaces. There were more negative than positive responses for looking at way to make housing more available for a wider range of income levels. The comments provide some clarification on this. There were more negative than positive responses for dog facilities/dog parks and the comments show strong feelings on this, both positive and negative. There were more negative than positive responses about creating a Downtown Ivins City Center to include commercial development and open space. Comments showed a wide range of visions for what that should be and narrowing the vision of a City Center may help. Residents believe that Ivins is not doing enough about water conservation but the survey did not ask enough about water. There were strong positive responses in all neighborhoods for a wastewater treatment and distribution system and more negative comments than positive for supporting the annexation of more property into Ivins. More than 70% responded negatively to high-density single-family residential developments or tourist accommodations like resorts, hotels or short-term rentals. The City will have the opportunity to learn more at the upcoming community meetings in January.

Council Member Anderson arrived at 5:45 p.m. and disclosed that he had conflicts with agenda items 5)C, 5)D and 5)E.

Council Member Scott referred to the comments report and indicated that it takes just over 3 hours to read those in one sitting. He found there to be some phenomenal comments and it tells you what people are feeling. **Mayor Hart** invited those who would like to attend the neighborhood meetings, to attend and ask questions. The **Mayor and City Council** thanked Patty Dupre and the volunteers for their work.

B. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Black Desert Family Village, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant

DRAFT

Mike Haycock reported that the Family Villages are on the south end of the Black Desert Resort property. The Black Desert Family Village phase consists of a total of 19.65 acres and the Land Use and Zoning is Resort Commercial. The proposed density and use is consistent with the Land Use Map and Conditional Use Permit. As part of the development, there will be a drop off point where guests will be taken to their unit along a pathway. Parking will be provided prior to Certificate of Occupancy and there is no direct parking associated with the units. The total amount of parking for the project is accommodated on the parcel. **Council Member Scott** inquired if the parking was going to be underground//covered not open surface parking? **Mike Haycock** stated yes. **Council Member Scott** inquired if a guest is staying at the resort there will be a valet service to shuttle them on a golf cart to the unit? **Mike Haycock** stated yes. **Council Member Anderson** inquired if when the applicant submitted for the Conditional Use Permit, if that was when the colors for the buildings were submitted? **Mike Haycock** stated that the Conditional Use Permit states that the applicant will meet the zoning ordinances so the color selections are provided to Ivins, prior to Ivins City issuing the building permits, making sure the applicant is meeting the ordinance. **Council Member Anderson** inquired if because this development is commercial, it the meets the design guidelines? **Mike Haycock** indicated yes. **Council Member Scott** stated this is just a portion of the total development and indicated that it is important to remember some of the other things that are part and parcel of what this whole development will be and part of it is going to be a tremendous amount of open space that's available to the public. Excluding the golf course, there will be approximately 180 acres of open space, which benefits the whole community and not just the visitors or guests at the resort. It also is not just open space. Black Desert is working on a stewardship plan that's been drafted by Dr. Platt, a Biologist at Utah Tech. He referred to the map and commented that everything in green is open space, benefiting the whole community and that is impressive. Putting that 180 acres into perspective, UNITY Park, which is a big park in Ivins, is 12 acres. **Council Member Anderson** commented that other developers have had other visions for this property that would be a lot more dense than what Black Desert is proposing and it is important to note the open space. **Mayor Hart** inquired of Patrick Manning about the long-term plan and developing a series of villages and inquired what Ivins residents are currently seeing being built and what they can expect to be seeing over the next couple of years. **Patrick Manning** referred to the full map of Black Desert and stated that any structures that can been seen off of Snow Canyon Parkway, those being the trailers, decks and things that look like permanent structures, those are actually model units to make sure everything fits before they building 450 units. The model units will then be torn down. There currently is nothing permanent except for down where the cranes are, that is the resort center. There is an equivalent of 150 concrete mixing trucks that are pouring concrete every week. There is a batch plant on site so that none of those concrete trucks are on the street. It is all being made on site, right next to the resort center. There are no concrete trucks on the roadways. Black Desert Resort only started construction 10 months ago and he does not know the exact statistics on how many yards of concrete have been poured, but it is about 50% of the way through all the concrete on all the resort center, which includes what is being built right now, including the 148 hotel rooms, 299 condominiums, the 25,000 square foot convention space, a 15,000 square foot spa and four (4) restaurants. The golf course in Ivins opened on November 2, 2022 and there has already been approximately 1,000 rounds of golf played. Golf course raters are calling it a top 100 course in the United States. By 2025, there will only be three (3) golf courses in the United States that hit a specific mark, those being Black Desert, Tiburon and Pebble Beach. **Mayor Hart** inquired

DRAFT

about a residential village that is to the west end of the project. **Patrick Manning** stated Black Desert will have the North Village, which they are getting ready to break ground on, that's the residential parcel that was the Allen Layton piece that Black Desert purchased. Ground has already been broken on the Utah Tech Golf Practice Facility. Black Desert Resort also moved the delivery and distribution center so that large delivery trucks will come off of Pioneer Parkway, up a Red Mountain extension road and stop so there are not many semis coming into Ivins down Snow Canyon Parkway. Smaller vehicles with trailers will pick up refrigerated goods, laundry and similar and anything like that gets picked up and brought across Black Desert Drive, goes underneath into the underground parking spaces, and is delivered through service elevators. They are trying to keep any large box trucks and semis out of the Ivins portion.

MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Black Desert Family Village, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant
SECOND: Council Member Mehr
VOTE: The motion carried.

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

C. Discuss and consider approval of Easement Maintenance Agreement for Sewer Dosing Station at Kayenta Village

Chuck Gillette reported when Ivins City started using the septic tank effluent systems in the Kayenta area, the septic tank effluent systems were chosen mainly because of the area in Kayenta. Septic tank effluent means that there is still a septic tank on site, but instead of discharging the water into a leach field, it goes into the sewer system. As the systems have been connected down into the conventional system, they discovered that there is an odor problem around 200 North and Kwavasa Drive. The fire department was even called over there once because it was thought that the smell was a natural gas leak. This is the system that Kayenta proposed and Ivins City left it up to Kayenta to figure out how to solve the odor problem. Kayenta has worked through some different alternatives and have settled on this being a good alternative. It's been operated for many years, and it works. **Mayor Hart** inquired as to what dosing was. **Chuck Gillette** stated that there are two chemicals that it's dosing, meaning dumping chemicals into sewer water. There's aerobic and anaerobic bacteria in sewer. Aerobic bacteria does not produce bad gases but anaerobic bacteria does. The chemicals make it so that the anaerobic bacteria doesn't use sulfur to metabolize and uses a different chemical instead and prevents the sulfur gases from ever forming. There's another chemical in there that does some other things called a probiotic. **Council Member Anderson** indicated that all cities have this problem and it is where there is turbulence and the bacteria hits oxygen and releases the gases. There are some cities that just inject water into the system but this is a more efficient way of addressing the issue. **Chuck Gillette** stated that there is a chance a similar sort of setup will need to be used down by the Ivins lift station at some point in the future because that is another place where those sorts of gases will generate whenever sewer water sits stagnant for a little while. That's when the anaerobic bacteria start taking over and creating the gases. When the gases hit the concrete if feeds a different bacteria, that then turns the gases into sulfuric acid and

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then the concrete manholes start wasting away. **Mayor Hart** inquired if this has been tested and it is known that it will take care of the problem. **Chuck Gillette** indicated yes. **Council Member Anderson** disclosed that he had a conflict of interest on this agenda due to it being in the Kayenta area. A Council Member inquired if Council Member Anderson could vote on this agenda item. **Dale Coulam** stated that since Council Member Anderson disclosed the conflict, he could vote on this item.

MOTION: Council Member Scott moved to approve an Easement Maintenance Agreement for Sewer Dosing Station at Kayenta Village
SECOND: Council Member Johnson
VOTE: The motion carried.

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

D. Continued discussion to consider approval of expenditure for Guy Lane roadway improvements

Chuck Gillette reported that this is connected to the Mojave Flats project that is under development and is also connected to Sage Villas. There is an intersection that was built there. Each development basically had to develop approximately a third of the intersection in the development stage, leaving a patch in the middle. Ivins City could use some of the street funds to make sure that the whole intersection is not a bunch of asphalt patch work. **Council Member Anderson** clarified that this included the water break as well. **Chuck Gillette** clarified that further up the street there was a water break that occurred approximately nine (9) years ago. Ivins City patched it back after the water break and the patch kind of went south. It looks like there was some underground problems that were created from that water break that were never fixed because the area just wasn't used enough to be fixed. Now that the subdivision is getting completed, it needs to be fixed. With the developer being out there with the paving machine and paving contractor out there, Ivins would like to take advantage of that and remove a portion of the road, past where the water break was, and have all of that brand new asphalt.

MOTION: Council Member Mehr moved to approve an expenditure for Guy Lane roadway improvements
SECOND: Council Member Scott
VOTE: The motion carried.

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

E* Approval of Ordinance No. 2022-17, an Ordinance of Ivins City, Utah, approving a Zone Change for the "Horsehead" shaped parcel on Exhibit "A" from RA-5 to RE-15 (with lot averaging), as a formality to the motion approving this Zone Change made at the City Council meeting on December 1, 2022

Commissioner Anderson recused himself and sat in the audience. **Council Member Mehr** inquired if this complied with Ivins City Ordinances. **Dale Coulam** indicated that it did

DRAFT

and clarified that a zone change requires that an ordinance be done and at the last City Council meeting, it was on the agenda but it was unknown what the City Council wanted to do. A verbal motion was made to approve the zone change but the written ordinance was not prepared at the time. This is the written Ordinance and is a formality.

MOTION: Council Member Mehr moved to approve Ordinance No. 2022-17, an Ordinance of Ivins City, Utah, approving a Zone Change for the "Horsehead" shaped parcel on Exhibit "A" from RA-5 to RE-15 (with lot averaging), as a formality to the motion approving this Zone Change made at the City Council meeting on December 1, 2022

SECOND: Council Member Johnson

VOTE: The motion carried.

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

Roll call vote. Council Members Johnson, Mehr and Scott voted in favor. Council Member Anderson recused himself and Council Member Murphy was excused.

Mayor Hart recognized Chairperson Robinson and commented that the Planning Commission report was not on the agenda but requested that he provide a report. **Chairperson Robinson** reported that the Planning Commission heard the Concept Plan on the Horsehead Subdivision that was provided to the City Council tonight and discussed additional regulations for Short-Term Rentals, as well as revisions to the "Goals" section of the 2022 Moderate Income Housing Plan, to cure deficiencies identified by the State of Utah.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 1, 2022

MOTION: Council Member Scott moved to approve the Consent Agenda

SECOND: Council Member Johnson

VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Anderson - no report

Council Member Johnson - no report

Council Member Scott - no report

Council Member Mehr reminded the Council that on Saturday, December 17th at 10:00 AM, Wreaths Across America will be at the Ivins City Cemetery to remember and honor Veterans

DRAFT

through the laying of remembrance wreaths on the graves of the country's fallen heroes and will say the name of each and every Veteran. He referred to the strip of unfinished roadway on 400 East behind the Arcadia development in Santa Clara and inquired when that road would be developed. **Chuck Gillette** indicated that is managed through the City of Santa Clara but would likely be finished when that current project is finished.

B. Mayor

Mayor Hart publicly thanked Char Raine, Brenda Pendleton and others that put together the employee Christmas party. **Council Member Mehr** inquired as to the recent Water Conservancy District meeting. **Mayor Hart** indicated there should be some discussions since water was a giant word in the middle of the comments from the survey. There are decisions that have not been made with the Water Conservancy District. Chuck Gillette is representing Ivins City and tasked with going through all of the water issues and the reports that are coming out. He reported that Ivins City just received a very prestigious award from the Engineering Association and that Ivins City now has five (5) awards for excellence on the new City Hall building. He was very proud of the City Hall building and what it has achieved.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported he was asked to mention that there are only 10 plots left in the Ivins cemetery and only two (2) sets of side-by-side plots. Benny Sorensen will provide a report at the next City Council Meeting, and he will mention some ideas for a non-grass alternative to consider. He inquired if this item should be an agenda item for discussion or just a presentation. Benny will also be inviting the Council on an individual basis to the Cemetery, to explain this in more detail. The **Mayor and City Council** agreed to have this on the next City Council agenda for discussion.

D. Items to be placed on future agendas

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 Anderson	AYE
Council Member Murphy	ABSENT

The meeting adjourned at 7:24 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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