IVINS
CITY COUNCIL
MINUTES
December 21, 2023

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, Building and Zoning Administrator Mike Haycock, Director of Public Works/City Engineer Chuck Gillette, Director of Finance Cade Visser, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: James Barden, Sharon Gillespie, Perry Brown, Daniel Foster, Sharon Barton, Becky and Chuck Warren, Denny and Karen Robinson, Elvia Romero, Patrick Cotham and others who did not sign in.

A. Acknowledgement of Quorum

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

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Mehr gave the Invocation

D. Disclosures

Council Member Johnson referred to agenda items 4)A and 4)B and disclosed that she lives across the street from the property.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Washington County Solid Waste District Report - Cheyne McDonald

Cheyne McDonald reported that there will be infrastructure improvements at the landfill in the near future to assist with sustainability of the landfill for the next 20 or 30 years. Commercial and residential lanes will be added to streamline things and hi-tech cameras to see what is inside the cans to make sure prohibited items are not being thrown away. They also have bulky item pick-up available for refrigerators, couches and similar. **Council Member Mehr** inquired what types of things are prohibited. **Cheyne McDonald** indicated tires, paint, chemicals and similar. The District holds a hazardous waste day twice a year for those items at no cost to residents. He reported that the recycling program is still going and they are optimistic that it will continue although it is costing more to recycle than it is to bury the material.

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

Mike Haycock referred to Council Member Scott's monthly permit graph report, a copy of which is available as an attachment to this agenda. He reported that building has been steady.

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Chuck Gillette reported that the Public Works department has been flushing fire hydrants and sonar testing the sewer lines. The irrigation system phase 1 project is complete and there is a new consultant on board and the design on phase 2 is underway. Phase 1 of Old Highway 91 is substantially complete and the second phase is expected to begin in a few months.

Cade Visser referred to the Sales and Use tax and reported that has decreased compared to this time last year and there will likely be a budget amendment presented to the Council in January.

C. Planning Commission Report

Chairperson Robinson reported that the Planning Commission held a Public Hearing regarding the Retreat at Snow Canyon's Preliminary Plan for west of West located at approximately Puerto Drive and 400 South where SITLA is the owner and Jerry Miyahara is the applicant. There were individuals who spoke in opposition but ultimately the Planning Commission recommended approval to the City Council and it is before the City Council as a discussion tonight. The Planning Commission also discussed proposed amendments to the Resort Commercial/Resort Mixed Use Zone and meeting dates for calendar year 2024.

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

None

Council Member Anderson was present at 5:40 p.m. and had no disclosures or conflicts of interest with items on this meeting's agenda.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to deny a Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a Zone Amendment from RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) to R-M (Residential Multi-Family) and instead recommends approval of a Zone Amendment to R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft) on approximately 1.97 acres, located approximately on the corner of Main Street and 200 South

Mike Haycock reported that the Planning Commission held a Public Hearing and recommended denying a Land Use Amendment from HDR (High-Density Residential) and a Zone Amendment from RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) to R-M (Residential Multi-Family) and instead recommended approval of a Zone Amendment to R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft) on approximately 1.97 acres, located at approximately the corner of Main Street and 200 South. Mayor Hart opened the Public Hearing. **Brent Ence** is the applicant and commented that there is currently an old house and horses on the property. He indicated that Ivins City needs more multi-family but commented that if the recommendation of R-1-7.5 is what the City Council feels is appropriate, he would be okay with that. **Dustin Ence** brought it to the Council's attention that when looking at the zoning map, he counted approximately 15 RM (Residential Multi-Family) or RTH (Residential Townhome) areas but the majority what has actually been built in those areas is single family homes. He would like his kids to be able to live in Ivins and Ivins needs more multi-family. Some people say that people who live in multi-family housing do not have an interest in the City but that is not true. **Mayor Hart** indicated that the Council received a letter from Nate and MinDee Romberger who live on 200 South and were in opposition to the multi-family in this location. He inquired if there was anyone on the Zoom application. **Cade Visser** indicated that Kenzie Hansen was on Zoom and wanted to make a comment. **Kenzie Hansen** resides on 200 South and attended the Planning Commission Public Hearing. She was opposed to high density and commented that the

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City needs to retain the old historic township area as single family homes with the smaller lot sizes. She agreed with the Planning Commission's recommendation.

B. Discuss and consider approval of Ordinance No. 2023-31, an Ordinance of Ivins City, Utah, denying a proposed concurrent Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a proposed Zone Amendment from RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) to R-M (Residential Multi-Family) and instead approving a Zone Amendment from RE-12.5 to R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft) on approximately 1.97 acres located at approximately Main Street and 200 South

Council Member Mehr stated that he was uncomfortable when the Planning Commission or the City Council takes an application and decides something different than what an applicant is asking for. He inquired if the applicant was okay with the change to R-1-7.5 even though it may not be ideal? **Brent Ence** referred to the 20 acres that he owns across the street and there being discussions about buffering so if he built R-1-7.5 on this property and then had some direction on the 20 acre parcel for multi-family, R-1-7.5 would be acceptable on this 1.97 acre parcel. **Mayor Hart** indicated that another option is that the Council could deny the Planning Commission's recommendation and the applicant's application and the applicant could then come back with a different application. **Council Member Anderson** stated that area is a low spot in the City as far as the view shed and the 20 acres south of this parcel, there may be the possibility to build something that is attainable housing with buffering. **Mayor Hart** clarified that was a discussion for another day but that has occurred elsewhere in the Historic Township area. **Council Member Scott** looked at the surrounding homes and the average lot size is just under 13,000 sq. ft. There is Single Family in the next block to the west, that being Ivy Court and the smallest lot in there was around 9,000 sq. ft. The City is being mandated by the State for affordable housing but there is also the desire of the community to not increase density. He suggested not changing the zone and leaving it at RE-12.5. **Council Member Anderson** referred to the self-help houses that are on Main Street and those lot sizes and commented that he was fine with changing the zone to R-1-7.5. **Council Member Scott** indicated that lots immediately around this area are much larger and the approach of changing one lot at a time was wrong. **Council Member Mehr** agreed with the Planning Commission's recommendation. **Council Member Johnson** appreciated the applicant's willingness to work with multi-family and there is need for that but not in this area. The lots are large but the Ivy Circle subdivision works and if that is mirrored by the R-1-7.5 zone, the homes could possibly be more affordable because they would be smaller homes on smaller lots. **Council Member Murphy** agreed with the R-1-7.5 zone and indicated that is allowed in that land use already.

MOTION: Council Member Johnson moved to approve Ordinance No. 2023-31, an Ordinance of Ivins City, Utah, denying a proposed concurrent Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a proposed Zone Amendment from RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) to R-M (Residential Multi-Family) and instead approving a Zone Amendment from RE-12.5 to R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft) on approximately 1.97 acres located at approximately Main Street and 200 South
SECOND: Council Member Murphy
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Johnson	AYE

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Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	NAY

Roll call vote. Four (4) Council Members voted in favor and one (1) Council Member voted in opposition. The motion carried.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion regarding the Planning Commission's recommendations on updating the General Plan

Mayor Hart indicated that Planning Commission Members Dave Robinson and Perry Brown were present if there were questions of the City Council. He commented that the vision remains intact and that the format is improved. Some parts were interpretive to him and it may not be understood by all but overall, it is a great draft and he thanked the Planning Commission for their work on this. **Council Member Scott** liked the way it was reformatted and what they're seeing is the end results of hours of the Planning Commission's work through regular Planning Commission and Work meetings. He inquired if there were paths that the Planning Commission went down that the City Council should avoid? **Commissioner Robinson** stated that they asked themselves what they could codify so that the plan could have a backbone to it for the future. **Commissioner Brown** indicated that as they went through the old plan, they found a lot of statements that needed to be brought up to date and mesh with some new ideas they had. **Commissioner Robinson** stated that Commissioners Gardiol and Clifford were great scribes and Deputy City Recorder Sharon Allen would input their information into the document. He recommended that the City Council choose a couple of people on the Council to do that as well. They also held work meetings to focus solely on the General Plan.

B. Discuss and consider approval of Resolution No. 2023-16R, a Resolution of Ivins City, Utah, approving a Second Amendment to the Governing Document of Black Desert Public Infrastructure District and a Second Amendment to the Interlocal Agreement related thereto; and Related Matters

Dale Coulam indicated that the First Amendment allowed C-PACE bonds and this one removes the artificial maximum debt limit that was put in place based on engineering estimates when prices were lower. The market is what is going to cap the debt limit based upon the mill levy. Patrick Manning and Attorney Damon Georgelas were present in the Council room and Aaron Wade with Gilmore Bell representing Ivins City, was present via the Zoom application. **Aaron Wade** commented that what Dale Coulam presented was an accurate summary and added that there was not a risk to the City in approving this. **Damon Georgelas** clarified that they were not changing the mill levy but are removing the artificial maximum debt limit due to pricing having doubled and tripled for expenses. Regarding the assessment bond, they intend to hold that for the long-term and make sure the assessments are on the properties. **Council Member Mehr** stated that he was not excited about the bonding when this was approved, indicating that that they ought to let the market forces work. He inquired if the only thing different between today and back then when the Council approved is inflation? The debt protections were put in place back then for some reason but things cost more now so to him that highlights that the market forces are dictating this. He inquired if there was any risk to the City and felt that they all need to live within their means. **Aaron Wade** indicated that approving this was not a risk to the City and that it is clear by State statute that any debts of a PID are solely debts of a PID and not of the creating City. The statute is also clear that with regard to the assessment bonds, they could force a foreclosure but that was not a remedy enforced by the City. It would be similar to if they went

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and received a different type of commercial financing, which the City would not be liable for. This allows Black Desert to access tax exempt markets and lower interest rates than are available in a commercial loan setting. **Council Member Mehr** inquired if Black Desert was unable to complete the project and it was foreclosed on, if this would speed up the timeline for the project to be finished? **Damon Georgelas** stated that approving this provides a guarantee even more because there would be more tools available. **Council Member Anderson** inquired if someone was personally backing these bonds? **Aaron Wade** indicated that they are land-secured and the market that these bonds get sold to an investor profile of people that could bear a loss and end up with the land. There is an appraisal done that shows the value of the value of the property and that is their security. State law limits the amount that can be borrowed on those with a 3 to 1 ratio protection in place through State code. **Patrick Manning** stated that they would not be able to borrow the money if they do not have the equity to obtain so they are living within their means and they are only 10 months away from completion and everything is 100% pre-sold. **Council Member Scott** referred to the definition of assessment bonds and would like the definition to expand on that to assessment bonds means bonds for the payment. He would like something in the document that is a simple way for it to be more understandable. **Damon Georgelas and Aaron Wade** agreed to work with Dale Coulam to come up with clarifying language requested by Council Member Scott. **Council Member Mehr** referred to the document and indicated that the date referenced 2024 but should be 2023.

MOTION: Council Member Scott moved to approve Resolution No. 2023-16R, a Resolution of Ivins City, Utah, approving a Second Amendment to the Governing Document of Black Desert Public Infrastructure District and a Second Amendment to the Interlocal Agreement related thereto; and Related Matters, as amended on the date and the explanation of assessment bonds

SECOND: Council Member Anderson

VOTE: The motion carried unanimously.

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

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

C. Discuss and consider approval of the Planning Commission's recommendation on the Retreat at Snow Canyon Preliminary Plan, (west of West), located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara-Applicant

Mike Haycock reported that this consists of 98 lots on approximately 30.5 acres. The land use is medium density and low density residential. The property is zoned RE-37 (Residential Estates, minimum lot size 37,000 sq ft), R-1-10 (Single Family Residential, minimum lot size 10,000 sq ft), R-1-7.5 (Single Family Residential, minimum lot size 7,500 sq ft) and RM (Residential Multi-Family District). All zones are allowed for RMU, Medium-Density and Low-Density Residential land uses. The proposed density and use is consistent with the land use and zoning. The Sensitive Lands Committee has recommended approval of phases 1 through 7. **Council Member Scott** referred to no build lines and inquired if a statement could be added to the legend in the landscape plan to indicate that the no-build boundary be clearly marked and not disturbed in any way. **Chuck Gillette** indicated that it could. **Council Member Anderson** commented that when they are naming a cul-de-sac, the name should be one name. **Chuck Gillette** agreed.

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MOTION: Council Member Murphy moved to approve the Planning Commission's recommendation on the Retreat at Snow Canyon Preliminary Plan, (west of West), located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara-Applicant, adding to the legend on the landscape plan no-build lines, construction fencing and the name Desert Circle disappears and Desert Flower Lane is used throughout the cul-de-sac.
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

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

D. Discuss and consider approval of Ordinance No. 2023-30, an Ordinance of Ivins City, Utah, amending Section 11.03.112(1) of the Ivins City Code regarding Burial Vaults

Dale Coulam reported that the word "polypropylene" has been added to the ordinance as a type of vault that is allowed.

MOTION: Council Member Scott moved to approve Ordinance No. 2023-30, an Ordinance of Ivins City, Utah, amending Section 11.03.112(1) of the Ivins City Code regarding Burial Vaults
SECOND: Council Member Anderson
VOTE: The motion carried unanimously.

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.

E. Discuss and consider approval of expenditure for crack seal maintenance

Chuck Gillette indicated that in the past the City crews have filled the cracks in the asphalt during the winter preparation for the spring maintenance. Due to the crack seal machine reaching the end of its useful life, staff bid this work out to analyze the cost of having the maintenance done by a private contractor compared to the City crew. Staff's analysis showed the contractor labor costs were substantially less than the City's crew labor costs and staff recommends awarding the bid. **Council Member Scott** inquired if this is budgeted for. **Chuck Gillette** stated yes. **Mayor Hart** commented that if the City does this, there needs to be a be an inspection component to this to ensure the work is quality and pulling this task out of the staff's workload, he inquired what would be filling staff's time? That is a big piece of what the Public Works employees did each year and is the most important part of what road maintenance is to keep water from getting under the pavement.

MOTION: Council Member Mehr moved to approve an expenditure for crack seal maintenance
SECOND: Council Member Scott
VOTE: The motion carried unanimously.

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

F. Discussion regarding the Proposed Santa Clara Annexation Policy

Dale Coulam referred to the map and indicated that Santa Clara is showing is proposing to include the two lots split by Pioneer Parkway that are within Ivins incorporated boundary but they did not include the existing storage units. He appeared at Santa Clara's Planning Commission meeting and followed up with an email to their City Attorney and City Manager. Mayor Hart also wrote a letter to Santa Clara's Mayor and City Council making an opposition to what's outlined on the map. Old Highway 91 is State owned, the two parcels they are showing are not contiguous to Santa Clara and should not be allowed to be annexed. They also need to avoid creating a peninsula because those storage units would be a peninsula and the two lots in Ivins are zoned commercial. **Council Member Anderson** inquired what the white indicates on the map. **Dale Coulam** clarified that indicates property owned by the County and the yellow parcels are owned by the Bureau of Land Management. Santa Clara sent out notice to affected entities and Ivins City has made its opposition to it. What Santa Clara is intending to annex would include Highway 91 but those improvements were paid for by Ivins City and it would include Ivins City's lights. Ivins City is also opposed to the upper pieces identified in white, as well as some of the BLM area because that would affect Ivins purchase of the R&PP property. No one has filed a petition for the annexation, this is the beginning of the process that Santa Clara is doing on their own and Ivins City will updating be updating its Annexation Plan in the near future.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 7, 2023

MOTION: Council Member Murphy moved to approve the Consent Agenda
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Murphy thanked Ivins City staff for all of their work and support over the years and commented that she has enjoyed serving the City.

Council Member Johnson indicated that this is the end of 8 incredible years serving the City and that she intends to continue to serve in other capacities.

Council Member Mehr thanked the City for the opportunity to serve and stated that he strived to consistently uphold the oath he took.

There were no other reports.

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B. Mayor

Mayor Hart reported that serving together one develops a bond of friendship and appreciation ascends to affection and gratitude. He indicated that on Saturday, January 20th at 7:00 p.m. at Rocky Vista University, there will be a "TalkAbout" with State Legislators.

C. City Manager/Attorney Dale Coulam

Dale Coulam thanked the outgoing City Council members for their service. He reported that there will be a combined City Council meeting with Santa Clara here at Ivins City Hall on Thursday, January 25th at 5:30 p.m.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried unanimously.

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

The meeting adjourned at 7:50 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder

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