# IVINS
## CITY COUNCIL
## MINUTES
## December 19, 2019

### 1) WELCOME AND CALL TO ORDER

**MAYOR AND COUNCIL:** The meeting was called to order at 5:30 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, Council Member Densley, and City Recorder Kari Jimenez.
**STAFF:** City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and Director of Finance Lane Mecham.
**EXCUSED:** None.
Audience: Larry Myers, Chris Haddad, Sue Sekerka, Sue Gordhammer, Annette Densley, Becky Warren, Sandy Perkins, Bo Folsom, Valerie Cazier and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged that there was a quorum present.

B. Flag Salute

**Council Member Mehr** led the Flag Salute

C. Invocation

**Council Member Mehr** gave the Invocation

D. Disclosures

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

### 2) REPORTS AND PRESENTATIONS

A. Presentation by VCBO architects regarding replacement City Hall

**Whitney Ward, Nathan Leavitt and Tyler Froelich** with VCBO representatives were present and provided a PowerPoint presentation, a copy of which is available by request through Ivins City Hall. They indicated that over the last two days, they met with the Mayor, City Council and all of the City departments to go over their needs. They provided photos of examples of office and work spaces and asked them to place sticky notes on what works and what doesn't work and based on that, received a good representation for Ivins new City Hall. **Council Member Mehr** inquired if the new City Hall was going to have a basement. **Mayor Hart** clarified that it would be one (1) level. **Council Member Densley** inquired if VCBO was planning on stepping the building due to the terrain. The **VCBO representatives** indicated there is a lot of site work to be done and they will be looking at that. **Mayor Hart** indicated that the City has an agreement with the LDS Church for shared parking and that agreement could be severed with 30 days notice so the City needs to add parking for staff, those that do business in the building, as well as additional police parking when the existing City Hall is converted to the police station. **Council Member Elliott** inquired if the spaces for the replacement City Hall are designed for anticipated growth. **Whitney Ward** indicated that they are and there are opportunities for growth on the site if need be. **Mayor Hart** clarified that every wing is expandable except the City Council chambers. He indicated that it has been a really positive experience working with VCBO.

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B. Concept Plan report for Ivins Center, located at approximately 501 Red Mountain Boulevard. Jennings Leasing, LLC-Owner, Austin Atkin, Applicant.

**Mike Rodriguez** reported that this property is located at approximately 501 South Red Mountain Boulevard, which is north of the Lightfoot's gas station, and consists of .96 of an acre. The property is zoned Neighborhood Commercial and the proposed project consists of one (1) 10,000 square foot building that will include professional offices and possibly a sit down restaurant. **Council Member Mehr** inquired if this is a legal non-conforming use. **Dale Coulam** indicated "no" because it complies with the Neighborhood Commercial zone. The Planning Commission will consider standards in the zoning ordinance and come up with reasonable conditions to mitigate the impact but more detailed plans will be submitted and there will be a Public Hearing before the Planning Commission.

C. Concept Plan report for Red Mountain Terrace, located at approximately 200 East and Old Highway 91. B&B Investments, Owner/Applicant.

**Mike Rodriguez** reported that this subdivision consists of 7.92 acres located on 200 East and Highway 91. The developer recently went through a concurrent land use and zone change that was approved. The property is being subdivided into 24 lots.

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

**Mike Rodriguez** reported that the Building department has been bombarded with solar permits. They have issued 113 new home permits for the 2019 calendar year, with a few more that will likely be issued before the end of the year. There are 20 multi-family buildings under construction and that is keeping Cody Mitchell, the Building Inspector, busy. He reported that Code Enforcement is slower at this time of year.

**Chuck Gillette** reported that 200 West has been under construction for a while now. The sewer line has been installed and connected and the road is prepared for pavement but the ground and air temperature has to be at least 50 degrees. He was hoping to open the Main Street and 200 South intersection next week but the weather may not cooperate. Segments of the sewer project are going slower than hoped because of rock and difficult construction. They are working on selecting an Engineer for the redesign of Highway 91. The Public Works crew spent a lot of time wrapping up work on the pump station and will be crack sealing this month.

**Lane Mecham** reported that building permit activity has been heavy and receipt of impact fees ahead of schedule. He is preparing the five (5) year budget plan and indicated that it's possible that some projects may be deferred so that the City Hall can be built. **Council Member McDonald** inquired if the City was going to finance the new City Hall. He thought it was the City's intent to use the proceeds from the sale of the City property to fund the majority of that project. **Mayor Hart** stated that is still the intent but the proceeds will not completely pay for the new City Hall. He has suggested deferring some projects to help pay for the new City Hall. **Council Member McDonald** inquired what the rough projected difference would be. **Mayor Hart** indicated that the project is anticipated to be approximately $4 million dollars based on rough costs and it's anticipated that the City will net over $2 million from the sale of the City property. **Council Member McDonald** just wanted to make sure that the goal of using the proceeds of that still goes towards the new City Hall. **Mayor Hart** referred to that property and asked Dale to explain why there's a sign on the property. **Dale Coulam** clarified that although the City has accepted offer an on the property and the parties are in the due diligence stage, the City's agent is still marketing the property for possible backup offers, which is why there's a sign on it.

E. Planning Commission Report

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**Mike Rodriguez** reported that the Planning Commission saw the two (2) Concept Reports that the City Council saw tonight. They also had a lot of discussion regarding the conditional use for the proposed Canyon Crossing project. That will be going to the City Council in January. The Haven at Heritage Acres subdivision just south of UNITY Park are running out of lots in their first phase and will be starting their second phase in the near future.

**3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS**

There was one (1) Citizen Request submitted by Sue Sekerka with Bo Folsom speaking for her. **Mayor Hart** indicated that this form is strictly reserved to request a future agenda item and is not a public forum. **Bo Folsom** stated that the request may be two (2) agenda items for a future Council meeting. One is specifically in regards to Clyde (a dog being held at the Ivins Animal Shelter) and commented that he hoped that situation would be resolved by the first Thursday in January. He stated that an Attorney has been retained if it's necessary to appeal the Administrative hearing results that deemed Clyde to be vicious. **Mayor Hart** indicated that this is not a future agenda item that Mr. Folsom was discussing now. **Bo Folsom** stated that he would request an agenda item to address Clyde's status if it has not been resolved prior to the January date. **Mayor Hart** indicated this is in the Courts now. **Bo Folsom** stated "yes". **Mayor Hart** indicated that this is nothing that the Council would act on. **Bo Folsom** stated "okay" and indicated that the alternative agenda item would be a review of the City's No Kill policy. The City should be commended for adopting the first municipal code in the State of Utah supporting the No Kill philosophy in 2006. The request would be for the City to review expand or rescind that policy, depending on what the City's go forward policy is as far as No Kill.

**4) PUBLIC HEARING AND ACTION ITEMS – NONE**

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

A. Discuss and consider approval of a proposed City entrance sign.

Ryan Cain with YESCO was present. **Mayor Hart** indicated that having the cost information would be extremely helpful. Ryan Cain stated that as currently, it's approximately $31,000 but YESCO would like to participate as well so the cost would be just under $30,000. **Mayor Hart** commented that the lettering still seemed too big. Ryan Cain stated that they played with shrinking the letters down and going much smaller put it out of balance. **Council Member Johnson** was concerned about seeing through the sign to the storage units and inquired if using some landscaping was possible. Ryan Cain stated that it was. **Council Member Elliott** referred to the lettering being pronounced and all capital letters and inquired if they could explore with the font itself so that it felt less pronounced. Ryan Cain indicated that they can look at that. **Council Member McDonald** inquired if the City intends to place a sign in Ivins coming from Gunlock. **Mayor Hart** stated yes and inquired if there was any advantage to making two signs. Ryan Cain indicated yes. **Council Member McDonald** commented that at the Arts Commission meeting they mentioned that it may be possible for City staff to handle some of the construction of the sign to offset the cost. Ryan Cain indicated that it was. **Council Member Mehr** commented that having two signs makes sense if it's within the budget. **Mayor Hart** inquired if two signs were in the budget. **Lane Mecham** didn't have that information off the top of his head. **Dale Coulam** indicated that this has been referred to Arts Commission for review and recommendation as public art so would it be possible for the City to file an application for Arts RAP tax for a portion of the funds and discuss that in January? **Council Member Mehr** inquired if the City would be able to place the sign down from the storage unit

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location in Santa Clara. The City doesn't need to be set on that location. He'd like that option explored. **Mayor Hart** commented that the Arts Commission has made very clear recommendations. **Council Member Mehr** stated that he was fine with what has been presented. He would just like to see it moved down the hill a little bit. **Dale Coulam** clarified that the property down the hill is not owned by Ivins City. Ryan Cain indicated that if the sign is moved into a side hill, the cost would go up. Having the sign on the piece of City land in front of the storage units makes sense because it is in Ivins. **Council Member McDonald** inquired if the Council was approving the sign design tonight. **Mayor Hart** clarified that the Council would be committing to the design. **Council Member Densley** indicated that he'd like to move forward with the sign and commented that the location is excellent. He requested that the Council approve the concept drawing, refine the lettering and look at sharing costs and construction. **Mayor Hart** clarified that the impact of the lettering should be diminished and Ryan Cain will look at sign locations coming in from the west. Audience member Lance Anderson commented that when they cut across the road, they installed conduit so there's conduit at that location already. Ryan Cain will get with Lance Anderson to show him where the power is. He will also look at the idea of two signs and the cost. **Council Member Elliott** stated that the Arts Commission recommended solar for the sign as well. **Mayor Hart** inquired of Ryan Cain, if there is a power supply available, what his preference would be. Ryan Cain indicated that they don't use solar because the power usage is minimal. **Council Member McDonald** inquired if this would qualify for RAP Tax funding. **Dale Coulam** indicated that would be determined that in January. **Mayor Hart** felt that the signs are infrastructure and not art but the Council can discuss that in the future.

**MOTION: Council Member Densley moved to approve YESCO's sign design and cost sharing possibilities for both signs on Highway 91 and for modifications to the lettering**
**SECOND: Council Member Mehr**
**VOTE: The motion carried.**

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| Council Member Mehr | AYE |
| Council Member McDonald | AYE |
| Council Member Johnson | AYE |
| Council Member Elliott | AYE |
| Council Member Densley | AYE |

**Mayor Hart** requested that the Council suspend the rules and bring agenda item 8)D forward regarding future agenda items. **Council Member Mehr** requested that they address the next agenda item first because he had an obligation where he may need to leave early.

**6) <u>CONSENT AGENDA</u>**

A. Approval of City Council Meeting Minutes for December 5, 2019.

**MOTION: Council Member McDonald moved to approve the Consent Agenda**
**SECOND: Council Member Elliott**
**VOTE: The motion carried.**

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| Council Member Mehr | AYE |
| Council Member McDonald | AYE |
| Council Member Johnson | AYE |
| Council Member Elliott | AYE |
| Council Member Densley | AYE |

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**MOTION: Council Member Mehr moved to suspend the rules and bring the items to be placed on future agendas up for discussion**
**SECOND: Council Member McDonald**
**VOTE: The motion carried.**

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| Council Member Mehr | AYE |
| Council Member McDonald | AYE |
| Council Member Johnson | AYE |
| Council Member Elliott | AYE |
| Council Member Densley | AYE |

**7) CONSENT AGENDA ITEMS FOR DISCUSSION - NONE**

**8) REPORTS**

D. Items to be placed on future agendas

**Mayor Hart** indicated that the request is to address Ivins No Kill animal policy to restate that is the policy, expand it or rescind it, based on where the City is at in the 2020. When the policy was adopted, it placed Ivins City at the forefront and Ivins has had an astonishing record of success in that regard. **Chief Bob Flowers** commented that it's always good to review their policies from time to time and to make sure that the Council full supports where they are at and what they're doing but there have not been any changes in the way they've operated. They have actually expanded. Several years ago, they ran into a similar situation with another animal and he felt uncomfortable sitting in the room, making the decision closed so the department worked with FIAS (Friends of Ivins Animal Shelter) and a couple of other groups came together with a board to sit down and discuss the dogs. It wasn't until recently that they were made aware that there is a bite scale so it's important to review these things. Just in the last three (3) years, the City has taken in over 450 animals and 98.9 percent of those were adopted. They have had to euthanize a few animals but that has always been open and with dialog and there's been nothing that has ever been other than that because these things can be controversial. The City has good policies and he's proposed to the City Manager that he come in and bring the policies, make his recommendations and then the City Council decide how they want the City to proceed with those. They always get into a dilemma when they talk about one bite, two bites, three bites, four bites how serious those bites are but he has had a lot of support for the decisions that the City has been making in the path that the City is currently on. The City Manager has been very clear that the City will not move forward with euthanizing this dog Clyde until it has gone completely through the courts and exhausted all of the efforts. He has reached out to two animal groups to take this animal and they have said no. The problem is making sure Ivins doesn't suffer any liability with this animal. Chief Flowers will come before the City Council with a full report and he thought that the Council would be very proud of what the Council sees. **Chief Flowers** indicated that he was more than willing to have a dialog with anybody at any time about scales and numbers and vicious versus dangerous versus a nuisance. There are a lot of issues to discuss like how many animals people should be allowed to have, how many different kinds of animals should be allowed - 10 dogs, 20 dogs and what about kennels? Ivins has grown to the size where the City needs to discuss those issues. **Mayor Hart** inquired if Chief Flowers was recommending that the Council place this on a future agenda? **Chief Flowers** stated absolutely and that it was time to do that. **Council Member Mehr** inquired if that should be done after the whole legal process is through with the current animal situation. **Dale Coulam** clarified that as

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far as looking at the policy and Ivins ordinances, the City can look at that anytime. As was indicated by both the Citizen Comment and the Mayor about the specific dog, that is already in the legal process and the next step is the court appeal so the City involvement has ended, meaning that the Administrative process has already resulted in a final decision and an Order has been issued. In any event, under Ivins ordinances the City Council is not an appeal authority. Ivins' appeal authority for administrative decisions is an Administrative Law Judge and then that can be appealed to District Court. The **Mayor and City Council** agreed to discuss the No Kill policy on a future agenda.

**8) REPORTS**

A. Council

**Council Member Mehr** - no report

**Council Member McDonald** - no report

**Council Member Johnson** - no report

**Council Member Elliott** reported that she attended a mosquito abatement meeting and if they are interested in a report on mosquitoes in the County, they can look that up.

**Mayor Hart** referred to Council Member Densley spoke for himself and on behalf of Ivins City. He indicated that the City was indebted to him for his loyal service to Ivins and not just as a City Council member but as a devoted citizen of this community for nearly 4 decades. His work on the Council and insight when it came to matters of construction and Public Works projects, the City turned to him. He was grateful for his service to the City.

**Council Member Densley** reported that being a City Council Member has been a great learning experience with great staff and great people to work with. He stated that Ivins is a great City to live in.

B. Mayor

**Mayor Hart** reported that he attended the Colorado River Water Users Association in Las Vegas regarding the dynamics of the use of the Colorado River water. That is relative as it pertains to the Lake Powell pipeline. He reported that Ron Thompson with the Washington County Water Conservancy District is retiring after 40 years of service.

C. City Manager/Attorney Dale Coulam

**Dale Coulam** reported that the swearing in of the re-elected and newly elected City Council Members will be on Monday, January 6, 2020 and that meeting will be light with possible re-appointments to the Southwest Mosquito Abatement and Solid Waste District boards. They will also need to discuss Council Member Densley's replacement as the liaison to Snow Canyon. He reported that the Council will be discussing the Planning Commission's recommendation to approve the Canyon Crossing project on Thursday, January 16, 2020.

**9) CLOSED MEETING**

**10) ADJOURNMENT**

**MOTION: Council Member Densley moved to adjourn**

**SECOND: Council Member Mehr**

**VOTE: The motion carried.**

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| Council Member Mehr | AYE |
| Council Member McDonald | AYE |
| Council Member Johnson | AYE |
| Council Member Elliott | AYE |

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| Council Member Densley | AYE |

The meeting adjourned at 6:50 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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