IVINS
CITY COUNCIL
MINUTES
February 20, 2020

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 Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, Council Member Gordhammer, 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.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. **Council Member Elliott** was excused.

B. Flag Salute

Council Member McDonald led the Flag Salute

C. Invocation

Council Member McDonald gave the Invocation

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Rodriguez reported that permit activity remains steady. There are some new developments that have started along Highway 91 and on Center Street. Townhomes are continuing to be built. The actor housing building at Tuacahn is almost finished and a permit was issued for the box office addition that they are building. Code enforcement has slowed down and the Code Enforcement Officer is continuing to respond to complaints.
Chuck Gillette reported that Public Works has been busy placing crack seal on the street in preparation for the street maintenance project coming up. The City sent out the advertising information for the request for bids for the street maintenance project. That expenditure will likely go before the City Council for approval in March. The project will consist of a combination of cape sealing and premium sealing on various roads. **Mayor Hart** referred to the roads in the Cordero Drive area and inquired how those roads were holding up since the City installed a lot of drainage in that area years ago. **Chuck Gillette** stated that it has helped, but the ground water in that area is still a problem, but it is now manageable. He reported that they met with the consultant on the Transportation Master Plan today. He reported that the trail on the west side of Fire Lake Park is being built and the drains are all in and they are working on grading out the trail and bringing in pavement. There should be enough funds to wrap the trail all the way around and they may be able to place a concrete top over the top of the dam and improve the bridge as well. The storm drain projects are progressing. Weather has been an issue but they paved 200 South yesterday and a small section of 450 North and 400 West will be paved

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today. The remaining project is the detention basin that will be built west of Taviawk Drive that was the Ence parcel where the big farm is. **Mayor Hart** inquired what drainage that detention basin will help with. **Chuck Gillette** indicated all of it and commented that that is why it is so important. The water starts at Taviawk and goes all the way to the Santa Clara River. The 200 West sewer diversion project is almost complete, with exception of a change order that is on the agenda tonight. He handed out a water usage report for 2019 and commented that it looks really good. He was unsure if the new water rates had encouraged water conservation or if it being a really wet year contributed but it is definitely going in the right direction. He inquired if the Council wanted to address water conservation or wait until they have more input on water use since the new rates went into effect. The **Mayor and City Council** agreed to wait. **Council Member Gordhammer** referred to the Transportation Master Plan and commented that she recalled that a few months ago there was a discussion regarding the rural cross-section and lighting. She thought that was going to be part of the Transportation Master Plan. **Chuck Gillette** commented that is something that needs to be addressed. The Council previously approved the relocation of some trails but did not identify the rural cross-section. He suggested that they discuss that and the Transportation Master Plan in a Work Meeting so he can obtain the City Councils direction. He also suggested holding an Open House for the public.

Lane Mecham reported that they are working on the budget and they will discuss the prioritization later on the agenda.

B. Planning Commission Report

Lance Anderson reported that the Planning Commission held a Public Hearing and recommended approval of a temporary Class IV Conditional Use Permit for the Black Desert Resort. They also recommended approval of a Preliminary Plan for T&L Parkway and discussed multi-family densities and outdoor lighting regulations.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart indicated that there were three (3) comments submitted. The first one was from Brenda Sun regarding SunTran and a library, although Brenda was not present. Bill and Brenda Davidson submitted a request regarding phasing of the Canyon Crossings development. **Bill Davidson** stated that he met with Ivins City staff Mike Rodriguez and Chuck Gillette, as well as the developer Sam Patel. He understood that the developer was planning on phasing the Canyon Crossings development but he felt that with it being a small piece of land, he would like to see all of the infrastructure go in at one time. **Mayor Hart** indicated that with the size of the site, that would be the most economical way to do that. **Bill Davidson** inquired if the City has the ability to say that the development has to be done a certain way. **Mayor Hart** commented that it would be outlined in a Development Agreement. James Bevard submitted a request regarding parking an enclosed trailer in a residential area. **James Bevard** stated that he lives on Tonopah Way and it has been brought to his attention that the trailer parked in front of his home is illegally parked. He requested clarification on the parking code regarding a driveway versus a parking pad. He currently has gravel and landscaping on the side of his home and could remove that and put in a cement pad but thought that when the trailer was gone, landscaping would look better than just a concrete pad. **Mayor Hart** indicated that this code dates back several years and if there needs to be further clarification, that would be getting into the ordinance and looking at the definitions. **Dale Coulam** clarified that this is a Zoning Ordinance issue and would start with the Planning Commission but he first inquired if the City Council would like to take a look at the ordinance and at the pictures of his trailer parked on the driveway, in front of a smaller third car

DRAFT

garage due to some side constraints that Mr. Bevard has. This ordinance was passed in 2008 and the City has been addressing other older ordinances and thought it may be good occasion to take a look at that section and decide if the Council would like to revisit this. **Mayor Hart** referred to agenda item 8)D and stated he was inclined to suspend the rules and address whether or not to place this on a future agenda.

MOTION: Council Member Mehr moved to suspend the rules and bring agenda item 8)D to this point in the agenda
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

8)D Items to be placed on future agendas

Mayor Hart referred to Bill Davidson's request and stated his concern would be addressed in a Development Agreement that would come before the City Council. **Mayor Hart** inquired if the City Council would like to review the parking ordinance. **The City Council** indicated that they would like to discuss it on a future agenda. **Council Member Mehr** requested a point of clarification and inquired if a citizen has to be present if they have submitted a request. He referred to Brenda Sun's request regarding bus routes and a library. **Mayor Hart** stated that he did not have enough information from her regarding her requests and commented that the bus routes are not in Ivins control and the library is a County issue. **Dale Coulam** indicated that Ms. Sun talked to him and offered the explanations that the Mayor just gave but he still encouraged her to come and attend. Lois Andrews submitted a request at the meeting. Lois Andrews referred to the skateboard park at UNITY Park and commented that she and several neighbors who live in Amber Estates are starting to get worried about it the area getting trashed. There is trash everywhere and garbage can was on its side and being used by the skateboarders as a jump. She thought that the Parks people shouldn't have to clean up after the ones who are making the mess and thought that there should be a user group that is assigned to that area to keep it clean. UNITY Park is really family friendly and she'd like to see it stay that way. She also commented that she and the neighbors are also worried that the skate park is going to get lit up so that it can be used after dark. She loves the park and wants to see it protected. **Mayor Hart** stated that was Administrative. **Dale Coulam** indicated that it would be addressed through Benny Sorensen and Benny would then report back to them.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Concurrent Land Use from HDR (High-Density Residential) to MDR (Medium-Density Residential) and zone Change from RA-1 (Residential-Agriculture, minimum lot size 1 acre) to R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) on 10.94 acres

Mike Rodriguez reported that the property owner is requesting a concurrent Land Use and Zone Change Amendment from High Density Residential to Medium Density Residential and a zone change from RA-1, Residential Agriculture, minimum lot size 1 acres, to R-1-10, Residential

DRAFT

Single Family, minimum lot size 10,000 sq ft on 10.91 acres. The TRC (Technical Review Committee) and Planning Commission reviewed the application and recommends approval. This is a collaborative effort with Kayenta and S&S Homes to build lower profile homes and low pitch roofs. **Mayor Hart** opened the Public Hearing. **Jay Beacham** owns property adjacent to this property and was for lower densities and a transition from large lots to small lots. He suggested that the City Council go on-site and look at the property, rather than go off of a map. He commented that Ivins City isn't an HOA (Homeowners Association) but the majority of the City Council ignore wishes of the town citizens and goes for whatever the developer wants. He stated that the City Council as a whole never listens to the citizens. **Mayor Hart** indicated that Mr. Beacham needed to stay on point and that he was not at the podium to insult. **Jay Beacham** commented that he was for a lower density and a transition to R-1-10. **Lance Anderson** spoke representing Kayenta. They are working in conjunction with S&S Homes to keep the heights down and to have an improved road all the way up through 600 West. It has been a cooperative effort. **Mayor Hart** stated that he was glad to see this collaboration take place. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2020-02, an Ordinance of Ivins City, Utah, regarding a proposed Land Use and Zoning District Amendment on 10.94 acres located at approximately 350 South and 600 West

Council Member Mehr requested clarification. **Mayor Hart** clarified that the parcel owned by S&S Homes went to the west and Terry Martin and Lance Anderson met with S&S Homes and arranged an exchange. **Mike Rodriguez** further clarified that the exchange extends their current development on 20 acres that changed from low density to medium density. **Council Member Mehr** commented that this seemed to be a good compromise for both parties. He referred to Jay Beacham's comments regarding there being some kind of a buffer. **Mike Rodriguez** reminded the Mayor and City Council that this parcel currently has a Land Use of high density so townhomes or apartments could be built on the property but the Land Use change is a request to change it to medium density. **Council Member Gordhammer** agreed with this change and agreed with Jay Beacham's comment about going out to the site and looking at the site because it makes a huge difference. She encouraged the City Council to think about doing that. **Mayor Hart** commented that if the Council were to do that together, it would have to be a Work Meeting so he suggested that each Council Member go out individually. **Mike Rodriguez** stated that the change would be consistent with the neighboring zoning. **Council Member Mehr** inquired if Council Member Gordhammer was suggesting that the Council pause on this and look at the site first. **Council Member Gordhammer** indicated no, just as a general rule.

MOTION: Council Member McDonald moved to approve Ordinance No. 2020-02, an Ordinance of Ivins City, Utah, regarding a proposed Land Use and Zoning District Amendment on 10.94 acres located at approximately 350 South and 600 West
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

DRAFT

Roll call vote. All Council Members votes in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion regarding finalization of Ivins entrance sign design and installation

Mayor Hart stated that they held a Work Meeting earlier this evening and saw printed mock-ups of the signs at each location, to get a feel for the sizes. The consensus for the entrance sign coming from Santa Clara on Highway 91 by the storage units, was to go with a sign that with smaller lettering of 15 or 16 inches rather than 18 inches and suggest that the sign be shrunk length wise by two (2') feet. **Council Member Mehr** indicated that he's trusting the professionals on shrinking the length based on what the professionals suggest. The other **Council Members** agreed. The **City Council** also agreed that the sign at the Fire Lake Park entrance be approved as it's printed and that the location is the only remaining item for that sign. Chuck Gillette will let Council know where that sign can be placed based on where Highway 91 is widened to, where the turn lane will be and how far north the turn lane is going to be. It was also suggested that since the sign would be placed on the east side of entrance of Fire Lake Park, the **Mayor and City Council** suggested that "Welcome to Fire Lake Park" be placed on the backside of that sign for a nominal amount. **Council Member Mehr** suggested that the sign be angled and the **City Council** agreed. A final proposal and to act on the expenditure will be on a future City Council agenda.

B. Discuss and consider approval to amend an expenditure for streetlighting

Chuck Gillette stated that the City Council approved this expenditure in January but it did not include state sales tax, which is required if material is installed by subcontractors or other entities so this expenditure includes the sales tax.

MOTION: Council Member McDonald moved to approve the added expenditure for the streetlighting
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

C. Discuss and consider approving a change order expenditure for the 200 West Sewer Diversion to replace damaged roadway

Chuck Gillette indicated that the 200 West sewer diversion project is nearly complete and it is apparent that the remaining condition of the segment of 200 West from 400 South to 500 South is not sufficient and needs to be removed and replaced with a 24 foot wide roadway. The sewer capital budgets will need to be amended to account for the additional cost. **Mayor Hart** commented that that road is used now more than it has been. **Council Member McDonald** inquired as to the budget and if it needed to be amended. **Lane Mecham** clarified that a Public Hearing would be required to amend the budget as a whole but that a line item can be adjusted within a departments budget.

DRAFT

MOTION: Council Member Gordhammer moved to approve a change order expenditure for $38,200 for the 200 West Sewer Diversion to replace the damaged roadway
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

D. Discussion and prioritization of Department needs

Lane Mecham stated that this was introduced at previous City Council meeting and that the City Council with ultimately determine what the priorities are. He took a preliminary General Fund budget that are mostly fixed and that set the budget for the capital projects identified in General Fund. He further indicated that there may be a way to pay for City Hall with no debt if the budgets were cut in the areas of Law Enforcement and Streets and if the City property, currently under contract on Center Street, is sold. The **Mayor and City Council** discussed those options. **Chuck Gillette** stated that he had been budgeting $325,000 a year for Streets maintenance for some time and the City is actually to a point where everything is in good condition and caught up to where the streets are being treated regularly. If the City keeps doing that, the roads will continue to be in good condition and the City will not need to budget $325,000 per year, although he was hoping to use those funds for roads that need to be replaced. **Mayor Hart** commented that the City could look at some extra revenue to rebuild that budget. **Chuck Gillette** commented that the benefit of a bad road is that the City is not spending money on it to maintain it but the City has angry residents. **Council Member McDonald** was concerned that tightening the reins on street maintenance will have a negative effect and indicated that if the City needs money for street maintenance, the City needs to find the money. **Council Member Mehr** commented that the list provided by Lane Mecham was not a comprehensive list. **Lane Mecham** clarified that it was not and that it would be more detailed in the tentative budget. Regarding cutting the budgets in Streets and Public Safety, he indicated that the Public Safety Director did not agree and felt that would be a mistake and would set their department back on the current vehicle replacement cycle, as well as both speed radar trailers. **Council Member Mehr** commented that budgeting represents what they value at some level and not going into debt for a new City Hall is a cool thing to tell the citizens but it is not good to cut Public Safety, although the cuts are not related to staff. There wouldn't be less people patrolling, it would be vehicles and equipment. **Mayor Hart** indicated that there are vehicle lease options but those could be complicated with a Public Safety department because of the specialized equipment. **Council Member Mehr** inquired if they delay the purchase of a vehicle for six (6) months, if that would be accounted for differently. **Lane Mecham** commented that it would be a deferral but if they want to stay on schedule for maintenance purposes, deferring would throw that off. **Dale Coulam** clarified that currently Chief Flowers budgets for two (2) vehicles - one is purchased in the fall and the other one is purchased in the spring, to make sure the revenues have come in as expected. If the purchase is deferred, and to remain on schedule, they would need to purchase three (3) vehicles the next year. **Council Member Mehr** referred to the irrigation project budgeted for $4.1 million and inquired if that could be phased. **Chuck Gillette** clarified that a tank has to be built and the cost

DRAFT

of the tank is what it is. That cannot be scaled down although the City may be able obtain grants for that project and he intends to apply for those. **Council Member Gordhammer** inquired if the cut was for a vehicle and the speed trailer radars. **Lane Mecham** stated yes. **Mayor Hart** inquired how many speed trailers the City currently has now. **Dale Coulam** indicated two (2) that don't work. **Council Member Mehr** inquired if they could be repaired. **Dale Coulam** stated not economically. Chief Flowers was hoping to purchase at least one speed radar trailer. **Mayor Hart** commented that it is a census year this year and that there may a possibly for some revenues with that.

MOTION: Council Member Mehr moved to suspend the rules and address agenda item 6)A before the next agenda item
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for February 6, 2020

Council Member Johnson indicated that she had a change on page 4 at the top where it refers to if Ivins City was a City. The Minutes should reflect that the inquiry was if the City was named Ivins City rather than if it was a City.

MOTION: Council Member Mehr moved to approve the City Council Minutes as amended
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

E. Open Meetings Training

Dale Coulam reviewed the requirements for Open Meetings and provided Open Meetings Training. The Utah League of Cities and Towns has a new Powers and Duties handbook for Utah Municipal Officials available and that will be provided to the Mayor and each City Council member.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Gordhammer proposed that there be a Work Meeting set up between the Planning Commission and City Council to discuss the outdoor lighting ordinance and Night Sky and it would be helpful to have Chief Flowers present to talk to both bodies about safety with

DRAFT

lighting. At the last Planning Commission meeting, it felt like the issue wasn't thoroughly addressed and there were a lot of questions in the Community afterwards. She suggested that the Work Meeting be held before the next Planning Commission meeting, just before the Planning Commission meeting. **Dale Coulam** clarified that currently the attachment for the Planning Commission meeting is the consolidation of the outdoor lighting ordinances that are in place, consolidating those into one ordinance to avoid confusion, and a change to address electronic message boards. The City has a very restrictive ordinance already that has been in place for a long time. He suggested that they obtain dates from both the Planning Commission Members and the City Council Members to see when they are available. **Council Member Gordhammer** stated that she was not suggesting that the joint meeting needed to happen now, she was just thinking that the ordinance needs to make sense before it is voted on. **Mayor Hart** inquired if Council Member Gordhammer was requesting the ordinance be clarified and not requesting to reintroduce the IDA (International Dark Sky Association). **Council Member Gordhammer** indicated it was not in relation to IDA, just to clarify the ordinance. **Council Member Mehr** agreed that better communication on this issue is good **Council Member Mehr** reported that Spring Break is March 16th through March 20th, which is the week of Planning Commission and City Council meetings. He requested that the Work Meeting not be scheduled during that time. He reported that on February 22, 2020, the 40 year anniversary of the Miracle on Ice that occurred in 1980 where the U.S. Men's Olympic Hockey team beat the Soviet Union.

Council Member Johnson - no report

Council Member McDonald reported that he is now the Chairman of the Washing County Solid Waste District and is excited to continue the work he's doing. It is unclear what is going to occur with the recycling program. Rates will need to be raised if the program continues because it is substantially more expensive to recycle than it is to bury waste. **Council Member Mehr** inquired how the public views that. He would think the public would want to continue to do that. **Council Member McDonald** sees the flip side of that because it's less expensive to bury the waste but by burying it, it shortens the life of the land fill and there is requirement to maintain a landfill for 50 years after it is closed. **Mayor Hart** commented that there are other options. **Council Member McDonald** stated that the WCSWD keeps up on that but has not been presented with an option to date. They looked at a German company as an option but they are not sure where that's at and are not confident that will move forward.

B. Mayor

Mayor Hart reported that Tom Jorgensen did a great job putting together a Request for Proposal for the new City Hall. The City has received five (5) proposals and all are from capable contractors. The next procedure will be selecting the General Contractor/Construction Manager. A sophisticated scoring procedure was put together by Tom and two (2) contractors have been selected for interviews that will occur in a week and a half. The top contenders are Watts Construction and Hughes General Contractors.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported on the status of the City property on Center Street that is under contract. At the last meeting there were some discussions where both potential buyers were present. When you look at the plats north of the city property, in order to be build what's being built there, an R-1-10 zoning district would be needed. The property needs to be re-zoned so he filed a combined application to change the Land Use to MDR (Medium Density Residential) and the Zoning to a combination of R-1-10, R-1-7.5 and to allow the consideration of lot

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averaging. That would allow for a buffer of R-1-10, with R-1-7.5 in the middle and lot averaging along Center Street. The Public Hearing will be on the Planning Commission agenda the first meeting in March and will likely be on the City Council's second meeting in March. When the zoning comes forward to the Planning Commission and the City Council, they will see a new layout from the primary offeror with a mix of the R-1-10 and R-1-7.5. **Dale Coulam** thought that the City needed to move forward with the application since the due diligence period ends on March 30th. **Mayor Hart** felt that was a reasonable way to zone that property.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Gordhammer	AYE

The meeting adjourned at 7:43 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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