IVINS
CITY COUNCIL
MINUTES
March 5, 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 Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, and Council Member Gordhammer.
STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Randy Johnson, Rich Svien, Chris Haddad, Claudette Larsen, Becky & Chuck Warren, Harold Jones 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 Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

Council Member McDonald referred to agenda item 5)D and disclosed that he works on Hughes General Contractors vehicles at his mechanic shops. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen was not present at the time this agenda item was addressed. **Mayor Hart** reported that an electronic report was provided. A copy of the report is available on Ivins website www.ivins.com. **Mayor Hart** referred to Fire Lake Park and reported that the Parks department is well underway on the project out there. All of the drainage work is done on the extended trail that goes around the west half of the swimming lagoon and it is formed with the steel in place to make the first pour. **Council Member Johnson** reported that the Miss Ivins Princess Pageant will be held on Saturday, March 7, 2020, at 7:00 p.m. at Tuacahn High School. **Captain Rich Rodgers** handed out written Public Safety report, a copy of which is available by request through Ivins City Hall. He reported that there has been a rash of vehicle and residential burglaries. The suspects are in their 20's and were wearing hoodies, hats and gloves. A group of kids between the ages of 12 and 17 have been arrested for some burglaries in St. George and the police department is in the process of tying evidence to the burglaries in St. George, to Ivins. He reported that the Victims Advocate is doing a great job helping victims and the police department. They just had a VAWA (Violence Against Women Act) and VOCA (Victims of Crime Act) grant audit last week and it went well. A representative with VAWA contacted them this week and suggested that they apply for additional funds. The City is in the process of working out an agreement with Washington County Sheriff's Office regarding animal control. **Mayor Hart** inquired if the City received the $30,000 that was discussed from last

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year. **Dale Coulam** indicated that has not been received but the City is still negotiating with the County. **Captain Rodgers** reported that donations are up for the Animal Shelter and Bailee, the Shelter Manager, is doing a great job reaching out to the public and other groups to get the animals adopted. She is also coordinating with the elementary schools on animal awareness and presentations where their K-9, Copper, will be in attendance. **Mayor Hart** stated that his sister-in-law is the Director of P.A.W.S. (Providing Animals With Support) and she has commented to him how well the Ivins Animal Shelter is being managed and the care being given to the animals. He requested that Captain Rodgers pass that onto Bailee and let her know she's doing a fantastic job. **Council Member McDonald** helped indicated that Bailee helped him out last week when a cat was sneaking in their dog door at night. He inquired as to the coyote issue that is noted in one of the reports. **Captain Rodgers** indicated that there are a lot of coyotes' in the area but he wasn't aware of any specific incidents or aware of there being an issue. **Council Member Johnson** stated that they lost a cat recently, likely due to coyotes and in her neighborhood, there were a total of 6 cats that went missing and the shelter was aware of it because the owners went to the shelter looking for their cats.

Fire Chief Randy Hancey provided an electronic report, a copy of which is available on Ivins website www.ivins.com There is an upcoming fitness test in the Kayenta area and they are gearing up for the Wildland fire season. The burn season opened in Washington County this month. The Fire Recruit Academy will begin this week and then there will be Hazmat training in the fall. There will be eight (8) new certified volunteers in the department. **Mayor Hart** inquired if they are able to keep the department staffed. **Chief Hancey** commented that they are trying and are recruiting yearly. Volunteering is down across the nation. He reported that they are receiving over 100 calls each month and it is getting busier as the cities grow. **Mayor Hart** indicated that an individual in Kayenta asked him to thank the Fire Department for the service they provide with replacing smoke detectors and the batteries. The residents really appreciate that service.

Benny Sorensen reported that the Red Mountain 55k and 30k and the Dirty Hurty all trail half marathon will be on Saturday, March 7th. The trail at Fire Lake park is coming along and they are ready to start the first cement pour. The City's portion of the playground at Ivins City Park is just about done and the equipment is supposed to arrive on Monday, March 9th. One of the Parks staff has reported that there's an increasing problem with people not cleaning up after their dogs. **Mayor Hart** indicated that he received an email from a resident inquiring if they are going to put together a cremation wall and if there might be an opportunity for that at the cemetery. **Benny Sorensen** stated that he spoke with a company who does that where the product is pre-cast and it becomes the retaining wall and cremation wall and he is looking into that. He didn't think that the City was ready to set those on a headstone. He would rather have something that was more secure. **Mayor Hart** indicated that cremation is an increasingly popular solution. **Benny Sorensen** commented that it is less expensive and requires less land than a traditional burial.

B. Planning Commission Report

Lance Anderson reported that the Planning Commission held a Public Hearing on City a concurrent Land Use and Zone Change amendment for the property owned by the City located at 750 East Center Street on Center Street. The Planning Commission recommended a combination of RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) and R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) and lot averaging. A Public Hearing will be held at the next City Council meeting. The Planning Commission approved an Amended Final Plat for

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Movara Villas. There were only three (3) Commissioners present so they continued the discussion regarding density allowances for multi-family, outdoor lighting regulations and the Table of Uses for nonresidential zoning districts, to the next Planning Commission meeting.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart indicated that Randy Johnson submitted a request regarding building codes and ordinance and affordable housing plans. **Randy Johnson** requested that with new residential and commercial development, tankless water heaters and central water filtering systems be required. He was also concerned with air quality and requested that there be ordinances or building codes restricting the addition of wood burning fireplaces to existing homes or businesses. Regarding Ivins affordable housing plans, he requested that the City include senior housing because that is the largest and fastest growing population.

A. Citizen requests to be placed on a future agenda

Mayor Hart commented that all of Ivins culinary water is delivered through the Washington County Water Conservancy District. Regarding the requirement for a filtering system, when the City addresses water conservation measures, that could become an agenda item and the City could bring that forward at that time. Regarding tankless water heaters, the cost has come down some but the only problem is they're water wasters because the water that is in the lane is allowed to go cold. The preferred solution is hot water recirculating line. There is nothing that precludes anyone from putting in a tankless water heater but if the City were to make that a requirement, there are pros and cons to that. **Council Member Elliott** stated that all of these topics are worthy of consideration and she preferred to address them as the City Council deals with water in the future with the plan. The Mayor and other City Council member agreed. **Council Member Mehr** referred to affordable housing and commented that these things add cost and they should keep that in mind. He didn't feel like the City Council needed to on this anytime soon unless there was something coming up soon in the broader context. **Mayor Hart** inquired as to wood burning fire places. **Dale Coulam** indicated that he recalled addressing this previously and a statute may address it so he will research that. **Mayor Hart** commented that it could be brought forward if there's no state regulation but would like to report on it first.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider the Planning Commission's recommendation for approval on a proposed Preliminary Plan for T&L Parkway subdivision located at approximately 175 West 100 South. Eric & Jessica Gish-Owners; Eric McFadden-Applicant

Mike Rodriguez reported that the applicant is proposing to subdivide this parcel to create a .576 acre parcel in the rear of the property. This is a standard flag lot subdivision and the proposed lots and improvements are in compliance with City Ordinances. **Council Member Mehr** inquired what the plan was by doing this. **Mike Rodriguez** indicated that they would be creating another residential lot. **Mayor Hart** stated that this is identical to what has been done on a number of lots in town.

MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation for approval on a proposed Preliminary Plan for T&L Parkway subdivision located at approximately 175 West 100 South. Eric & Jessica Gish-Owners; Eric McFadden-Applicant
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 Gordhammer	AYE

B. Discuss and consider approval of contract regarding Ivins entrance sign design and installation

Mayor Hart stated that he had a conversation with Ryan Cain at YESCO regarding reducing the lettering and balancing the base of the sign that is to be placed at the entrance by the storage units. The total amount for both entrance signs is just over $50,000. He commented that Chuck Gillette provided a map regarding the right-of-way and placement of the entrance sign at Fire Lake Park. A copy of the map is available by request through Ivins City Hall. He inquired if the Council would like to proceed with both signs and if the contract was acceptable based on what they decide.

Council Member Elliott was excused from the meeting.

The **Mayor and City Council** referred to the placement of the sign at the Fire Lake Park entrance and commented that the best location was the location that is further east. **Council Member Gordhammer** was on the fence regarding the sign at the Fire Lake location. **Mayor Hart** indicated that the savings is based on two signs being done at the same time so if the Council intends to have a sign placed at Fire Lake Park in the future, this is more cost effective. He recalled that the City has budgeted $50,000 for the signs so this would be exceeding what was budgeted by approximately $500. **Dale Coulam** stated that is a minor overage and the line item can be adjusted within the department budget. **Council Member McDonald** referred to the Fire Lake Park location and was concerned about undeveloped property owned by an adjacent property owner. He wanted to make sure there the sign was not going to conflict with Terry Marten's property. **Mayor Hart** clarified that when Terry Martin decides to put that road in, it loops around and the easement for the trail is a requirement so there was no jeopardy regarding that property. **Lance Anderson** clarified that he and Terry went out there and were okay with the sign but would like to place an entrance sign into their subdivision in the future. **Mayor Hart** commented that the contract that the Council would approve tonight would not affect that location. **Council Member Mehr** inquired if what Lance brought up would make that location busy with those signs. **Lance Anderson** stated that it would be in the 30' area before it's dedicated but that if it works better to place it elsewhere, they can do that now. **Mayor Hart** indicated that going to take time to manufacture the sign so there will be time to hold another Work Meeting to determine exact placement of the sign at the Fire Lake Park location.

MOTION: Council Member McDonald moved to approve the contract regarding Ivins entrance sign design and installation
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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Council Member Elliott	ABSENT

C. Discuss Citizen Request to review Ivins City Code Section 16.12.111 regarding parking RVs in a residential zone

Dale Coulam stated that this Ordinance was adopted in 2008 and the way it is written, items are supposed to all be placed in the rear, unless there are constraints accessing the rear yard. In that case, an RV would need to be parked on a hard surface but it can't be parked in the front of the house or on the driveway. The citizen's argument is that the Ordinance is inconsistent and if he removes the landscape and puts in a hard surface, when the trailer isn't parked there, it's no longer landscaped and doesn't look as nice. **Dale Coulam** said he pointed out that there are sight issues with backing out and not being able to see. The City has received complaints from the neighbors who want code enforcement to take action so the citizen is requesting clarification. If the City Council would like to retain the Ordinance as it is written, the citizen will comply. If the City Council would like to re-address the ordinance, it would go back to the Planning Commission. **Council Member Mehr** indicated that this was the most divisive item in the community, including anything more recent in the last 15 years. That would be a concern for him, especially if the thought was to be even more restrictive. **Mayor Hart** commented that the home owner could locate the trailer elsewhere or remove the landscaping, put gravel down and then park it there. **Dale Coulam** clarified that the owner is in violation of the ordinance currently and it would be his choice to put in side parking. **Council Member Johnson** commented that the trailer would come and go so it's not parked there all of the time. **Council Member Gordhammer** referred to the neighbors complaining and inquired if simply moving the trailer off to the side in the front, would change anything as it relates to complaints. **Mayor Hart** commented that there would then be no grounds for a complaint at that time. **Mike Rodriguez** pointed out that the three point exception in the Ordinance also states that the parked vehicle has to comply with clear view and the front of that trailer may be too far forward to maintain that clear view. It would still be in violation if the trailer is parked in the sight-line area. **Mayor Hart** inquired if the Council would like to leave the Ordinance as it is and have the home owner comply. **Council Member Gordhammer** stated that she did not feel that the Ordinance was inconsistent. **Mike Rodriguez** stated that this is the typical type of complaint that the City receives regularly but it is easy to explain what has to be done. **Council Member Gordhammer** inquired if the citizen puts in the hard surface to the right and backs the trailer in sideways, would it be encroaching in the site view. **Mike Rodriguez** stated that was unknown at this time. **Council Member Gordhammer** requested that he talk to the resident about the length of the trailer before he invests in changing his lot. **Mike Rodriguez** commented that he would visit with him at the site. The **Mayor and City Council** agreed not to re-address the ordinance and for the citizen to come into compliance.

D. Discuss and consider approval of selection of the Construction Manager/General Contractor for the new Ivins City Hall

Mayor Hart stated that the steering committee has recommended that Hughes General Contractors be awarded the contract for the Construction Management/General Contractor for the construction phase. He introduced a few individuals from Hughes General Contractors, those being Gene Madsen, who is Vice-President over Southern Utah and is an Ivins resident, Tim Sobotka, Project Manager and Area Supervisor, Paul Callister. **Gene Madsen** commented that they will be assisting with providing marketing, a website link and some social media opportunities for this project. He provided the Mayor and City Council with some items that have started to be put together for that. **Mayor Hart** referred to the redacted version of the

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contract and inquired of the Council as to whether or not there's enough public information for them to approve the contract. If not, the Council would need to adjourn to a Closed Meeting to review the other details for their benefit or suspend the rules and move this agenda item to the bottom of the agenda. He asked Gene Madsen to explain the redactions in the contract. **Gene Madsen** explained that the contract is very individualized for the company and they have had other contractors request this information and then target their employees and means and methods. **Council Member McDonald** inquired of Dale Coulam if he had seen the unredacted version of the contract. **Dale Coulam** stated that he and the whole steering committee has seen it. **Council Member Mehr** inquired if that included the Mayor. **Dale Coulam** indicated yes. **Council Member Mehr** stated that he fully trusted those who have seen the unredacted version but felt that if there could be a discussion with the council where they could see the unredacted version, that would be his preference. The other City Council Members agreed.

MOTION: Council Member McDonald moved to suspend the rules and move this agenda item to the end of the meeting
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

E. Discuss and consider approval of Ordinance No. 2020-04, an Ordinance of Ivins City, Utah, amending Title 11 of the Ivins City Code to add a new Chapter 6 regarding small wireless facilities

Dale Coulam clarified that this is not on for approval because there is a lot for the Mayor and City Council to consider. In 2018, the State adopted a statute and the FCC (Federal Communications Commission) issued rulings on small wireless facilities being deployed that allows 5G networks. The State adopted a statute that if municipalities want to take advantage and be able to charge fees and costs associated with this, which is similar to franchising, then the municipalities are required to adopt an ordinance that is in compliance with State Code. The ordinance needs to be a basic ordinance in that fully complies with the statute. **Council Member Mehr** inquired if the City was required to have an ordinance. **Dale Coulam** stated that if the City wants to go through a franchise agreement and charge fees, an ordinance is required. Otherwise, the smaller wireless facilities come in and install their equipment and the City doesn't have a say. **Council Member Mehr** inquired if the City can control where they are located. **Dale Coulam** indicated that to some extent but there's not a lot of say. The **Mayor and City Council** agreed to review the information and continue this to the next City Council meeting.

MOTION: Council Member Mehr moved to table Ordinance No. 2020-04, an Ordinance of Ivins City, Utah, amending Title 11 of the Ivins City Code to add a new Chapter 6 regarding small wireless facilities
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE

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Council Member Gordhammer	AYE
Council Member Elliott	ABSENT

F. Discuss Broadband Survey Results

Mayor Hart stated that a survey was conducted in Santa Clara and the City of St. George, to determine whether or not there is a general level of satisfaction with internet service, speed and existing service. The general notion was that users are not satisfied. The Franchise Agreement with TDS expires in 2023 and there are other options the City may want to explore prior to that renewal. There is an entity that is known as UTOPIA that is created by an Interlocal Agreement among a number of communities in Northern Utah and it has broadened to include cities across the state. UTOPIA bonds for and installs a fiberoptic system throughout a City and that becomes the property of the City. The infrastructure for internet service becomes a City asset and then providers are allowed to utilize that asset. Typically, the result is that it increases the competition among providers. If the City Council is interested, they could invite a representative from UTOPIA to explain their program. The City would not have to bond if two-thirds of residents use the use the service and would be billed in a monthly bill and that would pay for infrastructure. **Council Member McDonald** inquired if the City would be responsible for maintenance. **Mayor Hart** indicated that he understood that UTOPIA assumes maintenance of the system. There is an expectation for a high level of internet service and the service quality of a fiber optic system if far better than any other type of cabling. **Council Member Gordhammer** stated that he has had residents ask her when the City is going to have fiber optic available. It is a topic of interest and definitely worth considering. The **Mayor and City Council** to invite a representative from UTOPIA to provide a presentation in the near future. **Dale Coulam** clarified that a representative would like to with the Mayor, him and other cities later this month and then those interested will invite the representative to provide a presentation. The City Council agreed.

6) CONSENT AGENDA

A. Approval of expenditure for leasing sonar sewer inspection equipment
B. Approval of City Council Work Meeting Minutes for February 20, 2020
C. Approval of City Council Meeting Minutes for February 20, 2020

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Gordhammer - no report
Council Member Johnson - no report
Council Member McDonald - no report
Council Member Mehr referred to a public service announcement regarding the coronavirus and commented that it's a type of flu and there are a lot of people concerned about it. He gave the following tips to help minimize the spread of the virus: 1) hand washing is the most

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important; 2) cough into your elbow; 3) do what you can to keep from touching your face, eyes, nose and mouth; and, if you're sick, stay home.

B. Mayor

Mayor Hart encouraged the City Council to attend the Ivins Princess Pageant on Saturday, March 7th.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the coronavirus and commented that he will be talking about it at the staff meeting tomorrow. The State has imposed a no hand shake area policy and if the Council was supportive of that, the City would place a sign on the front door regarding it being flu season and to not shake hands. The **Mayor and City Council** agreed.

D. Items to be placed on future agendas

9) CLOSED MEETING

MOTION: Council Member Gordhammer moved recess this open meeting and enter into a closed meeting to discuss the purpose of considering information that is designated as a trade secret

SECOND: Council Member McDonald

VOTE: The motion carried.

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

Dale Coulam indicated that the Recorder will need a minute to prepare the recording system. **Mayor Hart** invited the members of the audience to wait in the lobby during the closed meeting and stated that they were welcome to come back into the open meeting when it was reconvened. The **Mayor and City Council** entered into the closed meeting at 7:10 p.m.

Mayor Hart called the meeting back to order at 7:46 p.m.

5)D. Discuss and consider approval of selection of the Construction Manager/General Contractor for the new Ivins City Hall

MOTION: Council Member McDonald moved award the selection of Construction Manager/General Contractor for the new Ivins City Hall, to Hughes General Contracting

SECOND: Council Member Johnson

VOTE: The motion carried.

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

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Mehr	AYE

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Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Elliott	ABSENT

The meeting adjourned at 7:55 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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