IVINS
CITY COUNCIL
MINUTES
March 4, 2021

***NOTICE: This meeting was held electronically and in person, with limited seating to observe social distancing. City Hall was the anchor location for the electronic meeting. You may listen to the audio feed by going to www.ivins.com, clicking on the "Government" tab, clicking on the word "HERE" under the words City Council.**

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 Gordhammer, and Council Member Larsen.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Lane Mecham, Director of Parks and Recreation Benny Sorensen, Public Safety Director Bob Flowers, Building and Zoning Administrator Cody Mitchell, Retiring Building and Zoning Administrator Mike Rodriguez, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Adlai Elison, Lance Anderson and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Gordhammer and Council Member Mehr were present via the electronic "Zoom" platform. Mayor Hart, Council Member Johnson, Council Member McDonald and Council Member Larsen were present in the Council Chambers. **Mayor Hart** requested a roll call of the City Council Members. Each City Council Member was in attendance and acknowledged their presence.

B. Flag Salute

Council Member Larsen led the Flag Salute

C. Invocation

Council Member Larsen 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: Parks and Recreation; Public Safety

Benny Sorensen provided a written report, a copy of which is available as an attachment to this agenda. He reported that there was one (1) burial in February and more than a dozen burial plots were sold in February. They just finished the basketball season and the Miss Ivins Pageant was held at Tuacahn on February 27th.
Chief Flowers submitted a written report. A copy of the report is available as an attachment to this agenda. He reported that they are continuing to work Snow Canyon State Park regarding parking. **Mayor Hart** indicated that there are plans to expand parking at the top and bottom of the park. Chief Flowers reported that they have hired a couple of new officers hired and things are going well at the Animal Shelter. Partnering with the County is working well. They have

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been very successful with adoptions and the Animal Shelter has quite a following on social media and receives a lot of positive comments.

B. Planning Commission Report

Commissioner Anderson reported that the Planning Commission approved Final Plats for the following: Azalea Townhomes, Red Desert, Larsen Subdivision, Posovi 2-J, Taviawk 9-DD and Taviawk 12-F. They also discussed the current Outdoor Lighting Ordinance and recommended that be sent onto the City Council for their review and discussion.

Dale Coulam indicated that Cody Mitchell had an employee introduction to make. **Cody Mitchell** introduced the new Building Inspector Randall Martin who grew up in Southern Utah, moved to Arizona and then moved back to Washington County. **Randall Martin** introduced himself and expressed appreciation.

Mayor Hart called Mike Rodriguez to the podium and indicated that tomorrow is his last official day at the City and stated on the record how appreciative he was personally and on behalf of the City. **Mike Rodriguez** indicated that he has really enjoyed his time working for the City over the last four (4) years. He has been working in this field for almost 40 years and appreciated the opportunity that the City had given to him. He complimented employees Cody Mitchell and Sharon Allen for the outstanding job they did keeping the Building Department going. The builders and contractors had kind words for them. The Building Department received a lot of compliments from builders and would comment that that Ivins was the best Building Department in the County to work with. **Council Member Johnson** thanked Mike Rodriguez, wished him well and encouraged him to wear the Ivins City shirts with the City logo as he travels all over the US.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a Concurrent Land Use Amendment from RC (Commercial Resort) and LDR (Low Density Residential) to RC (Commercial Resort); and a Zone Amendment from RC (Commercial Resort) and RE-43 (Residential Estates District, minimum lot size 43,000 sq ft) to RC (Commercial Resort) on approximately 1.471 acres. RT Marten UT LLC-Owner; Lance Anderson-Applicant

Mike Rodriguez reported that the applicant is proposing a concurrent land use amendment and a zone amendment on 1.471 acres that is located at approximately 942 Art Village Way. **Mayor Hart** requested that Lane Mecham explain how one could join the meeting electronically and make a comment for the Public Hearing. **Lane Mecham** provided instructions as how to make a public comment for the Public Hearing. **Mayor Hart** opened the Public Hearing and inquired of Lane Mecham as to anyone in attendance through the Zoom platform who would like to make a public comment. **Lane Mecham** confirmed that there were no attendees through the Zoom platform. **Lance Anderson** referred to a map that was submitted by an adjacent property owner, Mr. Shumate, and clarified that the buildings that will be built will be used to house the fire apparatuses. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2021-01, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately 942 Art Village Way

Council Member Mehr commented that the Planning Commission meeting Minutes noted that Lance Anderson and Terry Marten met with Ron Marianetti, who is attending this meeting via

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the Zoom platform. Mr. Marianetti's property borders this property and he wanted to make sure that he was not having technical difficulties and trying to comment. Mayor Hart provided Mr. Marianetti a phone number to call in if he wanted to comment. Mr. Marianetti did not comment via Zoom or call in. **Council Member Gordhammer** offered and read from the Planning Commission Minutes regarding that conversation. A copy of the Planning Commission Minutes are available as an attachment to this agenda. Per the Planning Commission Minutes, Mr. Marianetti appeared to be in favor of this change in that it makes really good sense and is the highest and best use and moving the trucks and trailers inside of the buildings will remove the eye sore. **Mayor Hart** closed the Public Hearing. **Council Member Gordhammer** agreed with the comments made at the Planning Commission Public Hearing. She understood the concerns that the residents had about changing the zoning but indicated that this change is the best use and she supported the change. The Mayor and City Council agreed.

MOTION: Council Member Larsen moved to approve Ordinance No. 2021-01, an Ordinance of Ivins City, Utah, amending the Land Use and Zoning on a parcel of land located at approximately 942 Art Village Way
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 Larsen	AYE

Roll call vote. All Council Members voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of an Interlocal Agreement with Washington County for election services

Dale Coulam stated that this agreement memorializes what has been occurring with the County for elections and elections will continue to be vote-by-mail. **Council Member Mehr** inquired if the County offers any opportunities to vote in person in Ivins and suggested the Southern Utah Veteran's Home. **Dale Coulam** clarified that there is no place in Ivins for the upcoming election. If someone would like to vote in person, they can do that at the Dixie Center. The Veteran's Home turned them down for that but voters can drop off their ballots at Ivins City Hall and then they'll be taken to a County location. **Council Member Gordhammer** thought that they could vote at the Santa Clara Library and was aware that there is an election dropbox there. **Dale Coulam** stated that was the case previously but Ivins City got stuck with the bill for that because the City of St. George and Santa Clara pulled out of that location and indicated they did not want to participate at that location. The only facility to vote in person is at the Dixie Center. **Mayor Hart** commented that part of the reason the County went to vote-by-mail was that the voting machines were outdated and not being supported with upgrades. **Dale Coulam** clarified that the percentage of voters increased and more voters participated because of the ability to vote-by-mail. **Council Member Mehr** commented that there should be a polling place in Ivins but understood that a voter can bring their ballot into City Hall and then the City will get it to the County. **Dale Coulam** indicated that each polling location is required to have a

minimum of two (2) poll workers the entire day and then they gather the ballots up and physically take them to the County after the polls close but the County prefers to have the ballots sooner rather than later so the City Recorder delivers the ballots daily to the County as they're dropped off at City Hall. That has worked out well and with the last election, there was no polling location in Ivins but City Hall was a ballot collection site and the City can still provide that. **Council Member McDonald** was in favor of this as long as precautions are taken to ensure that legitimate and appropriate votes are cast and that signatures are verified and there are not multiple votes cast. **Mayor Hart** indicated that someone from the County could explain how that process works.

MOTION: Council Member McDonald moved to approve an Interlocal Agreement with Washington County for election services
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 Larsen	AYE

All Council Members voted in favor.

B. Discuss and consider approval of surplus of City vehicles and equipment

Dale Coulam indicated that the City is prepared to sell these items but would like the Mayor and Council's input and approval before noticing them for sale. There was an inquiry as to where the items are noticed for sale. Dale Coulam clarified they are noticed in the paper and on Ivins website.

MOTION: Council Member Johnson moved to approve surplus of City vehicles and equipment
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 Larsen	AYE

C. Discuss and consider approval of an expenditure for 2021 streets pavement maintenance

Tom Jorgensen reported that this expenditure is within the budgeted range and Staff is recommending using two different types of materials for the City's pavement maintenance program, applied by two different companies. The two products are Slurry Seal applied by American Pavement Preservation and Premium Seal Coat applied by Morgan Pavement.

MOTION: Council Member Mehr moved to approve an expenditure in an amount of $288,597.11 for 2021 streets pavement maintenance plus an additional $10,000 for contingency for a total of $298,597.11

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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 Larsen	AYE

D. Discuss and consider approval of an additional expenditure for storm drain pump, parking lot modification and entry replacement for the new City Hall project

Tom Jorgensen reported that there are a couple of items that need to be addressed as part of the City Hall project. The storm drain detention basin that is being installed under the parking lot needs a pump. The initial design and geotechnical findings showed that the detention basin would discharge into the ground through infiltration but the final geotechnical report showed that a rock layer is about 1-3 feet below the detention basin, which would prevent infiltration. After looking at many options, it was determined that a small pump installed in the basin that discharges into the storm drain is the most economical option. The other item is the bump out on the north side of the existing parking lot. To create a better transition, Staff is recommending more asphalt be removed and replaced to make a better transition. **Council Member Gordhammer** referred to the storm drain pump and inquired if he felt that was going to be the best and most effective at correcting the problem. **Tom Jorgensen** indicated that it was. **Mayor Hart** commented that the other option would be to let the water sit in the detention basin but the problem with that is algae growth and mosquitos. **Tom Jorgensen** added that smell would be a problem as well and the pump option ensures that more water is getting pumped out than not.

MOTION: Council Member Mehr moved to approve an additional expenditure of $4,444 for storm drain pump, parking lot modification and entry replacement for the new City Hall project
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 Larsen	AYE

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for February 18, 2021

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

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Council Member Gordhammer	AYE
Council Member Larsen	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Gordhammer reported that they had the Snow Canyon Joint Committee meeting last week and reported that visitation has been up 41% year-over-year. They will be adding an additional 50 parking spaces at Snow Canyon State Park by July of this year. Regarding whether the gate will move south or not, the Park Manager wants to study that further because there is concern that moving the gate further south would push traffic into the neighborhoods, making it more difficult to get in and out of those developments. The Park is also looking at a possible bypass lane for pass holders. They are working on an education tortoise trail that should be completed in 2022. She reported that she and Mayor Hart attended a groundbreaking of the Shivwits Legacy Field Soccer Complex and indicated that it was a very nice and touching event.

Council Member Johnson congratulated Council Member McDonald on becoming a grandfather for the first time. She reported that they held the Miss Ivins Scholarship Pageant this past weekend at Tuacahn. It was beautifully done and Jennifer Horne did an excellent job putting it together. The new Miss Ivins Royalty is: Princess Abby Despain; 1st Attendant Taija McDonald; 2nd Attendant Ruby McDonald and Miss Congeniality Brooklyn Chappell. **Mayor Hart** thanked Jennifer Horne for her work. He referred to the Miss Ivins Scholarship Pageant and requested that Lane Mecham send an invitation to Jennifer Horne for the next Council meeting, for her to distribute the scholarships to the new Royalty.

Council Member McDonald reported that his oldest son and wife had a little girl last Thursday making him a grandpa.

Council Member Larsen reported that the Affordable Housing Task Force met again and Planning Commissioner Bob Morris has been named Chair of that Task Force.

Council Member Mehr thanked Council Member Gordhammer for her report on the Shivwits groundbreaking and echoed what she said, as he had the opportunity to attend as well. He reported that he stopped at Fire Lake Park and inquired what the plastic housing pipe with rubber hose is and what the purpose of that is. **Mayor Hart** clarified that it is an aerator. **Council Member Mehr** referred to the gate that was installed and commented that it might be tight for a large van pulling a trailer with kayaks and indicated that he hoped that had been tested. **Mayor Hart** stated that it did feel like there's an odd turn there. **Council Member Mehr** referred to the agenda and not seeing the agenda item for the continued discussion related to COVID. He would like to know in the weeks ahead, if the City is reviewing current restrictions and appropriately adjusting to the changes. **Mayor Hart** indicated that it based on the Governor's Order. **Dale Coulam** stated that was correct and the City is encouraging vaccinations, but not requiring them. **Mayor Hart** indicated that information was published in Ivins newsletter regarding a phone number that has been created by the Southwest Health Department for those that are over 70 years of age to call and make an appointment because those are being scheduled separately from the regular vaccination appointments.

B. Mayor

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Mayor Hart stated that in the newsletter he extended an invitation for residents to apply for the position on the Planning Commission and the Arts Council. So far he has only received one (1) application for the Planning Commission but hopes there will be a few individuals to consider. The deadline for submissions is one week from tonight and then he'll send recommendations and information to the City Council. He reported that he was invited by the Chamber of Commerce to offer a State of the City address at Tuacahn and that went well.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that they need to schedule a Municipal Building Authority meeting on Thursday, March 18, 2021 at 5:15 p.m. It is the required annual meeting where they elect Officers and it should be a very quick meeting. He referred to Black Desert Resort and commented that although that was not on the agenda tonight, that doesn't mean nothing is being done. They are working on the legal side of things for the PID and have received a Petition by Black Desert Resort that Ivins Legal Counsel Randy Larsen is reviewing. **Mayor Hart** reported that they met with all three (3) County Commissioners and the thing that they made very clear was they were not interested in extending a CRA past 10 years. The developer has since gone back with his team and are putting together an alternative proposal that may be and more palatable to the County and the City, with a shorter period of time and then meet with the County again. **Dale Coulam** offered his thanks to Mike Rodriguez and reported that there will be a retirement party tomorrow from 12:00-2:00 p.m. at the Ivins City Park pavilion. He referred to the home on 200 West and Highway 91 that is for sale and currently owned by Suzy Appel. It has a fair amount of property with that and there is a buyer that is doing her due diligence and if she purchases the property, along with buyer may come a zebra, a couple of buffalo and a camel. She has rescued these animals and they have been bottle fed and domesticated but she has no intention of turning her place into a petting zoo. The animals will be kept in corals and because the property is larger than 5 acres, it is considered agricultural and the only thing in the code that might be a prohibition of these animals is exotic animals but that term is not defined so he wanted to make the Council aware of that possibility. **Mayor Hart** indicated that Tuacahn already has a camel **Cody Mitchell** clarified that the buffalo are fenced and it is electrified and in his conversations with the potential buyer, once these animals pass on, she will not be rescuing any other animals like this.

D. Items to be placed on future agendas

Dale Coulam indicated that with the resignation of the City's Part-Time Code Enforcement officer, now is a good time for the Council to revisit the Administrative Code Enforcement program. It is very similar to what most other cities have in the State but the Council may want to do things a little differently and in last few years in the legislative sessions, the criminal penalties for many nuisances have been dropped from misdemeanors to infractions. Before the City hires another Code Enforcement Officer, the Council may want to look at that so that when we do hire someone, that Code Enforcement Officer will be implementing the procedures that the Council would like to see. **Council Member McDonald** referred to an anonymous letter that the Mayor and City Council received from an individual that watches over the facility by the dike and thinks that department is being wasteful with manpower, equipment and even invited the Mayor and Council to go see for themselves. He inquired of Dale Coulam as to the procedure for filing a complaint because he struggled with the idea that anonymous was the practice of filing a complaint. **Dale Coulam** indicated that he would speak with the particular Department Head that is referenced and then an investigation will be conducted and find out if

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there is any truth to the letter. Whether a letter is signed or unsigned, the City is interested in providing the best service to the citizens so if there is any notion of a problem, the City will look into that and is always interested in feedback and will take appropriate action, correct it and report to the council. **Lane Mecham** commented that fraud risk assessment requires the City to provide an anonymous reporting path method. **Council Member McDonald** was concerned that somebody could anonymously complain about the color of a house and thought that should require a signature to go along with the compliant for the City to do something about it and then that would potentially invite an opportunity for a neighbor to neighbor discussion. He felt that there's a sense of getting nitpicky with residents and he felt like the City needs to make sure that neighbors talk to neighbors as a first approach. **Dale Coulam** stated that the City would welcome that input when the Council goes through the code enforcement process. **Council Member Mehr** referred to the 6th Amendments confrontation clause and suggested that the City consider that as well.

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member Johnson moved to adjourn

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 Larsen	AYE

The meeting adjourned at 7:11 p.m.

Respectfully,
Kari Jimenez
Ivins City Recorder

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