IVINS
CITY COUNCIL
MINUTES
September 15, 2016

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 Pro Tem Densley, Council Member McDonald, Council Member Johnson, and Council Member Roberts.
STAFF: City Manager/Attorney Dale Coulam, Chief of Police Bob Flowers, Building and Zoning Administrator Kevin Rudd, Public Works Director & City Engineer Chuck Gillette, Parks and Recreation Director Benny Sorensen and City Recorder Kari Jimenez
EXCUSED: Mayor Hart, Council Member Mehr
Audience: Richard Bryant, Claudette Larsen, Becky & Chuck Warren, Dee Osborn and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Pro Tem Densley acknowledged that there was a quorum present and stated that Mayor Hart and Council Member Mehr were excused.

B. Flag Salute

Council Member Roberts led the Flag Salute

C. Invocation

Council Member Roberts 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. Swearing in of Officer Hope O'Bray

Chief Bob Flowers introduced Santa Clara Ivins (SCI) newest Officer, Hope O'Bray. Hope O'Bray's father, **Officer Todd O'Bray**, swore Hope in. Officer Hope O'Bray was appreciative of the opportunity to service with SCI.

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

Kevin Rudd reported that building is down a little as of the first part of September. The City has issued a total of 98 single family building permits for the year. He provided a written report to the Mayor and City Council regarding Code Enforcement. A copy of the report is available by request through Ivins City Hall.
Chuck Gillette reported that the design of the Kayenta Debris basin is moving forward. The change order for landscaping on Highway 91 has been approved and is anticipated to be installed by October. **Council Member Densley** referred to a couple of water leaks that recently occurred on Highway 91. **Chuck Gillette** stated that the pipe is owned by the Water Conservancy District. The pipe was approximately 10 years old, made of PVC and split down the middle.

Dale Coulam reported that the Director of Finance, Wally Ritchie, is attending the Utah League of Cities and Towns conference but a written report was previously provided. A copy of the report is available by request through Ivins City Hall.

C. Planning Commission Report

There was no Planning Commission meeting due to no quorum being present.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Susan Saltzman commented that she is part of the cycling community and was concerned with puncture weeds. She provided a written comment, a copy of which is available by request through Ivins City Hall. She indicated that she realized that spraying for weeds isn't always effective on the seeds. She suggested that citizens could pick up spray from the City if that's possible and then as they're walking or cycling, could spray. **Mayor Hart** suggested she get in contact with the Parks and Recreation department.

Richard Bryant provided a written comment with all of his concerns, a copy of which is available by request through Ivins City Hall. He commented that he was concerned with short term rentals in the area that are in violation of the law. It is contrary to zoning and shouldn't continue to go unchecked. There is no transient room tax being assessed on the rentals and no regulation on health and safety standards. He stated that municipalities throughout the country are dealing with this problem and he would like Ivins to be proactive and requested this be placed on a future agenda.

MOTION: Council Member Roberts moved to suspend the rules and move item 5)A up before the Public Hearing
SECOND: Council Member McDonald
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2016-17R, a Resolution of Ivins City, Utah, appointing Grand Marshals for the 2016 Heritage Days Parade

Mayor Pro Tem Densley stated that Heritage Days is starting tomorrow. **Council Member Johnson** read the Resolution appointing Maynard and Nonie Sorensen as Co Grand Marshals of the 2016 Ivins City Heritage Days Parade.

MOTION: Council Member Roberts moved adopt Resolution No. 2016-17R, a Resolution of Ivins City, Utah, appointing Maynard and Nonie Sorensen as Grand Marshals for the 2016 Heritage Days Parade
SECOND: Council Member Johnson
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

Roll call vote. All Council Members that were present voted in favor.
Maynard Sorensen spoke to the Mayor Pro Tem and Council regarding his and Nonie's history in Ivins City. He indicated that they have had a great life together and raised 11 children. They have been blessed with longevity - Nonie is 91 years old and he is 90 years old.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to receive input and consider approval and adoption of the proposed Parks and Trails Impact Fee Facilities Plan, Parks and Trails Impact Fee Analysis and Ordinance

Benny Sorensen stated that this document is an analysis of what the City has for Parks and Trails and the established level of service that the City currently has. The City looked at what it wants to do in the future and prepared a target level of service. The purpose behind the study is to help prepare a plan that will indicate how much of the new facilities, parks and trails, will be eligible to be paid for with impact fees and paid for by new growth. The law requires that the impact fees be spent within six (6) years on projects within the Impact Fee Facilities Plan. Commercial projects are not charged a Parks impact fee but are for new residential homes. The new maximum fee that can be charged is $3,594.15. That will help pay for some of the facilities and parks that the City is planning to build in the next six (6) years. **Dale Coulam** indicated that when you go through the analysis, you come up with a Master Plan of projects and that can go beyond the six (6) year period. Then as you get into the impact fee portion of it, there's a proportionate share analysis that has to be performed. Some of that cost is paid by existing residents and some will be paid by new growth. **Mayor Pro Tem Densley** opened the Public Hearing. **Richard Bryant** inquired why commercial development is not included in the impact fees and inquired if the Rocky Vista University student housing is considered commercial or residential. **Dale Coulam** clarified that it's a hybrid. Rocky Vista University was not charged Park Impact Fees for the University itself but they were charged a Park Impact Fee for the student housing. **Richard Bryant** referred to the Fire Lake Park Reservoir and stated that the residents who live near there were promised that there would be a locked gate there at night and that hasn't happened. He would to see that prioritized and occur. **Fritz Sawyer** requested that the City factor in maintenance costs when the City is looking at projects. **Becky Warren** inquired what a current resident pays for impact fees. **Dale Coulam** clarified that existing residents do not pay an impact fee, they pay property taxes instead. Impact fees do not cover maintenance costs into the future so impact fees are charged to new growth and then they pay property taxes after that to assist with the cost of additional maintenance. There being no other comments, **Mayor Pro Tem Densley** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-18, an Ordinance of Ivins City, Utah, adopting the Ivins City Parks & Recreation Impact Fee Facilities Plan and Impact Fee Analysis; Enactment of Parks & Recreation Impact Fees

Mayor Pro Tem Densley referred to the Impact Fees going down and the 16 acres on Center Street that is owned by the City. He would like to see a park go in on the property with a possible dog park, basketball courts and pickleball courts. He suggested that the City sell half of the property to pay for the park. He suggested delaying taking action on this until Mayor Hart and Council Member Mehr were present and he would also like it to be included in the

study. **Council Member Roberts** inquired what it would cost to add that to the study. **Benny Sorensen** stated that he would need to find out but that the study itself is based on projected level of service and he didn't think that adding it would affect what the impact fee is, based on the research the consultants have done. **Mayor Pro Tem Densley and the other City Council Members** that were present discussed the study, the projected projects in the study and Mayor Pro Tem Densley's request that another park on Center Street be included in the study. They determined to continue this discussion until Mayor Hart and Council Member Mehr were present.

MOTION: Council Member Roberts moved to continue this item, 5)B, until the next meeting
SECOND: Council Member McDonald
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

5) DISCUSSION AND POTENTIAL ACTION ITEMS

B. Discuss and consider approval of Ordinance No. 2016-20, an Ordinance of Ivins City, Utah Amending Chapter 1 of Title 11 of the Ivins City Code to establish a procedure to make a private street public

Dale Coulam stated that the City Council previously saw this in draft form and it is now before them in a formal ordinance.

MOTION: Council Member McDonald moved to approve Ordinance No. 2016-20, an Ordinance of Ivins City, Utah Amending Chapter 1 of Title 11 of the Ivins City Code to establish a procedure to make a private street public
SECOND: Council Member Roberts
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

Roll call vote. All Council Members present voted in favor.

C. Approval of an expenditure and award contract to construct Cliffrose 2 Million Gallon Tank

Chuck Gillette stated that the City originally budgeted for $2.3 million for this project but the actual costs came in much lower. Recognizing that, the City saw the opportunity to fix and upsize some pipes.

MOTION: Council Member McDonald moved to approve the expenditure and award contract to construct Cliffrose 2 Million Gallon Tank with the amounts not to exceed:

$1,263,078 for the tank; $89,400 for construction services; and $42,600 for design for replacement of waterlines and upgrading water pipes
SECOND: Council Member Johnson
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

D. Discuss and consider approval of Resolution No. 2016-18R, a Resolution of Ivins City, Utah, approving the Sewer Master Plan

The Mayor Pro Tem and City Council members previously reviewed the Sewer Master Plan. There were no questions or any discussion.

MOTION: Council Member Johnson moved to approve Resolution No. 2016-18R, a Resolution of Ivins City, Utah, approving the Sewer Master Plan
SECOND: Council Member McDonald
VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

Roll call vote. All Council Members that were present voted in favor.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for September 1, 2016

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

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member McDonald - no report
Council Member Johnson reported that the flag raising ceremony for Heritage Days will be held at the fire station on Saturday morning, September 17, 2016 and the parade will

follow. The ribbon cutting for the Center Street/Tuacahn Drive/Snow Canyon Drive statute will be Friday, September 16, 2016 at 5:30 p.m.

Council Member Roberts no report

Mayor Pro Tem Densley reported that the golf carts are lined up for the City Council to ride in the parade. He thanked Council Member Johnson for her work organizing Heritage Days. He was on the interviewing board for the Rocky Vista University applicants and reported that there were over 5000 applicants to attend the class of 2017 at the Ivins campus. The applicants were narrowed down to 500 and then 150 applicants will be selected for the class of 2017.

B. Mayor - Absent

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he and Wally Ritchie have participated in a working group with the Utah League of Cities and Towns over the past several months discussing short term rentals. The City of St. George, Hurricane, Virgin, Moab, Park City and cities along the Wasatch Front also participated. Initially there was a bill presented that would have taken away a city's authority to regulate short term rentals. There has been a lot of clarification and work with the Legislators and a lot of clarification on data that was being provided. Some of the providers like Airbnb have provided data to the Tax Commission and have committed to collect short term rental taxes, as has the tax commission. The inclination right now is that the State is not going to do anything to pass a bill that would remove a city's authority to regulate this on their own. It has become clear that a one-size fits all doesn't exist for cities. There seemed to be general consensus to still allow owner occupied bed and breakfast type short term rentals. That's the only legal type that Ivins has licensed and there hasn't been a problem with those type of short term rentals. That working group will be handing out suggestions for best practices for cities to consider that have been compiled by the sub-committee. Ivins will want to do some things to clarify Ivins ordinances to make them more enforceable. The Legislators are inclined to wait and see what happens on this issue to see what the cities do over the next year.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Mayor Pro Tem Densley	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Mehr	ABSENT

The meeting adjourned at 7:06 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder