IVINS
CITY COUNCIL
MINUTES
November 3, 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 Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Public Safety Director Bob Flowers, and Parks and Recreation Director Benny Sorensen.
EXCUSED: None.
Audience: Bob Nickerson, Fritz Sawyer, Joseph Witham, Claudette Larsen, Kevin Warnick, Brad Osburn and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Mehr gave the Invocation

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation & Public Safety

Benny Sorensen provided a written report to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall. He reported that basketball registration is open for a couple of more weeks. Ivins was host to three (3) World Senior Games in October and a two day Cub Scout Camp in October where approximately 750 Cub Scouts participated. Trick or Treat at City Hall was held on Monday, October 31st from 4:00-5:00 p.m. and just under 100 people went through the spook alley in that time. The Southern Utah Table Tennis Club meets every Saturday at UNITY Park recreation building. Virtue Martial Arts is offering classes for youth at the UNITY Park recreation building. There will be baseball tournaments at UNITY Park and Ivins City Park on November 18 and 19, 2016 and a soccer tournament on December 3, 2016 at UNITY Park. Staff has been in training to maintain certifications and has been mowing and weeding weekly. The Southern Utah Veterans Home 5K and Fun Run will be on November 12, 2016 and the Run Run Reindeer 5K will be held on the morning of Christmas Eve. He reported that there was minimal vandalism this summer.
Bob Flowers reported that the department is still wrestling with traffic issues at the Vista school. They are looking at a number of options to address the issues. He attended the Chiefs of Police meetings recently and the Santa Clara Ivins Police Department (SCI) is doing well in comparison to other agencies. There was a lot of discussion regarding body cameras. SCI has had body cameras for at least three (3) or four (4) years. SCI has classified the video from those cameras protected, unless the County Attorney says otherwise. There was a lot of discussion about what's occurring in communities and training on non-lethal force. SCI handled a situation recently

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where there was an individual in the middle of a field with a knife that was under emotional stress. Chief Flowers was impressed with the way the Officers' handled the situation. Situations like that are occurring on a monthly basis. He reported that Ivins former Chief of Police, Wade Carpenter, was elected as the Vice-President at Large for the Chiefs of Police International Organization. **Council Member Mehr** referred to the traffic issues at the Vista school and requested a follow-up report. **Council Member Johnson** indicated that she has noticed vehicles exiting from the Vista Parking lot, turning right and then making a U-turn almost immediately. She inquired if they can install signs about there being no U-turns there. **Chief Flowers** stated that may be a possibility. He will work with the City Engineer and the school regarding some options. Vista school has been really good to work with on this and they're working together to try and resolve this. **Council Member McDonald** inquired if the school has considered more bus routes to help alleviate the problem. **Chief Flowers** indicated that buses are expensive and that would be difficult for the school.

B. Planning Commission Report

Chairperson Loris reported that the Planning Commission reviewed an Amended Concept Plan for the Red Desert Subdivision and held a Public Hearing on a proposed Zone Change of 5 acres from RA-1 Residential/Agricultural to R-1-10 Single Family Residential on a property located on the southeast corner of Center Street and 400 West. They recommended approval of the proposed Zone Change at that will proceed to the City Council for a Public Hearing. They cancelled their meeting that was scheduled for December 13, 2016.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to vacate a portion of Tuacahn Drive located directly below Tuacahn and abutting property owned by Parkway Partners, LC (Sentierre)

Dale Coulam referred to a portion of the road that this relates to and indicated that that portion of road needs some improvement to it. The City has already held public hearings and this is the 5th Public Hearing on this issue. The City has also discussed Sentierre's desire to calm traffic speeds. The City has discussed that several times but is limited on what can be done to slow the traffic. Sentierre would like it to feel different when entering the Sentierre and Tuacahn resort areas. There's a requirement that vacating that portion of road will not hinder the public interest or a property owner's interest. The property owner directly north of the Sentierre project is Tuacahn. If that portion of the road is vacated, Sentierre would be required to expend the money to make street improvements and Tuacahn's Board would have to sign off on what Sentierre is planning. **Mayor Hart** opened the Public Hearing. **Brad Osburn** resides at 450 South 250 East and referred to the water pumping system and the possibility of the need for any sewer life stations and inquired if abandoning this portion of the road would impact those utilities. **Mayor Hart** indicated that there is a utility easement through there that will not be vacated even if the road is. **Bob Nickerson** resides at 287 North Painted Hills and referred to the width of the pavement and Exhibit B to the proposed Ordinance. He stated that in that exhibit it indicates that the main road accessing the property will be thirty (30) feet in width. He assumed that was the pavement. He indicated that the City Transportation Master Plan says that a minor collector, such as Tuacahn, is to be thirty-two (32) feet wide in pavement. The existing Tuacahn Drive is only twenty-eight (28) feet of pavement. He inquired if there was any discussion or requirement

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that might increase the width of the pavement going up to Tuacahn in light of the increased traffic that can expected in the future. **Mayor Hart** inquired if he was talking about all of Tuacahn Drive. **Bob Nickerson** clarified "yes". **Mayor Hart** clarified that there was no plan so far. **Bob Nickerson** inquired why the Development Agreement with Sentierre allowed them to only build a thirty (30) foot wide pavement when the Transportation Master Plan indicates that it should be thirty-two (32) feet. **Mayor Hart** stated that it's a private road if it's vacated and requested the City Attorney respond. **Dale Coulam** clarified that the City cannot widen down below because the right-of-way is limited because of the Reserve. There are plans to put a trail along the west side. On a private road, that can go to a different sized road as part of their calming measures but their goal with Tuacahn is to try and develop a way to get traffic out of Tuacahn in a quicker fashion. It's not the Reserve on both sides so they have flexibility to do some things and work with Tuacahn to help with exiting traffic and come up with a different system as to how it merges into the two lanes. **Bob Nickerson** indicated that he understood that but his concern was that the entire road, Tuacahn Drive do not meet the specifications for a minor collector, which should be a road width of sixty (60) feet. He didn't understand why the City wasn't conforming to the Transportation Master Plan. **Mayor Hart** clarified that the Amended Transportation Master Plan came after Tuacahn Drive was built. Tuacahn Drive was built to specifications when it was built and the City has no motivation to widen that road at this point in time for two reasons: 1) budget; and 2) the narrower road is a traffic calming measure by itself. People travel too fast down that road already and he personally did not think that widening it was to anybody's benefit. **Bob Nickerson** stated that Master Plan was in place before the Sentierre Development Agreement was made. **Mayor Hart** referred to a letter submitted to the Council from Ginger Evans who was concerned with there being a series of speed bumps and how that would impact Tuacahn. **Stan Castleton** indicated that they are working with Tuacahn to figure out the best and quickest way to exit out of Tuacahn and they have had a traffic simulation done. He provided a PowerPoint presentation showing a general concept of the plan. A copy of which is available by request through Ivins City Hall. **Kevin Smith** is a resident of Ivins City and was present on behalf of Tuacahn. He stated that there will be further discussions with Tuacahn's board to fine tune the design but that both Sentierre and Tuacahn have the same issues and are working together to address the traffic issues. **Mayor Hart** inquired if Sentierre intends to gate the new entrance. **Stan Castleton** indicated "no". **Becky Warren** would like there to be an assurance that there will be access to the area and no gates and would like to see that written in a contract regarding the biking and walking path. She and her husband recently had friends visiting the area and they couldn't access Tuacahn because of the gate. She inquired if Ivins was being compensated for giving Sentierre the land. she also inquired if it would be a benefit to the City in the long run and would like to know the figures are. She was concerned with Ivins setting a precedent and inquired if there has ever been a public street that was turned into a private road. She requested that the City Council look at the bigger picture. She felt that doing this would be taking an asset that the City owns and handing it over when maybe the City should not be doing that. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-21, an Ordinance of Ivins City, Utah, vacating a portion of Tuacahn Drive

Mayor Hart stated that this process is nothing new to the City Council but there may be some present or listening to the meeting that may be hearing about this for the first time. The standard for roads doesn't apply when the roads are private and the situation is further complicated with

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the grade and width of Tuacahn Drive. Regarding the question about whether the City has vacated portions of roads before, the answer is "yes". He referred to the Southern Utah Veteran's Home project. The City provided 10 acres of land for that project and went through the process to justify that. **Dale Coulam** referred to Tuacahn Drive and clarified that the City Engineer looked at the portion of road that may be vacated and determined that in light of the improvement needs that are required now and the expensive maintenance in the future, this would be a positive thing for the City. Staff is not requesting that action be taken tonight, rather, he'd like the Council to direct staff to prepare a more specific ordinance that particularly addresses the timing of the conveyance. Staff could also put together more financial information and bring that back with the ordinance. He referred to the Veterans Home and indicated that the State of Utah did not buy the land so there was no compensation for that property but the compensation to the City came through impact fees on the project as well as the economic benefit of jobs that were created by the Veterans Home being built in Ivins. The economic benefit of dedicating the small section of road on Tuacahn Drive would far outweigh the value of the asset. The conveyance documents contain a reservation of the public easement all the way to Tuacahn. **Mayor Hart** stated that in his observation, this would add value to the presentation of Tuacahn. **Kevin Smith** agreed and indicated that they have talked about improving the entrance for years. Currently there is a chain link fence but as a non-profit organization, it has been difficult to improve the entrance. They now have a partner (Sentierre) that is willing to spend the money and listen to Tuacahns' input so it is a win-win situation. **Mayor Hart** clarified that because of the Sentierre project, there will be a paved trail installed that the city has been trying to put in for 10 or more years. The installation of that trail is going to occur and it will be like other trails in Ivins City. The **Mayor and City Council** agreed that staff is to write a more complete ordinance and provide financial information regarding the benefit of vacating a portion of Tuacahn Drive.

MOTION: Council Member Mehr moved direct staff to revise this ordinance and provide additional detail
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion to consider approval of Ordinance No. 2016-22, an Ordinance of Ivins City, Utah, amending Title 5, Chapter 4 of the Ivins City Code regarding Alcoholic Beverages

Dale Coulam stated that he attended a legal training put on by the Utah Prosecution Council where he ran into Tracey Welsh with Red Mountain Spa. She asked him if Ivins was up to date on their ordinance regarding alcohol licenses. In the last legislative session, the legislature passed a hotel license. For all state issued alcohol licenses, a state application is filled out, reviewed by Ivins TRC (Technical Review Committee) and if it's okay, the City signs off on the City Consent. The applicant(s) then submit all of their information to the state and then the state regulates it. In reviewing the current ordinance, he noticed that there were also some closely

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related manufacturing licenses that needed to be added as well as the hotel license so he included all of those in this amendment. **Council Member Mehr** inquired if a microbrewery or other related businesses are permitted uses in Ivins. **Dale Coulam** clarified that is a different issue addressed under Land Use. The City controls zoning, the location of where they can go.

MOTION: Council Member Densley moved to approve Ordinance No. 2016-22, an Ordinance of Ivins City, Utah, amending Title 5, Chapter 4 of the Ivins City Code regarding Alcoholic Beverages
SECOND: Council Member Roberts
VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mehr	ABSTAIN

Roll call vote. Four (4) Council Members voted in favor and one (1) Council Member abstained.

6) CONSENT AGENDA

A. Approval of Backhoe Loader Lease Renewal
B. Approval of City Council Meeting Minutes for September 15, 2016

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr - no report
Council Member McDonald reminded the Mayor and City Council that the will not be in attendance at the next City Council meeting on November 17, 2016
Council Member Johnson - no report
Council Member Roberts referred to the email submitted by Ginger Evans regarding agenda item 4)A and her comment about not being able to contact them. He inquired if their contact is on the website. **Wally Ritchie** clarified that there is a button on the website next to the Mayor and City Council Members and those are tied directly to their email address. The emails do not go to a City staff member and the City does not screen those emails. The City never received a call to the City office by that particular individual. **Council Member McDonald** suggested adding the ability for individuals to email the Mayor and City Council all at once. **Wally Ritchie** stated that they can add that to the website.

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Council Member Roberts reported that the Dixie State University Veterans Club will be presenting the new Veterans Memorial to Dixie State University on Friday, November 11, 2016 at noon. Mayor Hart referred to the small piece of property on the north side of 200 North by the Veterans Home and reported that the Veterans Home has received funding through the State to build a Veterans Memorial Park on that piece of property.

Council Member Densley - no report

B. Mayor

Mayor Hart reported that he received email from Tracey Welsh with Red Mountain Spa and he has forwarded that email with a link of a recording of a report given by Roger Brooks. Mr. Brooks was commissioned by the City of St. George to travel the area as if he were a tourist and report on the area. He really loves Ivins, talking about the wayfinding signs in Ivins, what a great asset Tuacahn, Coyote Gulch, Kayenta Art Village and the soon to be completed Kayenta Center for the Arts.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he attended a portion of a Land Use Conference in Salt Lake City where he heard from an excellent group of Land Use experts. He received very good information and will be modifying Ivins Zoning Ordinance to clarify legislative vs. administrative decisions. He reported that the Land Use Appeal filed by Gary Pendleton regarding the Graf property off of Highway 91 was held before the Administrative Law Judge (ALJ) this week. The ALJ found that the City Council's action in that matter was legislative and, therefore, the ALJ lacked jurisdiction to hear the case and dismissed it. That case is still proceeding in District Court. He reported that Council Member Densley will not be in attendance at the next City Council meeting.

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.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 7:15 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder

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