IVINS
CITY COUNCIL
MINUTES
November 17, 2016

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:40 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Mehr, Council Member Johnson, and Council Member Roberts.
STAFF: City Manager/Attorney Dale Coulam, Public Works Director/City Engineer Chuck Gillette, Director of Finance Wally Ritchie, and City Recorder Kari Jimenez.
EXCUSED: Council Member McDonald, Council Member Densley
Audience: Judith Kapuscinski, Fritz Sawyer, Bob Nickerson, Dave Pugsley, Claudette Larsen, Jared Madsen and others who did not sign in.

A. Acknowledgement of Quorum
B. Flag Salute

Council Member Johnson led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

Council Member Roberts referred to Consent Agenda item 6)B and disclosed that his son is employed by Jones & DeMille Engineering. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Audit Presentation for Fiscal Year Ending June 30, 2016

Wally Ritchie reported that the audit is complete. Larson & Company is Ivins' auditors and this is their first year auditing Ivins City. He indicated that they have been very good to work with. **Jon Haderlie** with Larson & Company stated that they audited Ivins' Financial Statements and tested the City's internal controls. He provided the reports to the Mayor and City Council. Copies of the reports are available by request through Ivins City Hall. Larson & Company did not find any material deficiencies and found that Ivins City was in compliance. He gave high praise to Ivins City staff for knowing the rules and being in compliance.

B. Amended Concept Plan Report for the Red Desert Phase 1 Subdivision

Dale Coulam indicated that this subdivision consists of 18 lots on 9.67 acres. It is a conventional subdivision with a lot averaging overlay. When the first plan was shown it was reported that the plan may be amended and this is the amendment. As noted previously, this project will require engineering to address the drainage issues. The choice road alignment on the eastern half will be determined when the Preliminary Plan is filed.

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

Dale Coulam reported that in the last calendar year the City issued 90 building permits. To date in this calendar year, the City has issued 130 building permits. There have already been 19 issued so far in November, which is the highest this year and the highest of any month since recovery from the recession. With the Rocky Vista University and Sentierre projects also moving along, the City will be looking for another full-time Building Inspector. **Council**

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Member Mehr inquired if that is something the City has planned for. **Dale Coulam** clarified that he and Kevin Rudd discussed this past summer that his and Cody's plates were full and might need to hire another individual. Cody Mitchell is the Deputy Building Official and is now the Acting Building Official. If the building permits would have stayed around 90 per year then hiring another individual was not included in the budget; but with the added growth and increased building permits, hiring another Building Inspector could now be covered.
Wally Ritchie reported that the budget process will begin in January and they will be discussing a five (5) year strategic plan in December. He reported on the ambulance service and stated that the billing company has a good handle on that and since they have taken over the billing, the process has improved. **Council Member Mehr** inquired if the new company will be collecting on the bad debt. **Wally Ritchie** clarified that that was turned over to the new company and they will go back 1 year and try to collect.
Chuck Gillette reported that good progress is being made on the 2 Million Gallon Water Tank expansion. The old tank has been removed and the site is being prepared for the new tank. The trail along Tuacahn Drive will likely be on the next City Council agenda and the Old Highway 91 project is done with the final walk through on Monday, November 21, 2016. **Council Member Roberts** commented that the City needs an entrance sign on Highway 91.

D. Planning Commission Report

Commissioner Anderson reported that the Planning Commission held a Public Hearing on a Zone Change from Residential/Agricultural to RV Resort. The Planning Commission recommended unanimously to deny that zone change with Commissioner Scott adding that the timing wasn't right due to the current litigation. The Planning Commission also approved a Final Plat for Taviawk XI-O.

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 Zone Change of 5 acres from RA-1 (Residential/Agricultural minimum lot size 1 acre) to R-1-10 (Single Family Residential minimum lot size 10,000 sq. ft.) located on the southeast corner of Center Street and 400 West. Alpha Engineering, Applicant. New Trend Construction, LLC, Owner

Dale Coulam indicated that at the Public Hearing before the Planning Commission, there were several people from Suncrest West that were present who are not here tonight. They expressed concerns about drainage but left before hearing the answers. The City is currently working on a number of projects to catch water above this project that would mitigate the flood water that comes through the development. There is also a wall along a higher project that sends water into the storm drains. Applicants will engineer the drainage and that will improve the drainage as well. They were also concerned about seeing two story homes but no matter what the zone is, the height limit is 25 feet and a two story home could be built within that height limitation. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-26, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located on the southeast corner of Center Street and 400 West from RA-1 (Residential/Agricultural minimum lot size 1 acre) to R-1-10 (Single Family Residential minimum lot size 10,000 sq. ft.)

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MOTION: Council Member Johnson moved to approve Ordinance No. 2016-26, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located on the southeast corner of Center Street and 400 West from RA-1 (Residential/Agricultural minimum lot size 1 acre) to R-1-10 (Single Family Residential minimum lot size 10,000 sq. ft.) as amended
SECOND: Council Member Roberts
VOTE: The motion carried.

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

Council Member Mehr requested a discussion. He referred to setting a precedence and commented that this is regarding this particular property and should not be viewed as precedence. This makes sense for this particular location but it may not make sense for another location in Ivins community. **Dale Coulam** clarified that that's the purpose of the last "Whereas" where it states that it's in the exercise of the City Council's legislative authority and discretion and would not be setting a precedent.
Roll call vote. All Council Members that were present voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continue to 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 at the last City Council meeting the City Council requested that staff provide additional information and that has been received. At the Public Hearing it was also represented by Kevin Smith that Tuacahn had the opportunity to participate in the discussions of the plans and there is a representative of the Tuacahn board present tonight who is prepared to express the board's consent to the proposed transfer as required by the Development Agreement. **Dale Coulam** stated that there was a question as to what the value would be for what the City would be giving up. He clarified that there's a perpetual public access easement and a public utility easement. Also if Sentierre doesn't reasonably maintain this portion of road, it reverts back to the City. He didn't think that there was any dollar benefit being transferred because of those burdens. **Council Member Mehr** inquired if there was a certain dollar amount that needed to be included. **Dale Coulam** clarified there was not. **Council Member Johnson** suggested that the Tuacahn representative speak as to the Board's position. **Dave Pugsley** indicated that he has been on the Tuacahn Board for five (5) years and represented that they are on board in full concert and approval of vacating this portion of Tuacahn Drive. It would enhance the entire Tuacahn experience and the full experience would be greatly improved.

MOTION: Council Member Mehr moved to approve Ordinance No. 2016-21, an Ordinance of Ivins City, Utah, vacating a portion of Tuacahn Drive, as amended
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE

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Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member McDonald	ABSENT
Council Member Densley	ABSENT

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

B. Discuss and consider approval of Ordinance No. 2016-23, an Ordinance of Ivins City, Utah, amending Title 3 of the Ivins City Municipal Code regarding Revenue and Finance

Dale Coulam stated that over the years there have been several changes in the law and this reflects those changes. The transient room tax is no longer collected by the City but is collected by the State. **Council Member Roberts** referred to the Municipal Transient Room Tax and inquired if 1% is the maximum that the City can charge. He indicated that he called the tax commission regarding what the City of St. George is charging and they told him they charge 11.6%. He inquired if the State is charging the difference. **Dale Coulam** stated that information came from Utah Code. **Wally Ritchie** read from the code and confirmed that the maximum tax allowed to be charged for accommodations by a city is not to exceed 1%. The State can charge for other things but a municipality can only charge up to 1%. **Council Member Mehr** referred to the acceptance of monetary donations and inquired as to an example of that. **Dale Coulam** referred to an individual who donated 3 lots near Kanab to Ivins. **Council Member Mehr** inquired if there would be a situation where someone would give the City cash. **Dale Coulam** clarified yes and gave the example of donations to go towards paying for a statue. The dollar amounts in this ordinance match the purchasing authority amounts.

MOTION: Council Member Mehr moved to approve Ordinance No. 2016-23, an Ordinance of Ivins City, Utah, amending Title 3 of the Ivins City Municipal Code regarding Revenue and Finance
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

C. Discuss and consider approval of Ordinance No. 2016-27, an Ordinance of Ivins City, Utah, adopting the City Council Meeting Schedule for the Calendar Year of 2017

MOTION: Council Member Mehr moved to approve
SECOND: Council Member Roberts
VOTE: The motion carried.

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

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Council Member Densley	ABSENT

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

D. Discuss and consider approval of request for 2017 RAP tax funds

Wally Ritchie indicated that last year the City Council approved two (2) agreements for RAP tax money - one with Tuacahn and one with the Kayenta Arts Foundation. There is a request this year from the Kayenta Arts Foundation for the City to distribute $10,000 of the 2016 RAP tax revenues. Over the last 12 months the City has received just over $90,000. After withholding the reserve amount, paying for the statue overage and installation, the payment to Tuacahn and the Kayenta Arts Foundation (KAF), there is approximately $2,500.00 remaining. **Mayor Hart** inquired if the RAP tax is on a calendar year. **Wally Ritchie** clarified that it is and that December is the cut off for applications. **Council Member Johnson** inquired if there's a requirement to provide the funds this month. **Dale Coulam** clarified that the agreement indicates that the amount is to be determined in November with a minimum of $3,000 to be distributed to KAF. The Council could provide the same amount as last year and then determine later to provide more. **Council Member Mehr** inquired as to the statue overages. **Wally Ritchie** clarified that only includes overage costs of the statue. It does not include the costs for the cameras, power or landscaping. **Council Member Mehr** inquired if there's a place in the budget for those things. **Wally Ritchie** clarified those costs were budgeted. **Mayor Hart** stated that the costs did not constitute overages to him because they would be installed regardless of whether the statue was placed in the roundabout or not. **Council Member Roberts** referred to a display being installed that talks about the statute. He inquired as to the cost to do that and suggested the City move forward on that immediately. Wally Ritchie indicated that the City doesn't have the cost and it hasn't been designed. **Council Member Roberts** indicated that he'd like to have a discussion regarding an entrance sign on Highway 91. **Mayor Hart** clarified that the City has been approached by an individual who has a concept for the entrance sign and he will provide a presentation to the City Council in December. **Council Member Mehr** suggested the City Council proceed with providing $3,000 and then re-evaluate this when there is a full Council present. **Judith Kapuscinski** is the chair of the Kayenta Arts Foundation and clarified that in the agreement it explicitly states that they are not prohibited from applying for more funds outside of the agreement. She wanted to be clear that KAF does not have to do anything else. If no one else comes in or even if another organization comes in, the KAF would be considered an applicant for the approximate amount of $2500 in RAP tax money. **Mayor Hart** stated that was a fair statement.

MOTION: Council Member Mehr moved to approve $3,000 for the Kayenta Arts Foundation of the 2017 RAP tax funds
SECOND: Council Member Roberts
VOTE: The motion carried.

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

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6) CONSENT AGENDA

A. Approve expenditure for the Tuacahn Pump Station

B. Approve contractor for the Kayenta Debris Basin Project

C. Approval of City Council Meeting Minutes for November 3, 2016

MOTION: Council Member Johnson moved to approve the Consent Agenda

SECOND: Council Member Mehr

VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Roberts reported that the West Nile virus was found in 10 sites in the County although the counts are down so the thinking is that the treatments on the larva are working and it's a good trend.

Council Member Johnson did not have a report but noted that she will not be present at the next City Council meeting.

Council Member Mehr - no report.

B. Mayor

Mayor Hart reported that the Red Cliffs Desert Reserve is being forced out of the building they're currently in. Historically they have planned to build by the Desert Garden on Red Hills Parkway and that may include an interpretive center in the future. He indicated that with the failure of Proposition 1 (Sales tax for transportation) to pass, the DTEC (Dixie Transportation Executive Council) is going to have to review all of its transportation improvement plans for the next several years because that funding source was anticipated in the way that those projects were scheduled so there will be some big changes with that loss. He reported that the Marine Corp League had their annual ball celebrating the Marine Corps birthday. He was invited and attended that event on November 12, 2016. He inquired if the City Council members have received an invitation to participate in interviewing potential students of Rocky Vista University. **Council Member Mehr and Council Member Johnson** indicated they had not. **Mayor Hart** stated that he would ask that that be sent again. He had the opportunity to participate in that and indicated that it was a nice experience.

C. City Manager/Attorney Dale Coulam

Dale Coulam reminded the City Council that the Christmas party will be on Tuesday, December 13, 2016 at 6:00 p.m. in the Santa Clara City banquet room. RSVP's can be sent to Andrea Byers or Kari Jimenez.

D. Items to be placed on future agendas

9) CLOSED MEETING

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10) <u>ADJOURNMENT</u>

MOTION: Council Member Roberts moved to adjourn

SECOND: Council Member Mehr

VOTE: The motion carried.

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

The meeting adjourned at 7:25 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder

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