IVINS
CITY COUNCIL
MINUTES
December 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 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 Works Director/City Engineer Chuck Gillette, Acting Building Official Cody Mitchell, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Dan & Jan Brown, Judith Kapuscinski, Fred & Alanne Rainey, Becky & Chuck Warren, Jon Graf, Debbie Pendleton, Joseph Witham, Jason Graf, Lance Anderson, Jan Graf and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Roberts led the Flag Salute

C. Invocation

Council Member Roberts gave the Invocation

D. Disclosures

Council Member McDonald referred to agenda item 5)A regarding the RV Resort and stated that the applicants have used his stores for servicing their vehicles. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for the Santarra Estates Subdivision

Dale Coulam reported that this is a 14 lot standard subdivision; all lot sizes are larger than 10,000 sq. ft. and so it does meet the zoning requirements.

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

Cody Mitchell provided written reports to the Mayor and City Council. Copies of the reports are available by request through Ivins City Hall. He referred to code enforcement and reported that has been steady but they are shorthanded so they are focusing on addressing complaints. Regarding building permits, he reported that it was a record month in November for issuing building permits. There were 23 residential permits issued and more than 20 permits for the installation of solar systems. Rocky Vista University appears to be on schedule. **Council Member Densley** inquired if there is another inspector besides Ivins that is inspecting Rocky Vista University. Cody Mitchell indicated "yes" and stated that there is a special inspector for the steel, concrete and welding. All of the welds on the main building required a full penetration

weld inspection. There was an inspector on site to witness those welds as well as ultrasonic on the full penetration welds. The inspector is a third party. The interior is being inspected by Ivins City.

Chuck Gillette reported that the Kayenta Debris Basins are approximately 90% through the design phase with construction anticipated to begin in early January. The agreement for the easement for the basins is on the agenda tonight. Bids were received in November for the Tuacahn Drive trail and that is on the agenda tonight as well. A contractor has been selected to install the Tuacahn Pumping Station Upgrades and construction should begin in December. The Cliffrose 2 Million Gallon Water Tank Expansion is coming along. Earthwork has been completed and the tank floor was poured this week. He reported that the Public Works crew is crack sealing, in preparation for the maintenance contract that is expected to be done in April or May of 2017. **Mayor Hart** indicated that he noticed the Public Works crew spent three (3) days crack sealing a one or two block stretch on 200 East and inquired at what point do they determine to replace that rather than repair it. **Chuck Gillette** stated that on 200 East he anticipates crack sealing that one more time, putting the slurry over it and obtain another seven (7) or eight (8) years of use out of it.

Wally Ritchie provided a copy of the monthly budget report to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. He reported that the City Manager and Department Heads are reviewing the budgets on a regular basis and having good communication with him. All required reports have been submitted to the state for Fiscal Year Ending 2016 and they will be submitted to GFOA (Government Finance Officers Association) before the end of this year. **Dale Coulam** stated that the City received notice from GFOA that Wally received the Budget Award in Excellence. The GFOA also gives an award for the CAFR (Comprehensive Annual Financial Report) and the PAFR (Popular Annual Financial Report) and Ivins City has been receiving all three (3) of those awards for the last six (6) years.

C. Planning Commission Report

No report. There was no Planning Commission meeting held on December 13, 2016.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart reported that he received a Citizen Comment by letter from Bill and Gillian Papanikolas. He read the following into the record: "We cannot attend this evening's, December 15, 2016, City Council Meeting but would like to ask that the following Citizen's Comment be read into the minutes. We would like to state our support for the continued use of orange and yellow lights in our City street lights and bollards and request that the change to white lights be placed on a future meeting agenda for reconsideration for the reasons below: 1. Differentiation and Image. The City Council, Planning Commission, Mayor and the City Staff have gone the extra mile in making Ivins one of the most unique and attractive cities in Utah. Ivins has differentiated itself with exceptional architecture, streetscape, street lighting, walls and street sculpture. That is something every resident should commend you for and be proud of. Thank you. And one distinct and differentiating feature is our orange and yellow street and trail lighting. It makes us different, in a good way, from St. George, Santa Clara and other Utah cities. Our great City offers a unique and much appreciated contrast to the bright, white-lighted parking lots, streets and trails found in most communities. The subdued orange and yellow lighting, even though less illuminating and maybe not the perfect color, is more attractive than

white street and trail lighting. It sends an indirect message to all visitors that Ivins cares about how things look. 2. Safety. While white light may better illuminate paths and streets, can it be said that using yellow or orange lighting is unsafe? No. And we believe it's worth noting that one of the most respected communities in Ivins, and in the West, Kayenta, with many joggers, walkers and bike riders, has no night street lighting what-so-ever. 3. Diminution of the Night Sky and Competition with the stars. Yellow or orange lighting less diminish the night sky and don't compete with the white stars. We ask that you please take a look for yourself. While looking up at the night sky, compare how it looks with orange lighted bollards in your background view compared to white lighted bollards in your view (which were recently placed along Center Street at about 495 West and brought this matter to our attention; we initially thought someone had simply made a mistake). 4. Residents Preference. If polled, we suspect a majority of Ivins residents would prefer orange and yellow lights to the white. And to our joggers and walkers who use our City trails in the night time hours, while we can appreciate their preference for more illumination, we would submit that most City joggers, walkers and bike riders (including us) use our trails and streets primarily in the daylight hours and would prefer orange and yellow lights. Thank you for considering our input and for serving our community.

4) PUBLIC HEARING AND ACTION ITEMS

None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider adoption of Ordinance No. 2016-28, an Ordinance of Ivins City, Utah, approving a Zoning Districts Map Amendment from RA-1 to RV Resort for the property located on the south side of Highway 91 at approximately 100 West

Dale Coulam indicated that there are three (3) different versions of this ordinance prepared and before them. A lot of the public comments and concerns that have been raised are addressed by Ordinance No. 2016-07 that created RV Resort zoning district and is Exhibit B attached to version three (3) of Ordinance No. 2016-28. Ordinance No. 2016-07 sets forth the rules and regulations as to the requirements for any RV Resort. He assured the public that most of the issues and concerns that were brought up have been considered and addressed in adopting that regulating ordinance, for which Public Hearings were also held. The City Council asked the two property owners, the Grafs' and the Pendletons', to again pursue a possible transition area or zone to try and mitigate the adverse impact of the project to the two homes to the west of the proposed RV Resort. They came to an agreement and version three (3) of Ordinance No. 2016-28 would change the zone and allow an RV resort on Grafs' property, with the exception of the property identified and designated on Exhibit A to Ordinance No. 2016-28. That portion of property would remain as RA-1 zoning and the remainder of the property would be changed to RV Resort zoning. **Mayor Hart** stated it was a pleasure to meet with the Grafs' and the Pendletons' and that they largely accomplished the agreement themselves and did it in a very respectful and neighborly way. **Council Member Densley** commented that he was glad that the property owners were able to come to an agreement. **Council Member Mehr** agreed but clarified that he was not in favor of this Land Use in Ivins.

MOTION: Council Member Densley moved to approve Ordinance No. 2016-28, an Ordinance of Ivins City, Utah, approving a Zoning Districts Map Amendment from RA-1 to RV Resort for the property located on the south side of Highway 91 at approximately

100 West, version 3 with the buffer area
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	NAY

Roll call vote. All Council Members were present. Four (4) Council Members voted in favor and one (1) Council Member voted in opposition.

B. Discuss and consider approval of an agreement for the acquisition of property and terms of acquisition for the Cliffrose Tank site

Chuck Gillette indicated that the City started construction on the Cliffrose tank site and that site is currently an easement. The City received authorization from Terry Marten to start the construction while negotiating expending the tank easement to improve access to the tank. Terry Marten has agreed to sell the site for a reasonable purchase price with deed restrictions. **Mayor Hart** inquired what the benefit would be for owning the property outright. **Chuck Gillette** clarified that there's ten (10) acres that the City could trade property with the Red Cliffs Desert Reserve for mitigation purposes. **Council Member Mehr** requested an explanation of the mitigation for the Red Cliffs Desert Reserve. **Mayor Hart** clarified that when dealing with or interfering with the Reserve (Red Cliffs Desert Reserve) in any way, there is a process and formula to compensate the interference that is a 5-1 ratio where you have to provide 5 times the area that is being disturbed. Purchasing this land would give Ivins available land to dedicate to the Reserve. **Dale Coulam** clarified that it would allow Ivins to own the land and would expand the ability to access some areas. If the City only has an easement, that is very restrictive. **Council Member Densley** referred with the expansion and inquired if that takes care of Kayenta's proposed development. **Chuck Gillette** clarified that this water and this tank doesn't help their development**. Council Member Densley** inquired if Kayenta has the water capacity to serve other lots in Kayenta. **Chuck Gillette** stated "yes". **Council Member Densley** inquired that with the money that the City saved by coming under budget on the construction, if the saving was sufficient to cover the cost of purchasing this property. **Chuck Gillette** indicated that it was.

MOTION: Council Member McDonald moved to approve the agreement of the acquisition of property and terms of acquisition for the Cliffrose Tank site
SECOND: Council Member Densley
VOTE: The motion carried.

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

C. Discuss and consider Agreement for the acquisition of an easement for the Kayenta Debris Basins project

Chuck Gillette stated that it benefits Kayenta to have the detention basins. Kayenta's primary concern is that Ivins not ruin their environment and property values. The easement is being granted at no cost but Ivins will need to complete a study to modify the FEMA (Federal Emergency Management Agency) floodplain downstream from the detention structures within four (4) years of the completion of the dam. The estimated cost of the study is $30,000. Kayenta has asked Ivins to add some stipulations to this agreement regarding storing material. In order to build the fire road access, Kayenta has had to remove a lot of rocks and they're asking permission to store those rocks in the area of 450 North and 600 West which is currently agricultural and is the location of the Kayenta corrals. This agreement allows Kayenta to temporarily store materials in that area. The City hasn't had any complaints regarding this but it's a gray area because it isn't addressed in Ivins ordinances. **Council Member Johnson** inquired what type of fencing was required. **Chuck Gillette** indicated it would plastic. **Council Member Roberts** inquired what the definition of "temporary" was. **Lance Anderson** clarified that the rock that they would store there is the rock that they use to landscape the walls of the homes they build. If homes are being built, the rock goes quickly. **Council Member Mehr** inquired about it being a gray area. **Dale Coulam** clarified that "gray area" is not the right term because they would be able to store things on a temporary basis because it's an active construction site and it's an agricultural area. Those are both exceptions. **Council Member Roberts** inquired who would be doing the study. **Chuck Gillette** stated that hasn't been determined. The City will put out an RFP (Request for Proposals) for that.

MOTION: Council Member Densley moved to approve an Agreement for the acquisition of an easement for the Kayenta Debris Basins project as amended
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

D. Discuss and Consider approval of an expenditure and award contract for the Tuacahn Drive Trail project

Chuck Gillette indicated that the original estimate for this project was $280,000. After it was bid out, the bids came in over $400,000. He looked closer at the bids and the design to determine why the bids were so high. The design had the trail being constructed at the level of the road, which required a retaining wall to be built and that's where the majority of the expense was. The trail can be lowered to eliminate the majority of the retaining wall and with that modification, the bids come in around $292,000. **Council Member Densley** inquired who the design engineer was. **Chuck Gillette** stated it was Alpha Engineering. He indicated that contractors are busy right now and that has contributed to the expense. The City has worked with the County to provide funds for the project and the County has agreed to provide a $150,000 grant and a zero interest loan of up to $150,000. **Council Member Mehr** inquired if

the project is done within the budget if the City would still need the loan. **Chuck Gillette** clarified that the City can pay for the project with the grant and the loan. **Council Member Mehr** inquired what the budget impact would be if the City waited 6 months and then re-bid the project. **Wally Ritchie** indicated that the Sentierre project and Tuacahn's off season are factors in this project. **Council Member McDonald** stated that the original design included a retaining wall for a reason and inquired what the consequence would be to removing that from the project. **Chuck Gillette** indicated that it just depends on if it's important to have the trail at the same level as the road or not. **Council Member Densley** stated that that road is narrow and nobody is safe riding a bike, walking or hiking up to Tuacahn. It's a safety issue. **Council Member Roberts** inquired if impact fees are expected to come from Sentierre. **Wally Ritchie** indicated they were. **Dale Coulam** stated that part of the Sentierre Development Agreement was that Sentierre was going to build the trail and use that as a credit towards impact fees but because of the timing, ability with the county to provide money to Ivins and the need for it, it needs to be constructed before Sentierre opens. **Council Member Johnson** inquired if the trail is placed lower than the road if that will cause constant erosion. **Chuck Gillette** indicated that the City has budgeted for armoring to minimize that but there would possibly more maintenance if the trail is lower than the road. **Mayor Hart** inquired if approval for the tortoise crossings have to go through the Red Cliffs Desert Reserve. **Chuck Gillette** stated no because they're not in the Reserve.

MOTION: Council Member Johnson moved to approve an expenditure and award contract for the Tuacahn Drive Trail project
SECOND: Council Member Roberts
VOTE: The motion carried.

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

E. Discussion regarding an entrance sign on Highway 91

Council Member Roberts indicated that this should be on the 5-year strategic plan and stated that the area by the block wall when you're driving up from Highway 91 into Ivins is a good location. He disagreed with the Arts Commission recommendation on placing Kreg Harrison's piece of art in a roundabout. He felt that that piece should be placed somewhere significant. **Dale Coulam** indicated there could be a place holder in the 5year strategic plan and then during the budget process they could pin it down. **Mayor Hart** stated that the entrance sign is something the Council wants to move forward with. **Dale Coulam** stated that if the RFP (Request For Proposals) process was to be used, that is required to be done by staff per the procurement code; however, the City would look to the Arts Commission to recommend language for the RFP. The City Council has not been given a recommendation for a sign on the east end of Highway 91. **Judith Kapuscinski** stated that she is a member of the Arts Commission and she thought a recommendation was sent to the Mayor and City Council approximately six (6) weeks ago for a design that seemed appropriate for both ends of Highway 91. She indicated that Kreg Harrison's piece met the criteria but the Arts Commission felt very

strongly that putting his piece at the end of Highway 91 would not do it justice and would be a distraction to drivers. They felt it was more appropriate for it to be placed in the roundabout at 400 West so that it could be seen from all 4 sides. **Dale Coulam** clarified that staff and the City Council never received the Arts Commission's recommendation. **Mayor Hart** recommended that the City Council continue this discussion since they have not received the Arts Commission's recommendation. **Council Member Densley** stated that they once saw a design that had metal and a mountain theme a long time ago but they have not seen anything since. **Judith Kapuscinski** indicated that she will try to be present as well as Matt Marten at the next City Council meeting. **Council Member Mehr** referred to Kreg Harrison's sculpture and stated that it seemed to him that Mr. Harrison was shopping his piece around. **Mayor Hart** clarified that Kreg Harrison has given Ivins the right of first refusal. **Mayor Hart** requested that the City obtain a cost for Mr. Harrison's piece and bring this discussion back to the next Council meeting.

MOTION: Council Member Mehr moved to continue our discussion regarding an entrance sign on Highway 91
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

F. Continue discussing the 5 year strategic plan

Wally Ritchie stated that if the Mayor and City Council are okay with the idea and format of a 5 year strategic plan, he will bring it back for approval at the next City Council meeting. **Mayor Hart** indicated that it's a technical budgeting tool and he liked the format. **Council Member McDonald** stated that he didn't see a skate park in the plan and he would like that added. **Wally Ritchie** clarified that part of Benny Sorensen's frustration is that he can't get feedback or support from the community. The skate park is still in the Master Plan but they need to figure out how to get a committed group involved. **Council Member McDonald** indicated that he thought the Youth City Council was doing something. The City keeps having damage done to park equipment and retention walls at UNITY Park and frustration about that but the City builds a skate park, he thinks the damage to park equipment would be greatly reduced. **Council Member Roberts** inquired if the RAP tax can be used for part of the entrance feature. **Mayor Hart** thought that was already budgeted for. **Wally Ritchie** clarified that it was and that the City planned on using some of the RAP tax for overages on the statute that is in the Snow Canyon Drive/Center Street roundabout.

G. Discuss and consider approval of Ordinance No. 2016-29, an Ordinance of Ivins City, Utah, amending Title 14 of the Ivins City Code entitled "Buildings and Construction"

Dale Coulam stated this is a formality. In the last session of the legislature, they adopted the most current versions of the construction codes. This does not include the Fire Code because if a City is adopting a fire code that is more strict than what the State adopted, there is a process the City has to follow. The State did not adopt any of the appendices to the 2015 International Fire

Code. The Acting Fire Chief has gone through and identified certain appendices he feels the City would be wise to adopt and he has submitted that to the State. The City has to wait 30 days after that submittal before adopting the ordinance. **Council Member Mehr** inquired if there was anything controversial when the State adopted the construction codes. **Dale Coulam** indicated there wasn't. **Council Member Mehr** inquired if there was an analysis done to determine if adopting these will increase the cost of construction. **Dale Coulam** stated not that he's aware of. The codes are updated every two (2) years.

MOTION: Council Member Mehr moved to approve Ordinance No. 2016-29, an Ordinance of Ivins City, Utah, amending Title 14 of the Ivins City Code entitled "Buildings and Construction"
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

Roll call vote. All Council Members voted in favor.

6) CONSENT AGENDA

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

MOTION: Council Member Mehr moved to approve the Consent Agenda
SECOND: Council Member Roberts
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 Densley referred to the road overlay in Snow Canyon State Park and reported that they are over the budget but that the State will pay the difference. There will be two (2) new parking lots and a wider road at the top.
Council Member Roberts - no report
Council Member Johnson - no report
Council Member McDonald reported that Kevin Lewis, Washington County Director of Sports and Outdoor Recreation, is working to clean up the roadways to remove debris, trash and similar. He expressed an interest in setting up links on Ivins website that would link to their campaign. Regarding recycling, the Solid Waste District renegotiated the agreement with the recycler and have backdated the contract from the beginning to current of $45 a ton instead of no

more than $15. That will allow the recycler to set up a sorting facility in St. George. Currently there is no attempt to increase rates.

Council Member Mehr - no report

B. Mayor

Mayor Hart thanked Dale Coulam and City staff for putting on a nice Christmas party.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the annual neighborhood meetings will be held on January 10, 11 and 12, 2017 at Ivins City Hall in the Council room, beginning at 7:00 p.m.

D. Items to be placed on future agendas

Mayor Hart referred to the Citizen Comment made about trail lighting color and inquired if that was something the City Council Members would like to discuss at a future City Council meeting. **Council Member Roberts** stated that has already been discussed. **Council Member McDonald** agreed. **Council Member Densley** indicated the City Council already talked about it. The **Mayor and City Council** agreed that it would not be discussed at a future City Council meeting.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr 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 7:38 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder