IVINS
CITY COUNCIL
MINUTES
March 16, 2017

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, Public Works Director/City Engineer Chuck Gillette, Director of Finance Wally Ritchie, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Ellen Nathan, Dean Cox, Zachary Renstrom, Victor Iverson, Cameron Rognant, Thomas J. Ahey, Dee Osborn, Lisa Rutherford, Marc Brown, Celeste Maloy, Walter J. Plumb III 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

Council Member Roberts referred to agenda item 5)F and disclosed that he has a son that works for Holbrook Asphalt. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Building Department; Public Works/Engineering; Finance Monthly Report

Dale Coulam reported that Mike Rodriguez is out of town on a scheduled vacation and Cody Mitchell was not present. Reports were provided to the Mayor and City Council electronically. Copies of the reports are available by request through Ivins City Hall.
Chuck Gillette reported that they are proceeding with preparing an irrigation master plan, as well as updating the rate study at the same time. The Tuacahn Drive trail is coming along. A barrier will be installed on one of the curves on Tuacahn Drive and rock for drainage will be placed. The water tank at Cliffrose is also coming along and the City hopes to start filling the tank at the end of March. The City is waiting for Fish and Wildlife to evaluate the environmental work that has been done on the Kayenta Debris Basins. City employees added some crack seal on roads in the Historic Township and the Public Works crew will be replacing valves on 200 East.

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Wally Ritchie referred to his monthly update that was provided electronically to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall. He has been working with Department Heads on the budget and he will provide a presentation to the City Council in April. The budget is in line with what's expected.

B. Crossings at Red Desert Estates Concept Plan Report

Dale Coulam reported that this was presented to the Planning Commission as well. The initial plan filed with the City contained 41 lots. A second version was presented to the TRC (Technical Review Committee) that contained 45 lots and may eliminate direct access from Main Street onto Highway 91, connecting through the development instead. The Planning Commission did not like that. There was another version that showed Main Street connecting to Highway 91 with no access to the development from Highway 91. Access into the development would be from 800 South. He inquired what the City Council's inclination was for Main Street to continue through and connect to Highway 91. The **Mayor and City Council** agreed that Main Street should connect with Highway 91 and not go through the subdivision to get to Highway 91. There will need to be a determination if Main Street connecting to Highway 91 is too close to the Western Corridor. **Mayor Hart** indicated that he would turn to the Public Works Director/Engineer in the future to see if the alignment is adequate. **Council Member Mehr** inquired as to the lot sizes of the proposed development. **Dale Coulam** clarified that there are no specific lot sizes depicted but the zone is Multi-Family with a short term rental layover, although he did not think it was the intent of the applicant to offer a short term rental project. **Mayor Hart** inquired of Chuck Gillette regarding the current radius on 200 East as it intersects Highway 91. **Chuck Gillette** stated that the way it's designed is for traffic to turn right off of Highway 91 and follow the original alignment. That allows for a better view left and right and likely meets Ivins radius standards. **Dale Coulam** indicated that the developers' next step would be for them to talk to a traffic consultant.

C. Planning Commission Report

Commissioner Lance Anderson reported that the Planning Commission held a Public Hearing on a Land Use Amendment from Low Density Residential to High Density Residential for property located at approximately 300 West and Highway 91. Chairperson Loris was not present and the initial vote was tied but Commissioner Anderson eventually voted in favor of the amendment to move it onto the City Council for a Public Hearing. The Planning Commission also approved a Final Plat for Crimson Canyon, located at approximately 250 East and 300 North.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart indicated that Walter J, Plumb III submitted a request to preserve the Snow Canyon view corridor in residential areas. **Walter J. Plumb** stated that he was with Walt Gardner Company out of Salt Lake City and is the developer of the Encanto project. He referred to traveling on Snow Canyon Parkway towards the Red Mountain, you see the developments of Entrada, The Reserve, Encanto and Red Mountain Spa Entrada. A friend of his, Brent Beesley, owns approximately 70 acres across from The Reserve. Mr. Beesley told him not to build two-story buildings in the Encanto project because it would interfere with his view and it takes away from the area. After thinking about it, he agreed with Brent to preserve the view corridor into the State Park in that area. There is now a rock wall and low-rise buildings that are barely seen. He discovered that Red Mountain Spa owns quite a bit of property behind Encanto and they have an

older plan that was arguable whether that could be built today or not, but they are double story buildings. With The Reserve, Entrada and Encanto, the Red Mountain Spa development is in that path. He called the Troon Company and asked them if they would agree to build single story housing when they build in the future. He felt that it was important to preserve the view corridor. He reviewed Ivins Master Plan and reviewed the Sensitive Lands Ordinance with the City Engineer, Chuck Gillette. He suggested that in the definition of Sensitive Lands, add a new section that includes the view corridor for the area of Snow Canyon State Park in at least residential construction. He wasn't suggesting that for commercial, but in residential construction, that be limited to existing height limits. Someone could say there's a pre-existing plat (for Red Mountain Spa) but in his experience, Red Mountain Spa won't build those again because those buildings are not sellers today. **Mayor Hart** reminded everyone present, that if the City Council passes an ordinance that has to do with view preservation, he wasn't sure that the City can restrict that just to one particular view corridor. The City already has in place view preservation mechanisms that are built into Ivins design guidelines having to do with height, setbacks, angle towards the mountain and so forth. **Dale Coulam** clarified that the City has requirements as far as a view angle by determining setback requirements off of Snow Canyon Parkway and Center Street. The City hears the view preservation argument City wide and would likely set a precedent. His gut reaction was that this would be an illegal taking. The property that's being discussed, Red Mountain Spa, is commercial and not residential. It's Resort Commercial and under that zoning ordinance, they are entitled to construct buildings 35 feet high, as was Encanto but chose for marketing purposes, they found it difficult to market, at least that's what was represented to Ivins City, as well as some requests of neighboring owners. When Encanto submitted an alternate plan, that was their voluntary choice. To force somebody to say they can't build what the zoning gives them a right to build, there's a property rights issue and an illegal taking. **Walter Plumb** stated that view preservation is everything. It's not a minor thing. It's a very big deal. When you have quality property, property taxes go up and the City makes more money. When you do junk like those kind of buildings that the spa (Red Mountain Spa), that takes everybody's values down. That's not the place for double story buildings. **Mayor Hart** indicated that they would probably strike the idea that it's junk but they are high and there's no question that view preservation is a significant thing in this City. **Council Member McDonald** stated that the City Council has hashed this out pretty heavily already. He would okay if the rest of the City Council wanted to revisit it but he wasn't in favor of revisiting it. **Mayor Hart** indicated that they will decide at the end of the meeting.

4) PUBLIC HEARING AND ACTION ITEMS

None

5) <u>DISCUSSION AND POTENTIAL ACTION ITEMS</u>

A. <u>Discussion regarding options for the Red Cliffs Desert Reserve Habitat Conservation Plan renewal</u>

Mayor Hart introduced Washington County Commissioners Renstrom, Cox and Iverson, as well as Celeste Maloy who is an Attorney with the County and Cameron Rognant who is a Biologist and Administrator for the HCP (Habitat Conservation Plan). The purpose of the presentation was to help the City Council understand what's taking place with the renewal of the Habitat Conservation Permit, the implications it has for Ivins City and for all of the cities in

Washington County. Ultimately Ivins City will be called upon to ratify and adopt this by Resolution in the future. **Victor Iverson** indicated that the Desert Tortoise was listed as endangered and over 20 years ago the HCP was created that allowed Washington County to continue to grow. **Celeste Maloy** provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. **Dean Cox** stated that the HCP has a very interesting history and that Ivins former Mayor, Chris Blake, had a primary role in the establishment of the HCP. In 1989 the Desert Tortoise was listed as endangered and any developer who develops in tortoise habitat, is required to provide mitigation for that. Mitigation and is five (5) acres per one (1) acre being taken. Rather than individual municipalities working with the Division of Wildlife Services, one plan was adopted for Washington County and the HCP set aside 61,000 acres in Washington County that includes land owned by SITLA (Utah School and Institutional Trust Lands Administration), BLM (Bureau of Land Management) and private owners. The County is currently working to renew and extend the Habitat Conservation Plan. The land covered by the HCP is pristine habitat that benefits a lot of wildlife. **Zach Renstrom** indicated that the County has been sued and is constantly being threatened with litigation so they want to make sure that the County is doing what the City wants them to do. **Mayor Hart** clarified that Ivins City is the only City who is a managing partner in the reserve. **Council Member Mehr** inquired if the City will continue and renew as a managing partner; **Mayor Hart** stated that his position was that he would be in favor of continuing in that role. **Council Member Roberts** inquired how the County protects the future needs for transportation through the area. **Dean Cox** clarified that is a key part of the conversations the County is having the Division of Wildlife Services and the BLM Director for the State of Utah. **Mayor Hart** referred to individuals fearful of being fined for picking up a tortoise. **Cameron Rognant** clarified that the large fines are in place because when a tortoise is picked up, it could become dehydrated but if someone were to come across one, they can move it across the road or area, in the direction that the tortoise was headed. If there's a fence in the area, it's preferable to place it over the fence. If a tortoise is in their yard, they can call the Red Cliffs Desert Reserve.

B. Discuss and consider approval of Resolution No. 2017-08R, a Resolution of Ivins City, Utah, re-appointing a Planning Commission Member

Mayor Hart recommended that Lance Anderson be re-appointed to the Planning Commission for a four (4) year term.

MOTION: Council Member Mehr moved to approve Resolution No. 2017-08R, a Resolution of Ivins City, Utah, re-appointing a Planning Commission Member
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

C. Discuss and consider DXATC's request for financial support for their annual bond payment

Wally Ritchie stated that the City of Santa Clara discussed this last week and elected to contribute a one-time donation of $2,500.00 for this year, look at it in the future but not commit to continually funding. The donation will be coming from Santa Clara's electric power fund because DXATC educates Linemen. **Mayor Hart** clarified that Santa Clara's approach was to recognize there was some value to the community for the electrical service personnel but that it wasn't significant enough in terms of the overall bond, to commit long-term. It was a show of support, which is a key criteria when State or Federal entities are looking at helping to fund projects. **Council Member Roberts** inquired how long DXATC's bond would be for. **Wally Ritchie** stated that 20 years is typical. The money from Santa Clara is coming from their Enterprise Fund but if Ivins were to make a donation, the funds would come from the General Fund, which are tax dollars. He liked that Santa Clara made a one-time donation to show community support but he was concerned with Ivins committing long term. Currently the budget is looking good and if the City Council chose to make a one-time donation, the City could do that. **Mayor Hart** referred to Santa Clara identifying a specific reason for their contribution and inquired if there was something similar that would benefit Ivins City. **Wally Ritchie** indicated that there was with Ivins EMT and AEMT's. **Council Member Densley** inquired if DXATC has approached private companies for donations. Wally Ritchie stated that he knew they were working on private donations but he didn't know the results of that effort. **Mayor Hart** clarified that that effort was not completed yet but DXATC has been able to raise some significant funds for that. He explained that the Utah State Legislature granted them money but was short by approximately $19 million dollars. **Council Member Densley** inquired as to the status of the land that DXATC is being built on. **Mayor Hart** clarified that it was donated to them. **Council Member Mehr** stated that he previously inquired about this being a double tax because DXATC receives money from the State. The County is the agency behind the bond but where the money from the State comes from is unknown. He inquired if DXATC was a private entity. **Council Member Densley** indicated that it was public. **Council Member Mehr** inquired if there are any Ivins residents attending DXATC. **Dale Coulam** clarified that there was and that DXATC also provides high school programs where students in their senior year can go through a certification program for Medical Assisting, Certified Nurse's Assistant and similar at very little cost tuition wise, compared to waiting until they're graduated. There is a benefit to the community as long as the City is not making long term commitments out of the General Fund. A show of support from the community is important. **Council Member Densley** stated that his son went through the program while he was in high school but indicated that Ivins City doesn't have the resources that Santa Clara has and suggested donating $1,000.00 or $1,500.00 as a show of support. **Council Member McDonald** indicated that DXATC is looking for 20-25% of the annual bond payment of $600,000 to come from local support. **Council Member Roberts** referred to the 2010 census and provided some calculations. He stated that the majority of students attending DXATC live in St. George and suggested a one-time $2000 donation to show community support. **Mayor Hart** indicated that in his opinion, DXATC got the shaft from the State. **Council Member McDonald** stated he could support a $2,000 donation to show support and he hoped that DXATC would go back to the state with the show of support. **Council Member Mehr** was concerned about the tax issue but was in favor of showing support for that reason alone. He wanted to be sure that Ivins token donation would not be viewed as negative when Ivins City Council is trying to do something positive. **Mayor Hart** indicated that he thought that

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DXATC would be appreciative of whatever they receive. **Council Member Mehr** was supportive and suggested matching what Santa Clara agreed to donate.

MOTION: Council Member Densley moved to approve a one-time donation to DXATC in the amount of $2,000 and review this yearly
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

Council Member McDonald requested a point of order and inquired if they can make a note to review this yearly. The **Mayor and City Council** agreed.

D. Discuss and consider approval of Resolution No. 2017-05R, a Resolution of Ivins City, Utah, establishing accumulated fund balance policy and a fund for future art projects

Mayor Hart stated this is a culmination of previous discussions. **Dale Coulam** clarified that it was and this is the finalized version. **Mayor Hart** thanked Dale, Wally and the City Council for their thoughts and input on this.

MOTION: Council Member Roberts moved to approve Resolution No. 2017-05R, a Resolution of Ivins City, Utah, establishing accumulated fund balance policy and a fund for future art projects
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

E. Discuss and consider approval of Resolution No. 2017-07R, a Resolution of Ivins City, Utah, approving supplemental work plan agreement #5 for Ivins Debris Basins 1-6 rehabilitation

Chuck Gillette indicated that this is based on the supplemental work plan agreement for the rehabilitation project for Ivins dams around Red Mountain. **Council Member Mehr** inquired if something were to happen where there was a major storm that destroyed homes, would the City be accepting liability by admitting in the Resolution that the basins currently do not meet the standards required. He suggested saying "may not meet" or something similar. **Dale Coulam** clarified that has been found or alleged by Dam Safety and is a true statement. Passing this Resolution is in response to that finding or allegation. **Chuck Gillette** clarified that the dams were originally built as moderate hazard dams and with development around them, they have been reclassified. The **Mayor and City Council** agreed to leave the wording as it is and not make any changes.

MOTION: Council Member Mehr moved to approve Resolution No. 2017-07R, a Resolution of Ivins City, Utah, approving supplemental work plan agreement #5 for Ivins Debris Basins 1-6 rehabilitation
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. Discuss and consider approval of expenditure for streets pavement maintenance

Chuck Gillette stated that the City received bids and will be using the High Density Mineral Bond or HA5 product this year. Santa Clara has used it and demonstrated that it has worked. **Mayor Hart** referred to Highway 91 and inquired if that was going to be re-done in the next five (5) years, if using the HA5 now would still be a benefit on that highway. **Chuck Gillette** indicated that it would but understood the point of spending $50,000 to seal Highway 91 now if it's going to be replaced in five (5) years. **Council Member Roberts** commented that if funding is not available when five (5) years comes around, sealing Highway 91 now will prolong that road. **Mayor Hart** indicated that project is on the transportation funding list. **Chuck Gillette** stated that he was confident that if it isn't replaced in five (5) years, it will be replaced in six (6) years. **Mayor Hart** stated that the City Council could approve this and let Chuck Gillette observe a test strip and in between times, talk about if the value is there and everything doesn't have to be spent. **Chuck Gillette** agreed.

MOTION: Council Member McDonald moved to approve expenditure for streets pavement maintenance, a maximum amount of $261,638.35
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

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for March 2, 2017

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE

DRAFT

Council Member Roberts	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Densley - no report

Council Member Roberts - no report

Council Member Johnson - no report

Council Member McDonald referred to the Washington County Noxious Weed Control board. They would like a representative of the City to attend their meetings. **Dale Coulam** indicated that he will follow-up with Benny Sorensen.

Council Member Mehr - no report

B. Mayor

Mayor Hart reported that he and Dale Coulam met with Mr. Tien, owner of Rocky Vista University as well as some other Executives and their Attorney, Tim Anderson. It was a positive meeting and they are committed to exceptional education and to the community. **Mayor Hart** reported that he attended a DTEC (Dixie Transportation Executive Council) meeting on March 15, 2017 and a presentation was provided to them by UDOT (Utah Department of Transportation) regarding the Zero Fatalities program. It was very interesting and they have several programs regarding traffic and highway safety, primarily seat belt related. He indicated that more than half of fatalities that occur, happen because of a person's failure to wear a seatbelt. He would like to be able to disseminate the information that UDOT provided and suggested using the newsletter. **Council Member Mehr** stated that the City could place a Public Service Announcement code or link in the newsletter.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to Mr. Tien and indicated that in the community he has heard from individuals about Rocky Vista University using local contractors and that's appreciated. There will be a tour for the Mayor and City Council on April 4, 2017 at the Water Conservancy District at 11:00 a.m. that will last until approximately 2:00 p.m. and the District will provide lunch.

D. Items to be placed on future agendas

Council Member Densley requested an update on the status of the plaque with information about the artwork in the Center Street/Snow Canyon/Tuacahn Drive roundabout.

The Mayor and City Council referred to Walter J. Plumb's request for the City Council to address preserving the Snow Canyon view corridor in residential areas. The **Mayor and City Council** determined they did not want to re-address that issue.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Roberts

VOTE: The motion carried.

DRAFT

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

The meeting adjourned at 7:25 p.m.

Respectfully,

Kari Jimenez, MMC
City Recorder

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