IVINS
CITY COUNCIL
MINUTES
April 20, 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.

Audience: Kevin Warnick, Claudette Larsen, Judith Kapuscinski, Donna Howell and others who did not sign in.
All present included Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Roberts, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: Council Member Johnson

A. Acknowledgement of Quorum

Mayor Hart indicated there was a quorum present and stated that Council Member Johnson was excused.

B. Flag Salute

Council Member Roberts led the Flag Salute

C. Invocation

Council Member Roberts gave the Invocation

D. Disclosures

Council Member Roberts referred to agenda items 4)A and 4)B and disclosed that he lives across the street from the property. He referred to agenda item 6)A and disclosed that his son and his son-in-law both work for Holbrook Asphalt Company. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Arts Commission Annual Report - Kevin Warnick

Kevin Warnick provided a PowerPoint presentation, a copy of which is available by request through Ivins City Hall. He outlined the goals that the Arts Commission set, including Resource Guides, Site Selection, Acquisition and Disposition, Funding, Maintenance, Education and Marketing, Accountability and Evaluation. **Mayor Hart** indicated that the next action would be to formally bring the updated Arts Master Plan forward as an agenda item for adoption. He commended the Arts Commission for what they've accomplished over the last year and stated that they have done a wonderful job.

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

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Mayor Hart expressed gratitude for Staffs' efforts with preparing reports. **Mike Rodriguez** reported that the City has issued over 100 building permits to date and there have been several solar permits processed. Rocky Vista University is moving along and is on pace for the anticipated opening dates. Code enforcement activity is steady and a lot of notices on weed abatement have gone out this time of year. There have been a number of carport complaints that they are addressing and complaints regarding irrigation flooding rear yards.
Chuck Gillette reported that the slurry seal and the HA5 product was placed down on the streets. The next scheduled date for placing slurry seal and the HA5 product will be is Saturday and Sunday April 29th and April 30th to finish Center Street and the remaining portions on 200 East. Pioneer Parkway and a subdivision off of Main Street will be done on Tuesday and Wednesday, May 2nd and May 3rd. Treatment of the trails and parking lots is on the Consent Agenda. **Council Member Densley** inquired if the City will proceed with placing crackseal. **Chuck Gillette** indicated that it was not the time of year to crackseal. **Council Member Densley** stated that the trail going up to Snow Canyon State Park is breaking off. **Chuck Gillette** indicated that he will look at that. Updates on the Sewer Master Plan and study is nearly complete and they are working on the Irrigation Master Plan. He suggested holding a Work Meeting when those are complete and have questions answered by the consultant. The project on the Kayenta Debris Basins is on hold. They are waiting for the Biological Assessment before construction can begin. Construction is nearly complete on the Tuacahn Drive Trail. The final item to be completed is the barrier wall on the main curve which should be completed by the end of next week. The Tuacahn Pumping Station upgrades are completed. A final inspection was completed last week and the contractor reported that all items on the list have been resolved. The Cliffrose 2 Million Gallon Water Tank is complete and partially backfilled. The vault has been poured and the valves are in. **Mayor Hart** inquired what is done on the inside of the tank to seal it. **Chuck Gillette** qualified that the concrete has a sealer in it and is designed to be nearly impermeable. **Mayor Hart** inquired if coated rebar was used. **Chuck Gillette** stated that it wasn't because if it gets nicked, all of the corrosion is focused on the area that is nicked. **Council Member Mehr** referred to the additional cost to do the trails and inquired if that was budgeted. **Wally Ritchie** clarified that the City was planning on doing that in the next budget year but it is in the budget to adopt and the funds are available. **Council Member Mehr** inquired if anything else would be defunded if the trails and parking lots were done. **Wally Ritchie** clarified that it would not.
Wally Ritchie referred to the Finance Report that he provided the Mayor and City Council previously, as well as a PowerPoint presentation. Copies of the reports are available by request through Ivins City Hall. The City has received two (2) awards from GFOA (Government Finance Officers Association) - the CAFR (Comprehensive Annual Financial Report) and the PAFR (Popular Annual Financial Report). This is the 7th consecutive year that the City has received these two (2) awards. The City has also received the Distinguished Budget Award for the last six (6) years. The City has seen solid growth with 104 new residential permits as of the end of March, 2017. The fiscal year is 75% over. Revenues are ahead of projections, expenditures are in line with expectations and the budget is conservative.

C. Planning Commission Report

Chairperson Loris reported that the Planning Commission approved a Final Plat for Palisades at Snow Canyon Phase 1 Second Amendment and a Final Plat for Palisades at Snow Canyon Phase 2 Amended and Extended for the survey lines to match up.

Mayor Hart requested that there be a Motion to Suspend the Rules and move agenda item 5)C forward.

MOTION: Council Member Mehr moved to suspend the rules and bring item 5)C forward to this point on the agenda
SECOND: Council Member McDonald
VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

C. Discuss and consider approval of the Ivins/Santa Clara Interlocal Sewer Outfall Agreement

Chuck Gillette indicated this is a re-write of the old agreement. **Council Member Mehr** inquired who was paying for what. **Chuck Gillette** stated that the Capital Facilities are based on the percent share. There are planned projects for the Lower Tuacahn Wash and the Lava Flow Wash. For the Lava Flow Wash, Ivins pays 87% and for the Lower Tuacahn Wash, Ivins pays 81%. That is based off of Ivins Engineering Study. The agreement covers maintenance and Santa Clara has agreed to take over basic operations and maintenance of those lines, unless any of their costs exceed what the cost would have been to maintain something between an 8-12" line. If they do need to do something that exceeds the basic level of operations and maintenance, Ivins City has agreed to contribute towards those costs. **Council Member Roberts** referred to the history already in place and inquired if there are any problems or questions of who pays what. **Chuck Gillette** indicated no but that there haven't really been any expenses other than jetting. **Council Member Densley** inquired if the City is jetting once a year. **Chuck Gillette** clarified that the City is doing that every three (3) years because there is not enough staff to do that yearly, although the Utah Local Governments Trust recommends that be done yearly.

MOTION: Council Member Densley moved to approve the Ivins/Santa Clara Interlocal Sewer Outfall Agreement
SECOND: Council Member Roberts
VOTE: The motion carried.

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

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

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4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Land Use Amendment of 1.17 acres from MDR (Medium Density Residential) to HDR (High Density Residential) located between approximately 100 West and 200 West on 200 South. Tim & Gia Best-Owners; Brian Lewis-Applicant

Dale Coulam indicated that the location of this property is between 100 West and 200 West and 200 South and in Council Member Roberts neighborhood. The applicant would like to build twinhomes and that would require a High Density Residential Land Use. **Mayor Hart** opened the Public Hearing. **Brian Lewis** is the applicant and stated they would like to build twinhomes for affordable housing. Each twinhome would be single level and approximately 1250 sq. ft. on each side with three (3) bedrooms, two (2) bathrooms and a garage. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider Ordinance No. 2017-09, an Ordinance of Ivins City, Utah, amending the Land Use Plan

There was no discussion.

MOTION: Council Member McDonald moved to approve Ordinance No. 2017-09, an Ordinance of Ivins City, Utah, amending the Land Use Plan
SECOND: Council Member Densley
VOTE: The motion carried.

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

C. Public Hearing on the Planning Commission's recommendation to approve Ordinance No. 2017-06 as amended, regarding zoning text amendments

Dale Coulam indicated that this ordinance is broken into 12 different sections. The first change in the first six (6) sections is to eliminate the RE-75 zoning district. There has never been a property in Ivins zoned RE-75 and no one has ever applied for that zone. The former Building and Zoning Administrator, Kevin Rudd, proposed that be stricken. The next zoning districts to be eliminated are the A-20 and Mobile Home Districts, with the Mobile Home District to be re-designated. Section 7 adds the Twinhome District in place of the duplex zone, requiring a larger lot to accommodate a 2 car garage. Section 8 is a clean-up of the "Purpose" language to more closely match to the State Statute so that any land use ordinance meets the purpose and is consistent. Section 9 allows a combined application process for amending the Land Use Plan and Zoning District Map. That will help avoid confusion and speed up the process. **Mayor Hart** inquired if they could add the Concept Plan into that as well. **Dale Coulam** stated that is address in the subdivision ordinance and will think about that. Section 10 is a flow chart that has been updated. Section 11 is for the City Council's consideration regarding Redevelopment of Multi-Family. Section 12 would place each available zoning district within a designated land use on the City's Land Use Plan in the Legend on the Plan and in zoning districts for High

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Density Residential, those would be broken down into three (3) tiers. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2017-06, an Ordinance of Ivins City, Utah, amending various sections of Title 16 of the Ivins City Code Regarding Zoning

Council Member Roberts referred to the "Purpose" language in Section 8 and inquired if that was just for development or if plants and trees could be in violation of the stated purpose. **Dale Coulam** clarified that is the state law currently and is subject to interpretation but that verbiage is what is in the state code. **Council Member Mehr** inquired if it's state code, why is there an ordinance in the City and suggested that maybe the City doesn't add the "Purpose" language to Section 8. **Dale Coulam** clarified that the City still has to comply with the state code. If it's suggested to take that out when the state code has that language in the code, the City can't do that. The City could refer to the state code but people don't want to be referred to the state law. Referring to the state code would force everybody to read the state code. In this case, it's easier to set forth the language. **Council Member Mehr** referred to Legislative Proceedings in Section 9 regarding combined land use map and zoning map amendments and inquired if that type of application exists in Ivins City today. **Dale Coulam** clarified that the City does not until this ordinance is passed. **Council Member Mehr** inquired what the unintended consequences would be if the combined process was. **Dale Coulam** stated that he did not see any and indicated that he consulted with Attorney David Church and Attorney Church stated that the combined process is his preferred method. **Mike Rodriguez** agreed with Dale Coulam's approach and stated that it is a much simpler process. The City will know up front what a developer is intending to do. **Mayor Hart** indicated that Council is left with less to speculate about. **Council Member Mehr** inquired if an applicant would be required to submit a combined application or if it was an option. **Dale Coulam** stated that it would be an option. **Council Member Mehr** inquired if this is such a good idea, why is the City just doing this now. **Dale Coulam** indicated that prior City Council's liked the separate approach and that was the recommendation by the Planner at the time. Dale is on record that he didn't agree with the Planner but Dale was new and the zoning ordinance was ready to be adopted. The combined process would avoid speculation by the residents and City Council. **Council Member Roberts** referred to Section 11 regarding Redevelopment of Multi-Family and stated that he was in favor of that. **Mayor Hart** indicated that Dale Coulam did a really good job preparing this ordinance and thought that it was really well done.

MOTION: Council Member Roberts moved to approve Ordinance No. 2017-06, an Ordinance of Ivins City, Utah, amending various sections of Title 16 of the Ivins City Code Regarding Zoning
SECOND: Council Member Densley
VOTE: The motion carried.

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

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5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Approval of Ordinance No. 2017-08, an Ordinance of Ivins City, Utah, amending the Land Use Plan memorializing the City Council decision at the last City Council meeting

Dale Coulam stated that the recommendation that came forward from the Planning Commission was to deny this amendment but the City Council voted 3 to 2 to recommend approval of the amendment. If the recommendation from the Planning Commission is to deny, he is unable to draft an ordinance ahead of time and that's why he had the City Council vote on this with a roll call vote at the last City Council meeting. The complexity tonight is that Council Member Johnson is excused and not present tonight and if the City Council were to vote tonight and the vote reflected the votes from last City Council meeting, it would be 2 to 2 tie. This agenda item can be tabled and moved to the next City Council meeting or the Mayor could break the tie and vote what Council Member Johnson voted at the last meeting. **Mayor Hart** clarified that if he were to vote tonight, he would ratify what the Council did at the last City Council meeting. **Council Member McDonald** indicated this was definitely a hard decision but was an appropriate decision because the amendment matched the surrounding properties, including many of those that were disputing the amendment. As a City Council, they try to view the big picture as much as possible, as well as consider the residents. The Council has to view all of the residents as a whole. **Mayor Hart** stated that in this case, the developer was given an answer and as a matter of formality, he couldn't reverse what the City Council already decided.

MOTION: Council Member McDonald moved to approve Ordinance No. 2017-08, an Ordinance of Ivins City, Utah, amending the Land Use Plan memorializing the City Council's decision at the last City Council meeting
SECOND: Council Member Roberts
VOTE: The motion carried.

Mayor Hart	AYE
Council Member Mehr	NAY
Council Member McDonald	AYE
Council Member Roberts	NAY
Council Member Densley	AYE
Council Member Johnson	ABSENT

Roll call vote. **Council Member Mehr** and **Council Member Densley** voted in opposition. Council Member McDonald and Council Member Roberts voted in favor. **Mayor Hart** voted in favor, representing Council Member Johnson's vote at the prior City Council meeting. The Motion carried three (3) to two (2).

B. Discuss and consider approval of Impact Fee Deferral Agreement for the Kayenta Arts Center

Dale Coulam indicated that in April of 2013, the City Council discussed a 13 year deferral. The building permit was pulled in 2015 but no payment toward impact fees was made at the time nor has any payment been made to date. The Kayenta Arts Center is seeking a temporary Certificate of Occupancy and would like to resolve this and pay the first installment of deferred impact fees. The term of the agreement would start now instead of 2013 and there are two payment method options. The typed City Council Minutes from 2013 showed payment schedule of $2,500 for first two (2) years, $5,000 for the next five (5) years, $7,500 for the next

six (6) years, with a final balloon payment in the last year. If you listen to the audio, there was discussion about a payment of $8,000 in years 8-12. Terry Marten has reviewed this but the City Council can decide the payment structure. **Council Member Densley** stated that he has made this type of arrangement through his business and questioned the ability to defer the fees and start operations on a temporary Certificate of Occupancy. **Mike Rodriguez** indicated that his experience has been that the building code allows for an approval of a temporary Certificate of Occupancy if life, health and safety issues are addressed. He has seen that in many cases in the past outside of Utah. Anything that is not life safety related can be deferred. The building has met all of the standards and there are no life safety concerns. **Council Member Densley** inquired if the Utah State Fire Marshal had signed off. **Mike Rodriguez** stated the authority was with the local fire authority. **Council Member Densley** suggested he check that because he thought that with a commercial building, the State Fire Marshal had to sign off on it. **Mike Rodriguez** indicated that he'll look into that but stated that in other states, the local fire marshal signs off. **Council Member Mehr** suggested a fair and consistent approach to deferring the impact fees. **Dale Coulam** indicated that Ivins City has entered into deferral agreements on other projects. **Council Member Densley** stated that he would like to see the City help the Kayenta Arts Center so that they have a cash flow. **Donna Howell** with the Kayenta Arts Foundation thanked the Mayor and City Council for their thoughtful discussion and invited them to take a tour of the Center. She indicated that they recently hired Jan Broberg, former Director of the St. George Musical Theatre, to fundraise, write grants, market and put together programs for this year and next year. **Council Member Roberts** inquired if one payment option or the other is easier for the Center. **Donna Howell** stated they would prefer equal payments with a balloon payment of $8,537.13 in the 13th year because that would be a more equitable spread.

MOTION: Council Member Densley moved to approve Impact Fee Deferral Agreement for the Kayenta Arts Center (effective) tonight and as noted in red
SECOND: Council Member Roberts
VOTE: The motion carried.

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

Mayor Hart clarified that it was moved by Council Member Densley and seconded by Council Member Roberts that the City Council approve the Impact Fee Deferral Agreement for the Kayenta Center for the Arts based on the version the City Council looked at in red and that the first payment becomes due as this agreement is signed.

D. Discuss and consider approval of an Amended Development Agreement for Taviawk XI-M

Dale Coulam indicated that the prior Development Agreement required paved dual access but they have a situation where there is a lot on a corner and to put in the second paved access when no one has purchased in that area yet, the pavement would sit there and deteriorate more quickly than if it was driven on. The Second Amendment to the Development Agreement now requires paved dual access or have a paved road that surrounds the boundary of the property, which would create a turn-around for fire trucks and is legal under the fire code. They

could also road base the entire stretch to support a fire truck but that would not be required to be paved.

MOTION: Council Member McDonald moved to approve an Amended Development Agreement for Taviawk XI-M
SECOND: Council Member Mehr
VOTE: The motion carried.

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

E. Review and discuss the Proposed Tentative Budget

Wally Ritchie provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. The FY (Fiscal Year) 2017 Estimate to Complete is balanced, revenues are strong and the City will continue to monitor the budget until it is adopted. The FY2018 Tentative Budget includes projects and priorities that were previously discussed, all debt service is covered, service levels are sustained, employee compensation and benefits are maintained, there are no tax or fee increases proposed and the budget is balanced. Since 2010, the US Census has shown an increase in growth of 16.6%. Included in that growth were new subdivisions, roads, parks, infrastructure, Family Dollar, Sentierre, Rocky Vista University, Kayenta Center for the Arts, an RV Resort, Encanto and the Southern Utah Veteran's Home. Growth means higher operating expenses to provide services and higher maintenance costs. The City has maintained staffing levels since the pre-recession period and the City has not raised property taxes since 2006. He indicated that is prudent that the City monitor what's occurring and the City is taking a conservative approach. At the next City Council meeting on May 4, 2017, the City Council will consider tentatively adopting the Tentative Budgets and set the Public Hearing for May 18, 2017.

6) CONSENT AGENDA

A. Approval of HA5 Maintenance treatment of Trails and Parking lots
B. Approval of City Council Meeting Minutes for April 6, 2017

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 Roberts	AYE
Council Member Densley	AYE
Council Member Johnson	ABSENT

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7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr - no report

Council Member McDonald - no report

Council Member Roberts - no report

Council Member Densley reported that he toured the IHC cancer research building as part of the Utah League of Cities and Towns conference and indicated that it was phenomenal.

B. Mayor

Mayor Hart reported that he attended the Utah League of Cities and Towns conference and stated that it was very interesting and worthwhile to attend.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

Discuss and consider approval of the updated Arts Master Plan

9) CLOSED MEETING

10) ADJOURNMENT

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

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

The meeting adjourned at 8:12 p.m.

Respectfully,

Kari Jimenez, MMC
City Recorder

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