IVINS
CITY COUNCIL
MINUTES
May 18, 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, Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, 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 Deputy City Recorder Sharon Allen.
EXCUSED: Council Member Roberts

Audience: Judith Kapuscinski, Brandee Walker, Brett Kee, Luke Godfrey, Kade Ence, Blake Frei, Becky and Chuck Warren, Jay Beacham, Kathy Barth, Matt Marten and those who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Roberts was excused.

B. Flag Salute

Boyscout Troop #1824 led the Flag Salute

C. Invocation

Council Member Johnson gave the Invocation

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Rodriguez reported that 43 single family home permits have been issued so far this year, with several more to be issued this week. Solar permits are continuing to be issued and Rocky Vista University will likely obtain occupancy at the end of June. A Temporary Certificate of Occupancy was issued for the Kayenta Center for the Arts. There have been a number of code enforcement calls regarding illegal parking of commercial vehicles, dust, weeds and similar.
Chuck Gillette reported that they are working on a Sewer and Irrigation Master Plan and will present that to the City Council in the near future. The City is on hold with the Kayenta Debris basins project until the City receives an environmental clearance. The trail for Tuacahn Drive is complete and the barrier wall is in. The trails are also being resurfaced with the HA-5 product. **Mayor Hart** inquired if the City will be crack sealing. **Chuck Gillette** stated the City would be doing that next winter. He reported that the two million gallon tank is complete and in service. They are building a berm behind the tank on the mountainside that is approximately ten feet (10') tall. The Geotech Engineer recommended that for rockfall.

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Wally Ritchie indicated that the City will be submitting a request to the County for a $150,000 grant and $150,000 as a repayable loan at zero percent (0%) interest, to offset the costs for the Tuacahn Drive trail.

B. Planning Commission Report

Mike Rodriguez reported that there are two (2) zone changes coming forward.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Kathy Barth submitted a comment form. She stated that she lives on Wisteria Court, which is approximately 750 feet from Kayenta Art Village. She would like to request a budget line item for the possible purchase of a decibel meter and a sound pressure monitor. As the ordinance is currently written, she felt it was pretty vague and subjective on how the noise level is determined to be an annoyance to the community. She indicated that there will be another event in Coyote Gulch this weekend and the residents intend to keep the decibel level set below 70. She stated she has lived in Ivins for 21 years and has had her property before the Art Village went in. **Dale Coulam** indicated that the City received a lot of complaints regarding the last event that was held. This will be on a future City Council agenda for discussion.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to deny a proposed Zone Change of 4.63 acres from RA-1 to R-1-10 (minimum lot size of 10,000 sq. ft.) but to recommend instead, approval of a Zone Change from RA-1 to RE-12.5 (minimum lot size of 12,500 sq. ft.) located at approximately 600 West 280 South. Cousin Eddie LC-Owner; Blake Kee-Applicant

Dale Coulam stated that the Public Hearing on the Land Use was held previously before the City Council. On the Land Use plan, this property had initially been Low Density Residential but was changed to Medium Density Residential. That designation has three zones: RE-12.5, R-1-10 and R-1-7.5. The current zoning for the property is RA-1. The developer has requested a zone change to R-1-10. The Planning Commission recommended denial of that request and recommended a zone change to RE-12.5 instead. The City Council has the authority to change the zone to the one they feel is appropriate. **Mayor Hart** opened the Public Hearing. **Jay Beacham** indicated that he provided a letter and a questionnaire to the Mayor and City Council previously. He requested the City Council's responses. **Dale Coulam** clarified that the purpose of a Public Hearing was to receive evidence as to which zone is the most appropriate for this parcel not to have City Council members respond to a questionnaire. **Brandee Walker** stated that the reason they are limited on how the project lays out, which is why they are requesting the R-1-10 zone change. There are only two (2) lots that are 10,000 sq. ft. and two (2) that are over 12,000 sq. ft. It is a good transition from the Cliffrose subdivision. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider Ordinance No. 2017-10, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located at approximately 600 West 280 South

Dale Coulam indicated that the applicant has requested a zone change to R-1-10 and the Planning Commission recommended a zone change to RE-12.5. **Council Member McDonald** inquired why the Planning Commission chose the RE-12.5 zone. **Dale Coulam** clarified that one reason was a former representative of the applicant stated that RE-12.5 would be an adequate zone. At the City Council, the zone change request has consistently been R-1-10. At the Land

DRAFT

Use level there was a lot of discussion between how many lots would be possible under Low Density Residential, RE-15 versus Medium Density Residential, RE-12.5. **Mayor Hart** stated that Council Member Roberts wasn't present tonight but previously indicated during the Land Use discussion that the two zones give the same visual result. **Council Member Johnson** inquired what the difference was in the number of lots between the RE-12.5 and R-1-10. **Brandee Walker** clarified that it was two (2) lots, one on the north of the property and one on the south of the property. **Council Member Mehr** indicated that he supported the larger lot sizes and recommended they approve a zone change to RE-12.5. **Mayor Hart** stated that it doesn't affect the east end of the property. **Council Member Johnson** indicated that it didn't make a difference and she was in favor of a zone change to R-1-10. **Council Member Densley** stated that he liked the larger lots to park an RV to access the property easier and suggested that the developer could charge more for larger lots. **Council Member Johnson** inquired what the size difference was. **Brandee Walker** clarified that it is 12 feet and indicated that the developer was not in favor of RV Parking in this area. They would be rambler style homes to minimize blocked views because the neighbors had concerns about that. The lots are 88 feet wide, which is the narrowest in the R-1-10 zone. **Council Member McDonald** indicated previously that he was in favor of a zone change to RE-12.5 but recognized that the lots to the south are 4000 sq. ft. smaller was fine with a zone change to R-1-10. **Mayor Hart** stated that it didn't make a great difference of impact to the adjacent property owners because they were talking about a difference of two (2) lots and if Council Member Robert was present, the point would likely be made that property owners should be allowed to do what they want to do with their property. He agreed with the applicants request to change the zone to R-1-10.

MOTION: Council Member Mehr moved to table until Council Member Roberts was here and present
The motion failed for lack of a second. **Council Member Johnson** indicated that she would not be at the next City Council meeting. **Mayor Hart** stated that the Council needs to realize that when an item comes before them on an agenda, that there is an expectation that the City Council is going to take action and everyone should have done their homework and prepared to move forward unless there is a significant reason not to.

MOTION: Council Member Johnson moved to approve Ordinance No. 2017-10, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located at approximately 600 West 280 South with the zoning of R-1-10
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Roll call vote. **Council Member Mehr** and **Council Member Densley** voted in opposition. **Council Member McDonald** and **Council Member Johnson** voted in

DRAFT

favor. Council Member Roberts was excused and not present. **Mayor Hart** voted in favor and broke the tie. The Motion carried three (3) to two (2).

C. Public Hearing on the Planning Commission's recommendation to approve a proposed Zone Change of 7.5 Acres from RA-1 Residential/Agricultural to Townhouse located on the north side of Highway 91 at approximately 300 West

Dale Coulam indicated the Land Use was recently changed to High Density Residential and the applicants have consistently represented their intent to seek a Townhouse zone. The Planning Commission recommended approval of a zone change to Townhouse. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2017-11, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located on the north side of Highway 91 at approximately 300 West from RA-1 to Townhouse

MOTION: Council Member McDonald moved to approve Ordinance No. 2017-11, an Ordinance of Ivins City, Utah, regarding a Zone Change on property located on the north side of Highway 91 at approximately 300 West from RA-1 to Townhouse
SECOND: Council Member Densley
VOTE: The motion carried.

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

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

E. Public Hearing to receive comment on the FYE 2017 Budgets to Complete and FYE 2018 Budgets and consider adoption of the Budgets for the:

1. General Fund
2. Debt Service Fund
3. Municipal Building Authority Fund
4. Special Revenue Funds - a. Public Safety; b. Streets; c. Parks
5. Capital Projects Fund
6. Water Fund
7. Sewer Fund
8. Storm Drain Fund

Wally Ritchie provided a presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

F. Discussion regarding the above Budgets

Council Member Mehr referred to the conservative estimates on growth and the number of building permits expected. He inquired if the number of building permits issued was less, if that would cause a significant change in the budget. **Wally Ritchie** stated that the City should end up with approximately 145 building permits issued for the fiscal year and historically that number has been 110, which is why the City budgeted on the lower end.

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5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion regarding updating the Arts Master Plan

Mayor Hart indicated that Dale Coulam previously provided information on this. The City Council received the original draft a year ago and the updated plan adds details to the original plan. He stated that he'd like the Council to realize that as Ivins City continues to develop, the Arts become increasingly important. In his opinion, he felt that fact that the City has documents that clearly define the arts, that is extremely positive for what Ivins would like to have in the future. He heard concerns raised previously and commented that the City wouldn't act on a sewer or road project with an engineer providing their opinion and felt this was the same thing. The City wouldn't make significant expenditures without reviewing that fully first. **Council Member McDonald** indicated that this is for future Arts Commissions and City Councils. The plan is vague and clarity in this is extremely important with regard to the intent of the plan. **Mayor Hart** stated that he felt it was clear and that the Arts Commission achieved the definition and assessment of art within the city. The plan is somewhat interpretive. **Judith Kapuscinski** indicated that the Arts Commission confused the City Council because they did not change the narrative. There are action steps and as they are completed, they are incorporated into the body. **Mayor Hart** stated that the City Council needs to determine whether or not to move this to the Planning Commission and let the work begin there. The **Mayor and City Council** agreed to move this forward to the Planning Commission.

B. Discuss and consider approval of Ordinance No. 2017-13, an Ordinance of Ivins City, Utah, amending Business License Requirements for Home Based Businesses

Dale Coulam indicated that the preface to the ordinance is that the City has to conform to the new statutory changes. He has simplified that the City can still require licenses that involve children and clarified that a background check from the Bureau of Criminal Identification is required for anything involving children. Cities cannot charge a fee for a home based business unless there is there is a significant impact to the residential neighborhood. Some cities use business licensing as a revenue source and the change was designed to stop that. A fee is to recoup costs so that other residents don't pay for it.

MOTION: Council Member Mehr moved to approve Ordinance No. 2017-13, an Ordinance of Ivins City, Utah, amending Business License Requirements for Home Based Businesses.
SECOND: Council Member Johnson
VOTE: The motion carried.

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

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

C. Discuss and consider approval of Resolution No. 2017-10R, a Resolution of Ivins City, Utah, amending the Ivins City Employee Handbook

Dale Coulam stated that this was another statutory change. State law requires that the City put it in our policy for an employee making a personal use expenditure. The City is required to impose

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a 50% penalty. Regarding City vehicles, the law requires the City to put in its written policies that City vehicles may be used by employees for minimal personal use, such as drivingto and from work or other official duties.

MOTION: Council Member Mehr moved to approve Resolution No. 2017-10R, a Resolution of Ivins City, Utah, amending the Ivins City Employee Handbook
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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

D. Discuss and consider Municipal Election voting locations in Ivins City

Dale Coulam indicated that the last election was run by Washington County. The next election is a Municipal election and the City has specified just one voting location, that being at the Southern Utah Veterans Home. The City Hall building is handicapped accessible but not as convenient as the Veteran's home. A voting location at a school is disruptive and temperature controls for the schools are controlled off-site. Lines were a problem throughout the County for the General election last year because there was an issue with the programming that the County had on the card for the electronic machines. The County is planning on the Veteran's home as Ivins' only polling location. It is more expensive to have multiple polling locations and Ivins City pays for the poll workers. The City will continue to offer early voting. **Council Member Johnson** stated that voter participation goes down for municipal elections. The **Mayor and City Council** agreed that the Southern Utah Veteran's Home would be the only voting location in Ivins.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for May 4, 2017

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION--None

8) REPORTS

A. Council

Council Member Densley - no report
Council Member Johnson - no report

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Council Member McDonald- reported on the Solid Waste District. They have been approached about expanding with other Counties. They looked at expenses and that is what is being presented for the Binnie program. It calculates wear and tear on the vehicle, staffing and similar. Regarding Rocky Mountain Recycling, things are increasing and they anticipate continued improvement. The recyclables will be sorted and shipped straight from Washington County, which will offset costs. There have been problems with contamination where garbage is being put in the recyclable cans rather than stuff that can be recycled.
Council Member Mehr reported that Linda Elwell is a community friend of Ivins Animal Shelter and paid tribute to her for all that she has done for Ivins. He referred to a traffic counter on 1060 South and requested more information on that. **Dale Coulam** clarified that the City received complaints of speeding on that street. The traffic counter was placed there to measure speed and number of vehicles. **Council Member McDonald** inquired if the volunteer group has started on Fire Lake Park. **Mayor Hart** stated "yes" and that Chief Flowers will report on that at the next meeting.
Council Member

B. Mayor

Mayor Hart reported that he attended a dedication at the new Kayenta arts center. It is beautifully done and a great addition to the City. Memorial Day, there is an annual ceremony honoring our veterans and on Wednesday, May 31, 2017 at 11:00 am, there will be a dedication at the Veterans Memorial Park next to the Veteran's Home. It has turned out lovely and has a meandering path, a series of monuments and seating for each branch of service.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

Dale Coulam referred to the requirement for townhouse parking. multi-family townhouse project (such as the Ence project on Center Street) is required to provide 2.5 parking spaces per unit. However, all other similar project require only two (2) parking spaces or a two (2) car garage, including Twinhomes, the Townhouse zone and any residential with a short-term overlay. The zoning also says covered parking is to be completely concealed. That is impossible and should be changed to screened instead. **Mayor Hart** suggested that if what was required in the past is excessive, the City Council should review it. **Dale Coulam** stated it will be on the next City Council meeting for discussion. He reported that the City is starting to get inquiries regarding cargo containers for coffee shops, apartments and similar. A zoning text amendment may need to be done to address that. **Council Member Densley** inquired as to the status of the plaque for the statute in the Tuacahn Drive/Snow Canyon Parkway roundabout. **Mayor Hart** clarified that he needs to prepare the text and will work on that. **Council Member Densely** indicated that there is a definite housing crisis and that the prices for the Rocky Vista University are really expensive. There is a bidding war going on, raising rents hundreds of dollars in order to rent in Ivins. He would like to relax the City's casita ordinance to allow them to be rented. **Council Member Johnson** inquired if that would include rooms in peoples' homes. **Council Member Densley** stated "yes" and would like to discuss that. **Dale Coulam** indicated it will be on the next City Council agenda for discussion.

9) CLOSED MEETING

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10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn
SECOND: Council Member Johnson
VOTE: The motion carried.

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

The meeting adjourned at 7:35 p.m.

Respectfully,

Sharon Allen
Deputy City Recorder

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