IVINS
CITY COUNCIL
MINUTES
June 1, 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 Roberts, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Parks and Recreation Director Benny Sorensen, and Public Safety Director Bob Flowers.
EXCUSED: None.
Audience: Claudette Larsen, Ellen Nathan, Denise and George Otott, Tom and Pam Fabio, Becky and Chuck Warren, Angela Culley, M. Smith J. Smith, Richard Bryant, Kathy Barth, Judith Kapuscinski, Matt Marten, Lance Anderson and others who did not sign in.

A. Acknowledgement of Quorum

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

B. Flag Salute

Council Member McDonald led the Flag Salute

C. Invocation

Council Member McDonald gave the Invocation

D. Disclosures

Council Member Roberts referred to agenda items 4)A and 4)B and disclosed that he resides across the street from that property. He also referred to agenda item 5)G and disclosed that he is hearing impaired. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided a written report, a copy of which is available by request through Ivins City Hall. He reported that the Ivins Reservoir was busy over Memorial Day. Sod will be installed at Desert Rose Park Saturday morning June 3, 2017. Fencing on the west side and north end of the cemetery is finished. There has been some vandalism with rocks being thrown onto shade structures at the parks, which puts holes in them. On Saturday May 27, 2017, somebody tried to set the restroom at UNITY Park on fire. Trash cans were damaged and there were burns on the floor.
Bob Flowers provided a written report. A copy of the report is available by report through Ivins City Hall. He reported that the department spent a lot of time at Fire Lake Park/Ivins Reservoir and issued some citations. There is a group from Kayenta that will be working with the department to monitor activity at Fire Lake Park. He reported that Kade Hardman attended an

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internationally known training in Utah County and was the number one graduate in the class. He reported that there have been a significant number of DUI arrests the last two (2) weeks and more than all of last year. The department is focusing on texting and driving. There have been a lot of drug arrests recently and the department arrested a burglar and was able to return significant amounts of money and valuables to their owners. The ambulance has been extremely busy and things are going well in the Fire Department. **Council Member Mehr** referred to the crossing light from Rocky Vista University to the existing Snow Canyon Clinic and indicated that it would be helpful to have something similar in front of the Vista school. **Bob Flowers** stated that the City experimented there last year with lights but they were a distraction. He felt that what is there now is good and acknowledged that it's one of the toughest crossing sections in the County. There are four (4) Crossing Guards there every day plus Vista Staff. **Dale Coulam** clarified that the lights at Rocky Vista University are brighter than those at Vista due to power availability and the City is looking into obtaining similar types of lights at Vista.

B. Planning Commission Report

Mike Rodriguez reported that the Planning Commission held a short meeting and discussed a few items that were on the agenda.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart indicated that there was a request by Angela Culley regarding noise in Kayenta but that topic is already on the City Council agenda and will be addressed later in the meeting.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Zone Change of 1.17 acres from R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) to R-2-10 (Residential Twin Home, minimum lot size 10,000 sq ft)

Dale Coulam indicated that the Land Use was changed recently to High Density for this property and at that time, the City did not have a combined process in place that allowed for the Zone Change to occur at the same time so this is the second step to change the zone from R-1-10 to R-2-10 Twin Home. There has been no comment or opposition received during the process. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2017-14, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located on the south side of 200 South at approximately 100 West and 200 West from R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) to R-2-10 (Residential Twin Home, minimum lot size 10,000 sq ft)

Council Member Mehr stated that the Planning Commission recommended approval unanimously and the application appeared to be straight forward.

MOTION: Council Member Densley moved to approve Ordinance No. 2017-14, an Ordinance of Ivins City, Utah, regarding a Zoning District Amendment on property located on the south side of 200 South at approximately 100 West and 200 West from R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) to R-2-10 (Residential Twin Home, minimum lot size 10,000 sq ft)
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE

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

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2017-12R, a Resolution of Ivins City, Utah, Amending the Budgets for Fiscal Year Ending June 30, 2017 and Adopting the Final Budgets for Fiscal Year Ending June 30, 2018

Wally Ritchie indicated that the Mayor and City Council have reviewed this thoroughly over the last several months and requested that they finalize the budget by adopting it. Nothing has changed since the last time they discussed the budget. It's a balanced budget with no tax or fee increases. **Mayor Hart** thanked Wally Ritchie, Dale Coulam and City Staff for their hard work on this. **Council Member Mehr** did not have any concerns but suggested that some of the improvements anticipated for Fire Lake Park be moved up. **Mayor Hart** clarified that the City is working with the County and the owner of the land adjacent to Fire Lake Park to address parking. **Wally Ritchie** stated that improvements for Fire Lake Park are prioritized and in the budget but there are other things that are out of Ivins control and slowing the process.

MOTION: Council Member Roberts moved to approve Resolution No. 2017-12R, a Resolution of Ivins City, Utah, Amending the Budgets for Fiscal Year Ending June 30, 2017 and Adopting the Final Budgets for Fiscal Year Ending June 30, 2018
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

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

B. Discuss and consider a Memorandum of Understanding for cost sharing improvements to 400 West with the developer of Santarra Estates

Chuck Gillette requested that the City Council approve this agreement, which will allow a full width road instead of half width road. **Council Member McDonald** stated that typically improvements are done when development goes in and noted that the individuals who are across the street from this development will benefit from the improvement. He inquired if there was any way for those property owners if they subdivide, to be responsible for improvements in the future. **Mayor Hart** clarified the improvements weren't required at the time and the property owners were there first. **Chuck Gillette** indicated that there will eventually be a path in the area but the City has not acquired the right-of-way. **Council Member McDonald** stated that when improvements were done in the Historic Township, payment for the improvements was mandated. He understood that the improvement needs to be done because of drainage issues but wanted to bring it up. **Council Member Roberts** indicated that it's a safety issue as

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well. **Council Member McDonald** inquired if the City could explore donation of right-of-way. **Chuck Gillette** stated "yes".

MOTION: Council Member Densley moved to approve a Memorandum of Understanding for cost sharing improvements to 400 West with the developer of Santarra Estates
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

C. Discuss and consider approval of Resolution No. 2017-11R, a Resolution of Ivins City, Utah, appointing Benny Sorensen as Alternate Acting City Manager

Dale Coulam indicated that Kevin Rudd had been the Alternate Acting City Manager as the most senior Department Head but he is no longer with the City. Benny Sorensen is the next most senior Department Head and he recommended that he be appointed to this position.

MOTION: Council Member Mehr moved to approve Resolution No. 2017-11R, a Resolution of Ivins City, Utah, appointing Benny Sorensen as Alternate Acting City Manager
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

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

D. Discuss and consider approval of a First Addendum to the Cliffrose Development Agreement regarding realignment of 600 West and 400 South

Chuck Gillette stated that they have been working on this for some time and have worked out an agreement with the developer. The developer will install the path, curb and gutter, extending utilities, install conduit for future bollards, a half width road and a street light at the corner.

MOTION: Council Member Densley moved to approve a First Addendum to the Cliffrose Development Agreement regarding realignment of 600 West and 400 South
SECOND: Council Member McDonald
VOTE: The motion carried.

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

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Council Member Johnson	ABSENT

E. Discuss and consider Townhouse Parking

Dale Coulam indicated that staff is looking for direction. At the last City Council meeting, a possible item for a future agenda was to discuss proceeding with making ordinances more consistent with regards to parking requirements. The requirement for parking spaces has been 2 1/2 parking spaces for units that had at least 2 bedrooms. The City has since adopted a Townhouse and Twinhome zone where two car garages are a requirement. The City also adopted a short-term overlay project where only two (2) parking spaces are required for two (2) or more bedroom units. He felt that it was time for the City to review the old ordinance and make it consistent with these newer ordinances. There is also an ordinance that addresses covered parking and the requirement for that to be completely concealed. He suggested that be changed to be screened instead of completely concealed. The **Mayor and City Council** agreed to have the Planning Commission review those ordinances to update them for consistency.

F. Discuss and consider Casita Housing and Rooms for Rent

Mayor Hart stated that this was brought up by Council Member Densley. **Dale Coulam** indicated that when a casita is built, a deed restriction is signed and recorded so the casita cannot be rented out. There are also some HOA's (Home Owners Associations) that have rental restrictions and the City doesn't get involved with that. Regarding the casita's, the recorded deed restrictions could remain in place until an owner makes a request. If the City Council decides to allow the rental of casitas, the City could then release that Deed Restriction. The first question for the City Council is whether they want to allow casitas and/or rooms in a home to be rented out. **Council Member Roberts** inquired if that would include a basement without an outside entrance. **Dale Coulam** clarified that it's whatever the City Council decides. **Council Member Densley** inquired if this would be referred to the Planning Commission or to staff. **Dale Coulam** indicated that this would be in the zoning ordinance and would start with the Planning Commission. **Council Member Roberts** inquired what was the historic prohibition. **Mayor Hart** indicated that they are single family home but when they are rented, they become multi-family and would be a can of worms because specific projects that have been approved. Renting rooms would be a further complication because of private access and facilities available to a tenant. **Council Member Densley** would like to see this available for students who will be here. It would be a service for them, they could enjoy Ivins and not have to go into St. George. He's not looking at short-term rentals. These would be longer than 30 days. **Council Member Roberts** stated that the market will drive rentals and he didn't think that the City has to relax its standards. **Mayor Hart** indicated that if this moves forward, at the very least there would need to be some real restrictions of what kind of facilities are available to the renters. **Council Member Densley** stated that the homeowner could set the restrictions and that it would provide companionship, yardwork and similar to some homeowners. **Council Member McDonald** was in favor of having the Planning Commission look at this and indicated that it would be foolish to think it's not going to happen. They also need to consider and remember that the City has an organization (Rocky Vista University) that has invested a great deal of money into the community and are intending to recoup their investment through renting their units. The City wouldn't want to undercut an organization making the investment. **Dale Coulam** stated that it has been represented to the City by Rocky Vista University that they may not build the last two (2) student housing units and leave it at the three (3) existing units. They

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are looking for outside housing. **Council Member Mehr** wasn't feeling as strong about all of the students having to live in Ivins. The **Mayor and City Council** agreed to have the Planning Commission review this.

G. Discuss and consider noise in Coyote Gulch

Mayor Hart indicated that he and the City Council have received a number of letters and emails regarding this. **Dale Coulam** stated that a history of the Conditional Use Permit was provided, going back to 1997. The outdoor Conditional Use Permit was granted to the Cabaret Theatre and as part of that application, there was a drawing and map of the actual facility where it's located in Coyote Gulch. The Planning Commission recommended that events end at 10:30 p.m. and impose a maximum decibel level of 70 at the property line. When the Conditional Use Permit came to City Council, the City Council decided that events were to end at 11:00 p.m. Thursday through Sunday and the noise was to be kept at a reasonable level instead of adopting a decibel level. On that issue, a decibel level can be a two-edged sword. A decibel level is easier to enforce but some in the neighborhood may still say it's too loud. **Mayor Hart** indicated that is complicated to define where the decibel meter is measuring the sound. **Dale Coulam** clarified that the Planning Commission recommended using the property line. He suggested that if the City monitors the sound by decibel, it should be measured along the property line where the sound is being projected at its loudest point. If the location of an event is moved, that can change how the sound is projected. He inquired if the City Council wanted to change the noise ordinance across the City or address the Coyote Gulch Conditional Use Permit(s) **Mayor Hart** invited Judith Kapuscinski and Matt Marten with the Kayenta Arts Center to the podium. He clarified that the Cabaret Theatre's Conditional Use Permit has been in place for eight (8) years with minimal complaints. **Matt Marten** stated that they're learning a lot about sound and doing research. **Judith Kapuscinski** indicated they are feeling their way through the first year of using the Kayenta Arts Center and thought that the Conditional Use Permit allowed them to use the outdoor theatre for the Kayenta Arts Center. **Council Member Densley** recalled that Kayenta has their own HOAs and would like to see them get involved and take care of the matter themselves rather than involving law enforcement. **Judith Kapuscinski** referred to the complaints and clarified that no one complained directly to her or Matt Marten and they only found out about the problem when public safety showed up. She stated that the Kayenta Arts Foundation is not adversarial and they realize they missed a step. **Mayor Hart** stated that Kayenta is a quiet place and a decibel of 70 sounds different in Kayenta than it would in downtown St. George but there has to be some tolerance if there are going to be events in Kayenta. Complete intolerance is not reasonable. **Council Member Roberts** suggested that the Cabaret Theatre keep their Conditional Use Permit that is strictly for the theatre and when other areas are improved, they obtain a different Conditional Use Permit. The **Mayor and City Council** agreed that the issue was not City wide and felt that the noise in Coyote Gulch could be addressed through the Conditional Use Permit process. **Angela Culley** indicated that she moved to Kayenta from Wisconsin and has been here for approximately a year. She felt that it was a simple matter of communication. She thanked Dale Coulam for the excellent job he did stipulating and explaining the Conditional Use Permit. The people in Kayenta have created a destination place and do not want to be adversarial. **Tom Fabio** stated that the issue was strictly the volume and indicated that the homeowners need communication with the event center and for them to work with the home owners. **Mayor Hart** indicated that if an event is held outside of the area addressed in the Cabaret Theatre's Conditional Use Permit, technically that would be a violation of that Conditional Use Permit. **Dale Coulam** clarified that the Cabaret Theatre has a

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Conditional Use Permit that exists now so any events need to take place in the Cabaret Theatre unless or until an applicant comes forward with a Conditional Use Permit to hold outdoor concerts at a different location. **Matt Marten** stated that he was clear on the issue and inquired if they obtained a Special Event Permit if they could address events in that way. **Dale Coulam** indicated that would be decided on a case-by-case basis.

6) CONSENT AGENDA
7) CONSENT AGENDA ITEMS FOR DISCUSSION
8) REPORTS

A. Council

Council Member Densley - no report
Council Member Roberts reported on mosquitoes. The Southwest Mosquito Abatement and Control District have been trapping mosquitoes for some time now and they are just starting to test for the West Nile virus this year and are treating more larva sites, which seems to be effective.
Council Member McDonald - no report
Council Member Mehr referred to the water that shoots into the pool at Fire Lake Park that then spills into the reservoir and inquired where that water comes from. **Mayor Hart** indicated it's coming from Gunlock out of the Water Conservancy District's pipeline. **Council Member Mehr** reported that he attended the dedication of the Southern Utah Veteran's Memorial Park and complimented Mayor Hart for his vision and ability to articulate that vision.

B. Mayor

Mayor Hart reported that on the morning of Memorial Day, the American Legion Post 90 organized an event at the cemetery and that was a beautiful event. He reported that real progress was being made with BLM (Bureau of Land Management) and the Division of Fish and Wildlife regarding a reasonable solution to the northern transportation route. Everybody is looking at that with similar thoughts in mind.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

9) CLOSED MEETING
10) ADJOURNMENT
MOTION: Council Member Mehr moved to adjourn
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

The meeting adjourned at 7:30 p.m.

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Respectfully,

Kari Jimenez, MMC
City Recorder

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