# IVINS
## CITY COUNCIL
## MINUTES
## August 3, 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, Director of Finance Wally Ritchie, Director of Public Safety Bob Flowers, Fire Chief Brad Hannig, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and Deputy City Recorder Sharon Allen.
**EXCUSED:** None.
**Audience**: Illa Steel, Judith Kapuscinski, Claudette Larsen, Charles Hammon, Miriah Elliott and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged there was a quorum present.

B. Flag Salute

**Council Member Densley** led the Flag Salute

C. Invocation

**Council Member Densley** gave the Invocation

D. Disclosures

**Council Member McDonald** made a disclosure regarding agenda item 5)A. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

### 2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Presentation regarding defensible space from flammable vegetation and in high risk wildland fire areas

**Brad Hannig** provided a PowerPoint presentation about defensible space, a copy of which is available on Ivins website www.ivins.com and by request through Ivins City Hall. He reported that there are high risk areas in Ivins and discussed recommendations to establish fuel breaks. Some standards to establish fuel breaks are to create a driveway fuel break, remove materials from under decks, move or enclose woodpiles, remove tree limbs within 10 feet of chimneys and roof lines and remove dead vegetation above the roof. It's recommended that a minimum of 30 feet of defensible space, up to 100 feet in extreme risk areas, be established. Fire-resistant roofs dramatically reduce vulnerability and the type of homes that are built also determines risk. The majority of Ivins City falls into the high risk category which requires 50 feet of defensible space. There are buildings in Kayenta that there is currently no true way to protect them because there is no defensible space. Risk assessment in a wildland fire requires making a choice between saving a building that can be defended versus one that

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cannot. **Council Member Densley** referred to the homes in Kayenta and indicated that the CC&R's (Covenants, Conditions and Restrictions) do not allow owners to disturb the natural vegetation and if they need a defendable space, inquired how they do that. **Council Member Mehr** stated that the City is not responsible for private property. **Chief Hannig** indicated that the ability to be able to protect those homes is limited. **Dale Coulam** referred to overgrown non-natural vegetation like dry rosemary touching a pine tree that is directly beneath another tree with a large canopy sitting on top of a roof at the entryway of the home. The City can impose laws that override some Home Owners Association covenants if it is for public safety purposes. The City recently received emails regarding fire hazards at Fire Lake Park and some of those emails threatened the City with liability if the City didn't take action. **Council Member Johnson** stated that this isn't new information and is a reminder because of recently occurred with the Brian Head fire. **Chief Hannig** indicated that this is a sensitive issue and the homeowner is caught between City regulations and CC&R's but that is the dilemma they're facing. Bamboo is another example. He reported that on July 4th, 2017, the City had an active fire where bamboo caught fire but the City luckily had crews on site to quickly contain that. Bamboo is a restricted plant and he felt that the recommendation should apply to homeowners who have bamboo on their property as well. He felt that as a City, the City should enforce that protection. **Council Member Roberts** inquired if there would be an impact on insurance rates for homeowners. **Chief Hannig** clarified that those are based on location and if the City adopted restrictions and the homeowners didn't comply, insurance companies could deny claims. **Council Member Densley** referred to the Kayenta area and stated that it's only a matter of time for a fire to go through there and indicated the City has to be prepared for that. **Mayor Hart** suggested publishing information and the wildland interface map in Ivins newsletter with the points of protection. **Mayor Hart** inquired if Kayenta was a more dangerous development than development in town. **Chief Hannig** indicated "yes". **Mayor Hart** stated that if the homeowners in Kayenta knew that if their home does not have defensible space they will not be receiving attention from the responders, they would rethink that. **Chief Hannig** agreed and indicated that if they have to make a choice between saving a structure, they will choose the one they will most likely be able to save. **Council Member Densley** suggested that Chief Hannig provide this presentation to Kayenta's HOAs. He referred to the bamboo fire and inquired if the City had not had crews nearby, if more would have been lost. **Chief Hannig** stated "yes" and indicated that there were propane tanks in the area, outbuildings and a home. **Mayor Hart** referred to the complaints regarding Fire Lake Park and clarified that a cook stove was used at the Park and indicated that the real danger is what happens when a fire gets going. **Chief Hannig** stated that there are a lot of potential sources such as a lightning strike or a car on the side of the road in cheat grass.

B. Department Reports: Parks and Recreation and Public Safety

**Benny Sorensen** reported that sod has been laid on a large portion of Desert Rose Park and the playground and shade structure have been installed, along with trees planted around the pickleball court. A pavilion and restroom will be added in the next few months. **Mayor Hart** stated that the pickleball courts are being used. **Benny Sorensen** reported that Movies In The Park start tomorrow, August 4th.

**Chief Flowers** referred to the bamboo fire on July 4th and reported that if the City had not had a truck nearby, it would have been an awful mess. Fires are scary and move extremely fast. He reported that the Animal Shelter handled a Gila monster, two owls and an iguana. There have been a significant number of DUI arrests. He referred to the option of remodeling the fire station

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or purchasing a new fire apparatus. The City is at a critical point to purchase a new apparatus because the equipment is 30 years old. It has been well maintained but it's time for a new apparatus. The cost of an apparatus is half a million dollars but it should last 30 years. The remodel of the fire station can wait but purchasing a fire apparatus should occur sooner rather than later. **Mayor Hart** stated that Santa Clara Fire Department may merge with Ivins and a remodel of Ivins Fire House might be premature at this time. **Chief Flowers** clarified that if a merger occurs or not, a new apparatus is needed and would serve both communities.

C. Planning Commission Report

**Mike Rodriguez** reported that the Planning Commission held two (2) Public Hearing regarding Land Use Amendments and those will proceed to the City Council for Public Hearings.

**3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

**4) PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing on the Planning Commission's recommendation to approve the updated Arts Master Plan as an element of the General Plan

**Dale Coulam** stated that the City Council has seen this and Judith Kapuscinski explained previously why the additional information was added to the text instead of in appendices. The Planning Commission held a Public Hearing on this, received little comment and recommended approval. This comes forward to City Council for Public Hearing since it is part of the General Plan. **Mayor Hart** opened the Public Hearing. **Judith Kapuscinski** inquired about the change in acquisition and requisition. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of the updated Arts Master Plan as an element of the General Plan

**Council Member Roberts** stated that he read through the Plan and it was pretty clear to him but that he would like to add one point and that is in the Guiding Principles, he would like it added that public art is appropriate for all age groups. **Council Member Mehr** indicated that the Arts Commission did a great job updating the Plan. He referred to some of the appendices listing names and dates of meetings and inquired if that now requires those individuals to come forward every year because he would rather not do that. He also referred to the Introduction and stated that it was nice but he would like it trimmed to remove the history and statistics and focus on the Plan itself. **Mayor Hart** clarified that every plan the City reviewed initiated the plan with those kinds of references because it is a different component than other aspects of Ivins General Plan and creates context for the ordinances that Ivins has. **Council Member Mehr** referred to Goal 3 referencing "urban landscape" and stated he needed clarification of that word. The **Mayor and City Council** discussed the use of the word "urban" and determined to remove it. **Judith Kapuscinski** clarified that it wouldn't change anything if that word was removed.

**MOTION: Council Member Johnson moved to approve the updated Arts Master Plan as an element of the General Plan as amended**
**SECOND: Council Member Mehr**
**VOTE: The motion carried.**

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| Council Member Mehr | AYE |

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| Council Member McDonald | AYE |
| Council Member Johnson | AYE |
| Council Member Roberts | AYE |
| Council Member Densley | AYE |

**Dale Coulam** clarified that there were two changes: 1) add one point in the Guiding Principles that public art be appropriate for all age groups; and 2) remove the word "urban".

C. Public Hearing on the Planning Commission's recommendation to approve a proposed Zoning Map Amendment, changing Mobile Home Zoning District (MH) to Single Family Residential, 5000 sq ft minimum lot size (R-1-5); however, the lot on the Northeastern corner across from Family Dollar are proposed to be changed to Neighborhood Commercial (CN)

**Dale Coulam** stated that there are five (5) lots where the Land Use is Commercial Neighborhood on the Land Use Plan and are proposed to be changed to that zoning. The Land Use for all but the 5 lots are High Density Residential and they are all Single Family Residential. All lots that were previously zoned Mobile Home are larger than 5000 sq feet. The only Single Family Residential zoning district for a land use of High Density Residential is R-1-5. **Mayor Hart** indicated that this zone change would not remove homes or impact current residents. **Dale Coulam** stated that was correct. The existing use can continue. **Mayor Hart** opened the Public Hearing. **Marla Buckner** inquired if she would be able to build a garage. **Mayor Hart** indicated that she could apply for that. **Marla Buckner** inquired if she were to pass away if it could still be a mobile home and if they could replace the roof. **Mike Rodriguez** stated that the roofing materials would need to be supportive of the materials it sits on. **Dale Coulam** indicated that it would be considered a legal non-conforming use so it can stay the same but she would not be able to expand the use. There could be a detached garage which would be considered an accessory building. **Mayor Hart** clarified that a 5000 sq ft lot could easily accommodate that. **Illa Steele** referred to her tax assessment and the enormous fee she pays. **Wally Ritchie** stated that she would need to talk to the County Assessor's Office regarding that because they make the assessment. **Illa Steele** inquired if she passes away if her kids could live in the home. **Mayor Hart** indicated that they could. **Illa Steele** inquired if there could be amendments added in the future to condemn the homes. **Mayor Hart** stated this was not a condemnation. **Dale Coulam** clarified that zoning deals with density and how many homes are allowed in an area. **Council Member Densley** indicated that if at any point in time the current mobile home was removed, a stick built home or a manufactured home would be the only replacement option for that lot. The existing trailer is fine and when the owner passes away, the trailer could still be used. There being no further comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2017-16, an Ordinance of Ivins City, Utah, rezoning lots currently shown as MH (Mobile Home) located between 400 South to 600 South and between Main Street to 200 East

**Council Member Mehr** inquired as to the possibility of building a Townhome. **Dale Coulam** clarified that a townhome is considered Multi-Family and not Single Family. **Council Member Mehr** inquired if a Townhome would seem less dense than R-1-5. **Mayor Hart** stated "no", it would appear more dense. **Mike Rodriguez** indicated that if someone bought multiple lots, they could develop them for Townhomes if they went through a Zone Change and it was approved. **Council Member Mehr** referred to the individual's concerns about the status of their homes and inquired if the City should codify that. **Dale Coulam** indicated "no" because it's

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already addressed per Utah Code. He clarified that the owners all received a letter before both the Planning Commission meeting and the City Council meeting and the City has done a good job educating the property owners of what is occurring. **Council Member Roberts** inquired at what point a property owner would be required to replace the trailer with a home. **Mike Rodriguez** stated when someone alters the structural integrity of the trailer. **Dale Coulam** clarified that the trailers are already legal non-conforming uses because the City doesn't allow trailers any more, other than those presently existing.

**MOTION: Council Member Densley moved to approve Ordinance No. 2017-16, an Ordinance of Ivins City, Utah, rezoning lots currently shown as MH (Mobile Home) located between 400 South to 600 South and between Main Street to 200 East, with the exception of the 5 lots currently shown as Commercial Neighborhood**
**SECOND: Council Member Roberts**
**VOTE: The motion carried.**

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

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

## 5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Fremont at Snow Canyon townhouse project located at Center Street and 100 West

**Council Member McDonald** disclosed that he owns property across the street from this property. **Mike Rodriguez** reported that this is a Townhouse project consisting of 30 townhome units in 8 separate buildings, on a total of 2.41 acres. The property is zoned Multi-Family and the Planning Commission recommended approval.

**MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Fremont at Snow Canyon townhouse project located at Center Street and 100 West**
**SECOND: Council Member McDonald**
**VOTE: The motion carried.**

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

B. Discuss and consider Ordinance No. 2017-18, an Ordinance of Ivins City, Utah, amending Section 7.06.203(1)(e) regarding Vegetation Used to Screen Personal Property

**Dale Coulam** stated he was asked to bring forward examples of ordinances for bamboo and wildland for high risk fire areas, including Kayenta. He provided the Mayor and City Council with a copy of the Ordinance that was previously adopted regarding vegetation used to screen

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personal property. A copy of the ordinance is available by request through Ivins City Hall. This previously adopted ordinance already contains a statement that bamboo is very flammable. The City could add verbiage regarding bamboo not encroaching into the right-of-way and requiring defensible space. Also where the fire occurred on July 4th, the bamboo has already grown back and is approximately five feet (5') tall. It didn't need to be replaced, it grew back. He used the 50 feet high risk as the defensible space area because of the flammable vegetation. The City could use the default of 30 feet. The City hasn't adopted the Utah Wildland Urban Interface Code. Bamboo is an illegal type of vegetation and it's the Fire Chief's opinion that it is a dangerous plant and very flammable. If the City had been delayed in their response to the fire, outbuildings, a home and an entire block could have been lost. If the City adopts a code for defensible space, it then becomes enforceable law. The question is what distance does the City Council want to require for separation between bamboo and a structure. **Council Member Densley** indicated that bamboo has been a fight for years and has plugged City storm drains. He'd like to ban it and get it cleaned up. Dale Coulam inquired if property owners would be given a time frame to remove it. **Council Member Roberts** stated that when this ordinance was passed, the intent was if it was removed, it wasn't replaced or allowed to re-grow. He felt that 50 feet was a minimum separation distance. **Council Member Johnson** indicated that the City is trying to get rid of it and felt that the separation distance should be further than 50 feet away from a structure. **Council Member Densley** suggested that the City prepare an ordinance removing the bamboo and give a timetable for it to be removed. Dale Coulam stated that code enforcement can ask that it be removed and if it's not done, the City removes it and then bills the property owner. **Council Member McDonald** inquired at what point is it government overreach. **Council Member Roberts** stated there is a responsibility to the health, safety and welfare issue and the City needs to do something. **Council Member Mehr** agreed it is a safety issue but stated that the City isn't here to eradicate bamboo. He'd rather not discuss defensible space tonight because he didn't think the City should get ahead of themselves. **Mayor Hart** disagreed. **Council Member Roberts** indicated this has been discussed for years and the City has tried to make it not encroach in to the City right-of-way. Passing this ordinance will make it very safe for Ivins residents. **Mayor Hart** clarified that since the last ordinance was passed, the debris or encroachment issues have not gone away. The City has the same problem today as it did four (4) years ago. **Council Member Mehr** inquired if the City had been harmed in last four (4) years. **Mayor Hart** stated "yes", by flooding. Debris is the issue because it only takes 5 minutes to plug the storm drains and it's a real problem. **Council Member Densley** suggested that the City go in and tell the homeowner about the situation and the problem and that they will participate with the City to take care of the problem. **Mayor Hart** clarified that the City cannot go on their property. **Dale Coulam** agreed -not without a court order. If the City added a defensible space requirement, the City could tell property owners that they have to remove it within 50 feet of their home. If they don't remove it, they'll receive a Notice of Violation, followed by penalties if it's not removed. **Council Member Roberts** inquired if the verbiage "any structure" included the neighbor's structure. **Dale Coulam** stated that it did. **Mayor Hart** indicated that if the City Council went the direction of requiring a minimum of 100 feet, it would take out all bamboo everywhere. **Council Member Roberts** suggested it should be 100 feet from a storm drain as well. **Council Member McDonald** referred to the Best and Beacham property and stated that if that bamboo is removed, that creates a whole other problem. **Council Member Johnson** indicated that when you consider extreme danger, there has to be a 100 foot defensible area because sparks travel like crazy. She witnessed the bamboo fire and it went up

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fast. It was scary. **Mayor Hart** stated that if the City says the nature of bamboo makes it an extreme hazard and the City imposes a 100 foot defensible space, that would remove the majority of the existing bamboo in the City. He wasn't sure how that would be done. **Dale Coulam** recommended that the City not go so far to prohibit it immediately but require a reasonable defensible space area. **Council Member Densley** suggested that the ordinance be re-written to include 100 feet of defensible space and 50 feet for storm drains and then he and Mike Rodriguez go talk to the property owners and tell them what's coming down the pipe. **Dale Coulam** suggested that before an Ordinance is passed, the City should talk to the City's insurance company and defense counsel.

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

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

C. Discuss and consider Ordinance No. 2017-01, an Ordinance of Ivins City, Utah, amending Title 14 of the Ivins City Code entitled "Buildings and Construction" to adopt the 2015 Fire Code

**Dale Coulam** referred to the Ordinance number and indicated that means the ordinance was proposed in January but has been on hold for the new Fire Chief to review. He recommended that section 14.04.104 be stricken and the ordinance approved. **Mayor Hart** suggested this be tabled so that Chief Hannig could be present to answer any questions or concerns regarding this Ordinance.

**MOTION: Council Member Densley moved to postpone and table this until the City Council receives more clarification on this from the Fire Chief**
**SECOND: Council Member Mehr**
**VOTE: The motion carried.**

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

**6) CONSENT AGENDA**

A. Approve purchase of a pre-cast concrete restroom for Desert Rose Park
B. Approve expenditure for a compact excavator and attachments for the Public Works and Parks & Recreation Departments
C. Approval of City Council Meeting Minutes for July 20, 2017

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**MOTION: Council Member Mehr moved to approve the Consent Agenda**
**SECOND: Council Member McDonald**
**VOTE: The motion carried.**

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

**7) CONSENT AGENDA ITEMS FOR DISCUSSION**
**8) REPORTS**
A. Council

**Council Member Mehr** referred to the July 24th Pioneer Day celebration parade combining with the Days of 47 in Washington City. He reported that there wasn't one representative from Ivins there and suggested that Ivins hold a parade again in Ivins City for July 24th. He reported that he will not be in attendance at the City Council meetings in September.
**Council Member McDonald** - no report
**Council Member Johnson** - no report
**Council Member Roberts** - no report
**Council Member Densley** referred to the July 24th parade and stated that the City did away with it to allow Days of 47 to take control of the parade. **Council Member Roberts** indicated that the City decided to move the parade to the Heritage Days celebration when the weather is cooler. **Mayor Hart** clarified that there was resistance about the City holding an event on July 24th and not on July 4th.

B. Mayor
No report

C. City Manager/Attorney Dale Coulam
He reported that he received a call proposing a resort and investment that would require 5% of the development to be a timeshare. The City has never pursued the timeshare issue and may be a future agenda item to be discussed.

D. Items to be placed on future agendas
**9) CLOSED MEETING**
**10) ADJOURNMENT**

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

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

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The meeting adjourned at 8:16 p.m.

Respectfully,

*Kari Jimenez, MMC
Ivins City Recorder

*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.

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