IVINS
CITY COUNCIL
MINUTES
September 7, 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 McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Assistant Public Works Director Tom Jorgensen, and City Recorder Kari Jimenez.
EXCUSED: Council Member Mehr
AUDIENCE: Melissa Hafen Jackson, Beverly Harper, Karen Shuman, Rebecca Burton, Ada Marie Cannon, Emma Fife, Claudette Larsen, Miriah Elliott, Landon Harris, Jenifer Winward, Debbie Hafen, Theresa Fife, Tom Fabio, Mark Youngberg, Dianna Morwood, Lance Anderson, Michelle Madsen and others who did not sign in.

A. Acknowledgement of Quorum

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

B. Flag Salute

Council Member McDonald led the Flag Salute

C. Invocation

Council Member McDonald 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: Parks and Recreation and Public Safety

Benny Sorensen provided an electronic report to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall. He also provided a draft of a plaque explaining the roundabout sculpture at Center Street/ Snow Canyon Drive. He asked that the Mayor and City Council review it and provide comments or suggestions to him. A copy of the draft is available by request through Ivins City Hall.
Bob Flowers reported that Stacy Trujillo, the Animal Shelter Manager, was bitten by a pitbull.. Someone dropped off a couple of pitbulls on the west side of town and it was reported that they had destroyed someone's llama and was attacking another animal. There have been a lot of calls regarding the discharge of firearms in Santa Clara. The agencies have come together for transparency and there is an internal investigation that is being conducted. Two SCI Police Officers fired their weapons and are on Administrative Leave pending the Washington County Attorney's Office investigation.

B. Planning Commission Report

No report. There was no meeting on September 5, 2017.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Cliff Gustin resides at 142 N. Madera Trail in Ivins and indicated that he was representing three (3) different property owners in the Tenaya Sands subdivision. He stated that all of the block walls are fairly uniform except for three (3) lots. He requested that the plat be amended so that the block walls on those three (3) lots can be in line with the rest of the block walls. **Dale Coulam** stated he met with Mr. Gustin and had explained that the Tenaya Sands subdivision achieved a density bonus that would have included the landscape buffer in question. He did not know what the calculation was for the density bonus so that would have to be investigated before the City Council could consider this on a future agenda.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve Zoning Text Amendments

Dale Coulam indicated the changes clean up the ordinance and clarify State law. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2017-17, an Ordinance of Ivins City, Utah, amending Title 16 of the Ivins City Code entitled "Zoning Regulations"

There was no discussion, questions or comments.

MOTION: Council Member Densley moved to approve Ordinance No. 2017-17, an Ordinance of Ivins City, Utah, amending Title 16 of the Ivins City Code entitled "Zoning Regulations"
SECOND: Council Member Johnson
VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2017-16R, a Resolution of Ivins City, Utah, appointing a Grand Marshal for the 2017 Heritage Days Parade

Mayor Hart stated that Council Member Johnson brought this recommendation forward to him. He indicated that he was pleased with the recommendation. Emma Fife has been in Ivins for 77 years. **Mayor Hart** read the Resolution and presented it to her. A copy of the Resolution is available by request through Ivins City Hall.

MOTION: Council Member Roberts moved to approve Resolution No. 2017-16R, a Resolution of Ivins City, Utah, appointing a Grand Marshal for the 2017 Heritage Days Parade
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE

Council Member Densley	AYE
Council Member Mehr	ABSENT

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

B. Discuss and consider approval of a Proclamation regarding Constitution Week

Mayor Hart indicated that a request was made of him via email to proclaim this but he is hesitant without the Council's input. **Council Member Roberts** stated that he preferred option #3 and then option #2 of the Proclamation.

MOTION: Council Member Roberts moved to approve option #3 of a Proclamation regarding Constitution Week

SECOND: Council Member Johnson

VOTE: The motion carried.

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

C. Discuss possible consolidation of Fire and EMS Services with the City of Santa Clara

Chief Flowers provided a presentation to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. He stated that Ivins City's volunteers have been great but the training and certification requirements are demanding. The response times with a volunteer department are unpredictable due to waiting for volunteers to appear before they can leave the firehouse and that's unacceptable. He indicated that in his mind, there no downside to consolidating services and combining resources. Ivins City and Santa Clara are both looking at the same challenges of how to staff departments, how to pay them, increased costs, training, significant growth and citizen expectations. Consolidating would allow the cities to expand the EMS role into Fire Rescue. **Santa Clara City Fire Chief Dan Nelson** stated that with a larger fire department you generally have a more professional department. He and Chief Flowers have been going through the numbers and looking at costs so they can put a plan together with the idea that both cities are able to consolidate any expansion of the budgets at this time. Currently both cities automatically respond to fight a fire. Santa Clara responds to wildland fires and with the consolidation, Ivins City would benefit from that program. He believed that consolidating would be a wonderful thing for both cities. It will save on training, personnel and equipment. **Dale Coulam** clarified for the public and City Council that Ivins' Fire Chief Brad Hannig had resigned to become the Fire Chief in Logan, Utah and that's part of what's driving this at this moment. If the cities decide to combine, that would likely occur later this month. With the combination, Chief Hannig and Dan Nelson would have backed each other up. Ivins City's Acting Fire Chief is Nick Hallman who is present tonight. He is a Police Officer and filling in as the Acting Fire Chief but he can't fill in forever and the City is short on Police Officers. The City is faced with needing to know whether to hire a new Fire Chief or to combine and go with Santa Clara's current Fire Chief Dan Nelson. If the cities combine, Ivins City employees would become employees of Santa Clara. (When Law Enforcement was combined, Santa Clara's employees became Ivins employees.) This combination would be the same pattern and percentages as to how the two cities share the costs. The concept of consolidating is sound and the timing and logistics are good but we need some direction. **Council Member Roberts** referred to what's happening County wide with Fire Districts and inquired about that. **Chief**

Flowers clarified that he wasn't a fan of Fire Districts and he's talked to Dan Nelson about that and he agreed. There's been some discussion in the county about that and the first question would be who runs that? While he's with Ivins, he'd fight consolidating with a Fire District because you lose local control. **Council Member Densley** referred to EMT's responding to a fire and inquired if police officers would also respond. **Chief Flowers** indicated they would and that wouldn't go away. Ivins still has police officers trained for that. **Council Member Densley** inquired if Chief Flowers would be over both Fire and Police. **Chief Flowers** stated that the idea is to make sure it goes well based on the combined law enforcement model and once Ivins is comfortable with how it's running, the intent would be to turn it over in 6 months to a year. **Council Member Densley** indicated that he'd like to see Chief Flowers oversee the consolidation for at least a year. **Chief Flowers** stated that it will be a good partnership and he is comfortable with the consolidation. He acknowledged that there are going to be employees that don't like the idea but this isn't about them. It's about the cities and what's best for those residents. **Dan Nelson** agreed. **Council Member Densley** referred to the wildland program and recalled Ivins not wanting to be involved in that and inquired how that would be resolved. **Dale Coulam** clarified that they would be Santa Clara employees. The issue was that Ivins had a volunteer fire department and currently Ivins City does not have the personnel or equipment to go out on wildland fires. Santa Clara uses employees to go out on wildland fires so they do not have the same issue we are currently faced with. With this, personnel is increased and there is more equipment. **Council Member Densley** inquired if there would still be any volunteers. **Dale Coulam** clarified that there would and they would always welcome volunteers. **Council Member Roberts** inquired if this presentation has been given to Santa Clara City as well. Chief Flowers indicated that occurred yesterday and Santa Clara City is positive about the consolidation. **Council Member Johnson** stated she has been a Volunteer Fire Fighter for 20 years and loves the Ivins Fire Department. The consolidation will be emotional but she is in support of the consolidation, especially given the situation with volunteer fire fighters over the past year. Ivins City and Santa Clara City work well together and she was very much in support of Dan Nelson as the Fire Chief of the combined department. She is excited for the consolidation and hopes it happens soon. **Mayor Hart** indicated that he spoke with Dan Nelson and met with Mayor Rosenberg. Dan Nelson has been with Santa Clara Fire Rescue since 1985. He felt that consolidating departments would be a fantastic thing. The nature of Ivins and Santa Clara communities is changing. **Council Member McDonald** was in favor of combining the departments but struggled with who has control. Generally the one that is in control has greater authority and he inquired if Ivins would be losing that control. **Chief Flowers** indicated that Ivins would partially be losing control, just as Santa Clara did when the two cities combined law enforcement. He reports to Santa Clara's City Manager and City Council and Dan Nelson would report to Ivins City Manager and City Council. **Dan Nelson** stated that he didn't think that Ivins would lose a lot of control. **Council Member Roberts** indicated that the Santa Clara apparatus was present when the bamboo fire occurred and elsewhere and their responses have been seamless. **Dan Nelson** stated that Ivins and Santa Clara train together and have been doing that for a while and when they're all one department, it's going to be fantastic. **Mayor Hart** indicated that it boils down to what happens with the service for Ivins and Santa Clara. Ivins is reaching a point where it has some difficulty responding in a timely fashion. Combining departments will provide a full-time staff during the day and the ability to respond from either location. The service will actually be enhanced and not diminished. **Council Member McDonald** inquired how the two departments separate if the

consolidation doesn't work out and how would the equipment be separated. **Dale Coulam** clarified that the agreement can be terminated and the equipment would be valued and then the two cities would work out a deal to divide the equipment as fairly as possible. **Council Member Roberts** suggested the possibility of holding an annual joint meeting with Ivins and Santa Clara City Council's. **Council Member Johnson** stated that there is always going to be "what ifs". There is a need right now and suggested they deal with that first and the "what ifs" later. **Chief Flowers** indicated that he's confident Ivins City will be glad that they consolidated with Santa Clara City for Fire and EMS Services. **Dale Coulam** inquired if the City Council was comfortable with him preparing a draft agreement and sending it to Santa Clara's City Attorney. **The City Council** agreed.

D. Continued discussion to consider and approve 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

Mayor Hart indicated that every couple of years there's an amendment to the Fire Code and he's decided that before adopting any code, he wants to understand the differences between the new code and the previous code. **Dan Nielson** stated that every three (3) years this code comes out nationally and internationally and then comes forward to the municipalities. The fire code is needed because people die. Several entities comment and make recommendations on this code before it is updated. **Dale Coulam** explained that the State of Utah has adopted the 2015 Fire Code, as have many other cities. All or part of the appendices can be adopted; if not, then the City must come up with its own standards addressed by some of the Appendices. He referred to Appendix D that addresses Fire Apparatus Access Roads and stated that's a valid concern and that's why it's been recommended to be adopted. A 96' cul-de-sac is a minimum requirement. **Acting Fire Chief Nick Hallman** stated that the Fire Department measured out a 96' cul-de-sac and made the turning radius. There was only 1 apparatus that wouldn't hit into a vehicle and it's impossible in the smaller cul-de-sacs. If a cul-de-sac is smaller than 96", it will jeopardize how they fight a fire.

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

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

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

E. Continued discussion to consider and approve Ordinance No. 2017-18, an Ordinance of Ivins City, Utah, amending Section 7.06.203(1)(e) of the Ivins City Code regarding Vegetation Used to Screen Personal Property

Dale Coulam previously suggested that the City Council hold off on adopting this until he was able to speak with Ivins' insurance carrier (Utah Local Governments Trust) and defense council regarding what litigation might arise if the City Council required an absolute prohibition and mandate to remove the vegetation now versus adopting a defensible space requirement. He

learned from the insurance carrier that prior to last year, there would have been zero coverage for something like this but now there is $25,000 of coverage, which would help pay for defense costs. **Mayor Hart** inquired what the reason would be for someone could sue the City for. **Dale Coulam** clarified that someone could sue over the City imposing a cost burden to them to remove the vegetation and they have used the vegetation for years as screening. Creating a mandate may invite litigation and he was more comfortable with using a defensible space standard that is similar to the Wildland Interface Code for high risk areas, which requires a defensible space of 50' from any structure. **The Mayor and City Council** agreed. **Mayor Hart** thanked Dale for his research. **Council Member Roberts** referred to the second "Whereas" regarding storm drains and inquired if they could use the 50' defensible space in those areas as well to keep them from being clogged. **Dale Coulam** clarified that was not in this version of the ordinance since it does not relate to the wildland defensible standard being used as the basis for this ordinance.

MOTION: Council Member Johnson moved to approve Ordinance No. 2017-18, an Ordinance of Ivins City, Utah, amending Section 7.06.203(1)(e) of the Ivins City Code regarding Vegetation Used to Screen Personal Property
SECOND: Council Member Roberts
VOTE: The motion carried.

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

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

F. Discuss and consider approval of purchase of a Fire Apparatus and Equipment

Wally Ritchie indicated that this was brought before the Council previously regarding the need to change the budget priorities. With the possibility of consolidating with Santa Clara, the highest priority is a new fire apparatus. The City located three (3) that have already been built that were available and the former Fire Chief tested all three (3). The E-One low hosebed pumper fits the needs the best.

MOTION: Council Member Densley moved to approve the purchase of a Fire Apparatus and Equipment, not to exceed $581,000
SECOND: Council Member Johnson
VOTE: The motion carried.

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

G. Discuss and consider approval of a revised Interlocal Agreement between the City of Santa Clara and Ivins City to share use and costs of Sewer Cleaning Trucks

Wally Ritchie stated this won't affect the budget this year. It would be a shared use and benefits Ivins City and Santa Clara City. **Mayor Hart** inquired if the old one is just wearing out. **Wally Ritchie** clarified that it is outdated and wearing out.

MOTION: Council Member McDonald moved to approve a revised Interlocal Agreement between the City of Santa Clara and Ivins City to share use and costs of Sewer Cleaning Trucks
SECOND: Council Member Johnson
VOTE: The motion carried.

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

H. Discuss and consider approval of the Planning Commission's recommendation to approve a Class V Amended Conditional Use Permit for Crescent Moon Village, located at approximately 1500 West off of Highway 91; RT Marten/Kayenta Development-Owner; Lance Anderson-Applicant

Mike Rodriguez indicated that the applicant has provided an updated and amended plan and Staff recommends approval. **Mayor Hart** inquired if this will change the uses. **Dale Coulam** stated this is mainly cleaning up the Conditional Use Permit and identifying the uses on the map. It will also offer flexibility for the developers. What was allowed for uses is still allowed. **Mike Rodriguez** clarified that it more clearly defines how the developers are going to develop the property and that helps staff make a better and more informed decision.
MOTION: Council Member Densley moved to approve the Planning Commission's recommendation to approve a Class V Amended Conditional Use Permit for Crescent Moon Village, located at approximately 1500 West off of Highway 91; RT Marten/Kayenta Development-Owner; Lance Anderson-Applicant
SECOND: Council Member Johnson
VOTE: The motion carried.

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

I. Discuss and consider approval of the Planning Commission's recommendation to approve a Preliminary Plan for Crescent Moon Village, located at approximately 1500 West off of Highway 91; RT Marten/Kayenta Development-Owner; Lance Anderson-Applicant

Mike Rodriguez stated that the applicant has provided a Preliminary Plan. The Planning Commission and Staff have reviewed it and recommend approval.
MOTION: Council Member Roberts moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Crescent Moon Village, located at approximately 1500 West off of Highway 91; RT Marten/Kayenta Development-Owner; Lance Anderson-Applicant
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE

Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mehr	ABSENT

6) CONSENT AGENDA

Tom Jorgensen explained Consent Agenda item 6)B, indicating that installing the improvements now before pavement is installed for the adjacent subdivision will provide a cost savings to the City and avoid removing and replacing the newly laid asphalt.

A. Approval of an amount to purchase a pavilion for Desert Rose Park
B. Approval of an expenditure for 600 West and 400 South Storm Drain Improvements
C. Approval of City Council Meeting Minutes for August 17, 2017

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member McDonald - no report
Council Member Johnson reported that Heritage Days will be held this upcoming weekend. **Mayor Hart** thanked her for her efforts in scheduling Heritage Days around other events occurring in the County.
Council Member Roberts thanked City Staff, specifically Jennifer Chapman and Benny Sorensen for the extra hours they've put into Heritage Days. His wife also asked that he express her appreciation as well.
Council Member Densley - no report

B. Mayor

Mayor Hart reported that Mrs. Ivins wasn't crowned Mrs. America but she did great and she is appreciative of the City Council supporting her. He reminded the City Council that there will be a board meeting at the conservancy district next week regarding their proposal for an impact fee and plan to fund projects for the future.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the Utah League of Cities and Towns Annual Conference will be held in Salt Lake City September 12-15, 2017. Remodeling will start to take place in the administrative building tomorrow. It's likely that the City will need a new City Hall in the next 5-10 years. A joint Work Meeting needs to be scheduled with the Planning Commission and City Council regarding a location for a new Public Works yard and pursing an option with the BLM (Bureau of Land Management) for an RPP (Recreation Public Purpose) grant to acquire the land. The Mayor and City Council agreed to hold the joint Work Meeting on Thursday, September 28, 2017 beginning at 4:00 p.m. at Ivins City Hall.

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D. Items to be placed on future agendas

Discussion to amend the Plat and Development Agreement for Tenaya Sands Phase 2, lots 20, 21 and 22 relating to the block walls on those lots.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

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

The meeting adjourned at 8:27 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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