IVINS
CITY COUNCIL
MINUTES
September 21, 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 Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, Assistant Public Works Director Tom Jorgensen, and City Recorder Kari Jimenez.
EXCUSED: Council Member Mehr
AUDIENCE: Bob & Judy Sporrong, Lance Anderson, Dennis & Beth Green 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 Johnson led 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. Concept Report for Kay's Court Townhomes located at approximately 50 South and 100 West - Kay & Robert Ence Owners

Mike Rodriguez indicated this consists of 12 units on a total acreage of .943. The property is zoned RM Multi-Family and the proposed improvements appear to be in compliance with City ordinances.

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

Mike Rodriguez provide a written report to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. He reported that there have been six (6) permits issued for the month of September. Over 30 residential permits have been issued for the fiscal year and 91 for the calendar year. He reported that there were four (4) code enforcement cases heard yesterday with Judge Barney regarding administrative code violations.
Chuck Gillette reported that last month was a busy month for the field crews, with five (5) water leaks on the Ivins system and five (5) water leaks on Ivins Irrigation. He indicated that one resident commended the Public Works crew for fixing his water leak. The 400 West road is expected to be paved next week and there is a Work Meeting scheduled for next week to take the Mayor and City Council out and tour some of Ivins facilities and properties. **Council**

Member Densley stated that Dr. Park with Rocky Vista University has agreed to provide a tour of the school for Ivins staff and Council if there is an interest.
Wally Ritchie referred to the monthly budget report and indicated that the first three months of the fiscal year are looking good. The Auditors finished their field work and he did not foresee any Audit Findings coming from the Auditors.

C. Planning Commission Report
Chairperson Loris reported that the Planning Commission heard the Concept Plan Report on Kay's Court Townhomes and discussed text amendments regarding recreational vehicles. The Final Plat for Crescent Moon Village was tabled because there weren't enough Commissioners in attendance to vote on that agenda item.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A request for a Citizen Comment was submitted by Lyn McGuire on behalf of several residents in Red Mountain Estates on 250 North. **Ken McGuire** resides at 245 East 250 North and felt that Craig Flowers' development behind Red Mountain Estates has brought in more fill than expected. They have been working with Ivins City staff and commented that they have been excellent to work with. The residents expressed concerns that compared to the original plan that was approved, the amount of fill that has been brought in to the project adversely affects property sight lines, view, privacy, water retainage, the absence of a screening wall in Mr. Flowers subdivision, setbacks on the walls, drainage onto their walls, the walls not being able to hold the drainage, the location of the retaining pond, the direction the project is draining, the drainage being open rather than requiring pipes and the developer talking about the possibility of building 2-story homes on top of all this fill. The residents requested that the City Council consider whether the amended plan should be approved. **Dale Coulam** clarified that the developer has received Final Plat approval but has now amended the grading plan. Chuck Gillette generally would be the one to approve or deny the amended plan based upon whether or not it complies with the ordinance. **Chuck Gillette** indicated that he understands the residents' frustration and stated that it's always a problem when a development comes in above another development. Staff was also blindsided by the fill and in looking at the new plan, he did not see anything in the new plan that would be in violation of Ivins' grading ordinance. He explained the requirements of the grading ordinance. He clarified that the project drains to the east because of the natural grade. The resident who has been flooded in the past was due to a pipe that was plugged off. The developer has been required to do what the ordinances require and so far they have met the requirements. **Mayor Hart** stated that the only option for the City Council would be to re-analyze the Preliminary Plan and look at the change. **Chuck Gillette** indicated that was correct and clarified that he believes the new grading plan meets the ordinance; therefore he did not know what grounds there would be to deny the plan. **Dale Coulam** referred to building a home that is more than a single story and clarified that the developer is limited to building a one story on sloped lots with two levels and that the City takes that position. **Chuck Gillette** stated that the developer was interested in building two (2) story buildings but the City has told him that's not allowed. **Council Member Roberts** inquired if this would be approved through City Council. **Dale Coulam** clarified that a Preliminary Plan goes to the Planning Commission for a Public Hearing and then to the City Council. Council Member Roberts was concerned that the City Council approved a different plan and not the amended plan. **Council Member Densley** was concerned with the structural issues relating to the retaining wall, the screen wall and water being drained through a ditch rather than pipes. **Chuck Gillette** indicated that the new plan sends less water to the ditch and more out to

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the street, which is better, but there still is a concern for erosion. **Council Member Densley** inquired who maintains the ditch. **Chuck Gillette** stated the property owners do and that's why roof water drains to the street. **Council Member Densley** was concerned with policing residents to make sure the ditch was taken care of and inquired why something other than a ditch wasn't required and inquired if the City could ask the developer to install a pipe. **Chuck Gillette** indicated that there is no rule the requires a developer to use pipes rather than a ditch but that a pipe isn't a bad idea and he'd prefer to see both the pipe and ditch used for drainage. **Mayor Hart** referred to the residents' concerns about their views and privacy and clarified that the City can't do anything about those things. The residents clarified that drainage was the main issue. **Mayor Hart** referred to the residents' concerns regarding the basin and inquired if the rear slope is required to be armored. **Chuck Gillette** stated that the City could require fiber rolls or fiber blankets to control erosion up the slope. **Mayor Hart** clarified that a developer is not required to build a second wall. The Mayor and City Council determined to place this on the next City Council agenda to discuss and review, due to the original plan changing from what the City Council approved. **Dale Coulam** clarified that it will be placed on the next City Council agenda for the City Council to review the drainage, fill and erosion elements of the new plan.

4) PUBLIC HEARING AND ACTION ITEMS

None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion regarding Interlocal Agreement regarding Consolidating Fire and EMS services with the City of Santa Clara

Dale Coulam indicated that a draft of this agreement was given to Santa Clara and their Attorney and City Manager are agreeable to the form and substance of the agreement. This agreement follows the same percentages as far as costs and revenues as the consolidated law enforcement agreement. A section regarding dissolution is also included in the agreement. Any equipment that Ivins acquires prior to the consolidation will come back to Ivins City. The Santa Clara City Council has not seen this agreement as of yet so for tonight's discussion, this is in the conceptual stage. **Mayor Hart** commented that Dale Coulam did a great job preparing the agreement. He referred to Santa Clara recently acquiring some land and inquired what would occur if the relative populations change over time with regard to the calculation formula based on population. **Wally Ritchie** clarified that the percentages will change with the population. **Council Member Densley** referred to fire personnel doing out on wildland fires and inquired who is responsible for that and making sure there is still coverage for the cities when they're out on wildland fires. **Dale Coulam** clarified that Santa Clara would be responsible for that and the employees would be Santa Clara employees. **Council Member McDonald** indicated that the majority of his concerns were addressed with the formula but his other concern was that Ivins recently purchased a new fire truck that wasn't split with Santa Clara and that new truck will not be housed in Ivins. It will be housed in Santa Clara instead. He was in favor of combining these services but wasn't sure he was in favor of this agreement because of the money involved. He'd like to see an exit strategy in the case of dissolution. **Mayor Hart** stated that Dale Coulam has addressed that with the allocation of equipment. **Dale Coulam** clarified that prior to combining, anything purchased by Ivins City comes back to Ivins and then there is an equitable remedy for each City to take their appropriate share. **Nick Hallman** indicated that Ivins has an itemized list of everything they have. **Council Member McDonald** inquired how the need for certain fire apparatus' will be determined i.e. equipment placed in Kayenta versus

Santa Clara. **Nick Hallman** clarified that they have an overall apparatus plan where vehicles will be placed in the area that it's needed and is based on response times, main road arteries and the equipment is evenly split up. **Council Member McDonald** referred to Ivins City being vigilant in the maintenance of equipment and inquired if the Council would be assured that that same maintenance will be maintained. **Nick Hallman** stated yes, that they have programs and software to track that. **Dale Coulam** indicated that this discussion will continue on future agendas to finalize the terms after there has been input from the Santa Clara City Council.

B. Discuss and consider approval of First Amended Washington County Mutual Aid Agreement

Dale Coulam indicated that this renews automatically but he had questioned some language that caused him some concern. He referred to the "First Operational Period" after which the City might be responsible to pay. He contacted the Washington County Attorney's Office regarding that and they responded with clarifying language, that being "the period of time from the onset of an event, through the execution of the initial incident objectives as specified in the Incident Action Plan. First Operational Periods can be of various lengths, although they usually do not extend over 24 hours." The agreement is being recirculated for signature and the approval tonight would be as amended.

MOTION: Council Member Densley moved to approve the First Amended Washington County Mutual Aid Agreement, as amended
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. Discussion regarding possible adoption of Chapter 6 of the Utah Wildland-Urban Interface Code regarding defensible space

Dale Coulam referred to this code and stated that the City Council can adopt the entire chapter, just Section 603, which talks only about defensible space, or draft a paragraph in Ivins Fire Code regarding defensible space. A high hazard area suggests the defensible space be 50 feet. **Nick Hallman** suggested that the City adopt the whole chapter because the maintenance of defensible space would fall on property owners and not the City. **Mayor Hart** referred to the Council establishing a measured defensible space and inquired if that would require City staff to go out and measure distances from properties. **Nick Hallman** indicated that it could and explained that State Fire Marshal has a Warden that can assist with that when he's not out on the wildfires and the State has offered to assist the Fire Department. **Mayor Hart** inquired if there would be any enforcement after that is done. **Dale Coulam** clarified that the City would give the property owners time to correct the issues. The City could send out a notice that is similar to code enforcement. **Council Member Roberts** was concerned about private property rights and how the City would be inspecting the property. **Dale Coulam** clarified that it would be like what is done with Code Enforcement now where staff observes the violations from a public place, such as a public street. **Mayor Hart** agreed with the liability being placed on the property owners but didn't support the idea of delivering a notice to property owners telling them they have to cut down their trees and bushes. **Council Member Johnson** stated she didn't think that was the intent of this code. It's telling property owners that if they don't abide by the code, it will make it harder or impossible for the City to fight a fire involving their property. **Mayor**

Hart indicated that it was important to adopt something that is clear and well established. **Nick Hallman** clarified that the Fire Department has to put their resources where they can do good and fight a fire. If there isn't any defensible space to a property, they'll have to bypass that property. **Mayor Hart** suggested this information could be included in an upcoming newsletter. **Council Member Roberts** likes this but did not agree with fining people. **Dale Coulam** stated that this would need to be adopted by Ordinance and could add a provision that includes an education period of a year and then bring it back to the City Council to see how successful the education effort has been. **The Mayor and City Council** agreed with that and agreed that the City would only respond if someone made a complaint. **Dale Coulam** will draft the Ordinance and bring it back to the City Council.

D. Discuss and consider approval of Resolution No. 2017-15R, a Resolution of Ivins City, Utah, cancelling the 2017 Municipal Election

There was no discussion.

MOTION: Council Member Densley moved to approve Resolution No. 2017-15R, a Resolution of Ivins City, Utah, cancelling the 2017 Municipal Election
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 there were present voted in favor.

6) CONSENT AGENDA

A. Approval of expenditure for streets pavement crack seal maintenance
B. Approval of City Council Meeting Minutes for September 7, 2017

MOTION: Council Member McDonald moved to approve the Consent Agenda
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member McDonald reported that he attended a lunch meeting today where the landfill received an award for efficiency. It's a prestigious award and not easily obtained. The Washington County Solid Waste District is working with the BLM (Bureau of Land Management) to acquire the purchase of land from them to use as a landfill, which will extend the life of the existing landfill another 70 or 80 years. The ribbon cutting on the sorting facility

will be held tomorrow, September 29, 2017.
Council Member Johnson reported that the Heritage Days Committee felt that Heritage Days was very successful with approximately 50 venders, 30 parade entries and a high school marching band. There were over 320 tickets given out for the kids' games. The committee is going to plan for 400 kids next year for the games and the vendors voiced that they were very successful. Heritage Days is growing and getting more and more support for the community. **Mayor Hart** commented that it was the greatest Heritage Days he can remember and heard a lot of compliments. There isn't much involvement in Heritage Days from Kayenta so he spoke with Judith Kapuscinski regarding a play that was written by an Ivins resident being held at the Kayenta Arts Center as part of Heritage Days.
Council Member Roberts - no report
Council Member Densley - no report

B. Mayor
Mayor Hart thanked the City Recorder for obtaining a "Key to Ivins City" for presentation to the owners of Rocky Vista University at their white coat ceremony. A Public Hearing was held at the Water Conservancy District regarding the Capital Facilities Plan and Impact Fee Facilities Plan regarding the pipeline. They have a formula that is fair and has been discussed for over a year. The result of that is going to dramatically affect impact fees over the next several years. Changes in water rates and property taxes will also occur in conjunction with that. The justification is that it will be a benefit to all residents and that the economy continue to grow. It would be devastating the County reached a zero growth point. The redundancy of supply that's provided by a water source other than the Virgin River basin and aquifer is very important to Washington County long-term.

C. City Manager/Attorney Dale Coulam
Dale Coulam reported that he had an opportunity to attend the Utah League of Cities and Towns conference in Salt Lake City, along with Wally Ritchie, Mayor Hart and incoming City Council Member Miriah Elliott. Cameron Diehl has been named as the new Executive Director for the Utah League of Cities and Towns and is planning a trip to Southern Utah to meet with the cities and hold a conference. Cities need to step up, be more involved, take action and be in contact with their elected officials. To help further that goal, he has asked Wally Ritchie to attend as many policy committee meetings in person as possible. There is a Land Use Conference coming up at the end of October, to be held on Tuesday and Wednesday, October 24th and 25th in Salt Lake City. He has been serving on the Trust Advisory Committee and gotten to know the President of the Trust much better and they have been very complimentary of Ivins City regarding Ivins' Risk Management efforts. He's been invited to attend a Trust Leadership meeting the day after the conference. **Mayor Hart** encouraged those who have not attended a Utah League of Cities and Towns conference to attend and obtain the training they have to offer.

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.

Council Member McDonald	AYE
Council Member Johnson	AYE

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

The meeting adjourned at 7:45 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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