IVINS
CITY COUNCIL
MINUTES
October 19, 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, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Mladek, Osborne, D&G Davies, William Watson, Chuck Warren, Miriah Elliott, Roger Tulley, Rilen Richardson George Stoddard, Gary Paquin, CJ, Lance Anderson, Dee Osborn, Fred Rainey 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

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Sage Villas Concept Plan Report

Mike Rodriguez reported that this project consists of 54 units on a total of 5 acres. The proposed lots and improvements appear to be in compliance with City Ordinances. The TRC (Technical Review Committee) reviewed the plans and they were concerned with the short driveways and long architectural lines but those will have to be adjusted to meet Ivins' guidelines.

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

Mike Rodriguez reported that there have been just over 100 single family permits issued to date since January. Permit activity is strong and he's receiving more and more discussion regarding multi-family housing. Code Enforcement has been a challenge since the passing of Code Enforcement Officer Dennis Murphy but he indicated that Cody Mitchell was doing a commendable job handling Code Enforcement.
Chuck Gillette reported that Staff has been busy with a lot of water leaks. There were seven (7) water leaks recently, which is unusually high and he was not sure why. The leaks were all on

service lines. They have been removing vegetation on the dam on the red mountain, close to the Ivins Reservoir. They have received some push back from the residents but the City is required by the State to remove the vegetation and they are continuing to work on the design for those dams. **Council Member Roberts** inquired if the new water tank has contributed to the leaks. **Chuck Gillette** indicated that shouldn't be the problem. Approximately eight (8) years ago the City started using thicker pipes and there haven't been any breaks in the thicker pipes but the City has seen the breaks in the older, thinner pipes. **Mayor Hart** inquired if he was working on replacing the spillway at Fire Lake Park. **Chuck Gillette** indicated that he has more information that he's needs to submit to the Utah Division of Water Rights Dam Safety. **Wally Ritchie** provided electronic reports to the Mayor and City Council. Copies of the reports are available by request through Ivins City Hall. He reported that growth has been strong in the first quarter of the fiscal year. The labor market continues to improve and home values are up and rising. The current budget and Council direction strive to meet the ongoing issues of providing high quality services to the residents. **Council Member Densley** indicated that St. George News reported that Ivins has the lowest crime rate in Washington County. **Wally Ritchie** stated that Public Safety does a good job and are vigilant in what they do and they appreciate the City Council providing them with what they need.

C. Planning Commission Report

Chairperson Loris reported that the Planning Commission had the same concept plan for Sage Villas on their agenda. They discussed and approved a Final Plat for Crescent Moon Village, discussed the Moderate Income Housing Plan, parking of recreational vehicles and the use of carports. The Planning Commission cancelled the October 31, 2017 meeting because of Halloween. A Public Hearing on recreational vehicles and carports will be held on November 14, 2017.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to vacate a portion of 600 West located between 400 South and Old Highway 91; a portion of 400 South approximately between 625 West and 575 West; and a portion of 800 West between Center Street and 450 North

Chuck Gillette indicated this was discussed at the previous City Council meeting. He explained the right-of-way vacations and exchanges. A copy of the Staff Report and Exhibits are available by request through Ivins City Hall. The right-of-way vacation and property exchanges for 600 West and the 400 South area, Kwavasa Drive/800 West area between Center Street and 450 North are reasonable and sufficient to provide the necessary compensation for a road vacation. There will be no financial impact since the property acquisitions will be through exchanges whereby the City receives more property than it abandons. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2017-21, an Ordinance of Ivins City, Utah, vacating portions of 600 West and 800 West to accommodate a new alignment of Kwavasa Drive

There was no discussion.

MOTION: Council Member Densley moved to approve Ordinance No. 2017-21, an Ordinance of Ivins City, Utah, vacating portions of 600 West and 800 West to accommodate a new alignment of Kwavasa Drive

SECOND: Council Member McDonald
VOTE: The motion carried.

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 voted in favor.

C. Discuss and consider approval of Right-of-Way vacations and property exchange agreements for 600 West from Old Highway 91 to 400 South; 400 South from approximately 575 West to 625 West; and 800 West between Center Street and 450 North

Chuck Gillette indicated that this relates to the agenda items that were just addressed. They are four (4) property exchange agreements. **Dale Coulam** clarified that they are standard agreements. **Council Member Roberts** referred to Kwavasa Drive and inquired about the alignment. **Dale Coulam** clarified that it was a connecting point to Kwavasa Drive.

MOTION: Council Member Johnson moved to approve Right-of-Way vacations and property exchange agreements for 600 West from Old Highway 91 to 400 South; 400 South from approximately 575 West to 625 West; and 800 West between Center Street and 450 North
SECOND: Council Member Densley
VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Continued discussion regarding Interlocal Agreement regarding Consolidating Fire/Rescue services with Santa Clara

Dale Coulam indicated that the only comments received back from the Santa Clara City Council were that sections 5 and 12 seemed to be in conflict or at least not as clear as it could be as far as reporting and mentoring. The Ivins City Director of Public Safety would be the mentor and the Fire Chief would report to both City Councils. This is on the agenda tonight to see if the City Council has any further modifications that the Santa Clara City Council needs to consider or if Ivins City Council is comfortable with the agreement. Ivins will then proceed with contacting the State and moving forward with transferring the licensing for the ambulance to Santa Clara. The license is up for renewal this year. **Council Member Mehr** stated that his only concern was related to the Notice of Termination. He felt that it would be difficult to transfer assets and obtain employees in 90 days. He indicated that the City should consider a long term notification for termination and suggested six (6) months. **Dale Coulam** indicated that's a double edged sword. If Ivins wants out of the agreement, the City would have to wait six (6) months before it would get its equipment back. The other factor is that the staff will follow the ambulance, where it goes, the employees will also go. The City may have to hire a Fire Chief

but the City currently has personnel who can do that in the interim. There is also an automatic aid agreement already in place where other agencies automatically respond so coverage would not be jeopardized. **Council Member McDonald** inquired if the agreement could be written with a window of 90 days up to 180 days. **Dale Coulam** clarified that in order to give notice, there has to be a set time. **Council Member Johnson** was confident that it would work the way that the agreement is currently written. **Council Member Roberts** referred to the mentoring period of six (6) months and inquired if that was enough time. **Dale Coulam** indicated that period can be expanded by agreement of the City Managers and currently, both City Managers agree that the mentoring period is longer than six (6) months. **Council Member Densley** referred to hiring and firing and inquired if Chief Flowers would do that or if that was mutual between the cities. **Dale Coulam** clarified that other than the Fire Chief, hiring and firing would be done by Santa Clara because they would be Santa Clara employees, just like Ivins hires and fires Santa Clara Ivins Police Department employees without Santa Clara's input. **Council Member Roberts** and **Council Member Densley** indicated they were okay with the 90 days noticing period. **Council Member Mehr** referred to the ambulance billing and inquired if Santa Clara would be responsible for that. **Dale Coulam** stated that's what's expected but Ivins obviously has the contract with the billing company; Ivins will contact the billing company about getting that transferred to Santa Clara. If the City Council felt that this agreement is sufficient, the City will pursue discussion with the State and the ambulance billing company. **Mayor Hart** indicated that he personally thought this agreement was well done.

MOTION: Council Member Johnson moved to approve the Interlocal Agreement regarding Consolidating Fire/Rescue services with Santa Clara, as amended
SECOND: Council Member Roberts
VOTE: The motion carried.

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

B. Discuss and consider amending the Employee Handbook cancelling Columbus Day and instead, allowing the Christmas holiday to be a two (2) day holiday, effective January 1, 2018

Dale Coulam clarified that it would be more consistent with what other cities are doing. Rather than being closed on Columbus Day, the City would be closed for 2 days for Christmas. Additionally, there has been some controversy recently over Columbus Day. **Mayor Hart** inquired if staff supported this change. **Dale Coulam** clarified that they did. **Council Member Mehr** inquired if City employees receive PTO (Personal Time Off). **Dale Coulam** indicated that they receive vacation and paid holidays. **Council Member Mehr** stated that in the spirit of Christopher Columbus, he had some information that he wanted to read into the record, the idea of a holiday, celebrating who we give credit for discovering America and proceeded to read the following, which he indicated were Christopher Columbus' words: "It was the Lord who put into my mind, I could feel his hand upon me, the fact that it would be possible to sail from there to the Indies. All who heard of my project, rejected it with laughter, ridiculing me. There is no question that the inspiration was from the Holy Spirit because he comforted me with rays of

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marvelous illumination from the Holy Scriptures, encouraging me to continually press forward and without ceasing for a moment that they now encourage me make haste." **Council Member Mehr** read the following from a book about Christopher Columbus entitled "Christopher Columbus" by Clark B. Hinckley "There is little agreement regarding the nature and character of the man Columbus. Over the course of five (5) centuries, he has been reviled by some and proposed for sainthood by others. The vast diversity of opinions regarding the man is evidence of his complexity. He was a man of contradiction and peridox. Devout in his religious duties but heretical in his ideas. A brilliant navigator who had trouble making an accurate reading of the North Star, an uneducated man who spoke four (4) languages and wrote extensively in two (2) of them. The inability to categorize Columbus into a neat, consistent portrait, results in part from the age in which he lived. He was born into a world that was still dominated by medieval thought and institutions. But it was a world that was changing and he would become one of the primary agents of change. By the time of his death, the renaissance was well under way. Columbus lived his life with one foot firmly planted the middle ages and the other in the modern world. Much of his thinking and learning was medieval in nature but he built on that medieval knowledge, a lifetime of observation an experience in a genuinely modern way. He was a man of both the old world and the new world and space, time and thought. If there is any one thing about Columbus on which Historians agree, it is that he was an exceptionally gifted sailor. Of the great Columbus scholars over the past two (2) centuries, perhaps only Henry Vignaud, an American who immigrated from the United States to France during the Civil War, was disparaging in his assessment of Columbus' skills as a mariner. But as Paolo Taviani Riley noted, Vignaud's experiences on a body of water were limited to sightseeing tours on the rivers. Columbus, he was complex and as contradictory as the age in which he lived. Still, as one reads his words and reviews his actions, a portrait of the man begins to emerge. His confidence in his seafaring abilities, enabled him to initiate the era of open sea navigation. He was the first who was willing and capable of sailing purposefully with no sight of the coastline or predetermined landfall. He was, by all accounts, the greatest mariner of his age. It was his gift. Columbus was a devout Christian. He was strict for fasting and saying all the canonical offices, as he might have been taken for a member of religious order. He was a man with a mission and such men are apt to be unreasonable and even disagreeable to those who cannot see the mission. His faith in God was the foundation of all he did. finally, who can doubt that this fire was not merely mine, but also of the Holy Spirit. When all was said and done, everything turned out just as our Redeemer Jesus Christ had said and as he had spoken by the mouth of his Holy Prophets. Columbus was a man who was far from perfect. He seems to have been willing to admit it. Perhaps that is why he was so lenient and forgiving of the treachery of Roldan and the mutiny of the poorest brothers. I am only a most unworthy sinner he wrote, but ever since I've cried out for grace and mercy from the Lord, they have covered me completely. I have found the most delightful comfort in making it my whole aim in life to enjoy His marvelous presence. In the end, Columbus' achievements and his universal fame are a reflection of his personal faith. Peter stepped out on the water he wrote, and to the extent that his faith remained firm, he walked upon it. Whoever finds so much faith as a grain of mustard seed, will be obeyed by the mountains. Knock and it shall be opened unto you. No one should be afraid to undertake any project in the name of our Savior if it's just cause and if he has the pure intention of His holy service. Columbus' faith remained insufficiently firm, to enable him, like Peter, to step out on the water." He indicated that he's sure the holiday is not about valuing Columbus but having time with family at Christmas time. It could be easy to pick on Columbus and given the

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sentiment that exists in today's society, the City needs to pause and reflect on the great man that he was and the accomplishments that he brought forth. It was **Council Member Mehr's** opinion that the City could pick a different holiday in exchange or allow employees to take a personal day and have that day off. He was not in support of cancelling Columbus Day at Ivins City. **Dale Coulam** clarified that it wasn't just for convenience or the nicety of being with our families an extra day at Christmas, it's also consistent with what the neighboring City does. It has to do with two (2) other factors; 1) People are coming to the City on Columbus Day, expecting employees to be here to take care of their services and; 2) the schools don't let out for Columbus Day. **Council Member Mehr** stated that Columbus Day is a State Holiday and banks are closed. **Council Member McDonald** did not have a problem with the request and was in favor of cancelling Columbus Day and allowing the Christmas Holiday to be a two (2) day holiday. **Council Member Johnson** appreciated what Council Member Mehr said and indicated she was disappointed when the schools stopped observing Columbus Day but was not in opposition of changing the holiday to make it easier for the public and employees. **Council Member Roberts** appreciated the comments and indicated that he was in favor of one extra day for the Christmas holiday. **Council Member Densley** indicated that kids are out for the Christmas Holidays and even thought Columbus was a great man, he was in favor of the request to cancel the Columbus Day holiday and allow the Christmas holiday to be a two (2) day holiday. **Mayor Hart** inquired if the City only recognizes Christmas Day. **Dale Coulam** stated yes. **Council Member Mehr** indicated that if Christmas falls on a Sunday, employees are off on the Friday before or the Tuesday after. **Council Member Johnson** agreed with the additional holiday proposed by Council Member Roberts. **Council Member McDonald** stated that he could entertain that as well.

MOTION: Council Member Mehr moved to amend the Employee Handbook to allow an additional holiday, Christmas Eve and Christmas Day, effective January 1, 2018
SECOND: Council Member Roberts
VOTE: The motion carried.

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

Mayor Hart inquired if the intent of the additional day was for Christmas Eve. **Council Member Mehr** indicated that it was.

C. Discuss and consider approval of Easement Agreement for Kayenta Debris Detention Basins

Chuck Gillette handed out this agreement to the Mayor and City Council. A copy of the agreement is available by request through Ivins City Hall. **Chuck Gillette** stated that the City needs to have this in place in order to build the Kayenta Debris Basins. Terry Marten is donating the land at no cost but in exchange, has asked for certain stipulations regarding landscaping where the City will deliver temporary irrigation to the dams for landscaping. Kayenta has agreed to contribute $1500 to bring the construction water on site. **Chuck Gillette** read the changes to paragraph six (6) and seven (7). The goal is to re-create a natural desert vegetation in the landscape area. **Mayor Hart** referred to this agreement not being available to the public for review prior to tonight but clarified that this agenda item is not a Public Hearing item and the

City Council has seen this type of agreement previously. **Chuck Gillette** clarified that paragraph six (6) and a portion of paragraph seven (7) is the only thing that changed. **Dale Coulam** referred to the document not being available to the public and clarified that Chuck Gillette read and explained the changes that were made so the City Council can proceed with approving this. **Council Member Roberts** referred to Jones & DeMille Engineering preparing the exhibits to the agreement and disclosed that he has a family member that is employed by them. **Council Member Densley** inquired if the irrigation water was coming from Kayenta or Ivins system. **Chuck Gillette** clarified that it's coming from Kayenta.

MOTION: Council Member Mehr moved to approve the Easement Agreement for Kayenta Debris Detention Basins
SECOND: Council Member Johnson
VOTE: The motion carried.

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

6) CONSENT AGENDA

A. Approval of expenditure to purchase small dump truck
B. Approval of City Council Work Meeting Minutes for September 28, 2017
C. Approval of City Council Meeting Minutes for October 5, 2017

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

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 - no report
Council Member McDonald - no report
Council Member Johnson - no report
Council Member Roberts - no report
Council Member Densley - no report

B. Mayor

Mayor Hart reported that there is a great deal of energy being focused on water right now. The Lake Powell Pipeline project is in motion in a variety of ways and there are other really significant projects that will be underway next year. Electronic metering data is more accessible

now than it's ever been. Over the last year have discovered some really interesting facts regarding water use. In terms of impact fees, there may be some recognition of water use to assess impact fees based on lot and home size. Larger homes on larger lots use more water than smaller homes on smaller lots.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the City is moving forward with the Public Hearing process, beginning with the Planning Commission regarding the Moderate Income Housing Plan. **Council Member Mehr** referred to the townhomes that have been built in Santa Clara, bordering Ivins and inquired if moderate income housing availability is defined by Ivins' boundary. **Dale Coulam** clarified that it is and each City is required to provide a report to the State. He reported that Wally Ritchie attended the Legislative Policy Committee meeting this week. There is a Land Use Conference in Salt Lake City the week of October 23, 2017. **Council Member Densley** inquired as to the status of the plaque for the Center Street/Tuacahn Drive/Snow Canyon Drive roundabout. **Wally Ritchie** indicated that Benny Sorensen and Jennifer Chapman put something together and previously showed it to the City Council. **Mayor Hart** requested that the City Council see the proposed draft before it's finalized.

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

The meeting adjourned at 7:00 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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