IVINS
CITY COUNCIL
MINUTES
November 16, 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, and Council Member Roberts.
STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Building and Zoning Administrator Mike Rodriguez, and Public Works Director/City Engineer Chuck Gillette.
EXCUSED: None.

Audience: Kenneth Anderson, Scott Raine, Jerome Liebling, Claudette Larson, Bob Nickerson, Jeanne Harrison, Greg & Kathy Cherry, Jonathan Upchurch, Janice Hastings, Judith Kapuscinski, Ursula & John Reikes, Jessica Mousley, Roger Osness, Tony Moore, Miriah Elliott, Mike Scott, Patty Dupre, DeAnne & Kerry Haut, DeWayne Lee, Becky & Chuck Warren, Brett Kee, Russell Olsen with Larson & Company, George Stoddard, Lance Anderson, Matt Pickeus, Ronald Ragan and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Densley was absent.

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.
Mayor Hart requested that the rules be suspended to address a Citizen Comment that had been submitted.
MOTION: Council Member Mehr moved suspend the rules and move item 3 "Citizen Comment & Request for Future Agenda Items" to the present
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	ABSENT

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mike Scott resides at 1050 Grandview Drive in Ivins and submitted a Citizen Comment form and indicated the following: "The City knows that Sentierre has landed helicopters on its

property this year and that Tuacahn has been landing them at Tuacahn a few times a year. Ivins Use Tables do not permit helicopter landings, yet the City has taken no action, to his knowledge, against known violations and he wondered what use zoning codes are if they're not enforced. Now we learn that Sentierre plans to land helicopters in Padre Canyon for its customers. Not everyone likes that. Many communities have prohibited helicopter landings. Last year Summit County passed an Ordinance against them and their reason, this could have been written for Ivins, was to protect and enhance the quiet enjoyment of the mountain environment and resort nature of the area and for safety, noise and other potential impacts. So, I ask the City, to create an Ordinance prohibiting helicopter landings in Ivins, anywhere in the City, except for public emergencies, with significant financial penalties for violations. Why now? What's the urgency? I can't answer that in the two (2) minutes that you give me because there are eight (8) reasons why it's important to do now. Those eight (8) reasons are right here on page 2 of this handout, along with thoughtful, detailed and important comments we've received so far, from 339 people in just the last ten (10) days, through about noon today when we had to put this together. That's a lot to read but it is worthwhile and I've emailed a PDF version for the record. The comments keep coming. A couple dozen more comments have come in this afternoon since we put this together. So, I ask you to act now to protect, as our General Plan states, the spiritual quality of the land and our serene environment, by prohibiting non-emergency helicopter landings in Ivins." A copy of the handout is available by request through Ivins City Hall.

Mayor Hart requested that the Council determine now whether or not to consider this on a future agenda. The City Council was not opposed to addressing it on a future City Council agenda. **Mayor Hart** clarified that there will be no public comment on this unless a Public Hearing is held and that would begin with the Planning Commission.

There was a brief recess from 5:41 p.m. to 5:44 p.m. to allow those attending the meeting for this specific reason, to exit the City Council Chambers.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Audit Presentation for Fiscal Year Ending June 30, 2017

Wally Ritchie indicated that Ivins' Auditors are Larson & Company and they are represented by Russell Olsen who is a partner, Jon Haderlie who is the Audit Manager and Cody Powell who worked on Ivins audit. They have completed their audit and are working with Ivins on the CAFR (Comprehensive Annual Financial Report) that is submitted to the State and the GFOA (Government Finance Officers Association). The City appreciates the work they do. **Russell Olsen** stated that they audited Financial Statements for the fiscal year ending June 30, 2017. They don't look at every single transaction when auditing. They take a random sample of disbursements overall and confirm balances. He read the following opinion: "In our opinion, the Financial Statements referred to above, present fairly in all material respects, the respective financial position of the governmental activities, the business type activities, each major fund and the aggregate remaining fund information of Ivins City as of June 30, 2017." He indicated that the City passed. **Mayor Hart** inquired if there was anything significant that the City should consider changing. **Russell Olsen** stated there was nothing that needed to be addressed before the City Council. If there were questions, that discussion has occurred. The City brings things forward to the auditors rather than trying to hide things and he appreciated that. **Wally Ritchie** clarified that the City made some observations and moved people around because of suggestions from the Auditors. The City also updated some procedures at the Animal Shelter as a result of those suggestions.

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B. Kee Stone Village Concept Plan Report, located at approximately 600 West and 280 South. B&V Investments LLC-Owner; Brett Kee-Applicant

Mike Rodriguez indicated that this is a 13 lot subdivision on 4.63 acres, located at approximately 600 West and 280 South. It is bordered by 600 West to the West and the Cliffrose Phase 3 subdivision to the south, the Beacham property to the north and private property to the east. The primary access will be off of South 600 West and has secondary access through Phase 3 of the Cliffrose subdivision. The property is zoned R-1-10 and the proposed improvements appear to be in compliance with City Ordinances. **Council Member Roberts** stated that when this initially came before the City Council, to create a higher density the project was a cul-de-sac to help protect the surrounding private property owners. Had he seen what's now being proposed, he wouldn't have voted to approved it. He was disappointed to see the access road to the east and would rather see a cul-de-sac. **Mike Rodriguez** clarified that it's just at the Concept Plan stage and the developer will still need to go through the process so the City Council will likely see a different version of this come forward.

C. Red Mountain Vistas Concept Plan Report, located at approximately Highway 91 and 300 West. Blake Frei-Owner; Bush and Gudgell-Applicant

Mike Rodriguez indicated that this is a townhome project consisting of 72 units on 7.5 acres. Each unit contains 4 townhomes or less with 2 car garages. He clarified that the zoning is Townhomes and not Multi-Family as listed on the Staff Report.

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

Mike Rodriguez reported that as of the end of October, the City issued 100 Single Family building permits and to date the City has issued 106 Single Family building permits. Cliffrose Phase 3 will begin in the near future as well as the Santarra subdivision. Cody Mitchell has been doing a good job following up on Code Enforcement complaints. The City recently advertised for a Code Enforcement Officer.

Chuck Gillette introduced Melinda Gibson, the newest employee in the Public Works Department. He reported that the Administrative position for parks and Recreation and Public Works has been separated and Melinda is the Administrative Assistant for the Public Works Department. She has her Bachelor Degree in Topography and has a GIS and Administrative back ground. **Melinda Gibson** introduced herself and stated that she resides in St. George, has lived in Southern Utah for 20 years and has six (6) kids. **Chuck Gillette** reported on water leaks that have been occurring recently. The service lines have been splitting so the City may be changing specifications for service lines to go to an underground PEX product. He reported that his department finished cleaning all of the sewer lines. New signage has been installed on Center Street at Vista School, the Kayenta Debris Basins are under construction and the culverts on Highway 91 have been replaced. **Council Member Johnson** referred to the water breaks and inquired if it was determined that the water breaks were mostly because the pipes were older. **Chuck Gillette** indicated that was correct and that the City switched to a thicker walled pipe but that has only been in the ground for ten (10) years. The newer material is cross-linked and a stronger material but the only concern with that is it has only recently been introduced to the United States and if it doesn't catch on and the City starts using it, companies that provide the material may not be in business. **Council Member Johnson** inquired how long the material that Ivins is using now is supposed to last. **Chuck Gillette** stated 75 years but the City obviously is not getting that. He is going to look at other cities tests for the stronger material.

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Wally Ritchie reported that it's almost the end of the year and they will start next year's budget in January, 2018. He referred to Octobers Budget Report and indicated that the City is in a good position, with revenues ahead of what was anticipated.

E. Planning Commission Report

Commissioner Lance Anderson reported that the Planning Commission reviewed the same Concept Plan reports that the City Council just reviewed. They held a Public Hearing on the Subdivision Enhancement Overlay District for Haven at Heritage Acres and on the Moderate Income Housing Plan. They continued to discuss RV parking and carports and will discuss that further at their next Planning Commission meeting.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding Ivins City's Moderate Income Housing Plan

Dale Coulam indicated that Chuck Gillette read through this and updated some of the data. Commissioner Mike Scott spent quite a bit of time on it as well. The recommended version from the Planning Commission is very similar to Chuck's. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Resolution No. 2017-18R, a Resolution of Ivins City, Utah, amending the Moderate Income Housing Plan an Element of the Ivins City General Plan

Dale Coulam stated that the City updated what it could at this time. The report is due by the end of the year. **Council Member Roberts** indicated that when you look at the bottom line, the goals haven't changed.

MOTION: Council Member Roberts moved to approve Resolution No. 2017-18R, a Resolution of Ivins City, Utah, amending the Moderate Income Housing Plan an Element of the Ivins City General Plan
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	ABSENT

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of an amount for Kayenta Arts Foundation RAP Tax Distribution

Judith Kapuscinski indicated that she is chair of the Kayenta Arts Foundation (KAF) and they have an agreement with the City regarding RAP tax to receive a minimum of $3,000 from that tax per year, with the option to request a maximum of $10,000 per year. KAF is requesting the full $10,000 this year because there are still big items to be purchased. They need to purchase a projection system at an estimated cost of $50,000. They have a firm pledge of $5,000 for that purchase. The Piano Gallery is donating a portion in kind for a piano, with an outstanding amount ranging from $13,000 to $33,000. They will be equipping the theatre with a loop induction system that will assist those who are hearing impaired and the estimated cost of that is $30,000. KAF received a grant for $30,000 from the Eccles Foundation and if some items are paid for with private funds, KAF would like the discretion to use funds for programming. **Council Member McDonald** indicated that they KAF first approached the City,

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they indicated that they planned on approaching the County and inquired as to the status of that. **Judith Kapuscinski** clarified that they did approach the County and received $20,000 from the County for the first year. They received $30,000 from the County last year and KAF has asked the County for $100,000 this year and KAF will know the status of that in December. **Council Member McDonald** inquired if they have approached any other cities. **Judith Kapuscinski** stated "yes". Santa Clara City provided $1500 to them last year and $1500 going forward but the Glockenspiel took precedence this year. They have asked the City of St. George and their response was that KAF doesn't do enough for the City. **Mayor Hart** stated that KAF has done a lot at the Arts Center. **Judith Kapuscinski** indicated that they had a 10 piece group and a Latino group perform separately and both performances were a sold out. The majority of the programing is sold out or full. **Council Member Johnson** inquired what percentage of the audience attending are from outside of Kayenta. **Judith Kapuscinski** did not know the numbers but stated there were many new faces and those attending the Latino group, 75% or more were from outside of the Kayenta Community. **Council Member Roberts** referred to the Street Painting festival and inquired if there are alcohol sales during that time. **Judith Kapuscinski** indicated "no", it is a family oriented event. **Mayor Hart** stated he didn't know what the RAP tax total was for the year but suspected that the City is receiving more from that tax every year. **Wally Ritchie** indicated that was the case. The Arts portion of the RAP tax is just over $31,000. Tuacahn cannot ask for any more than has been committed but KAF can. **Council Member Roberts** referred to prior discussions regarding funding entrance and roundabout features and inquired if there are any money in the budget for those. **Wally Ritchie** stated there is $40,000 budgeted for those and that comes from the General Fund and RAP Tax. **Mayor Hart** inquired if there are or will be sufficient funds to cover KAF's request for $10,000. **Wally Ritchie** indicated "yes", there is just over $21,000 after Tuacahn's portion is paid. **Council Member Mehr** referred to discussion regarding an art piece, roundabouts and similar and inquired if the City is taking RAP tax money and banking that for those. **Mayor Hart** indicated yes. **Council Member McDonald** inquired how much the City paid to KAF last year. **Judith Kapuscinski** stated $3,000 initially but that at the same meeting it was determined that KAF didn't have to come back and ask for more and an additional $4131 or $4134 was paid.

MOTION: Council Member Roberts moved to fund the full $10,000 for Kayenta Arts Foundation RAP Tax Distribution
SECOND: Council Member Mehr
VOTE: The motion carried.

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

B. Discuss and consider approval of Resolution No. 2017-19R, a Resolution of Ivins City, Utah, approving the terms of financing for purchase of the new fire apparatus

Mayor Hart inquired if Ivins is in possession of this apparatus. **Wally Ritchie** indicated the City was not and that it's anticipated to be here in approximately two (2) weeks. At the last meeting, the City Council approved Zions Bank as the lender of choice and this Resolution formalizes that. He clarified that because of the financing and requirements regarding that, this apparatus will be owned by Ivins and ownership won't transfer to Santa Clara City with the consolidation.

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MOTION: Council Member Mehr moved to approve Resolution No. 2017-19R, a Resolution of Ivins City, Utah, approving the terms of financing for purchase of the new fire apparatus
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	ABSENT

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

C. Discuss and consider approval of Ordinance No. 2017-22, an Ordinance of Ivins City, Utah, adopting the City Council Meeting Schedule for the Calendar Year of 2017

Council Member Roberts referred to the meeting date on July 5th, the day after Independence Day. **Dale Coulam** clarified that the law requires that the City Council meet one time per month. **Council Member Mehr** inquired if they could cancel the July 5th meeting in June. **Dale Coulam** indicated that they could.
MOTION: Council Member Mehr moved to approve Ordinance No. 2017-22, an Ordinance of Ivins City, Utah, adopting the City Council Meeting Schedule for the Calendar Year of 2018
SECOND: Council Member Johnson
VOTE: The motion carried.

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

Roll call vote. Three (3) Council Members voted in favor, one (1) Council Member abstained and one (1) Council Member was absent.

D. Discuss and consider right-of-way vacations and property exchange revised agreements for 600 West from Old Highway 91 to 400 South

Dale Coulam stated that the Staff Report details the need for the revised agreements. **Mayor Hart** indicated that they are necessary to complete what Ivins is doing.
MOTION: Council Member Mehr moved to approve right-of-way vacations and property exchange revised agreements for 600 West from Old Highway 91 to 400 South
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	ABSENT

MOTION: Council Member Mehr moved to suspend the rules and address the Consent Agenda

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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	ABSENT

6) CONSENT AGENDA
A. Approval of expenditure for Kayenta Debris Basins geotechnical testing contract
B. Approval of City Council Meeting Minutes for November 2, 2017

Council Member Mehr referred to the City Council Minutes and inquired if Council Member Roberts voted "NAY" with him because the vote in the Minutes reflects that he voted "AYE". **Council Member Roberts** confirmed that he voted "AYE" and that the vote reflected in the Minutes is correct.

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

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

Council Member Mehr was excused at 6:48 p.m.

E. Land Use Training

Dale Coulam referred the Mayor and City Council to the Utah Land Use Academy's website of www.luau.utah.gov and indicated that there are various training topics available on that website. He reported that a couple of the Planning Commission Members, the Building and Zoning Administrator and himself recently attended the Utah Land Use Conference. He also attended a Leadership Conference after the Utah Land Use Conference. He stated that Elected Officials Training that will be held in St. George after the first of the year and it's good training to attend.

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

Council Member McDonald reported that he attended a Solid Waste District Board meeting. There will be a rate increase of at the beginning of the year of .25 cents per household. The last increase was absorbed and not passed on due to the benefits of the recycling program. The District is closing on a land purchase near the current landfill and the fault line that is BLM land and that will increase the landfill life between 30 and 50 years. Recycling has pushed the life of the landfill out significantly. They had an audit report and there were no major findings. The Board discussed medical waste and was approached by a company that handles that but they're the only company that can do certain things with medical waste and the Board ultimately decided to leave that alone and not pursue that because they are currently following

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state laws on medical waste. **Council Member Roberts** inquired if there was any discussion regarding an increase in cost for recycling. **Council Member McDonald** clarified that the Board opted to absorb the large increase for recycling which will be decreasing in February due to there now being a sorting center in the area.
Council Member Johnson - no report
Council Member Roberts reported that there are several residents talking to him about coyote issues in town. **Mayor Hart** inquired if that is on Animal Control's radar. **Dale Coulam** indicated that he didn't know but stated that he's been hearing and seeing them as well and the Parks employees have indicated that they see them every day. **Council Member Roberts** reported that there is a Board meeting in December for the Southwest Mosquito Abatement and Control District. Someone from the City Council will need to replace him on that board.

B. Mayor

Mayor Hart reported that he, Council Member Mehr and Council Member Densley rode in the Veteran's Day Parade and he was the keynote speaker for their program. He presented at a conference with Chuck Gillette recently and discussed the differences that the Historic Township project has made for Ivins City. It was an important project for the City.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the City Christmas Party will be held on Tuesday, December 12, 2017 at 6:00 p.m. at Santa Clara City Hall.

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

The meeting adjourned at 7:02 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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