IVINS
CITY COUNCIL
MINUTES
October 18, 2018

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 Elliott, 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: Frankie Fleming, Chris Haddad, Dee Osborn, Sharon Barton, Shelley Moeller, Michelle Madsen, Claudette Larsen, Ellen & Bell Westworth, Dave Robinson, Lance Anderson 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. Proclamation recognizing November as National American Indian Heritage Month

Michelle Madsen is with the Daughters of the American Revolution and commented that they honor Native Americans in November. Members of the Shivwits Band have indicated that there are only approximately 10 members of their tribe that are fluent in the Paiute language and they are working on teaching their children that language. There will be a book presentation at Red Mountain Elementary and a money donation to the Washington County School District for Indian education. **Mayor Hart** indicated that he had the opportunity a few months ago to meet with the Shivwits Band Cultural Representative Sabrina Redfoot and she expressed that they hope that in the next few years they will be able to have their culture better understood. **Mayor Hart** read the Proclamation and presented it to Michelle Madsen.

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

Mike Rodriguez reported that building permit activities remain steady and there are some townhome project plats that have been approved recently. Code enforcement is also steady with the majority of the issues relating to illegal signs.

Chuck Gillette reported that they had a planning meeting yesterday regarding the culinary irrigation study and it looks like a final version of that study will be presented to the City Council in December. The Washington County Water Conservancy District issued a Request for Qualifications for the west side water study and will be selecting an Engineer in the next month or so. The City has received comments back from the NRCS (Natural Resources Conservation Service) regarding the Red Mountain Dams Rehabilitation. They hope to get started on that

DRAFT

project the first part of December and proceed with an aggressive schedule to avoid issues with the tortoises in the Reserve. He recommended that the City Council do an on-site visit of the projects and inquired as to a date for that visit. The **Mayor and City Council** decided that they will meet at Ivins City Hall at 4:20 p.m. and proceed on-site before the next City Council meeting on November 1, 2018. **Chuck Gillette** reported that the street sweeper has been down for some time where a significant part had to be replaced. An outside shop would have charged $11,000 but Wilson (Ivins Fleet Mechanic) fixed it for approximately $2,000 in parts and his time.

Wally Ritchie reported that the Auditors have finished their work and are preparing the financials for final review. Once the comments are back for those, a presentation and report will be provided to the Mayor and City Council at the second City Council meeting in November or the first meeting in December.

C. Quarterly Finance Report

Wally Ritchie reported that the first fiscal year quarter ended September 30, 2018. The labor market has continued to improve with employment growth year-over-year of 6.5%, the unemployment rate at 3.6% and construction continues to expand. Ivins City revenues and growth are as expected and there are no major concerns. The General Fund is on solid ground, the Enterprise Funds are performing as expected, capital projects are moving forward, there's steady growth and revenues and the City Manager and Department Directors are in communication with him about the budgets. The City is cautiously optimistic for the fiscal year.

D. Planning Commission Report

Mike Rodriguez reported that the Planning Commission approved a Final Plat for Padre Canyon Unit 1, Phase 3 of the amended subdivision located at the corner of Posado and Otra Drive. They also continued their discussion on zoning text amendments, which will proceed to a Public Hearing at the next Planning Commission meeting and then that will move forward with recommendations to the City Council.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2018-27R, a Resolution of Ivins City, Utah, appointing an Administrative Law Judge

Dale Coulam indicated that Attorney Daren Barney is Ivins' primary Administrative Law Judge (ALJ) and at times there are conflicts where he isn't able to act as the ALJ. The City is proposing that Bryan Pack serve as an ALJ in those instances. He currently serves on the Planning Commission and represents the City on Code Enforcement actions. The reason the City is addressing this now is there will likely be two (2) applications for variances coming forward and one of those Daren Barney would have a conflict with. **Council Member Mehr** inquired if there were any conflicts with Bryan Pack being a Planning Commission member and an ALJ. **Dale Coulam** stated that in most cases no but if there was a conflict, he would declare it.

MOTION: Council Member Mehr moved to approve Resolution No. 2018-27R, a Resolution of Ivins City, Utah, appointing an Administrative Law Judge, Bryan Pack
SECOND: Council Member McDonald
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

DRAFT

Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

B. Continued discussion regarding streetlighting

Chuck Gillette stated that he received a call from a sales representative with colored LED lights that are closer to what the City Council wants. The difference between the light that Wilson (Ivins Fleet Mechanic) retrofitted with the acrylic plate and the light provided by the sales representative is the new colored LED light doesn't have the acrylic globe but there is that ability. The LED light that they make is 2200 Kelvin but there's more glare coming off of the light when you're driving. **Council Member Densley** inquired as to the cost. **Chuck Gillette** indicated it's disappointing because they're 50% more than the current standard and the current standard is expensive. He stated that because of that, the City Council's reasonable options are going with the original manufacturer and the retrofitted acrylic lens. **Council Member Elliott** inquired as to how many lights they were talking about. **Chuck Gillette** stated approximately 16. **Council Member Elliott** indicated that she liked that there is a manufacturer that is now looking at this issue but liked the colored lens that Wilson made better. **Council Member Johnson** had the same question that was brought up before and that is what Chuck found out regarding the warranty on the lights if the acrylic plate is installed. **Chuck Gillette** indicated that he has an appointment with the representative next week. Wilson did some heat testing of different lamps at Rocky Vista University and there is basically a 10 degree rise in temperature with the acrylic plate in place but that was on the light that was inside with no airflow that naturally occurs outside. He will be able to talk to the representative next week regarding that and the warranty. **Council Member Densley** would like to know what the representative says and suggested this discussion be continued. **Council Member Mehr** commented that the warranty isn't something that the City is overly concerned about. **Chuck Gillette** agreed. **Council Member Elliott** thanked Wilson again for his work on this project. **Mayor Hart** stated that his acrylic plate really is awesome from a dollar and cents standpoint and he wanted to know what the dollar translation was.

MOTION: Council Member McDonald moved to continue this agenda item to the next City Council meeting
SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

C. Continued discussion regarding entrance sign at the east end of Highway 91

The **Mayor and City Council** reviewed the examples provided and invited Terry Marten to speak regarding his sign suggestion. **Terry Marten** commented that the overall length of his sign is 21 to 23 feet and is a little less than 4 feet high from highest piece of the sandstone. The laser cut metal is approximately 12 feet in total length with an edge/thickness to it. The base is concrete that could be sandblasted or colored concrete and have a texture to it. The total cost of the sign would be between $5,000 and $6,500 per sign. **Mayor Hart** referred to Ivins Arts Commission and commented that side stepping them might not be wise. **Council Member**

Elliott inquired as to the history of what went to the Arts Commission. **Mayor Hart** stated that when the Arts Commission discussed the entrance sign on Highway 91, they didn't have multiple options to look at and inquired if they should look at all of the options that have been brought forward. **Council Member Mehr** liked the simplicity of the Ivins name on a Lava Rock and didn't think the City should spend a tremendous amount of money on it. **Council Member Elliott** suggested this go to the Arts Commission for review and recommendation. **Council Member Johnson** inquired if the purpose of sending this to them would be to get their opinion or are they approving the sign. **Mayor Hart** indicated the purpose would be for people who are in the art world to look at the options and explain the pros and cons of the signs. **Council Member Densley** would like the photo of the Desert Rose Park sign to be included in what the Arts Commission. The **Mayor and City Council** decided to send this issue back to the Arts Commission for review.

D. Discussion regarding Ivins involvement in the Days of 47 Parade

Council Member Mehr stated that a few years ago the communities joined Washington City for Utah's Pioneer Day celebration and Ivins no longer held their own celebration. He thought Ivins celebration was a nice event. **Mayor Hart** clarified that some of the history was that the Days of 47 has been in charge of the Salt Lake area parade for a number of years and the notion was that the one parade and celebration in Washington City was a smaller version of that. **Council Member Johnson** commented that July 24th is a very hot time of the year to hold a parade and from a historic standpoint, the people who settled Ivins, one of the big events they participated in was a parade. They also made ice cream and similar traditions. If the City can focus on the celebration as a historic event, she was in favor of continuing it in some way. **Dale Coulam** clarified that he advocated for a private entity putting on the parade and not the City because the City is governed by a whole different set of rules. An organization like the Days of 47 or the Ivins Historical Committee are charitable organizations that can enforce a theme stronger than a City could. It's hard to enforce a rule prohibiting candidates from a parade because of their first amendment right but a separate organization can. **Council Member Mehr** commented that there could be a collection of activities like a water melon eating contest, the Fire Department spraying water on the kids and a speaker on a Sunday night that talks about the history of Ivins. **Mayor Hart** indicated that he received emails from residents inquiring why the City wasn't focusing on the July 4th Holiday rather than the July 24th Holiday. A group would need to come forward that would like to sponsor a parade. **Dale Coulam** stated in that situation it would be considered a special event and would go through that approval process. **Council Member Mehr** commented that he was satisfied with someone coming forward with a plan.

E. Discuss recent legislation regarding small wireless facilities

Dale Coulam indicated that the City recently received notice from the Utah League of Cities and Towns regarding legislation that allows wireless providers to install small wireless facilities on utility poles within the right-of-way and on non-electric municipal poles. Municipalities are also required to recognize small wireless facilities in all zones and districts. The City could comply by entering into an agreement that follows the legislation or by passing an Ordinance that doesn't violate the legislation. They may not be allowed on the poles in small residential streets because the poles won't support their equipment, but the question is can the wireless providers replace the poles with something that would support their equipment. In previous meetings the wireless providers have been cooperative, but it is unknown what their position is post legislation. **Council Member Mehr** indicated that there may come a day where radiation from

DRAFT

cell towers could have a negative impact on a person's health and inquired if these facilities accept liability for something that may occur in the future. **Dale Coulam** stated that there has been no health or safety issues found. It would be helpful to have an expert in the industry guide the City through drafting an Ordinance. **The Mayor and City Council** agreed. **Mayor Hart** commented that this is far more controversial than one might guess. There are serious objections because of privacy and health issues.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for October 4, 2018

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr noticed that the old sign on 400 East has been taken down and inquired if it was going to be replaced. **Dale Coulam** indicated that it would.
Council Member McDonald reported that there are several individuals who attended the on-site recycling visit in Germany who want to sign a Letter of Intent with the company to provide that service in Washington County. The Washington County Solid Waste District will discuss this in a month to decide whether to move forward with it.
Council Member Johnson - no report
Council Member Elliott thanked the Mayor and City Council for supporting the proclamation regarding domestic violence month and commented that there will be a gala in March for the DOVE Center.
Council Member Densley - no report

B. Mayor

Mayor Hart reported that he attended a regional health assessment meeting with representatives from various communities. It's something that is held every 3-5 years where they talk about how communities can promote healthier environments. Washington County is doing well with their trails and safe routes to schools. Mike Meacher is the Director of the Front Sight Firearms Training Institute and he has offered SCI Officers and their families free memberships to their Pahrump, NV facility. The Mayor attended a ribbon cutting today at the Kayenta Desert Arboretum that was recently re-done. They did a beautiful job. All of the labor was provided by volunteers and some funds were provided by the Washington County Water Conservancy District and Ivins City. He attended a Washington County Water Conservancy District Board meeting and they reported that the Desert Garden that is adjacent to their office has become the #1 tourist attraction in St. George City.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the City Christmas Party will be held on Tuesday, December 11, 2018 at 6:00 p.m. at the Santa Clara City banquet hall.

D. Items to be placed on future agendas

Council Member Elliott referred to the Joint Planning Commission and City Council meeting that they attended recently regarding affordable housing. She felt that it would be worth talking about the next steps and developing a task force or commission to address the housing shortage. She'd like to see that on a future agenda and in the meantime, revisit Ivins' regulations prohibiting renting of guest houses and casitas. **Mayor Hart** indicated that Dale Coulam will be attending the Land Use Conference in Salt Lake City next week regarding affordable housing and that discussion will be on the next City Council agenda. **Dale Coulam** stated that the Salt Lake Tribune had an article reporting that Salt Lake City recently began to allow guest house/casita units to be rented out as one way of helping with the affordable housing crisis. **Council Member Densley** requested an update on the City owned property of approximately 16 acres on Center Street. Dale Coulam indicated that they met with the developer of The Palisades just above the City property and will meet with others who have expressed interest in the property. The City is waiting to see what comes forward.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Mehr

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Elliott	AYE
Council Member Densley	AYE

The meeting adjourned at 7:29 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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