IVINS
CITY COUNCIL AMENDED MINUTES
December 6, 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 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/Assistant City Manager Wally Ritchie, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Melanie Abplanalp, Duke Breitenbach, Lynne Johnson, Chris Haddad, C.J. Koharcheck, Sherry Breitenbach, Shelley Moeller, Sharon Barton, Ellen & Bill Wentworth, Aaron Anderson, Lance Anderson, Scott Raine and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

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. Washington County Utah Vote by Mail – Kim M. Hafen Clerk/Auditor

Washington County Clerk/Auditor Kim Hafen reported that the next election will be a Municipal election. The most recent election was a County election and Washington County decided to handle the election by voting by mail. They made that determination because of the cost to purchase new equipment, which was over $2 million dollars if they held an in-person election. Voting by mail is more convenient for residents and voter turnout is significantly higher. If Ivins City decides to handle their elections by Vote By Mail, the County can assist with that. If not, the City would be responsible for their own election, which is what Hurricane City does. They do not use the County except for the poll book. They have their polling location, the ballots are paper ballots and counted by hand. Another option would be for Ivins to locate a vendor that has machines similar to what the County had before going Vote by Mail. **Mayor Hart** commented that this is new to Washington County but he understood that Vote By Mail is handled that way across the country. **Kim Hafen** indicated that in Utah, Washington County is the 27th out of 29 counties to change to Vote By Mail. Carbon and Emery counties are the only two remaining counties that haven't made that switch yet. **Mayor Hart** inquired as to the possibility of fraud with Vote By Mail. **Kim Hafen** stated that the County verifies every signature when the ballots come back. They have a machine that reads the signature and if a signature is rejected, the machine kicks it out and that signature is then

DRAFT

manually verified. **Council Member Mehr** inquired if they considered including a prepaid postage envelope. **Kim Hafen** indicated that would have been more expensive. The County provided drop boxes instead. **Council Member Elliott** stated that she researched this. The post office will still deliver ballots that aren't post marked and then they collect the postage from the County. **Council Member Mehr** commented that a concern for Ivins residents is that the Santa Clara Library is the closest location and suggested that the County should consider the Southern Utah Veterans Home here in Ivins as a polling location or an additional voting center. **Kim Hafen** clarified that the places where they have the drop boxes are County properties. The Veterans Home is not a County property. If Ivins City decides to have a polling location, the problem with that is the County does not have an unlimited number of equipment. The machines are ballot marking devices and are limited to six (6) locations. **Council Member Densley** inquired if Ivins City decides to handle its own voting and not Vote By Mail, is there a fee? **Kim Hafen** indicated that the City would have to make sure that they use a ballot provider that is compatible with the County's equipment. **Council Member Elliott** referred to some municipalities experimenting with Right Choice Voting and inquired if any cities are electing to do that. **Kim Hafen** stated that he didn't know any that were and there's no equipment to support Ivins' independent election.

B. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided an electronic report, a copy of which is available on Ivins website or by request through Ivins City Hall. He reported that basketball registration is up from last year. The City has added two (2) clinics, one for each of the age groups.

Bob Flowers provided an electronic report. A copy of the report is available on Ivins website or by request through Ivins City Hall. The Council did not have any questions regarding the report.

C. Planning Commission Report

Mike Rodriguez reported that the Planning Commission discussed Chapters 7 and 8 of the Zoning Ordinance regarding overlay amendments as well as the relevant portions of Chapter 12 regarding accessory dwelling units. They also approved a Final Plat for Taviawk XI-R and approved the Planning Commission meeting dates for 2019.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

There was one (1) Citizen Comment submitted by Duke Breitenbach regarding location of the Western Corridor. **Duke Breitenbach** stated that he wanted it on the record as being against it and inquired how the City communicates with all of the residents because the newsletter is no longer being mailed with the utility bill. He commented that the Western Corridor continues to move north and is right on his fence line and would like that in some way to be addressed. He also referred to the location of that corridor and SITLA's (School and Institutional Trust Lands Administration) current planned development in that area. **Mayor Hart** indicated that the Planning Commission and City Council would address that project when there's an actual application. It's speculative at this point. He commented that residents can sign up to receive the newsletter via mail if they're unable to access it electronically. **Council Member Densley** inquired as to residents receiving the newsletter by mail. **Dale Coulam** clarified that the City Council moved away from that due to the expense. Residents can pick up a hard copy at City Hall, or can receive it by email or it is on Ivins website. If they want a hard copy mailed to them, they can also make that request. **Council Member Densley** suggested that information should be provided on the utility bill that is sent so that residents know the options to access the newsletter.

DRAFT

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation on proposed Zoning Text Amendments to introductory Chapters regarding Districts and Overlays

Dale Coulam stated that they have discussed this previously and the changes clean up Chapters 3, 5 and 6. **Council Member Mehr** inquired as to what's significant with Ordinance vs Regulation. **Dale Coulam** clarified that it's how the State uses it in the new version of the Land Use Management & Development Act. The changes would be consistent with what the State has required. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2018-09, an Ordinance of Ivins City, Utah, amending Chapters 3, 5 and 6 of the Zoning Ordinance

Mayor Hart inquired if it was advantageous to pass this section now before the rest of the chapters are completed. **Dale Coulam** clarified that it would be too big to handle so the changes have been split into two ordinances and they will address Chapters 7 and 8 separately. **Mayor Hart** commented that the Ordinance reads cleanly and he liked the work Dale has done on it.

MOTION: Council Member Elliott moved to approve Ordinance No. 2018-09, an Ordinance of Ivins City, Utah, amending Chapters 3, 5 and 6 of the Zoning Ordinance
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

Roll call vote. All Council Members voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of applying for the Justice Assistance Grant

Chief Flowers reported that this grant is for approximately $4,000 to equip the crime scene trailer. **Dale Coulam** clarified that the City has received these grants in the past without coming before the City Council but the process has changed. There is now a signature sheet attesting that it was brought before the governing body. The **Mayor and City Council** agreed that the City should proceed with applying for this grant.

MOTION: Council Member Mehr moved to approve applying for the Justice Assistance Grant
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

DRAFT

B. Discuss and consider approval of Law Enforcement acquiring drug K-9 by way of donation

Chief Flowers reported that approximately one (1) month ago he received a phone call from a resident, asking if the City had K-9's in law enforcement. He responded that the City did not because it's always been a question of money, time and need. He discussed this further with the individual who asked what the City's position would be if the funding was provided for a drug detection animal. Chief Flowers responded that he would be in favor of that but was not in favor of an aggressive animal. The resident was willing to donate enough money to purchase an animal and upfit a vehicle to get the program running. The only requirement is that they couldn't name the dog something ridiculous and that the donor was to remain anonymous. Chief Flowers indicated that the City could use service and it would not cost the City anything other than time for training, food and veterinary care when needed but they are planning for those things. He stated that the Officers are excited about this and he recommended approval. **Mayor Hart** inquired if the K-9 would be used in drug bust or an investigation. **Chief Flowers** clarified that the K-9 would be an investigative tool in detection and following detection; the dog can be run around a vehicle without approval or a warrant. The K-9 would be good for schools and education and if you look at what's going on, the County is drowning in illegal drugs. The K-9 would be extremely helpful in increasing the City's ability to stay relevant. The approximate cost that would be donated is $20,000. **Council Member Johnson** inquired if the dog would be assigned to one particular officer. **Chief Flowers** indicated it would. After the dog is selected, the Officer and the dog will train together for two (2) months in the Salt Lake City area.

MOTION: Council Member Densley moved to approve Law Enforcement acquiring drug K-9 by way of donation
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. Discussion regarding adopting a Sewer Pretreatment Ordinance

Chuck Gillette referred to the draft ordinance and indicated that the State is working with the City of St. George that treats Ivins water. The State is requiring this of St. George and they have already passed the ordinance. The State of Utah is asking Ivins to pass this ordinance as well. The majority that this will impact in Ivins will be restaurants and facilities that have grease traps. The City of St. George acts as Ivins pretreatment manager and they regulate it for Ivins as well through an Interlocal Agreement. **Mayor Hart** inquired if he ever sees Ivins treating or re-using at build out. **Chuck Gillette** stated that he has discussed that but the energy costs are expensive. **Council Member Mehr** inquired what the impact of this new ordinance would be on the rank and file citizen in Ivins. **Chuck Gillette** clarified that the City already has ordinances in Ivins that say it's not allowed to discharge certain things into the sewer and the City has the ability to enforce that. This ordinance is primarily along the lines of pretreatment. **Council Member McDonald** inquired if this would affect the City in cost. **Chuck Gillette** clarified that is already in place and this ordinance clarifies the pretreatment. **Dale Coulam** indicated that this ordinance is in a rough draft form, not formatted as a formal Ivins ordinance and not assigned a

DRAFT

number. This is on for discussion today and will be placed on next City Council meeting agenda to approve.

D. Discuss and consider approval of Ordinance No. 2018-18, an Ordinance of Ivins City, Utah, amending Outdoor Lighting Standards regarding color

Chuck Gillette handed out a color scale showing how the Kelvin light color works. A copy of the scale is available by request through Ivins City Hall. The lower the Kelvin color, the more orange and yellow in color the light is. He drafted this ordinance thinking about reducing Ivins current Kelvin standard of 4000, to 3000. **Mayor Hart** thought that the same Kelvin requirements for residential, should be imposed on commercial building as well. If there's a different code requirement that indicates the higher Kelvins are a required use, he didn't know if the City could impose something that contradicts that code. **Mike Rodriguez** commented that there may be regulations regarding disabled accesses or parking light standards but he didn't know of anything at the moment. **Council Member McDonald** inquired if they are talking about public lighting and commercial but not residential. **Chuck Gillette** clarified that it applies to residential, commercial and institutional. **Dale Coulam** inquired if they're talking about new development or retrofitting. **Mayor Hart** indicated he didn't think the City could impose something after the fact. **Dale Coulam** clarified that if the City did, the City would have to pay for it and it would be nearly impossible. If it's new development, the City can impose a new standard. **Mayor Hart** stated that he hoped there was the possibility of Rocky Vista University changing their parking lot lighting through discussions. **Council Member Mehr** was in favor of protecting the Night Sky but not regulating what kind of bulb a resident installs for their front porch light. He didn't think the City should be policing that. **Council Member Densley** commented that the City currently has an ordinance in place that requires lighting to be shielded to cast the light downwards. **Chuck Gillette** referred to the Kelvin color for commercial. **Mayor Hart** inquired if the City has the ability to provide an exception if there's a different code requirement on lighting. **Council Member Densley** suggested this be tabled so they can look into there being any ADA or other requirement regarding how many lumens are required. **Mike Rodriguez** indicated that he'll do some research on that. **Council Member Densley** stated that he'll assist Mike on that research. **Mayor Hart** like to stay in that ambiance as much as possible. **Council Member Elliott** commented that another idea regarding incentives for the overlay districts, would be the lower Kelvin lighting in residential projects.

MOTION: Council Member Mehr moved to continue
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

E. Continued discussion regarding the draft Water Conservation Plan

Chuck Gillette stated that any changes that were made are in red. **Mayor Hart** referred to page 14 "Water Conservation Reduction Goal" and indicated that he would like to see the reduction and maintenance of the system water losses at 5% rather than 7%. **Council Member Johnson** referred to the water usage by the Fire Department when they are on a fire or training

DRAFT

and inquired if that is tracked. **Chuck Gillette** indicated that they do not have an estimate on that right now but they should. He will work with the Fire Department to account for those numbers. **Council Member Elliott** inquired if, as part of the education, if they could consider implementing in the parks that when they are planting with water wise plants, to provide signs or an educational board. **Chuck Gillette** stated that reminded him that if the City passes the plan, the City is committing to financially supporting the Kayenta Arboretum. **Mayor Hart** suggested that they take the word "financial" out and just use the word "support". **Chuck Gillette** referred to the replacement of water meters. **Mayor Hart** would like the meters to be replaced based on gallons of water that have flown through the meters, rather than years of wear. Chuck Gillette commented that they could change that to say "as needed". The **Mayor and City Council** agreed to use the words "as needed" or replacing the meters. **Council Member Elliott** suggested that the City stay apprised of current technology and include that as a bullet point. **Chuck Gillette** referred to replacing defective pipes. He has a meeting with Hurricane City because they actually received a settlement from the manufacturer to replace some of their pipe. Regarding holding a Public Hearing and adopting the new Water Conservation Plan, the State requires these to be done before the end of this year. A Public Hearing will be held on December 20, 2018 at the next City Council meeting.

The City Council recessed for 4 minutes, from 7:27 p.m. to 7:31 p.m.

F. Presentation and discussion regarding Ivins City Water/Irrigation Impact Fee Analysis and Impact Fee Facilities Plan draft

Aaron Anderson with Bowen Collins & Associates suggested a Work Meeting be scheduled to go through this in detail. He provided a PowerPoint presentation to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. Water and Sewer Impact Fees and Rates assist with planning for the future. Culinary quality water sources are becoming more limited. The Washington County Water Conservancy District (WCWCD) facilities are located far away from Ivins, requiring long transmission lines. Sources are shared sources between multiple municipalities and the City needs to look at what other sources of water can be utilized. One of those sources is a Pressurized Secondary Irrigation System which also supplements outdoor water use. Implementation of the Secondary Irrigation System is proposed to occur in two (2) phases. The first phase would occur between 2019 and 2021 and the second phase would occur between 2023 and 2027. Important impact fee concepts are the definition of the level of service, project level vs. system level improvements, evaluation of existing and future capacity and the six (6) year time period to spend or encumber impact fees. The calculation of impact fees occurs in steps. The first step is to calculate the cost of excess capacity in existing facilities. The second step is to calculate the cost of new facilities for growth and the third step is to calculate the total impact fee. In the rate making process the City needs to lay the foundation and set the fund budget first; look at the big picture and develop a plan for meeting overall costs; allocate costs to calculate requires rates using cost-of-service principles and Think ahead in the long-term to develop a plan beyond the current crisis and think small to avoid rate shock by implementing frequent incremental changes.

G. Presentation and discussion regarding Ivins City Water/Irrigation and Sewer Rate Study draft

The presentation of this agenda item was combined with agenda item 5)F above.

H. Discuss and consider approval of Resolution No. 2018-31R, a Resolution of Ivins City, Utah, maintaining level of employee core benefits

Dale Coulam indicated that every year the City Council passes a formal Resolution to establish the level of core benefits. The City is maintaining the level and costs, with an optional Health

Savings Account plan. **Council Member Mehr** inquired if this is required to be brought forward to the City Council each year. **Dale Coulam** clarified that sometimes the plan administrator asks for a Resolution and if asked, a copy can be given to them.

MOTION: Council Member Mehr moved to approve Resolution No. 2018-31R, a Resolution of Ivins City, Utah, maintaining level of employee core benefits
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Roll call vote. All Council Members voted in favor.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for November 15, 2018

MOTION: Council Member McDonald moved to approve the Consent Agenda
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr referred to the article in the St. George News indicating that Ivins chose the cemetery expansion over Christmas lights and decorations and inquired if Ivins budgeted for the cemetery improvements. The comments allege that the City took money from the property damage payout (damage caused by the storage fire that occurred earlier in the year), for cemetery improvements. **Dale Coulam** stated that the cemetery improvements became a necessity when the plots were selling out in the existing section. There are only approximately less than 10 lots left in the existing section and reservations are already being taken for the new section. It's essential to get the new section improved with at least sod so the City can accommodate burials.
Council Member McDonald - no report
Council Member Johnson - no report
Council Member Elliott - no report
Council Member Densley - no report

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

DRAFT

Dale Coulam referred to the sale of City owned property on Center Street that they discussed earlier this year. He personally met with 3 parties that had expressed interest as the City went through that first process. The first party seemed no longer interested so that leaves 2 parties. Those parties are not showing any current urgency to make a proposal. The question is whether the City wants to list the property for sale and pay the real estate commissions. Listing it would also attract other potential buyers. The Mayor and City Council will discuss this on a future City Council agenda.

Council Member Mehr commented that for community interest, on Monday December 10th, all of the clinical services will be moved to the IHC River Road Campus.

Mayor Hart referred to a Special Work Meeting to discuss impact fee and inquired as to the best date to meet. The **Mayor and City Council** determined that it will be on Thursday, January 10, 2019 at 4:00 p.m.

D. Items to be placed on future agendas

Council Member Elliott inquired as to the Right Choice Voting pilot program for municipalities. **Council Member Mehr** commented that it basically ranks your choices up front. The Mayor and City Council determined they were not interested in Right Choice Voting. **Dale Coulam** reported that the Economic Summit will be held on January 10, 2019 and is generally concluded by 2:00 p.m.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member McDonald

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 8:48 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

DRAFT