IVINS
CITY COUNCIL
MINUTES
April 4, 2019

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 Lane Mecham, Parks and Recreation Director Benny Sorensen, Director of Public Safety Bob Flowers, and City Recorder Kari Jimenez.
EXCUSED: None.
Audience: Becky & Chuck Warren, Regina Roper, Claudette Larsen, Doug Clifford, David Robinson, C.J. Davis and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. Council Member Mehr was not present but was expected to arrive by 6:00 p.m.

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 AND PRESENTATIONS

A. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen referred to an electronic report previously provided, a copy of which is available on Ivins website www.ivins.com or by request through Ivins City Hall. He reported that there were between 50 and 60 people who attended the geology workshop. Ivins Soccer started and will play soccer at UNITY Park every Tuesday through Thursday until the beginning of May. They held a skate park meeting where representatives from Spohn Ranch were present and had an interactive discussion with the public. It was a great opportunity for the community to provide feedback on what they want for the new skate park. Baseball registration is open and will continue partway through April. The season will be mid-May to mid-June. There were four (4) baseball tournaments held in March. The construction of the bathroom building began at Fire Lake Park as well as preparation for the irrigation system at the reservoir. There were four (4) burials in March and the Hog-n-Jog and Easter egg hunt will be held on Saturday, April 20th.
Randy Hancey reported that they held events at the Rachel Fire Station in Santa Clara for Arrowhead Elementary and Santa Clara Elementary. They hired five (5) seasonal Wildland firefighters that will start the week of April 8th. The wildland season starts in April and ends in November. They may have two engines out for the wildland season and they have six (6) Fire Academy recruits that are going through 160 hours of training for basic Fire 1 and Fire 2. **Council Member Johnson** clarified that there are plenty of qualified firefighters that stay

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here. **Randy Hancey** indicated that was correct and commented that they also have one wildland fire apparatus that stays as well.

Chief Flowers reported that one of their officers injured their knee on the job. He stated that Santa Clara/Ivins City has been recognized as the safest cities in the State. **Chief Flowers** indicated that is due in part to the cities' citizens, their parks and similar because all of those things factor in to that. He reported that they are starting to get complaints about nude bathers and dogs in the water at Fire Lake Park.

B. Planning Commission Report

Commissioner Lance Anderson reported that the Planning Commission swore in the newest member of the Planning Commission, Douglas Clifford and the City Manager/Attorney provided Open Meetings training.

3) CITIZEN COMMENT REQUESTING 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. 2019-09R, a Resolution of Ivins City, Utah, appointing a Planning Commission Member

Mayor Hart stated that at the last City Council meeting, in a passionate defense of the established appointment process, he made a statement that was offensive and hurtful to Council Member Densley and maybe others on the Council. He publicly apologized to Council Member Densley and anyone else who might have taken that comment that way. It wasn't intended to be that but could certainly see why it could have been taken that way. With that said, he was not apologizing for the point that he was trying to make, which is the appointment process is well defined both in statute and in precedent. It assigns the responsibility for making an appointment to the Executive and in this City, as the Mayor, he is the Executive. That responsibility is for him to seek out and select an individual or individuals who are qualified, capable and fit for the responsibility to which they're being appointed. He takes that charge very seriously. The legislative body is assigned with the responsibility of determining whether that individual is in fact qualified, capable and fit for that task. What led to the comment he made was that he was disappointed that he wasn't hearing reasons why the individual he requested be appointed was not qualified, capable or fit for that. He didn't mean for that to translate into any personal insult. **Council Member Densley** thanked Mayor Hart. **Mayor Hart** further explained why his policy has been to appoint a "Professional Planning Commission". Ever since he was elected Mayor, he has determined that he would appoint the most qualified individuals who are willing to serve and brought a particular expertise, skills or experience that would lend something to the discussions that took place at the Planning Commission level. The Planning Commission is the entity that does the detailed planning for the City. Commissioner Lance Anderson has a development background, Commissioner Adel Murphy was an Attorney, Commissioner Mike Scott was a researcher, Commissioner Pack is an Attorney and Commissioner Jeff Loris is an Engineer. The current Planning Commission is comprised of professionals but that doesn't mean an ordinary citizen couldn't serve on the Planning Commission and do well. As the City Council considers this Resolution, this is a continued discussion but Council Member Mehr wasn't currently present so he asked for motion to suspend the rules until Council Member Mehr is present to vote.

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MOTION: Council Member McDonald moved to suspend the rules
SECOND: Council Member Elliott
VOTE: The motion carried.

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

B. Discuss and consider approval of applying for continued VOCA (Victims of Crime Act) grants

Chief Flowers stated this goes to living in a great place. They hired a Victim's Advocate a year ago and this has been a wonderful program for the community. Applying for this grant would extend the program for two (2) more years and does not cost the City anything other than office space and things agreed to in the first grant. If the funding through grants isn't available in the future, he'll be before the City Council asking for the money to fund the position because this program and position are important. **Council Member Elliott** indicated that she read through the documentation and stated that it was eye opening in how successful the program has been and is being utilized by the community. **Chief Flowers** thanked the Mayor and City Council for supporting this initially and thanked Dale Coulam for reviewing the contracts.

MOTION: Council Member Elliott moved to approve applying for continued VOCA (Victims of Crime Act) grant funding
SECOND: Council Member Johnson
VOTE: The motion carried.

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

C. Introduction and discussion regarding the Planning Commission's recommendation on proposed Zoning Overlay Amendments for (Chapters 7 & 8 of the Zoning Ordinance)

Dale Coulam stated this is an introduction. He met with Council Member Elliott and they went through this as well.

Council Member Mehr arrived at 6:00 p.m. **Mayor Hart** inquired of Council Member Mehr as to disclosures or conflicts of interest. Council Member Mehr had no disclosures or conflicts of interest with items on this meeting's agenda.

Dale Coulam indicated there are brief paragraphs stating the purpose of Chapters 7 and 8 and the shorter version matches the versions previously adopted in Chapter 6 so they are now consistent. For purposes of the subdivision enhancement overlay, open space is defined on page 3 under paragraph 2. Base density is explained in section 16.07.506. Section 16.07.513 increased the rear yard setbacks. Lot standards are defined in Section 16.07.514. **Council**

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Member Mehr requested a redline copy of this document so he could see the changes. **Dale Coulam** indicated he will provide him with the last revision and stated that it's easier to read in a clean version. **Council Member Densley** inquired if this conforms with a lot of other cities. **Dale Coulam** indicated he hasn't looked at other cities and that what's in this Ordinance is what was contained in the ordinances originally and based on Ivins' experience. Cities generally do an overlay concept of some sort. This draft seeks to improve upon what Ivins had previously adopted for regulating overlays. The City is going to outline what is legislative and what is administrative and include that more clearly in the staff reports.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2019-09R, a Resolution of Ivins City, Utah, appointing a Planning Commission Member

Mayor Hart stated that his recommendation for appointment is Ed Haworth and that still stands. **Council Member Johnson** thanked the Mayor for his efforts in finding good people to serve on the committees. She indicated that she visited with Ed this past week and commented that he is an amazing person and appreciate his time. That being said and as much conversation and time she spent with him, she still has reservations about his appointment and her opinion remains the same. **Council Member McDonald** stated that he specified at the prior City Council meeting that he had some concerns including the perspective that he could be overwhelming on the Planning Commission. He also felt that the time Ed has lived in Ivins has been short and he still stands by his decision. **Council Member Elliott** voiced support for the Mayor's choice and commented that Ed has lived in Ivins longer than the previous appointment that was made last week (Douglas Clifford). She indicated that she would be saddened to pass on the chance of what Ed would provide to the City regarding growth, affordability, landscaping and similar. **Mayor Hart** stated that he recommended him for the appointment because he is the most qualified.

MOTION: Council Member Elliott moved to approve Resolution No. 2019-09R, a Resolution of Ivins City, Utah, appointing Ed Haworth as a Planning Commission Member
SECOND: -None
There was no second to the Motion, therefore the Motion failed.

Mayor Hart indicated that he came prepared with an alternate appointment and stated that he received four (4) commendable resumes. David Robison was one of those but the Mayor had a concern that his resume was very similar to an existing Planning Commission member, Lance Anderson. He recommended that Bob Morris be appointed to the Planning Commission. **Bob Morris** introduced himself to the Mayor and City Council. He has lived in Ivins for 22 years and is willing to serve. **Council Member Elliott** inquired as to his background and why he's interested in serving. **Bob Morris** stated he has been an electrician for 40 years with Red Mountain Electric and is a teacher at DTC (Dixie Technical College) to apprentice electricians. He is also interested in what Ivins is going to become. **Council Member Johnson** inquired what he likes most about Ivins. **Bob Morris** indicated that when he was building his house, Ivins had the reputation at that time as being a trailer park community but he found it to be beautiful. He would like Ivins to be like it's been for the last 22 years but acknowledged that other people need to share what Ivins residents have.

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MOTION: Council Member Densley moved to approve Resolution No. 2019-09R, a Resolution of Ivins City, Utah, appointing Bob Morris as a Planning Commission Member
SECOND: Council Member McDonald
VOTE: The motion carried.

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

D. Discuss and consider approval of Investment Policy changes

Lane Mecham stated that changes were made to confirm with the State of Utah Money Management Act.

MOTION: Council Member Johnson moved to approve Investment Policy changes
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

E. Review and discuss the Proposed Tentative Budget

Lane Mecham provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. He thanked former Director of Finance Wally Ritchie for his help with the budget and City Treasurer Jennifer Chapman for her help putting the books together. He outlined the budget schedule. The general observation is that the budget is conservative, compliant, balanced and resilient and commented that it's important to know that the budget is tight. **Council Member Mehr** inquired if the prioritized projects aren't able to be funded, if the City Council will be made aware of that. **Lane Mecham** stated yes. **Council Member Mehr** referred to paying down debt and inquired if Ivins is aggressive at paying down debt. **Lane Mecham** indicated that the City is paying the regular amortization payments, which is common. **Mayor Hart** inquired if the City would be restricted on accelerating payments. **Lane Mecham** stated that's possible. **Mayor Hart** commented that the City has renegotiated most of the long-term debt. **Lane Mecham and Dale Coulam** confirmed that was correct. **Lane Mecham** indicated that in the General Fund there are some notable capital expenditures one being two (2) vehicle purchases for Public Safety, one (1) vehicle purchase for the Building Department and a number of items for the Public Works Department. If needed, the Administrative Department can transfer the Ford Explorer to Public Safety. **Council Member Mehr** referred to gap fill projects that finish roads where property isn't developed and stated that he didn't see 400 East on the list. **Mayor Hart** stated that isn't Ivins property, it's in Santa Clara. **Council Member Mehr** indicated it's a safety issue and would like a request to be made to Santa Clara to address that. **Lane Mecham** stated that the budget is balanced; maintenance, project and staffing are funded; Ivins City is taking a

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conservative approach as it relates to the budget; there are no tax increases or use of the unreserved fund balance. **Mayor Hart** referred to the gas sales tax increase for transportation and the County Commissioners now agreeing to support adopting that and inquired as to the status of the Resolution. **Dale Coulam** clarified that the City has requested a sample of that Resolution from the City of St. George on a couple of occasions but has not received it.

F. Open Meetings Training

Dale Coulam stated this will be a review for them. The policy on Open Meetings is that any action taken must be done openly and all deliberations are to be conducted openly. There are specified reasons in the Utah State Code that allow for Closed Meetings but the City Council can't take any action in a Closed Meeting. **Council Member Mehr** referred to the discussion at the last City Council meeting and again tonight regarding the appointment of a Planning Commission Member and inquired why the discussion regarding Ed Haworth couldn't have been held in a closed meeting. **Mayor Hart** clarified that the only reason the Council could have done that is if they had a legitimate question regarding his character. **Dale Coulam** agreed. **Council Member Mehr** inquired if there are minimum reasons to hold a closed meeting. **Dale Coulam** clarified there are specific reasons that a closed meeting can be held and those are specified in State statute. **Council Member Mehr** commented that when in doubt, have an open meeting. **Dale Coulam** indicated that Motions should set forth findings. **Mayor Hart** stated that that should be emphasized. **Dale Coulam** clarified that is something staff can help with as part of their Staff Report and also to note if it's a legislative action or administrative. **Council Member Elliott** commented that the Council might not all agree on the reasons for the decision. **Council Member Mehr** stated that a Motion and a Second could be made and then a discussion after could clarify it. He commented that Dale does a good job introducing the subject.

6) CONSENT AGENDA

Council Member Mehr requested that the Minutes be amended.

A. Approval of expenditure for 2019 spring pavement maintenance project – premium seal coat

MOTION: Council Member McDonald moved to approve Consent Agenda item A
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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

B. Approval of City Council Meeting Minutes for March 21, 2019

Council Member Mehr referred to page 6 line 31 of the Minutes and would like it to reflect that he was comfortable approving the salary ranges for all except for the City Council and the Mayor.

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MOTION: Council Member Mehr moved to approve the Minutes as amended
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

8) REPORTS

A. Council

Council Member Mehr referred to 400 East being a safety concern because the road isn't complete on Santa Clara's side. Mayor Hart indicated that he will let Chuck Gillette know and have him speak with Santa Clara.

Council Member McDonald reported that the skate park meeting went really well. An excited group of individuals ranging in age from teenagers to the 40's attended. A rough design is expected to be completed in the next couple of weeks and the park is expected to be built in the middle of the summer. Staff will help with prepping the skate park to save money. He attended a Washington County Solid Waste District meeting. A lot of cities across the nation are cancelling their recycling programs but he's fighting to keep it because he's concerned if the program is cancelled, it will be difficult to reinstate. The District may possibly raise recycling fees by .75 cents per household. **Council Member Johnson** inquired if the District is still recycling the recyclables or if they're going to the landfill. **Council Member McDonald** clarified that when the District had the fire, it contaminated some of the recyclables so that had to go to the landfill as well as anything that can't be recycled like plastic grocery bags. **Council Member Elliott** commented that it may help to explain and educate residents about this issue.

Council Member Johnson had no report but commented that she will not be present at the next City Council meeting.

Council Member Elliott reported that the discussion regarding entrance signs will be on the next City Council agenda.

Council Member Densley reported that he had a conflict attending the Snow Canyon State Park meeting tomorrow. **Mayor Hart** indicated that he will attend in Council Member Densley's absence.

B. Mayor

Mayor Hart reported that rather than saying "Council Member" to the Council, they may be hearing their first names instead. He reported that Alivia Snow is Miss Washington County and has asked for Ivins City's support to fund her effort in competing in the Miss Utah pageant. she is asking the City to sponsor an ad in the Miss Utah Program. The Mayor and City Council agreed to purchase a full page ad for $800 with City employee Jennifer Chapman assisting with putting the ad together. **Mayor Hart** reported that he failed to individually invite the Council Members to a meeting with the HOAs (Home Owner Associations) regarding an emergency preparedness plan. The FEMA (Federal Emergency Management Agency) model and CERT (Community Emergency Response Team) procedures are built around individuals. The second level is called Community where they organize with the City and provide some tools to assist in an emergency. The third level is the City's emergency operation plan. He left the meeting

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feeling that level two will work. Washington County Emergency Services Director Pete Kuhlmann is putting together RDA kits (Rapid Damage Assessment). The kit is book with instructions, forms a radio and similar. He inquired if the Council would be in favor of budgeting $15,000 to provide these, along with CERT training. The City Council agreed. **Mayor Hart** reported that he is working with Chuck Gillette regarding sloped solutions. **Mayor Hart** attended an event at the Southern Utah Veterans home last week to participate in remembrance for Vietnam War Veterans. The event was packed and it was a very touching event.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that the Council needs to schedule a meeting before a regular City Council meeting for the Municipal Building Authority. He provided the tentative agenda for the Utah League of Cities and Towns Mid-Year Conference which will be held April 24 through April 26, 2019.

D. Items to be placed on future agendas

Discussion regarding Ivins City entrance signs

9) CLOSED MEETING

A. Discussion regarding the sale of real property pursuant to Utah Code Section 52-4-205(1)(e)

MOTION: Council Member McDonald moved to adjourn this open meeting and go into a closed meeting to discuss the sale of real property pursuant to Utah Code Section 52-4-205(1)(e)
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

10) ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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