IVINS
CITY COUNCIL
MINUTES
April 18, 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 Elliott and Council Member Densley.
STAFF: City Manager/Attorney Dale Coulam, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Rodriguez, and Director of Finance Lane Mecham and City Recorder Kari Jimenez
EXCUSED: Council Member Johnson
Audience: Dan & Jan Brown, Tom Butine, Lisa Rutherford, Paul Van Dam, Randall Johnson, Michael Kruse, Shelley Mueller, Sharon Bartin, David Robinson, Lance Anderson and others who did not sign in.

A. Acknowledgement of Quorum

There was a quorum present. Council Member Johnson was excused and Council Member Mehr was expected shortly.

B. Flag Salute

The Boy Scouts of America Troop Number 407 led the Flag Salute

C. Invocation

Council Member Densley gave the Invocation

D. Disclosures

Council Member Elliott referred to agenda item 5)C regarding Ivins Entrance signs and disclosed that her brother-in-law came up with the drawings. She also referred to agenda item 5)E regarding clean energy and disclosed that she works for a company that specializes in hydroelectric solutions. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS AND PRESENTATIONS

A. Department Reports: Building Department; Public Works/Engineering

Mike Rodriguez reported that the City is on schedule with building permit activity. He has created a separate category in his report for multi-family permits. They're in the process of issuing building permits for the actor housing at Tuacahn, Toscano on Center Street and other multi-family projects. Code enforcement has been fairly steady with weeds growing quickly.

Council Member Mehr arrived at 5:35 p.m. He had no disclosures or conflicts of interest with items on this meeting's agenda.

Chuck Gillette reported that the Public Works crew has been working on getting the crack seal project done so the spring roadway maintenance project can start the week of May 6th. A chip seal and slurry seal will be done after that. The irrigation system was turned on April 1st. The Red Mountain Dams rehabilitation project continues and will take approximately three (3) months to complete. The trails along the dam embankments remain closed for the duration of

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the project. He'd like to take the City Council on-site when the project is done. **Mayor Hart** referred to this time of year being past the tortoise dormancy and inquired how the City is addressing that. **Chuck Gillette** stated that they had to hire a Biologist to be on-site whenever they're doing work in areas that aren't fenced. Dam 6 is the only one in the fenced zone and the Biologist is being paid for by the Federal Government. The City is hoping to bid out the design projects in the next couple of months.

B. Quarterly Finance Report

Lane Mecham provided a PowerPoint presentation to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. He reported that unemployment remains low at 3.16%. The average monthly wage is trending upwards and there is continued growth in taxable sales, with a recent declining trend. Building permits issued in Ivins picked up in the third quarter although there was a slight downward growth trend that is following Utah's overall trend. Revenues and expenditures are as expected and there are no major concerns. The General Fund and Enterprise Funds are as expected. Capital projects are moving forward and the City Manager and Department Directors are consistently overseeing the budgets. Ivins City is cautiously optimistic for the fiscal year. **Council Member Elliott** inquired which fund Santa Clara Fire and Rescue is in. Lane Mecham clarified it's in General Government. It was under "Fire" but is now in General Government.

C. Planning Commission Report

Mike Rodriguez reported that the Planning Commission held a Public Hearing on a Land Use and Zone Change for a triangular piece of property on Highway 91 and 200 East. That piece of property is currently Commercial but they applied for a Townhouse zone. Residents in Heritage Estates voiced concerns and the Planning Commission recommended denial of the change. The next Public Hearing will be before the City Council and that will likely be held in June. The Planning Commission approved an amendment to the Final Plan for the \Tuscano townhome project. They made a minor change that would reduce construction costs and assist with marketing their project. The buildings will essentially look the same but have different roof pitches and the overall height will be reduced by approximately one foot (1'). The Planning Commission also approved an Amended Preliminary Plan for Taviawk Phase XI and XII located at approximately Tearasinab Way and Paiute Way.

3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

MOTION: Council Member Elliott moved to suspend the rules and move agenda item 5)E to the beginning of the agenda

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

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E. Discuss and consider approval of Resolution No. 2019-12R, a Resolution of Ivins City, Utah, regarding Air Quality and Clean Energy

Council Member Elliott indicated that some local community members got together and worked out this Resolution as something they think is important for the community. She thinks that the community cares about these issues. Ivins does a good job with balancing stewardship and innovation. There are a lot of exciting things happening in this arena. For example, the Utah Legislature just passed a House Bill 411 where communities can sign up with Rocky Mountain Power for 100% renewable energy by the year 2030. She felt that this would be something that would be good for Ivins and the community members would appreciate it. **Tom Butine** stated this is a non-binding Resolution that sets a direction the Council may want to take the community and move in the direction of clean energy for the community. **Mayor Hart** indicated that he was a champion of that. **Council Member McDonald** inquired if this has been presented to other municipalities. **Tom Butine** stated yes. The Town of Springdale was the first municipality and he will be talking with Mayor Pike (City of St. George) about taking this before their City Council. Other communities throughout the state are adopting similar resolutions. **Mayor Hart** commented that one of the aspects of this that he appreciated was the reference to renewable energy and when the new City Hall is designed it will be energy efficient. **Council Member McDonald** understands where this is coming from but it's a double-edged sword because the more economic vehicles are, the less road funds are received. He felt that the Council needed to be cautious about approving something like this. It may be non-binding but then it evolves into something that is binding or perceived to be binding. **Tom Butine** clarified that it would point the City as to the way they want to go and there will be a disruption in revenue flows as the United States moves to clean energy. There will have to be a shift as to where revenue comes from. **Council Member McDonald** had concerns with the "Whereas" referencing advancement of renewable energy being economically viable and more cost effective than traditional energy and indicated that he wouldn't support this Resolution with that reference in the Resolution. **Council Member Mehr** also had some concerns with the Resolution as it was presented. He provided some suggested changes to the Mayor and City Council. A copy of the suggested changes are available by request through Ivins City Hall. **Council Member Densley** would need to study this more before he decides if he would support this Resolution and requested that the Resolution come back to them with Council Member Mehr's suggested changes so that he could see the changes and have more time to study this.

MOTION: Council Member McDonald moved to continue this discussion
SECOND: Council Member Densley
VOTE: The motion carried.

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

A. 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 reported that at the City

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Council meeting on May 2, 2019, the City Council will tentatively adopt the Tentative Budget and set the Public Hearing date for the Budget on May 16, 2019. The Budget will then be scheduled to be adopted by Resolution at the City Council meeting on June 6, 2019. There are no proposed tax increases; revenues and expenditures are conservative; growth is as expected, though more uncertain; employee benefits and merit increases are maintained and the budget is fiscally responsible with debt covered, projects financed, staffing needs met and contingencies in place.

B. Discuss and consider approval of the IRONMAN Letter of Intent

Mayor Hart commented that this is a cool opportunity for the area.

MOTION: Council Member Mehr moved to approve the IRONMAN Letter of Intent
SECOND: Council Member McDonald
VOTE: The motion carried.

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

C. Discussion regarding Ivins Entrance signs

Mayor Hart asked Council Member Elliott to convey to her brother-in-law a thanks for providing the depictions. **Council Member Elliott** commented that these were some of his ideas. **Mayor Hart** stated that he thought they were creative. **Council Member Densley** indicated that he would like to see the swoosh somewhere that's in Ivins logo. **Council Member Mehr** stated he thought they were cool but didn't know if they've gotten to what they want. He liked the simplicity of just "Ivins" and not "Southern Utah's Red Rock Destination". Mayor Hart indicated that over the last couple of years he's grown attached to the new Ivins logo. He'd like Council Member Elliott's brother-in-law to explore something with the new logo that incorporates the beauty of the mountain and the night sky. **Council Member Elliott** with provide her brother-in-law with their feedback.

D. Discuss and consider approval of Resolution No. 2019-11R, a Resolution of Ivins City, Utah amending the Consolidated Fee Schedule

Dale Coulam indicated that this is an update to more accurately cover Ivins costs. Most of the changes are in the Public Works Department and there are few changes in the Parks and Recreation Department and Building Department. **Council Member Mehr** referred to the new impact fee numbers and questioned if they were correct. **Chuck Gillette** stated that he looked at the fees and he felt that they were correct as presented. **Council Member Mehr** requested that this not go into effect until July 1, 2019 because the City bases the budgets on the current fees. He referred to a non-resident vs an Ivins resident regarding burial rights and inquired if the City should consider not allowing non-residents to be buried in Ivins cemetery. **Dale Coulam** clarified that sometimes non-residents have a connection to Ivins. **Mayor Hart** also questioned the new impact fee numbers. **Chuck Gillette** indicated he thought they were correct but would double check them. **Council Member Elliott** referred to the fees for adopting cats or dogs and suggested that it be clarified to read adoption of cats and adoption of dogs rather than male cat, female cat, male dog, female dog. **Mayor Hart** referred to the plan review, inspection

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and obstruction fees and inquired if those should be combined. **Chuck Gillette** clarified that they should remain separate. **Council Member Elliott** referred to storm water SWPPP inspections where it says a permit extension is $250 but stated that it wasn't clear how long the original permit was for and how long the extension is. **Chuck Gillette** clarified that is flexible. **Council Member Densley** referred to the irrigation impact fee and suggested that not go into effect until July. **Chuck Gillette** clarified that it goes into effect 90 days after the City Council adopted the impact fees, which they already did. **Dale Coulam** further clarified that the City can't extend implementing impact fees beyond 90 days. Impact fees are governed by State law so those are effective 90 days from the date they were adopted. **Council Member Densley** inquired how the fees compare to Washington City, the City of St. George and similar. **Chuck Gillette** stated that they're all different. **Council Member Densley** commented the pass through fees go to the consumer purchasing property and referred to affordable housing. **Chuck Gillette** commented that if they don't do that, those costs get passed on to everybody else for that home. **Dale Coulam** commented that if fees don't cover costs the alternative would become raising property taxes. **Mayor Hart** indicated that paying for services through fees make sense and is better than being paid by raising property taxes. **Council Member Elliott** referred to subdivision applications and the plan review and inquired what the rate of that is. **Dale Coulam** stated if they have concerns, this can be post-poned. The **Mayor and City Council** agreed to continue this discussion for further clarification.

MOTION: Council Member McDonald moved to continue this discussion
SECOND: Council Member Elliott
VOTE: The motion carried.

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

F. Continued discussion regarding the Planning Commission's recommendation on proposed Zoning Overlay Amendments for Chapters 7 & 8 of the Zoning Ordinance

Dale Coulam commented that he anticipated there will be quite a bit of discussion before this is set for a Public Hearing. **Mayor Hart** stated that it took a long time for the Planning Commission to discuss this and make their recommendations. He has several ideas and invited the City Council to consider the percentages and what the bonus is based on and what is being offered. If a developer provides affordable housing as an element within their project, that could be something that would bring a density bonus to a developer. A developer could offer one or more lots in their development, in lieu of providing a park, and provide a developed lot or lots that would qualify the units as median or moderate income or for individuals who work as fire fighters, nurses, teachers and similar where the lot would be taken out of the cost equation for that affordable housing unit. It would be an established formula that runs with the land so when the unit sold in the future, it is sold on that formula. **Council Member Densley** indicated that an owner should be required to keep the home for many years and not flip it. **Mayor Hart** stated that's what he's talking about - the value of the house minus the cost of the donated lot and then it's sold based on that formula and the City Council can set whatever restrictions they determine. **Council Member Elliott** referred to the Legislature recently passing a law regarding

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affordable housing and commented that Ivins has to adopt a few choices regarding affordable housing. **Mayor Hart** inquired if the City Council would be in favor of incorporating this as an added density and stated that he was willing to pursue this if the City Council was in favor of this. The **City Council** agreed. Mayor Hart will pursue this and the discussion will continue at a future City Council meeting.

G. Discuss and consider approval of selection of consultant(s) and expenditure for engineering design services for the 2019 Irrigation Master Plan phase 1 improvements project

Chuck Gillette indicated that the City passed the Irrigation Master Plan and issued an RFP (Request for Proposals). The City received proposals from four (4) different firms, reviewed the proposals and scored each. As a result, he's recommending Sunrise Engineering for the tank design and Alpha Engineering for the pipeline design. Cost was only a 30% factor in the selection process and one of the things that stood out for Alpha Engineering is their experience with the Water Conservancy District and tying into the irrigation system.

MOTION: Council Member McDonald moved to approve the selection of consultant(s) for Alpha Engineering for the pipeline portion and Sunrise Engineering for the tank portion for the Irrigation Master Plan phase 1 improvements project

Chuck Gillette requested that as part the motion that it include the expenditure approval amount of $275,885.00

MOTION: Council Member McDonald moved to amend his Motion to include the expenditure amount of $275,885.00
SECOND: Council Member Densley
VOTE: The motion carried.

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

H. Discuss and consider offer to purchase a parcel of property owned by the City located at approximately 750 East Center Street, Ivins, Utah

Dale Coulam stated the property isn't currently zoned. It was zoned PD but that zone no longer exists and the prior approval of the Preliminary Plan has expired. It was low density, medium density and higher density closer to Center Street. As explained in the counter-offer, if the counter-offer was accepted, that doesn't automatically mean that the purchaser would get the zone they want. It would just mean that the City would delay holding off on selling the property. with the counteroffer is for a Townhouse zone of four (4) units per building with two (2) car garages instead of RM which is multi-family anything. He inquired as a Council, do they accept or reject that offer? If the Council accepts, it puts this on hold for them to go through the zoning public process. **Mayor Hart** commented that it shouldn't be taken off the market for a land use and zone change that is unlikely to occur. **Council Member Densley** thought that there needs to be a time line. **Dale Coulam** indicated that the Council could counteroffer with the requirement of an earnest money deposit and time frame to go through the land use process. The Council can either accept, reject or modify the terms again, which would be a counteroffer. **Council**

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Member Elliott inquired if the main change to the potential buyers offer is they're changing from Twinhomes to Townhomes. **Dale Coulam** stated that was correct. **Mayor Hart** clarified that is eight (8) units per acre. **Council Member McDonald** inquired what is difference was between a Twinhome and a Townhome. **Dale Coulam** indicated that townhomes would be more than two units per building and are often two-stories. **Council Member Elliott** commented that it's an awkward situation for the City. **Council Member Densley** inquired what Dale Coulam's opinion was. **Dale Coulam** stated that if in the Councils' minds it's very doubtful of approving what's been requested, they should reject the offer. **Mayor Hart** stated they could go back to original counteroffer and add a time limit. The City Council agreed and set a time frame of 120 days.

I. Discussion regarding replacement of the Chairperson for the Affordable Housing Task Force

Mayor Hart indicated that he asked the Building and Zoning Administrator, Mike Rodriguez, to step into this position. He thanked Ed Haworth for his service to the community.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for April 4, 2019

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr - no report
Council Member McDonald - no report
Council Member Elliott reported that she may be absent for May 2, 2019 City Council meeting date. **Dale Coulam** indicated that Council Member Mehr and Council Member Densley are also going to be absent and there will be no quorum. The Council needs to reschedule that meeting date because the adopting the Tentative Budget and setting a Public Hearing for the Budget needs to be addressed. The **Mayor and City Council** rescheduled the May 2, 2019 City Council date to April 25, 2019.
Council Member Densley - no report

B. Mayor

Mayor Hart reported that he was invited to be the Mayor featured on the Mayor's interview program on KCSG this past Thursday and talk about the City.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to an email about wood burning and indicated that his understanding was that the 2009 International Energy Code did away with wood burning stoves for homes. Wood burning stoves are not allowed in new construction but for existing wood burning stoves, code section 107.5 deals with division of air quality and times when the wood burning stove can and

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cannot be used but if it's the sole source for heat or cooking, it's allowed. **Council Member Mehr** inquired if a resident could put a wood burning stove in after their home was built. **Dale Coulam** stated that would require a building permit because a flue would need to be installed. **Council Member Elliott** indicated that it was her understanding that the regulations aren't triggered until the air quality monitors are triggered and that likely wouldn't occur in Washington County because there is only one (1) air monitor and it's located in the Hurricane valley.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

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 Elliott	AYE
Council Member Densley	AYE
Council Member Johnson	ABSENT

The meeting adjourned at 8:20 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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