IVINS
CITY COUNCIL
MINUTES
June 20, 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 Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Elliott, Council Member Densley, and City Recorder Kari Jimenez.
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.
EXCUSED: None.
Audience: Shelly Mollar, Lynn Johnson, Kathy Barth, Chuck & Sarah Menzies, Woody & Andy Odil, Judith Hatchesa, Mary Hatchesa, Cynthia Fredrick, Nancy Romney, Tom & Bobbie Pillar, Suzanna & Ivan Briggs, Myrna Pettengill, Dee Osborn, Gary Pagan, Sam Gibbs, Herbert Ward, RT Marten, Sandy Perkins, David & Nadene Barish, Twila Kay, Lesley M., Judith Kapuscinski, Roger Osness, Eric Hull, Mike Scott, Brandon Sieverts, Rich Svien, David C., P & Kay Barickman, Mike Hugo, Glenn Palmer, Ellen & Bill Wnetworth, George Stoddard, Sherry Breitenbach, Susan & Steve Talley, Bill & Mary Ingols, Neil & Miribeth Powell, Lynnette Miller, Laurie Floisand, Tim & Sharon Gillespe, Marty Oviatt, Ron Levandoski, Richard & Susan Wolfley, Greg Cherry, Aprile & Gordon Beardall, Leslie & Brian Hill, Cathy & Eric Mortensen, Becky Jones, Steve Stolley, Sue Gordhammer, Joe Ray, Ken White, Gwenn Davies, David H. Cannon, Lori Capshaw, Tom Fabio, Dan Rak, Mitzi Rak, Barbara Mitchell, John & Debbi Beckstead, Claudette Larsen and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present

B. Flag Salute

Council Member Elliott led the Flag Salute

C. Invocation

Rabbi Mendy Cohen with the Chabad of Southern Utah Jewish Center offered the Invocation

D. Disclosures

Council Member Elliott disclosed that her children attend Vista School. There were no other disclosures or conflicts of interest with items on this meeting's agenda.
Mayor Hart introduced Southern Utah Veterans Home resident Reed Ivins and commented that he is the grand-nephew of Anthony W. Ivins after which Ivins City is named. **Reed Ivins** commented that the Southern Utah Veterans Home is a wonderful center with marvelous staff. He will 89 years old in July. He thanked the Mayor and City Council for recognizing him. **Mayor Hart** stated that Mr. Ivins had a distinguished career in the Air Force at a Lt. Col. and was a fighter pilot. Following his Air Force career, he attended and graduated from the J. Reuben School of Law at BYU and was Senator Jake Garns In-House Council.
Chief Bob Flowers conducted a swearing in ceremony for Reed Briggs as Sergeant and commented that Officer Briggs was hired approximately a year ago. He was a Public Safety Officer with the City of St. George and then went to the Salt Lake area and worked as a Public Safety Officer. **Mayor Hart** swore in Officer Reed Briggs as Sergeant. Sergeant Briggs stated

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that he was grateful to be here to serve and for his family and friends who traveled from the Salt Lake area to attend this swearing in. He thanked the Mayor and City Council for their support.

2) REPORTS AND PRESENTATIONS

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

Mike Rodriguez reported that they just issued the last building permit for the Cliffrose subdivision and have issued a number of building permits for the Haven at Heritage subdivision. They issued the first building permit for the Arrowhead subdivision this week and the Red Mountain Vista Townhome project is being built. Building permit activity has increased and they are busy with inspections. Regarding code enforcement, they have had some weed complaints that they have dealt with. They are in the process of recruiting a Code Enforcement Officer. **Mayor Hart** inquired if there had been follow-up with Mr. Best regarding his citizen comment at the prior City Council meeting. **Mike Rodriguez** stated yes and indicated that there may have been a misunderstanding concerning that situation. He clarified that the City did not displace Mr. Bests' elderly mother from the home. She has been and is currently living in the home of another son. It has been an undertaking to clean out the home and as part of the Order to Demolish, utilities need to be disconnected but the family has requested that the electricity remain connected to allow them to continue to clean up the place. The family has made some significant progress in cleaning things out and the City is working with them with the possibility of bringing the home up to code but that at this point the home is far from that.

Chuck Gillette reported that a Public Works employee has moved on to another employer and the Public Works department just went through the hiring process and found two candidates. One just started two (2) weeks ago and the another one will start on July 1st. He has been working on the Coyote Gulch LOMAR (Letter of Map Revision) to revise the flood plain in the Kayenta area. They just issued an RFP (Request for Proposal) for the environmental study on the BLM (Bureau of Land Management) property on the south side of Ivins. The tank design and rock fall study is underway for the irrigation improvements. David Hafen has agreed to dedicate property to assist with the GAP fill project on 200 East. The Public Works department is working on a Master Plan relating to the sewer diversion and other elements of the sewer line. The road maintenance is almost complete and they will be restriping the roads in the near future.

Lane Mecham referred to the budget and commented that the budget has been approved for 2020 and he is getting ready to wrap up the end of the fiscal year. Part of preparing for the year end is amending the budgets. There were amendments to the General Fund and Water Fund. Mayor Hart commented that Washington County elected to adopt the 4th quarter sales tax for transit. That will benefit Ivins and begin to accrue around October of this year.

B. Planning Commission Report

Mike Rodriguez reported that the Planning Commission elected a new Chair and Vice-Chair. Bryan Pack was elected as the new Chair and Lance Anderson was elected as the Vice-Chair. The Planning Commission held a Public Hearing for a Class IV Conditional Use Permit for the Black Desert Construction offices and approved that. They approved a Final Plat for the Turner Subdivision as well as the Final Plat for the Posovi Subdivision. They also discussed changing regulation of roof ridgelines and determined there may be some changes to make so that it is more clear. They also held a discussion regarding maximum densities for Multi-Family and High Density development and discussed accessory dwelling units. Regarding the accessory

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dwelling units, the Planning Commission decided they want to receive input from the Affordable Housing Task Force so he will be holding a meeting with that task force in the near future.

3) CITIZEN COMMENT REQUESTING FUTURE AGENDA ITEMS

Bradford Osburn submitted a Citizen Comment request and stated that he was concerned about the safety of the 200 East roundabout due to the growth of the plants and that obscuring a drivers' view. **Mayor Hart** commented that that would not be something that the City Council would address on a future agenda but that information will be provided to the Parks and Recreation Director to address that.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Amended Project Plan for Kanta Village located at approximately 343 West Highway 91. Kanta Holdings, LLC-Owner, Mac Bowell-Applicant

Mike Rodriguez reported that the property is currently zoned Mixed-Use Overlay (RM/C-1) and a Project Plan is required for any Mixed Use development. The property is located west of the Movara Fitness Center on Highway 91. They are proposing a townhome use with two (2) car garages that will be individually owned. They are no longer asking for these to be vacation rentals. **Dale Coulam** clarified that all of the conditional uses were removed from the Project Plan which had the effect of eliminating the hotel short-term rental aspect of the project. If a use is not listed as an allowed use, then it's prohibited. There were also some concerns regarding the color scheme of the buildings because the rendering showed more of a white building but the rendering just printed that way. They are showing more of a tan color and the text has been amended specifically to reference Ivins' color requirements of the zoning ordinance. The layout will be discussed later in this agenda. They are not recommending changes from the zoning ordinance but because they have the ability to alter something, this would be a hybrid legislative and administrative decision. The Preliminary Plan is an administrative decision meaning that if it meets the City codes, then the developer is entitled to an approval. **Mayor Hart** opened the Public Hearing. **RT Marten** commented that this is an opportunity for the Council to look carefully at what Ivins is doing. He referred to the project and stated that it started out as Movara project and has come full circle as an apartment or townhouse project and that wasn't the original intention. It was made very clear at the Planning Commission that there is little discretion in terms of the aesthetics, height, massing and similar. The City is dealing with a commercial property that is allowing a residential use, which is a totally different purpose and has come through the back door. He suggested that the City Council think about commercial zoning in terms of most commercial zones require a Conditional Use Permit. **Dale Coulam** clarified that the zoning on this is mixed use with multi-family residential and commercial. The current zoning text says that the developer can choose from those two uses or could propose amendments in the Project Plan. The Plan does comply with the zoning ordinance and this property was not zoned purely commercial. **Claudette Larsen** referred to a comment that St. George made regarding cutting back on water use and inquired why the City was building so many units when there are issues with water. She indicated that there are enough people here in Ivins and the City doesn't need more to use Ivins water. **Mayor Hart** stated that the Planning Commission and City Council do their best to create ordinances that bring about what they want to have happen in the city and once those are created and if a project conforms, the City's hands are tied. **John Hawkins** referred to Dale Coulam's comment about the property being zoned mixed use and choosing one or the other and inquired about that. **Dale Coulam** clarified that an applicant could choose from either zone or a combination of the two or propose amendments in

DRAFT

the Project Plan . **John Hawkins** referred to a letter submitted by Terri Marten, a copy of which is available by request through Ivins City Hall, regarding the project name of "Kanta" and the existing Kayenta community and commented that is a legitimate concern. He stated that the City needs to be careful because of branding and that kind of confusion will hurt Ivins as much or more as it will hurt Terry Marten. **Sue Gordhammer** referred to the topic of name branding but understood that wasn't likely under the purview of the City Council. She commented that there is a value to the branding of Kayenta Village and the signs throughout. Her comments were not to object to the development of townhouses but she did think that the name is critically important. **Mayor Hart** stated that the City is limited on that and as far as he was aware, the Kayenta name is not a trademarked name. **Dale Coulam** clarified that the City does not have specific authority on naming subdivisions and referred to the numerous subdivisions with the name "Red Mountain", "Sage Cove", "Sage Villas" and similar. That is a civil issue. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider the Planning Commission's recommendation to approve a proposed Amended Project Plan for Kanta Village located at approximately 343 West Highway 91. Kanta Holdings, LLC-Owner, Mac Bowell-Applicant

Council Member Mehr request an explanation as to if the project is in compliance with the ordinances, why it is in front of the City Council to be voted. **Dale Coulam** clarified that the applicant could propose changes to the zoning text in a Project Plan. This particular applicant has chosen to follow the existing ordinance. If the applicant would have kept the request to include a hotel and/or short-term rental use, that would have been more consistent with the Movara plan but there was strong public opposition to that so the applicant agreed to remove that use which now makes it primarily residential. The applicant can pick and choose from either list or as stated in the project plan which means they can create their own zoning. When the City Council addresses Chapters 7 and 8 of the zoning ordinance, restricting that will be looked at. **Council Member Elliott** commented that when a project complies with the ordinances, building heights, length and similar, they're not doing anything different than what is currently allowed for other developments. **Dale Coulam** stated that was correct. **Council Member Mehr** referred to a hypothetical situation and inquired if the City Council moved to continue this and then encouraged the applicant to deviate from what they have requested, is that a possibility? **Council Member Densley** inquired what they would deviate to. **Council Member Mehr** stated that the City needs more commercial zoning and thinks the City should maintain what little bit that the City has. The encouragement to deviate would be to make the project more of a mix. **Dale Coulam** clarified that the City would then be designing a project and in essence, that's a cram down and trying to twist their arms, which may be an illegal exaction. The applicant has the ability to deviate but has selected from the existing ordinance. There's no basis to negotiate because it meets the ordinance. If the City Council was inclined to continue this, it needs to be based on something that's reasonable. **Council Member Densley** acknowledged that the applicant has made concessions. **Dale Coulam** clarified that they had had a heavier commercial use originally but because of the public objection and the Planning Commission's discussion, they came forward and removed that aspect from the plan. **Council Member Mehr** commented that the developer could still change that. **Dale Coulam** clarified that they would have to go through the whole process again. **Council Member Elliott** stated that her comment wasn't anything against this developer but stated that this was a lesson in being careful about what is approved for one party with the idea that it could change hands. **Mayor Hart** referred to the mixed use zone and indicated that when combining two zones for added

DRAFT

flexibility, the City needs to be careful with that and be much more clear and specific on ordinances to make sure the City gets what it wants and then if they comply with the ordinances, they're entitled to approval. This project before the City Council completely conforms with Ivins ordinances and the applicant withdrew the nightly rental components.

MOTION: Council Member Mehr moved to approve the Amended Project Plan for Kanta Village located at approximately 343 West Highway 91 based on the findings that this complies with Ivins Ordinances
SECOND: Council Member McDonald
VOTE: The motion carried.

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

C. Public Hearing to receive input on the proposed disposition of approximately 15.52 acres of City owned property, located at approximately 750 E Center Street. Ivins City-Owner/Applicant

Dale Coulam provided a background regarding this property. There was a Preliminary Plan originally approved for the property and consisted of single family homes. The lots became smaller as the property approached Center Street and those homes closest to Center Street were patio type homes, also single family. The City held a Public Hearing approximately one (1) year ago when the City was deciding what the required uses would be if it were sold. At that time, the City Council wanted single family homes, open space and a trail on the eastern boundary just like what is up above to the north. The City has received a couple of offers and one is very similar to the original approved plan and is from the developer building the subdivision to the north of the City property. The offer is conditioned upon a zone change because the property was a planned development that was approved at one time. When the City acquired this property, the original Preliminary Plan was not renewed at that time and that Preliminary Plan has expired. The City currently does not have a PD zone anymore so there really is no zoning on this property currently. So, it is not unusual for an applicant to condition the purchase on zoning. There was one offer submitted that was for multi-family and the Council rejected that. The developer to the north has submitted an offer conditioned upon the property being zoned to R-1-5 or R-2-10 which would mimic a large single family home. Another offer has been submitted from Vista School and they're proposing to talk with the other land owner and swap the City property for property to the north of Vista school. With that offer, he would suggest that offer be made contingent upon there being vehicle access from 400 East to Vista to address the traffic congestion. Their offer was that they would try to negotiate that but there were no guarantees and the condition for the 400 East connecting road was not in their offer. They also mentioned the 50' easement with it being the City's burden to landscape that and pave the trail. The purpose of this Public Hearing is to receive input to guide the City Council on their decisions about this property. **Council Member Elliott** referred to the REPC (Real Estate Purchase Contract) and commented that the offer from Vista School had a June 21, 2019 deadline date listed on it but the Addendum to that REPC had today's date as the deadline. **Dale**

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Coulam acknowledged those dates and commented that both individuals who submitted those offers would need to revise and clean them up. What was discussed a year ago regarding this property is quite different than what's being discussed currently and to ensure the City complies with statute, this Public Hearing is being held. **Mayor Hart** disclosed that he was a participant in the development of the original Palisades. The Council imposed conditions that no school would be built on the 15 acres but technically a school can be built in any zone. **Mayor Hart** opened the Public Hearing. **Judith Kapuscinski** commented that unless she misunderstood, the City needs to tighten their ordinances and unless there's some immediate need for selling this property, it would seem like it might be prudent for the City to wait until the zoning changes have been discussed and tightened before selling the property. **Sam Gibbs** is the Principal of Vista School and commented that when this was proffered to the adjoining land owner, it was proffered with the contingencies and the school would consent to any of the contingencies including the trail and road. They as a school have been working diligently to address the traffic issue. **Mayor Hart** inquired if their negotiations are continuing with the land owner. **Sam Gibbs** stated yes and that it has been very positive. He believed that it will come to fruition if the school can acquire the property. **Dale Coulam** inquired if Vista School is approved for a high school. Sam Gibbs indicated no. It is up to the 9th grade. An individual (name unknown) who resided on Park Avenue Way commented that he thought Vista School was looking to purchase property to the west, as opposed to the property to the north. The residents would have concerns about the amount of traffic on Park Avenue Way. **Sam Gibbs** clarified that it would be property to the north because the property to the west is above market value. Another resident (name unknown) who resided on Park Avenue Way indicated that she thought it was very clear that the property to the north of Vista was residential and now the City Council is talking about the school expanding at that location. She inquired how that could happen and was very concerned about expanding the school. **Dale Coulam** clarified that a school use is allowed in any residential zone. **Council Member Densley** clarified that one of the motivations that the City has in selling the property is the current City Hall building is bulging at the seams and it's the intention of the City to build a new city hall with the money from the sale. **Leslie Hill** resides at 635 East Palisades Drive inquired why Vista School needs to place the new school to the north of the existing school and not to the west of it. **Mayor Hart** clarified that that was the intended target but the owner of that property will not sell it for market value so the only property available for sale to negotiate with is the City property. **Brandon Sieverts** commented that his children attend Vista School and he felt that school brings a benefit to the City. He moved with his kids to Ivins because of Vista School and he would love to see it expand. **Mayor Hart** commented that aside from the traffic, he had not heard any opposition to the school. **Regina Roper** inquired if the City was negotiating the entire parcel to swap. Mayor Hart clarified that the City wasn't negotiating anything. **Tim Gillespie** inquired if the City had any jurisdiction or interest in a swap. He had very little resistance to the school expanding but inquired if the property currently owned by the City would remain the same and consistent with what's to the north, which is single-family residential. **Dale Coulam** clarified that a year ago that was the requirement but the offers that have been received recently do not indicate that. **Tim Gillespie** suggested that as part of the sale the property should be required to remain single-family residential. Mayor Hart closed the Public Hearing.

D. <u>Discuss and consider pending offers to purchase the 15.52 acres of property from the City</u>

Council Member Mehr had a question regarding passing on a condition of the property as PD (Planned Development). **Dale Coulam** clarified that there is no longer a PD zone in Ivins so it

DRAFT

essentially has no zone. **Council Member Densley** would like to see 400 East go all the way through to Vista School to help with the traffic issues. **Council Member Elliott** stated that right now the property doesn't have a zone and the Development Agreement is expired so someone is going to have to apply to the City Council for a zone change and the City Council could make a decision on that. **Dale Coulam** indicated that was correct. If anyone wanted to do anything with that parcel, they would have to come before the City Council. **Mayor Hart** stated that the City Council held the Public Hearing and received comment and direction. He suggested that this be continued to the next City Council meeting.

MOTION: Council Member Mehr moved to continue this discussion to the next meeting
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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Kanta Village located at approximately 343 West Highway 91. Kanta Holdings, LLC-Owner, Mac Bowell-Applicant

Mike Rodriguez reported that this Preliminary Plan proposes the construction of 81 lots on 9.12 acres. The Planning Commission and City Council have previously seen the Concept Plan and the TRC (Technical Review Committee) reviewed the Preliminary Plan on May 2, 2019. The proposed lots and improvements are in compliance with City Ordinances. **Mayor Hart** inquired if the articulation of the roof lines had been address. **Mike Rodriguez** stated yes. **Council Member McDonald** inquired how tall the buildings will be. **Mike Rodriguez** stated that the interior buildings could be as tall as 35 feet but they developer is planning on being consistent and no taller than the townhomes off of Highway 91, which are 25 feet in height.

MOTION: Council Member Densley moved to approve a Preliminary Plan for Kanta Village located at approximately 343 West Highway 91
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	ABSTAIN

B. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for Sage Cove located at approximately Earl Road and Fitness Way. Quality Development, LLC-Owner, Development Solutions Group-Applicant

Mike Rodriguez reported that the Preliminary Plan for Sage Cove proposes the construction of 18 lots on 7.77 acres. The property was previously owned by the Washington County School

District and rezoned from School/RA-5 to RE-12.5 12,500 sq ft lots with lot averaging. The Preliminary Plan and proposed improvements have been reviewed by the TRC (Technical Review Committee) and are in compliance with City Ordinances.

MOTION: Council Member Elliott moved to approve the Planning Commission's recommendation to approve a Preliminary Plan for Sage Cove located at approximately Earl Road and Fitness Way. Quality Development, LLC-Owner, Development Solutions Group-Applicant
SECOND: Council Member Densley
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. Discuss and consider approval of Resolution No. 2019-16R, a Resolution of Ivins City, Utah regarding Lighting Design and Standard Specifications for Design and Construction

Joseph Ray read a letter on behalf of the HOA's (Home Owners Associations) of the Kayenta neighborhood. He's a board member of the Shanto HOA. He and other board members became aware of the possibility of lighting being installed in area of the Kayenta neighborhood. They met with Public Works Director/City Engineer Chuck Gillette to explore other options. The general consensus of the Kayenta neighborhood was that that lighting is not needed in Kayenta. **Chuck Gillette** provided a PowerPoint presentation, a copy of which is available by request through Ivins City Hall. Per State and Federal guidelines, on a fundamental level, driving is largely a visual task and lighting significantly improves the visibility of the roadway, increases sight distances and makes roadside obstacles more noticeable to the driver and therefore more avoidable. Bollard lighting provides a significant amount of low lighting, approximately 12 feet, projected onto the street. The bollards could be moved closer to the street, which would provide even further low lighting onto the street. Presently there's a light planned to be installed on the collector streets of 600 West and Center Street and Kwavasa Drive. **Mayor Hart** commented that the Kayenta neighborhood is one of the oldest developments in Ivins, dating back to 1981 and it was developed under a very specific vision. There are no schools, churches and basically no public buildings. The demographic that is in Kayenta is that of almost no children so they're not darting out into the road. He felt that the idea of disrupting something that has been so successful and a huge enhancement to Ivins City would be wrong. The safety issue was a big one but he's convinced further with the diagrams provided in the PowerPoint that at the very most, bollard lighting would suffice. He wasn't aware of a single pedestrian accident out there in all of those years. **Council Member Mehr** commented that one cannot be in violation of a guideline because they're just that, guidelines and not requirements. **Mayor Hart** commented that there's been a request made to continue this issue until the Road Master Plan is complete but he wasn't sure if bollards were objectionable to the Kayenta neighborhood. Per the audience's response, they were objectionable. **Mayor Hart** indicated that there didn't need to be light on poles but felt that bollards should be installed at critical intersections. **Council Member Elliott** stated that she would love to see the solutions that would work best within the community that is low impact

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but addresses safety which is part of the Transportation Master Plan. **Council Member Densley** suggested that the City move forward with the traffic study so the developers who need to install lights aren't being held up and the Kayenta area until they decide on what they want to do through their homeowners association. **Council Member Mehr** was agreeable to that and inquired if the City needs 14 foot poles. He referred to table 2.10.1 of the standard specifications and inquired if the 14 foot poles should be 12 feet instead. **Chuck Gillette** was fine with that and commented that that scale feels right to him but stated that an 18 foot pole should be used for bigger wider roads like the Snow Canyon Parkway. **Council Member McDonald** supported that, as did **Council Member Johnson**. There was discussion regarding language and continuing this for Chuck Gillette to provide the language for the Resolution but the next City Council meeting was a month away, Chuck Gillette will be out of town for that meeting and there are developers waiting for the City to make a decision on the lighting so that they know what they need to install. **Mayor Hart** suggested that the City pass everything except the rural area. It was suggested that 12 foot poles be used rather than 14 foot poles, include the table and reserve the right for future updates. **Chuck Gillette** suggested that the City needs to make sure that the developer budgets to install lights. There was a question regarding whether or not a standard could be imposed retroactively. Dale Coulam clarified that could not be done unless the developer consented to that. **John Hawkins** stated that for many of the residents in Kayenta, every bit of light that is projected to the ground bounces back up and affects the night sky. He hoped that technology could be used to turn off the lights when people are not walking by.

MOTION: Council Member Elliott moved to approve Resolution No. 2019-16R, a Resolution of Ivins City, Utah regarding Lighting Design and Standard Specifications for Design and Construction, with the following amendments: exclude the rural cross section 2.10.2(g) to be reserved for future update with the asterisk * that developer must budget for standard lighting, as applicable; residential areas will have 12 foot poles and will include as shown by Chuck Gillette. In the event there is an error in the table, the written text will take precedence.
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

Council Member Mehr requested discussion. He referred to the table and commented that in the event that there is an error in table, the written text would take precedence. He also referred to the rural section with the asterisk * where the City is referring to the developer budgeting for standard lighting, add "as applicable." The Mayor and City Council agreed.
Roll call vote. All Council Members voted in favor.

D. Discuss and consider approval of a Property Purchase Agreement for the 450 North Detention Basin

The City Council meeting was in recess from 8:37 p.m. to...8:43 p.m. and called back to order at 8:43 p.m. by Mayor Hart.

DRAFT

Chuck Gillette reported that the west side of Ivins has a history of causing major problems in large storm events by sending large amounts of water down the dirt road portion of 600 West. This basin is needed to cut off drainage from upstream areas and prevent the large flows and floods that wash out the dirt road and cause plugging of storm drains at 600 West Center Street, contributing to flooding throughout the entire City. Ivins City has negotiated with the Ence Family to donate the property in exchange for adding a new drain down 450 North.

MOTION: Council Member Mehr moved to approve a Property Purchase Agreement for the 450 North Detention Basin
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. Approval of purchase of pumping equipment for Upper Shinava Pump Station

Chuck Gillette that the City is being required to install a pump station on the upper end of the Taviawk Tank zone due to low pressures. Most homes in the area are on individual boosters but state rules do not allow individual boosters. The City needs to place this order for pumps now, with plans to install in August or September.

MOTION: Council Member Mehr moved to approve purchase of pumping equipment for Upper Shinava Pump Station
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

F. Approval of purchase of materials for repair of 48-inch storm drain in Red Rock Park

Chuck Gillette reported that last month a sink hole developed around a 48-inch storm drain pipe on the south end of Red Rock Park. The 48-inch pipe has completely failed in a 15 foot section and appears to be failing through the entire 214 foot section. This is an unexpected project so the intent is to use City Staff to reduce the impact to the City budget. The failure of the pipe is related to the installation of plastic pipe in an area with poor soils. The City has received quotes for replacement with a stronger plastic pipe but in the long run believes that it would be better to use concrete pipe.

MOTION: Council Member Elliott moved to approve the purchase of materials for repair of 48-inch storm drain in Red Rock Park
SECOND: Council Member Johnson
VOTE: The motion carried.

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

G. Discuss and consider approval of Ordinance No. 2019-05, an Ordinance of Ivins City, Utah, Amending the Powers and Duties of the Arts Commission

Council Member Densley stated that he would like the Arts Commission to review the applications but not apply for grants. He felt that if something isn't broke, we shouldn't be fixing it and indicated that the distribution of funds should be left up to the City Council. **Mayor Hart** stated that it is broke. The problem is that the applications aren't being made in a timely fashion because the City doesn't have the right procedure to do it and the City is missing out on potential grants. **Council Member Mehr** inquired if Council Member Densley was referring to the paragraph "(5)" in the Ordinance and inquired if he'd like that removed. **Council Member Densley** indicated "yes". **Dale Coulam** clarified that that is the amendment made from the last meeting, as well as striking out the reference to the previous resolution because the next agenda item is the adoption of the new form and procedural changes. Applying for a grant can be on a short time frame but they could apply for grants and then report to the Council on what they have applied for and the projects that they are proposing. If there is time for them to come before the City Council prior to applying for a grant, they can bring that to the Council to discuss. **Council Member Elliott** stated that there are grants from other public and private sources that are available and the City should do everything it can to obtain money from those grants. At some point she would like to discuss giving the Arts Commission a small budget because the City Council formed the Arts Commission and tasked them with reviewing and implementing the City's Arts Master Plan and this Ordinance would give them the ability to do so without taking away the City Council's authority to make the decisions. **Council Member Johnson** indicated that her concern was the possible conflict of applying for RAP tax funds when they are receiving the applications. **Judith Kapuscinski** stated that she is the Vice Chair of the Arts Commission and appreciated that concern. She commented that would be addressed with a disclosure. The Arts Commission would recommend funding from those who have applied and then submit the applications that are in conflict to the City Council for them to decide. **Council Member Densley** indicated that he'd like the Arts Commission to identify the grants that are available, present them to the Director of Finance and let him handle that. **Judith Kapuscinski** stated that that wouldn't be the Arts Commission's preference but that is something that could be done. **Council Member Densley** indicated that he'd like to see the Director of Finance get involved in that more. **Dale Coulam** clarified that the last sentence of paragraph 5 explains expending the funds and the Director of Finance is involved in that process. He commented that the Arts Commission is more qualified to write a grant application than the Director of Finance. **Judith Kapuscinski** stated that paragraph indicates that a copy is given to the Director of Finance. **Council Member Elliott** indicated that this process would be similar to what Chief of Police Flowers did with applying for the VOCA (Victim of Crime Act) grant where they were on a short timeline and applied for the grant. If the City doesn't want to go forward with a particular grant, they don't need to accept the funds. **Council Member Mehr** reminded the City Council that they weren't excited about how the application for the VOCA grant occurred and let Chief Flowers know that. The next year Chief Flowers came forward to the City Council before

DRAFT

applying for the grant. **Council Member Mehr** stated that he was not in favor of expanding the Arts Commission's authority. He was in favor of their efforts and the work that the City Council has designed for them accomplish. He suggested that they should have the consent of the Council to apply for grants. The City Council meets often enough for that to occur. He suggested that under paragraph 5 that it indicate "with consent of the City Council, apply for art grants funds on behalf of the City" and then create a new paragraph 6 that indicates "The Arts Commission can apply to the City for uncommitted Arts Rap Tax funds" and include the information regarding the Director of Finance. **Council Member McDonald** agreed with Council Member Mehr's remarks. **Council Member Elliott** indicated that she preferred to leave it as it was written but commented that may not be what the majority of the Council wants. She wanted to support the Arts Commission however the Council can.

MOTION: Council Member Mehr moved to approve Ordinance No. 2019-05, an Ordinance of Ivins City, Utah, Amending the Powers and Duties of the Arts Commission with the following amendments: amending paragraph 5 and create paragraph 6 and paragraph 5 should read "With the consent of the City Council, apply for arts grant funds on behalf of Ivins City. Prior to submitting an art grant fund application, the Arts Commission shall provide..." and so on and then paragraph 6 should read "Apply for uncommitted arts RAP tax funds."
SECOND: Council Member Densley
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.

H. Discuss and consider approval of Resolution No. 2019-15R, a Resolution of Ivins City, Utah, Amending the Arts RAP Tax Application Process

Council Member Mehr referred to previous discussion and inquired with what was just passed, if there were any changes that would need to be made to be consistent with that. There were no changes.

MOTION: Council Member Elliott moved to approve Resolution No. 2019-15R, a Resolution of Ivins City, Utah, Amending the Arts RAP Tax Application Process
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 were present and voted in favor.

DRAFT

I. Discuss and consider approval of Resolution No 2019-17R, a Resolution of Ivins City, Utah, Amending the Fiscal Year 2019 Budget.

There was no discussion.

MOTION: Council Member McDonald moved to approve Resolution No 2019-17R, a Resolution of Ivins City, Utah, Amending the Fiscal Year 2019 Budget.
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 were present and voted in favor.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for June 6, 2019

Dale Coulam indicated that there were no Minutes due to the City Recorder preparing draft ballots for the upcoming Municipal election and that took precedence. They will be included with the next City Council meeting agenda.

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr reported that he attended the emergency preparedness fair and commented that a nice job was done. He requested to discuss whether or not to meet on July 18th for City Council because he will be out of town. **Council Member Johnson** commented that she would not be present for the July 18th meeting. The **Mayor and City Council** discussed alternative dates for the one City Council meeting in July and determined it would be held on Monday, July 15, 2019.

MOTION: Council Member Mehr moved move the July 18th meeting to Monday, July 15th
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

Council Member McDonald - no report
Council Member Johnson - no report
Council Member Elliott reported that she would like to discuss a budget for the Arts Commission as a future agenda item. **Dale Coulam** clarified that would require opening the

DRAFT

budget that was just adopted for next year. The budget is usually opened in the spring and sometimes in the fall. As far as how to handle that, it would be a line item on the revenue and expenditure sides. **Mayor Hart** clarified that there are discretionary funds of up to $250 available.

Council Member Densley - no report

B. Mayor

Mayor Hart reported that there is money available that congress decided to funnel into special programs designed to bring money into disadvantaged areas to develop businesses and real estate.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to the VOCA grant that Council Member Elliott mentioned in the meeting. He commented that that role has become very important and the City just received notice that the funding for that position has been extended for two (2) years.

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

The meeting adjourned at 9:22 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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