IVINS
CITY COUNCIL
MINUTES
January 17, 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, Council Member Densley, and City Recorder Kari Jimenez.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Building and Zoning Administrator Mike Rodriguez, Public Works Director/City Engineer Chuck Gillette and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: Connie Butterfield, Sharm Barton, Michael Barton, Sherry Breitenbach, Andy Archibald, Lance Anderson and others who did not sign in.

Mayor Hart recognized that Friday, January 18, 2019 was Wally's last day at Ivins City. He has taken a position in California.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Densley led the Flag Salute

C. Invocation

Council Member Densley gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Rodriguez provided electronic reports, copies of which are on Ivins website or available by request through Ivins City Hall. He reported that the total number of residential permits issued for the calendar year of 2018 was 145. The developers of the Red Mountain Vistas project that is across from the Movara Resort are anxious to start. The model home in Haven at Heritage Estates is being completed and the developers of the Tuscano townhomes development are asking for occupancy for the Parade of Homes that will be held next month. Building slowed down during holidays but has picked back up. Things have settled down with code enforcement and the City is responding to complaints as they come in.

Chuck Gillette reported that the Public Works crew has been working on crack sealing the streets and those areas are on the spring pavement maintenance list. He referred to the faulty pipe that is going to be replaced and indicated that they have been digging up pipes to determine what brand of pipes were used in the subdivisions and compiling that information to send to the pipe supply company so that the faulty pipe can be replaced. Whitaker Construction was awarded the contract for the Red Mountain Dams Rehabilitation project and they began work on January 4, 2019. That project will take approximately four (4) months to complete and the trails along the dam embankments will be closed for the duration of the project.

Wally Ritchie reported that he's wrapping up the calendar year budget with year-end items.

B. Quarterly Finance Report

Wally Ritchie reported that the labor market is strong with unemployment at a low of 3.5%. Consumer confidence is strong but declining and construction permitting is flattening throughout the County. The General Fund is on solid ground, the Enterprise Funds are performing as expected, Capital projects are moving forward and the City is cautiously optimistic for the fiscal year.

C. Planning Commission Report

Mike Rodriguez reported that there were only three (3) Planning Commission members at the meeting. They discussed overlay amendments for Chapters 7 and 8 of the Zoning Ordinance and relevant portions of Chapter 12 regarding accessory dwelling units. **Council Member McDonald** inquired how the Planning Commission is feeling about the accessory dwelling units. **Mike Rodriguez** stated that they have differing opinions. Some are concerned with short-term or vacation rental consequences. They would like to obtain public input and will be holding a Public Hearing in the future.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing to vacate a 25-foot easement along the Southeast corner of parcel number I-SB-18-D-1-A

Chuck Gillette reported that the developer of this project is Red Earth Development and they are getting ready to record. The Title Company found a 25' easement that was originally used to bring water to the original house but since the subdivision is being built, that easement isn't needed because the utilities are going in the road. **Mayor Hart** opened the Public Hearing. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2019-01, an Ordinance of Ivins City, Utah, vacating a 25-foot easement along the Southeast corner of parcel number I-SB-18-D-1-A

There was no discussion.

MOTION: Council Member Elliott moved to approve Ordinance No. 2019-01, an Ordinance of Ivins City, Utah, vacating a 25-foot easement along the Southeast corner of parcel number I-SB-18-D-1-A
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. Discussion to support Washington County's quarter percent sales tax for transportation

Mayor Hart stated that the Council won't act on this because it isn't in Resolution format and this discussion is mostly to bring the City Council up to speed. Transportation funding has been a huge issue for a number of years. A fuel tax has been in place for 20 years that has been user fee based where the tax is paid when fuel is purchased. Over the years, vehicle fuel efficiency has gone up and revenue has gone down per traveled miles. The cost of road maintenance has more than doubled in the same 20 years and there has only been a modest adjustment to the maintenance fees. The Legislature provided a means to increase the local sales tax for transit and road maintenance and the first quarter was adopted by all of the cities but the second, third and fourth quarter increases have not been adopted. Washington County has been hesitant to adopt those and hasn't done anything about it. It isn't sustainable to have revenue continue to decrease and costs for road maintenance continue to increase. The balance for road maintenance in Ivins comes out of Ivins General Fund. The Mayors met and determined that they need to petition the County to address this. **Chuck Gillette** commented that the City needs to do more road maintenance than what the City is currently doing. The City is just keeping their heads above water in road maintenance and not getting ahead. **Council Member Mehr** inquired why the County Commissioners have not chosen to act on this. **Mayor Hart** clarified that they have said that if the majority of cities pass resolutions asking them to enact this, they will likely proceed. He indicated that the Council needs to determine whether or not to proceed with this and if so, put it in a Resolution to pass. **Council Member Elliott** stated that Ivins residents are paying for Ivins road maintenance through the General Fund. Passing this would be more beneficial now and visitors will also be helping to pay for the road maintenance. **Council Member Mehr** referred to the County Commissioners and commented that they don't send everything to the cities before passing things and inquired as to what other motivating factors there are for this. **Mayor Hart** clarified that without this, the County Commissioners won't take action. **Mayor Hart** took a vote on whether or not to proceed with preparing a Resolution. All Council Members voted in favor. **Mayor Hart** commented that the St. George City Attorney, Shawn Guzman, was drafting a Resolution for the other cities to pattern after.

B. Discuss and consider approval of granting a temporary construction easement for Palisades at Snow Canyon Phase 6

Chuck Gillette indicated that the City owns the 15.52 acre parcel of land that is adjacent to land owned by Desert Sky Homes which is in the process of completing Phase 6 of Palisades at Snow Canyon. Desert Sky Homes as proposed constructing retaining walls on the City property. When there is a grade difference between two adjacent lots, it's best to set the privacy wall and cascade down in tiers when the walls are more than 5' in height. The City owned property would sit below the grade of Palisades Phase 6 and 7 and retaining walls would be needed in the future. The developer has offered to build the first tier of the required retaining walls in exchange for the temporary construction easement. **Council Member Densley** inquired how high the wall would be because he was concerned with complaints about obstructing views. **Chuck Gillette** stated that it would be built and in place before any homes below are built so any future property owner would know what they're getting because the wall and homes up above will already be there. **Mayor Hart** clarified that it's just part of the slope of the land. **Council Member Densley** stated that the City needs to look at and address the grading ordinance. **Chuck Gillette** indicated that it's sitting on his desk and clarified that the developer already has plans approved so the City can't change things on them. **Mayor Hart** stated that the worst situation would be no retaining wall. **Chuck Gillette** agreed. **Council Member Densley** indicated he wanted to see the retaining wall placed on the property line and the privacy

wall placed above. **Chuck Gillette** stated that the City can't make the developer put in a retaining wall if the developer has a sloped option. **Mayor Hart** clarified that what's proposed is the best option. **Council Member Johnson** commented that there's an easement on the property anyway and because of the setbacks, the City isn't out anything and it adds to the look of the development. **Council Member Elliott** liked what Chuck was suggesting. She has the same situation in her back yard and felt that it adds value. **Mayor Hart** commented that it takes money to retain and agreed with Council Member Elliott that it added value to the lower lot because the wall is retaining any problems and it's taken care of in advance. There was a discussion regarding liability between parties under various hypothetical situations. **Dale Coulam** indicated he can't really give good answers to hypotheticals so liability would depend on what the facts are. **Mayor Hart** stated that the last option would be to split the property line. **Council Member McDonald** clarified that the City would still have to issue a temporary easement. **Chuck Gillette** agreed. **Council Member Mehr** understood the benefits but wanted to hear from Chuck Gillette as to what the negatives would be. Chuck Gillette indicated that it's a little messy when the privacy wall is not on the property line. The Mayor and City Council requested that Chuck Gillette contact the developer and ask if would be willing to split the two walls between the property line.

MOTION: Council Member Densley moved do Option C and split the two walls between, on the property, with footings
SECOND: Council Member Elliott
VOTE: The motion carried.

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

Council Member McDonald opposed the motion. He preferred Chuck Gillette's recommendation, placing the privacy wall on the property line. **Mayor Hart** commented that if he had a vote, that would be his preference as well. **Mayor Hart** clarified that Chuck Gillette will provide a drawing showing the three discussed options as an attachment.

C. Discuss and consider approval of Resolution No. 2019-02R, a Resolution of Ivins City, Utah, approving the Washington County Water Conservancy District revised Regional Water Supply Agreement

Chuck Gillette stated that the original agreement was signed in 2006. The District proposed revisions and worked with City staffs on the details of the revisions. The significant changes in the agreement are: a name change from "Capital Facilities Plan" to "Impact Fee Facilities Plan"; a name change from "Water Availability Charge" to "Impact Fee"; a name change from "Wholesale Delivery Charge" to "Wholesale Rate"; system costs are built into the Wholesale Rate and must include repair and replacement costs; cities must make sure that impact fees are paid before issuing a building permit; impact fees must be calculated using the methodology required by the District; the District can use equivalent residential units or meter size to determine cost of total impact fee and a discontinued connection must make up the water development surcharge fees that were unpaid before any reconnection. If disconnected for more than 10 years, the difference between the paid impact fee and the current impact fee must also be

paid. Washington City and the City of St. George have already approved the agreement with these revisions.

MOTION: Council Member Densley moved to approve Resolution No. 2019-02R, a Resolution of Ivins City, Utah, approving the Washington County Water Conservancy District revised Regional Water Supply Agreement
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.

D. Discuss and consider approval of an expenditure and purchase agreement for acquisition of property for a regional detention basin at 185 North 600 West in Ivins

Chuck Gillette indicated that Ivins City has been working on the storm drain improvement plan since the passage of the Storm Drain Master Plan. Key to that plan is reducing flooding in the area of 600 West and Center Street and to accomplish that a detention basin is needed at 200 North and 600 West. Staff has negotiated with property owner R.T. Marten for 0.98 acres of property that will provide the land necessary to install a 1.8 acre-foot capacity detention basin that is recommended by the City's Master Plan. The property owner has agreed to a price of $80,000 which is based on the appraisals that were done on the properties in the area to purchase right-of-way for Kwavasa Drive approximately two (2) years ago. The property is likely worth more now but the property owner has agreed to that appraised value. He has also agreed to split the cost of landscaping the basin by the City, paying for the plan materials up to $15,000 and the property owner paying for the installation of the materials and irrigation system. Staff believes that the agreement is fair and in the interest of both the City and the developer. **Council Member Densley** asked why the City doesn't make this part of the developer's project. **Chuck Gillette** clarified that the basin is larger than is required for a developer and the City needs a regional basin. **Council Member Densley** inquired if the City could charge a late comers fee to the developer. **Council Member McDonald** commented that the rebuttal to that is the appraisal is two (2) or three (3) years old, the developer is paying for the piping and Ivins gets what's needed for the regional detention basin. **Mayor Hart** added that the City needs that basin now because that's one of the worst areas in the whole city to deal with storm water runoff up above. He felt that the price was modest for that piece of land. **Council Member Densley** agreed that it was a but inquired about the City requiring late comers' fees. **Dale Coulam** clarified that the City could approach the developer and ask for that and if the developer agrees then the City could charge the fee, otherwise it's not legal in his opinion. **Council Member Densley** argued that those fees are charged with power and water. **Dale Coulam** clarified that Ivins City doesn't charge those fees. Fees are charged for cost at the time of development and the developer isn't ready to develop the property right now. The City can't impose that type of a fee especially because there's fair exchange consideration and both sides are winning in this option. **Council Member McDonald** indicated that he felt it was fair and the City should move forward with this. **Council Member Elliott** stated that the City clearly needs

the basin on the existing development and it's big enough to handle water for the future development of that property. **Council Member Densley** inquired if this was in the budget. **Wally Ritchie and Chuck Gillette** both confirmed that it was and that it is in the Masterplan. **Chuck Gillette** commented that there may be a chance of building another one up above the property at a later time but they haven't acquired that property yet. It is owned by Ence. The location up above would catch more water up above with less sediment. The City needs both basins. **Council Member Densley** inquired how much property the City is trying to acquire from Ence. **Chuck Gillette** stated 1.5 acres. **Council Member Mehr** commented that it was reasonable to ask the developer to share in the cost of the detention basin. **Chuck Gillette** clarified that the City is already asking them to share by sharing the cost of the landscaping and the cost of the roadway. **Council Member Mehr** inquired as to the cost for the piping. **Chuck Gillette** indicated it is approximately $130,000 for the excavation, piping, overflow and landscaping. **Council Member Mehr** stated that he wanted to be sure that the City was treating this developer the same in any other situation and that there was nothing preferential in this situation because generally when the developer develops, they for these types of improvements but the City needs the basin sooner than the developer plans to develop. He would like the developer to share in the cost to build the basin. **Council Member Johnson** clarified that the basin that will be built is bigger than what's required of a developer. **Lance Anderson** provided some history for the Mayor and City Council. The developer places on-site detention on their lots but this basin is larger than is required and the developer would be giving up two (2) lots that are valued around $100,000 to $150,000 each. The developer isn't asking for any preferential treatment. Over two (2) years ago the developer paved that road and put out $50,000. The City has been using the developer's money for two (2) years. The developer is trying to do what's best for the community as a whole. **Council Member Mehr** indicated he needed that explanation and thanked him for it.

MOTION: Council Member Johnson moved to approve an expenditure and purchase agreement for acquisition of property for the regional detention basin at 185 North 600 West in Ivins as proposed
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

E. Discuss and consider approval of easement agreement for access and drainage between Red Mountain Dam number 2 and number 3

Chuck Gillette indicated that he's negotiated this with the property owners. The City is starting construction of the Ivins Bench Diversion Dams and has redesigned the spillways to redirect potential spillway flows away from the subdivision constructed by Kayenta. There is a need to acquire an easement for the spillway and to enhance access between the two basins. Seller has plans to develop property to the east of Dam No. 2 and 3 and wishes to preserve access for any future plans. This is a win-win for all parties.

MOTION: Council Member Densley moved to approve the easement agreement for access and drainage between Red Mountain Dam number 2 and number 3
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

6) CONSENT AGENDA
Council Member Mehr had a correction to the regular City Council Minutes.
B. Approval of City Council Work Meeting Minutes for January 10, 2019
MOTION: Council Member Densley moved to approve the Consent Agenda
SECOND: Council Member Elliott
VOTE: The motion carried.

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION
A. Approval of City Council Meeting Minutes for January 3, 2019
Council Member Mehr referred to the vote for Mayor Pro Tem and commented that he didn't think he seconded the motion and thought that Council Member McDonald seconded it. The City Recorder will listen to the audio and correct the Minutes as needed.

MOTION: Council Member McDonald moved to approve the City Council Meeting Minutes for January 3, 2019, as amended
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

8) REPORTS
A. Council
Council Member Densley reported that he attended a Snow Canyon Joint Management Committee meeting. Snow Canyon State Park is experiencing an increased attendance rate due to the government shutdown.
Council Member Johnson - no report
Council Member Elliott reminded the Mayor and City Council that there will be a meeting

regarding affordable housing on Monday, January 28th at City Hall at 5:30 p.m.
Council Member McDonald referred to a post on-line by a property owner in Ivins claiming that Ivins City Zoning Department gave another developer permission to cut down some bamboo on another property and he inquired about that. **Dale Coulam** clarified that it wasn't the Zoning Department giving permission, it was a civil contract that was negotiated and consideration paid. The City is not going to jump in to the middle of that. There was a contract between two parties, two adjoining property owners, and the City was not a party to that agreement.
Council Member Mehr - no report

B. Mayor

Mayor Hart reported that he attended a meeting organized by the Washington County tourism division. They have employed a marketing firm from Denver, Colorado that specializes in branding, to come up with a recognizable brand in Washington County, similar to wine country. Everyone knows that wine country is NAPA Valley, California. He commented that he's going to miss Wally Ritchie and thanked him for his work, time and obtaining awards on behalf of the City. **Wally Ritchie** thanked the Mayor and City Council indicated that he's excited for the new opportunity but is sad to leave. He thanked Dale for his friendship.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

Resolution encouraging Washington County to support a transportation tax. **Council Member Densley** inquired as to the status of the lighting that is supposed to be installed at the roundabout where the statues are. He also inquired as to the status of discussing the color of outdoor lighting as it relates to the ADA (Americans with Disabilities Act) and entrance signs. **Dale Coulam** indicated that the roundabout lighting is in and staff hasn't had time to review the information regarding outdoor lighting. He stated that Council Member Elliott talked to him recently about the entrance signs and indicated that she knows a graphic designer who can give assistance at no charge. **Council Member Elliott** clarified that the individual is her brother-in-law who is an Architect. **Mayor Hart** reminded the City Council that the Neighborhood Meetings will be held the week of January 21, 2019 on Tuesday, Wednesday and Thursday.

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 7:38 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder