IVINS
CITY COUNCIL
MINUTES
April 6, 2023

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".

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 Murphy, and Council Member Anderson.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Cade Visser, Parks and Recreation Director Benny Sorensen, Chief of Police Bob Flowers, Fire Chief Parker, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari Jimenez.

EXCUSED: Council Member Scott, Council Member Johnson

Audience: Bonnie Kline, Julia Romanov, Kristy Pike and others who did not sign in.

A. Acknowledgement of Quorum

A quorum was present at 5:42 p.m. and the meeting was called to order. Council Member Johnson and Council Member Scott were excused.

B. Flag Salute

Council Member Murphy led the Flag Salute

C. Invocation

Council Member Murphy gave the Invocation

D. Disclosures

Council Member Anderson referred to agenda item 2)E, a Concept Plan report for Dry Wash North and disclosed a conflict. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Introduction of Ivins Princess Pageant Royalty

The 2023 Miss Ivins Royalty and Pageant Director introduced themselves. Jennifer Horne is the Pageant Director; Halle McDonald is Miss Ivins; Chambrie Mayer is the 1st Attendant; Alexa Hafen is the 2nd Attendant; and Anna Schroath is Miss Congeniality. The Miss Ivins Royalty performed a song for the Mayor and City Council. **Jennifer Horne** commented that this is a fun process where they start in January advertising and recruiting and then they hold workshops that develop lifelong skills.

B. Washington County Solid Waste District Report

Mayor Hart indicated that the individual reporting would be present later in the meeting.

C. *National Child Abuse Prevention Month Proclamation

Kristy Pike, Director of the Washington County Children's Justice Center reported that they are expanding their services and footprint and will be holding a ground breaking at end of this month on April 26th at 10:00 a.m. at their current location. **Mayor Hart** read the Proclamation. The Mayor and Council thanked Mrs. Pike for her work.

MOTION: Council Member Mehr moved to approve the National Child Abuse Prevention Month Proclamation
SECOND: Council Member Murphy
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

D. *Arts Commission presentation regarding application for an Our Town Grant

Michele Adams introduced Arts Commission Member Liz Fortney. **Liz Fortney** provided a presentation to the Mayor and City Council, a copy of which is available as an attachment to this agenda. She reported that the National Endowment (NEA) for the Arts "Our Town" grant program supports local activities that integrate arts, heritage, culture, and design into efforts that strengthen communities. The project types are Arts Engagement, Cultural Planning and Design. All of these project types support the City's goal of developing a vibrant arts corridor beginning at The Center for the Arts at Kayenta, traversing Center Street and continuing on to Black Desert Resort and Tuacahn. The grant amounts range from $25,000 to $150,000. The "Our Town grant application process requires two primary partners - a local government entity and a 501(c)(3) non-profit arts organization such as the Kayenta Arts Foundation (KAF). The lead applicant must be the non-profit 501(c)(3) organization and a letter of support from the Mayor must accompany the grant application. The Arts Commission is recommending partnering with KAF on this because KAF currently holds both SAM.gov and Grants.gov accounts, which are required of the lead applicant. KAF's history of public programming will be compelling to the NEA, especially because KAF has multiple years of providing "free to the public" arts festivals and events that have a strong record of engaging the community year-round. KAF's programming is culturally and artistically diverse and the success rate of grant applications to the NEA is 20% but KAF's Executive Director Miranda Wright has personally written three successful NEA grant proposals and will be fully available for the Our Town applications in partnership with Ivins City. There is a matching funds requirement where the NEA requires a minimum cost share/match equal to the grant amount. With the support of the City, the Arts Commission will solicit pledges from local private sector businesses and individuals to generate the required matching funds. The Arts Commission is not asking for any additional money to be budgeted by the City to support this. There is $26,163.00 of unspent RAP tax money from prior years that has been allocated to supporting the arts and is being held in reserve. The Arts Commission is asking the Council to pledge $20,000 of that amount towards the matching fund goals. The next steps would be City Council approval for the Arts Commission to proceed with fundraising, in preparation for the grant submission around August 1st; approval of KAF as the lead applicant and commitment of existing RAP tax funds to this. **Council Member Mehr** referred to KAF being the lead applicant and inquired if KAF would be the recipient of the money? **Liz Fortney** stated that they would but it is held in a restricted account for restricted use. **Council Member Anderson** inquired if there were any other arts foundations in Ivins? **Liz Fortney** indicated that the only other one in Ivins is Tuacahn but Miranda Wright has already successfully written grants to the NEA. Mayor Hart referred to the total amount of RAP tax being over $26,000 and inquired why the Arts Commission was not requesting to leverage the full amount. **Michele Adams** clarified that at a

prior City Council meeting, Council Member Scott commented that the City should not be budgeting for the Art on Loan program from the General Fund so the $6,000+ dollars is what those funds are for. **Miranda Wright** with KAF introduced herself. She worked for 16 years in Art and Culture in Los Angeles and has written several NEA grants. **Dale Coulam** commented that municipal environment does not usually get involved with fundraising but a 501(C)(3) non-profit does. It is common for the non-profit to take the lead on fundraising efforts and it would be appropriate for KAF to be the applicant. **Miranda Wright** indicated that was the plan and that KAF would handle the money and paperwork for donors and their tax deductible donation. The Mayor and City Council agreed to place this on the next City Council agenda to formally address.

E. Concept Plan Report for Dry Wash North, located at approximately 900 West and Kwavasa Drive Kayenta Development-Owner/Applicant

Council Member Anderson recused himself and sat in the audience. **Mike Haycock** reported that this subdivision consists of 27 lots on 14.76 acres. The Land Use is LDR (Low Density Residential) and the property is zoned RE-15 (Residential Estates Single Family minimum lot size 15,000 sq ft). The application is complete and meets the required zoning against the existing land use.

F. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the Hog and Jog 5k Fun Run and the Easter egg activities will be this upcoming Saturday. Bingo in the Park began and there will be a Community Yard Sale on Saturday, April 15th.

Chief Flowers handed out a Victim/Witness Assistance pamphlet, a copy of which is available as an attachment to this agenda. The SCIPD works closely with the Children's Justice Center. Since January of this year they are down approximately 10% on calls, which is likely weather related since it has been raining and cold. He reported that they have received over 80 GRAMA requests since January 1st of this year and responding to those is extremely time consuming. He was concerned about the increase in those and may need to look at software or other options to address that in the next year.

Chief Parker referred to a written report, a copy of which is available as an attachment to this agenda. He reported that the ISO (Insurance Services Office) classification came back with a rating of 4, which is primarily due to the Kayenta area being outside of a 5 mile radius of a fire station. Administration attended training in Salt Lake City and attended a CIB Tutorial for funding options for a ladder truck. They recently held CPR classes for Santa Clara and Ivins City Staff at Santa Clara City Hall. Four (4) SCI Fire members are a third of the way through Paramedic school. The new drone was used to assess the Santa Clara River and Gunlock Falls. **Council Member Mehr** inquired as to his thoughts flooding due to the current snow pack in Utah. **Chief Parker** indicated that they are preparing with staff for that. There are self-serve sandbags for Ivins and Santa Clara residents at the Rachel Fire Station and at the Santa Clara Public Works Building. **Mayor Hart** commented that Ivins City now has infrastructure in place to handle water that was not in place previously. He commented that Chief Parker and Fire Marshall Con Fulde have been working very closely with Emergency Committee on the upcoming Great Shake Out emergency drill where emergency coordinators will go to the Disaster HUB box and go through that exercise and test communications throughout the City. He thanked him and Con for their diligence with that. **Chief Parker** stated that Sgt. Hallman has been instrumental in that process as well.

B. Washington County Solid Waste District Report

Cheyne McDonald reported that he is fighting like crazy against an increase of the solid waste fees but Republic Services has told the District that their costs are going up. The District signed a 10 year contract with them and they are only a year or two into that contract where the District agreed to split cost of fuel with them if it was over a certain amount. He still sits on the Executive Committee and has been aggressive about making sure there isn't an increase but at some point they have to recoup their costs. He is working hard to make sure they maintain the low rates, which are the State for the services received.

G. Planning Commission Report

Mike Haycock reported that the Planning Commission had a lengthy meeting. They received a report on the Dry Wash North Concept Plan and continued to discuss the General Plan, Chapters 1 through 3.

3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE - None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation regarding Zone Amendments on Table 33-2 to allow Dwellings in the Resort Commercial Zone

Dale Coulam reported that this goes back a few months when they were discussing the SITLA parcel. There was RC (Resort Commercial) zoning and Council Member Murphy had inquired if a subdivision could be placed in the zone, that would be residential homes and not short-term rentals. The answer was no because there is no Mixed-Use overlay as required by the Table of Uses. If it is a Resort Commercial zone, then the requirement would be for the units to be in the rental pool and all units could potentially be short-term rentals. It was suggested to strike that language in the Table of Uses and that is what the Planning Commission is recommending. That would allow for single family homes or duplex es that could be used strictly for residential purposes and not as short-term rentals or anything that could be considered any type of hotel. The purpose of the language that was passed years ago, goes back to when the City had bare land that was zoned Resort Commercial that at the time, the Council did not want to give that up because the view of the General Plan was to move in that direction as the type of commercial that was desired in Ivins City. When developers wanted to put homes on that land with that zoning, the answer was no. The provision served its purpose and preserved that Resort Commercial property. What the public is now saying is that Ivins City has enough short-term rentals and there now needs to be restrictions on those and the preference is for the ability to put non short-term rental dwellings on a piece of property in a Resort Commercial zone. **Mayor Hart** opened the Public Hearing and inquired if there was anyone on the Zoom application wanting to comment. **Cade Visser** indicated that there was no one on Zoom requesting to make a comment. There being no comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2023-07, an Ordinance of Ivins City, Utah, adopting Zone Amendments on Table 33-2 to allow Dwellings in the Resort Commercial Zone

Mayor Hart indicated that Council Member Scott was out of town and sent him an e-mail asking that the Council wait on making a decision on this because he would like to be involved in the discussion and was unable to join over Zoom. **Council Member Mehr** inquired if there was anything controversial with this subject? **Mayor Hart** stated that Council Member Scott would like to make some observations. **Council Member Mehr** inquired if this would help with attainable housing or would allow people to rent long term? **Mayor Hart** clarified that the hope

is that the change will reduce the number of short-term rentals in the future. **Council Member Anderson** indicated with the Resort Commercial zone, the City can control the building colors and textures but inquired what the height restriction would be. **Mike Haycock** stated that the Resort Commercial zone allows up to 35 feet and commented that state law talks about a single-family dwelling and unless there is a signed Development Agreement, single-family dwellings are exempt by state law and Ivins City cannot regulate colors and textures unless there is a signed Development Agreement. **Council Member Anderson** indicated that he did not interpret it that way. If it's in Resort Commercial, it should follow the same rules and if somebody wants to build that, they would have to obtain a Conditional Use Permit. **Mayor Hart** inquired if the availability of putting in just a standard residential home, be linked to a Development Agreement? **Dale Coulam** stated that in the near future the answer will be no because of recent changes in the law that just took place and they will discuss those in the future as they are closer to becoming effective. The use of Development Agreements is going to be restricted. If the development is a standard subdivision, requiring a Development Agreement may no longer be allowed. If the development was residential and each house was being sold off separately, the City would treat that as a subdivision. If the use was commercial, the units were not subdivided and they were just rented, those would still be considered a commercial use and would go through the Conditional Use Permit process, whether they are short-term or long-term rentals. **Council Member Anderson** inquired if the criteria of the conventional subdivision of a 25-foot maximum height would be required? **Dale Coulam** indicated that it would be whatever height is applicable. Some multi-family project heights depend on how large the project is and the height may go up to 35 feet in commercial. **Mike Haycock** stated that they could limit the height to 25 feet in the Table of Uses and only construct a maximum of 25 feet in that zone. **Council Member Murphy** referred to the unintended consequences. The **Mayor and City Council** agreed to continue this discussion to the next meeting. **Council Member Mehr** inquired if another Public Hearing would need to be held. **Dale Coulam** indicated no.

MOTION: Council Member Mehr moved to continue agenda item 4)B
SECOND: Council Member Anderson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of construction easement agreements with Lloyd Warner and Tadd and Kendra Thomas regarding drainage system

Chuck Gillette requested that this item be tabled to a future meeting. **Council Member Mehr** inquired why this needs to be tabled? **Chuck Gillette** stated that they are still working things out and he has a meeting with the parties tomorrow. **Council Member Mehr** inquired if all of the parties were okay with postponing this item? **Chuck Gillette** indicated that they were.

MOTION: Council Member Anderson moved to table this agenda item
SECOND: Council Member Murphy
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE

Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

B. Discuss and consider approval of expenditure for construction of 400 East Storm Drain Replacement project

Chuck Gillette reported that the Council has already approved the engineering and he now has the bids. He expected the bids to be much lower but the estimate was based off of the pipe being plastic but it turns out that they need a concrete pipe and concrete is a lot more expensive. It would be nice to keep the plastic pipe but there is a concrete waterway that sits right on top of the pipe and the strength of plastic cannot handle that load. The plastic pipe is in there now and it is failing and has some major problems. Developers are working right now adjacent to the road and if they proceed and Ivins does not fix the road, the City will spend more money in the future to fix it. He has spoken with Ivins Director of Finance Cade Visser and have been told that the City can afford to do the project now. The **Mayor and City Council** discussed alternative options, including putting the project off but determined that Chuck Gillette was the expert in this area and if he was recommending that it be done now, it should be done.

MOTION: Council Member Anderson moved to approve an expenditure for construction of 400 East Storm Drain Replacement project
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

C. Discuss and consider approval of the Planning Commission's recommendation regarding Movara Villas Amended and Extended Preliminary Plan, located at approximately 290 West Fitness Way Movara Fitness, LLC-Owner. Cameron Kelsch-Applicant

Mike Haycock reported that this project currently consists of a total of 20 units on 1.75 acres and the applicant is requesting to add one more unit, for a total of 21 units. The land use is Community Commercial, Community Professional and Community Resort and it is zoned Mixed-Use, Residential Multi-Family and Commercial. **Mayor Hart** commented that it looks like an extension of what is already on the east side of the road. **Mike Haycock** stated that it is the same type of unit.

MOTION: Council Member Murphy moved to approve the Planning Commission's recommendation regarding Movara Villas Amended and Extended Preliminary Plan, located at approximately 290 West Fitness Way Movara Fitness, LLC-Owner. Cameron Kelsch-Applicant
SECOND: Council Member Anderson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

D. *REMOVED FROM THIS AGENDA: Discuss and consider approval of a Development Agreement for Crossings at Red Desert located at approximately 800 South Main Street, VE Management and Investment Co-Owner/Applicant

E. Discuss Tentative Budget and Tentative Tax Rate

Cade Visser reported that it is the last quarter of fiscal year 2023 and the upcoming fiscal year 2024 budget will be discussed over the next three (3) months. He provided a presentation to the Mayor and City Council, a copy of which is available as an attachment to this agenda. He referred to page two (2) of the presentation regarding Assumptions which indicate decelerating economic growth, ARPA (American Rescue Plan Act) funds have not been used, 50 residential building permits, a cost of living adjustment of 6.5% to match 2022 inflation, maintaining employee benefits and hiring four (4) new full-time employees. Noteworthy budget items are a new Public Works vehicle, land and design for a new Public Works yard, road maintenance, street lighting, debt payments, gap fill trails, Urban 3 study, election costs, Old Highway 91 and trails projects, sewer projects, storm drain improvements, tank coating, personnel for Parks/Cemetery, Public Safety, City Manager and Public Works. **Council Member Mehr** referred to the economic growth and commented that spending hasn't slowed and people are not saving. They are living even though things are more expensive and intuitively one would think people would be contracting but people are spending more. Obviously, the budget is taking conservative assumptions, which will likely lead to the argument of raising taxes. **Cade Visser** stated that was one possibility. **Council Member Mehr** indicated that taking a realistic, somewhere in the middle look, could be the thing that helps mitigate the need to raise taxes. He suggested that while going through the budget, that they think and really challenge the assumptions and see how they are forecasted. As an example, the projected 50 permits building permits will likely be exceeded even with high interest rates because Ivins is a desirable place to live and developments are still coming. During these discussions over the next three (3) months, the Council should be thinking about that. He referred to the cost of living and commented that the Council loves all those that work and serve Ivins City but commented that the private sector is not matching 6.5%. Obviously, something is reasonable for a cost of living increase and he wasn't suggesting that there shouldn't be something there but is it 6.5%, 5.5% or 4.5% and how does that tweak the numbers at the end of the road? If the Council says yes to this budget, then what does that mean to everyone in the community? **Dale Coulam** stated that on behalf of the employees and as an item of fairness, the City Council has already approved 6.5% COLA for SCI Fire. SCI Fire didn't need a prior wage increase like law enforcement because law enforcement had fallen behind. The Council has approved a 6.5% COLA and that is what he is seeing and is fair. The City is not giving a merit increase to employees and realistically that 6.5% went from January 1 to December 31, 2022. When this budget takes effect, that will be another six (6) months of inflation. Maybe it's only 2% but then why isn't the increase 8.5% or why isn't there a 2.5% merit on top of the 6.5% COLA that has already been approved for SCI Fire employees? He did not think that it should go below 6.5% because that is not fair to the rest of the Ivins City Employees for what the Council has already done. To be consistent, the Council needs to grant at least 6.5%. **Mayor Hart** commented that what he was hearing Council Member Mehr say is when they get to the end of the budget, there is going to be a deficit and what's the solution to that. **Council Member Mehr** indicated yes, and if some of the assumptions are what's driving the result, the Council could decide together whether to challenge some of those assumptions. **Mayor Hart** clarified that Cade Visser is not going to change the

assumptions for the sake of this presentation. **Cade Visser** stated those were all good points and the reason that they wait until June to adopt the budget is that a lot of the numbers will shift based on data that comes in. They can look at the building permits as well and see what the numbers are. **Council Member Anderson** inquired how many building permits have been issued to date for this year? **Mike Haycock** indicated 13 permits were issued in the first quarter. **Mayor Hart** suggested that the Council put on their business minds and when it comes to equipment and vehicles, he has driven old trucks and understood that there are some absolute needs but there are also wants and luxuries. Cade Visser indicated that the next steps are to adopt the Tentative Budget and set the Public Hearing at the April 20th City Council meeting, hold the Public Hearing on the budgets at the May 4th City Council meeting, review and discuss the fiscal year 2024 budget at the May 18th City Council meeting and then adopt the budgets at the City Council meeting either on June 1st or June 15th.

6) CONSENT AGENDA

A. Approval of expenditure for 2023 streets pavement maintenance

B. Approval of City Council Meeting Minutes for March 23, 2023

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

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

There were no reports

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam reported to the Mayor and Council on what the building permit plans showed for the individual who built a gun range in his home. The plan showed the space as storage and the Certificate of Occupancy cited the section of the Ivins City Code that prohibits the discharge or firearms in City limits. Staff is not opposed to leaving things the way they are but if the Council would like to make an exception, which may encourage gun ranges in homes, they could do that but the Planning Commission did not want that to be a permitted use. As it relates to the question about liability on the City, he did not feel that the City was liable. **Council Member Anderson** inquired what Chief Flowers thought. **Dale Coulam** commented that the thought is that the person at risk, is the person using it and on this one, that person who installed it is known for his quality of work and is his area of expertise. Chief Flowers was okay with it as long as it was built in a safe manner but the City does not always know what is being built. **Council Member Anderson** commented that he would rather have an ordinance that says you have to get a permit so that the City knows who has them and requested that this be a discussion on a future City Council agenda. The other City Council Members agreed to discuss this at a future City Council meeting.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Murphy

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Scott	ABSENT
Council Member Johnson	ABSENT

The meeting adjourned at 8:04 p.m.

Respectfully,

Kari Jimenez, MMC
Ivins City Recorder