IVINS
CITY COUNCIL
MINUTES
April 20, 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 Scott, Council Member Mehr, Council Member Johnson, 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, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: There were a few people in the audience, but they did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present and indicated that Council Member Johnson and City Manager Dale Coulam were attending via the Zoom application.

B. Flag Salute

Council Member Anderson led the Flag Salute

C. Invocation

Council Member Anderson 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

Mike Haycock provided an electronic report, a copy of which is available as an attachment to this agenda. Fees on building permits are continuing to go up because those are based off of the valuation per square foot.

Chuck Gillette reported that crews are crack sealing and there is an agenda item later in this agenda to purchase more crack seal material. He referred to the Highway 91 construction project and reported that the contractor was working through the change order and the project is going well. The consultant is on board with the GAP fill project and the City will be meeting with them week They had a kickoff meeting this week regarding the 400 East storm drain project. He provided a water supply update report to the Mayor and City Council, a copy of which is available as an attachment to this agenda.

Cade Visser reported that all is going well, and all departments are under budget.

B. Quarterly Finance Report

Cade Visser provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that unemployment continues to be relatively low. Interest earnings are on track to reach $600,000, the fiscal year ending 2023 budget is estimated to include $3.4 million balance in the General Fund.

C. Planning Commission Report

Mike Haycock reported that there were Audio/Visual issues, so the meeting lasted approximately 15 minutes.

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

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of the Arts Commission applying for an Our Town Grant

Mayor Hart reported that this was a formality from the discussion and presentation at the last City Council meeting. **Council Member Mehr** inquired if anything had changed since the last meeting? **Miranda Wright** with the Kayenta Arts Foundation indicated that nothing had changed and clarified that the Arts Commission reached out to Kevin Smith with Tuacahn, and he told them that he liked this plan and that it was a good way to increase funding for City related projects.

MOTION: Council Member Scott moved to approve the Arts Commission applying for an Our Town Grant

SECOND: Council Member Anderson

VOTE: The motion carried.

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

B. Presentation and discuss and consider approval of the design of the Veteran's Memorial at Ivins Cemetery

Architect **Mark Snow** reported that he met on site at the cemetery with Benny Sorensen and Laela Gaylord and this Memorial will be located on the north side of the cemetery that backs up to Public Works yard. A retaining wall will need to be put in to retain the dirt. He has designed three (3) separate areas where they can put granite plaques and recognize the Veterans. He noted the beauty of the rammed earth wall in the new Ivins City Hall and that may be something that they could incorporate at the Memorial if it is not cost prohibitive. **Mayor Hart** commented that the rammed earth wall is expensive but that the intent here is to sell the sponsor bricks to help fund the project and the Council would not be approving the funding, just the design. **Laela Gaylord** indicated that she has approximately 12 committee members to assist with fundraising, along with the selling the bricks and plaques for the benches. **Benny Sorensen** stated that he was good with the design. **Council Member Anderson** inquired as to the colors that would be used. **Mark Snow** stated they would be natural earth tones to match the surrounding area. **Council Member Mehr** inquired if similar things with the benches, plaques and bricks have been seen in other cemeteries? **Laela Gaylord** indicated yes and two of the advisors are Council Member Mike Scott and Benny Sorensen. Ivins resident Steve Corey may have a contact for possibly placing an anchor from a retiring ship, in the memorial at the cemetery. **Council Member Mehr** wanted the Memorial to be uniform and to not distract from the sacred nature of the memorial. **Council Member Scott** commented that the City was really fortunate to have Laela coming up with this idea and spearheading it, as well as Mark Snow's involvement and understood that he was donating his architectural services to this project. **Mark Snow** indicated that was correct.

MOTION: Council Member Mehr moved to approve the design of the Veteran's Memorial at Ivins Cemetery
SECOND: Council Member Scott
VOTE: The motion carried.

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

C. Discuss and consider approval of an expenditure to re-roof the SCI Public Safety building

Chief Flowers reported that this would finish off re-roofing of that building. His report and bids received are available as attachments to this agenda. The roof shingles have been stored in the Center Street fire station and he felt good about the low bid. **Council Member Anderson** commented that the low bidder was a reputable company. **Council Member Scott** inquired about the memo referencing removing the elevator and repurposing that space for approximately $6400.00. Chief Flowers indicated that amount does not require approval by the City Council, but he wanted them to be aware of it. **Mayor Hart** clarified that expense was included in the original budget to remodel that building. **Council Member Scott** understand that the remodel is still under budget and already approved, as well as understanding the rationale and necessity to have some scrutiny of expenditures that occur over $10,000 but inquired how long it has been since that $10,000 number was set and if that number is now too low with the rationale that the City has a City Manager and Finance Director that the expenditures would need to go through. **Council Member Anderson** requested that this be discussed on as a future agenda item for the Council to review the approval amount.

MOTION: Council Member Anderson moved to approve an expenditure to re-roof the SCI Public Safety building, in the amount of $11,950
SECOND: Council Member Murphy
VOTE: The motion carried.

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

D. Discussion regarding Ordinance No. 2023-05, an Ordinance of Ivins City, Utah, amending Section 7.12.102 of the Ivins City Code regarding the Discharge of Firearms

Dale Coulam indicated that this has been on the agenda twice before but during the first discussion Council Member Anderson was not present and requested that this come back as a discussion when he was present. At the first discussion Council Member Scott suggested some additional safety limitations. **Dale Coulam** stated that he reported previously to the City Council that the Building Department issued the Certificate of Occupancy that cited Ivins' ordinance regarding the discharge of firearms being prohibited. Additionally, on the building plans the area is identified as storage and not as a shooting range. Basically, if they use that space as a shooting range, a complaint would have to come forward, the police investigate with potential

search warrants, but staff is not pushing either way. Staff is looking for direction on how to proceed.

Mayor Hart requested Police Chief Bob Flowers opinion on this. **Chief Flowers** reported that he ran into a similar issue in Sandy, Utah for the Police Department. He did not have a problem with somebody meeting all of the standards for a below ground firing range but was concerned about noise about an above-ground shooting range. The **Mayor and City Council** discussed this and determined that they would like Chief Flowers to discuss this with the Building Department Administrator and do further research and then bring this back to the City Council for discussion.

MOTION: Council Member Mehr moved to table Ordinance No. 2023-05, an Ordinance of Ivins City, Utah, amending Section 7.12.102 of the Ivins City Code regarding the Discharge of Firearms
SECOND: Council Member Murphy
VOTE: The motion carried.

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

E. Discuss and consider approval of an expenditure for streets pavement maintenance for crack seal materials

Chuck Gillette reported that the City purchased an order of crack seal in October, 2022 for the pavement maintenance but unfortunately they have used all of the material and need more to finish the work.

MOTION: Council Member Murphy moved to approve an expenditure for streets pavement maintenance for crack seal materials in the amount of $28,488.60
SECOND: Council Member Scott
VOTE: The motion carried.

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

Council Member Anderson indicated that he needed to leave the meeting early and requested that agenda item 5)G be moved up to this point in the agenda.

MOTION: Council Member Murphy moved suspend the rules and move agenda item 5)G up to this point in the agenda
SECOND: Council Member Mehr
VOTE: The motion carried.

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

G. Continued discussion 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

Council Member Anderson was concerned about what the criteria was for the houses being built. If it's residential, it must be the residential requirements which refers to height, style and all similar. If it's in a commercial area, is Ivins able to control colors and heights or when it's in a commercial area, is the dwelling considered residentials and Ivins has no control? **Dale Coulam** stated that this is in a commercial zone, but the use is clearly residential. The regulations would be residential as opposed to commercial. **Council Member Scott** was concerned that making the suggested changes was incomplete to address the real issue. To really do this right, he thinks they need to get rid of the use in the Table of Uses called "Resort Hotel" and then make it clear that dwellings would not be used as short-term rentals so there needs to be a lot more clarification on this.

MOTION: Council Member Mehr moved to not approve the ordinance as written
SECOND: Council Member Murphy
VOTE: The motion carried.

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

F. Discuss and consider tentatively adopting the Tentative Budgets to Complete Fiscal Year Ending (FYE) 2023 and the Tentative Budgets for Fiscal Year Ending (FYE) 2024 and set a Public Hearing

Cade Visser reported that the only amendment for this fiscal year 2023 was to increase the sanitation expenditures. The budget was low, and expenditures are coming in higher. There was originally a $1,000,000 deficit but that has been decreased down to under $400,000. Regarding revenue changes, according to prior discussions, he looked back at the previous years and there was an increase in the property tax growth from 2.5% to 4.0% but Ivins City does not have control over that but that seemed like a good number based on prior year growth numbers. **Mayor Hart** inquired if the modified budget takes into account the interest earnings comparable to past years? **Cade Visser** indicated that it did. **Mayor Hart** referred to road maintenance construction and suggested deferring that by a few years. **Council Member Scott** commented that the five (5) year capital plan was a beautiful wish list that the City does not have money. He was nervous about using ARPA funds to fund the budget. Where he sees dipping into reserves, he would like to figure out how to balance the budget and Cade Visser has gotten a lot closer with only $380,000 to fix in the budget. He thinks that what Ivins City has been doing wrong is that the real estate taxes have not been increased since 2010 and that has been going up every year and significantly because of new construction. What the real estate taxes Ivins City gets from new construction each year is supposed to provide money to the City to pay for the additional services that must be delivered for that new construction. What has been done is double duty, paying for the inflation that's incurred to all the existing things over the last dozen years, which has been approximately 38% inflation over that period. When he took his initial training that the Utah League of Cities and Towns put on, it was said that the smart thing to do is that municipalities every one (1) to two (2) years should do a small real estate tax

increase because it seems so many communities in Utah are terrified of Truth in Taxation and so that they don't do anything and the then one day the end up doubling taxes. He thought that Ivins is at that point of including Truth in Taxation in the conversation of what is impacted. He applauded Cade Visser and staff for what has been done. **Council Member Murphy** referred to Truth and Taxation and commented that one of the things people need to understand is that on a tax bill, 12 to 13% of the tax bill goes to Ivins City so on a $1,800 tax bill, the portion of that tax that goes to Ivins is $225. The tax increase it is not on the total $1800 bill, it is on that Ivins City portion of the tax bill. There is a lot of misconceptions out there when residents hear about property tax increases. A lot of people paid more taxes this past year because values were up, but the rates do not come down on the schools and there was a higher tax rate on the state school fund.

MOTION: Council Member Scott moved to approve adopting the Tentative Budgets to Complete Fiscal Year Ending (FYE) 2023 and the Tentative Budgets for Fiscal Year Ending (FYE) 2024 and set a Public Hearing on May 4, 2023
SECOND: Council Member Mehr
VOTE: The motion carried.

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

Council Member Anderson was excused at 7:00 p.m.

H. Discussion regarding the Finance Talk About held at Rocky Vista University on April 19, 2023

Mayor Hart referred to the presentation provided by Urban 3 at the recent Talk About and indicated that a discussion on a future agenda meeting, likely the second meeting in May, may occur regarding their proposal. **Mayor Hart** commended Council Member Murphy and Director of Finance Cade Visser for the wonderful job that they each did with their presentations at the recent Talk About. The next Talk About will be held on May 24, 2023 regarding Commercial Development. An individual with Rocky Vista University inquired if the Council would be interested in holding a Talk About regarding a healthy community. Another Talk About topic that has been brought forward would be with the Virgin River Conservation to talk about open space and that may be held in September of October.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for April 6, 2023

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

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

No report

D. Items to be placed on future agendas

Purchase policy approval amounts

Ordinance regarding discharge of firearms

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Murphy moved to adjourn

SECOND: Council Member Scott

VOTE: The motion carried.

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

The meeting adjourned at 7:55 p.m.

Respectfully,

Kari Jimenez, MMC

Ivins City Recorder