IVINS
CITY COUNCIL
MINUTES
January 4, 2024

Immediately prior to the commencement of the City Council meeting, the newly elected City Council Members were sworn in. Those sworn in were Council Member Sharon Barton, Council Member Sharon Gillespie and Council Member Kevin Smith.

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.

Audience: Chris Haddad, James Barden, LaRue Van Eps, Lynn Johnson, M. Harper, Shelley Moller, Sara Dupre, Pam Gardiol, R. Lewis, Barbara Lewis, Steve Weida, CJ Koharcheck, Christy Koharcheck, Bonnie Kline, Doneva W., Richard Bryant, Laura and Wayne Penningon and others who did not sign in.

All present included Mayor Hart, Council Member Scott, Council Member Smith, Council Member Barton, Council Member Gillespie, and Council Member Anderson.

STAFF:

EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

B. Flag Salute

Council Member Smith led the Flag Salute

C. Invocation

Council Member Smith gave the Invocation

D. Disclosures

Council Member Anderson referred to agenda item 5)D and disclosed that he represents the owner of the property. There were no other disclosures of conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

Parks and Recreation Director Benny Sorensen provided an electronic report, a copy of which is available as an attachment to this agenda. He stated that registration was closed for 2024 youth basketball;

Fire Chief Parker provided an electronic report, a copy of which is available as an attachment to this agenda. He reported that for Stations 31 and 32, their average response times are less than 5 minutes. Each year they have seen an increase in calls received. Four individuals recently completed their Paramedic training and two Fire Explorers graduated from the Dammeron Valley Fire and Rescue Academy. They have a new and convenient way to connect with the Fire Department through a text messaging service. For 2024 they will be looking at a cost recovery program, ambulance billing contract, medic engine deployment, updating the Public Safety Impact Fee Plan and Analysis, ambulance accreditation, radio transition and delivery of the Wildland apparatus.

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Police Chief Flowers provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the two individuals involved in the child abuse case in Kayenta entered pleas and will be sentenced in February. He took a lot of pride in SCI's work on that case and what they have been able to accomplish this year.

B. Planning Commission Report

There was no meeting the week of January 1st, 2024

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

None

4) PUBLIC HEARING AND ACTION ITEMS

None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider electing a Mayor Pro Tem for the 2024 calendar year

Mayor Hart indicated that the Mayor Pro Tem stands in his place if he is unable to chair a City Council meeting.

MOTION: Council Member Barton moved to nominate Council Member Mike Scott as Mayor Pro Tem for the 2024 calendar year

SECOND: Council Member Anderson

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

B. Discussion regarding the need for a Budget Amendment

Cade Visser reported that a Budget amendment is needed anytime expenditures are over what is budgeted and this amendment stems from the true up that took place with Santa Clara Fire and Rescue. Once they determine their budgets, every quarter payments are made by Ivins City to Santa Clara. At the end of Fiscal Year 2023, our payments based on their budget for Fire/EMS were significantly below actual expenses. **Council Member Anderson** inquired how much the true up is. **Cade Visser** indicated $225,000 and the City needs to amend the budget to be in compliance with the State. **Dale Coulam** clarified that due to the budget being amended, he would like to include a City Attorney position in the budget. The work load has increased dramatically and it is time to split the City Manager and City Attorney positions into two positions instead of one. There is also the need for another Parks and Recreation and Public Works employee. There is also a need for an additional Public Safety employee due to the City of Santa Clara re-opening their Justice Court, which creates the need for a Bailiff one day a week. At the next City Council meeting we can discuss what the budget amendments are and then set the date for the Public Hearing to receive public comment. The regular budget process begins in January of each year with department heads having a discussion about department needs. The budget process takes nearly six (6) months to complete. **Council Member Gillespie** did not have an issue with the request for personnel but was concerned about the $225,000 true-up figure, which was pretty substantial to her. **Mayor Hart** stated that there will be a special Joint Meeting with Santa Clara at the end of the month at Ivins City Hall. **Chief Parker** explained that the true-up was straight forward because it's mathematics. If you look at their Wildland deployment, they go out for a while on those deployments and they incur costs of around $30,000 to $60,000. As they go out, they are being paid overtime and there's an expense for that but they get the revenues back from

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the State. They spend about $275,000 on Wildland expenses and that includes rigs breaking down, the overtime that it costs for personnel but they made about $330,000 back so that is one portion of that. They had personnel out on injury and also had a person who was let go so they ran overtime for 2 months, which is extremely expensive. Every time that person's shift is off, somebody is filling that with overtime so that they are constantly staffed. They had $23,000 budgeted for Wildland deployment expenses but they spent about $57,000 just for hotels, food and those type of things. They do not know from year-to-year what that cost is going to be. If they get 10 deployments next year, that cost will double but the revenues that they get back far out exceed the expenses. That is the State's program and several states need their help to fight wildfires and through the Master Mutual Aid System the States contract with municipal fire departments to respond. They set a contract with them and set their personnel rates and this is the second year that Santa Clara Ivins Fire has done that in the State of Utah. If you look at other states, they have been doing this for 10 years and they're utilizing their City people to fight fires and that is what Santa Clara Ivins Fire department is engaged with. They do not know what those costs are and this is the first year that they did this. They set the bar on expenses in their budget low but exceeded that. Next year when they bring their budget back, they have an idea of the expenses because it was their first year doing that, as well as other fire departments throughout the State that participated in this program. If the Santa Clara Ivins Fire department does this next year, they will set a budget, which will increase their budget, but they will receive the revenues back, far exceeding what their expenses are. In this particular deployment for Wildland fire, they had five (5) deployments and $250,000 in expenses, this is called a pre-position which means they have to go stay somewhere and they're covering for an organization or entity, which was the United States Forest Service, and they have to put them in hotels and feed them and normally when they go to these fires, they go to a base camp where all of that is set up and we do not have the expense. They had a rig breakdown twice and it goes on and on. As far as trying to budget for those expenses, it is challenging to do and again, we get those revenues back. Those are explanations as to why those expenses were up. All of that data, spreadsheets and expenses can be sent via email to them. **Council Member Gillespie** requested that information be sent to the Mayor and City Council. **Mayor Hart** indicated that this is in part a cost issue and in part a communications issue that also needs to be addressed at the joint meeting, meaning, how are they going to convey things before it accumulates into a lump sum that they are talking about for the true up. The meetings in the past have been very productive and he expects the upcoming joint meeting will be as well.

C. Discuss and consider approval of Fiscal Year 2024/2025 Budget Preparation and Budget Amendment calendars

Cade Visser outlined key dates for preparation of the budget. A copy of the budget preparation calendar is available as an attachment to this agenda.

D. Discuss and consider approval of an agreement to acquire 50 feet of Right-of-Way on Kwavasa Drive for the portion that is currently private

Council Member Anderson recused himself and sat in the audience. **Chuck Gillette** reported that Kwavasa Drive has a segment of private roadway that is currently owned by Kayenta/R. Terry Marten. The segment starts at the bottom of the Kayenta Dry Wash and extends west to Kayenta Parkway. The roadway has become dilapidated and is in dire need of repairs. The history of the roadway is outlined in the Staff Report that is available as an attachment to this agenda. The City feels that there is enough public traffic on that road that it should be a public road that the City maintains. Staff has identified a plan to make the repairs where they would first patch the potholes and if staff does that work, it would cost approximately $2,000 to $3,000.

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The City would then either double chip seal or cape seal the current surface, at a cost of $40,000 to $50,000. **Council Member Gillespie** was concerned about the owner not wanting the responsibility for maintaining the road, the lack of partnership financially and the statement that Kayenta was threatening to shut the road down, which only hurts the people in Kayenta. **Chuck Gillette** indicated that both Ivins City and the Kayenta Development depend heavily on the roadway connection but it is not common for a private entity to maintain a private roadway that is serving the needs of both public and private users. It is also not uncommon for the City to expend funds for these types of situations where there is a gap between development that needs to be filled in. **Mayor Hart** stated that Kwavasa Drive is an important City road in the Masterplan and is being used as such. The developer has no intention of developing the property adjacent to Kwavasa Drive in the near future. What the Council needs to look at is the fact that that road is currently used heavily by more than just Kayenta residents. The developer is not obligated to maintain that road because the adjacent property is not developed. Lance Anderson argued that it is not a roadway but a temporary right-of-way for fire access. It will need to be closed if it cannot be fixed. **Chuck Gillette** referred to possible ordinances or HOA rules that address private roadway. In a situation where an HOA has a private roadway and wants to give it to the City, the City would require that the HOA bring the road up to current City standards and then the City would accept the road but this is different because it is a temporary connecting road. **Council Member Gillespie** inquired if there is an ordinance that says they have to bring the road up to City standards before giving it to the City, can't the City ask them to do that? **Lance Anderson** clarified that the ordinance is for an HOA and Kwavasa Drive is a private, temporary connectivity road. **Mayor Hart** clarified that what the ordinance addresses is a different issue.

Council Member Scott understood that the ordinance relates to an HOA but contended that it also applies to anybody who owns a private road that wants to turn it into a public street. **Mayor Hart** indicated that as it stands now, the City has no leverage to say Kayenta has to fix the road and make the road drivable. The Council needs to evaluate what the significance of that road is, knowing that the owner of the private road has no intent to improve or repair it. **Council Member Barton** referred to the comment about it being a private road and the owner closing the road and inquired if they could do that. **Mayor Hart** stated yes because it is private property. **Dale Coulam** clarified that there is no current development adjacent to the road so the owner is not required to improve that road. There is 50 feet of right-of-way that is being given to the City that the City currently doesn't have so there is more consideration than just $5,000. The City is trying to acquire right-of-way to make a connection that is not just for Kayenta residents. **Mayor Hart** clarified that the City is going to eventually obtain the right-of-way and the road will be paved but that may not occur until development occurs in the future. Is the City willing to wait for that or do this now? **Council Member Gillespie** inquired if the City would be buying the 50 feet right-of-way and then using COG (Council of Government) money? **Dale Coulam** indicated no, the developer would be giving the 50 feet of right-of-way to the City, which they currently are not obligated to do and that is valuable to the City and an asset for the City to have. **Council Member Barton** commented that that road is currently used by many residents and the shape of it is dangerous so it is going to be a big decision as to what is the most beneficial to the residents. **Council Member Scott** indicated that he had some concerns at the beginning and talked to Chuck Gillette about this. Ivins City code states a developer will dedicate the entire right-of-way but convention has been just 50 feet because the City may never use the entire right-of-way. The City needs to use the current code as a basis for the Council to

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make a decision and three (3) things need to happen, one being a petition to the City to do that. The applicant and City have to work together and look at the road and analyze the roads and then there is a Public Hearing before the Council makes a decision. He recognized the road does not meet City specifications but felt that it should at least be in good condition instead of the City doing the work and paying for it. The applicant should be paying for that and there is way for them to do that. If the City is going to pursue COG funding for the remainder of the right-of-way, after a Public Hearing and if the City Council agrees, the applicant could pay the City $3000 and then reimburse the City $40,000 for the work that needs to be done and take that out of the COG funds. **Lance Anderson** argued that it is not a road, it is just a piece of property that they're dedicating to the City, which is the same arrangement that has occurred time and time again. **Mayor Hart** stated that in his opinion, this situation is completely different than the process that is being suggested. The City has the opportunity to acquire an important piece of right-of-way property. **Council Member Scott** argued that when he looks at the property, it looks like a road and is being used as a road and is a road to him. The City should look at that ordinance and follow that and the road should be delivered in proper maintenance condition and a public hearing held because it is a road to anyone who sees it. **Lance Anderson** commented that may be the case until the road is closed and suggested that this consideration be removed from the agenda because the owner is not interested in doing what Council Member Scott is suggesting. **Council Member Scott** inquired if COG money can pay for the right-of-way and repair work? **Mayor Hart** stated no and indicated that the owner is not willing to expend funds to repair the road so they are at an impasse and this simply dies. **Dale Coulam** clarified that it is on the agenda for approval so there would need to be a motion made to either pass this or not. **Council Member Scott** inquired if there are other grant monies that the City can use to pay for the repairs? **Mayor Hart** clarified that if the City acquires the right-of-way, the potholes in the road are simply repaired by City staff rather than expending $40,000. The repairs made by City staff is approximately $3000. **Council Member Smith** referred to the agreement and the owner willing to pay $5,000 to the City but the City is negotiating now. The City is saying $5,000 is too little and the owner Terry Marten is saying $40,000 is too much and offered a negotiation of Terry Marten paying the City $10,000. **Lance Anderson** stated that Terry would not agree to that because he has already done more than what's required and this is an opportunity for the City to obtain the right-of-way.

Mayor Hart called for a motion. **Council Member Scott** indicated that after seeing the Fire Department's response times and as they get out to the northwestern portion of Kayenta those times increase, he thinks that this road is valuable from a Public Safety standpoint. He personally did not think that the City should be paying the money for the repairs - the applicant should do the repairs but because of the Public Safety issue made the following motion:

MOTION: Council Member Scott moved to approve an agreement to acquire 50 feet of Right-of-Way on Kwavasa Drive for the portion that is currently private and accept the Memorandum of Understanding agreement

SECOND: Council Member Smith

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	RECUSE

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E. Discussion regarding establishing a monthly Work Meeting to be held during office hours before the regularly scheduled City Council meeting

Mayor Hart indicated that the rationale for this is that the Council just went through a lengthy discussion and his observation is the regular City Council meeting is not the best format to conduct some of those kinds of discussions. A Work Meeting is a little less formal where they can on a conversational discussion. The **City Council** agreed, with **Council Member Smith** commenting that he agreed as long as Work Meetings are not a permanent thing and only as needed. **Mayor Hart** stated that they could start with one (1) per month and they do not need to be a permanent thing. He suggested that the first Work Meeting occur at 4:00 p.m. just before the next City Council Meeting on January 18th, to begin discussing the General Plan. The **City Council** agreed.

F. Training on Open Meetings and requirements for disclosure of conflicts

Dale Coulam provided training to the Mayor and City Council regarding Open Meetings and Rules of Conduct and Disclosures. If they have information they would like to share with the Mayor or other Council Members, he suggested that they send that information to the City Recorder, who will then forward it onto the Mayor and Council. **Mayor Hart** commented that the Council Members should run their comments through the Chair so that they are not speaking over each other. Historically the Council has started the City Council meetings with a Flag Salute and Invocation that is rotated among the Council Members. The Invocation is not necessarily a prayer but a thoughtful message or messages. When motions are made, particularly on land use, the motions need to reference staff reports and information that the Council has received so that the motions are grounded in findings of fact.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 21, 2023

MOTION: Council Member Scott moved to approve the Consent Agenda
SECOND: Council Member Gillespie
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

No reports

B. Mayor

Mayor Hart explained what reports generally entail and indicated that there are different committees that Council Members may serve on. He reported that on Saturday, January 20th there will be a TalkAbout at Rocky Vista University at 7:00 p.m. There will be a Talk About at Rocky Vista University the 3rd Wednesday in February where representatives from the Water Conservancy District will discuss Water.

C. City Manager/Attorney Dale Coulam

Dale Coulam referred to updating the Impact Fee Study for Fire and stated that Sunrise Engineering prepared the Impact Fee Study for law enforcement and saw a benefit of using the same company to handle those studies for Ivins City and Santa Clara. He has been working with

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Santa Clara on their Annexation Plan and attending some meetings with their Mayor and Staff on Ivins' proposed expansion area map. Ivins Annexation Plan is old and needs to go through the same process that Santa Clara is going through. **Council Member Anderson** expressed concerns regarding overlap of Santa Clara's light standards and similar into Ivins City.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Smith

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Smith	AYE
Council Member Barton	AYE
Council Member Gillespie	AYE
Council Member Anderson	AYE

The meeting adjourned at 7:42 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder

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