IVINS
CITY COUNCIL
MINUTES
January 18, 2024

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 Council Member Scott, Council Member Smith, Council Member Barton, Council Member Gillespie, Council Member Anderson, and City Recorder Kari D. Jimenez.
Audience: Bonnie Kline, Laura and Wayne Pennington, Matt Marten, Liz Fortney, Michel and Dave Adams, Becky and Chuck Warren, Jenny Johnson, Steve & Sheri Garnean, Dan and Debi Clarkson and others who did not sign in.
STAFF: City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, and Director of Finance Cade Visser.
EXCUSED: None.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Barton led the Flag Salute

C. Invocation

Council Member Barton gave the Invocation

D. Disclosures

Council Member Smith disclosed a conflict with the agenda items regarding RAP tax funding.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

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

Mike Haycock reported that they need to look at LRV (Light Reflective Value) and possibly developing a Commercial Mixed Use zone. He is also working on ordinances that reference garages, carports and awnings and looking at language so that it is more consistent.
Chuck Gillette reported that the power line project that has been occurring on Center Street is now complete. The wall at 400 West that was part of the Highway 91 project is done and the design work for phase 2 of Highway 91 is almost done. They did an analysis of the sewer SONAR system and based on that, went back and cleaned the reported partial blocks in the system.
Cade Visser reported that the bulk of property tax revenue was received in December. Interest earnings are keeping pace with the budget and forecast. Quarter two payment for Fire/EMS came in at approximately $509,000.00 so between the two - first quarter and second quarter, they are on track for approximately $2 million in expenditures for Fiscal Year 2024. The quarter two figures came in after the budget amendment summary that was previously provided to the Mayor

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and City Council. Santa Clara is saying they may need a budget amendment themselves for 2024, which means there may be more down the road coming from Santa Clara.

B. Quarterly Report

Cade Visser referred to a PowerPoint presentation, a copy of which is available as an attachment to this agenda. He reported that the General Fund Expenditures for Fire and EMS is over budget and part of that is the true-up of $225,000. **Council Member Barton** referred to Santa Clara possibly doing a budget amendment which means there is likely going to be a continued increase in Fire/EMS expenditures rather than what is budgeted and inquired if that was correct. **Cade Visser** stated yes, based on the trends that they are seeing so far. **Council Member Anderson** referred to participating in wildland fire fighting and inquired what was earned and expensed. **Cade Visser** indicated that the net cash received was approximately $86,000. **Council Member Gillespie** referred to the proposed budget amendment and inquired if there is something the City can do to alleviate surprises like the Fire/EMS true-up that they are dealing with? **Dale Coulam** stated that the contract says that Santa Clara is to immediately notify Ivins when increases are more than budgeted but Ivins City did not receive notification on their budget amendment, which is why Ivins was surprised by the amount of the true-up. **Mayor Hart** commented that those topics will be discussed at the Joint Work Meeting with Santa Clara.

C. Planning Commission Report

Chairperson Robinson reported that the Planning Commission held a Public Hearing on amending the zoning ordinance regarding Development Agreements and recommended that no changes be made at this time. The Planning Commission discussed proposed amendments to the Resort Commercial/Resort Mixed Use Zone and the current Annexation Policy Plan and received training on open meetings and disclosure of conflicts.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

There were two (2) Citizen Request forms submitted. A copy of the submissions are available as attachments to this agenda. **Wayne Pennington** requested an agenda item sometime in March to review the cost to maintain the proposed Dry Wash Reservoir and evaluation of proposed design for consistency with the 2004 Environmental Assessment, Ivins City General Plan and zoning. The Mayor and City Council agreed this should be on a future City Council agenda for discussion.

CJ Koharcheck was not present but Mayor Hart read her request regarding Black Desert Resort hosting the PGA Golf tournament this fall and concerns with parking - charging for parking, RV parking, where is everyone going to park?; renting homes as short-term rentals and enforcing those, traffic including helicopter traffic, the ability to block off Padre Canyon, routing traffic, shuttles and similar. **Mayor Hart** commented that Public Safety is proactively working with Black Desert Resort and this would be something that would be discussed in the future. The **City Council** agreed that it should be on a future City Council agenda for discussion.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Arts Commission's Annual Report

Michele Adams provided an Annual Report, a copy of which is available as an attachment to this agenda. She reported that the Arts Commission reviewed applications for the RAP funds. The Commission launched the Art-on-Loan program where six (6) local artists were selected to have their artwork displayed throughout Ivins City Hall. One of those artists, Liz Fortney, has donated the Cottonwood Glory piece. The Arts Commission received RAP funds on behalf of Ivins City to present the It's a Wrap! program where three (3) utility boxes were vinyl wrapped

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along the Arts Corridor on Center Street. Several other projects and accomplishments are outlined in the Annual Report.

B. Discuss and consider Arts Commission's recommendations for distribution of 2023 RAP Tax Arts Funds

Council Member Smith recused himself and sat in the audience. **Michele Adams** provided a written report to the Mayor and City Council. A copy of the report is available as an attachment to this agenda. She reported that the Arts RAP Tax Application was available on Ivins website by October 1, 2023 as well as notice given in the City newsletter and on the Arts Commission's social media sites. For this award period, there is $40,129.85 available to award. The Kayenta Arts Foundation requested $20,000 and Tuacahn Center for the Arts requested $20,000. The Arts Commission recommended awarding $17,000 to Kayenta Arts Foundation and $17,000 to Tuacahn Center for the Arts. The City Council previously allocated $6,000 from accumulated RAP funds to pay for the 2024 Art-on-Loan program. To continue that program, the Arts Commission recommended that $6,129.85 be set aside and reserved to fund the 2025 Art-on-Loan program.

MOTION: Council Member Scott moved to approve the Arts Commission's recommendations for distribution of 2023 RAP Tax Arts Funds in the amount of $17,000 to Tuacahn Arts Foundation, $17,000 to Kayenta Arts Foundation and $6,129.85 for the Art-on-Loan program

SECOND: Council Member Anderson

VOTE: The motion carried.

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

C. Discussion regarding survey for transfer of public roadway to Snow Canyon State Park and set a Public Hearing

Kristen Comella, Park Manager for Snow Canyon State Park reported that the engineering firm they are working with came up with some options and the preferred engineering for the relocation of the south entrance gate is option C. Information and a map referring to this option is available as an attachment to this agenda. From the existing station down to the Vermillion Cliffs subdivision is approximately 2000 feet and that is owned by Ivins City. **Council Member Scott** inquired as to the ways to accomplish this by either deeding the property over to the park or retaining ownership of the property and having an Interlocal Agreement? **Dale Coulam** stated yes and commented that the City would not want to continue to maintain that section and maintenance is the consideration. The process for transferring public roadway is to receive a Petition from the State Park to Vacate this and the adjoining owners would have to consent. The adjoining property owners are the City of Santa Clara and Red Mountain Resort. After that occurs, then it goes to a Public Hearing and consideration is given for vacating that portion, which the City would no longer maintain, eliminating that expense for the City. An Interlocal Agreement would be used if the adjoining property owners did not consent. **Kristen Comella** indicated that the deed was the preferred route but they were open to the Interlocal Agreement if that is what the City preferred. **Dale Coulam** was concerned with that route due to liability, as it would still be owned by the City. He preferred that they go through the transfer process and hold a Public Hearing. The City has been discussing this for some time and although

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this is not a formal written petition, it would be benefitting the Park and City. The City Council could consider this presentation as the petition and waive the fee associated with that if they chose to do that. The **Mayor and City Council** were satisfied with this presentation as the petition and waiving any associated fees. They set the Public Hearing for the next City Council meeting on February 15, 2024.

D. Discuss and consider approval of First Addendum of Memorandum of Understanding with Rocky Vista University for the use of their auditorium for Talk Abouts in 2024

Dale Coulam reported that the original agreement said that future meetings could be scheduled by preparing an addendum, which is what this is and will allow the Talk About meetings to continue on agreeable dates and times.

MOTION: Council Member Scott moved to approve a First Addendum of Memorandum of Understanding with Rocky Vista University for the use of their auditorium for Talk Abouts in 2024

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

E. Discuss and consider proposed amendments to the FYE 2024 Budgets and set a Public Hearing

Cade Visser provided a Budget Amendment Summary, a copy of which is available as an attachment to this agenda. He reported that this includes the $225,000 true-up for fiscal year ending 2024 that was not accounted for in the FY 2024 budget. Along with the true-up, staff has reviewed each budget and made various proposed amendments which include a City Attorney, Public Safety Officer, Public Works employee and Parks & Cemetery employee. **Dale Coulam** recommend reducing the true-up payment to Santa Clara by an additional 6% of revenues pursuant to the written agreement between the two cities. **Council Member Scott** commented that it is more complicated than that and stated that in an email that he received today from Fire Chief Parker, shows a number that is $247,000 higher and it seemed like most of the items were for three (3) new firefighters to make the Center Street operational. Supposedly wildland is profitable and make more over costs but in the true-up they are paying more for overtime. He was concerned with what has been provided and indicated that more detail was needed and an explanation as to why Santa Clara is so far off on their budget. **Sharon Barton** stated that the agreement between the two cities has been in place for years and Santa Clara has been undercompensating for years and commented that she did not know if the City could go back and do an audit. **Dale Coulam** indicated that they could but stated that what appears to have happened was the agreement was entered into when Ivins City had one Finance Director that left before the first true-up and then another Finance Director came in and may have not been aware of the agreement and took the numbers at face value. Dale believed with the current true-up that Ivins was offsetting like they do for law enforcement because there had not been a lot of wildland activity prior to this year. The formula of 56% is based on population but Ivins City has been reimbursed at 50% rather than at 56%. **Council Member Scott** stated that he took the actual revenues from ambulance and wildlands from 2018 through 2023 and the budget for 2024 and based on the population formula it may be 57% of revenue should be coming to

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Ivins or it may be 56% or 58% and it will vary from year to year. The range of what Santa Clara has shorted Ivins from 2018 to this year is definitely somewhere in the range of $129,000 to $244,000. Ivins either owes them $129,000 less or $244,000 less and imagine if the City has been receiving that money all of these years, the Director of Finance could have put it in the bank and received interest earnings on it and Ivins would likely not owe Santa Clara anything. **Mayor Hart** inquired if the Council agreed that regardless of what the understanding was, because it was explained to Ivins how the Santa Clara City Council at the time that Fire and EMS was taken over, EMS was a red ink operation and their Council was led to believe mistakenly because it did not refer back to the actual agreement, that Santa Clara would receive a full 50% of revenue from wildlands to compensate for what may be losses in the EMS side of things. **Council Member Scott** indicated that Santa Clara may have thought that but that is not the deal. **Mayor Hart** inquired if the Council was in agreement that this should be administered according to the agreement. The **City Council** agreed. **Council Member Gillespie** stated that this is systemic of a bigger problem in terms of the budgeting which will need to be brought up at the joint meeting because if you look at Santa Clara's actuals for 2023 versus their budget, they had not even budgeted for FSLA or overtime and if you look at their current budget with their current expenditures, they are already 66% of budget spent so there are some budget issues that need to be addressed. **Mayor Hart** inquired what action the Council wanted to take tonight in the budget amendment? **Cade Visser** commented that they could table this agenda item until next week after the joint meeting. **Dale Coulam** referred to the reports that Cade Visser receives and now that he is aware of what to look for, he inquired if it would be fairly easy for Cade to see what Santa Clara submitted as far as reports for true-ups in the past for revenue and do they report it as 50% or 56%? If so could, we can calculate what those amounts would be and then simply pass a budget amendment that says we are going to pay Santa Clara this amount minus the extra 6% that they owe Ivins? **Cade Visser** indicated yes and commented that with the records that he has, he would be able to go back to July of 2021. For years prior to that, we would have to request records back to 2018. **Council Member Smith** stated that Ivins needs to make sure that Santa Clara understands that they are in default. **Dale Coulam** raised this earlier with Santa Clara's Mayor and City Manager who indicated their mistaken belief that revenues were to be shared 50/50. **Mayor Hart** indicated that this was a mistake and not intentional. **Council Member Smith** indicated that he would rather fix a misunderstanding. **Council Member Scott** stated that if it works for Cade to go back and look at the data from 2021 to current and if he sees that it has consistently been 50% rather than the right amount, if the City Council could have that information before the joint meeting, then to Council Member Smith's point, they can address the issue in a friendly manner and move things in the right direction. The **City Council** agreed.

MOTION: Council Member Scott moved to continue this agenda item
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

F. Discuss and consider establishing an informal Ivins City Open Space Committee

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Mayor Hart commented that this is a new committee. The **Mayor and City Council** discussed the individuals who expressed interest and determined that this committee will consist of the following: Council Member Sharon Barton, Council Member Lance Anderson, Planning Commission Member Pam Gardiol, Planning Commission Member Perry Brown, resident Lisa Ganz, resident Bob Greeley, resident Kathy Roos, resident Ron Hardin, resident Hans Wolters and resident Shayne Jones, with Chris Blake as the Chair.

Mayor Hart indicated that they will be tasked with looking at open areas in the City and likely working with private land owners. It is a fairly broad assignment they are being given and then they will report back to the City Council.

MOTION: Council Member Gillespie moved to create an informal Ivins City Open Space Committee consisting of Council Member Sharon Barton, Council Member Lance Anderson, Planning Commission Member Pam Gardiol, Planning Commission Member Perry Brown, resident Lisa Ganz, resident Bob Greeley, resident Kathy Roos, resident Ron Hardin, resident Hans Wolters and resident Shayne Jones, with Chris Blake as the Chair
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

G. Discuss and consider re-instating and ratifying structure and membership of the informal Ivins City Affordable Housing Task Force

The **Mayor and City Council** discussed the individuals who expressed interest and determined that this committee will consist of the following: Fred Castagne, Mike Haycock, Richard Kohler, David Hatch, Kathy Barth, Jenny Johnson and liaison from the Planning Commission Doug Clifford and liaison from the City Council Sharon Gillespie and Mayor Hart to reach out to former Council Member Miriah Elliott and Sharlene Wilde who was originally involved with the Affordable Housing Committee around 2018.

MOTION: Council Member Scott moved to re-activate the Affordable Housing Task Force with the following members: Fred Castagne, Mike Haycock, Richard Kohler, David Hatch, Kathy Barth, Jenny Johnson and liaison from the Planning Commission Doug Clifford and liaison from the City Council Sharon Gillespie
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

H. Discussion regarding Essential Workers Housing Opportunity

Mayor Hart requested the Council's direction on this. He reported that there are very few approaches that actually work but there is one approach that has gained traction with the land trust (SITLA). Ivins City could create a land trust and housing authority to manage land in perpetuity for targeted affordable housing. One possible opportunity might exist on a piece of

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trust lands. SITLA has been approached a number of times regarding the housing crisis and the idea of the land trust is that SITLA would provide the land and ideally it would be developed into lots in tandem with a qualified developer who can build the type of housing that is needed. The land would be developed and sold without the cost of the land and the property retained by the land trust. A summary of this idea is available as an attachment to this agenda item. The **City Council** liked the idea of investigating this further. **Mayor Hart** will continue to investigate this and report back to the City Council.

I. *Response to Legislative Audit on Housing Policy

Mayor Hart referred to two (2) Press Releases provided by Riverton City and Washington City contesting the Legislative Auditor General's report on state housing policy. The report put blame on cities for housing deficits but developers are currently choosing not to build due to the market. He was proposing that Ivins create a document similar to these Press Releases for him to sign and send to the Governor's Office and other related offices. Council Member Smith felt that the tone of the Washington City Mayor was good. The Mayor and City Council agreed with the Mayor's proposal and suggested the letter be patterned after Washington City's Press Release.

MOTION: Council Member Anderson moved provide a response regarding the Legislative Audit on Housing Policy
SECOND: Council Member Scott
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

J. Discussion regarding Growing Water Smart Conference Planning

Mayor Hart reported that he attended a three (3) day conference with staff recently where they put together thoughts and a plan of action to be water smart and there are still things that Ivins can do. In order to advance water conservation, the City is going to have to accomplish some things. He has invited facilitator Kelly Cop to come down and do a training and a presentation at 3:00 p.m. on Wednesday, March 20th in the Ivins City Council room and then to be present at the Talk About that night at 7:00 p.m.

Council Member Anderson was excused at 7:45 p.m.

K. Discuss and consider approval of Resolution No. 2024-01R, a Resolution of Ivins City, Utah, increasing the fee for billing and collection services for solid waste Resolution

Dale Coulam reported that fees are cost based and the City periodically goes through and assesses those and the cost has increased. This Resolution reflects that increase.

MOTION: Council Member Smith moved to approve Resolution No. 2024-01R, a Resolution of Ivins City, Utah, increasing the fee for billing and collection services for solid waste
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	ABSENT

L. Discuss and consider approval of property purchase agreement for property on Old Highway 91 at future intersection with Western Corridor

Chuck Gillette reported that the City has been looking at future intersections of the Western Corridor with Old Highway 91 and considering the impact of Main Street being as close as it is to the intersection. A new roundabout concept has been envisioned where Main Street could be re-aligned to match into the future intersection of the Western Corridor and Old Highway 91 to make a five-point intersection. There are also planned tunnels to allow the trails to crisscross the intersection. This would not be constructed for at least 5 to 10 years but if the City wants to proceed with this plan, the City needs to purchase right-of-way from the developer of the Black Stone development. An appraisal has been prepared and an offer has been made with the developer. The developer is ready to accept the offer pending the City Council's approval of this agenda item. **Council Member Barton** indicated that the amount in the agreement and the amount in the staff report are not consistent. **Chuck Gillette** will look into that but indicated that they could approve this contingent on him verifying the figures.

MOTION: Council Member Barton moved to approve the property purchase agreement for property on Old Highway 91 at future intersection with Western Corridor, not to exceed $596,300

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	ABSENT

M. Continued discussion regarding the Planning Commission's recommendations on updating the General Plan

Mayor Hart suggested that they set a plan as to how they want to tackle this. **Council Member Gillespie** commented that she went page by page and has notes on almost every page. **Council Member Scott** referred to the prior comments of wanting to have the City Council complete their review within six (6) months so he went through the draft plan and tried to figure out a process to get it completed as quickly as possible. Taking it in the order everything is presented in the plan currently, he came up with a suggestion of a timetable to address in each meeting. He suggested that one Council Member be designated as a preparer and he volunteered to do that. At each meeting the Council would preview the next meeting's topic briefly and make preliminary comments and then over the next week Council Members can email additional comments about that next meetings topic to the City Recorder, who could then forward that to the designated preparer. The preparer one week before the next meeting will distribute back a redlined version of that section and hopefully the Council will finalize that at that meeting and then briefly talk about what issues they see for the next section. **Mayor Hart** referred to the format of the document and how it is laid out and inquired if they liked that? **Council Member Scott** was not sure but indicated that as they go through it, they will know if they want to move information around. He referred to the existing General Plan and noted that you do not get to the Vision and Goals until approximately page 23. Those should be up front and center in the first few pages.

The **Mayor and City Council** continued to discuss the draft General Plan, including punctual and grammatical changes and determined that there were a few places in the plan that were in the "touchy/feely" realm and they needed to get away from that, as well as revising the Vision statement. The Mayor and Council agreed that they need to pin down the Vision statement before they could continue moving forward with revising the General Plan. **Mayor Hart** volunteered to attempt to revise the Vision statement and commented that the statement needs to be simple and clear.

6) CONSENT AGENDA

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Smith thanked the City for their support of Tuacahn through the RAP tax.

Council Member Scott reported that the Ivins Youth Council was at the Capitol earlier this week and Representative Walters spent an hour and a half over dinner engaging with the Youth Council.

There were no other reports.

B. Mayor

No report

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he met with Santa Clara's Mayor, City Attorney and Planner and they went over their expansion area and Ivins' area on the annexation plans. They will be working together on the plans.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Smith moved to adjourn

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	ABSENT

The meeting adjourned at 9:00 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder

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