

**IVINS
CITY COUNCIL
MINUTES
January 7, 2016**

1) WELCOME AND CALL TO ORDER

Immediately prior to the commencement of the City Council meeting, the newly elected and/or re-elected Council Members Ron Densley, Jenny Johnson and Dennis Mehr were sworn in as Council Members by the Deputy City Recorder, Sharon Allen.

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 Dennis Mehr, Council Member Cheyne McDonald, Council Member Jenny Johnson, Council Member Steven Roberts, and Council Member Ron Densley.

STAFF: City Manager/Attorney Dale Coulam, Director of Finance Wally Ritchie, Public Works Director/City Engineer Chuck Gillette, Public Safety Director Bob Flowers, and Deputy City Recorder Sharon Allen.

EXCUSED: None

Audience: Claudette Larsen, Diane Oliphant, Becky & Chuck Warren, Randy Sittler, Mike Scott, Lance Anderson and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present.

B. Flag Salute

Council Member Roberts led the Flag Salute

C. Invocation

Council Member Roberts 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: Parks and Recreation, Public Safety and Finance

Dale Coulam indicated that Benny Sorensen is coaching basketball and is excused but that a written report was provided. A copy of the report is available by request through Ivins City Hall.

Bob Flowers provided a written report, a copy of which is available by request through Ivins City Hall. The Public Safety department is in the process of training school personnel on new safety plans. The emergency manual has been updated. **Council Member Densley** referred to the training that Chief Flowers attended in Las Vegas and requested information on that. **Bob Flowers** reported that he attended training regarding officer involved shootings and the investigation of those. Ivins City is hitting all of the benchmarks with what the leaders are talking about and teaching regarding policies and procedures. Ivins City has had body cameras for nearly four (4) four years. There's a big debate in the country about those. There was a section in the training where they discussed whether or not the video is protected. He has taken

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the position that it's a protected document but there is some dispute about that and how it should be released. They also discussed the possible requirement of officers turning the cameras on and off and he felt that in a dynamic situation, that should not be a worry that an officer has to deal with. If it gets to that point, Ivins will no longer use the body worn cameras. They also discussed homicide investigations. He learned a great deal and is confident in Ivins Public Safety department. He receives calls from other agencies inquiring about consolidating police departments, how that's working, what Ivins is doing and similar. The County has a Major Crimes Task Force and if an Ivins City Officer were to be involved in a firearms issue, it would be turned over to that task force for them to investigate. Ivins would not investigate that.

Wally Ritchie reported that at the last City Council meeting the Auditors were present and gave their report. Information has been submitted to the State as well as to the GFOA (Government Finance Officers Association) for the CAFR (Comprehensive Annual Financial Report) award and PAFR (Popular Annual Financial Report). The City is requesting bids for Auditor services for the next five (5) years. Proposals should be received by February.

B. Planning Commission Report

Chairperson Mike Scott reported that the Planning Commission held a Public Hearing regarding a Land Use Amendment from Community Commercial to High Density Residential at approximately 411 West Highway 91 and Guy Lane. Current Christensen was the applicant. The Planning Commission felt that High Density Residential was a better use than Community Commercial at that location with some Medium Density Residential at the south end of the property abutting Fitness Ridge Way. The Planning Commission also heard a Public Hearing on a Preliminary Plan for the Encanto Resort, consisting of 30 lots on 10.08 acres on north side of the project next to Red Mountain Resort. The Planning Commission recommended approval with the condition that a Development Agreement be in place before the Final Plat is approved. The Planning Commission reviewed the Zoning Ordinance and Subdivision Ordinance text and discussed a Zoning Ordinance for a Recreational Vehicle Resort.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart stated that Randy Sittler requested for a future agenda item regarding recycling that has been addressed on previous agendas and has been approved and an agreement in place. **Randy Sittler** indicated that he wanted a change to make recycling an option like other cities have done so that residents can opt out. He stated that he already recycles and that he does a better job than the recycling company can do. He also thought that Ivins City should consider making a law to require people to bag their garbage before placing it in the garbage can so that if the cans are tipped over, the garbage is contained. **Mayor Hart** clarified that there has been a great deal of debate on the recycling issue and that some cities allowed an opt-out option and others made it mandatory. There is an administrative overhead for city's that allowed an opt-out provision that increased the cost to the residents. Ivins City chose the mandatory option because it saves the residents the most money. He indicated that anyone can contact the City for documentation regarding the past discussions. **Mayor Hart** indicated that the additional monthly charge on the utility bill will be \$2.94 per month and that there is an out clause for those who meet the Federal Poverty level.

4) PUBLIC HEARING AND ACTION ITEMS - None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Resolution No. 2016-01R, a Resolution of Ivins City, Utah, reappointing City Recorder and City Treasurer

Dale Coulam stated this is a formality and is required following a municipal election. The individuals serving in these positions have done so for some time and are doing an excellent job.

MOTION: Council Member Dennis Mehr moved to approve Resolution No. 2016-01R, a Resolution of Ivins City, Utah, reappointing City Recorder (Kari Jimenez) and City Treasurer (Debbie Bannon).

SECOND: Council Member Jenny Johnson

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

Roll call vote. All Council Members voted in favor.

B. Discuss and consider approval of Resolution No. 2016-02R, a Resolution of Ivins City, Utah, appointing first members of the newly created Arts Commission

Dale Coulam indicated that the Commission consists of seven (7) members and the individuals named in the Resolution are those that were previously named by the Mayor. **Council Member Dennis Mehr** inquired as to the term. **Mayor Hart** clarified that it would be two (2) or three (3) years with an overlap so that only a portion of the members are replaced.

MOTION: Council Member Jenny Johnson moved to approve Resolution No. 2016-02R, a Resolution of Ivins City, Utah, appointing first members of the newly created Arts Commission

SECOND: Council Member Cheyne McDonald

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

Roll call vote. All Council Members voted in favor.

C. Discuss and consider approval of Resolution No. 2016-03R, a Resolution of Ivins City, Utah, approving the designation of a representative to serve on the Administrative Control Board of Washington County Special Service District No. 1 for the calendar year 2016 or until such time as a successor has been appointed

Dale Coulam stated that the Resolution assumes that Council Member Cheyne McDonald will be reappointed as Ivins City's representative.

MOTION: Council Member Steven Roberts moved to approve Resolution No. 2016-03R, a Resolution of Ivins City, Utah, approving the designation of Cheyne McDonald as representative to serve on the Administrative Control Board of Washington County Special

Service District No. 1 for the calendar year 2016 or until such time as a successor has been appointed

SECOND: Council Member Ron Densley

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

Roll call vote. All Council Members voted in favor.

D. Discuss and consider approval of Ordinance No. 2016-01, an Ordinance of Ivins City, Utah, amending requirements for connection to Public Sewer

Dale Coulam stated that this is a proposal to make an exception to the requirement to connect to a sewer system if it is within 300 feet of a building used for human occupancy. The issue that brought this about is the Coyote Gulch commercial area and primarily involves the leach field. Septic is used for solids but the liquids that would go into a leach field can be pumped through a small diameter pipe and into the public sewer system. It would correct the problem but would run past some homes that currently have functioning septic systems. The statute indicates that in order to defray the cost of operating the sewer system, the municipality may require connection if the property is within 300 feet of a property line. This exception is when costs are born by the developer and then the system is dedicated to the City at no cost. If a property has a fully functional septic system, they would not be required to connect. **Council Member Steven Roberts** inquired how many properties are still on septic systems. **Dale Coulam** indicated there were not many within the City east of Kayenta. **Council Member Ron Densley** inquired if a leach line fails and a property owner would like to connect to the public sewer line, what would the property owner pay to do that. **Dale Coulam** stated the property owner would pay the costs of connecting the septic tank to the public sewer. The developer would recoup their costs of putting in the alternative system by opening up other areas for development. **Council Member Densley** indicated that if the line is dedicated to the City, it would then be the City's responsibility to maintain. **Dale Coulam** stated that Public Works Director/Engineer Chuck Gillette is okay with maintaining the system. **Lance Anderson** stated that the system is a step-stag system and the homeowner is responsible for the pump. The system doesn't go as deep and there are no manholes or debris because it's a closed system. It doesn't have to be cleaned or monitored with a camera. **Mayor Hart** stated that any home accessible to the conventional sewer will be required to connect. **Dale Coulam** clarified that any new development would be required to connect to the normal system. **Council Member Roberts** inquired if they pay a sewer fee to the City when they connect. **Dale Coulam** answered yes.

MOTION: Council Member Ron Densley moved to approve Ordinance No. 2016-01, an Ordinance of Ivins City, Utah, amending requirements for connection to Public Sewer

SECOND: Council Member Jenny Johnson

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE

Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

Roll call vote. All Council Members voted in favor.

E. Discuss and consider electing a Mayor Pro Tem for the 2016 calendar year

Mayor Hart stated that Council Member McDonald has been the Mayor Pro Tem for the last two years. **Council Member McDonald** nominated Council Member Densley as the Mayor Pro Tem.

MOTION: Council Member Cheyne McDonald moved to approve electing Council Member Densley as Mayor Pro Tem for the 2016 calendar year

SECOND: Council Member Steven Roberts

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

F. Discuss policy regarding memorial for Ivins' children who have passed away

Mayor Hart indicated that he was approached by a resident of the City who tragically lost a granddaughter that wanted to make a donation and have a park named after her granddaughter. There are several children in our area who have passed due to unfortunate accidents and suggested that there be a memorial in one park. **Dale Coulam** clarified that this has been discussed at prior City Council meetings but there was no conclusion, just some ideas. **Mayor Hart** indicated that where two (2) parks were named in the past, those were situations where land was donated. **Council Member Mehr** stated that the City could also choose to do nothing at this point. **Council Member Roberts** indicated that a park could be called the Children's Memorial Park where people could donate to the park, submit for a memorial by application and allow plaques or a wall. **Council Member Johnson** liked a wall or something where a small plaque could be added and she liked the Children's Memorial Park name. **Mayor Hart** clarified that the Council would need to set conditions for this. **Council Member Densley** indicated that it should defer to age, similar to what Primary Children's Hospital does. **Mayor Hart** inquired if the Council would like to act on this tonight. **Council Member Densley** suggested that criteria needs to be set like age, size of plaque and similar so there is no misunderstanding as to what qualifies. **Mayor Hart** stated it would be an ordinance. **Dale Coulam** clarified that it could be an ordinance or a policy with criteria to be considered. **Mayor Hart** suggested this item be continued.

MOTION: Council Member Jenny Johnson moved to table this discussion on the children's memorial until the next meeting

SECOND: Council Member Steven Roberts

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE

Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

G. Discuss Fiscal Year 2016/2017 Budget preparation calendar

Wally Ritchie stated that dates are defined by statute and he has proposed that on the February 4, 2016 City Council agenda, he will present the Department Heads' needs for the next fiscal year. On the February 18, 2016 City Council agenda, will be discussion and prioritization of those needs. On the April 7, 2016 City Council agenda he will present a proposed tentative budget for their review and discussion. He will prepare a budget book with tabs that will be easy to understand and follow. On the May 5, 2016 City Council agenda, he will ask the City Council to approve the tentative budget so that a Public Hearing on the budget can be held on May 19, 2016. It would then go on the June 2, 2016 City Council agenda for approval and is required to be adopted by June 22, 2016. The City is not anticipating a tax increase. **Council Member Mehr** inquired as to the process if there was a decrease in taxes. **Wally Ritchie** clarified that notification and a public hearing are not required for that. The Mayor and City Council agreed to proceed as outlined.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for December 17, 2015

MOTION: Council Member Cheyne McDonald moved to approve Consent Agenda Meeting Minutes, item A

SECOND: Council Member Steven Roberts

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr reported that he is happy to be back and grateful for the support.

Council Member McDonald reported that there have been some complaints about the Blucan recycling bins going out but overall it has been positive. **Wally Ritchie** indicated that City Hall received approximately four (4) dozen phone calls with questions, most about why they didn't have an option, a voice and similar. **Council Member Johnson** stated that she received an email from individuals where they were bothered by the word "mandatory" and concerned that they'd be fined if they didn't participate. **Council Member McDonald** indicated that a fine would only occur if the individuals use the recycling can as a trash can rather than for recycling. The trucks that pick up the recycling material are monitored with cameras and they can narrow down where the misuse comes from. There will also be warnings that go out. If individuals don't want to use the Blucan to recycle, they don't have to but the fee will be on the bill either way. It was

important that Ivins went with the mandatory program now because the fee is \$2.94 a month, rather than \$10.00 or more a month to pay to relocate the landfill. The mandatory program saves Ivins' residents substantially. **Dale Coulam** clarified that there is no additional fee added by the City for the recycling. The fee on the bill is merely a pass-through of the charges by the Solid Waste District. The cities that chose an opt-out option have to charge an administrative fee for the program so Ivins City residents are paying less than those in an opt-out City. **Council Member Roberts** suggested that there should be a comment on Ivins City bill for the first three (3) months regarding the recycling fee to clarify it. **Council Member Densley** suggested that could be included in the Mayor's comments on the newsletter as well. **Council Member McDonald** indicated that the County will send a map and the company picking up the recycling can is required to pick up on the same day as regular garbage collection. **Council Member Johnson** reported that she is excited to be on the City Council. **Council Member Roberts** welcomed the new and returning Council Members and stated that he looks forward to working with all of them. **Council Member Densley** reported that the Snow Canyon Joint Management Committee will be discussing the road expansion in Snow Canyon State Park.

B. Mayor

Mayor Hart stated that the details of the accreditation hearing will be formally announced concerning Rocky Vista University. Representative of the University are meeting with the TRC (Technical Review Committee) and with City Manager/Attorney Dale Coulam regarding details and agreements for the process to begin. He reported that there has been high praise for Dale Coulam and how he represents the City, as well as Kevin Rudd in the Building and Zoning department and Wally Ritchie. Their work does not go unnoticed.

Council Member Densley inquired as to the status of the Snow Canyon/Tuacahn Drive/Center Street roundabout statue. **Mayor Hart** indicated that there was one piece that did not fit property but the rest is being cast and partly assembled. They are working on getting the base formation for the template. It's complex, with a hundred or more pieces but it's moving forward.

C. City Manager/Attorney Dale Coulam

Dale Coulam stated that the representatives for Rocky Vista University have also been great to work with. He referred to disclosure statements and indicated to the Mayor and City Council that State law requires that they file a written disclosure of possible conflicts that they may have. They should state their address or property parcel number on the disclosure form, as well as any involvement with a business or their family members are involved with that provide work or may provide work for the City. He reported that Chuck Gillette informed him that there are additional funds for the Highway 91 project that would allow the City to place an entrance sign. That must be designed and submitted by the end of January. **Mayor Hart** stated that Terry Marten had a contemporary concept and the Arts Committee can review the design as well. **Dale Coulam** asked if the Mayor and Council wanted to accept the cost of living increase that would normally be added in January. Like last year, the Mayor and City Council chose to defer the COLA. **Council Member Mehr** stated he was unaware that there was compensation for serving.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Jenny Johnson moved to adjourn

SECOND: Council Member Steven Roberts

VOTE: The motion carried.

Council Member Dennis Mehr	AYE
Council Member Cheyne McDonald	AYE
Council Member Jenny Johnson	AYE
Council Member Steven Roberts	AYE
Council Member Ron Densley	AYE

The meeting adjourned at 7:45 p.m.

Respectfully,

*Kari Jimenez,
Ivins City Recorder

*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.