Ivins City Staff Report
City Council Meeting 12/18/2014

Agenda Item: Approve update of Memorandum of Agreement with Snow Canyon State Park for maintenance of berm/ditch in tortoise preserve

Submitted by: Charles R. Gillette, P.E., City Engineer

Recommended City Council Action:
Approve Memorandum of Agreement with the State of Utah

BACKGROUND:
On June 15, 2006, City council approved a memorandum of agreement (MOA) with The State of Utah, State Parks which permitted the City to construct a berm/ditch in the tortoise preserve to protect the Vermillion Cliffs and Eagle Rock subdivisions from flooding problems. The berm/ditch breached in the recent storm events in September and need to be repaired. In reviewing the original agreement it was discovered that it had an expiration date and needed to be renewed.

FINDINGS AND ANALYSIS:
This updated agreement is essentially the same except that it has a provision that would allow the City to extend the berm, if determined necessary.

SUPPORT MATERIALS:
- Updated MOA

FINANCIAL IMPACT:
The project has received funding from NRCS from their Emergency Watershed Protection program. This provides 65% funding of the project. City pays a 35% match.
G/L53-42-877: $25,000 (actual impact to City is $8,750)

Respectfully Submitted: _____
Charles R. Gillette, P.E., City Engineer

Content Review: _____
Dale Coulam, City Manager

MEMORANDUM OF AGREEMENT

between

THE STATE OF UTAH
DIVISION OF PARKS AND RECREATION

and

IVINS CITY
WASHINGTON COUNTY, UTAH

This Memorandum of Agreement is entered into this 20th day of November 2014, by and between Ivins City, Washington County, Utah, hereafter referred to as the CITY, and The State of Utah, Division of State Parks and Recreation, Snow Canyon State Park, hereafter referred to as the STATE.

WHEREAS, the CITY and the STATE have a common interest in seeking resolution to the Eagle Rock drainage problem, and have determined that it would be beneficial to both parties to have respective responsibilities set forth in this Memorandum of Agreement.

NOW THEREFORE: the CITY and the STATE understand and agree that the provisions set forth below shall define their respective responsibilities.

MEMORANDUM OF AGREEMENT PERIOD: Effective Date: December 1, 2014. Termination Date: November 30, 2024, unless terminated early or extended in accordance with the conditions of this contract. Either party may terminate this MOA with 60 days written notice to the other party.

The CITY agrees to:

1. Make repairs to the existing drainage v-ditch in accordance with Red Cliffs Desert Reserve Utility Development Protocols.
2. Extend the drainage v-ditch (pending funding) east to Snow Canyon Drive along the existing old road alignment, maintaining an average width of 17 feet during the tortoise inactive window (December 1 through February 15). For the extension the topsoil will be removed to a depth of 4-inches, stockpiled on site, and redistributed following berm construction.
3. Fence the perimeter of the construction zone with silt fencing, working in conjunction with the STATE
4. Minimize disturbance of mature vegetation by constructing the v-ditch in a sinuous fashion versus straight ditch
5. Construct the berm using native material excavated during construction or during repairs of the v-ditch
6. Selectively grub existing vegetation prior to construction

7. Avoid and/or incorporate mature vegetation as identified by the STATE
8. Limit in/out construction access during the project
9. Conduct all long-term maintenance work by hand; accessing the v-ditch by foot only

The STATE agrees to:

1. Grant short-term construction access to Snow Canyon State Park property purchased with Section 6 funding.
2. Implement the following restoration plan:
    a. Reseed the area between October 1 and December 15, 2015 with a certified seed mix at the following ratio:
    Desert marigold (*Baileya multiradiata*) – 1 lb. Per acre
    Galleta grass (*Hilaria rigida*) – 6 lbs. per acre
    Sand sage (*Artemesia filifolia*) – 1 lb. per acre
    Bursage (*Ambrosia dumosa*) – 1 lb. per acre
3. Provide ongoing annual weed control.

IN WITNESS WHEREOF, the parties sign and cause this agreement to be executed.

IVINS CITY	STATE OF UTAH – Division of Parks & Recreation
_____	_____
Signature Date	Agency Signature Date
_____	_____
Print or type signature	Print or type signature