IVINS
CITY COUNCIL
MINUTES
September 2, 2021

***NOTICE: This meeting was held electronically and in person, with limited seating to observe social distancing. City Hall was the anchor location for the electronic meeting. You may listen to the audio 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 Mehr, Council Member McDonald, Council Member Johnson, Council Member Gordhammer, and Council Member Larsen.

EXCUSED: None.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Fire Chief Randy Hancey, Director of Finance Cade Visser, and City Recorder Kari Jimenez

Audience: Susan Newmax, Karin & Geoff Woie, Pam Gardiol, Dennis Leavitt, Jim Martinson, Beverly Harper, Judith Kapuscinski, Myrne Olson, Tricia & Stuart Sockrin, Frosyne Mensendick, Bob Nickerson, Stephanie Nast, Jackie Snell, Zach Renstrom, Sharon Barth and others who did not sign in.

A. Acknowledgement of Quorum

All Council Members were present in the Council Chambers at Ivins City Hall

B. Flag Salute

Council Member Mehr led the Flag Salute

C. Invocation

Council Member Mehr gave the Invocation

D. Disclosures

Council Member Larsen disclosed that he and his business partner have a $1,000 refundable deposit on a condo in the Black Desert Resort project. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

B. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen provided a written report, a copy of which is available as attachment to this agenda. He reported that they are working on the landscape at the new City Hall and preparing for Heritage Days which is next week. **Council Member McDonald** referred to a letter that the City Council received regarding the maintenance of roundabouts and inquired if those are maintained year round. He indicated that the letter said that the resident feels like the roundabouts are not being maintained. **Benny Sorensen** clarified that they are maintained year round and each Parks employee is assigned to areas of the City. If there is a specific problem, they just need to know, understanding that sometimes residents have a differing opinion as to how things should look or be maintained. **Council Member Mehr** indicated that he attended two graveside services at the cemetery this past week and thanked Benny and his staff for keeping the cemetery beautiful.

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Chief Flowers provided a written report. A copy of the report is available as an attachment to this agenda. He reported that as they have been doing their logs, he is keeping track of where the Officers are working and how much time they are spending on different things. Approximately 50% of their time is obligated in addressing calls, writing reports and similar. To him, that's an indication that when you start getting up around 70-80% of obligated time, Officers are going from call to call to call. They are not close to that currently. The calls for service is up but crimes for violence is going down, which is a great thing for Ivins and Santa Clara. He brought the issue of alarms repeatedly going off for a few businesses and residences. There are some that are going off 3 to 4 times a day and they respond but at some point they are going to have to come up with a process where they allow a couple of false alarms and then after that, the business or resident is charged and that is something that other cities do. Another thing he would like the Mayor and City Council to consider is the residency distance requirement for Police Officers because it is difficult for Police Officers to find a home in or near Ivins. Currently the residency requirement is 10 miles but he would like to see that changed to 25 miles, which pushes it out to Hurricane. The current residency requirement limits who can apply and is the most restrictive of the agencies in Washington County. **Council Member Larsen** referred to speeding near Black Desert Resort and the east roundabout. **Chief Flowers** indicated that he is aware of that and in addition to the speed trailer located there, they have been writing citations. They are also working with Chuck Gillette on a survey. **Council Member Larsen** inquired if there is a noise ordinance for vehicles. **Chief Flowers** stated that since the State of Utah did away with the requirement for safety inspections, that would be something the City could address by Ordinance but if they go that route and intend to enforce it, the City would have to purchase the equipment for that.

Fire Chief Hancey reported that they recently completed the remodel of the Santa Clara station that is on Rachel Drive. There are now living quarters there so when they receive a call, they will be responding from that station. They will still have an apparatus at the Center Street station in Ivins and his office is in that station, along with the Admin offices. The Wildland Fire crew has been in California for 16 days fighting the Dixie Fire. July was a busy month with 144 calls, which is 30 to 40 calls above the typical average and they had 115 calls in August. There is a lot going on with different development inspections in both cities. **Mayor Hart** referred to the living quarters being moved to the Santa Clara station and inquired if that meant that they now respond from there to Ivins to get an apparatus. **Fire Chief Hancey** clarified that they have two (2) ambulances at the Rachel station and one (1) in the Ivins station but the Ivins station is not manned and is a voluntary station. The **Mayor and City Council** were concerned with that arrangement because there is currently no manned fire station in Ivins. **Council Member McDonald** inquired where they ended up with regard to the fire facility in the Kayenta area. Fire Chief Hancey indicated that the agreement was concluded the first part of July. That facility housed two (2) apparatus' and a parade vehicle and was more or less a storage unit for those vehicles. **Dale Coulam** commented that although that space may have been more of a storage unit, the space counted towards the ISO for insurance rates and helped keep the insurance rates low because theoretically that location could be a manned fire station. He inquired if Santa Clara has plans to replace a station in Kayenta. **Fire Chief Hancey** stated no but they could look at that if Ivins City is interested in looking at purchasing property and building in that area. **Dale Coulam** indicated that we work on a proposal because Ivins City is in the middle of impact fee studies and wondering how continued growth is going to be covered in the Kayenta area. Additionally, he has heard rumors that the City of Santa Clara is considering building a fire

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station at the old Santa Clara City Hall. **Fire Chief Hancey** indicated that was correct. **Dale Coulam** inquired how Santa Clara having two (2) full fire stations and one (1) unmanned fire station in Santa Clara was fair to Ivins City when Ivins City pays 2/3rds of the cost for the Fire and EMS services. He suggested that a proposal be provided to address coverage in Ivins City. **Mayor Hart** commented that the station in Ivins that was manned is no longer manned, Santa Clara is considering yet a third fire station in Santa Clara and Ivins has a larger population and a larger area so that is a concern for Ivins City, especially for those in Kayenta. They need to figure out a solution because this is an increasing concern. He requested that there be a meeting with Santa Clara to discuss this.

A. Presentation to promote Ivins City's participation in a Constitution Day celebration - Balance of Nature

Dennis Leavitt is with the company Balance and Nature and reported that they have partnered with DAR (Daughters of American Revolution) and United We Pledge to bring light to Constitution Day. They have also partnered with the cities of Santa Clara, Washington and St. George where bells will be rung simultaneously on Friday, September 17, 2021 at 2:00 p.m. MST to celebrate Constitution Day. **Mayor Hart** commented that Ivins City is focusing on Heritage Days until that is over and would need help if they were to participate. **Dennis Leavitt** offered help and assistance. **Mayor Hart** suggested that Memorial Park that is right above the Veteran's Home would be a great location for the bell ceremony. The City Council agreed. **Dennis Leavitt** indicated that they need someone to take the lead and he'll work with them. **Mayor Hart** stated that he would take the lead and work with DAR and Dennis Leavitt to come up with some participation. **Mayor Hart** suggested that Benny Sorensen could provide the sound system. **Council Member Mehr** suggested that the Vista School choir could be involved. **Mayor Hart** requested that information be put on the website.

C. Planning Commission Report

Commissioner Anderson reported that the meeting was short, with the Planning Commission approving a Final Plat for Black Desert Drive.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Colleen Lloyd submitted a comment form and indicated that she was concerned with unequal and selective Ivins code enforcement on trailers throughout the City. She has a small trailer that she uses for her business and it is parked across the street on Main Street on the dirt next to the field. She felt like she was being harassed constantly about it not being allowed to be parked there when others are parked there and throughout the City. She felt like she was being targeted. She agreed that if things are not allowed to be parked, the enforcement should be equal. She did not have a problem with obeying the City codes but has a problem with being the only person required to obey the codes. **Mayor Hart** indicated that this could be addressed administratively.

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of a Proclamation regarding Constitution Week

Mayor Hart stated that there are three (3) versions of the Proclamation and inquired of the Council if they had a preference as to which version was passed. **Council Member Mehr** preferred version number 3. The City Council agreed. **Mayor Hart** clarified that there was a grammatical word that needed to be changed.

MOTION: Council Member Mehr moved to approve the option 3 Proclamation regarding Constitution Week, as amended

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SECOND: Council Member Johnson
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

B. Discuss and consider approval of Cooperative Agreement between Ivins, Utah and SPIN for the operation of electric scooters in the public right-of-way

Mayor Hart inquired if there was a representative of SPIN in attendance by Zoom. **Dale Coulam** stated that there was going to be and clarified that the presentation attached to the agenda is the same presentation that SPIN made at the last meeting. What is before the City Council tonight is the final version of a proposed contract that is also attached to the agenda. **Cade Visser** indicated that there was no representative from SPIN in attendance through the Zoom application. **Mayor Hart** stated that there are significant concerns about bringing electric scooters into Ivins City. They are an interesting form of transportation but he received a number of emails from residents who were concerned about this and those concerned suggested that if the City enters into an agreement, that it ought to be limited in time for residents to see if their concerns are addressed. The biggest concerns that came from the residents was safety and how those on the scooters interact with pedestrians and cyclists. **Council Member Gordhammer** referred to the map and commented that there are a total of eight (8) proposed locations and three (3) of those are in Snow Canyon State Park. She talked to the Snow Canyon State Park Manager and was told that the scooters are not allowed in the State Park. In Kayenta, there are both public and private roads and if SPIN is accessing both private and public areas and the City is going to enter into an agreement with SPIN, she felt that was an effort to monetize on the Ironman event. She received many emails expressing concern and felt that the City needed to be able to receive public comment in a formal way through a Public Hearing. The idea that one can leave a scooter on the sidewalk and not require them to go to a docking station like a bike share program requires, she did not agree with that and felt that it would be unwise to move forward quickly and enter into this agreement. **Council Member Johnson** agreed and commented that with there not being a representative present to ask questions, she proposed that this be continued until a representative could be present. **Council Member Larsen** suggested another option was to vote this down. **Council Member Mehr** preferred that there be more discussion on this and inquired if the City would want to enter into an agreement with this company and not other private scooter companies. The exclusivity clause in the agreement did not make sense to him and he did not see why the city would need to get involved. **Council Member Gordhammer** commented that she received photos of two (2) abandoned scooters that are in Ivins right now.

MOTION: Council Member Gordhammer moved to deny the request for a Cooperative Agreement between Ivins, Utah and SPIN for the operation of electric scooters in the public right-of-way
SECOND: Council Member Larsen
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE

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Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

C. Discuss and consider the Planning Commission's recommendation to approve an Amended Preliminary Plan for Sentierre Padre Canyon Resort

Cody Mitchell reported that the proposed amended preliminary plan consists of 44 single family villa home sites. Thirty percent (30%) or a maximum of 13 villa lots may be subdivided into two lots and improved as two adjoining villas that share a party wall. This complies with Ivins regulations. The TRC has reviewed this and recommends approval, as does the Planning Commission and staff. **Mayor Hart** inquired if this was consistent with the presentation materials that were shown at the prior City Council meeting. **David Case**, a representative present on behalf of Sentierre, stated that was correct and explained that the reason they are amending the plan is to be consistent with the amended Development Agreement that the City Council recently approved.

MOTION: Council Member Johnson moved to approve an Amended Preliminary Plan for Sentierre Padre Canyon Resort
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

D. Continued discussion and consideration on the Planning Commission's recommendation on a Special Height Exception within the Resort Commercial Zone for Black Desert Resort

Cody Mitchell reported that the City Council held a Work Meeting where they went on-site and the Developer Patrick Manning referred to a few 16 foot story poles that were in place and provided an explanation of how the drone would fly out to certain points to show the different heights, to demonstrate that when the buildings are built in front of the hotel and that the elevator shaft would not be visible from Snow Canyon Parkway. The drone was flown over several points to demonstrate heights and distances. The approximate size of the elevator shaft is 12'x14', which is approximately 170 square feet and the Developer is asking for a height exception of 54 feet to accommodate the elevator shaft, which is the highest point and will open onto the roof. **Mayor Hart** referred to the drone GPS that was guided to the top corner of the elevator shaft, along with the roof heights and inquired how far off of the Parkway will those buildings be? **Patrick Manning** clarified that the elevator shaft will be 1000 feet from the Parkway and the nearest building structure is over 700 feet and they have limited everything to the story pole heights. **Council Member Gordhammer** thanked Patrick Manning for the information provided at the Work Meeting and inquired if the purpose of having the elevator access the roof was for maintenance or for public space. **Patrick Manning** indicated that it is there to access the roof but there are no specific plans for the roof and the concerns he heard from the residents was not so much about the height, but about light and noise pollution. **Council Member Gordhammer** inquired if Patrick and his partners were going to be the operator of the hotel. **Patrick Manning** stated yes and that the project will be managed through an HOA and Benchmark Global Hospitality. **Mayor Hart** referred to noise being amplified from the rooftop and inquired if the Development Agreement could address issues like

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that. **Dale Coulam** indicated that the Developer is waiting for a decision on this but the City could put restrictions on the types of events and similar into the Development Agreement. **Council Member Gordhammer** inquired if they could make passing this contingent upon addressing noise and light pollution. **Dale Coulam** stated no and that is a yes or no answer and then there's a Development Agreement. If the City Council does not approve a Development Agreement, then the Developer does not move forward. The Developer needs to know what's allowed so they can write that into the Development Agreement. This is a yes or no decision but the Council still controls the development. **Patrick Manning** clarified that there are hotel rooms below the roof line and anything on the roof would affect people sleeping room just below. **Council Member Mehr** inquired as to any discussion related to any special warranty deeds. **Dale Coulam** indicated that there is a height restriction placed on the property by the original owner of the property but they are still very much involved with this project. That is also a civil matter. **Council Member Larsen** inquired what the noise ordinances are for events. **Dale Coulam** clarified that it is general for disturbing the peace; the City does not have a decibel level, but that's a double edge sword. **Council Member Gordhammer** did not have a problem with the height exception because it is far enough away for visibility but she had concerns with the rooftop being used as event space and noise traveling from the rooftop. The view from rooftop will be incredible but that view would only be visible during the day. She proposed that the elevator be programmed to not have access to the roof after dark because the rooftop is not the place for a party. **Patrick Manning** indicated that they were just as sensitive and not pushing back and felt that they could find language to put into the Development Agreement that would be acceptable. The roof would be below the elevator and not seen. **Council Member Gordhammer** felt that the only reason the elevator would be there would be to allow people to access the roof and the City owes Ivins residents tight controls. **Mayor Hart** commented that would be a discussion when the Development Agreement comes forward. **Council Member Larsen** agreed but commented that people could stargaze at night from the roof. **Cody Mitchell** referred to the rooftop access and commented that the elevator would serve as rooftop access due to an emergency and be limited in access so the usable space is limited. **Council Member Gordhammer** inquired how many buildings in Ivins are above 35 feet. **Dale Coulam** clarified Rocky Vista University, their student housing, Tuacahn's actor housing and likely some buildings at Tuacahn. **Cody Mitchell** added that Vista School was as well. **Council Member Gordhammer** requested an explanation as to what drives the height up besides the elevator shaft. **Patrick Manning** clarified that the lobby and registration area cannot be any smaller than it is, otherwise, it is not conducive of a high-end hotel. They also have mechanical components in between each floor and screening. **Council Member Johnson** inquired how much usable space would be on the roof. **Cody Mitchell** stated that the estimate is under 1000 square feet. **Patrick Manning** clarified that there would be a maximum of 60 people on the roof and wanted it to be a smaller intimate space with planter boxes around. **Council Member Johnson** commented that square footage was similar to the size of the current council room.

MOTION: Council Member Johnson moved to approve the Planning Commission's recommendation on a Special Height Exception within the Resort Commercial Zone for Black Desert Resort

SECOND: Council Member Larsen

VOTE: The motion failed .

Council Member Johnson	AYE

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Council Member Larsen	AYE
Council Member Mehr	NAY
Council Member McDonald	NAY
Council Member Gordhammer	NAY

Three (3) Council Members voted in opposition. The motion failed for lack of a majority vote. **Council Member Mehr** indicated that he voted in opposition due to the deed restrictions on height that are known and currently on the property.

E. Continued discussion and consideration to approve Ordinance No. 2021-16, an Ordinance of Ivins City, Utah, regarding a zone change from RA-5 and RA-1 to RE-15 (with lot averaging) and R-1-5 on approximately 18.5 acres

Mayor Hart stated that Chuck Gillette has been working with the Water Conservancy District to understand more clearly how any potential reservoir might relate to the properties being requested for the zone change and he invited Zach Renstrom with the Washington County Water Conservancy District, as well as Brent Gardner of Alpha Engineering, to be present tonight. **Zach Renstrom** indicated that he was asked to provide information as it relates to the potential reservoir site. He referred to the Dry Wash Reservoir maps, copies of which are available as attachments to this agenda. He stated that several years ago, that area was part of the Indian Rights Settlement Agreement that they have with the Shivwits Tribe. At that time, an environmental document was completed and it included two (2) dam sites to be built, one located in the Graveyard wash that's located right next to the Santa Clara City Public Works yard, and one in the Dry Wash. The Graveyard Wash location is actively being analyzed for a study to be completed. The environmental documents recommend a much larger reservoir than what is being shown but due to the construction of roads and a few other things, the Water Conservancy District is currently in the process of analyzing these sites and those sites were originally analyzed by the Dam Safety Engineers. Those engineers recommended the Dry Wash site for multiple reasons. The District has asked the Engineers to take their preliminary design that was done in the environmental documents, and proceed with that to the next step. He referred to the area on the map known as the "horses head" and commented that due to soils that are there, there will have to be a dike added to that section of the horse head. There will be substantial construction going on in that location and when the dam is built, there will be significant work occurring there to make sure that it is a safe reservoir site. The water from this reservoir will come from multiple sources but the majority of it will come from Gunlock reservoir. The water reuse plant for Gunlock is also expanding where they take sewer water and treat it to a very high degree and then pump it back into the system. The intent is with that water, that could be stored in the Dry Wash reservoir and then they could take that water and help energize the dry irrigation system in Ivins and in Santa Clara City. This project would be very beneficial to Ivins City and Santa Clara since it's a regional project and that is one of the reasons the Water Conservancy District is proceeding with this project. The original proposal was to put the dam up farther because there are some slope stability issues but because the road was built, and a few things, the site was moved down. There is currently a barn in the area and the Water Conservancy District will need to purchase the land right up to that barn to deal with any type of slope stability issues. The Water Conservancy District feels confident that approximately 150 feet of from the edge is what would be needed and most of this land is owned by SITLA (School & Institutional Trust Lands Administration). The Water Conservancy District has reached out to SITLA and they have told them that the Conservancy District can purchase the land within the next year but that there are a couple of private landowners there as well, Terry Marten being one of them. The

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more that things develop in Ivins, the more difficult it'll be for the Dry Wash reservoir to be built. The Washington County Water Conservancy District is actively working with the Engineers to proceed in a very timely manner and proceed as quickly as possible. They are also looking at other locations but to put that into context, the Water Conservancy District just received approval for the Toquerville reservoir and to go through the environmental review process for that reservoir took 10 years and millions and millions of dollars. If the Water Conservancy District adds a new location, the estimate is 10 years and approximately $5 million to locate another reservoir. The Dry Wash reservoir is already fully approved and if it is not built by the year 2024, the environmental document expires. The site has already had Archaeologists and Biologists review and clear the site. Washington County needs to do something with the water situation and expand existing projects. They need to start taking our reuse water and using that more effectively and expanding it. The sewer reuse water is actually fairly easy to treat and storing that winter water is critical to making a sewer reuse project economically feasible. **Mayor Hart** indicated that the City is in the process of a secondary irrigation system and his primary concern was the question of where is the water going to come from. The City is banking on the fact that the City is using culinary water now but eventually that is not going to be sufficient. The secondary water system would allow Ivins to substitute culinary water as it comes from the treatment plant and not have to upsize the pipe. Ivins has very little water available out of Gunlock reservoir and St. George City has built a treatment plant at Gunlock to convert Gunlock water into culinary water for the City of St. George. The City of St. George basically controls that water so he sees that water storage for Ivins City is becoming a critical issue. **Zach Renstrom** clarified that there is a reason why the Water Conservancy District is going to spend millions and millions of dollars to get this reservoir built. If it is not built, he did not know where Ivins will get water for their secondary irrigation. **Brent Gardner** with Alpha Engineering stated that they have assisted with the analysis and looking at pumping the sewer reuse water up to Gunlock. Part of the analysis is looking at every place that they could store water on the Santa Clara River system and they will need additional storage and that is why they are pursuing the Dry Wash reservoir right now. **Council Member McDonald** referred to the City of St. George building the Graveyard Wash reservoir and inquired if the Water Conservancy District was involved with that. **Zach Renstrom** stated yes and commented that they have had discussions with the City of St. George where the Water Conservancy District would build that reservoir and then operate it as a regional facility but the City of St. George still does not think that will be enough so they are also looking at building another reservoir by the water treatment plant. The Water Conservancy District could build and operate in a regional capacity because they want to carry over more water from year to year because on a dry year, the City of St. George will use every drop of water in that reservoir. There are some benefits to operating that as a regional facility but the Dry Wash reservoir would be exclusively used by Santa Clara and Ivins. The Dry Wash reservoir is the reservoir that is being proposed right now so the Water Conservancy District would have to come in and buy that entire area and property owner Terry Marten has made it clear that he will not just sell and sign a deed so unfortunately, the Water Conservancy District would probably have to go through a condemnation process to obtain that land and even though they hate to do that, that's the last option to get that reservoir. The environmental documents were done 20 years ago but the Water Conservancy District asked Alpha Engineering to go back and look at those studies to make sure that this reservoir is still needed, and they came to the conclusion that it is still needed.

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Council Member McDonald questioned what difference it made if Ivins City approved the zone change or not. **Zach Renstrom** clarified that if the zone change occurs, the Water Conservancy District will still move forward but an appraiser will come in an see that it is zoned differently and it will cost more money and that is ultimately transferred down to Ivins City. **Brent Gardner** inquired if there was a moratorium for the area being considered for a rezone. **Dale Coulam** clarified not for zoning but for subdivision applications or building permits. If the City is trying to save water, and rather than putting a limit on building permits, it would be better to take action at a zoning or land use stage where the decision is legislative. The City Council's duty is first and foremost, to protect the health, safety and welfare of Ivins residents. Water is an essential health, safety, and welfare issue. If the land where Dry Wash reservoir is planned is needed for water for residents and the City denies the zone change, that could be defended. On the other hand, if the City Council grants the zone change and the Water Conservancy District moves quickly, the District would pay a higher price for the land because it would be zoned for a higher density. **Council Member McDonald** inquired of Lance Anderson why they were requesting this zone change because it is unlike what he usually brings before the City Council. **Lance Anderson** stated that Terry Marten has had an agreement with SITLA and working with SITLA on this for three years to purchase the SITLA property, of which he just purchased a portion of the property and that is why they are asking for a zone change. Meanwhile, they were trying to purchase the rest of the property but the Water Conservancy District went to SITLA and told them that they need to build the reservoir and not to sell Terry Marten anymore property so the process stopped. Terry Marten has been planning this for years and they do not want a dam there. They are not trying to raise the price. They have 40 to 70 acres where the dam sits and everything around it is going to be affected in value and the sad thing to those in Kayenta, none of the water would even be usable in Kayenta based on the current irrigation plan. They have been fighting this reservoir for years. **Council Member McDonald** commented that Lance Anderson has known about the reservoir going in for a while. **Lance Anderson** stated since 2004, but they never thought it was going to happen and SITLA never thought it was ever going to happen. Terry Marten has been trying to take a stand for a community that he has been creating since the 70's. **Mayor Hart** clarified that any action taken as it relates to the reservoir would be a Water Conservancy District action. Ivins City would not be initiating any kind of condemnation action for the reservoir.

Dale Coulam agreed that Ivins City would not be condemning the land but that the Water Conservancy District would be able to purchase the land using the power of condemnation and they would obtain permits from the City and other procedures that are required. **Council Member McDonald** indicated that his biggest concern was having the option right now to move forward quickly, otherwise they will need to wait for 10 years before we have another possible option for the reservoir. **Zach Renstrom** stated that the construction of the Dry Wash reservoir must be done within a matter of a couple years and the District needs to start moving very quickly on it or go to another site, which would be another 10 years and a couple of million dollars just for the environmental documents. **Mayor Hart** indicated that without the reservoir, Ivins City will come to a halt when it comes to development because we simply won't have the water for irrigation and without a storage facility on the western side of the County, Ivins will not have adequate water to continue to grow. **Terry Marten** commented that he was being characterized as being opposed to saving water and building reservoirs, but that is not the case. He has asked that over the last 4 or 5 months that there be some discovery to really get into some of the issues associated with this. The Water Conservancy District has done work with

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Brent Gardner at Alpha Engineering for a couple of weeks but very little, if anything, has been done to determine what the impact of a reservoir is and what the ability is to put a reservoir somewhere else. He doesn't believe that it takes 10 years. There are a lot of ways to deal with this and if the Dry Wash reservoir is the best solution, then he is all for it but this solution is larger than Ivins and Ivins needs a reservoir of 2,000 to 5,000 thousand acres, they should be going looking somewhere else. If it takes a few years to do this right, he suggested that they spend the time to do that so they can really research and find out what is the best solution for the community. It is an area that he has worked on for the last 30 years. He made his first presentation to SITLA on this property and this idea in 1994 and has been working with SITLA on the 440 acres that is adjacent to Kayenta ever since. His frustration was not that they shouldn't be solving the water problem, his frustration was that they are not spending enough time looking for other options. **Council Member McDonald** referred to Terry Marten and commented if this is the only available site, he inquired if Terry Marten would be okay with the reservoir being there and suggested that the City post-pone what is before the Council tonight to get thru the next few months to see if this is going to work. **Zach Renstrom** commented that he would like to take some time to look at this but there is a sense of urgency because of the environmental documents, this application and the current Ivins City building moratorium. **Terry Marten** stated he would abandon this request as it relates to the land in question for the reservoir so that they can do this right. He would like to see a smaller reservoir than is planned. **Brent Gardner** clarified that the original plan in the environmental document in Graveyard wash was to be 2000 acre feet and the Dry wash reservoir was to be 3000 acre feet but Terry Marten has expressed that he would like to see a 1200 acre feet reservoir build at a lower level. When building a dam, it is much less expensive to build a larger one than it is to build two (2) or three (3) smaller ones. The cost is 2 to 3 times more to build smaller reservoirs. **Mayor Hart** requested the time sensitivity of this. **Zach Renstrom** clarified that the environmental document for the Dry Wash reservoir expires in the year 2024 and if that occurs, they would need to go through a full environmental review. The dam would need to be significantly under construction for the environmental document to still be valid. To be significantly under construction takes approximately a year and a half. Another issue is that the Water Conservancy District needs to bring these projects on as soon as possible because construction in the County is going on so fast that they need new the water projects to make sure that the County has water for its citizens. Ivins City's moratorium is also pushing this discussion along much faster and commented that if Terry Marten will withdraw his application for a zone change as he indicated, that would give the Water Conservancy District more time to have those discussions and that would be helpful. By the end of this year, the Water Conservancy District is going to need to know where they are at with this. They do have water for the growth that is occurring now but if we don't bring on these projects, the County would eventually run out of water, especially on the side of the county. He commented that if you were to think about it, the County has Quail reservoir, Sand Hollow reservoir and now Toquerville reservoir, all on the east side of Washington County. When it comes to this side of the County, the only reservoir is Gunlock and that is why the Water Conservancy District is pursuing additional storage on the west side of the County. **Mayor Hart** inquired of Terry Marten if they were to take more time to study this, would he agree to wait to pursue anything. **Terry Marten** clarified that he would like to move forward on the eastern part of his project that does not include the horsehead. If that would make the city more comfortable then he is happy with that. **Mayor Hart** inquired of Dale Coulam as to the process for that. **Dale Coulam** clarified that the City Council would need to deny the zone

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change on the horsehead and then the rest of the zone change could be granted. **Terry Marten** indicated that it may be more economically efficient to build a 2000 acre feet reservoir and solve the problem over a longer period of time. They could talk about building a smaller reservoir and really look at the cost difference because he wasn't sure that a bigger reservoir would actually cost less money because the larger reservoir would require two (2) dikes to be built and the Water Conservancy District would be required to purchase his property. He thought that a smaller footprint make sense and that they need to do the right thing for the community. **Lance Anderson** suggested to Terry Marten that he agree to not touch the horsehead for one year. **Terry Marten** agreed. **Council Member Larsen** inquired how long they could push this process back and still use this Dry Wash reservoir. **Zach Renstrom** reiterated that the environmental document expires in the year 2024 and they have a year of planning to look at and analyze this and look at additional sites. **Council Member Larsen** inquired how soon a reservoir would need to be in place on the west side of town. **Zach Renstrom** stated that it depends on how fast Ivins, St. George, and Santa Clara grow. They have been growing at a rapid rate the last two years and if that continues, these projects need to come online quick. Ivins City is in a peculiar situation because the water line goes all the way from the water treatment plant in Hurricane and comes all the way over to Ivins. There is only so much capacity in that line and Ivins is using that at full capacity so the Water Conservancy District has purchased additional capacity in that water line and are letting Ivins use that additional capacity. Trying to build another pipeline all the way from the water treatment plant to Ivins would take four (4) or five (5) years of planning and millions and millions of dollars. **Council Member Larsen** inquired if there is a good chance that Ivins will need that reservoir in less than five (5) years. **Zach Renstrom** stated yes, they need to do something on the west side of the county. **Dale Coulam** referred to Terry Marten and Lance Anderson and commented that rather than have the City Council deny the application for the horsehead, he inquired if they would be willing to withdraw that and allow the rest to proceed, allowing the City Council to make a decision. **Lance Anderson and Terry Marten** indicated yes **Mayor Hart** commented that it boils down to a very important decision. The City Council is hearing Zach Renstrom and Brent Gardner say something has to be done on this side of the county and quickly. The City keeps hearing that we need to look at other options. They have looked at the other options so in good faith we will look at other options but we still have to do that in a short period of time. This is an important decision and needs to be done correct. If the Water Conservancy District comes back and says look, here are the issues with these other sites and the Dry Wash in the best location for a reservoir. **Terry Marten** commented that he just wants to look at the other options and see if there is a better solution. **Mayor Hart** inquired of Brent Gardner as it related to more time and additional research. **Brent Gardner** that they could get this done within the moratorium period and it would not take a year. They will look at the Motoquoa site but indicated that both sides need to have open minds. **Chuck Gillette** expressed his thoughts that they need something soon, within two (2) to three (3) years. The faster we can move with a solution, the better. **Lance Anderson** indicated that he would like to be included in the meetings with the Water Conservancy District because if they are going to give up their property, they want to understand why things are being done the way they are and they just want to be part of the process.

Zach Renstrom clarified that the Water Conservancy District does not have a year to decide and sees this coming to a conclusion in the next few months because it needs to be decided soon. **Mayor Hart** referred to the current agenda item for the other portion of the zone

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change. **Dale Coulam** clarified that if the Mayor and City Council are concerned about water and limiting building permits, this is the stage to do that but that they need to be consistent from here on out. **Council Member Mehr** commented that they are concerned about water but they are more concerned about the reservoir. He referred to the applicant withdrawing their application for a zone change from RA-5 to RE-15 and inquired if they can do that or if a new application was required. **Dale Coulam** clarified that they could do that and that they have stipulated to it on the record.

MOTION: Council Member Johnson moved to approve Ordinance No. 2021-16, an Ordinance of Ivins City, Utah, regarding a zone change from RA-1 to R-1-5, as amended
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

Roll call vote. All Council Members were in attendance and voted in favor.

F. Discuss and consider further direction for the Arts Commission regarding vacant roundabouts and details of the Arts on Loan option versus purchasing

Judith Kapuscinski is the Chair of the Arts Commission and referenced a maquette of a piece of artwork by artist Craig Harrison that was presented to the City Council a few years ago. The statute is a bristle cone pine made out of wire and the Mr. Harrison's son had helped him with the wire in the peace when his son passed away. The approximate price for the piece was $225,000. She contacted Mr. Harrison and he indicated that he was still interested in commissioning the piece but that the cost would be more than it was in 2014. That could be considered for purchase and he understood that a Request for Proposal was not required because it is a single source. She could put information together regarding that piece, with the thought that it would be placed in the roundabout across from Canyon Crossings. **Mayor Hart** indicated that local artist Lyman Whittaker may want to display his art in a roundabout. **Judith Kapuscinski** referred to the Art on Loan program where artists are solicited, their art is displayed for a year in the City and then the City either purchases the art or leases the art after one (1) year of being on display. **Council Member Mehr** stated that he did not want to do the Art on Loan program because some art that has been displayed in St. George has been different and he would prefer to own the art rather than lease it. **Judith Kapuscinski** clarified that the City Council would decide which pieces would be displayed. **Council Member Gordhammer** thought the opposite of Council Member Mehr in that she liked to see change and the roundabouts could be used as a way to highlight different artists and would likely be less expensive for the City to have it on a loan program rather than purchase. She was in favor of obtaining additional information on the bristle cone pine piece, as well as contact with Lyman Whitaker and suggested that the roundabout at 400 West could be a test. **Judith Kapuscinski** offered to obtain more information from Craig Harrison and if the Council decides against the purchase of that piece, she suggested that an RFP (request for proposals) could be done at that point. She would contact Lyman Whitaker and commented that the 400 West roundabout could be a beta test. The **Mayor and City Council** agreed.

G. Discuss and consider approval of purchase of two Ford Explorer Interceptors for Public Safety

Chief Flowers reported that they have been trying to find vehicles but it is hard right now. It has been recommended by Ivins Fleet Maintenance Mechanic to switch from using the Ford Ecoboost engines. He has found the vehicles identified in the staff report. He prefers the Chevy Tahoe but they are expensive at a cost of $70,000 each. He doesn't understand the technology of the vehicles that they are looking to buy and the Fleet Mechanic was also concerned with them but **Chief Flowers** indicated that he was satisfied with the warranty that covers the vehicles. **Mayor Hart** inquired if the purchase of these two vehicles was budgeted for. **Chief Flowers** indicated that they were. **Council Member McDonald** referred to them being hybrid and commented that the heat in this area is the biggest concern for the batteries but stated that if they're Interceptors, they should be okay. He did comment that these vehicles have a lower resale value. **Chief Flowers** reiterated that he preferred Chevy Tahoes but that they are twice as expensive.

MOTION: Council Member McDonald moved to approve the purchase of two Ford Explorer Interceptors for Public Safety, not to exceed $75,220
SECOND: Council Member Mehr
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

H. Continued discussion and consideration to approve Ordinance No. 2021-12, an Ordinance of Ivins City, Utah, further updating regulations for Outdoor Lighting

Council Member Mehr referral to commercial lighting being 3000 kelvins or less and inquired if that creates an inconsistency or if it mattered. **Council Member Larsen** commented that it did not matter because it allows for options to be at 3000 kelvins or less.

MOTION: Council Member Gordhammer moved to approve Ordinance No. 2021-12, an Ordinance of Ivins City, Utah, further updating regulations for Outdoor Lighting
SECOND: Council Member Larsen
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

Roll call vote. All Council Members voted in favor.

I. Continued discussion to consider approval of Ordinance No. 2021-11, an Ordinance of Ivins City, Utah, amending Chapter 9 of the Zoning Ordinance & Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements

Council Member Larsen had a clarifying question. If he were to purchase a piece of land on the edge of town and wanted to put in a white house with black windows, could he do that? **Dale Coulam** clarified the House Bill that was recently passed, prevented any regulation on color if it does not go through the subdivision process. What this Ordinance does is require a Development Agreement for every subdivision process and every commercial or multi-family project.

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MOTION: Council Member Larsen moved to approve Ordinance No. 2021-11, an Ordinance of Ivins City, Utah, amending Chapter 9 of the Zoning Ordinance & Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements
SECOND: Council Member Gordhammer
VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE
Council Member Johnson	NAY
Council Member Mehr	ABSTAIN

Roll call vote. One Council Member abstained and one Council Member voted in opposition. The motion passed.

J. Continued discussion regarding Impact Fee Facilities Plan and Impact Fee Analysis for Public Safety and set a Public Hearing

Dale Coulam indicated that this needs to be continued for the City to receive more information.
MOTION: Council Member Mehr moved to continue
SECOND: Council Member Larsen
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

K. Discuss and consider approval to purchase servers and telecommunication switches

Cade Visser reported that there are several IT items that need to be replaced or upgraded. The City is currently renting hardware that will be returned when the new City Hall is complete and there is additional hardware that is nearing the end of the expected useful life. The recommendation is to replace the servers and switches over in the next several weeks for the new City Hall to be fully operational. **Council Member Larsen** referred to the labor description of $100 per man hour and inquired if that was above and beyond. **Council Member Mehr** commented that is part of the overall quote. Cade Visser indicated that he spoke with Mark Stauffer with IT Services and he stated that the estimate is on the high-end. **Dale Coulam** clarified that they would like to get the order in tomorrow if possible because chips are in short supply now and they want to make sure servers are available and can be in place at the new City Hall.
MOTION: Council Member Mehr moved to approve the purchase of servers and telecommunication switches, total cost not to exceed $50,000 and labor not to exceed 60 hours and charged at the actual number of hours
SECOND: Council Member Larsen
VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

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6) CONSENT AGENDA

A. Approval of expenditure for leasing sonar sewer inspection equipment

Council Member Mehr inquired why this equipment was being leased rather than purchased. **Chuck Gillette** clarified that it is not available for purchase because it is proprietary. It is the same technology that the City used two (2) years ago.

B. Approval of City Council Meeting Minutes for August 19, 2021

Minutes - DRAFT

C. Approval of City Council Work Meeting Minutes for August 26, 2021

Minutes - DRAFT

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

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Mehr reported that long-time resident Irvin Ence passed away this past week and was 96 years old. He reported that there will be a National Day of Service on September 11th that is an area wide effort to clean up trash throughout the County and Ivins area will be on old Highway 91 from the Santa Clara border and will start at 7:00 a.m. by the two churches.

Council Member McDonald no report

Council Member Johnson reminded the City Council that Heritage Days is next week, with the Mini-Miss Princess Pageant on Wednesday evening at the old church on Center Street and Main Street, booths on Friday and Saturday and a parade Saturday morning.

Council Member Larsen would like the City to take a look at land use and zoning. Mayor Hart commented that starts as a hand off to the Planning Commission to go through the City and figure it out.

B. Mayor

Mayor Hart reported that as part of Heritage Days, the public will be able to walk through the new City Hall. They will also be holding an emergency fire drill on Friday September 10th where people will go the disaster boxes, the zone leader will radio in and count the number of individuals who respond to the disaster box. He reported that the statue that was at the Center Street/Tuacahn Drive roundabout, was successfully moved to the new City Hall.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that there are ARPA (American Rescue Plan Act) funds available through the State of Utah for cities and we will receive half this year and the other half next year. The State is also set aside $50M to allow cities to apply matching grants. He met with Cade Visser and Chuck Gillette and with water as the highest priority they propose submitting an application in the near future for a matching grant to install a secondary water tank and also use our first installment of ARPA money for that purpose.

D. Items to be placed on future agendas

Go through analysis of the zoning and land use with Planning Commission

9) CLOSED MEETING

10) <u>ADJOURNMENT</u>

MOTION: Council Member Mehr moved to adjourn

SECOND: Council Member Larsen

VOTE: The motion carried.

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Gordhammer	AYE
Council Member Larsen	AYE

The meeting adjourned at 9:34 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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