IVINS
CITY COUNCIL
MINUTES
November 18, 2021

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.

STAFF: City Manager/Attorney Dale Coulam, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: Judith Kapuscinski, Diane Patrick, Dan & Jan Brown, Patrick Manning, Lance Anderson, Nancy Martinez, Zach Renstrom, Hannah Guyman, Sharon Barton and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged there was a quorum present. All Council Members were present in the City Council Chambers.

B. Flag Salute

Council Member Larsen led the Flag Salute

C. Invocation

Council Member Larsen gave the Invocation

D. Disclosures

Council Member Larsen disclosed that he and a business partner have a $1,000 refundable deposit down on Black Desert Resort. He also disclosed that applicant Jon Crockett was a good friend of his and he has provided rain gutters and other installations on his projects. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Black Desert Resort Phase 1, located at approximately Snow Canyon Parkway and Black Desert Drive. Enlaw, LLC-Owner. Brett Henke-Applicant

Mike Haycock reported that this subdivision consists of 17.07 acres and is zoned RC (Resort Commercial). The proposed lots and improvements are in compliance with Ivins City Ordinances.

B. Concept Plan Report for Black Desert North Estate Village, located at approximately Snow Canyon Parkway and Black Desert Drive. Enlaw, LLC-Owner. Jared Madsen-Applicant

Mike Haycock reported that this subdivision consists of 31.50 acres, is zoned RE-20 (Residential Estates-minimum lot size 20,000 sq ft) and RC (Resort Commercial) with a total of 36 lots. The proposed lots and improvements are in compliance with Ivins City Ordinances.

C. Concept Plan Report for Black Stone, located at approximately Main Street and Old Hwy 91. John and Ellen White-Owner. Jon Crockett-Applicant

Mike Haycock reported that this subdivision consists of 9.08 acres, is zoned R-1-7.5 (Single Family Residential, minimum 7,500 sq ft lots), with a total of 25 lots. The proposed lots and improvements are in compliance with Ivins City Ordinances. **Council Member Larsen** inquired if this would be a situation where a Development Agreement would kick in requiring that a certain percentage be sold to owner occupants. **Dale Coulam** indicated that it may but he would

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have to review that against the Development Agreement. **Council Member Mehr** referred to a public street coming together at Main Street and Highway 91 and was concerned with that. **Chuck Gillette** stated that was currently the only place for access but this is a Concept Plan currently so the cities TRC (Technical Review Committee) will look at that.

D. Concept Plan Report for Serenity Estates, located at approximately 600 South Main. Shae Financial Group, LLC-Owner. Frank Allen-Applicant

Mike Haycock reported that this subdivision consists of 6.12 acres, is zoned R-1-10 (Single Family Residential, minimum 10,000 sq ft lots), with a total of 19 lots. The proposed lots and improvements are in compliance with Ivins City Ordinances.

E. Concept Plan Report for Kwavasa Phase 2, located at approximately 600 West (Kwavasa Drive) and Keleva. Kayenta Development-Owner. Lance Anderson-Applicant

Mike Haycock reported that this subdivision consists of 30.34 acres, is zoned RE-43 (Single Family Residential, minimum 43,000 sq ft lots), with a total of 32 lots. This is an amended plan, with lots being added as well as a connection and a road on the south end. This is a conventional subdivision and the proposed lots and improvements are in compliance with Ivins City Ordinances.

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

Mike Haycock reported that for the year-to-date, there have been 190 residential building permits issued, 123 other related permits, 6 commercial permits and quite a few solar permits. **Chuck Gillette** reported that the City is in the midst of sewer maintenance and cleaning the pipes. They are getting ready to start the pavement management project. **Council Member Johnson** referred to there being different pavement processes depending on the road and inquired how long those would take. **Chuck Gillette** stated that it is a one day process for a skin patch. They then wait awhile and then chip seal the road, which is one day process and then another full day process to finalize the maintenance, for a total of three (3) full days of disruption but will not occur consecutively.

Cade Visser reported that there was nothing significant to report. Departments are maintaining their expenses and revenues. The Auditors will be present to report to the Mayor and City Council at the December 2nd meeting where they will give their official report. The City will be implementing a new AP (Accounts Payable) system to reduce the issuance of checks and issues as it relates to mailing checks, and paying a majority of the payables by credit card.

G. Planning Commission Report

Commissioner Anderson reported that the Planning Commission was presented with the same Concept Plan reports that were provided to the Mayor and City Council tonight. The Planning Commission also approved a Final Plat for the Unity Village subdivision, Phase 1-D of the Mojave Mesa subdivision and Phase 1-B of the Mojave Flats subdivision. They also had an initial discussion regarding the Land Use Plan and maps where a committee will be put together to go over those.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

A. Citizen requests to be placed on a future agenda

None

4) PUBLIC HEARING AND ACTION ITEMS - NONE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. *Discuss and consider approval of Resolution No. 2021-15R, a Resolution of Ivins City, Utah, appointing member to the Arts Commission

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Mayor Hart indicated that he sent the City Council an application and commented that his appointee is Jenny Plecki. **Jenny Plecki** stated that she is currently employed at Southern Utah University as an Administrative Assistant in the Music Department. She has an undergraduate degree in Fine Arts and is continuing on for her Arts Administration Master's degree. She is very dedicated to the Arts and has been a resident of Ivins City for approximately 20 years and is hoping to make a difference in some way.

MOTION: Council Member Mehr moved to approve Resolution No. 2021-15R, a Resolution of Ivins City, Utah, appointing member to the Arts Commission
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

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

B. Discuss and consider approval of Resolution No. 2021-14R, a Resolution of Ivins City, Utah, appointing a Planning Commission Member.

Mayor Hart stated that there was one applicant, David Robinson, that applied for this position and commented that he was impressed with the applicant and has applied to be involved in the past. **David Robinson** indicated that he has a history in Ivins and has lives in Ivins for 28 years. He has been involved in construction, general contracting, done some development work and managed a supply house for construction. He loves Ivins and is looking forward to serving.

MOTION: Council Member McDonald moved to approve Resolution No. 2021-14R, a Resolution of Ivins City, Utah, appointing David Robinson as a Planning Commission Member
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

C. Update on putting a reservoir in Ivins - Washington County Water Conservancy District

Zach Renstrom with the Water Conservation District provided an update on the Dry Wash reservoir. There is an existing line that runs from Gunlock reservoir, all the way down to the sewer reuse plant in Saint George and that line carries water both ways, depending on where the need is. That is how the water will go into this Dry Wash Reservoir and is another reason why this site was selected a long time ago. The District can connect right into that pipe and it will be part of the operation. The pipe also goes up to Ivins Reservoir and could be connected to another possible reservoir site in Graveyard Wash. The Dry Wash site has been talked about as a reservoir for years and years and in 2004, the Water Conservancy District went out on site and did some geotechnical work where they drill holes, start doing the surveying and similar. They found that it was a feasible site for a reservoir and would hold water very well because of the clay material at the site. There were two things that came out in this process, one (1) being that

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the Shivwits Band would receive a certain amount of the water flowing in to the Santa Clara River. and second (2) they would be entitled to 2000-acre feet of water out of the sewer reuse plant in Saint George. Part of that was to construct and develop the line and to build the reservoirs. At that time, the reservoirs weren't needed quite yet and that's one of the reasons why they weren't built immediately but they were always anticipated to be built around this time. One of the urgencies with the Dry Wash site is that the Final Environmental Assessment is expiring. That assessment said this is a site and the District now has a deadline to get the reservoir built or under significant construction by 2024. If that does not occur, the whole process has to start over. To put that into perspective, the District just completed that process for the Toquerville Reservoir and it took approximately eight (8) years and over $5 million dollars to get that document completed. As part of that environmental review process, there were a lot of sites that were looked at, but they spent a lot of time analyzing three specific sites. These now are located in the new turtle habitat zones but even back then they realized that these three sites were not good based on geological reasons or because of environmental reasons and eliminated those. While working with Terry Marten, they also went over to the Anasazi area. Terry Marten owns some land over there and he proposed the site over there. They spent some time going and looking at that site and did some analysis on it but it would not give the District the amount of the capacity they are wanting and there were also some other concerns and the District decided that it was not a feasible site. Another question that came up in this was the possibility to do an underground storage facility in the area. Those are constructed in two (2) ways. One way is they take the water and treat it and then inject it into the ground. To inject water like that, the State requires that it is treated to a higher standard than drinking water. With drinking water, you can have chlorine in there and some of the byproducts from chlorine. but if you inject water into the ground, it basically has to be sent through the reverse osmosis process to make it pure and then you need an aquafer that can handle that. The other way, and an example is over at Sand Hollow Reservoir, and that is more of a recharge basin where you place a body of water above an area that can absorb that water and then it is held and you get a recharge mound. That's exactly what is being done at Sand Hollow Reservoir. If you go to Sand Hollow Reservoir and you look at all the water in that reservoir, they have the same amount of water now stored underneath that reservoir. They looked into that but the problem for Ivins is the geology is not here. There is a major fault line in Ivins and Ivins has some other fault lines and the soils are chaotic and then the land runs into the tribal area. There isn't a geological formation to hold or store water. The Dry Wash site is the site that the District would like to build a reservoir after looking at everything and the feasibility. The Conservancy District Board and Mayor Hart asked him to go and meet with Terry Marten and they have had several discussions and he has met with Lance Anderson and Terry Marten almost weekly for the last month. This site is where the District wants to build but Terry Marten does not want the reservoir. They have had a lot of meetings with Lance and Terry and talked about different options. The current reservoir plan after those meetings, will be more expensive to put in because it is down further and the District would be shrinking the reservoir from 2000-acre feet of water, to approximately 1000-acre feet of water. Because they would be lowering the water table or the height of the water, the District would no longer need the dike over on the one side. One thing that Terry Marten has asked for is that he would really like a trail on the face of the dam that would come up and go around. In their negotiations with Terry Marten, there are a lot of questions that are starting to come up that need answered and for those, the District needs direction from Ivins City. One of the questions is they are going to have a body of water and people are going to want to go to that body of water and recreate on it. From

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the District's standpoint, they don't handle or address recreation, that would be something the City would handle. He inquired what the City would like to see there for recreation and commented that if people come and recreate on it, the City is going to need restrooms and parking. This is the next area of discussion that the District is getting into. Last night at the Water Conservancy District board meeting, he presented this smaller reservoir to the board. Terry Marten was present and represented that with this new design and the negotiations that are going on, he is now a willing seller. and appreciated what had been done to shrink the reservoir down and work with him but there are still have some conditions to be worked out. The Water Conservancy District Board passed a Resolution authorizing him to proceed and the smaller reservoir will be incorporated as an official water district project. With that, he will procced with acquiring the land and retaining the engineers.

Council Member Gordhammer inquired if this reservoir would be comparable to Ivins Reservoir. **Zach Renstrom** indicated that the surface area will be similar, possibly a little bigger. **Council Member Gordhammer** inquired what the source of the water was for this reservoir. **Zach Renstrom** stated that there is a line right on a Highway 91 and they will tee off of that and run a pipe. Depending on the water year, the water will come from two sources - Gunlock Reservoir, which is where he thinks most of the water will come from but during a dry water year, there could be sewer reuse water that goes into this reservoir. **Council Member McDonald** referred to moving the dam and that a study was done to place the dam in a specific location. He inquired if the study had to be redone or if both sites were considered. **Zach Renstrom** clarified that the entire area was considered for the dam site. **Council Member McDonald** indicated that one of the major reasons this reservoir needs to be built is because we need water reservoirs but by reducing this reservoir down from the 2000 to the 1000 acre feet, he inquired if they are accomplishing what they set out to do because that is essentially half of what they thought they needed. **Zach Renstrom** stated that he prefers big pipes, big water tanks and big reservoirs but sometimes there are other factors that come into play and we have to work with people. He would love to have a bigger reservoir in the Dry Wash but he'd rather have a 1000-acre reservoir than none at all so this has been a compromise. **Council Member McDonald** inquired if that meant that they would be looking for another site for another 1000-acres feet of water. **Zach Renstrom** indicated no because they are going to be limited. What will happen is they just will not have as many tools in their tool belt to work on things and he was concerned about it but he would rather have a reservoir than no reservoir. **Council Member Larsen** inquired if Zach Renstrom felt that pursuing the 2000-acre feet reservoir was not worth the hassle. **Zach Renstrom** stated it is one of those things where the Water Conservancy District likes to be good neighbors and work with people. If he could wave a magic wand, he would go for the 2000-acre feet of water but considering that they want to be good neighbors and they want to work with people, they will make a 1000-acre feet reservoir work. It's not ideal but it is better than nothing and a good compromise. **Council Member Larsen** indicated that the Mayor and City Council receive a lot of emails from people who wants to have lawns removed and implement strict water measures and questioned if they are missing the mark by reducing the size of the reservoir by half. **Council Member Mehr** stated that he shared a similar concern and inquired if the size of the reservoir was Terry Marten's range of negotiation. **Zach Renstrom** clarified that Terry Marten does not want a reservoir there at all. Terry Marten wanted nothing and the District wanted 2000-acre feet and they settled on 1000-acre feet. **Council Member Mehr** inquired if that was driven by math or driven by some of the features about where the water levels would hit and that kind of thing. **Zach Renstrom** indicated

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that there are a couple of rock formations up in the area that Terry Marten wanted to protect and there are areas that Terry Marten would like to be part of his development. Based on those couple of issues, they lowered the reservoir. **Mayor Hart** stated when they had previous discussions about this it was he as the Mayor who stuck his neck out and asked that the Water Conservancy District negotiate with Terry Marten to try and come to an amicable resolution. For him, the threshold was for Terry Marten to become a willing seller. If that does not become the case, the District ought to pursue whatever they think is in the best interest of Ivins and the District itself. It was represented to the Council that Terry Marten was willing to sell the land now but there are some other issues. **Zach Renstrom** clarified that the price of the land, the trail system, and recreation are all outstanding issues. Terry Marten is concerned that if this reservoir drops down too low then it will be a mud hole for a while before any water is put back into it. To prevent those mud holes, they have what is called a conservation pool where the District always keeps a little bit of water in there. The District still needs to work with Terry Marten on that but right now Terry Marten is saying that he is a willing seller. If he ends up not being a willing seller, he will take it back to the Water Conservancy Board and ask them what they want to do and they may go back to the 2000-acre feet reservoir at that point. **Council Member Larson** inquired how close to existing homes the 2000-acre feet reservoir comes, versus the 1000-acre feet. **Zach Renstrom** indicated that Terry Marten told them that he plans to put homes in the area out there and that was one of the big negotiations. He wants to build a bunch of homes out here and was concerned about how a reservoir would affect the homes. The District had to get the Geotechnical Engineer to come in and figure out a way to still have a reservoir in the lower area so that Terry Marten could still build homes. There will be homes right next to the reservoir but as far as existing homes, there is only one there currently but it is not too close. There's pretty much nothing out there right now but a mountain bike trail system. It is definitely more expensive to build the 1000-acre feet reservoir than the 2000-acre feet reservoir. **Council Member Gordhammer** commented that this wasn't so much about the 1000-acre feet reservoir versus the 2000-acre feet reservoir. They have had a lot of success earlier in the year talking with communities when something was going to impact the area and she thought it would be wise for the City have a similar discussion and make it open to residents in Kayenta and the surrounding communities and present this concept and also to talk about the recreation aspect. Fire Lake Park is very close by to this location and that has caused parking issues and noise issues. She thinks that the residents of Kayenta might have a different opinion than Terry Marten on this topic and it would be worth asking. **Mayor Hart** stated that this reservoir is essential for everyone in Ivins City and is more than recreation. If there was no recreation option, he would be in favor of that. It's the water that they desperately need. Ivins secondary irrigation system is currently on hold. **Council Member Gordhammer** indicated that whether or not they add parking lots for recreation and a trail system, that is where she thought it would be good to have the residents weigh in. **Mayor Hart** stated that it would be good to open it up to the whole community and they could express their opinions about that. One of the other points that was brought up is that the District does not manage recreation and similar. They take care of the dam and the water and Ivins City is to participate in the management of this, particularly in the areas of insect control and dust control. If there are recreational components like are at currently at Fire Lake Park, law enforcement would be included in that. **Council Member Johnson** commented that since the price has not been negotiated yet, if the price is beyond what the District is willing to pay, she inquired if the District would proceed with condemnation. **Zach Renstrom** indicated that he talked with Terry Marten about it. They will

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get an appraisal done and that's what they will have to pay, the appraised value. The District cannot pay more than that. Terry Marten is entitled to get his own appraiser and they can work through that but Terry Marten cannot arbitrarily create a number. If Terry Marten were to say he wanted something above the appraised value, then the District would have to go through the condemnation process if the price is not reasonable. **Council Member Johnson** stated that she found it interesting that the City may be possibly limiting the amount of water in the reservoir, so that a huge development can be built around the reservoir that requires a lot more water. **Council Member Mehr** indicated that it was essential for Ivins City to have this reservoir. He and other Council Members attended a meeting where they that had experts from around the State speak and the tone of that meeting was that the State is in dire need of water and they need to do everything they can to help with that. He appreciated the desire to negotiate but he did not think that homes on the upper part of the reservoir should be the driving decision. The key factors and the Council making a decision, should have to do with how much water we need and not really anything else. They have seen some ideas for water conservation but the District has said even if we did all those perfectly, it is still not going to be enough based on the growth that they are experiencing. There are many people in the community, in terms of densities, that would like to see growth slowed. They think of growth as people moving here from California or wherever, but growth includes their own children who want to live here and build or buy a home. Ivins is going to grow and they want to manage that appropriately. The Council should not be deciding how big this reservoir is because of homes that may be built. He did not mean that to be offensive but water serves all of the community and the region and this is part of a water network. He thought that they need to act and not let anything expire.

Council Member Gordhammer commented that this reservoir would be for irrigation water only and that there is no culinary water whatsoever. It would be watering lawns in Ivins. **Zach Renstrom** stated that was correct and that it would energize the whole secondary irrigation system. Ivins has done a really good job putting in a secondary irrigation system throughout the City but it is dry. Essentially they take that culinary water now, and offset it with this secondary water. **Council Member Mehr** indicated it has an indirect effect. He understood Council Member Gordhammer's point but this will impact culinary water if they don't do it right. **Mayor Hart** stated that the whole concept is that Ivins is solely on culinary water now and they are reaching optimum use of the pipeline providing the culinary water. Secondary water is essential for any growth to occur. They're interrelated; it doesn't matter which is which. **Council Member Gordhammer** inquired how many lawns and homes they can provide irrigation water for or what the difference is between a 2000-acre feet versus a 1200-acre feet for irrigation. **Zach Renstrom** stated that he had not looked at that specifically but this reservoir would be a regional facility that would supply water to Santa Clara, Ivins, and the City of St. George. The models they ran include Gunlock reservoir and the irrigators and the farmers that are still around. **Council Member Johnsen** indicated that it isn't just lawns. It has been mentioned that homes in Kayenta do not have lawns. Everybody waters things in their yard, whether it is lawns, trees or plants. It balances out so it's not just the lawns. C**ouncil Member Gordhammer** inquired if it was true that the homes in Kayenta would not receive any of the water from this reservoir for irrigation. **Chuck Gillette** clarified that this water would not go into the Kayenta system. **Council Member Johnsen** stated that it was important to remember that Kayenta is a community in Ivins and Ivins is the whole picture of what they are talking about. Just because one development in Ivins community may not be benefitting from something, the community as a whole would be benefitting and she suggested that they keep that

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in mind. **Mayor Hart** indicated that the District has given up a tremendous amount of capacity in this negotiation and what was troubling to him were the lingering conditions. There's no question that there is a benefit if there is a willing seller because the time and expense of going through a condemnation process is avoided. He personally did not believe that it was right or fair to go beyond what the District has given up and require a litany of additional requirements placed on the District or the City. That does not mean that the City is not cooperative in management or similar. The negotiations that have gone on thus far have hopefully gotten them to a point where the District can move forward. If the District ends up having to go into a condemnation proceeding to acquire land for the reservoir, then he maybe the District should take a step back and say they are going to do what is best for the communities in the long term. He heard the majority of the Council Members say that they think this reservoir ought to be done. **Council Member Mehr** stated that he was not feeling beholden to a developer on what's best for the community. That's not to say that he doesn't support the vision and everything the developer is accomplishing in the community, but water should be the primary decision maker because all they are hearing is how dire the need for water is so they should meet that need. In terms of conditions, those should be negotiated upfront. He thought that it was a great and reasonable point to accept that people are going to want to use the water to recreate and that should be considered. **Council Member Larsen** indicated that he would hate the City and District to be so near sighted that they cut 800-acre feet of water out from underneath them when there's not another good place to get that 800-acre feet of water. **Council Member Gordhammer** inquired if the Graveyard Wash reservoir was moving forward and if so, how much water that would hold. **Zach Renstrom** stated that it was moving forward and it will hold approximately 1000-acre feet of water. That has a geological limitation that limits it to 1000-acre feet. It is right by the Santa Clara City Yard and the District is negotiating with the City of St. George to be included into a regional plan and the District would pay for the construction but right now the City of St. George plans to build it and use all of the water of the City of St. George. He thought that if it is used as a regional facility, they would all be better off. **Mayor Hart** referred to Graveyard Wash and commented that would have to be pumped up for it to provide any benefit to Ivins City. It would primarily be for Santa Clara and below. **Mayor Hart** referred to the Shivwits Reservation to the west and commented that they have some areas that would be worthy reservoir sites and inquired if the nature of the Reservation keep the District from looking seriously at doing something there. **Zach Renstrom** indicated that the District did look at geological formations where they could store water and there were a couple of smaller sites that could possibly store water but not good ones. It would go back to having to start the whole environmental process again and the District could see that they would not hold as much water as the Dry Wash reservoir. What is nice about the Dry Wash site is that the District has a pipeline there that can easily be connected to. A couple of the sites that the District was looking at are higher up on a hill and requires them to pump up a lot higher and more pressure than the Dry Wash reservoir. **Mayor Hart** inquired if it was Zach Renstrom's hope that he would leave this meeting with a sense of what the City wants the District to do. **Zach Renstrom** stated yes. The District wants to be a good neighbor. They like cities to be their partners and he would be going back to the District and reporting what had been asked of him and how they should proceed. The District is going start retaining experts and dam engineers to keep the project moving. **Mayor Hart** thanked Zach Renstrom for doing what he asked and thanked Terry Marten and Lance Anderson for sitting down and trying to sort out the options. **Lance Anderson** indicated that Terry Marten keeps getting referred to as the developer.

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The property used to be owned by Floyd Ence and his stepdaughter had inherited the land through her mother. They needed to sell it, so he and Terry Marten bought the property. They then bought the Graff property to create this concept. Since 2004 they had been told off and on that this reservoir wasn't going to be built. He and Terry are currently in the process of purchasing the SITLA property but then the District stepped in and said that they need to build a reservoir there now. He and Terry have literally spent two years appraising and getting those things done because they have been planning on obtaining the property for years. They have a water line that runs down through there and they have right of entry with SITLA. On the Master Plan, there is a road through there that they had to have for connectivity. They never said they don't want a reservoir there. Terry Marten has worked with SITLA and even helped him on the price when they got the appraisal done. He has talked with the Council about putting a park down through the rocks where the rock formations are. It's a nice place for a park. Terry Marten wants to try and turn that over to open space for a park. He was not disagreeing that it is not a good place for a reservoir. He was frustrated with listening to wanting a 2000-acre feet reservoir. They don't need it, none of them there (Kayenta) need that water. It is for those Californians that come in and it's for everybody else that comes in. Our water is already allocated. The water is for future growth. They have worked trying to protect the area. It isn't about putting a few homes there. They have submitted an application for homes and it was taken away because of the moratorium. It is important to understand this wasn't just an idea that they wanted to have today. This has been a plan for the future. When the City has puts up dikes, they have dealt with them. There is a dike on the Red Mountain and Ivins Reservoir and they have dealt with those when the dikes dry up. There is a problem with the sand, dust and gnats and how to protect the dike. They have been dealing with the weeds on the dikes themselves. They haven't gotten help from anybody. Those are just things that are real, they live it every day. The cost of the dikes were almost $2000 more per acre foot. There are other ways we can do it if they'll spend that money. They can dig the dirt out and put it out and get the same effect without so much evaporation. He wanted to get all of this story and the facts because this is just pieces of it.

Council Member Mehr inquired if they came to agree on the 1000-acre feet reservoir because of math or what was the primary objective. **Mayor Har**t clarified that the smaller reservoir was negotiated but what is best is the largest one. **Zach Renstrom** clarified that when Ivins City is built out, there will be a water deficit. **Mayor Hart** stated that theoretically there is a willing seller but there are conditions that remain and they are out of time. **Zach Renstrom** indicated that they have to get a couple of permits done and it takes one and a half to two years (1 1/2-2) for the design so they are on a critical path right to move fast. **Council Member Larsen** inquired if it was less expensive to dig the reservoir out more rather than to put in a dike. **Zach Renstrom** stated that digging out would give them some extra acre feet, but not 800-acre feet. They could possibly get up to 100-acre feet but the cost balance would be part of the final design and economic feasibility to determine that. The smaller dam moved to the south would be more expensive than the original 2000-acre feet reservoir. **Council Member Johnson** inquired who pays for the cost of building the reservoir. **Zach Renstrom** stated that the Water District would build it but it is ultimately paid for by the tax payers. Some of the reservoir may be paid for by grants from the Federal government as well. **Council Member Johnson** commented that all of Ivins residents are going to pay the extra cost for a smaller reservoir, as opposed to the bigger reservoir. **Council Member Gordhammer** indicated that the smaller reservoir would not be more expensive in

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total. **Zach Renstrom** commented that it was more economical for the smaller reservoir per acre feet if they don't have to build a dam. **Council Member Mehr** inquired what the Council was being asked to do tonight. **Mayor Hart** clarified to either agree with the negotiations reached, but they are not here with a negotiated price and it is not a done deal because of that, the trail and other elements. The trail is fantastic and he personally liked the smaller reservoir better in terms of the visual impact but he wants a reservoir done. It was huge of the District to agree to reduce the reservoir by nearly half of the capacity and the lingering issues that are miniscule by comparison, was bothersome to him as a District Board Member and as the Mayor, especially because he was insisting the negotiations. **Council Member Gordhammer** inquired if the Council needed to take action or if this was an update. **Mayor Hart** clarified that the District is requesting, with instructions to pass along, so that they can move forward. He inquired of Lance Anderson what would be a reasonable timetable to hammer out the rest of the issues. Lance Anderson stated that one of the dilemmas was that for three (3) months there was no communication with him or Terry. **Mayor Hart** inquired again as to how long it would take and commented that they would need an appraisal. **Zach Renstrom** stated that they have the appraisals from SITLA but there is a big difference in the appraisal and what Terry Marten wants. There are currently two (2) major outstanding issues, the price of the land and a water conservation amount to be retained in the reservoir. **Lance Anderson** indicated that there is also maintenance as it relates to recreation and referred to the negative impacts of Fire Lake Park on the community. **Mayor Hart** stated that Ivins Reservoir was there long before the people in Kayenta built there. **Council Member Mehr** inquired what year the SITLA property was purchased. **Lance Anderson** indicated it is in the process and started in 2021. **Council Member Mehr** referred to the concept of the reservoir dating back to 2004. **Mayor Hart** commented that with the outstanding issues of the cost of the land a water conservation acre feet, there needs to be another sit down but this needs to move forward with the final parts of a willing seller situation and then work out the price through the appraisals. **Council Member Larsen** suggested that the City move forward with the larger reservoir because they would be extremely short-sighted to give up 800-acre feet of water. **Council Member McDonald** and **Council Member Mehr** agreed. **Council Member Mehr** clarified that he didn't want that to kill moving forward. **Council Member Larsen** agreed but commented that the larger reservoir should not be taken off the table yet. **Zach Renstrom** indicated that he could retain the experts and come back and provide an update.

MOTION: Council Member Mehr moved to suspend the rules and move agenda item 5)E up to this point in the 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

E. Discuss and consider approval of expenditure to purchase new street sweeper.

Chuck Gillette reported that the current street sweeper has ran for nine (9) years but was out of commission for six (6) months last year waiting on a part. The City originally planned and budgeted to purchase a new sweeper last fiscal year but delayed that purchase because of the construction of the new City Hall. They have chosen a different brand of sweeper and are

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hopeful that it will last a little longer than the current sweeper. There are some other communities that have the Bucher Municipal sweeper and have used it as long as 20 years. The City will keep the current sweeper and use it as a backup. **Council Member Johnson** inquired if Ivins shares the sweeper with the City of Santa Clara. **Chuck Gillette** stated that Ivins does not. **Council Member Mehr** commented that this purchase is budgeted for and under budget so he was supportive of it but suggested the City look at a way to review the road maintenance plan to see if there is a way to reduce costs of maintenance. **Chuck Gillette** commented that the arterial and collector streets are swept once a week and the other streets are swept once a month so that is the concept.

MOTION: Council Member McDonald moved to approve an expenditure not to exceed $285,795, to purchase a new street sweeper
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

Council Member Mehr was excused at 7:12 p.m.

D. Continued discussion regarding Washington County Water Conservancy Districts proposed inclusions in an Ordinance for water conservation.

Mayor Hart indicated that he and other Council Members were in attendance at the water summit and inquired if there were any objections to any of the requirements proposed. **Council Member McDonald** stated that all of the proposed requirements affect new construction and not existing so he had no objection. **Mayor Hart** indicated that the Water Conservancy District is working on a prescriptive path for residential and stated that he thought that there is a need for that as well for commercial but because there are different types of commercial, that needs to be looked at. The Water Conservancy District has hired an expert that is terrific and advocates for the prescriptive method. **Council Member Gordhammer** referred to a turf replacement and rebate program that is occurring in a municipality in California and inquired if that would be going before the Water Conservancy District board. **Zach Renstrom** with the Washington County Water Conservancy District commented that right now that is on an individual basis but the State of Utah has made that a priority state-wide. **Council Member Gordhammer** referred to an app that is real-time tracking and inquired if that is an option in multi-family building. **Zach Renstrom** commented that could be a possibility and stated that most water being used is outside. If you look at New York City, they are the best water conservators in the nation because of the number of apartment complexes with no yards. **Council Member Gordhammer** referred to limiting grass to a certain square footage and inquired what that was. **Zach Renstrom** indicated 750 square feet or a percentage of the property and xeriscaping. With the larger lots, he is seeing shops, sports courts and similar being built but with older homes, there is a lot of grass. The average amount of grass being installed right now is 17%. The County Attorney is currently drafting ordinances for the other cities and they expect to see the those at the first of the year. The **Mayor and City Council** thanked Zach Renstrom for being present at the meetings and for his advice.

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F. Discuss and consider approval of Ordinance No. 2021-22, an Ordinance of Ivins City, Utah, amending Rules of Order and Procedure for electronic meetings

Dale Coulam indicated that the City already has a Resolution that outlines this but with COVID, that led the legislature to make more specific regulations in this area that is more flexible and encompasses emergencies beyond a pandemic. There is a section in the State code that he has included in this Ordinance to match the new statute requirements. **Council Member McDonald** commented that this was not saying that the Zoom meetings were going to be happening every time, just when needed. **Dale Coulam** stated that was correct and currently the City does not have the parts for Zoom application yet but the meetings are broadcast through audio on Ivins website and will be sent out on a YouTube channel in the future but the City is still waiting on parts for that as well.

MOTION: Council Member Johnson moved to approve Ordinance No. 2021-22, an Ordinance of Ivins City, Utah, amending Rules of Order and Procedure for electronic meetings
SECOND: Council Member McDonald
VOTE: The motion carried.

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

Roll call vote. All Council Members who were present voted in favor.

6) CONSENT AGENDA

A. Approval of City Council Meeting Minutes for October 21, 2021

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Johnson inquired if there was a way to get better or taller microphone for the podium because it was difficult to hear those who speak at the podium.

There were no other reports

B. Mayor

Mayor Hart reported that the ribbon cutting at the new City Hall was a nice event with 60 to 80 attendees, followed by two nice news stories. The replacement historical monument is completed and looks great.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that in the news recently it has been reported about the adverse effects of high inflation that has eaten up multiple years of raises in a lot of work places. The Social

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Security Administration came out in September with a number for a COLA, that being 5.9%. Additionally, the Kem C. Gardner Institute, KSL.com and the St. George Chamber of Commerce all announced an annualized inflation rate from October to October, of 6.2%. Traditionally Ivins has not given a COLA (Cost of Living Adjustment), but has given merit increases. He proposed bringing forward a Resolution for a one-time COLA of 6%. **Mayor Hart** commented that it would be a shame to see good people go elsewhere.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn
SECOND: Council Member Gordhammer
VOTE: The motion carried.

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

The meeting adjourned at 7:41 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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