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

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.

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

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

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

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