

**IVINS CITY
COUNCIL MEETING
Minutes
January 10, 2008**

1. WELCOME AND ROLL CALL

A. Acknowledgement of Quorum.

MAYOR AND COUNCIL: Mayor Barney called the meeting to order at 5:37 P.M. and announced that there was a quorum present. All present included Council Members George E. Elwell Jr., Michael Foot, Steve Jolley, Carol Tenczar, and Barbara Rusick.

STAFF: City Manager Judy Gubler, City Attorney Dale Coulam, City Recorder Karyl Keanaaina, City Engineer Chuck Gillette, Public Works Director Dave Glenn, Building and Zoning Administrator Kevin Rudd, Public Safety Director Wade Carpenter, Parks and Recreation Director Benny Sorensen, Administrative Services Director Ed Dickie, Planning Commission Member Jerry Blair, and Public Safety personnel.

EXCUSED: Youth Council Mayor Mark Lounsbury, Planning Commission Chairman Chris Hart.

AUDIENCE: Dave Heinstrom, Gordon Bone, Alvis Robertson, Ross Fillmore, Eva Foote, Gail Limas, Jeff Murrey, Thomas Lima, Jerry Blair, Wayne Sietz, Cheryl Sietz, Deanne Williams, LuDell Hutchings, Patrice Germain, Jared Ross, Paul Jackman, Michael Webb, Carole Webb, Chris Chapman, Richard Chapman, Shirley Chapman, Anton Goeser, Allan Goeser, Steven Roberts, Norm Hansen, Kenny Ence, Charles Bess, Kathy Ravenberg, Ron Coley, Ellis Harlin, Robert Lundin, Carole Lundin, Dave Glenn Oliphant, David Hunt, C. McDonald, Ron Ellett, Julie Ellett, Troy Dorius, Gerry Gartner, William Barker, MaryAnn Gubler, Jason Gubler, Roosevelt Gubler, Kerry Bang, Janae Bang, Rachel Connor, Doni Pack, Ryan McDonald, Susanne Webster, Lorrie Webster, Sheila McNeil, Virginia Jones, Toni Ence, Lydia Nelsen, Trig Nelson, Burma Vickers, C. Steele, Cathy Young, Jeff Hafen, Kay Ence, L. Oliphant, Andrew Hawks, David Anderson, Jennifer Anderson, Robert Mark Christensen, Kathy Callahan, R. Mark Christensen Jr., Kathy Blatter, Kevin Rudd Blatter, Jess Finlinson, Karri Finlinson, Bernard Walker, Steve Hardy, Rhonda Hardy, Darold Galloway, Bonnie Galloway, J. Koshi, Angela Hafen, Bob Steele, Annette Densley, Ron Densley, Steve Webb, Charles Vikes, Wesley Galloway, Gary Simper, Joanne Simper, Marilyn Bigelow, and others that did not sign in.

A. Flag Salute.

Council Member Elwell led the Flag Salute.

B. Invocation.

Council Member Elwell gave the Invocation.

C. Disclosures.

Council Member Elwell stated he had no conflict of interest with items on this meeting's agenda.

Council Member Foot stated he had no conflict of interest with items on this meeting's agenda.

Council Member Jolley stated he had no conflict of interest with items on this meeting's agenda.

Council Member Tenczar stated she had no conflict of interest with items on this meeting's agenda.

Council Member Rusick stated she had no conflict of interest with items on this meeting's agenda.

Mayor Barney stated he had no conflict of interest with items on this meeting's agenda.

2. REPORTS, PRESENTATIONS, AND APPOINTMENTS

A. Administration of Oath of Office for newly elected Council Members.

City Recorder Karyl Keanaaina administered the Oath of Office for newly elected City Council Members Barbara Rusick, Michael Foot, and Steven Jolley and distributed Certificates of Election to each.

Mayor Barney expressed congratulations to the newly elected Council Members.

B. Youth Council Report by Youth Council Mayor Mark Lounsbury- Excused.

C. Department Reports: Public Safety, Parks & Recreation, and Administration.

Public Safety Director Wade Carpenter reported on the basic premise of the Reverse 911 program. In the event of an emergency the system can notify citizens by text message, phone call, email, or other means in the event of an emergency. Through this system the Public Safety Department can ask the citizens to shelter in place or evacuate. There will be a presentation later this evening about the system. We are hoping this will be a shared system with the communities and agencies in the surrounding area. This is a very positive program. The system can also help with child abductions, City activities, and notification of events and meetings if desired. It has the potential to be a really useful tool and beneficial program. The Director stated that Law Enforcement has been very busy. There was a burglary at Roy's Market and a case of graffiti and the department has suspects in each of these cases. The City has purchased a used ambulance that will be equipped with extrication equipment and EMS equipment. When responding on a medical call the firefighters are trained on both EMS and fire so they could extricate the victim and transport the victims. It is a positive step to allow the department to respond in this manner. Animal control is moving head.

Mayor Barney commented that the Washington County Mayors Meeting on February 12, 2008 will be inviting the Police Chiefs to attend. The meeting should begin about 7:00-7:30 p.m. The meeting will have an update on illegal immigration issues.

Parks and Recreation Director Benny Sorensen presented a written Department Report which is attached to these minutes.

Planning Commission Report.

Jerry Blair reported that the Planning Commission met Tuesday, January 8th and reviewed a Concept Plan report on Posovi Phase 2 Subdivision; the Planning Commission took no action. The Planning Commission held a Public Hearing on the request to vacate a portion of 200 East at 100 North which is on the City Council agenda tonight. The Planning Commission recommends approval of that item. The Commission also held the first Public Hearing on proposed zone change from RA-5 (Residential Agriculture District, minimum lot size 5 Acres) to several different low density residential zones at Kayenta. There were about 40 members of the public in attendance at that meeting and 12 individuals spoke on that item. Most of the concerns expressed were to understand the scope of the changes and the main concern was the lower area where the zone change to RE-15.0 (Residential Estate, minimum lot size 15,000 sq. ft.) is being proposed and the open area around the Ivins Reservoir which is being proposed as a RE-20.0 (Residential Estate, minimum lot size 20,000 sq. ft.).

DTEC Report by Jerry Blair.

Mayor Barney explained that DTEC is the Executive Committee for the Metropolitan Planning Organization (MPO) for Washington County. This Committee does all the transportation and road planning for the County. Commissioner Blair is on the Executive Committee and he will report on the traffic issues addressed by DTEC.

Jerry Blair stated that the Dixie Transportation Executive Council (DTEC) met on December 19, 2007. DETEC approved a modification to the 2030 Regional Transportation Plan and modified the 2008-2012 Transportation Improvement Plan. Special funding was received for the interchange work at Dixie Downs which provided additional funds to bring up three (3) additional projects. Those projects include the widening of I-15 from the Arizona border to milepost 13 to add another lane, the work on SR-18 Bluff Street received additional allocated funds, and the initial work on the planning and design and the preliminary funding of the great separation as proposed at Snow Canyon Parkway and Bluff Street. These named projects will now compete with other state projects for approval and completion. These three (3) projects are now on the list for consideration. The Committee heard an introduction on the I-15 Corridor which has been named “a corridor of the future.” This designation deals with interstate transportation of goods. China has become the world’s supplier of goods and the United States is continuing to be the major consumer of those goods. China uses cargo ships that are too large to go through the Panama Canal so the shippers are using the Long Beach, California Port then transporting by truck on I-15, I-70, and I-80. It has been found that goods arrive 4-5 days faster delivered overland than when delivered by ships to the east coast. Because of this, the amount of truck traffic on I-15 in the next 10 years will be increased by approximately 40%. Designating I-15 as a “corridor of the future” will make additional funds available to upgrade the corridor to handle the increased level of traffic. Mr. Blair distributed an invitation to the Dixie Transportation Expo to be held on February 5, 2008 at the Dixie Center from 11:30 a.m.-7:00 p.m. All the major projects being proposed/planned will be presented with engineers and technicians to review the plans and answer questions. About 25 projects will be presented including the airport and the I-15 southern interchange and the Bluff Street interchange. He stated that everyone is welcome to attend this free Expo.

Mayor Barney asked if the I-15 expansion as a “corridor of the future” was a federal project and if the community would have any say in the expansion.

Jerry Blair stated that it is a federal project and that local communities are not given much say in that development or designation. The Los Angeles/Long Beach port is expanding to accommodate larger ships. The corridor itself, I-15 through St. George and Washington County, gives direct access to 80% of the United States.

3. CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Analee Talbot stated she is concerned about the Conditional Use Permit that is currently required for preschool licensing. She feels that preschools should be removed from the Conditional Use Permit process. She also commented that the limit of six (6) students for new preschool applicants should be changed. She stated there are preschools that have been operating for years that have no limit on the number of students they can have. The restrictions should be the same for everyone. She stated that the lady down the street can currently have more kids in her preschool than she can. The rules should be fair and the same for everyone.

Dale Coulam stated the City Council will address those issues when the preschool licensing process is added to the Home Occupation Business License portion of the City Code and removed it from the Zoning Ordinance. Currently the Conditional Use Permit runs with the land, so as long as that Conditional Use continues then that use is allowed. This item will be on a future agenda.

4. PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on Planning Commission’s Recommendation to Consider Amendments to the Ivins City Zoning Ordinance. Applicant: Ivins City. This is the first presentation before the City Council and no action will be taken at this meeting. Consideration of this matter will be at the next City Council meeting on January 24, 2008.

Dale Coulam stated if some of the citizens in attendance are not able to hear the proceedings because of the large group and if those individuals express a concern that they have not been able to hear all the

comments that have been made before they make their comment, the agenda item should be continued as a Public Hearing to the next meeting. This would also allow for additional comment by those who are not able to comment tonight. Minutes of the meeting will be prepared and will be made available to the public so that they will know what has been said tonight before making their comments.

Mayor Barney stated that the meeting tonight is a Public Hearing for citizen comments. The City Council will take no action on this item this evening. The City Council will listen to the public comment but will not engage in a dialog. The Council will discuss the proposed changes and the comments received at a later date after everyone has had an opportunity to be heard.

Kevin Rudd stated he is the Building and Zoning Administrator for Ivins City. Part of his job is to administer the Zoning Ordinance. The current Zoning Ordinance was passed in 2004 and from time-to-time staff, the City Council, and the Planning Commission review sections of the Zoning Ordinance to see if it is working well. Tonight there are several amendments being proposed to the Zoning Ordinance that staff and the Planning Commission felt made needed changes and/or clarifications. Anyone can propose an amendment to the Zoning Ordinance. Once proposed the amendment goes to the Planning Commission and the Planning Commission reviews the proposal, holds Public Hearings, and then makes a recommendation to the City Council for action. The Planning Commission held three (3) properly noticed Public Hearings on these proposed zoning amendments before making this recommendation to the City Council. Mr. Rudd presented the following synopsis of the Zoning Ordinance proposed amendments.

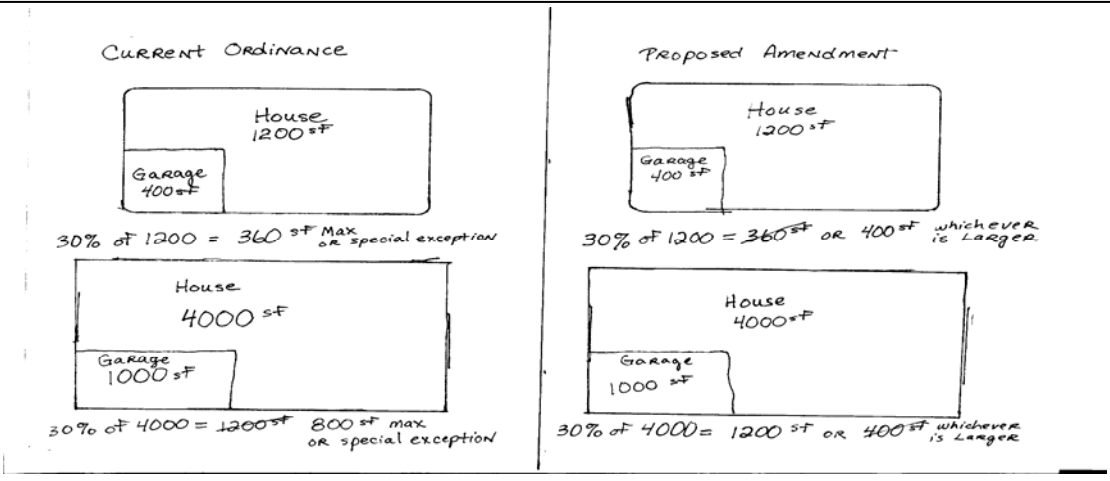
- 1. Guest Houses and Casitas.** Ivins City has a liberal ordinance that allows Guest Houses. There are limitations on the square footage of a Guest House/Casita. Mr. Rudd reviewed the proposed changes to liberalize the Guest House/Casita Ordinance as follows:

CURRENT ORDINANCE:

5) Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be two hundred (200) square feet.

PROPOSED AMENDMENT:

5) Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or four hundred (400) square feet, whichever is larger.



Mayor Barney stated that the Casita Ordinance is for guests who come to visit and they are not to be used for rental units. This allows for additions to house short-term guests.

2. Proposal to allow Accessory Metal Carports in selected areas of the City.

CURRENT REGULATIONS:

General rule-Carports must meet the same criteria as Garages, as per Chapter 34 Zoning Ordinance - Definitions.

Carports must be of similar architectural design as the primary building.

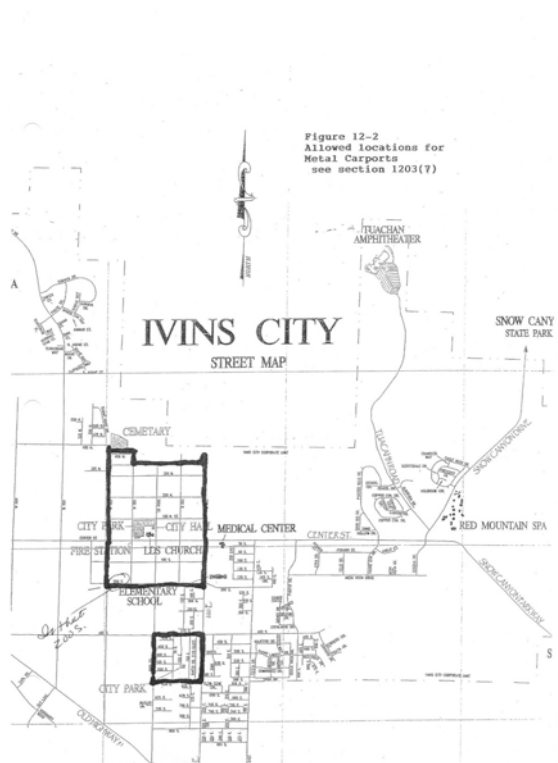
Maximum size 50% of the footprint of the primary building.

Cannot exceed height of primary building or 20' which ever is lower.

PROPOSED AMENDMENT:

Accessory Metal Carports are allowed in those areas identified in figure 12-2 provided they comply with the following.

- (a) Maximum size 12' x 22'
- (b) Maximum height 10'
- (c) Constructed of 26-gauge steel or aluminum with a baked on finish to be compatible with the exterior finish of the primary residence. Poles supporting the carport shall be wrought iron or of a metal material compatible with the exterior of the primary structure
- (d) Comply with setback requirements of Section 1203(3).
- (e) Engineered to resist a wind load of 90 mph.
- (f) No more than one metal carport shall be permitted for each dwelling unit.
- (g) Carports constructed of corrugated metal, fiber glass panels, and fabric materials are expressly prohibited.
- (h) Carports shall be permanently open on three sides from the grade surface to the eave line



3. Proposed changes to modify and liberalize RV Parking Restrictions.

Kevin Rudd stated that the current Zoning Ordinance states that an RV cannot be parked in the front yard set-back and that the maximum number of RV's allowed on a lot is two (2). The Administrator saw how many residents could not comply with the Ordinance as written so these amendments have been proposed to change and liberalize the Zoning Ordinance to allow more uses.

CURRENT ORDINANCE: 16.12.111

PARKING REQUIREMENTS OF PRIVATE RECREATIONAL VEHICLES IN RESIDENTIAL ZONES:

The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment owned by the property owner, may be parked, subject to the following:

- (1) Recreational vehicles, including boats, travel trailers, motor homes, horse trailers, similar vehicles kept in reasonable repair and operable condition, may be located in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard and screened from front yards and streets by a wall, fence, gate, landscaping, or other suitable screening material(s).
- (2) A mobile home, travel trailer, recreational vehicle, boat, camping trailer, or truck camper may be located in the front yard for the purposes of loading and unloading for a period not to exceed forty-eight (48) hours.
- (3) A recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer, or similar recreational vehicle shall be occupied for a period greater than thirty (30) days.

Zoning Ordinance Table of Uses 33-11

Maximum of two (2) Recreation Vehicles stored or parked for a period greater than 48 hours and owned by the property owner.

PROPOSED AMENDMENT: 16.12.111

PARKING RESTRICTIONS:

(1) Private Recreational Vehicles in Residential Zones. The location or storage of mobile homes, travel trailers, boats, camping trailers, truck campers and other recreational vehicles and equipment less than forty feet (40') long and owned by a resident of the property owner may be parked, subject to the following:

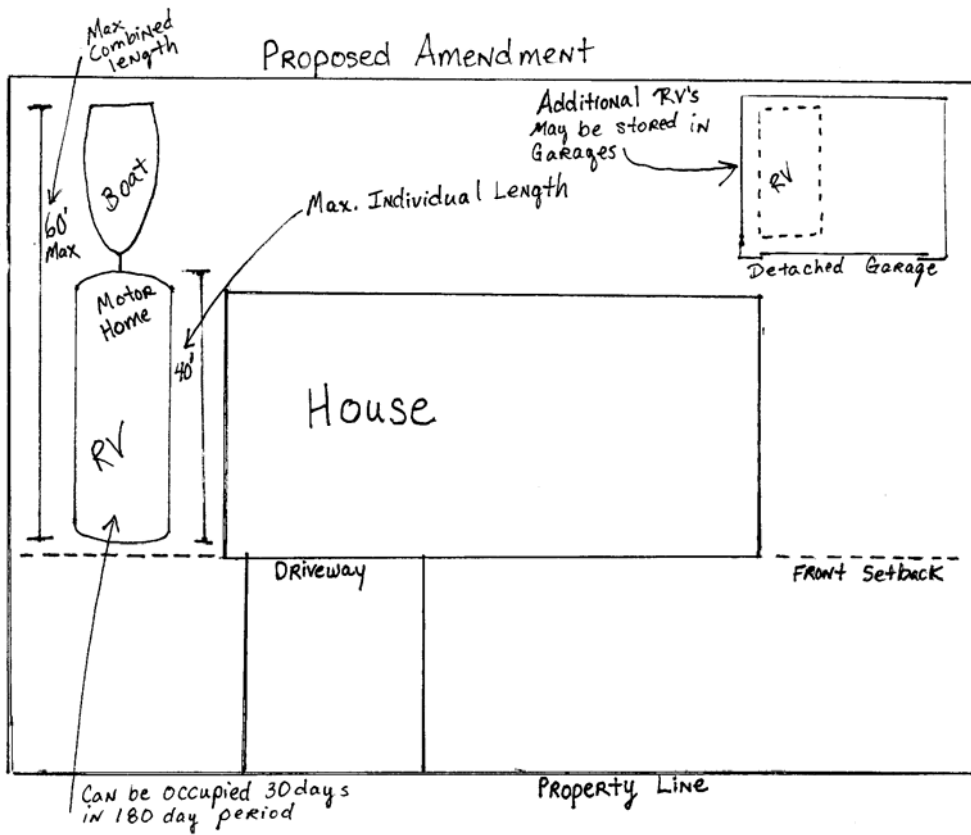
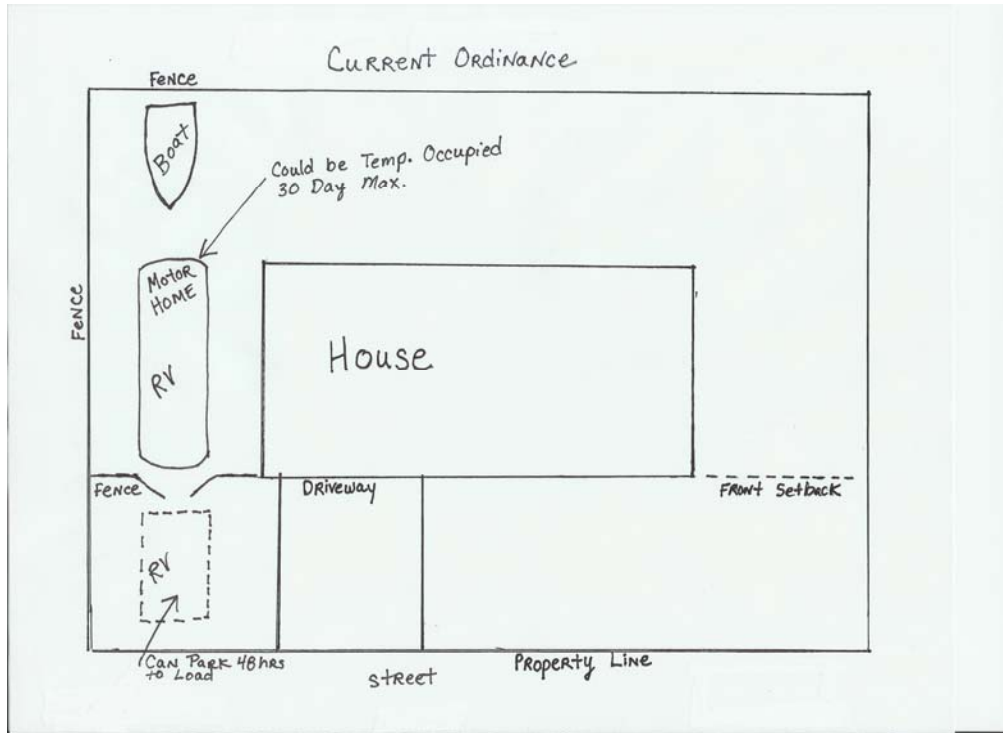
(a) A maximum of two (2) recreational vehicles (see table 33-11), including boats, travel trailers, motor homes, horse trailers, similar vehicles kept in reasonable repair and operable condition, may be parked in the rear yard or side yard, provided the total length of the two (2) recreational vehicles is does not exceed sixty feet (60'); one (1) such allowed recreational vehicle may be parked in the front setback only in the event:

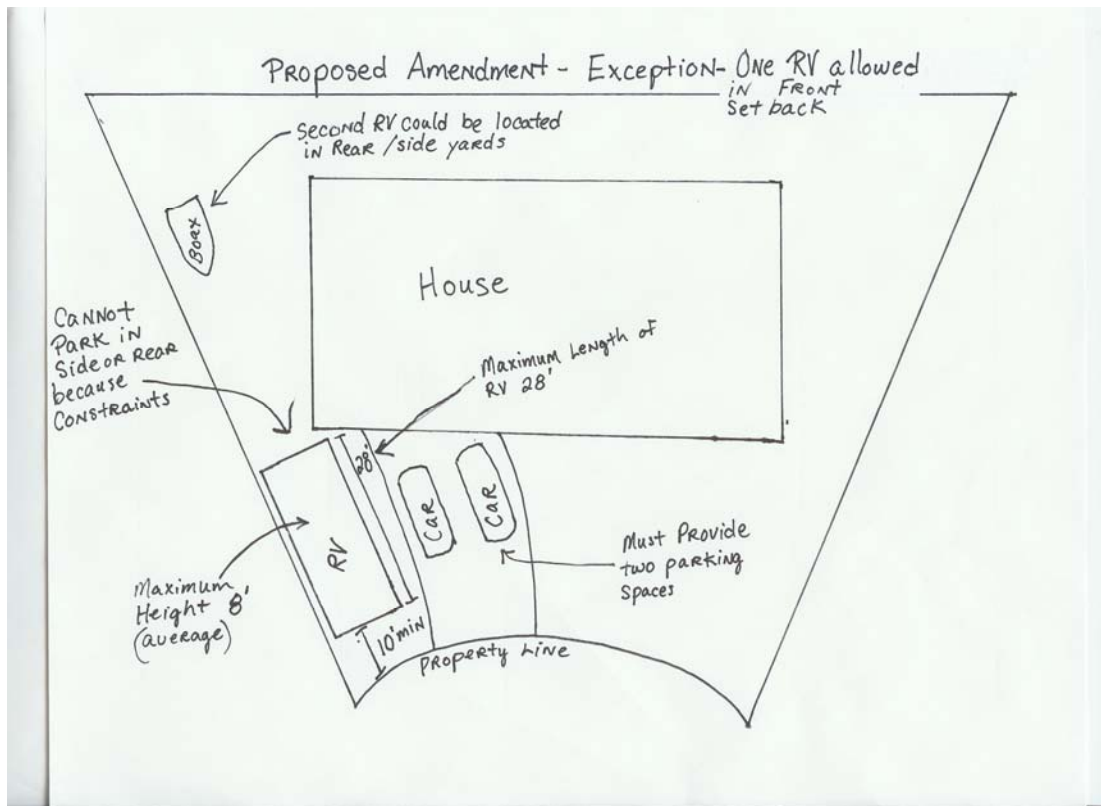
- (i) the lot or property has constraints which prevent parking in the side or rear yards;
- (ii) the recreational vehicle is parked on a driveway in such a manner that it does not intrude into a right-of-way or access easement or obstruct sight visibility from adjacent driveways, rights-of-ways, or access easements, and in no event is within ten feet (10') of the front property line;
- (iii) so doing will not reduce the required two (2) off-street parking spaces for residences; and
- (iv) the recreational vehicle does not exceed an average height of eight feet (8') nor a length of twenty-eight feet (28').

(b) There is no restriction to the number of recreational vehicles when parked in a detached or attached garage.

(c) A recreational vehicle may be occupied temporarily by family members or guests of the owner for a period of no greater than thirty days in any consecutive 180 day period.

RV Parking Example Diagrams:





Kevin Rudd stated that if any member of the Public wants to talk with him about the proposed changes he will be happy to sit down and discuss the proposed changes in detail.

4. Proposed changes to Commercial Vehicle parking and storage in residential areas.

The Ivins City Home Occupation Business License limits business vehicles to two (2) that cannot exceed the size of a one-ton truck.

CURRENT ORDINANCE:

Ivins City Code - 7.06.203 Storage of Personal Property.

(3) Personal Property defined as a Nuisance:

(d) Unsheltered construction, farm, or other large vehicle or equipment that is not permitted in the zone where it is located.

Ivins Zoning Ordinance – Chapter 33-1 Table of Uses Residential Zoning Districts.

“A Use not identified in the Table of Uses is determined to be a prohibited use within Ivins City”

The parking and storage of commercial vehicles/equipment is not listed on the table of uses in residential zones.

PROPOSED AMENDMENT:

Commercial Vehicles in Residential Zones.

(a) Commercial vehicles exceeding 12,000 pounds in gross vehicle weight, construction equipment including backhoes, graders, skid loaders, bobcats, trailers, compressors, etc and similar equipment are prohibited from being parked or stored in all residential zones.

(b) Exceptions

(i) Vehicles and equipment used in a business may be parked in a residential zone when making pickups or deliveries or when being used in conjunction with the performance of a service on a property within a residential zone.

PROPOSED AMENDMENT (*Continued*)

(ii) Construction vehicles and equipment may be parked on property in a residential zone, when such is being used in conjunction with a current construction / building permit

(iii) Vehicles and equipment owned and operated by Ivins City Public Works Department, Ivins City Parks and Recreation Department, Ivins City Public Safety Department and private contractors performing services for Ivins City.

(iv) Vehicles and equipment owned and operated by utility companies or their contractors.

(v) Agricultural vehicles and equipment used in conjunction with an allowed agricultural use. (See Chapter 33, Table of Uses & Standards)

Kevin Rudd stated the other proposed amendments do not have anything to do with the previously mentioned items and are more administrative in nature. He asked the City Attorney to explain those amendments.

Mayor Barney asked Mr. Rudd to pull other city's ordinances and show the Council how the neighboring cities handle the RV issues and commercial vehicles.

Kevin Rudd stated that Washington City, St. George, and Santa Clara all have ordinances that state you cannot park an RV in the front yard setback except when loading or unloading. He has not found where these cities have restricted the size, number, or length of RV's. He will do further research and also check on commercial vehicles.

Dale Coulam stated that the other proposed amendments deal with non-vehicle related issues. The first issue is the removal of the Daycare/Preschool from the Zoning Ordinance as a Conditional Use Permit to the Business License process. The other change involves a change in Appeal Authority. The State statute was changed to allow the Appeal Authority to be an Administrative Law Judge. The Utah Local Governments Trust recommends making that change because it provides a law trained attorney to sit and review the issues on appeal rather than a lay board.

Mayor Barney opened the Public Hearing on this agenda item and asked for public comment.

Dale Coulam stated that there may be questions posed in the hearing tonight. Staff will note those questions and respond at the next meeting so as not to delay tonight's public testimony with responses.

Glenn Ravenberg stated he was concerned on the proposed RV parking changes because they do not take into consideration the size and configuration of a person's property. He stated his property is over an acre in size and he could have a 40 foot mobile home parked in front of the garage and still have 70 feet to the street. Limiting the size of the RV to 28 feet is unreasonable and the height of 8 feet is also unreasonable. He stated he has a 26 foot Class C motor home and it is 11 feet tall. He stated he is very concerned that the ordinance limits two (2) RV's to 60 feet total length, a 40 foot motor home and a boat would be over the limit or if you like 4-wheelers and you like boating you are out of luck. The ordinance states you can keep additional RV's in your garage but the other ordinances limit the size of your garage to half the size of your house and you can't put an RV in a small garage. He stated he is concerned because he feels he could park two (2) 40 foot motor homes in his front yard and still be 70 feet from the property line and the street. He stated he likes Ivins because the community allows for a large spectrum of people. There are some residents who want to have room and have purchased larger lots for the ability to do what they want on their property. If the property is big enough, the vehicles belong to the property owner, are maintained and licensed, and don't obstruct the view there should be no limit on the size, height, or number of RV's. There are those that have lifestyles that like numerous RV's. We bought our land, it is our land, let us use it. He stated he doesn't want someone legislating his lifestyle. He stated he has neighbors that are in the construction business that might have bobcat, a flatbed, or a tool trailer those are the people that built our neighborhoods and we should make some allowances for them. If there are people that are bothered by that they should move.

Ron Densley thanked everyone for coming out and thanked the Mayor, Council, and staff for their efforts in drafting the ordinance. In the past Ivins had the stigma for not being a nice area but it has been cleaned up and that is appreciated. But now the pendulum has gone too far with restrictions and he would like to bring the pendulum back so the residents can enjoy their freedoms. Residents that have come into Ivins have entered a Planned Urban Development; they understand the CC & R's, the Home Owners Association's, and the restrictions when buying their homes. Most of the citizens bought homes in areas where they could have RV's or a small business with equipment, as long as the equipment was screened. He would like the Council to consider the small business people, those businesses can't afford a commercial space in St. George and there is no place for industrial commercial business in Ivins. There is nothing and no zoning for that use for a shop and open storage. As long as the equipment is screened and maintained the business owners should have the privilege of running their own business. He stated that the City has taken pictures of my property with all my RV's, box trailers, backhoes, and unloader. He stated that all his neighbors in Padre Canyon share in that equipment with a game of hide and seek from the City. The harassment is over the limit. Mr. Densley submitted 290 signatures on a petition to the Mayor and City Council.

Steve Roberts seconded the previous comments and stated he was opposed to the proposed changes to 16.12.111 where it states that the RV's must be owned by the resident of the property. He is concerned as to how the City will determine that? Will you come onto the property and take pictures of the VIN number? Will we have to register with the City? That opens the door for the City to encroach on our individual freedoms. Whether I own the RV or not doesn't matter. He suggested that the Council delete that portion of ordinance (or maybe the entire ordinance.) The restrictive nature of the ordinance may be useful in subdivisions and is probably incorporated in the CC & R's and Home Owner's Associations. The purpose for being this restrictive in the entire City may be to solve a handful of complaints of nuisance. In that instance it might be better to use the nuisance ordinance and not take away individual liberties. There is a need to clarify and make the ordinance easier to enforce as well as the need to provide for safety and the need to protect neighbor's right to peace and tranquility, but I can't believe that the City would deny the rights of the individual citizens. That is one of the primary functions of a just government, to protect each individual from the greed and passion of the majority.

Gia Best stated her opposition and her feeling that the City is trying to make all the citizens miserable. She stated if you own a home based business you are a target. Ivins is still in America but she feels communism is alive and well in Ivins.

Bob Colter stated 34 years ago he visited Ivins and loved this area, he served on the City Council in 1976-77 and he loves the town. He stated that Ivins Cemetery will be his next home. 18 years ago he lived in Seattle and when he came back to Ivins in 1992, he and his wife had tears in their eyes when they saw the big red mountain. He stated his love for the area. The City Council has the responsibility to make this a place all of us love and want to live here. Don't stop trying to do that.

Lisa Roland stated she was not born and raised in this area but she has fallen in love with Ivins. She stated she lives in a subdivision which is clearly a residential neighborhood. There are some larger properties on the outskirts of town that have enough property for larger RV's. She stated that the ordinances restrictions should be specific to areas that are subdivisions that are clearly for residential properties. She stated that one of her neighbors has an RV, a huge deep-water boat, another boat, and many 4 wheelers. The yard is so over-run with equipment that he can't maintain the weeds growing up between the items, some of which never move. The unkempt nature of the property is starting to bring rats and rodents into the neighborhood. She would like those giving testimony to consider that some of us want to be able to live in our homes without problems created from these types of nuisances. She wants to see everyone having fun, but especially where the houses are close to each other, neighbors should be considerate of neighbors. There are some of us that choose to live in a suburban setting and like to pass cookies to our neighbors without having to step over debris. Please consider that as you continue deliberation.

Charice Hunt asked why does Ivins City care what is in my yard? The answer is usually “property value” and most of the residents are not planning to sell their property, they are planning to stay. If you want to up your property value just sell and go. Why do you have to put your values, or what you think is important, on the residents? She asked Kevin Rudd if the pictures shown earlier were taken because someone had complained about those properties.

Kevin Rudd stated they were not, he showed the pictures as illustration only; to show the City Council how may people would be affected by these proposed changes.

Charice Hunt stated this is a farming town and it is a wonderful place to raise children. She stated everyone is getting old and they think that no one needs to have a business or make a living around you. Your neighbor doesn't need to have a business they need to go somewhere else. No, you need to move to a place where no one has a business and no one has more than one car. She stated she agrees with the previous statements. She has never complained about neighbors having RV's or too many RV's, all I think is that I wish I had enough money that I could have an RV too.

Paul Brennan stated he has lived in Ivins 20 years and has never been to a City meeting but he feels now that he needs to pay more attention. He stated he loves Ivins - you people have helped raise my kids and the neighborhood raises each other. He stated that some of the equipment that has been talked about helps out the neighbors and there is no charge so there is also no tax because we trade with each other. He seconded all previous comments and asked how many were here for the reason of trailers. He stated logically we should prioritize our time for the next meeting to just take care of this item first. He asked that the Council consider all of the citizens when things are planned and think for us, not against us.

Mark Ames stated government is to serve the people not to dictate to the people. The new developments come in and want to take away our freedom. There are safety issues, and some eye sores, the proposal may need to be more detailed, but should not take away our existing freedoms.

Cathy Ravenberg stated that the Ordinance, as proposed, seems to cover the entire city as if everyone had the same size lot. There have been provisions made for carports in certain sections of the City because it is appropriate; I think that some lots are large enough to have more things on them than other lots. The Ordinance does not address those differences as well as it should. As was presented a moment ago, on subdivision residential lots a neighbor can overrun the size of the lot and that is now violating the adjacent property owner's rights. But the restrictions proposed are the same for an acre or 5-acre lot that has plenty of room for RV's and that does not violate anyone else's rights. A blanket ordinance, as this is written, does not address everybody's rights.

Norm Hansen stated he has a one acre lot and has a business. He stated in the past he proposed providing an area in the community to park construction vehicles but the business proposal was turned down by the City. So he built storage areas on that 3.5 acre spot. He stated that over the years he has accumulated many things and the box trailers in his yard have been loaned to neighbors to move in and out. He stated that after he completes work each day he brings home his equipment and unloader. He can't run across country to park his equipment as he wants to be home with his family. But we are the same people who are called by the City when roads and houses flood and we come and help. In your consideration of limits realize that when some people go to work they don't have a work truck, they have a car, but you don't regulate that. He stated that he agrees with the suggestion to adjust the restrictions according to the size of the lot but also wants the City Council to realize there is no place to take excess tools and equipment to store them. He stated that his RV and boat exceed the proposed restrictions and asked what he could do with them. He asked the Council to consider if a business owner can drive a piece of equipment home and park it and to consider the good for the community to have that equipment, the trailers, and the need to provide for the people's recreation.

Ross Filmore stated let's keep private property private. He stated that it is not easy to work in the public because there are always two sides to every issue, but he feels the key is to keep private property private.

Gordon Bone stated he has a short trailer and a flatbed trailer. He stated that at this time he has to park the flatbed in front of his house which is closer than 10 feet to the sidewalk but it is below and behind

the fence between me and my neighbors so no one can see it and it does not present a hazard. Each instance should be taken on its own merits. If I can't use my tool trailer and my flatbed trailer I am out of business. The citizens need to be able to live and work. He stated his opinion that the existing Ordinance should be revised and stated he appreciates some of the items on the new proposal but it still inhibits our way of life, and our ability to even live, raise our families, and pay our bills. He has a business at his home and is doing work for a contractor whose tool trailer was broken into. It is hard to leave your livelihood out where it can be broken into. There are elements moving into the area that can't be controlled and we have to protect our property and our place of residence may be the only way to protect our property or maybe the town would consider a place to put that equipment.

Jason Gubler stated he is a mechanic by trade and his neighbor drives a garbage truck. It is a comfort to me to hear him come in each day. It shouldn't matter what you have on your property, it is your property. As long as it doesn't hurt someone else you should have whatever you want.

Valery Newell Charty stated she feels the Ordinance should be specific to lot sizes. The City is able to do that in other instances and they should be able to do that with respect to RV's. The house she lives in is a residential house and people moving into Ivins need to look at the Ordinances and a copy should be provided to all new residents. It needs to be made clear that commercial parking is really not acceptable in residential areas. The residents are not getting a benefit from these commercial activities but the commercial business gets a benefit by being taxed at a residential rate. In respect to commercial vehicles, it may be necessary to go back to people and suggest that they pay a commercial tax rate on a case by case basis. Broad regulation is counter productive because you do not want a revolt.

Ron Densley asked when other hearings would be held.

Dale Coulam stated that the Agenda states that consideration is continued to the next meeting. The Zoning Ordinance states that no action can be taken at the first hearing so consideration to act would be at a future meeting. The Council does need to address whether a second Public Hearing would be held. The City Attorney suggested that a second Public Hearing should be scheduled and the minutes of this meeting be made available for review so those who come to the next Public Hearing are prepared to make comments. The continuation of the Public Hearing to the next Council Meeting should be done by motion.

Ron Densley asked if there would be revisions to the proposed Ordinance at the next meeting.

Dale Coulam stated that the Council is taking public comment and will consider revisions after the comment is received.

Mayor Barney stated that the Public Hearing would be continued to the next Council meeting but that the Council probably would not take any action at that meeting and that he doubted there would be any action taken until the Council has the opportunity to look at some drafts and some revisions and consider action at a future meeting. We want to digest all the public comments before making a decision.

Paul Brennan asked if petitions work, and if they do, a majority of the people around a nuisance property should submit a petition to have it cleaned up.

Wilford Hafen stated he has been a resident of Ivins for 64 years. We used to have the freest community now it is the strictest. He feels our freedoms are at risk. The Constitution of the United States allows us the right to make a living, have equipment, have RV's, and have liberty. He stated he is upset that the elected officials say that his neighbors are complaining about him. Why can't my neighbor come and talk to me. The City should have individuals go out and help to take care of problems not issuing citations and warnings. My grandson joined the army after 911 but he is not coming home from Iraq. He went there to save the freedoms we have. It is important for the community to stand together and eliminate these restrictions on our rights as individuals in this free nation. It is important and it is detrimental to our freedoms, we should protect our liberties, individualism, and rights of our country. Mr. Hafen displayed his birthday card from his grandson and asked why this community cannot give him rest. He stated he has spent over \$200,000.00 to comply with City Ordinances over the last 20 years. He stated he does not want to be in violation of the City code, he does not want to break

any laws. It is important that rights and laws should be adhered to. But they should not be put in place if they are not for the benefit of the majority of the residents of the community.

Samantha Bone stated she is a “newcomer” to Ivins and pointed out that the community was founded by these elders in the room, the farmers and the working class people. The City should stay in the hands of the working class people. She agrees with cleaning up the City but when you have RV’s if you maintain them and store them nicely you shouldn’t be in violation of any rules or laws. She stated lots of us work six (6) days a week trying to make a living and a home. When you are able to afford a boat or a 4 wheeler you take advantage of that opportunity. We enjoy 4 wheeling but she does not think taking away the rights of the farmers that have equipment on their property or those that are lucky enough to have larger RV’s should be allowed to have them and enjoy them. We live in the old part of town by the cemetery. People that move in are aware of the CC & R’s. We can’t take away peoples lifestyles, don’t take away Ivins, it is not that bad.

Troy Dorius stated he drives the garbage truck that was mentioned earlier. He makes his living with that truck; he spends 12 hours a day in that truck trying to provide for his family. I could leave it at a place I have in town but I would have to drive to town get the dump truck and drive back to Ivins to do my work. He stated he has hauled a lot of free garbage out of this town because of the ordinance to clean up. That is why my truck is there - I work with it, and I serve the community with it.

Rata Cottam stated her neighbor parked their trailer on an empty lot next door that they had permission from the lot owner to park there. They got notice from the City stating that they needed to move the trailer. I thought that was ridiculous. I also know the people that own all the golf carts, they live on an acre lot, it is their property if they own it they should be able to put whatever they want on it. She stated she had talked to the Building Department two years ago about putting a shed on her property. She asked if she could make the shed as big as possible so they could house their business in it. The official responded that there will come a day when you cannot park your business trailer on your property. It really upset me. But come to find out that with enough changes they take away your liberties. You should be able to have things on your property.

Troy Dennett stated many people feel they are being harassed. I got a letter from the City that I was in violation of the ordinance because I had a backhoe on my property. I was called and told to move the backhoe to my Father-in-laws property. The City shouldn’t tell us what to do with our own property. He built big berms around that property to screen the backhoe; you would have to know it was there to see it. I called the City and they asked me what I did with the backhoe because they couldn’t see it. Two (2) weeks later I got a call from the City saying that what I had done was not good enough and I had to get rid of the backhoe. I told the City that I’ve done everything I can, I’ve screened it, tried to hide it, and if that’s not good enough and I’ll refer it to my Attorney. The person I spoke to said I’ll put it at the bottom of the pile unless someone complains. Troy asked if the City had received any complaints and was told “No.” He feels there are certain officials of the City that think they are the President of “HOA Ivins” who drive around taking pictures to take into the Code Enforcement Officers and ask for citations to be issued. He feels that Code Enforcement borders on harassment.

Debbie Hafen stated she doesn’t have any RV’s but she is a private homeowner and believes she has rights to her property. I believe every person in the City should have the right to live here freely and should be able to park any registered vehicle on their property that they so desire. The City should not be so restrictive. She stated she does not want to leave Ivins but with all the restrictions in town she has considered moving. Someone saw a City employee pull into her property to view the back of the house. It should be illegal for someone to go onto private property. The City Council should represent the citizens not your own personal concerns. If everyone knew about this meeting there would have been a lot more people. She stated she loves her neighbors and feels the community is good friends and expressed her hope that Ivins would be a place of freedom for all for many years to come.

Bob Morris stated that paying someone to go around and look for problems is a negative approach. These problems should be addressed through a nuisance ordinance. I want to go on record that if this Ordinance is passed that we hire a “Happy Family Enforcement Officer” to finish us all off.

Charice Hunt stated the older folks in town did not think the Ordinances would affect them. They didn’t know that it was going to make them move their old truck, or change an ugly fence. My Dad was told his neighbor complained about the corrals, and the neighbor was told my Dad had complained about his barn. It was not true, neither one had complained about the other. These properties should be “grandfathered in” so they can have cows or whatever they want in their yards. She stated she did not recall signing anything that agreed to follow all these “subdivision” rules in the City. The City is our subdivision and we should be able to write the rules.

MOTION: Council Member Rusick moved to continue the Public Hearing on Planning Commission’s Recommendation to Consider Amendments to the Ivins City Zoning Ordinance.

Applicant: Ivins City to the January 24, 2008 City Council Meeting.

SECOND: Council Member Jolley.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

B. Public Hearing to consider Planning Commission’s Recommendation to vacate a portion of 200 East and 100 North Street to the adjoining property owner SR Fresh-Metro, L.P.

Applicant: SR Fresh Metro L.P.

Kevin Rudd presented this item and showed the attached map. The Technical Review Committee reviewed the application and felt this small parcel of land does not serve any purpose to the City for any current or planned use. The Road Master Plan does not show 100 North extending through. The right-of-way is wide enough on 200 East so this parcel will not be needed. The Technical Review Committee discussed that there was value given for this property when the property owner dedicated property to the City for the roundabout which justifies the exchange for this parcel. The Technical Review Committee recommends approval of this vacation.

Council Member Foot stated that the property owner gave a gift or property to the City for the roundabout.

Mayor Barney opened the Public Hearing on this agenda item and asked for public comment. There was no public comment.

Mayor Barney closed the Public Hearing for this agenda item.

C. Consider Approval of Planning Commission’s Recommendation to vacate a portion of 200 East and 100 North Street to the adjoining property owner SR Fresh-Metro, L.P.

Applicant: SR Fresh Metro L.P.

Mayor Barney opened the item for discussion by the Council. He asked Kevin Rudd if the development of the Master Plan for the City Center would cause any problem with this vacation.

Kevin Rudd stated there is nothing on the future plan that indicates this would be an issue. If there was a roadway put there we would probably try to line it up with 100 North. This little piece wouldn’t benefit the City at all.

Council Member Foot stated that this is an appropriate abandonment based on the contribution of the property owner to the roundabout.

MOTION: Council Member Foot moved to approve Planning Commission’s Recommendation to vacate a portion of 200 East and 100 North Street to the adjoining property owner SR Fresh-Metro, L.P.

SECOND: Council Member Elwell.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Presentation of Posovi Phase II Subdivision Concept Plan. Location: Approximately 1970 West and Uwan. Applicant: Kayenta Development, Inc.

Kevin Rudd stated this is a concept plan report from the Technical Review Committee. He showed the location of the subdivision. The property is currently zoned RA-5 (Residential Agriculture District, minimum lot size 5 Acres) and is approximately 27.99 acres and has 17 proposed lots. The application is complete and complies with the Subdivision Ordinance. This project will require a zone change prior to the submittal of the Preliminary Plan. The Planning Commission has held its first Public Hearing to change the zone to RE-43.0 (Residential Estate, minimum lot size 43,000 sq. ft.). The lot sizes are proposed at 1.8- 2 acres and is very consistent with lots sizes in the adjacent areas in Kayenta. One of the challenges the developers face with this subdivision is that they will be required to hook into the City sewer and they are struggling with how to get the sewer out there. They are discussing the possibility of putting in a low pressure sewer system where each house would have a pump which would pump out to a mainline, and grind the debris very fine and the mainline would be pressurized and would push the sewage across the Kayenta Wash to a point where it could hook into a gravity sewer. That has not been decided yet but it is under consideration by City staff. There will be a lot of homes in Kayenta that will have to be on pumps because of their locations.

Mayor Barney asked if the proposed system is the same system that houses with basement use.

Kevin Rudd stated it is not. Most houses have an ejector pump that lifts the sewage up and dumps it into a gravity feed away from the house. The contemplated Kayenta system actually feeds the sewage to a grinder, and then it is fed out to a mainline that is pressurized with low pressure that moves the material across the wash. It is different and is a more complicated system. The sewer issue will have to be resolved on this plan. Another concern is a very long cul-de-sac. It was suggested to the developer that they need to have connectivity and explore that possibility. The Preliminary Plan will also need to adequately address the storm drain system. The hydrology of the area may require improvements downstream.

Mayor Barney stated the Council will be interested in receiving feed back and updates on the sewer system.

Council Member Foot stated there are no lots delineated on the long cul-de-sac, and asked if that would be developed in the future.

Kevin Rudd stated it does have a phase that may be developed in the future. The Technical Review Committee discussed the need to look at all future development when approving the roads and access points. At this point in the development process the development does not have enough water pressure to develop those upper lots.

Mayor Barney asked where the main sewer line was located.

Kevin Rudd stated the nearest sewer line is across the wash in Taviawk.

B. Consider Approval of Future Intersection Control at Center Street and Snow Canyon Drive.

Chuck Gillette reviewed previously presented proposals and statistics regarding the roundabout and traffic signal options. He presented new safety statistics attached to these minutes. There was discussion regarding tractor-trailers in roundabouts and the accidents caused when they cross over lane lines. It is impossible for large trucks to maintain one lane travel in a roundabout and this can cause accidents in two lane roundabouts.

Wade Carpenter reported specifics of an injury accident that occurred at the large roundabout at the Reserve where a tractor-trailer ran over the hood of a smaller vehicle.

Council Member Rusick asked for clarification. A tractor-trailer going through a roundabout cannot maintain its lane of travel? As Ivins grows we are probably going to have more semi trucks and trailers so does that problem also exist at a traffic light?

Wade Carpenter stated the problem is specific to roundabouts due to their geometry. He has discussed this issue with Tracy Merritt who was University Police Chief in Orem Utah. In Orem the 1200 North roundabout is one of the busiest roundabouts in the State of Utah. Roundabouts have benefits but they also have drawbacks. The problem they have seen is that if we eliminate the center line in the roundabout lane, travel would not have to be maintained but it shuts down the functionality of the roundabout to one lane which cannot handle the volume of traffic.

Ivins Office, Tracy Merritt stated Orem experimented with reducing the 1200 North roundabout from two lanes to one lane. That resulted in several fatalities. Another effect was that when there was event traffic we would have to have six (6) or seven (7) officers at the roundabout trying to direct traffic to get traffic out of the area. The street just adjacent to that roundabout is SR-265 which is the fourth busiest street in the state. Some of the solutions we developed did not work. We found that roundabouts have a learning curve for the public to learn how to use them properly. Once the public is educated in roundabout use accidents were reduced from an average of five (5) per month to one every two (2) months. The City of Orem was very happy with those results.

Council Member Rusick asked if the reduction in accidents was due to the elimination of the two (2) lane roundabout and using only a one (1) lane roundabout.

Tracy Merritt stated that the configuration of the roundabout had five (5) entrances at one intersection. Getting the cars out after a concert showed that the roundabout did not slow down traffic but the traffic signals did. The downfall at a roundabout is that traffic cannot be directed in a roundabout.

Council Member Rusick asked Mr. Merritt's opinion on pedestrians crossing at roundabouts.

Tracy Merritt stated that pedestrian crossings are very difficult and in fact, Orem City moved their pedestrian crossings very far away from the roundabout before the entrance flare begins. We also instituted restrictions on pedestrians in the roundabout.

Council Member Elwell asked for clarification of exactly where the crosswalks were located.

Tracy Merritt reiterated that the crosswalks were placed before the roundabout flare.

Mayor Barney asked if cutting down the roundabout to one lane made it safer.

Tracy Merritt stated that using only one lane did make the roundabout safer.

Mayor Barney asked when you did that was the roundabout still able to handle the traffic? The numbers we would experience would not be greater than those in Orem.

Tracy Merritt stated that the roundabout was able to handle the traffic; it was not noticeably slower for event traffic.

Wade Carpenter stated that there are times when there are 2000 people at events in Tuacahn. We figure we have had up to 1100 cars at peak times. There are three (3) things that need to be considered: 1) lighting, 2) sight distance, and 3) speed and width; these items really affect the ability of a roundabout to work correctly. Lighting is an issue because the Parkway and that intersection are so dark. Regular passenger cars travel at too high of a speed to negotiate the roundabout. A flashing sign to slow down the traffic as they come out of the big roundabout advising drivers that another roundabout is coming up would be helpful. The roadway configuration next to the spa where you approach the apex of the hill creates a problem with sight distance and there is a need for an indication that a roundabout or

intersection is coming so they will slow down. The indication should not be an advisory sign; it should be a regulation sign.

Mayor Barney asked how many years it would be before any changes would be needed.

Chuck Gillette stated this intersection construction is listed on the 5-10 year plan and actual implementation of the installation would be based on a traffic warrant to justify installation.

Mayor Barney stated that they way growth is now it looks like installation would be closer to ten (10) years rather than in five (5).

Council Member Rusick stated we have considered the \$1.4 million in costs today, but what is the cost in future dollars? The potential is that the cost would be considerably more. What is a good number in ten (10) years?

Chuck Gillette stated construction costs go up approximately 4% per year. The Capital Facilities Plan builds in an escalation factor for inflation.

Council Member Rusick stated she understands that, but the Council is basing their decision on the \$1.4 million so it would be better to get a more accurate number.

Chuck Gillette stated that to compare apples to apples the Capital Facilities Plan allows you to compare the prices at today's dollars, not based on when a project might be built. When we do the analysis for Impact Fees we escalate it based on when the project will be built. The Department asked Mr. Densley to do a traffic analysis completed by a traffic engineer. The additional traffic studies were provided to the Consultant to get more accurate counts. This analyzed whether Mr. Densley's development would require a traffic signal to be installed now as part of his development. The study stated the impact of the development did not require the installation of a traffic signal at this time.

Ron Densley stated the study also stated that the development did not warrant a deceleration lane and did not warrant a traffic signal.

Mayor Barney stated that all of us would like to avoid putting anything in there.

Chuck Gillette stated that the right-of-way needs to be preserved. We have discussed the double lane roundabout with the Consultant and he suggested keeping the two (2) lane approach into the roundabout and then removing the lane demarcations inside the roundabout. The Consultant stated that approach has been used in Colorado. The State says that removing the lane demarcation is not allowed by law. The Consultant will consider that and will get clarification as to what is allowed.

Wade Carpenter stated that in Orem they actually necked it down with a merge to get to one lane before the roundabout to reduce the speeds.

Council Member Elwell stated the roundabout at the Reserve was created without lanes initially and at some point the two lanes were marked. Was that by direction?

Wade Carpenter stated there was a study and the vehicles were going too fast through the roundabout. Based on the information available at the time a designated lane was added to avoid confusion.

Council Member Elwell stated that our ordinance indicates that if there is a better way we do not have to follow MUTCD.

Chuck Gillette stated the State has adopted MUTCD as a State standard and I don't know if we have the authority to override that.

Council Member Jolley stated as he looked at the study he sees four (4) accidents that have taken place at the roundabouts where the vehicle jumped the curb. He stated he is still very concerned about the close proximity of the proposed roundabout to the residents. There will always be those who go too fast or drive while impaired and he is very concerned that there are two (2) residences so close to that roundabout.

Wade Carpenter stated the regulation of speed is of great concern. This location presents special problems because you have an apex coming up the hill and then the impact of commercial business of additional traffic entering into the roundabout that needs to be considered. The apex seems to be the most common denominator in accidents on Snow Canyon Drive and Center Street intersection. The drivers say they do not see the other car coming. At Red Mountain Spa there is a bit of a blind-spot and

when that corner is developed there will be a bigger blind-spot, which means that the sight-vision will be cut dramatically. The concern is that there needs to be some form of notification prior to getting to Red Mountain Spa at about 1400 North.

Council Member Elwell addressed Council Member Jolley's concern stating that the statistical report does not indicate the direction of travel east/west, or north/south for the accidents and it does not indicate the speeds of the accidents. He asked Chief Carpenter if he could identify actual speeds of the vehicle accidents.

Wade Carpenter stated he did not look up the specifics but that information is available and he can look it up if needed.

Chuck Gillette responded regarding the speed issue and jumping the curb stating that the entry feature actually deflects traffic away from the residences.

Mayor Barney asked if there was a way to control the water flow in the adjacent wash that is City property and, if so, could it be covered in such a way as to make it useable for development?

Chuck Gillette stated that is a possibility. The City is installing detention basins upstream and with additional detention basins it is possible.

Mayor Barney pointed out the City owned property in the wash and showed the LearnKey property which is divided by the wash. His questions is if the City can somehow make that wash area usable and cover it somehow then the roundabout could be realigned more toward the LearnKey property and allow them to connect their project by using that reclaimed area from the wash.

Jerry Blair stated the Mayor's proposal would allow Tuacahn to be the main road and it would help the traffic to flow better.

Council Member Rusick asked if anyone has ever seen redirection of a wash work. She stated that anytime you try to re-route the natural course of water, over time it becomes a disaster. It is very risky.

Mayor Barney stated the idea is not to re-route the wash but to contain the water better in the retention basins that are upstream.

Council Member Rusick asked how much it would cost. With all these costs you are contemplating using a lot of money just on this one corner that would almost be enough to fix the entire old township.

Council Member Elwell stated there is additional commercial property by Tuacahn that will one day be developed. The City has always been concerned with this intersection, and especially when the commercial properties are developed there will be a lot more traffic on these roads. The Mayor's idea is a good one and has sufficient merit to explore the possibilities.

Chuck Gillette stated that the roundabout can't be moved too far to the west because Docena needs to be included in the roundabout in some way. Docena could be reconfigured to swing around if needed.

Mayor Barney stated of all the roads in the intersection Docena is the least used. The Mayor opened the floor for comment.

Norm Hansen stated he was concerned about the suggestion to move the wash. More than once his property has had a four (4) foot cut of wash right below the garage structure on his property. The City needs to be careful with the amount of run-off that is sent to that side of the wash. He suggested the Engineers consider moving the wash to the west.

Dave Glenn stated the City is currently planning to redirect that wash and rip-rapping the wash to deter the erosion.

Norm Hansen expressed a question of studies performed on the proposed roundabout. He asked if the City has done any noise study in connection with the roundabout. We hear traffic noise all the time and have gotten used to it. If the roundabout is put closer to the neighbors and if it has a big ornament in the middle will it magnify or increase the traffic noise in the neighborhood?

Mayor Barney stated a study has not been made for that specific concern but some of the prior presentations have shown that roundabouts are quieter because of the speed reduction.

Norm Hansen stated that usually if you have a solid formation in the background it will create a different noise. I would hate to be driven out of my home because I couldn't sleep. This is the entrance to the city so there will probably be some kind of feature.

Mark Crump stated he appreciated the study and the tinkering with the ideas and the consideration for the homeowners around the proposed roundabout. The number one issue that he sees from a political standpoint is that there are two (2) homeowners who are very concerned about a roundabout versus a street light and commercial property owners on the other side of the road that are being infringed upon with opportunity lost as a result of the properties being taken from them. It is important for us to come to the simplest solution that has the greatest advantage to all the property owners concerned and that is a street light. I understand the studies and all the painstaking work and effort that have gone into this but you have angry commercial property owners and angry residential property owners here. The best solution to calm all is to do a light. I appreciate all the work, study, and money you are thinking about but it is just not feasible. I appreciate also the information from Wade coming up to the intersection on Center Street, there is very little warning that people will have and they can't see it coming. There is not adequate advanced warning of anything except a light. If you pursue any other solution you will just be putting more signs which goes against the aesthetic beauty of the area. One thing that is not being considered is the acceleration noise. If you are traveling eastbound on Center Street and you hit the roundabout and slow down you will be accelerating right at my bedroom. You would have the same acceleration at a light but it would occur right at the intersection and not next to my bedroom. If I understand it correctly the consultant on this project is a roundabout salesman. To my opinion he is not a true consultant as he is just selling the benefits of a roundabout based on a roundabout sale. A traffic light during Tuacahn hours can be controlled by computers. Any controlled computerized systems can adjust for commercial peak times as well. I appreciate Council Member Jolley's mention of the curbs and stated his daughter hit the curb in a roundabout. We feel strongly that the straight line through a light is a better solution overall than a roundabout.

Council Member Jolley asked if a traffic light can be utilized only at certain times? Then when not in full use just have a flashing yellow? He asked how much traffic is actually going to be generated at this intersection, right now a control is not needed except at Tuacahn hours, if that remains the status quo can the intersection be regulated to flash caution until 7:00 p.m. or so and then the signal can be used only when needed.

Jerry Blair stated yes it can be regulated and be flexible.

Lisa Roland stated the solution would depend on the commercial properties and what kind of traffic flow they are going to create. If they will bring in substantial amount of traffic during the daytime hours a traffic light might be a better solution. It would be less distracting than a roundabout. If they are "casual businesses" then a roundabout would maybe be better or more complementary to the commercial activities. If you opt to use the wash, like Council Member Rusick said, when you mess with Mother Nature you are in for problems. Swapping properties and shifting the road seems to cause a lot of problems. There is a lot to consider. The homes in this area are lovely and I am sure they would like to keep their property value.

Mr. Clemens, representing LearnKey, stated his business would benefit from a roundabout because it is more aesthetic, but depending on where the commercial went, a signal light would make it more valuable because a light would make people stop. Mr. Clemens stated that he was willing to do whatever was best for the community.

Ron Densley stated the high voltage power and internet is in the right-of-way on my property. That would be very expensive to relocate. We have given property for half of Snow Canyon Parkway, we gave land for the bike trail, we gave the right-of-way to Snow Canyon Spa, in essence we have hacked trimmed, cut, and now shies away from coming to the meetings because I don't want to "bleed" anymore. I would like the Council to consider the situation of going more to the west with a land swap. Of the current proposals I prefer the street light. The roundabout is a second choice if it is moved to the

west and do a land swap. If a one lane roundabout would be acceptable can the overall radius shrink down some? He would like to see more options involved; we have plenty of time to work on it. He has put his development on hold to make best decision for myself and my neighbors.

Mayor Barney stated the push to resolve this came because Mr. Densley is under a timeline. It is possible for us to make a decision tonight or do you want us to look into other alternatives?

Ron Densley stated he definitely would like the council to look into more options. I know our submission of a concept plan triggered this conversation but there is no time limit for me to get going. We are not hurried, so take the time to make a better decision.

Council Member Jolley stated that the City Attorney made a wise suggestion that this is the main entrance to the City so this ought to go before the entire City because it does affect more than just these four (4) property owners. The citizens ought to have the opportunity to make comment in a Public Hearing.

Ron Densley stated we have presented many options for that corner trying to make the aesthetics for the City. We have changed our elevations about three (3) times to make it look good and make it work.

Maureen Crump stated the pedestrian issue is of concern as this is a big walk area and people like to walk in this area. There have been flashing lights there, but coming up on the blind side; if there was a light it might be better. The flashing lights that are there are not sufficient.

Mayor Barney stated because this is the entrance to City and it will get more crowded and busier as the City grows. It might be good to reexamine an underground crossing for pedestrians to see if it is something we want to do in the future for access to Snow Canyon etc.

Council Member Rusick stated that underground underpasses are very dangerous. Every major city has closed off their underpasses.

Keith Nielsen stated that relocating the wash has been tried before. His fence has disintegrated because the wash was moved. The wash was rerouted before 1996 and when the water hit my property it completely knocked down my fence and flooded my backyard and basement. My fence was rebuilt by Bush and Gudgeon but the contractor installed the rebar incorrectly and has resulted in the failure of the fence. He stated that a culvert cannot handle the amount of water that courses down the wash.

Ron Densley stated that the previous changes to the wash never included rip rap. The installation was not done correctly.

Mayor Barney clarified that he was not suggesting to move the wash but to cover it.

Keith Nielsen stated that he and his neighbor are still on septic systems only because the sewer has been washed out twice. If you decide to relocate and put in culverts he really wants to have hydrology and structural engineers look it over.

Lisa Rutherford stated that she lives close to the area and she is in favor of the roundabout. She feels that slowing the traffic at that corner offers pedestrians a better chance at getting across the intersection than a traffic signal would. The speed of the vehicles has a great deal to do with the safety of the intersection. She stated she is perplexed by the comments that this intersection will be the entry to the City because the entrance to the City is the roundabout at the Reserve. She appreciates the concerns of the residents but feels it is better to have a roundabout rather than a signal light. She feels it will be safer.

Council Member Elwell replied to Mr. Crump's comments by stating that the consultants are roundabout experts. If you want to know about roundabouts you have to go to a roundabout expert. The things that made the Council Member feel good about what the consultants presented was that they offered to send the full American Traffic Insurance Institute report. They are not in the business of building lights or roundabouts they are concerned with preserving human life and preventing injuries. They have statistics confirmed by studies in Australia and Europe that I feel are sound foundations for the development of a safe program and approach. If we don't rely on the statistics generated to develop our transportation system in this City then we are remiss. There are four (4) property owners that will be impacted by this intersection no matter what is installed, but the larger concern is what will be the impact to the community with the number of vehicles going through that intersection in 10, 15, or 20

years, we have to plan for that. The statistics show the potential to save lives, avoid injury, and lower the cost to the community and our overall decision should be based on what is best for all of the community. The Council Member stated he moved to Ivins from Lancaster, California where he lived four (4) houses from a major multilane traffic signal. The noise was terrible at night, especially on Friday and Saturday, the dragsters use the light as their flag man. It is hard to understand the type of noise that you face with a signalized intersection. In addition to that you will have constant lights flashing on your bedroom wall.

Ron Densley asked why St. George is installing traffic signals and not roundabouts on both Dixie Downs and Snow Canyon Parkway, are they not giving consideration to human life?

Council Member Elwell stated there are a lot of things that go into the decision making process, I was prepared for the consultants to come back and say that a signal would be a better option. There are circumstances where a roundabout would not work. However this study showed that the roundabout, service wise, is better in this location than a traffic signal. My thought process weighs the cost or dollar value now against the value of human life or injury and when it comes down to that. My background is such that it makes me very biased because I specialized in traffic safety for over 22 years. I served an area of 200,000 people and I went out on virtually every fatal accident.

Ron Densley stated that it seems there are more accidents with roundabouts. He would like to see if we can tap the same resources as St. George City and why their study is different.

Mayor Barney stated that Jerry Blair could probably address that because he is on DTEC and he is a traffic engineer.

Jerry Blair stated that in regard to Dixie Downs and Snow Canyon, St. George did look at a roundabout and traffic signals. The movements and the volumes at those particular intersections dictated the choices. The Dixie Downs intersection volume is primarily a left turn, the south bound movement out of the residential area is primarily a left turn or through movement. The City Traffic Engineer stated the analysis showed that in that particular case a traffic signal would be the best choice. When you look at other things they have done in St. George, they have added three (3) new roundabouts in various areas in the last two (2) years. They are in each case considering the solutions on a case-by-case basis.

Ron Densley stated he would like an independent person, who is not a roundabout salesman, to have a local person look at it.

Jerry Blair stated that in this particular case I have mixed feelings on whether the cost differential is worth going to a roundabout. He stated in his mind he feels that a signal would be ok for many, many, years. In the long-run a roundabout at this intersection would serve the area better overall. There will be less accidents of less severity. There will be more accidents that will be more severe with a traffic signal. Pedestrians benefit from a roundabout because you cross a smaller area, then cross the island, and then cross two (2) lanes of traffic to the curb. All the way around a roundabout you are crossing a smaller distance of 24 feet, at a signal you cross approximately 60-72 feet. The pedestrian is significantly safer at a roundabout.

Council Member Rusick asked Mr. Blair if a safety island could be installed if a traffic signal was used.

Jerry Blair stated that if an island is put in the middle a left turn lane needs to be added so the roadway would need to be widened again. Pedestrians would still have to cross the 72 feet so you are not really making it any safer.

Council Member Elwell recalled that with the pedestrian islands in the Bay Area recommendations were stated that traffic islands were inherently unsafe for pedestrians. There also has to be a button in the middle of the street to allow signaling for pedestrian crossing. The Council Member stated he is unaware of the statistics regarding pedestrian undercrossings that Council Member Rusick is using. He would like to see those statistics showing how this is happening and where. Both Coral Canyon and Entrada have pedestrian undercrossings so I would be interested to see if there is a history of assaults at those locations.

Council Member Rusick stated she is not sure if she can find the statistics but may have pictures of the sealed up undercrossings in areas around the country.

Dave Glenn stated he is not sure who St. George uses for their intersection studies but he does know that St. George hired the same consultant we are using to fix the Bloomington roundabout. They are well-known.

Mayor Barney stated this item should be scheduled for a Public Hearing but first it might be important to consider other options.

Chuck Gillette stated that it might be better to address this issue again after the update of Transportation Master Plan.

Council Member Rusick asked if that will take a year or year and a half or just a few months?

Chuck Gillette stated it would take six (6) to seven (7) months.

Ron Densley stated he would like to have it studied more.

Mayor Barney asked the Council if they wanted to schedule this item for a Public Hearing or wait for further study and input.

Council Member Elwell stated he is not in a rush to have a Public Hearing because there are other items that we need to look into. He stated he has never seen the complete American Insurance Institute report and would like to review it independently.

Council Member Foot stated with the options presented we have more to consider. This is a significant issue because of the impacts this will have on the neighboring properties. There may be options as discussed tonight that may ease the situation and the concerns of all. The thought process I have is concerning the impact to the neighboring property owners, the impact on the City in its entirety, and the cost in damages and lives, and what we are trying to achieve for the City. The best solution seems to be to find a way to put in a roundabout.

Mayor Barney stated that the urgency to resolve this matter is no longer pressing. He suggested delaying action and consideration for awhile for further study and options.

Council Member Rusick asked for clarification as to how long it might be delayed and when a Public Hearing might be scheduled.

Mayor Barney stated before a Public Hearing is scheduled we should have all the various proposals and all the associated information. He asked the City Engineer if he felt he had adequate information to present and if there might be any other viable proposals that could be considered.

Chuck Gillette stated that it is worth looking at sliding the roundabout further to the west. He stated that before we settle on a specific proposal we ought to decide if we want to do a roundabout or a signal light. If the location of the roundabout will make that decision then we need to explore more options.

Mayor Barney stated that we can determine how each member of the Council feels. Council Member Elwell and Council Member Foot both favor a roundabout.

Council Member Jolley stated I am leaning toward a signal light.

Council Member Tenczar stated I am leaning toward a roundabout for several reasons. One is the aesthetics for the community and the long-term vision for what we want Ivins to become and all the independent research I have done, and having lived in a community of roundabouts, I think they can work if they are designed properly. I am willing to listen to alternatives.

Council Member Rusick stated I am leaning toward a signal light. I don't want to make a decision tonight; I think this has to go to Public Hearing.

Council Member Jolley stated I feel the same way.

Mayor Barney stated we have the majority of the Council leaning toward a roundabout.

Chuck Gillette stated he will look at one other alignment option further west.

Mayor Barney stated that proposal should be presented and then schedule the Public Hearing later into March. We have other pressing issues like the Zoning Ordinance that need to be addressed first.

Chuck Gillette asked the Council if it would be helpful to visual modeling of the proposed roundabout. **Mayor Barney** stated it is not necessary and felt we should not do the visual modeling. If you can get us more information on reducing the roundabout to one lane that would be helpful. Let's also consider shifting the roundabout location and realigning the roadways for increased traffic access from Tuachan. We need to notify the property owners of the next meeting when we address this issue.

MOTION: Council Member Elwell moved to move 5E up on the Agenda.

SECOND: Council Member Foot.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

5E. Presentation by Chad Blackburn for Reverse 911 as an Interactive Community Notification.

Wade Carpenter introduced the topic. This is a software system that we would like to have utilized through the Local Emergency Planning Committee (LEPC) which includes all the area agencies. This is a geographically based system that can be utilized county wide for emergency notifications. Just prior to this meeting the area Police Chief's met downstairs to review this program. The vendor for this product is the same corporation that does our consolidated dispatch so it will integrate into the existing services.

Chad Blackburn stated this is the system that was used in the recent southern California fires in San Diego to facilitate the evacuations and the use of this system saved a lot of lives. Reverse 911 is the worldwide provider of outbound 911 emergency notification systems. Reverse 911 holds patents on the points of technology that make the system function properly when there is a large emergency. This system avoids pitfalls when cell phones, email, and public telephone lines get overloaded. He demonstrated a user interface showing a HAZMAT plume. The program response digitizes the scene of the accident and the system takes information from the American Emergency Response Guide and specific information about the incident and generates a HAZMAT notification and creates a scenario to respond to accident or emergency. The screen shows red dots identifying each individual that would be contacted by home phone, cell phone, work phone, email, text message, fax, or by satellite phone as selected by that individual. The system also can set how many times you want to call and indicate if the message has been received and understood. There is also an indicator for senior citizens or shut-ins that don't have access to contact technology which allows contact of the next-of-kin to notify of an emergency in the area. That also asks for a response so the emergency Personnel know if person has been contacted. Any message can be put on the system and can be used in any way the City wants. It gives us the ability to have the citizens evacuate or shelter. In that situation today the neighborhood watch block captains and CERT coordinators contact each individual through a calling tree. With this system that entire process would take only a matter of minutes.

Council Member Rusick asked how people would know it is not just some crackpot calling?

Chad Blackburn stated there is a caller identification showing the message is from Ivins Emergency Communication or something to that effect. The best practice is that messages sent out should be in a recognizable and familiar voice.

Council Member Foot asked what is the system mechanism that identifies all the pertinent numbers that need to be responded to?

Chad Blackburn stated the system uses a GIS digital map that has the 911 database coded to it. All addresses, phone numbers, and names populate when needed.

Council Member Tenczar stated the information seems to be dependent on voluntary input of information which is a problem with any notification system. Is that part of the education program you will have? Right now we have a problem just getting basic information.

Chad Blackburn stated there are many ways to get information for the system. The primary source which will provide the majority of the information will be derived from the 911 data base. That data base comes directly from the phone company and has every land line whether it is listed, unlisted, business, and personal. Then there are transient phone numbers which include cell phones, Vonage, internet phones, those numbers do not exist in any type of emergency notification system. We have set-up a citizen registration page that allows individuals to enter their own information and agree the information is given for emergency notification purposes. That information then gets coded to the map.

Wade Carpenter stated that 911 has the data base that is effective 99% of the time. The 911 system records all calls and addresses even if someone calls and hangs up.

Chad Blackburn stated if you are worried about sending a notification to an unlisted telephone number you have the option not to notify any unpublished numbers. If you wanted to send a notification that was not emergency related, for example a notification of a City Council meeting, you can select what types of phone numbers you will contact.

Mayor Barney stated that in a recent in emergency training a statistic was given that if 7% of the people use the phone system at the same time it shuts down the whole system.

Chad Blackburn stated that the telephone system is built on the law-of-averages. It was designed in the 1970's and it has not been updated much since then. When you have to rely on any public network you are at risk. Reverse 911 has built-in "retry's" for certain lines if Reverse 911 calls get a fast busy that indicates that all circuits are busy then the Reverse 911 system will retry that number. There is also built-in technology that allows you to throttle the system back if needed. But the system but is designed as hybrid implementation, a portion of the system is connected in the local calling area then the system is also connected to hosting centers that are located outside the area. The hosting centers have the capability to deliver massive capacity from outside the area.

Mayor Barney stated it makes sense to have the system cover a larger area throughout the county so there could be a dedicated line set aside for this purpose.

Chad Blackburn stated we propose eight (8) lines for the onsite local infrastructure of this system.

Wade Carpenter stated he would like the program to be implemented as a cost-share with the County and St. George. He asked if the cost quoted would be for five (5) entities to utilize the same system?

Chad Blackburn stated the proposal would not change but it would need to be required as a licensed product for the entire county to use. The quote is \$56,850.00 which is a one time cost. Yearly there will be maintenance fees of \$8,527.00 for 24/7 support and software updates. Those costs could be split between the five (5) agencies.

Wade Carpenter stated the five (5) agencies he is considering is Ivins City, Washington City, Hurricane, St. George, and the County. Costs would be assessed based on population. He would like to know what percentage of the phone lines to be installed are considered extra lines.

Chad Blackburn stated if you wanted the system to cover the entire county we would install more than eight (8) ports, that is what would need to be refigured as well as licensing fees on a new quote.

Wade Carpenter stated if we get everyone on board it makes a lot more sense. There is potential that every year we add a project in the county for Homeland security money. Most other cities in Utah are not complying with their requirements but Washington County qualifies to take the lion's share of those funds. If all the agencies can get on board with this system there is a possibility that the project can be funded through one of those Homeland Security projects.

Council Member Rusick stated it seems like a good project. We need to know who else is on board with it though.

Wade Carpenter stated that is why he wanted Chad to give the information tonight. He may come back and talk to the other entities.

Council Member Tenczar asked do you require any personnel for local technical support, either from Ivins or the County or elsewhere?

Wade Carpenter stated the program would be run through the existing consolidated dispatch.

Council Member Tenczar stated that additional costs would not be required for additional personnel then.

Chad Blackburn stated the system should not require additional personnel. The creation of pre-recorded emergency scenarios allows the City to pre-plan for emergencies such as areas where there is recurring flooding.

Mayor Barney stated we are interested in the program but would like to know who else would be participating.

Wade Carpenter stated that everyone in the County was invited to tonight's meeting. The School District and Dixie College were invited as well because they can provide areas for shelter. The Department is trying to create plans for the entire area. We all need to use the same resources like the Hospital and this has the potential to build on over time and do more. As we add more people there is not a substantially larger cost and the system can grow with us.

Council Member Tenczar stated she researched this company online and it is a much more advanced system than others that have been considered in the past.

Wade Carpenter stated the system seems to have the most data information and, based on what can be provided, we will get a better product for the same cost to the entities.

Council Member Foot stated it would be good to move forward and see which other cities are interested and what the costs would be.

Mayor Barney stated the consolidated dispatch method of delivery seems to make the most sense, basing the service on population and have all the Cities pay into the program.

Wade Carpenter stated the use could be controlled much better through the consolidated format. Each community could designate individuals with the authority to access the system so we can better control how it is being used.

Council Member Jolley asked what the other entities response was tonight.

Chad Blackburn stated the County response was very positive and they have scheduled a meeting with the County Commission to discuss this system.

Wade Carpenter state the Reverse 911 system would tie into the Ivins City community plan. There are a lot of potential uses for this system. Chief Carpenter will update the City Council as further information is received.

5C. Consider Approval of Ordinance No. 2008-01 “An Ordinance of Ivins City, Utah. Amending Section 2.05.104 of the Ivins City Code Regarding the Employee Appeal Board.”

Dale Coulam stated this is the suggestion from the ULCT. This changes the appeal authority from a Board of Adjustments to an Administrative Law Judge. This is the same language, basically, saying instead of the Employee Appeal Board, which is a group of five (5) people; we go to an Administrative Law Judge. The statute was amended to say that any number and any person can be designated by ordinance to fill that role. The League suggested using an Administrative Law Judge to act in this capacity as it reduces the number of lawsuits that go into the court system. This allows an Attorney to review all the information to be sure it is proper before it goes to the court system.

Council Member Foot stated that serving on the Employee Appeal Board was a brutal experience. We were briefed in a meeting as to expectations and legal issues and procedures that were required to avoid further potential litigation because of failing to act in a certain manner. Having an Administrative Law Judge will protect the City to a much greater extent. The pressures experienced by this group of people were unreasonable.

Council Member Tenczar stated it removes the Council from that interface in general and will now give an independent view of any situation that arises. It is a good idea.

MOTION: Council Member Foot moved to approve Ordinance No. 2008-01 “An Ordinance of Ivins City, Utah. Amending Section 2.05.104 of the Ivins City Code Regarding the Employee Appeal Board.”

SECOND: Council Member Jolley.

VOTE: Roll Call Vote. The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

5D. Consider Approval of Harvest Moon Festival 2008.

Council Member Rusick distributed a proposal and reviewed the information about the event a copy is attached to these minutes.

Mayor Barney asked why the term “ethnic” was used in reference to the entertainment. It seems too narrow in its scope.

Council Member Foot suggested replacing “ethnic” with “cultural” entertainment.

Council Member Elwell stated the report identified expanding some venues; will these proposed expansions also add participants? What effect will that have on the final cost of the event?

Council Member Rusick stated the Committee is hoping to incur costs that are essentially the same or less than last year, but we will do the best we can. We want to do more at a lower cost.

Council Member Elwell stated you do not have a limit on the number of vendors who may be there and you are anticipating that by going the extra mile you can increase participation.

Council Member Rusick stated the space can accommodate at least 20 more vendors.

Mayor Barney stated over the years if the vendors keep growing the event may become self-supporting in the future.

Council Member Elwell reflected that when St. George sponsors similar events they are able to point to specific various venues where they increase economic income through lodging, entertainment, restaurants, etc. which Ivins doesn’t have yet. I have a deep concern relative to spending money of this nature and to recoup costs. I am hesitant but I will go with the majority.

Mayor Barney stated there is an economic boon to Tri-mart and Roy’s.

Council Member Rusick stated we try to highlight locally owned businesses or locally located businesses.

Judy Gubler stated that Coyote Gulch is a good fit for reaping revenue from this event.

Council Member Foot stated he enjoyed the last Harvest Moon Festival. He felt the participation was far beyond his expectation. He stated he was impressed with the event and feels with a longer lead time and better planning my expectations are that the response will be better and the costs will be significantly reduced. When the event is concluded we can review it and determine if we need to continue the festival.

Judy Gubler stated the revenue for all items sold at the Festival adds sales tax revenue to the City.

MOTION: Council Member Foot moved to approve expenditure of \$11950.00 for Harvest Moon Festival 2008

SECOND: Council Member Tenczar.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

5F. Discussion of Reconsideration of Council Action Based Upon a Citizen Request.

Mayor Barney stated there were concerns on taking comments in a Public Hearing. Resolutions don't typically have a Public Hearing. Do we want to have Public Hearings on Resolutions as a general rule? Most Resolutions passed are pretty routine. This issue was a little different because there were those with a lot to say.

Council Member Elwell stated there was so much rhetoric during that period of time from the people who felt put out that BLM and the power company were not affording them the opportunity to speak. It seemed like we did the same thing in reverse. Whether it was only one person or more that wanted to speak to the issue I think we should have allowed them time to speak. In addition to that, Lowell Elmer gave a presentation on funding applications to the Three Rivers Trail Committee and one of the things he mentioned was that holding a Public Hearing, to where you can show that the Public is in support of what you are trying to do, carries great weight. If we wanted to show that the City was opposed to the coal-fired power plant, to be able to say we held a Public Hearing seems to me to be a stronger statement. I felt strongly about taking public input and maybe my comments were vitriolic. What motivates me to be involved is that someone needs to listen to what the citizens have to say. I was very sensitive to the action or inaction that we took. I did not pick up on the fact that this was a time sensitive issue to make a Resolution.

Council Member Rusick stated it was important to get the public comment in as early as possible. To my recollection we have never had a Public Hearing on a Resolution, ever. The Resolution simply stated that we were opposed to the coal-fired plant. Everyone, including you George, made a statement in support of that stance. You said you thought it was a "bait-and-switch." We were all in agreement on the premise of the Resolution. As far as those who were in the audience listening, I know all of them and there was not one person who was opposed other than Mr. Jackson. This was not a Public Hearing but it was a Public Meeting. Those that came were there to show support of the Resolution but because they knew it wasn't a Public Hearing not one of them got up and spoke. The Council Member got a lot of emails complementing the Council for the stand they took. I only received one negative response from the same individual who opposed the Resolution at the meeting. What troubled me was the material he gave to the Council wasn't a sincere effort to give information, it was an insulting piece of propaganda that called names and ranted and used offensive language and slurs on peoples character and competence. All of the Council agreed with the premise of the Resolution, except for George, and his rationale was not that he was opposed to the content of the Resolution, but that we should have had a Public Hearing first.

Mayor Barney stated that he agrees with Council Member Rusick that the Council has not typically had Public Hearings for Resolutions. Having said that, this Resolution was a little different than the standard Resolutions we pass that nobody cares about and nobody is offended one side or the other. This issue involves strong feelings. He has heard from some of those who do support the power plant. At the Mayor's Meeting Mayor McArther stated that St. George City has a signed agreement that St. George City will receive power from this plant. That is contrary to the information we received.

Council Member Rusick stated we are not arguing the merits of this issue. The Resolution was a simple statement that the five (5) of us, representing Ivins City, thought the coal-fired plant was not the best solution.

Mayor Barney stated there are strong opinions on both sides. The area Mayors expressed strong feelings in favor of the plant. There are many statistics to support both sides. One of those is that a coal-fired plant can produce kilowatt costs of .05 cents per kilowatt hour versus gas powered plants at .14 cents per kilowatt hour. There are arguments on both sides.

Council Member Foot stated the City Council holds Public Hearings on issues that directly affect the residents of Ivins. This particular issue is outside of the State of Utah, and we have no input to direct how the outcome is going to be. Everything I have seen shows that the power is going to Nevada, Arizona, and New Mexico. California has passed a Resolution that they will not accept power derived through coal-fired power plants. There are alternative processes such as super heated mineral oils that

California has been using for a number of years that have been successful. He stated he does not believe in having a Public Hearing for the City Council to sit and listen to a contentious issue whose resolution we have no control over and what we do will have no impact. Frankly, I don't think we need to readdress this issue. We passed the Resolution and we should just move on. The only thing we have left to do is watch and see what Nevada decides to do and how it will affect us. He stated he does not feel it is a positive situation and we don't get any power but we get the pollution and the negative outcomes.

Council Member Rusick stated that she proposed this issue as an agenda item two (2) weeks before the meeting, so there was ample opportunity for the City Council to determine if a Public Hearing was needed. No one said that. The only thing that prompted the concern of the lack of Public Hearing was Mr. Jackson's comments. If he had not been allowed to speak we would have had the same conversation and still passed the Resolution.

Council Member Elwell stated that Council Member Tenczar's comments where she stated she was against the coal fired plant after her own exhaustive research intrigued him and carried a lot of weight with him. But one of the statistics she quoted, that I have not been able to find, is that gas-fired plants take three (3) times as much water to operate. How much water are we talking about? If it is 30 gallons verses 10 gallons, big deal, but it has bothering me for a long-time now because water is a precious commodity.

Council Member Foot stated that the information he has is that a good portion of the water they will be using will be reclaimed water from the Mesquite treatment plant, and the remainder of the water will be taken from wells they will have to dig. The first power plant Nevada built allowed for a single unit on that site but now there are four (4) units there. The Toquop power plant is to be located on 640 acres with one initial plant proposed. They have stated they want to maximize the use of the land they have available so the Council Member's estimate is that this unit will be one of many, many firing units that will be built over the long-run. Senator Reid is against it, the City of Mesquite passed a Resolution against it, and the American Institute of Architects has a position paper against it.

Council Member Rusick stated she has an opposition letter from the head of the Conservation Chair of the Red Cliffs Audubon Chapter.

Mayor Barney stated we don't need to pursue any debate tonight. He stated the Resolution was passed and it should remain. We usually do not have a Public Hearing on proposed Resolutions. He feels that on this issue there are arguments on both sides but that is our responsibility to research. He stated he didn't research the issue as much as he should have. He would like to have had more of a discussion on the issue and heard both sides of it before making a decision. In future reference, on controversial issues, we should try to address both sides of the issues before making a decision.

Council Member Tenczar stated that she had brought up the additional resource consumption of the coal-fired versus the gas-fired plants. Another element to consider is what the risk is if we do not have good numbers or good statistics. Having doubts with not enough information to go on is one of the reasons I voted in opposition to the power plant.

Council Member Elwell stated that is more where he is with it also. To take no action is one thing, but to say that I favor it is completely wrong. I would have favored taking no action as opposed to taking one side or the other simply because of what you just stated.

Council Member Tenczar stated that no one brought that up as an option.

Council Member Rusick stated that in the future we would not want to reconsider decisions we have made but we should state if we think having a Public Hearing is required. The City Council should not shy away from doing this kind of socially responsible thing. The time to say you want a Public Hearing is not after the meeting where we passed the Resolution the time is when it is proposed by a Council Member.

Mayor Barney stated I agree.

6. CONSENT AGENDA

- A. Approval of Work Meeting Minutes for December 11, 2007.
- B. Approval of meeting minutes for December 20, 2007.
- C. Approval of expenditure in the amount of \$5,425.00 for a “4 Compartment Slide-In Animal Control Unit” for pick-up truck.

MOTION: Council Member Rusick moved to remove the Consent Agenda item B.

MOTION: Council Member Elwell moved to remove the Consent Agenda item C.

MOTION: Council Member Tenczar moved to remove the Consent Agenda item A.

A. Approval of Work Meeting Minutes for December 11, 2007.

Council Member Tenczar corrected Scott Hirschi’s name throughout the document. Line 32 page 2 the correct spelling is “Bocce.”

Council Member Elwell abstained because he was not in attendance.

MOTION: Council Member Rusick moved to approve the corrected Work Meeting Minutes for December 11, 2007.

SECOND: Council Member Tenczar.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	ABSTAIN	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

B. Approval of meeting minutes for December 20, 2007.

Council Member Tenczar corrected Mr. Linter’s name, and the Crump’s name.

Council Member Elwell stated that on Page 4 following line 23 he remembers that the Mayor polled each of the Council Members asking if we were comfortable in putting the issue off until a Public Hearing was held and each member indicated with a nod that they were comfortable with that except for Council Member Rusick. That is not reflected here. If that is not how you remember it that is fine, but that seemed to be an important element.

Judy Gubler stated the tape was reviewed.

Karyl Keanaaina stated the tape was reviewed and the line before the one cited the Mayor “asked the Council if they wanted to pass the Resolution tonight”, there may have been nodding but there was no verbal discussion reflected on the tape.

Council Member Tenczar stated if you look at line 36, I made a comment that I could go either way so my reaction to the question is there.

Mayor Barney stated I recall going through each person individually.

Council Member Elwell stated you did, but if you determine that it is not all that important...

Council Member Rusick stated that one thing that upset her was that the Spectrum quoted her as saying that she was not comfortable with having a Public Hearing but never gave my rationale.

Council Member Foot commented that they misstated a lot of things.

Mayor Barney stated I do recall asking but the reactions may have been nods and are not reflected in the minutes. The verbal comments are there.

MOTION: Council Member Rusick moved to approve the meeting minutes for December 20, 2007.

SECOND: Council Member Foot.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

C. Approval of expenditure in the amount of \$5,425.00 for a “4 Compartment Slide-In Animal Control Unit” for pick-up truck.

MOTION: Council Member Rusick moved to approve expenditure in the amount of \$5,425.00 for a “4 Compartment Slide-In Animal Control Unit” for pick-up truck.

SECOND: Council Member Foot.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

7. REPORTS

Council

Council Member Elwell no report.
 Council Member Foot had no report.
 Council Member Jolley no report.
 Council Member Tenczar no report.
 Council Member Rusick no report.

Mayor

Mayor Barney reported that the Marriage Award Nominees will each receive an invitation for four (4) to an awards luncheon on February 1, 2008 at the Salt Palace Convention Center in Salt Lake City. The City received a complementary invitation which he passed to the City Manger if anyone could attend and wanted to represent the City. The Mayor received a complaint on cats in the neighborhoods. The citizen asked why the City does not require cats to be licensed when dogs are required to be licensed.

Judy Gubler stated the primary reason dogs are licensed is to be sure they are current with rabies shots. Mayor Barney stated that this letter makes some good points. The citizen stated she had reported this to the animal control officer and was told “they could not help me unless I knew to whom the cats belonged, which is impossible with the variety of cats. Also she mentioned that Ivins did not trap cats. The telephone number of the person she gave me who did this only traps cats to ‘fix’ them.”

Wade Carpenter responded that the City does have traps and what we do with them is check them out to the individual and they trap the cat and then Animal Control will pick the animals up. We then fix them and put them in a colony.

Mayor Barney turned the complaint over to Chief Carpenter.

City Manager

Judy Gubler reminded the City Council of the work meeting scheduled for Thursday, January 17, 2008 from 4:00 to 6:00 p.m. She commented that as she sat and listened to the Public Hearing tonight it was a good reminder to remember how our ordinances impact our citizens. She commented that while preparing the background history for the Marriage Awards she worked with Steve Jolley and Pete Kuhlmann. In my research to get the history right, I found that Dale Rigby, one of our residents, was held captive as a POW. I had to go back in history to remember the USS Pueblo and looked up the crew members names and he was listed. It was hair raising to read some of the anecdotes it was very impressive to write up the history of these wonderful residents. She expressed her thanks to Steve and Pete for their assistance in putting the information together. She passed out Vision Dixie Plan booklets.

City Attorney

Dale Coulam no report.

Items to be placed on future agendas.

Continuation of Public Hearing on Planning Commission’s Recommendation to Consider Amendments to the Ivins City Zoning Ordinance.

8. EXECUTIVE MEETING-None

9. ADJOURNMENT

MOTION: Council Member Rusick moved to adjourn.

SECOND: Council Member Tenczar.

VOTE: The motion carried unanimously.

George E. Elwell, Jr.	AYE	Michael Foot	AYE	Steve Jolley	AYE
Carol Tenczar	AYE	Barbara Rusick	AYE		

Respectfully,

Karyl Keanaaina
City Recorder