

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 28, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, October 28, at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting.

Present: Mayor Rick Rosenberg
Council Members: Herb Basso, Ken Sizemore, David Whitehead, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Jack Taylor, Public Works Director; Corey Bundy, Building Official; Dan Nelson, Fire Chief; Bob Nicholson, City Planner; Bob Flowers, Police Chief; Rich Rodgers; Cade Hardman; Sherrie C. Slater; Kaden D. Jensen; Caleb G. Slater; Leilani Morgan; Gayle Jensen; Robbin Frei; Mandi Krawczyk; Jarett Waite; Kaleb Hopkin; Analyce Cluff; Allen Hall

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:02 p.m.

2. **Opening Ceremony**:

- Pledge of Allegiance: David Whitehead
- Opening Comments: David Whitehead

- Jerry Amundsen was excused from the meeting.

3. **Communications and Appearances**:

A. General Citizen Communications:

1. Caleb Slater, First Class Scout from Troop 1806, wanted to learn about the Feed-in Tariff.
 - Jack Taylor explained the Feed-in Tariff. He invited Caleb to come to his office where he can take more time to explain it to him.
 - Mayor Rosenberg explained that the City is encouraging people to go solar. He explained that the City wants to make sure that they have the operating funds to keep the system running.
2. Kaden Jensen, Star Scout from Troop 683 asked about recycling, where it will be processed, and how much it will cost to ship and process it.
 - Mayor Rosenberg explained that the recyclables are processed in St. George and then it

is sold and it goes to different places. He said that by recycling the City is hoping that they can extend the life of the landfill.

4. Working Agenda:

A. Public Hearing(s): None

B. General Business:

1. Introduction of new police officer Cade Hardman. Presented by Bob Flowers, Police Chief.

- Chief Flowers introduced Cade Hardman as the new police officer. He said that it is hard to find qualified candidates. He said that they have found a real outstanding individual that came highly recommended. He said they looked for someone who could get along, work as a team, handle stress and know what emotion to bring. He said they found someone like this in Cade.

- Cade Hardman introduced himself. He said he graduated from the Academy in April. He said he is 32 years old. He has been married for 13 years and has 4 children. He said he feels honored to be part of the Department and looks forward to a long career. He grew up in St. George.

3. Discussion and/or Action regarding a Power Rate Increase and set a Public Hearing for November 18, 2015 at 5:00 p.m. Presented by Jack Taylor, Public Works Director.

- Jack Taylor stated that the Council has been discussing a power rate increase over the last couple of months. He said that one of the concerns is that the City meet their bond covenants. He said that they have to have enough revenue coming in to make sure those bonds are covered. He said that they decided that they needed to have a rate study done. The City had an independent firm come in and look at all the numbers. The study showed the City that they need to meet their bond covenants and make sure they have enough reserve cash in the accounts in case of a natural disaster and also make sure that money is put away in case of needed replacements. He said they want to set a public hearing. The City Council asked Jack to present them with three residential rates. He asked if there was anything else the Council would like them to do.

- Herb Basso asked how this will effect solar customers.

- Jack Taylor said it will affect the feed-in tariff. He said they have a study that is being completed now for the feed-in tariff. He said that he hopes it will give the customer a good benefit. He said that he hopes the study will be completed in the next 15 days and then it will be brought back to Council and there will be a discussion and then it will be discussed with the people who have the metering on their homes.

- Mayor Rosenberg asked about the residential 101 customer having a \$2.19 increase per month and then in 2018 there would be an increase of \$3.17. He wondered if it was \$3.17 above the \$2.19 or just a total of \$3.17 increase from the current rate.

- Jack Taylor said it was \$3.17 total increase from the current rate. He said that transmission costs have gone up 65% and that's why there has been an increase in cost. He said that another cost is power costs continue to increase. The EPA is shutting down coal-powered plants and that's the cheapest and most productive resource. Other

resources are a lot more expensive. He said they have tried to run a budget as tight as they possibly can.

- David Whitehead stated that the reserve fund is extremely important for financing so that when the City gets the bond they get lower interest rates. It saves money in the long run for citizens. He said that that from his calculations there is an increase annually. There is a base rate increase and the kilowatt hour increase. He said that this increase is less than most cities.

******Motion to Approve the Action regarding a Power Rate Increase and set a Public Hearing for November 18, 2015 at 5:00 p.m.**

Motion by Ken Sizemore, seconded by David Whitehead.

Voting Aye: David Whitehead, Tode Hafen, Ken Sizemore and Herb Basso.

Voting nay: None

Motion Carried.

3. Request approval of new Federal Aid Agreement. Presented by Jack Taylor, Public Works Director.

- Jack Taylor stated that the third approval that is before the Council today is because the engineering estimate increased. It went from \$221,479.00 to \$713,327.00 which is a total of the Santa Clara and Ivins match. Santa Clara is responsible for 69% of \$713,327.00 which is \$492,196.00 basically. He said that staff recommends approval of the Federal Aid Agreement. UDOT makes them set that limit. He said that if the bid comes in less the number will drop. They will pay for this with the impact use that has been collected and also they will be going to the CIB impact board for a bond to borrow some money at 2 ½% interest. He said they are going to get some grants. He said he has put in for some TAP funding through the NPO. He said they are asking for \$240,000. He said they stand a really good chance to get it.

- Herb Basso asked if the City gets no grant how will they pay for this.

- Jack Taylor said they will pay for it with impact fees at 2 ½% interest. He said he is doing everything he can to get money from grants and other ways.

- Mayor Rosenberg said that from talking with contractors there is going to be a lot of interest on this job. He said if the bids come in at 3.5 the number will back off.

- Jack Taylor said that he has the plans for anyone to see in his office. He said that the sewer project will start on November 9th. Barton Construction got the bid and they'll get the sewer in before the project starts.

- Herb Basso suggested that in order for the City to be transparent and to increase public relations, the City could post a picture of the project on their website.

- Mayor Rosenberg suggested putting a single line drawing of the project on the website. He also suggested additional enforcement on the speed in the project area over the next few months.

- Ken Sizemore wanted to know if approving this agreement affects the budget.

- Mayor Rosenberg said if they have to do a budget item, it will happen after the bid when they know the answers to the funding. The project start can be delayed for up to 8 months. The numbers are still preliminary. After its bid, then they will be looking at a budget adjustment to reflect the new revenues and if there needs to be additional cost increases.

*****Motion to Approve the new Federal Aid Agreement (Revision 3).**

Motion by Herb Basso, seconded by David Whitehead.

Voting Aye: Herb Basso, Ken Sizemore, David Whitehead and Tode Hafen.

Voting nay: None

Motion Carried.

4. Request Approval for amendment of General Plan Land Use Map to change the land use designation from Open Space to Mixed Use Residential. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that the City has received a request from Kent Frei to amend the City's General Plan Land Use Map by changing the land use designation from open space to mixed use residential on 1.83 acres located on the northeast corner of Little League Drive and Lava Cove Drive. The property to the north was recently approved for 46 lots called Snow Canyon Estates. The property to the west is open space and part of the Santa Clara Park Arboretum. The property to the south is on open space and part of a large wash. This property would be subject to a hillside review. The issues on this request is a portion of this property is within the 100 year flood plain. This is shown on the 2009 Washington County flood map. The recommendation from Staff is if the property is within the 100 year flood plain and cannot be resolved or taken out, then it ought to be designated as open space not residential use. The balance of the property is zoned R1-10. The applicant can actually proceed and build homes under the current zoning. The Staff has suggested that an appropriate designation be low density residential which is consistent with the zoning there or medium density residential but that density would cap out under the general plan at 8. Kent Frei wants a density greater than 8, in the neighborhood of 10 or more. Steps on that would be to apply for a PD Residential zoning along with the density bonus. He said that Allen Hall is there to represent Mr. Frei. Bob Nicholson said that he doesn't feel like traffic would be a major issue. He said that the Planning Commission held a public hearing on October 13 and nobody was present. He said that Corey Bundy, Building Official, has suggested that medium density is a reasonable alternative. In the end, the Planning Commission voted to approve recommendation of the applicants request with the mixed use residential.

- Mayor Rosenberg said that it boils down to the way the general plan is written and the new bonus density the City has approved in the PD. He said that the only designation in the general plan that would allow that bonus density to be consistent with it is the mixed use. There is no residential component that would allow the density to go above 7 so the City has created this PD that would allow a project to get to 12 but the only designation in the general plan that allows it to get to 12 is the mixed use. He said that now that Council is comfortable with that bonus density going to 12 then they need to set up a residential general plan that would allow that too.

- Bob Nicholson stated that it would be an easy fix. They would just have to add one sentence to the General Plan.

- David Whitehead said that this is quite a density transition. He said that he was concerned about the harshness. He is concerned about having a nice, single family home next door to a big four-plex unit. He wondered if Mr. Frei could transition that in his other plan so it's not so harsh.

- Allen Hall, Rosenberg & Associates, stated that they have a five lot subdivision that has

already been approved.

- Herb Basso said that this is a great spot to implement what the City is creating, the bonus density philosophy.
- Tode Hafen asked if they are talking about PD or mixed use.
- Allen Hall stated that they are asking for the general plan amendment to mixed use. He said they will come back in for a zone change to go with the PD.
- Ken Sizemore asked if they were going to hold up the process if they go with the new direction they were talking about, adding the sentence.
- Mayor Rosenberg said that Mr. Frei is not wanting to wait for the Council to go through the whole process that's why Mr. Hall is there tonight. He wants to get started on it.
- Ken Sizemore said that he doesn't know if they want to impede the direction of the general plan and do something that they don't want to see because the property owner needs to hurry up and get his project going.
- Bob Nicholson said that this requires a public hearing because the Council is tweaking this, adding a line. That requires a 10 day notice before the Planning Commission meets and then it would come back to the Council. Planning Commission meets on November 10. He said he's not sure they can get notice in the paper. He said he thinks they have missed that deadline. He said that if the Council is comfortable with what Mr. Frei has proposed, the 10 to 12 units per acre, they could proceed. The General Plan is a recommendation and the language in the mixed use residential doesn't mandate that it has a commercial component.
- Tode Hafen said that she wondered if they could approve this with a stipulation that it would not have a commercial component.
- Bob Nicholson said that they don't need to on this one.
- Mayor Rosenberg asked if they could approve it tonight and let him get going and they could come back with their General Plan changes to the MDR at the same time. The Council would be instructing Staff to get that change on the plan.

******Motion to Approve an Amendment of General Plan Land Use Map to change the land use designation from Open Space to Mixed Use Residential as requested.**

Motion by Ken Sizemore, seconded by Tode Hafen.

Voting Aye: Ken Sizemore, Tode Hafen, Herb Basso and David Whitehead.

Voting Nay:

Motion Carried.

- Mayor Rosenberg gave Staff Direction that they could, with haste, get that extra sentence in the plan and get the advertisement done and get it to the Planning Commission as quickly as possible and as part of that same agenda, have an item on the agenda to get this changed back to the MDR.
- Ken Sizemore asked a question of the applicant. He said he needs some history on the high pressured gas line and how it impacts what they are going to be looking at in the future.
- Allen Hall said that the high pressure gas line has been a real inconvenience. The gas line is scheduled to be moved this week or next week. It will move out to the road. He said the power lines are staying.
- Mayor Rosenberg recognized the new City Councilman Elect Jarett Waite.

5. Request Approval to cancel the November 11, 2015 and November 25, 2015 City

Council Meetings and Schedule a Special Meeting for November 18, 2015 at 5:00 p.m.

******Motion to Cancel the November 11, 2015 and the November 25, 2015 City Council Meetings and Schedule a Special Meeting for November 18, 2015 at 5:00 p.m.**

Motion by Tode Hafen, seconded by Herb Basso.

Voting Aye: Tode Hafen, David Whitehead, Herb Basso and Ken Sizemore.

Voting nay: None

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Tode Hafen:

- Had a question about the Bee Ordinance.
 - Herb Basso said that is going to be brought back to a work meeting so the Council can take it from there. It is not on an agenda yet.
- Asked Jack Taylor to explain about Rocky Mountain Power and solar that has been in the paper.
 - Jack Taylor said that it sounds like they are trying to get away from coal and go to renewables.
 - Jarret Waite said that Rocky Mountain is in the middle of hearings with the Public Service Commission on if they can add a fee to solar customers. He also said that customers can pay to have part of their power supplied by solar.
- The Snow Canyon Joint Management Team is meeting and they are accepting proposals to widen the road and redo the road up through the canyon including the bike lanes and make it more race bike friendly.
- She has met with Brooke and Laine. They have been able to sift through some things from Swiss Days that went well and some things that possible need some changes.

David Whitehead:

- Mentioned that when he has been out walking along Harmony Way he smelled natural gas. He said that over the last couple of weeks there has been a smell coming up out of the street.
 - Jack Taylor said that it might be sewer. He said they will check the manholes.
- He said on the BLM RMP he had a couple of people ask if they would be restrictive on mountain biking if they approve the most restrictive plan.
 - They discussed whether or not it would. It could be in the future.
- Nothing is new with the Mosquito Abatement District. They had a great year with very few mosquitoes.

Herb Basso:

- He sent an email out to the Council. He would like to begin a discussion on where the City's strength and position is regarding any homeless issues that might affect the City. There is more activity in the City with the moving of Switch Point to Sunset. He has been speaking to Public Safety. He hopes that the homeless are not camping and settling in the community unlawfully. He said that the Police need help with

more eyes and ears. Let the police know if they see any camps. He said Brad Hayes, Parks Director, said that his people notice the homeless around the parks. He said they can direct the homeless to Switch Point. He would like to have Chief Flowers to give a report and give staff more direction.

Ken Sizemore:

- Air Quality Task Force met last week. They are still looking at the data coming in from the two monitors that are stationed in St. George. They are trying to get the feel for what is happening as the air comes in so that they've got one monitor set down on the YESCO sight and the other one is a couple of miles away. They are looking at PM10 (soot). There is a big spike that happens from 6 a.m. to 11 a.m. and then it goes back down again. They think it's mostly contributable to contractors that aren't prewetting. The new EPA ozone took effect October 1. It will become an issue here. Washington County is low on their priority list.
- Transportation Executive Committee met last week. There wasn't a lot of substance there. 17 of the 29 Counties are going through the Proposition 1 election next week. Beaver County is the closest one to us.

Mayor Rosenberg:

- Flood Control Authority met. The Technical Advisory Committee met. They are recommending some projects for next year. They are seeing in the next year budget there is going to be some funding available from Flood Control Authority that can help out with some maintenance in the wash. He asked Dan Nelson, Fire Chief, if they had some time to do some clearing.
 - Dan Nelson said yes and no. He said they will definitely make time for that.
- He told the Council that there will be a report coming to them on Lava Flow Drive. There is some concern about Arrowhead and Lava Flow. He said there has been a couple of complaint. Public Safety said there is a problem, excessive speed and sight distance issues. Staff will come to Council with some solutions.
 - Tode Hafen said that she talked to Chief Flowers about going to the school and talking to the kids.

Ed Dickie:

- Asked if Council wanted to do Executive Session. Mayor Rosenberg said he does.

7. Approval of Claims and Minutes:

- October 14, 2015 City Council Meeting Minutes
- October 14, 2015 Executive Session Minutes
- Claims through September 28, 2015
 - David Whitehead had a question for Brock Jacobsen about a \$50,000.00 adjustment, Utah State Division of Finance.
 - Brock Jacobsen said they got an invoice from them for the road bond from CIB. They sent an invoice and the City cut a check for them. They sent it back and said Zion Bank will pay that. The City makes monthly payments to Zion Bank and they hold the City trustee with those accounts and make the bond payments.

******Motion to Approve the Regular City Council Meeting Minutes from October 14, 2015, Executive Session Minutes from October 14, 2015 and claims through September 28, 2015.**

Motion by David Whitehead, seconded by Ken Sizemore.
Voting Aye: Herb Basso, Ken Sizemore, David Whitehead and Tode Hafen.
Voting nay: None
Motion Carried.

8. Calendar of Events

- November 4, 2015 City Council Work Meeting
- November 4, 2015 Meet the Candidate Night 7:00 p.m.
- November 11, 2015 Veteran’s Day - Offices Closed
- November 18, 2015 Special City Council Meeting

******Motion to go into Executive Session to Discuss Potential Litigation.**
Motion by Tode Hafen, seconded by Herb Basso with all members present voting Aye.

5. Executive Session:

- Entered Executive Session at 7:00 p.m.
- Reconvened at 7:28 p.m.

9. Adjournment:

Motion to adjourn by Tode Hafen.
Seconded by Herb Basso with all members present voting aye.
Meeting Adjourned at 7:28 p.m.

Chris Shelley – City Recorder

Date Approved: _____