

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JANUARY 14, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, January 14, 2015, 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, Jerry Amundsen, Ken Sizemore, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Staff: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Bob Nichol森, City Planner; John Willie; Todd Edwards; Blake Frei; Cimarron Chacon; Steve Hall; Keith Gubler; Bob Hermandson; Jacob Wittwer; Marc Wittwer; Andrea Wittwer; Lynnette Miller; Mari Smith; Don Graf; Pat Graf; Heather Ovard; Alan Ayala; David Rasmussen;

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

2. **Opening Ceremony:**

- Pledge of Allegiance: Tode Hafen
- Opening Comments: Tode Hafen

- David Whitehead was excused from the meeting.

4. **Working Agenda:**

B. General Business:

1. Recognize John Willie for 30+ years of service as City Planner and Todd Edwards for 10+ years of service as City Engineer.

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3. **Communications and Appearances:**

A. General Citizen Communications:

Mayor Rosenberg asked a Scout to introduce himself:

- Jacob Wittwer– Troop 1803 – Citizenship in the Community – First Class Scout

4. Working Agenda:

A. Public Hearing(s):

1. Public Hearing regarding a Lot Line Adjustment / Easement Abandonment for three parcels of property located at 1940 and 2000 Red Mtn. Road.

- Corey Bundy discussed a lot line adjustment for Marc Wittwer for three parcels of property. Staff has reviewed the request and found no utilities in the easements to be abandoned. The request meets the R1-10 zoning requirements.
- Herb Basso questioned if we would need the utility easement in the future.
- Corey confirmed it would be ok to abandon it.
- Marc Wittwer discussed parcel 3. He confirmed it doesn't have dedicated access because it's in his backyard.

5:13 p.m. Public Hearing Opened.

5:14 p.m. Public Hearing Closed.

B. General Business:

2. Discussion and/or Approval regarding a Lot Line Adjustment/Easement Abandonment for three parcels of property located at 1940 and 2000 Red Mtn Drive in the View Point Subdivision Phase 3 Owned by Marc Wittwer and Approve Ordinance 2015-01. Presented by Corey Bundy, Building and Zoning Official.

- Ken Sizemore asked what the purpose of this lot line adjustment is.
- Marc Wittwer commented his home is too close to the property line. This lot line adjustment would have it meet the requirements if approved. It would also allow him to sell the other parcel of land in the future.

******Motion to Approve a Lot Line Adjustment/Easement Abandonment for three parcels of property located at 1940 and 2000 Red Mtn. Drive in the View Point Subdivision Phase 3 Owned by Marc Wittwer and Approve Ordinance 2015-01.**

Motion by Herb Basso, seconded by Jerry Amundsen.

Voting Aye: Tode Hafen, Jerry Amundsen, Ken Sizemore and Herb Basso.

Voting Nay: None.

Motion Carried.

4. Discussion and/or Approval of the Final Plat for Bella Sol Phase 3. Presented by Corey Bundy, Building and Zoning Official.

- Corey Bundy presented the Final Plat for Bella Sol Phase 3 for Robert Smith. This phase has 9 lots. Staff has reviewed and approved the plat contingent on City Councils

approval of a street name change. Kate's Way will change to Bella Sol Drive, to be recorded with the plat. Planning Commission and Staff have approved the name change.

- Herb Basso asked if there are any homes affected by the street name change.
- Corey commented there is one vacant home. The house number would remain the same but the street name for the address would change.

******Motion to Approve the Final Plat for Bella Sol Phase 3 including the affidavit for the street name change and pending City Attorney review.**

Motion by Jerry Amundsen, seconded by Tode Hafen.

Voting Aye: Jerry Amundsen, Tode Hafen Ken Sizemore and Herb Basso.

Voting nay: None

Motion Carried.

3. Discussion and/or Approval of the Street Impact Fees. Presented by Steve Hall, Sunrise Engineering.

- Steve Hall with Sunrise Engineering discussed the Street Impact Fee changes from the last time they met with Council in December. They were able to look at the cross sections individually to determine the needs. Developers will put in improvements as well. This change has reduced the Impact Fee from the original \$3,211 to \$2,145. The Land Use Impact Fee table changed to ADT rather than the peak hour.

Some of the TAZ zones were overlapping the City boundary. When they changed the zones to only be inside Santa Clara's City limits, it reduced the number of trips, which puts the impact fee close to where it already is.

Working with the Mayor and City Staff, the bridge on Chapel Street was changed to a low flow crossing. It reduced the costs significantly and brought the Impact Fee back to where it was.

- Tode Hafen asked what kind of crossing a low flow crossing is.

- Mayor commented it is similar to the crossing on Ft. Pierce Drive. The 100-year floodwater could cross over the bridge but in normal runoff it would pass through the openings underneath. The bridge would be closed during increased runoff, but it still provides a second access to that area, required by the fire code. In the future, the bridge could be upgraded, but until then, the City would be collecting impact fees for the access now.

- Steve continued with his report stating the total amount of impact fee eligible improvements funds was originally close to 7 million but with these changes it has decreased to approximately 5.3 million.

- Tode asked what the current impact fee is.

- Steve commented the current fee is \$1,562. The new Impact Fee would be \$2,155.

- Mayor commented we don't have to approve the full amount. The study provides the maximum amount we can approve.

******Motion to Approve the Study Results of the Street Impact Fees and direct the consultants to move forward with preparations for the Public Hearing in two weeks.**

Motion by Jerry Amundsen, seconded by Herb Basso.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen and Tode Hafen.

Voting nay: None

Motion Carried.

5. Approve AP Wireless Agreement. Presented by Brock Jacobsen, Finance Director.

- Brock Jacobsen discussed the contract for AP Wireless. The original bid from AP Wireless was for them to pay the City \$577,500 over 5 years with \$52,500 paid at closing. However, they found out part of Sprint's payments are taxes, which can't be bought. We will continue to receive Sprint's taxes and the bid for AP Wireless is now for them to pay the City \$550,000 over 5 years with \$50,000 paid at closing. AP Wireless worked with us on the revenue sharing portion of the contract and we will now receive 70% of future rent from new or additional tenants. The City would receive 65% of any rent increases obtained as a result of contract renegotiation of existing contracts.
- Ed Dickie commented it's a little better deal than the original contract.
- Herb Basso asked if the money collected goes into the General Fund.
- Ed commented it goes into the General Fund but Council can discuss/earmark where the money could be used in the budgeting process.
- Matt Ence commented the City would still be the landlord of the towers. The only right we are assigning to them is to collect the payment/rent.
- Herb asked if the cell company's pay for the power they use.
- Jack Taylor commented they do pay for the power used.

******Motion to Approve the AP Wireless Agreement.**

Motion by Herb Basso, seconded by Ken Sizemore.

- Matt Ence asked Herb to clarify the motion. There are multiple agreements involved. There will be a rent assignment agreement for each cell site. We have three cell tower sites in the City. There will be a landlord estoppel, which is a document signed by the city, stating at the time we assigned these rents over, everything was up to date. There is a single marketing agreement in which we agree to have AP Wireless be our broker/agent for new leases.
- Herb asked if the general marketing agreement has the verbiage for the exit ability.
- Matt replied to Herb stating it does.
- Brock also commented the marketing agreement allows the City to decide any future changes or additions of the cell sites; any new offers for cell sites would be brought to the City by AP Wireless for approval.
- Matt stated the agreements were very well done and thorough.

******Amended Motion to Approve the AP Wireless Agreements; the rent assignments agreements for each of the three cell sites, the landlord estoppel agreement, and the marketing agreement.**

Amended Motion by Herb Basso, seconded by Ken Sizemore.

Voting Aye: Ken Sizemore, Jerry Amundsen, Tode Hafen and Herb Basso.

Voting Nay:

Motion Carried.

6. Approve the Correction Quitclaim Deed between BLM and Santa Clara City. Presented by Matt Ence, City Attorney.

- Matt Ence discussed a Quitclaim deed from the BLM to the City. The purpose of the deed is to correct an error on a previous deed from a long time ago. Matt has reviewed the new deed and made a few comments and suggestions. He will make sure the Mayor gets the final revised copy for signatures.

******Motion to Approve the Correction Quitclaim Deed between BLM and Santa Clara City as discussed.**

Motion by Herb Basso seconded by Tode Hafen.

Voting Aye: Jerry Amundsen, Tode Hafen, Herb Basso and Ken Sizemore.

Voting nay: None

Motion Carried.

7. Discussion and/or Approval of Resolution 2015-01R, a Resolution Declaring Intent to Consider a Municipal Boundary Adjustment from Kent Frei and set a Date for a Public Hearing regarding a Boundary Adjustment. Presented by Bob Nicholson, City Planner.

- Bob Nicholson discussed a boundary adjustment near Lava Cove Drive between Santa Clara City and St. George City on Kent Frei's property. Kent is proposing the boundary on his property to be moved to the West, part way down the slope of the hill on the East side of Lava Cove Drive. The State Code allows for two ways to move a boundary. The first is a de-annexation from one City and then an annexation into the other. The second is if both City's agree on the boundary adjustment, they can do a Boundary Adjustment Provision. There would then be a 60-day Public Notice followed by a Public Hearing at the end of the 60 days. Bob noted the State Code says if a City Council approves the Resolution to move forward, it is somewhat binding unless there are written disputes against it. He cautioned City Council to only approve the Resolution if they are okay with moving forward with the boundary adjustment.

- Matt commented he agrees with Bob's thoughts on the approval of the Resolution. He noted if Council is unsure about the boundary adjustment, he would recommend doing the Public Notice and Public Hearing before approving this Resolution. There is an existing property exchange agreement between the City and the applicant, which says that the City will consider and hold public hearings on this issue.

- Mayor commented the existing agreement between the City and Kent Frei was entered into in 2002. It had several items in the agreement, which has taken place already. In the past, the City has tried to not have a boundary line divide a street. He personally believes the proposal makes sense and should be left up to the property owner. He stated the property use becomes the same because there will be residential lots whether they are in Santa Clara or St. George.

- Herb commented he feels this boundary adjustment makes sense to him. He asked if the other sections of land are developable.

- Bob stated they would be able to be developed.

- Jack Taylor stated he talked to Questar about moving the gas line. It was too expensive to move it and he doubts Questar will ever move the line.

- Blake Frei addressed Council to thank them for working with him and his father. Santa Clara will be getting 17-18 lots and they look forward to creating a nice subdivision for both cities.

- Ken Sizemore asked for clarification on the North boundary line.
- Blake showed the boundary line on the map.
- Ed Dickie asked if the boundary adjustment would need to be presented to the Hillside Committee because it's located on the hill.
- Mayor confirmed it would be brought to the Hillside Committee for approval.
- Jerry Amundsen asked if the boundary could be moved so Santa Clara would service all the lots instead of the current proposal.
- Ed commented he feels Santa Clara could service all the lots. Staff has discussed this option but it ultimately comes down to what the property owner wants.
- Mayor commented if St. George doesn't want to do the boundary adjustment, Santa Clara would be happy to service all the lots.
- Jack commented he is concerned about cutting the hill. The runoff from the lots above would come down to the lots in Santa Clara. How St. George cuts the hill is important to us because we see it and have to control the water coming down off the hill.
- Mayor commented St. George has regulations for controlling the water drainage and will need to address the issue. If those lots were in Santa Clara, we would have to address the drainage as well.

******Motion to Approve the Resolution 2015-01R, a Resolution Declaring Intent to Consider a Municipal Boundary Adjustment from Kent Frei as discussed.**

Motion by Herb Basso seconded by Tode Hafen.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, and Tode Hafen

Voting nay: None

Motion Carried.

8. Discussion and/or Action to Approve Resolution 2015-02R. A Resolution of the City of Santa Clara, Utah encouraging the State of Utah to Address Comprehensive Transportation Funding and to enter into an agreement to become a member of the Transportation Coalition. Presented by Edward Dickie, City Manager.

- Mayor Rosenberg discussed the Transportation Coalition is looking for ways to provide additional funding to local governments to fund transportation maintenance. Funds coming from the existing gas tax are not enough to cover the maintenance on our existing roads. We are limited in what we can do by our current code. We are trying to put some pressure on the governor and legislature to come up with solutions.
- Herb Basso agreed there is a funding problem for the future of our roads. He asked what the purpose of joining the coalition would do.
- Mayor commented this Resolution is to lobby with a group of cities to try and make some changes within the legislature to get more funding. Santa Clara has already added monthly maintenance fees to try and cover road maintenance, but it isn't enough to cover costs.
- Ken Sizemore stated he is a member of the Dixie Transportation and executive committee. He feels we need to do what we can to help our community.

******Motion to Approve Resolution 2015-02R. A Resolution of the City of Santa Clara, Utah encouraging the State of Utah to Address Comprehensive Transportation Funding and to enter into an agreement to become a member of the Transportation Coalition and payment of the fee.**

Motion by Ken Sizemore seconded by Herb Basso.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, and Tode Hafen.

Voting nay: None

Motion Carried.

9. Setting of Public Meetings for 2015. Presented by Chris Shelley, City Recorder.

- Chris Shelley discussed each year the meeting schedule for each committee gets presented for approval.
- Ken Sizemore asked if there were changes from last year.
- Chris stated the Planning Commission time changed from 5:30 p.m. to 6:00 p.m.

******Motion to Approve the Public Meetings for 2015 as presented.**

Motion by Tode Hafen seconded by Jerry Amundsen with all members present voting aye.

Voting nay: None

Motion Carried.

10. Approve the FY 2015_16 Budget Preparation Calendar. Presented by Brock Jacobsen, Finance Director.

- Ed Dickie stated there was a date change from their earlier discussion. The original date for the Budget Workshop was the middle of February and now it's March 4th.

******Motion to Approve the FY 2015_16 Budget Preparation Calendar.**

Motion by Herb Basso seconded by Jerry Amundsen with all members present voting aye.

Voting nay: None

Motion Carried.

11. Consider the Beer Garden and Fee for the True Grit Special Event. Presented by Brad Hays, Parks Director.

- Brad Hays discussed some issues that were brought up from the December Work Meeting regarding the True Grit Special Event. The first issue is to waive all, part of none of the \$200 fees for the use of the grounds at City Hall and/or the \$130 fee at Little League. The second issue was serving beer on the private property next door to City Hall. Tonight he would like Council to consider the approval of the consumption of one alcoholic beverage, with a meal, for race participants only, who are 21 years of age or older, in a strictly controlled area on the private property next to City Hall. The beverage consumption will only be permitted in this controlled area in the hours from 2 to 7 pm. Cimarron is applying for a permit from the State. Only participants with a wristband would be allowed inside the controlled area. The beverages would be served inside a tent in a discrete cup, such as a red Solo cup. There would be no beer bottles or cans. The sale of beer is not permitted. No advertising of the beer would be allowed. People passing by would not know alcohol was being served.
- Ed Dickie confirmed the beer would not be allowed out of the tent.
- Matt Ence noted the True Grit Race would still need to apply for their Special Event

Permits and all other requirements for the race.

- Herb Basso asked if the event was approved by City Council.
- Brad confirmed the event has already been approved.
- Cimarron commented she talked to residents and received great input from them. Most of the changes were based off of the feedback from them. Most of the residents were very excited about the race.
- Herb commented he is excited about the event and glad it is coming to Santa Clara. His preference would be to have the race without the Beer Garden.
- Ed commented Council would need to approve the Beer Garden as presented by Brad and decide if they would like to waive any fees for the use of the grounds at City Hall and/or Little League.
- Cimarron commented they run a clean venue and tidy restroom facilities. This race just went international. They hope to put Santa Clara on the map as a community that welcomes cyclists.
- Ken Sizemore asked if this is the first event the City has done since coming up with the fee for the use of City Hall.
- Brad commented this event was discussed in December before a fee schedule was in place. This event caused the precedent to set a fee schedule, which was put in place January 1st, 2015. He feels this race would qualify to have some or the entire fee waived because it was brought forward when there was no fee in place.
- Mayor commented this is a significant event that would be a great benefit to the City.
- Matt commented if Council approves this, it would be to allow an event like this to take place, subject to them still getting approval in the actual events permits through the City and the State.

******Motion to Approve the Beer Garden and waive the \$330 Fee for the use of the grounds at City Hall and Little League for the True Grit Special Event as presented by Brad Hays, subject to the approval of the additional permit applications.**

Motion by Jerry Amundsen, seconded by Tode Hafen.

Voting Aye: Jerry Amundsen, Tode Hafen and Ken Sizemore.

Voting nay: Herb Basso.

Motion Carried.

12. Discussion and/or Approval to amend Chapter 17.52 of the Municipal Code. “Zones Generally” regarding RV & Other Recreational Housing Units. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated this was discussed at a previous Council meeting. The main change to the Code is allowing the use of a Recreational Housing Unit to house guests of the primary resident for a period of up to 8 days, unless a medical related hardship exists for a member of the family or extended family in which case the Zoning Administrator may approve a time extension beyond the 8 days up to 60 days. Any time extension beyond 60 days would require the approval of the City Council. The “Zones Generally” section D states a guest of the primary dwelling may be used for housing for a period of 8 days within a calendar month as long as it meets the following conditions: the recreational housing unit can not be located on a public street, except for loading and unloading; it must be parked in the side yard or rear yard of the property; cannot be a

nuisance to neighbors; cannot be located on a vacant lot or property; and during a medical hardship, the Zoning Administrator may allow an extension past the 8 days to 60 days, anything past 60 days would need to go to City Council.

Bob stated most surrounding City's have regulations for the use of a recreational housing unit. Some allow it during construction and most are only allowed in RV Parks.

- Matt Ence has a few corrections to how it is written. He feels A, B and C are in the right place. He feels section D needs to go into each individual zone.

- Bob stated he agreed with the placement of section D.

- Herb asked if it would be allowed to have people stay in recreational housing for a special event.

- Mayor commented it wouldn't be allowed on a vacant lot.

******Motion to Approve the amendment to Chapter 17.52 of the Municipal Code. "Zones Generally" regarding RV & Other Recreational Housing Units as presented by Bob with the changes recommended by Matt Ence, City Attorney to move Section D to the Individual Zone Sections.**

Motion by Jerry Amundsen, seconded by Herb Basso.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, and Tode Hafen.

Voting nay: None

Motion Carried.

13. Approve Alan Madsen as a new member to the Economic Development Commission. Presented by Herb Basso, City Councilman.

- Herb Basso recommends Alan Madsen as a member to the Economic Development Commission.

******Motion to Approve Alan Madsen as a new member to the Economic Development Commission.**

Motion by Ken Sizemore, seconded by Tode Hafen with all members present voting aye.

Voting nay: None

Motion Carried.

14. Discussion and/or Action to Approve Ordinance 2015-02, an Ordinance Adopting the City of Santa Clara Water Management and Conservation 2015 Plan. Presented by Jack Taylor, Public Works Director.

- Jack Taylor commented this is a report the City is required to submit every five years to the State. Our goals are the same but the numbers have been updated.

- Herb Basso asked if it allows us to make certain ordinances to reduce water usage.

- Jack commented it does.

******Motion to Approve Ordinance 2015-02, an Ordinance Adopting the City of Santa Clara Water Management and Conservation 2015 Plan as presented by Jack.**

Motion by Herb Basso seconded by Ken Sizemore.

Voting Aye: Ken Sizemore, Jerry Amundsen, Tode Hafen and Herb Basso.

Voting nay: None

Motion Carried.

15. Update on the status of the dike litigation. Presented by Matt Ence, City Attorney.

- Matt Ence discussed the Judge considered a motion to dismiss that was filed by the City's council. In that hearing, the Judge dismissed 2 of the 7 causes of action that had been brought by the plaintiffs and took the rest under advisement. Matt checked with Russ's office to make sure nothing else needed presented. Right now, they are just waiting for the Judges decision. He is hoping it will be within the next 30 days.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- Planning Commission has been busy discussing the items brought to Council.
- Flood Control Authority was cancelled this month.
- The Solid Waste District Meeting meets next month.

Tode Hafen:

- She has been meeting with the Snow Canyon State Park Joint Management Committee; they have been working on making the park user-friendlier to residents. They have offered a \$30 annual park pass for residents. They are decreasing the day rate for County residents and increasing the rate for non-county residents.
 - Herb asked if they would consider a lifetime pass.
 - Tode commented they haven't considered it. Snow Canyon Parks takes in more than they use. There isn't enough money brought in to improve the park.
 - Mayor and Council discussed options for the park.

Herb Basso:

- The Economic Development Committee has met with the Heritage Commission discussing the Sign Ordinance.
- They have welcomed Alan Madsen to the Economic Development Commission.

Ken Sizemore:

- All of his meetings were cancelled during the holiday season. Nothing new to report.

Mayor Rosenberg:

- Met with Jack and Ron Whitehead to realign Rosenbrook Road. They were very supportive of the efforts the City was making. They showed us their plan for the future trailhead at the top of the hill. Mayor told them to meet with the City when they are ready to do it and we would help where we could.

6. Executive Session: None.

7. Approval of Claims and Minutes:

- December 3, 2014 Work Meeting Minutes
- December 10, 2014 City Council Meeting Minutes
- Claims through January 14, 2014

******Motion to Approve Work Meeting Minutes from December 3, 2014, the Regular City Council Meeting Minutes from December 10, 2014 and claims through January 14, 2015.**

Motion by Herb Basso, seconded by Ken Sizemore.

- Ken Sizemore asked why we paid the BLM twice.
- Jack Taylor commented they were both for our right-of-ways. One is from the Green Valley water tank and the other is the Snow Canyon Tank.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen and Tode Hafen.

Voting nay: None

Motion Carried.

8. Calendar of Events

- January 15, 2014 – Economic Summit (What’s Up Down South)
- January 19, 2015 – Martin Luther King Day (Offices Closed)
- January 28, 2015 – City Council Meeting
- Feb. 11, 2015 – City Council Meeting
- Feb. 18, 2015 – City Work Meeting

8. Adjournment:

Motion to adjourn by Herb Basso.

Seconded by Jerry Amundsen with all members present voting aye.

Meeting Adjourned at 7:06 p.m.

Chris Shelley – City Recorder

Date Approved: _____