

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

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, January 28, 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: David Whitehead, Herb Basso, Jerry Amundsen, Ken Sizemore, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Staff: Lisa Bundy

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; Matt Brower; Christine Pereira; Wendell Gubler; Lynnette Miller; Steve Hall; Kent Frei; Allen Hall;

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:01 p.m.

2. **Opening Ceremony**:

- Pledge of Allegiance: Herb Basso
- Opening Comments: Herb Basso

- Mayor Rosenberg mentioned Matt Brower was in attendance.
- Matt Brower commented it is good to see everyone and get acquainted.

3. **Communications and Appearances**:

A. General Citizen Communications:

4. **Working Agenda**:

A. Public Hearing(s): None.

B. General Business:

1. Presentation, Discussion and/or Action to Donate funds for the 2015 Snow Canyon High School Grad Night. Presented by Christine Pereira, 2015 Snow Canyon Grad Night Chair.

- Christine Perier commented this is the 20th year Snow Canyon High School has offered a Grad Night to the graduating students. It is an all-night party that is alcohol and drug free. They are changing the format of Grad Night this year and spending less time and money on decorations. They would like the focus this year to be on keeping the kids entertained and better prizes for students. The School District has allowed them to give cash as a prize. The students are excited about it because a lot of them are leaving for college or missions where they could use the cash. They are hoping for 300 students to attend. They pay a \$55 Grad Night party fee. There are late fees if paid after February 1st. They are asking local cities and businesses to help offset the costs.
- Mayor Rosenberg asked Ed if there is money in the budget for this.
- Ed Dickie commented the City has \$500 budgeted.

******Motion to Donate \$500 to the 2015 Snow Canyon High School Grad Night.**

Motion by Tode Hafen, seconded by Jerry Amundsen.

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

Voting Nay: None.

Motion Carried.

- Mayor Rosenberg commented City Council has discussed having the upcoming graduating students volunteer time with the City, possibly at Swiss Days. He noted if the students would be willing to donate their time, the donation dollar amount could increase for the Grad Night donation from the City.
- Christine agreed it would be a great idea and incentive for the students. She will contact Tode to set up volunteers for Swiss Days.

2. Discussion and/or Action Approving Ordinance 2015-04 regarding Street Impact Fees. Presented by Steve Hall, Sunrise Engineering.

- Steve Hall commented this is an ongoing agenda item and is ready for approval. He noted the new fee table on their handouts. The amount listed is the maximum amount the City can adopt, but they can choose to approve a lesser amount.
- Tode Hafen asked if we needed the full amount being presented, particularly the residential amount.
- Mayor commented the amount is based on the needs of the City.
- Ed Dickie commented Mari with SUBA felt the number was fair and accurate.
- Ken Sizemore expressed his appreciation to Sunrise for taking the study back and re-addressing some of the numbers to get it as accurate as possible.

******Motion to Approve Ordinance 2015-04 regarding Street Impact Fees with the table as stated.**

Motion by Ken Sizemore, seconded by Herb Basso.

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

Voting Nay: None.

Motion Carried.

- Jack Taylor asked when the new fees would go in to effect.
- Mayor Rosenberg commented it would be 90 days from tonight's meeting.

3. Consider leasing or allowing for the use of approximately .5 acres of City owned property on Santa Clara Drive near the historic fort to Wendell Gubler. Presented by Edward Dickie, City Manager.

- Wendell Gubler commented he went to TRC a couple of weeks ago. He has a garden just below his home. He was trying to buy a piece of property from Matt Musgrave before he left on his mission. When he got home from his mission he found out Matt had passed away and the City owns the property. He would like to lease a portion of the land from the City for his garden.

Wendell brought a photo of the land he would like to lease. Council, Staff and Wendell discussed the estimated area of the leased land.

- Mayor asked if it is on the hillside.

- Wendell commented it is not. He noted he is leaving on another mission for a year and half and would use the land for parking right now. When he returns, he would like to extend his garden.

- Herb Basso commented he thinks it's a great idea as long as it doesn't affect the hill and runoff.

- Wendell commented it wouldn't affect the hill or runoff.

- Mayor noted the Highway 91 project could be starting as soon as October of 2015. Access could be restricted for a short time.

- Wendell commented if the City decided to sell the property, he would like to have the first right of refusal to it, stated in the lease.

- Mayor and Matt Ence commented if the City were going to sell the property, it would have to go through the appropriate steps. Mayor noted we have no plans to sell the land as of right now.

- Ken Sizemore asked how the City acquired the property.

- Mayor commented Matt Musgrave owned it; it was foreclosed on and owned by the bank. The bank offered it at a favorable price so the City purchased it. We didn't want the hillside disturbed and it was adjacent to the cemetery. The Historic Fort site is also on the property so the purchase was a good fit.

- Wendell Gubler asked what the cost of the lease would be.

- Ken asked if we have leased City owned property before.

- Herb Basso commented Staff could come up with a fair price.

- Mayor Rosenberg stated if Wendell agreed to take care of the property and keep the weeds down, including the access, he didn't feel there needed to be a fee associated with it.

- Matt Ence commented usually with a lease there is a consideration; it doesn't have to be a monetary gain.

- Mayor and Council agreed as long as Wendell agreed to maintain the property and access, they feel a monetary gain wouldn't be necessary.

- Matt commented it would be a good idea to put a short renewable term on the lease. Either party could terminate the lease at the renewal. They could start with a two-year term and renew every two years.

- Mayor asked Matt to put a lease agreement together.

- Wendell thanked Mayor and Council for their time.

4. Consider cancelling the February 4th Scheduled Work Meeting and moving the Work Meeting to February 18th. Presented by Chris Shelley, City Recorder.

******Motion to cancel the February 4th Scheduled Work Meeting and moving the Work Meeting to February 18th.**

Motion by Herb Basso, seconded by David Whitehead with all members present voting aye.

Voting nay: None

Motion Carried.

5. Consider a Special City Council Meeting for February 4th. Presented by Chris Shelley, City Recorder.

- Ed Dickie commented there would be a Public Hearing on this Special Meeting agenda for the True Grit Race beer garden and fee. They will also be discussing the curbside recycling.
- Herb Basso asked which day the excursion to the South Hills would be.
- Ed commented it is on the 18th.

******Motion to Approve a Special City Council Meeting for February 4th.**

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

Voting Nay: None.

Motion Carried.

6. Discussion and/or Action to Approve the AP Wireless Purchase Price Agreement. Presented by Brock Jacobsen, Finance Director and Matt Ence, City Attorney.

- Brock Jacobsen stated nothing has changed from last week, we need approval on the purchase price agreement. They are requesting each Council member state their name and position and then give permission for the Mayor to sign the agreement for Santa Clara City/Town.
- Matt Ence commented we would need to make a note in the minutes of each person voting. This agreement sets the schedule for the payments the City would receive.

******Motion to Approve the AP Wireless Purchase Price Agreement giving Mayor Rosenberg Authority to Sign the Agreement for Santa Clara City/Town.**

Motion by David Whitehead seconded by Jerry Amundsen.

- Herb Basso asked if this money would be going into the General Fund.
- Mayor commented it is. It is not earmarked for anything.

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

Voting Nay: None

Motion Carried.

7. Discussion and/or Action to Approve up to \$30,000 in Parks Impact Fees to construct a paved bicycle pedestrian trail from Cinder Circle to Claude Drive on the existing City easements. Presented by Brad Hays, Parks Director.

- Brad Hays commented he would like to build a bicycle pedestrian trail. He thought the money was in the budget for this year but it was not. There is currently money available

in the Impact Fee Fund so he would like to build the trail now and not wait for July. He talked to Jack Taylor, Public Works Director, about building the trail in-house with Staff. They believe they can build the trail for around \$20,000. There would be approximately \$5,500 in engineering costs as well. They are ready to begin if Council approves it.

******Motion to Approve up to \$30,000 in Parks Impact Fees to construct a paved bicycle pedestrian trail from Cinder Circle to Claude Drive.**

Motion by Tode Hafen seconded by Herb Basso.

- Ken Sizemore asked if this is an official budget opening.
- Ed Dickie commented Budget Opening is toward the end of June. This is one of the items that will be brought back then, it is just being approved now.
- Heb Basso commented because the funds are available now, there won't be surprises later.
- Ed commented it should have been in the budget. It just didn't get moved over to the budget line from the Capital Facilities Plan.

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

Voting nay: None

Motion Carried.

8. Discussion and/or Approval of Clary Hills Preliminary Plat Phases 1, 2 and 3. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy commented Kent Frei is requesting approval of the Clary Hills Preliminary Plats for Phases 1, 2 and 3. Phase 1 has six lots, Phase 2 has six lots and Phase 3 has two lots. The applicant will provide a 20-foot dirt access road to the South Hills with a 10-foot easement on each side of the road. This has been approved through the Hillside Committee and Planning Commission with five provisions. The first provision is for the detention area adjacent to lot 12 to be designed with a staged inlet with multiple barrels capable of conveying the entire 100-year water flow underneath the road. The second provision is the daylight slopes adjacent to drainage swales at lots 1-5, 10 and 11 shall not exceed or be steeper than 1.5:1. If the soil is loose, the slopes would be flattened to provide a safe and stable slope, as determined by a geotechnical engineer. The third provision is to have a 15' road surface with 10' on both sides with slope and drainage easements.
- Herb Basso asked if there are any other City owned access areas to the South Hills.
- Mayor commented the City does have public access to the South Hills.
- Corey continued stating these plats will be graded all at once if possible. There would be two 24" pipes for draining. When the subdivision is complete, there would be a drainage swale along the back of the lots.
- David Whitehead asked how many lots are in the South Hills.
- Corey commented close to 101.
- Mayor commented we have approximately 90 more building permits to issue before needing the second access for fire code. The transportation plan included the provisions for the second crossing for the immediate need. Mayor also noted there is another access we used in 2005 that could be ready quickly if necessary.
- Brad Hays commented at some time in the future, we would need to look at a

pedestrian/bicycle access to the South Hills trails.

- Corey Bundy commented Riverbend Subdivision had a park planned in their preliminary plat to provide access to the trails.
- Mayor asked Brad if there are plans in the Master Trails Plan to build a paved trail in the South Hills.
- Brad commented there is a trail in the Master Plan. With the new subdivisions going in and the roads and trails moving, the new trails would be consistent with what is available now.
- Herb Basso commented he would like to see ATV trails available too.
- Mayor commented this subdivision doesn't remove the trails, it just moves the access to the trails. The developer is bound by law to keep the road open to the South Hills.
- Jack Taylor commented the developer has agreed to improve the roads and leave a parking area.
- Brad asked if the developer would allow the residents to use some of the land for parking at the beginning of the trailhead for a trail in the Trails Master Plan.
- Kent Frei said he would be willing to allow residents to park their vehicles there to get them off the road. Kent also noted he met with Keith Gubler onsite. On the southwest corner, they will trade some property, with the goal of letting the City own the wash and both sides of the wash to allow for trails along both sides of the river.
- Corey noted the final provision the Hillside Committee asked for was for no irrigation water would be allowed between the retention walls. This will be a self-imposed restriction that will be in the CC&R's and intent for the lot to be maintained by the property owner. Retaining walls are to meet the hillside ordinance requirements. The agreement Kent discussed would need to be approved before final plat. The roundabout would also need to be completed between the property owners / developers. Staff has recommended approval of Preliminary Plat once all fees have been paid. Planning Commission recommended approval with the flag lots being included and the approval of the Hillside Review Board items.
- Ken Sizemore commented he is unsure of who will own the property labeled Phase 2 detention basin.
- Corey commented it is proposed to come to the City.
- David Whitehead asked what the maintenance of this property would be.
- Corey commented it is mainly sandstone and hard rock on both sides. It is mainly a natural drainage.
- David asked if there is a liability of debris comes down in the drainage.
- Jack Taylor commented it would be up to the City to keep it cleaned and maintained. Back behind those lots, the City will maintain the easement as well. We will make sure the water doesn't go down in to the existing lots.
- David asked if it has been engineered to handle the water from our 100-year floods.
- Jack commented that is why the City is taking over the land. We will get the engineering done and make sure it is safe.
- Herb Basso asked what exactly the City would maintain.
- Jack commented at the top of the cul-de-sac, we would make sure the retention basin stays clean and at the back of those lots with the retention walls. Jack commented it is natural and a lot of rock.
- Mayor commented the basin provides significant protection to the residents over there.
- David asked what the soil condition is at the basin.
- Mayor commented it is rock.

- Tode Hafen asked if the City is liable if someone gets hurt back there. She commented it is a great place to hike and is beautiful.
- Mayor commented we are no more liable than if a child gets hurt at a park or arboretum. The City insurance would cover it.
- Jerry Amundsen asked what would happen if the water flow in the detention basin at the top of the cul-de-sac was greater than a 100-year flood.
- Mayor commented the water would flow down the road with having the homes above the grade of the cul-de-sac.
- Ken Sizemore asked if there are driveway restrictions on the lots coming off the cul-de-sac.
- Corey stated lots 1-8 would front Clary Hills Drive. Lots 9 and 14 weren't discussed.
- Allen Hall with Rosenberg & Associates stated they would make sure the driveways met the City Ordinance.
- Ken Sizemore stated he struggles with flag lots. He feels they can cause issues for emergency services and maintenance issues.
- Dan Nelson commented he personally doesn't like them but they are not against fire code.
- Mayor and Council discussed the flag lot requirements and the CC&R's.
- Ken commented he feels this development will end up costing the City more money long-term with all it will have to maintain.
- Mayor commented it is the price of being a public entity and serving our community.

******Motion to Approve Clary Hills Preliminary Plat Phases 1, 2 and 3 as presented by Staff.
Motion by Herb Basso seconded by David Whitehead.**

- David Whitehead asked if there were any negative comments from the public during the planning of this development.
- Corey commented there were only a few concerns regarding the dust and drainage. All have been addressed.

Voting Aye: Jerry Amundsen, Tode Hafen, David Whitehead and Herb Basso.

Voting Nay: Ken Sizemore.

Motion Carried.

9. Discussion and/or Action to Approve Pioneer Crossing Phase 2 Final Plat. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy discussed this development has already been presented to Council. This Phase has 7 lots and a common area/park. Staff has reviewed it and recommends approval. Staff recommends a provision upon the recording of the Final Plat, which would require the CC&R's to state the HOA is to maintain the common area, park and detention areas. The Parks department has agreed to maintain the landscaping along Ancestor way because it is the entrance to our City, however the developer will install it. Jack has requested they update the road as well.
- Herb Basso asked if the Parks Department has any say in the design of the landscape the developer will install due to the fact that our Parks Department would maintain it.
- Brad commented they are required to follow our City Standards/Specifications for low maintenance and future costs. The developer worked with the Parks Department to come

up with a design.

- Herb asked if there is anything in place for having plants die and needing replacement.
- Brad commented there is a one-year bond on the landscape. Within that year, anything that dies of natural weather/causes would need to be replaced by the developer before the bond would be released.
- David Whitehead asked if there were any changes from Preliminary Plat to Final Plat.
- Corey commented there are not any changes to the plat from Preliminary to Final.

******Motion to Approve Pioneer Crossing Phase 2 Final Plat.**

Motion by David Whitehead seconded by Jerry Amundsen.

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

Voting Nay: None

Motion Carried.

10. Request Approval of Planning Commission's recommendation to amend the Short Term Leases of Residential Properties Chapter 17.68, Section 17.68.060 and Approve Ordinance 2015-03. Presented by Bob Nicholson, City Planner.

- Bob Nicholson discussed the changes to the Short-Term Leases section of Chapter 17.68. Short-term leases are for rentals that are less than 29 days. The Planning Commission has recommended a new Section 1. Bob read the new section to City Council. In summary, the new section is to promote the compatibility between short-term rental properties and permanent residents. It states a licensed property manager or company must manage all approved short-term rental units within a project. It shall maintain a Utah Sales Tax license and collect transient room tax. The Property Manager/Company shall be located in Washington County. If less than an entire project is requested as short-term rental units, it may be recommended by Planning Commission and approved by City Council. Off street parking shall be available for RV/boat parking. On street parking is not allowed unless it is less than 48 hours. One or more garbage bins may be required in addition to the individual unit garbage cans. The recorded plat, CC&R's and all sales literature shall clearly state that the project, or any part of the project, is approved for short-term rentals.

The only other change to the existing ordinance is the parking requirements. It currently states that any short-term residential property shall have one parking space for every bedroom with a minimum of two (2) parking spaces. It is proposed to be "The property shall have two parking spaces for each dwelling unit plus one additional space for every two guest bedrooms. (A guest bedroom shall mean each bedroom in the dwelling in addition to the first bedroom.)"

- Mayor Rosenberg confirmed if there were a 3-bedroom rental unit, they would be required to have three parking spaces.

- Herb Basso asked if he had a one-bedroom unit, he would be required to have two parking spaces.

- Bob confirmed that is correct.

- Herb commented he has a slight problem with the requirement to hire a property management company or person.

- Matt Ence commented most of these projects typically have a property management company built in to them.

- David Whitehead stated his conflict of interest because of his development, which is

selling short-term rentals. He noted one of the reasons behind the requirement of a licensed property management company/person is to insure the sales tax is paid. This is a nation-wide problem with individuals renting out properties. It is also convenient to have a local company or person that would be available if needed.

- Herb commented he would like to have an exemption for a one or two unit place. He feels the State would find those not paying taxes.

- Bob commented the language in the Ordinance could change to be the owner's authorized agent. Providing that those renting the property would have someone to contact local in Washington County for any questions or concerns on the property.

- Herb commented he liked the idea of allowing the owner to designate an authorized agent, but not requiring it to be a licensed property management company. The Authorized Agent would be required to follow the proper steps to report taxes, get business licenses, etc. He does not want to incur more costs to the property owners for those one or two unit properties.

- Ed Dickie commented we are having problems right now with individual property owners not following the proper steps.

- Brock Jacobsen commented we currently allow property owners to rent out their properties on their own, the problem we are having is they don't report their taxes and they aren't filling out the required forms. They are slipping under the radar.

- Mayor commented this Ordinance only applies to those properties in a PD Zone. Where it was designated for short-term rentals from the beginning. This Ordinance does not apply to those individuals who are outside of a PD Zone, renting their home out.

- Ed commented the reason he would prefer a licensed company to be required is because of the track record we've had with owners renting their properties themselves. Most of them don't report any sales tax to the State. Property management companies would and it would be more income to the City.

- David Whitehead commented he has a lot of experience with short-term rentals. He commented Herb is an exception. Most owners don't take the responsibility to file all appropriate documentation.

- Herb asked if there was a separate Ordinance for those outside of a PD Zone.

- Bob confirmed there is another Ordinance for the Historical District. This Ordinance being presented tonight is for those PD developments where all, or almost all, of the units will be designated for short-term rentals. The Historical District Mixed Use Zone has different regulations. They are not required to have a property management company.

- Tode Hafen asked if the new parking regulation was more restricting.

- Bob commented it allows for the most flexibility under the new Ordinance. If one family comes and rents a 3-bedroom unit, they require only one parking space. But the following weekend, there could be 3 families coming to rent the 3-bedroom unit and would require the three parking spaces.

- Herb asked if there was a regulation on allowing 25 people to stay in a single 3-bedroom unit.

- Dan Nelson commented the Fire Code regulates the number of people based on square footage and number of bedrooms.

- David commented the Property Management Company also regulates in the contract the amount of people that can be allowed. He also feels the Property Management companies should be required to report to the City.

- Bob commented the property management companies should be required to post their information inside each rental unit.

- Brock asked if the property management company is required to get a business license with the City.
- Bob confirmed they are required to get a business license. It is stated in the Ordinance.
- Matt Ence noted in 1.a, it states the Property Management Company would be required to have a Utah Sales Tax License, he believes it would be the property owner that would be required to maintain that license. He also has a few other changes to the wording he would like to discuss with Bob. It won't change the meaning of the items, just the verbiage. Matt believes the word "company" doesn't need to be listed. It can be a company or individual who is licensed.
- Council discussed there would need to be a local authorized agent listed in the home to call for issues that may come up during the rental of the property.

******Motion to Approve Planning Commission's recommendation to amend the Short Term Leases of Residential Properties Chapter 17.68, Section 17.68.060 and Approve Ordinance 2015-03 based on the language change of the City Attorney.**

Motion by Tode Hafen seconded by Jerry Amundsen.

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

Voting Nay: None

Motion Carried.

11. Request Approval of Planning Commission's recommendation to amend Chapter 17.52, Zoning Code and Approve Ordinance 2015-02. Presented by Bob Nicholson, City Planner.

- Bob Nicholnson noted this was on the agenda at the last meeting. The amendment would add the changes to each of the zones. This amendment regulates the use of campers, travel trailers, fifth wheel trailers, tent trailers, tents or any other type of recreational, mobile or portable housing unit (Recreational Housing Unit). They are not permitted for housing use, except that such a unit may be used to house guests of the primary dwelling for up to eight days in any calendar month without being in violation of the zoning ordinance subject to the conditions listed in the Ordinance.
- Mayor commented they could park on the street for only 48 hours for loading and unloading purposes only. Nobody can occupy the unit.
- Herb Basso asked if they could park their Recreation Housing Unit in the driveway.
- Mayor commented they could not park in the driveway. It blocks the access to the required parking for the home.
- Herb feels like we should allow them to park in the driveway.
- Mayor commented the requirement is to have them parked in the side-yard or backyard. It can't be parked in the front 25-foot setback.

******Motion to Approve Planning Commission's recommendation to amend Chapter 17.52, Zoning Code and Approve Ordinance 2015-02 as presented.**

Motion by Ken Sizemore seconded by David Whitehead.

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

Voting Nay: None.

Motion Carried.

Bob Nicholson left the meeting.

12. Discussion and/or Action to Approve the Santa Clara Power Connection Fees and Line Extension Policy and Approve Resolution 2015-03R. Presented by Jack Taylor, Public Works Director.

- Jack Taylor compared fees of the cities in the County. He is proposing to increase our fee from \$275 to \$374.

******Motion to Approve the Santa Clara Power Connection Fees and Line Extension Policy and Approve Resolution 2015-03R.**

Motion by Herb Basso, seconded by Jerry Amundsen.

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

Voting nay: None

Motion Carried.

All Council members agreed to have the connection fee to go in to effect immediately.

13. Discussion and/or Action to Purchase a 1999 Kobelco SK200LC Mark IV Track Hoe. Presented by Jack Taylor, Public Works Director.

- Jack Taylor commented Jim Ence contacted him regarding the Track Hoe. He compared prices on the internet and locally. There were cheaper ones, but they were in China. This is a fair price and local. We had a mechanic check it and they said was good. We can rent this track hoe out when we aren't using it, which will help with the costs. It will be used to help put in our storm train system and other projects were necessary. It could be used in along the river and Sand Hollow as well.

- Mayor Rosenberg commented we borrow a track hoe often. We have borrowed from Washington City and from Jim Ence. He personally feels we need a track hoe of our own.

- Jack commented he would like to budget for a trailer in next year's budget. He also commented if we have another flood, we could use our own track hoe to use instead of waiting on borrowing from another. Jim is willing to finance it to the City. It would be a 2.5% interest rate. The City would pay \$10,000 up front and finance it over three years. Jim would also like to be able to use it on his own property.

- Matt Ence stated his conflict of interest because Jim is his father and also a client. He prepared three agreements for the purchase. Jim would like to use the track hoe on his own property; he would assume any damage or loss when used on his time. If anyone else were harmed during his use, the City would not be liable.

- Mayor commented he would like to have the contract written stating the City's needs' would come first.

- Matt commented it states in the contract Jack has the final say on the use of the track hoe based on the City's needs.

- Mayor commented we might need to address the wear of the track hoe when it is used on Jim's property. It would also need to stay within the City limits.

- Ken Sizemore commented he is concerned we aren't meeting the procurement procedures.

- Herb commented if it is over \$10,000, the City might be required to get three bids.

- Matt commented his fees for preparing would be split between the City and Jim.

- Mayor and Council discussed finding comparable bids and getting back to Council.

******Motion to Table the Purchase a 1999 Kobelco SK200LC Mark IV Track Hoe until ready to come back to City Council.**

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

Voting Nay: None

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- Nothing new to report.

Tode Hafen:

- On April 9th the non-profit organization, Write it Up, is having their meeting in the banquet hall. They are inviting anyone who is interested.

Jack Taylor left the meeting.

David Whitehead:

- Nothing new to report.

Herb Basso:

- The EDC has completed their review of the Sign Ordinance.
- The active members of the EDC would like to terminate two members of the committee that are not able to attend the meetings. They would like to find a couple more people who are able to attend.
 - Mayor asked if the Council has the authority to remove members.
 - Herb commented the Council has the authority to remove members.

Dan Nelson left the meeting.

Ken Sizemore:

- The Dixie Executive Transportation Committee approved the additional funding for the Highway 91 Project at the last meeting.

Matt Ence:

- We were able to have the defendant on the Moody home served. They have 21 days to answer. If we don't get anything, we can file for a default and close the case. Or they can request more time or come back full force. He doesn't believe they will come back full force.

Mayor Rosenberg:

- The Virgin River Coordinating Council has met. It will be good for working around the river.
- The Days of 47 Committee would like to start doing something significant in

Washington County similar to Salt Lake for the 24th of July. They would like each City to participate. We could do a race or something similar. This would go into effect next summer.

6. **Executive Session:** None.

7. **Approval of Claims and Minutes:**

- January 7, 2015 Work Meeting Minutes
 - There was a typo in Herb's statement where it stated the word "our" instead of "or".
- January 14, 2015 City Council Meeting Minutes
 - Ken Sizemore commented item #11 stated Herb made the motion but it was Ken Sizemore.
- Claims through January 28, 2014
 - Ed commented the iTunes charges on the claims are for extra storage on the devices in the iCloud.

******Motion to Approve Work Meeting Minutes from January 7, 2015, the Regular City Council Meeting Minutes from January 14, 2015 and claims through January 28, 2015 with changes noted. Motion by Ken Sizemore, seconded by Herb Basso.**

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

Voting Nay: None

Motion Carried.

8. **Calendar of Events**

- February 4, 2015 – City Council Special Meeting
- February 11, 2015 – City Council Meeting
(Possibly cancel the Feb. 11th City Council Meeting)
- February 16, 2015 – Presidents Day – Offices Closed
- February 18, 2015 – City Work Meeting
- February 25, 2015 – City Council Meeting

8. **Adjournment:**

Motion to adjourn by Herb Basso, seconded by David Whitehead with all members present voting aye.

Meeting Adjourned at 7:47 p.m.

Chris Shelley – City Recorder

Date Approved: _____