

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JUNE 10, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, June 10, 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,
David Whitehead
City Manager: Edward Dickie
City Staff: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Mark Youngberg, Fire Official; Bob Flowers, Police Chief; Aggie Smith; Kathy Nio, George Elwell; Linda Elwell.

1. **Call to Order:** Mayor pro tem, Mary Jo (Tode) Hafen called the meeting to order at 5:02 p.m.

- Mayor Rosenberg arrived late.

2. **Opening Ceremony:**

- Pledge of Allegiance: Ken Sizemore
- Opening Comments: Ken Sizemore

Communications and Appearances:

A. **General Citizen Communications:** None.

3. **Working Agenda:**

A. **Public Hearing(s):** None.

B. General Business

1. Discussion and/or approval to amend the Santa Clara City Animal Ordinance. Presented by Edward Dickie, City Manager.

- Item was tabled at 5:06 p.m., awaiting the arrival of other interested parties.

2. Discussion and/or Action to Approve Resolution 2015-07R, appointing the Judges for the 2015 Municipal Election. Presented by Chris Shelley, City Recorder.

- Chris Shelley discussed the annual election resolution to appoint Election Judges for the November 3, 2015 Municipal Election.

Chris submitted Shelley Prior, Poll Manager, Trudy Whipple, John Whipple, Janet Windups, Arnold Waddoups, and Chris Warhurst, Alternate.

******Motion to Approve Resolution 2015-07R, designating and appointing Election Judges and their alternates to serve for the Municipal Primary Election August 11, 2015 if necessary and Municipal Election, November 3, 2015.**

Motion by Ken Sizemore, seconded by David Whitehead.

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

Voting Nay: None.

Motion Carried.

- Mayor Rosenberg arrived and took the chair.

3. Discussion and/or Action to Approve Resolution 2015-08R, a Resolution supporting HB362 authorizing 0.25% Local Option General Sales Tax Dedicated to Transportation, Encouraging Washington County to submit the proposal to voters in November 2015 and encouraging voters to support the proposal. Presented by Edward Dickie, City Manager.

- Mayor Rosenberg said this has been an item of discussion for the last several years. This year the legislature authorized counties to put in effect 0.25% local option general sales tax that would be dedicated to transportation. These services are to supplement the gas tax revenues that come to the city for local road maintenance. The funding has been dropping quite a lot. They did increase the fuel tax, so the city will be getting a little bit of money next year from the fuel tax, but at the meeting of the mayors, it was agreed that they wanted to proceed with moving forward with this. They would like to get it on the ballot for the voters to decide, so this is a resolution of support for HB 362, which is a 2015 authorization of the 0.25%.

- Herb Basso asked if all of the funds were for Washington County.

- Mayor responded affirmatively and clarified that it is an across the board sales tax--not just a sales tax on fuel.

- Mayor added that 0.1% of the 0.25% comes directly to the municipality. A portion of it goes to mass transit system, if there is a mass transit one.

- Tode Hafen asked what happened with the gas tax.

- Mayor stated that a statewide gas tax was approved and will go into effect January 1 of 2016.

- Jerry Amundsen explained that the cities only get a small portion of that increase. This tax is a supplemental local tax.

- Mayor added that it is for gas at the pumps, and for diesel--for highway vehicles. It doesn't apply to natural gas or propane. They are still working on alternative fuels. .5% goes to the county for transportation use only. .1% goes to help fund mass transit system,

if there is one there. Part of the county's portion of it comes back to the county twofold--part of it via the NPO, and part of it via the county's help with road projects. These percentages were set by the legislature. There was discussion about how the county's pro-rated portion of the sales tax is determined. This tax will be determined differently. That is the maximum amount allowed by the legislation. The city is just encouraging the county to enact the legislation. If sales tax grows, that money grows. The city has taken \$104,000 from the general fund to supplement the B&C funds to try to meet its transportation needs, and is trying to replace those lost funds with road funds so it doesn't have to keep supplementing from the general fund.

******Motion to Approve Resolution 2015-08R, a Resolution supporting HB362 authorizing 0.25% Local Option General Sales Tax Dedicated to Transportation, Encouraging Washington County to submit the proposal to voters in November 2015 and encouraging voters to support the proposal.**

Motion by Herb Basso, seconded by Ken Sizemore.

- Tode Hafen is concerned with the "whereas's" in the resolution. She's concerned that some of the language doesn't seem to apply to the city--specifically regarding clean air and bicycle lanes.
- Herb Basso reminded Council that he sent an email out to each of them concerning some of the content that concerns bike lanes, etc. that are more environmental concerns than roads, asphalt, etc. Herb asked if a certain percentage of the money goes to bikes, trails and sidewalks.
- Mayor said that it only goes to active transportation.
- Brock thinks it will be similar to the B&C Funds that the city would have to audit and account for where the funds were spent.
- Herb is concerned with the large amount of funding being spent on the something with limited usage. As long as it is not earmarked, he is alright with it.
- Tode is concerned about the language concerning the city's residents in general. If she approves it, she wants to be able to defend it when questioned.
- Herb feels the resolution has a hidden or dual agenda, where it refers to air quality and environmental concerns. He thinks it would be a conflict to a lot of people.
- Mayor read through the resolution and noted that all of the whereas's are just reasons to consider it. How they rank in Santa Clara is different than how they will rank in other areas, but they all still remain good reasons.
- Ken Sizemore noted that this will help with the campaign that will be undertaken to educate the public about this issue.
- Tode feels that a tax increase is a big deal, and she doesn't think improving the roads is going to help with asthma/health concerns in Santa Clara.
- Herb reiterated that it feels like it is a dual agenda.
- Mayor didn't see how the resolution could be a hidden or dual agenda, because the money has to be used strictly for transportation
- Herb asked for a definition of active transportation.
- Ken said as the Metropolitan Planning Organization undertakes its planning process, they look at more than just streets and accommodating automobiles. They look at the mix of transit, bicycles and pedestrian use. One can see what's been done in Washington County, at the interchange of Snow Canyon Parkway and Bluff, with the

accommodation for bicyclists and pedestrians.

- Mayor noted that Section 5 is more important than the whereas's. He read the last two sentences: "Investment in active transportation options will encourage residents to travel via walking, biking and transit, resulting in a healthier population, reduced emissions, decreased health care costs and improved quality of life." He feels that if that is left in, the whereas's need to be left in as well, because that is the foundation.
- Ken felt that there had been sufficient discussion, and called a Question on the motion.
- David Whitehead said that he agreed the city needs more money for transportation to improve the roads, and that it needs to go to the voters, but his struggle is in encouraging the voters to vote for it. He identified about 37 different taxes that he pays as an individual. He wonders if this is the best way to go, or if it opens the door for more sales tax increases down the road.
- Mayor responded that is set by the legislature, not the City Council.
- David's concern is the ever growing reliance on taxes and where does the final cap on taxes come.
- Mayor feels the repercussion of failing to meet the need will be worse than the tax itself.
- Tode stated she would like to hear from Lowery Snow and how the legislature came about this.
- Mayor recalled that he came and explained it to Council.
- Tode noted that was before the legislature met. She supported the gas tax because it is used for roads and people are using the roads to pay for it, but she's still not comfortable with a sales tax increase.

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

Voting nay: David Whitehead and Tode Hafen.

Motion Carried.

1. Discussion and/or approval to amend the Santa Clara City Animal Ordinance. Presented by Edward Dickie, City Manager.

- Edward Dickie introduced Linda Elwell and her husband George, who was in the audience, as well as Aggie Smith, Animal Control. Police Chief Bob Flowers was in attendance as well. There has been some talk, since Santa Clara has partnered with Ivins City for Animal Control (as far as using their shelter. etc.), about becoming a no-kill city by philosophy/ordinance. This cannot be approved at this meeting; it is just up for discussion and will have to come back to Council for adoption at a later time. Matt Ence, City Attorney, reviewed the ordinance and made some corrections. Ed said there was some old terminology, etc. that needed updating. He directed Mayor and Council to the location of the code in the Drop Box.
- Linda Elwell, rather than making a presentation, put together a booklet to give Council a better understanding of what happens on the FIAS side. She wrote a letter outlining all the duties and responsibilities FIAS takes over. There is a proposal in it for the city to start working on a feral and community cat program, and if no-kill, by ordinance, gets approved, she is confident that Best Friends would help set that up and not charge for spay and neuter for possibly the first year. After that, FIAS would pick up the charges on feral cats. She pointed out Santa Clara's animals in the back of the book. Also, in the back there are monthly flyers that are put up at FIAS's expense. They run full-page ads

for the animals almost every month. She discussed the new fund-raising program, "The Amazon Smile." She urged that if anyone purchases through Amazon, they use this program, as it will benefit the animals. She has been working on the Animal Control Ordinance with Chief Flowers and Ed, and the last draft had some needed corrections regarding licensing times and rabies vaccinations. She went through section by section and marked suggested and required changes. She attached a sheet that addresses several specific issues that she feels would really help the ordinance. One is tethering. Two, she advises separating "attacking" and "vicious" dogs, as they are two separate issues. She also suggests establishing a review panel that would help resolve issues that could ultimately result in costly court cases. She also noted that, on a positive note, only one dog has had to be euthanized under the review panel since 2012, which Ed sat in on. She said that currently all of the city's animals fall under the no-kill by ordinance, but unfortunately, Santa Clara isn't getting the credit for it at this point. This would change if the city adopts the no-kill ordinance. Best Friends is pushing No-Kill Utah (NKUT), and they are aiming to have the entire state no-kill by 2020. Santa Clara is getting a lot of publicity right now because of its philosophy. The reason the ordinance is so important is that if it gets to the point that the city wants to rebuild or build a new facility, there is major grant money available. When applying for grant money, they ask up-front for the city's Animal Control Ordinance. The more current and updated it is, the more chance it can qualify for the grant.

- Ed asked if that means the word "Philosophy" would need to be taken out so it reads just "Policy."

- Linda said "policy" is the best way to state it, and since the policy is in the ordinance, it would be by ordinance. It just brings the Animal Control Ordinance up to date.

- Tode thought the city was already no-kill, so she questioned what was different.

- Linda stated it was just the word "Philosophy" was used when they signed the MOU in 2012, and now with the updating of the ordinance, she suggests that it needs to be included in the ordinance as policy.

- Herb stated that he hadn't had a chance to read the Philosophy/Policy. Santa Clara is an agricultural area, and he has a problem with a lot of what is stated in it. He disagrees that tethering is inhumane.

- Linda said that is just her suggestion.

- Bob Flowers explained that the tethering policy came out of a State case where people were tethering their animals all day long, never letting them out and not taking care of them. So the tethering policy comes with some qualifiers. They have had some cases in Ivins where they needed to go in and see the condition of animals that were tethered all day with no shade.

- Herb feels the wording could be changed to more address the humane factor rather than the act of tethering itself.

- Herb also had a problem with the proposed "Attacking Dog" section.

- Linda noted that she added this section and it needs to be looked at by the attorney. She would like to see Vicious and Attacking Dog section separated for the purpose of Animal Control.

- Herb further has a problem with Section 6.04.010: Abandonment. He questioned whether it is legal to kill one's own animal if it is sick and disagreed with the current ordinance as it stands.

- Linda thinks Council needs to review the suggestions, make notes and have a work

meeting.

- She noted that the Rabies Vaccination section is very outdated.
- Herb wants to ensure that exotic, urban, agricultural and domestic be defined.
- Linda said that the current ordinance didn't have that initial framework.
- Linda stated she would like to see the estray portion of the ordinance (Section 6.16.010 to 6.16.0140) regarding large animals go away. She finds it very concerning and has written down those concerns. FIAS does not sell large animals. She would like to either set up a format for adoption along with a fee structure or go the rescue route. She doesn't feel it's even feasible to have the estray portion in the ordinance the way it is written.
- She also wants to work on the cat section. She said the TNR (Trap, Neuter and Release) program does work. Although slow, it decreases the feral cat population.
- David asked what happens after 7 days--if the cats are disposed of.
- Linda said that is her concern. There is nothing built into the ordinance about that. She wants the cat section revamped with the definition of the shelter as it is set up with dogs. It should state that after 7 days they become adoptable or transferrable to a qualified rescue group. The cat portion needs to be firmed up so that it reflects the same humane treatment of cats as dogs. It currently makes it sound like cats are disposed of after 7 days, when in fact, they are not.
- Aggie Smith, Animal Control, touched base on tethering. In Ivins, it is treated on a case-by-case basis. There is a 10-hour limit, but Animal Control gives a warning before issuing a citation. She added that research indicates that dogs that are tethered 24-7 become aggressive over time. She mentioned that Ivins had an issue with an old goat was dying. Animal Control received a complaint, but couldn't force the goat herder to do anything with it. She had to explain to the woman that since it falls under agriculture, it could be allowed to die, but to ease the lady's mind, they did help with putting it to sleep.
- Herb asked Council to look through the ordinance with the eye toward protecting the animals, but also protecting human rights.
- Linda said that there are many services available that aren't addressed in the book she prepared. She put a few stories in the back of the book. She gets 2 to 3 calls a week asking what to do with Santa Clara animals, indicating that people are getting used to the new procedures through the newsletter. They are learning that they are there to serve and also that they have the food pantry, making free food and litter available. Linda asked if Council had had any complaints.
- Mayor had not.
- Aggie noted that since Ivins has taken over the care of Santa Clara, they have still maintained the 98.5% adoption rate.
- Linda said that is probably the highest save rate in the state, and probably pushing the nation.
- Mayor asked Council to review the packet Linda prepared.
- Ed clarified that the draft of the current ordinance with his recommended changes in the packet that was prepared by Matt Ence is what Matt feels okay with for it to be a no-kill philosophy or policy. Linda is saying she feels there are some other things that should be looked at as well.
- Mayor asked that Matt look at the packet and attend the work meeting, where Council can ask questions and make changes. It can then be brought back to Council for adoption.
- Herb reiterated that he would like some definitions in the policy.

- Linda concurred that it would be good to have a definition section at the beginning of the policy or at least at the beginning of each chapter.
- Mayor stated the work meeting would be the first Wednesday in August (August 5th).
- Ken feels that with the coordinated work between Santa Clara and Ivins, there is a need to compare what is being proposed to what is in Ivins' ordinance, so that the city keeps the policy enforceable.
- Linda will pass Ivins' ordinance on to Matt, so that Council can discuss the differences in the two at the work meeting. If there is something in the Ivins ordinance that she feels should be in Santa Clara's, she can present that at that time.
- Bob Flowers noted that some of the language is specific to Santa Clara, but it can certainly be reviewed. He said there has been lots of work done on this already, so he's glad it's being looked at now and can be fine-tuned.
- Linda introduced FIAS's First Vice-President, Kathy Niewo. She thanked Council for their time.
- Mayor thanked Linda for all her work.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- o Flood Control District was held last Tuesday. It dealt mostly with approval and funding debris basins in Washington City, but there was nothing of significance for Santa Clara.
- o There is a Solid Waste District follow-up Meeting on Monday about curbside recycling, which Jerry will report on at the next meeting. They will be coming back with the revised negotiations with Dixie Waste.
- o Planning Commission will be held Tuesday, June 16 at 6:00 p.m.

Tode Hafen:

- o She attended the NRCS publicity event and said they did a nice job.
- o She got a call from the director of Big Brothers, Big Sisters. They have yellow dumpsters that they have placed alongside regular binnies to collect clothes for Big Brothers, Big Sisters. They asked if they could put one with the city's binnies on Lava Flow. Tode has a copy of the MOU they have done with others. They will take responsibility for the containers.
 - Mayor recommended sending the MOU to the legal department.
 - Tode asked if it needs to be approved through SITLA.
 - Ed said the District did an MOU with SITLA for the binnies that are in place, with city approval. If the city approves, Big Brothers, Big Sisters needs to get approval from SITLA.
 - Ed will send Tode an email with the information she needs in order to respond.
 - Herb asked if they could see one of the dumpsters.
 - Tode said there is one at Lin's.
 - There is also a green one at Canyon View Park close to the road.

David Whitehead:

- There was a news report on KSL about how many mosquitoes there are this year due to all the rain. The larvae can become activated with water up to ten years after being in the soil. Santa Clara does not have any West Nile Virus as of today, but the mosquito count is quite high. A busy summer is anticipated, especially toward the end of July, when West Nile typically starts getting reported. Last year, every test station reported positive for cases of West Nile, and Santa Clara was the highest in the county.

Herb Basso:

- Nothing new to report.

Ken Sizemore:

- The Joint Policy Advisory Council met in Salt Lake last week. Most of the meeting dealt with the Transportation resolution discussed earlier. Council has made the first step by adopting the Resolution. The Transportation Coalition is going to take the lead in getting the counties to come on board and get the election materials in place in the next six weeks. Santa Clara is the first municipality in Washington County to pass the resolution.

Mayor Rosenberg:

- There was no Mayors Association Meeting.
- Mayor received the RAP Tax Agreement, which has the breakout in it. Council should have received the proposed breakout. It will need to come back to Council on an agenda for approval.

6. Executive Session: None.

7. Approval of Claims and Minutes:

- May 27, 2015 City Council Meeting Minutes
- May 27, 2015 Executive Session Minutes
- June 3, 2015 Work Meeting Minutes
- City Council Meeting Minutes
- Claims through June 10, 2015

******Motion to Approve the Regular City Council Meeting Minutes from May 27, 2015, Executive Session Minutes from May 27, 2015, Work Meeting Minutes from June 3, 2015, the Regular City Council Meeting Minutes from June 10, 2015 and claims through June 10, 2015.**

Motion by Tode Hafen, seconded by Herb Basso.

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

Voting nay: None

Motion Carried.

8. Calendar of Events

- June 24, 2015 – City Council Meeting

- July 2, 2015 – City Work Meeting

8. Adjournment:

Motion to adjourn by Herb Basso.

Seconded by David Whitehead with all members present voting aye.

Meeting Adjourned at 6:32 p.m.

Chris Shelley – City Recorder

Date Approved: _____