

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JUNE 24, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, June 24, 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 Pro Tem Mary Jo (Tode) Hafen
Council Members: Herb Basso, Jerry Amundsen, Ken Sizemore, David Whitehead
City Manager: Edward Dickie
City Staff: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Jack Taylor, Public Works Director; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Bob Nicholson, City Planner; James Pierce; Linda Pierce; Leland Peters; Lisa Peters; Wesley Hanberg; Kent Frei, Jared Bates; Mike Benord; Margo Benord; Terry Zontek.

1. **Call to Order:** Mayor Pro Tem Hafen called the meeting to order at 5:02 p.m.
 - Mayor Rosenberg was excused from the meeting.

2. **Opening Ceremony:**

- Pledge of Allegiance: Jerry Amundsen
- Opening Comments: Jerry Amundsen

3. **Communication and Appearances:**

- A. General Citizen Communications

Linda Peirce – 3539 Chalet Drive

- She wants to install a swimming pool and would like to sign a waiver with the City.
- Asking not to have it recorded with the Washington County Recorder's Office.

- Tode Hafen thanked her.

4. **Working Agenda:**

- A. Public Hearing(s):

1. Public Hearing to receive public comment regarding the request to transfer six acres from St. George to Santa Clara City. Property Owner Kent Frei.

- Bob Nicholson, City Planner, has reviewed what has been going on with the process. Tonight he is just addressing the process. The State Code allows for a boundary adjustment if both Cities agree this is something they can accept. Both cities need to have a public hearing. St. George City has theirs scheduled for July 9.
- Tode Hafen, Mayor Pro Tem, asked if there would be another public hearing.
- Bob stated that there would be. It is currently zoned as R1-10.
- Ken Sizemore inquired as to what the procedure is.
- Matt Ence, City Attorney, stated that it doesn't matter which city addresses the item first. They both have to go through the process.
- Leland Peters - 15 Boulder Circle (Lava Cove) stated that he was happy to see the subdivision come into Santa Clara. He would like to be informed of all the meetings. Their property values could see a large drop if this isn't done properly. Bob informed him that this item could go on the Planning Commission agenda in July.
- Mr. Peters stated that there was a staff meeting and he was not informed.
- Matt Ence stated that the City has staff meetings frequently and they are not posted.
- Mr. Peters stated that he understood but would like minutes from them.
- Mr. Terry Zontek – 36 Lava Cove – stated that he echoes Mr. Peters concerns on the annexation. He stated also that as long as it doesn't affect the value of their property.

5:13 p.m. Public Hearing Opened.

5:14 p.m. Public Hearing Closed.

2. Public Hearing to receive public comment to amend the Operating & Capital Budgets for Fiscal Year 2014-2015.

- Brock Jacobsen, Finance Director, amended the budget \$200,000. He explained the amendments. (See Attachment.)

5:19 p.m. Public Hearing Opened.

5:19 p.m. Public Hearing Closed

B. General Business:

- Tode Hafen asked to move to Items 5 and 6.

5. Request approval of an amended plat for Paradise Village at Zion Phase 3. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that the city needs to extend Lot 28 two additional feet. There were no complaints at the Planning Commission. The Planning Commission recommends approval. Not able to get all property owners.
- David Whitehead stated that he had a conflict of interest because he is the Realtor.

*****Motion to Approve the Request to Amend the Plat for Paradise Village at Zion Phase 3.**

Motion by Herb Basso, seconded by Jerry Amundsen.

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

Abstained: David Whitehead

Voting Nay: None.

Motion Carried.

6. Request approval to abandon a slope easement for Paradise Village at Zion Phase 4. Presented by Bob Nicholson, City Planner.

- Jerry Bates, Rosenberg Associates, stated the reason for the slope easement. It was done a long time ago and since then has been changed, there is no longer a slope.
- Herb Basso inquired if there are any utility issues.
- Matt Ence, City Attorney, said no there aren't any but from a legal issue it needs to be cleaned up so we don't end up with an issue down the road like the Swiss Cove Subdivision.
- David Whitehead stated that he had a conflict of interest because he is the Realtor.

******Motion to Approve Request to Abandon a Slope Easement for Paradise Village at Zion Phase 4.**

Motion by Jerry Amundsen, seconded by Herb Basso.

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

Abstained: David Whitehead

Voting Nay: None

Motion Carried.

1. Discussion and/or Action to approve the request for a boundary adjustment to transfer six acres from St. George City to Santa Clara City. Property Owner Kent Frei. Presented by Bob Nicholson, City Planner.

- Bob reminded council that previously Kent had applied for a boundary adjustment to transfer property from Santa Clara into St. George. Bob stated that they were just addressing the process tonight. Kent Frei, property owner has requested that his parcel located due north of the Snow Canyon High School football field and presently located within both Santa Clara's and St George's boundaries be adjusted so that all the property be within Santa Clara city's boundary rather than split and located in both cities. Six (6) acres are proposed to be transferred into the Santa Clara city limits. Upon conclusion of the boundary adjustment, Mr. Frei will submit a preliminary subdivision plat for the entire property which is currently zoned R-1-10 in both cities.

******Motion to Approve the Request for a Boundary Adjustment to Transfer Six Acres from St. George City to Santa Clara City and Make It a R1-10 Zone.**

Motion by David Whitehead, Sencond by Jerry Amundsen with all members present voting aye.

Voting Nay: None

Motion Carried.

2. Introduction of Public Services new Employee Wesley Hanberg. Presented by Jack Taylor, Public Works Director. Wesley was hired April 30th in the Public Works Department. Jack introduced Wesley.

Wesley Hanberg bought a home is Santa Clara on Manzoni Rd. He is married and has a son named Jackson, 1 yrs. old.

3. Approve Ordinance 2015-09. An Ordinance Amending the Operating & Capital Budgets

for Fiscal Year 2014-2015. Presented by Brock Jacobsen, Admin Director/Finance.
- Brock Jacobsen briefly reviewed the budget with council and informed them it was amended by \$200,000. He explained the amendment's (see attachments).
- Ed Dickie, City Manager, stated that this is the lowest it has been in years.

******Motion to Amend the Operating & Capital Budgets for Fiscal Year 2014-2015.**

Motion by Herb Basso, seconded by Ken Sizemore.

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

Voting Nay: None

Motion Carried.

4. Request approval to issue a pool permit and record a waiver with the property that all risk are the owners in regards to the engineered soil report recommendations. Owner Mrs. Linda Pierce 3539 Chalet Drive. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that Corey Bundy, Building Official, had denied the permit due to Geo-Tech recommendations. The pool could have some movement issues. The owners have since agreed to take responsibility and hold the City of Santa Clara harmless of any problems that may occur. There are six construction related criteria requirements that Geo-Tech listed in a letter. The owners need to over excavate or follow the six criteria listed in the letter.

- Matt Ence, City Attorney, stated his concern with the Geo-Tech letter. He visited with the owners and understands their concerns. Is the City comfortable with the waiver and does it need to be recorded with the Recorder's Office? The home owners are comfortable with the waiver but not as comfortable about it being recorded.

- Herb Basso asked if this waiver was specific to the property or the owners.

- Matt Ence stated that it is to the property. He stated that he will do what the City Council would like him to do.

- Ken Sizemore inquired if this was the first time the City has had a waiver.

- Matt Ence stated that he doesn't remember this type of issue but remembers one on the Hillside slide but not on pools. He would like to make it work for the property owners.

- Linda Pierce, the property owner, stated that she talked to Doug Terry, an attorney, and they would sign a full disclosure.

- Bill Pierce, the property owner, told the City Council that it is a small pool and it will be his responsibility. They would disclose any of it if they were to sell.

- David Whitehead informed the City Council of another instance. He stated that it does create a problem with real estate, selling it. He wants to make sure the City is protected.

- Matt Ence stated that the chances of liability years down the road are slim.

- Ken Sizemore commented that the City needs to be consistent with the practices we have had.

- Jack Taylor, Public Works Director, stated that as long as he has been here, he doesn't ever remember recording one.

- Linda Pierce stated that it is a fiberglass pool and that it is only a 5 foot pool.

- Matt Ence commented that the Pierces are concerned about timing.

- Ed Dickie commented that the City can go back five years to check the records. Corey is out of town and won't be back until a week from Monday. We can have Melodie go through all pool applications and see if there are any notes of a waiver and see if it was recorded or not. I know of the concern to the waiver and whether it is recorded or not

and why it has come up and part of it has to do with what has happened up on Cinnamon Circle with the home there.

- Matt Ence said that if there hasn't been a problem when the house was sold, then there wouldn't be a waiver. The City wants to be protected but he is okay to accept the waiver without recording. The Pierces will accept whatever the City Council decides.

Matt Ence will prepare a waiver for the pierce's to sign and have it notarized. The Pierce's can then proceed with the permit.

******Motion to Approve Pool Permit with a Waiver and If Found That in the Past the Waiver was Recorded, Then Owners Must have it recorded.**

Motion by Jerry Amundsen, seconded by David Whitehead.

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

Voting Nay: None

Motion Carried.

7. Discussion and/or Action to Modify the existing City Code Title 17 Section 17.28.030 Corner Lot Wall and Fence Standards and Approve Ordinance 2015-10. Presented by Bob Nicholson, City Planner.

- Bob Nicholson, City Planner, proposed to modify the Santa Clara Municipal Code, Title 17 Section 17.28.030 Corner Lot Wall and Fence for corner lots.

He reviewed the requirements and amendments. Planning Commission recommends adding:

C. Fences or walls erected within the street-side setback area may have a height up to six (6') feet provided the following conditions are met;

1. Solid fences or walls over three feet (3') in height shall maintain a minimum five foot (5') setback from the property line.
2. See through fences that are at least 50% open shall be allowed to a height of six feet (6'), and may be erected on the property line.
3. The Building Official may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways.
 - The Planning Commission recommends the amendment.

Bob also recommends removing section D.

******Motion to Amend and Accept Title 17 Section 17.28.030 Corner Lot Requirements and Approve Ordinance 2015-10.**

Motion by Ken Sizemore seconded by Herb Basso.

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

Voting nay: None

Motion Approved.

- Ken Sizemore commented that the City needs to hold people accountable for not following procedures for getting permits.

8. Discussion and/or Action to Amend the Santa Clara City Zoning Ordinance, Title 17,

Section 17.40.055, General Standards for approval of Conditional Uses and Approve Ordinance 2015-11. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that it must be listed how all conditional uses will be handled. The criteria. (See Attachment.) There are some sub-criteria and and Bob Floweres reviewed them.
 - Herb Basso stated his concern on noise according to the time at night. He is worried about how staff will interpret the noise. He asked if the noise amendment should be tightened up more.
 - Bob Nicholson explained noise and what staff would do and if it is legitimate. The staff will not make the ultimate decision.
 - Herb Basso stated that he was concerned about shutting down someone's conditional use.
 - Matt Ence commented that this has been discussed for a while. He said he doesn't like having a list but prefers to take the list that has been developed and would like to preserve some flexibility.
 - Bob Nicholson stated that he and Corey Bundy have been to some conferences and they suggested making a list of uses.
 - Matt Ence stated that he has some ideas how to modify it. Could also add some for concerns of General Welfare. He said it should be consistent and use language of State Code and that it could be approved with conditions. He also stated that parking should be added.
- Council decided to table the item for further review.

******Motion to Table the Amendment and bring the subject back later for discussion.**

Motion by Herb Basso seconded by David Whitehead.

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

Voting nay: None

Motion Carried.

9. Discussion and/or Action to Amend the Santa Clara City Code, Title 16, Section 16.20.030: G; Regarding time period for submitting a Title Report from 30 Days to 90 Days and Approve Ordinance 2015-12. Presented by Bob Nicholson, City Planner.

Bob commented that under the forms required as part of the final plat submittal states the following, "G. The city attorney's certificate of approval, after having reviewed a title report submitted by a title company within the past thirty (30) days." Title companies argue that a title report should be considered valid and current for a longer period than only 30 days. The proposed change is to increase the time period for a valid property title report from 30 to 90 days. PC recommended that 90 days is a reasonable period for a title report submitted with a final plat.

******Motion to Amend the Santa Clara City Code, Title 16, Section 16.20.030: G; Regarding time period for submitting a Title Report from 30 Days to 90 Days and Approve Ordinance 2015-12.**

Motion by Ken Sizemore seconded by David Whitehead with all members present voting aye.

Voting nay: None

Motion Carried.

10. Discussion and/or Action to Approve the proposed Sign Regulation for Historic District and Approve Ordinance 2015-13. Presented by Bob Nicholson, City Planner.
- Bob Nicholson, City Planner, stated the he has reviewed the sign regulations and has been through Historic Commission, Planning Commission and the Economic Development Commission.
 - Herb Basso stated that he would like to see it approved tonight (6/24/15)
 - Matt Ence, City Attorney, stated that he has reviewed it and would like to see a change in the liability part.
 - Tode Hafen stated that this ordinance is designed for the Historic District and that the Commission has put a lot of hours into it. She also stated that she was happy with the Time Master Plan and that each business has to submit a master plan.

******Motion to Approve Sign Regulation for Historic District and Approve Ordinance 2015-13.
Motion by Herb Basso, seconded by David Whitehead with all members present voting aye.
Voting nay: None
Motion Carried.**

11. Approve Service Agreement for Laura Squires to Transcribe Minutes. Presented by Chris Shelley, City Recorder.
- Chris Shelley reminded council that about 1 month ago they approved a Service Agreement for Teresa Payton. Chris explained that Teresa has had some personal hardships with the loss of her son and some other issues and has decided she was not ready to take on transcribing the minutes. Laura Squires has agreed to transcribe minutes for the city.
 - Ed Dickie disclosed that Laura Squires is his sister-in-law.

******Motion to Approve the Service Agreement for Laura Squires to Transcribe Minutes.
Motion by Jerry Amundsen, seconded by David Whitehead.
Voting Aye: Jerry Amundsen, Tode Hafen, Ken Sizemore, David Whitehead and Herb Basso.
Voting nay: None.
Motion Carried.**

12. Approval of Resolution R-2015-1908, A Resolution Approving the first Amended Interlocal Cooperation Agreement Between Washington County and Municipalities Within the County Regarding the Distribution of RAP Tax Revenue. Presented by Matt Ence, City Attorney.
- Matt Ence explained the amendment to the agreement really has the purpose of clarifying that the City is free to make its own decisions with the RAP tax revenue that it receives.

******Motion to Approve the Resolution R-2015-1908 Interlocal Cooperation Agreement Between Washington County and Municipalities Within the County Regarding the Distribution of RAP Tax Revenue.
Motion by Herb Basso, seconded by Ken Sizemore.
Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, David Whitehead and Tode Hafen.**

Voting nay: None
Motion Carried.

13. Discussion and/or Approval to adjust the Harmons Grocery Store Impact Fees per Section 6:6.1 Fee Exceptions and Adjustments “Waiver (or Adjustment) for Public Purpose” in the 2011 Utah Impact Fee and Handbook Checklist by the Utah Land Use Institute. Presented by Edward Dickie, City Manager.

- Ed Dickie explained the city had no leverage going into it. The City waived the impact fee of 32% which is a significant waiver but he believes what the City will get back from Harmons in the years to come will more than make up for that. Plus there are five more pads for other business to come in. And they have the solar panels.
- Matt Ence explained we can't approve it now. The State code provides that you can do a waiver of an impact fee. He feels that it is pretty standard. The issue will be on the July 8th agenda. He added, it will not hold Harmons up. We just need to make a record of it.
- Herb Basso stated that he feels the city needs to re-evaluate their impact fees so that businesses don't get scared off from coming in.
- Ed Dickie stated that he feels Harmons understands our community and that everyone is okay with negotiations.

******Motion to Table Item 13, Approval to Adjust the Harmons Grocery Store Impact Fees so City Council Can Bring City's Impact Fees into Line.**

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

Voting nay: None

Motion Carried.

14. Solar Update

- Jack Taylor, Public Works Director, handed out a solar review for council to review before the work meeting. It will be discussed at the Work Meeting on July 1, 2015.
- Jack Taylor also reminded the City Council of the UAMPS Conference in Yellowstone. He suggested that the City Council fly because it would be cheaper. He informed the City Council that there will be activities for their spouses and children. The rooms are booked for Sunday, Monday and Tuesday.
- Jack Taylor stated that he prepared a solar policy as per City Council recommendations. He will give it to Matt Ence, City Attorney, to review and make proper changes. He will then give it to the City Council. He stated that every municipality in the United States is concerned about solar. All cities are doing it differently. He discussed the policy. He stated that he would like to have the policy adopted before Harmons gets up and going.
- Ed Dickie reminded the City Council that next week is a combined City Council Work Meeting with the Planning Commission and that it will be discussed then.
- Ken Sizemore asked Jack if the city had any issues with the heat so far.
- Jack Taylor stated that there hasn't been any problems yet. He also stated that he will run the generators this weekend to make sure they are running good. The generators are good for backups.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- Passed out a sheet about the Solid Waste District Meeting.
- Ivins and Santa Clara asked them to get the rate for mandatory under \$3.00 (See attachment). They were not able to do it. It's not a big benefit to go mandatory.
 - It is \$2.94 per month for each resident in any municipality for mandatory participation if the overall participation is 50%-70% at the end of the preceding quarter.
 - It is \$3.62 per month for each resident in any municipality which requires mandatory if the overall participation rate is 50%-70% at the end of the preceding quarter.
 - It is \$3.82 which adapts opt-out program if overall resident participation rate is 50%-70% at the end of the preceding quarter.

David Whitehead:

- No West Nile virus yet.

Tode Hafen:

- Stated that Swiss Days is coming along.

Herb Basso:

- The Economic Development Committee has taken a break and will resume again in July.

Ken Sizemore:

- Air quality meeting. Paying more attention to Washington County.
- Big concern with what the EPA is going to do with ozone.
- Reminded the City Council about having a community meeting at the Fire Station concerning the Harmons site plan for the residents.
- Short discussion on Fire Management.
 - They only had their meeting in St. George. Ken suggested to them to meet with all the Mayors.

Ed Dickie:

- Good news about the Budget
- Reminded the City Council of the Work Meeting next week.

6. Executive Session: None.

7. Approval of Claims and Minutes:

- June 10, 2015 City Council Meeting Minutes
- Claims through June 24, 2015

******Motion to Approve the Regular City Council Meeting Minutes from June 10, 2015 and Claims through June 24, 2015 .**

Motion by Herb Basso, seconded by David Whitehead.

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

8. Calendar of Events

- July 1, 2015 City Council Work Meeting
- July 8, 2015 City Council Meeting
- July 22, 2015 City Council Meeting

9. Adjournment:

Motion to adjourn by Herb Basso.
Seconded by Jerry Amundsen with all members present voting aye.
Meeting Adjourned at 7:49 p.m.

Chris Shelley – City Recorder

Date Approved: _____