

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JULY 22, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, July 22, at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

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

Present: Mayor Rick Rosenberg
Council Members: Herb Basso, Ken Sizemore, David Whitehead
City Manager: Edward Dickie
City Staff: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Corey Bundy, Building Official; Dan Nelson, Fire Chief; Jodi Borgeson; Bob Sandberg, Washington County HCP; Doug Folsom, Utah Local Governments Trust; Ben Shakespeare, Snow Canyon Little League; Paul Bigelow, Snow Canyon Little League; Chris Hart, Mayor of Ivins City; Kevin Holyoak; Jared Waite; Neil Schwendiman, Washington County Solid Waste; Kevin Warnick, Tuacahn; Myron Lee; Jeff Fisher, Tuacahn; Fay Reber, Solid Waste District; Terri Draper, DRMC; Dan Townsend, Southern Utah Developers; Terri Kane, DRMC; Kevin Smith, CEO Tuacahn

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: Mayor Rosenberg
- Opening Comments: Mayor Rosenberg

- Tode Hafen and Jerry Amundsen were excused from the meeting.

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Ben Shakespeare, President of Snow Canyon Little League, 2699 Crestview Drive. He mentioned that they took 7 boys teams and 3 girls teams to the Utah All Star tournament in Cedar City. He said they took 1st place in four of those divisions and 2nd place in three of those divisions. He also mentioned that two teams of boys are in the championship. He stated that both of these teams qualified for the regional tournaments, one team for San Bernardino and the other for Vancouver, Washington. He thanked the City for their support.
2. Davis Bigelow, 30 North 14 West, also with Snow Canyon Little League, asked the City

for a \$500 donation to help the teams with travel to Vancouver for the Little League World Series. He mentioned that they are having a car wash on Saturday at Fabulous Freddy's. He also asked that anyone who has a business help with donations.

- Mayor Rosenberg asked Ed Dickie, City Manager, if the donation was in the budget.
- Ed Dickie stated that there is money in the budget but the City needs to state what the benefit would be for the City.

- Herb Basso praised the Little League and would like to support them with the donation for \$500.

******Motion to Approve a \$500.00 donation for the Snow Canyon Little League to help with travel to the Little League Regional Tournaments.**

Motion by Herb Basso seconded by Ken Sizemore.

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

Voting Nay: None

Motion Carried.

- Mayor Rosenberg thanked the Little League for representing the City well. He informed Ben Shakespeare that the City had shirts and other things they could take and exchange with other teams. He asked for a follow up report when they are done.

- Mrs. Shakespeare asked if they could have a picture taken with the City Council and the team.

4. Working Agenda:

A. Public Hearing(s): None

B. General Business:

1. Presentation of the 2014 TAP (Trust Accountability Program) Award. Presented by Doug Folsom, Utah Local Government Trust.

- Doug Folsom explained that he is the Loss Control Consultant with the Trust. He talked about the 2014 Trust Accountability Award. He explained what the award was and how it was implemented. It is awarded to members of the trust who have shown that they have implemented best practices in loss control for employee safety, public safety as well as liability prevention. There were programs in place for the City and they have accomplished them. He expressed his appreciation to Ed Dickie, Brock Jacobsen and Chris Shelley. He presented the crystal award and a cash award to Mayor Rosenberg. He stated that the Trust appreciated Santa Clara City participating in the program.

2. Update from Intermountain Healthcare. By Terri Kane and Terri Draper.

- Item #2 was tabled until Terri Kane could arrive.

3. Update and Discussion regarding the Proposed Washington County Residential Recycling Collection Program. Presented by Neil Schwendiman, Washington County Solid Waste.

- Faye Reber, Attorney for the Solid Waste District, introduced himself and then introduced Neil Schwendiman. He also stated that he appreciated Councilman Jerry Amundsen coming to their board meetings and having input on the issue of recycling. He explained that their contract expires soon and they decided to go with a County-wide recycling program for a 5 year period at a price per resident per month. Faye Reber and Neil Schwendiman are going around to all the communities to determine if they would like to participate. The first step is to determine if they City will participate and complete the agreement with Dixie Waste. The second step will be to determine if the City will make it an opt-out or a mandatory option. They mentioned that they would like to have all the communities participate by October 1, 2015. They stated that if, by November 1, there are 50% to 70% of the communities participating, residents would be billed \$3.62 if the City chooses the mandatory option. And if participation is between 50% and 70%, residents would pay \$3.82 if the City chooses the opt-out program. If the City decides to choose the opt-out option, they would have to regulate the rules. He mentioned that he sent a copy of the agreement with Dixie Waste to Matt Ence, Santa Clara City Attorney. He also sent out model ordinances to the City so they can use it to adapt to Santa Clara City.

- Mayor Rosenberg stated that the City Council has had some questions in the past and the majority was for mandatory but there was a split decision by the City Council at that time.

- Faye Reber stated that Hurricane City voted against it at first but at their last meeting, they voted for the mandatory option. He stated that the primary reason for this program is to conserve landfill space and to protect our environment and resources.

- Herb Basso asked if there were plans for the landfill in 60 years.

- Neil Schwendiman said that there weren't as of right now but that they are looking at some property. He stated that he believes if we divert some of the waste now it will help out in the future. He stated that they were putting a tool kit together to educate each community.

- Herb Basso asked if the recycling program saves the landfill and money. He asked if the Solid Waste District could reduce their rates.

- Neil Schwendiman said that as they see the savings, hopefully they could reduce those fees.

- Ken Sizemore asked what will happen to the binnies with this program.

- Neil Schwendiman stated that they would leave the binnies in place for now for those who would opt-out of the program.

- Ken Sizemore expressed concern about the funds going away for the binnies and that the money was used for the Veteran's Memorial Program.

- Neil Schwendiman stated that the Solid Waste District talked about still providing that back to the cities. However, because it's all comingled, it's an extra cost to sort it out. The funds received back from the recycling will be given to the cities.

- Ken Sizemore asked about green waste.

- Neil Schwendiman said that they had not done anything with green waste. Residents can bring their green waste to the landfill at no charge. They use a lot of it in their composting operation. The composting is a good product. They use as much of the green waste as they can.

- David Whitehead stated that it is hard to justify the amount of someone's liberty to choose, \$0.20 between the mandatory rate and the opt-out rate.

- Neil Schwendiman said that he sent out a proposal initially and the rate was \$2.65 if the

program would go to a County-wide mandatory program. The administrative costs for the opt-out program could make it more than the \$0.20 savings per home.

- Mayor Rosenberg asked what the administrative process would be that the city would have to assume.

- Neil Schwendiman stated that it would depend on what the opt-out rules are. Residents will only have the one opt-out period, basically the 60 day period. He stated that would be the least headache on the City's administration because people will have that one window to opt-out. After that period, anyone new moving in will automatically be in the program. He said that if the City goes to an opt-out program that is more lenient and gives the residents more options to opt-out than it is a continual thing the City administration has to deal with on who's in who's not in.

- Mayor Rosenberg asked if that was up to the City to determine those options.

- Neil Schwendiman stated that it was.

- Matt Ence, City Attorney, asked if the 5 year contract was to interplay with the existing trash pick up contract with Republic.

- Neil Schwendiman said that the existing contact ends in 2019. They are looking at extending the waste contract 1 year so that they end at the same time. He also said that they could have a hauler do both trash and recycling at the same time.

- Matt Ence stated that in the future both trash and recycling will be a unified plan. He feels that eventually they will be two sides of the same service. He feels that the City should look at the opt-out as being a temporary. He informed the City Council that people in other areas of the country pay significantly more for this service. He felt that the service the residents are getting for the price is pretty incredible.

- Mayor Rosenberg thanked Neil and asked to put this item on as an action item for a City Council meeting.

2. Item #2 Was Revisited: Update from Intermountain Healthcare. By Terri Kane and Terri Draper.

- Terri Kane stated that she wanted to update the City Council. She stated that Intermountain Healthcare has almost 2,800 employees. They have 300 physicians on staff. She thanked the City Council for their support and their time. She stated that she has worked as the CEO of the Regional Intermountain Healthcare for 30 years. She stated that the Inpatient Services will be moving during the renovation. Also that they will have expansion to a Kid Care Campus to the River Road Facility and other expansions as well. The River Road campus will almost double in size. There will be more positions and staff coming. She also mentioned that they will have a break ground celebration sometime toward the end of summer or the beginning of fall. They are going to have a Day Care Program for the staff. She said that they need a large educational building. She mentioned that there are 8% of the population of Utah over the age of 65. In Washington County we are at 18%. She stated that Intermountain Healthcare will be branching out to communities on health care and wellness.

- Ken Sizemore asked about Life Flight. He wondered if they have exceeded their expectations.

- Terri Kane said that they had. They are flying two flights a day in St. George. She stated that it costs \$4,000 just to start up a helicopter. She said that they use the ambulances when it is possible. She thanked the Mayor and City Council for their support.

4. Discussion and/or action to approve Ordinance 2015-15 approving the Inter-local Environmental Mitigation Impact Fee between Santa Clara City and Washington County. Presented by Jodi Borgeson, County Attorney's Office and Bob Sandberg, HCP Administrator.

- Bob Sandberg, Administrator of the Washington County Environmental Plan, reviewed a handout with information regarding the HCP. (See attached.) He stated that in 1990, the Desert Tortoise was listed as threatened under the ESA. Also in 1990, Washington County established a Steering Committee and initialized the HCP process. In 1996, the HCP was finalized and signed by the County, FWS, UDNR, BLM and Ivins City. The Red Cliffs Desert Reserve was established as mitigation for development. It gave Washington County a take permit for the Desert Tortoise and its habitat. This required binding the Inter-local agreement with Washington County for participating municipalities. It also required the creation of a department to administer the HCP and the creation of a funding mechanism (impact fee). They established an estimated budget for a 20 year period of the permit. He stated that the total actual to date costs were \$10,528,400. He said the SCC impact fee paid from 2000 to 2015 was \$405,800. He said the fee has stayed the same for the full 20 years and is not changing.
- Ken Sizemore asked about law enforcement.
- Bob Sandberg stated that they don't have law enforcement on staff but they use the County Sheriff Department.
- Ken Sizemore asked if they still had an HCP Committee.
- Bob Sandberg stated that they did.
- Ken Sizemore asked if they will have enough money for upkeep if the budget stays the same.
- Bob Sandberg stated that he hoped it would be enough.
- David Whitehead stated that he would like to see the HCP come up with a budget rather than just throwing the same amount of money back in to the pot.
- Bob Sandberg stated that if there was an excess then the HCP would look at it and decide what to do with it. He informed the City Council that they do look at an annual budget and are audited.
- Ken Sizemore stated that he was reluctant to take action at this time because two City Council members were absent but if the Mayor and the City Council wants to move forward he would be okay with that.
- Jodi Borgeson, County Attorney's Office, stated that it is required for the HCP that an ordinance be in place before it can move forward.

******Motion to Approve Ordinance 2015-15 Inter-local Environmental Mitigation Impact Fee between Santa Clara City and Washington County.**

Motion by Herb Basso, seconded by David Whitehead.

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

Voting Nay: None

Motion Carried.

- Ken Sizemore commented that if things go as projected, he feels this account will grow larger than needed. He feels that they need some kind of mechanism to revisit this in the future and that the City may get a refund.
- Mayor Rosenberg stated that the City wouldn't get the refund but that it would go to

building permit fees, impact fees, etc.

- Chris Hart, Mayor of Ivins City, stated that at present the budget is conservative and balanced. He said that there was no increase. He stated that you can't anticipate what the revenue might be even if there is growth. He said that it is complicated.

5. Discussion regarding Rap Tax. Presented by Mayor Rosenberg.

- Mayor Rosenberg turned the time over to the representatives of Tuacahn and Mayor Hart of Ivins City. He stated that he has been watching the Tuacahn efforts during the time the Rap Tax was discussed with community leaders and has gone on the ballot. They are a huge part of this community financially and he feels that they are extremely important.

- Jeff Fisher, Tuacahn Representative, introduced Kevin Smith, CEO of Tuacahn and Mayor Hart, Mayor of Ivins City. He mentioned some handouts that he brought. (See attached.) He stated that Tuacahn is a community asset and economic driver. They create over eleven million dollars in annual revenue. There are more than 265,000 tickets sold annually. He also stated that Tuacahn has a community and family oriented focus. He said that public participation is essential to sustaining this community asset and economic driver. He said that the economic impact is a benefit of Tuacahn to the cities of Washington County. It has a \$75,000,000 annual economic impact. Tuacahn also generates significant tourism, restaurants and sales tax. He said that Tuacahn is the second largest economic driver in Southern Utah. Second only to Zion National Park. He stated that 30% of the Tuacahn patrons come from outside of the State of Utah. He said that Tuacahn's needs are 4.7 million of differed capital repair, replacement and enhancements. They also need 4.8 million for a new Arts Center Building. He said that Santa Clara's recreation tax is \$71,411 total distribution. He asked for a \$5,000 annual commitment from Santa Clara City for 20 years (\$100,000).

- Herb Basso asked if the City could partner with Tuacahn to advertise Santa Clara City businesses.

- Kevin Smith stated that they could and that Tuacahn does things like that. He stated that they packaged with Abby Inn. He said that they would look at doing something with Santa Clara.

- Mayor Hart stated that there would be an Inter-local agreement for cities to sign. He said that the bond would be secured through Ivins City. He stated that the main source of this bond had been coming from the County. He said that the time frame is very compressed because of the Tuacahn season. He talked about Sentierre, a full service hotel, and the jobs that will be added to the area.

- Ed Dickie stated that Tuacahn is committing to be a Diamond Member for Swiss Days and that is \$1,000 every year.

- Jeff Fisher stated that Tuacahn will be approaching St. George City also and other cities as well. And Tuacahn will recognize those who participate in this Rap Tax.

- Mayor Rosenberg suggested putting this issue on the August 12 City Council Meeting agenda and that the Inter-local Agreement could be signed when complete.

5. **Reports:**

A. Mayor / Council Reports

David Whitehead:

- None

Herb Basso:

- Letters have been sent out to those who served on the Economic Development Commission.

Ken Sizemore:

- None

- Herb Basso asked Cory Bundy if Wayne Johnson has come in on his sign. And Corey said that he hadn't. Then Herb mentioned that he talked about Arts and an arts program in Santa Clara at the EDC meeting. He stated that there are a lot of ideas that can bring people to Santa Clara. He suggested that the city hold back a little on donations to Tuacahn to use in Santa Clara instead. He expressed his worry about the Tuacahn donation for 20 years. He suggested maybe a 10 year term instead. He feels the need for caution.

- Ed Dickie stated that to get the bond they have to have a commitment of 20 years.

- Ken Sizemore stated that he feels this is a significant discussion and that all the City Council members should be present.

- Mayor Rosenberg suggested that they have this discussion on August 12 when all the City Council members and Tuacahn Representatives are present.

- David Whitehead reminded the Council that Tuacahn supplies jobs for Santa Clara residents.

- Ed Dickie informed the Mayor and the Council that the \$5,000 will only be 5% of the Rap Tax so there will be money for other projects. He stated that the City will get benefits from the Rap Tax and that Tuacahn patrons will be staying at Paradise Village and Sentierre.

Mayor Rosenberg:

- Talked about Patricia Nunnelly (2902 Crestview). She met with Ed and also asked if the Mayor could come and look at her home. He went out and looked at her home. Everything from her back wall is coming down the hill. He stated that it is serious and that the City is preparing the second application for FEMA predisaster mitigation grant. It goes in August 10 and they won't hear anything until mid October. He said that there was some standing water in her yard and he want Jack Taylor to go look at it. He stated that they can't do the grant like they thought. He said that they are working with ACEC and trying to look at something the City can afford. He said the project is probably going to come in at one and a half million. He asked how the City will find the matching funds. Mrs. Nunnelly's house was not part of the initial houses in the grant but the Mayor is putting it in there now. He informed the City Council that Mrs. Nunnelly is a widow. She also has health problems. He also said that all her neighbors water is running off onto her property and it isn't helping the situation.
- Talked about the Mayor's Association. They will be talking about transportation.

7. Approval of Claims and Minutes:

- July 8, 2015 City Council Meeting Minutes

- Claims through July 22, 2015
- David Whitehead had a question about 5 payments made to Bart Penrod. (7/14/15)
- Mayor Rosenberg said that it's coming from the different departments.
- It was decided that it was for a trailer to transport the trackhoe.
- Ed Dickie said it was in the budget. Ed said that if the City Council ever has a question about the budget to just email him.

******Motion to Approve the Regular City Council Meeting Minutes from July 8, 2015 and claims through July 22, 2015.**

Motion by David Whitehead, seconded by Ken Sizemore.

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

Voting nay: None

Motion Carried.

8. Calendar of Events

- August 5, 2015 City Council Work Meeting
- August 12, 2015 City Council Meeting
- August 23-26, 2015 UAMPS

******Motion to go into Executive Session and Hold a Strategy Session to Discuss Pending or Imminent Litigation.**

Motion by David Whitehead, seconded by Herb Basso.

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

Voting Nay: None.

Motion Carried.

- Staff was dismissed.

6. Executive Session: Strategy Session to discuss pending or reasonably imminent litigation.

- **Reconvened at 8:02 p.m.**

9. Adjournment:

Motion to adjourn by Herb Basso.

Seconded by David Whitehead with all members present voting aye.

Meeting Adjourned at 8:03 p.m.

Chris Shelley – City Recorder

Date Approved: _____