

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 23, 2015
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, September 23, 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, David Whitehead, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Finance Director; Matt Ence, City Attorney; Jack Taylor, Public Works Director; Bob Nicholson, City Planner; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Sam Davis; George Elwell; Linda Elwell; Barry Clarkson; Landon Smith; Bob Hermundson; Jaxon Laub; Jarett Waite; Shaun Gubler; Andrea Parkinson; Reese Parkinson; Julie Applegate; Allen Hall

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:03 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: David Whitehead
- Opening Comments: David Whitehead

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Mayor Rosenberg recognized the Boy Scouts in attendance and had them introduce themselves.
 - Jaxon Laub from Troop 1826 who is a Life Scout and he attended because he is working on his Citizenship in the Community merit badge.
 - Reese Parkinson from Troop 1806 attended because he is working on his Citizenship in the Community merit badge.

4. **Working Agenda:**

A. Public Hearing(s): None

B. General Business:

1. Discussion on New Feed-In Tariff. Presented by Jack Taylor, Public Works Director.

- Jack Taylor stated that they have met and discussed the Feed-in Tariff and he said that it is the feeling of the Council and the staff that those who already have a net metering policy, should stick with that until a study comes back from UAMPS. He stated that they believe that the City is receiving some benefits from solar panels being installed on roofs that the City isn't accounting for. UAMPS has a 3rd party, UFL, who is doing an independent study to see what the benefits are to Santa Clara City of solar on the roof tops. He said that once the City knows that, they are hoping that the \$.05 feed-in tariff will increase. He stated that they are hoping to have the study back in the next 2 months. He said that regarding the policy with those who have newly installed ones, he believes they should continue on with the feed-in tariff but let those residents know that if it changes the City will change it with the policy. He said the Harmons grocery store just filled out a permit and signed it with the feed-in tariff at \$.04 per kilowatt hour. He said that may stay the same or increase. He said that he has met with most of the residents who have solar on their homes. He stated that he has apologized to them because he felt like the City has made a mistake by not meeting with them to let them know what the City was doing before the City did it. He said that they did go through the proper advertising and the regulations that they needed to get this through the City Council. He said that the City Council is willing to listen and look at different options to see if there is a better way. He read from the policy and stated that there are six items that they will be looking at in the study. He said that once the study is done he would like to meet again with all the residents who have solar on their homes prior to Council meeting so they can discuss it openly and then he will bring it to the City Council.

- Mayor Rosenberg stated that the policy has been suspended until the study is done for those who have solar on their homes. He said it is still in effect for those who are new sign-ups.

- Ken Sizemore stated that he has observed in his research of this issue that Santa Clara is on the leading edge in this part of the State in this policy. He said that feed-in tariff is the trend in the way that most communities are moving in the future.

- Sam Davis, 3175 Swiss Drive, stated that he put solar on his home when he moved here. He said that they had a return of investment of about 15 years but with the current policy that has just been suspended the return of investment went up to over 20 years. He stated that they would not have installed it if that had been their return of investment. He said that he knows others who feel the same way. He said he appreciates the Council relooking at this issue. He said that it is important that they have a win-win on both sides. He asked that when the study is completed that those who have solar will have an opportunity to spend a little time reviewing it. He asked the City to consider the difference between those who install solar for their own use and those who install for commercial use.

- Mayor Rosenberg stated that there wasn't any action required for this at this time. He said they will look forward to getting the study done and reports back to the City in the future.

2. Discussion and/or Action on the BLM Draft for the Resource Management Plan. Presented by Mayor Rosenberg.

- Mayor Rosenberg stated that the Council has recently been flooded with letters and information concerning the BLM Draft that is out right now concerning the Resource Management Plan. He said that they have been asked by Washington County and some of their sister Cities and he feels that the City personally needs to request an extension of the comment period. He said the document is 1,100 pages and not easily understood. He would like the Council's permission to send a letter to the BLM requesting an extension. He also encouraged the Council to go online and add their personal comments to the Plan and he encourages all the residents to go on the Santa Clara City website and use the link there to see the Plan and make their own comments to the Plan. He stated that the Plan impacts the City of Santa Clara personally because one of the new sensitive environmental areas is inside the City. He stated that the City is landlocked on 3 sides and the BLM area is really the only place the City can grow. The designations would limit the use and also limit the future disposal on some of the alternatives. That's important for Santa Clara City and their future. The impacts it has on maintaining existing utility corridors that the City has across BLM are critically important to the city. The City needs to have the ability to maintain those and use those and get new ones as the area grows. He stated that the real thing that bothered him was the lack of collaboration the BLM had with the stakeholders including the City as part of this process.

******Motion to Approve the Authorization of the Mayor to Write a Letter to the BLM Requesting an Extension of Time of 90 Days to Comment on the BLM Resource Management Plan.
Motion by Ken Sizemore, seconded by Tode Hafen.**

- Herb Basso stated that he would like to push for 180 day extension. He said that it was a big document.

******Motion Amended to Request 180 Days to Comment on the BLM Resource Management Plan.
Motion by Ken Sizemore, seconded by Tode Hafen.
Voting Aye: David Whitehead, Jerry Amundsen, Tode Hafen, Ken Sizemore and Herb Basso.
Voting nay: None
Motion Carried.**

- Mayor Rosenberg stated that he will get the letter written and give a copy to the City Council and also post it on the City website. He said that the BLM has four alternatives and Option A is the one they are operating under right now. That is the local governments preferred option.

- Tode Hafen asked about when they would know if the request is granted and if there was a due date for the letters.

- Mayor Rosenberg stated that the letters and comments are due by October 15.

- Matt Ence, City Attorney, stated that he thinks the City needs to have some formal comments as a City ready for October 15 in case the extension isn't granted. He asked what the procedure and plan is for having Santa Clara City formal comments in place by October 15.

- Mayor Rosenberg suggested that the Council email to him any comments that they would like to make and the comments will all be put into one letter. He said they will then bring that letter to the first City Council meeting in October. He said that they will be reviewed at the Work Meeting on October 2. He said the County will be having another meeting for all the stakeholders on October 7. He said the he will let the Council

know the time and date of that meeting.

3. Consideration to Approve the Santa Clara City Animal Control Ordinance No. 2015-16. Presented by Matt Ence, City Attorney.

- Matt Ence stated that the City Council has discussed this before. He said that since then, they have had a meeting with the Police Department, the Stakeholders at the Animal Shelter and Ivins Representatives and they have revamped their approach. He said that initially he had some concerns. He said it was inconsistent with some of the City's traditional agricultural uses and some concerns that it could be used to interpret some legal obligations for people. He stated that Bob Flowers went back to the drawing board. He started with the Ivins City animal ordinance and took the concerns and considerations that the Council had discussed and did a new draft which Matt then took and did a review and made some additional changes and that is what is being presented tonight. He said that it is pretty extensive because they are replacing the entire current Animal Ordinance with a new Ordinance. It will replace Title 6 of the City Code entirely. This was originally prompted by both those from the Shelter and Public Safety concerned that there was a lot of inconsistency between Santa Clara's Ordinance and the City of Ivins.
- Herb Basso had 5 or 6 points that he wanted to clarify. He also had a request to take out a whole section until it has been studied a little bit more.
- Mayor Rosenberg introduced Linda Elwell who is with the Friends of Ivins Animal Shelter. He said that she has been a real guiding force in implementation of the no-kill shelter in Santa Clara and also in Ivins. He recognized her presence and also her husband's attendance. He stated that Councilman George Elwell is on the Ivins City Council. He asked them if Ivins is also changing their Ordinance so that the two Ordinances will be the same.
- Councilman Elwell stated that was his hope.
- Mayor Rosenberg stated that the intent is to get the same Ordinance in both communities so the same set of rules are applying to public safety because both cities share the same Public Safety Department.
- Herb Basso asked why they license dogs and if they are going to license cats. He stated that they are currently licensing annually. Could they license every 3 years to coincide with the rabies vaccinations. He said that would be saving a lot of staff time.
- Matt Ence stated that the Ivins Ordinance that has been revised actually didn't include cats. He said the current Ordinance in Santa Clara does include them. He said that he added that in with the draft to make it more consistent with the City's current Ordinance.
- Linda Elwell stated that the City would have to do an education program for cat owners because licensing will be a surprise to them and that she thinks the City would have to phase licensing in over a period of time. She stated that licensing helps track an animal if they become lost and it helps ensure that the animals are vaccinated against rabies. It's a great way to track the vaccinations.
- Matt Ence stated that the licensing helps with animal control.
- Tode Hafen asked about making the cat licensing optional.
- Matt Ence stated that if someone has cats inside their home, they probably wouldn't license them if they are never outside.
- Linda Elwell stated that would be a good starting point and there could be a phasing in if the City wants to make it law. She stated that Best Friends is standing by and getting

ready to help Linda with a request for a grant for Santa Clara if this goes through tonight. She said they are going to be taking care of the feral cat problem with the help of Best Friends. She also asked Matt if they want to leave the Ordinance written as requiring licensing each year or make it every 3 years along with the rabies vaccinations.

- Matt Ence stated that they want it to be consistent.

- Linda Elwell said that she thinks that it should be every 3 years “except as otherwise provided herein”.

- Herb Basso asked Brock Jacobsen, Finance Director, if the City really needs the revenue to charge someone 3 years when the staff is only doing it once a time at licensing or is that money needed to pay the animal control officer.

- Linda Elwell said that the animal control is not a money making thing.

- Matt Ence said that changing it to 3 years doesn’t really change the administrative responsibility because there are still people that need to be licensed every year.

- Herb Basso asked about exempting fees on some animals like service dogs.

- Linda Elwell stated that she would like to see the wording of “police and seeing eye dogs” replaced with the wording “certified service dogs” and also mention other disabilities.

- Herb Basso said that he thinks that “tethering” needs to be defined.

- Linda Elwell said that she would like to see “tethering” stay in the ordinance the way it was written.

- Matt Ence stated that if someone wants to provide a definition of “tethering” he will put it in the Ordinance.

- Linda Elwell suggested leaving it in as it is and if there becomes a problem then the City can address it.

- Herb Basso stated that he would like to have some language in the ordinance about the shelter being required to contact the owner.

- Matt Ence stated that in 6.6.103 of the Ordinance, it does provide notice to the last known address of the listed owner. He said they can make that more clear if the Council wants.

- Herb Basso requested that if the Ordinance is passed that the City pull out the Bee Keeping Section of the Ordinance until there is a chance for Bee Keepers to comment on it. He also questioned the Exotic Animal Section.

- Councilman Elwell said that in Ivins City the Bee Keeping was completely separate from their Animal Ordinance. He suggested the Bee Keeping be set aside.

- Matt Ence stated that it can be pulled out temporarily or permanently. He also stated that “exotic animals” referred to a definition of exotic animals that was put in the zoning ordinances.

- Linda Elwell asked if they could go back and discuss 6.6.106, “Adoption”. In section 2, line 3, she would like the wording to be changed to “the city and thias”.

- Matt Ence stated that he doesn’t know if he is comfortable putting a liability waiver in the Ordinance. He said he is not comfortable adding a third party to that.

- Tode Hafen asked how Council felt about the possibility of taking out the cat section. She said she hates to over regulate. She said she has mulled it over and she can’t see how it helps.

- Mayor Rosenberg asked why they don’t take the dog licensing out then. He said the reason they license is to make sure they’re getting their shots.

- Ken Sizemore stated that they have discussed this for more than 30 minutes and a lot of changes need to be made. He said that he is in no position to recommend approval of this

ordinance with all of the changes they have talked about.

******Motion to Table the Approval of the Santa Clara City Animal Control Ordinance No. 2015-16.**

Motion by Ken Sizemore, seconded by David Whitehead.

- Ed Dickie, City Manager, stated that the staff would like to keep it in the Ordinance to license each year. He said it is easier for them and then they do the rabies every three years. He stated that the Council could approve it right now per the changes talked about. He stated that it would be really simple for Matt to make those changes.
- Mayor Rosenberg stated that after much discussion there has been a motion and a second to table this until everything is resolved and it can come back.

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

Voting nay: None

Motion Carried.

- The Council is directing Matt to remove the requirement to license cats.
4. Request Approval for The Sycamores at Santa Clara Phase 1 Preliminary Plat. Presented by Bob Nicholson, City Planner.

******Motion to Table the Request for Approval for The Sycamores at Santa Clara Phase 1 Preliminary Plat .**

Motion by Herb Basso, seconded by David Whitehead.

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

Voting Nay:

Motion Carried.

5. Request Approval of Final Plat for Snow Canyon Estates Subdivision. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is the final plat of Snow Canyon Estates Subdivision. It is a 46 lot single family subdivision in an R1-10 Zone located east of Lava Cove Drive and north of Little League Drive. Kent Frei is the applicant. There is a density of 3 lots per acre.

- David Whitehead and Matt Ence both had to leave from the meeting.

- Bob Nicholson reminded the Council about the 6 acres that were disconnected with Saint George City and added to Santa Clara so all the lots are within Santa Clara City. All the streets are public streets. There are two proposed flag lots. There needs to be a cross access agreement/easement because lots 5 and 6 will have to share a stem. The ordinance requires that the flag lot be a minimum of 25 feet wide. That means there can't be a fence down the middle and have two 13 foot wide easements. It has to be shared access. Some of the lots drainage will be in the front and some will be in the back. Along the rear lot lines, there will be a 10 inch storm drain pipe and that will have to be maintained by the individual property owners.

- Mayor Rosenberg asked if there were provisions to keep that easement open so that maintenance can be done on the storm drains.
- Bob Nicholson stated that it is required by the homeowner to take care of the maintenance of the storm drain system, it is not for the City of Santa Clara to maintain.
- Mayor Rosenberg asked about what would happen if the lot owner doesn't maintain it.
- Bob Nicholson stated that this was just discussed with engineering, with Todd, that those easements be removed and there'd only be easements along the front of the lots.
- Mayor Rosenberg had a concern about owners having the ability to get at the storm drain if it plugs up on another lot and causes flooding. He suggested having something put in the CC&Rs that defines the responsibility for the maintenance of that and the ability to provide the access so that it can happen. It would be on like an easement document. He stated that for the City to maintain it, there would have to be clear, unobstructed access all the way down through there. He said that it needs to be so that the City can go in and help them if they are in trouble but we want to try and keep it to where the homeowner is maintaining their own. He suggested designing the walls so that there are opening in them so that the flow can pass through them.
- Jack Taylor stated that the pipe is going to be on the east side of the wall so the people on Lava Cove won't need an easement for the storm drain.
- Bob Nicholson stated that because 10 feet of soil is proposed to be excavated from mesa top, dust control will be extremely important for residents around the development. The developer should have a water truck present at all times during the excavation work to prevent fugitive dust from becoming a neighborhood problem.
- Mayor Rosenberg asked if was going to be put in as a term of the grading permit.
- Bob Nicholson said they would. The water truck needs to be there all the time while they are grading. He stated that the Planning Commission did recommend approval of this plat.

******Motion to Approve Final Plat for Snow Canyon Estates Subdivision Subject to the Addition of the Easement and Drainage Maintenance.**

Motion by Tode Hafen, seconded by Jerry Amundsen.

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

Voting nay: Ken Sizemore.

Motion Carried.

6. Request Approval for the Amended Preliminary Plat for the Hills at Santa Clara Phase 2B. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is a single family subdivision, an R1-10-RA, located south of the Santa Clara river and west of the Hills, phase 1 in the western part of the City. All the lots are bigger than 10,000 square feet. In phase 2B there are 21 lots. The only change is they have moved a road to the middle of the subdivision for the purpose of crossing the wash and a future expansion. Lot 204 is now going to be a flag lot. The road used to be on lot 204.
- Mayor Rosenberg explained flag lots and discussed this particular flag lot, Lot 204, with the Council.

******Motion to Approve the Amended Preliminary Plat for the Hills at Santa Clara Phase 2B.**

Motion by Tode Hafen, seconded by Jerry Amundsen.

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

Voting nay: Ken Sizemore.

Motion Carried.

7. Discussion and/or Approval of the proposed Hwy 91 Road Improvement Project.
Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is a recommendation from the Hillside Review Board and the Planning Commission for the Highway 91 Improvement Project which is both a City and a UDOT project to widen and improve Highway 91. It starts at Swiss Village and extends to the west going up the hill to 200 East in Ivins. The purpose of the project is to widen existing roadway and shoulders, to improve drainage, enhance intersection movements, upgrade the roadway with sidewalks and multi use trail. Some of the main features is to upgrade the road corridor to become two 12 foot lanes and turning lanes where necessary, the Ivins portion will have a 14 foot wide center median, install a 4-6 foot bike lane, construct a 6-8 foot wide shoulders with curbs on both sides, construct a 10 foot wide shared use path on the east side of the roadway, improve drainage on the east side, which is the uphill side of the roadway. He said that the main reason it came to the Hillside Review Board is because there is a hillside that has been previously disturbed and they are going to have to further remove that and it's going to be flattened a little bit. He said that normally you don't have cuts more than 20 feet in height, but there is a section of the Hillside Ordinance, section 17.80.040 #G which deals with corrective work for previously disturbed natural areas or corrective work for existing hazardous conditions. He stated that both these conditions are present. Therefore, the Hillside Board recommends approval of the project for this cut. He said that staff also recommends this and that this will be a good project for Santa Clara. He stated that the Planning Commission also recommends approval.

******Motion to Approve the Proposed Hwy 91 Road Improvement Project.**

Motion by Herb Basso, seconded by Ken Sizemore.

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

Voting nay: None

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- None.

Tode Hafen:

- Everything is going good for Swiss Days. The volunteers are ready to go. Have communications been good with Staff?
 - Ed Dickie, City Manager, said that right after the breakfast, Jack Taylor will drive the City Council to the Fire Truck for the parade.
 - The Council talked with Dan about the number of people for the dinner. Tode also mentioned how she liked that the Firemen and Police interacted with the children.

She said they are heroes in their eyes.

Herb Basso:

- Utah Department of Heritage and Arts and their local arts agency has some grants available for some things that can be done in the City. Ways to improve public relations with the citizen. One way is to use websites and social media to better get the word out and educate citizens about issues. He learned a lot at the Conference. He said that the shooting scenario accomplished awareness.

Ken Sizemore:

- Attended the Wildfire Session at the League of Cities to pick up maps. He gave them to the Mayor. He said there are some concerns. He said he was concerned about GIS layers of information. They rated in three categories: high risk, medium risk, and low risk. The Harmons site, the Mayor's house and other houses are on a high risk site. The GIS layer used to rate fire hazard is old, from 2007, and is not fine enough to really look at a community at the scale we need them to so they have committed to use 2016 to make those adjustments. By November of this year, they are supposed to have another data layer that comes in and refines that. Once that gets in they will readjust. The other concern was that Santa Clara City limits include a lot of BLM land and the City would get hit twice because they are charging BLM as well as the City. He said they really didn't know that there were so many communities in Southern Utah that had incorporated Federal land. Now that they've figured it out they are going to have to back out that Federal land from the calculation.
 - Mayor Rosenberg stated that the initial assessment was \$6,900 and they were going to accept in kind services and the work that the City does in wildland. He feels that there won't be any problem in meeting that assessment. He is a little worried about when they make the adjustments that the assessment might go up. He said the purpose is to make communities more proactive in controlling the wildland fire risk.

Mayor Rosenberg:

- Asked Dan Nelson to give a report on Hilldale.
 - Dan Nelson stated that this is the first year they are training swiftwater operations level people. The swiftwater people were able to go to Hilldale to help. They worked with the Iron County Search and Rescue there. The City had 2 teams there and 3 search dogs. He said some of the teams were finding victims throughout the day. He said their team didn't find any victims. They did find many items, car seats, shoes, clothing, etc. He said it wears on the team throughout the day. They are looking for chainsaw crews to go out and cut paths through the brush and debris that is there. He said there is a lot of vegetation that has piled up. They need a path to send the dogs through. The crews will be coming back tonight. He said they are looking for volunteers to go over tomorrow to run chainsaws. There will be a big effort in Hilldale on Friday with the search dogs. It was hard for the dogs to search because of all the different people and scents. There is still a six-year-old boy missing. Fire crews have been gone for a week and a half on the wild land fires. There were four deceased firefighters but our guys were safe.
 - Herb Basso spoke to the Police regarding Switch Point. He said to be aware of homeless camps. He also mentioned his concern about prowlers.

6. **Executive Session:** None.

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

- September 9, 2015 City Council Meeting Minutes
- Claims through September 23, 2015
 - Herb Basso had a question on a claim from September 3 about an Umbrella Service.
 - Ed Dickie explained that it is technology tool that keeps track of things. He said it is a good thing.

******Motion to Approve Regular City Council Meeting Minutes from September 9, 2015 and claims through September 23, 2015.**

Motion by Herb Basso, seconded by Ken Sizemore.

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

Voting nay: None

Motion Carried.

8. **Calendar of Events**

- Swiss Days, September 24 - 26, 2015
 - City Council Work Meeting, October 7, 2015
 - City Council Meeting, October 14, 2015
 - Halloween, October 31, 2015
- Jack Taylor informed the City Council that they closed the road by the yard. They are doing work and using a water truck and hose. He said they are getting good compaction with the rock.
- Mayor Rosenberg reminded the Council to be here early enough to cook breakfast on Saturday. He said he will get ahold of Brock to provide hats for the City Council for the parade.

9. **Adjournment:**

Motion to adjourn by Herb Basso.

Seconded by Tode Hafen with all members present voting aye.

Meeting Adjourned at 7:36 p.m.

Chris Shelley – City Recorder

Date Approved: _____