

**SANTA CLARA CITY COUNCIL WORK MEETING
WEDNESDAY, MARCH 2, 2016
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, March 2, 2016 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: Jerry Amundsen, Ken Sizemore, Mary Jo (Tode) Hafen, Herb Basso and Jarett Waite
City Manager: Edward Dickie
Deputy Recorder: Lisa Bundy

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Brad Hays, Parks Director; Corey Bundy, Building Official; Bob Nicholson, City Planner; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Haden Frei; Josh Akins; Devin Snow; Alan Ayala; Rex Oliver; Ryan Nelson; Josh Gibson; Ben Simmons; Jonathon Linton; Tanner Whitfield; Brandon Simmons; Gavin Goth; Collin Ence; Wilford Hafen; Clayton Leavitt; Bill Gubler; A. Nicholson; Ethan Duncan

1. Call to Order: Mayor Rosenberg called the meeting to order at 5:02 p.m.

- Mayor Rosenberg welcomed the visiting Boy Scouts and asked them to introduce themselves: From Troop 585-Josh Akins, Hayden Frei and Collin Ence all working on the Citizenship in the Community Merit Badge; from Troop 1811-Jonathan Linton, Tanner Whitfield, Brandon Simmons, A. Nicholson and Ben Simmons all working on the Citizenship in the Community Merit Badge; from Troop 1803-Ethan Duncan working on the Citizenship in the Community Merit Badge; and from Troop 510-Gavin Goth working on the Citizenship in the Community Merit Badge.

2. Working Agenda:

A. General Business:

1. Paradise Cove Subdivision Discussion - Clayton Leavitt & Wilford Hafen

- Wilford Hafen stated that they want to subdivide a piece of ground. He gave the Council a handout, "Application, Discussion Outline for Paradise Cove Presentation of FACTS, DEEDS, and PROPOSALS", and discussed and read the entire handout. (See attached.) He said to please consider acceptance as outlined and thanked the Council for their time. He said he has done research for Washington County of facts

concerning ownership records and maps. He read from his research. He said that Santa Clara City, himself and Clayton Leavitt and others jointly sued for title to be transferred to Santa Clara City. He said that settlement was reached and judgment was granted. He said no document deed of this was ever recorded. This needs to be accomplished and done with a Court Judge and attorney through Santa Clara City. The twenty-foot roadway that runs from a point on Old Farm Road, reference SC92-A remains a legal roadway that belongs to Santa Clara City. The quitclaim deed from Jerry Graff and Maxine Graff is valid and remains in title to the City of Santa Clara. The Paradise Cove, tentative new subdivision, includes 3 cul de sacs. It is being further review by the Planning and Zoning Commission. Concerning cul de sacs, the question was emergency personnel and equipment and associated codes, rules, regulations and restrictions as related to access. He feels that the required measurements for the roadway fall well within the 800 feet requirement as designated. He stated that they as property owners would like the representatives of Santa Clara municipality to allow them to put in a Santa Clara City welcome sign, with accompanied map, location, notice and identity, lot numbers and street addresses included to be installed at the intersection of Vineyard Drive and the proposed Paradise Cove Lane. He would also like to have an entry sign for Paradise Cove Subdivision at the intersection of Paradise Cove Lane and Garden Circle Lane. He also expressed his opinion about flooding in this area. He said that to his knowledge, no flood has ever come close to reaching the elevation of the proposed homes. He also read more facts about flooding in the area and embankments. He would like to have approved the conceptual and preliminary Paradise Cove Subdivision plans, the signage as requested and plan layout and by ordinance vacate surplus roadway lots #11 and 12.

- Mayor Rosenberg asked that when the City went through the lawsuit to get the road is it right that the final deed wasn't obtained or ever recorded?

- Matt Ence, City Attorney, stated that the final judgment is recorded.

- Mayor Rosenberg asked that the stem that comes out to Vineyard is a valid City right of way.

- Matt Ence said that it is.

- Ed Dickie, City Manager, asked if the Council would like Corey or Bob to give an update of where the City is at and why we are here at this time.

- Matt Ence said that there is a Paradise Cove subdivision in St. George already. That creates a conflict with the name. He asked Wilford Hafen if he was aware of that. He said they need to find a way to differentiate that whether it's Paradise Cove at Santa Clara or something else.

- Wilford Hafen suggested maybe Paradise Garden.

- Matt Ence said that was available.

- Corey Bundy said that the City's sign ordinance would allow the sign to be at the entrance of the subdivision but not on Vineyard because Vineyard is a public street. They would have to comply with the sign ordinance. He said they met last Thursday to discuss the proposed Paradise Cove subdivision. The current zone is RA, ½ acre minimum lot size. He said they are proposing 12 lots. The main issue is the road layout. He showed a map to the Council. The applicant proposes 2 cul de sacs, which are larger than allowed. He also said that without a second access to the subdivision access could be blocked to the homes at times. He also said the Master Road Plan requires a road from Old Farm Road past Jim Ence's down and return back to River

Wood Drive and the General Plan calls for emergency access and trails to go along this same area. Staff recommends a road connection to Old Farm Road to the proposed subdivision if possible out of the Santa Clara floodway.

- Herb Basso asked if Wilford Hafen could have only one exit with a possible connection to a future plan.

- Corey Bundy said that if the distance was less than 800 feet than he would comply with the ordinance. He said that because of the two items, the over 800 feet and not complying with the Master Plan, that is why this is before the Council at this Work Meeting. The applicant wanted to ask Council if they really have to connect this roadway. He said he talked to Jim Ence, Greg Ence and Bill Gubler and they seem to be in agreement that they would like access as the Master Plan shows. They don't want to be cut off from their farmland. He said Staff recommendation is that the road goes through. That the subdivision ties into the Master Plan road.

- Bart Smith stated that the City put hardship on the property because it is in the floodway.

- Matt Ence stated there was nothing vacated, there was never a road there.

- Mayor Rosenberg said there was a FEMA study done in 2010. The floodway is closer to the river. The City Ordinance requires as part of any development inside the erosion hazard zone, an erosion hazard study be completed that would take into account any existing erosion protection. He said this area has the pipeline protection that was put in by the Water Conservancy District. The study has to be done by an engineer. The City mandates that the developer do the study. The study has to be stamped by an engineer. There are certain standards in the Ordinance that has to be addressed. He suggested that one of the cul de sacs could turn into the Master Plan road.

- Wilford Hafen said that there are items that still need to be worked out and discussed.

- Mayor Rosenberg reminded him that tonight Council can't take any action at all. This is just a Work Meeting. He said typically this concern wouldn't come to Council until after it had been before the Planning Commission and the Staff review and then the preliminary plat would come to Council for their review and approval. Tonight is an opportunity for some feedback and discussion at this point is all.

- Wilford Hafen talked about the access to the sewer lines. He said that if they improved the 20 foot roadway so emergency personnel could make that connection between the new legally established road coming in and the existing road then there would be a loop so that would be the point where the measurement starts. There is also drainage problems with Somerset that needs to be addressed.

- Mayor Rosenberg asked Wilford if he would be opposed to taking the road and dedicating it down to the property line so it could be extended in the future. He said he will already have to do the storm drain easement.

- Wilford Hafen said it was alright with it.

- Bart said if the street was extended through, it would devalue the lots by \$100,000.

- Mayor Rosenberg said that there are a couple of things that Wilford has to do. Easements have to be granted so the subdivider can maintain them. Road extensions could provide his access.

- Wilford Hafen asked if that could be drafted in as an easement through private property.

- Mayor Rosenberg said that the City would still like that road at some point in time to

- continue all the way down through there to link all the roads that go down to the river.
- Mel Gubler said they need to keep the road in and it has to come down to another spot. He said he doesn't think this subdivision should bear the brunt of that road. The Ence's have had it moved. He said they need that access.
 - Mayor Rosenberg said there needs to be access there to maintain the erosion protection. There is going to have to be access out of both cul de sacs. He said that if Wilford can make a road to meet the City standard they can measure it from here. A 20 foot road does not meet the City standard.
 - Bart asked if that easement was there and they allowed for the storm drain, would the City consider a variance for the subdivision to have the cul de sacs as they are. Would the City be willing to consider those cul de sacs in the road below if the easements were granted so they could have access to get there to maintain the erosion. Is that a consideration?
 - Matt Ence read the language of the ordinance. He said it's not technically a variance. They just have to get Council to approve.
 - Mayor Rosenberg said his concern is making sure it's got the erosion protection in place and easements for all the drainage. Planning Commission and Council will have to approve a longer cul de sac.
 - Mayor Rosenberg said that all of the other subdivision requirements have got to be met too.
 - Matt Ence said that the way this is written a recommendation from the Planning Commission will consider something for approval or denial from the Planning Commission. He said they have to go through the process taking it to the Planning Commission.
 - Bob Nicholson said a cul de sac is usually the last resort. He talked about directionality. Better communities have connectivity.
 - Herb Basso said it's a tradeoff. Neither is right or wrong.
 - Mayor Rosenberg said this will all be discussed at the Planning Commission and again before the Council.
 - Ken Sizemore asked if an engineering firm had been obtained.
 - Wilford Hafen said they have some bids but have no firm commitments.
 - Bill Gubler asked if that roadway can be shut off from Old Farm Road across the existing Master Plan.
 - Mayor Rosenberg said nothing is going to happen on that until it is dedicated but it doesn't give anyone a right to use it today.
 - Herb Basso said it is dedicated for the future.
 - Mayor Rosenberg said that if it is the same tax id number then the City can mandate that today. He said that the parcel developed by the Master Plan has to be dedicated. He said this can be worked out when it comes back to Planning Commission.

2. Bee Discussion

- Herb Basso reminded the Council about when they talked about the Animal Ordinance and he requested that the Bee portion be pulled out so the Council had time to look at it and create a scenario that was more bee friendly. There was a lot of restrictions in the Animal Ordinance that wasn't applicable to beekeeping. He said he met with Mel Taylor and talked with Jim Ence and Linda VanWert. He looked at the

bee statutes with the State and Counties and simplified it. He said the City should be following the State and County rules. He said that beekeepers should keep a source of water. He said that this ordinance is beekeeping friendly.

- Matt Ence said he looked through Herb's recommended language for the ordinance and he thought it was fine. His one recommendation is if the City adopts an ordinance that doesn't have any enforcement at all that it's kind of meaningless. If someone doesn't comply with it there is nothing the City can do. So one thought he has is to keep something along the lines of #4 under "Enforcement". It's like a land use code violation. He also said he looked at the State and County requirements and wondered if one way for the City to monitor whether people are complying with this is to have them provide evidence that they are registered with the State on an annual basis.

- Herb Basso said that he would support this but hopes it wouldn't be another license that the City has to do.

- Matt Ence said that he is suggesting they bring a copy of their registration into the City and the City will keep it on file. It can be reviewed on an annual basis. He said that maybe the State registration could be available on line.

- Herb Basso said the Legislature is taking a look at beekeeping.

- Dan Nelson, Fire Chief, said that he keeps bees as a hobby. He said that he takes care of and waters his hives. A responsible beekeeper would have water for his bees. He agrees that there needs to be something that says if they are a nuisance there needs to be something that says it needs to be corrected. The hives need to be checked for aggressive bees.

- Herb Basso stated that we wouldn't have the existence we have today if it weren't for bees. He would like to continue the support of an ordinance that allows people to have bees. He asked Matt Ence and Ed Dickie to work on the enforcement clause and then the ordinance can be brought back to a future Council meeting.

- Ken Sizemore said that we will know in 2 weeks if there is going to be State control over bees and if this is a mute issue. He said not to put a lot of effort into this until the Legislative session is over. He also mention that on 6.9.105 on the ordinance it said that "any person engaged in beekeeping within the City shall also abide by the 'best management practices' for beekeeping in Washington County..." and stated that the Washington County best management practices wouldn't apply within our municipality.

- Matt Ence said not strictly but that the County does provide the inspectors under the State code so that is where it would apply.

- Jarett Waite said he did research into this. He showed another model beekeeping ordinance. He thinks it's smart to limit the number of colonies. He talked about a flyaway zone. He also said it could be required to get a new queen every two years.

- Herb Basso said that it will say that we follow what the State says. He said the Council should move forward with this. He said we should do what the State of Utah says we should do.

- Jarett Waite said the requirements are on residential lots. He said he hopes we have some kind of common sense policy. It doesn't have to be anything to vague.

- Herb Basso said that he doesn't want to be more restrictive.

- Ed Dickie said to wait and see what the State comes up with. The City can't be less restrictive but we can be more restrictive.

3. Staff Reports:

Fire Chief Dan Nelson

- The Fire Department burned the Lava Flow retention base today. Tomorrow will be the upper part.
- They are busy with the firehouse. There is an increase in activity in the south hills.
- Spent a lot of time inspecting Harmons. It's a good building.
- Ed Dickie said some money has been put in for a Razor. He would like to get one before July 1. It would be taken out of the public safety budget. He said they should get one for the Fire Department and the Police Department. He said they are trying to get a grant for one. Dan said that Ivins has a good chance in getting the grant. There are 3 grants left this year and one ends tomorrow. He said that we are already submitted. Ed said that we are still trying to get those grants. He said it is in the budget. Mayor Rosenberg asked where they will be kept. Dan said there is a small stewardship behind Station 1 on Circle Drive. The razor would be used as a quick response to a patient. They are looking at a 4-seater. They are also looking at other options.

Brock Jacobsen

- Continuing to work on the budget within department heads working through the budget process.
- The microphones are here and on his desk.

Brad Hays

- March 12 is the Epic Tru Grit Mountain Bike Race and a City Official needs to be there at 7 a.m. to kick off the race. Councilman Sizemore did it last year. He asked if anyone was interested. Ken Sizemore said that the flyers are advertising a Tru Grit concert. Brad said it is not a concert but a band that will be playing on a flatbed truck. It will be live music.
- Ken Sizemore said that he had a request from his Rotary Club to use the pickle ball courts on May 19-21 for a tournament. We need to come up with a set of policies. Brad Hays said the past discussion was to hold off on tournaments until October because of the parking situation down there. There are no events that weekend. He checked. He said they can schedule it. There will be a parking issue. Herb Basso said this will bring money to the City and to Harmons. He thinks a good thing. Ken Sizemore said the Rotary Club wants to know as soon as possible. Ed Dickie said the concern is there is really no parking. They can park in Paradise Village and walk through. Are they okay to walk over there? We would have to do something with Jacob Lane. Maybe some cones up. Ken asked if they Council is okay going forward with this. The Council said yes. Brad said he will schedule the tournament. Ed Dickie said to put cones up on Jacob Lane. Jack Taylor said there is plenty of gravel and road base they can cone that off and let then park in, he doesn't see any problem with that. Ed Dickie said they need to be shown where to park. Brad said that he will bring the fees before Council.

Jack Taylor

- Apologized about the long discussion on the subdivision tonight. He said his biggest concerns are about the lines down there.
- They met with Ron Whitehead out on the BLM property on the parking area. The BLM is going to give them \$5,000 toward the project. Maybe Ivins or St. George would be willing to help donate some funds to get this put together and get that road built. Or maybe even some contractors.
- Highway 91 is moving along. They are waiting to get the design on landscaping and street lighting. That should be done in a week or a week and a half. Then we will be able to get bids from Sunroc to determine how much it is going to cost.
- UDOT has lost Dayna and Brandon. That is a concern. Jim McConnell has replaced Dayna.
- UAMPS meeting in 2 weeks. They want to relook at the contract for the Veyo project.
- He will be off next week for spring break.

Corey Bundy

- There are a lot of projects going on. There will be a zone change for Snow Canyon townhomes at City Council Meeting on March 23.
- There will also be a zone change for the Sycamores. They want to do a go to destination.
- We have a final plan for Tuscany. There will be one more phase and complete that project. They will build two four-plexes every month until it is done.
- We have the final plat for the Hills at Santa Clara 2B.
- He has a variance for a patio up on the Heights that is going to Planning Commission and it may come to Council if Planning Commission denies it and they want to appeal it.
- We are going to vacate an easement on March 23 that would be Bella Sol in preparation for them to do more development.
- Lance Rigby is talking about a project north of Tuscany. It may be a short-term rental project.
- Tomorrow we are looking at a zone change for The Inn at Santa Clara a bed and breakfast.
- He got a call on six plats by the post office and a request on a subdivision down on Vernon Street about four lots.
- Ken Sizemore wanted to know how long the sign for the Harmons grand opening will be there. Ed Dickie said they are getting rid of it on Friday. The rule is 30 days in the sign ordinance. It needs to be made clear about signs in the right of way. Is the Council okay with this? It's time to come down.
- Ken Sizemore said a resident wants to know if a home can be used as a short-term vacation rental in a residential area. Corey said short-term rentals are not allowed in an R 1-10 area. They have to have it changed to a mixed use. They have to go through the process.

4. Executive Session:

- Entered Executive Session at 7:21 p.m.

- Reconvened at 8:40 p.m.

5. Adjournment:

Meeting Adjourned at 8:40 p.m.

Lisa Bundy – Deputy City Recorder

Date Approved: _____