

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, MARCH 9, 2016
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, March 9, 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: Herb Basso, Jerry Amundsen, Jarett Waite and Mary Jo (Tode) Hafen
City Recorder: Chris Shelley

Others Present: Corey Bundy, Building Official; Matt Ence, City Attorney; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Cindy Frei; John Smith; Leland Peters; Fred Faye

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

2. **Opening Ceremony:**

- Pledge of Allegiance: Herb Basso
- Opening Comments: Herb Bass

- Councilman Ken Sizemore and City Manager, Ed Dickie, were excused from the meeting.

3. **Communications and Appearances:**

A. General Citizen Communications: None.

4. **Working Agenda:**

A. Public Hearing(s): None.

B. General Business:

1. Set Public Hearing for March 23rd at 5:00 p.m. to borrow \$250,000 from the Sewer Fund for Property Acquisition. Presented by Mayor Rick Rosenberg.

- Mayor Rosenberg stated that Ed Dickie, City Manager asked him to present this one. He said that Staff has been working with the Attorneys and Auditors Office to see if the City could borrow money from an existing fund that is in place. The sewer projects that

need to be done are finished. They have excess revenue and this makes it a smaller interest rate than what the City is going to pay for it but it's less than going to a bank and borrowing the money. He said they want to set a Public Hearing for this On March 23rd at 5:00 p.m. to review borrowing the \$250,000 from the sewer fund for property acquisition.

Motion to Set a Public Hearing for March 23rd at 5:00 p.m. to borrow \$250,000 from the Sewer Fund for Property Acquisition.

Motion by Herb Basso, seconded by Tode Hafen.

- Herb Basso asked if the City has come up with a plan.
- Mayor Rosenberg said they have done a property inspection. He has not heard how it went.
- Corey Bundy, Building Official, said that the home could be rented. It would take about \$5,000 to bring it up to rentable standard. It could be used for storage. It has an outbuilding. The home does slope and has foundation issues. In the long term it should be used for something else besides a rental.
- Herb Basso said that before the hearing he would like for the Council to be prepared to present to the citizens what the City is spending money for. He said we should have three or four options. He said we should be prepared to answer questions. He said we should have an option to be able to put back the money in the sewer fund.
- Mayor Rosenberg said they have talked about the abilities to get a note on it if the City needs to in the event of an emergency via the sewer funds. He said that there will be a Planning Meeting sometime in the future to talk about what should be done with this property - put it on the market, use it as storage.
- Jarett Waite asked if this was a done deal and if this just needs to be financed. Are papers signed?
- Mayor Rosenberg said that the papers are signed and an offer was made and they have accepted the offer. He said they approached the City last fall to see if the City was interested. They wanted \$300,000 when they first came to the City. Council met, discussed it, had an appraisal done and offered the appraised value, \$250,000. They accepted it. The idea was to obtain some properties that would enable the City to expand parking downtown. This property is right across the street from Town Hall. It's logistically oriented to provide some additional parking for Swiss Days and events and to help supplement the existing commercial property parking in downtown. He said they have talked to some real estate people that feel that if the City puts some money in the home, then the home can be sold and the investment can be recouped. Earnest money has been put down.

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

Voting Nay: None.

Motion Carried.

2. Introduce New Officer, Hope Obray.

- Officer Obray introduced herself. She is 21 years old. She is going to the police academy right now and working part time for Santa Clara. She has 5 more weeks and then she will be a full-time officer. She has lived here for 9 years. She was a firefighter

for Ivins when she was 18. She finished her EMT in May and started police work January 4. She currently lives on Circle Drive in Santa Clara.

3. Approve Arbor Day Proclamation. Presented by Mayor Rosenberg.

- Mayor Rosenberg said that this is something the City does every year. Arbor Day is April 23, 2016 in the City of Santa Clara. He said we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations. He said that the Council has been asked to approve this proclamation.

Motion to Approve Arbor Day Proclamation on April 23, 2016.

Motion by Tode Hafen, seconded by Herb Basso.

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

Voting Nay: None

Motion Carried.

4. Approve Paradise Village Phase 2 and Gubler Park MOU. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that this was an agreement that dates back to April 2014 that the City had with the Vistas at Snow Canyon. That property has sold and is now Paradise Village at Zions. The initial agreement allowed the developer to front the money to build the Gubler Park expansion. With the drop in units and with the addition of phase 2 we would like to include phase 2 into the original agreement, that would allow the City to finish that park this year, otherwise the park wouldn't be able to be completed this year.

- Herb Basso asked that if there are less units are their participating resources the same.

- Brad Hays said there were 78 units from the original development and 32 from the other and all of those resources times the impact fee will go to that park, \$3,906.00 per unit.

- Mayor Rosenberg said that the total fee amount that the City receives from them will be based on the number of building permits and the impact fee that has been set. Staff is recommending approval of the MOU.

Motion to Approve Paradise Village at Zion Phase 2 and Gubler Park MOU.

Motion by Herb Basso, seconded by Jarett Waite.

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

Voting Nay: None

Motion Carried.

A Citizen Request to Approach Mayor and Council:

- John R. Smith, 43 Boulder Circle, said that he found out on Monday that there was to be a zoning hearing to change the zoning for the subdivision adjacent to his, Snow Canyon Estates. He said that he didn't see the notice and he thinks the notice should be reestablished and that there should be a notice given to his neighborhood that there is going to be a zoning change. He said this impacts them significantly and he's not even sure what this zoning change is for, whether or not it is intended to put multi-family

homes there or what they intend to do. He said right now they were led to believe that that entire subdivision was going to be single-family residences and now there's a zoning change. They couldn't see it because the road is closed. There is a little tiny sign about the zoning hearing by the dumpster. He said it is disheartening to see that the City Council is allowing this change to our zoning in the subdivision itself. He said the notice wasn't clear at all.

- Mayor Rosenberg said that this piece isn't part of the subdivision that is adjacent to Lava Cove. This is a separate parcel that is south of that subdivision. The subdivision hasn't changed from what's been presented and approved by the Council. There never was lots. This is a parcel property that has been there for quite a while. He said there was notice in the paper. He asked Corey Bundy if there was proper notice.

- Corey Bundy said yes. He said they posted the sign 3 days in advance of the meeting on the property. He said they put the agenda on the City Server and any zone change goes out to all property owners within 300 feet of the property.

- John Smith said that even though all the traffic from that subdivision affects us, we don't even get the courtesy of being served a notice that this was going to happen.

- Mayor Rosenberg said not an individual notice, no. He said that the minimum requirements that were in the zone change were met. The Planning Commission held a public hearing last night and received what comment there was. It will come to City Council on March 23 and he said that Mr. Smith is welcome to come and appear there. It has not been approved by the City Council yet. But the notice requirements were met.

- John Smith asked how they can find out what the plans are for this.

- Mayor Rosenberg said that he can talk to Corey Bundy. He has the plans. Mr. Smith is welcome to come in and meet with Corey.

- John Smith asked if it was the intent of the City to allow this piece to increase in density all the way up the street through the subdivision. He said that is what appears to him that is happening. Is there going to be higher density all the way up and down the street. He said his neighborhood is not being considered when these deals are being made. He said they don't feel like they are being represented adequately nor do they get proper time to address their concerns. He hopes the Council will take time to understand the impact of higher density family units on Lava Cove drive and his neighborhood. He said to please take their interest under consideration before the Council votes.

- Jarett Waite said that he is the liaison for the Planning Commission for the City Council. He said that with the current zoning you can have 8 units per acre and he wants to do 8.7. The Planning Commission did recommend it. The idea is to have affordable housing in the area. These will be really nice units and when they have a little bit extra density, they can make the numbers work a lot better for families. He recommended that Mr. Smith come look at the plans. There is a rendering of what it will look like.

- Herb Basso said that it isn't the Council's intent to make changes up the street. This piece was never in the plan as he remembers it.

- Tode Hafen suggested that Mr. Smith check the City's website and there is an area on there where he can fill out his information to request to be emailed when an agenda is out.

- Leland Peters, resident of Lava Cove for over 11 years. He showed the City Council pictures of the sign that was posted.

- John Smith said that he wanted to point out that the current zoning map says it is R1-10 single-family.

- Mayor Rosenberg said that map may not be accurate. He invited Mr. Smith to come in

and look at the plans and they can see the current map.

- Jarett Waite said it is 1.83 acres.

- Mayor Rosenberg said that this has been through multiple hearings to get to this point. He said the Planning Commission Public Hearings need to be linked to the notices. He asked Corey to make sure Bradi gets that information to make sure this happens.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- Nothing to report. All his meetings have been cancelled.

Tode Hafen:

- Princess Pageant last Saturday. It was great. We can be proud. The City will be really well represented this year. She will get with Ed Dickie and get it on the agenda for the Royalty to come to Council.

Jarett Waite:

- Planning Commission was last night. Kent Frei had a concern about the trail system cutting through the tip of his property. He is thinking about selling that part of the property.

- Mayor Rosenberg talked to him today and he may just deed it to the City.

- Brad Hays met with the HOA would like a gate. They love the idea of having access to the park.

- Jarett Waite said on that zone change for the density bump, it is supposed to be affordable housing so the Zoning Commission didn't want to push a lot of design elements. He thinks they look attractive. It was passed. For the Sycamore zone change the residents from the Hills don't want anything but single residential homes on that property no matter what. That is the only option. It got heated several times. People were upset. Their concerns were traffic, the in and out, it's where to park the trailers. They are worried about additional traffic on Gates Lane and Santa Clara Drive.

- Herb Basso asked if the developers had answers for the residents.

- Jarett Waite said they were prepared for questions. It is all preliminary.

- Mayor Rosenberg said they don't have a traffic impact study yet. Before they come to Council, they would be better off to nail down some details regarding their parking, their lock-out scenario and prepare a traffic impact study that reflects it so that Council has the information to counter an argument that there is too much traffic.

- Jarett Waite said that when the developer got up and spoke he discussed that they talked to the BLM, the property owner and that they own quite a bit of property around there that could be used for extra parking. He said they want something good on that property because it is adjacent to the BLM property.

- Mayor Rosenberg said that this was recommended for denial. The developer has the option to walk away from it or he can bring his recommendation for denial forward to the City Council.

- Herb Basso asked if he can do his homework and allow it to be presented, would the Council want to send him back to Planning Commission.

- Mayor Rosenberg said it could be sent back to Planning Commission but after what

they went through last night he doesn't know if they should. They would be better off to address the issues of the denial and bring it forward.

- Matt Ence, City Attorney, said ultimately if we want them to go back to Planning Commission with new plans, you deny it. The developer was trying to be flexible and that's why it was slightly vague but that ended up hurting them because the public took it as trying to have one pulled over on them.

- Mayor Rosenberg said that the whole purpose of the PD zone is to define the development. Your package has to define your development. We'll see what they do.

Herb Basso:

- All the Council should have received an email-recommendation for names for the Economic Development Commission.

- Mayor Rosenberg said he doesn't see a problem with any of the names. All have been approached and accepted. He told Herb to get this on an agenda for another meeting so it can be formalized.

- He would like to move forward with the Shooting Range. One resident he met is the State of Utah Representative for the NRA and he would be a good resource.

- Mayor Rosenberg said that the current sight for the range is outside of the City on County property and the County will be the lead on this but the City will be involved on road maintenance. It is in the BLM's court. He is inviting Brian Tridell to come to City Council in the next 6-8 weeks and give an update on the draft Resource Management Plan and introduce himself. He lives in Santa Clara.

- There hasn't been any meetings with the Economic Development for a while.

Mayor Rosenberg:

- There was a COG meeting. There is quite a bit of money in the fund. We will put together a project request for the remaining portion of the western corridor up by the Villages. We will bring it to Council for approval to submit an application to COG to purchase that right of way.

- We had a presentation at Mayor's Meeting on the impact of vapor e-cigarettes. Studies are just coming out now. Vapor exposes users to cancer. All the advertising is focusing on middle school kids. They are encouraging the cities to maintain their ordinances.

- Corey Bundy said this is treated just like tobacco. They have to be some many feet away from school and day cares. They can ask for a permit if they aren't close to a school. He asked if Bob and himself should work on an ordinance.

- Mayor Rosenberg said it would be good to bring it to a Work Meeting and let's talk about what the ordinance says and see what we can do legally to beef it up a bit.

Dan Nelson:

- Tank inspections were done by Jenkins Oil. He sent them to the City Attorney, Matt Ence. They want to continue with bulk sales. There is a lot they need to do to bring it up to snuff and they are willing to do that.

- Matt Ence said where things stand right now we made it clear that they need to get their experts in and do the reports. The experts have agreed with what Dan and Corey have done before for the most part. We now have professional opinions that we can rely on. As long as Staff is keeping their feet to the fire to move it forward that's what needs to be done. He hasn't heard from the attorneys for a while. No further action needs to be taken other than monitoring it.

- Dan Nelson said this needs to be made a safe facility. It's not our job to design it for them. It's their turn to figure out what they want to do. He has not talked to them about time tables.
- Matt Ence said it would be a good idea to ask for a commitment from them on a timetable. He will help with that if he needs to.
- Dan Nelson said if 3 stories are built in the Sycamores they are going to have to get a ladder truck that would fit in their station. He said he might be able to get a grant if grant funding continues.

Brad Hays:

- The Epic Tru Grit Race is Saturday morning if anyone would like to come out and greet the racers. The 100-mile starts at 7 a.m. and other racers start at 7:45, 7:53 and 8:00 a.m. The Mayor will be gone. Tode Hafen said she could come out. All the Council is invited. Brad said he would be there.
- He met with Ron Whitehead from the County concerning the roads in the south hills and they are going to do the improvements that the Council has talked about. He said they met with the BLM and they marked the area where they are going to make the staging area. They have agreed to that. They should be starting on that next week.

Corey Bundy:

- Talked to Bradi (emailed her). She didn't put the public hearing in but when somebody signs up they get the agenda. She can add the public hearing in addition to the agenda. The agenda shows the public hearing. Mr. Smith should have gotten it. He will have Brandi add the public hearings.

6. Executive Session: None.

7. Approval of Claims and Minutes:

- Feb. 24, 2016 City Council Meeting Minutes
- Mar. 2, 2016 City Council Work Meeting Minutes
- Claims through Mar. 9, 2016

Motion to Approve City Council Meeting Minutes from Feb. 24, 2016, City Council Work Meeting Minutes from Mar. 2, 2016 and claims through Mar. 9, 2016.

Motion by Jerry Amundsen, seconded by Tode Hafen.

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

Voting nay: None

Motion Carried.

8. Calendar of Events

- March 15, 2016 School Board Meeting / Lunch at noon
- March 23, 2016 City Council Meeting
- March 27, 2016 Easter
- April 6, 2016 City Council Work Meeting

9. Adjournment:

Motion to adjourn by Jerry Amundsen.

Seconded by Tode Hafen with all members present voting aye.

Meeting Adjourned at 6:23 p.m.

Chris Shelley – City Recorder

Date Approved: _____