

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JUNE 22, 2016
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, June 22, 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, Jarett Waite
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Corey Bundy, Building Official; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Bob Nicholson, City Planner; Matt Ence, City Attorney; Ann Evans; D. Bond; Ethan Snyder; Ken Spiers; Fred Fagergren; Terri Draper, DRMC; Alison Snyder; Dennis Garr; Cindy Frei; Celestina Christian; Bob Lamoreaux; Michael Lee; Dorothy Crawford; DeNise Wilde; Jan Cain; Sean Amodt; Jack J.; Gino Christian; Debbie Gourley; Tim Lyle; Dale Gourley; Theresa Fife; Allen C. Lyle; Nathan Caplin; Tom Lyle; Jason Smith; Richard Kohler; Jennifer Kohler; Marv Blosch; Arlynn Kemp; Steve Caplin; Terri Kane; Joshua Jackson; Representative V. Lowry Snow

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:04 p.m.

2. **Opening Ceremony:**

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

- Councilman Herb Basso and Councilwoman Tode Hafen 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. Appreciation of Service to Arlynn Kemp for Planning Commission. Presented by Mayor Rosenberg.

- Mayor Rosenberg asked Arlynn Kemp to come before the Council. He thanked her for her service to the community. He said she has done a great job. She is moving on to other things. He presented her with a plaque, a Santa Clara pin and coin as a symbol of appreciation.

2. State Legislative update. Presented by Representative V. Lowry Snow.

- Representative V. Lowry Snow stated that it was a great honor to be in his hometown and appearing before the town Council and to be the State Representative of a place where he resides. He gave a brief overview of the 2016 Session. One of the big issues addressing every session are budgetary issues. One of his assignments is sitting on the Public Education Interim as well as the Standing Committee. He said he is grateful when there are sufficient funds to increase funding to education and this year they were able to do that. He said they added 3% to the weighted pupil unit. He said they also funded 11 million dollars in new money primary from Federal sources to begin a preschool program primarily with low economic disadvantaged families. In the State of Utah they are undertaking a intergeneration poverty effort to try to address intergenerational poverty and to accomplish that on a local level. Early education and getting kids off on the right foot in starting school is the primary key to helping stop the cycle of intergenerational poverty. A couple of other things with respect to education, they passed a law this year that makes the District property tax levy for Charter schools a separate line item on tax assessments. They changed that so that everyone who is contributing on their property taxes can see how much is going to charter schools. Charter schools are still public school and technically under the law they are recognized as individual districts even though on a smaller scale and so as a district they receive funding from the State. Another thing you will be hearing about is SAGE testing and Common Core and standards. All of the issues are now back before the Legislature and the State Office of Education examining and evaluating State standards for education and also the use of SAGE testing. Another thing, State School Boards were elected by a nominating committee where a nominating committee met with a group of applicants, they narrowed that selection down to 4-5 and those names went to the Governor and the Governor selected 2 and those names went on the ballot. A Judge decided that was unconstitutional. This had to be addressed through legislation. This election cycle when you see people running for the State School Board, they are running in a nonpartisan election. In the next election cycle that will change and those people will run as partisan candidates. He talked about a couple of General Bills that were talked about and had some controversy, which were the Medical Marijuana Bills. Both of the bills started in the Senate. The bills would have legalized marijuana for medicinal purposes but beyond that each bill was very different from the other. Senator Madsen's bill was more liberal in terms of it's production and accessibility. Senator Vicker's bill was much more controlled. Both of those bills passed the Senate and both of those bills died in the House so they didn't go anywhere this session. Something like this will be coming back again. It's important that citizens weigh in with their lawmakers on those issues. There are certainly arguments going in favor of legalizing any drug that can alleviate pain and suffering, the big concern is in so doing we don't liberalize it to the point that it becomes

more accessible especially to our young people. He also said there was a death penalty bill filed. It would have done away with the death penalty that we have had in Utah since the days of Territory. The death penalty is for serious capital offenses. There are currently nine men on Utah's Death Row, three of whom have been there for almost 30 years. The argument was that because of the delay from the time someone is convicted until the time they are actually executed is so long that the penalty itself is not working. There is also a concern about false convictions. An estimated 4% of those on death row nationally are believed to be innocent. There is also an argument about the costs. From trial to execution, a period averaging as much as 20 years, State and local government spend more than 1.6 million per death row inmate. Counties have the brunt of that. That bill passed the Senate but didn't pass the House. Another bill that has an effect of Santa Clara City is the Internet sales tax. This bill would have required vendors from outside the State, doing business via online with citizens in our State of collecting sales tax. It is estimated that the State of Utah is losing approximately 180 million dollars annually in lost sales tax. Some opposed to this bill claim that this was an effort to increase taxes. But technically it is not. In fact, if under the law, we purchase goods from outside the State even if the vendor selling those doesn't collect sales tax, we are under a legal requirement to pay that sales tax individually at the end of the year as part of our tax return. Part of the argument in favor of this bill is to create a level playing field. He said that we have a lot of retails in the State and we are getting more in Santa Clara and they invest brick and mortar and land costs to build a business and sell their products and they have to collect sales tax. Many who do business outside of the State via Internet are not collecting sales tax. This bill did not come out of the House. It was heavily negotiated. This bill may come back. SB 80 passed. This bill diverts 1/6th of the sales tax to large water projects in Utah. It does not specifically refer to the Lake Powell Pipeline. It will undoubtedly include the Pipeline as well as the Bear River project. The funds will be held in reserve, almost like a savings account, to build up a reserve until the time comes that the State is ready to go forward with either of these projects. These projects would proceed as State sponsored projects. There was a bill passed dealing with non-compete contracts. A lot of businesses that invest in their employees and their training felt like doing away with non-compete was an imposition on them. Employees, especially those involved in the technology sector, want mobility. They want to be able to come and work and apply their skills and then move on. Eventually there was a compromise to this bill and it was passed. It restricts an employer or an employee from entering into a non-compete for more than one year. He said a working group that he is involved with was asked to co-chair in dealing with the current government immunity statute which sets caps on what a person's immunity is for certain cases for property damage, personal injury or for wrongful death. Those haven't been recalculated for a period of time. The working group can't make any legislation but they are looking at those caps to see if they ought to be adjusted. He said they are also looking at the immunity statute as well. There are some cases involving some State employees. Because of caps in place, their ability to seek recovery was very restricted. Many municipalities, those representing County governments, the League and others have been attending these meetings. They are concerned because they recognize if those caps are raised it is going to have an effect on insurance rates. Good discussion is going on. He said he doesn't see a recommendation coming out of that committee for a few months yet. The City ought to be aware of this issue and it can be addressed through him or through the City's representative through the League. Before the Session started there was a concern about making sure that funding

could be arranged for the Snow Canyon roadway. He said he appreciates this communication from Mayor Rosenberg. He said that he and Representative Ipson worked on that. He said they decided not to go with direct appropriations but Representative Ipson started working with State Parks individuals and they found in their budget and he was able to persuade them to dedicate a \$1 million to improve the Snow Canyon roadway going through. He said that will be forthcoming. He said they also addressed the Bear's Ear National Monument issue. The concern is that 1.9 million acres in San Juan County would be set aside as part of the National monument by President Obama. One of the issues that was debated and voted upon in a special session held last month was a resolution specifically opposing that designation for many reasons and that passed both Houses and primarily passed along Party lines. Another issue that relates to the rural county, was a bill passed funding the Utah Rural Alliance, which will be a non-profit entity primarily, directed to looking out for issues that are directly related to interest of rural counties. One of the issues relates to the creation of the Indigent Defense Commission. He said there has been an effort in the State of Utah to review how we handle representing indigent defendants. Under the 6th Amendment of the Constitution and under the Constitution of the State of Utah, an indigent defendant is entitled to a defense and Utah is only one of two states that provide that defense only by way of the Counties. The ACLU has threatened to sue the State of Utah for not providing adequate defense. He said they created the Indigent Defense Commission and funded it to try and address those issues notwithstanding the effort to do that; the ACLU has gone ahead and filed that lawsuit against the State. The State is attempting to address that. A couple more bills that relate to Santa Clara City: there is now available an outdoor recreation infrastructure grant by way of legislation which provides \$1 million dollars to the office of outdoor recreation which comes under the Governor's Office of Economic Development and it enables Cities and Towns to receive money for outdoor recreation infrastructure. The grant recipients have to match. He said that he thinks towns and cities in Southern Utah would be good candidates for that money. One of the things that have come up is the B&C Road Funding issue. He said what they are talking about is allocation of these new funds that are coming in with the raising of the Fuel Tax and some of the Sales Tax. An issue has come up as to how that's being allocated between cities and towns but more importantly it is related to an old issue having to do with a whole harmless provision that created a benefit to certain rural counties. Now as it begins to play out and the funding takes place, the counties that are not part of those certain rural counties and the cities are saying they are supposed to be receiving more money than they are receiving and it's caused a stir between the League and the Utah Association of Counties. They are working together trying to renegotiate. That is something that will have an effect of Washington County and on Santa Clara City. He recommends that the Mayor and the Council keep an eye on that and if they have any questions, Cameron Deal is a great resource at the League. He said he will also keep an eye on that. He said there is some financial disclosure and reporting requirements. He said one of the lawmakers sponsored a bill that required our Justice Court Judges to be law trained. Under the constitution there is no requirement that they be members of the bar. Most of the good arguments against it came from rural counties. Some middle ground was reached. It becomes a requirement on 1st and 2nd Class Counties to have Justices who a degree from an accredited law school. In our County, there was a provision of the bill, since we are a County of the 2nd Class, that is we have a sitting Judge, that Judge can finish out their term without having to meet that requirement. A

House Bill passed that creates standards for equipping police officers with body worn cameras. It is very specific as to what is required and when it's required for the officer to activate them. It's specific about when those recording should be protected. He said that he thinks Chief Flowers is aware of this and that the officers will receive training on that. It's going to affect the way that our law enforcement officers do business.

- Jarett Waite asked Representative Snow if he had any advice concerning the Bee Ordinance.

- Representative Snow stated that he was aware of two bills that were sponsored that would have regulated beekeepers and the bee industry. He said he likes to see regulation that can be enacted locally rather than the State having to intervene. He said he thinks what happened is the underlying momentum was this effort that we need to open up business of everyone and get rid of the regulation. There are issues on the other side as well. He doesn't know if it will be coming back. He said that if the Council wants to move forward on it and it is reasonable legislation he would encourage the Council to do so.

- Ken Sizemore said he has been watching a list of bills that come out of each session that the League produces to let each community know that this is what the State Legislature implemented this time that we need to pay attention to. He said that list has grown exponentially. He said his plea is to please try to reign in that desire on the part of Representative Snow's colleagues micromanage local governments in the State. He acknowledged that he knows Representative Snow has this same feeling.

- Representative Snow stated that this was a fair and proper request and by the way, they don't only hear that from municipality and county governments but a lot from school districts and teachers. Exercising legislative restraint is a good thing and it is a problem. He said there is a tendency among lawmakers to fix everything and all at once and often times the legislation that is proposed comes out as a result to be a better product and in many ways could be left up to local government whenever possible.

- Mayor Rosenberg thanked Representative Snow and asked him to do his best to reverse the effects of HB 60 so we can get our B&C road funds back up.

- Representative Snow said they are going to stay on that. He said that any efforts that the City can do to communicate to the League would be helpful.

3. Dixie Regional Medical Center Updates. Presented by Terri Kane.

- Mayor Rosenberg said the hospital is changing everyday with the expansion and the new services.

- Steve Caplin, Chairman of the Governing Board of Dixie Regional Medical Center, said the governing board has responsibility for operations of our local hospital including budget, patient safety and quality as well as interaction and support of the administration. He stated that our hospital is award winning. He introduced Terri Draper, Director of Public Relations for the Southwest Region of InterMountain Health Care and Terri Kane, CEO of Dixie Regional Medical Center as well as the Southwest Region of InterMountain Health Care. He shared statistics and a report about how they are doing with health care in our community. In 2015, hospital admissions, inpatient surgeries, outpatient surgeries and ER visits were all up significantly compared to the prior year. Emergency rooms visit are expected to exceed 50,000 in 2016. The only category where there is a small decline is in births by about 100. The number of employees hired in 2015 was 837. He said as of 12/31/2015 there are more than 3,000 employees most of which

are well compensated. The wage base is high, the benefits are exceptionally good, the professional development opportunities are remarkable. The contribution of the employee base of Dixie Regional Medical Center to our local community in terms of tax base and professional wages is very very good. He said they added 37 new physicians to the credentialed staff and we now have over 300 credentialed physicians. They come from all over the country. There are very few reasons to leave this community if one is in need of health care they should be able to find nearly any health care treatment that is required. The only exception to that would be a severe burn because we don't have a trauma burn unit or a pediatric intensive care unit. He said they now have a large wing in cardiovascular surgery. He said they are designated as one of the top 25 hospitals in cardiovascular care of all hospitals in the United States. He said they have neurosurgery, level 2-trauma care, emergency flight services, and many specialties. There are 23 hospitals in the InterMountain system and of all of the hospitals in the systems ours is the one that has received the most volunteer hours. We have over 40,000 volunteer hours being contributed. He said they are grateful to members of the community for their generosity in terms of time and in terms of donations. He said the total charity care offered by DRMC in 2015 was over \$26 million. That does not include allocations for bad debt which would be another \$20 million plus. Between the two figures DRMC has provided around \$50 million worth of free health care services. InterMountain is very generous with the resources it provides to its patients and to other health care providers. He thanked Santa Clara for their support and he said they are looking forward to a number of important projects. They are underway with a major expansion project. It's a project that will double the size of the medical space, the hospital will have four new towers, will consolidate the services on the 400 East campus and it will be an addition of over 500,000 square feet with a project cost of over \$300 million which makes it the largest construction project in the history of Southern Utah/Washington County. Since the partnership with InterMountain Health Care began in 1976, InterMountain has invested over a \$500 million in healthcare in our community including facilities, structures, buildings, equipment and other capital assets that have helped make this an amazing institution. He congratulated Terri and her team on behalf of the community for bringing their expertise and skills to our marketplace. On August 2 at 7:30 a.m. there will be a celebration on the day that the agreement was reached between Washington County Commissioners and InterMountain Health Care. The agreement was to acquire Dixie Pioneer Memorial Hospital. The real agreement was based on a handshake and a promise. He invited everyone to that celebration on August 2. It is a public celebration. - Terri Kane, CEO of Dixie Regional Medical Center, stated that she looks forward to coming to City Council to listen to the Council and thank them for the support over the years. She said that InterMountain Health Care has done so many things for our community and has supported their team and physicians and staff to do the things that are most important to our community. She said they have a Volunteer Board that represents the community. There are 13-14 Board members that support all aspects of our county and their number one job is to listen to our quality, the skills of our physicians that are applying for privileges at our hospital, to give direction about bringing up new programs, and to hold the hospital accountable for results that the community would be proud of. She said they appreciate their input. She would like the cities and councils to recognize that that is their role. She said if anyone has feedback for the hospital they can go to any member of the governing board or they can call her directly. She said they have started on their building project and it will be a two-year endeavor. She said the hospital is very

busy because the community is growing. She said her core value is always at the heart of patient care and that makes her a unique administrator because of her passion. She said they have four buildings and it expands their services and adds more space for their neurosurgery and their trauma patients and add a cancer center. She said they have high hopes of putting a box around cancer so that we make it a manageable chronic disease over time. She said they are treating people through telemedicine from all over the country. She said they are licensed in 49 states right now. Patients with stage 4 cancer are sending samples from all over those states. They just signed an agreement with Asia Genomics. She said they announced a partnership with Stanford University a month ago and in their new building they will have 3 innovation labs, one of which will include representatives from Stanford who will partner up with our scientists here at the hospital that will create new technology that will make it better for patients to get care and will potentially bring new business to the City of St. George and our County which will benefit all of us. She said they feel they are a good partner in the community and that they bring great people to this town, that they give good care and that they contribute. She said she appreciates the City's support.

- Jerry Amundsen asked that with the consolidation of the 400 East Campus, what are the plans for that facility?

- Terri Kane said that the 400 East Campus is a great location. She said that there are some services that they won't move out of there: the Child Development Services, the Day Care Program, and they want to add a large Education Center for the Staff, Physicians and community. Many of the building has been assessed for their structural ability over time and they believe they need to be reinforced for the future and some of those building will be taken down and rebuilt. She said they will have a discussion with County Officials, members of our local churches, some of our legislative leaders to talk about what we could do with that property. She said one of her desires is to invest into senior care. She also mentioned that they have a goal as the cities and county grow to be able to bring local health care close to home. She said they have a clinic next to the hospital and one on Sunset and one in Hurricane. She said they are watching the growth and to make sure they respond to everyone's health care needs and right now they are looking at Mile Marker 2 and they also own property around Mile Marker 13 and they just closed on a piece of property in Little Valley. As the communities continue to grow they can add services closer to home. She said she likes to meet with the Mayors on a regular basis and Mayor Rosenberg sees her at least a couple of times a year. She said that DRMC and InterMountain Health Care like to partner up with the growth in the cities and as things continue to change they plan to be there to give support with health care services.

4. Presentation by Southwest Mosquito District. By Sean Amodt, District Manager.

- Sean Amodt, District Manager, said he appreciated the opportunity to be at the meeting. He said he had a lot of handouts. He said he will introduce a little about the District. He said what they do in the District, which covers the whole county and what they do for Santa Clara will be covered. He said the hardest thing for them to do is educate the public. He said he appreciates Jarett Waite who is the City's representative on their board. He said they have a board that consists of 16 members, one from every city or town in the county and also a County Commissioner who covers the unincorporated areas. As a district, they were formed in 2002 through a vote of the people authorizing a

tax to be waged along with their property tax so the district could begin to operate. He said the tax that they charge is about \$3 for every \$100,000 of the assessed value of each person's property. He said that he hears all the time that people say that we don't have mosquitos down here and he turns and says "You're welcome!". He said they have a good district and they have taken care of the problem. He said he has been the Manager of the District for a couple of years. He started out as a trapper. Mosquitos need water for their life cycle. He said they go around the county looking at locations that would have permanent water as well as flood waters as well as puddles that form. Down here mosquito life cycles are only about 3 days because of the heat. He said if anyone sees standing water and it's there longer than 3 days, they want a phone call because there might be larvae that are living in that water and the adult will hatch. He said they will come and address that situation. As far as surveillance, they like to find the water because the larvae are there and they can treat a whole bunch of them. Once they hatch out then there is miles of area to treat. He said with the larvae, they use a bacteria product so it's good for the environment and it only affect those larvae and a few similar type of insects. The other thing they use is an adulticide which they use vey sparingly. It is very affective on the mosquitos. Mosquitos can cause disease. He talked about the dangers and problems of West Nile Virus and said that we do have that in our area. We do not have that type of mosquito with the Zika Virus in our county. He said they did find six of these mosquitos 3 years ago in the district. He said they caught them in their traps. He said if and when they find mosquitos with it again they will take care of it and not let them establish in this area. He said as far as testing and collecting, they do their own collecting of adult mosquitos and then they take them back to the lab, identify them, and there are over 21 different species that have been caught here in Southern Utah. He showed their traps to the Council. He said they have had some traps that have been stolen or vandalized. He said that when they go missing that causes a problem for them. He said they will be hesitant to put a trap back in that location. He said their trap is unique. They put them together themselves and places all over the country are asking about them. He went over a distribution chart. He said the mosquito numbers by the post office swamp has disappeared there. He said the water isn't draining there anymore and he thanked the Council for taking care of that drainage. He said they don't even have a trap there anymore. He said there was some vandalism there when they did have a trap there. There are a lot of mosquitos in the Gubler Park area and they are closely monitoring that. There were no positive West Nile pools in Santa Clara in 2015. In the past the arboretum area almost every year had West Nile Virus positive pools. In the past there have been people in Santa Clara who have caught that disease and it's been really bad. They have done a good job eliminating that. He asked the Council to help them educate the public and also said if they do see some concerns or places that they need to address in Santa Clara City to please contact the District and they will be right on top of it.

- Mayor Rosenberg told Sean Amodt that one place they need to look at is the Sand Hollow Wash behind the Country Lane subdivision, south of Sunset Boulevard. They have pulled out some sediment and the ground water is standing in a few areas now. It will fill in with the first storm that will happen and it should be a flowing stream like it was before.

- Sean Amodt said he will put that on the map and have the District look at it. He said they send crews down through a lot of those washes all the time. He said they will take a look at that area.

5. Consider Approval of General Plan Amendment for the Inns at Santa Clara and Approve Ordinance 2016-06. (Applicant Richard Kohler). Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg said that the applicant is stuck in traffic and won't be able to get here and has asked to move this item to the end of the agenda.

6. Consider Approval of Preliminary Plat for Snow Canyon Estates Subdivision, Ph. 2 Located at the NE corner of Lava Cove Drive and Little League Drive. Applicant Kent Frei. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg stated that he had a conflict of interest on the next four items. Those papers have been filed.

- Bob Nicholson said that the applicant, Kent Frei, the property owner, has decided to plat six single-family lots at the northeast corner of Lava Cove Drive and Little League Drive rather than pursue the townhome units as he previously had proposed. The property is currently zoned R-1-10 and all the lots meet the 10,000 square foot minimum lot size requirement. The entire project went to the Hillside Review Board and they talked about various issues and this property was part of that discussion with the Hillside Board. Some of those same conditions will apply. The main issues are drainage coming from the lots above these lower lots. There was a storm drainage report prepared and that has been reviewed by Todd Olsen who is the City's Contract Engineer. They have worked through those drainage issues. Tonight we are talking about a preliminary plat so we will see the final plat come before us again at some point. The main issues talked about at the Planning Commission Meeting last week: Lot 1 fronts entirely on Lily Drive, Lot 2 is a corner lot and the rest front on Lava Cove. Part of the plat is a remnant piece. Previously Kent Frei talked about attaching this parcel with the one above it. The Planning Commission has suggested that either all of this piece or at least a portion of it be attached to Lot 1 because of the slope for this property the property owner will take care of this lot than the property owner living on top where it falls on the back side. They would like Kent Frei to make that change. The applicant, Mr. Frei will need to put in the curb, gutter and sidewalk along this portion up to the city boundary of St. George. The Planning Commission recommends approval of the six lot subdivision with the recommendation that the remnant property either all or a portion that lies to the east of Lot 1 be attached to Lot 1 rather than the uphill lot and that the road improvements, curb, gutter and sidewalk be installed along the north side of Little League Drive to the boundary with St. George City.

- Jarett Waite asked the applicant what the reasons were for having it attached to the upper lot as opposed to the lower lot.

- Jason Smith speaking for the applicant said he talked to the applicant about that today and he said that if the City prefers it the way the Planning Commission suggests then that is the way he will go.

- Jerry Amundsen said that he doesn't know that the upper lot would be able to drain onto the street because of the grade. He wonders if that has been thought about.

- Mayor Rosenberg said that he thinks that the subdivision up on top had to build a drain around the rear lots to catch all the flow so that it didn't come down onto these lower lots.

- Ken Sizemore said that at the St. George City limits with this sidewalk, St. George

doesn't have curb, gutter, sidewalk there. What engineering solution will the City have of having a stub curb, gutter and sidewalk at our city limit line in terms of accommodating storm water? Are we going to have an issue of washing out as we drain water on that brand new curb?

- Mayor Rosenberg said the City will have to have some type of a basin or diversion to be able to get the water into the gutter. He wondered if the City limits are back where the existing lot line is.

- Bob Nicholson said that was part of the annexation boundary adjustment. All the new curb and gutter would be within the City limits.

Motion to Approve the Preliminary Plat for Snow Canyon Estates Subdivision, Ph. 2 Located at the NE corner of Lava Cove Drive and Little League Drive along with the recommendations of the Planning Commission and Staff.

Motion by Jerry Amundsen, seconded by Jarett Waite.

Voting Aye: Jarett Waite, Ken Sizemore and Jerry Amundsen.

Voting Nay: None

Motion Carried.

7. Consider Approval of an amended PD Residential zone for 87 two-story townhome units on 9.93 acres in a project called Cobble Creek Townhomes at Santa Clara located on Tuscany Drive and just west of Gubler Park. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said this is an amended PD Residential zone because it was zoned Planned Development Residential some years ago. This is a new site plan with new building plans and a new project. The applicant is Dennis Garr and Mr. Lyle. The project is being designed by Rosenberg and Associates. It is 87 units on 9.93 acres, it gives a density of 8.8 units per acre. It's located on the north side of Tuscany Drive, which would be the extension of Tuscany Drive south of Paradise Village at Zion. It will be west of or adjacent to Gubler Park and also east of Tuscany at Cliff Rose Subdivision. The PD zone with the attached site plan is the reason for this PD zone because a Planned Development Residential zone is a zone where a site plan is approved and becomes the zone. They have to build according to their site plan and building elevations or come back with a revision, which would be a new request. The PD Residential zone provides for a base density of 8 units per acre with a possibility of a density up to 12 units per acre under the density bonus provisions. The applicant's density bonus request is 0.8 unit per acre. The density bonus provisions allow the Planning Commission to recommend the additional density if they feel that it meets a higher standard, a better level of design and amenities. The criteria are on the buildings themselves. The buildings should show a variation in roof height, variations in building footprint, variations in earth tone colors and textures, balconies, patios, roof overhangs, things that give visual interest to the buildings. He showed a slide with a picture of the units and the materials proposed. There is a part of the standards in the density bonus that says the stucco cannot exceed 50% of the front elevation so the Planning Commission recommends that they increase the amount of stonework somewhere on the front elevation or demonstrate that their stucco does not exceed 50% of their front elevation. They propose a good amenity package. They have a pool, restrooms, clubhouse proposed in a center courtyard area. They have a public road in a loop with units backing against Tuscany at Cliff Rose, Paradise Village at Zion and Gubler Park. The units will front on Tuscany Drive. There

is a green court area, there is turf and some xeriscaping. They have 25' by 50' pool, restrooms, a clubhouse and a picnic pavilion area. He said that based on the landscaping, the amenity package, the Planning Commission felt that this density bump of 0.8 units per acre that would meet the intent therefore they did recommend a density of 8.8 units per acre as proposed by the site plan. He read the Planning Commission's recommendation. He said there were 3 conditions to the Planning Commission's recommendation: 1)the exterior lights on the building should be shielded or hooded lights to direct the light downward and protect the night sky, 2)stucco on the front elevation should not exceed 50% of the buildings front area per the density bonus standards, 3)the City Council review the street access situation to the development and agree on street access, street improvement needs to adequately serve the project. The biggest issue was access. The main issue at the Planning Commission Meeting was about traffic impacts and street access. He gave some additional information concerning access. The 87-townhome units are estimated to generate a total of 696 trips per day. That's an outbound trip and a return trip as two trips. The most directly impacted streets in order of greatest impact are Tuscany Drive. There are two access points into and out of the project. The second street is Patricia Drive, which would need to be extended as well as Tuscany. Patricia Drive needs to be extended to connect with Tuscany Drive and Patricia extends down to the south to Pioneer Parkway. The third street that would provide some access would be Jacob Drive that would have a smaller right of way. That would extend along the edge of Gubler Park basically in access to the park. That would have a speed limit of 10 miles per hour with anticipated speed bumps that would discourage traffic. That would be the trip dispersal. The other thing is this is a projected elementary school site. The school district doesn't have a time table to when that elementary school would be built but they indicated that they would be willing to at least dedicate the right of way for the streets and possibly even do some of their curb, gutter and sidewalk along their frontage but they don't have a timetable. He said that they foresee the project being improved by the project developer would provide enough asphalt for two-way traffic along Tuscany Drive and the school district would finish that with their improvements, a curb, gutter and sidewalks on the south side. The developer would have to do curb, gutter and sidewalk along his frontage. The developer would also have to participate in a widening of Patricia Drive as much as 28 feet of asphalt. The curb, gutter and sidewalk would be done by property owners. The 87 units would result in revenue to the City of \$187,485 in street impact fees based on the current fee schedule and those fees would be used to help with system-wide improvements throughout the City. Santa Clara City would work with the school district to complete Jacob Drive to the other edge of the park then when all these road are built the City would be responsible for the ongoing street maintenance. The Washington County School District, which owns 10 acres to the south would provide the dedicated right of way along the property, they have along Tuscany and Patricia and they will possibly install curb, gutter and sidewalk along the frontages. The applicant said he would present that to the School Board or the School Staff and see what their response would be.

- Jerry Amundsen asked if there was any discussion either by Staff or in the Planning Commission Meeting about the sub road in Tuscany at Cliff Rose that nearly intersects the northwest corner of this development. Is that going to extend into the adjacent property or will it not extend now?

- Corey Bundy, Building Official, said that it actually stubs into the corridor. The corridor goes up to that point. It could be considered a hammerhead turnaround. It

wasn't intended to extend. And now with the development of Paradise Village at Zion they're actually going to take the tip of that off and put the trail through that would go between this development to the north over to the park system.

- Dennis Garr, 3456 Mulberry Drive, he said that everything that has been talked about they have gone through with Staff and the Planning Commission. He said they did have some concerns about traffic because it was brought up last time and with the 3 accesses everything is low impact with the traffic that is going to be filtered onto those 3 accesses. Going through Paradise is the shortest distance but for them to participate and go through and put in the others would probably benefit more people. He said they are working with whatever they need to do. He said he thinks they shouldn't have to put much rock on the front of the building to meet the standards of no more than 50% stucco. He said they are fine with the hooded lights.

- Mayor Rosenberg said that the request to speak to the Council cards are all relative to this item. He said he was going to call the requesters up one at a time and he asked them to be as brief as they can and to be sensitive to time and to understand that there is no applause, there is no intimidation going either one way or the other, and to please keep comments civil and that the Council will allow everyone the time necessary to offer their input to the Council. He then called forward Ethan Snyder.

- Ethan Snyder, 2326 Jacob Drive, stated that he lives on Jacob Drive and that is his motivation for his comments. He said that for the record he didn't know when the zoning approval was taking place but he said they don't want high density housing for the same reasons they didn't want high density housing across the river, decreased property values, traffic and other issues that were raised. The original plan was for the developers to pay for a bridge across the wash with access through Paradise Village at Zion. He said it has never been explained to him why this plan disappeared. If there was access to the north that would preserve his neighborhood. There is a future plan for the belt route, which would go to the north and that long term planning traffic would go to the north to hook on to the belt route and that would be a much better idea as far as traffic planning goes. He said that he has heard reasons why Paradise Village at Zion is concerned about their resort feel but he is concerned about his child's safety and he feels that is a little bit more important and should be taken more into consideration not having kids hit by cars and having them be able to play outside without concern. He said there has been mentioned 10 miles per hour to Jacob Drive but with just the parking lot alone for Gubler Park they have people just scream down Jacob Drive. He doesn't think a 10-mile per hour speed limit and speed bumps will discourage people from doing the same thing. 87 units is a significant increase in traffic. He said some other issues are that Jacob Drive is a 50-foot wide residential street and it was never meant to take this type of a traffic load. They keep referring to the through street by the park but it's a parking lot not a through street. He said there was no public awareness made. This issue was trying to get pushed through without much public interest so that it could be taken care of without anyone knowing. He said that there wasn't any effort to contact him about any of these issues. As far as the access he thinks that Tuscany Drive would be sufficient. It would also be sufficient for the proposed elementary school and the school district could sell that land and it could be developed with another 87 units. He said there are soil issues in this area. He thinks that if they put even more water into the soil, we are not going expect that there's going to be even more problems than there already are. If you put a barrier north and south of Gubler Park, dead-end Jacob Drive, allow access from the north for the new units that would be his proposal. He said they have a lot of kids on their street.

- Alison Snyder, 2326 Jacob Drive, stated that her points are similar to her husband's. She said she is mostly concerned about safety. She said she feels people will use Jacob Drive because it is the shortest route to Pioneer Parkway. She feels that would put traffic into her neighborhood. People going to the ball fields regularly go 35 mph down that street. They do not stop at the stop sign. They roll through it. It is a parking lot not a road and should not be used as a through street. She said that she does not think residents of the condos will slow down because it's not their neighborhood and they have no vested interest in her neighborhood to slow down. Safety is a major consideration for the families in her neighborhood and it will make her community less family friendly and in turn decrease their home values. She said she doesn't understand why their interest as long-term taxpayers should be sacrificed by putting access through Jacob Drive to the new development. She also talked about the clay underneath the area will undoubtedly be affected and it could impact their homes as well. She wants to make sure drainage is addressed. She agrees that long-term planning should be considered as far as the school district. She said she doesn't see the school district building a school there. She thinks the access should be routed off of a local street onto an artery road or a collector road and not through a local road that was never designed for this purpose.

- Michael Lee, 2312 Jacob Drive, stated that his wife and he were born and raised in Santa Clara. He said they moved to Jacob Drive deliberately because it is a quiet street and it dead-ended at a park. He said any added traffic would be very discouraging to him and his wife. He stated that he is the Risk Manager for the Washington County School District and his job involves picking up the pieces after an accident. He said that increasing traffic along Jacob or Patricia Drive will reduce the safety of his children and the children of his neighbors. There are a lot of children that play outside. They love that about Jacob Drive. Increasing traffic along his street will reduce his ability to feel comfortable allowing his children to play in front of his home. He asked the Council to consider finding a way to give access to the complex that does not direct it through his sleepy little residential area.

- Dyle Bond, 2255 Jacob Drive, said he went to the Planning Commission Meeting when they discussed these new Cobble Creek Townhomes and as far as he remembers Patricia Drive wasn't mentioned as being extended. So when he made up this request letter he didn't include Patricia Drive but he said he would assume that most of the people that signed this about Jacob Drive would also include that on Patricia Drive. He said he has 40 names of people in his neighborhood that he will give to the Council. They request that the City does not use Jacob Drive as an access to the new community. This is basically everybody in that neighborhood north of Pioneer Parkway and the streets adjoining Jacob Drive. He said that when the Council looks at these names they may not recognize them but they are quality wonderful people that live in his neighborhood. All of them were very eager to sign it. Please take a look at it, respect these people. He said that even though these are wonderful people, they are not the most important part of the community. He said that the Council has already heard who the most important people are and that is the children. They play on the street, they play on the sidewalks, they ride bikes and skateboards and they enjoy being outside. He said the request is not to use Jacob Drive as an exit or an entrance to Cobble Creek Townhomes. He said that they suggest that the Council find a way from North Town Road or from 400 East which both have great looking accesses. It is going to be more expensive but as a City Council the residents are asking them to make hard choices that are required here. The other choice is back to the first choice, which is a road through Paradise Village at Zion. He said it is

interesting to him why that got dropped. It is the cheapest and easiest route. He said that he read on the City's website that they don't want to interact with the people at Cobble Creek and they want to be semi-private but when you look at a community that uses the City of Santa Clara to maintain their roads it's not semi-private, it's public. There is a parking lot at the end of Paradise Village that people have permission to go in there and park and use the pickle ball courts. That's another indication that this is a public community. Another indication that this is a public community is that they never put up a security gate and obviously it was planned that way. He would like the Council to consider looking at North Town Road again, 400 East or Paradise Village at Zion. When Tuscany went in he said he assumes that the City required them to build Tuscany Road. He said the City should also require this community to build a road and they could call it Cobble Creek. They need to build a road for a second access. He said he is asking the Council to do the right thing, to keep Jacob Road from being an access to this community. He said that if the Council finds a fix tonight and they vote on it and they recommend it he is asking them to suspend that for two weeks until the citizens in the community can look at it, evaluate it and have the City Engineer explain it to them.

- Ed Dickie, City Manager, asked the Mayor if he could explain a couple of things regarding Paradise Village. He said they don't have a gate because the City doesn't allow it. The roads are public roads. The parking there is technically is private but they are allowing residents to use it if they would like so they are allowing that on their end. They can close that up at any time. That is part of their development. As far as Patricia, that is going to go in even if they went up to North Town Road. Patricia will be a road that goes through when the district decides to build whether or not they decide to do it now. He said they have talked a lot and they feel like they have come up with some good plans. City Council can decide to do something different but as far as Staff feels that the park is more of a parking lot but it needs to be open so people from both ways can access it. He said they are hoping to discourage through traffic with the speed bumps and the 10 mph and maybe more of a police presence. That is what we are thinking. There will be a lot of parking there. We need to be more vigilant. If you see people speeding, record it and give it to the police and we can get them. We will get police down there more. The City, the Staff is trying to be very sensitive in trying to make that more of an approach to parking in the park. We need to leave the two streets open for public safety reasons.

- Dyle Bond said he feels like Ed Dickie is an advocate for everybody but him. He said the City Council needs to look at that and see who is the advocate of the full-time voters and the full-time residents. Paradise Village doesn't really have any full-time residents. They have nightly renters. Nightly renters are not a protective class in our society. He said the new design doesn't fix anything it just makes it worse. He said the Council needs to find a total different way to get people into the new Cobble Creek community. He said they will accept them when they come in. He said they will be very inclusive but find a new road for them to use.

- Fred Fagergren, 2324 Bryson Circle, said he has no objection to the development but he would like to address two issues that he thinks the City Council and the Planning Commission have previously addressed and the commitment that the Council has made to that neighborhood. First, no mention was made of streetlights. The City has set a good standard with Harmons in requiring that all streetlights be shielded and facing down. If there are going to be any streetlights in this development he suggests they should follow the same example the City set for Harmons. Secondly he want to address the access in. He said that everything he has seen suggest that Gubler Park is going to be a limited

access area with parking lot and street accessing it with two locations. He said his development north of Pioneer Parkway has one street going into it but all the other homes have been limited access. Paradise Village is the same way. To now add a street off of Tuscany changes the very nature of Gubler Park and provides that development a higher access than many other developments in the area. He said also with Paradise Village not being an acceptable access he said that if that were to be approved he sees this group giving a priority to temporary residents verses permanent residents and families. Access through Paradise Village would not impact permanent people. He said he suggest that as has been mentioned, the western corridor road that is a reserved corridor that is an access point there is a road right of way to the west of Kingdom Hall and there's a new development immediately east of the Kingdom Hall. Either of those two accesses plus Paradise Village are much more viable options than coming through Jacob an established neighborhood of permanent residences verses going through a community of temporary visitors. He said he hopes those two items can be resolved.

- Joshua Jackson, 3892 Nicholas Drive, he thanked his neighbor and agree with what they have said. He said he hopes the Council appreciates the logic. He said he realizes it is zoned PD and if there has to be a PD there he gave compliments to the developer, to the Staff and the City Council who have worked to go above and beyond what Santa Clara would actually allow. No of the residents are trying to say they can't build these townhomes. He wants to add a few things to the traffic discussion. He said that safe traffic planning calls for multiple points of access. Modern safe traffic planning doesn't send collector level traffic through neighborhoods with yards and driveways facing that collector traffic. He said that the solution is simple. He said main access to the collector road, in this case is Tuscany, which was master planned and built for this very purpose but then for emergency purposes and alternate routes, crash gates at alternate emergency points. This doesn't have to be a debate at this point where the other accesses go. He proposes to send traffic through the collector road to the arterial road as is designed as it is safe to go. Provide additional safety outlets as sophisticated developments have done. There will be a time when a school will come in and a road will have to be built. It will have to be figured out and sending people toward the belt corridor has been proposed. The City has already shown it's willingness to operate with one access point with the promise of future safety outlets and this is south of the river. He also expressed a concern and asks that the developer sends the water away and not into the ground to soak into the clay. He said at the zoning meeting he expressed concern to the lighting. The developer has shown a willingness to consider this. He said the developer heard his concerns and their solution is low wattage, shielded, lower to the ground, motion detectors. He asked the Council to follow up on the request of the Planning Commission concerning the lighting. He said he also expressed concern for lack of design foresight in the City's warehouse looking shed near Gubler Park. He said to please remedy the mistake. He passed around a photo of the shed. He said to please paint it and take care of the lighting.

- Mayor Rosenberg asked the Council for any discussion or additional questions for Staff.

- Ken Sizemore asked about street lighting. He said the Council hasn't heard what the plans for street lighting are.

- Corey Bundy said that the City's Subdivision Ordinance requires streetlights and in Council we discussed the street light issue whether they be LED or soft light. If Council wants to change that standard, let the Staff know.

- Mayor Rosenberg said that he heard that the applicant plans on doing the City recommended street lighting not necessarily the bright lighting on the buildings.

- Ken Sizemore said that he has some major concerns with this design. It is a flaw to put 12 units backing onto Tuscany with an elementary school across the street. That is a horrendous design flaw. That needs to be addressed before Council approves the development. Those driveways will have residents backing onto Tuscany. He said that we are asking for problems.
- Mayor Rosenberg asked how many more driveways would that be than just single-family homes.
- Jarett Waite said that is like Arrowhead and people back out right next to the school.
- Bob Nicholson said that one of the issues is that if you don't front the homes onto the street then what you end up with is the privacy wall, which tends to take all the character out of our neighborhoods. The other thing we are trying to avoid is these walled in streets where you get the sidewalk, a little landscaping strip and a privacy wall. That is what we are trying to avoid.
- Jerry Amundsen said that he has heard several times that Tuscany Drive is a collector road. He said in fact it is a local street. It's the width of a local street. A collector has heavier traffic because everything flows to it.
- Ken Sizemore said it is a local street with an elementary school sitting there. It changes that dynamic tremendously.
- Jarett Waite said that these are his neighbors and he associates with them a lot and so he understands their concerns. He said that in terms of access, the Council should look at it pretty closely. He appreciates the Staff's efforts to try and mitigate some of these issues ahead of time. He would love to pursue those and see what would work best for everyone. The end of Jacob is kind of a weird set up. Is it a parking lot or is it a road? Maybe there can be some sort of idea of how that will actually end up looking and where property lines are and how the parking will be situated. That will help a lot with alleviating concerns. The idea of having everyone access out 400 East is interesting but he doesn't know if that is possible with the traffic load but is something to consider.
- Jerry Amundsen said that if this were a single family development depending on the zone if you've got 40 single family homes in the same area you would be generating the same amount of traffic. It doesn't seem feasible because of the numbers but based on the transportation ITE standard for developments the amount of traffic generated by single-family homes is almost double a townhome. Based on the standards that we have adopted, which are the national standards, 40 single-family homes would be as much or almost as much traffic as 87 townhome units.
- Jarett Waite said that he likes the design of the development. He thinks it will be a fun place to live. He complimented the developers for what they have put together so far.
- Jerry Amundsen asked Staff if that was a stub road to the south property line on Paradise Village.
- Corey Bundy said yes that it is.
- Jerry Amundsen said that if we have a plan to extend a road that we stick with it.
- Ed Dickie said that was their recommendation that that road goes through and then both the applicant and Paradise Village said they do not want it to go through.
- Dennis Garr said part of the reason they don't want that road to go through is because Paradise Village is a transient type of neighborhood with people coming and going and if that road is opened up that road isn't just going to go to the north it's going to come back to the south so all those people from the other side are going to come down, hit Tuscany and go right over to Jacob to go to Harmons. They were trying to keep that traffic from coming through and impacting them as well as the people to the south of them. He said

that he would like to address some of the other concerns that people have. He said that some people stated that they didn't get notices but he said that two public notices were sent out for the Planning Commission Meeting. The City sent the notices to those who are in the perimeters of the district. He said everything was done right and legally. As far as the clay issues, the test pits that have been done already, there is no clay as far as the test pits have to be done. AGC has done the testing on it already. As to the traffic, the traffic coming the other way through Paradise, they are the ones that are going to be speeding down Jacob. Tuscany is a road that is master planned already that accesses that park. The Staff thought it would be better to slow that traffic down, spread it out and use that money that the developer was going to put into that and move it over and join venture with the school and possibly Ence's on the other side to develop Patricia. They feel like they are working with everybody they can to make the best possible thing.

- Jerry Amundsen said that the possibility of tying the road together to Paradise Village would be an alternative to Jacob Drive because it offers access to more of a collector road up on North Town Road.

- Ken Sizemore stated that he has never thought of access to Gubler Park as a street.

- Mayor Rosenberg stated to the audience that if they applaud they will be removed.

- Ken Sizemore said that he thinks that the City has a responsibility to design entryways both at Jacob and at Tuscany that make it very clear that this is an entrance to a park not a through street and a sign that says that is one thing that needs to be posted at both entrances. He said the public needs to know that he has never thought of that as a through way but as entrances to our Park.

- Jerry Amundsen said that if there needs to be access to the park from another location for safety purposes or emergency access that's what crash gates are for and only emergency vehicles through that location. It is a parking lot.

- Ethan Snyder said that when Dennis Garr said that when the road would be put through at Paradise Village at Zion he made it seem that all of a sudden a road is going to be put through at Jacob. They don't need to happen together. A road can be put through Paradise Village and there can still be a barrier put in north to south, dead end Jacob and allow access to the park from the new development.

- Jarett Waite said what makes sense to him is that there is still that access to Paradise Village and they will still exit the way they do now. They will be headed towards Harmons, past the school. They probably won't use the road a whole lot unless they are trying to get to the park. He said he can see that being viable and not having a whole lot of traffic coming from Paradise Village.

Motion to Table Approval of an amended PD Residential zone for 87 two-story townhome units on 9.93 acres in a project called Cobble Creek Townhomes at Santa Clara located on Tuscany Drive and just west of Gubler Park for two weeks and look at other options on traffic issues and the condos that have driveways that back onto Tuscany Road.

Motion by Jarett Waite, seconded by Ken Sizemore.

- Jerry Amundsen mentioned that the meeting in two weeks is a Work Meeting.

- Mayor Rosenberg said that it would have to be at the next City Council Meeting which is July 13, 2016.

Amended Motion to Table Approval of an amended PD Residential zone for 87 two-story townhome units on 9.93 acres in a project called Cobble Creek Townhomes at Santa Clara located

on Tuscany Drive and just west of Gubler Park until the City Council Meeting on July 13, 2016 and look at other options on traffic issues and the condos that have driveways that back onto Tuscany Road.

Motion by Jarett Waite, seconded by Ken Sizemore.

Voting Aye: Ken Sizemore, Jerry Amundsen and Jarett Waite.

Voting Nay: None

Motion Carried.

- 7:50 p.m. Mayor Rosenberg asked to take a 2 minute break.

- Reconvened at 7:55 p.m.

8. Consider Amendment of Final Plat for Pioneer Crossing Ph. 2. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this is in a Planned Development Residential Zone, 2.2 acres. The applicant is Don Poulson. They are reducing the units by 1. This is the second time that this plat has been amended. They do have consents from the two owners. Besides the developer, the other two owners have given written consent. The proposal is they will eliminate Lot 28. The lots are a little larger and they will be adjusting the lot line between Lot 27 and Lot 29 and utility easements that would be associated with that. The new easements are shown on the plat that matches the new lot lines.

- Ken Sizemore asked if there is any reasoning as to why they are reconfiguring this way.

- Corey Bundy said they have an owner that wanted a larger lot. Lot 28 is an odd shaped lot so that's what his reasoning was.

Motion to Approve the Amendment of Final Plat for Pioneer Crossing Ph. 2.

Motion by Ken Sizemore, seconded by Jerry Amundsen.

Voting Aye: Ken Sizemore, Jerry Amundsen, and Jarett Waite.

Voting Nay: None

Motion Carried.

9. Request Approval for Preliminary Plat for a 3-lot Subdivision located at 1311 Vernon Street. Applicant Marv Blosch. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this development would create 3-lot single-family subdivision called Andrea's Garden in the R-1-10/Historic District. It's located north of Santa Clara River on the west side of Vernon Street and the 3-lot subdivision includes a flag lot to access a rear lot of off Vernon Street. The applicant is Marv Blosch, project engineer is Rosenberg Associates and Allen Hall is the lead engineer on that. He showed a slide of the plat. All of the lots are well in excess of 10,000 square feet. Lot 3 has an existing home on it. They are large lots. Lot 2 would be the flag lot with a 25-foot access stem to access Lot 2. He said they looked at possibilities of other access to avoid the flag lot and it seems like all of the other parcels are all developed. This seems to be the only reasonable access into the property so with that the Planning Commission recommends approval of this 3-lot subdivision with the 1 flag lot.

- Jarett Waite asked to be explained to why no one likes flag lots.

- Ed Dickie said as far as public safety it is sometimes difficult to get in there as far as

fire access or different things. There are some issues with flag lots. Especially if they share driveways and something happens where someone can't access theirs. They do have a turnaround on there.

- Bob Nicholson said that this is not a shared driveway.

Motion to Approve the Preliminary Plat for a 3-lot Subdivision located at 1311 Vernon Street.

Motion by Jarett Waite, seconded by Jerry Amundsen.

Voting Aye: Jerry Amundsen and Jarett Waite.

Voting Nay: Ken Sizemore.

Motion Carried.

5. Consider Approval of General Plan Amendment for the Inns at Santa Clara and Approve Ordinance 2016-06. (Applicant Richard Kohler). Presented by Bob Nicholson, City Planner.

- Bob Nicholson said the City has received an application from the property owner Richard Kohler to amend the City General Plan by changing designation from low density residential to neighborhood commercial on 0.6 acres located on the southeast corner of Santa Clara Drive and Heights Drive. The property is located just east of City Hall with Heights Drive separating the two properties. He said that in hindsight the zoning and General Plan should have been all wrapped together because of the amount of detail that has come forward is more than the City typically sees in a General Plan Amendment. They have a detailed site plan and the Planning Commission and the neighbors have asked a lot of detailed questions. The applicant has provided that. The applicant would like the General Plan Amendment so he can follow that up with a zone change to allow for a project called The Santa Clara Inn which would be an 18-room Inn with 4 buildings in a proposed kind of farm style architecture and a 24-foot silo structure which would have 1 guest room. Two of the buildings would be 2-story and two buildings would be 1-story with an outdoor lap swimming pool on the top of the eastern most single level building. He showed a slide of the site plan. He said the pool on the eastern most single level building is a rather small pool. The dimensions are 6'x40'. He said the property fronts on Santa Clara Drive just east of City Hall. The property is just outside the current boundaries of Santa Clara's Historic District, which ends on Heights Drive and also the neighborhood commercial designation on the General Plan so this request would be to extend the neighborhood commercial onto this property. The proposed 18-guest rooms will not generate significant traffic and is good use of the property based on traffic generation. The scale of these buildings equals the adjoining two neighbors. The scale of the project is in harmony with the existing neighborhood. The buildings are designed typical of the early 20th century with Dixie dormers and exterior appearance typical of historic homes in the area. Staff believes this is good use of the property and is in harmony with the goals of the City General Plan and in scale with the surrounding neighborhood. Since the Planning Commission Meeting, Mr. Kohler has modified his plan because there was a couple of things that came up at the Planning Commission Meeting: noise, possibilities coming from this outdoor swimming pool on the deck of this 1-story building, the adjoining neighbors were concerned about loss of privacy and noise. The applicant has proposed a parapet wall as tall as 7-feet on the east part and south part of that building. That would protect some of these neighbors from the loss of privacy and the noise. A Public Hearing was held on April 12. There

was a large turnout.

- Jarett Waite asked if the wall would be built on the top of the building.

- Bob Nicholson said yes that it would be like an extension of the parapet wall. Based on some of the concerns about noise and traffic and the use, the Planning Commission recommended denial of the change to the General Plan. Their action was in response to the concerns and since then the applicant has modified his plans to address that. He has had a chance to meet with the adjoining two neighbors. He has provided this visual analysis.

- Richard Kohler described the footprints and slides. He said they have 4 primary structures, Dixie dormer house faces city hall, then there is a barn that is slightly smaller scale building than the house and he said he rotated the barn so that it would be closer and in the foot print of Gate's house. The two homes foot prints would take about the same space or slightly more than what he proposed in the project. A lot of people were concerned that this was a big project and their total square footage is about the same as one floor composed of 4-units to put this in scale. In terms of traffic intensity, a single-family home generates around 10 trips a day. A motel room, which is the close's thing to this, would generate a little over 5 trips a day. If you take the peak hour traffic this project will generate four times the traffic that two single-family homes would generate. They bought the property because they felt that this scale project would set a good precedence for what wanted to happen in the Santa Clara Historic District. His contacts with the City Councilmen encouraged them to do this project. This project is much more detailed in terms of it's design than most developers would do. This property was originally subdivided in 1989. It was turned into 4 lots. The first 2 lots were sold and the other 2 lots that fronts Santa Clara Drive which carries 25,000 cars a day isn't really a place a person wants to put a lot of money into a house so the present General Plan and zoning is not appropriate any longer. He said they have accessed the lot from Heights Drive and that is their only access. He said they would like to do the parking lot in material that looks like grass. He said they are doing other green things. They want to set a good precedence from both a historic district standpoint but also from really interesting architectural things including the parking lot that actually minimizes the impact to the neighbors. One of the neighbors understands and agrees, the Nielsons, but the Gublers and Gates both showed up at the Planning Commission and they both said different things about what they would like for the ground. Gates would like the City to buy it. He would like some direction from the City Council about what they would like him to do and not do. He said if the Council really does not want the project he needs to know. He said they have felt all along that this is a good place for this low intensity project. He said they are going to have to take care of some drainage issues. It is a very good project. He would like in the end if he can get some input. He said he has talked to all of the adjacent property owners.

- Mayor Rosenberg asked if they were aware that Richard Kohler was going to be addressing the Council tonight.

- Richard Kohler said they were aware of that and that Herb Basso also talked to all of them and so did Tode Hafen.

- Mayor Rosenberg said he is aware that Tode Hafen is involved with this.

- Jarett Waite said that the applicant mentioned there was some elevation difference and he asked what the plan was for where the land slopes down.

- Richard Kohler said they plan to leave the grade as is. They don't want to disturbed the sycamore trees and the mulberry tree. The slope will be landscaped with mostly grass

and plants and shrubs that would be found in the historic district. There are a couple of chicken coop size structures that will end up on the plans that will house mechanical and housekeeping things. He said he and his wife will probably live in the single-story building. There are 3 rooms and they will be occupying one of those as a resident as the owner and manager on site. He said they have shared that with the neighbor and they gave them a little more comfort. He said that would not be permanent because of his age.

- Mayor Rosenberg said that the issue before the Council tonight is the General Plan. Do we want that piece of property to be part of the commercial? It is really a General Plan question. Do we want to maintain that as residential character only?
- Richard Kohler asked if the Council was to vote yes on the General Plan amendment and then they never came back in would that just vacate. Can you make it vacate in your motion? He said that he thinks that is an issue that maybe how they applied thinking they were applying correctly, maybe didn't do it correctly.
- Mayor Rosenberg said the real decision before Council is that little piece. Is it best-served going forward with the commercial use or strictly residential use and once that change is made, it would take another change to change it. It would go into the General Plan document and appear on the map.
- Mayor Rosenberg said that the request is to extend the Commercial from Dutchman's this way but what if you were to reverse it and extended the Historic Mixed Use that way. That would make more sense.
- Matt Ence said that he thinks there is one other option. Because it's not unusual to take the General Plan change with the Zone change and consider and approve them at the same time, you could arguably table this tonight and not take action now, invite Mr. Kohler to come back with the full zone change in conjunction with the General Plan amendment and consider them all together. That is one option and it would alleviate the concern that Mr. Kohler has brought up about doing the General Plan change without any guarantee that the zone change in this project will come back. It would have to come back to Planning Commission anyway when he comes with the zone change. It wouldn't hold him up. The only thing is he wouldn't have any kind of a concrete decision on anything tonight except for the feedback that is given to him by Council.
- Mayor Rosenberg asked what were the findings of the Planning Commission as part of the denial.
- Corey Bundy said a lot of the thinking was that it was going to be apartments or a motel. Not seeing the concept. They were thinking it might be a bed and breakfast and it really wasn't a part of the concept plan. Also the noise from the pool.
- Matt Ence said it at Planning Commission it seems like there was some talk about if Santa Clara wants this why can't it be across the street where the City owns property across from Town Hall. There was some expression about that it's not a bad project but some just don't like the location.
- Richard Kohler said that some people suggested moving the project down into the Historic District. He said that 5 of the 7 Planning Commissioners said they like the project. Even the people making the motion to not approve the General Plan when they made the motion said they liked the project. Some people that spoke against it even said that it was charming and lovely. He said his sense as an architect that there was some underlying things that were hoped for that the City's acquisition of property or the General Plan that he would be somehow interfering with.
- Matt Ence said that it was mentioned to him that certain people thought it would be acquired by the City and become a parking lot or used for Swiss Days or that it would be

- single-family homes and he said he doesn't know how realistic that would be.
- Jarett Waite said he always thought that was kind of a weird lot especially with elevation. He said he can see the benefit to changing the designation to what would go on that property. It hasn't sold for a lot of years and he doesn't know if it ever will and as far as building houses there it is highly unlikely so if we want to see that developed into something, this would work.
 - Jerry Amundsen said he has the same impression and he doesn't see this being 2 single-family homes. It doesn't make sense to put 2 more homes fronting Santa Clara Drive because of the elevation problems and because Santa Clara Drive is a busy road. He said he can see where the neighbor adjacent to it would have some issues but he can see that this is a viable option and it goes along with the Historic District and it makes good use of the property and it accesses off of Heights Drive which is only one could do that if there were two homes there. He is a little surprised that more people aren't at the meeting to address this. He asked the applicant if it would be a hardship for him if it were to come back.
 - Richard Kohler said no they are willing to slow down. He said they can accommodate that. He said he sat through all the comments and when they made a motion to deny he was surprised. He said that he thinks the Planning Commission wants to defer to the Council.
 - Mayor Rosenberg said that the other thing that has happened is at the Work Meeting the Council is going to talk about the General Plan update for the Downtown and the South Hills. He said they can make it a part of that General Plan update. He said he thinks it will be discussed. He said he would push the Council to consider extending the Historic District that way just because of issues that it makes sense. So even if there wasn't an applicant it may still happen as part of that update. He said they are getting ready to start next month. He said he likes the idea of going back to Planning Commission and given them the additional data and additional instruction of how Council feels about it and bringing it all three together.
 - Richard Kohler asked if it could be put on the record if the City isn't trying to buy the lot.
 - Mayor Rosenberg said the City had their shot to buy it and they didn't have any money. He said the City couldn't afford it. He asked the Council if they had any interest in buying it today. He asked if it was for sale.
 - Richard Kohler stated that if the City had a real plan for it and they really wanted it he would accommodate at least a negotiation. He doesn't want to be in the way of the City's plan.
 - Mayor Rosenberg asked if the City wants to buy it today. The Council has to answer that question.
 - Richard Kohler said that the Gates and Gublers talked about the negative impact they suffer during Swiss Days. He said the question is when it's an Inn can they still cooperate with Swiss Days. He said yes they can. He said he would ally with the neighbors and try to get some access during the Swiss Days events. It will look nicer. He said that if the City wants to have Swiss Days activities there, they are not opposed to vacating the rooms and accommodate that week or so.
 - Ken Sizemore said he feels more inclined to have some activities like that have been described tonight than a parking lot. It is a much more attractive gateway into our community to have something like this than a parking lot.
 - Mayor Rosenberg said that he guesses the City is not interested in the property

anymore.

- Richard Kohler said that was good and the Council needs to decide whether they are going to vote on the amendment tonight or just send it back to Planning Commission with this record in some way and direction.

- Matt Ence said that if the Council does decide to not take action on it tonight that the Planning Commission would appreciate some kind of a record of what the Council's thoughts are and where it needs to go from here.

Motion to Table the Approval of General Plan Amendment for the Inns at Santa Clara and Approval of Ordinance 2016-06 with the direction to send this back to Planning Commission as a Combined Package Zoning Change and General Plan Amendment with direction that the Council is favorable to the Conceptual Plans that have been reviewed. The City is not interested in purchasing the property but are interested in extending the Historic Zoning that direction. Motion by Ken Sizemore, seconded by Jarett Waite.

- Matt Ence said he wants to offer a clarification. He said that he thinks that because the Planning Commission has already considered the General Plan Amendment, when it comes back to them the only thing they will be considering is the zone change. That does put them in an awkward position because they have already said no. Maybe they need to consider the whole thing again. Is that consistent with the motion?

- Mayor Rosenberg said it was and asked if everyone was okay with that.

- Richard Kohler said just to clarify, they will go back to the Planning Commission but in a combined package with the Council's direction.

- Mayor Rosenberg said that the Council's direction is they feel strongly that the Historic District needs to push that way. And that the City is not interested in buying the property.

- Matt Ence said that the City Council is looking for a new recommendation from the Planning Commission on both the General Plan change and the Zone change.

- Jerry Amundsen said that he wonders if it would be advantageous to when this comes before the Planning Commission to remind them what the Historic District plan includes. It includes a mixed use type of thing with business and residence in the same thing. He said it might be a good idea to reemphasize what a mixed use is.

- Corey Bundy asked if we are not going to talk about the General Plan changes at the Work Meeting in July.

- Mayor Rosenberg said they are going to talk about the process of doing it but getting it done may be longer than Mr. Kohler wants to wait. We will invite Planning Commission to the Work Meeting so they can hear those. This first meeting we are not going to hit every property and what we think, it's more that we need to go through this process and explain how the South Hills and Down Town are connected and we need to revise the Plan to address the issues we are facing. It's more of a directional meeting. We are going to give them a little bit of input and they are going to deliberating and coming up with some changes. It can takes months to go through that process.

- Richard Kohler said they will proceed but participate.

Voting Aye: Ken Sizemore, Jarett Waite and Jerry Amundsen.

Voting Nay: None

Motion Carried.

10. Set Public Hearing and Special Meeting for Thursday June 30, 2016 at 5:00 p.m. to Amend the 2015-2016 Operating and Capital Budget. Presented by Brock Jacobsen, Assistant City Manager/Finance Director.

Motion to Set Public Hearing and Special Meeting for Thursday June 30, 2016 at 5:00 p.m. to Amend the 2015-2016 Operating and Capital Budget.

Motion by Jerry Amundsen, seconded by Ken Sizemore.

Voting Aye: Jerry Amundsen, Jarett Waite and Ken Sizemore.

Voting Nay: None

Motion Carried.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- He has nothing to report. He asked Matt how Curtis is.

Jarett Waite:

- Attended a CEC Meeting. He said that Mayor Hart would love to involve more reporting with more content. That would involve additional resources and Dixie State doesn't want to provide those or take over the station right now. What Dixie State really wants is a lab for all of their students.
- Ed Dickie said we want to stay in there and get that debt paid off and that is what Mayor Hart is talking about, selling some assets and pay that off quicker so we can get out. The cities generally want out.
- Jarett Waite said they did choose to appropriate \$50,000 from the capital budget to pay off the debt. They are selling off excess assets right now. He did lay out how many production hours were available to Santa Clara each year and it was something like 27 hours. We used 1 for the Princess Pageant and there are 26 hours left. They can be used for the Swiss Days Parade.

Ken Sizemore:

- The Air Quality Task Force met. The entire contingent of State Air Quality guys here. They described the ozone issue. The EPA dropped the ozone standard from 75 to 70 and the monitoring that we are getting is just under that 70. The vast majority of the precursors to ozone are coming out of our tailpipes. It's more than 58%. The only way that is going to be controlled is to get cleaner automobiles with better emissions. Emissions testing won't help that. Improvement with technology to cars is offsetting that to the point that emission testing is not going to really be a viable thing. There is a monitor in Hurricane now. The next trigger point is population and it's 350,000 in the County before they have to do another monitor.

Mayor Rosenberg:

- Went to DTEC in place of Ken Sizemore and they started talking about reinventing Vision

Dixie. He said it is really expensive, \$200,000 and no one wants to pay for it.

- Ken Sizemore said that we need to recognize that Santa Clara Drive is on the list of highways that are going to fail in the future and we have to be thinking about keeping this small town feel and we have two competing things, traffic volume, how are we going to deal with that. The solution is there needs to be alternative routes for the traffic to go to. There is going to be a lot of pressure in the coming decades to change what we spent the last decade building. He said that Plantation to Ivins has to happen.

- Mayor Rosenberg said they did talk a lot in the MPO about pushing the County on the sales tax. Hopefully that can happen. He said to put it on the ballot.

6. Executive Session: None.

7. Approval of Claims and Minutes:

- June 8, 2016 City Council Meeting Minutes
- Claims through June 22, 2016

Motion to Approve the Regular City Council Meeting Minutes from June 8, 2016 and claims through June 22, 2016.

Motion by Ken Sizemore, seconded by Jarett Waite.

Voting Aye: Ken Sizemore, Jerry Amundsen and Jarett Waite.

Voting nay: None

Motion Carried.

8. Calendar of Events

- Primary Elections June 28, 2016
- June 30, 2016 Special City Council Meeting (Per council)
- 4th of July Offices Closed.
- July 6, 2016 City Council Work Meeting

- Mayor Rosenberg mentioned that he will be gone for the June 30, 2016 meeting and also the July 13, 2016 meeting and that Tode Hafen will be Mayor Pro tem.

- Dan Nelson, Fire Chief, reported that they have two fire crews up on the fire at Pine Valley. He said he went up to check on them and they are doing really well. They have preplanned the whole town of Pine Valley with their division and entered into the computer system and so the Fire Chief now has an awesome preplan with pictures and supply needs for each residence.

- Mayor Rosenberg asked what the prognosis of the fire was. Is it going to burn all summer?

- Dan Nelson said there is a management team that is going to help with the cost and bring in more resources. They need a lot of structural protection and resource up there. It was about $\frac{3}{4}$ of a mile today.

- Ed Dickie said he needs a little direction concerning Cobble Creek. He said the residents don't want Patricia. They don't want that going through. He said that Staff has gone over this with the residents for a long time. He said that if you open this up (at Paradise Village) it is doing to Paradise Village exactly what the residents tonight were complaining about. It opens that up to them coming into their development. That's why Staff wasn't recommending a street go through even though normally we would recommend a street go

through for connectivity. Even if Council feels like it does need to go through, the school district might be willing now to do their improvements to put Patricia through. He said he doesn't know what they are thinking. If we go up north, the City is still going to want to put Patricia through. Cobble Creek developers are willing to do it and they've got the money to put the 20 feet of asphalt. He said what he is asking is that he doesn't know, unless Council gives really clear direction, what changes are going to come back other than the parking lot. He said that he had a discussion with Jack Taylor and the Mayor was present. This is Gubler Park and it's an access to the park only. Both sides come in from the south and they can park down on the south and walk up. The residents on Jacob would love that. He said he thinks Patricia still needs to go through. He said he needs direction. He said that the developers are going to get right on it and he will be gone for a week. He will fill Brock in on the situation.

- Mayor Rosenberg said they made some good points about Tuscany going to the west. That Ence piece is also medium density. That corner on 400 East and Pioneer. Everything west of the school and west of existing development is medium density residential. It probably makes some sense to consider Tuscany as more than a 50-foot local street.
- Brad Hays said that when they do the parking lot in there, if we only have access through Jacob Drive, they are going to get a lot more traffic coming to and from tournaments. If we do the Tuscany and Jacob access, that will cut the traffic. Most of the traffic comes from Ivins. He feels it is important to do that.
- Mayor Rosenberg said that Tuscany needs to go down and end at the park. Jacob needs to extend to the park, to the parking lot. He said he thinks there could probably be a crash gate between those two.
- Brad Hays said the school district wants to be able to come through Jacob because the bus has access and use Patricia. That's what they discussed.
- Mayor Rosenberg said that the City needs to upgrade Tuscany to a bigger road and if that is considered maybe some of the others can be put off. He said he hates giving the short-term rentals the advantage over the permanent residents. He said that the City doesn't allow private streets and that would be what you are giving the short-term rentals. Take the money and widen Tuscany. He almost thinks the City should go through Paradise. He talked about turning the trail and using that area as another option.
- Ed Dickie asked Brad Hays and Corey Bundy if they understand the suggestions from the Council for TRC tomorrow so make sure they talk about that with Brock.

9. Adjournment:

Motion to adjourn by Jarett Waite.
 Seconded by Jerry Amundsen with all members present voting aye.
 Meeting Adjourned at 9:25 p.m.

 Chris Shelley – City Recorder

Date Approved: _____