

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JULY 13, 2016
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, July 13, 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 Pro-Tem Mary Jo (Tode) Hafen
Council Members: Herb Basso, Jerry Amundsen, Ken Sizemore, Jarett Waite, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Cindy Frei; Fred Fagergren; Ann Evans; Dyle Bond; Josh Jackson; Fred Fage; Devin Ferguson; Sara Layton; Michael Lee; Heidi Lee; Johnny Verges; Keith Gubler; Dennis Garr; Tim Lyle; Debbie Gourley; Dale Gourley; Adam Ellis; Rachel Ellis; Katherine Leydsman; LF Ogden; Jason Wilding; Theresa Fife; James Spendlove; Dennis Raban; Patti Raban; Ferron Leavitt; Joseph Fife; Gary Hall; Stephanie Hall; Ethan Snyder

1. **Call to Order**: Mayor Pro-tem Hafen called the meeting to order at 5:04 p.m.

2. **Opening Ceremony**:

- Pledge of Allegiance: Jarett Waite
- Opening Comments: Jarett Waite

- Mayor Rosenberg was excused from the meeting.

4. **Working Agenda**:

A. Public Hearing(s): None

B. General Business:

1. Request Approval of Ordinance 2016-09 prohibiting consumption of hulled sunflower seeds, pistachios, and other hulled seeds and nuts that litter the park during sporting events. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays announced that they have hired two people to fill the part-time positions.

They are at full staff now. The sports field staff asked him to talk to the City Council about a problem they are having. During ball tournaments, there are a large amount of sunflower seeds, pistachios and nuts that are being consumed and spit onto the ground. It contaminates the infield. It covers the sidewalk with litter and it causes rodent problems. The staff wants the Council to find a way to enforce a ban on these nuts and seeds. He said they spend about 2-3 hours a day blowing off sidewalks and trying to clean up the seeds. It makes the fields and the staff look bad.

- Jerry Amundsen asked Brad how that would be enforced.

- Brad Hays said he would notify the groups that come in that there is a ban on sunflower seeds. He said they would personally talk to the club owners that came in. They would also remove these items from the concession stand. He said they would talk to the public during the games and let them know. He said that the problems are mostly at Little League Park and Gubler Park. He said this is pretty common at a lot of ball fields.

- Jerry Amundsen asked if maybe the City needs to raise a cleaning deposit and if the situation doesn't improve, the deposit could be held to pay for the cleanup.

- Brad Hays said that if someone comes in and rents the 7 fields, there is a \$700 deposit. He said in the past they have always refunded that money but that is something they would look at doing, holding the deposit.

- Herb Basso said he already talked to Brad about this. He said that he has trouble with creating another law. He said you can educate, you can have signage, enforcements with deposits and other consequences such as losing the entire last day of tournament. He said he is really for what Brad is trying to do but he is not for another ordinance. It puts a lot of pressure on Staff to be a policeman. He said there is a law on the books right now called no littering. He said if we stick to it, this can happen. We need a strong education and enforcement program. We need to give the staff some empowerment that they can enforce the law and rules including holding deposits and cancelling games. Another law would be hard to enforce. He asked for a motion to table the item rather than set another law.

- Matt Ence, City Attorney, stated that there was a couple of ways to accomplish the objective. He said he appreciates Herbs suggestion and with some clarification to the City's current Litter Ordinance, we could do what Herb is suggesting without adopting a new section. He said from a legal perspective it can be done either way. Two things need to be done: first, clarify the definition of litter so that sunflower seeds is included in that. And second, give Brad Hays the power to do that enforcement that is being talked about such as withholding deposits or cancelling reservations for violations. He said that currently the City doesn't have that fine of control over that Litter Ordinance.

- Herb Basso said that that verbiage can be built in. He said in the verbiage that we need to communicate strongly what we are trying to do and why we are trying to do it.

- Brad Hays said that they do enforcement in the parks everyday. He said anything that the Council can give Staff in this would be helpful. They need something they can work with. He said one of the biggest offenders is Little League. Senior Games is not a problem.

- Tode Hafen asked Brad what would happen if the Council just clarifies the Ordinance to include some language, including that seeds are part of the no litter and include some information when the tournaments are booked to let people know and put signs up. She said to try this first. She thinks people will get it. She said to just revise the Litter Ordinance and when tournaments are booked communicate with them and ask them to

remind the parents and the kids.

- Jarett Waite said what Brad was talking about was limiting consumption and what we are talking about is reducing litter. He said in his mind they are two different things. Does Brad not want them at the park at all?

- Brad Hays said that he doesn't want them littering with sunflower seeds or other items in the park. He said they can be eaten and thrown away or put in a cup. He said he would prefer not to allow them in the park. About a third of the parks have banned seeds.

- Ken Sizemore asked Brad if he has sufficient language now for the deposits that are provided to be able to hold back some of the deposit if they don't.

- Brad Hays said they could be revised to be strengthened but right now no.

- Ken Sizemore said he agrees with the approach that there doesn't need to be a stand-alone ordinance. He thinks revising the rules that they sign when they register for using the facilities could include the language we need with the education.

- Jarett Waite asked what was easier for Staff to enforce: saying, "please put the bag away", or "pick that up". He said banning them makes it a lot simpler.

- Brad Hays said he would like it to be specific. He is not asking the Council to write a new ordinance it can be added to the Litter Ordinance and describe it. Or it could be with the ban on smoking and no littering in the parks.

- Corey Bundy, Building Official, read from the current Ordinance 8.12.080 Litter in Parks. The ordinance talks about general littering in the park.

- Tode Hafen said to make that more specific and then put signs at the parks.

- Matt Ence said he would like a little clarification on this. He said he is hearing Brad say to including this on the prohibition on litter isn't going to get this where Brad wants to be. He said he thinks Brad wants a prohibition, no shelled seeds or nuts in the park. He said that would mean adding a prohibition whether it's in the smoking section of the ordinance or somewhere else. He asked the Council to give him some specific approach they would like to take on that then he can draft it in whatever way they would like to see it.

- Herb Basso said they could be specific in that language.

- Matt Ence said the Litter Ordinance basically says, "don't leave it laying around" it doesn't go to the extent of prohibiting things that come into the park.

- Jarett Waite asked if seeds are prohibited there, is that a terrible thing. Does that ruin baseball for some people?

- Herb Basso said yes it would. He said he would like to table this and give Matt a lot of language and see where this goes in the next 3 months.

- Matt Ence said there isn't a draft ordinance and they will have to bring something back to the Council especially considering the discussion tonight.

- Tode Hafen said that the Council has a choice whether to approve this language and whether we want Matt to write it based on the Council's direction and bring it back.

- Jerry Amundsen says that this is an issue that needs to be taken care of and if there is a way to enforce it, let's do it and if the language needs to be in an ordinance, let's put an ordinance together to get this done, to ban it.

- Matt Ence said there will be an ordinance one way or the other whether it's a revision of an existing section or something new. The direction he needs is whether the Council wants to clarify the litter prohibition in parks or if you want to ban those things from the parks altogether.

- Jerry Amundsen says he is okay to ban them.

- Jarett Waite said he is okay to follow Brad's lead. He would be okay with the ban.
- Ken Sizemore said he would also agree with this direction.
- Tode Hafen said that is a majority.
- Herb Basso said that the Council should motion to table the ordinance to allow Staff and Attorney to bring back a description in details of the ordinance that will ban sunflower seeds.
- Matt Ence said that given the direction, that would be appropriate.

Motion to Table the Ordinance 2016-09 prohibiting consumption of hulled sunflower seed, pistachios, and other hulled seeds and nuts that litter the park during sporting events with direction to Staff and the City Attorney to bring back details and verbiage of the ordinance reflecting a banning of hulled seeds and nuts.

Motion by Herb Basso, seconded by Ken Sizemore.

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

Voting Nay: None.

Motion Carried.

- Matt Ence said it seems clear that Council is supportive of the idea. He suggests that Brad Hays starts to publicize this even though the ordinance isn't in place yet.

3. Communications and Appearances:

A. General Citizen Communications:

1. Mayor Pro-tem Hafen said there have been some yellow cards filled out and she will let them speak. She asked if there was anyone at the meeting that came to speak on any issue other than Item #3. A citizen stepped up to speak on Item #1. Mayor Pro-tem Hafen said that the Council was done with that item and apologized for not addressing Communications and Appearances first.

4. Working Agenda:

B. General Business:

2. Request Approval of Resolution 2016-13R to acquire a 51-acre land lease/purchase through the U.S. Department of the Interior Bureau of Land Management under the Recreation & Public Purposes Act. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said he is working on a RP&P right now. He said the park is located on the South Hills by the water tank. He showed the map to the Council. He also showed the conceptual of the park. (See attached.) He said the conceptual was brought to Council before. He said it is adjacent to the Santa Clara River Reserve on BLM property. The South Hills has had a tremendous amount of improvements done as far as trails go. A number of people have talked to the Council about parking issues. This park would give people a place to park and a place to go and recreate. The BLM has plans on the Santa Clara River Reserve to add another 50 or so miles of trails so the impact of this area will continue to grow. This document will go to the BLM as part of the RP&P packet. It

talks about the location, what the statement of the meets is, and the development plan. If the property is acquired, it will take about 5 years. The estimated total cost of the park will be about \$1 million over the 5 years. The area will have trails, tracks, an amphitheater, restrooms, parking areas, educational facilities. It will be a great asset for Santa Clara and will be a park that everyone can use. He said the BLM has reviewed this and said it looks good. He wants the Council's input on it before they move forward. Are we on the same page or are there things that need to be changed?

- Herb Basso asked about the staging area and parking and is the staying in the park activities as important.

- Brad Hays said that the staying in the park activities are important. It will also provide parking and a place for picnics and restrooms. There will be a pump track, a running track and Frisbee golf. Everything is conceptual right now. Location of some of the things may change, the design may change. He said for instance, the amphitheater is a long way from the restrooms. There will be canopies for picnic areas and drinking fountains.

- Ken Sizemore said he was going to bring up the amphitheater location. It is too far away from restrooms. The location needs to be rethought. He said one important point he made in his initial recommendation is that the amphitheater should be oriented so the audience can see that great vista.

- Jarett Waite said that on the funding section it talks about grants and Rap Tax and impact fees. If there are 50 home sales a year, would that fund the whole project?

- Brad Hays said that if you take the number of dollars and divide it by 39.06, that will give the number of houses that have to be built to pay for this. He talked about House Bill 52 Utah Recreational Infrastructure Development Fund designed specifically for parks like this. The City could apply for that on the amphitheater up to \$75,000 and it could be match by in kind and impact fees. The BLM will come up with the land. The City will have to come up with the environmental assessment and the survey.

- Jerry Amundsen said he knows they required an Environmental Impact Statement or assessment. Is that covered in the engineering number that Brad has listed.

- Brad Hays said that it does. He hasn't had a bid but that's what the BLM said that's about what it will be. He said that once they get the survey done and deliver this to the BLM, they will start on it right away. It will take 1 to 2 years for the Environmental Assessment. He said they can start going for grants once the BLM gives the go ahead. There is also the Land and Conservation Fund. That's from the National Parks. It's another funding option.

Motion to Approve Resolution 2016-13R to acquire a 51-acre land lease/purchase through the U.S. Department of the Interior Bureau of Land Management under the Recreation & Public Purposes Act.

Motion by Herb Basso, seconded by Jerry Amundsen.

- Jarett Waite pointed out a typo on the last page, there is an "l" at the end of area.

- Ed Dickie said he saw a couple of other typos and that they will get those cleaned up.

- Brad Hays said they still need to go in and put the legal description and a few other things.

- Herb Basso said there needs to be public input and also some input from the various kinds of users, bikers, naturalists, etc.

- Ken Sizemore asked if the water tank site was City owned.
- Jack Taylor said that it's an easement and the City pays every year for the lease of that property so we have a spot for the water tank and the substation.
- Jason Wilding said concerning mountain bikers, they park at the bottom because they want that climb.

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

Voting Nay: None

Motion Carried.

- Ferron Leavitt said that right now that road is really rough and dusty and some days that dust settles clear down to the creek. He suggests having that road upgraded. It should be a big part of this.
- Herb Basso asked if a road is included in the park plan or does the City need to find more funds.
- Jack Taylor said they already have road easements to the park area. The road can be improved. They are not in the park figures.
- Brad Hays said that part of the road will be asphalted but when it gets to the BLM side, that will be a gravel road at this time.
- Herb Basso said to make sure whatever the cost will be to include a nice road going to the park.

3. Request to amend the Planned Development Residential Zone for Cobble Creek Townhomes located on Tuscany Drive and West of Gubler Park. Presented by Bob Nicholson, City Planner.

- Mayor Pro-tem Hafen recognized those who were there to speak concerning this issue. She asked that everyone be courteous to the time and not duplicate the same message. She asked that the comments be kept brief, considerate and to the point. She asked that if anyone finds, when their name is called, that whatever they are going to say has already been said, they might decline to comment or limit their comments and be brief.
- Bob Nicholson said that this is a continuation of a discussion to consider this request to amend the Planned Development Residential Zone for the Cobble Creek Townhomes located on Tuscany Drive and just west of Gubler Park. He said that Council talked about this 2 weeks ago and so he won't go into a lot of details. He showed slides of the location relative to the park. The current zone is PD Residential and this was granted years ago for a project proposed by Ence Development that never went forward. Now the request is just to amend that Planned Development Residential Zone for the new project. The applicants are Garr and Lyle LLC. The current General Plan designation for this property is Mixed Use Residential. In the General Plan the density range is somewhere between 7 and 10 dwelling units per acre. The Engineer on this has been Allan Hall with Rosenberg and Associates. The project proposes 87 dwelling units, two story townhomes on 9.93 acres equates to a density of 8.8 dwelling units per acre. The location is on the north side of Tuscany Drive and west of Gubler Park. The project proposes to have 2 car attached garages and public streets with units fronting on an interior road network. The units have 3 bedrooms, 2 ½ baths and a total of 1,735 square feet of living area. Some units will back against Paradise Village at Zion, at Tuscany at Cliff Rose and Gubler

Park. The PD Zone has a base density of up to 8 units per acre but the Council can grant a density bonus of up to 12 units per acre based on if the applicant meets the density bonus criteria. Their project proposes 8.8 units per acre so the density bonus would be 0.8 units per acre. The Planning Commission considered this and recommended approval of the density bonus. Some of the criteria for that is building elevations, variation in roof heights, variation in building footprint, varied earth tone colors and textures, balconies, patios and roof overhang, high quality building materials including brick, stone or stucco, with stucco not exceeding 50% of the front elevation. Tile or slate roofs are required. There are also some standards for landscaping and project amenities. They have quite a courtyard area proposed in the center of the project. It is a green open space common area. 53% of the site is some type of landscaping open space. The project would have a homeowner's association to maintain the open space and the amenities. Each unit has a 28x10 foot private enclosed patio with vinyl fencing and stone accents. The pool is 25 feet wide by 50 feet long with restrooms and a clubhouse. The Planning Commission felt that it did qualify for that 0.8 units per acre density bonus. The zoning is consistent with the General Plan designation of mixed use residential. The Planning Commission recommended approval after the Public Hearing for the amended PD Zone along with the site plan and elevation drawing with 3 conditions: 1. The exterior lights on the building should be shielded or hooded lights to direct light downward and protect the night sky. 2. The stucco on the front elevation should not exceed 50% of the building's front per the density bonus standards. 3. The City Council reviews the street access situation to the development and agree on street access, street improvement needs to adequately serve the project. He said the discussion last time centered on the street access. The 87-townhome units are estimated to generate 510 trips per day. That's a maximum of 255 outbound trips and 255 inbound trips for the project if all of the units are occupied. The trip disbursement would be primarily on Tuscany Drive. The project has two access points on Tuscany. Most direct would be to come out on Tuscany to 400 East that goes down to Pioneer Parkway. But also proposed would be to improve Patricia Drive so that would be another option to help disperse the trips. Jacob Drive is not intended to be an access. That would stay primarily a park access road. There has been some discussion about having an emergency gate there. The Staff recommends keeping the road open and use speed bumps, speed tables, raise constrictions, stop signs to discourage through traffic. The proposal would be to have the project developer improve Tuscany Drive with curb, gutter and sidewalk on the north side of the road along his frontage and install 28 feet of asphalt, which would provide for two-way traffic. The school district has agreed to put in curb and gutter on their side and also curb on gutter on their side on Patricia Drive. The developer would be asked to participate in the widening to make the connection from Tuscany where Patricia Drive ends just north of Nicholas Drive. The City would complete the north portion of Tuscany Drive to the north parking lot of the park and some traffic calming measures on Jacob Drive. The school district at some point will have to finish all their improvement on their frontage if they build an elementary school. The other discussion that came up last time is whether these units should front on to Tuscany Drive with their driveways or have a privacy wall to prohibit any type of driveways. The school district has no problem at all with driveways coming on to Tuscany. They said they have that in other places. Staff feels that driveways and homes fronting on to Tuscany present a much better image than a block wall and units backing onto the street. The proposal is to have the units front onto Tuscany Drive.

- Herb Basso said at the Work Meeting last week the discussion was about putting an emergency crash gate so there is no pass through.
- Bob Nicholson said there are other ways to discourage through traffic. He said if there were a true emergency, it would be ashamed if it took 3 or 4 minutes longer, the same result could be achieved by other methods without actually putting a gate across it.
- Jarett Waite said he has met with citizens and has had a lot of emails and he thinks there shouldn't be a gate. He said if there was going to be a crash gate it should be at the end of Tuscany. You could walk from Tuscany but not drive from it. So there would be two accesses to the park for driving, off Jacob and off Rachel. That definitely stops through traffic but it creates continuity for the park and makes it more simple.
- Jack Taylor said they brought this up in their Staff meeting and one of the things that is a concern is that people will come down Tuscany and they will park up and down that road because they want to get into that park. Residents will be upset because people will be blocking their driveways. Another thing Staff thought about is if the crash gate is put in the center, the people from Jacob would be able to go to Tuscany but the people from Tuscany wouldn't be able to go to Jacob. If that is blocked off then the people that are coming in on the Jacob side have a long way to walk to the pickle ball courts. The issue is that all the citizens pay their taxes to the City and they ought to be able to have the right to get to those facilities.
- Ken Sizemore said that the Council needs to remember the rendering that Brad Hays provided of what the purpose of that area is. It's not a thru street and never was designed to be a thru street. It's designed to provide access for maintaining the park not for the public to get in and out. The design allows the public to come in from Tuscany and use the parking area by the pickle ball courts or in from Jacob and use the parking area down in that vicinity of the park. He said he feels very strongly that that's what the Council needs to honor, that design and recognize that is not a thru street for public use. He said he thinks the crash gate should be there and it should be at the center location of the ball fields which would accommodate the parking area that Brad's plan depicted as well as allowing people to get in from Tuscany to the pickle ball courts parking lot.

3. Communications and Appearances:

A. General Citizen Communications:

2. Mayor Pro-tem Hafen reminded the audience to be courteous of those speaking and courteous to those of us sitting up here and trying to make those decisions. She said she will call each name and if their issue or opinion has already been shared please be courteous and decline or keep it brief.
 - Ann Evanes, 3772 Nicholas Drive, said she has a couple of renderings that she wanted to show to the Council. She said the narrow strip between the school and Cobble and park is narrow so when there are about 75 cars and motorhomes and campers parked so you cannot pass two cars on a game day. She said that on game days she has counted 100 cars at least on Jacob.
 - Herb Basso said that parallel parking should not be allowed on the dirt side.
 - Tode Hafen asked if it was enough for a two-lane road beyond the parking.
 - Jack Taylor said that is the way it is designed. He said they should be able to park parallel and have two lanes in and out. There is not going to be parking. The only place

they should be parking is on the City's side and there should be no parking along the backside.

- Brad Hays said it's a lot narrower now than if it is improved. There is some double-sided parking as you come into the park but as it narrows, as you get between the two fields, there is only one side parking. Overnight parking at the parks is not allowed unless it's approved by the Parks Director and he has not approved anybody to park overnight so if there is anybody who is parking overnight they can be cited.

- Ann Evanes referred to the ordinance that was talked about earlier about the seeds and nuts. People don't read the ordinances. She said this is like the 10 mph signs. Nobody sees it. She said she has called the police. She said they didn't even know there was a speed limit in the park. He told her to ask the City Council to put up speed regulation signs. She said there needs to be signs in three or four places for the speed limit and the nuts and seeds. She asked if the ordinance has been changed regarding noise. Is it still 11 p.m. to 7 a.m.? She wondered how much noise is allowed. There have been concrete trucks at 5 a.m. It has gone on a lot.

- Herb Basso said there is an ordinance and there is a lessening of decibels limit during the night hours. The problem is at night that everything is so quiet you can hear your neighbor talk. It sounds annoying even though it might be low decibels.

- Ann Evanes said that when they do start building Cobble Creek she hopes their construction trucks are going to go down 400, so make a note of it. She asked if the City was still publishing their past meeting minutes on their website. She said the last one posted was April 13. She said all the meetings between April 13 and June 22 should be published on the website.

- Herb Basso said they don't publish the minutes until they are approved which is usually 2 weeks later.

- Ed Dickie, City Manager said that if they aren't on there, they should be and he will make sure they are. Once they are approved they should be on the website.

- Kathy Leydsman, 2289 Tuweap Drive, thanked the Council for listening to input and realizing that those lived in the residential subdivision did have some concerns. She said she appreciates that those are being heard. She said her primary concern is of safety. She said we should stay with what we have for the park. It is a park and not a thru way. If the road is left open, they will use it. She thinks something should be done to restrict that access. She encouraged the Council to look at what if the school decides to sell that property and there is more development in there, then what kind of access do we need and are we addressing that? What about the property behind that? She said we want to keep are residential areas safe and nice.

- Ethan Snyder, 2326 Jacob Drive, said he has spoken to the Council three times and had sent many emails. He said he is discouraged because he has been told to bring up new issues on this matter but the same issues are being brought up as if they have never been discussed before. He said he didn't hear any mention of access to the north through Paradise Village at Zion. Why were these not mentioned at all by Bob Nicholson? He said that he has been spending so much time trying to get these issues looked at and why weren't they ever mentioned at all. He said that Bob said that Jacob Drive wasn't really intended for thru traffic. He said then don't make it able to be and that there should be a barrier there. He said what a shame it would be if an emergency vehicle comes screaming down Jacob Drive and hits his kid. He said there have been engineers, lawyers and residents all say Jacob Drive is a parking lot and should be treated like a parking lot

but Staff is still bringing up that it should go through. He asked what else needs to be said. He said that at the Work Meeting the developers said they never wanted to use Jacob Drive in the first place. He said that the elementary school property will most likely not end up being an elementary school. He said talking about the 500 trips; it is never discussed about all the people that already use Jacob Drive. Those trips are never brought into play. They are part of the use. The ballgames are trips. That needs to be brought up. He said he is grateful that the Council is taking time to listen to them.

- Fred Fage, 3085 Windmill Drive, thanked the Council for hearing his comments. He said the townhomes are a benefit to the City and a good development. He said he is against the crash gate on Jacob Drive. He said that would create parking problems. He said it would be a long ways for him to get to the pickle ball courts. He said he has had the opportunity to sit in on the school board safety meetings. If Patricia is developed, the cars are going to be routed right through the school zone. He said he would like to see access to the park as a citizen and a taxpayer.

- Heidi Lee, 2312 Jacob Drive, said she doesn't think there should be any vehicular access coming from the Townhomes and creating a thru street to Jacob. Jacob drive isn't necessary as a thru street because there will already be two accesses into Cobble Creek. Her concern about Jacob being a thru street is the 510 trips just from Cobble Creek and it would also become a thru street to the existing Tuscany development. She said that there is no guarantee that the school district will end up building a school on the property that they currently own and if that is developed into more high density housing there will be those trips. That is hundreds and hundreds of trips a day that would go down Jacob Drive. She said Tuscany is already a larger road and can accommodate more traffic and the same thing if Patricia were to be widened. Speed bumps and signs would not help. She said she doesn't want Jacob to be a thru street and that people can walk to the park and they don't need vehicular access. She said she is concerned about a crash gate because there is the option of leaving that gate open and in the future removing that gate and having to revisit this issue. She said her and her neighbors don't ever want the option of having thru traffic ever going through Jacob.

- Devin Ferguson, 3790 Nicholas Drive, said that if there is a permanent blockage in the parking lot on the west side of Gubler Park it would keep the traffic from going through. It wouldn't be shutting off access. It is no different than parking on the east side of Gubler Park and still walking over to the pickle ball courts. A possible solution is to take Patricia and extend it all the way up to the furthest connector point to the top of the development by the Jehovah's Witness Church. Rotate the Cobble Creek Development 90 degrees and have them access on Patricia to the north or to the south. He said you can put all the signs up trying to slow traffic down, nobody will do it. Patricia is going to need speed bumps.

- Josh Jackson, 3892 Nicholas Drive, thanked the City Council for listening. He also thanked the developer for hearing their concerns. He said he is pleased to have this project as a neighbor. He asked what the total build out is at Tuscany at Cliff Rose.

- Jarett Waite said it is about 70 plus units.

- Josh Jackson said that as we talk about traffic that once the roads are opened, that traffic is combined nearing 200 units. A major consideration is flow. What is the realistic flow? He said he adds his voice to his neighbors on Jacob and the safety there. They have that issue of the park. He said he hopes no one has forgotten Patricia. He said if the traffic opens up through Patricia, that becomes the flow for Tuscany and Cobble Creek. What

percentage of traffic, when it becomes a straight-line flow is going to go down that street, a street with houses and driveways? There needs to be another access point. He said he suggests that for now a single access is acceptable. There will be a point in time that Patricia will open up. He said that decision doesn't need to be made now. He said if they do he would like the Council to consider taking the traffic through Paradise Village. He said don't bring the traffic down Jacob or Patricia. It is not wise or safe.

- Dyle Bond thanked the Council for letting him speak to them again. He said last time he presented to the Council 40 signatures of people in his neighborhood who didn't want the City using Jacob Drive. He said he assumes that became part of the minutes for the Council. He said he has an additional 15 names on a new one that includes Patricia Drive. He said Patricia Drive wasn't discussed at the Zoning Meeting so it wasn't on the petition so he got the additional names to add to the other petition. He said this combined group of names includes most everybody that lives north of Pioneer Parkway. He said he agrees with Mr. Sizemore that Jacob Drive needs to be blocked off at the division of the two ball fields. He said he would prefer some kind of beautiful arrangement of rocks or shrubbery or something instead of a crash gate. He said they don't want an access to Jacob from Tuscany. It would allow people to come down Tuscany onto Jacob or from Paradise Village down to Jacob. He doesn't see how speed bumps in a gravel parking lot would work. He wondered about access through Paradise Village and how it was discussed that it would be for only two years. Why only two years? What would the conditions be to limit traffic going through Paradise Village? Why has the City Council never discussed access on the north side of Tuscany? It would be a shorter distance than Patricia. There is vacant land on the corner of Pioneer Parkway and 400. He thinks the Ence family owns it. Other people are going to be moving in there. He said that he believes that there is enough high density with Tuscany, Cobble Creek and Paradise Village in that area. When a future developer comes and wants to put more high density in he wants the Council to ask them to find another place in Santa Clara to put it. He said we have enough.

- Theresa Fife, 2267 Bryson Circle, said she wants to make the Council aware that there has already been an accident on Jacob and it was someone coming from the ball field and they didn't even stop at the stop sign. She asked what is going to happen if there is a kid on a scooter crossing that same street with all that traffic coming through. She asked the Council to keep that in mind. She said she is opposed to a crash gate. She wants something permanent. She said she is fine if it goes straight through to the pickle ball courts but she wants something permanent so that there is no possible way any vehicles can come through on Tuscany. She thanked the Council.

- Michael Lee, 2312 Jacob Drive, said the City Council has been cordial and respectful and he appreciates them letting voices be heard. He said if it is required to have two access and we're already pretty committed to Tuscany why does the Council continue to come back to Jacob if we only need the two. Why are we not pushing for west of Kingdom Hall. He asked if it is a matter of inconvenience then why aren't we considering more the inconvenience of the homeowner in our neighborhood. He said he hopes their opinions matter. He thanked Mr. Sizemore for his comments on a barrier. He said he is in favor of that. He reminded the Council that Jacob Drive isn't the only access to the park, there are several accesses. People can walk to the pickle ball courts.

Emergency access issues can be addressed by sending a flyer to emergency personnel.

He hopes that a crash gate won't be installed but if it is can it be established in the HOA

bylaws that that gate is to remain locked and will be for emergency access only.

- Debbie Gourley, 3706 Nicholas Drive, said she has a unique perspective because they are homeowners on Nicholas Drive and owners of a home in Paradise Village. She said that she has heard that the reason Paradise Village doesn't want a road through is because they don't want to ruin the resort feel. With a good design you can still achieve a resort feel. That road still needs to be a consideration. Paradise Village has been building an access to the pickle ball courts. They should be asked to bear part of the burden of this new development and the park as well as the people on Jacob Drive.

- Fred Fagergren, 2324 Bryson Circle, said he appreciates the Council for listening to them. His concern is the gravel parking area north of Jacob Drive. Jacob Drive should be recognized as ending where the current pavement ends and beyond that is a parking area for Gubler Park. This should be clarified. He strenuously objects to putting speed bumps on Jacob Drive. He said the City hasn't gone through any of the processes that are commonly pursued where calming devices are proposed. Most jurisdictions have procedures written and established and or ordinances that such proposals would go through including consultations with all the residents who live on the effected streets as well as detailed information about what calming devices to be used. He explained the problems he feels about the different calming devices including the cost and design.

- Jack Taylor said that the Staff isn't recommending that Jacob Drive continue on through the park and connect to Tuscany Drive as a street. He said that Staff's recommendation is that it continues to be a parking area for only the park. So that people want to come down Jacob Street to go to the park and they can park in the park. If people want to go down Tuscany and come into the park, they can park in the park.

- Fred Fagergren said he is suggesting that the language in the documents that are provided to the public could be clearer. He doesn't see the emergency gate being needed. He said it would provide a temporary answer to complaints. If a barrier is installed it should be permanent at the end of Tuscany Drive. He suggests the original design for Gubler Park's west parking area is ideal.

- Sara Layton, Julie Drive, said that she agrees that Jacob Drive shouldn't be made a thru street. She said a group of citizens were able to block a whole vacation development recently because of their concerns. She said they are not trying to block a development but just trying to block access from Jacob Drive to the development. She thanked the Council for listening to them.

- Tim Lyle, Developer of Cobble Creek, said the plan has been changed five or six times. He said they don't care which way the accesses go. They want to make this a great community for the existing residents and the residents who will be moving into Cobble Creek. He said they are tired of talking about Jacob Drive. He understands the concern about it being a thru street. He said they won't even let construction trucks go through there and they will leave it alone until the City decides what they want to do with Jacob Drive and barricade Tuscany for now. He said they don't want to use Jacob Drive. They want to go out Tuscany and Patricia. He said the residents really don't want them to go through Paradise Village because it is a transient community and if the communities are connected the residents of Paradise Village will want to go down through Jacob for rides. He said they just want to get going on this project.

- Dennis Garr, Developer of Cobble Creek, said they don't want to go out on Jacob. They have already discussed that route and dismissed it. Jacob Drive is a designated road and so is Patricia. He said they have met with Staff four or five times and gone to the

Work Meetings. He said there are reasons they don't want to go through Paradise Village: the wash, the inverted roads for the floods. He said that is why they have met with the Ence's and the school district. Patricia is the best way out, not Jacob. He said they want to make sure it is safe for everybody. He said they are willing to pay extra money for that second access. He said the second access is not going through Jacob.

- Ken Sizemore asked what the anticipated build out time frame is.

- Dennis Garr said it all depends on the economy and sales and the market. He said they are going to phase it so it can be done in pieces. He said start to finish they would like to have it done in 18 months.

- Ken Sizemore said his question is when are the 87 units going to be sold.

- Dennis Garr said he would like to build and sell as they go. He said in a perfect world it will be 18 months.

- Devin Ferguson, Nicholas Drive, asked if it wasn't an option to rotate that property 90 degrees so that Patricia is going straight through.

- Jack Taylor said they did discuss that, taking that road up and tying it into the corridor. The Staff was against that because of the angle the road turns. He said they have a real serious issue with flooding that comes down through that area where that road will end. Ivins doesn't have enough storm drain in place to handle all the water that comes down 400 East. We don't see Patricia going to North Town Road because of these drainage issues.

4. Working Agenda:

B. General Business:

3. Request to amend the Planned Development Residential Zone for Cobble Creek Townhomes located on Tuscany Drive and West of Gubler Park. Presented by Bob Nicholson, City Planner.

- Ken Sizemore said there are two issues. The issue of Jacob and the park and the layout of the interior development of Gubler Park has no bearing on the development of Cobble Creek. He said he is not sure that all the discussion about Jacob is appropriate when discussing the amendment of the Planned Development Zone for Cobble Creek. He said he would like to put the Jacob issue separate from approving the Amended Planned Development.

- Herb Basso said Ken is right with the exception of Staff recommending that Tuscany and Jacob empty into a parking lot. The need to access Tuscany is a separate issue.

- Matt Ence said the item on the agenda is the development, not the park. He said that Council can give Staff direction, they can discuss the issue as Council and help enlighten everyone with what Council thinks ought to happen there but the formal action taken today and noted on the agenda is the approval of the amended Planned Residential Development Zone.

- Ken Sizemore said he will not pose it as a motion but will pose it as direction to be concurred with by the rest of the Council but he would like to give direction to Staff that we design the Gubler Park accesses as displayed in Brad Hay's plan with parking areas off of Jacob and Tuscany with a crash gate between the two parking areas to be utilized for maintenance of the park and valid emergency response.

- Herb Basso said that regarding the citizens concerns about the gate being left open, the policies can dictate that they get closed after the emergency.
- Ken Sizemore said they can discuss in another work session and another meeting the design of the entryways off of Jacob and Tuscany and signage and all the other things that we want to do with that development. He said the direction he wants to give Staff now is: let's follow the design we were provided and let the public know that there is no intent on the part of the Council to allow thru traffic in Gubler Park.
- Matt Ence said that although there is some connection because there is some off site impact here, the developer has said they are not going to use it, and Staff is saying that it's their recommendation not to use it as a thru street. You can take action on the developer's application and request without deciding all those details on the park and Council would be totally within their rights to continue to discuss and explore how they want to do that. He said the developers have been extremely patient.
- Herb Basso said that deciding not to put a road through Paradise Village is not to favor those temporary residents but it is solely on the protection of the future and present residents. He said that he feels that what Councilman Sizemore is proposing is the direction that the Council needs to go right now.
- Jerry Amundsen asked Brad Hays if his plan for the park connects Tuscany to the park.
- Brad Hays said no it did not. He said when the park was designed in 2003, there was no Tuscany.
- Ed Dickie said that people don't see Tuscany as an access to the park. It will create issues of parking on that street. He said if the City were to put something permanent or a crash gate, that might be the best. That way the people that are used to using Jacob to access the park, they still have that access. Staff has had calls from people who don't like the idea of the crash gate.
- Herb Basso said he wants to caution the residents on Jacob Drive that if the barrier is on Tuscany then all of the park traffic will come through their neighborhood. He said they might want to favor the idea of putting the barrier across the parking lot so the pickle ball users will probably come through Tuscany and that's the daily use.
- Jarett Waite said the Planning Commission did ask Council to figure out the accesses and he thinks that Council is doing that if Patricia and Tuscany are improved. He said that the only thing to consider is that Tuscany Drive will change if that's not a thru street. He voices support in trying to make the park simple. He said he is leaning toward closing off Tuscany. He said that if Tuscany is closed the option should be to come through Paradise Village or the gravel section needs to be improved.
- Brad Hays said that between Paradise Village and Cobble Creek there will be a trail that connects so all those residents in those two developments can access the pickle ball courts right where the wash is.
- Jarett Waite said he appreciates the developer offering to block off Jacob right now. That makes it a lot easier for construction. He said he meant Tuscany.

Motion to Approve the amended Planned Development Residential Zone for Cobble Creek Townhomes located on Tuscany Drive and West of Gubler Park accepting the offer from the Developer that they will barricade Tuscany, that the access points are as described with the 28 feet of asphalt on Tuscany and Patricia and that the School District is providing curb and gutter on Patricia with the observation that in the Council's deliberations, Work Meetings and discussions the access to Paradise Village isn't a workable alternative mainly because of the drainage issues.

Motion by Ken Sizemore, seconded by Jarett Waite.

- Jerry Amundsen: In the planning of Cobble Creek, because Tuscany Drive is a dead end there needs to be a way provided for traffic to turn around. Patricia Drive needs to line up with Tuscany or Cobble Creek. There needs to be a minimum distance that it needs to be offset.
- Jack Taylor said that will be approved when the actual plan and construction drawings begin. That will all be brought out when we get the constructions drawings.
- Jarett Waite asked for the sake of the citizens at the meeting so they don't have to come back again can the Council say that it's going to be closed at Tuscany and it will be eventually permanent.
- Matt Ence said that what he suggests is that it could be included as part of the motion but based on what he's heard from everyone, he doesn't think that decision is ready to be made and he thinks the applicant has been extremely patient with the process and they are entitled to move forward.
- Ken Sizemore said he had a previous concern about the lots fronting on to Tuscany and he wants the record to show that in two different meetings we've heard that the school district does not have a concern about those driveways coming on to Tuscany and he said that's why he has made the motion to approve.

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

Voting Nay: None

Motion Carried.

- Mayor Pro-tem Hafen asked for a 5-minute break at 7:49 p.m.
 - The meeting reconvened at 7:57 p.m.
4. Consider Approval of three proposed code amendments for 1) Section 17.20.270 Long-term residential rental property, 2) Section 17.44.130 Temporary Signs, and 3) Section 16.32.060 regarding building permits for townhome model units by an Owner/Builder/Developer. Presented by Bob Nicholson, City Planner.
- Bob Nicholson said that #1 deals with long-term residential rentals. The definition of that would be a residential property, which was used by any person for lodging where the tenancy of the property is for 30 days or longer. And this is the amendment: where a residentially zoned property is legally used either wholly or in part for long-term residential rental use, 30 days or longer, the property owner shall obtain a City business license. Where two or more dwelling units are used for rental purposes and shall also be responsible for obtaining a fire inspection and having a proper address for each rental dwelling unit.
 - Herb Basso said that he thinks two or more is restrictive but three or more might be less restrictive. He said it's not a business at two or less.
 - Bob Nicholson said the purpose of this is mainly so they will have to get a fire inspection.
 - Dan Nelson, Fire Chief, said he would like any rental to have a proper address and smoke detectors. He said they see quite often people renting their basements and then having to call 911 and the Fire Department goes to that address and it's actually down

- stairs or in the back. There is real issues at not having your home properly addressed.
- Tode Hafen suggested breaking each of these amendments up and voting on each one.

Motion to Approve the Amendment of Section 17.20.270 Long-term residential rental property as recommended with the change “Where three or more dwelling units are used for rental purposes...”.

Motion by Ken Sizemore, seconded by Herb Basso.

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

Voting Nay: None.

Motion Carried.

- 2) Section 17.44.130 Temporary Signs.

- Bob Nicholson explained that #2 deals with sign regulations and temporary signs. The amendment says: One grand opening sign is allowed on premise on a one-time basis for up to 30 days prior to business opening, and requires the sign to be on-premise. The sign shall not exceed 32 square feet in size. The amendment prohibits signs from locating within the public right-of-way, except for “Public Necessity” signs, which are defined in the Sign Regulation Chapter (17.44).

Motion to Approve the Amendment of Section 17.44.130 Temporary Signs.

Motion by Herb Basso, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

- 3) Section 16.32.060 regarding building permits for townhome model units built by an Owner/Builder/Developer.

- Bob Nicholson said the normally to get a building permit the plat has to be recorded. There is a provision in the subdivision ordinance today that says if it is an owner/builder/developer they can get a building permit for a model home/unit before the plat is recorded as long as they have fire protection and fire access to the home/unit. The proposed amendment would simply add townhome units. A person can get a permit for a model townhome unit with up to six units in the building before the plat is recorded as long as there is fire protection and fire access to the building. This privilege is already extended for single-family homes and the amendment would extend it to model townhome units up to six units per building.

Motion to Approve the Amendment of Section 16.32.060 regarding building permits for townhome model units built by an Owner/Builder/Developer.

Motion by Herb Basso, seconded by Jerry Amundsen.

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

Voting Nay: None.

Motion Carried.

- Matt Ence said that for the Council’s information, because there will need to be an

Ordinance number associated with these, they will be brought back and be together so that Council can pass it with an Ordinance number. It will be in a form that Council approved tonight.

- Mayor/Council Reports were moved before Item 4B5 because Police Chief Bob Flowers had to leave and he needed to report to Council before he left.

5. Reports:

A. Mayor / Council Reports

Chief Bob Flowers:

- He wanted to update the Council about the case that the Police have been working on. It is a complex case that involves an individual that the police have probable cause was taken from his home. He said they have searched three crime scenes, conducted over two dozen interviews, served about nine warrants on phones and locations, searched three locations over six days including helping Mojave County. They picked up the suspect from the correctional facility and took him to the search site. The State Crime Lab is involved. The FBI is offering some support. The County Attorney has been there with the Police on the search warrants. They have done two dynamic entries with the warrants where the Police actually suited up and went. Mojave has the scene where some of the events went on and that is out of their jurisdiction. He said they have had helicopters and trackers out searching. They have not been able to locate the missing individual. He said he has to leave now because they have located an individual that might have some information that the Police need to talk to. He said he is very proud of our agency. He said part of their investigation is putting reports together and moving the evidence around. This investigation is still active. It's a very sad case. He said they have probable cause to make the arrests and they have reasonable suspicion to believe other things but they can only prove what they can prove. Everything they have done has been brought before judges. He said that having people come help search is up to the family and Mojave County. He said Mojave County told him a couple of days ago that they prefer not to have people come help for a bit. He said they can pin point an area. He said they have been over 300 square miles. He said they have a general area and if others want to search that area, they should be allowed to do that. That is a Mojave County call. He said they have made 3 arrests.

- Tode Hafen said that in behalf of all of us she wanted to thank Chief Flowers for all that he does.

- Chief Flowers said that week was really interesting because they had two barricaded suspects, a hostage situation, a home invasion, and an officer hurt making an arrest. He said they have had video cameras for a few years now, they review everything that they do, they run everything by the County Attorney. They have used the Razor extensively.

4. Working Agenda:

B. General Business:

5. Request Approval of Resolution 2016-09R establishing the formula & process for

distributing “RAP TAX Revenue received by Santa Clara City”. Presented by Ed Dickie, City Manager.

- Ed Dickie said he brought this to Council before. He said he did make a change in the Resolution: 5B the word “entities” was changed to “activities”. This is just for the arts portion of the Rap Tax. He read from the resolution (see attached). He said he also changed a couple of dates concerning the application process and the allocation.

- Jarett Waite asked if funds are returned to they automatically go to the next year and can it be revisited.

- Ed Dickie said they just carry over but he said they can do whatever. He said that if there was someone else who the Council wanted to give some of the funds to that they can give it to them by June 30. July 1 whatever is in there is part of the next year’s budget.

Motion to Approve Resolution 2016-09R establishing the formula & process for distributing “RAP TAX Revenue received by Santa Clara City”.

Motion by Ken Sizemore, seconded by Herb Basso.

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

Voting Nay: None.

Motion Carried.

- Ed Dickie said as a follow up, he did get from all those that the City gave Rap Tax funds to, including the Days of 47, a break down of the funds.

5. Reports:

B. Mayor / Council Reports

Jerry Amundsen:

- None.

Jarett Waite:

- None.

Herb Basso:

- He asked if Economic Development can spend a few dollar and have a nice sign for the museum and City Hall.

Ken Sizemore:

- None.

Tode Hafen:

- The seed display is nearly finished. It is amazing! There are new people doing it.

Alice Atkin and Esther West teamed up to be the head of the seed display. They have pictures of the display on line and maybe Bradi can get it on the City’s website.

- The Heritage Commission is really close on the architectural agreements down on the

historic district.

Ed Dickie:

- A sign is being put in right now coming in from St. George. We are negotiating with Ivins right now to put a sign right before Pioneer Parkway.

Jack Taylor:

- There was a Grand Opening for the Veyo Project. Jerry Amundsen's daughter sang the National Anthem for the opening. She did a great job.
- UAMPS is August 14-17. He has reserved rooms and he needs to know which Council members will be coming. Tode Hafen said yes, Ken Sizemore said no, Herb Basso said yes, Jarett Waite wasn't sure, Jerry Amundsen said he wasn't sure, Ed Dickie said he will be going.

6. **Executive Session:** None.

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

- June 22, 2016 City Council Meeting Minutes
 - June 30, 2016 City Council Special Meeting Minutes
 - July 6, 2016 City Council Work Meeting Minutes
 - Claims through July 13, 2016
- Ken Sizemore asked about the charges for computers. He thought the prices were high. He wanted to know why the server cost \$9,300.
- Jack Taylor said that he can answer for some of the costs for Bradi. Her old computer was very slow especially when it came to the GIS stuff and mapping and because she does a lot of this she had to have the tools to be able to do that and that was the cost.
- Jarett Waite said it is a little spendy but the prices are not obscene.
- Ed Dickie said the City has an IT Specialist and she is the one that gave the recommendation. She gets the bids and finds the cheapest and best ones. She can come to the next meeting and give the Council an update.

Motion to Approve Regular City Council Meeting Minutes from June 22, 2016, City Council Special Meeting Minutes from June 30, 2016, City Council Work Meeting Minutes from July 6, 2016 and claims through July 13, 2016.

Motion by Ken Sizemore, seconded by Jerry Amundsen.

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

Voting nay: None

Motion Carried.

8. **Calendar of Events**

- July 24, 2016 Pioneer Day (Offices will be closed July 25th)
- July 27, 2016 City Council Meeting
- August 3, 2016 City Council Work Meeting

9. **Adjournment:**

Motion to adjourn by Jerry Amundsen.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 8:44 p.m.

Chris Shelley – City Recorder

Date Approved: _____