SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 26, 2016
MINUTES

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, October 26, 2016 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting.

Present:	Mayor Rick Rosenberg
Council Members:	Herb Basso, Jerry Amundsen, Ken Sizemore, Jarett Waite, Mary Jo (Tode) Hafen
Deputy Recorder:	Lisa Bundy

Others Present: Jack Taylor, Public Works Director; Matt Ence, City Attorney; Bob Nicholson, City Planner; Logan Blake; Lance Rigby; Ann Evans; Tyler Meyers; Shandon M. Gubler; Ben Willits; Ryan Cowley; Richard Kohler; Jared Bates; Patty Nunnelly; Kyle Pasley; LuDell Hutchings; Fran Meldrum; Fred Fage

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

2. <u>Opening Ceremony</u>:

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

- Edward Dickie, City Manager, and Members of Staff were excused from the meeting. They are in Salt Lake City for some training.

3. <u>Communications and Appearances:</u>

A. General Citizen Communications: None

4. <u>Working Agenda</u>:

A. Public Hearing(s): None

B. General Business:

1. Request for impact fee waiver related to home Construction/Remodel-Fran Meldrum located at 3177 Santa Clara Drive. Presented by Matt Ence, City Attorney.

- Matt Ence stated that the applicant wanted to have this taken care of soon so it is being

brought before Council tonight. This is a home remodel. This was an accessory building that had been used as a residence. The City Council approved a lot split for this lot in the last 60 days. One of the lots is a flag lot off of Santa Clara Drive. This request is specific to the property that used to be a shop or garage. There was work going on at the property and a building permit had not been issued. Corey Bundy, Building Official, investigated it and red tagged the property until they could come in and apply for a building permit and pay the required fees. The request from the property owner is to waive the regular impact fees that would be assessed with the building permit application. The reason for this is that it had been used historically as a residence. As Staff investigated this history, they couldn't find any record that there had ever been a building permit issued on the original construction or that impact fees had been paid. There are existing meters for water and power. It is already connected to sewer.

- Jack Taylor, Public Works Director, stated that they did find a building permit that was taken out for the garage but there never was a building permit for residential use.
- Matt Ence said that in some point in the past when it went from the garage to a residential use there was at least no record that the City can find where there was a permit issued. He said he got a call from Dale Brown who is the former owner of the property. They purchased the property in the 70's and they are the ones who constructed the garage or shop. They had originally had the garage constructed by a licensed contractor. At that time they used it for shop space. It had all of the utility hookups installed with the original construction. They first used it for a residence in the late 70's when his in-laws stayed there because of health issues. There weren't any major renovations made at that time so there may not have been a building permit applied for or issued at that point. A short time later Mr. Brown and his wife moved away for ten years and rented out the property and the shop was rented out as a rental property. Since that time it has been used on and off as a rental property. The issue is that the City has no record of impact fees being paid previously. There is a building permit that was issued for original construction, which was intended for a shop or garage. He said that Jack Taylor has already agreed to waive some of the impact fees because of the meters that are already on site.
- Jack Taylor said that it does have separate sewer and water. Power is questionable because they ran power to the back of the garage and then over to their house off of that panel. He said he thought he was giving them the benefit of the doubt by giving the power impact fee also.
- Matt Ence said that based on the history of the property that probably was connected up prior to the City's power system. The impact fees that the resident is still being asked to pay are the parks impact fee, the public safety impact fee, the storm water impact fee and the streets impact fee and the total of that is $7,452.32. There is an additional $541.35, which are not City assessed fees, which are the Environmental Mitigation fee, State fee, and maintenance fee. Those are all non-waivable in Staff's view.
- Herb Basso stated that the history is there. He said he is concerned because it is a lot split. It is separated so it can be sold separately. Given that there are separate water lines and separate sewer. . .
- Jack Taylor said that there was a nonconforming use and the City can't find any records that permits were ever taken out for residential use in the garage. There were actually two apartments that were built in the back of the garage. They were renting those out.
- Matt Ence said that there isn't any representation of the resident at the meeting.
- Tode Hafen said that the resident had a sheet metal business that he ran on that property.

- Mayor Rosenberg said that it sounds like the City has conceded that the resident has two impact fees for water, power and sewer.
- Jack Taylor said that there was a power line that was ran from the garage underground over to the house. When the City changed the use, the resident was asked to change the service so that her service was not connected to the residential home. She had an electrician come over and she paid for it.
- Mayor Rosenberg said it sounds like Staff is ready to give them credit for two impact fees on the water, sewer and power and at least one on Parks because they have the existing house in place. He said that the services that the impact fees would be collected for have been provided.
- Matt Ence said it is a unique situation. He said because there is no record of these things being paid, the City has the right to assess them. We look at these situations on a case-by-case basis and the Council has to look at them one at a time. You aren't creating precedence. He asked Mayor if the decision can wait until the applicant arrives to the meeting.

Motion to table request for impact fee waiver related to home Construction/Remodel-Fran Meldrum located at 3177 Santa Clara Drive until applicant arrives at meeting.
Motion by Tode Hafen, seconded by Jerry Amundsen.
Voting Aye: Tode Hafen, Jarett Waite, Jerry Amundsen, Ken Sizemore and Herb Basso.
Voting Nay: None.
Motion Carried.

2. Recommendation to City Council for Zone Change from R-1-10/Planned Development Residential to Planned Development Residential with Short Term Rentals and consider a Conditional Use Permit request for nightly rentals, proposed to be named Villas at Snow Canyon on a 22.52-acre parcel located at Rachel Drive and North Town Road and approve Ordinance 2016-09. Presented by Bob Nicholson, City Planner.

   - Bob Nicholson said that the current zone is PD Residential and R-1-10. The General Plan designation is medium density residential. Robert Smith is one of the property owners and Ben Willits is the representative. The property is located west of Rachel Drive and north of North Town Road. It is adjacent to the proposed Hamblin Parkway to the west. There are public streets on three sides of the project. The original request was for 95 units. They had miscounted and there are 96 shown on the site plan so the City has accepted that. They are all two-story units. There are 66 twin homes and 29 single detached units. All of them have attached two-car garages. The request includes a short-term rental. The units have an exterior of stucco and stone accents and tile roofs. The amenities include a clubhouse with two pools, concrete deck, a lawn area with a half court basketball area. All interior roads will be public and conform to the City's public street standards. The project proposes solid block walls around the perimeter of the project. The units will back against exterior streets and have access to the units from the interior loop road which will have two ingress/egress points, one on North Town Road and the other on Rachel Drive. The proposed serpentine perimeter wall should be set back from the sidewalk about an average of 10 feet to allow for landscaping between the sidewalk and the privacy wall. Based on the ITE Trip Generation Manual, 95 townhomes are estimated to generate about 556 total trips at a rate of 5.86 trips per unit per day. If they are used primarily for short-term rentals then the traffic count could even be lower

due to the fact that not all of the units will be occupied on a full-time basis. The applicant proposes that all the units be approved for short-term use, 29 days or less. There are 8 guest parking spaces in front of the clubhouse. In the northwest corner of the property, there is a large area that is labeled as boat and RV parking. That could also potentially used for guest parking. The issue on the guest parking is that the Zoning Code states that the City Council upon recommendation of the Planning Commission may approve on-street parking to meet the parking requirement when all units are designated for short-term rental use otherwise the guest parking requirement is one space per two guest bedrooms. Besides the parking requirement, the main requirement for short-term rentals is the need for added amenities. The City Council upon recommendation of the Planning Commission is asked to determine what is an adequate level of amenities and the current standard is a pool, a clubhouse and a small playground area is a minimum of amenities. This project proposes similar amenities package. The Planning Commission finds that the zone change request is in conformance with the General Plan and therefore recommends approval of the amended PDR zone also a conditional use permit for short-term rentals is recommended for approval based on conformance with the code requirements. The Planning Commission also felt that the off-street guest parking standard should be the same as imposed on Paradise Village at Zion project. He said that he has read the minutes and he cannot find in the minutes where the Planning Commission specifically imposed that requirement. The ordinance allows for on-street parking to meet that guest-parking requirement. The zoning code has a provision that says the Planning Commission, Council can approve simply the guest parking being on-street parking. There is also a section that says that guest-parking requirement is one space per two guest bedrooms. That is not on street.

- Mayor Rosenberg asked about the asphalt width on the street.
- Ben Willits, Representative of the Project, said that the idea of a 30-foot cross section of asphalt and a 50-foot road right of way is so that one side of the street would have parking. He said there are two stalls per garage and two allowable per driveway and one stall parked on the street for a total of five potentials per unit as designed right now. He said they could relax the cross section down to a narrower cross section of street right of way and have parking stalls that are perpendicular to the street instead of parallel, that option can be explored as well.
- Jack Taylor said that the one issue with the on-street parking is if there are a lot of guest and kids running in between cars onto the street it can create a problem and also when there are people parked on the side of the street it seems to make the street narrower and people drive slower. He said the minimum on a public street is 29 feet. People want to park closest to their unit. The on street option is the best option.
- Ben Willits stated that the units will be managed by a single management company run through the homeowner's association. The potential homeowners will know that up front.
- Tyler Meyers, Representing the Project, said he that with regards to the property management being one company. They will have to be a licensed group approved through the homeowner's association and carry business license in the City of Santa Clara. They will have to submit an approval process through the homeowner's association and one of those conditions is that they are licensed to do that in Santa Clara. He explained the reasoning for the RV lot. It may have 25 to 30 stalls. The 2.5 acres for that will be more than adequate. The HOA would maintain it. There would be some sort of fencing. He talked about the flag lot. The sewer connection would go through that

flag lot.
- Mayor Rosenberg asked Jack Taylor if the Fire Chief had any concerns with the flag lot or the long stem. He said it will have to have a hammerhead turnaround.
- Jack Taylor said that he hasn't stated any. He said that they can make sure that they check these items when they come in on the preliminary plat and make sure they're done correctly: fencing and the hammerhead in that area before it comes to Council for approval.
- Ken Sizemore asked if the alignment for the future arterial road is set in concrete. Can it be realigned to move north so more of that property is on the development side?
- Jerry Amundsen said that it is a minimum radius and farther north there are existing residents.
- Ken Sizemore said it was important to have that on the record. He asked where the access to that RV parking was going to be.
- Ben Willits showed the access on the map. It will be off of Rachel with an apron with a small amount of curb and gutter and asphalt.
- Mayor Rosenberg said they will need to work out an interim access and a long-term access. They need to facilitate where that future access is going to be so that when the City or the NPO puts that road in then they are not out there obtaining additional right of way for units. That access will probably move away from that intersection.
- Bob Nicholson said that this is conceptual and they will be back with a preliminary plat and then a final plat.
- Ken Sizemore said he doesn't understand why they are terming it a flag lot.
- Bob Nicholson said he agrees. He doesn't think it is a flag lot. In this planned development there isn't lot sizes or minimum frontages. It would need a hammerhead though.

Motion to Approve recommendation of the Zone Change from R-1-10/Planned Development Residential to Planned Development Residential with Short Term Rentals and a Conditional Use Permit request for nightly rentals, proposed to be named Villas at Snow Canyon on a 22.52-acre parcel located at Rachel Drive and North Town Road and approve Ordinance 2016-09.
Motion by Tode Hafen, seconded by Herb Basso.
Voting Aye: Jarett Waite, Jerry Amundsen, Tode Hafen, Ken Sizemore and Herb Basso.
Voting Nay: None
Motion Carried.

1. Request for impact fee waiver related to home Construction/Remodel-Fran Meldrum located at 3177 Santa Clara Drive. Presented by Matt Ence, City Attorney.

   - Fran Meldrum, 3177 Santa Clara Drive, stated that her contractor has been the one dealing with the City. She feels like she has suffered because of the City. She said that first she was required to do the subdivide because it is a flag lot. She said it was a new ordinance. The subdividing fee and the cost of bringing the power underground cost her $15,000. Then they had to build a garage next. The impact fees came up at that point. She said she was able to prove the power, water and sewer and so they were waived. It took time and money to figure that out. She had to get an architect and an engineer and that cost her a lot money. She had to show that she wasn't changing the slope. She said she is going on 6 months now living in a camp trailer with her husband and children. She said she has tried to use local contractors. She said she wanted to do a remodel for a

couple of reasons: environmentally and economically. It would have been cheaper to start all over. She has monthly expenses such as port of potties and flashers etc. She said she has receipts for permits. She feels like the fees have already been paid. Mr. Brown the original builder was going to be with her tonight but his wife just passed away.
- Matt Ence explained that he had talked to him and he explained about the history of the property.
- Fran Meldrum said that Mr. Brown didn't understand why it had to be subdivided. She said she is hoping that the City will have mercy. She asked if they could negotiate paying for the house as of what it cost when it was built in 1977. She said she is workable and is on a time frame because of loans.
- Herb Basso asked for a review of what the Council is going to vote on.
- Mayor Rosenberg said what Mrs. Meldrum is asking is a waiver on the Parks, Streets, Public Safety and Drainage Impact Fees. It would be a total waiver of $7, 452, which is the current fee for those four items.
- Jack Taylor said that is correct and the reason why they feel like that is what it should be is because it's a nonconforming use. The remodel started out as a small thing at first and as Staff saw what was happening there, it changed the process quite a bit and that's why things got held up as they did. There were quite a few changes that needed to be made because of the way the remodel was being done.
- Matt Ence said that if this would have been a structure that was originally built as a residence, we wouldn't be discussing any of this. The issue is that there is no record of fees being paid plus the structure was originally built as a shop and not as a residence. It was changed by the owner without City approval. This wasn't Fran's fault or the fault of her contractor that is just the history of it.
- Jack Taylor said they are pulling for her but they don't have the authority to waive the fees.
- Tode Hafen said that the problem is there was never any permitting so the City basically didn't know there were two residences there. Were they charged separately electrically?
- Jack Taylor said they do have proof they were renting those units but no documentation that there were permits taken out for construction of the apartments. There were permits for the garage and he assumes that is when he got his sewer and water.
- Mayor Rosenberg asked what the impact fees for businesses were back then. Did the City have impact fees for drainage and parks back then?
- Jack Taylor said they couldn't find any impact fees. The City didn't have them for that back then.
- Mayor Rosenberg said that he struggles that if they get credit on half the fees why don't they get credit on all the fees.
- Jack Taylor said that back in that time they paid: Department 82 building permit, $207; the inspection fee was $51.75 and the Utah State surcharge was $2.07 for a total of $343.62. The evaluation on the garage was $20,000. The square footage of the garage was only 720 feet and what is there today is a lot more then that and there wasn't any supplemental permits for the add-on.
- Herb Basso said that this is a different kind of case then what Council has heard. We need to be as consistent as we can be.
- Ken Sizemore said he agrees with what the Mayor said. He doesn't understand how the City can waive some but not waive others. He said that we are facilitating the creation of a new stand alone residential lot with a new remodel residents on there that has never paid impact fees. He doesn't see a valid reason to waive impact fees when we are

creating a new residential unit on a new lot.
- Mayor Rosenberg said that one thing in her defense is that she created a new lot because Staff interpreted what they had as an illegal subdivision. They had to go through the platting process. He says he can understand the Council waiving the fees.
- Matt Ence said the decision to waive a portion of the impact fees was decided by Staff. He said he thinks there is justification for their approach. He thinks it's a situation where the City Council needs to decide what they want to do with it.
- Ken Sizemore asked how many times the City has waived impact fees.
- Mayor Rosenberg said only a couple of times. It doesn't happen very often and it has been in the older part of the City, down in the valley.
- Jarett Waite said we are enabling a redevelopment of our downtown area to be nicer than it was. He said he leans toward waiving the fees.
- Tode Hafen said that this is setting a precedence. It is an odd thing. She said she is a little leary with the reasoning of redevelopment.
- Mayor Rosenberg said that if they are waived, they would be waived because they provided evidence that there were services.
- Jerry Amundsen said that based on the fact that there were water meters and sewer hookups already provided by the previous owner and that it is brought into compliance to the subdivision ordinance already, he moves to waive the fees.

Motion to approve the request for impact fee waiver of $7, 452.32 related to home Construction/Remodel-Fran Meldrum located at 3177 Santa Clara Drive until applicant arrives at meeting.
Motion by Jerry Amundsen, seconded by Jarett Waite.
Voting Aye: Tode Hafen, Jarett Waite, Jerry Amundsen, Ken Sizemore and Herb Basso.
Voting Nay: None.
Motion Carried.

3. Recommendation to City Council for Zone Change from Planned Development Residential (PDR) to Planned Development Residential with Short Term Rentals (PDR-short term), and consider a Density Bonus request, proposed to be named Ocotillo Springs, on a 9.06 acre parcel, located at North Town Road and 400 East and approve Ordinance 2016-14. Presented by Bob Nicholson, City Planner.

   - Mayor Rosenberg declared conflict. He stated that his employer is working on this project.
   - Bob Nicholson stated that this has a density bonus request attached to it because the overall project density is 9.27 units per acre. It is a 9.06 acre site along 400 East and North Town Road and the future Hamblin Parkway. There are a proposed 84 units. They are all proposed at 2-stories. The project consists of 18 buildings. There are 12 four-plexes and 6 six-plexes. They all have attached two-car garages. The units range in size from 2,357 square feet for the 3 bedroom/3 bath units to 3,075 square feet for the 4-5 bedroom/4.5 bath units. The units all have tile roofs and hardy board exterior. The project proposes a 5,800 square foot pool with a 20-foot concrete deck around it, a clubhouse with restrooms near the pool, a small playground area near the clubhouse, a volleyball court and two tennis or pickle ball courts near the northeast corner of the project. An HOA will be formed to maintain the common areas and landscaping. All interior road will be public and conform to the City's public street standards. The project

is bounded on three sides by existing or proposed public streets and the project proposes solid block walls around the perimeter of the project. Units will back against the exterior streets and have access to the units through an interior loop road which will have two ingress/egress points, one on North Town Road and one on 400 East. The 84-townhome units are estimated to generate 492 total trips per day based on trip generation rate of 5.6 trips per unit. They are used primarily as vacation rentals and the trip generation rate could be expected to decrease some. Both 400 East and the proposed Hamblin Parkway are intended to be major collector arterial streets and will be capable of accommodating the projected traffic from the proposed 84 units. The applicant proposes that all units be available for short-term rental use, 29 days or less. The site plan shows 96 guest parking spaces to meet the parking requirement in the code, which is one space per two guest bedrooms. There are a total of 264 parking spaces proposed including 168 spaces in the two-car garages and the 96 uncovered guest parking spaces. The other requirement for the short-term rentals is the recreational amenities. The Planning Commission and Council was asked to determine what is the adequate level of amenities and the current standard is Paradise Village at Zion. He reviewed again the proposed amenities. On the density bonus requirements, any density over 8 dwelling units per acre must comply with the density bonus provisions contained in Section 17.68.105 of the Zoning Code. Under Building and Designing Materials Requirements, for variations in roof height, variations in building footprint, variations in earth tone colors and textures and features, which create visual interest such as balconies, patios and roof, overhang. Exterior material shall consist of brick, stone and stucco. The Planning Commission did specifically talk about the hardy board and felt okay with it. One of the concerns is that all 18 buildings look quite similar. The Standards also state that each unit shall have some form of private outdoor space in the form of balconies or patios. The project plan proposes covered patios for each unit with a partially open to the sky trellis covering the patio. The landscape plan shows a well-landscaped project generally meeting the intent of the density bonus standards. The Staff recommendation is that the zone change is in conformance with the General Plan. The applicant may want to explain their elevation drawings in terms of the density bonus requirements. The Planning Commission recommends approval of the zone change along with the conditional use permit for the short-term rentals and approval of the density bonus with the maximum overall density of 9.27 units per acre. The Planning Commission also suggests that the City Council consider approval of hooded streetlights, which will protect the night sky. There were residents from Ivins at the Planning Commission Meeting and they expressed concerns about lights shining in their backyards. There was some discussion about the hooded lights. The applicant felt fine about that.

- Lance Rigby, Applicant, 2351 Leda Lane, stated that based on the drawings they had at Planning Commission and based on the recommendation, changes were made to the elevations. They are a little more appealing then what Council sees on the board. He showed the changes to the City Council and explained them. He also talked about the lighting. He would like to take into consideration the concerns of the Ivin's residents. He also talked about the walls around the project.
- Jarett Waite expressed his thought on the new renderings that it feels much more like the intent of the PD bonus.
- Tode Hafen expressed her concern about the size of the buildings.
- Lance Rigby said that they took the same footprint that was already approved when Tuscany Village was started and they just used their footprint. It was the same that was

done in Tuscany but the architecture was changed. It is the same density.
- Jack Taylor asked if the amenities would go in on the first phase.
- Lance Rigby said that the amenities will go in first before the homeowners. There are no lockouts inside the buildings. There will be only one Management Company. The partners that own this actually this is what they do. They will manage it as one.
- Herb Basso talked about making the right decision about the lighting and making the decision that is best for Santa Clara City and not necessarily for the neighboring city. Make the decision for the right reason.
- Jared Bates asked about the additional space for parking. The driveways are not being counted.
- Matt Ence reminded everyone what is in the Ordinance. It does say that tandem parking in driveways may be used to meet the parking requirement in a self-contained project as may be recommended by the Planning Commission and approved by the City Council. He said the Council has the ability to approve that.
- Jared Bates said it is important to keep the northeast corner for RV's.
- Bob Nicholson said there is a requirement in Section D of Planned Development that says off-street parking shall be available for RV/boat parking. On-street parking is not allowed except for temporary loading and unloading not to exceed 48 hours.
- Lance Rigby stated that Jared Bates is trying to protect them. He said that if they got rid of some of the parking that will benefit them. He said he isn't opposed to it. He said they would landscape what wasn't used as parking.
- Bob Nicholson said that if they go with the wider street then that would accommodate the on-street parking but the narrower street would make them have to come up with scattered parking spaces.
- Mayor Rosenberg said that if they take out the additional parking that they have provided you're forcing them to go into that corner. They won't be able to park on the street.
- Lance Rigby said that he thinks that the parking that Jared originally did actually will work very well with the project because of the way that people pull in they will have plenty of parking.
- Dale Hutchings, 845 S. 375 E. Circle, Ivins, said that his home is right across from the center of this complex that is going in. He said he bought his home because of the mountains and hills. He will be losing that with this going in. He talked about the lights. He would appreciate them considering the right lighting. He asked about the earth tones on the project. Where is it?
- Herb Basso asked the applicant to see what they could do for the lighting to be a good neighbor.
- Tode Hafen would like to take a hard look at this because of the largeness of the buildings. Is there any way to get around seeing so much garage? Do we meet our ordinance?
- Mayor Rosenberg said that the PD zone that already exists on that property has that density. This is a remnant from the project across the street.

Motion to Approve Recommendation for Zone Change from Planned Development Residential (PDR) to Planned Development Residential with Short Term Rentals (PDR-short term), and consider a Density Bonus request, proposed to be named Ocotillo Springs, on a 9.06-acre parcel, located at North Town Road and 400 East and approve Ordinance 2016-14.
Motion by Herb Basso, seconded by Jerry Amundsen.

- Jarett Waite asked if something about the lighting should be included on the motion.
- Jack Taylor said that it can be brought back when they bring in the preliminary plat and It can be discussed in TRC and they can work with the developers to make sure to get that in there.
- Ken Sizemore said that what they have seen to this points meets the standards of the design that we are looking for in this neighborhood. He thinks that what has been proposed at this point will stick out almost like a sore thumb with the surrounding Development. He said he is not comfortable with what he has seen to this point. He said that they are okay with density and landscaping but the design of the buildings themselves concerns him tremendously. The color and building materials.
- Herb Basso said that they need to make sure that these concerns are brought up during the plat reviews. Can it work that way?
- Matt Ence said he wants to advise a little caution on this because what he hears is that there are some concerns. The motion that is on the floor adopts this plan with the design that is before Council with the colors and materials and everything. When you adopt a PD zone, you adopt those things with it. He said he doesn't want to hold up the developer, the applicant. Overall they've got a good thing going but he said he wants to advise Council that what is done at this meeting to a great extent adopts what's been presented. If Council is going to adopt it with an exception to what has been presented, Council needs to make that clear, both for the City down the road when preliminary plats come in but also for the developer so the developer knows what they need to do when they bring those plats in.
- Herb Basso said that he is going to adjust his motion.
- Tode Hafen asked if it was better to table it.
- Matt Ence said that whatever motion the Council makes to make sure it includes clearly those things that Council has concerns with and that need to change with what has been presented.
- Bob Nicholson said it could be tabled and ask the applicant to bring in materials board, hardy board siding and some of the materials and let the Council take a look. The elevation drawings are definitely an improvement but it may be good to look at those a little closer. Then we could all have a better understanding of what the buildings will look like.
- Herb Basso said he will withdraw the motion.

Motion to Table the Request for Zone Change from Planned Development Residential (PDR) to Planned Development Residential with Short Term Rentals (PDR-short term), and consider a Density Bonus request, proposed to be named Ocotillo Springs, on a 9.06 acre parcel, located at North Town Road and 400 East and approve Ordinance 2016-14 to allow the applicant and developers to address the issues that have come up and present some samples of building materials and more refined elevation drawing that can be submitted to the Staff for sufficient time for review.
Motion by Ken Sizemore, seconded by Herb Basso.
Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, Jarett Waite and Tode Hafen.
Voting Nay: None
Motion Carried.

4. Recommendation to City Council for a General Plan Amendment from Main Street

Commercial to Mixed Use Residential on a 2.09-acre parcel located on Lava Flow Drive and approve Ordinance 2016-15. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this application came to the City almost a year ago from State Trust Lands and also Wes Davis the perspective buyer. It came to the Planning Commission in December of 2015 and there was quite a turnout and discussion and in the end the Planning Commission recommended denial. It came to the Council and it was tabled and the Council asked for a neighborhood meeting. That neighborhood meeting took place in January or February. Kyle Pasley is here tonight. He was at that neighborhood meeting. He offered to have a study done and look at some options for the entire 10 acres. SITLA has 10 acres, 8 of it on the east side of Lava Flow Drive and 2 acres on the west side of Lava Flow. The applicant is only interested in the 2 acres on the west side of Lava Flow. Kyle Pasley presented the study at Planning Commission. They had four options. In the end, the end the Planning Commission recommends approval of the amendment to the General Plan to change the designation from Main Street Commercial to Mixed Use Residential for the 2.09 acres located on the west side of Lava Flow. There is about ½ acre that fronts on Santa Clara Drive and the applicant had indicated his intent is to have a commercial building face Santa Clara Drive but the balance of the property along Lava Flow, he wants to change to the Mixed Use Residential for a future residential project.
- Kyle Pasley, Applicant, showed a power point to the Council. He explained who SITLA is. He explained what SITLA's mission is. He said that public education, K-12 is their major beneficiary. 96% of their land is for public education. The money comes back and it is controlled through Community Councils in public schools. He said they also have higher education institutions, special education institutions, public institutions, and reservoirs. This property in Santa Clara, the beneficiary is Utah State University. He said that for a long time they were part of State Lands and Forestry. They are now a separate agency. They operate under standard trust principles. They operate for the financial support of the beneficiaries. They have a duty of undivided loyalty to the beneficiaries. The beneficiaries of SITLA do not include other governmental institutions, the public at large or the general welfare of the State. That mission is not mutually exclusive to the mission of the City of Santa Clara or any other community in which they have lands. He said that they take seriously that they want to cooperate as much as they can with the municipalities. He said they want to look at this as a comprehensive planning effort between the two pieces of property. How do they fit together? What can they do on that to meet their mission and what can they do to help the City of Santa Clara meet their mission and make this an appropriate gateway for the City. The Trust has gone through numerous business models with this property. He said that the commercial zoning on the property has made it difficult to both find users and receive full market value for the property. The traffic counts are low for any major retail. Visibility and access are some of the pieces for the 2.09 acres particularly. They are subpar for retail. The site as a whole has some grading constraints especially on the larger piece because of the lava. He said they have marketed heavily to the commercial community since 2007. He said that every time they get the same response: there is not enough traffic; it's not conducive for major retail. He said as such they have decided that perhaps it's not best suited wholly for commercial. He said they have run this past Santa Clara's Economic Development Council and have some level of support from them of what their ultimate recommendation is. He said they undertook a planning process to ascertain what the

highest and best use is for this property, both for their mission and for the City. He said they obtained the services of IDI, which is a regional planning firm. He said they have four different plans. He talked about each of the four alternatives. He said that all four of the plans have to have the following: they have to be an attractive gateway to the City. He said they would be happy to have the 8-acre piece become an historic part of the City. It has to be heavily landscaped. We have to be diligent with how it deals with the residential as it is adjacent to it. There is going to be some residential buffer. 1) Boutique retail, art and dining. He said that this plan creates a sense of place and could generate some traffic. The problem is there is very little market to establish this use. Would we be able to fill this. We could put something in here that generates large tax revenue back to the City or we could look at a use that would help generate things that will lift the sales tax in the existing businesses. 2) Open space and civic. This is all park and civic use such as park space, outdoor use, and monuments. No residential on any of these pieces. It is an attractive entrance to the City. It's a community gathering space. But who pays for this, both to build and maintain. What would the City's appetite be to pay SITLA full market value of commercial property as it is zoned now or how would the City feel about maintaining something like this. He said SITLA probably wouldn't entertain this option at this point. 3) All residential. There would have to be good design guidelines. He said they looked at several different pods of development. This plan creates a nice population mass to support the existing businesses in the historic district. It creates a scenario for SITLA to achieve their monetary goals. He said that this is the most attractive plan from a beneficiary standpoint. There would probably be a lot of back and forth with the City as to how they would end up zoning and doing designs for that. 4) Residential and Cultural Village. There would be some residential buffer. The showcase of this piece of property would be a performing arts center that they would hope to attract some kind of musical theater for a permanent home. There could also be a couple of small restaurants that might be able to make sense. There could also be an artist village. This would create a focal point for the City entry. It gives the City some identity. It creates a mechanism to increase traffic to the area and help the existing historic district to survive and gives a destination for people to come and stay for more than just a few minutes. The cons to this are finding a permanent performing arts group or group of groups and programming it and keeping it going. This would probably take some sort of City participation in some form whether it's making sure we have enough density on the surrounding residential. This would take a little bit of planning. He said in talking with Kayenta, they would be interested in trying to partner with the City of Santa Clara should this go forward. Their type of theater would be different then Santa Clara's but they would work for this to be a destination area that would pull people in and in coordinating with Kayenta, people would be pulled through the Historic District all the way and help to accomplish what Santa Clara is trying to do. This could be a win-win for the City and SITLA. It could be a help to the City. The Trust's recommendation from a monetary perspective, option 3 is the most attractive to the Trust. From a cooperative standpoint, option 4 is the preferred alternative. He said they are requesting to move forward with the City in planning option 4 and that's what they suggest and they will be full partners in planning what needs to be done. He said as part of that, the request that came today on the 2.09-acre piece to start that general planning process. He said that if the City is moving forward, he will immediately come in and ask to start the General Plan Amendment on the 8-acre piece as well and start moving that through system. The 2.09-acre piece has already come through the system so that is where they are starting.

- Mayor Rosenberg asked what the projected density is on the 2.09 acres.
- Kyle Pasley said that last he talked to Wes, if he will be the developer would be about 12 units per acre. It is in the existing density framework with the density bonus. He said they are trying to stay within the 8 to 12 range.
- Herb Basso said that in the EDC and the Planning Commission meeting from what he has been hearing from the existing neighbors, they haven't spoken highly of it. It is against the multiple housing component of any of the four options. It's not what they want. He said it bothers him that the multiple housing is what will make it work for SITLA. The biggest part of the citizens is against it. He said the artistic and commercial components would add to the identity of Santa Clara. The citizens are dead set against the 2.09 acres being multiple housing. He said he was very surprised the Planning Commission passed it this time. Two of the people on the Planning Commission were against the multiple housing.
- Bob Nicholson said that the Planning Commission recommended approval and in fact the owner of the neighboring property was in favor of it. He liked the cultural idea, option 4.
- Kyle Pasley said he met with Rex Oliver and another gentleman and they are in full support of this plan. This alternative particularly. He said that two of the Planning Commissioners felt that this was an appropriate use there. He said he is a little taken aback that he is being told that this was opposed in the Planning Commission Meeting because it was not what he heard. It could have been in private meetings but not what he has heard.
- Herb Basso said that he stands by his comments that it is accurate and valid by the citizens that have expressed it to him.
- Richard Kohler asked if this was presently zoned commercial. What is the use in square footage? What could happen there now? He said he is confused.
- Herb Basso asked Kyle Pasley if they considered residential lots.
- Kyle Pasley said that would not work in that particular place. You wouldn't get the value out of the lots. He said he is talking about SITLA's value because that is his mandate. He said that a hotel would be allowed in this zone. He said he could come back with a hotel option. It would be multistory and it would be allowed in this zone. He had people ask that and he would be happy to bring that back. He doesn't know if that would be a use that people would want.
- Ken Sizemore said that if there isn't a demand for commercial, why would there be a demand for a multistory hotel on this side of the county.
- Bob Nicholson said there was discussion at Planning Commission. There were a handful of people. He didn't hear any hard opposition to the request on these 2.09 acres and then there was the unanimous vote. All the Planning Commission voted in favor.
- Herb Basso said at the meeting the presentation was exciting, a new idea and everyone was agreeing to all the wonderful things the City could have. He said that what he is hearing tonight is if this plan would go, the multiple housing would go. It would become a realization. We could end up with the multiple housing without the retail.
- Mayor Rosenberg asked Kyle Pasley if he would be willing to bring the whole thing forward for General Plan instead of just the 2.09 acres.
- Kyle Pasley said yes. He said the 2.09-acre piece came through because that's what the original request was. He would be willing to bring the whole thing forward. He would be willing to entertain if the Council wants to make that 2.09-acre piece subject to only nightly rentals. He would be fantastic with that.

-Mayor Rosenberg said that this piece doesn't work for the short-term rentals for all the reasons that short-term rentals were set up. It doesn't have the amenities.
- Tode Hafen said that the City has very little commercial district so she is a little reluctant to give this up. She said that the City has also just organized a group to review the City's General Plan, which this is a part of. She said a small inn would be great there and the neighbors would be open to that. It would be more revenue. She said she is hearing some of the same things that Councilman Basso is hearing.
- Kyle Pasley said he is following the lead of the City of what he was asked to do. He said he doesn't have anyone interested in a small inn. The densities and economics might not work there.
- Tode Hafen said that the City is getting more interest and she would hate to give up too quick on some possibilities of what would fit there. There could really be something great there.
- Kyle Pasley said he would be happy to wait. He said he has zero cost in this. He said from a business perspective he has no reason to come out to Santa Clara. He said he has a developer that has spurred this. His concern is if he waits and puts something major the local businesses could be killed. He doesn't want to do that. He said he is open to options. He said they have paid about $20,000 to do this study and this is what they feel from a professional look, looking 30 or 40 years into the City's future. He said that there is no guarantee that this will come to fruition. There is some work that still needs to be done on that concept.
- Herb Basso said that Rex Oliver, the EDC Chairman, did say that he did not want to give this up as a commercial piece. He thinks something as grand as this would not kill local businesses but would bring people.
- Jarett Waite stated that he would love to see doing all the property in one thing. He said he is a little reticent to do this one section right now. It would be a disservice to the citizens without taking the whole thing into account.
- Mayor Rosenberg asked if Kyle Pasley goes through the time and effort to bring the whole thing back, would the Council support option 4.
- Jerry Amundsen asked if the Planning Commission Meeting was a public hearing. Was it standing room only? Did the citizens know about it? Was it advertised?
- Bob Nicholson said that it was. It was advertised. It was a public hearing. It was posted and reposted.
- Jerry Amundsen said that in the original proposal he heard things like "undesirable" and "riff raff". He said he started in a multi-residential unit and his kids started there and he doesn't consider them riff raff. He said that if an arts facility or something like this can be added it works for him. He likes the idea of putting it all together in one piece so that part of it doesn't stay vacant.
- Mayor Rosenberg said that is his thought. If you bring it all in together and then get the General Plan changed so everyone knows what is going in there, then you can bring components together. It would be nice to have even a step farther, to have a General Plan and a PD zone agreement that establishes the uses so that there is a commitment there. The City Center could qualify for RAP tax too.
- Ken Sizemore said that he thinks that $20,000 and months of time have been invested and as has been stated, we haven't heard a lot of concern from the general public at the public hearing with the Planning Commission. He said he has stated before that that property has sat there for as long as he has lived here for 30 years and has returned nothing to the community besides open space. He thinks the Council needs to move

forward. That's why Council has directed this study, to happen. He agrees that we might want to look at it as an entire piece instead of just the 2.09 acres. Let's move forward and get something there. This mixed-use designation still allows commercial development. We are not giving up commercial development we are adding to the mix. That is what is coming is this mixed-use concept.
- Herb Basso said to look carefully at this plan, the multiple housing.
- Ken Sizemore stated that there needed to be some legal advice. The agenda says the Council is dealing with the 2.09-acre piece. Is that what the Council is limited to acting on at this point?
- Matt Ence said yes. The Council can't take action on property that is not included here. If the Council wants to do something different, it has to come back.
- Bob Nicholson said that he wants to add that in the mixed use residential, it actually requires some commercial and that's why the ½ acre that front on Santa Clara Drive will be commercial, which leaves about 1 ½ acres for residential.
- Kyle Pasley said he can be patient. He said whatever designation they get, we need to make sure there is some wiggle room in case something doesn't work. In the development world, nothing is for sure. This designation they are asking or allows for some flexibility. In the case of coming up with a development agreement or doing a planned development zone, that was brought up at the Planning Commission at least with the 8-acre piece. It would probably include the 2-acre piece. It was asked if they would be amenable to making it a part of the Historic District and working with the City on making the guidelines which would be acceptable and fits into the spirit of what they entered into this to do, which is to try and make a great gateway into the City. He said there is that financial component he needs to meet.
- Herb Basso asked if the multiple units would be under one ownership and management. Will it remain under one or be sold.
- Kyle Pasley said they were not under the one unit management. They would be separate units. He said what the developer would do with an HOA, he doesn't know if the developer has gotten that far. He said it wouldn't be termed exactly apartments but he isn't at the meetings and he doesn't want to speak for him. He said he thinks he is looking at doing condominium where they will be individually owned.
- Herb Basso said that is significant on this particular stumbling block.
- Mayor Rosenberg said not that we have to say no to every apartment project that walks through that door.
- Herb Basso said if they are owned individually there is a stronger commitment of ownership.
- Kyle Pasley said right now we are only at the General Plan level and they still have to come back for zoning. The City is not locking itself in to this specific absolute use.
- Ken Sizemore said from a legal standpoint to move this thing forward tonight, the agenda says this 2.09-acre parcel General Plan Amendment, our options are to table it or move forward with the 2.09 as recommended, or to direct them to come back with the entire piece.
- Matt Ence said the options are to table it, approve it or deny it. If Council wants to table it with some direction or some suggestions, that's fine.
- Kyle Pasley said that if it is tabled, he can't bring back the 8-acre piece for action. That has to go back on a separate track, is that correct?
- Matt Ence said that is correct.
- Mayor Rosenberg said that tabling it doesn't do much go with the direction unless you

table it and come through with the other concurrently. A table in this case is the same as a deny.

Motion to Table the Request for a General Plan Amendment from Main Street Commercial to Mixed Use Residential on a 2.09-acre parcel located on Lava Flow Drive with the direction that applicant will come back with the additional property with that General Plan Amendment and the two will be combined for all 10 acres.

- Mayor Rosenberg stated that the General Plan isn't going to pick up that plan unless the next step is taken, which would be a PD Zone with a development agreement because the City is not going to ask them for building elevations, etc. but the do's and don'ts can be spelled out, what the limitations are and what is being allowed.

Motion by Ken Sizemore, seconded by Jerry Amundsen.

- Bob Nicholson said they will re-notice it for the Planning Commission. He doesn't have to start over and repay all the fees. It will come back as a Public Hearing to the Planning Commission.
- Herb Basso said that he likes that because they are showing the community the whole package up front.
- Mayor Rosenberg said that if we make commitments, they are going to make commitments.

Voting Aye: Ken Sizemore, Jerry Amundsen, Tode Hafen and Jarett Waite.
Voting Nay: Herb Basso.
Motion Carried.

- Tode Hafen said that with the housing option, if they have those acres to do something in nightly rental or that type of thing, it would give them a return and fit into the neighborhood.
- Kyle Pasley said he could talk to City Staff to see if they did do a nightly rental component, if it would meet all the City requirements.
- Matt Ence said the nightly rental is tough. It is a different intensity of use. It's not going to fly.

5. Recommendation to City Council for Final Plat Amendment for Wendell Gubler Subdivision, located at Truman Drive and Gubler Drive. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this is an Amended Final Plat. It consists of two lots. Wendell Gubler is the property owner. The request is to adjust the boundary line between lots 1 and 2. Effectively, lot 1 becomes smaller. It is in a R-1-10 Zone. Lot 1 is just over an acre and lot 2 is 0.68 acres. They are both large lots. Lot 2 has considerable frontage on Gubler Drive. Lot 1 has a small frontage on Gubler Drive but it's main access is through a private drive off of Truman Drive. The only changes is that lot 1 is reduced in size. The explanation at the Planning Commission Meeting is that on the west boundary, it drops over the hill and they wanted to take that out and put that in the Gubler Family Trust property. Lot 1 would be an acre and lot 2 would be 2/3 of an acre. Planning

Commission recommends approval.
- Ken Sizemore asked if the private drive off of Truman was already incorporated into the subdivision.
- Jerry Amundsen said it is a paved private path/driveway.
- Tode Hafen asked if there was any blue clay there and how close is it to the edge of the hill.
- Mayor Rosenberg said that what he is doing is taking the developable portion and putting it all in the lot 2 and the undevelopable portion into lot 1. His house is on lot 1. Lot 2 is buildable. It makes sense. He is helping to preserve part of the hillside by putting it in that trust.
- Ken Sizemore asked why he selected the 28 feet of frontage. It's the definition of a flag lot.
- Jarett Waite asked if it was because of existing roads.
- Bob Nicholson read the note on the plat that talked about the purpose.

Motion to Approve the Final Plat Amendment for Wendell Gubler Subdivision, located at Truman Drive and Gubler Drive.
Motion by Jarett Waite, seconded by Jerry Amundsen.
Voting Aye: Jerry Amundsen, Tode Hafen, Jarett Waite, Herb Basso and Ken Sizemore.
Voting Nay: None
Motion Carried.

6. Request Approval of Amendment to the City General Plan Land Use Map to change the land use designation from Low Density Residential (LDR) to Neighborhood Commercial (NC) on 0.6 acres located on the SE Corner of Santa Clara Dr. and Heights Drive; Amend the City Zoning Map by changing the zoning designation from R-1-10 to Planned Development Commercial; and Extend the boundaries of the City Historic District eastward to include the Town Hall and the Kohler property on the southeast corner of Santa Clara Drive and Heights Drive and approve Ordinance 2016-06. Presented by Bob Nicholson, City Planner.

   - Bob Nicholson said that when this came to Council last time, Council sent it back to the Planning Commission asking that the General Plan and the zoning come together so they could both be considered concurrently. This plan for this property of 0.6 acres came to the Planning Commission on July 12. Three Public Hearings were held that night. Each of these issues were separate requests. There were various public comments regarding the request to the General Plan and Zoning map Amendments. The Planning Commission recommends approval of all three requests related to Santa Clara Inn on condition of the applicant holding a meeting with adjoining neighbors or individually contacting adjoining neighbors to discuss the development proposed. Such meeting shall occur prior to the City Council considering the above request. Part of the reason for delay was Mr. Kohler trying to reach out to the neighbors. They held the meeting on October 11. Mr. Kohler said they had some good discussion. Right now it is low-density residential and the request is to change that to Neighborhood Commercial to allow this Santa Clara Inn and the zone change from R-1-10 to Planned Development Commercial. The Heritage Commission and the Planning Commission recommend expanding the Historic District. At the most recent Heritage Commission Meeting, which was held last week, they have come forward and recommend a number of changes to the boundaries.

He said that the Council may want to consider Mr. Kohler's request as part of that overall change in the Historic District boundary. Council can approve his request and the rest of the changes still have to go to Planning Commission. Council could also approve the first two items and wait on the boundary of the Historic District until they see the big map.
- Mayor Rosenberg said to do it in two steps. He suggested taking care of this request tonight and the other boundary changes when they come to Council. He stated that before Mr. Kohler starts he wanted to recognize that Logan Blake is at the meeting and has asked to speak concerning this item at the conclusion of Mr. Kohler's presentation.
- Richard Kohler, Applicant, presented the drawings of the Inn. It has a total of 18 rooms. One of the rooms will be their bedroom. They have 4 different building groups, 1 one-story and the others two-story. There are a total of 5 units on the second floor. They have been cited because they have the potential of overlooking the neighbors. They are as far away as they can be. The landscaping has been strategically placed to provide a screen. The two things talked about most with the Planning Commission and the neighbors was the terrace that sits on top of the one-story building. It's a grass/sod roof and it will be accessible to the guests as a private terrace. He said they will have a parapet wall at the edge of that terrace that is 3 ½ feet high. The neighbors thought it should be 7 feet high. He agreed to do that but he said he would show it to the neighbors. It's their choice. They could maybe sign some affidavit and take it to Corey Bundy or Bob Nicholson during the building permit process so that they sign off on whatever their choice is. Gates also asked for a wall. He said they are willing to pay for that but that could be a negative to the Gates' property. He said they want to defer that to a future point and landscape that and see how the Gates feels. They will do what the Gates chose in the end.
- Mayor Rosenberg asked Matt Ence that if the Council approves this with the adjacent property owners and then said if they later decide they are okay with that, Mr. Kohler can bring a signed paper back. He said it needs to be defined what the Council is approving and a worst-case scenario of what is being approved and if that can change to the benefit of the neighbors, Mr. Kohler didn't mess up his vesting.
- Matt Ence said that is fine and legal.
- Richard Kohler said another thing that was a major topic was that he owns it and the neighbors wanted to know if he would ever sell it. He said it is not their intention to sell it. It is a family property and they are putting a lot of money in it. He said they can't make that promise that they will never sell it. He said he was up front about that.
- Bob Nicholson asked about the height of the boundary wall between Mr. Kohler's property and the Gates' property. Was it just the Gates or did it include Bill Gubler?
- Mr. Kohler said it was only the Gates. He said the Gublers were more concerned about the terrace overlook. He said that it is 7 feet from the terrace surface to the parapet wall protecting Gublers and Cloward's corner. He said 8 feet is the number for Gates. He talked about the grass on the terrace.
- Bob Nicholson said that originally there was a swimming pool on top of that building. It's now a reflecting pool, an architectural feature. It helped the neighbors feel like there would be less noise.
- Logan Blake, 1248 Heights Drive, stated that he has lived in Santa Clara his whole life and is passionate about his street and he would like to see some decent development. He said projects like this would encourage people to come in and do some redevelopment. He said the Inn would bring people to the area and bring some life to it and he supports

this. He said he hopes that this can be approved and Mr. Kohler can move forward with it. It will help with revenue for the City too.

Motion to Approve the Amendment to the City General Plan Land Use Map to change the land use designation from Low Density Residential (LDR) to Neighborhood Commercial (NC) on 0.6 acres located on the SE Corner of Santa Clara Drive and Heights Drive; Amend the City Zoning Map by changing the zoning designation from R-1-10 to Planned Development Commercial; and Extend the boundaries of the City Historic District eastward to include the Town Hall and the Kohler property on the southeast corner of Santa Clara Drive and heights Drive and approve Ordinance 2016-06.
Motion by Herb Basso, seconded by Ken Sizemore.
Voting Aye: Herb Basso, Jarett Waite, Ken Sizemore, Jerry Amundsen, and Tode Hafen.
Voting Nay: None
Motion Carried.

7. Discussion and Direction regarding Planning Assistance to help with amending the General Plan. Presented by Bob Nicholson, City Planner.

   - Bob Nicholson stated that the focus so far is on the South Hills. The General Plan was approved in 2014 so it's pretty current. He feels that it is still a good document and a good direction for the City even the two pages that talk about the South Hills narrative are very appropriate. He said that in his mind the General Plan update is mostly a mapping an understanding of the terrain and coming back with a couple of development scenarios. If that is the Council's vision as well, this is a fairly confined, doable project. It will be helpful to have mapping, technical assistance. The City has received two letters of interest to help with the General Plan update. One letter is from Jeff Winston. He did the General Plan for the City before. He has also helped Washington, Ivins and St. George in the past. Also a Community Resource Consultant, Shannon Elsworth, sent a letter. Both of their proposals are similar. Jeff Winston indicated that he is mostly retired now. He doesn't have to bill corporate rates. He would charge $100 an hour. The CRC group said they would charge $115 an hour and they could provide mapping. Those are letters that have been received without the City advertising and RFP. He said it would be helpful to have some technical assistance in mapping particularly. If the Council agrees that the focus is on the South Hills and to bring back some alternative development scenarios that are realistic given the terrain and the need to protect ridgelines and washes and all the rest, then he thinks it's limited to some technical mapping skills. Either one of these firms are capable of it. He said Jeff has always done a good job on any project he has seen him do.
   - Mayor Rosenberg asked Bob Nicholson if he had any idea on the cost.
   - Bob Nicholson said he doesn't and all he can go on is their hourly rates. Part of it depends on how this project may grow when the Citizen's Committee gets involved. He said they are going to take a number of field trips and have meetings to talk about how the South Hills should be developed and have at least a couple of options: one that may emphasize more development and the other one to lean towards more open space and recreation. He said if that is the focus that materializes that shouldn't be a lot of outside costs except the mapping. It's not in the budget now.
   - Mayor Rosenberg said that the question for Council is if they want to go through an RFP process to select somebody. On small contacts you wouldn't need to necessarily do

that.
- Ken Sizemore and Jerry Amundsen agreed that there didn't need to be an RFP.
- Tode Hafen suggested that in addition to the South Hills it would also include the development downtown. The Historic District. They have to work together.
- Bob Nicholson said that Dick Kohler has been extremely helpful to the City in bringing forward some Historic District design guidelines. The Heritage Commission has looked at it and they're ready to bring it forward very soon and it has design guidelines for the Historic District. That will help augment the General Plan. The next meeting on November 8th, they are going to look at the final draft of the design guidelines and they want to have an open house at City Hall for the neighbors. It would then go through a Public Hearing process. He suggested having the neighborhood open house in January.
- Mayor Rosenberg asked the in the question of the planning assistance, do we want to leave that to the director to determine what his needs are and keep the Council in the loop and also work with the Staff on the budget.
- Bob Nicholson said that personally he thinks that Jeff Winston has done a good job every time.
- Mayor Rosenberg asked if he had the mapping capabilities now that he has retired.
- Bob Nicholson said that he thinks he does.
- Mayor Rosenberg said that if he has left the firm. . . we need to make sure that in his retirement he still has access to that. Make sure he has the technical ability.
- Bob Nicholson said he hasn't left 100%. He is mostly retired but he still has access. He will follow through on that.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:
- He said he needs to coordinate because next week is the UDOT Engineers Conference. It is also the Flood Plain Managers Meeting. He said he needs to invoke the alternative City Council person to attend in his place. He doesn't know if an alternative had been appointed previously. Mayor Rosenberg said he will be there and he doesn't have any conflicts on the agenda so he can do that.
- He said he will be out of town on the 9th for the City Council Meeting.

Tode Hafen:
- She said she will be out of town for the City Council Work Meeting.
- She would like to consider adding Enid's house to the Historic District. It is not on the list for the Committee to consider. She wants to talk about it on November 8 at the Heritage Commission Meeting.

Herb Basso:
- Nothing.

Ken Sizemore:
- There is a Vet Memorial Committee Meeting at the same time as the Flood Control Meeting and the Mayor is supposed to be there. Mayor Rosenberg asked if that can be rescheduled. Ken said it could be. Mayor Rosenberg asked for him to apologize for him.

Jarett Waite:
- Nothing.

6. **Executive Session**: None.

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

   - October 12, 2016 City Council Meeting Minutes
   - Claims through October 26, 2016

Motion to Approve the Regular City Council Meeting Minutes from October 12, 2016 and claims through October 26, 2016.
Motion by Tode Hafen, seconded by Jarett Waite.
Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, Jarett Waite and Tode Hafen.
Voting nay: None
Motion Carried.

8. **Calendar of Events**

   - November 2, 2016 City Council Work Meeting
   - November 8, 2016 General Election
   - November 9, 2016 City Council Meeting

9. **Adjournment**:

   Motion to adjourn by Herb Basso.
   Seconded by Jarett Waite with all members present voting aye.
   Meeting Adjourned at 8:56 p.m.

_____ Date Approved: _____
Lisa Bundy – Deputy City Recorder