

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, JULY 27, 2016  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, July 27, 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  
City Manager: Edward Dickie  
Deputy Recorder: Lisa Bundy

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Greg Hardman, Substitute for the City Attorney; Bob Nicholson, City Planner; Brian Heuer; Martha Heuer; Doug Westbrook; Alan Knox; Ann Evans; Deborah Jarman; William Jarman; Jeriah Thre.; Larry Souza; Carol Souza; Mary Beth Sposi; Vera Ann ; Cindy Frei; Bruce Sposi; Raye E. Morin; Misty Brenneman; Jone LiLjenquist; Wayne Wright; Donna Schoen; Todd Olsen; Suzanne Floyd; Marilyn Woodruff; B. Woodruff; Gina Wathen; Lauren Murray; Beverly Knox; Nick Lang; Clayton Leavitt; Christopher Dillon; Jared White; Bob Routsong

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:07 p.m.

2. **Opening Ceremony:**

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

3. **Communications and Appearances:**

A. General Citizen Communications: None

4. **Working Agenda:**

A. Public Hearing(s): None

B. General Business:

1. Introduction of New Employees: Administration - Gina Wathen, Customer Service; Courts - Misty Brenneman; Public Works - Suzanne Floyd, Customer Service; Parks -

Christopher Dillon.

- Ed Dickie, City Manager, introduced the new employees that are in Admin.: Gina Wathen and Misty Brenneman.
- Jack Taylor, Public Works Director, introduced Suzanne Floyd.
- Brad Hays, Parks Director, introduced Christopher Dillon.

2. Consider an Appeal of the Planning Commission approval of a Conditional Use Permit Request for placement of a Cell Tower on parcel #SC-6-2-22-3130 near the south end of Lava Flow Drive and Malaga Ave. (Applicant, Jared White). Presented by Corey Bundy, Building and Zoning Official.

- Corey Bundy introduced Greg Hardman who is representing the City Attorney and asked him to give some background and General Hearing Procedures.

- Greg Hardman, with Snow, Jensen & Reese Law Firm and filling in for Matt Ence the City Attorney, said that the applicant is representative for Verizon who is the actual applicant. He said that the Planning Commission considered Verizon's application for a Conditional Use Permit at the Planning Commission Meeting on June 14, 2016 and received evidence in the form of a presentation from Verizon's representative and had an opportunity to ask questions of that representative and received comments from individuals who were opposed to the Conditional Use Permit. The Planning Commission ultimately approved the Conditional Use Permit. The permit was issued. A group of concerned citizens have filed an appeal. The initial threshold issue that needs to be determined before moving into the proceedings is whether the individuals who lodged the appeal met the requirements of the ordinance for doing so. The first requirement is that the written notice of the appeal must be submitted to the City within 10 calendar days of the Planning Commission's decision on June 14, 2016. The second condition is that the appeal be accompanied with the requisite filing fee. The third requirement has to do with the scheduling of this hearing within 15 working days or if that time period is extended with good cause such as being unable to get a quorum of Council together. He asked Corey Bundy to comment on each of these requirements so the threshold issue could be addressed.

- Corey Bundy said that in regard to Ordinance 17.16.060 Appeal Requirements, the fee was paid and the notice and time limit was met. The applicant did meet all the requirements.

- Greg Hardman said the Council will review this matter in a little bit different capacity. The Council is sitting as a Quasi Judicial Administrative body and will need to act like a court to some degree. Each party will be given the opportunity to make whatever presentation they would like to in support of or in opposition to the appeal. It would be appropriate to mark any exhibits or written submissions that either party may refer to by number so that as the proceedings move forward and they make reference to particular documents or materials then when discussing them among the Council we should refer to them by number that will create a real clear record of these proceedings for historical purposes as well as in the event that one side or the other wants to have a district court review of this matter. In this sort of an appeal, the appellant or the local citizen group that launched the appeal carries the burden of challenging the Planning Commission's decision however State law gives municipalities, when creating an appeal authority system, the option of having that appeal authority, which in this setting is the City

Council, review the Planning Commission's decision for correctness or review the matter to no-vote. Santa Clara City's ordinance has the no-vote proceeding requirement. If going through the presentation of these materials the City Council has the flexibility to delve into the particular items that are required under the Conditional Use Permit Ordinance as well as the telecommunication facilities ordinance and inquire of parties on both sides of the appeal about what evidence they have in support of or opposition to all those requirements. Procedurally we would start with having the appellants or the citizen group make the presentation that they have prepared in support of their appeal and during that process any of the Council members are free to ask questions of the presenters. Following their presentation, the representative for Verizon, Mr. White, will make a presentation in support of the Planning Commission's decision and other items that are set forth in the telecommunication facilities ordinance and again the Council is free to ask questions. If the Mayor, as the Chair of these proceedings, are inclined to provide the parties with opportunities for rebuttal, then the process is repeated. At the conclusion of all of this the Council should deliberate about the evidence presented and has the option of taking the matter under advisement and issuing a written decision within 15 days. The Council also has the option of enumerating all the reasons that the Council either supports or returns to Planning Commission here at this meeting tonight and allow the approved minutes to stand as the written decision. He asked that all parties not talk over each other. It would make it difficult to create a clear record of the proceedings. He said that if someone is referring to particular documents that he may interject and ask the party what they are referring to. It would be appropriate at the outset to identify what information has been presented to the Council in the way of the support documents. Verizon has submitted a memorandum in response to the appeal. There have been several written submissions from the citizens group. Each of these written documents should have a number assigned to them.

- Corey Bundy said they did receive from Verizon a Telecommunications Facility Maintenance and Removal Agreement. That is one of the ordinance requirements that have been completed.

- Greg Hardman said that one of the things that needs to be clarified: the initial application went before the Planning Commission for a Conditional Use Permit for the Cell tower and cell tower is listed in the City Ordinance as one of four or five acceptable Conditional Uses. The Planning Commission went through the process of doing the Conditional Use Permit. In addition to the Conditional Use Permit Ordinance however the City has a Telecommunications Facilities Ordinance which is chapter 17.42 and that ordinance also contemplates that in the process of improving or constructing a cell tower or a telecommunication facility that there are several additional types of information that need to be delivered to the City and approved by the City. It isn't clear within the Telecommunications Facility Ordinance whether all of those items are part of what has to be addressed as part of the Conditional Use permit application process or just submitted before the final construction plans are approved. One of the requirements in the Telecommunications Facilities Ordinance is specific about the submission of an agreement to deal with the maintenance and removal of the facility. An agreement in form acceptable to the City must be signed by the applicant as part of the initial application process. That is the agreement to which Mr. Bundy is referring that has been signed by Verizon. That agreement was drafted by Matt Ence, City Attorney. It has provisions that protect the City and it's not binding or applicable if the Conditional Use Permit isn't granted. The efficacy of this agreement is conditioned upon the Planning

Commission actually approving the Conditional Use Permit. What this agreement contemplates is if approved there are provisions that deal with ongoing maintenance and fencing of the site. It deals with security issues and it also establishes a whole bunch of requirements on the utility the if some time in the future this facility is discontinued what all the tear down and site remediation requirements are and that sort of thing. It is important to note that at least in regard to that one requirement within the Telecommunication Facilities statute that Verizon has submitted that agreement in a form acceptable to the City Attorney's Office. He said he would suggest that the Council deal with the appellant Conditional Use Permit portion of this proceeding first and then depending on what the Council decision is in regard to that then the additional requirements within the Telecommunication Facilities statutes can be addressed which include such things as a requirement to have engineering studies that address structural issues and safety standards, a determination that has to be made about proximity to outdoor recreation areas, a sites selection study, a landscape plan, fire safety measures. These are not items that the Planning Commission necessarily addressed because they were just looking at the threshold issue of the Conditional Use Permit but, as part of this process the Council needs to address these other issues as well. He said he would suggest addressing this after the initial deliberation and presentations regarding the appeal of the Conditional Use Permit. He said the first thing that should be put in as evidence are the minutes from the Planning Commission Meeting from which the appeal was taken and that should be #2. The application itself from Verizon ought to be item #1. He said all the appeal materials should be marked #3 a, b, c, etc. and be identified by the author. Verizon's memorandum would be #4 and the appellant's memo would be #5.

- Ken Sizemore said they already have most of these items in the drop box with numbers already assigned to them. He said that it would be well to identify each of the item numbers.
- Greg Hardman said that was a good idea as long as everyone is referring to them the same way so there is a clear record.
- Herb Basso wanted the petition list. He asked if the appeal has to come from a resident.
- Mayor Rosenberg said the appeal letter is Item 2C.
- Greg Hardman said the appeal can come from either residents or non-residents.
- Mayor Rosenberg stated that the appeal letter is Item 2A on the agenda and the petition letter is Item 2C. Item 2 is the City Council agenda report for this particular item.
- Ken Sizemore stated that it would be well for the record and for the audience to quickly go through all of these item numbers.
- Ed Dickie said that there may be more. There were quite a few emails going back and forth.
- Greg Hardman said they issued an attorney/client communication and that should not be part of the public record. It is a privileged communication and is not part of the public proceeding and it won't be part of the record.
- Mayor Rosenberg listed each item: Item 2 is the Staff Report to the Council, Item 2A is the appeal letter from Mary Beth and Bruce Sposi, Item 2C is the Petition Letter and has the signatures included, Item 3 is the application for the Conditional Use Permit and the legal description of the site, Item 3A is the Verizon Plan Set, Item 3B are Images and Visuals, Item 3C is the Planning Commission Agenda, Item 3D is the presentation to the Planning Commission from the citizens from tonight's meeting, Item 3E is the Telecommunications Facility Maintenance and Removal Agreement, 3F&G are information from the Staff to the City Attorney (privileged information) and all of these

items are from the drop box.

- Greg Hardman said additionally there is Item 4 the appraiser assessments and 5 is the Verizon Wireless memorandum in support of the application for Conditional Use Permit for wireless facility dated July 25, 2016. Item 6 is the Facility Maintenance and Removal Agreement.

- Mary Beth Sposi stated that she and her husband, Bruce, submitted this appeal. She said that there are three citizens representing their citizen's group that would like to speak to the Council. She said she is one of them, Bob Routsong is the second and Andy Cox is the third. She has written copies of her comments she is going to make. It is similar to the document she emailed to the City Council. She has made a few changes. She handed out a copy (see attached). She said she had a question about the exhibits. She said there have been a variety of emails from citizens to the Mayor and Council expressing opinions and she wanted to know if they have been identified as exhibits or need to be identified and where they are located.

- Corey Bundy said they could open up the enumerated drop box items and see if everything that she wanted to have submitted is included within them.

- Mary Beth Sposi said she didn't need to go through all of them but she wanted to make sure there was a category for the email communications.

- Mayor Rosenberg said he doesn't think that they are all in the Item 2C Appeal Letters. There were a ton of them. He said they could identify another category. He said he received some personally.

- Mary Beth Sposi said she has copies of all of them where the submitter copied her and she can resend them.

- Mayor Rosenberg said he has copies of all of them too. At least the ones that went directly to him.

- Herb Basso stated that for the minutes the Council should ask counselor to accept all others as Item 7 as submitted.

- Mayor Rosenberg said he will forward all of the letters he has received.

- Mary Beth Sposi said that at the heart of their appeals is the fact that the Planning Commission didn't meet its obligations according to the City code to assure that the most appropriate location was chosen for this cell tower. She feels that the proposed location highly impacts several residential neighborhoods in Santa Clara and St. George. She said the citizens are submitting a petition protesting the tower, which now has more than 110 signatures. She recognized those at the meeting who have signed the petition. She said the Santa Clara City Code Section 17.42.190 says that the tower should blend with the surrounding existing natural, manmade environment and should be unnoticeable. (She read from her appeal. See attached.) She feels that the tower will be easily seen from 70 to 100 homes and the golf course. She said that the Planning Commission blindly accepted Verizon's proposed location and didn't meet its obligations according to City code to determine where the best location should be for everyone involved. She said the Planning Commission is explicitly authorized by the City code, chapter 17.42.130, to employ an independent technical expert to review the proposal at the expense of Verizon. She said the Planning Commission didn't do this. There should have been an analysis of site alternatives. She said the Planning Commission failed to perform its due diligence by requiring that Verizon submit this. She said the Commission should have hired an unbiased expert to perform alternative analysis to ensure that the best location was found. She said that moving the tower location one-tenth to three-tenths of a mile would place the tower into a commercial area. She wondered if one of these locations would be a

good compromise. She objected to the 100 feet height of the tower. She also expressed her concern about the visual impact of the tower. She said that the proposed location is adjacent to the Santa Clara River. She said this is a beautiful river channel full of bird life. She said that the City Code chapter 17.42.260 states that all towers should be located so as to minimize the effect on environmental resources and the structure shouldn't substantially alter the local area or threaten the health or safety of migratory birds. She said the Utah Division of Wildlife Resources has told them in writing that this area does support a large variety of migratory birds including a threatened bird, the southwestern willow flycatcher. She said that we should preserve this beautiful area. She said that the City code, chapter 17.42.130 contemplates that Verizon should provide radiation exposure studies. She said that residents and elementary school students from the elementary school, which is close by, would be exposed every day. She said the Planning Commission didn't meet its notification obligations for this project per chapter 17.42.320 of the City code. She said they mailed copies of their meeting agenda to residents that are within 500 feet of this project. She said the date of the meeting was inaccurate in the first paragraph of the agenda. She said that the location of the tower was incorrect in the flyer. She said the Planning Commission didn't do their job properly in compliance with the City code. She said the City hasn't followed their own laws.

- Mayor Rosenberg asked Mrs. Sposi for a copy of the document that she mentioned from the Utah Division of Wildlife Resources.

- Mary Beth Sposi said she would get the Council a copy but she doesn't have it with her. She said she will email it from her phone.

- Greg Hardman said whatever evidence Mrs. Sposi tends to rely upon, she needed to have it submitted prior to the Council deliberating.

- Mayor Rosenberg said that if Mrs. Sposi can email it to Ed Dickie tonight, it can get printed before the Council makes the final decision.

- Jarett Waite said that Mrs. Sposi mentioned that there are commercial areas nearby and he asked her to elaborate on that.

- Mary Beth Sposi said that within the one-tenth to three-tenths of a mile there are several open lots on Dixie Drive where there are huge power poles and there are sections along Sunset Boulevard near Albertsons and to the west.

- Bob Routsong stated that he lived in Sun Brook and if this tower is built he will be able to see it from a distance. He said he has four issues he would like to address. The first is who will benefit from this service. He passed out maps that were issued by Verizon that show the coverage of their signal before the tower and after the tower. He said that they have interposed on this map, hopefully accurately, what they understand to be the boundary for Santa Clara. The green area represents excellent reception of services that are now offered. The yellow area represents good to average reception. The blue areas are less than good reception. He said that the people needing reception are the people along Dixie Drive and the people that are targeted with better reception are the people in St. George not Santa Clara. He said that with the tower there would be no real change in Santa Clara reception. Who is Verizon trying to service? His next issue is in reviewing the brief from the Verizon attorney, they make comment that there is no appraisal. It's hard to get an appraisal for something that doesn't exist. He said he went to a well-known appraiser, Dave Van Dremlin, and asked him for his assessment. He made note of the second paragraph and said that cell towers in residential neighborhoods often a negative value occurs to a contiguous land nearby the tower location. He said there is potential for adversely affecting the property values in Sun Brook. He said a lot of the

value of Sun Brook is a terrific view. A 100-foot tower doesn't add to that view. He asked the Council that if they lived in Sun Brook and saw this tower going up what would be their reaction. He said his last point is that they are Santa Clara's neighbors and for good relations to exist, he would ask the Council to disapprove the proposed tower.

- Herb Basso asked for clarification on the improved service and that it does include Country Lane and other residents in Santa Clara.

- Andy Cox said he seconded the concerns of Mary Beth Sposi and Bob Routsong. He said he wanted to remind the City that that farm field is currently vacant but it is zoned residential, agricultural and as such someday it will be developed. He said that if there is a 100-foot tall cell tower at the end of that field it will directly adverse the tax base of the City of Santa Clara because the homes that will be built there will not be as valuable. He said the tower will devalue the property. He said that the Planning Commission's decision is invalid by operation of law. He said that he is looking at City codes, the land use authority, chapter 17.16.020 subsection B, it states the Planning Commission shall be the land use authority to hear and act upon the following land use applications. # 8 says conditional use permits. It is the Planning Commission, not the Planning Staff, that has to have a hearing on issuing or approving a conditional use permit. Under section 17.16.030 subparagraph B Planning Commission: all public hearings related to the land use decisions shall be held by the Planning Commission. Notice for the public hearing must meet the requirements of Utah code annotated 10-9a-205. The Planning Commission Meeting must be a public hearing and that public hearing must meet the notice requirements under Utah code annotated 10-9a-205. He asked the Council to refer to the minutes of the Planning Commission Meeting, which was held on June 14, 2016, exhibit 3. He said that at that meeting Jason Lindsay asked if Verizon could improve the image of the tower and maybe even make it look like a tree. He said that Mr. White said that trees are big and ugly and he thinks it would look worse than a pole. Mr. Bundy said that as a reminder this is just a conditional use permit and does not require a public hearing. He said he wants to refer the Council to the law, section 17.16.030 states that all public hearings related to land use decisions shall be held by the Planning Commission. Notice of the public hearing must meet the requirements of Utah law. He said that Corey Bundy stated in this meeting that it was not a public hearing. He said that Mr. Sposi said he received notice of a public hearing. Mr. Bundy said that the City Conditional Use Permit requirements do not require a public hearing. He said that people attended this hearing and the people that did receive notice objected and they were told that it wasn't a public hearing and Mr. Sposi stated that he was opposed and the he felt it unfair to notify the surrounding property owners without much input or a hearing. He stated that Mr. White then said that they had already signed a lease agreement. He said that apparently Verizon signed a lease even though they didn't have approval for conditional use permit on the property. He said the Planning Commission then voted and they passed it. He said there really wasn't a public hearing. The notice for this public hearing was sent but it wasn't adequate. Utah code annotated section 10-9a-205 requires that each municipality shall give notice of the date, time and place of the first public hearing to consider the adoption or any modification of the land use ordinance and notice of each public meeting on the subject, further it must be mailed at least 10 days before the public hearing and each property owner whose land is directly affected must receive it and each adjacent property owner within the parameters specified by municipal ordinance. He said that he is an adjacent property owner. He said the date was listed wrong. He said because of errors in the notice the notice was improper so it could not be a valid public

hearing. He said that the attorney for Verizon issued a long memorandum. It has an incorrect reference on page 5 of Muir Elementary School. There is no Muir Elementary School in Santa Clara. He said that Santa Clara has applicable standards for the issuance of telecommunications facilities. The Verizon attorney states that the tower has to be approved because Federal law says it has to be. Federal law says the City of Santa Clara cannot ban altogether telecommunication facilities from the City. It says that it has to go about approving them according to their ordinances and requirements the City has. Santa Clara already has cell phone towers. We are in compliance with Federal law. The City has the ability to control where those towers are located and conditions concerning those towers.

- Jarett Waite asked Andy Cox to reread the 17.16.030 where it talks about how a public hearing is required.
- Andy Cox read from subparagraph B under "Planning Commission". He said that Mr. Bundy stated twice in the minutes of that meeting that it was not a public hearing.
- Herb Basso said he was seeing a gap as far as a need for a public hearing for that conditional use permit.
- Greg Hardman said there are certain types of land use approvals for which State code requires a public hearing like zone changes, vacation of streets, subdivision approvals and things of that nature but not every one of those items that are enumerated under there for which the Planning Commission is the land use authority requires a public hearing. He said it could be a shortcoming in the verbiage of the ordinance itself but under State code there are certain things for which a public hearing is required and certain things where it is not. He said that they need to look at the Conditional Use chapter. That is where the answer to the question is found.
- Herb Basso stated that the City's ordinances are in line or should be in line with State mandates.
- Greg Hardman said that they are.
- Ed Dickie said that it doesn't state that there has to be a public hearing in there. He said that Planning Commission chose to open it up for the public. He said they let the public speak. Corey Bundy was right that it wasn't a public hearing but they did let the public speak.
- Andy Cox asked why then was a notice given.
- Bob Nicholson said that notice is still required for a conditional use permit. He said notices are given for lots of reasons not just for public hearings.
- Andy Cox said on the application material, on page 2, that the city recommends that all land owners within 300 feet sign an approval authorizing that the tower be built and it was signed by one person and that was Debbie Hafen.
- Bob Nicholson said on 17.6.030, paragraph B, it does not say all land use decisions require a public hearing. In the City code and the State code it specifies which land use applications require public hearings, rezoning, general plan amendments. Notice is given as a courtesy. He said often on a conditional use they will open it up for public comment.
- Bruce Sposi, Sunbrook, stated that he did stand up at the Commission Meeting and asked specifically if it was a public hearing and he was told it was not and he asked why he was notified and they said it was a courtesy. He said that doesn't seem correct to him. He said that even if you can make a case that it wasn't a public hearing there are 110 people who signed this petition, many who are Santa Clara residents. The benefit of this cell tower is mostly for citizens of St. George. He said 25 people are at the meeting and they are concerned and the Council needs to take that into consideration.

- Mayor Rosenberg stated to the audience that as we go into this additional comments that if something has already been said and pointed out, try to keep it to new stuff.
- Alan Knox, the Vineyards, stated that as he looked at the description of the Planning Commission's responsibilities he said he saw some hypocrisy. He said that the Planning Commission is to protect the aesthetics of the area and by approving this conditional use permit they have determined in their sole discretion that it is not impacting the aesthetics of the area. It says in line B that the use should not be detrimental. They found this appropriate? He said as a citizen that he finds that it does affect the aesthetics of the area. It is not the best use of this property.
- Jared White, Verizon Wireless, said he wants each person's concerns to be addressed correctly. He said whether or not a notice is beneficial, ceremonial regardless of what the notice is, a notice is required so the notice was sent. A public hearing is not required. Public disapproval is not a legal ground to deny a cell tower. Almost everything that was cited was from the conditional use permit section of the code, which is broad. It gets a little bit more complicated because there are several layers of law that have to be applied with a cell tower. First it's Federal law because cell towers are deemed to be a public utility they cannot be effectually prohibited. The Telecom Act states that where Verizon can show a gap in coverage and they can fit within the code then a cell tower has to be approved. A cell tower cannot be aesthetically hidden. The Planning Commission has the ability to mitigate reasonable conditions. Cell towers because of their nature and their use have much further protections than many other things. There is a telecommunications code which says right from the very beginning the locations that can be chosen, the areas that the tower must be set back from a residential property, the zones it is prohibited in, the standards that have to be met. He said they are aware of what the code is and what it requires. The ordinances govern and guide where the site is placed from the very beginning and Verizon has met all those requirements. For instance, photo simulations were requested, the City told them where to do the simulations from, they were provided and Verizon met that obligation. Federal law states that once a cell phone carrier submits an application to a city, the city has 30 days to tell the company, in writing if they want anything else done that the company has not done and if the city doesn't do so it is deemed to be a complete application. He said that there is a misunderstanding of what this site is for. There are two kinds of cell sites, coverage sites and capacity sites. Each cell tower is limited in the amount of capacity that it can handle. The main purpose of this cell site is to off load this tower. The tower that serves Santa Clara is over capacity. It is handling far too much traffic. He said they anticipate a 650% increase in data usage from 2013 to 2018. It's already not working well and it is going to get worse. The trends for this specific site shows that increasing. Almost every cell site in the St. George area are over capacity. The cell site is to help all the area cell sites to perform better. The cell site has to sit in the middle of the users, that is how the technology works. He said that if the site is moved to Sunset Boulevard all that will be done will be duplicating what the Santa Clara site is already doing. There is a tremendous amount of research that goes into choosing where these sites go. If it is moved to Dixie Drive, it won't help the Santa Clara site enough. The sites all work together. The site is to increase and improve coverage in almost the entire map as it trickles down.
- Jack Taylor talked about another cell tower at Gubler Park that is not being used at this point.
- Jared White said that that site has no help. He said they looked at that site and the day

will probably come when they need the capacity there but at this point in time that area has better capacity than down here where we are talking.

- Jack Taylor asked that by putting another tower up it doesn't help with capacity.

- Jared White said that it does but it has to be placed correctly. It is a precise science to where we place the towers. He said they want the very best cell phone coverage they can provide with the fewest towers they can do it with. The towers are very expensive. There is no better place within the circle they looked at that is further away from other homes that have better buffering. None have better setbacks. There is a very narrow window as to where the site can go and Verizon has followed that. He said they do their very best to place the tower in a location that meets the coverage needs and still fits into the City's code. The Planning Commission rightfully decided that it fits into not just the conditional use code but into the telecom ordinance code, which is more specific. He said the health issue always comes up. It is illegal to consider a cell tower on the basis of health concerns. The FCC, the World Health Organization they do their own studies. They say that these are the measurements that you can transmit your signals, these are the levels and Verizon operates massively below those and at that point it is not legal for the Planning Commission to even consider that or any appellate court to consider health concerns as a factor in the decision. He said there is insufficient and conflicting data. For every expert that the appellate would bring in saying that it does have health risks other experts could be brought in to argue that. He said they are audited all the time and if they were found violating the levels, the fines are enormous. He said they self-regulate that and the FCC regulates that. He also said, for clarification, the application only has to be signed by the property owner, Debbie Hafen is the principle owner of the Hafen Property located there. She is the only one that signed it because she is the only one that had the authority to sign it. He also said that lowering of property values is subjective. He said Verizon studies these things and there are lots of real estate agents that will list that major things people look for when purchasing a house is excellent cell phone coverage. The appraiser's comments were subjective and don't provide enough legal justification to prohibit cell towers. He doesn't give a specific example, he references power corridors and uses the words "often has some negative". This is not a legally binding item that the Commission can say based off of his comments we can't do this. Does it fit into the ordinance, does it fit into the State law and does it fit into the Federal law and once it fits into all those three items, then you can approve with conditions. He said that if someone has issues with any of those conditions that can reasonably be mitigated, they have the ability at this meeting to ask him those questions and impose reasonable conditions on him if they feel the Planning Commission didn't do that. You can apply those conditions now; we can discuss the aesthetics of it. You have the right to not just deny the appeal, but deny the appeal and impose condition on him because of it and here are your reasons why and what we want to do. He said they are very open to that discussion. Other items: the citizen's group said that Verizon needs to provide a structural analysis but they can't until it is approved because they don't know if the approval will be for 80 feet or 100 feet so a foundation can't be designed until they know what will be allowed but they know they still have to meet the building code standard. He said that the citizen's group brought up the bird study. He said there is the National Environmental Protection Act which is the most stringent, strict requirement that Verizon deals with. Verizon has an entire department whose sole job is to notify Fish and Game to make sure Verizon meets all Environmental Protection Agency requirements. He said they will provide a summary from the Fish and Game that says there is no effects to this. The NEPA standard if

violated is a multimillion-dollar fine and including revoking of the cell carrier's license. There is no way Verizon would build a cell tower that violates the NEPA process and risk millions of dollars in fines and including having license revoked over a NEPA violation.

- Ken Sizemore asked if Jared White can clarify if Verizon has a NEPA finding of no effect although its proprietary.
- Jared White said they can confirm that and they have provided that for the City. He said they have provided to the City a document that says they have completed a full six-month NEPA study and have received notification from all applicable agencies of no effect. He asked if anyone has questions for him. He said that Verizon will argue that they have followed the Federal law, the City statute, the State law and they have certain protections as a telecommunications company verses a regular conditional use applicant. If there are any conditions that the Council feels that the Planning Commission should have imposed but did not, Verizon is open to discuss them and meet those conditions to ensure they have met the code. Simply moving the tower around will create the same meeting with a different group of people and will ultimately require more towers because if they are not placed very strategically, they do not have as far reaching an affect.
- Mayor Rosenberg said that his understanding was that the adjacent property, the Hafen's, to the Frei pond, why not the Hafen's verses the Frei's?
- Jared White stated that Lava Flow Road, although it is used as a public road, is not a recorded public road and so Verizon has no authority to run utilities down Lava Flow Road and so they can't get power and fiber optics to the Hafen property without crossing the Frei property and as such they moved it 100 feet to the Frei property because they couldn't secure enough easements for their access and utilities.
- Mayor Rosenberg asked if they approached the property owners about the easements.
- Jared White said that it's very ambiguous of where the property lines are and they tried to contact many of the property owners. Some of them didn't respond. He said they are not exactly sure where the property line runs and so to avoid any potential litigation in the future of somebody saying they crossed their property lines and didn't have the easement, Verizon has moved the site 100 feet to avoid those easements and for financial reasons because they don't want to pay that many easements.
- Mayor Rosenberg said that it changes jurisdiction.
- Jared White said that the Hafen property that they were in is still in Santa Clara. Where the tower will be placed is still in Santa Clara property.
- Mayor Rosenberg asked if they considered any property that was in St. George in that general area that would meet the same elevation requirements.
- Jared White said that the issue with that is that it gets lower, it drops, and as it gets lower it enters the flood plain and they are not allowed to build on the flood plain. Again, there are a million variables that go into where they selected the site.
- Mayor Rosenberg said they couldn't put it in the Sunbrook project for example because it's zone residential and could you put the tower on Dixie Drive.
- Jared White said that was correct because it is zoned residential and you can't put a cell tower in a R-1 or a PD zone. If the tower is down on Dixie Drive, we can't off load the Santa Clara site. It helps Red Hills and other areas but it doesn't meet the full objective so three years from now we will be back asking for this site.
- Mayor Rosenberg asked if something would work on the BLM to the west.
- Jared White said that takes us out of where the greatest demand is. He said they also don't know if the BLM would lease them that space. He said they considered that property but they try to place the site in the best spot. He said the more they move, the

- more they deteriorate capacity and signal and the more they need more sites.
- Tode Hafen asked about the area on Dixie Drive but farther north where there is more commercial. There is a new care center there. What about in the back of that?
  - Jared White said there are actually houses closer to this property that Tode Hafen is talking about.
  - Herb Basso stated that there is a major matrix of utility lines and we might lose 10 or 15% coverage but were hiding it in a section.
  - Mayor Rosenberg said he wanted to caution the audience that there is no applauding or talking or cheering from the crowd. You should only be talking if you are at the mike.
  - Jared White said he can provide the Council with the search area map that Verizon provided.
  - Herb Basso asked how much does Verizon or the public lose by moving it to Dixie Drive or to some place out in BLM.
  - Jared White said the other issue is that this would no longer be Santa Clara's jurisdiction and St. George City code has their own set back issues and it can't be that close to the road or their residential properties or a power corridor.
  - Mayor Rosenberg said his questions were relative to make sure Verizon looked at all the alternative sites within that area.
  - Jared White explained all the places they know they cannot go. All of the possible options were considered. For the site to work effectively it has to be where the users are and we have to be more precise then we have ever been.
  - Herb Basso said it is not good enough to him for someone to say there is a lot better coverage. He said he wants to see a number however the industry quantifies coverage.
  - Jared White said they would have been glad to provide numbers if the Planning Commission had asked them to do so but to come in this late and say show us all these things where were at a meeting where a decision has to be made, it's putting an undue burden on it and there is no way he can give the Council that right now. It is possible at some time and if the Planning Commission had asked him to do it.
  - Ken Sizemore said that the Council has an agenda item next to consider the 100-foot verses the 80-foot tower. He wanted to know if he could ask questions about the 100-foot verses the 80-foot or does he need to wait until Item 4B3 on the agenda.
  - Corey Bundy said that the Council can ask some general questions but can't take any action on that other item until we get to that part of the agenda.
  - Ken Sizemore wanted to understand why 100-feet verses 80 feet.
  - Jared White said that Verizon is okay at 80-feet. The reason for 100-feet is colocation. The City's ordinance requires that Verizon build this tower sufficient to accommodate three additional cell phone carriers. The first company has to accommodate others if requested by the municipality.
  - Herb Basso asked that if the City limits it to 80 then are they limiting the future of various companies.
  - Jared White said potentially. He said they do not know anything about AT&T's network or Sprints. Historically, industry standards, these are the levels you would want to be at. He said they make no representation of them.
  - Tode Hafen said that in her mind in a commercial area it is not as effective. She said she has driven around and looked where other cell towers are. Some are by residential but they are in parks.
  - Jared White said they need cell sites in the middle and moving it up to Sunset or Dixie what will cover the areas that need the coverage.

- Herb Basso asked how coverage worked - line of sight?
- Jared White said yes line of sight and distance. Proximity is the most important.
- Jarett Waite said that Jared White talked about how their application fits into code but it is near an outdoor recreation area.
- Jared White said you want to protect those but it is an ambiguous point as to how close you can be. He said where is the standard. He said they would argue that the golf course is there and they are further away from the holes and the vast majority of the holes wouldn't be able to see the site.
- Jarett Waite said that he read the minutes of the Planning Commission Meeting and Jared White talked there about ways to disguise the tower or make it blander to not affect the aesthetics and it felt like in the minutes that it was pushed through. He wants Jared White to elaborate on why it shouldn't be painted or made to look like a tree.
- Jared White said at that meeting he gave his opinions and industry standards. There are only so many things you can disguise a tower as. The minutes don't give the details that were in that discussion. He said they will build it to be a mono pine, to be black, brown, galvanized. He said in his opinion if you do the mono pine that instead of a 4-foot cylinder you would have to do a 15-foot cylinder. It doesn't really look like a tree so it doesn't make much sense but if the Council disagrees that is a condition they can impose. He said in his opinion that is far more intrusive. He said the reason the non-reflective galvanized was chosen is because it is the most common pole that you will see whether that is a cell phone tower, a power pole. It is the most neutral. It is the least intrusive. But they would paint it whatever the Council would want. He pointed out to the Council that they represent the entire City of Santa Clara and if they were to survey the entire City and tell the citizens that there is going to be a site put in that will benefit all of them, what would that answer be. Their cell phone coverage, their speeds, their capacity are going to be better. This benefits a much greater area.
- Mayor Rosenberg thanked Mr. White. He opened the meeting up for a short rebuttal and said that if any of the appellants would like to offer a very short rebuttal to the applicant's presentation they now have the opportunity.
- Mary Beth Sposi stated that Jared White knows his technical material and he is an expert. She said he is presenting this case and choosing this location based on Verizon's priorities. She said that this is complicated information and the City needs their own technical expert to make sure the City's priorities are being recognized and that all the data is being appropriately considered. She also asked that the Council require visual images be done of the camouflaged tree and not just take Jared's word for it and no images have been done at all for what a colocation facility will look like. She would like Council to request that too.
- Bob Routsong said there is a solution for this and that is AT&T. He said they don't have any problem and that he has AT&T and he can go all around Sunbrook and all over the County and he has no problem.
- Andy Cox said he had one issue he wanted to clarify. He talked about on page 2 of the application it talks about it being desirable to contact all property owners within 300 feet adjacent to the property. Mr. White said there is only one applicant required to sign. He talked about a form that is supposed to be attached to the application that has signatures of the property owners adjacent to the property saying they have been contacted and informed. He said the only property owner that has signed that was Debbie Hafen.
- Alan Knox stated that Verizon is a for profit corporation. He said that we are not under any obligation to be sympathetic to their problems. He said that this is a ponderosa pine

in the middle of sagebrush. He said that it is only a benefit to Verizon and the property owners but a detriment to everyone else who's mandate the Council has to protect. He said that our aesthetic interest in this project is clearly the Council's main concern and that is where it pivots, on aesthetics and that alone. He said their veiled threats, their ammunition Federally and by State law means nothing because the City has an ordinance that allows the Council to protect the citizens and he encourages the Council to not bow down to the powers that be or any subtle pressure they might be applying to the Council and look to the constituents to protect their interests.

- Bruce Sposi said that Jared said that Verizon has indicated that this is the best spot. He said that in the middle of Jared's circle was Sunset and Dixie. He asked if Verizon had actually contacted any other areas in that circle. Have they contacted the City of St. George?

- Jared White said that if anyone would like to see the official coverage map he would provide it. He said he has not directly contacted St. George City but he has built several cell sites in St. George City and he is very familiar with their ordinances and their restrictions. He also responded to the rebuttal from Alan Knox's statement that the only person to benefit was Verizon and the property owner. He said it is an expense for Verizon. It is a benefit for the property owner. But the larger benefit is for every Verizon customer in this entire geographical area that is benefitted by the increase of their coverage. He said the citizens make the emotional pleas but we have to go by the rules and the laws. This is an expense for Verizon and if they could get rid of it they would in a second. There is Federal law, State law and the City's ordinance and if Verizon meets it, despite how you feel, that is not a reason. All that would happen if decisions were made that way is it gets appealed, it goes to circuit court, Verizon sues the City and they charge them all their expenses and it turns into this gigantic ball. You have to have ground not just that it doesn't feel right.

- Herb Basso asked that based on Jared's past experience with St. George City, will they allow Verizon to coexist, cohabitate on a utility pole.

- Jared White said no. You cannot collocate on the high voltage poles. If it is a small distribution line that happens to be tall enough. They are only about 30 feet so they would have to be replaced by a taller pole. He said that this choice was their last choice because it is the harder way to go and if there was a different way to do it, that's what they would do.

- Mayor Rosenberg told the Council that they have heard the presentations of the appellant and the applicant and the rebuttals from both sides. Are there any questions?

- Tode Hafen said that this comes down to legal and she said she is confused. She said part of this is you can't deny coverage and obviously we want cell service and coverage and then it comes up how to prove whether it's needed or not. And then it says you can't have it in a residential area. St. George can't have it because they will deny it and how can they deny it if Santa Clara can't deny it. She would like to get the map that Jared spoke of. The legal aspects are very confusing to her still.

- Greg Hardman said that one of things he would encourage the Council to do in preparation for beginning their deliberations and answering the threshold question of whether the Planning Commission reviewed this matter appropriately is to focus on the four conditions that are set forth within the City's Conditional Use Permit Ordinance. He proceeded to read them into the record. He said they need to look at the minutes from the Planning Commission meeting, consider their materials that were submitted at the Planning Commission meeting and then the Council needs to go through each of these

subparts and deliberate as to whether the Planning Commission adequately addressed each of these items based on the materials that were submitted and minutes from the meeting. If the City Council finds that the Planning Commission was deficient in that regard, then it can request information to address these issues. If the Council doesn't think the Planning Commission adequately addressed an item based on evidence than you can review those items DE novo and discuss them and perhaps create modified conditions or alternatively decide that the application doesn't meet one or more of these four criteria.

- Mayor Rosenberg had a question relative to the error in the date that went out. Does that impact the notice?

- Corey Bundy stated that the error was in the body of the note but not in the heading. He read the notice that was sent out. In the body it says "May" instead of "June".

- Greg Hardman said that typically what the courts look at when addressing one of these notice challenges is whether it imparted fair notice. He said it is their legal opinion that the notice was sufficient primarily based on the time period of its issuance and the fact that in the heading it clearly identified the proper date and time. If that were the sole basis for which it's being challenged, that that would be sufficient.

- Mayor Rosenberg asked Greg Hardman that from this point forward Council has options and do they deliberate tonight and make a decision tonight? What other options do they have?

- Greg Hardman said they can take the matter under advisement, deliberate and then wait to announce their decision in a written document that they have to produce within 15 days or they can announce a decision tonight after they deliberate.

- Mayor Rosenberg asked if it was done in the form of a motion by the Council.

- Greg Hardman asked as far as what, whether they want to take under advisement and issue a decision later.

- Mayor Rosenberg asked that even the action itself. Is it done in the form of a motion? Like if Council wants to take action tonight, would that be done in the form of a motion?

- Greg Hardman said yes, deliberate for whatever period of time and then someone will say, "Based on all our deliberations, I move that we either approve or deny for these reasons." and somebody would second the motion and if another person feels that they need to qualify or add to they can ask for an amendment to the motion. It's kind of like you would typically do.

- Mayor Rosenberg said that the first motion would be whether or not Planning Commission followed the process and did it appropriately. If they decided that Planning Commission had erred or something, then they could make the De Novo request if they wanted additional information or take the time to dive into the detail that way.

- Herb Basso asked the whether they approve, disapprove or table they can offer opportunity to appellate or Verizon to work out an alternate solution.

- Mayor Rosenberg said that if Council says Planning Commission erred but they still want to consider it, they go through the same process the Planning Commission went through and they still have the ability to request additional color imagery or coverage maps or stuff like that.

- Greg Hardman said that they have the ability to impose reasonable conditions. The Federal statute to which Mr. White referred, aspects of what can be required hereafter may be limited in some of those respects because Planning Commission didn't make those requests of the applicant at the onset for some of those things. But as far as you wanted to make aesthetic changes or that sort of thing, that is clearly in your discretion.

- Mayor Rosenberg asked that to make a change wouldn't we need to see what we were asking for. How far can we go because of the shot clock.
- Greg Hardman said that if there are aesthetic things Planning Commission could have requested for which you decide that they didn't and it was inappropriate for them not to have considered those things then yes you can request that. Just deny the permit, uphold the appeal by denying the Conditional Use Permit and then those items can be resubmitted potentially.
- Bob Routsong asked if the Council can legally deny the proposition of the cell. Can they say they disapprove and disallow this construction? Is that a legal option?
- Greg Hardman said that the question as phrased the answer is it depends. As a basis proposition, no, no municipality can prohibit altogether cell towers. Municipalities can identify zones in which towers can be constructed and exclude them from other zones. But if a municipality adopts a regulatory structure that has the effect of denying all practical abilities for utilities to construct the towers and the utility can demonstrate that the practical effect of a regulatory scheme prevents them from achieving these coverage standards then a court would strike down that regulatory scheme.
- Herb Basso asked if Council should deliberate and give their reasons and then vote or as they vote.
- Mayor Rosenberg said he thinks they would want to discuss it.
- Greg Hardman said that it is critical for the action they take to go through each of these alphanumeric subparts of the Conditional Use Permit Ordinance and deliberate about whether the Planning Commission sufficiently addressed them and if Council finds that they did not, then have the De Novo deliberation about whether based on the information presented Council thinks they can be met and if so why and if not, why not. That is the kind of record that needs to be created to best document the proceedings for anything that may happen hereafter.
- Mayor Rosenberg asked Council if they wanted to deliberate at this point in time or do they want to schedule a second meeting to do so.
- Herb Basso said that he feels that the applicant has not demonstrated that there is a significant gap in coverage or in service though they are explaining that there is an increased amount in this area. He says he doesn't feel that by data that it was explained to Council and even though they did not ask Jared White to bring data, Verizon has done enough of these that they know they should bring some data like that. The tower does adversely effect, as the Conditional Use standards explain, the aesthetics of the area and future property improvements of the area.
- Greg Hardman said he wanted to give Council a little guidance about how to articulate that. He said that Herb Basso has identified the issue that he doesn't believe that Verizon has demonstrated adequate coverage gap so Herb Basso secondary obligation is to then discuss whether that observation was also evident in the Planning Commission's failure to consider something as well as here tonight.
- Herb Basso said his second point is the aesthetics of the area and he thinks one of the Conditional Use Permit standards, B, talks about the health, safety, welfare and aesthetics are detrimental to property or improvements in the area and to him the word improvements means future and how it would affect what gets improved, to what kind of level and how it affects the City's future. He stated that he is a Verizon customer. He said so far he hasn't had problems with his coverage and he frequents the west side. He said we can't live without telecommunication. It is vital to life, emergencies.
- Jarett Waite said he would like to go through the A, B, C, and D and give his opinion on

them. A is if the proposed use is necessary and desirable and contributes to the general well-being of the City. He thinks that is met. He said he imagines that a lot of citizens in Santa Clara would be happy to have that extra data and more reliable service. He said he thinks that has been shown that that will occur and it will contribute to the general well-being of the City. B that the use won't be detrimental to the health, safety, welfare or aesthetics or detrimental to property or improvements in the area, he echoes what Councilman Basso said and that is part of his questioning on proximity to an outdoor recreation area and he has the same question on the tower by the Little League fields and we are not following our own code in that respect. B is the one area where it's about aesthetics more than anything else. The health, safety and welfare are really ambiguous and hard to nail down. He said they have also talked about the detriment to property or improvements in the area. B is the one sticking point for him. C, that the proposed use will comply with the regulations of this title, he doesn't see any problems there. D, that the proposed use is in harmony with the intent and purpose of the General Plan or that the Plan shall have first been amended through a public hearing. It's a farm area and in terms of if it meets the General Plan, it probably does and he doesn't see a problem with that.

- Jerry Amundsen said that he was going over these same things in his mind and it comes down to the same thing that Jarett said. This is an aesthetics issue. In his opinion, all of the other items have been met. The aesthetics is the one item that may be in question.
- Tode Hafen said that she thinks the aesthetics as well. Even though it is a farm area, it's an amazing precious area that's not been developed and this pole is going to be there a long time. She said if it needs to be there and it comes down to there is no other place and we are legally obligated to have it there, that's something we need to consider. She said she is not totally convinced. She needs to be really sure in her mind that it needs to be there and that it is the only place it could be. She needs more convincing on that. As far as whether Planning and Zoning, they probably did their best with this. The date thing legally probably isn't a big deal. She said the notices are sent out as a courtesy because the City leaders want to be open and that is their policy.
- Ken Sizemore said that he wants to go over the issues that were raised by the appellants and give his view of what he has heard this evening from the input that was received. He said he is not convinced that an alternative site analysis or an independent technical review will generate any more information that would impact the Council's decision. He thinks it will cost unneeded expense to the applicant and it won't provide any more information to the Council to make an informed decision. He said he thinks that the Council has heard that health impacts are so nebulous that there is no specific hard information to determine that there is a health impact. He said that they have heard from legal counsel that the notification issued is moot because of the fact that the correct date was issued on the heading of the notice and it was issued to the adjacent property owners in the time frame that would be appropriate. He doesn't think that the Council has any information that was presented to show the devaluation. The appraisal information that was presented by the appellee was nebulous; it doesn't provide any documentation that the property values of the surrounding areas would be negatively impacted. He said that they have heard from Staff and Legal Counsel that a public hearing was not required at the Conditional Use Permit approval stage. He said they have heard a lot of information about the benefit to the general area and the customers of Verizon and to the general network of service, not just Verizon but in general terms. The benefit is the customers who demand this additional data speeds the things we expect from our telecommunication devices requires a network that needs to be maintained and approved

as we increase that demand. The sticking point is the aesthetics. Given the fact that there is a very limited location availability to create this coverage, he said he thinks the Planning Commission did their best of determining how to aesthetically allow that tower to happen. The non-reflective galvanized finish on the tower was what they decided was the best solution. There are going to be towers sticking out there. He said he agrees that it is aesthetically a challenge. He doesn't think that the appellants have presented any information that would be grounds to overturn the Planning Commission's decision. He mentioned that this is the first appeal that has ever been processed before the Council. He said he thinks that Council needs to spend more time. This is not a typical City Council Public Hearing. This is a very strict quasi-judicial proceeding and Council needs to be able to take the information that has been received and perhaps get more information from the applicant that's applicable and take this matter under advisement and issue a written decision. He said that he doesn't think that in this setting the Council wants to do something off the cuff without more deliberation.

**Motion to Take this Matter Under Advisement and get more legal advice in issuing a written decision and Issue a Written Decision before August 15, 2016 of the Appeal of the Planning Commission approval of a Conditional Use Permit Request for placement of a Cell Tower on parcel #SC-6-2-22-3130 near the south end of Lava Flow Drive and Malaga Ave.  
Motion by Ken Sizemore.**

- Ken Sizemore asked if it was correct that the Council has 15 days.
- Greg Hardman stated that it is 15 working days to issue the written decision.
- Ken Sizemore asked if that had to be done in a City Council setting, in a public meeting, can the written decision. . .
- Greg Hardman said that Council would need to reconvene a meeting because all of the Council will have to vote for the written decision. The Council can deliberate privately but have to announce their decision vote in public and publish their decision based on the deliberations.
- Ken Sizemore suggested adding getting more information from the applicant as part of his motion.
- Greg Hardman said that the requesting additional information from the applicant can't be done. He said that if the Council feels like they need additional information, that's part of the De Novo hearing. If there is additional information that the Council feels they need then they can ask for it tonight.

**Motion to Take this Matter Under Advisement and get more legal counsel in issuing a written decision and Issue a Written Decision in the 15-day deadline with the condition that the Applicant provide the Coverage Map. . .  
Motion by Ken Sizemore.**

- Jared White stated that what Council is asking for is what they have already done. The maps they provided are what they provided to show where coverage is and where it will and where it exists. He said the Council can't just randomly pick spots and want to know what the coverage is. He may not be able to even get those spaces. The coverage information that he has provided for this location is completely accurate. There are months and months and factors that go into this.
- Ken Sizemore said that there was reference made to a piece of information that Jared

- White indicated that he could provide. He asked Jared to help him understand what it is.
- Jared White said that what that information is a Google map with a red line around it where the engineer said to go find a place for the tower. He said he has that map and can show it to the Council. He told Council that he can provide them with that information.
  - Greg Hardman said to clarify, if the City Council is prepared to make a finding that the Planning Commission was deficient in its review of the coverage issue and feels like in order to address that part of the application de novo that it needs that additional information, then Council can make that request of the applicant here tonight and seek Verizon's consent to an extension. Under Federal law, we have to act on this within 150 days to the date of the initial application, which was the 150-day deadline to be August 5, 2016. The Council first needs to make a finding that the Planning Commission didn't have adequate information before and therefore you have to take the next step to request it.
  - Jarett Waite said that he has felt that since he has heard about this that he would have loved to have seen more data than what they saw.
  - Ken Sizemore said that wasn't the direction his motion was going. He said he is going to finish his motion.

**Motion to Take this Matter Under Advisement and get more legal counsel and Issue a Written Decision before August 15, 2016 of the Appeal of the Planning Commission approval of a Conditional Use Permit Request for placement of a Cell Tower on parcel #SC-6-2-22-3130 near the south end of Lava Flow Drive and Malaga Ave.  
Motion by Ken Sizemore, seconded by Jarett Waite.**

- Herb Basso asked if Council is missing any legal counsel that has not been provided tonight. Does Council need to go look for it.
- Greg Hardman said that could be part of the deliberations. That's attorney/client stuff that doesn't have to be disclosed publicly.
- Tode Hafen said that she had a question that if we do that does that give Council access to that Google map.
- Mayor Rosenberg said that no, not the way that motion was made. That motion didn't state that the Planning Commission didn't do it right.
- Jarett Waite asked if that means there needs to be a Special Meeting before Council can make that decision.
- Mayor Rosenberg said yes, the Council would have to do that so they would all be together. It would have to be advertised for a Special Meeting. There is a Work Meeting scheduled for next Wednesday. It could probably still be advertised in time and the Council could meet before then.

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

**Voting Nay: Herb Basso, Tode Hafen**

**Motion Carried.**

- Mayor Rosenberg said the motion passes and asked when everyone can get together.
- Greg Hardman said that these will be the private deliberations of the quasi-judicial body.
- Mayor Rosenberg said Council would come back to an open session to issue it. It can be discussed in an Executive Session but the Council has to come back in to an open

session.

- Ed Dickie said the Council could have a Special Meeting on Wednesday, August 3 at 5:00 and then go into the Work Meeting following that meeting.
- Tode Hafen asked if that gave them enough time.
- Ken Sizemore cautioned the Council to put this together in the format the Council wants it to be, in writing.
- Tode Hafen suggested a meeting on Monday.
- Greg Hardman stated that for the Council deliberation they just need to agree on a time to do that. They are not meeting as a City Council to do that; you are meeting as an appeal authority. It doesn't need to be posted.
- Mayor Rosenberg said they could meet during the day and come together on August 3.
- Jared White said he is not even sure he can do this and Verizon legal may freak out but he said he is sure Verizon will give them another week, on August 12. He doesn't know if he has a legal right to do that.
- Greg Hardman stated that if Jared White wants to represent on the record on behalf of Verizon that they'll extend the deadline for that purpose. . .
- Jared White said he will extend a week if it helps Council with their schedule.
- Mayor Rosenberg asked him if Verizon will.
- Jared White said that Verizon's real estate manager will extend for that reason.
- Greg Hardman said that instead of Verizon's deadline being August 5, 2016, it will be August 12, 2016. If Council is willing to do that then he wants Jared White to very clearly state as Verizon's representative.
- Jared White says he is going to revoke that. He said it logically makes sense but because of the very sensitive nature of this, this isn't a basic City Council meeting, he probably shouldn't have said that. He is not Verizon's legal counsel.
- Mayor Rosenberg asked Council if they can meet Monday at 5:00. Council agreed and he said it will be 5:00 on Monday. He asked for Devin to be informed so that he can be at that meeting.

3. Request for a Conditional Use Permit for Placement of a 100 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone. Presented by Corey Bundy, Building and Zoning Official.

**Motion to Table the request for a Conditional Use Permit for Placement of a 100 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone.**

**Motion by Tode Hafen, seconded by Jerry Amundsen.**

- Herb Basso asked if that would allow the Council to meet their deadline. We would then have to come back to #3 and notice was the 10 days.
- Mayor Rosenberg asked if the Council action of the table of Item #3, because there may not be able to be advertised agenda out when that would come back put us past the deadline.
- Greg Hardman said the whole thing has to be acted upon within 150 days.
- Mayor Rosenberg said the Council will have to plan on a Meeting on Wednesday, August 3, 2016 to address that issue.
- Tode Hafen asked if she can make a motion that Item #3 approving the 100 ft. tall cell

tower based on the passing of the tower or not.

- Herb Basso asked that if they can build it, can it be modified to 80 feet.

- Greg Hardman said yes. Council has to deal with it tonight and make their decision one way or the other contingent upon the outcome of the Planning Commission appeal that Council will announce at the meeting on Wednesday, August 3, 2016.

- Tode Hafen said she thinks her motion still stands. She said hopefully Council can find another place for the tower but if the tower has to go in and it is determined that that is what has to happen, we might as well make it adequate.

**Motion to Approve the request for a Conditional Use Permit for Placement of a 100 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone contingent upon the outcome of the Planning Commission Appeal that will be announced on Wednesday, August 3, 2016.**

**Motion by Tode Hafen, seconded by Jerry Amundsen.**

**Voting Aye: Jerry Amundsen and Tode Hafen.**

**Voting Nay: Jarett Waite, Ken Sizemore and Herb Basso.**

**Motion Failed.**

- Ken Sizemore said that all the standards haven't been met to issue that permit.

- Greg Hardman said that it is a Conditional Use Permit item on the agenda and it needs to be dealt with tonight. He said there was a question about when we get to this item, could Jared White tell Council about this issue.

- Jared White said it's an industry standard that if there are 3 cell phone carriers to fit on a tower, it has to be 100 feet tall because of the space the equipment takes up, the separation that is required and the array of antennas. He is far less vested in this decision. It affects the City more than him because he won't be around and it will be at 80 feet and a few years down the road if AT&T already comes in a T-Mobile has already taken up the spot below and they can show that because that tower is not tall enough, the City has to let them have a tower because there has to be equal competition. The Council needs to know the ramifications of not allowing it to be 100 feet. He said that in his opinion 20 feet is far less imposing than opening the City up for the potential of a second tower in that immediate area.

- Jack Taylor asked if Verizon could engineer the pole at 80 feet with the capabilities of adding the other 20 feet on the top of that in the future if needed.

- Jared White said they can do that but what the Council needs to be aware of is that the typical pole tapers. What Jack is proposing means it will need to be wider and it won't taper. It's bigger and looks less sleek. The tower that would end up with would be bigger and wider. The structural calculations would have to be done differently because it doesn't have the same strength at that junction point. The 80-foot tower would be wider and have a bigger base and it doesn't taper. It stays the same width all the way up. It is a little bit bigger because of the structural capacity that it takes to then secure it at 80 feet is not the same as if it were one solid piece. This pole would be 4 feet all the way.

- Herb Basso said he is going to go back to Council because respecting his opinion but it is not their opinion. The word "if" others come. Would we get in legal trouble for are we liable for it if it is 80 feet?

- Greg Hardman said that Council can limit it to 80 feet at this point in time, either the sleek 80 feet or the wider one that might accommodate another carrier in the future if another carrier comes forward.

- Herb Basso said it sounds like 80 feet could handle two carriers. If we put the tower lower, what are our legal concerns?
- Greg Hardman said that the Council might have to give them a tower somewhere else because this one would be insufficient. They would still have to comply with the City Ordinances and look for a zone that would allow it. They would have to go through the same process.
- Jared White said that this decision can't be changed. Verizon can't redesign the foundation and they can't change it. They won't.
- Mary Beth Sposi said she wanted to talk about visual images because the City code contemplates that to do the Council's due diligence they need to see visual images. She said there are no visual images prepared for any of these options that are being talked about. Verizon only prepared one 100-foot visual. It does not show what it would look like with these other 2 carrier antennas. She said it is very misleading. There is no 80-foot visual image to compare it to and there is no visual image of the wider 80-foot with an extension possibility and there's no visual image of anything under 80-foot. She said that it is inappropriate for him to be proposing all of these options and no one can see what it looks like.
- Bruce Sposi said he has done a lot of Internet research on how cell towers are sited by the industry and how much variance there is between what one engineer says and another engineer. He told Councilman Sizemore that what he said about not getting outside, independent information is not correct because he thinks another engineer may give Council a completely different view. He said that Jared White is saying he can lease out space to one other carrier with an 80-foot tower and with a 100-foot tower he can lease out space to two other carriers. He said that if Council limits it to an 80-foot tower, Verizon is going to build it and not care about the third applicant. He said Verizon only has incremental revenue at stake with the additional 20 feet. He thinks Council should take that into consideration and deny the extra 20 feet. It doesn't benefit Verizon at all other than that they are going to lose some incremental revenue by leasing it to a third party.
- Bob Routsong said he is at a quandary. He said that several people have said they need more data. He doesn't understand why the Council cannot have an independent assessment of alternate sites.
- Mayor Rosenberg asked Bob Routsong if he is addressing the 100-foot pole. This item is specifically the Conditional Use issue.
- Bob Routsong said here the Council is listening to one engineer from Verizon.
- Mayor Rosenberg said that this is not a public hearing. He has given Bob Routsong a chance for input if he wants to offer input on the tower being 80 to 100 feet. He said that the discussion that has already happened encouraging the outside expert has already been heard several times by Council. He said if he has anything relative to the 80 to the 100.
- Jarett Waite said we are supposing that we won't need the extra room on that pole if we go the 80-foot route or do we want to hedge out bets a little bit more and ask for a pole that can be extended. Wireless carriers are consolidating all the time and expanding and using each other's poles. It's pretty complicated. Council needs to ask themselves if they want to stick with the 80 and try to lessen the impact or go more towards what Councilwoman Hafen said that 20 extra feet doesn't change the aesthetics that much. He said he is on the fence.
- Tode Hafen said she doesn't want to leave the City open to have to deal with another pole. It is a bet. What is technology going to do?

- Greg Hardman said that in regard to this agenda item, the telecommunication ordinance just requires that the City Council to make a determination for which it has discretion to go above the 80 feet. It's not a variance, it's not a conditional use permit. On the agenda it was prepared as a Conditional Use Permit but the actual ordinance requirement just gives the City discretion outside of those procedures, Conditional Use Permit or Variance so it just requires Council approval.
- Jared White said there are 4 major carriers that construct towers. There are lots of little carriers but they sublease and use other's antennas. It is not very common to have all 4 major carriers on but it is pretty common for AT&T and Verizon to always be on it. They tend to follow each other. He makes no representation for them.
- Ken Sizemore asked how tall the cell phone towers are at the ball fields.
- Jack Taylor said he believes they are 80 feet.
- Herb Basso asked for clarification about the vote the Council took on Item #3 will be based on what the Council deliberates about the Planning Commission appeal.
- Mayor Rosenberg stated yes.

**Motion to Deny the request of a 100 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone.**

**Motion by Herb Basso.**

**Retracted by Herb Basso.**

**Motion to Deny the request of a 100 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone and request an 80 ft. tall Verizon Wireless Cell Tower and related equipment near the south end of Lava Flow Dr. and Malaga in a Residential Agricultural (RA) Zone with the possibility of adding another 20 feet contingent upon the outcome of the Planning Commission Appeal that will be announced on Wednesday, August 3, 2016.**

**Motion by Jarett Waite, seconded Herb Basso.**

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

**Voting Nay: Tode Hafen and Herb Basso.**

**Motion Carried.**

4. Request approval of the proposed amendment to the Santa Clara City Zoning Regulations, section 17.68.110 to correct the PD Zone Change Procedure to state that the Planning Commission hold the Public Hearing and the City Council considers the recommendation from the Planning Commission and approve Ordinance 2016-10. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that in the Planned Development Residential Zone the language currently says that the City Council will hold a public hearing. That's not the practice and how we've been operating. This change will change two sentences: one in paragraph three. He read the old sentence and then the revised sentence. It clarified that the Planning Commission will hold the public hearing. The other change is in paragraph four. He read the old wording and the new wording. This is correcting the procedure that the Council does not hold the public hearing but they do consider the recommendation from the Planning Commission.

**Motion to Approve the proposed amendment to the Santa Clara City Zoning Regulations, section**

**17.68.110 to correct the PD Zone Change Procedure to state that the Planning Commission hold the Public Hearing and the City Council considers the recommendation from the Planning Commission and approve Ordinance 2016-10.**

**Motion by Herb Basso, seconded by Ken Sizemore.**

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

**Voting Nay: None.**

**Motion Carried.**

5. Request approval of Final Plat for Snow Canyon Estates Subdivision Phase 2 with 6 lots located at the NE corner of Lava Cove Drive and Little League Drive. (Applicant Kent Frei). Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this property is zoned R-1-10. At one time Kent was considering some townhomes there and now he is proposing 6 lots. When the preliminary plat came before the Council, there was a recommendation that the remnant piece be added to lot 1. That has been done. The Planning Commission recommends approval of the final plat.
- Herb Basso asked about the drainage issues.
- Jack Taylor said that the drainage on the upper lots is taken care of. All of the drainage will go into the street where the gush basins are.
- Ken Sizemore asked that with the storm drainage coming out of St. George onto this subdivision will curb and gutter be put in and skylight it into undeveloped drainage soil. Are we asking for problems with the storm water hitting curb and gutter and cutting around it and eroding away all the base and then we don't get the storm water getting into our brand new curb and gutter? How do we deal with that?
- Mayor Rosenberg said that typically they would just have a berm that would go from the back of the curb and gutter on a diagonal to pick up that drainage swell that's coming down through it.
- Kent Frei said he doesn't mind putting in the curb and gutter. He asked if there was any way that the City would like a little piece of land donated to them because in all respects that leg does nothing for the building lot. Would the City have a purpose for it? It is almost detrimental to the lot.
- Tode Hafen asked how big it is.
- Kent Frei stated that it was 3,000 to 4,000 square feet.
- Herb Basso suggested that if it was kept in the lot the owner could make it RV parking or something else.
- Jarett Waite said that was more spots to weed if you owned that spot.

**Motion to approve the Final Plat for Snow Canyon Estates Subdivision Phase 2 with 6 lots located at the NE corner of Lava Cove Drive and Little League Drive.**

**Motion by Herb Basso, seconded by Tode Hafen.**

- Jack Taylor said there are some issues on there with the 2 to 1 slope ordinance and he thinks that Kent Frei came to an agreement with some walls. It needs to be in the motion.
- Kent Frei said he met with Mr. Rodgers from? and looking at the walls, what he is recommending and he will study it a little more, a base of 6 to 8 feet and an upper base of 6 to 8 feet. The middle section is solid enough that there is no reason to have an intimidating wall that detracts from the subdivision. He will take care of it and engineer

it in a way that it will take care of it. The improvement plans are reflective of this.

- Mayor Rosenberg asked that Council can approve this subject to Staff's approval of the improvement plans.

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

**Voting Nay: None**

**Motion Carried.**

6. Request approval of Final Plat for Sycamores @ Santa Clara, a single family subdivision located on the East side of Gates Lane and on the South side of the Santa Clara River in an R-1-10 zone. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that since this has come to the Planning Commission they have created a 1D and a 1A so Staff report addressed the entire project. They have actually shrunk it by 9 lots. The current information for this is Sycamores @ Santa Clara phase 1A will have 20 lots on 12.74 acres. Most of the issues that were addressed in the Staff report about drainage actually were applied to 9 lots. This is pretty straightforward. It's mostly flat. The applicant will have to install the rip raft under the erosion. It is being installed right now. Staff and Planning Commission recommended approval.

- Herb Basso asked where lots 7-10 are.

- Bob Nicholson said that will be in phase 1B.

- Jarett Waite said the Gublers, the former property owners, were hesitant to see homes on this property.

- Jerry Amundsen said that just for reference he sees the minimum flood elevation for the lowest finished floor. That elevation is not above Sycamore Drive. It couldn't be below?

- Mayor Rosenberg stated that it couldn't be below because the flood elevation is down. The lowest finished floor that could include a basement is 2 feet above the BFE.

- Tode Hafen said she needed to declare a conflict of interest on this because her son is involved with the developer.

**Motion to Approve the Final Plat for Sycamores @ Santa Clara Phase 1A, a single family subdivision located on the East side of Gates Lane and on the South side of the Santa Clara River in an R-1-10 zone.**

**Motion by Herb Basso, seconded by Jerry Amundsen.**

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

**Abstain: Tode Hafen.**

**Voting Nay: None**

**Motion Carried.**

7. Request approval for Final Plat for a 3 lot Subdivision located at 1311 Vernon Street. (Marv Blosch, Applicant). Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this came as a preliminary plat about a month ago. This is a 3 lot that is off Vernon Drive in the west side of Vernon Drive. The proposal is to go from 1 large lot to 3 lots in the R-1-10 zone. The back lot would be a flag lot. Most of the surrounding property is already developed. It is almost impossible to get access to that without utilizing the flag lot. That stem is a portion of lot 2 to the rear. Planning Commission and Staff recommend approval of this. It meets the requirements the Staff

portioned, 25 feet wide, is their requirement for a flag lot.

- Tode Hafen asked if this is south of the Historic Zone. We should check.
- Bob Nicholson said he wasn't sure.
- Jack Taylor said there are no improvements down there. The applicant will have to pay for sidewalk, curb and gutter. The City will hold that money until the road is developed.
- Mayor Rosenberg stated that since the property is in the valley and since that street is not improved he would have the choice to put those things in or pay the City the cost to do that and then the City has that money to set aside when the rest of the street gets improved. That is the same with all the unimproved roads throughout the valley.
- Jarett Waite asked if that needed to be part of the motion or is that just done anyways.
- Mayor Rosenberg said it could be part of the motion but it is already covered under the ordinance.

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

**Motion by Jarett Waite, seconded by Herb Basso.**

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

**Voting Nay: Ken Sizemore.**

**Motion Carried.**

8. Request approval of proposed amendment to the City Subdivision Ordinance, Title 16, section 16.24.060 "Street Improvements" and approve Ordinance 2016-12. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said this is a brief amendment. The change is in paragraph C under "street improvements" the last sentence. He read the existing sentence. Developers come in and propose to do a subdivision but they really resist the idea of stubbing the street out to the neighboring property. This change in the ordinance will help. He read the new wording. So the term "where feasible" will allow for exceptions. The broad rule is stubs encourage connectivity.

**Motion to Approve the amendment to the City Subdivision Ordinance, Title 16, section 16.24.060 "Street Improvements" and approve Ordinance 2016-12.**

**Motion by Ken Sizemore, seconded by Jerry Amundsen.**

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

**Voting Nay: None**

**Motion Carried.**

**5. Reports:**

**A. Mayor / Council Reports**

Jerry Amundsen:

- Nothing.

Tode Hafen:

- Asked to get a copy of the current Historical Overlay Map. There was a question that came up in Heritage Commission.

- Wanted to know what was happening with Jenkins Oil. Where is that at?

- Ed Dickie said they met recently, Corey, Matt and Dan.
- Corey Bundy said he talked with Matt. The Fire Chief was going to contact Jenkins Oil and give them a deadline for bringing it back to Council. They did a report but there is no deadline to see where they are at or when they are done. We wanted to advise them to come back. There is a construction business that is ongoing. A brother-in-law of the people that own Jenkins and Matt advised them to send a letter to tell them to cease and desist the construction. They don't have a conditional use or approval of a business license for.
- Tode Hafen said that this came up at Heritage Commission and someone suggested that they painted the tanks, which suggest commitment to the project.
- Corey Bundy said that part of Council's recommendation was to get an independent person to study what needed to be fixed. They did that. A portion of that was to paint the tanks, do the containment. They are in the process of doing that. They don't have a business license and haven't had one since January. We need to follow up so they don't think this is the same old thing or they can just do a little.
- Tode Hafen said that with Heritage Commission we are very close to getting architectural guidelines done. They are ready for approval in August. She called St. George City with the rentals business licensing that was talked about at the last meeting. They require a business license if you own only 1 rental. She is not suggesting the City do that. She said that the seed display is complete and ready to launch and it is amazing! They really enjoyed it and said they would consider doing it one more year.

Herb Basso:

- Nothing.

Ken Sizemore:

- Mentioned the new entry sign. It looks great. Is it finished?
- Brad Hays said it is not. It is going to be faced with sandstone or stucco at the base and we are going to put in some solar lights.
- Ken Sizemore asked Jack Taylor if a 25mph sign could be posted up on top of Vineyard as you make the turn coming down. There is already a neighborhood watch sign.
- Jack Taylor said they can. It's a hill and people want to go faster. It may not make a difference. He said he will.
- Ken Sizemore asked what was being done about the sidewalks to the elementary school. He wanted to know if the City was pursuing some sidewalk money to try and put some sidewalks from Vineyard down Lava Flow into Arrowhead.
- Jack Taylor said not at this point.
- Ed Dickie said they met with them and came up with some good solutions where they are happy. The streets were painted so the kids and the cars know about the area. The sidewalks, the PTA is going to talk to the homeowners and see if they would be willing to do the sidewalks and the City would be willing to do their part to provide the labor.
- Jack Taylor said there is a school plan called the School Snap Plan and it's the safe route to school and they are going to try to work with the residents to provide the money for the material and the city crews would come in and put the sidewalks in. The timeline is up to them. We are providing labor.
- Ken Sizemore asked where the future road, coming down there, is going to intersect, on the west side of that field, on the east side, do we know yet?
- Mayor Rosenberg said the Master Plan has it diagonal across the field and clear up to

Santa Clara Drive.

Jarett Waite:

- Nothing.

Mayor Rosenberg:

- Met with the Water Supply Agreement. They are redoing their impact fee facilities plan so there are going to be annual water rate increases. They did an historical analysis. He will bring that to Council. We will probably be looking at \$3 a 1,000 for water rate at some period in time. They are still moving ahead on all their projects.

- Friday, August 5 there is a postal briefing at the Salt Lake Postal Processing Facility in Salt Lake. It starts at 3:00. Get with the Mayor if you are interested.

- The Insurance Trust is getting audited. Some feel they are being too loose with their spending associated with board meetings and member promotional activities. Steve Hansen is taking personal responsibility for any area the trust can be improved.

- Tode Hafen asked if the Mayor is going to the Fair.

- Mayor Rosenberg asked Tode to go.

- The Sand Hollow wash looks tremendous down behind Country Lane. The project will be done in the next month. Some of the property owners on Country Lane are paying additional money to get rid of the Tamarisk that are back there. It was funded 50% by St. George and 50% by the Flood Control Authorities. Mayor said he would be happy to take anyone on a tour of it.

- Mayor Rosenberg signed FEMA agreements today and there is 1.1 million dollars ready to draw on the grant. A meeting is scheduled tomorrow with the geotechnical engineering group to get their scope filed so they can get started and meetings will be set up with the property owners as soon as possible to start the land acquisition phase. He hopes that in the next 60 days some closings can be done. The geotech will take 60 to 90 days. We can realistically be in construction by mid-October. We are going to try and take the pillars down or they may get buried somewhere in that terrace. He will leave that up to Jim Norcluss.

- Mayor Rosenberg said he got a call from Bruce Stucki and they are seriously considering donating all or part of that subdivision on Chapel Street to the City for a park if we would be interested in taking it. They may develop one or two lots on the far south end. They are having a lot of push back from builders wanting to purchase the lots close to the slide because of the aesthetics and visual risk of the slide. They don't think anybody's going to want to buy a home right there. He told him he could probably speak for Council and they would be really excited about something like that.

- Corey Bundy said he issued a permit to a person on Arrowhead. They promised to put in curb, gutter and sidewalk. They didn't bond for it but they said they would do it so he issued a permit.

- Mayor Rosenberg said he should have something in writing from them. Get some type of an acknowledgement from them and tell them they are not going to get a CO until they have paid the money or put the improvements in.

- Corey Bundy said he put that on the building permit that no CO until City improvements are installed.

- Mayor Rosenberg said he would send a letter. Do more than just put it on the permit.

6. **Executive Session:** None.

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

- July 13, 2016 City Council Meeting Minutes
- Claims through July 27, 2016

**Motion to Approve the Regular City Council Meeting Minutes from July 13, 2016 and claims through July 27, 2016.**

**Motion by Jarett Waite, seconded by Herb Basso.**

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

**Voting nay: None**

**Motion Carried.**

8. **Calendar of Events**

- Aug. 3, 2016 City Council Work Meeting
- Aug. 3, 2016 City Council Special Meeting
- Aug. 10, 2016 City Council Meeting
- Aug. 14-17, 2016 UAMPS
- Aug. 24, 2016 City Council Meeting

9. **Adjournment:**

Motion to adjourn by Herb Basso.

Seconded by Jerry Amundsen with all members present voting aye.

Meeting Adjourned at 9:46 p.m.

\_\_\_\_\_  
Chris Shelley – City Recorder

Date Approved: \_\_\_\_\_