

**SANTA CLARA CITY COUNCIL WORK MEETING  
WEDNESDAY, JULY 6, 2022  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, July 6, 2022 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. The meeting will be broadcast via You Tube linked on our website at <https://sccity.org/meetings>.

Present: Mayor Rick Rosenberg  
Council Members: Jarett Waite, Christa Hinton, Ben Shakespeare, Denny Drake and Leina Mathis  
City Manager: Brock Jacobsen  
City Recorder: Chris Shelley

Others Present: Scott Bannon, Assist. City Manager; Dustin Mouritsen, Public Works Director; Ryan VonCannon, Parks & Trails Assist. Director; Gary Hall, Power Director; Jim McNulty, City Planner; Cody Mitchell, Building Official; Andrew Parker, Fire Chief; Matt Ence, City Attorney; Bob Flowers, Police Chief; Tom Contreras; Mary Contreras; Brooke Seely; Chad Christen

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m. He welcomed everyone to the meeting and introduced himself and the City Council.

2. **Communications and Appearances:**

- Tom Contreras introduced himself and his wife Mary. He said he wanted to give recognition to Chief Flowers. He said that there wasn't a better Chief for our City and Southern Utah. He stated that on April 3 his daughter and her fiancé were on their way to Mesquite on Hwy 81. They were both tragically killed by a drunk driver. He said that he was in California, and he called Chief Flowers and Chief Flowers and a female police officer graciously went to his home and found his wife Mary and let her know of the tragic accident. Chief Flowers went with Mary to identify their daughter and then went back to the Contreras home and stayed with Mary until he was able to get home from California the next day. He said that is the kind of person that Bob Flowers is. He said he has known him as a friend for 30 years and has worked with him in law enforcement. He said Chief Flowers' career has been successful wherever he has gone from the Police Chief of St. George to being an assistant to the Governor during the 2002 Olympics and working for FEMA and working for Ivins City. He gave recognition to Chief Flowers and his thanks for not just being a friend but being an honorable law enforcement person. He thanked the Council for allowing Bob to be our Chief.

3. **Working Agenda:**

## A. General Business:

### 1. BMX Update, Brooke Seely.

- Brooke Seely, 1869 N 2500 W, St. George, said that our track is the #1 track in the State of Utah. She said that it goes off of a point system and Rad Canyon has never been beat in all the time that there has been USA BMX tracks. For 20 years they have been the #1 track in Utah. There are 9 tracks in Utah and last year we got the #1 ranking from them. That means the State championship will be here in September. The championship will be on September 10 here at our track. For the first time in 20 years, it hasn't been at Rad Canyon in South Jordan. She said that is pretty awesome. She said that in the region, out of 117 tracks in the region, our track is ranked #13. Out of the 311 tracks in the United States, right now we are ranked 31<sup>st</sup>. She invited the Council to come out. There are a lot of cool things going on. She said the rider count has grown so much in the last year. When the track opened back up there were 26 moto's. The oldest rider is 73. He comes out every single week. The youngest rider is under 1 year old. There are grandparents racing with their grandkids and moms and dads racing with their kids. It is literally a family sport for all ages. This month (July) there is a two-page spread in Pole Magazine on our track. She said she will bring that in for Council to see. The article talks about how the track was built and how it is a non-profit and the different things that are going on. She talked about how the track is also for special needs children. There is a little girl who had a stroke when she was 2 years old. Her favorite thing to do is ride her strider. They decided to bring her and her little sister out to the BMX track. She got so excited when she saw everything so they asked if she could ride the track. Her dad pushed her around the track. Now she comes out to every practice and every Thursday night race. Her dad pushes her in a specially made stroller. It has literally changed her life. There are awesome life changing things happening for kids. The family has now started a non-profit in her name and are trying to raise money for these strollers for the track so there can be more special needs kids out there. The little girl brought her best friend out and they shared the stroller and she loved it. Brooke suggested to the Council to go on the track Instagram and look at things they have posted. She said people come from all over. She stated that they are trying to get pit row done right now. Parking is a struggle when there are bigger races. She said the restrooms were donated from SUHBA as well as concessions. Plans are almost done for pit row, and it will hopefully be done before the championship in September. She thanked the City Council for letting this track happen. It has been great. She said that Santa Clara City has been so great and others around the country are amazed at what the City has done. She said this year we will have 71 State champions.

- Chad Christen, 1375 W 540 N, St. George, said he is with Santa Clara BMX. He said that 34 kids are nationally ranked in the top 5 in the nation. They are all from right here. He thanked the City Council for what they have done.

- Ben Shakespeare asked if there are other needs they have at the track.

- Brooke Seely said that once the bathrooms are done and there is parking that is what was needed.

- Chad Christen said that in the future it would be good to have some place for the RV's because a lot of people come from out of town and bring their RV's.

- Brooke Seely said she talked to someone at Snow Canyon Middle School, and he said it would be no problem for them to park there if it was on a weekend. All the

motorhomes could be put in that back lot, and they could just go across the dam and get over to the track. If it was all asphalt, it would be really easy. He said that they would have to put 2x4's under the stabilizers. Most people do that anyway, but we would have to have someone there to make sure people are doing that.

- Jarett Waite said congratulations. It is amazing to get that State race and be ranked so high so early in getting the track going. He said he knows a lot of people who volunteer there and who race there, and they have an excellent experience every time they go. That goes to how it is operated.

- Brooke Seely said they have some rules that aren't at other tracks. She said they have a "no swearing" rule and a "no drinking" rule and she will give someone their money back. It helps the parents and the kids be on their best behavior while they are at the track. She said her nephew passed away last December and they named corner #2 after him. There is a big banner that says, "Talen's Turn" and all the kids have taken on Team Talen, and they try to be better for him and for the special needs kids. She said she hopes it will continue to keep growing.

- Chad Christen said he has been all over the country and this track has a different feeling. It is such a family atmosphere and there is no tension and no stress. This has really been great for the sport and all the kids. He said the older kids mentor the little kids.

- Brooke Seely said that practice nights are Mondays. She said they are going to take a couple of weeks off because of the heat. Then they will get back at it. They race every Thursday night and practice every Monday night. They have clinics on Tuesdays and private lessons on Wednesdays.

- Mayor Rosenberg thanked Brooke and Chad and said we appreciate their efforts and what they have done. We will stay in touch with the parking as it gets closer to the State tournament.

- Brooke Seely said they are going to have a dinner banquet for all the riders and have an awards ceremony and she invited the City Council to come.

2. Chapter 12.08, Sidewalk Regulations and Chapter 12.20, Park Regulations update.

- Jim McNulty, City Planner, said he wanted to have a discussion with the Council about some chapters in the City Ordinance in particular Chapter 12.08 and 12.20. He said this was recently brought to our attention and he thanked Councilmember Mathis for helping out with this and letting us know we needed to make some updates in this section. He said in doing this we put a small committee of City Staff together including himself and Chief Andrew Parker, Dustin Mouritsen, Scott Bannon and Matt Ence and went through these two chapters to see if we could come up with some better wording (see attached). He said in 12.08.010 they felt the hours were pretty restrictive in the case of removal of snow. We don't have a lot of snow so we don't think this wording is needed: "In the case of a storm between the hours of five o'clock (5:00) P.M. and six o'clock (6:00) A.M. such sidewalk shall be cleaned before nine o'clock (9:00) A.M. of the same day." He said we are proposing to remove that wording. He said they did a lot of editing and cleanup on the wording. He stated that on 12.08.020 on Item C it makes reference to a "vehicle" under "Placing Trash or Other Obstruction in Streets, Gutter and Sidewalks" so we removed the reference to "vehicles". He said an edit needs to occur 12.08.030 "Openings in Streets". Item C is supposed to say, "core holes" not "co holes". He next talked about 12.08.060 "Crossing at Intersections". It talks about things that are allowed. It says, "It is unlawful for any

person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings.” We added, “Except for electric bicycles, scooters, and skateboards.” The next one is 12.08.070 “Business to Keep Sidewalk Clean”. He said that one seemed pretty heavy handed. It says, “each morning before the hour of nine o'clock (9:00) A.M.” so we just put, “to cause the sidewalk abutting thereon to be swept or cleaned as needed”. The rest of the page are cleanups. He said 12.08.090 they just cleaned up. He said in 12.08.100 it says, “PLAYING ON SIDEWALKS: Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction.” He said we felt that wasn't needed. In the Section “Congregating on Sidewalks” we renumbered that as 12.08.100 and updated the terminology to “in front of any commercial business or office, civic use or dwelling unit”. He said these are the proposed edits to Chapter 12.08 that we will bring back to the Council to adopt and amend City Code.

- Jarett Waite asked about Section 12.08.030 on the core holes. He said a lot of neighborhoods put up flags for different holidays. He said he drilled his own hole in front of his house, and he did not get special permission from City Council to do that. Is there an exception to do that? He asked if Jim could research into that.

- Dustin Mouritsen said he thinks what they are referring to is when utility comes in and does boring, they need an excavation permit in order to make those core holes but as far as the ones in the curbing, we have never required a permit for that.

- Mayor Rosenberg said the core hole the section is talking about would be a much bigger hole than the 1” the flagpole hole is.

- Jim McNulty asked if we need to add any language to that section.

- Mayor Rosenberg said he doesn't remember ever approving any of the flag core holes. The Boy Scouts did a bunch of them.

- Jim McNulty said the next section is Chapter 12.20 “Park Regulations”. The first section is just cleanup and some editing. He said that Item D under this section is where we did some research and added some language to be compliant with State Code requirements. We added, “If allowed in a designated area, fireworks may be discharged July 2nd – July 5th, and July 22nd - July 25<sup>th</sup> (both until midnight), December 31st/January 1st (until 1:00 AM), and January 31st/February 1st (until 1:00 AM), Chinese New Year's Eve.” He said that Chief Parker helped us with that language so that is current with other cities throughout the State. He said on Item G we added some language. It says, “No one shall test or repair any vehicle or mechanical device on any park or trail property” and we added “except for electric bicycles, scooters, and skateboards”. He said other items in this section were just cleaned up and some wording was removed that was a bit wordy. He said that Item Q says, “No group of twenty-five (25) or more persons shall use a park or trail area without first applying for and obtaining a Special Event Permit written permission from the City.” He said that is a current requirement. We get those each summer for special events and other organized activities. That is a requirement and we wanted to make sure that language is consistent. He said in Item W it says, “Use of skateboards on park property or trails other than specified skateboard venues and pedestrian walkways is prohibited.” We removed this item. He said that Item X would become Item W. These are the changes we recommend for Chapter 12.20.

- Leina Mathis asked about Item Q concerning the group of 25 or more persons. She said she understands the premise if it is an event and the reason why someone would gather but for families or someone who would want to gather and have more than 25

people, are we going to ask them to come in and get a special event permit?

- Jim McNulty said we have done that, and he talked about a recent birthday party where the individual applied for a special event permit because he was planning on more than 25 people to come to his home for a large celebration that was going to go until 11 or 12 at night with outdoor music and we did have them come to TRC and talk to their neighbors and then issued a special event permit.

- Leina Mathis asked if someone wants to just use the park for all their kids and grandkids would they have to come in for a special permit for that.

- Jim McNulty said that is his understanding. The number 25 is in the current ordinance.

- Brock Jacobsen, City Manager, said that is when people are hosting large events. We don't police it. Most of the time this happens when people want the pavilion, and they want something reserved, then they come in.

- Denny Drake said it is a good protection for the 25 people. If they reserve it then they have the right to use it. He said it helps to deter conflicts.

- Brock Jacobsen said if people have a special event and especially if they are going to have music, we want them to come in and make sure we are aware and that neighbors are getting notified.

- Jim McNulty said he will bring these two items back to Council soon.

- Denny Drake asked why Item W is going to be excluded.

- Mayor Rosenberg said we are allowing skateboards in parks and trails.

- Jim McNulty said if we had a skateboard park, we could limit them to just that park area, but we are hoping people will be on their good behavior. If we find it to be a problem, we can always bring it back.

3. Chapter 17.74, Historic District/Mixed Use and Chapter 17.76, Historic District Overlay Zone updates to include Heritage Commission.

- Jim McNulty thanked Councilmember Mathis for bringing these items to our attention. He said a lot of the changes are just cleanup. The first several pages are all cleanup and editing. He said the zone change is where we want to make a change. On 17.74.120: ZONE CHANGE PROCEDURE, the current language says, "An application to rezone property to the Historic District/Mixed Use Zone shall be made in the same manner as a zone change to any other zone in the City, except that the Heritage Commission shall be the initial review body." He said it is really not an item that they need to be reviewing. It is not anything required of State Code for another body to review or look at. He said that Staff is recommending that we remove, "except that the Heritage Commission shall be the initial review body".

- Denny Drake asked if they aren't being presented to the Historical Society, how do they know if the colors and other things are going to be there. Do they wait for the Planning and Zoning?

- Jim McNulty said they will be presented to the Heritage Commission for other types of review. A rezoning of property really isn't under their purview. They are going to look at all of these other items.

- Leina Mathis said this just makes it more consistent with the duties that are outlined in the actual ordinance for the Historic Commission. Zoning isn't a part of it.

- Jim McNulty next talked about Section 17.74.130, "SITE PLAN REVIEW", Item A, "Existing Conditions". This is updating the document. Right now, it says, "a disk shall be submitted" and we put in, "A flash drive and/or electronic copies shall be

submitted”. The next Chapter he talked about was 17.76. It is a cleanup of this title. He said he wants to make sure we are consistent in our wording. He said under definition 17.76.020 he wants it to say, “Heritage Commission”. He talked about consistency in stating the Heritage Commission, the City Council and the Planning Commission. In 17.76.050 it makes reference to the Commission and not the Heritage Commission and to the Planning Commission and then to the Commission again, so it is a bit confusing. We want to make it clear. He said that 17.76.060 should say “Heritage Commission Duties” and not just “Commission Duties”. He said that on 17.76.070 Item B it says, “When a request for a building permit is made to the city based upon an exterior design proposal, the Heritage Commission shall review, at a minimum, the exterior design of buildings, architectural treatment, landscaping, design of signs and other items related to design objectives”. He said he struck out the words “site plan”. He said his concern with the site plan is Heritage Commission might want to make recommendations to the site plan and that is not really their duty. It is more the materials, the building design and the height and how it looks and feels and ties in with our standard.

- Mayor Rosenberg asked about Section 17.76.050 where it talks about the make-up of the Commission. He asked if they have a Chair. Should the Chair be addressed and the length of service on the Chair in there where the Chair is elected by the members of the committee and the length of service of a Chair could be one or two years.

- Jim McNulty said we can do that. We did that with the Planning Commission rewrite.

- Mayor Rosenberg said that would work for this. Are we okay on the Existing Membership Appointment section?

- Leina Mathis said yes. We are in compliance.

- Jim McNulty said he wanted to thank Matt Ence (City Attorney) for helping him out on these two chapters. These chapters will have to go to Planning Commission and then come back to Council.

#### 4. R1-6 Zone creation discussion.

- Jim McNulty said we have recently had some discussions about residential projects, multi-family zoning, medium density zoning, high density zoning. We have had some projects and some concepts brought before the Council that show quite a bit of multi-family. We have entitled a few projects in the northern part of the City in the last year. We have looked at some other concept plans recently and as a result we have kicked around the idea of creating a new land use district, in this case a R-1-6 zone. He said an R-1-6 zone is pretty common. A lot of cities have those to address low to medium density residential lot size. They are 6,000 sq ft lots, single-family, detached, generally smaller side yards, smaller front and rear yards, but allows a builder to still put a nice home on a lot. He said that Staff wants to have this discussion with the Council and see if Council would like to give direction on this. He showed Council his first draft of Chapter 17.63. (See attached.) He discussed the development standards beginning in 17.64.040: Height Regulations, “No building shall be erected to a height greater than thirty-five feet (35’), and no accessory building shall be erected to a height greater than twenty feet (20’) without a conditional use permit approved by the land use authority. However, an Accessory Dwelling Unit, ADU may not exceed a height of twenty feet (20’).” He said he has received some comment that maybe 35’ is tall for an R-1-6 lot. He said maybe we could go with 30’ but 35’ is our current standard. He said he thinks

he might take out the sentence about accessory buildings. We probably don't want accessory structures over 20' in a small lot or medium density lot size. He said an ADU cannot exceed 20' unless they get approval from the Planning Commission. He said as far as the area width and yard regulations, the minimum lot size is 6,000 sq ft, the width would be 50', the front yard 20', side yards 6' and 6' for a total of 12' and a rear of 10'. The 6' side yards should not be less than that because it gets a little tight if it is less and we need to take into account utility easements. He said that window wells have an impact on those side yards as well. He said that an R-1-6 zone seems like a good zone that we could put in place and builders would build to that. And the idea is it could possibly bring down price points. This would be a straight single-family zone. He said that if the Council wants to take a look at an R-1-5 zone he could look at that too and come back. That might be smaller than we want to go. He said this is a nice lot size. He thinks this could be a fairly popular zone for the City.

- Mayor Rosenberg said he likes the idea of an R-1-6 zone. With the land available issues and the cost, it may bring more affordability into it. He said with the R-1-6 lots there will probably not be a lot of utilities in the side yard setback. Almost all of the utilities are out in the road now especially in new subdivisions.
- Ben Shakespeare said 35' height on a narrower lot is tall. He suggested bringing that down to 28' or 30'.
- Jim McNulty suggested 30'. He talked about the setbacks on the side yards. He felt that 6' and 6' was a good number.
- Denny Drake asked what the side yards were in the Villages.
- Brock Jacobsen said he doesn't think they are more than 8' and 8'.
- Leina Mathis said she doesn't think you could go any smaller than that.
- Jim McNulty said we could have it be 5' and 8'.
- Ben Shakespeare said he is not concerned on the setbacks. He thinks this is a great option.
- Denny Drake said we do have it in the PD that we can review and discuss and if we create this zone and someone comes in with 20 acres and wants to do 6,000 sq ft lots and there is a water issue, the smaller lots still use the same amount of water that creates more of a water usage than a single-family lot that is 12,000 sq ft. Do we want to keep it in a PD area where we can talk about it?
- Mayor Rosenberg said the problem with the PD is if you do it in a PD zone now you have to build 30% open space into your PD zone. The PD zone has all of these other elements that they have to meet as part of it in addition to the lot layout so what the developers see when they come in and try and do this is now that 30% open space kicks in and now they have to develop a park amenity and some other things inside that PD to make that open space work.
- Denny Drake asked if that was bad. If we are going to create a 20-acre zone, do we need that?
- Jim McNulty said he thinks they are going to come in and ask for smaller lot sizes.
- Denny Drake said the Village is kind of a mirror of what we are talking about.
- Mayor Rosenberg said when you have something like the Villages you create an HOA and HOA fees. This lets you do a similar thing as the villages but without an HOA and give the property owner the ability to control what he does and not have to answer to an HOA and not have to build an amenity into the development itself.
- Denny Drake said rather than creating a whole new zone just amend the PD zone. He said our water issues are going to be huge.
- Mayor Rosenberg said there will be less water with this. This zone will be less water

- consumptive because they are going to maximize the footprint of the house on the lot.
- Jim McNulty said and with our new conservation ordinance they can only have 8% of lawn area with 16% total irrigated per lot. He said the other thing he really likes is, with a neighborhood like this, the public streets. They are going to get a 50' right of way with nice sidewalks and it is pedestrian oriented and a family friendly neighborhood.
  - Mayor Rosenberg said that no HOA is a selling point. We have limited the outdoor water use so doing common area landscape is a lot harder and is going to be more expensive.
  - Jim McNulty said what we are getting out of this is 5 to 5 ¼ units per acre. He said that if you read in our General Plan where it talks about low to medium density, it talks about that type of unit, 5 units per acre.
  - Leina Mathis said from a citizen's standpoint it is perceived differently. It is a single-family, normal subdivision even though the lot size is smaller. It is perceived as a traditional single-family home, and they want more of that.
  - Denny Drake said he hasn't heard anyone complain about the Villages as far as people that live there or people that live around it. He said what he is talking about it that the PD zone gives the City a little more say in what goes in. If we create it as a zone, we have no say. He said he thinks the only thing we are losing is control.
  - Jarett Waite asked that if someone had a bigger lot could they come back in and rezone it to this zone and end up with more homes on their property.
  - Jim McNulty said potentially but it also depends on where they put the home on the lot.
  - Mayor Rosenberg said they would still have to comply with the underlying zone so they would have to go through the zone change process and they would have to comply with the General Plan and the General Plan has restrictions and you can't do an R-1-6 in an LDR. There is a lot of hoops to go through in order to do this.
  - Jim McNulty said we have tools in place that are precautionary things put in place and this is something we would discuss. This allows for some housing to come in.
  - Denny Drake said he thinks the 6,000 sq ft lots are great. His concern is that the PD gives us control and helps us in maintaining what goes there where if we create this residential zone, they can do what they want.
  - Jim McNulty said we have tools. We have the R-1-6 as a tool, and we still have the PDR (which we are going to do some updating on). It is good to have additional tools, and this really could help create some medium density single-family housing in the community.
  - Leina Mathis said she agrees with that.
  - Ben Shakespeare said regarding the heights. If we maximize the 50' wide and built to those setbacks of 38', you would end up with 7 ½' of roof. He said that 30' would be right at it. He thinks 30' is the right number. He said he likes this a lot. This gives a lot of flexibility, and he thinks it will open the door to more single-family that we have been looking for.
  - Jim McNulty said he got some feedback from Cody Mitchell (Building Official) about some architectural standards that design to fit in, and we will come up with some general wording to fit there, to add to the ordinance before it is brought back to Council.
  - Denny Drake said he thinks this brought up something. We need to look at that PD zone and revise that PD zone from what we have existing as far as the 30% open space, watering, how much landscaping that is required. That all has to be reviewed and

changed to comply with what we are trying to do as far as water.

- Mayor Rosenberg said we are going to be bringing the Subdivision Ordinance back to Council to incorporate the will-serve requirements.

- Jim McNulty said he has done a little research on that. He is looking at other ordinances and will rewrite the City ordinance and bring it back.

5. Discussion regarding dedication of water or a fee in lieu of dedication. In response to severe drought conditions.

- Matt Ence, City Attorney, said this is a subject we have had a number of discussions about on more of a Staff level. We have talked about ideas of things we could do to address the water concerns that we are dealing with now. We are looking for ways to preserve the water that we currently have in Santa Clara City, both the culinary and also secondary water with the canal companies. We are looking for ways to strengthen the City's secondary water system. This warrants more discussion. We also talked about how we could put something in place now to protect the City and the water that is out there while we continue that discussion and while we decide what direction we want to take. One of the things we discussed is having a requirement that all new development essentially brings water to the table. The purpose of that includes water held by the City is protected from being lost to forfeiture for non-use so water that the City owns can be banked. That is a way of shifting more water into the City's control. It is way of potentially protecting water rights that are owned in the City from being sold and utilized by other property owners that are outside the City so that our total water resources are not reduced. He said we have looked at ordinances that have been in place in other cities. He said it will be up to the City Council to decide what we do of anything. He said what we are discussing tonight is a 6-month, temporary land use regulation, which states that we are going to be studying the issue over the next 6 months and we may be adopting an ordinance and in the interim time period anyone that brings a land use application is going to have to comply with this temporary ordinance. It says that there are two options while this temporary land use regulation is in place: a person can either negotiate with the City on a case-by-case basis as to how they are going to address and cover the water requirements of their new development, or we will put their application on hold and wait to give final approval until we have determined what we are going to do as a permanent solution. We structured this similar to the way we did the landscape ordinance. He asked if we want to put this temporary ordinance in place to give us time to do something more permanent. Is that unnecessary and do we want to just take the time we need and not worry about the temporary regulation? That is ultimately up to the Council.

- Ben Shakespeare had a question about how that would work. If someone brought in water rights would the City be responsible to buy those, and would they have to turn around and pay a water impact fee?

- Mayor Rosenberg said it would probably work like Rhone did where the property owners purchased water rights when they bought the property and brought the water rights to the City and were able to negotiate discounted impact fees to reduce the outdoor use from the Water Conservancy District. He said that the way the Water District is moving right now is they are hoping that all the cities have the will-serve requirements in place and built into their ordinances by the first of the year. He said one option in this would be just to bring a will-serve letter for their total water consumptive use to the City as part of their development so they could go to the

County and pay the impact fees and bring 100% of it. They would also have the ability to take their existing irrigation shares and bring those in and offset the outdoor use portion of the Water District impact fee, so they only pay the indoor use portion. If they had any culinary quality water, they could bring that in. This ordinance would basically say that any new preliminary plats that are submitted, whatever we decide, they are going to be subject to. This is giving everyone a heads up. He said he likes the idea of kind of putting everyone on notice for the next six month because we are going to be changing some things to comply with the Water District process and the will-serve requirements. This puts them on notice. We do have a couple of developers thinking about developing in the valley and converting from irrigation and ag to residential so they would be put on notice. He talked about negotiations with Kent Frei on his subdivision. He has already agreed to bring the secondary water he needs for his subdivision and offered to sell us his remaining.

- Matt Ence said one thing he discussed with Kent is he has expressed interest in making arrangements with the City to pre-transfer water shares to the City so that they can be banked but then potentially make those shares available for maybe another developer who doesn't have shares to then pay for the right to apply those to his development project. One of the things this could potentially do is we are almost creating a market for those shares that doesn't exist already. There is a benefit to water shareholders too. There is kind of a win-win for both the City and the water holders. He said the most important thing about looking at this is helping that water stay in Santa Clara. This is a way of using the advantage the City has to the benefit of maintaining the water resources we already have in the City.

- Denny Drake said this puts a lot of burden on the City to make the transfers and so forth. The Water Conservancy District is the manager of water in Washington County. What if we required the developer to have his water in lieu the certificate from the Water Conservancy District supplying the water and they trade their water shares to the District which keeps the market from skyrocketing because you have an entity that manages the entire County. He said that if we are going to do, this it is going to create jobs and we are going to have to have someone who knows enough about water to know conversion rights and how it is going to work and who is going to get what. If we just require the developer to bring the water or a certificate from the Water Conservancy District saying they will supply the water a lot of problems for the City are eliminated.

- Mayor Rosenberg said except that Water District sells water from here to Virgin. Our water could end up out on the LaVerkin bench.

- Denny Drake said but the water the developer needs would definitely be here. We wouldn't have to worry about the developer coming in and having to supply him with water that we don't have. This way he has to bring the water when he comes in to develop.

- Matt Ence said what you are getting in that case is just a commitment from the Water District to sell us the water.

- Mayor Rosenberg said the developer is either going to bring water and create a secondary system and we will take that water they bring and sell it back to them as a secondary system. They still have to go to the Water District and get all of the culinary. They would go to the Water District and pay the cash if we did the cash in lieu.

- Matt Ence said that part of the reason we are proposing this six-month moratorium is to discuss all these details. It really isn't a moratorium because we are still processing

applications and so forth.

- Mayor Rosenberg said this gives us a deadline. It gives us a date we have to meet, and it keeps us on track.

- Denny Drake said he thinks the six months study for the ordinance is really required.

- Matt Ence said that during the six months what this does is it creates a situation where it tells each developer that if they want to move their project forward, they need to come to the City and work something out like what was done with Rhone. In the meantime, we are going to be working on some kind of a permanent ordinance that will tell what is going to be required from every developer. This gives us the time to study it and it keeps us on a timeline.

- Denny Drake said he thinks it is a great idea.

- Ben Shakespeare said his only concern is what happens to the water shares. Are the shares going to go up? We have to look at that carefully. We are talking about affordability.

- Mayor Rosenberg said he doesn't see it being any different at the end of the day then no water and go through the District will-serve. He said he sees it as an opportunity to keep some of the more affordable by being able to reduce the Water District impact fee that goes up 8-10% a year.

- Ben Shakespeare said he liked how it worked in Rhone a lot. He likes the thought of keeping the shares here in Santa Clara.

- Leina Mathis asked when the application date would be effective.

- Matt Ence asked if she is talking about land use applications relative to when we adopt this. If we bring this back next week, July 13, this temporary land use regulation could go into effect a week from today, which means that any complete applications you got on Thursday of next week would be subject to this. It will last for six months and would expire either at six months or earlier if we adopt a permanent ordinance.

6. Discussion regarding City rental property located at 2600 Santa Clara Drive Lease.

- Scott Bannon, Assistant City Manager, said we have a property across the street from Town Hall, 2600 Santa Clara Drive, and the residents, the Barkleys have lived there for two and a half years. It is managed by Jensen Properties. They do a yearly lease, which costs them \$100 each year to renew it. They were asking if there is any way they could extend that next due lease to a three year to pay that fee of \$100 one time and have their lease go for three years. We would leave it with Jensen Properties and just give them a three-year lease instead of a one-year lease.

- Brock Jacobsen said that the letter that the renter, Yvonne Barkley, wrote asked if we could just not have Jensen Properties handle the lease and just to work through us. He said we don't feel comfortable doing property management, so we prefer to leave it with Jensen Properties. He asked if Council is okay with granting a three-year lease.

- Ben Shakespeare said he doesn't have a problem with the lease but agrees it should be left with a property manager.

- Mayor Rosenberg said they have been a really good renter.

- Council said they are okay with it.

7. Discussion regarding an Amendment to the Santa Clara City Storm Water Master Plan.

- Dustin Mouritsen, Public Works Director, reported that with the future developments near Pioneer Parkway and Red Mountain Drive the existing culvert crossing under

Pioneer Parkway in the Tuacahn Wash are only sized for a 10-year flood. When flooding occurs the culvert's reach capacity and flood waters over top Pioneer Parkway causing the road to be closed. With the future expansion of Pioneer Parkway now would be a good time to look at replacing the culverts with the capacity to hold up to a 100-year flood event. With an amendment to the current Storm Water Master Plan the project would be 50% impact fee eligible. Current Residential Impact Fee= \$558.90. The proposed Amended Residential Impact Fee= \$846.53. The current Commercial Impact Fee= \$933.36. The proposed Amended Commercial Impact Fee= \$1,413.70. That would mean an increase in Impact fees of \$287.63 per residential ERU and \$480.34 per commercial ERU. He asked for the Council's thoughts on this.

- Mayor Rosenberg said a portion of this project would be funded by new development and a portion the City will have to fund because the total cost of the project is not in the impact fees because it is an existing structure. The additional width required to facilitate the build-out will be included in there. The upsize of the existing structure will be on the City tab. We are looking at the FEMA brick building resistance in the community grant for the project, so we are hoping to get some FEMA funds to offset the City costs. The project will build it out full width through there and extend the existing capacity. This is a major east/west arterial for the City and so he is hoping it ranks fairly high on the FEMA list.
- Brock Jacobsen said this will go to public hearing. We will probably have that the first regular City Council meeting in August.

#### **4. Staff Reports:**

##### Police Chief Bob Flowers

- We ran a traffic survey on Rachel Drive. We got a lot of speeding complaints. There were 29,300 vehicles that went down that street. There were 1,000 vehicles that went between 31-35 mph and there were only about 85 vehicles that were above 36 mph. He said as far as the department is concerned, there is no problem at all. Almost everyone is below 30 mph.
- Ben Shakespeare suggested putting this information in the newsletter.
- Chief Flowers said he would be happy to give something to Brock to put in there. He said that code enforcement is going great. We are finding that a lot of things that people think are illegal are not and we are getting really good compliance.

##### Ryan VonCannon

- He said they harvested 76 lbs. of summer squash from the community garden as well as 358 lbs. of sweet corn, 7 lbs. of onions, 14 lbs. of zucchini and 25 lbs. of cabbage. The volunteers are doing an awesome job. They are working hard. They planted some pumpkins and are hoping to harvest them by Halloween.
- Next Wednesday is Sherrelle Pontarelli's last day. We did several interviews last Thursday and hired Courtney Call to take over her position. She started today and hit the ground running.
- Mayor Rosenberg asked Ryan to bring her into Council meeting and introduce her.
- Our flags are at half-staff due to the shooting in Chicago. They will be down through the weekend. They will be at full staff on Monday morning.
- He reached out to Dale Smith, Professor of Biology at Utah Tech. He had a working relationship with Brad Hays, where he would come out several times a year with a class and do projects for us. He agreed to continue that arrangement. We have several dates

scheduled in October, November and December in which he will bring out several different classes. They have done a lot of hours for us over the years.

- He met with Tony Coleman. He is dedicated and passionate about remembering our veterans. He has been running Wreaths Across America in Washington County for the past few years. He has asked that each city take this on as their own. He talked with Brock about this, and we have agreed that we want to do this and need to do this as a City. He said we are looking to form a committee to plan and organize the event and ceremony. This year it will be on December 17.

#### Gary Hall

- Wheeler Machinery is still working on getting the two new engines up and running. The two old engines are up and running. This week we had to shut them down so we could get the new ones tied in. They are testing them right now to make sure everything is okay with the two old ones and the two new ones running together. He is hoping by the end of the week that all four will be running. They ran the new engines to make sure they are running. The Scada system that was going to be installed in July, we decided to wait until the fall until after our run system so if they run into any problems it doesn't interfere with our generation for the summer.

- We hired a new employee today. She will start next Thursday. He will bring her in to meet the Council. We are going to miss Kristelle Hill. We are hoping to pick up the pieces and figure out where she left off. It will take a little time to get organized, but we got some good people hired. We are losing a lineman, Devon Rider. Boise, Idaho offered him a position and he has accepted it. He really loved working with the City and the crew.

- He talked about UAMPS registration. The Mayor is registered as well as Christa Hinton. He told the Council that we need to get registered for the UAMPS annual conference. It is in Logan this year.

- Natural gas prices are trending down right now. He said the current market price for power is a little bit higher. We will be running the generators.

- A resident emailed and expressed how impressed they were at the quick response for a broken power box. He really praised our crew.

- The power was out for several hours. On Arrowhead Trail Larry Moss's crew was wheel rolling along the foundation of a home with the bucket of the loader up in the air and the bucket snagged the line and busted a pole off. It took them quite a few hours to reroute the power. The crew did a really good job. Dustin's crew came out and helped and he appreciates their help.

- Ben Shakespeare asked if this gets billed back to the contractor.

- Brock Jacobsen said we collect all of the information: men, labor, materials and we'll send the contractor a bill for that.

- Mayor Rosenberg said he will get hit with the bill for all of the commercial businesses that were down as well.

- Gary Hall said that Washington City also came over and brought their truck to help set the new pole. We have a great working relationship with Washington City and Hurricane City. There is no billing between cities. We just have an agreement to help each other out.

- Jarett Waite said it would be really nice to have a charging station up at Harmon's. Having one up by Harmon's would be ideal if we are going to have it anywhere in the City.

- Mayor Rosenberg said that might be something we want to put into the overnight rental requirements is that they provide a certain number of those within the project.

- Brock Jacobsen said with Pad A at Harmon's we had that discussion with them. They

said they would look at it.

- Gary Hall said they said if they put them in, they would do it and not the City.
- Jim McNulty said he had some discussions with Frank Lundquist with Harmon's, and they do have charging stations up north. He said they are looking to put the charging stations in the St. George location first and then after that is completed, they would move over to this location. It sounds like they do it on their own.
- Ben Shakespeare said the charging stations should be in the private sector. We are not in the gas station business.
- Jarett Waite said a lot of cities have their own charging set ups.
- Jim McNulty said they do, and we would get a percentage of the tax. He said he will reach out to Mr. Lundquist again.
- Gary Hall said we discussed this at a work meeting a while ago. There are some grants for this but there is only so much money allotted for the grants. He can look into that again. He said another location we discussed for the charging stations is Gubler Park with all the ball games going on and it is close to the vacation rentals. That would be a City owned asset.
- Denny Drake said he would worry about vandalism if they were there.
- Jarett Waite said you would contract it out to someone to operate it and they would be required to maintain it and they would do the customer support. We would just get a cut of the rental. He suggested to wait and see what happens with Harmon's.

#### Dustin Mouritsen

- With the new budget in affect, he has ordered a new skid steer and a new mini ex for the Power and Public Works Department. It usually takes 6-12 months to get. He ordered a new crack sealer for the Public Works Department and a new weed sprayer. We have a new crew truck coming in in the next week or two that has taken over a year to get.
- He has new traffic signal heads being replaced at the downtown traffic signals next Monday. They have exceeded their 20-year life span.
- We used a generator to power the signals during the power outage.
- The crew has been out on waterline leaks nearly every day the past two weeks, which is typical for this time of year.
- The crews are fixing some sewer line infiltration where when we had the system cameraed we could see where ground water was coming through cracked pipe. They are digging them up and changing the pipe out to keep that ground water from getting in and making our wastewater usage higher than it should be because it is ground water. One was up by Red Mountain and another up by Gubler Park. Those are the two big ones and there is a small one down by Adobe.
- We hired a new Public Works Executive Assistant today. Her name is Jamie Mills. She will start next Thursday.
- He said that the Power Crew did an excellent job during the power outage. He gave accolades to them and to Gary on how well he has trained his staff.

#### Fire Chief Andrew Parker

- The 4<sup>th</sup> of July was relatively uneventful in our City. We had one call on Country Lane that was resolved by residents prior to the crew's arrival. We staffed the Ivins station as well. There were over 30 fires east of us.
- The new employees started last week.
- There was an accident on Santa Clara Drive. A motorcycle crashed.
- At the Rachel Station we had our floor cleaned and the crew is prepping our apparatus

and maintaining that. We are trying to maintain our fleet and get that up to par.

- We have some capital projects that we budgeted for and will get those things going.
- The station alerting system is installed at the Rachel Station. There are a few more items that we need to get that are on back order, but they should be in next week.
- We had a meeting today with the fire chiefs in the County and working on getting our system automated.
- Our staffing is getting better, and it is awesome to see them handling those multiple calls.
- Mayor Rosenberg said we met with the County today. Himself, the Chief, Brock and a representative from Ivins met with all the Commissioners and reviewed some of the data concerning the calls out beyond our limits. The Chief is going to put some additional data together to go back to them on August 9. It was a good discussion today. We got them to the table to talk about money, but they are not close on an agreement yet. It is not zero anymore. He said our service area is huge. We are going to get the numbers together on how many calls and what types of calls that they are and then what the invoicing is for those calls and how much we get reimbursed and then take all that back to them. They are getting some additional information themselves. We are moving forward but we don't know where it will end up.
- Leina Mathis asked if it would help if the Council sent emails or letters.
- Mayor Rosenberg said after the next meeting. We will put some numbers in their hands. Hopefully we will come up with some kind of a funding formula that can work in their budgets and help offset some of our costs.

#### Scott Bannon

- Last week we went over to the Water District and turned in our last lots. He and Selena put some numbers together that don't require the impact fee.
- All the applications were turned into the State for the judges. There were 9 of them and there were some highly recommended ones so we should be getting a list back and be putting that group together to go through those.
- We have been working on the building.
- Mayor Rosenberg said that Tode Hafen asked him who the new glockenspiel dresser is.
- Brock Jacobsen said it is Courtney Call. Tode Hafen can contact Ryan VonCannon.

#### Cody Mitchell

- For the FY end we had 130 residential permits. Currently in house for review we have 15. We have had a little surge with solar permits. We have 6 right now at some point in the review process. Right now, there is 416 active permits in the works. From June 1 to June 30, we had 414 building inspections and stormwater inspections.
- Fred Fage is doing a great job with stormwater.
- Selena Nez is picking up the pieces and we are happy to hear about the new hires.
- He talked about building heights. He said he would vote to measure from the approved finished pad elevation or the finished floor.
- Denny Drake asked that when we issue building permits, do we have a timeline?
- Cody Mitchell said there are requirements that they have to remain constant with the activity, showing progress every 180 days. They could really stretch it out. There may be something in our City Ordinance about how they have to finish up the exterior.
- Denny Drake asked if someone gets approved on a subdivision and they don't perform is there a timeframe when they have to come back for a permit.
- Mayor Rosenberg said not to have to come back for a permit but if they start a subdivision, they can't do anything with the final plat unless they post a cash bond or

finish the improvements. When we update the ordinance and talk about the will-serves, he wants to address that. The way the Water District is talking about doing this, after they give a will-serve, you have a year to get that plat recorded. What we are going to see happen is they are going to start down that process with the improvements and that one year is probably going to run out before the improvements are done especially if they are ordering transformers that take two years and sewer manholes that take six months. They will try and post a bond to record to comply with the will-serve letter and we really need to beef up that cash bond requirement that we have in the ordinance. We are going to want to put some dates in there.

Jim McNulty

- We have a Heritage Commission meeting tomorrow at 4 p.m. The things we are discussing are Kelly Gates is looking to do an addition to his home on Quail Street and a discussion and approval of a complete home renovation for the home located at 1398 Vernon St. behind Frei's Market.
- We will be sending a Planning Commission packet out tomorrow afternoon. It will include 5 items for next Thursday. We have the Silverado rezone and project plan on for a public hearing. We have the Verizon Wireless new application for a conditional use permit. We have the annual conditional use review for JP Excavating for them to do some gravel operations, which has been going on since 2013. We also have the two items that are on the Heritage Commission agenda. They will need to proceed to Planning Commission to get their approval prior to a permit.

Brock Jacobsen

- The Court has been busy. A lot of citations have been coming in.
- The League of Cities and Towns is October 5-7 at the Salt Palace in Salt Lake City.
- Scott Bannon's last day is July 21. Scott and Debbie Bannon are moving to Minnesota. He will be here on July 13 for his last Council meeting.

**5. Adjournment:**

Meeting Adjourned at 7:18 p.m.

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

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