

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JANUARY 27, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, January 27, 2021 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 available to view live steam on the YouTube link:** <https://www.youtube.com/channel/UCxLBLm30-XLqM1AEmhpcMA>. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Ben Shakespeare (via Zoom), Wendell Gubler, Leina Mathis and Denny Drake
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Tyrel Hansen, Assistant Fire Chief; Kristelle Hill, Staff; Selena Nez, Staff; Rich Rogers, P.D.; Taylor Leavitt, Attorney for the Church of Jesus Christ of Latter-day Saints; Derek Wiggins; Cimarron Chacon; Adlai Elison; Spencer Richins

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m. He welcomed everyone, introduced the City Council, and stated that Councilman Shakespeare is participating via Zoom.

2. **Opening Ceremony:**

- Pledge of Allegiance: Leina Mathis
- Opening Comments: Leina Mathis

3. **Communications and Appearances: None.**

4. **Conflicts and Disclosures:**

- Mayor Rosenberg stated that the firm that he works for prepared the plat that is the subject of Item 5B3.

5. **Working Agenda:**

A. Public Hearing(s): 5:00 p.m.

1. Public Hearing to receive public input on amending the Operating and Capital Budget for Fiscal Year 2020-2021.

- Brock Jacobsen, City Manager, reminded Council that they have discussed this a number of times. He said he has added in the amount for the street sweeper. He said the General Fund will be amended by \$446,000. Of this there is about \$46,000 of things that we took out from the original budget for this fiscal year during the time the pandemic started and not knowing the economic effect it was going to have. He said we took out projects, equipment, and any wage increases. Now with where we are with the budget, we feel comfortable adding these items back into the budget. He said there will be about \$47,000 added in wages and the rest of the \$446,000 is in equipment and improvement, including improvements to the Rachel Drive Fire Station. The new street sweeper will cost \$300,000 which will be bought out of the General Fund but half of that will also be paid for through the Storm Water Fund. The Parks Department will receive \$26,000 to do a slurry seal at Gubler Park parking lot. They also want to buy two mowers and need to have \$13,000 for field resurfaces for the sports fields. He also talked about the Enterprise Funds. The Water needs \$180,000 for a new dump truck. The current dump truck is extremely aged and is unreliable. The Power needs \$200,000 for a new bucket truck. Some of our new power poles are too tall for our bucket trucks to reach so we are looking to purchase an 80 ft bucket truck. He said that these are the things that we are asking Council to approve for the budget amendment for this year.

- Leina Mathis asked if the street sweeper was a replacement or is it in addition to the existing one.

- Brock Jacobsen said we have a current one and we will keep it right now for a backup. This current one will probably need a new motor.

- Jack Taylor, Public Works Director, said we are probably going to just take the sweeper off of the old one. The original truck doesn't have a lot of miles, so we are thinking of taking the attachments off of it and just putting a flatbed on it and using it to haul things around. He said he doesn't know if the truck is going to make it very long. We are looking at about \$25,000 to put a new motor in it.

- 5:10 p.m. Public Hearing Opened.

No comments.

- 5:10 p.m. Public Hearing Closed.

2. Public Hearing to receive public input on consideration to approve a Single Event Beer Permit for the True Grit Epic Mountain Bike Race.

- Brad Hays, Parks and Trails Director, said this is an application for a Single Event Beer Permit and is for the vendor who is part of the True Grit Epic Mountain Bike Race. We have had this race here at City Hall for the last 6 years. The location where they would serve the beer would be across from Town Hall on private property. We have had it here the last 2 years. He said that Cimarron Chacon, who runs the True Grit Race, is here in attendance and also Ryan Miller owner of Anvil Brewing Company is with us on Zoom. He said he believes the consensus is to have the beer in a controlled environment rather than having people bring beer in and not controlling it. He said his understanding is that only participants can purchase the beer. They can buy one beer for themselves and a second one.

- Ryan Miller said they have participated the last couple of years and are looking forward to participating again. He said they have a controlled environment and I.D.'s are checked. There is limited space where people can consume. It is all roped off and secure.
- Cimarron Chacon said this is actually the race's 11th year. She said they love being here in Santa Clara. This event attracts about 900-1,200 participants although this year it is going to be smaller. She said about 20% of the participants enjoy the beer garden and it is really important because this is a worldwide event and the participants appreciate the opportunity to have an adult beverage when they finish the race after riding between 300-350 miles over the weekend.
- Denny Drake asked if the applicants' fees go toward any charities.
- Cimarron Chacon said they are a privately held business. They do have a charity that they contribute to. This year it is "Wheels for Justice" which helps out kids who have been abused.
- Mayor Rosenberg asked if they have a COVID plan in place.
- Cimarron Chacon said they do. This is the third event that they have done during COVID, so they feel comfortable about it. The starting line is spread out. The finishers will be spread out at the beer garden. They typically come and get their food and if they want an alcohol, they get that and then they leave. Anybody in the venue is required to social distance and wear a mask.
- Mayor Rosenberg asked Officer Rich Rogers about the public safety's feelings on this. Do they support this?
- Officer Rogers said the first year they held the event here they didn't have a beer garden. He said the officers found alcohol bottles and beer cans throughout the whole facility. He said the department would rather have it controlled, and they have a limited amount that they are allowed. That is better than them going over to the convenience store and getting a six-pack and bringing it here in the parking lot and throwing their cans wherever they want to throw it and then we have to worry about them driving under the influence. It is a lot more comfortable having this secure and controlled with a limited amount.

-5:18 p.m. Public Hearing Opened.

No comments.

- 5:18 p.m. Public Hearing Closed.

C. General Business:

2. Consider a Special Events Permit for the True Grit Epic Race / Beer Garden. Presented by Brad Hays, Parks & Trails Director.

Motion to Approve a Special Events Permit for the True Grit Epic Race / Beer Garden.

Motion by Leina Mathis, seconded by Jarett Waite.

Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Wendell Gubler and Denny Drake.

Voting Nay: None.

Motion Carried.

B. Consent Agenda:

1. Approval of Claims and Minutes

- Jan. 13, 2021 Santa Clara City Regular City Council Meeting Minutes
- Claims through Jan. 27, 2021

2. Calendar of Events

- Feb. 3, 2021 City Council Work Meeting
- Feb. 10, 2021 Regular City Council Meeting
- Feb. 24, 2021 Regular City Council Meeting
- Feb. 25, 2021 Budget Retreat 10:30 a.m.

3. Consider approval of a Final Plat for Sycamores at Santa Clara Phase 1D, located south of the Santa Clara River and east of Gates Lane. Presented by Bob Nicholson, City Planner/Corey Bundy, Building Official.

- Mayor Rosenberg said this is a one-lot subdivision and Council has seen the preliminary plat before.
- Leina Mathis said the LOMAR isn't done so whether they bond or whether they put the improvements in up front is there something that gets put on the LOMAR. Once it is recorded, they could theoretically sell, and we might have a party that is not aware that that LOMAR is not done.
- Mayor Rosenberg asked Corey Bundy, Building Official, if there was a note on the plat. He said he knows that this particular applicant has a bunch of improvements that he has to put in before the plat can record or he will have to bond so it can be included in that bond.
- Corey Bundy said the note for the Sycamores does have a blanket note.
- Mayor Rosenberg said that right now the proper portion of this lot is inside the flood plain. But the area can be filled based on the flood plain development permit that they are proposing on doing. The LOMAR application can't happen until the fill is in place, so they have to get that finished to do that. He said it is inside the special flood hazard area. The erosion hazard has been mitigated with the riprap so that has been taken care of. This notice alerts property owners of the potential risk of flooding. The LOMAR will actually let them reduce some of their flood insurance rates once they build a home there.
- Leina Mathis said that she thinks someone purchasing it probably isn't going to read the plat.
- Mayor Rosenberg said the City has to permit any fill that has to be placed in there. Then it has to be built to the appropriate elevations.
- Corey Bundy said that prior to an issuing of a building permit they have to go to the engineer and get a flood plain elevation certificate and at that time it would be on the permit that the LOMAR requires.
- Leina Mathis said her concern was more spelling it up front once the improvements are done, once it is recorded and not having that LOMAR in place.

Motion to Approve the Consent Agenda.

Motion by Jarett Waite, seconded by Ben Shakespeare.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

C. General Business:

1. Swear in Selena Nez as Deputy Recorder. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that for a number of years the City has not had a Deputy Recorder to back up Chris Shelley in case of any need. He said we have had some discussion for a while on who would want to be a Recorder to learn that role. He said we have selected Selena Nez. She has been with the City for about 3 ½ years. She has worked in the Building Department being a Permit Tech and other duties for Jack Taylor as well. She has been fantastic. The developers love working with her. She is sharp and learns quickly. She would be a fantastic fit as the Deputy Recorder. He said Staff recommends her. Chris Shelley has the authority to swear her in. She will do that tonight if Council is okay with that.

- Chris Shelley, City Recorder, asked Selena Nez to raise her right hand. Chris addressed Selena and stated, “Do you solemnly swear that you will support, obey and defend the Constitution of the State and that you will discharge the duties of your office with fidelity.”

- Selena Nez stated, “yes”. She said she has worked for the City for 3 ½ years and she loves it. She stated that she grew up in St. George and is married and has two kids. She has a lot of extended family in Arizona. She said that the Staff and the Council and Mayor are all very nice.

- Jarett Waite said he has also heard from builders that they have a good experience when they call in. Selena has done a great job there.

3. Consider amending the Operating and Capital Budget for Fiscal Year 2020-2021 and approve Ordinance 2021-03. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said this is the item that we had the public hearing for tonight. He stated again that \$446,000 is the amount of the General Fund amendment and \$180,000 in the Water Fund and \$200,000 in the Power Fund for the dump truck and the bucket truck.

Motion to Approve amending the Operating and Capital Budget for Fiscal Year 2020-2021 and approve Ordinance 2021-03

Motion by Denny Drake, seconded by Wendell Gubler.

Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.

Voting Nay: None.

Motion Carried.

4. Consider approval of the Budget Calendar. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said he is presenting the budget calendar setting forth dates for the budget process for Fiscal Year 2021-2022 such as the meetings, times for public hearings and when things need to be submitted to the State and the County. This also meets State code. He said the Budget Retreat with the Council will be on Feb. 25. We will have a Work Meeting to discuss the budget on April 7 and May 5 and there will be public hearings, one on the tentative budget and one for the final budget and we propose that we will adopt the final budget on June 9 pending there is nothing from the public hearing that we would need to push it out.

Motion to Approve the Budget Calendar for Fiscal Year 2021-2022.

Motion by Denny Drake, seconded by Jarett Waite.

Voting Aye: Leina Mathis, Denny Drake, Wendell Gubler, Ben Shakespeare, and Jarett Waite.

Voting Nay: None.

Motion Carried.

5. Consider approval of a Project Plan for a proposed O'Reilly Auto Parts Store in a Planned Development Commercial Zone, located approximately at 3635 Pioneer Parkway in the Giovengo subdivision lot 2, in the southwest corner of the intersection of Pioneer Parkway and Rachel Drive. The Project Plan consists of the site plan and building elevation drawings. RKF Santa Clara LLC, applicant. Presented by Bob Nicholson, City Planner/Corey Bundy, Building Official.

- Bob Nicholson stated that Item 5 and Item 6 are similar in that the properties are already zoned PD commercial and O'Reilly's is adjacent to the application in Item 6. They are adjoining properties on the southwest corner of the intersection of Rachel Drive and Pioneer Parkway. The site plan shows 7,453 sq ft single-level buildings and 21 ft tall with approximately 46 parking spaces. Only 30 parking spaces are required. They have significant extra parking spaces. There are two shared driveways off of Pioneer Parkway ranging from 30 to 40 ft wide. There is a 30 ft wide access lane along the rear property line. The access along the south property line that abuts the residential property is a 30 ft wide access lane that extends from Rachel Drive and comes out behind Dollar Tree and then connects over to Pioneer Parkway. He said the circulation for this property is good. The O'Reilly's shares a driveway on each side of the building with the Dollar Tree that is located to the east and with Quench It to the west of their store. The O'Reilly store has a 20 ft front setback off of Pioneer Parkway. They have provided a detailed landscape plan, which shows approximately 14,600 sq ft of landscaping on the site, which equals 24.8% of the site on this 1.3-acre property. They comply totally with the PD landscape requirement. The entire front setback area is landscaped. They also have planter boxes that are partially within the sidewalk area and they also go into the landscape area. There is also significant landscaping on the west side of the store. They also have landscaping in at least two of their planter islands within the parking lot. At the Planning Commission meeting Chris Forsyth, who is a co-applicant, stated that the landscape strip along the south, which abuts to residential, has been increased from 10 ft to 20 ft. The parking lot light poles are proposed to 25 ft height and will be shielded to direct the light downwards. He said a lighting plan has also been provided. The applicant states that the existing privacy wall along the residential land border will remain unchanged. The residential property is higher than the commercial property there to the north. Streetlights

are required every 250 ft of street frontage along Pioneer Parkway. He stated that Ryan Forsyth is on Zoom to answer any questions. He said the roof will be metal seamed and the exterior walls consist of stucco (EIFS) and a split-faced block. The stucco is proposed to be a light tan in color with the split-faced block being a darker tan. The applicant states that the building's color schemes are planned to harmonize with the adjacent Dollar Tree Store. A monument sign is proposed along Pioneer Parkway and the store will also have three wall signs. The Planning Commission recommended approval of their project plan, which is the site plan and elevations and also specifically approved the wall signs at their meeting. The sign ordinance says that wall signs in a PD commercial zone require Planning Commission approval, so they have approved these proposed wall signs.

- Mayor Rosenberg asked about the front exterior elevation. Is that the elevation facing south or facing east?
- Brock Jacobsen said it faces east.
- Mayor Rosenberg asked if it was the right exterior that would be facing Pioneer Parkway.
- Brock Jacobsen said yes.
- Leina Mathis asked if the glass windows were adjacent to Pioneer Parkway and the door that is indicated there is that a usable door or just a façade.
- Bob Nicholson said he is not sure.
- Ryan Forsyth said that is just a façade. It is not a usable door. He said he would be fine moving that door to make it match more similar to the Dollar Tree. He said they could just make it glass.
- Mayor Rosenberg said that would keep people from walking up and pulling on it.
- Leina Mathis said her suggestion would be to take it out.
- Ryan Forsyth said he agrees. He doesn't like a nonfunctional door.
- Jarett Waite said he had a question about the light poles. He asked if these light poles would be similar to the Dollar Tree light poles. He said the residents have complimented those poles.
- Ryan Forsyth said he proposes to match those exactly so there is a cohesive look throughout the development.
- Matt Ence, City Attorney, said that Councilman Waite sent him an email regarding questions that are relevant to this item and the next item. The question was regarding what kind of leeway the Council has in considering PD approvals and although this is just a project plan review the way that we have been handling these where they have an existing PD designation it is essentially reviewing the project plan as part of that PD designation and then if we approve it, it becomes part of that approved zoning so the questions Jarett had were relevant to this. The simple answer to the question of what leeway the Council has considering these types of things, PD approvals, project plan approvals, is that the City Council has a tremendous amount of leeway. The PD zone is a unique creature in our ordinances in the sense that it is the one type of zone where we do a very detailed review before the zoning is vested. We don't do that in any of our other types of zones. The thing to remember with all zone changes including with PD approvals and with project plan approvals is that Council is essentially making law and acting as the legislative body of the City and acting in the capacity as an elected official and to that end you have a tremendous amount of leeway to either approve or not approve an application to change the zoning because what the Council is doing is changing the

zoning ordinance, the zoning designation that is on the map and making new law. He said we have tried in our revamp of the PD ordinance to provide specifics and guidance to applicants as to what is acceptable and what is not acceptable but at the same time we have tried to preserve flexibility so that the City Council can say in any given case if the ordinance has those guidelines but for this reason or that reason the Council doesn't like this particular thing. In the past we have talked about how public opinion or public clamor play into a particular application. When you are talking about a zone change the City Council has the right to reject an application just simply because they don't think the public likes it where Council may not have that right if it is some other type of decision if it is not a legislative decision.

- Jarett Waite said that answered his questions. He said it stems from if a building meets all of the code is Council still allowed to say "no" if they meet all the ordinances. He said it sounds like Council has to go off what is in the public interest more than anything else.

- Matt Ence said the other thing that plays into this too is the State code says the City is only required to adhere strictly to its General Plan if its own ordinances require that. Otherwise it is just a guide. The way our ordinances handle it is they basically say that when reviewing a matter that is under the General Plan our ordinance provides a list of things that should be taken into consideration. But what our ordinance doesn't say is that Council has to strictly follow that.

- Mayor Rosenberg said that if the door on Rachel Drive is eliminated there is a sidewalk that runs up to that door so can that be relocated to the east so the sidewalk lines up with the sidewalk that goes to the front door so a pedestrian would have direct access to the door.

- Ryan Forsyth said that is a great addition and he is all for it.

- Bob Nicholson clarified that sidewalk would be brought straight along the east side of the building.

- Mayor Rosenberg said yes, where that sidewalk goes in front of the parking and extend it right out to the sidewalk so pedestrians walking up the street don't have to go through the parking lot to get to the building's front door.

- Jarett Waite said he is really pleased with the landscaping plan and the buffer they have added for the residents and the location of things. He stated he hasn't received any complaints about this building from the residents.

Motion to Approve a Project Plan for a proposed O'Reilly Auto Parts Store in a Planned Development Commercial Zone, located approximately at 3635 Pioneer Parkway in the Giovengo subdivision lot 2, in the southwest corner of the intersection of Pioneer Parkway and Rachel Drive as presented with the changes of the sidewalk location and the removal of the door on the north side of the building. The Project Plan consists of the site plan and building elevation drawings. RKF Santa Clara LLC, applicant.

Motion by Jarett Waite, seconded by Leina Mathis.

Amended Motion to Approve a Project Plan for a proposed O'Reilly Auto Parts Store in a Planned Development Commercial Zone, located approximately at 3635 Pioneer Parkway in the Giovengo subdivision lot 2, in the southwest corner of the intersection of Pioneer Parkway and Rachel Drive as presented with the changes of the sidewalk location and the removal of the door on the north side of the building and the lights matching the Dollar Tree lights. The Project Plan

consists of the site plan and building elevation drawings. RKF Santa Clara LLC, applicant.

Motion by Jarett Waite, seconded by Leina Mathis.

Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

6. Consider approval of a Project Plan for a proposed Quench It Retail Center in a Planned Development Commercial Zone, located approximately at 3663 Pioneer Parkway in the Giovengo subdivision lot 1. The Project Plan consists of the site plan and building elevation drawings. Derek Wiggins, representing. Presented by Bob Nicholson, City Planner/Corey Bundy, Building Official.

- Corey Bundy said this is in a PD commercial zone. The applicant requests approval of a project plan which consists of a site plan and building elevation drawings for the Quench It Retail Center on lot 1 of the Giovengo subdivision. The proposed uses are restaurant, retail, and office. The PD commercial zone requires that the PD hold a public hearing on the project plan, which they did last week. The site plan shows two buildings, 4,600 sq ft each and 24 ft tall to the top of the parapet. Both buildings have 20 ft setbacks off of Pioneer Parkway and a 12 ft wide drive thru lane within the front setback area along with a 10 ft landscape strip along the frontage of Pioneer Parkway. The Planning Commission recommended approval of the drive thru lane and the setback area because it felt that the balance of the site was adequately landscaped. The zoning code requires that the entire 20 ft front landscape area be landscaped but also provides deviations if Planning Commission and City Council feel that significant landscape is provided elsewhere outside the front setback area. The landscape plan has been provided which shows the perimeter of the site is landscaped 10 ft wide along Pioneer Parkway including the south property line adjacent to the residential zone. Both buildings have landscape around the buildings and in the parking lot islands. Along the west property line is a 3 ft wide landscape strip and a 6 ft tall privacy wall. The site appears to be well landscaped with numerous trees. The parking requirements are 71 for both buildings with 3,200 sq ft of proposed restaurant, which requires 32 parking spaces, and 96 sq ft of proposed retail and office use which requires 39 parking spaces. The applicant states that 73 parking spaces are provided, 63 onsite and 10 on the adjacent property. At this point the applicant does not have firm plans for a second restaurant and no agreement has been reached with the adjacent property owner for additional parking. The applicant agrees that prior to obtaining a building permit for the second restaurant of 3,200 sq ft the additional 10 parking spaces needed to meet the City parking requirements will need to be shown on the site plan. O'Reilly's store does have surplus parking. The Building Elevation Drawings: The two buildings are similar in design and color, each building being 24' tall to top of parapet with gray stucco, and black metal wall panels, trim and awnings.

Individual store names are conceptually shown above the front entries to each space, but these are not final sign proposals and other tenants have not yet been identified. Those wall signs will need to be approved by the Planning Commission prior to a sign permit being issued. The gray and black color scheme is intended to complement the natural lava rock in the vicinity. The Planning Commission Action: At the Planning Commission public hearing on January 14th, there was only one citizen comment and that was a

question as to building height. There were no objections by the public at the hearing. The Planning Commission recommends approval as follows; 1. Recommends approval of the Project Plan as presented. 2. Recommends approval for the 12' wide drive-thru lane within the front setback noting that significant landscaping is provided outside the front setback area, including around both buildings and along the south and west property lines, and within islands in the parking lot. 3. If a second restaurant is developed, additional parking spaces to meet the city requirement will need to be shown on a site plan prior to obtaining a building permit for the restaurant. He said the applicant is on Zoom.

- Derek Wiggins, Representing Quench It Retail Center, said that some of the site considerations that they took into account not only were the landscaping but they really felt it was important to provide landscaping at the building and around all sides of the building to make it feel less like a large parking lot. That will really soften up the visibility of the buildings. Additionally, they have provided a landscape strip to the east near the drive, which is 10 ft wide, which makes up for a good portion of the driveway lanes they added so that helps quite a bit with their landscape numbers. He said one of their biggest concerns was the lighting. They have provided some details for the lighting that they are proposing. All the lighting has downward throw, and none will have any forward throw. The pole lights are 25 ft tall and they wouldn't mind matching the neighbors, O'Reillys and Dollar Tree. He said they have provided adequate if not additional parking beyond needed. The drive-thru lane on the right has 12 parking stalls around and the drive thru lane on the left has 16 stalls for stacking. He said this is in the attempts to prevent any overflow into the drives. He said is the big reason why they pushed those drive-thru lanes into the setback to accommodate enough space for the stacking in those drive-thru lanes. He said they understand they don't have all the parking spaces needed. If they were to get all 3,200 sq ft of restaurant space so if there were tenants that needed more parking space they would talk to the O'Reilly's and hopefully be able to work something out but otherwise it would be office or retail space.

- Jarett Waite asked they were going to build a new wall on the west side.

- Derek Wiggins said on a portion of it because there is a dirt lot to the west, which is zoned residential.

- Jarett Waite asked if they would have it match the block wall that is already existing in that area.

- Derek Wiggins said it would be and some of the walls are already elevated 3 or 4 ft.

- Jarett Waite said a couple of residents that live near there are curious about building a Quench It in the second building is not also turned onto the street.

- Derek Wiggins said it is primarily to facilitate the flow of the space. If they turned the building, they wouldn't be able to get a very clear turn around for vehicles. They did explore having them both the same direction, but the flow of traffic was really difficult.

- Jarett Waite asked if there was any expectation of what the hours of operation would be for the tenants. The residents are concerned about the drive-thru being open late into the night.

- Derek Wiggins said his expectation would be until 8 or 9 p.m., which are standard business hours. He said they are not anticipating any bars or anything like that. He said that is just his opinion.

- Leina Mathis asked if he would be putting in any monument signs on Pioneer Parkway. She also asked if they are building, building "A" first.

- Derek Wiggins said they don't have any plans at this time for the signs. They will be building, building "A" first.
- Jarett Waite said that several residents reached out to him and they are concerned about the dumpster locations. The residents are concerned about sound and smell and infestations. He asked if there was anywhere else, they can be located on the site that would be further away from the residences.
- Derek Wiggins said he thinks they could locate at least one of them to the west wall on building A. They could maybe swap out some parking near there. It would be more visible from the street side, which is a concern. They would definitely be open to relocating them if needed.
- Ben Shakespeare said that looking at them the dumpsters are separated. Is there any possibility that they could be put together so the truck could come in and dump them at the same time? Could they be combined in one location?
- Derek Wiggins said they originally did have them together at one point but the issue was the location to have them together was quite far away from building B and there was some concerns brought up in the TRC meetings about travel distances to the dumpsters for those owners.
- Ben Shakespeare said that putting the dumpsters out on the street at a restaurant, he is not in favor of that.
- Mayor Rosenberg asked about the doors that come out the back of the dance studio and the insurance office and the dental place, on the site plan those go to the drive-up window off of the street. He asked if those doors are just fire exits or are they service doors.
- Derek Wiggins said they are fire exits. They will not be used as part of the operation. They have considered at least 5 ft for a proper landing and that is part of the fire code.
- Brock Jacobsen said we received a public comment and most of the items in his resident points are what Jarett addressed. This was an online comment. His comments deal with the setbacks to the west and the south and lighting and the garbage.
- Jarett Waite said he was hoping Corey Bundy could address the setback question that the resident had in his message. He was under the impression that there shouldn't be anything in that 10 ft, no parking, no drive-thru, like Dollar Tree has done. He said he would like an explanation on why it is okay to do it this way. Setbacks only deal with where the building is located, right? Not what the usage is in that 10 ft.
- Corey Bundy said that is correct. He said he doesn't think there is any restrictions on having a driveway through there.
- Derek Wiggins said he is willing to match the streetlights of the neighbors and he told Council he has color samples of the exterior of the building so they can see them.
- Denny Drake asked if we agreed that the dumpsters are going to be moved to a different site. If the garbage truck shows up at the wrong time, he will block the entry.
- Derek Wiggins said he would be fine moving it. He said he could move it to the South Island on the center and point them to the east. They would be located together and be a little bit away from the residences and they will be somewhat in the middle of the two buildings.
- Jarett Waite said he met with most of the residents that live around this development and they are in general in favor of this. He said the one sticking point with several of them was having a drive-thru 3 ft off of their back wall. He said he is not sure they want the drive-thru right there. Maybe it should be on the north side of the building or not have a drive-thru in that building. He would love a discussion from Council.

- Derek Wiggins said the drive-thru's will have a speaker system and they will be on the northeast corner of building D. That should be far enough away to mitigate a lot of the sound. They might not get a restaurant in building D. That is not a for sure thing. Building A is for sure. They have Quench It coming in building A.
- Mayor Rosenberg said that probably mitigates the sound with the speaker, closer to the Residents. He said he doesn't know if you can mitigate the restaurant smell by eliminating the drive up. You are still going to have the restaurant smells.
- Ben Shakespeare said that with COVID and everything that has happened this last year more and more companies want drive-thru's even if they are non-food companies. The drive-thru's are becoming extremely important to be successful.
- Jarett Waite said the residents are not just concerned about the restaurant smells but also with fumes from the cars sitting there for a few minutes. A portion of those houses were built with pretty small backyards and the cars would be close to their back doors. One resident said they might have to move because of their health if those fumes do end up coming over the wall.
- Derek Wiggins said the wall is 6 ft tall and the lowest portion is 3 or 4 ft tall so that would put 9 or 10 ft to the top of that wall and there are other portions that are over 12 ft to the top so he wouldn't anticipate any light going over the tops and that is one reason they felt good about proposing a drive-thru because there is that natural barrier with the existing wall. The adjacent residential are higher than this site.

Motion to Approve a Project Plan for a proposed Quench It Retail Center in a Planned Development Commercial Zone, located approximately at 3663 Pioneer Parkway in the Giovengo subdivision lot 1 with the adjustment of the dumpsters location and the lighting to match that of the neighboring sites and according to the Planning Commission recommendations. The Project Plan consists of the site plan and building elevation drawings. Derek Wiggins, representing. Motion by Denny Drake, seconded by Wendell Gubler.

- Jarett Waite asked if they would consider adding that the planters match the other planters. He wants to have them match the street planters.
- Denny Drake said that was an assumption he already made.

**Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.
Voting Nay: None.
Motion Carried.**

7. Consider Awarding the Bid for the Rachel Street Fire Station remodel. Presented by Randy Hancey, Fire Chief.

- Chief Hancey said they have some bids for the Rachel Station remodel project. He showed the bid amounts to the Council so they could compare the bids and where they came in at. (See attached.) This project allows the department to have some sleeping/living quarters at Rachel Station, upgrades and updates the needs in that building to make it more usable and functional and it will switch out the lighting to more economical LED lighting. There will be new paint, carpet and will add some walls and a fire sprinkling system to bring it up to code. The low bid was \$78,023 and the high bid was \$116,208. He said they recommend going with the low bid, \$78,023. He said the

only thing that is not included in that bid would be a part of the sprinkler line system from the fire hydrant to the building. He said the bids were comparable as to what they included, and things were complete. Brock went over this with him and reviewed it to make sure they were comparable.

- Brock Jacobsen said that Bonham Construction did the work in the front office for Town Hall and so he has worked for the City.

- Ben Shakespeare asked if we provided a bid scope that was itemized of what we wanted them to do.

- Chief Hancey said he met with each contractor at the site and went over what we anticipated and what we needed to have done. That is how that process took place.

- Ben Shakespeare asked about the fire sprinklers. What determines what the update requires?

- Corey Bundy said they are required when they install the sleeping rooms in there. With the sleeping rooms they are required to have the fire sprinklers. He said he checked with several plan reviewers and they concurred that, that was required according to the building code.

- Chief Hancey said it will just be the living quarters that will have the sprinklers and not the bays where the trucks are located.

- Corey Bundy said that is not part of this scope of work. They are not doing anything to the bays. That is not required for the fire sprinklers.

- Jarett Waite said the demolition is the biggest difference in number. Are we sure the first bid is the same in terms of demolition?

- Chief Hancey said the bid spells out what the scope of that demolition includes.

- Mayor Rosenberg said he would imagine they balanced the bid. Typically, that is what they do.

- Ben Shakespeare said they kind of combine in several areas. The bid looks good.

- Chief Hancey said this bid doesn't include bringing the fire line to the building. But both bids are that way.

- Brock Jacobsen said we are going to work with our own Staff to put the fire line in.

- Chief Hancey said if not we may have to come back to Council for approval for additional expense for just the fire line to the building.

- Ben Shakespeare asked if that fire line is run around the back of the building.

- Chief Hancey said yes there is a fire hydrant located directly to the west behind the training containers. It is about 50 ft from the building.

- Leina Mathis asked if the remodel satisfies our agreement with Ivins City.

- Brock Jacobsen said it would with the remodel and putting in sleeping quarters there. This is also impact fee eligible and we have the impact fee funds there to pay for this.

Motion to Approve the proposed recommendation of \$78,023 to Rob Bonham Construction for the Rachel Street Fire Station Remodel.

Motion by Denny Drake, seconded by Wendell Gubler.

Voting Aye: Denny Drake, Wendell Gubler, Ben Shakespeare, Jarett Waite and Leina Mathis.

Voting Nay: None.

Motion Carried.

8. Consider approval of agreement with the Church of Jesus Christ of Latter-day Saints for purchase of equipment and water shares related to the Chapel Street orchard, and

associated donation of the land to the City.

- Matt Ence said the Council was given a preview of this at our last meeting. The agreement is now before us and has been prepared by the Church. He said we have Taylor Leavitt on Zoom who is representing the Church in this transaction. We have been corresponding with him. The agreement is pretty straightforward. In our prior agreement with the Church on the orchard the City had agreed to essentially commit \$25,000 to ultimate relocation of the shed and other infrastructure on that site. That was to facilitate the dedication of the roadway through the property. What the Church has proposed in this agreement is to donate to the City or to exchange with the City the real property plus all of the personal property on site which is any equipment that is in the shed and everything that is there on site with the exception of the tractor which they have already moved as well as three shares of water in the Canal Company that the Church has owned and used to irrigate there in return for that payment of \$25,000 which had already been committed by the City. This represents a significant value coming to the City in return for that \$25,000. It is just shy of 2 acres of land and that is excluding the roadway that the City has already obtained. There is a closing that would happen similar to a real estate purchase. What that would do would allow us some time to have a title company prepare a title commitment so that the City would receive a deed to the property and would obtain title insurance for the property. That would be at the City's cost and the City would pay the cost of the closing and so on. The deed will come to the City with a restriction on the use that the property can be put to. But the restriction is that the current use of the property as a community garden, orchard green space or other improved open space be maintained. He said as he read that it is pretty broad. He thinks the intent is to maintain the orchard and the garden but that gives some leeway so in the future if the City decides there is a better use to put that property to it gives some flexibility.
- Denny asked why a quitclaim instead of a warranty deed.
- Matt Ence said typically a Quit-Claim is given when there is some question about what we will have in the protection of the title insurance coverage. That is what they have offered us is a quit-claim deed. Essentially, they are saying they will give us whatever ownership in the property they have.
- Denny Drake said that usually in title insurance you are only covered by whatever restrictions the title company puts on the bottom line.
- Mayor Rosenberg said we can do a survey. We can get an ALTA survey.
- Taylor Leavitt, Attorney for the Church of Jesus Christ of Latter-day Saints, said the quit-claim is what their legal counsel generally approves and recommends on the method of conveying property. There was nothing specific on this property.
- Matt Ence said it obviously protects the Church from any claims after the fact because they are not making representations about what title they are giving. This property has been in the Church's name since 1981.
- Mayor Rosenberg said that when the City surveyed the Chapel Street dedication, we did survey some boundary lines in there so the legal description can reflect what is actually owned and the title company can rely on that.
- Matt Ence said as far as purposes for this agreement we have included a description of the property. We pulled the description from the County records. A final legal description would have to be prepared prior to closing. Getting an ALTA survey makes sense.

- Leina Mathis asked if the water shares were included with the property and not on a separate certificate.
- Matt Ence said the water shares are personal property so they wouldn't come with the real estate as an impertinence like a water right would, but we are also getting a bill of sale for all the personal property.
- Jarett Waite asked if there is a typo on the quit-claim deed about where the property is located. It says Juab County.
- Matt Ence said yes. He said the final deed will be prepared by the title company and reviewed by Council.
- Leina Mathis asked Brock where the money would be taken from.
- Mayor Rosenberg said that this is money the City committed as part of the Chapel Street right of way. It is coming out of the transportation funds that the City has that was set aside as part of that right of way acquisition. It was set aside to move the building down there and so now we will keep the money and keep the building and figure out what we are going to do with it and how we are going to do it.
- Ben Shakespeare said this is great for the City and the Church and gave kudos to everyone involved with this.
- Matt Ence said this reflects all the parties involved wanting to make sure that the original request of the property to the Church and the intention of that be fulfilled. When the family originally donated this to the Church, they wanted it to be preserved in this way. It is a great thing.
- Wendell Gubler asked about the history of the property.
- Mayor Rosenberg said he believes it came from the Tobler family. He said the Tobler name would be tied into whatever we decide to name the property, so we recognize that.

Motion to Approve the agreement with the Church of Jesus Christ of Latter-day Saints for purchase of equipment and water shares related to the Chapel Street orchard, and associated donation of the land to the City.

Motion by Ben Shakespeare, seconded by Denny Drake.

Voting Aye: Leina Mathis, Denny Drake, Ben Shakespeare, Wendell Gubler and Jarett Waite.

Voting Nay: None.

Motion Carried.

- Mayor Rosenberg thanked Taylor Leavitt and asked him to express the City's gratitude to the people who he works with.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Nothing to report.

Leina Mathis:

- She had an LPC update from the Legislature. There is one specific request. HB 82, which are some modifications to single-family, is going to Business and Labor

Committee on Friday. Walt Brooks is the Vice Chair of that Committee and represents our area down here. That bill is being opposed by the League on behalf of the City. It would amend the single-family limit and modifies the Edu's so there are a lot of restrictions on the interior Edu's. It would mandate the cities to allow them in any single-family residential zone as a permitted use and it would prohibit us from setting any type of restrictions on size, street frontage, lot size, parking and it takes a lot of our options away. She said the request is that we email or notify Walt Brooks. The sooner the better.

- Brock Jacobsen said they did a lot of polls and it is unanimous opposing this.
- Leina Mathis said the bill sponsor has a lot of support behind making the change so we need to let them know we are not interested in having that change done. She also talked about HB 98, which is a change in building inspection procedures. They are wanting to allow contractors to opt-out and use their own building inspectors for building inspections and plan review and not have it done by the City and it would also prohibit municipalities setting design elements and so we couldn't dictate materials, roof, square footage, landscaping and we would lose all authority to do that. That is a pretty significant change. That is also one we can let Walt Brooks know we are not interested in supporting. These two bills have a lot of traction.
- Adlai Elison, a representative from the St. George Area Chamber of Commerce, asked if he can get together with the Mayor and Council to talk about these House Bills the Chamber would be more than happy to draft a letter against those bills as well so we can join forces. He said the Chamber is going to come to the City for a State of the Chamber on Feb. 17.
- Mayor Rosenberg asked Adlai Elison to send him information on this with the tentative program. He needs from the Department Heads information about things we have going on right now and things we have finished and a kind of a rap up of What's Up Down South. He needs this by the end of next week.
- Corey Bundy said that the Utah Association of Building Officials met on that House Bill and are drafting a response for the Building Officials in the State of Utah. They are also having some Mayors and Councils that are drafting some language and some letters and he is going to send copies of that to everyone to see if they want to make their own letters or draft their own letters.

Jarett Waite:

- The Small Business Grant Committee met last week to look over one more. We were able to give some money to that business. He said they discussed if the limit of the grant should be increased. He said they decided to raise it to \$15,000, which meant 3 or 4 businesses got additional money. We are still way under the \$200,000 we have dedicated to that.

Denny Drake:

- He contacted the BLM. Their offices have been closed. He is waiting to hear back from them.

Wendell Gubler:

- Nothing to report.

Mayor Rosenberg:

- He needs from the Department Heads information about things we have going on right

now and things we have finished and a kind of a rap up of What's Up Down South. He needs this by the end of next week.

- He had his Mayors' call yesterday. Our numbers are dropping on COVID cases. They are back to October levels. The ICU is still at 100% but that is down from 180% so that is good news. The big swing is on the vaccinations and getting the vaccines out. We did try and get some of our front-line workers and our counter people. He is working with the Health Department to try and get some more vaccinations done. The numbers in the schools and university are low. Superintendent Bergeson said that everyone across the country is looking for a plan and all they really need to do is look at what Washington County did. It has been really successful. Things are moving in a better direction. They are still encouraging us all to wear our masks and socially distance and be an example and try and get vaccinated as soon as you are able to.

- He would like to meet with St. George and talk about the possibility of getting Sun Trans this way and taking advantage of some of the tax increment that has been given to us. Right now, it is being spent on the Zion Bus Route. He will bring information about this back to Council. He said he would probably have Cameron Cutler come to Council.

- Jack Taylor said that Well #6 is up and running. Well #7 is turned off so that is good news. He said they interviewed all the engineers today of the five selected for the pool to see if we can get a new City Engineer.

7. **Executive Session: None.**

8. **Adjournment:**

Motion to adjourn by Wendell Gubler.

Seconded by Leina Mathis with all members present voting aye.

Meeting Adjourned at 6:54 p.m.

Chris Shelley – City Recorder

Date Approved: _____