

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, APRIL 22, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, April 22, 2020 at 5:00 p.m. Electronically Via Zoom and was Live Streamed on the Santa Clara City YouTube Channel.

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

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Ben Shakespeare, Wendell Gubler 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; Patrick Manning; Kyle Hafen; Brett Henke, Engineer; Joe Platt; Brady Platt

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:04 p.m. He introduced the Council and welcomed everyone. He excused Councilwoman Leina Mathis who had a death in the family.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Jarett Waite
 - Opening Comments: Jarett Waite
3. **Communications and Appearances:** None.
4. **Conflicts and Disclosures:**
 1. Mayor Rosenberg stated that his firm, Rosenberg Associates, prepared the Road Dedication Plat for Item 5C2.
5. **Working Agenda:**
 - A. **Public Hearing(s):** None.
 - B. **Consent Agenda:**
 1. Set Public Hearing to discuss and receive public input on amending the Santa Clara City Street Impact Fees for May 13, 2020 at 5:00 p.m.

2. Set Public Hearing to discuss and receive public input on amending the Santa Clara City Public Safety Impact Fees for May 13, 2020 at 5:00 p.m.
3. Set Public Hearing to discuss and receive public input regarding a Business License and Limited Restaurant Alcoholic Beverage License for Rylin's Bistro located in the old Kaili's location at 2862 Santa Clara Drive for May 27, 2020 at 5:00 p.m.

Motion to Approve the Consent Agenda as presented.

Motion by Ben Shakespeare, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of the Amended preliminary Plat for the Edge at Grand Desert. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Bob Nicholson said that this is an amended preliminary plat for Phase 1 of the Edge at Grand Desert. This project is a resort type of development located in a Planned Development Residential Zone in the South Hills area. The applicant is Sycamore Development, Patrick Manning, Kyle Hafen and Joe Platt are the representatives. The project engineer is Brett Henke with Cuma Engineers. Phase 1 has 37.3 acres. The amended preliminary plat for Phase 1 has a resort hotel complex and 7 single family lots along the proposed public street road layout to access the hotel site and single-family lots. The amended Phase 1 preliminary plat area is in the southwest corner of the project site and shows the primary street access is through the William's property. The road through the William's property is the principle change in this plat. The original planned public street was through a wash that came off the Sycamore subdivision. Their plan is to eliminate that road but not eliminate it until they reach an agreement with the BLM for the road that will go to the west. The road to the west goes through the BLM property and then would tie back into Gates Lane and that Gates Lane Bridge. The principle access comes uphill from the new Chapel Street bridge and that will be the primary access. All utilities will be included in the new public street coming from the bridge area. The 7 single-family lots located on the north side of the main public street and to the north of the proposed hotel site. The resort type hotel will have 172 rooms. The building elevation drawings and parking plans for the hotel will come before the Planning Commission and City Council in the coming months for approval. He said that when the Planning Commission considered this amended plat in January the applicants were still finalizing those details. They thought they would take the elevation drawings to the Planning Commission first and then to the Council. Staff comments are that the amended preliminary plat is ready for Council consideration and approval with the understanding that the hotel planned building elevations and the detailed site plan will come before the Planning Commission and Council at a later date and suggested it be at or before the time the final plat comes forward. The Planning Commission recommends approval of the preliminary plat with that same understanding that the elevation drawings will come with the final plat and, they had an understanding that this would go back to the Hillside Board

for some clarification issues and that happened after that meeting. The Planning Commission recommended approval with the understanding that the Hillside Board would consider this plat a second time. The Hillside Board looked at this at least twice and the final time was in March. The Board recommended approval with three conditions: 1. The rock retaining walls to be with rock from the site or like colored materials. 2. Post a reclamation bond for the road excavation as per the Hillside Ordinance requirements (Section 17.80.030). 3. Address concerns about drainage and the retaining walls. The drainage would be part of the construction drawings that would be submitted with the final plat.

- Mayor Rosenberg asked if the building elevations are part of the preliminary plat approval.

- Bob Nicholson said they are being deferred until the final plat in this case or their other alternative is to bring those drawings forward prior to the final plat or the other option is to continue this preliminary plat if we want to see the elevation drawings. He said his understanding is that those hotel drawings and renderings are now ready and available. They weren't in January when the Planning Commission considered it.

- Mayor Rosenberg said that the reason he asked is for the subdivision lots typically those construction plans would be approved by Staff and they could get a grading permit and start construction without coming back to Council. Since the building elevations are part of the subdivision on that hotel lot and it hasn't come through Council approval yet will they have to come back to Council to make sure those are approved prior to granting any kind of a grading permit on site?

- Bob Nicholson said yes that would be a reasonable action.

- Mayor Rosenberg asked if they complied with the development agreement and the zone change that was completed out there.

- Bob Nicholson said he believes all the details have been complied with unless there is something on the William's property road that he is not aware of. They are planning on building that road as shown on the preliminary plat. He thinks it all complies with the development agreement.

- Mayor Rosenberg asked if the amenity size still complies with the zone change.

- Bob Nicholson said yes. The applicants said at the Planning Commission meeting that they now plan to put all the amenities in with Phase 1. Exactly what the amenities are will have to come with the building elevations and details. We don't have all the details on the amenities package.

- Kyle Hafen, Representative, said the two main purposes for coming to amend the plat was the access road, they really wanted to make sure the access came through the William's property, and the other is that the hotel central aspect includes the majority of all of the amenities from pools to spa services and more.

- Denny Drake asked what the density level is of the 32 acres.

- Bob Nicholson said they have 7 single-family lots and then the hotel. That is all they have on the 37 acres for Phase 1.

- Denny Drake asked if the 172 rooms for the hotel affects the density level.

- Bob Nicholson said that on a hotel we don't look at density per say. That would be strictly on a residential project. Hotels don't have the residential density standards. They will have to meet the parking requirements of one space per each room plus parking for the management and we'll expect the detailed parking plan to come forward with the final site plan.

- Denny Drake said that when we rezoned that acreage it was rezoned with the density

issue so what was that density issue.

- Bob Nicholson said the overall density for the entire development still fell within the low-density requirement.

- Denny Drake asked if it was an apartment complex wouldn't that affect the density level.

- Bob Nicholson said it would. A hotel by definition is a short-term rental where an apartment is a true permanent residence. This is a hotel, so it isn't calculated as a typical residential density.

- Denny Drake said that as long as they don't change it from a nightly rental to a weekly or monthly rental then it has no effect.

- Bob Nicholson said that a short-term rental is defined as 29 days or less so if they kept it under the 29 days that is typical of any hotel/motel short-term rental.

- Mayor Rosenberg said that the hotel was part of the zone change when they came in for the zone change. They were zoned to include the hotel. It has that commercial aspect built into the zone change.

- Denny Drake asked if there was 90 acres that were rezoned.

- Bob Nicholson said he isn't sure but is within that range.

- Denny Drake said that this is low density, which is 6 units per acre.

- Bob Nicholson said that low density is 4 units per acre. He doesn't know what the project density is overall. He said that this is Phase 1 on 37 acres. The balance of the property would have the remaining residential units. He said this is a planned development zone. They have a project development approved.

- Kyle Hafen said as he recalls the density was about 5.5 units per acre and they are somewhere around 80-85 acres in the development agreement.

- Jarett Waite asked for a sense of where this is in terms of the crest of the hills up there. He also asked if the residential lots are going to be zoned for vacation rentals.

- Kyle Hafen said it is on the very southern part of the project. This would be the least visible of any of the project. He said that the residential lots being zone for vacation rentals hasn't been addressed specifically.

- Mayor Rosenberg asked if that had been addressed in the development agreement.

- Matt Ence, City Attorney, said it is. The approval covers all the property, so they have that option.

- Denny Drake said that granting a preliminary approval without the actual site plan, could that be an issue?

- Mayor Rosenberg said they would have to come back to get that hotel approval. They would have to bring those renderings and a detailed site plan back to Council before they could get site plan approval. He doesn't know that they could even get their grading approval without that approval. They are taking this in two steps.

- Bob Nicholson said there wouldn't be any grading allowed until those hotel elevation drawings are approved. The applicant would have the option of bringing those hotel renderings and final details on the hotel site forward before the final plat or bringing it with the final plat. They may want to bring those hotel renderings before that. He said he believes they are now ready for consideration.

- Patrick Manning, Representative, said that was their plan to get the preliminary plan process over with and then start at the TRC level of coming back through and preparing the final plat along with all those requisite things. He said they don't have any intention of moving any dirt prior to a final plat approval.

- Mayor Rosenberg asked if the final plat is going to show the hotel as just one

commercial lot.

- Patrick Manning said no it will be condominiumized as part of the total number of units.

- Mayor Rosenberg said that if it is a condo project it is considered residential. How do you do a commercial hotel and consider it residential? A condo project is units for sale. It will just be one lot inside the subdivision that covers the hotel property.

- Bob Nicholson said that hotels are condominiumized typically now-a-days. He asked Patrick if he is envisioning that these units would be available for permanent residency or is it still a hotel operation.

- Patrick Manning said it is a hotel operation first and foremost. He said they would frown on someone staying in the hotel portion permanently.

- Bob Nicholson said that if this was condominiumized for permanent residency then that is essentially like apartments and that would raise the issue of density.

- Kyle Hafen said they refer and talk about the hotel central to identify the specific area that is going to be surrounded by most of the amenities. When we say that we are not referring to an actual hotel occupancy type concept. It is going to be run that way because it is going to be a resort with vacation rentals and nightly rentals. That area is going to feel like a hotel because it is attached to a restaurant and one of the pools.

- Patrick Manning said they call it hotel central because that is where the check-in facility is. The units are intended to be included in the density. The development agreement allows for a total of 438 units. The number of units in the hotel are part of the 438 total units.

- Mayor Rosenberg asked if this would be platted with common area and ownership area.

- Patrick Manning said it would be.

- Denny Drake asked what the densities are in this zone. Is there a range or a number?

- Matt Ence said that nothing he is hearing is inconsistent with everything we have done on this project as far as the development agreement. As far as this being condominiumized is sounds different but the way to think about this for the City is no different than how we have treated other projects like Paradise Village.

- Bob Nicholson said that under the PD zone the ordinance allows up to 8 units per acre and under the density bonus provision you can have up to 12 dwelling units per acre.

- Ben Shakespeare said that nothing has changed on this since day one other than the new access coming off Sycamore Bridge. All the numbers are exactly what have been approved.

- Patrick Manning said the only reason they are amending the plat is because they got approval for a much smaller first phase that did not include amenities because of the fire restriction for the second bridge coming in and then the City adopted the 200 additional units that are sprinkled so they went back to work to design a Phase 1 that would include all the amenities up front so the only reason they did that was in response to the City's change of the fire code.

- Ben Shakespeare said that Hillside Board made their recommendations and the architectural renderings need to come in, but everything else is still within the agreement that was made.

- Mayor Rosenberg said he agreed. We will just have to have that follow up review before the final plat is submitted.

- Matt Ence said when they are condominiumizing the units vertically that will all be part of the final plat.

Motion to Approve the Amended preliminary Plat for the Edge at Grand Desert with the

recommendations of the Hillside Review Board and that the applicant bring forth the conceptual designs for the buildings prior to receiving a grading permit.

Motion by Ben Shakespeare, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

2. Consider approval of a Road Dedication for Caymus Lane, a public street intersecting with Vineyard Drive. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Corey Bundy said the property owners along the proposed Caymus Lane have agreed to dedicate the necessary road right of ways to get the street properly dedicated and the plat recorded with the County. The proposed public street is 343 ft in length and 35 ft wide. Lance Rigby is the contractor that will complete the street improvements. There is a request for a building permit for a single-family home and this proposed public street will provide the necessary access. This is just off Vineyard Drive behind the Gates' home. A future extension of Caymus Lane could also lead to additional single-family homes along the street extension. The total area of the current road dedication is 0.31 acres. Staff recommends approval of the road dedication plat. There is a note on the report that says that road dedications do not require a public hearing whereas a vacating of a street or an easement does.

- Mayor Rosenberg told the Council that the lawsuit with Mel Taylor where the City was given the judgment part of that road was included underneath this plat as well as the portion that Chad Gates dedicated to the City when he got his building permit. This is cleaning up some documents and creating a dedicated roadway to access that second lot.

- Corey Bundy said that if they want to develop, they will have to have the improvements installed or bond for it.

- Matt Ence said it looks like it is Santa Clara City that is dedicating on this particular plat. Do we already have the Rasmussen portion of this street along with the Chad Gates portion? How are we getting the rest of it?

- Corey Bundy said it would have to come through the deeded dedication.

- Matt Ence asked if we had that.

- Corey Bundy said we still need to get that.

- Mayor Rosenberg said that Chad already has it but there may be a little piece that he needs to give where that curb return is, but he will follow up on that and get that from Rasmussen's. He said the judgment is causing the title company some issues so Matt may need to make a call there.

Motion to Approve a Road Dedication for Caymus Lane, a public street intersecting with Vineyard Drive.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

3. Consider approval of recommendations from Heritage Commission for Artwork along Johnathan Kolan's Wall located at 3176 Santa Clara Drive. Presented by Bob Nicholson,

City Planner/Corey Bundy, Building & Zoning Official.

- Corey Bundy said that the City has received a request from Mr. Johnathan Kolan, the property owner, to allow him to hire an artist to paint a mural on the existing concrete retaining wall along his property frontage at 3176 Santa Clara Drive. He showed photos to Council. He came to TRC meeting and explained what he wanted to do with the proposed mural. He said it would provide improvement to a barren concrete wall on Santa Clara Drive frontage. The applicant stated that he and his wife would take responsibility for maintenance on the artwork in terms of potential graffiti repair and refreshing the artwork when the original has faded. There are some code provisions, Chapter 17.45, Historic District Sign Code. The definition in Section 17.45.020 states that a mural is “a work of art such as a painting applied directly to a wall, fence, pavement, or similar surface that is decorative in nature and content.” Chapter 17.45.120(L) Historic District Sign Codes states that “Wall murals shall be permitted if the content is in keeping with a moral society, the theme of the Historic District, and approved by the Heritage Commission. A maximum of 10% of the mural may be used for advertising as long as the advertisement is incorporated into the mural.” He said the signed application should be reviewed by Staff and upon Staff request may be reviewed by the Heritage Commission. He said in this case the City Council will consider the request because the retaining wall is in a City right of way. He said that Mr. Kolan does not want to do any advertising on this mural. It is strictly a work of art. City Code requires that the mural be limited to one wall. If the mural is on the wall of a building, it must be below the roofline of the wall. In this case, the mural will be on a concrete wall that is just 6.5 feet tall. No illumination was proposed. It was noted that the artist will be Daniel Growler. The proposed mural will have a Native American design, which seems appropriate given the proximity to the Jacob Hamblin pioneer home. Jacob Hamblin was known for his skill working with Native American tribes. The Heritage Commission recommended approval of the mural with the conditions that that commission may inspect the final artwork to see that it follows the general design presented and this was approved by the Heritage Commission on April 15. The applicant, Mr. Kolan, said during the Heritage Commission Meeting that he will be glad to work with the City to give a small plaque posted next to the mural which will briefly describe the meaning of the artwork which is about life forces of the earth. Corey said he volunteered to coordinate the possible plaque with Mr. Kolan. This would probably be something we could get Rap Tax money for a little plaque to put alongside this.

- Matt Ence asked how we planned to make sure the property owner takes responsibility for this.

- Corey Bundy said we probably need to draw something up that states that they will maintain the mural. This is the City’s wall but the Kolan’s property.

- Matt Ence said the best way is to make sure that future property owners are responsible for as well and make sure we have something recorded on the property. He asked that because this is Native American artwork has there been any Native Americans consulted on the content and look of the art. We have a local history of Native Americans.

- Corey Bundy said that the artist, Daniel Growler, is from the Paiute Tribe in the Cedar City area. Different renderings are also from the Shivwits out of Cedar City and several of the Paiute Tribes from around the area. Mr. Kolan also wants to put rock retaining walls along both sides of his property to retain his lot and not have water draining down each side.

- Mayor Rosenberg said we may want to contact the local Shivwits Band to make sure there is nothing in this mural that may be offensive to the local that would lead to vandalism or something like that.
- Ben Shakespeare asked for a brief explanation of the artwork and what it is referencing there.
- Bob Nicholson said that at the Heritage Commission Meeting Mr. Kolan gave a brief explanation of the life forces, one represents wind, one sun, one water, and one fire, the basic forces of nature. That is what the drawing is supposed to represent.

Motion to Approve recommendations from Heritage Commission for Artwork along Johnathan Kolan’s Wall located at 3176 Santa Clara Drive.

Motion by Wendell Gubler, seconded by Denny Drake.

- Mayor Rosenberg said to make it contingent upon consultation of the local Shivwits Band.
- Corey Bundy said to include a written agreement with the City on maintenance.

Motion to Approve recommendations from Heritage Commission for Artwork along Johnathan Kolan’s Wall located at 3176 Santa Clara Drive after consultation with the Local Shivwits Band and with a written agreement with the City on maintenance of the mural.

Motion by Wendell Gubler, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

4. Consider approval of amendment to the Santa Clara City Parks Impact Fees and approve Resolution 2020-08R. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that adjustment to the impact fees is not amending the Parks & Trails Impact Fee Plan but rather we are adjusting the fee through resolution that we charge. We are adjusting that fee \$3,906 to \$2,906 and it is based on the calculation of not including the BMX track and neighborhood parks 1, 2 and 3. The total number of improvements taken from the plan is just over \$2 million and based on a 4% inflation rate. The new recommended maximum fee is \$3,782, which is a reduction of \$475. We are recommending going to \$2,906. That is a good recommendation that will allow us to continue to build parks as long as we seek other funding. The fee adjustment, if approved, would be affective to coincide with the Public Safety and Street Impact Fees and he thinks the resolution shows that as August 13, 2020.

Motion to Approve amendment to the Santa Clara City Parks Impact Fees and approve Resolution 2020-08R.

Motion by Ben Shakespeare, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

5. Consider approval of 3 new street standards for PD Zone in the Santa Clara City Constructions Standards. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said he would like to get these Street Standards adopted into our Construction Standards. He said this is in our construction drawings, but it doesn't show the public utility and sidewalk easements being 14 ft on each side. So, in the Construction Standards it would be good to show this same 34 ft public street cross-section and show on each side of that that we have a public utility and sidewalk easement of 14 ft. What that allows for us is that we have a 6 ft landscape area behind the curb which is really nice so trees can be planted and then we have a 4 ft sidewalk and 4 ft behind that which allows us to put our utility trench for our transformers and power, television, telephone and all of that.
- Denny Drake asked if the transformer is 4 ft behind the sidewalk on the property side.
- Jack Taylor yes. It is usually a foot off the sidewalk. Transformers are about 3.5 ft wide.
- Corey Bundy asked if the modified curb is an option.
- Jack Taylor said it is an option. They are usually used in the PD zone.
- Denny Drake asked if the 14 ft was going to be added on each side.
- Jack Taylor said yes it gives us a utility easement.
- Denny Drake said the asphalt is 25 ft and you go 14 ft on each side you are looking at a lot wider than 34 ft.
- Mayor Rosenberg said it is all easement.
- Denny Drake said that is about a 50 ft wide with the easement involved.
- Mayor Rosenberg said it is a similar impact on the properties, but we have less pavement to maintain and we are getting the landscape strips.
- Jack Taylor said it works and people seem to like it.
- Corey Bundy said that one of the reasons there is a 14 ft easement along the front is a lot of utilities are in the front.
- Ben Shakespeare said the setbacks are still 25 ft from the property line. He said his concern is the inconsistency of the landscape strips. Some are in rock and some have grass. Do we have the ability to require some consistency in that?
- Jack Taylor said that could be put in the CC&R's but would be hard to keep it all enforced. It works good in the PD zone because there are better controls.
- Bob Nicholson said that under the PD zone project plan approval requirements the City could control or dictate how that landscape strip is handled.
- Mayor Rosenberg said that in the PD's the HOA's they will typically maintain that theme all the way through because they are doing the maintenance themselves.
- Jack Taylor showed the 35 ft design. It has sidewalk on one side and 26 ft of asphalt. This is in Paradise Village. It seems to work fine.
- Mayor Rosenberg said that this is the design where there is not a through street.
- Jack Taylor said this would only be used in a PD zone. He said the last one has 29 ft of asphalt and the typical curb and sidewalk on both sides.
- Mayor Rosenberg explained that this one works best when driveways are different elevations. The additional right of way width is used to get the driveways and transition areas to work.
- Jack Taylor said it is less asphalt and we don't lose asphalt on the edges. He said they have added the standards and can make changes if Council wants. He said that he thought about putting sidewalk only on one side of the modified curb. He talked about the modifications and using them in the PD zone.
- Mayor Rosenberg said he would add "modified" to Residential Access A. It would be

an option. Access B is the standard 50 ft street. He would put both in that box too so they can go either way. The others are all high backed.

Motion to Approve 3 new street standards for PD Zone in the Santa Clara City Constructions Standards as presented.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

- Jarett Waite asked about Chief Randy Hancey' s comment about parking on one side and asked Randy to elaborate on that.
- Denny Drake said there are situations where you may want to go only on one side because of access to amenities and so forth but within a PD zone that shouldn't be a problem.
- Chief Hancey said he would recommend parking on one side only on the less than 35 ft asphalt roads.

6. Consider approval of the Iron Man Interlocal Agreement. Presented by Mayor Rosenberg.

- Mayor Rosenberg asked Matt Ence if he has seen this agreement and if it is the same agreement as the one in previous years.
- Matt Ence said it is updated. He recommends approval.
- Mayor Rosenberg said the Iron Man Competition got moved to September 16.

Motion to Approve the Iron Man Interlocal Agreement.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

7. Budget update and discussion. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that this week they have been working with Department Heads on the budget. They have been working on doing some cuts. This week the Mayor forwarded him some information that he received on some of the economic impact that has been felt over the last month here locally. That put them into another discussion with Staff. He said they have gone back to Staff and asked them to make some more cuts in their budgets. He doesn't have numbers tonight but will have them at the Work Meeting in two weeks and bring that to Council. They are looking at cutting 10% to what we have previously looked at. They want to eliminate \$500,000 to \$600,000 from the budget this coming fiscal year.
- Ben Shakespeare said that as we move into reopening, he doesn't know what our position is as a City. He said his concern is each State is looking at it differently. We need to look at moving things along. What is our plan as a City? Are there dates that we are looking at to open parks? Has this been discussed? Where are we at?
- Mayor Rosenberg said he has given direction to Brad to have plans ready for a

reopening of the pickle ball courts and restrooms and we are thinking about doing that on Monday.

- Brad Hays said that Monday the pickle ball courts will be opened at Canyon View Park and Gubler Park.

- Mayor Rosenberg said he would like to see the restrooms opened at the parks with limited hours and extra sanitizing done.

- Brad Hays asked if that included the playgrounds.

- Mayor Rosenberg said not yet. We need another week on playgrounds. We'll see what the governor's directive is. We are following the governor's directives as closely as we can. As he opens things, we open things. The Mayors meet twice a week and discuss what can be opened and stay within the governor's directive. The governor's directive expires at the end of the month and we will see new instruction from him. The HOA's have contacted us regarding their common area amenities and their pools. The direction they have been given is that we are asking them to follow the governor's directive, but it is up to them. We haven't issued a closure on any of the privately-owned facilities. We can't do that. That would have to come from the Health Department directly. He said the Mayors get updates on hospitalizations and on cases reported. The hospital has been given direction from IHC headquarters that they want to have 500 beds available by the middle of June. They are very concerned about a second wave coming in if we open too fast. We are trying to work together to open things slowly. He is thinking there is going to be some type of softening in the directive to allow some restaurants to open with social distancing and with some additional requirement for the restaurants such as outdoor seating. He said we will probably see some things that go into effect the first of May.

- Denny Drake said that Utah has been handling a lot different than a lot of States and handling it very well. He wonders if we ought to draft a letter of support to the governor for the things he has done. The governor has done an excellent job and he has done it through the Mayors and the citizenry. He should be given some support.

- Mayor Rosenberg said he would be totally supportive of that and asked Council if they would support it, he will put a letter together and send it to the governor and to the Health Department. He also commended Dr. Blodgett and Dr. Dunn and their leadership.

- Ben Shakespeare said that Utah has done a great job in managing this and he doesn't want our leadership feeling pressured from other states. We can take the lead in the reopening.

- Mayor Rosenberg said we may look at reopening Town Hall as well. We will probably put tape on the floor and Plexiglas at the counter to protect employees. The reason it is closed is to protect employees. We can look at some things the first of May.

- Brock Jacobsen said the employees have asked about that and we will look at options for reopening Town Hall and work to get ourselves ready for that.

- Mayor Rosenberg said the Court was closed by the State Supreme Court so the Supreme Court will have to reopen our local Court. He said we did a video Mayor's newsletter this month. He would like to see Council get on that as we go forward. He likes the new format of the newsletter. He said the biggest complaints through all this pandemic is the pickle ball players wanting the courts reopened and the vacation rental owners. He asked Council if they got the slide show presentation on tourism that he sent to them. The loses are dramatic. We must be prepared for it.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Nothing to report.

Jarett Waite:

- He said that in a conference call with Spencer Cox he mentioned that he didn't want City Offices closed and the State never recommended they close so Jarett feels that should be reopened as soon as possible with the proper measures.
- He gave a BMX track update. Brooke called and told him that 4 sponsors pulled out due to uncertainty with their budgets. She has been seeking out donations and will get some numbers to us to see what it will take to finish and open. She said the ballpark number right now is about \$20,000 to get the signs and gravel and the ADA requirements for the sidewalk and concrete. He talked to her about paring things back as much as she could with the signage. He will bring the numbers back to the Council and see what we want to do. It is kind of a tricky situation because she had it all done and then sponsors pulled out. Brad has talked to her about going back to the County for some additional funds. We'll see how big that number is and talk about that. He said they are a week's worth of work from being done and then they can start some races. One main issue is they want to get the soil pack down on the dirt first. They have the material, but they have to fly a guy out here to put it on.

Denny Drake:

- Nothing to report.

Wendell Gubler:

- Nothing to report.

Corey Bundy:

- He said there is a resident that has encroached on City property and they are making a request to purchase the City property. It is up on Rim View Circle (3650 Rim View Circle). They did some improvement and some retaining of the lot on our property and they are interested in wanting to know if the City would allow them to purchase that portion that they improved. Do we want to set precedence where we are selling a portion of our City property or not?
- Mayor Rosenberg asked if he wants to buy that whole triangle or just the thin strip where the rock wall is.
- Corey Bundy said just the little area where the wall is. He showed Council the area.
- Mayor Rosenberg said that isn't little. That is probably 5,000 sq. ft.
- Corey Bundy said they encroached on our property and improved it and now they want to ask to purchase it.
- Ben Shakespeare said he is not opposed to it, but his concern is that we set precedence. We would need to get it appraised and sell it at appraised value.
- Denny Drake said there is another issue with neighbors. He doesn't feel good about selling a piece of property that also borders a neighbor's piece without their viewing it and agreeing or disagreeing. He would want to make sure the neighbors all agree that we should sell it to him.
- Matt Ence said that one of the neighbors is Congressman Snow. We could ask him

what he thinks about it.

- Mayor Rosenberg asked Corey to find out what we are talking about. How many square feet? That gate would have to be removed. He doesn't want that being an access on to City property. He needs to access it from his own property. He needs to go back and restore what he has disturbed there.
- Matt Ence said the other option is to sell him the entire triangle piece.
- Corey Bundy said his concern is once we start opening City property, we will have every resident in the City wanting a little piece here and a little piece there. We have been approached in the past.
- Denny Drake said he agrees. That could be a real problem. If there was any opposition by any neighbor, we shouldn't do it at all.
- Corey Bundy said that he had some erosion problems on the back of his property so he found by putting a retaining wall and that fill in there he could level it off. He is putting in desert landscaping. If we don't sell the property to him, we need to have him remove the landscaping otherwise it becomes an issue of emanate domain.
- Matt Ence said he can't make a claim based on prescriptive rights on City property. But if we don't sell it to him, we should require him to remove the landscaping.
- Mayor Rosenberg said we need to have him submit something that shows what he is interested in and have him get approvals from all the neighbors and then we can maybe declare it surplus.
- Brock Jacobsen said that once he submits how much of the property, he is looking at we can have our own appraisal done.
- Denny Drake said the cost of the appraisal can be added to the purchase price of the property.
- Mayor Rosenberg said he doesn't want to spend any money on this. He said to see what he really wants and what the neighbors think.

7. Approval of Claims and Minutes:

- April 8, 2020 Regular City Council Meeting Minutes
- Claims through April 22, 2020

Motion to Approve the Regular City Council Meeting Minutes from April 8, 2020 and claims through April 22, 2020.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting nay: None

Motion Carried.

8. Calendar of Events

- May 6, 2020 City Council Work Meeting
- May 13, 2020 Regular City Council Meeting
- May 27, 2020 Regular City Council Meeting

9. Executive Session:

1. Executive Session to talk about potential legal action against the City.

Motion to Enter Executive Session.

Motion by Wendell Gubler, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

- Entered Executive Session at 6:58 p.m.
- Reconvened at 7:30 p.m.

10. Adjournment:

Motion to adjourn by Denny Drake.

Seconded by Wendell Gubler with all members present voting aye.

Meeting Adjourned at 7:30 p.m.

Chris Shelley – City Recorder

Date Approved: _____