

**SANTA CLARA CITY COUNCIL WORK MEETING
WEDNESDAY, MAY 6, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, May 6, 2020 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

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

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

Others Present: Jack Taylor, Public Works Director; Debbie Bannon, Finance; Brad Hays, Parks & Trails Director; Corey Bundy, Building Official; Randy Hancey, Fire Chief; Josh Westbrook

Finance; Brad Hays, Parks & Trails Director; Corey Bundy, Building Official; Randy Hancey, Fire Chief; Josh Westbrook

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:06 p.m. and welcomed all who were calling in or participating in the meeting.

2. **Working Agenda:**

A. General Business:

1. Financials. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said he was going to discuss the quarterly financials. These are for the third quarter ending March 31, 2020. He said for the first 3 quarters of the fiscal year things have been pretty good. This last quarter is going to be an interesting one. On the revenue side we have collected 88.7% of budgeted revenues. All our funds are ahead of projection except for our intergovernmental revenue and that comes from revenue coming from Ivins City that helps cover the Fire/EMS and Court services and that is because of timing because we bill at the end of the quarter. This also includes the Class C Road Funds. He said these funds are projected to be where they need to be. Our other revenues are ahead of projected this time of year. He said he is worried about the 4th quarter. He said that in this last quarter with the sales tax we are 5% ahead of the projected number. He said he is hoping that will continue for the 4th quarter. He said that Miscellaneous Revenue was 502%. He explained what was included in miscellaneous revenue which was partly from donations and one of the

donations the City received was from the development group going into the South Hills and they donated in helping in construction for the Sycamore Crossing Bridge. That accounts for over \$200,000 of that revenue. He stated that on the expenditure side we are at 82% of expenditures budgeted. He explained that the expenditures included the Justice Court, Administration, Police, Fire, EMS, Building & Planning, Public Works, Parks & Trails, Sports Field Maintenance, Swiss Days & Pageant, and Economic Development. A couple of departments that went above is Public Works and Parks & Trails. The reason for Public Works being above has to do with Sycamore Crossings Bridge because of land purchase and some of the construction costs of that. The land purchases were reimbursed from the COG. Right now, we have the construction of the bridge payments, which were impact fee eligible, but we had to put the impact fees up front to an escrow account so as we make the payments, we get a drawback to cover that cost. Some of the increase in the expenses for Parks has to do with the BMX track. We did receive the funds from Rap Tax from the County, but we had to expend them, so those expenditures are coming out of the Parks & Trails budget. It wasn't in the original budget. That will have to have an amendment here in the next month to account for that. Swiss Days expenditures were above but their expenditures are pretty much done for this fiscal year. We will have a few expenses such as some deposits, but we should be just fine under Swiss Days. He showed the comparison between 2019 at this same time period and at that point in taxes we had \$2.2 million and this year we have \$2.4 million year to date and in revenue last year at this date we collected \$4.9 million and this year we have collected \$5.4 million. Expenditures we expended \$4.7 million at this same time of year and this year we have expended \$5 million. Which leaves revenue over expenditures for this time period at \$416,527.

- Jarett Waite said that on the sales tax revenues he has heard that grocery store sales are actually doing much better than in previous quarters and the majority of our sales tax comes from sales like from Harmon's and obviously there is going to be a drop-in vacation rentals. He asked if Brock thinks there is going to be a big drop in our sales tax revenues.

- Brock Jacobsen said that for us yes because our sales tax that stays here locally, we retain 50% and the other 50% is put into the pool with the State. Most of our sales tax that we get in our sales tax distribution more of it comes from the State distribution then what we retain locally and so he is more worried about the State as a whole what the sales tax is going to be. He said locally Harmon's is doing rather well and have stayed relatively busy and the restaurants all seem to be busy, so he isn't worried about that. He is worried about the State portion of the distribution that we will receive. We will have an idea of that come June when we get the April distribution but by the time we get it this budget will be approved so we won't really fully know until then but that will give us an idea of what we will see going forward for the rest of the year. He said that the City's budget is very conservative. We have really cut back and that is how we are going to go starting Fiscal Year 2020-21. If things are better, we will allow departments to do some of the things, projects and purchasing equipment, we have pulled out.

- Mayor Rosenberg asked Brock if he got the email that he had sent about the economy study that the State is putting together that has some projections on April's numbers.

- Brock Jacobsen said he didn't see that email, but he will look back through and look for it.

- Mayor Rosenberg said that the State Treasurer was on a call earlier in the week and said that they have contracted to have some projection numbers available for the cities on May 11 for April to give us an idea of what those budgets are going to look like Statewide.

- Brock Jacobsen continued to go over the budget with Council. He said for impact fees revenue-wise we are way below. Most of Parks impact fees are not what we projected to collect; it's fund balance we had on hand to use to build the Swiss Memorial Park and the Lava Flow Trail extension. We are now using this currently. We are using \$1 million we are bringing over from impact fees. He said that the majority of our revenue comes from taxes and then charges for services. He said that Parks and Police are at the top of the expenditures. He said administration also runs high because it covers a lot of costs that benefit other budgets and other funds in the City.

- Ben Shakespeare asked where we were on the funds for building permits. Where are we from what we projected to what we are?

- Brock Jacobsen said that based on impact fees on Streets we have collected 55% of budget; Parks & Trails is 50% and Public Safety is at 54%. He said we are at 61 building permits for the year and we budgeted 80. Corey Bundy thinks that over the next two months we will end up at 80 building permits. For FY2020-21 we have reduced that number down to a projected 70 building permits. He went on to talk about the Enterprise Funds. First is the Water Fund. We have collected 70.6%. We are right in line, revenue wise. Expenditure wise we are down to 47% and part of that has to do with our bond payment and we also have a transfer to the General Fund that we will do at the end of the year which is impact fees to cover the payment of the City Office on that bond and that is impact fee eligible from the water fund. Our utility costs are way down this year. The wells have just been turned on and they are running good and we will start to see some of those costs. Right now, we have expended 47% of the utility costs for the coming year. Right now, we have revenue over expenditures of \$512,000.

- Denny Drake asked if the new meters were included in that budget.

- Brock Jacobsen said they are. He said our revenue for water is up from the previous years and expenditures are down. He next talked about the Sewer Fund. Our revenue of charges for services is right in line where we need to be. Our other revenue is up a little bit because of a payment from Ivins City. They helped pay for the sewer truck because we are partners with Ivins City. We maintain the sewer truck and they give us a check for part of the bond payment and maintenance, storage and insurance on the sewer trucks that we have. He said that expenditures are at 44%, which leaves us revenue over expenditures of \$337,000. He said that revenues are up a little bit this year over last year and expenditures were down. He said they did a budget freeze and froze expenditures earlier this year than anticipated due to the pandemic. The expenditures are really just doing what we need to keep things functioning. There are no extra expenditures except for the projects that were already in progress or the impact fee projects. The next fund he talked about was the Electric Fund. The total revenue is at 77% and the charge for services are right above 75% and expenditures are at 64%. That would leave revenue over expenditures at \$692,000. Our electricity costs will increase as well as our costs are running through UAMPS because there is more power being used. We will see how that runs with our generators as to which

cost is best. The Power Department keeps good track of what our cost is and what is more beneficial for us to run our generators or go on the market to get power.

- Mayor Rosenberg asked where the market price for power is right now.

- Jack Taylor said the market has been really cheap because of all the surplus solar down in California but the heat hasn't hit yet. Last year we didn't run the generators a lot because the market was so cheap. He said compared to last year our revenue is down slightly and our expenditures are down also. He feels that the City isn't doing too bad. Brock talked about the Storm Water Fund. Revenue is at 79% and other revenue is at 100% for a total of 83%. Expenditures are at 61%. Our storm water service fees that we've collected on the utility bills is at 86%.

- Denny Drake asked if we have collected the 6% franchise fee from the Canal Company in Santa Clara.

- Brock Jacobsen said that we have not collected a franchise fee from the Canal Company.

- Mayor Rosenberg said it has come up a couple of times in discussions with the Canal Company. They know that we are thinking about it and if they sell to outside users it will become a bigger issue that we need to resolve.

- Brock Jacobsen said that the revenues are slightly ahead of 2019 and expenditures are a little bit less. That left revenue over expenditures of \$130,000. The Storm Water Fund is going in a good positive direction over the past year.

- Mayor Rosenberg asked if Brock received the last payment from FEMA on the landslide.

- Brock Jacobsen said he believes we have all the payments now.

- Ben Shakespeare asked what the anticipated bond payments are.

- Brock Jacobsen said that over this next fiscal year we will pay off one of our water bonds. There are some we could look at and see if we want to make larger payments and pay them off. He can look into each of the bonds and let Council know how much each of those bonds are and how much to pay them off. There are a couple of large bonds: the 2012 water project from the CIB (water and storm water pay for this bond), there is the power bond and we can look at that one because it is close to being paid off.

- Ben Shakespeare asked if this is something we want to look at. We want to be in a good position.

- Jack Taylor said the water bond payment will actually go up.

- Brock Jacobsen said that ongoing he can't say that for sure. He said that for this current fiscal year our bond payments were \$308,000 and next fiscal year the principle goes up to \$358,000 so it does increase slightly. The amount is going to jump because we are going to pay the 2005 bond off.

- Ben Shakespeare said the numbers look good and Staff is doing a great job.

- Brock Jacobsen said he could get the numbers for Council in one of the next meetings. We could have that discussion about what our bond payments are and what we need to do to pay some of them off. He said that the majority of our revenue in the Enterprise Funds comes from the electric fund and water fund and storm and sewer are a little bit smaller. He showed a line graph for sales tax. Year to date we are receiving \$900,000 in sales tax. We have come a long way with sales tax. He talked about the highway tax. We have collected about \$113,000 this year. He said this is the first year we have collected the local option sales tax. We have collected \$35,000 for that. He

said that through March we have collected \$45,000 for room tax. That has made pretty good jumps each year. We have collected about \$91,000 in Rap tax. We are projected to be above last year's amount this year. As a whole the City financially has moved in the right direction. The department heads and the Staff has done a fantastic job of watching their expenditures. They have been very frugal in what they do.

- Wendell Gubler wants to make sure that the department heads and Staff know that they do a fantastic job.

- Brock Jacobsen said that Staff works with some old equipment and they were told we are going to make some cuts and they did it. They understand what needs to be done and they work hard and do with what they have. We have great Staff! He went over some budget for next year. For FY 2020-21: the projected budget is \$5.6 million. Staff has found ways to cut and make it work. Our projected taxes, property taxes, sales tax, highway tax, franchise fees, room tax are going to \$2.5 million which is a 6.5% decrease from this current year. Overall, we are at 8.85% increase from this current FY of 2020. At the Budget Retreat we had a wish list that Staff asked for and all those things have been removed from the budget along with other items. We got the projected budget from Ivins City for the Police and they have a few things still in the budget such as equipment and possibly adding an officer. He feels that it is better to be conservative with the budget at this time.

- Ben Shakespeare said that this can be reevaluated in 6 or 8 months and we can see where we stand.

- Brock Jacobsen said they will start looking at this in December or January once we have 6 months in and if we see that are revenue is projecting better and the trend is much better, we can reevaluate our needs at that time. Those needs could change by then. There are no wage increases in this budget. He said that the last Council meeting in May there will be a public hearing on the budget and then we will adopt the budget at the first regular Council meeting in June. We will bring this back at the Council meeting next week if there is any need for discussion.

2. Little League discussion. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that everything that we are doing with Little League is in compliance with the Governor's recommendation. We didn't allow any practice or any little league to participate in anything on City property until the pandemic category went from red to orange. Orange category allows for there to be groups up to 20 people so at that time we allowed little league to practice only. He has been working with Josh Westbrook who is the Little League President. We make sure that when they do practice that they follow safety guidelines of up to 6 feet social distancing. Josh has been great to work with. Right now, we are on hold waiting to see what will happen. Josh was wanting to talk to Council about their feelings on little league this year.

- Josh Westbrook, Little League President, said that they are getting pressure to get going. The Board is split about it. We are at everyone else's mercy. It has created a divide between board members. Some want to get going as soon as we can, but we can't get going until the Governor changes the category to yellow. He said he put it to a vote whether to scrap the season or to wait and see. They are having a meeting to finalize that but right now they are planning on waiting for May 15 to see if we go from the orange category to yellow. If we don't go to yellow by that date, he said they

will probably have to scrap the season because it is getting late in the season and it is warming up. He has some board members ready to end it and some feel that there needs to be protesting going on to get these kids playing. He said that whatever the City can do to let them play once it goes to yellow, they are ready to go.

- Mayor Rosenberg said that the Mayors and the County Commissioners tried to get the Governor to go yellow. That was declined but the letter was revised and resubmitted today with some different information in it based on some insider information we got from the General's office. He said we are hopeful that will get some traction this time. As soon as he hears he will spread the word.

- Denny Drake said that he understands that the Little League has cancelled all post season tournaments so are we just talking about having the league and letting the kids play.

- Josh Westbrook said we are just talking about our league only. They left it open for dates to play up in Cedar City for State, but he doesn't know if that is going to happen. Dixie and Cedar American have said they are cancelling their season. A couple of other leagues are in the wait and see mode. Cedar National has voted that they are going to do whatever they can to play. If half of these leagues aren't playing, he doesn't see the State level happening. Anything after the State has already been cancelled. He said that if we can play, we will have things in place. He said they will limit the numbers and stagger games. They want to keep things safe.

- Brock Jacobsen said that he has the Utah Leagues 4.0 in the dropbox and will share that if anyone would like it. That will tell us what the changes are if we go from orange to yellow.

- Mayor Rosenberg said that Mayor Pike and Commissioner Almquist shared with him that they are on the phone right now with some of the Legislatures talking about this and the one size fits all ruling. The new letter that went to the Governor from the County was based on some information that was received from the General's office. He said that yellow category does increase gatherings up to 50 people, but does it allow sporting events. He said he doesn't know if that is clear. If it is left up to local interpretation, then we are in a lot better position than if it said, "no sporting events".

- Brock Jacobsen said that he was on a Town Hall call on Friday and this topic of team sports came up and that was the biggest question. They felt that it was too vague and there wasn't enough guidance on that, so they were sending a message to the Governor's office to try and get more guidance on team sports. He said that yellow allows for gatherings of 50 but even with that the games would have to be staggered and with two teams and coaches and if you add parents you would be well over 50. There would have to be some mitigation and some things done even in the yellow category.

- Mayor Rosenberg said the playgrounds are still closed. Siblings wouldn't be able to play on the playgrounds. We might have to discourage these family outings because of that.

- Josh Westbrook said we could do that. We could put out a mandate when we send out our notice if we get the okay to play. We could state a parent or guardian and no siblings.

- Leina Mathis said that on page 6 of the document it talks about team sports. It notes that under orange that team sports are not allowed but when we go to yellow it does say that you should exhibit caution when engaging. You still have to keep your 6 ft

social distancing and other requirements.

- Mayor Rosenberg said that yellow category allows for team sports if you exhibit caution.

- Jarett Waite said that it is his understanding that you can go to the local health department and ask for an exception. Maybe Little League can ask for an exception based on whatever factors we can provide.

- Mayor Rosenberg said there are 3 people hospitalized for COVID-19.

- Ben Shakespeare said the whole point of this was not to inundate our hospitals and our hospitals are almost empty. He doesn't see any reason why it is a one size fits all plan.

- Mayor Rosenberg said we can make a request to the Health Department. What he is seeing from Dr. Blodgett is that request would be forwarded to the State for an exemption. He can check with Dr. Blodgett and see. He said his fear is if we open before our neighbors open that everyone is going to come here like they did with Gunlock and Sand Hollow. Then we could be overwhelmed and then we would have a different safety issue. He asked Josh Westbrook if there is any discussion about having a Fall league.

- Josh Westbrook said there is a league up north that is going to do that. He said the consensus among the board members is we would be into football and soccer season then so we wouldn't have enough numbers.

- Mayor Rosenberg said he will let Josh know as soon as he hears anything back from the Governor about going yellow. He said he appreciates the league taking the cautious approach and implement new guidelines and rules as part of the league. He is sensing support from the City to allow them to play if we can get that yellow designation.

- Josh Westbrook said they will watch and if they hear something by May 15 they will be pushing to go and play. He asked if there is word between now and May 15 does, he need to have a meeting with the City Council, or does he just need to call Brad to get the okay.

- Mayor Rosenberg said with the Council's permission he would like to have Josh put his new guidelines together and have them ready to go and as soon as we hear we are going yellow give those to Brad so they are on file in the City and we probably be okay for them to start their game schedule. He told Josh to get those guidelines and rules written up, so they are in the hands of the City. He asked Council if they are okay with that.

- City Council agreed to that.

3. Construction Standards Amendment discussion. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that over the last few years he has been trying to make a change in the standards. He said that one of the problems we have with developments on hillsides or where the property slopes and the lots rise from one lot to another lot by maybe three or four feet we have enormous amount of complaints when people try to construct on their lot and then they put a wall in and then they do something that the person above is not happy with or the wall is not in the right place it really creates a lot of problems between the individual owners and then they come down to the City and

want the City to do something about it. One thing we would like to put in the standards is if the lots change within three feet of each other that the developer when he develops a lot has to put in a 3 ft wall and the wall has to be on the upper side of the upper lot. That way there would already be a wall in, and it would be on the upper lot property line and then we wouldn't have these problems. Some people can hardly develop on their lots right now because there is that slope coming from each lot as it slopes down and it hasn't been dug out properly. It has created a lot of problems. It would clean up the subdivisions and make it a lot nicer for the property owners.

- Mayor Rosenberg said that the hesitation he has had in the past is just the additional cost it puts on the lot. But we have had enough issues with it not only in Santa Clara but in other areas, so he is okay mandating the walls being put in at least walls that are 3 ft and higher. What we think we should do is have the property lines for the lots be at the bottom of the wall so that the wall is owned and controlled by the property owner above the wall so that any grids or anything that are put in as part of that wall system are owned by the property that the wall is holding up and the downstream neighbor can't go in and disturb it. He asked Jack if he is going to put requirements for the walls as far as what they can or can't be or are you going to leave that up to the developer.

- Jack Taylor said he thinks we ought to leave it up to each individual developer. It would be nice to see them consistent in a development. He would prefer them to be out of concrete so if somebody wants to put a wall on top of it, they can just drill the holes in the concrete and go up with a block wall. If they put rock the person on the upper side can't put their footing in.

- Denny Drake asked if Jack is talking about retaining wall. He said that all the subdivision ordinances would have to be changed because if they are putting a retaining wall that is 4 ft high to retain their soil what if the people on the downside don't want to have a 10 ft wall on their side. He is looking at it as something he doesn't think the City would want to be involved in. He thinks it would be better to leave it to the property owners to make the adjustments. There are a whole lot of issues that need to be worked out between the property owners even after the wall is done. He would hate to jump into that fray and if we have them put in a wall and the wall isn't substantial enough to hold the grade and it collapses who is responsible? Is the City going to take the responsibility for that if it is not built according to our standards? We are looking at taking on a lot of liability.

- Corey Bundy said that he agrees with Jack. If we can get these block walls designed with the subdivider in our Hillside Ordinance says that we want to offset those walls. If these lots are cut at times of subdivision it creates a better situation for issuing a permit. We get a lot of people from out of town that want to buy a building lot, but they don't understand that the lot is not ready to build on if the developer hasn't put the retaining in there. There has been a lot of litigation and fighting between one property owner and another and they want Corey as the building official to make the other guy pay for it. It would be a lot better if the developer builds them and sells them a buildable lot. He is all for having it done up front.

- Jack Taylor said this would also help with some storm drain issues where they can retain the water on their lot and it's not running off to the other lot. It has really been a problem for the City. He said they would sure like to see a change in the Construction Standards. He said he would like it to fall on the developer because he is the one that

would be required to put the wall in.

- Denny Drake said he would do it according to the City standards and the standards aren't enough to retain some of the blue clay issues and then all the sudden it would be the City's problem and not theirs.

- Mayor Rosenberg said the retaining walls are designed by the site geotechnical engineer. Any wall 4 ft or taller must be engineered under the code and that is done specific for the subdivision and the specific subdivision soil constraints by the developers engineer as part of that process. The City doesn't have a construction standard for retaining walls other than the building code.

- Corey Bundy said that is correct. We rely on the design professional.

- Mayor Rosenberg said he doesn't see the City stepping into that arena. Unless the City is going to pay to have the walls engineered the City is not going to take that liability for performance of the walls. That will be developer driven. The City may issue a permit for it but that will be based on construction plans that are provided by the developer or his engineer or the builder's engineer. He said just implementing that any walls taller than 3 ft that are going to be put in between their pad grades must be engineered. Those would be the steps that would be added to the standards.

- Leina Mathis asked that in our requirements does it only require them to be engineered over 4 ft.

- Mayor Rosenberg said he thinks that is a building code requirement.

- Leina Mathis said that if we write the design standards for 3 ft then are, we saying someone doesn't need to have it engineered at 3 ft but will be required at 4 ft.

- Mayor Rosenberg said that according to the building code, yes.

- Denny Drake said that needs to be clarified a little more because a wall and a retaining wall are two different things.

- Mayor Rosenberg said we are talking retaining walls with the ordinance. We wouldn't make the developers build the privacy walls. Property owners could still come back and build those at their leisure. We are not mandating privacy walls. We are just going to mandate that if you have pad elevations more than 3 ft differential from one pad to the next you must build the retaining wall.

- Denny Drake said that if they have to set back a wall because of height that would create another problem with offset. They could lose several feet of their property to put in an offset wall.

- Mayor Rosenberg said they would see that on the first day. When they first go to buy the lots, the wall will be there.

- Denny Drake said that a lot of people won't know that they would have to be required to set an offset wall inside of that wall instead of on the property line and then they lose 3 ft. If we build an offset wall does that wall become an infringement on the 8 ft and 10 ft setbacks?

- Corey Bundy said no. Setbacks are for property lines. It doesn't matter where the wall is at.

- Denny Drake said but you have the right to tear that wall down if the property owner is building in the setback and the City must access it.

- Corey Bundy said we have setbacks on both sides of the house and people put all sorts of stuff in those setbacks. They are allowed to put a wall closer to the house in that setback. There are not restrictions on putting a fence anywhere from the face of the house in the setback.

- Denny Drake said all of the sudden they would have a real issue if a waterline breaks or something and the City must have access back to the back and the wall is built within 5 ft of the house. Now we are going to be requiring them to have an offset from their 8 ft property line and we are going to offset the wall at least 2 ft so all of the sudden there is a down piece of property plus a wall that can be torn down at any time. He thinks we are jumping into a can of worms.
- Ben Shakespeare said that St. George City already requires this. Washington City ended up with a lot of lawsuits for not building retaining walls. He agrees with Jack about the retaining walls.
- Denny Drake said the offset wall is not a good idea at all.
- Jack Taylor said they could build a wall on top of the retaining wall that is 3 or 4 ft high. That is the advantage of it. It would be right on the property line.
- Denny Drake said he agrees with that, but he doesn't want to see our code be an additional wall offset. As long as we can build on top of the wall that would be great. He doesn't want to see the City requiring the offset.
- Mayor Rosenberg said the offset is going to be based on the geotechnical report not on the City ordinance. That report will dictate how tall that wall is and what they build that lower wall out of will dictate where that privacy wall is on top of it. He said that all the production builders in town are mandating those retaining walls be built before they take over the lot. He said what he would like to add to our ordinance that he hasn't seen in others is a requirement for construction plans that would include all the walls. If they build the wall in the wrong place, we are going to make them amend the lot boundary. The walls must be built according to plan. He feels that the encroaching on the neighbor with your wall will go away. Doing this we are going to bring in some other requirements on the developer as well as just building the wall. He is going to have to document it.
- Denny Drake said the idea is very good but he sees there being liability issues to the City. Drainage issues are always by law. If we are going to take that issue on it is going to add a tremendous amount to the development costs. He said when a wall fails, he hopes it goes back to the developer and not the City.
- Corey Bundy said that there are no easements along the side they are all along the front because utilities are in the front. When a subdivision comes through TRC and we have approved them we have increased the front setback for utilities to 14 ft for easement and done away with the side and rear easements.
- Leina Mathis asked if it makes sense with the concern of offsetting walls to just require it be a concrete wall and not give the developer an option.
- Jack Taylor said he likes that because the owner on the upper lot has the ability to go up, the additional feet that they want for their privacy wall. If it was landscaped rock, they would have to set back the wall.
- Leina Mathis said, don't we want to say it has to be a concrete wall so that we don't have this other issue down the road where we are trying address this separate issue.
- Jack Taylor said that on the bigger lots they could put a lava retaining wall and then put their privacy wall setback. On some of them we need to have variety, but for the most part on a residential lot it ought to be out of concrete.
- Ben Shakespeare said he thinks this keeps the City out of litigation. He thinks this would protect us because we are issuing building permits and you have two owners where they are arguing over the property line and retention and drainage and this will

eliminate the majority of that. It is going to cost the developer, but the other cities are doing this also. He would like to see the retaining wall as concrete.

- Jack Taylor said this was a good discussion and he wanted to see if Council felt like this would be okay, he could move forward with putting together an ordinance and bring it back to another Work Meeting.

- Mayor Rosenberg said the concrete wall is the most expensive option. We may want to base this on height. A reinforced masonry wall is cheaper than a concrete wall. A rock wall is even cheaper than that. He told Jack to work on this.

3. Staff Reports:

Fire Chief Randy Hancey

- They are in the process of interviewing for seasonal fire fighters. They did interviews today and will start next Monday. They are continuing with some burn projects on Monday. They have had some discussions about a potential heightened burn season, so they are looking at beginning the season on May 18. Everyone is staying healthy and they haven't had to transport any COVID patients yet. They went on a fire call last week of an illegal burn in a backyard. Neighbors helped using their hoses and they were able to get that fire knocked down.

Brad Hays

- The pipeline for the Lava Flow Trail will be completed this week and they hope to do a pressure check on it Monday. If the pressure test passes, then they will start putting in the trail next week. Once the pressure test passes, we will go ahead and bill St. George for their portion of the bridge. He said it is \$98,000 plus whatever the engineering is, and we will get that money back. He said they also ordered some directional signs for the trail using impact fees to match what St. George has on their trail so the directional signs will take you all the way from Canyon View Park all the way to Ivins border. He asked if Council wanted to do some kind of ribbon cutting for the Lava Flow Trail. It will be done by around mid-June. The landscape is being installed at Swiss Pioneer Memorial Park. The playground is on order, but the factory was closed due to COVID, so he doesn't have a firm delivery date yet. The playground salesman said he should have that date for him tomorrow. He was hoping to do a ribbon cutting the week of Pioneer Day in July. The playground and everything else should be 100% complete. The park will be done before that, but he doesn't want to do anything until the playground is installed. We are probably about 6 weeks out for that. He is hoping by the second week of June. He visited with Brooke this week about the BMX track. He said that the City had \$30,000 in our budget this year to help with the BMX track and right now out of City budget we are at \$31,453 so we are over that budget. He said he talked with Brock since we are on a budget freeze and Brooke asked if the City could help pay for the guy to come in to finish the track and he told her the City doesn't have a budget for that. He asked the Council what they wanted to do. Brooke is having interior fencing done and that is supposed to be donated but he put \$7,500 on the budget in case they won't donate that. There are some other items that are still needed for the track. The total still needed is \$14,300 to get the track where it is race ready. Overall, we will have to do a budget amendment for the total number over budget.

- Brock Jacobsen said that he directed Brad that going forward any further we would have to get direction either from Council or to go back to the County and ask the County for the

additional money to complete the project.

- Mayor Rosenberg asked how many applications the City got for new Rap tax money.
- Brock Jacobsen said we got two applications.
- Brad Hays said he didn't apply for that because that is for the arts. The parks already get a percentage of the Rap tax.
- Mayor Rosenberg asked who the applicants were for the Rap tax money.
- Brock Jacobsen said the applicants were Ham Productions and Susie Nelson for a total of around \$15,000.
- Mayor Rosenberg suggested using some of the arts money and transferring it to recreation.
- Brock Jacobsen said there is excess money in the arts that the Council has the discretion to move to Parks so they can use it.
- Brad Hays said that this COVID situation has been hard on families during times of burials. We have had to limit groups at the graveside to 10 but now we can go up to 20 but if we can go to yellow category it might not be quite so hard on the families. We are not enforcing it, but we tell the mortuaries to make sure there are only 20 people at a time and for people to keep their social distancing. He also talked about the Parks budget. He said they have \$98,000 plus the engineering for the pipeline from St. George, \$115,000 coming for the lights from the County and \$50,000 for the bridge on Lava Flow and some other items for a total this year of \$421,000. There is a lot of money to do projects from outside sources.
- Mayor Rosenberg said there is also the \$50,000 coming from Flood Control for Graf Family. We have only spent \$13,000. We still have more to do down there.

Jack Taylor

- Invited the Council to take a drive down Arrowhead. They got the curb in down Arrowhead. They will finish the sidewalk tomorrow. The crew has done a beautiful job. They are going to be asphaltting the road down Chapel Street going over to Sycamore Road on Tuesday and Wednesday. They will go back to Arrowhead and work on the driveways after that. Washington City is coming over with their paver and rollers and dump trucks. The crews just got the maintenance completed on the Veyo Power Plant. Everything went well. It used to take a week to get it done and now they did it in 2 ½ days. The waterline up to the trail was completed today. Our water and power meters are on hold because they haven't been delivered yet. Delivery was slowed down because of the pandemic. We are still waiting for 1,000 water meters and quite a few power meters to get that project completed. At the end of this month he has a bid coming to Council on May 13 from Hunt Electric to help us string the wire from the shops all the way up to the water tank. We are all staying healthy.
- Mayor Rosenberg asked when Arrowhead was going to be paved.
- Jack Taylor said they are going to get the sidewalk done and then they are going to fix the driveways that we have to fix before they put the asphalt in.
- Mayor Rosenberg asked if the residents know it is going to be awhile before we get the driveways and pavement done.
- Jack Taylor said yes and they have been really good and understanding and they are happy to have it done.
- Ben Shakespeare asked when the lights are coming for the bridge.
- Jack Taylor said the light bulbs are down at the yard, and we are going to try and have

them up tomorrow morning.

Corey Bundy

- He said that Dollar Tree is ready to submit their plan review next week. It should get started quickly. Construction drawings were dropped off this week for The Hills @ Santa Clara Phase 3. Jack is reviewing the drawings. He said that Rosenberg and Associates is working on construction drawings for Heritage Point. Right now, we are up to 64 homes and he talked to the superintendent that runs Bella Sol and Arcadia and it sounds like they are going to be bringing in several townhomes and a couple of regular homes. At the City Office they are putting temporary partitions in the Administration Office with a permanent glass partition across the counter tops and an additional doorway and up in the Parks & Building Departments they are building glass partitions and are anticipating opening soon. They are doing all this to help Staff feel safer and in case the Coronavirus or anything else like this comes again in the future. The glass partition in the Administration office will have a slot so information can be passed back and forth. The glass will go up about 5 feet. They will make it look good. There is a zone change going to Planning Commission in May for the Greg Ence property just west of Jim's RV. They want the zone changed to commercial. There has been notice that we are having a public hearing. The public hearing will be on Zoom. We have put the notice out at the post office and on the website with information on how to log in and participate. We are also doing an update on a PD Ordinance 17.04 to address the 30% open space in the commercial zone. It is the same one we went through with Dollar Tree. It will clear that one up. Both items will probably be brought to Council on May 27.

Brock Jacobsen

- He asked Council about opening the City Office. As Corey stated we are working on putting in the partitions and there are things we still need to put in place. If Council is okay with it, we are looking at May 18. Hopefully next week we will have the barriers upstairs and we are working on installing all the fixtures. We have signs being made to remind people of social distancing and we are putting marks on the floors and signs for the front door and asking people to try and do things by appointment or over the phone.
- Mayor Rosenberg said that this is just opening the lobby and not the banquet hall because that can't open until the guidelines allow it. He asked about the museum. Has there been any requests to open the museum?
- Brock Jacobsen said there hasn't been. They have been doing some work down there.
- Mayor Rosenberg said to wait and see what the guidelines say before we start anything on the museum. He said no other cities have talked about opening their buildings. He said this opening wouldn't apply to meetings.
- Brock Jacobsen said we will continue our meetings electronically at least through May. He has had discussion with neighboring cities, and they have all had discussions about having soft openings. They are still encouraging people to do online business or by appointment. They are all still doing electronic meetings at least through May. He said that he might be pushing it a little bit faster than some of Staff is comfortable with. We have one Staff member who has lost two extended family members to the COVID virus so there is some hesitation and concern. He wouldn't have any hesitation of pushing it until after May.
- Mayor Rosenberg said he would recommend making sure we have all the work done

before we open. The employees can be brought back but we need to get those counters protected before the building is reopened.

- Brock Jacobsen said the Court is done for now and not doing anything until June 2. He said they will get everything fully constructed and plan on after May.

- Leina Mathis reminded Brock to have sanitizers on all the counters and areas and keep things wiped down.

- Brock Jacobsen said they currently have a stand in front of the office upstairs and downstairs with hand sanitizer and we are now and will continue to do wipe downs of the countertops after every person that comes in and Staff will wear masks as they deal with the public and will have a sign on the door that recommends the public wear masks. He said we have public hearings, two of them, that are on the Public Safety Impact Fee update and Street Impact Fee update. For the public hearing the public won't have access online, but we do have on the City Website a place where people can go on and make comments. When they submit that it will automatically be sent to Chris and at the public hearing Chris will read in those comments that are received from the public. It is now open and ready for people to be making comments. They can also make public comments to add to any other meeting as long as we are doing electronic meetings. He updated the Council on the boundary adjustment with St. George. It has not yet recorded. He said the recording for Caymus Lane was done. He asked Council about the street signs along Santa Clara Drive. They are brown and white color and they have an old City logo from a long time ago. The signs are faded, and it looks like mud has been put on them because of the fading. He talked with Fred Fage who is over our street signs about updating those signs and going to a standard green color but leaving a white space on the one end and putting on our new City logo. He said he will let Council know what the price is that comes back.

- Mayor Rosenberg and the Council would like it updated when the City has the money to do it.

- Leina Mathis asked if Kristelle could put information about the Snow Canyon High virtual graduation that is streaming live on May 21 on the City website or somewhere so the community could support that.

- Mayor Rosenberg said he will get that from Superintendent Bergeson tomorrow. He will try to get a link.

- Leina Mathis said it will be on the Community Education Channel on YouTube. It is at 7:00 p.m. on May 21. She has a screenshot from Principal Brooks with the information and she can forward it to the Mayor and Kristelle.

4. Adjournment:

Meeting Adjourned at 7:14 p.m.

Chris Shelley – City Recorder

Date Approved: _____