

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, AUGUST 25, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, August 25, 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 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, Wendell Gubler, Leina Mathis and Denny Drake
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Dustin Mouritsen, Public Works Director; Jim McNulty, City Planner (via Zoom); Brad Hayes, Parks & Trails Director; Gary Hall, Power Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Kristelle Hill, Admin. Assistant; Mark Youngberg, Fire Fighter; Dennis Leavitt, Balance of Nature VP; Ado Milicevic, Spin; Alex April, Spin; Christa Hinton; Michael Hinton; Curtis Andrus; Fred Fage

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. He welcomed everyone and then introduced himself and the City Council.

2. **Opening Ceremony:**

- Pledge of Allegiance: Wendell Gubler
- Opening Comments: Wendell Gubler

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Chief Hancey, Fire Chief, introduced the new full-time fire fighter/engineer and advanced EMT, Mark Youngberg. He said Mark is a great addition to the department full-time staff.
 - Mark Youngberg said he is grateful to be full-time with the department for the city that helped him get into firefighting. He has been with the department for 15 years.
2. Dennis Leavitt, Vice President of Public Relations for Balance of Nature, a St. George Company. They are the funding partner of a non-profit organization called "United We Pledge". He said they start all their staff meetings with a prayer and the Pledge of Allegiance. He said they do so unashamedly and at Balance of Nature they want to continue to be the voice for America, for what they stand for as America and they want to

continue to promote unashamedly faith, family and freedom and traditional American values. He said they are going to be a voice on behalf of America and the Constitution especially. He said that Sept. 17th is Constitution Day. It is the day the Constitution was signed. He said that few Americans pay attention to that day, so they are trying to raise awareness and they have partnered with the daughters of the American Revolution who ring bells across America every Sept. 17th at 4 p.m. Eastern time. He stated that Mayors from around the County have signed proclamations that are read at Council meetings typically. He said that Balance of Nature's funding partner "United We Pledge" wants to do more and more to bring awareness. He said they have worked with Hurricane City, Washington City, St. George City and all the Mayors are on board and now they are hoping that Santa Clara City Council and the Mayor are willing to join on board with those entities. He said they have also reached out to Ivins City and Toquerville and are waiting on their responses. The event is going to be a half hour program and they and the Daughters of the American Revolution are happy to provide and help with choirs. It is a simple half hour program that ends with the bell ringing. He said there is not a better place, maybe, in Washington County to ring bells at 2:00 in the afternoon on Constitution Day then Santa Clara Town Hall and he would like to see that happen. They are going to have a full video team so that there is a live feed, and they advertise on National TV and radio, and they have hundreds of thousands of customers of theirs who want to participate so they are going to do a live event and try and spread it out as many media ways as they can in order to raise awareness. They will provide anything from flags to Constitution copies to give everyone. They will do everything they can to help residents of Santa Clara feel like Constitution Day is legitimate and valuable. It is a day off of school because of Iron Man so they can't do a lot to help youth and children interact, but they will in future years. He said their vision is to have Constitution Day become Constitution Week, which is celebrated in many states across the U.S. but there are no Constitution activities in Utah at all, so they want to hold a Constitution Week in Utah for the U.S. Constitution and the Utah Constitution and currently there is no State of the Union that holds a Constitution Day on the day their State's Constitution was signed. He said they believe that is important. He said they are willing to fund it. They are not asking for any money but all they are asking for is the support of the city to rally around. "United We Pledge" has a one-, three- and five-year plan that has some pretty remarkable things coming for education for elementary and middle school children. They have a campus that is planned to be built to reconstruct the American village campus in Alabama. He said they have major plans, and this is the first step forth and that night on Sept. 17th they are also going to be part of the opening ceremonies of the Dixie Round Up and they are going to bring in the Constitution and bell ringers there. He said they are going to do all they can to make Constitution Day recognizable. He said they are going to be defenders of the Constitution.

- Mayor Rosenberg said he has reached out to the local Boy Scout Troop and asked them if they would be willing to help us since they are out of school that day. He will probably reach out to the Cub Troop as well. He asked Council if this is something they can support as a Council. There would be a short ceremony at Town Hall at 2 p.m. on Friday, Sept. 17. He said he would encourage all the Council to come and participate in that. He said if Council is okay with it, he will start working on a program with Dennis Leavitt and his group and see if we can get as many people, especially the youth involved as we can.

- Council members all gave their approval.

- Dennis Leavitt thanked the Council and said that if the program starts at 1:30 it will sync live with the rest of the cities in Washington County and if it is a half an hour the bells would go off at 2:00 and sync with everyone.
 - Mayor Rosenberg thanked Dennis and said he would be in touch.
3. Krista Hinton said she is here at the meeting to observe and to learn. She is running for City Council.

4. Conflicts and Disclosures:

- Mayor Rosenberg said that the firm he is employed with did the lot survey for Reggie Gates. (Item 5C4). He said his firm is also working on the Utility Master Plan for the Black Desert Resort. (Item 5C5).

5. Working Agenda:

A. Public Hearing(s): None.

B. Consent Agenda:

1. Approval of Claims and Minutes
 - July 28, 2021 Executive Session Minutes
 - Aug. 11, 2021 Regular City Council Meeting Minutes
 - Claims through Aug. 25, 2021.
2. Calendar of Events
 - Sept. 1, 2021 City Council Work Meeting
 - Sept. 6, 2021 Labor Day (Offices Closed)
 - Sept. 8, 2021 Regular City Council Meeting
 - Sept. 22, 2021 Regular City Council Meeting
 - Sept. 23 - 25, 2021 Swiss Days

Motion to Approve the Consent Agenda.

Motion by Jarett Waite, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of the Cooperative Agreement between Santa Clara, Utah, and Spin for the operation of electric scooters in the public right of way. Presented by Mayor Rosenberg.

- Mayor Rosenberg said he forwarded an email to Council that came from Spin. He said this is regarding Spin Scooters and the team from Spin Scooters is here tonight to do a presentation. This is a cooperative agreement between Spin Scooters and Santa Clara City to expand its operations to Santa Clara and to allow electric scooters in the public right-of-way. He said he forwarded the agreement on to Matt Ence, City Attorney, and

he will give his opinion on it.

- Alex April said she is the Head of Government Partnerships for Spin.

- Ado Milicevic said he is the General Manager for Utah Spin.

- Alex April said that last year they went through the RFP permitting process with the City of St. George and won an exclusive agreement to operate electric scooters. She said that from there working really closely with Shawn Guzman and Marc Mortensen within St. George and it was their vision and Spin's vision to expand the e-scooter service to the whole region. She said they were founded in 2017 and are a subsidiary of Ford Motor Company. She said because of that they are really investing in their team here. They have a warehouse in St. George, and they only hire in-house W-2 employees for operation. All of these people are getting paid above the living wage and are getting benefits. She said from the perspective of a city it also makes their team be able to be more responsive to relocation requests or any other types of requests or questions because they have people who are on the clock. She said they are in 80 cities and universities across the world including here in Utah. They are in Orem, Ogden, and Salt Lake City. She said the main reason they are coming to the city is that regional approach to bring scooters. She said they don't launch without permission, and they want to make sure they are doing this in a really careful, concise way in partnership with cities. She sent the city a proposed deployment map. She said they are very open to changing it if there are areas, they should geofence so that people can't park the scooters or they can't ride or maybe they need to go slower than the 15 MPH, which is the industry standard. She said they are seeing people wanting to use them and especially with Iron Man coming up there is going to be a lot of people coming in as well as future competitions. She said they want to make sure they are giving people an alternate mode of transportation to alleviate congestion.

- Ben Shakespeare asked about the maintenance of this, the pickup, and the times.

- Ado Milicevic said they operate 24/7 with staff working around the clock. He said the scooters also come with a text number that is on the side of the scooter that anybody can text, and they respond typically within an hour to any relocation requests or pick-up requests. He said throughout the day and night the team is out there moving scooters around and picking them up, deploying them and when needed taking them back to the warehouse to fix.

- Alex April said that folks are able to report if a scooter is not working but their team is proactively checking scooters as well to make sure they are working properly so every time they touch a scooter, they are making sure that everything looks okay and additionally every few miles they take it in to have a trained in-house mechanic take a more in depth look at the scooter as well.

- Mayor Rosenberg said the map has some proposed deployment locations. Are these based on the app or feedback they have received?

- Ado Milicevic said it is based on the app, meaning that users are opening the app and they are able to track the locations of that. He said they are open to changing the map around based on the Council's feedback and suggestions. He said the map could change based on the ridership and demand.

- Leina Mathis asked about the geofencing. Do they have the ability to let us go outside of our city boundaries?

- Alex April said yes. Right now, St. George has its own city boundary and if they are allowed to provide service here within the City a person could go seamlessly between the two jurisdictions. She said they met with Ivins City last week as well. They are having a

meeting next week on this.

- Wendell Gubler asked about the age of persons who can use these scooters.
- Alex April said it is 18 plus.
- Wendell Gubler asked if they monitor it to make sure it is kept to 18 plus or do we see young kids riding them.
- Alex April said that 18 plus is their terms of service and what is required. They have onboarding education for users. Included in that is language as well as age.
- Mayor Rosenberg asked if there is a way that if there are violators of that that they can be discouraged from use or something like that.
- Alex April said absolutely. She said when they receive reports of something like this a lot of times, they are able to track it down and they have cited, and fined accounts and they have no problem taking bad users off of the platform. They don't just have emails and phone numbers of users, but they also have payment information.
- Jarett Waite asked if they get agreements from property owners where these will be placed.
- Alex April said in cases of private property the deployment points on the map should be public right of ways so it should be an agreement with the City, but they would have separate agreements with the property owners as well. The deployment points would be on sidewalks outside of houses so that is part of the right of way. She said the deployment points are not set in stone so if one is not the best and another area might be better, they are completely amenable to that. She said because they have that W-2 team they can easily change and then educate their team on where to deploy.
- Jarett Waite said there were representatives from Ocotillo Springs and Arcadia and Paradise Village that were requesting scooters in those vacation areas, so we want access points pretty close to those and the closest right now is just north of Harmon's, so we definitely want to look at these areas. He asked if this was something they go over as staff to make those decisions.
- Alex April said yes with staff and local organizations and getting feedback from them. She said they are open to suggestions.
- Mayor Rosenberg asked Matt Ence if he had gone through the agreement.
- Matt Ence said yes and he has a couple of questions and comments. He asked with multiple jurisdictions next to each other and riders going back and forth how do they determine which jurisdiction is entitled to the payment based on a particular ride. Is it where the ride ends or begins?
- Alex April said it would be where it begins and the reasoning for that is since the vehicle was deployed in that jurisdiction then that would be where the ride starts.
- Matt Ence said one thing for the Council to be aware of this is an exclusive agreement for the term so they would have the exclusive right to provide the services described in the contract. He asked if the services described as micro mobility transportation, which isn't defined in the contract, how is that defined.
- Alex April said it is shared. If someone has their own private electric skateboard or scooter, they can use it but the definition in their view is in that shared micro mobility product.
- Matt Ence asked if that would apply to electric bikes or electric skateboards. As long as it is a shared thing would they consider that to be their exclusive rights to do that under this contract?
- Alex April said that is correct, yes.
- Mayor Rosenberg asked if there is a move to bring electric bikes.

- Alex April said they are open to it in the future. She asked Council what they think the need is. She said in St. George, with the definition, they only provide e-scooters at this time.
- Matt Ence asked about how the fees are determined. They said it is based on where the scooter is deployed. Does that mean that every trip that that scooter takes, once it is deployed, goes back to the city where it was deployed?
- Alex April said not necessarily. A user could start their trip in Santa Clara and then end at another jurisdiction. She said all the scooters have GPS and it is in their best interest to keep rebalancing because if they are seeing the usage, they want to replenish those scooters as well.
- Matt Ence said there is a limitation of liability clause in the contract where the City is basically agreeing that Spin won't be liable for any damages that might happen because of the use of the scooter. He said that if someone has a problem, has an accident they are going to go after anyone that they can including the city potentially. He said we ought to make sure our insurer is aware if this is something we want to do just to make sure that there is potentially some coverage there as well. He said he assumes that the limitation of liability in the contract is probably not something that they would negotiate because this is a form contract that they probably provide to all of the cities they work with.
- Alex April said it is the same language that St. George has.
- Matt Ence said he thinks it is fine as long as we are aware that that's in there. He said the agreement does also require Spin to have insurance in case claims are made against Spin, but we would be limited in claims that we could make against Spin if there was some kind of an issue.
- Denny Drake asked if it is an underage rider on the scooter and an accident occurs are we the ones that are going to be, if we are not enforcing it, the ones held liable.
- Alex April said she would have to get back with Council on that question.
- Denny Drake said it looks like we have no way of enforcing the no underage riders that is a serious concern.
- Ado Milicevic said one way it could be enforced would be a verification of the driver's license. When they get an account, they have to scan their driver's license, which goes to an age check before it allows them to ride.
- Ben Shakespeare asked Matt if the City has similar liabilities for our bike trails that we provide and for the swimming pool and if underage drivers get on our roads. Could we have a similar exposure in those for liability reasons or is this something that increases that?
- Matt Ence said probably because all we are doing is allowing the use of the public right of way and we are not taking on any responsibilities to monitor the use or administer the system or repair the scooters or anything like that. More likely than not we would still have the normal protections that we have under the Governmental Immunity Act, and we would have our insurance coverage which we should make our insurer aware that we are potentially doing this so that we ensure that we have coverage if we need it.
- Ben Shakespeare asked that because this is a private company contracting exclusively with the city, do we need to put this out to bid. Would we need to post something to put out an RFP or something saying we are going to do this?
- Matt Ence said no we don't need to do an RFP. This is not for some kind of procurement or an outlay of funds. We could do something like that if we wanted to, if we wanted to see what other options are out there. Spin is already here and already serving St. George and so it makes sense for us to consider Spin without necessarily

considering another option. The contract is for 2 years, and it is automatically renewable for up to 3 years after that. There would be an initial 2-year time period and then if the contract isn't cancelled at the end of that first 2 years, then it would automatically renew for 3 more years for a total of 5.

- Alex April said this is the same language they have with St. George and have regular check-ins with the city to discuss operational changes and things they need to improve on. This would be an ongoing thing.
- Matt Ence asked how far into their contract they are with St. George City.
- Alex April said about a year.
- Mayor Rosenberg asked if there would be a problem if we matched the contract times to St. George's.
- Alex April said no, not at all. That is what Washington City did. She said that makes the most sense at this point.
- Jarett Waite asked if this agreement affects our current providers in Santa Clara. Will this mess with any of their businesses? It says in the agreement that this is a scooter, but we just talked about that this was anything in the share service.
- Matt Ence said the difference between this and those is that with those other providers we are not giving them a franchise to our rights of way. The reason we would have this agreement with Spin is so that they could utilize our rights of way for placement of the scooters and having those scooters in the areas that have been identified. Those others don't require that because they have their own property that they rent from and people just rent them and ride on the public right of way, which they are entitled to do. Spin is essentially staging their business on public rights of way. That is what the exclusive right is as described in the contract.
- Mayor Rosenberg said if other companies wanted to stage their vehicles inside the right of way other than on their private property, they would have to come do a similar type of agreement. He asked Chief Flowers if there were any concerns with scooters in Santa Clara.
- Chief Flowers, Police Chief, said no. He said he doesn't see a problem. It is all up to the rider just as bicycles.

Motion to Approve the Cooperative Agreement between Santa Clara, Utah, and Spin for the operation of electric scooters in the public right of way as presented and subject to legal review. Motion by Jarett Waite, seconded by Leina Mathis.

- Denny Drake said location-wise the map that Spin made the concern is that the vacation rentals will be where people are going to want to use, and it is not on that map as a location for the scooters.
- Mayor Rosenberg suggested that they meet with Brock and the Staff, and we can tweak the map and maybe eliminate some of the residential areas and incorporate some of the short-term rentals and some of the new commercial areas.
- Ado Milicevic said that any feedback the Council and Staff could provide he would appreciate.
- Alex April said they would be happy to make sure that they don't sign any contracts until everyone feels good about that deployment map.

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

Motion Carried.

- Matt Ence asked if he should make some revisions to the contract based on what Council talked about and then send it to Alex April.
- Alex April said that would be great.
- Ado Milicevic said one thing they forgot to mention is that they do offer free helmets to anyone that would like one.

2. Consider approving a proposed code amendment to the Santa Clara City Code, Title 17, Section 17.68.40 Planned Development Standards and Requirements to add a section to establish density equivalents for Assisted Living facilities and approve Ordinance 2021-09. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg stated that Bob Nicholson is not at the meeting.
- Brock Jacobsen explained this ordinance. This temporary Ordinance adopted by City Council on February 24, 2021, Ord # 2021-04 adopted this proposed amendment on a temporary 6-month basis and now Planning Commission recommends the amendment be added as a permanent amendment to the Zoning ordinance.
- Mayor Rosenberg said we have been using this as a temporary measure and so now we are making it permanent. The Planning Commission recommended approval.
- Ben Shakespeare said this is just as we discussed.
- Brock Jacobsen said that if there is cooking facilities inside their unit, they are considered equivalent of a single residential unit but if there is not and they use a central dining area then it is two units to equal one residential unit.

Motion to Approve a proposed code amendment to the Santa Clara City Code, Title 17, Section 17.68.40 Planned Development Standards and Requirements to add a section to establish density equivalents for Assisted Living facilities and approve Ordinance 2021-09.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

3. Consider approval of a Preliminary and Final Plat for Arrowhead Estates Subdivision located at approximately 2451 Arrowhead Trail Drive and consider approval of an exception to the Subdivision standards for reduced width of parcel. (Curtis Anderson, Applicant). Presented by Bob Nicholson, City Planner.

- Brock Jacobsen said that Mr. Anderson's plat originally came before us as a four-lot subdivision and then there were some revisions done and it was never brought back as a three-lot subdivision due to the revisions and the acreage. They never came back for the final approval of changing a four-lot to a three-lot due to the acreage reduction, so they went back through Planning Commission this month and received recommended approval of that. The one variance is the frontage along Arrowhead does not meet the zoning requirement, so it is reduced so that is the exception that is being asked for.
- Leina Mathis said and also the width of the driveway.
- Mayor Rosenberg said there is a flag lot that goes back to lot #3 in the back. That would typically be 25 ft wide but since it is only serving one lot Planning Commission

felt like it was okay to go to 20 ft and leave the additional frontage on Arrowhead for the others.

- Denny Drake asked about emergency vehicles getting in there.
- Mayor Rosenberg said the fire hydrant is located on Arrowhead Trail so they wouldn't be going down in there. It is wide enough for an ambulance to get in there, but the fire service would be out on Arrowhead Trail.
- Chief Hancey said they would stage out on Arrowhead Trail and pull our lines in. He said they have looked at this pretty good and they are okay with the proposed exceptions.
- Leina Mathis asked if the recommendation should note the code exception.
- Matt Ence said it should.

Motion to Approve a Preliminary and Final Plat for Arrowhead Estates Subdivision located at approximately 2451 Arrowhead Trail Drive and approve an exception to the Subdivision standards 16.24.030 B "Lot Dimensions" for reduced width of parcel allowing them to go 70 ft wide instead of 80 ft and 16.24.030 E "Lot Dimensions" allowing them to go 20 ft wide on the flag lot instead of 25 ft.

Motion by Leina Mathis, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

4. Consider approving a request for a lot split for property located at 2789 Santa Clara Drive. Reggie Gates, applicant. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg said that this is a lot that is down the street from Town Hall. Travis Gates has this property, and they would like to split it. One lot would be fronting Santa Clara Drive and one lot would be fronting Vineyard Drive. The existing home is on the lot that fronts Santa Clara Drive and the proposed new home would be built on the lot that fronts Vineyard Drive. Planning Commission recommended approval. This is contingent upon him paying for the curb and gutter and sidewalk or posting a bond for that. He is going to dedicate the easement on Vineyard Drive as part of that. We will make sure he dedicates the easements along both those streets. There is an existing power line that is in the back. We can double-check the easement on that as well.

- Leina Mathis said this did come to the Historical Commission and they reviewed both the site and the drawings for the home to be built and they recommended approval of both.

Motion to Approve a request for a lot split for property located at 2789 Santa Clara Drive as presented. Reggie Gates, applicant.

Motion by Ben Shakespeare, 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 an amended project plan in a Planned Development Residential Zone for Black Desert Golf Course located on the north side of Pioneer Parkway and just west of the present Entrada Development and approve Ordinance 2021-10. Presented by Matt Ence, City Attorney.

- Matt Ence said that this is an item that came before the Planning Commission about a year ago and the Planning Commission recommended approval unanimously. This is to allow Black Desert to go forward with their plans for the golf course in their project. At the same time that the Planning Commission recommended this approval it granted a conditional use permit for the golf course use, which is also required. That conditional use permit was granted conditioned on City Council giving this final approval to the zone change. What this approval would do is approve the portion of their project plan for the golf course and it then becomes part of their PDR zoning. There were some conditions that the Planning Commission set on that conditional use permit. The first one was that the use would not create noxious dust beyond the property line. Next, that Red Mountain Drive had to be paved before a permit would be issued for the maintenance building for the golf course. And third, that no excavation should take place in Area 6. Those were the conditions that were set and those are in place. What Council does tonight won't change that other than it will approve this and make it a part of the PDR zoning and that conditional use permit that was previously granted will go into effect. He reminded Council at the last meeting that they did approve the development agreement for Black Desert. He said the developer was informed that this needed to be done before we could finalize that so once Council does this, we will be able to record that development agreement.

- Patrick Manning, Black Desert Applicant, said if the Council were so inclined to approve this, the grading permit for the golf course has already been applied for, approved, and submitted. He said when they received that he immediately called Mayor Rosenberg about how the grading permit shouldn't have been given out yet. He is hoping they don't have to go through that same process.

- Mayor Rosenberg said if Council approves this, the grading permit met the requirements so he should be good to go.

- Matt Ence said he doesn't see any issues with that either.

- Leina Mathis asked about the distribution center. What is that?

- Patrick Manning said it is the maintenance facility for the distribution of sod and sand. It is a metal building behind the substation and bermed. They are going to be berming and landscaping it.

- Leina Mathis asked that until the resort is ready are they going to have the golf course open to the public.

- Patrick Manning said that is to be determined. He said it is 99% certain that it will be open to the public for a couple of years as they get more projects built out. He also explained about the maintenance facility. It is more exposed on the north side than the south side and that is their most expensive lots that they are putting in along the golf course. It will not be an ugly thing.

- Ben Shakespeare asked that in the motion do we need to state something concerning the grading permit.

- Mayor Rosenberg said we can add something in the motion but the grading permit as long as it was submitted in the required format it is pretty much approved.

- Matt Ence said yes, it is an administrative approval, and it could be included in the motion, but it doesn't have to be.

Motion to Approve an amended project plan in a Planned Development Residential Zone for Black Desert Golf Course located on the north side of Pioneer Parkway and just west of the

present Entrada Development and approve Ordinance 2021-10.

Motion by Ben Shakespeare, seconded by Leina Mathis.

- Jarett Waite asked Ben Shakespeare to include the Planning Commission recommendations in his motion.
- Matt Ence said those are actually part of the conditional use permit that was already issued. Those are already covered.

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

Voting Nay: None.

Motion Carried.

6. Consider approval of an Encroachment Agreement between Santa Clara City and Mark Sanders. Presented by Brock Jacobson, City Manager.

- Brock Jacobsen said he is recommending that we table this item. He said we spoke with Mr. Sanders' wife after the meeting and let them know that Matt Ence would be sending them the agreement and they could review that and let us know when they were done with their review, and we have not heard from them. Matt emailed them twice this week asking where they are at and asking them to bring back to the city their plans for what they wanted to do, and we haven't heard back from them. It is recommended to table this item until we hear back from them.

Motion to Table an Encroachment Agreement between Santa Clara City and Mark Sanders.

Motion by Ben Shakespeare, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He said that Council may get a call when people get their property taxes because they are higher. About 4 years ago the State School Board froze the rate. By freezing the rate, when property values go up, that rate doesn't adjust down, and it stays up. The State School Board will get a lot of money this year but that does not trickle down to cities. He said the increase is fairly significant. He said freezing the rate is not a positive thing.
- The Water Conservancy District has an open house coming up.
- Mayor Rosenberg said this is on Tuesday, Aug. 31 and again on Thursday, Sept. 2. They are going to talk about the overview of the water sources, existing infrastructure, treatment conservation, municipal contracts revenue and current projects including the Lake Powell pipeline. Experts will be available to answer questions. He said there is meetings going on every week on the water conservation ordinance and the guidelines they want to incorporate that way. That will be coming to the Council at some point in time for approval. They are trying to come up with one ordinance that all communities can adopt. Their overall goal is to increase the water conservation and make our existing

water sources go farther. It is primarily going to impact new development right now, but it is not only the outside irrigation but construction requirements inside the home as well to try and promote water conservation. There is also a lot of meetings going on with the cities and the Water District and how we are going to try and utilize the water that we have more efficiently with a secondary system. It is going to be a busy Fall when it comes to water.

- Ben Shakespeare talked about the email from Bob Nicholson about de-annexation. He said his opinion is to tread with caution on that.

- Mayor Rosenberg said he doesn't think there is any movement at all to release any private property. He said there is a discussion at TRC tomorrow. Staff is putting together some documents that they can come back to Council with and review with Council and let Council make the decision whether we move forward and de-annex a portion of the BLM South Hills particularly the area that is in the sensitive environmental areas where it is hard to impossible to do anything anyway. We are still accountable for providing police and fire service out there. There may be an opportunity to annex some other BLM property that is associated with the proposed reservoir. That will all be brought back to Council at the same time.

- Brock Jacobsen said those are on the agenda for next week's Work Meeting.

- Ben Shakespeare talked about the maintenance of our buildings. We have some pumps and some treatment and some other things and these do require maintenance. He said we need to look at a maintenance type of agreement in maintaining the system. We have had it to where Staff has been doing that, but we really need to look at a mechanical company or somebody like that. It is in the best interest of the city and our system and the longevity and the cost to do that. He told Brock he would get some information and get back with him.

- Mayor Rosenberg asked Brock that with Corey gone who is over this.

- Brock Jacobsen said that Scott Bannon is. He is overseeing the building and working closely with Brooksby. There have been some discussions with that. He said we have been talking about having someone come in on a regular basis to make sure things are operating right and being done right to make sure things last longer.

Leina Mathis:

- We had citizens who did go to the free swim day at the SHAC including children, adults, and seniors. We only had approximately 31 residents that day. We didn't have a huge turnout, but we have the opportunity to make it bigger next year. We will do some different advertising and some other things.

- Heritage Commission met. She has not heard back from all of the individuals she contacted. She said her recommendation is to appoint Mimi McKenna as the Alternate member of the Heritage Commission. If we need another Alternate, she will come back to Council for that.

- LPC was held the same Monday that we were in UAMPS meetings. We need to register for the convention, which is next month.

- Brock Jacobsen said we haven't registered, and he hasn't seen an agenda.

- Leina Mathis said it is on the website and she has a hard copy she can give Brock.

- Brock Jacobsen said he needs to know from Council who is going. We have a block of rooms reserved. He said he needs to know what excursions they want to go on.

- Leina Mathis said it is Sept. 29 to Oct. 1. There is a recorder's session on Thursday.

- Brock Jacobsen said the rooms are reserved to check in on Tuesday and check out on

Friday.

- Leina Mathis said they also asked us to reach out to our local Legislators.
- Brock Jacobsen said that Representatives Snow and Ipson will be here on Oct. 27.
- Leina Mathis said they are putting into place an action plan for some working groups that they have established. There are two current existing working groups, one is the Leve lance and League Task Force, which is the police group, and the other is the Homelessness group. They are organizing three new groups. One is for drought; one is for fireworks, and one is for short-term rentals and tourism tax. She said she has been assigned to the short-term rental and tourism tax working group. She asked Brock if he wanted to take one of the others. She said she sent out a survey that they asked us to complete. It was from the Council for Affordable Housing and the Land Use Task Force. The survey was basically if the city would be interested in incentives or penalties per se related to zoning, the use of short-term rentals and density as it relates in the transportation corridor. That probably doesn't impact us at all unless they move it out of the transportation corridor. She said that survey was completed and sent back to them. That will be part of those sub-working groups and that will get reported back in November and December. Then they will come up with some policy actions that will actually be in place for January.
- She talked about having a Christmas program at Town Square on December 6 (because that is when Christmas is celebrated in Switzerland), and we would have the mayor light a big tree and we would have brown bags with nuts and things to give to the kids and sing some Christmas songs. She wanted the opinion of the Council about this. If they are all okay with this, then she will talk to Sherlane, and they will put a group together and do this.
- Mayor Rosenberg asked Council if they are okay with this. We could make this a town celebration and unveil the clothing changes on the glockenspiel. It would be one night.
- Leina Mathis said we could have the Swiss Santa Claus come and pass out the treats. This would be a Monday night.
- The Council all liked the idea.

Jarett Waite:

- He got an email last week from Ann Evans wondering where we are on the speed bumps and speed table in the Gubler Park parking lot on the west side.
- Brad Hays, Parks & Trails Director, said at the Work Meeting on Mar. 3 we discussed the parking lot and had some options at that time, and we talked about a gate and tire shredders and speed tables. He said after that meeting the directors got together and we discussed it and we didn't really feel 100% that a speed table would be effective, so we ran an experiment and ordered some speed bumps that are the bolt type speed bumps. We ordered a 5 mph and a 2-mph speed bump. Those are installed at Gubler now. He said they tested them out and found out that the 3-inch speed bump is very effective. You have to slow down fairly slow. He said they discussed that the speed table would work on one end of the parking lot but once they get over that they will speed up. He said they don't feel it will stop the traffic from going the wrong way. He said he has been monitoring it and they have a camera to be able to see the west parking lot. He said what we would like to do is order and install some of those speed bumps and put a series of about six of them in there so every so many feet they will have to slow down and hit the speed bump. He said that will work for both ways. He said if this isn't effective, and we aren't satisfied with the results we can go ahead and find out if Council wants the speed

table to be put in. He said Ann has talked to him and to Dustin. He told her that we have a lot of projects going on, but we have been doing some research to try and find an effective way to control traffic in that parking area. He said this way is not very expensive and we can install them in a day. They are removable is we need to move them or when we do slurry seal and striping, we can pull them up and then put them back down. He said he thinks this is a good solution to try and then defer the table for a little bit if that is agreeable to Council.

- Brock Jacobsen said that in this discussion they thought that this is going to slow down people speeding through there. It will be a nuisance to them as they hit those speed bumps. There are still going to be those who go out the wrong way. We are not going to stop them regardless of what we do short of a tire shredder. We are doing everything we can to try and make that what it is to try and get people to use the one-way.

- Ben Shakespeare said he actually thinks the 3-inch bolt down is probably more effective than the speed tables. He thinks it is a win-win for everyone.

- Brad Hays said we want to put in four more so they will be spaced. He said we are hoping to discourage people from going the wrong way over there.

- Ben Shakespeare asked if they go the full width.

- Brad Hays said they come in increments so they can be made as long as you want. We can extend them and turn them into the area where the parking is. We don't want to put them in the ADA ramp area.

- Brock Jacobsen said our intention is to go from curb to curb but not in the ADA area.

- Ben Shakespeare asked before we install a whole bunch in there could we maybe just try two on each end.

- Brad Hays said they are there now.

- Jarett Waite asked if Brad's crews have driven over them and are they going to be okay.

- Brad Hays said he has tried them, and the crew has tried them, and it works out fine.

- Jarett Waite said at the last meeting that the mayor had mentioned that we might have to be limited on the amount of water that residents can get, and it was around 147,000 gallons. He looked at his utility bill over the last 12 months and on the utility bill there is just a number, so he was wondering what that number means. He said he thinks it means he is using twice what the allotment would be so we should really look at that. He has a smart sprinkler system and not much turf. He said that would be a major hit for almost everyone.

- Brock Jacobsen said the Water District is proposing 36,000 gallons a month currently and for every 1,000 over that 36,000 they would get hit with a surcharge. But the ultimate goal is to get down into the teens per household.

- Ben Shakespeare said the way this works is lot reduction. To get single-family residences down into the teens on water usage, it is house reduction. It does reduce building lots significantly is how they get there.

- Denny Drake said there are some cautions. As a city you need to make sure you are covering your bonding and your expense up front. You may reduce it down where you can't cover your own expenses. You have to make sure you have the usage that will pay back what you have out.

- Mayor Rosenberg said it is going to be a balance. Everyone is aware of it. That is where they would like to see it go, that .55 acre-feet per household. Right now, we are at .89 acre-feet per household. It is a fairly dramatic reduction going forward.

- Jarett Waite said a resident was having trouble finding our meetings so he looked, and they were looking at the playlist for City Council Live and it doesn't have a lot of the

recent meetings in there. We should either get rid of that playlist or keep it updated.
- Kristelle Hill, Admin. Assistant, said she will take a look at that.

Denny Drake:

- Nothing to report.

Wendell Gubler:

- Nothing to report.

Mayor Rosenberg:

- There was meeting of the Transportation and Executive Council for the MPO. There are plans for three new signals on Dixie Drive. Sumner Drive is going to be awarded fairly soon as well. There are also plans for a signal at Canyon View Drive and Skyrocket Drive. They did approve the transportation plan.
- The UAMPS Conference was good. There was a lot of good information presented.
- He talked about how impressive the fire was in California. He said he doesn't think the smoke is going to clear out any time soon.

Brock Jacobsen:

- He talked about the work being done on Santa Clara Drive and Gates Lane.
- Some work was done by Dustin's crew by the Circle Drive Fire Station. They put in a block wall and did some landscaping.
- Leina Mathis asked if we found a place to house the fire truck.
- Chief Hancey said it is sitting outside behind the generator building. He asked for suggestions or options. Everything we have is full and overflowing. We don't have any spots indoors.
- Mayor Rosenberg asked the Council to come up with some options.
- Ben Shakespeare said we can get one of those temporary RV covers. They are inexpensive. He said he could probably fit it into his garage. He will store it.

Matt Ence:

- He asked Council if they are aware of the change the Water District made in the way they collect their impact fees. Now instead of collecting those impact fees at the time of final plat they are going to be collecting them at the time of building permit. He said he thinks it is a good change. It will be good for the district to administer them, and it is good for builders and developers.

7. Executive Session: None.

8. Adjournment:

Motion to adjourn by Wendell Gubler.

Seconded by Jarett Waite with all members present voting aye.

Meeting Adjourned at 6:36 p.m.

Date Approved: _____

Chris Shelley – City Recorder