

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 8, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, September 8, 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: Scott Bannon, Assistant City Manager; Dustin Mouritsen, Public Works Director; Gary Hall, Power Director; Matt Ence, City Attorney; Jim McNulty, City Planner; Kristelle Hill, Admin. Assistant; Bob Flowers, Police Chief; Robert Smith; Ben Willits; Karen Shuman

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m. and introduced the City Council. He welcomed everyone and thanked them for being there.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Ben Shakespeare
 - Opening Comments: Ben Shakespeare
3. **Communications and Appearances: None.**
4. **Conflicts and Disclosures: None.**
5. **Working Agenda:**
 - A. **Public Hearing(s): 5:00 p.m.**
 1. Public Hearing regarding the issuance and sale of not more than \$2,600,000 Aggregate Principal amount of Electric Revenue Bonds, Series2021 and any potential economic impact that the project to be financed with the proceeds of the bonds issued under the act may have on the private sector and related matters.
 - Brock Jacobsen, City Manager, reminded Council that they discussed this about a month ago about purchasing a fourth generator and adopted a parameters resolution and,

in that resolution, we also set the date for a public hearing. This is to open it up for the public to discuss and also the contest period they have to come and discuss. The issuance of the bonds says it is not to be more than \$2.6 million. The number that Zions Bank gave us is a little less than that with the cost of issuance fees and everything it is under \$2.6 million with the rate at 1.83% and is callable at any time. He said this for the purchase of a fourth generator and now the substation has 2.5-megawatt gas generator, which helps us during the peaking hours and to help generate power for the city.

5:07 p.m. Public Hearing Opened.

- No comments were made.

5:07 p.m. Public Hearing Closed.

B. Consent Agenda:

1. Approval of Claims and Minutes

- Aug. 25, 2021 Regular City Council Meeting Minutes
- Sept. 1, 2021 City Council Work Meeting Minutes
- Claims through Sept. 8, 2021

2. Calendar of Events

- Sept. 22, 2021 Regular City Council Meeting
- Oct. 6, 2021 City Council Work Meeting
- Oct. 13, 2021 Regular City Council Meeting

3. Consider approval of a Proclamation setting September 17 - 23, 2021 as Constitution Week.

- Mayor Rosenberg said this a proclamation that sets Sept. 17 - 23 as Constitution Week. He reminded Council that they reviewed this proclamation at the Work Meeting. This proclamation will be read during the Constitution Day ceremony Friday, Sept. 17 at 1:30. There is a good program set up. The Boy Scouts from Troop 407 are going to do the flag ceremony and Pledge of Allegiance. The Daughters of the American Revolution are going to be here. It is a 30-minute program that will culminate with the ringing of the bells and some patriotic music on the glockenspiel. We are hopeful to have it outside at Town Hall weather permitting. There will be a couple of guest speakers. He asked the Council to be there for the program.

Motion to Approve the Consent Agenda.

Motion by Denny Drake, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider adoption of a Temporary Land Use Ordinance 2021-11 to require water

efficient landscaping on all new development, pending the adoption of a permanent ordinance, in response to severe drought conditions in the southern Utah area.

- Matt Ence, City Attorney, said this is continuing on from our discussion of this item from the Work Meeting last week. We had last week a draft, a temporary ordinance, which took a draft of what we think is going to come from the Water Conservancy District soon and incorporated that into a temporary ordinance for the city. But given that we don't know exactly what that is going to look like coming from the Water District and we will still need to review it and potentially modify it to work for our needs we talked about a different approach to this ordinance and so the ordinance before the Council tonight is the result of that different approach. The idea is that rather than adopting a temporary ordinance with all the regulations and requirements for water efficient landscaping instead if Council adopts this temporary ordinance, we will say that from now to 120 days from now at the most, any development applications that come in are agreeing by filing their application that they will comply with the permanent water efficiency ordinance after it is adopted. There are different kinds of development applications. Some of them require a landscape plan. There are other kinds of development applications that don't require that. We want to try and capture all of those, so he said he addressed those two categories in the ordinance. Where an application requires a landscape plan the ordinance says that whoever is making that application doesn't have to file the landscape plan now and they can still get their application considered and potentially approved but once the permanent water efficiency ordinance comes into effect then they would submit their landscape plan for review and approval. If someone isn't required to submit a landscape plan by filing that application, they are agreeing to comply with whatever the permanent ordinance is. He said this is the approach we have taken. He said the application for PDR that is on the agenda tonight that we are going to consider, because Robert Smith is already through the application process this would not apply to him.

- Mayor Rosenberg said it is really to put everyone's submitting application on notice that this is coming and fairly soon.

- Matt Ence said this is a reasonable way to do it. The other alternative is to not approve any development applications until there is a new ordinance. He said he thinks the developers would prefer to do it this way. This is better than a total moratorium.

- Mayor Rosenberg said he anticipates the new ordinance is going to possibly require landscape plans for front and back yards where right now it is just the front yard that the City requires. The new ordinance is going to require at least the plan for the backyard. We need to make sure there is some education that goes on with the builders and homeowners.

- Matt Ence said the City's protection on that is for any of those development applications the city will have some way to enforce this on the back end. He said this is for 120 days so that puts the ticking clock on the City Council to put something in place before then or else this will expire.

- Mayor Rosenberg said that based on what the Water District has told us we should be getting that ordinance in the next week or two and it will start through that review and approval process. We should have some good indication on what is going to be in it fairly soon. The Water District is trying to come up with an ordinance that all the cities can have so that it is the same from one city to the next.

Motion to Approve the adoption of a Temporary Land Use Ordinance 2021-11 to require water efficient landscaping on all new development, pending the adoption of a permanent ordinance, in response to severe drought conditions in the southern Utah area as presented.

Motion by Jarett Waite, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

2. Consider an amendment to the Santa Clara City Zoning Ordinance to amend Section 17.68.50:C to exempt affordable housing projects from the 30-unit apartment limit in the Planned Development Residential Zone and approve Ordinance 2021-12. Presented by Bob Nicholson / Jim McNulty, City Planners.

- Jim McNulty said this is an ordinance amendment to Section 17.68.50: C. This section of the ordinance for PDR's has bonus density criteria. Right now, we have a number of items including building design and material, site design, landscaping, and project amenities. We also have an apartment project that is limited to 30 dwelling units per project currently under the current ordinance. What is being proposed tonight is that restriction would be removed from the ordinance if the proposal was proposing an affordable housing project being the criteria for Federal tax credits or similar State affordable housing criteria. The criteria would be Utah housing; it could be HUD so there is some flexibility there. It is a competitive process and there is a timeline. The Planning Commission met on this last night and they did forward a recommendation for approval to the City Council. He reminded the City Council that they have had some work sessions including a combined work session with the Planning Commission to discuss this item. He said that at this point Staff would recommend to Council a vote to approve this item allowing for the PDR zone, Section 17.68.50:C to be amended as proposed.

- Ben Shakespeare asked about the phrase that states: "an affordable housing project meeting the criteria for Federal tax credits or similar State affordable housing criteria". He asked because it is a competitive process on that is it simply that it meets the criteria or that it is approved?

- Mayor Rosenberg said he thinks that the criteria needs to be in place and that they meet the criteria then they would not have to be approved for tax credit as long as they meet the criteria. There are three for four different models that they could meet and still meet the definition.

- Jim McNulty said that is the case. In each case they have to meet the criteria to go through that competitive process and be considered.

- Mayor Rosenberg said we could even possibly establish our own criteria.

- Matt Ence said he thinks Ben had a good question and it is worth some thought because when a project meets the criteria and actually qualifies for one of these projects one of the things that follows along with that is the agencies involved actually continue to monitor the project so that it continues to qualify and meet those criteria. This is something we haven't talked about the city doing in conjunction in making this change to our ordinance. He said he thinks it might be worth stating not just that it will meet the criteria but that it will qualify for one of these projects because if it doesn't qualify then there is nobody monitoring for continued compliance.

- Mayor Rosenberg said we may have to establish some qualifications/criteria and it may

be something that the City has to get involved in if it is not with one of the Federal or State projects that has those oversights. We could probably put that into play and set that up.

- Brock Jacobsen said we could probably piggyback on what the Housing Authority does. They have an annual audit and income verification.

- Denny Drake said that is unless they are approved by the Federal or State rather than us having to hire someone to do it separately.

- Matt Ence said that is his concern. Here we are talking about a zone change. That is the context we are talking about. If the Council looks at a project that looks like it complies with the requirements and then give a zone change approval and then the developer sells the property and they decide they are not going to do it as affordable housing anymore, there is no way for the City without that monitoring that goes on by those other agencies unless we put that kind of a scheme into effect ourselves there is no way for us to ensure that it continues that way. He said maybe the way to say it is it needs to qualify for one of those programs at least before construction occurs.

- Mayor Rosenberg said we are talking about the zoning ordinance. He talked about developing verification and qualification requirements and funding for the verification as part of the project approval process and that still has to come before the City Council.

- Jim McNulty talked about if developers don't meet the criteria or qualify, they would have to come back and amend their plan. He said the different agencies have criteria and there are measure where they inspect and review every year to make sure they are compliant.

- Leina Mathis suggested making the zone change subject to the approval of the tax credits. She suggested leaving it the way it is and work on it going forward where we set up some parameters to follow similar to what Utah Housing Authority does.

- Matt Ence said the easiest way to do it would be that they just have to qualify for the tax credits prior to construction and what that does is when they come back for their building permit the city makes sure they qualified for the tax credits. Right now, we don't have that administration to do that monitoring but we could do that monitoring if we wanted to, but this ordinance doesn't do that.

- Leina Mathis asked if we would make it part of the zone change request or are we changing the verbiage in the ordinance.

- Matt Ence suggested adding to the language of the ordinance that to be approved for the zone change they have to meet the criteria and prior to construction they have to qualify for the tax credits. That would cover us for now and if we wanted to come back later if we wanted to put some kind of a monitoring scheme into place that the city monitors, we could do that, but this would still protect us and accomplish what we are trying to accomplish tonight.

- Leina Mathis said she thinks we want to do that. We are going to potentially have developers come who aren't interested in doing tax credits but are willing to do some affordable housing based on some parameters that we establish with them.

- Mayor Rosenberg said he agrees with what Matt is saying for tonight, but he wants to continue working to develop some alternative criteria, maybe working with the Housing Affordability Coalition to where we can get some affordable housing built into these projects, so they are not at the will of the tax credits selection committee. We can work with the other cities and develop some criteria like that that can be administered locally.

- Matt Ence agreed. He said with that change we can still adopt this tonight. He said it should read the way it is proposed and at the end add a comma and say, "and is approved

for such credits prior to construction”.

- Jim McNulty asked if “local” should be added as well. We have “State”, but do we want to add “local” there before we add that last portion of the sentence.

- Matt Ence said he likes that.

- Brock Jacobsen asked where it says “before they can start construction” does that construction mean on the affordable housing or is it on the entire project.

- Mayor Rosenberg said the affordable housing project. It only applies to that part.

Motion to Approve an amendment to the Santa Clara City Zoning Ordinance to amend Section 17.68.50:C to exempt affordable housing projects from the 30-unit apartment limit in the Planned Development Residential Zone and approve Ordinance 2021-12 with the criteria that has been discussed and the change in the verbiage at the end of C to include “and is approved for such credits prior to construction” and “local”.

Motion by Denny Drake, seconded by Wendell Gubler.

- Jarett Waite said we aren’t affecting density at all. We are just exempting the 30-apartment limit. He said the motion should be amended because it is staying the same.

Amended Motion to Approve an amendment to the Santa Clara City Zoning Ordinance to amend Section 17.68.50:C to exempt affordable housing projects from the 30-unit apartment limit in the Planned Development Residential Zone and approve Ordinance 2021-12 with the criteria that has been discussed and the change in the verbiage at the end of C to include “and is approved for such credits prior to construction” and “local”. The density requirements would stay the same.

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 a zone change from Residential R-1-10 to Planned Development Residential for Deserts Edge project on 20.7 acres located east of 400 East and north of North Town Road and approve Ordinance 2021-13. The subject property abuts Ivins City to the west and to the north. Robert Smith Applicant. Presented by Bob Nicholson, City Planner.

- Jim McNulty said this is the application for the zone change from Residential R-1-10 to Planned Development Residential to allow for one development, called Deserts Edge, with 2 sub areas of development with a total of 239 dwelling units to be constructed on 20.1 acres. The 239 total units consist of 36 front-loaded townhomes, 83 rear-loaded townhomes (via an alley) and a 120-unit apartment project on the south end. Overall density for both adjoining developments would be just under 12 dwelling units per acre (11.94). Note that the Density Bonus criteria must be met in order to have a density over 8 units / acre. Coyote Landing proposes 119 two-story townhome dwellings with 2-car attached garages. There are 36 front-loaded units, and 83 rear-loaded units (accessed via an alley). The building exteriors (a mix of 3, 4, 5, 6, and 7 plex’s) consist primarily of stucco, fiber cement panels (i.e., hardy board), and windows, or on other elevations there are garage doors, masonry, stucco, and fiber cement panels. The elevation drawing shows the eaves at 18’ and the pitched roof peak at 27’5”. The roof material consists of flat tiles. They have a landscape plan and an open space plan and that does meet the criteria of the ordinance. The applicant requests approval for the 119 townhome units to be used for

short-term rentals, in order to allow the future owners of the townhome units to offer the unit as a short-term rental if they so desire. Section 17.68.060 sets forth the city's requirements and restrictions for short-term rentals. Those requirements include, among other things, additional parking for units with 3 or more bedrooms, have a property manager located within Washington County, have a Santa Clara City business license and sales tax license, and collect the required transient room tax, and the project shall have recreational facilities consistent with the size of the project and as approved by the PC and City Council. The proposed recreational amenities include a clubhouse & swimming pool, 2 tennis courts, 4 pickleball courts, playground equipment and a BBQ area. Quail Crossing proposes 120 apartment units in four 3-story 30-plexes. Parking for the 120 units is proposed as follows; 48 stalls in garages, 103 stalls in surface parking lot, 38 stalls in clubhouse parking lot, and 65 proposed parking spaces on-street. The applicant should clarify where the proposed on-street parking spaces are located. The Zoning code state the height limit is 35' or as approved by the City Council upon considering the Planning Commissions' recommendation. The applicants have provided a building elevation, which shows the height of the 3-story apartment units at 35' to top of parapet wall. Quail Crossing at Desert Edge has proposed to have an affordable housing component as part of their plan. The applicant is in the process of applying for low-income housing tax credits through the Utah Housing Corporation. He said he is more comfortable with the term "low to moderate income housing". He said that the applicant proposes that 100% of the apartments be affordable rental units based on the tenants Area Median Income (AMI) This is a summary of the AMI levels the applicant expects to offer potential tenants: 10% of units @ 20% AMI (12 units), 10% @ 30% AMI (12 units), 30% @ 40% AMI (36 units), 30% @ 50% AMI (36 units), 6% @ 60% AMI, 6% @ 70% AMI, and 8% @ 80% AMI. He said that 20% of AMI for 2 persons is approximately \$11,860 and a rent for a one-bedroom would be \$278 or two-bedroom would be \$333. He said a more common number we see is 50% AMI, which is just under \$30,000 and so their rent for a one-bedroom would be \$695 or two-bedroom for \$833. He said that 80% AMI is the highest a person could be to qualify for housing, which is just over \$47,000 so a one-bedroom would be \$1,100 and a two-bedroom would be \$1,300. He said that 96 of the units that they are proposing are at 50% or lower of the AMI. He said that is important for everyone to understand. Horrocks Engineers prepared a Traffic Impact Study (TIS) for the proposed project and that report is available at the city office for public review. The report estimates the trip generation forecasted with the proposed development for both AM and PM peak hours. The summary section states that all intersections in the study area will operate at a LOS of A or B with the projected development traffic. That is a good level of service. He said he doesn't think it is too much of an impact on adjacent residential homes in the area. He said that at Planning Commission last night they heard from a couple of people from Ivins who had questions and he believes that the applicant and Planning Commission did a good job addressing those questions. He talked about the Staff comments on the project plan. The applicant has provided building elevation drawings for both the 2-story Coyote Landing townhomes, and the 3-story Quail Crossing apartments. The Planning Commission should review the elevation drawings to determine if the site plan and building design meet the criteria to receive a Density Bonus increase (i.e., density greater than 8 units / acre). He said he believes that the criteria here has been met. He said that in going through the report and reviewing the information that has been submitted by Mr. Smith, it looks like a good application. Staff would recommend that the Council consider the zone

change here from R-1-10 to the PDR as indicated in the Staff report. In addition, the Planning Commission did recommend approval to the Council for the zone change as well as the density bonus.

- Matt Ence said the Planning Commission also approved a conditional use permit for short-term rentals in the Coyote Landing portion of the project and so that has been approved and is subject to this zone change being approved by the City Council.

- Leina Mathis asked about our ordinance for PDRs for short-term rentals. She said some of the parking requirements are only applicable if we consider it a self-contained unit. Where we have two different uses here are we considering it self-contained?

- Matt Ence said our short-term requirements also say that the short-term rentals have to be the entire project unless approved otherwise by the City Council so it is tied to what Leina is saying. He said he hasn't looked at that specific parking requirement, so he is not sure. If Council approves this, they would be approving the short-term rentals just to be in a portion of the project, which is required by the ordinance.

- Jim McNulty said that it states, "additional parking per unit with three or more bedrooms". The front-loaded do have ample parking with the two-car driveway and two-car garage. The rear-loaded alley units have a two-car garage. According to the analysis done by Staff there is plenty of visitor parking and other parking throughout the project itself. He said that some people will use it as a short-term rental and others will not. He said that he likes that the property manager will be located within the area, and they will receive a business license and we will be able to receive the sales tax and collect room tax and associated fees.

- Robert Smith, Applicant, said they have put a lot of time and thought into the parking. The required amount of parking for the townhomes and the apartments is 577. They are anticipating providing 710 parking spots and that does not include parking along North Town Road or along 400 East.

- Mayor Rosenberg asked if the parking that is shown within the apartment portion meet the apartment requirements. If you broke them into two, they would each provide adequate parking under the ordinance?

- Robert Smith said yes and each separately would meet the parking requirements.

- Leina Mathis said she is assuming that some of that is going to be covered to meet the ordinance as well.

- Robert Smith said they are anticipating having covered parking (1 stall per apartment) for the apartments even though it is not required.

- Leina Mathis said she actually thinks it is required. She referenced to Section 17.32.040.

- Robert Smith said either way they are planning to have covered parking. There will be 120 covered parking spots for the apartments.

- Mayor Rosenberg asked if the apartments share the amenity.

- Robert Smith said that is correct.

- Mayor Rosenberg asked if the people in the apartments have access to the amenities for the short-term rentals.

- Robert Smith said all amenities will be shared among the apartments and the townhomes. The apartments will pay HOA fees just like the townhomes will.

- Mayor Rosenberg asked what he anticipates the HOA fees are going to be.

- Robert Smith said he doesn't know if it will be two HOA's or just two different rates but the townhomes will have greater landscaping and irrigation costs and maintenance costs where the apartments will have very little so there will be two different tiers. He

said he would like to keep those low, just to cover the costs. He would like for the apartments to be \$25 a month fee.

- Mayor Rosenberg asked if anything is gated in there. Is it all open?

- Robert Smith said there are no gates on the roads. There is fencing around the perimeters.

- Ben Shakespeare asked about the RV and boat storage. He has a detention basin proposed around that. He said the less detention basin the more RV and boat area he will have. Is that the plan?

- Robert Smith said they don't have the detention basin engineered yet and don't know what size that is going to be there. He said there is wiggle room about how much parking is going to be needed. They are well over the parking requirements so there can be some adjustment with that detention basin and the parking. There is a small RV and boat parking area up in the north.

- Mayor Rosenberg asked if the existing RV area to the east of the proposed one as part of Arcadia will that be combined or separate.

- Robert Smith said it will be separate. These users won't be able to access the other one.

- Jarett Waite asked if Fire has access to everything correctly with the different alleys and different entrances to the buildings. Was that discussed at TRC?

- Robert Smith said they adjusted the road width on one of the entrances for Fire.

- Mayor Rosenberg said the three-story has to be sprinkled as well.

- Jarett Waite asked Robert Smith to address the fencing plan and the open verses the closed. He asked if it was over doing it a little bit with our ordinance. He said we wanted it fenced so there was a separation between the two projects, but does there have to be fencing on North Town Road necessarily? Is that more of an enclosure requirement in our zoning?

- Brock Jacobsen said the North Town fencing is to maintain the continuity going down there from Arcadia and across the street at Paradise Village and Ocotillo.

- Jarett Waite said it is just railing, though. It is not an enclosed fence.

- Robert Smith said one of the comments made was that we would like to be seen so that was added. As they are front-loading houses it lends itself to that.

- Jarett Waite said some of the fencing isn't needed in certain portions. He said he can see that consistency is important.

- Mayor Rosenberg said he likes the fencing. It is a three-story building and there will be a lot of kids out in those areas around the building so a little bit of fencing will protect them from the street, so the play isn't spilling over into the street plus the uniformity of North Town Road where it is fenced on both sides all the way up and down the street. There are openings in the fence, which is reasonable when they are providing the parking on North Town Road for street-side parking. Anytime there is a front-load you are going to get people parking out in front. That is why there is not fencing along 400 East in front of the short-term rental buildings. Those are front-loaded buildings. Hamblin Parkway is obviously going to have a wall. He said if you were to put an apartment project in any other neighborhood you would have to put a wall around it, some kind of a separation barrier between the adjacent use. We do have single-family residential across the border in Ivins, across the street on 400 East. There is a wall on 400 East on the Ivins side.

- Jarett Waite said he thinks the design meets the criteria for the bonus density. There is varying roof heights and materials. He said it meets exactly what the ordinance is asking for in both projects. It states that the applicant should clarify where the proposed on-

street parking spaces are located. Did we see that in that parking plan?

- Mayor Rosenberg said the on-street portions are on 400 East and North Town Road.

- Robert Smith said there is on-street parking within the project. They are the blue areas. He said they don't intend to stripe them, but those roads would accommodate someone to park there. They did not count the 400 East and North Town Road parking as part of their parking.

- Leina Mathis said we know when people come down for short-term rentals they bring their boats, their toy haulers. She said her preference would be to not have them parking out on the street and that they park on the inside on-street parking.

- Robert Smith said that is part of what the on-site management will do to enforce the CC&R's and rules they have in place. They have learned to do this at Arcadia where they have an orange sign, they put on someone's windshield when they park on the street. A lot of times they park there to unload. He said they anticipate they will do the same thing here. They will let them know well in advance where to park with their boat or trailer.

- Mayor Rosenberg said they have incorporated the pop outs on 400 East and North Town Road to protect those parking areas.

- Jarett Waite asked if they have looked out how many people they could have in the clubhouse or pool. What percentage?

- Robert Smith said the clubhouse and pool and spa aren't designed yet. He said it will be a similar size of Arcadia. It will be a good size. It will be in the hundreds of what we can fit in there. That is one of the reasons they will provide multiple amenities. He said all the amenities will be built as part of Phase 1.

- Matt Ence made a couple of comments on the ordinance he drafted for this. He said he included two conditions in the draft ordinance. One of which is that this project would qualify under the Utah Housing Corporation low-income housing requirements. He stated that given the change that we made ordinance before this, he is okay taking that condition out since it is now covered generally under the ordinance. He said he would recommend if Council were looking to approve the ordinance that we remove that condition. The only remaining condition would be the condition that states that the use of dwellings as short-term rentals would be limited to the Coyote Landing site of the property.

Motion to Approve a zone change from Residential R-1-10 to Planned Development Residential for Deserts Edge project on 20.7 acres located east of 400 East and north of North Town Road and approve Ordinance 2021-13 with the suggested changes by Matt Ence, City Attorney. The subject property abuts Ivins City to the west and to the north. Robert Smith Applicant.

Motion by Jarett Waite, seconded by Ben Shakespeare.

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 got a message from the Santa Clara Princess 2nd Attendant asking about ribbon

cutting and places we would like the Princesses to be for Swiss Days. Where would we like them to be and do we want them to attend the Constitution Day program?

- Mayor Rosenberg asked Ben to contact them and let them know. There may be an opportunity for a closing number if one of the Princesses could sing. We would love to have them at the Constitution program for sure.
- Ben Shakespeare said he will let them know.
- Mayor Rosenberg said the Swiss Days Committee should have assignments for them also.
- Brock Jacobsen said that usually Lanie and Brooke have assignments for them, but he will follow up with them to see if they are working with Monica on it.
- Mayor Rosenberg said if we could get a song for the Constitution program that would be great.
- Ben Shakespeare said he will follow up on that. He also said he was invited by the Chamber for a presentation by the Urban Land Institute which was great. There were 8 or 10 from various cities that attended that.
- Ben Shakespeare said he had a Flood Control meeting yesterday.
- Mayor Rosenberg said that for every dollar we put in we get about \$3 of Federal aid. He said there is \$35 million in projects, and we have \$24 million in Federal, State, and local aid to offset the cost of that.
- Ben Shakespeare said they went through the 5-year plan. He said he likes what we did tonight with the ordinance on water. It will give us time to attack this. He said he is not in favor of the multiple meters. He talked about doing a common irrigation meter that services an entire project. He said even with the Lake Powell pipeline we are going to be short of water. We have an area that can grow between 700,000 to 800,000 people through this entire County that would be serviced and a pipeline that will get about half that, so we are going to have to think of additional options. He said maybe there is an opportunity with the Graveyard Wash to take wastewater and get treated water back here or maybe treat it ourselves. We have the ability. It may be worth a discussion with that reservoir going there to see what that cost and what that impact would be and have that discussion. We are going to have to look at water. There is some low-lying fruit there.
- Mayor Rosenberg said that Ivins hired Bowen Collins to look at a feasibility of doing a plant that would service Ivins. They actually looked at Ivins and Santa Clara both combined and did not see an advantage to include Santa Clara. He said he thinks their numbers came back and they are not even going to do that. We can probably request copies of the report and review that. There are some issues with permitting and getting the discharge permit required and the environmental requirements and site location. We can pull that information up and get copies of reports and talk about it as potential options. He said that everything is on the table right now. We will hopefully get that ordinance in the next couple of weeks and be able to see some specific impacts and have some discussion with the other cities. He said he knows there are some similar concerns that Ben raised. They want to get this done and get it done in a hurry, but it is going to take a lot of work to get where they are today to an ordinance that 's approved unilaterally across all the communities. There is a bunch of work that has to go into that. He said at the least we are going to file on the discharge water that is discharged to the river so that it is in our name and then negotiating transmission from the plant back into the community to put that reuse back into our secondary system is something we can talk about. He said he wants to understand the pipeline and how it was funded and why St. George thinks they own it all. He said there are a bunch of questions he has similar to

those types of things.

- Ben Shakespeare said with the Conservancy District we are the only ones that don't have a seat at the table. He asked if he was wrong on that.

- Mayor Rosenberg said we are not the only ones. There is five members of the Board. Before they were major irrigation companies in the area then they switched it over and put elected officials into those roles. Jim Ence was on it representing the Santa Clara Canal Company for a number of years and when his term rotated out, they appointed Mayor Hart from Ivins to serve in that replacement role. Ivins didn't have a seat at the table prior to that. He said he feels comfortable that the Mayor of St. George and Ivins and Washington are not going to do anything to hurt Santa Clara. He said we meet together multiple times every month as a group and talk about the issues that are facing the Water District and the Transportation Planning Authority and everything else that is going on down here. He said he would like to see Santa Clara have a seat but not one of the existing seats because we are being fairly well represented as a group on that Board. He said it could be expanded going forward to include some additional seats. The four largest populated cities are represented. He said the existing Board does a pretty good job representing all of the County and they are all approachable. If we have an issue, we can go to any one of them.

- Denny Drake said when he was County Commissioner, they appointed their own Board, and no one had any representation or responsibility to the people, so he pushed to get elected officials on the Board, so the people have a sounding board. He said it is not easy to change because it is a State legislated Board, and they dictate the numbers. Whenever there is a vacancy, they are supposed to review with the mayors to determine who gets put on that Board. It is better now because there is a responsible person there that has to answer to the people they represent. We have no say as to what the Water Conservancy District does unless we have Board representation and people on the Board that we feel good about. They are a quasi-public entity set up by the State Legislature totally. Other than the appointment to the Board by the Washington County Commissioners there is no other oversight for the County on the Water Conservancy District.

- Ben Shakespeare said our mayor is probably the most qualified to be on the Board. We are going now to another level of water. We are competing with States and so to have that Conservancy at the top of its game is going to be involved because we are literally competing for that. He wants to make sure that the decisions we are making are good decisions and are cost effective.

- Denny Drake talked about the regional sewer plant. The bill was footed by St. George City. We were able to participate in building a line. We pay a percentage. Initially what water we sent there was ours to come back with the reuse line. What we are talking about doing is basically what we have already supposedly have some kind of agreement that allows us to bring that water back to the city.

- Ben Shakespeare said it would be more affordable for us to find out the pumping costs to get it back here because that is what they are asking for.

- Mayor Rosenberg said because of what Rosenberg Associates does in the County there is a tremendous opportunity for conflicts, which takes him out of the voting position. He said when those large population numbers really come to be we are done and out of the game and built out and the impacts to us of those water projects 50 years from now are going to be a lot less on our individual residents then on those residents of growing centers that are going to be developed.

- Denny Drake said there are some issues that are going to put some limitations on

growth. There is only 17% of Washington County that is private property. Population-wise if we can get the water, we are going to get the number (of growth), but do we have the landmass to be able to do that?

- Jarett Waite said that came up in a presentation today at the Chamber convention. The Kinsey-Gardner Institute looked at General Plans and available land and came up with the number of 825,000 was their estimate. They said it required quite a bit of density to get there. That is what the General Plans pointed to.
- Denny Drake said that is where we need to be looking. We need to be establishing what our limitations are concerning water usage in Santa Clara.
- Ben Shakespeare said with good secondary we could probably build out with what we have.
- Denny Drake said there is another source of water in Santa Clara. He talked about putting a pond in and collect what is being pumped away from homes on the Heights and in the springs along the edge of the hill we could fill it.
- Ben Shakespeare said it is coming and wants City Council to think about it and talk to Dustin.
- Dustin Mouritsen said he found the agreement. It is a 25-year agreement, and it was last signed in 2013 and it states that the water is ours if we have an infrastructure to put it in and if we don't it is St. George's. He said they have been pumping reuse water all summer. That is why Gunlock is half full. Most of our secondary water is reuse water right now.
- Denny Drake talked about requiring secondary to be put in project plans then we can pump that reuse water to every project we have. It will already be there and paid for by the developer.
- Mayor Rosenberg said that is part of why we did the temporary ordinance tonight. We have infrastructure in these newly developed areas that we can do that, but we have to connect them up. We need to do a Master Plan for a secondary system because it is still brand new to the city, and we need to get with the irrigation company, and we need to look at it from all different directions. We don't have the capital improvements to bring back the reuse water and if we wanted to go to the expense of a pump station and a line and a treatment plant, we could have our full allotment of what we send to them. That would be cheaper than a treatment plant and would be a lot less on the permitting side to make that happen. We can start having those discussions. He said the Graveyard Wash is controlled by the City of St. George and they have to open the door to allow us to get in there. Those are conversations we can be having.
- Leina Mathis asked what happens to our entitlement of the water after the 25 years.
- Dustin Mouritsen said the contract just keeps getting renewed. He has found two contracts.
- Mayor Rosenberg said that the irrigation companies, the Water District, and the cities all have to get together and work on the west side. The west side is unique from the other areas in the County, and we are going to have to get some real cooperation going. There has been a willingness to do that on the part of the cities. The Water District is meeting with the irrigation company so we will see what happens that way.

Leina Mathis:

- She attended the City Alliance meeting. It is a program administered by Dixie State University in partnership with local cities where they provide students the opportunity for working real-life experiences to come and work within a city and help meet some of our

needs at no cost to us. They are looking for a city to work with. It is a 3-year commitment. Those applications are due in September (this month). Mayor Rosenberg has the information, and she recommends that we apply for to be considered one of the cities for this year. She will get the mayor the information on the actual application.

- She talked about the formal appointment of Mimi McKenna to the Heritage Commission. She asked if this needed to be on the agenda for Council to approve.
- Mayor Rosenberg said he doesn't think it has to be on an agenda. The Council just needs to give their agreement.
- Matt Ence said he thinks the mayor can just appoint them.
- Mayor Rosenberg asked Council if they were okay with this. He said she will do great.
- The Council all gave their consent.

Jarett Waite:

- He shared more from the Chamber Convention that took place today. The numbers from the Washington County census came out and Santa Clara's growth from 2010 to 2020 was just over 40%. The whole County was a 30% growth rate in the same time frame.
- He had a meeting with Kyle Hafen yesterday about his project on Gates Lane. They went over the ordinance. He still held that the sketch plan was all he needed to present to the Council. He said he was very clear to him that if he is going to come to Council, he needed to have a project plan. He explained to him why.
- He asked who is monitoring our municipal election signs. There are a couple in spots that aren't allowed.
- Brock Jacobsen said that as Staff is out and about, they take notice and then lets us know.
- Mayor Rosenberg said they can't be on City property or inside the public right of way.
- Brock Jacobsen said there was some discussion because a person did a Swiss Days banner, and she is a candidate, so we talked with Matt about it. Lowry Snow does one every year. There was a discussion about how we allowed him to do it over the years so what do we do with someone who is a local candidate and wants to do one. So, we made the decision that we have allowed it over the years, and we don't have anything formal that says "no", so we allowed that candidate to purchase and be a Swiss Days sponsor and do a banner.
- Matt Ence asked if we are talking about regular campaign signs or Swiss Days banners.
- Jarett Waite said he is talking about campaign signs.
- Matt Ence said there hasn't been any change to that.
- Brock Jacobsen said they will get out there and find them and remove them if they are in the wrong spots.

Denny Drake:

- Swiss Days is moving forward. We have found an announcer for the parade. Everything is going to be fantastic.

Wendell Gubler:

- Nothing to report.

Mayor Rosenberg:

- Reminded the Council to get with Brock on the League of Cities for registration.

Brock Jacobsen:

- Before the pancake breakfast on Swiss Days a couple of the Council will need to take the food handler's permit training to be compliant. He told the Council to go to swuhealth.org for that.
- He had a message from Gary Hall that UAMPS is doing a workshop on Tuesday starting at noon prior to League of Cities.
- He said our auditors completed their fieldwork last week.
- He said they met with all the Staff today and followed up on all their assignments for Swiss Days. Everybody is ready to go.
- We have hired a new Building Official and he will be starting on October 11. We will be fully staffed.
- Jarett Waite asked if any of the Planning Commissioners are coming to League of Cities.
- Brock Jacobsen said no. He said he doesn't know if it was ever mentioned to them. He said we are happy to reach out to them. The problem might be in getting them rooms. For the future we will make sure they are aware well in advance.

Chief Flowers:

- He said a couple of months ago he came to Council with their accreditation process. He said they came out three weeks ago and gave us our first go-over and they found about 14 things out of 179 and so we corrected all of them and they came in today and gave us our final inspection and they have approved us for accreditation. It puts us as a best practice organization. It is a big, big deal and people from the Utah Chief's Board will come in and talk to Council about the process. He said they are really pleased. He said they interviewed about 15 of our employees and spent an hour with him at the end. He is happy to report that everyone is satisfied and not looking to go anyplace else. Council will be getting a final report. He complimented Sergeant Studdley and the work he has done on this.

Gary Hall:

- He sent an email out on the rate increase and told Council if they have any more questions or presentation to get with him. Mark Beauchamp will do a presentation on the power cost adjustment. That will help us decide how we want to implement it.
- Mayor Rosenberg asked if the numbers Mark put together include the new bond and the carbon free stuff.
- Gary Hall said yes.
- Brock Jacobsen talked about the reserve fund and finding out where we are comfortable at. It seemed low for his comfortability. He said they are planning on bringing this back to the next work meeting for discussion.

7. **Executive Session:**

8. **Adjournment:**

Motion to adjourn by Denny Drake.

Seconded by Jarett Waite with all members present voting aye.

Meeting Adjourned at 6:59 p.m.

Chris Shelley – City Recorder

Date Approved: _____