

**SANTA CLARA CITY COUNCIL WORK MEETING  
WEDNESDAY, JANUARY 4, 2017  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, January 4, 2017 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

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

Present: Mayor Rick Rosenberg  
Council Members: Jerry Amundsen, Ken Sizemore, Mary Jo (Tode) Hafen, Herb Basso and Jarett Waite  
City Manager: Edward Dickie  
Secretary: Gina Wathen

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Brad Hays, Parks Director; Dan Nelson, Fire Chief

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:41 p.m.

2. **Working Agenda:**

**A. General Business:**

1. Tour Wells in Santa Clara
2. Short Term Rental Discussion

- Ed Dickie, City Manager said that he has been given direction to find out costs for the software that the people from Garden City demonstrated for the Council. Implementation fee is \$1,500, nonrefundable. That comes with the license, support email, upgrades and updates. The annual software fee is \$3,500, nonrefundable. It would be \$300 for each additional account. He said he doesn't see any reason for additional accounts. They also charge \$140 an hour to develop enhancements or to customize it. He said in reading this and seeing what they have and what they use it for, he recommends to Council to not pursue this software. He said he would prefer to hire a part-time code enforcement officer and approve their job description and the job itself at the next meeting. He said there is a lot of things that the software does that we can do ourselves and this person hired could take time to go and research the different sites that could be used. He asked Council if they would consider at the next meeting approving the new job description and the part-time position to start some time in February. He said that he has been asked if the City is going to keep allowing short-term rentals. This is another part of the discussion.

- Mayor Rosenberg asked how many short-term rentals the City has and are they problematic. He asked about the short-term rental on Country Lane.
- Ed Dickie said that the City is in the process of sending a letter to those residents and possibly citing them. If they advertise it, they will be caught and we caught them. They have advertised. He said that if the City had someone who knew the ins and outs and this was part of their job and they knew the homes that were problems and they went to the homes now and then and worked closely with Matt (Ence), we could get a handle on it. Matt is involved with the taking care of the one on Country Lane.
- Mayor Rosenberg stated that the Legislature said they are going to address short-term rentals in this session. They are looking at taking the Cities' enforcement away from them. They are talking about taking the Cities' ability to regulate it away.
- Ed Dickie said that what Santa Clara has is unique and it sets us above where the City won't have the issues where some might be having them because they know that places like Paradise Village are available and they have the amenities.
- Herb Basso said that there are appropriate places and zones in the area in addition to the large village types. He talked about rentals in the Historic District. He said that we should see the short term rentals as an asset and an opportunity economically and handle it right.
- Tode Hafen asked again about the price of the software and said that it seems to her that the Code Enforcement Officer is needed either way. She said it may be good to postpone this investment to see how effective the Code Enforcement Officer would be. She also said that if we get to many short-term rentals, we are going to lose our community.
- Ed Dickie said that Paradise Village set the bar. A lot of other communities know them. The others that are coming know that bar and they are willing to come up to it. He said there are some advantages to short-term rentals. He said people come to stay there and look at other neighborhoods and could be future residents.
- Herb Basso said that there are some good controls that we know of, traffic control, density, zoning. We can use these to allow the industry to grow in a planned sort of way. It's a good, clean industry.
- Ken Sizemore said that his concern is that short-term rentals could be a fad like timeshares were in the past. He said he is not convinced that he wants to see short-term rental projects expand beyond that pod that has naturally developed. He said he would like to wait and see how the next two projects work and see if they do meet the bar of Paradise Village.
- Herb Basso said it could eventually go into long-term rentals. We need to be mindful of all the controls the City can put in to make sure it works.
- Mayor Rosenberg said that short-term rentals can be converted to long-term rentals but it can't go the other way. He said that the thing the Council might want to strengthen a little bit is the specific language of the amenities. What is it? If we can't answer that question, then our Ordinance isn't tight enough. Right now someone can come in and ask for it and its arbitrary and capricious as to whether or not we believe it meets the bar because it hasn't been defined. It's challengeable. We may want to structure a little bit. It does have the potential to provide the City some long-term revenue.
- Herb Basso said that he hopes we don't measure everything up on their amenities because there could be some nice places without some of the amenities.

- Mayor Rosenberg said that the Legislature might take the control out of the City's hands this session. He said this has some momentum. He said to wait until after this session before we think about software. He thinks that the Council should take that existing Ordinance structure and dissect it and put in some of the safeguards that would define our expectations.
- Jarett Waite said he would like to hold off on the software.
- Ed Dickie said that the new position for Code Enforcement will be on the next agenda.
- Herb Basso asked for the Council to keep their minds open to other areas.
- Jarett Waite talked about short-term rentals in Hurricane and they allow it in residential areas if the owner is on site. There are some stringent requirements that their residents have to follow. That might be a possibility for Santa Clara as well.
- Tode Hafen said it is two different things. There is the Paradise Village type and then there is the individual homes.
- Mayor Rosenberg said that we need to be really careful how we impact existing neighborhoods with any conversations.

### 3. Discussion of City Property adjacent to Kaili's

- Mayor Rosenberg showed some photographs that were taken this week and gave the Council a copy of the Washington County ownership map that shows the property line. The City does own this property. He talked about the irrigation ditch and how it flows into the City storm drain. The leafs get into the ditch and then a storm event brings the mud and debris down off of the hillside and it gets into the ditch and it gets plugged. When that ditch plugs it goes next to the foundation of the home next door and it also runs down the lane and there is a big puddle on the road.
- Herb Basso talks about the flooding that has taken place there. He said that when the City did the streetscape he thought this would be a good time to have that curb and gutter. He said the lane has been used for more than 100 years. He said it is not designated as part of the street system. He said the road is unsightly. He said maybe there needs to be a catch basin and have it kept clean. It would satisfy the immediate problem of mud and silt spilling over and being tracked everywhere. There are two points of discussion: How do we take care of the immediate needs and doing some kind of improvement on the drainage. If we keep the drain ditch from being plugged, the gravel has worked.
- Jack Taylor said he agrees with Herb. There are three property owners that use that lane. His thought is that there are the three property owners that use that it might be the best interest of the City to deed or sell that property or gift it to the three owners that use that. Would it be the right thing to do to fix a road that just goes to three residences? He said that is why they decided to bring it to Council because the Council needs to make the decision on what the City can do here. Jim Ence, one of the residents was interested in doing that but the other two residents want to keep it a City property. He said without all three of them agreeing to use that as their own lanes, like a flag lot, it is City property and we do have a problem in that area. We have had some commercial trucks that have gone in and out of there and that has created a bigger problem. There is a low spot. He said he is thinking about removing the grate on the 12-inch pipe so that it will just continue to go down. Without the three property

owners agreeing on taking the property, then it is the City's property and we've got a mess. He said we have a 12-inch line. One way to get rid of this water is to cut into the pipe and put in another drain box. It's about \$2,500 to put in another box. We could possibly put in a tee on the 12-inch pipe and move it over to where the water hole is and put it more into the center of the road. We could put asphalt in there too and that would take care of the mud problem and the vehicles going in and out of there. The other option is to clean it up and put gravel in there. He said it would be about \$5,000 to asphalt and about \$2,500 to \$3,000 for a storm drain box.

- Jarett Waite asked if that would be like a regular road and it would last how long?

- Jack Taylor said they would have to make sure there is enough road base and do some grading. It could last 10 years and then it would have to be chip sealed and maintained.

- Herb Basso said that this lane is City property. If the road was paved, it could be maintained easier.

- Dennis Frei, 1448 N. Santa Clara View, talked about the irrigation ditch. He said that the floodwater that comes down off his hill, there is two drains on both sides before the foot of the hill, and they drop into the ditch for flood control. That same ditch runs back up to where the diversion is. He asked about the abandoned property and if the City took that over for a storm drain.

- Jack Taylor said that from his street, it drains back to the east.

- Dennis Frei said that if the City is trying to get rid of the drain water, just clean the ditch and it will go right where his drain water goes. The ditch did run all the way through. He's not sure why the City doesn't use the ditch for the storm drain. The ditch carried water for many years. It has just been filled in.

- Jack Taylor said that the ditch has about 3 feet of dirt on top of it. It's a big headache. It would be a bigger job to clean all that ditch and keep all that ditch clean then it would to put another drain box in. That is a problem that Santa Clara City has is that ditch the City took over and we have some areas that the ditch is just barely hanging on the hill and it's got to be one of our next projects. It needs to be redone. We probably need to close it off and run it down Santa Clara Drive.

- Herb Basso said the ditch is fine if it is kept clean. It's a manual job.

- Mayor Rosenberg said that if the City does something in the back, the street will have to be finished off because now it's a public street and full street improvements will have to be done.

- Herb Basso asked if the City would want to maintain that and would they want to improve it.

- Mayor Rosenberg talked about the vacant lot.

- Jack Taylor said that what should have happened when the Beehive House came in is that the City should have told them that they had the right to this property as a flag lot or they would have to put in street improvements like everyone else.

- Herb Basso said what if the ditch was kept clean and we take the mud out and graveled back. It needs to be lowered down.

- Mayor Rosenberg said that would be the cheapest fix. Not asphalt it and put a drain box in. He doesn't have any problem doing the asphalt though. He would like to see a little berm on the house side of that ditch to protect that house. It will spill into the road. Just run a little curb. If the road is inverted it would protect the driveway. We could put some asphalt in at the bottom of that just to clean it up. That will keep that

box clean.

- Tode Hafen asked what would happen if the ditch was just fixed.
- Jack Taylor said they could fix the ditch and keep it clean. There are issues all over town similar to this and it's hard to maintain with what little Staff there is. People blow their leafs into the ditches and then the City has to clean it up and let people know they can't do that.
- Herb Basso said that you can't stop the dirt coming into the ditch because of the hillside. He said it wouldn't be hard to maintain though if there was a larger grate and a little apron and an inverted driveway, this problem would be solved.
- Mayor Rosenberg asked Council if they are okay for Jack Taylor to spend some money and fix that entry with the basin and with a little pavement around an apron behind the sidewalk.
- Ken Sizemore said that it's pretty obvious that it's a City right-of-way; it's a drainage issue. He thinks that is a legitimate expense for the City.
- Jack Taylor said that there is a gas line in there too and so they don't know how much they will be able to grade it.
- Jarett Waite said that he is okay with it.
- Ken Sizemore said that eventually development is going to happen back there and the owners are going to have to come in and bring the street up to City standards.

### **3. Staff Reports:**

#### Brad Hays

- He said they have a good crew. He put out for five bids from local contractors on the Canyon View Park Restrooms. He got one bid back. He called the other four that didn't turn in the bids and they said the project was too small. The bid he got in was about \$75,000 above what the estimated cost would be. He talked to St. George City and asked about the cost of their similar project. Their prices have been coming in anywhere from \$107,000 to \$125,000. He said he is going to go back out and solicit some more bids from contractors that St. George City has used. He said they were trying to go with local builders that the City has used on a regular basis but they are too busy to work on this project. He said another option is that there are prefab construction bathrooms and they're what you see in a lot of State Parks and they run about \$100,000. He said that they would have to stub the utilities in. The company would bring the entire building down and set it into place. He said that another option is his crew and the Public Works Department could build the building. Tode Hafen thanked Brad for fixing the trail.

#### Fire Chief Dan Nelson

- He said they are all set for their new recruit class. Wildland Class started last night. Ty is teaching that. There are 9 students. He said they may hold another class later on if other communities need it. He said they have advertised in house to fill vacancies for a Wildlands Firefighter. He said it will close Tuesday, end of day. They will probably fill it quickly. They are considering two qualified people. He said they will be advertising soon for their seasonal people for project work that begins April 1. They have a lot of work lined up, even some in Pine Valley, some river work. Christian has a lot of work for them too. Mayor Rosenberg said that he has a lot of work for them and it has to be done by April 1. He said he will send out an email so Council can see their call volume and it has a

breakdown of the call types and how many. There was quite a bit of mutual aid this year. There was a lot of structure fire call outs. They have also been helping out Ivins. They have a good working relationship with them.

### Jack Taylor

- He talked about how the Lava Cove residents want to add planters on Lava Cove Drive to make the road a little less wide, control traffic and beautify the area. The residents put some plans together and he has had the City Engineer look at the plans and Todd has reviewed them and there aren't any problems that he could see. There aren't any manhole covers in the way. Lava Cove residents would pay for the curbing, the material that goes in the planters. Santa Clara City would remove the asphalt and haul some topsoil in and smooth it out and the residents would put the rocks and the plants in. There is not going to be any water. It will be desert landscaping. He said the City would take over the maintenance of the desert landscaping. He said that Matt Ence, City Attorney would draw up an agreement with the owners of Lava Cove so it would be legitimate and workable. After it is put in the residents would have no ties to it. They may have to water the plants at first to get them going. Mayor Rosenberg said they can get plants that have like a root guzzler on the plant. He told Jack that he may want to look at something like that. He also told Brad to look at the surface of the planters so they don't turn into weed patches. Brad Hays talked about the optimum thing would be to have a water source in there so if we need the water otherwise they would have to hand carry in the water. That would get very time consuming. He would prefer to have some type of water source in there. Jack Taylor said that Matt could write up in the agreement that the City would be allowed to use one of their taps of water to get water for the first year to make sure the plants get established. He worries about one of the residents getting hit by cars it will be the City's responsibility. He said there is lava rock underneath there so to dig and try to get water into each of those planters is a major task. It would be a lot of money. Herb Basso asked about putting in a tank. Jack Taylor said that when you start digging in that road, it's solid lava. Herb Basso said he agrees that there shouldn't be any relationship with the residents for maintenance for liabilities sake. Jack Taylor said he will move forward with it and get an agreement from Matt Ence and bring that back to Council.

- He got a phone call from Kent Frei today regarding the lot he purchased from Herb Basso and the impact fees. He would like to transfer those impact fees from that lot to other areas of the City that he has. He wanted to know if the City Council was amenable to that. In July 2015, Herb Basso came to them and asked if they would put together a letter for him stating that he had one impact fee on that lot. He said they did realize that there was one home on that lot so they didn't have any problems with that. They sent this to Herb. They sold this right to Kent so now this is Kent's. The City Council agreed to give Kent the three impact fees, counting this one and two others because there were three rentals on that property. Kent is asking if he can transfer these impact fees to another lot. Ed Dickie said it is similar to that. If Council is okay with it, the letter would be exactly like the letter for each one so there would be three separate letters. Mayor Rosenberg said that he ran this by Matt Ence and he said he doesn't see a problem having fees being transferable. Council can direct Staff to write up the agreement. Ed Dickie said that this will also spell out that there will still be building fees. These are just impact fees. Also, County or Water District fees would apply. Jack Taylor said that one thing that would have to be changed is the Endangered Species fee on this letter. They would have to pay them. Mayor

Rosenberg said that the Council would basically be taking the impact off the system and putting it on somewhere else as long as it is not exceeding the impact that was on it before. He said that allowing fees to be transferred will help the City a little bit. He explained to Council how that could benefit the City. Jack Taylor asked about the transfer of the letter from Herb to Kent and said they probably ought to get a copy of that agreement. Herb said he gave a statement to Sherri. It is on record. He said that Matt felt that this was something that didn't have to be brought back to Council if they are amenable to it. Ken Sizemore said he hasn't heard of this happening. He doesn't think there is any precedence for doing this. There isn't any case law that covers this. He thinks that the City is a bit on a tenuous ground. Mayor Rosenberg asked him what the legal basis was to charge an impact fee. Ken Sizemore said because a person is impacting the community and the City needs to recoup the costs. Mayor Rosenberg said that as long as the systems impacts don't change. Ken Sizemore said he is concerned that it could be challenged because there is no legal basis for doing this that he is aware of. He said that typically you tie it to the use of the land and when you move the impact from that specific parcel with all those variables and move it somewhere else in the community, the variables are different, so how are you going to analyze that it's an equitable transfer. Mayor Rosenberg explained it to Ken. Ken Sizemore said he would allow Matt's judgment to rule here. Herb Basso also explained the impact fee. Mayor Rosenberg said he is good with Matt's opinion. Jack Taylor said that the Council has approved three impact fees for that lot but it is only zoned for one house on that lot. Jarett Waite said he sees value in the impact fees that aren't being used any more but who buys that. He asked if we are creating the value. Brock Jacobsen explained it to Jarett Waite. The impact fees would be unrestricted for what the City could spend it on.

- Jack Taylor said that they are working with Laidlaw and they are going to take the material from the homes on the hillside. He said they are planning on tearing the house down themselves and use that as part of the 25% match from the City. The houses can't be burned because the material is not burnable.

- He said they are busy doing normal maintenance with all growth and new development. They are trying to stay on top of it all. They have also been doing some crack sealing getting ready for summer. They have all the information turned in for the right-of-way purchase off of North Town Road. Todd has that. There should be a meeting at the end of January or the beginning of February to see if they will grant the City that. Hwy 91 project is completed and they are just wrapping up the paper work. Jarett Waite asked about the little stub road that is on Rachel Drive off of Hwy 91. Will that eventually connect in? Mayor Rosenberg explained what that is. Jack explained about the bright lights on the hill on Hwy 91. He said they are working on the gate being installed at the bottom of the hill going into the yard. It should be operational tomorrow.

#### Brock Jacobsen

- He talked about the Economic Summit. He said he has a copy of the tickets. Tode Hafen said she is going to be out of town and can't attend. Brock said the tickets are transferable and Jack may want to go.

- Utah League of Cities and Towns Spring Conference is April 6 & 7. It is here at the Dixie Center.

- Ken Sizemore asked a question to Brock about the Audit Report. He asked about "compensated absences". Brock said that was leave time, vacations and sick leave. Ken

asked why “compensated absences” was in the long-term debt obligation. Brock said that the fact that it is not foreseeable of it being used in the current time.

- Mayor Rosenberg and Brock talked about the stock that was donated to the City. It was sold and the City made some money.

4. **Executive Session:** None

5. **Adjournment:**

Meeting Adjourned at 7:35 p.m.

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Chris Shelley – City Recorder

Date Approved: \_\_\_\_\_