

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 22, 2017
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 22, 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: Herb Basso, Jerry Amundsen, Ken Sizemore, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Gary Zabriskie, Five County AOG; Ann Evans; Taylor Gardner; Cindy Frei; Brandon Gough; Nathan Bonzo; Kenyon Hall; Stephanie Hall; Hunter Hall; Talon Welch; Jonathan Derrick; Cyndi Derrick; Mason Jackman; Travis Jackman; Theresa Fife; Joseph Fife; Jacob Fife; Kirk Jackson; Jared Gardner; Brandon Goff

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: Ken Sizemore
- Opening Comments: Ken Sizemore

- Councilman Jarett Waite was not in attendance at the beginning of the meeting.

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Mayor Rosenberg asked the Boy Scouts that were in attendance to introduce themselves. Each Scout that was in attendance is working on their Citizenship in the Community Merit Badge. From Troop 1803: Mason Jackman; from Troop 1828: Jacob Fife, Hunter Hall, Kenyon Hall, Joseph Fife; from Troop 1812: Talon Welch, Jonathan Derrick; from Troop 510: Brandon Goff, Kirk Jackson; from Troop 376: Nathan Bonzo; from Troop 1827: Jared Gardner

4. **Working Agenda:**

A. Public Hearing(s): None

B. General Business:

1. Adopt Hazard Mitigation Plan and approve Resolution 2017-02R. Presented by Gary Zabriskie, Five County Representative.

- Gary Zabriskie, Deputy Director and Director of Community and Economic Development in the Five County Association of Governments, said that the multijurisdictional natural hazard mitigation for Five County is a multijurisdictional plan. FEMA has funding available for mitigation projects. A requirement to receive mitigation funding is a community must have its own mitigation plan that's approved by FEMA. For us in our region to have 39 individual jurisdictions do their own mitigation plan is unwieldy so FEMA came up with a process in the initial years of this, back in 2000, with the opportunity for a regional agency or a combination of communities to get together and do a multijurisdictional plan as long as they participate in the development of that plan and provide mitigation strategies in it, data as needed, are a working member of the development of the plan, Santa Clara City can adopt that plan and it's the same as if the City had its own plan. This is the third go-around. One was done in 2005, another in 2010 and now this one. The plan will say 2017 to 2021 and it's good for five years to the date that it is adopted by the jurisdiction. FEMA will then send a letter to the Mayor saying the City is covered under the mitigation plan. The Truman slide was in the previous version of this plan. He said they had a staff departure and they couldn't get this going until there was a replacement. They started in earnest with this in January 2016 so this has been a 1-year process to get the plan to where it is now. FEMA approved this right at the end of 2016. He said they got a letter from FEMA saying that the plan was approved pending adoption. Once the communities have adopted the plan, then it's Santa Clara's plan. He said he will give the City a final copy of this plan with all the adoption resolutions from all the communities. He said that if the City determines later this year or next year that the City wants another project that it wants to apply for that it hasn't yet, the City can use the same process they are doing now. There will be instructions in the document/binder that says the City Council can add a project by resolution saying they are amending their plan to include this certain project and then the City will submit to him a copy of that resolution and they will submit it on to FEMA. This can be amended anytime by your committee. He said that Nate Wyberg is their community planner that came on board at the beginning of 2016. He has done a remarkable job. FEMA is very complementary to him about the organization of the plan and how the data has been presented. They did offer some suggestions for the next update, most of which dealt with things out of Five County control, which is having data that is more finely tuned down to a small level. We don't have that fine data in a lot of our regions. The plan has been approved by FEMA and if a community adopts it, they are covered by this plan for the next 5 years. It can be amended and projects can be added to it and this is the key to get mitigation funding.

- Ken Sizemore stated that we have gone through a 5-year update. He asked what data in the plan is new and would be informative to the City Council that wasn't in the previous version.

- Gary Zabriskie stated that they use AGRC data. He said they used the Utah Geologic survey that covered from Ivins to LaVerkin and it was a geologic hazard study. We use the most current data that is available on there.
- Ken Sizemore asked if this new information raises any red flags that the Council should be aware of.
- Gary Zabriskie said no because most of the hazards that we have here aren't right in Santa Clara. They are specific to areas that are outside the urbanized areas.
- Ken Sizemore asked if there are any specific projects in this document for Santa Clara.
- Mayor Rosenberg said that there is Santa Clara River stream bank restoration, Tuachan Wash stream bank restoration project. There are several specific to Santa Clara.
- Gary Zabriskie said the actual requirement from FEMA is that each community have at least one mitigation strategy in there. He said that if there is something specific the City wants in there additional, you just need to follow the same procedure, do a resolution, get it in their minutes and have the resolution state that your adding a project to the mitigation strategy and send that to Five County. He said that he and Nate were talking about putting a form in there for cities to fill out and that would give it in the right format for them. He said they talked about sending that out to all entities so that if one community adopts it by resolution they would send that out to all the entities so it could be inserted to the capped section. He said they want this to be a useful document over the next 5 years.
- Ed Dickie, City Manager, told Council that for their information the fire risk for Santa Clara is a little bit higher than we feel it should be. We are quite a bit higher than Ivins and St. George. We think we should be at least the same. We are working on that with the Forest Service to get that lowered. We are okay with it as it is now but hoping to get that lowered to a different number.
- Tode Hafen asked why it was high.
- Dan Nelson, Fire Chief, said that it included a lot of developed areas. He said that this particular plan doesn't affect us. The State Wildfire Policy, that will be in an update that he'll send out, will affect us monetarily. We have in kind hours that we can put to that and we won't pay anything for years as we sit right now. It does give us more ammo for going after grants for wildland because we can state that our risk is higher because that's what the plan says.
- Gary Zabriskie said that he needs to stress that this is an advisory document only. It does not mandate anything to the community whatsoever that the community is required to do. This is the City's plan so you have this as a key to FEMA funding for mitigation before a disaster. Mitigation is fixing something before a disaster. There is also post disaster mitigation used to keep disaster from happening a repetitive time. He said their hope is that the City will use this as a tool for funding to protect.
- Herb Basso mentioned a typo in the first paragraph that should read "threat" instead of "treat".

Motion to Adopt the Hazard Mitigation Plan and approve Resolution 2017-02R.

Motion by Herb Basso, seconded by Tode Hafen.

Voting Aye: Tode Hafen, Jerry Amundsen, Ken Sizemore and Herb Basso.

Voting Nay: None.

Motion Carried.

2. Consider request to Proclaim March 4, 2017 as Arbor Day for the City of Santa Clara. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays stated that this year for Arbor Day the City would like to partner with Dixie State University. There is a class coming to Santa Clara on March 4 to do some tree planting and some training on planting and he said they would like to do Arbor Day in conjunction with this.

- Mayor Rosenberg read the proclamation to the Council. He mentioned to the Boy Scouts that were in attendance that they could get involved with this project, it's a good opportunity for service.

Motion to Approve the request to Proclaim March 4, 2017 as Arbor Day for the City of Santa Clara.

Motion by Ken Sizemore, seconded by Herb Basso.

Voting Aye: Jerry Amundsen, Tode Hafen, Ken Sizemore and Herb Basso.

Voting Nay: None

Motion Carried.

3. Consider Approval of Resolution 2017-03R to approve the Municipal Wastewater Planning Program Self-Assessment Report 2016. Presented by Jack Taylor, Public Works Director.

- Jack Taylor stated that every year the Utah Department of Environmental Quality sends out a self-assessment on the wastewater-planning program for the City. It's a self-check each year to see how well we are doing on wastewater. Some of the things in the report are user charge, operation maintenance expenses, repair/replacement costs, capital needs, capital improvements reserve account, reserve for debt service, current debt service and repair and replacement syncing funds and it also talks about any backups, spills within the system. He said we look really well and he recommends approving the resolution stating that we comply with anything they have asked us to comply with.

- Mayor Rosenberg told Jack that it was good work. There was no basement flooding or untreated wastewater into the system. Good job Jack.

- Councilman Jarett Waite arrived at the meeting.

Motion to Approve Resolution 2017-03R and approve the Municipal Wastewater Planning Program Self-Assessment Report 2016.

Motion by Jerry Amundsen, seconded by Tode Hafen.

Voting Aye: Herb Basso, Ken Sizemore, Jerry Amundsen, Jarett Waite and Tode Hafen.

Voting Nay: None

Motion Carried.

- Ken Sizemore asked Jack Taylor about whether the storm drainage and sewer systems in Santa Clara are completely separate. If we had a big storm event would we overwhelm our sewer system?

- Jack Taylor said that there are times where the City will get some leakage from storm water into the wastewater. But everything is separate. Our storm drain systems are built

completely separate. No storm water is put into the sewer system. On Lava Cove Wash we do have a sewer line that comes down from Ivins and some of it is fairly low. We usually don't have any problems with that.

- Mayor Rosenberg said that there are some areas that could be at risk like the sewer line above the detention basin flows down into the Country Lane Subdivision so if there were excess entry into the sewer pipe upstream you could potentially see some sewage that has been inundated with storm water coming up in some of the streets down in the Country Lane area. The same thing could happen in the lower Vineyards. We have to monitor this and try and keep ahead of it.

- Ken Sizemore asked if the City has any mitigation since we know that this is a potential. Have we done anything to help prevent that?

- Mayor Rosenberg said that erosion protection along the sewer line was put in in 2005.

- Jack Taylor said that we are working with Ivins right now because a lot of that line is going to have to be upsized in the future. We are working on some new agreements right now to get that in the process. He said he heard reports from St. George at the wastewater plant. When we do have big storms there is a higher demand on the system. Some storm water will infiltrate the system.

4. Report on Glenn Graff Building Permit. Presented by Matt Ence, City Attorney.

- Ed Dickie stated that Matt Ence was not yet at the meeting so he asked Mayor Rosenberg and the Council if they could do their reports first and come back to this item.

7. **Approval of Claims and Minutes:**

- Feb. 8, 2017 City Council Meeting Minutes
- Claims through February 22, 2017

Motion to Approve the Regular City Council Meeting Minutes from Feb. 8, 2017 and claims through February 22, 2017.

Motion by Tode Hafen, seconded by Jarett Waite.

Voting Aye: Herb Basso, Jarett Waite, Ken Sizemore, Jerry Amundsen and Tode Hafen.

Voting nay: None

Motion Carried.

5. **Reports:**

A. Mayor / Council Reports

Jerry Amundsen:

- They had a Washington County Solid Waste Special Improvement District meeting. There is public comment going on now regarding the expansion of the landfill into some available BLM property. It is going fairly well and it will nearly double the lifespan of the landfill in that location. Concerning curbside recycling, the recycler had to ship the material to Salt Lake to be processed and then shipped to California. It was very inefficient because of that. They are bulking that material so it can be processed here in Washington County and save a lot in sending it to its final destination. It will start

production in the next few weeks so the cost will be going down for that.

Tode Hafen:

- The road improvement through Snow Canyon is done.
- Heritage Commission met. They are wondering about getting replacements for the Commission. She reminded Mayor Rosenberg that he was going to speak to the potential replacements to see if they were interested. She said they are trying to get the documents done for the things going on downtown. They have scheduled a walk-through, a field trip as part of the process of making sure the historic overlay is where the Commission wants it to be and they want the new members to be on board. We are actually considering shrinking the historic overlay closer to the main highway and being a little stricter with it. It frees up the properties that are in back and they can remain R-1-10.
- The Princess Pageant is on March 4 and she encouraged any of the Council that can to attend. It is at 7:00 at Snow Canyon High School.
- They are moving forward on the glockenspiel.

Jarett Waite:

- Attended the Mosquito Abatement meeting. The district is in good financial health. They elected new officers. They are already catching some mosquitos. They are going to start testing for another mosquito that was found in Las Vegas that carries a bad disease. They haven't found any here. They are going to treat heavily on larvae sites, treating the water.
- His report on Social Media is that there have been 6 messages. Bradi has done a good job to respond back and forwards it on to each department. The City has also had 146 likes. The Legislature is working on a bill that was going to require cities to post public hearings on social media but that has been amended to require it to be on the cities websites with a link to social media. He will keep an eye on that.

Herb Basso:

- Nothing to report.

Ken Sizemore:

- The Executive Council of the Transportation Group met last week. The items dealt with reprogramming projects on a 30-year schedule and none of the projects effect Santa Clara. They also talked about the Transportation Expo that happened at the beginning of February. There were more than 820 people who attended. They will compile all of the comments and he will report back on that.
- He asked Jack Taylor about Hwy 91 erosion at the bottom of the Jacob Hamblin home.
- Jack Taylor said that is an ongoing problem that we have. He's not sure what they are going to do with it. He said he will take a look at it and see if there is something that can be done. He said he had a thought about going up on the old trail, if a piece of equipment can get up there and try to cut the trail back and get a grade on it.
- Mayor Rosenberg asked if the old trail is being used anymore.
- Jack Taylor said that people still use it. He would like to put a little different grade on it. He will look at it.

Mayor Rosenberg:

- The Nunnely home is gone. Staff took it down last week. They are still doing some cleanup work on it.
- The Gillespie lot purchase offer is going to be appealed. That will be on a future City Council meeting agenda to look at the purchase offer that was put in on the Gillespie lot.
- The Water Conservancy Administrative Committee met today. We got an update on things that are happening. They are updating their impact report and it should be done in August. They are considering part of that to treat some of the higher density PD and condominium projects that are submitted similar to the way they treat apartments so that condominiums wouldn't pay the same impact fee as a 10,000 square foot home pays. They would probably have a four-tiered impact fee set up that would look at less impact fees for smaller lots, smaller than 5,000 square feet, a different one up to 75,000 square feet a different one up to 10,000 square feet and one for over 10,000. Right now the way it is figured, the 10,000 square foot lot, half the fee is based on the indoor use the other half is 50% landscaped area. It should provide a little bit of a break. It could help some of the affordable housing and treat that higher density less open landscaping requirement a little fairer. He said he was encouraged by that. He said they are also working on Dixie scape scenario. These are landscaping scenarios that can be used on homes that would help conserve water. They will help prepare some example landscaping designs that would work in our area. There will be an education process.
- He talked about commercial impact fees. He said that some cities aren't charging the impact fees with the building permits. They put it off and then don't collect it later and that was brought up. It is a violation of the agreement that all of the cities have signed. They would like to schedule a site visit with the City Council. They would escort the City Council to the Water District facilities. They will contact us to set up a time. He said he thinks it would be really informational for the Council.
- The Lake Powell Pipeline is in the approval and review process. They are trying to convince the State to allow the District to oversee more of the environmental permitting and the process. They are hoping to have all the permits in place in late 2018 or early 2019.
- The COG approved Santa Clara City's request for right of way funds for a portion of the Western Corridor up on the Robert Smith property. The area between Rachel and North Town Road. They approved over \$300,000 for right of way acquisition there so the City can obtain that right of way ahead of that development in that area.
- He talked about the Flood Watch. All the snow below 6,500 feet is pretty much gone. The higher elevation snow pack is still over 150% of normal. We are watching the weather and if the snow comes off slowly at the higher elevations, we shouldn't have any flooding issues in the rivers. We need to be diligent and keep an eye on this.

4. Working Agenda:

B. General Business:

4. Report on Glenn Graff Building Permit. Presented by Matt Ence, City Attorney.

- Matt Ence referred to a letter that the Council received in their packets. This item isn't necessarily for action but to inform City Council about what has happened and to give some direction. There was a building permit application by Glenn Graff for the Hills of

Santa Clara Subdivision. Corey Bundy initially declined to issue the building permit on basis of a setback violation on the plans that they had submitted. The setback that he was concerned about is a setback that is indicated on the plat for the subdivision. It says that all garages must be set back at least 20 feet from the back of the sidewalk. The unique thing about this setback is that the setback is not actually in the City's ordinances. It's been included on several plats around town for similar subdivisions where there's sidewalk that is separated from curb and gutter by some kind of a landscape strip and the idea behind the setback was to make sure there is enough area on a driveway for vehicles to park without blocking the sidewalk. The applicants observed that there were other garages in the same subdivision that had been allowed to come closer to the back of the sidewalk and those garages were side entry garages where the Graff's proposed garages were a front entry garage. Corey Bundy said the he had approved the side entry garages on the basis that with the side entry garage there is generally more room to park vehicles so the blocking of the sidewalk is less of an issue. The Graff's through their attorney had communicated that they felt like that was an inconsistent application of that plat restriction. Where the plat restriction isn't something that is reflective of the City's ordinances there is something of a question of how we go about enforcing that plat restriction. After some back and forth with their attorney and visiting with Corey Bundy about it several times, ultimately he advised Corey to issue the building permit and the course of action they decided to take was to come back to Planning Commission and City Council with a proposed change to the ordinances that would implement that setback for future development but it would be in the ordinances rather than just simply set forth on the final plat for the subdivision.

- Mayor Rosenberg said that this needs to get in the ordinances as quickly as it can.

- Matt Ence said that Corey Bundy and Bob Nicholson have already worked on a draft and have a proposal. He doesn't think it came to the Planning Commission last night. It will come to the next Planning Commission. He said he hopes it is not an issue with future proposed construction. On the Graff's homes he felt like it was the most prudent thing in the circumstances was to go ahead and let them proceed given some of the questions that were raised.

- Ken Sizemore asked Matt if he knew where that note originated in subdivision plats in the past.

- Matt Ence said he didn't track back to see where it originally started. In speaking with Corey Bundy, there were a number of subdivision plats where it had been included and it's actually typical for the City to include a note on the plat about the setback requirements. Generally speaking, those setback requirements are also reflected in the ordinance. It is clear that this originated with Corey to protect the sidewalks. He said he wants to make clear that he thinks Corey did the right thing initially when he refused to issue the permit. This is not a criticism of how it was handled by Corey. It just came back to him being concerned about the setback and rightfully so.

- Mayor Rosenberg asked Brad Hays to stand up. He introduced Brad Hays, the Parks Director, to the Scouts in attendance at the meeting. He told the Scouts that Brad was the official City Eagle Scout Administrator. He told the Scouts that if they need an Eagle Project that Brad is the person to talk to. He can get them projects in the parks, working with the streets, planting trees, working with baseball fields. There are a lot of projects out there.

6. Executive Session:

Motion to enter into Executive Session to discuss potential litigation involving the City of Santa Clara.

Motion by Tode Hafen.

Seconded by Jerry Amundsen with all members present voting aye.

- Entered Executive Session at 5:52 p.m.
- Reconvened at 6:20 p.m.

8. Calendar of Events

- Feb. 28th Emergency Planning Exercise - 10:00 a.m.
 - Feb. 28th Budget Retreat 12 - 5 p.m.
 - March 1, 2017 City Council Work Meeting
 - March 4, 2017 Princess Pageant at Snow Canyon High School at 7:00 p.m.
 - March 8, 2017 City Council Meeting
 - March 22, 2017 City Council Meeting
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- Mayor Rosenberg talked about being at the Emergency Planning Exercise at 10:00 on Feb. 28 and suggested to the Council and Staff to bring their emergency prepared document. Tode Hafen will be gone.
 - Jerry Amundsen said that he will be gone for the Budget Retreat.
 - Herb Basso will not be there either.
 - Mayor Rosenberg asked Council about March 6-9 if any of those day would work.
 - Council all agreed that March 9th would work.
 - Ed Dickie said they will move both the Emergency Planning Exercise and the Budget Retreat to March 9 at 10:00. There will be lunch served at noon. The retreat will go until 5:00 or 6:00 p.m.
 - Ken Sizemore and Tode Hafen will not be at the Work Meeting on March 1, 2017.
 - Mayor Rosenberg asked Ed Dickie to get a copy of the BLM public notice for the adventure park meeting on March 1 and put it on the City's website.
 - Ed Dickie said that he will talk to Brad Hays and see what they can do as far as advertising the meeting for the residents.

9. Adjournment:

Motion to adjourn by Tode Hafen.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 6:37 p.m.

Chris Shelley – City Recorder

Date Approved: _____