

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, APRIL 12, 2017
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, April 12, 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, Jarett Waite, Mary Jo (Tode) Hafen
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks Director; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Bob Flowers, Police Chief; Alyssa Ferguson; Mr. and Mrs. Ferguson; Ann Evans; Lindsay Nadauld; Holly O’Keefe; Lynnette Miller, Rosenberg Assoc.; Dyle Bond; Cindy Frei; Dennis Garr; Jeremy Call; Monica Bracken

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: Jarett Waite
- Opening Comments: Jarett Waite

3. **Communications and Appearances:**

A. General Citizen Communications:

- Lindsay Nadauld, 540 Country Lane, asked that lines not be painted from Pearl Rose down to the golf course because the lines make it feel like a commercial street. They feel like people speed more when there are lines. It doesn’t feel like a residential street with the lines painted on it.
- Holly O’Keefe said she is hoping it doesn’t feel like such a busy street without the lines. They are concerned about the feel of the neighborhood, the feel of the street and their property values.
- Jack Taylor, Public Works Director, said he is willing to try just having lines on the curve and see if there will be complaints. There had been a lot of complaints because of people speeding. He said the reason they painted the lines is because it makes the road

feel narrower and more confined and it's a proven fact that people will slow down. He asked Jerry Amundsen, who is a traffic expert, for his comments.

- Jerry Amundsen said that was the reason for the stripping in the first place. He said it was to try to keep people in the lanes and to keep their speeds down. He said we can experiment and see. He said a straightaway sometimes makes people think they can open it up but hopefully in this case they wouldn't.

- Herb Basso asked the Officers in attendance if they have seen a slowing down of traffic in that area since the stripping has been there.

- Bob Flowers, Police Chief, said they haven't run the numbers but they can do that. He doesn't know that the speed has diminished that much. He said they have been down there enforcing it regularly. The majority of the people they are stopping live in the neighborhood. He said they can run the traffic survey machine down there and see what the numbers are looking like. He said that he agrees that the lines do have that calming effect. He just can't give the data for that.

- Mayor Rosenberg asked Jack Taylor about the plans for the slurry seal.

- Jack Taylor said the slurry will be done next week so the lines will be covered up then.

- Mayor Rosenberg said that he would still like to see the lines up through the curves on the north end.

- Herb Basso stated that he would like to see the survey because there is a liability issue for the City so there should be some data to back up the decision no matter which way it would go.

- Mayor Rosenberg said to go ahead and do the slurry, do the survey and then report back to Council. He invited Ms. Nadauld and Ms. O'Keefe to come to that meeting and they would be notified as to when that would be.

- Monica Bracken stated that she lives on Country Lane and that she agrees with Ms. Nadauld and Ms. O'Keefe but she has a teenage daughter and her daughter told her that when she saw the lines it made her aware of what she was driving. She said she would like to see a stop sign on the corner of Country Lane and Country Place. They may help slow down people.

- Mayor Rosenberg said that to put a stop sign in it has to meet a traffic warrant. There are a set of rules it has to qualify for before one can go in or accidents increase.

4. Working Agenda:

A. Public Hearing(s): 5:00

1. The purpose of the Public Hearing is to receive public input and to discuss or take action for a request to amend the Storm Water Impact Fee Study.

- Jack Taylor, Public Works Director, stated that there is an area in the west of Santa Clara City on 400 East and Tuscany Cliff Rose that is a 20 acre parcel without any drainage. With the Black Hawk development and the 10 acres owned by the school district and the park area for the upper parking lot on the west side of Gubler Park, we had to do some upsizing in the storm drain system to make that possible. Black Hawk and the school district participated in putting the storm drain in through Gubler Park and heading east up Tuscany to take care of their developments then the City had to upsize pipe to handle the development that is going to come in the future. That was not in our

Impact Fee Study so we had to amend the Impact Fee Study to cover that upsizing of the pipe. In doing so, Staff recommended to Council that we do not increase the impact fee because in 2 ½ years we will be redoing the impact fee study anyway. So we felt like it was best to amend it and not increase the impact fees. It's \$33,563.37. We are recommending that we amend it.

- Mayor Rosenberg stated that we are not raising the fee that is charged for building permits including those improvements inside the study so they're eligible.

5:17 p.m. Public Hearing Opened.

There were no comments.

5:17 p.m. Public Hearing Closed.

B. General Business:

1. Request to amend the Storm Water Impact Fee Study. Presented by Jack Taylor, Public Works Director.

Motion to Approve the Request to amend the Storm Water Impact Fee Study.

Motion by Herb Basso, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

2. Introduce Pageant Royalty (Princess, Elleiana Hibibian; 1st attendant, Morgan Radley; 2nd attendant, Lexie Edwards; 3rd attendant, Alyssa Ferguson & Pageant Advisor, Monica Bracken.).

- Monica Bracken stated that she is the new director over the Santa Clara Princess Pageant. She said the girls will represent the City very well.

- Alyssa Ferguson, 3rd Attendant, her parents are Daloni and Devin and she and her parents have lived in Santa Clara for 6 years and love it.

- Lexie Edwards, 2nd Attendant, her parents are Sam and Micha and she and her parents have lived in Santa Clara for 8 years.

- Morgan Radley, 1st Attendant, her parents are Karen and Robins and she and her parents have lived in Santa Clara for 4 years.

- Elleiana Hibibian, Princess, her mom is Alicia and she and her mom have lived in Santa Clara for 8 years.

- Monica Bracken said that the girls want to do a lot of service. They want to help at Swiss Days.

- Mayor Rosenberg asked them to put May 25 at 7 p.m. on their calendar. That is the dedication of the Veterans Memorial. He said they would love to have the girls there and they may even have an assignment.

- Ken Sizemore also mentioned that the County Fair is focusing on Santa Clara City this year so the girls should be aware of that.

- Mayor Rosenberg congratulated the Royalty and they took a picture with him.

- Tode Hafen also congratulated them and thanked Monica Bracken for taking this on.
- Ed Dickie, City Manager, asked Monica if the girls are going to get a photo done that can be hung at City Hall.
- Monica Bracken said that they are. She asked for a key to the float. Parts of the float may need to be replaced.

9. Consider approval of a Zone Change Request from R-1-10 to Historic/Mixed Use Zone on 0.45 acres located at 2720 Santa Clara Drive and approve Ordinance 2017-06. (Applicant Sam Edwards). Presented by Corey Bundy Building & Zoning Official.

- Corey Bundy said that this is in the Historic District. The purpose of the request is to allow the existing home to be allowed for both commercial and residential purposes. It's on 0.45 acres. There is a site plan review, which includes parking areas. Major changes to the site are required as part of the overall rezone process. The Planning Commission approved the zone change and recommends approval to the City Council with the associated site plan. The Heritage Commission has recommended approval of the design of the proposed detached garage structure to be located at the rear of the existing home. The dwelling units must maintain two off-street parking spaces and the Planning Commission recommends approval of the site plan, which shows the location and number of parking spaces for the proposed commercial use. Parking of the commercial use is located at the rear of the existing home. The entry would be by the side of the tree and parking is to the left. He showed a picture to the Council. The applicant states that the proposed use will be a wellness facility, which could include back adjustments, massage, and related health wellness services. Applicant also stated that the service provider may live in the upstairs area until the business demands more floor area to meet customers needs. The Heritage Commission has reviewed the building elevations for proposed detached structure to be located at the rear of the existing home and recommends approval of the proposed detach garage. The Historic District encourages mixed use including health type services as part of the overall transition to the historic district to include commercial uses. Staff reviewed it. The parking area has a handicap area. The 80 square foot has a level entry. The 143 square foot would be like a therapy room. There is a reception area of about 300 square feet. The main house will stay the same. They will have a small sign, which will have to be approved.
- Mayor Rosenberg asked what the new garage will be used for.
- Corey Bundy said that the new garage will be used by Sam Edwards as part of his restoration business. There will be a small bathroom and storage above it. There will be no storage on the outside of it.
- Mayor Rosenberg asked if there will be any chemical stored in the building as part of the business.
- Corey Bundy said not as far as he knows.
- Sam Edwards, 2720 Santa Clara Drive, talked about the handicap parking. He said there can be more parking put in if they need to. He said there will be a lot of equipment stored in the garage. He said he has two locations. One of the locations is on Sunset Boulevard. This location will be for storing equipment, both personal and business. He said they do a lot of coatings and flooring. He said they have paint. They do store extra paint. It shouldn't create an issue. He talked about fixing the drainage on the property and putting in a concrete wall.

- Ken Sizemore asked about the surface of the parking area.
- Sam Edwards said it will be gravel.
- Ken Sizemore asked if that was allowable under ordinance.
- Corey Bundy said that it is. He said they are going to make sure they maintain that gravel so that it doesn't become a tracking issue on Santa Clara Drive.
- Ken Sizemore asked what kind of licensing the City requires for the massage therapist.
- Corey Bundy said they will have to get a business license. They have to be licensed through the State too.
- Sam Edwards said that there are two ladies that will be doing this. They love the Santa Clara area. Only one lady will be living there. She is a single lady. They do health coaching, natural healing, wellness, massages, chiropractic, and adjustments. The business name is The Healing Home. They are licensed. One of them is getting their license for chiropractic. One of them is a licensed therapist. They are also bringing in a couple of other people. They have a hyperbaric chamber.
- Herb Basso asked to make sure that they work with Staff on business licensing.
- Ken Sizemore asked about the intent in interior improvement.
- Sam Edwards said they put in new flooring and they have painted and new countertops.

Motion to Approve a Zone Change Request from R-1-10 to Historic/Mixed Use Zone on 0.45 acres located at 2720 Santa Clara Drive and approve Ordinance 2017-06.

Motion by Jarett Waite, seconded by Jerry Amundsen.

- Tode Hafen said that she wanted to clear up the fact that this application was submitted before the moratorium was in place.

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

Voting Nay: None

Motion Carried.

3. Introduce New Police Sargent, Nick Hallman and Officer of the Year, Nick Tobler. Presented by Chief Flowers.

- Chief Flowers stated that they are very careful about this and the public hasn't seen much of Sargent Hallman because he disappeared into Washington County Drug Task Force Vortex and he became a creature of the night. He was asked to come off of that assignment and to come help with Ivins Fire. He has expertise with that.
- Sargent Hallman stated that he has been with the Santa Clara Police Department since 2013. He has a wife and 3 children and they have just adopted a son. They live in Santa Clara and he is excited about his new assignment.
- Chief Flowers said Sargent Hallman was the highest performer in the Drug Task Force. He is certified Fire and EMS and a Drug Recognition Expert Instructor and a Dog Handler. He is also well liked by his coworkers. He will be in patrol on graveyard. He asked Officer Tobler and his family to come forward.
- Officer Tobler introduced his wife and family.
- Chief Flowers explained that Officer Tobler is the Officer of the Year and that that all the officers talk about this and vote for and select this person. Officer Tobler is a firearms instructor. Other agencies have come to him to ask for Officer Tobler to teach

their officers and fix issues they might have. He has taken on the traffic survey issues for the City and he moves the speed trailers around. He also takes care of some of the data. He feels that Officer Tobler is truly deserving of this award and he acknowledged his family for their support.

- Mayor Rosenberg thanked him and Chief Flowers and said he appreciated their whole Department and asked them to pass that along to them.

4. Consider reducing the speed limit on Pioneer Parkway. Presented by Chief Flowers.

- Chief Flowers stated that the whole road needs a review. He said the road coming from Ivins is actually 30 mph. Coming out of Santa Clara into St. George, the speed limit is 30 mph. He would like to take the speed limit sign and make it 30 mph coming eastbound into the curve area so it matches up better. They have had some complaints about the speeding in that area. He said they did a survey. In a 3-day period they had approximately 24,693 vehicles. 20,486 or 83% were above 10 mph above speed limit. So there is a speed problem there. 10% of the traffic is 10 mph or more over the speed limit. The idea is to make that speed limit the same on both sides and move it back about 900 feet is his recommendation. He said the City is going to have to look at this whole road eventually. The problem with the road is that there is really no area for recovery.

- Officer Tobler talked about how when there is an accident on this road they are often rollovers or major accidents not usually little fender benders. There is not time to react to those curves.

- Chief Flowers said that because there is a speed problem there they are going to get out and enforce that more.

- Mayor Rosenberg asked if this was the section that was 30 mph and we increased it.

- Jerry Amundsen said that it was. It was based on the neighborhood further west. Jack took a couple of shoots on one of the curves and it had enough super elevation to warrant a 35 mph speed but this entire road doesn't meet clear zone. Clear zone is a safety area that helps in recovery and there isn't a hazard in that zone. If we were to get a Federal grant to do something on this road to improve it, we would have to either increase the clear zone in the area of the lava or put guard rail in there to bring it up to the standards that the Feds would require if we had Federal funding.

- Officer Flowers would like to ask the City Council to consider changing the speed limit from the Santa Clara City sign 900 feet around the curve to 30 mph.

- Dyle Bond, 2255 Jacob Drive, says he supports the idea of reducing the speed on Pioneer Parkway. He said he is concerned about the residential area by Harmons. He said he hardly ever sees the area being patrolled. The traffic going west is always going faster. He talked about the improvements he would like to see. He would like to see a speed sign that lights up that shows the speed you are going. He noticed that the crosswalk has been removed at Jacob and Pioneer Parkway. Children are going across Pioneer Parkway every morning. It is a dangerous situation. He would like to see Pioneer Parkway improved by having bike lanes on it. He said Pioneer Parkway does not have a smooth surface so it is noisy. It is called a Parkway. It should have a center divider with trees and shrubbery. Some of the trees and shrubbery on the side have died. Make it a parkway, slow the traffic down and put in some signs that light up.

- Jack Taylor said that regarding the crossing there, it was put in and painted incorrectly and it didn't have the proper signage. It wasn't on the safe route to school. The children

that are walking the street are supposed to walk down the sidewalk to the traffic signal and cross at the signal. By putting the crossing there, we were giving the children the opportunity to cross there and giving them the feeling they could cross and not worry about the traffic and that's where there could be problems because there isn't a traffic guard attending to that crosswalk. The school district and police department have a crossing guard at the signal for the children to come down each side of that. That's why that was removed. He stated that he doesn't have a problem changing the speed limit back to 30 mph on Pioneer Parkway.

- Mayor Rosenberg said that there could probably be an agenda item in the future of having Jack's crew get with public safety and talk about reducing the speed for the whole thing and bringing the data forward on that and making the public aware of that and getting comments.

- Jarett Waite said that he won't hear the end of it if it goes to 30 mph.

Motion to Approve the request to reduce the speed limit on the easterly 600 to 900 feet on Pioneer Parkway as proposed.

Motion by Ken Sizemore, seconded by Tode Hafen.

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

Voting Nay: Jarett Waite.

Motion Carried.

- Mayor Rosenberg instructed Staff to discuss this between Public Works and Public Safety and bring back for a future agenda an item to discuss the possible changes to the speed limit or improvements to Pioneer Parkway and put that on an agenda so we can notify property owners that want to come and participate in that discussion.

- Ken Sizemore asked about putting in guardrails.

- Jerry Amundsen said putting in guardrails is expensive and they have to be replaced a lot.

- Jack Taylor said they can look at some of the areas that are quite dangerous. Maybe some fill could be put in and some areas could be made a little bit wider.

- Mayor Rosenberg said to look at it all the way to the Ivins boundary. If there are some calming measures we can do on the area near the subdivision lets talk about that and look at the costs.

- Ken Sizemore said that the parkway feel is an important improvement.

- Mayor Rosenberg said that he agrees that if we are going to truly achieve that pedestrian friendly commercial corridor at the corner we have to slow the traffic down as they approach there.

- Jack Taylor said that he would like to see a center median in there with some bigger trees. That would be nice to put them there.

- Mayor Rosenberg instructed Staff to look at it and talk about it.

5. Request to Approve New Sewer Agreement with Ivins City. Presented by Jack Taylor, Public Works Director.

- Jack Taylor stated that in 1990 Ivins City was looking at what they were going to do about some sewer issues they had and they were thinking they would have to build a facility or put in an outflow line. At that time Santa Clara City and Ivins City got

together and formed an agreement that they would participate according to their shares and the growth that they had. They determined the cost for each city and that agreement was signed. Since then the agreement has become outdated. As we have looked at our Capital Facilities Plan it has become apparent to us that we needed to update this agreement. This was discussed with Council at the Work Meeting. Ivins City has discussed it with their Council at their Work Meeting. Matt Ence, our City Attorney has reviewed this and he believes the new agreement that has been put together between Santa Clara City and Ivins City is correct and it does match out Impact Facilities Study and so the percentages in there are correct. He stated that he would recommend to the City Council that they would approve the new Sewer Agreement. He explained that there are two sewer lines that come into Santa Clara from Ivins. One is in the Lava Cove Wash and one comes down through the Tuacahn Wash. As it gets down to Red Mountain down below Harmons, it ties into a big trunk line, runs down Tuacahn Wash from there down behind the high school and ties into the regional line. The agreement makes sure our percentages are correct on what we pay for and as it comes apparent on when we need to upsize these lines, that each city will pay their proportion of share percentage in this agreement to upgrade those lines.

Motion to Approve the New Sewer Agreement with Ivins City.

Motion by Tode Hafen, seconded by Ken Sizemore.

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

Voting Nay: None

Motion Carried.

6. Request Approval of Ordinance 2017-08 to amend the Parks & Trails Regulations in Chapter 12.20 of the Santa Clara City Code Book. Presented by Brad Hays, Parks and Trails Director.

- Brad Hays said that there has been several resident complaints about animals in the park and complaints about sunflower seeds. Also some of the items in the ordinance really don't apply to our City. He said that several years ago they changed their name to Parks and Trails instead of Parks so anywhere there is "parks" he added "trails". All the changes to the document are in blue. He stated that they have had complaints about people not cleaning up after their dogs, letting their dogs run loose, ball players stepping in the dog feces. The Ordinance will add the wording, "Pet owners are responsible for cleaning up after their animals" and also "dogs are not allowed on the sports field unless they are a service dog or as authorized by the City". For example sometimes we have sporting events that are flyball tournaments and those are dog events and we want to be able to allow that. We also have things like Arbor Day and we want to allow people with service dogs to be able to take their dog on the field. What we don't want to allow is the ball field to become dog parks. This hasn't gone through Matt Ence, the City Attorney. He thought he would bring it to Council and get their comments and corrections.

- Herb Basso agrees with what Brad is trying to do concerning not having dogs on the playing field. He asked a question about the service dog being allowed.

- Brad Hays explained about the persons need for the service dog.

- Herb Basso said that he is talking about inside the ball playing area. He said he would like it to say "no dog unless approved by the City or for City events or City approved

events”.

- Mayor Rosenberg stated that dogs are not allowed on any sports field unless the dog is a registered service animal or is authorized in writing by the City.

- Herb Basso said all he is saying is if he is a registered service animal what is he doing on a sports field.

- Brad Hays said they have a lot of soccer events where only part of the field is used and the spectators goes onto the other parts of the sports field and we wouldn't want to deny someone that requires a service dog from attending that event.

- Matt Ence, City Attorney, stated that a point that ought to be made, too, is that language could be taken out but even with the prohibition we would be preempted and that kind of accommodation would be required anyway. He said he likes what Brad has done here. He said pulling the language out wouldn't change the reality that the accommodation needs to be made.

- Herb Basso said that if there becomes a problem then the Council can address it.

- Tode Hafen asked if people can be notified that the sunflower seeds will now be illegal to eat in the parks. Can the grounds people let them know.

- Brad Hays said that it depends on who the crew is. Some of them have a hard time letting the people know. But then they have to clean it up.

- Jarett Waite asked about leashes being longer than 6 feet on a trail.

- Brad Hays said that the ordinance for a 6-foot leash has always been an ordinance for as long as he's known. He said they added "trails" because they wanted to make sure that people understood that a trail is a park or it falls within the ordinance. He said that it is up to Council. If they want it to say longer leashes maybe 8-feet.

- Mayor Rosenberg said to maybe take the length out and just leave it on a leash and under the control of a person.

- Jarett Waite said that would work for him. He said that if Brad wanted to keep it at 6-feet for the park that would be fine too. But on a trail there should be a little more latitude.

- Herb Basso said that the key word is on a leash and under control.

- Matt Ence said that sounds okay as long as the Council is okay with that.

- Brad Hays said that on Paragraph L, he took out some of the lifeguard requirements by the City. The only facility we have in the City currently is the splash pad. Paragraph W, he took out golf courses and added the hulled seeds. He said if the Council doesn't want to put it in there that's fine. They have been trying to work with enforcement. They are trying to get the ball clubs to participate. It has gotten better but they would still like something to have something to stand behind.

- Herb Basso asked about the size of a blade and asked about people being able to bring a knife to cut a watermelon.

- Brad Hays also asked about a concealed weapon.

- Mayor Rosenberg asked if we could limit the possession a firearm on a City park.

- Herb Basso said to follow the State law and take it out.

- Brad Hays said that this is going to the City Attorney after it has been discussed today. He asked about he paragraph on the hulled seeds. Do we want to restrict them.

- Mayor Rosenberg asked if this is going to apply to the trail in the South Hills.

- Brad Hays said that it's a City park so yes.

- Mayor Rosenberg asked if more definition needed to be added to it. This has been written with the intent of the improved parks within the City and not necessarily the

unimproved trails within the South Hills. He told Brad that he may need to note that in the ordinance.

- Ken Sizemore asked if Matt Ence could do this review before the next City Council meeting.

- Matt Ence said he could.

Motion to Table Ordinance 2017-08 to amend the Parks & Trails Regulations in Chapter 12.20 of the Santa Clara City Code Book to allow legal counsel review and to incorporate suggestions from the City Council and have the revised ordinance by the next City Council Meeting.

Motion by Ken Sizemore, seconded by Herb Basso

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

Voting Nay: None

Motion Carried.

7. Request approval of Bella Sol Ph. 6 Final Plat for a 17 lot Subdivision located on the east side of Rachel Drive and north of North Town Road. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy said that this project is a final plat for a 17 lot single family subdivision in an R-1-10 RA zone. The zone allows for mixed lot sizes. The average size lot being 10,000 square feet. The applicant is Robert Smith. The project engineer is Lynette Miller with Rosenberg Associates. This phase is 5.34 acres. The plat shows the approved preliminary plat. The plat follows the approved preliminary plat. All streets in the subdivision are public streets. There is a privacy wall along Rachel Drive. The five lots that back against Rachel Drive will have their access on the interior street, Kinsey Way. The main issue of the phase deals with the location of the privacy wall along Rachel Drive and the need for a privacy wall along the boundary with the future Hamblin Parkway and the future phase 7. When the road is built, the homes backing against Hamblin Parkway will need a privacy wall for both safety and privacy. This phase 6 has two lots, which will border on Hamblin Parkway. Should the developer be responsible for installing the wall now or is it acceptable to require each lot owner to install the wall in the future when the road is constructed subject to, resolution to and two issues noted above Staff recommend approval of the final plat. The Planning Commission approved the final plat with the condition that a note be added to the plat stating that it is the lot owner's responsibility to install the six-foot tall privacy wall along the lot boundary with Hamblin Parkway. It is in the CC&R's that they have to maintain a certain color. The lot owners are responsible for putting in the rear lot walls. It will be part of the building permit.

- Mayor Rosenberg said he would treat it as part of a roadway. He said that if we don't have the wall built in there the people will do what they do everywhere else and encroaching into the right of way with landscaping and other improvements. It should be put in as part of the subdivision. The same way as it is required along Rachel Drive. It is an existing road.

- Corey Bundy asked Matt Ence if the City could put a note on the plat requiring the homeowner to put in a block wall.

- Matt Ence said that you can but it should also be stated tonight as a condition in the

minutes.

- Mayor Rosenberg said that if the wall isn't put in at the same time, the wall is going to look different. It will be multicolored, multiblocked. He has some concern with that. That road is a major roadway in the near future.

- Tode Hafen said that this is a money item. If they have to put it in anyway. If the developer has to put it in they will put the cost over.

- Ed Dickie said that was TRC's recommendation, to put the wall in. The developer puts the wall in.

- Corey Bundy said they did hear from the developer at Planning Commission and he was adamant that he didn't want to put the wall in. It wasn't in budget. He said that was a good point that was in the minutes and that went through and the Hamblin Parkway on that Development would require the block wall go in.

- Ken Sizemore said that five other phases have been approved and asked for a feel on how we have dealt with the double frontage. He said there is the privacy wall so people can't back into Rachel. Is there a provision on the plat that specifically states that there is no access to Rachel? How is that accomplished?

- Corey Bundy stated that it is actually in the CC& R's that they can't access off of Rachel.

- Mayor Rosenberg said they would have to come back and get a road access permit for all of those lots. They are not designed that way. They would have to come back and get specific approval from the City or they would be trespassing or whatever that other violation would be to do that. And that is why you want to be consistent on Hamblin Parkway. That is also double frontage law.

- Jack Taylor said that one of the other issues on the wall might be that the road is lower than the lots so some of that wall would be retaining which is a little more expensive. He feels like the Council, the wall needs to be put in by the developer. It needs to be put in correctly. Not by a hodge podge of different contractors.

- Lynette Miller, Rosenberg Associates, stated that Robert Smith the Developer has a architectural control committee that approves the wall and they are required to put in the walls. It's in our CC&R's. They have to put in walls on all sides of their properties. They have to be the same type of colors. But they are not going to say you have to go to SunRock or you have to go to certain places and get this certain block but they are in control of the coloring so that everything is matching. She said that Robert Smith is adamant about the fact the walls look good and match and go through this approval of this architectural control committee and they are in the CC&R's and they did add a note to the final plat, "Rear walls and side walls shall be required on lots. It shall be the responsibility of the purchases of the lot to install wall subject to architectural control committee, which is ACC approval. Refer to the requirements concerning wall and shared walls within subdivision article 1IX Section 9.3 of the Declaration of Covenants Conditions and Restrictions and Reservation Easements for Bella Sol at Santa Clara." So it is required and they do have control. She said she wants to bring up the fact that this zoning, like on the website, they are putting short-term rentals, this would be a whole different thing for the wall. This is a residential lot subdivision. She said her client was very adamant that they are going to control the colors. They want it matching. They don't want it hodge podge.

- Mayor Rosenberg asked why the developer won't put the walls in.

- Lynette Miller said that he doesn't want to pay for it. It has been a requirement all

along in the CC&R's that they have to put in a wall except for the Rachel Drive one which they put the meandering wall and there's already some kind of an agreement with Brad on how close they are coming to the right of way and the City is maintaining the landscape from the walls to the sidewalk in that landscape area. Her client is very adamant that they will control the look of the walls and that they will be similar brick walls and colors but they won't say that you have to get it from SunRock. They have been successful so far at making the walls match. He has said he has not had any problems with people, the owners, knowing that they need to put in a wall and that they need to go through the architectural control committee on what they are constructing. It has not been a problem. He was adamant that it would not be a problem in the future because they have this architectural control committee.

- Jack Taylor stated that if it takes a year or a year and a half before all those lots build out, those colors on those blocks will change. Unless he is willing to go out and buy all the block and stack it in his development somewhere, the block wall is not going to be the same color.

- Lynette Miller said that on Phase 3 it doesn't look that way and they have done that. She said she is having a hard time agreeing with that because she feels like they have been successful so far. Why can't they continue. They will continue this down to the east to Phase 7. It can't be the exact same product or maybe it can. These guys do have control over that and they were adamant that it does look the same color. They don't want it to look different.

- Herb Basso said that concrete and block and rock do change colors. They all do change into similar color over time. They all fade. They all eventually blend in to a similar aged look.

- Tode Hafen asked if these lots are sold.

- Lynette Miller said no because the final plat is still going through.

- Jerry Amundsen asked wouldn't the developer pass the cost of the wall along to the purchaser of the lot as a builder wouldn't he pass it along to the owner anyway.

- Tode Hafen said that is exactly what she was asking. The dollar figure is the same.

- Lynette Miller said that except for the purchaser is paying for the walls all of them, on all sides. They're required on all sides to put the wall in.

- Tode Hafen said that regardless if they pay for this lot they know they are getting more value.

- Lynette Miller said that in their CC&R's they know they have to have the walls and they know they have to go through the architectural control committee.

- Mayor Rosenberg said that the City doesn't enforce the CC&R.

- Lynette Miller said that they are putting it on the plat. That is why we added a note to the plat.

- Mayor Rosenberg said that we put notes on plat all the time and they don't necessarily mean that it gets done.

- Lynette Miller said that the developer did say that the owners do have to put in the wall before they can have a building permit.

- Jack Taylor said that one of the issues is that these lots have been built up. The road is going down. There are some real serious issues with retainment and the lots. He said that we have run into some problems on the back side of Paradise and we need to make sure that it is done right.

- Lynette Miller said that it depends on where you are at. She said she knows where Jack

is talking about. Like Phase 4. Along Rachel Drive.

- Jack Taylor said that what happens is when an owner buys that lot, he doesn't understand that he has to put in a great big six-foot footing or a four-foot footing, a foot and a half thick of concrete and he has to start out with 8-inch of block and go to 6 and it's a major cost. As these homeowners come in they want to do it the cheapest way that they possibly can and then we end up with problems.

- Mayor Rosenberg said that in his mind, that wall, because of the double fronting lot is a component of the development and not a component of the home. That's why it's got to be done as part of the development. If he wanted to bond for it, he could bond for the cost of that and then retire that bond as he sells the lots. So he could save the cash that way but there would be a bond in there to protect the City. Those two lots are double fronting lots and where double fronting lots have occurred on new subdivisions, there has been a requirement for the wall to limit the access. Council gets to decide but that's how the Mayor stands.

- Herb Basso stated that was a good point. That is the look we want. That is the way we can get it assured by the developer because it is a development feature.

- Mayor Rosenberg stated that the development is causing the need for the wall. Not the home. He could bond that like any other improvement. He could bond it 90 feet at a time but it's on his burden that that wall be done. We have a guarantee that that wall is going to happen so in a year or so if that wall's not there, we'll pull the bond and make it go in. We're not saying any of the internal walls have to be in. We are talking about that perimeter wall that acts as the restriction to the double fronted lot condition.

Motion to Approve the Final Plat of Bella Sol Ph. 6 for a 17 lot Subdivision located on the east side of Rachel Drive and north of North Town Road with the condition that the perimeter wall along lots #611-612 and the wall along Rachel Drive be installed by the developer.

Motion by Ken Sizemore, seconded by Tode Hafen.

- Lynette Miller said that the wall along Rachel might not be the same wall. She said it's not going to be the same wall along Rachel. She wanted to make sure.

- Mayor Rosenberg said it will be a 6-foot standard wall required for lots 611 and 612.

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

Voting Nay: None

Motion Carried.

8. Request approval for Black Hawk Townhomes, Ph. 2 located on Tuscany Dr. and just west of Gubler Park. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy said that the final plat for the Black Hawk Townhomes and the zone is PD residential. The General Plan is Mixed Use Residential. The Applicant is Garr and Lyle LLC and the engineer for the project is Rosenberg and Associates, Alan Hall. This phase has 2.3 acres with 23 proposed dwelling units, 5 4-plexes and 1 3-plex. The project location is north of Tuscany Drive and south of Paradise Village west of Gubler Park and east of Tuscany at Cliff Rose subdivision. The total number of units in this project is 87. The request for the request for the final plat for Black Hawk Townhomes Phase 2 with 23 two-story townhome units on 2.39 acres of proposed project amenities include a pool that

is in phase 1. The project will have 2 car-attached garages, public streets, 3 bedrooms and 2.5 bathrooms, a total of 17, 035 square feet of living space. Some units will front on Tuscany Drive with landscaped front yards and driveways. Access to the project is proposed public streets within the project with two accesses on Tuscany Drive. Access to and from the project will be by 400 East Street and Patricia Drive, which will be connected to Tuscany Drive as part of the project. The applicant has been approved for a bonus density of 8.8 dwelling units per acre over the entire project, which may be higher over the particular phases of the development. Staff comments are the final plat of phase 2 is consistent with the preliminary plat approved by the Planning Commission and City Council. Staff recommends approval of Phase 2. Planning Commission recommend approval of this phase also. This is an ongoing thing so next Council meeting you are going to see phase 3 and 4.

- Ken Sizemore asked when it is triggered to put in the amenities. Is there anything in the preliminary approval?

- Corey Bundy said they are in the process of putting in the amenities now. They are digging now. The permits have been issued for the pool and clubhouse.

- Ed Dickie said they want to have it ready when the people start moving in.

- Corey Bundy said they have already sold 12 units and have reservations on a lot more. They have 2 construction crews. They are the reason we are going up towards 150 permits.

- Jerry Amundsen asked about the entire perimeter road being constructed with the second phase based on the plat.

- Mayor Rosenberg said that the road has already been built.

- Jarett Waite asked if there are exterior walls around this development.

- Corey Bundy said they will put a wall between the units and Gubler Park.

- Mayor Rosenberg said that there are already walls on the west property line and on the north property line. And they will build one on the trail.

- Ed Dickie asked the developer to remind their subs and contractors that Patricia Road is a 25 mph residential street. He said there has been some complaints that people have been going pretty fast on there. He said he has talked to the police chief and they are going to watch it a little more. He told the developer to let his people know that it will be patrolled more.

Motion to Approve Black Hawk Townhomes, Ph. 2 located on Tuscany Dr. and just west of Gubler Park.

Motion by Herb Basso, seconded by Jerry Amundsen.

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

Voting Nay: None

Motion Carried.

10. Request to approve the site plan for Harmons retail space pads A & B. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that Harmons is located in a commercial PD zone and these two pads A & B comprised 1.6 acres for both of them. They are on the northeast corner of Rachel Drive and Pioneer Parkway in front of the Harmons Store. There are actually 4 pads: A, B, C & D. C & D will have to come back at another time when they have a site

plan and a project. Pad A is located along Rachel Drive between the two existing entrances into the Harmons parking lot. Pad A is .76 acres with a proposed 7,800 square foot building floor area and approximately 9,000 square feet of landscaping which would be about 27% of that pad area. There are 16 parking spaces associated with Pad A but the entire Harmons center has a parking arrangement. Pad B is on the corner of Rachel Drive and Pioneer Parkway and is the proposed Café Rio restaurant. The site is .92 acres with a 7,800 square foot building floor area, 10,000 square feet of landscaping, 42 parking stalls associated with Pad B but again share parking with the entire Harmons Center. He said the Planning Commission spent a lot of time with this last night. He showed the rendering to the City Council. He said that this has been a project evolving from something that was set back to turn the back on the street and front in the parking lot and the City wanted to move this project up to the public street and we asked Harmons to have two fronts. They have done a good job. They discussed the renderings. The city has asked for at least a 10 foot wide sidewalk to make it a really walk friendly environment. Harmons has said they feel they have done their share already and weren't inclined to add more with the sidewalk but the City is prepared to do that. Last night the Planning Commission recommended approval of Pad A and B subject to 7-foot easement beyond the sidewalks to allow the City to widen those sidewalks and also have a little space for any utility lines. There are planter boxes right behind the curb within the sidewalk and those are about 5 feet by 10 feet. These have potential to be a great development for Santa Clara. Mountain America Credit Union has submitted plans and they are building on the northeast corner of Pioneer and Rachel. They moved theirs up to the front and they have more of a storefront appearance. They have actually agreed to put in a 10-foot sidewalk and landscaping. They are doing some nice things. The same engineering firm is doing both sides. There are two more commercial corners to the south that would be asked to do the same thing. It could be a fabulous commercial center and very pedestrian friendly.

- Ed Dickie said the Mountain America Credit Union's renderings showed the 5' by 10' planter boxes in their landscaping and that same look will carry on across the street. It is similar to what we have on Santa Clara Drive. Harmons was surprised that they had to come back to TRC with these pads. It wasn't going to be anything what we wanted. We reminded them that when they got their approval that part of that approval was that they had to meet some requirements that the City put on them and that we wanted to see the elevations and that we wanted them to see that we wanted to provide some walkability. They were okay with that. They went back and read the minutes and saw that was the case. We got them to put some windows on the back so it looks a lot better. There will be big patios and vines and shading and outside seating. He talked about the design of the building. He mentioned the power lines on the corner.

- Mayor Rosenberg asked Jack about the power lines above the landscaping strip.

- Jack Taylor said that would be the issue with putting a big tree there is there is transmission and distribution underneath so the highest a tree could be is 15 feet. He suggests putting a median on Pioneer with bigger trees so it wouldn't go into the power lines. Then we would have to look at traffic studies though.

- Jarett Waite asked about a door going out to the patio for Café Rio.

- Ed Dickie said there is a door going out to the patio. The main entrance is the parking lot side.

- Mayor Rosenberg said that patio door is not on their site plan.

- Ed Dickie said that he will remind them of that door. We'll ask them about these back steel doors too. It would be nice if they were glass instead of the regular steel doors.
- Ken Sizemore asked about the procedure for the City installing the sidewalk that was talked about. Is Harmons contributing for that?
- Mayor Rosenberg said that they put in the curb and gutter and the 5-foot walk that is there now and they helped pay for the street signal.
- Ed Dickie said that we are just adding to the 5 feet on their corner but on the other corners we are going to require the developers to put in the extra 5 feet of sidewalk.
- Mayor Rosenberg said that on these two pads the City would come back, since the sidewalk is already in, to do the planter boxes, like we are planning on doing across the street, because they are behind the curb. They have agreed to provide the right of way.
- Ken Sizemore asked what the City's intent was for the additional improvement going in timing wise.
- Ed Dickie said that the Mayor feels we should piggy-back this and do it at the same time so we can get the irrigation and different things done so Brad and Jack need to figure out how we are going to do it.
- Mayor Rosenberg said he would like to see it happen day 1.
- Ed Dickie said there will be a little cost for the City on that side. The other side, Mountain America Credit Union's designer who is the designer for both sides will put the boxes in and widen the sidewalks and do the irrigation. Mountain America wants to maintain their boxes.
- Ken Sizemore said he doesn't think we are going to be able to have on-street parking long term. With volumes of traffic continuing to increase that may be a casualty for a future Council.
- Mayor Rosenberg said it may facilitate the northwest corridor to get built.
- Ed Dickie said he feels that once the northern part of the Hamblin Parkway is done that the northern corridor is closer than we think.
- Jeremy Call, 3744 Rachel Drive, gave the Council a form that goes over 15 points of walkability. He said the problem with the Harmons development is they may have done two or three of those items but not all 15 and so it doesn't do us much good. It's pretty much useless. It is an improvement but it's not going to do us much good. You are not going to see people walking those stores. You won't see people parking on the streets because you can't access the building from the street.
- Ed Dickie reminded him about the design of the buildings and the doors are right on the corner.
- Jeremy Call said it's not going to work. He said that Pads C & D are worse. He said that this is part of an old pasture PD zone that's included in their documents. He said he looked through the documents and he could not find any documents that amended the PD zone. He read from the Zoning Ordinance under Planned Development Standard and Requirements Section 1768100, "All planned developments in addition to meeting the intent of this chapter as detailed in section 1768100 shall meet the following standards:" and number 5 under that sections says "development agreements need to utilize with planned development projects development agreements referred to a binding contract between the City and the Planned development community applicant wherein the detailed terms and conditions..."
- Matt Ence stopped Jeremy Call and asked him if he had a copy of a development agreement.

- Jeremy Call said he did.
- Matt Ence said he would like a copy of that. He asked him if it was recorded.
- Jeremy Call said that was a good question. He doesn't know. He continued on. He said that any project plan or any development agreement approved and adopted by the City Council pursuant to this Chapter is intended to be utilized as a master plan in relation to the zoning regulation and development of properties designated therein. The design guidelines and standards approved and adopted by the City Council pursuant to adoption of the PD project plan and or development agreement shall control and regulate the development and construction within the project. He said the question is did Harmons comply with these documents and do they need to. He said he didn't find any documents that say they don't have to. He said what you'll find in these documents is everything you'll find in the 15 points of walkability. It's very specific. The question that needs to be resolved is whether they need to comply with these documents and if they don't have to comply with these documents then they've done above and beyond what they need to do.
- Jarett Waite said he was at Planning Commission last night and this was discussed and one of the Planning Commissioners said that the requirements were more of suggestions.
- Jeremy Call said that if you want to read the development Master Plan so in that regard it's no less restrictive then the City's General Plan or Zoning Ordinance. But you still follow them. In a zoning agreement it tells what can be changed without coming back for a public hearing. He believes they're more than guidelines. He believes a development agreement makes it much more restrictive then just a guideline.
- Ken Sizemore asked Jeremy Call about his connection to the development.
- Jeremy Call said his connection is that he lives right around the corner from this development.
- Ken Sizemore said so he is making his comments as an interested citizen.
- Jeremy Call said that is correct. He is a concerned citizen.
- Ed Dickie said that for the record, he agrees. He said that in their mind they are doing everything they can to try to make that appearance. What Jeremy is saying is what we would love to make them do ideally but where they will come back and fight this is they are appealing us and accommodating us and they are okay doing the changes they have done and they may still tweak a few things. He has still been fighting them hard on the boxes and sidewalks. But they have 3 or 4 tenants and a few more signed up and they have timelines and things where they have agreements with them and they have put a lot of money into things. They know what we want.
- Mayor Rosenberg asked about the letter that was on his desk from Harmons. Where did the letter come from and where's the document that they approved on May 20, 2008.
- Ed Dickie said that Chris found the letter.
- Matt Ence said they went back and found the minutes for that.
- Mayor Rosenberg said that the development agreement was dated in 2006. The amendment to the zone change was dated in September 2007. Is there a different document that this was approved in May of 2008?
- Matt Ence said that approval in May of 2008 as far as he is aware is based on that.
- Mayor Rosenberg asked if this is the document that was approved that this letter is referencing.
- Matt Ence said that the approval in May 2008 is the approval of their site plan.
- Mayor Rosenberg said that this doesn't have a site plan in it so there was another site

plan after this that was approved. Do we have that?

- Matt Ence said no. The one thing he hasn't been able to get to today and everyone has worked hard today to try and track it down but the one thing he hasn't been able to identify is what happened between the adoption of the Knoll pasture original master plan and that 2008 approval which adopted the commercial PD zone on that site because by 2008 the commercial PD zone was approved and in place but it's not in the original Master Plan. That's the one piece of the history that he doesn't have a good picture of yet.

- Mayor Rosenberg said that might be the key. If they came back in May of 2008 after Harmons was involved because when this was done they were in negotiations with Harmons. He said he remembers them coming back with an amendment to allow that large box store to come into their plan out on this site so that they could pursue getting Harmons to come. It doesn't have a site plan in it. What Jeremy is bringing up is the differences between that site plan and the plan here today. That document in the middle could put it all to bed.

- Matt Ence said that it could. He said that our PD Ordinance actually anticipates this kind of a phased approval process. He said they were able to get that Master Plan adopted without a specific site plan because our ordinance allows the site plans to come in later to get approval at the Staff level and then a Planning Commission level review. The Planning Commission approved this site plan last night. Our Ordinance doesn't require the City Council to approve a site plan. It's approved. At some point between that Master Plan approval and that 2008 Site Plan approval there was something that was changed and we haven't been able to pinpoint it yet going back through the years.

- Ken Sizemore said if that is the case, what action is the Council supposed to be taking tonight. Why is this on the agenda?

- Matt Ence said to be totally frank, he doesn't think the Council needs to take any action. He thinks it's already been approved by the Planning Commission. He said if there are concerns about what Jeremy has brought up and we haven't gotten all the information if the Council wants to take action directing how to go forward on that that is fine. Council can also vote to approve the action that was taken by the Planning Commission. It's not necessarily required under the ordinance.

- Ed Dickie said that he put it on because he wanted it on and he thought it was important enough for Council to see.

- Mayor Rosenberg stated that Corey just handed him a document approved by Planning Commission dated May 7, 2008. It doesn't show the corner building. Building A, what Planning Commission approved in 2008 is very similar to what they initially presented and they made improvements to now. So it's not necessarily following that to the letter, it's following more closer. He said he is feeling more comfortable with Planning Commission making that approval then.

- Matt Ence said that the issue Jeremy has raised is that in that process of iterations; he's claiming that we have gotten too far away from the original Master Plan. He said he can't say if that is true or not because he hasn't seen the development agreement yet. He said if the Council wants a thorough review of this, he needs to see the development agreement and he needs to see how much of the Master Plan is set in stone. He doesn't think Jeremy is misrepresenting anything here. It's not that a Master Plan can't be changed but to what extent can it be fine-tuned.

- Mayor Rosenberg said that based on what Harmons has done and the improvement they

have made to the plan, he thinks they are closer to the intent. They have moved a long way from what they were. If you look at the 2008 site plan you will see that.

- Jerry Amundsen said the site plan was approved in 2008 but would it still be in effect.

- Mayor Rosenberg said that the zoning would still be in effect. He said they amended their zoning and brought Harmons in to the zone. But it's still that overall document and as parcels outside of Harmons have developed they have amended that zone to reflect what they are doing.

- Bob Nicholson said that blue area on the zoning map says PD Residential and they have asked Bradi to put a note on it to say "See the Knolls Pasture Plan" because that is in effect so people can amend it or build it the way it was originally approved.

- Matt Ence said that as he was looking through this development agreement he is seeing a lot of language about flexibility. He read a couple of examples. He said you are talking about getting into some pretty subjective things. He doesn't think we are far off base based on what he sees.

- Mayor Rosenberg said he doesn't either. He said the minutes from the Planning Commission on May 20 and it has some specific conditions that were put on it and they were all met. 1: Approval by Staff of a utility plan, grading plan, traffic study and drainage plan. That has been done. 2: Submittal of a revised site plan that would provide access to the far northwest corner off Rachel Drive. That's happened. 3: Provide East-West access to the east side should phase 2 be developed. Additional accesses would be needed. We provided for that. 4: Showing shared access across accessing with the Allred property on the southeast corner. Building B was owned by Allreds. 5: Amended lighting plan along pedestrian walkway showing pedestrian friendly lights. That is coming. They are downward directed lights. 6: Amendment to the landscape plan showing trees along pedestrian area and appropriate areas in the parking lot to break up the visuals, provide shade and give a more comfortable look. That has happened. 7: Showing stripping on the northeast corner to control traffic in that area. That can happen easily.

- Matt Ence said that if you look at the 2015 minutes they brought it back in as a subdivision and they approved final plat. It was noted in those minutes that they met all those requirements.

- Ed Dickie said that there was a driveway going in between pad d and pad c. They took it out.

- Corey Bundy said that the original site plan the Planning Commission approved in 2008 did show the driveway in there and they were asked to remove it and they did.

- Ken Sizemore asked if the vote at Planning Commission was unanimous.

- Bob Nicholson said that it was 4 to 1.

- Mayor Rosenberg said it was approved last night and he feels a lot better after seeing that May 20 site plan.

- Ken Sizemore asked what action that Council should take tonight.

- Mayor Rosenberg said the Council could ratify it.

- Ed Dickie asked if there is anything Council would want them to consider.

- Mayor Rosenberg said we have acknowledged it, we have heard it and no one has given direction to Staff.

- Matt Ence said if Council wants to take any action he would recommend ratification.

- Jack Taylor wanted to know if the City could ask Harmons to run the electrical and water lines to those boxes while they are doing their construction even though it would be

maintained and taken care of by the city.

- Mayor Rosenberg said he will rephrase that. He asked Council if they want to direct Staff to get the plans in place to widen the sidewalk and put in the planter boxes right now as part of the construction of this project.

- Jack Taylor said he was wondering if they can stub those things in so that they are there.

- Mayor Rosenberg said that we aren't going to want them to do everything unless Jack is going to be right there to put in his stuff or he is going to have to tear stuff up. He said you want to be in there concurrently. The direction is to find the money to do it at the same time that they are doing it and then take care of that.

- Jack Taylor said that there needs to be a Work Meeting with Council to look at our traffic study to see if we want pop outs in the road on Pioneer Parkway. Could we ask Harmons where there putting their buildings in at their cost to just put the water line in and the power lines in those area and see if they will.

- Mayor Rosenberg said we will give direction to Staff to go find money to put in the wider sidewalks and planter boxes.

- Matt Ence said he thinks it's better if Council doesn't make a motion because if there's a challenge to the Planning Commission action, this is the appeal body and he'd rather leave it to be considered then.

- Ed Dickie said he would like to see on street parking wherever we can. We have to look at traffic.

- Mayor Rosenberg said there has to be a study.

- Ken Sizemore had a question on signage. Did any of that get addressed by Planning Commission?

- Bob Nicholson said they haven't proposed for signage yet. If there was any free standing it has to be monument only. The sign ordinance allows for something low. It never came up.

- Corey Bundy said they are going to request monument signs as much as they can.

- Ken Sizemore said knowing the businesses coming in he is concerned about their signs and the control we might have on them.

- Corey Bundy said that the sign ordinance could drive that.

- Matt Ence said that there is a requirement in the development agreement that there be a comprehensive sign plan for the project.

- Ed Dickie told Corey to let them know that because they want to get going as soon as possible.

- Jarett Waite asked about the limit of lighting of their logos.

- Bob Nicholson said most of that is covered in the sign ordinance.

- Mayor Rosenberg said that they have to put together what the development agreement says regarding a sign plan.

11. Consider a proposed Zoning Code Amendment to Section 17.66.040 "General Requirements", Dealing with the front setback in the Commercial Zone to allow the PC discretion to reduce the Front setback to encourage a more walkable commercial environment and approve Ordinance 2017-05. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that Items 11 and 12 are Amendments to the Zoning Code but this #11 is an Amendment to the Commercial Zone. Right now the Commercial Zone set

back requirement is 25 feet front property line and also the side facing the street and as we discussed we asked that those buildings be moved closer to get a more pedestrian oriented feel so we need to amend the code to allow some discretion to do that to modify the front setback. Under the table in that section it says “front setback 25 feet, see note below, side facing street 25 feet, see also #5 below.” #5 says “The Planning Commission may reduce the front and side facing street setback in order to promote a more walkable urban type environment. The reduced front setback area may be used for a combination of walkways landscaping and outdoor seating but not parking.” Planning Commission held a Public Hearing and they recommend approval of that.

Motion to Approve a proposed Zoning Code Amendment to Section 17.66.040 “General Requirements”, Dealing with the front setback in the Commercial Zone to allow the PC discretion to reduce the Front setback to encourage a more walkable commercial environment and approve Ordinance 2017-05.

Motion by Herb Basso, seconded by Tode Hafen.

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

Voting Nay: None

Motion Carried.

12. Consider a proposed code amendment dealing with the front setback to a garage to require a minimum 20’ driveway length from the public sidewalk to the garage to provide for sidewalks unobstructed by vehicles parked in the driveway and approve Ordinance 2017-07. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is a Code Amendment dealing with the setback to a garage from a sidewalk. This is to require a minimum 20 foot driveway length from the public sidewalk to the garage to provide for sidewalks that are unobstructed by vehicles parked in the driveway. That states the purpose and the idea is to deal with large trucks that overhang and don’t make for much of a public walkway. In the public works specifications the street design construction standards that is already a requirement. There has also been some notes put on plats that says the garage shall be set back 20 feet from the sidewalk. The problem is that it hasn’t been clearly stated in the Zoning Ordinance so this will correct that.

- Mayor Rosenberg said that this is just catching up.

- Bob Nicholson said it is clarifying four sections: the supplementary section and three residential sections, R-1-10, RA and PD. He said the same language will go into four sections, “Where a sidewalk and a driveway are located in the same setback of a dwelling the garage setback shall be a minimum of 20 feet from the back edge of the sidewalk to the garage. Where no sidewalk is located in the setback or where the side entry garage has a minimum of a 20 foot long driveway from the back edge of the sidewalk the garage setback shall be the same as required for the dwelling unit.”

Motion to Approve a proposed code amendment dealing with the front setback to a garage to require a minimum 20’ driveway length from the public sidewalk to the garage to provide for sidewalks unobstructed by vehicles parked in the driveway and approve Ordinance 2017-07.

Motion by Herb Basso, seconded by Ken Sizemore.

Voting Aye: Jarett Waite, Ken Sizemore, Jerry Amundsen, Tode Hafen and Herb Basso.
Voting Nay: None
Motion Carried.

5. Reports:

A. Mayor / Council Reports

Jerry Amundsen:

- There is supposed to be a person here to address a citizen issue and she is texting him during the meeting because she couldn't make it. He will bring up her issue, which is the intersection of Red Mountain and Canyon View, which is a 4-way stop. Patrice Hunt is on the southeast corner. She said she sees a lot of people running the stop sign or not paying attention and is wondering if it is possible to have a flashing red light there like they have on Lava Flow.
- Jarett Waite said he has never seen anyone blow through there and he drives it all the time.
- Jack Taylor said that those flashers don't last that long. They are kind of a temporary kind of thing. He said the reason they put them on Lava Flow was because there hadn't been a stop sign there for a long time and they wanted to catch everyone's attention. He suggested taking the stop sign down going down Canyon View so it wouldn't be a 4-way stop.
- Jerry Amundsen said that Patrice Hunt said that City Council approved her letter for a 4-way stop years ago.
- Mayor Rosenberg asked what year that was.
- Jerry Amundsen said he doesn't remember it not being a 4-way stop.
- Mayor Rosenberg asked about the protocol when it comes to removing stop signs. There may be accidents if we took them out. He suggested putting something in the newsletter to remind people about stop signs.
- Jack Taylor suggested taking a picture of the speed limit on Pioneer Parkway too and let people know about the speeding on it.
- Mayor Rosenberg said to try an education thing first. He asked Jack to see if the signs on Canyon View are visible and that trees aren't blocking it.

Tode Hafen:

- We need to come up with a volunteer of the year for Swiss Days and people to be honored at the fair.
- Mayor Rosenberg suggested sending the Council an email explaining the position so they can reply with suggestions.

Jarett Waite:

- He is working on revising the look of the newsletter. He has met with Ditzie and Bradi with ways of making it look a little more up to date. He has worked up a mockup and is working with Ditzie on the best way to implement that so that it doesn't change her process.
- He mentioned that Bradi hasn't posted the Veteran's Memorial Video on Face Book. Also she hasn't responded to some messages that have been on there. Has she been too

busy? Our discussion with Bradi was that she would be on top of it.

Herb Basso:

- He said we should take advantage of our opportunity to be highlighted at the County Fair. What are some things we can do?
- Mayor Rosenberg said that Tode has some literature on the Fair. He asked to have this put on the May Work Meeting.
- Ed Dickie said that at that meeting there would also be a discussion about short-term rentals with the Planning Commission and they would be invited to come.
- Herb said he noticed a need for a catering cart to help whoever uses the facility. They would be nice to have for Staff or a caterer.
- Ed Dickie asked Corey to look into that.

Ken Sizemore:

- He wanted to know who the Banquet Room Coordinator is.
- Mayor Rosenberg said it is Tode.
- He reminded Staff that the light needs to be repaired in the Council room.
- The CCE did a news article on the Veteran's Memorial. They did a great job. It has been posted to the City's website. He hopes it generates more contributions. Walls are starting to go up on it tomorrow. We are on track.
- He had a citizen ask about an agreement that was made about not disturbing a certain amount of lava within the City limits.
- Mayor Rosenberg said that it is the south side of Pioneer Parkway. Everything on the north side is still privately held and is part of the Knoll pasture zone. There are some areas designated for development and areas designated for preservation on the zoning map. There is not anything formally that prevents disturbance in the lava now except the zoning overlay.

Mayor Rosenberg:

- There has been some changes on the Heritage Commission and we need to make some changes on the Heritage Commission. With Council's permission he would like to let Wendy Basso go. She has served two five-year terms and per ordinance we are supposed to replace her. She has done a great job so it's just by ordinance. He said that they have asked Bruce Anderson, Pam Graff and Karen Hughes to take positions on there and they have all accepted. He would like to get it on an agenda to get these names approved for appointment and Megan Smith as an alternate. All of them live in the Valley. Karen may be an alternate also.
- Herb Basso would like to have someone from the commercial business downtown on the committee.
- Mayor Rosenberg said he thinks Bruce and Pam are pro-downtown business.
- Tode Hafen said it is a public meeting and anyone is welcome to come.
- Mayor Rosenberg said he met with the School District yesterday. There was an issue brought up about Arrowhead Trail where the asphalt is narrow. He asked the School District if they had any funds to help partner with the City on that but the City could help out a little bit with that. The concept was the School District take care of the sidewalk, the property owners take care of the curb and gutter and the City could pave it. It is a real issue. He said he needs code enforcement. Someone is parking perpendicular to the

street out in front of that south house in this same area by Bryner's house. We need public safety to look at it.

- Jack Taylor said they have had quite a bit of discussion about this. We can correct the parking and ask them not to park there. It's not a safe school route there.
- Jerry Amundsen said the Safe School Funding has run out until 2019. We would have to wait 2 year.
- Jack Taylor said it has to be designated as the safe route before they will give the funding.
- Mayor Rosenberg asked about a six-foot widening of the asphalt.
- Jack Taylor said they can do that.
- Mayor Rosenberg asked him to look at the cost of that. It would make it a lot safer and it would eliminate the ability to park perpendicular without being on the asphalt.
- Jack Taylor said he likes the idea of going to the residents and saying, you put the curb in and we'll put the asphalt in.
- Ed Dickie said they know that's an issue.
- Mayor Rosenberg said let's figure out the cost for a little widening of the asphalt and he will talk to the people. Flood Control Authority approved some reimbursement agreement with the City of St. George for engineering on that Warner Valley drainage system that's in the 5-year plan and they approved the agreement with the American Conservation Experience. They are doing a lot of vegetation maintenance in the Virgin River. There is a lot of reveg work that can be done on the Santa Clara and some in the City of Santa Clara. We'll be monitoring through the year. There is some people to do that.
- No worry about flooding on the Santa Clara. There are still some issue on the Virgin River.

6. Approval of Claims and Minutes:

- Mar. 8, 2017 City Council Regular Meeting
- Mar. 22, 2017 City Council Regular Meeting
- Mar. 22, 2017 Executive Session
- April 5, 2017 City Council Work Meeting
- Claims through April 12, 2017

- Tode Hafen stated that she did not attend the Executive Session even though she was listed in the minutes. Also in the Work Meeting it says that each Department will post a minimum of three times, it should be two.

- Jerry Amundsen said he had a question on claims. He said that Bush and Gudgell doing plat review. Were they approved as an alternate City Engineer? Mayor Rosenberg said they weren't one of the five. Corey Bundy said that Bush and Gudgell does all of the survey plat reviews.

Motion to Approve the Regular City Council Meeting Minutes from Mar. 8, 2017 and Mar. 22, 2017, Executive Session Minutes from Mar. 22, 2017, City Council Work Meeting Minutes from April 5, 2017 and claims through April 12, 2017 with the changes that have been mentioned.

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.

- Matt Ence gave an update on Jenkins Oil. He wants to get with Staff to respond to the letter he has and let them know that the City will issue the business license subject to a list of conditions including the things they stated in the letter that they will agree to finish. He said to let him know if there are any questions about the specifics. He said we are making some progress. He said Dan emailed him about some questions about what they had and hadn't done. One of the conditions will be a final inspection.
- Corey Bundy said they have never stopped operating their business. They are still in violation of using it for a construction storage yard.

7. Calendar of Events

- April 26, 2017 City Council Regular Meeting
- May 3, 2017 City Council Work Meeting

8. Executive Session: None.

9. Adjournment:

Motion to adjourn by Herb Basso.
Seconded by Jarett Waite with all members present voting aye.
Meeting Adjourned at 8:51 p.m.

Chris Shelley – City Recorder

Date Approved: _____