

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, APRIL 26, 2017  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, April 26, 2017 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

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

Present: Mayor Rick Rosenberg  
Council Members: Jerry Amundsen, Ken Sizemore, 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 & Trails Director; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Tawni Shakespeare; Kent Bycand; Jill Lamph; Gary Lamph; Barbara Renouf; Jack Renouf; Jim Dreher; Josh Daughtry; Debbie Gubler; Patrick Manning; Cindy Frei; Mel Taylor; DJ Hughes; Wendy Basso; Nate Muno; Marsha Lyn Gubler; Keith O. Gubler; Larry Ogden; Judy Ogden; Greg Leavitt; Charity Gough; Dustin Gough; Ben Willits; Ferron Leavitt; Wendell Gubler; Linda Gubler; Crystal Hegemann; Dustin Hammer; Steve Lang; Ed Coonsy; Eric Drake; Phillip Gubler

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:03 p.m.

2. **Opening Ceremony:**

- Pledge of Allegiance: Ken Sizemore
- Opening Comments: Ken Sizemore
  
- Councilman Herb Basso was excused from the meeting. He was out of town.

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Tawni Shakespeare, Representing Snow Canyon High School, 2699 Crestview Drive, Santa Clara, stated that they are doing the annual Snow Canyon High School Grad Night. This year's theme is Star Wars. She said they are asking for donations from the City. She said this is a great evening and keeps the kids out of trouble and is a safe environment for the kids to go to after graduation.
  - Mayor Rosenberg reminded the Council that this donation is something the City has

typically done. He asked Ed Dickie, City Manager is there is a line item for this.  
- Ed Dickie, City Manager, said that yes it is part of the budget and it's already been approved so there is money in there for this. He said that Tawni just wanted to come and ask the Council in person. He said the amount that has been approved was \$500.00.

#### **4. Working Agenda:**

A. Public Hearing(s): None

B. General Business:

1. Thank Wendy Basso for time served on the Heritage Commission and Approve Bruce Anderson & Pam Graf as Commission Members and Megan Smith & Karen Hughes as Commission Alternate Members.

- Mayor Rosenberg invited Wendy Basso up and stated that she has served for 10 years on the Heritage Commission. He said that she has done a great job and he really appreciates her insight and her willingness to serve for an extended period of time. He said that her second term is up and so he presented her with a plaque and thanked her for the job that she has done in that position.

- Tode Hafen reminded her that we could still use her input and thanked her.

2. Request to approve Ordinance 2017-08 to amend the Parks & Trails regulations in chapter 12.20 of the Santa Clara Code Book. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that this Ordinance change has been brought before the Council. He said that the changes in red were the changes made last time and the changes in blue are the City Attorney's changes from the input from Council from the last meeting. (See attached.) He said the changes ban dogs on the ball fields and also control sunflower seeds at ball field tournaments. That is the two major changes in this amendment. It also adds the word "trails" to Park Regulations.

- Ken Sizemore asked if the language that Councilman Basso recommended get included in this document.

- Matt Ence, City Attorney, stated that his last email exchange with Councilman Basso was that he was okay with what had been proposed.

- Jarett Waite asked about section I. He quoted, "no animals of any kind are allowed on any sports field except is a registered service animal". He asked if there were a word or two missing there.

- Matt Ence said he thinks that could be fixed by just eliminating "is" so that it reads "fenced sports field except a registered service animal".

- Jarett Waite said that would work.

**Motion to Approve Ordinance 2017-08 to amend the Parks & Trails regulations in chapter 12.20 of the Santa Clara Code Book.**

**Motion by Ken Sizemore, seconded by Tode Hafen.**

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

**Voting Nay: None**

**Motion Carried.**

3. Consider joining the Public Safety and Firefighter/Surviving Spouse Trust & Approve Resolution 2017-05R. Presented by Chief Nelson.

- Chief Nelson stated that this is now the State law that if there is a full-time firefighter that dies in the line of duty that the City carry on benefits for the family and spouse of that firefighter for two years. He said that what this trust does is that the City pays a yearly fee of \$95. The City will then be reimbursed for those years.

- Ed Dickie said the City will be reimbursed after the first 24 months. The City will still pay the benefit for the first 24 months and then it would move over to the trust. Otherwise the City pays if for the life of the spouse and up to 26 years of age for the child.

- Matt Ence said that there is a simple agreement that the City would be entering. He said that he has reviewed it and there are no issues with it. He said he feels comfortable with it.

**Motion to Approve joining the Public Safety and Firefighter/Surviving Spouse Trust & Approve Resolution 2017-05R.**

**Motion by Jarett Waite, seconded by Jerry Amundsen.**

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

**Voting Nay: None**

**Motion Carried.**

4. Consider participating in the Statewide Wildland Fire Protection System. Presented by Chief Nelson.

- Chief Nelson stated that the State has put together legislation for the catastrophic wildfire problem that we've been having in the State. They have been looking for a way to fund that. They have put a risk/percentage per acre associated to that that the City would have to pay. He said it is kind of like insurance. He said that Santa Clara City would be about \$4,446. He said the City would be allowed to do in kind service instead of paying the money. He said the City would be allowed to upgrade their response to wildland fires, their capabilities, fire prevention, in kind volunteer hours. He said that the burning of the arboretum, that those hours actually did count. He said they had enough just by that to plead their in kind service. He said that the purchase of their brush truck also goes against this and they can use that for three years. He said he doesn't see even 10 years down the road that the City would have what would exceed their ability to do in kind service hours for this. He said it should be zero out of pocket for as long as these things are done. He said these things are things they are already doing.

- Tode Hafen asked if this is something they do every year.

- Chief Nelson said yes. He said the list varies. He said there is a long list if items they can use to go for the in kind hours.

- Jarett Waite said he sat at a Roundtable at the League of Cities and Towns where they went over this and he thought he remembered that there was a certain portion that couldn't be in kind. Has that changed?

- Chief Nelson said that there were percentages. He said there were certain areas that were 50% minimum and there were other areas that were only 25% and others were unlimited. He said we have more than enough for the next few years. He said that we sign a delegation of authority in that which means delegation of authority to end financial responsibility. That means that we will not be financially responsible for a wildfire that escapes our community and burns throughout the BLM Forest Service and State lands.
- Ken Sizemore asked about the public lands inside the City's boundaries.
- Chief Nelson said that the BLM is not part of this. Only the State owned land inside of the City's boundaries. He said that there are areas that have been developed over the last year or two and they will work on that next year and that will count also.
- Ken Sizemore said that these documents are fairly technical and he asked Matt Ence if he has had a chance to review them.
- Matt Ence said that he has not had a chance to review them and if Council wants to take action tonight subject to his review they can do that and he will take a look at them.

**Motion to Approve participation in the Statewide Wildland Fire Protection System subject to a legal review of the agreement.**

**Motion by Tode Hafen, seconded by Ken Sizemore.**

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

**Voting Nay:**

**Motion Carried.**

5. Request approval of Final Plat for Pioneer Crossing Ph. 5. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy stated that the zone is PD Residential with 7 lots on 0.89 acres fronted on Harmony way south of Rachel and east of Hwy 91. Most improvements are installed and two improvements that are part of the project that are not yet installed include the playground equipment, tot lot improvements, landscape on the upper tier of a retaining wall on 91. Improvements should be bonded for if not installed prior to recording the plat. The plat finishes the project and all improvements should be installed or bonded for. Staff recommends approval subject to the bond being in place. Planning Commission's actions was approval of the final plat of Pioneer Crossing Ph. 5 subject to the bond and the final improvements being installed. He said that at the beginning of this project there was a little area set aside for a tot lot. He talked to Don Poulson about a week ago and he said he didn't know if he wanted a tot lot because most of the residents are older. There aren't any kids in there. He said it's up to Council or Planning Commission to say yea or nay or let Corey know whether he can put in a barbecue or a pavilion instead.
- Mayor Rosenberg asked for a copy of the plat.
- Tode Hafen asked if it was either or. She wondered if at some point there could be families living there.
- Mayor Rosenberg asked if it was a common area.
- Corey Bundy said it was. He said the dimension won't change.
- Mayor Rosenberg said that the recreational amenity is part of what the residents want it to be. He asked if they met the requirement as far as the PD zone as far as the acreage. He asked if it mattered whether they put in a tot lot or something for the adult owners.

- Corey Bundy said that maybe they could have pickle ball or a sport court. It's a lot size.
- Jarett Waite said he would be fine with a barbecue and canopy.
- Ken Sizemore said that as long as they had the same dimensions for the amenities for the development. He said that he doesn't know that the Council wants to get involved in whether it's a tot lot or a barbecue and pavilion.
- Mayor Rosenberg said that as long as it's met the requirements for the zone he'd be fine with it.
- Tode Hafen said that as long as that area is set aside and it works. That is something that can be changed as the needs change.
- Mayor Rosenberg asked if this was discussed at Planning Commission.
- Corey Bundy said that he didn't talk to Don Poulson until later.
- Jarett Waite asked about the stub street that comes out toward Rachel. He asked if Council is okay with that stub street.
- Corey Bundy stated that they have installed landscaping in front of that Rachel area. They have put 3 trees and a couple of rocks. This follows the preliminary plat.

**Motion to Approve the Final Plat for Pioneer Crossing Ph. 5 subject to Bonding or Installation of a Common Area Amenity (Such as Grass, Canopy, Barbecue).**

**Motion by Jarett, seconded by Tode Hafen.**

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

**Voting Nay: None**

**Motion Carried.**

6. Request approval for a lot split and Final Plat for Wendell Gubler at Gubler Dr. & Truman Dr. a .65-acre parcel. Presented by Bob Nicholson, City Planner.

- Corey Bundy stated that this is 3 lots and the zone is R-1-10 and this is located at Gubler Dr. and Truman Dr.. Wendall Gubler is the applicant and Rosenberg Associates is the engineer. The plat contains .65-acre parcel that will be divided into two lots of .36 acres and .29 acres. These two lots were previously shown as two lots of the Wendell Gubler subdivision but with the proposed lot split there will be now three lots. They have access and all utilities provided.

**Motion to Approve the lot split and Final Plat for Wendell Gubler at Gubler Dr. & Truman Dr. a .65-acre parcel.**

**Motion by Tode Hafen, seconded by Jerry Amundsen.**

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

**Voting Nay: None**

**Motion Carried.**

7. Consider approval of Preliminary Plat for the Villas at Snow Canyon residential development located north of North Town Road and west of Rachel Drive on 22.5 acres. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that the applicant for this preliminary plat is Robert Smith. He said that the representative is Ben Willits and the project engineers are Horricks Engineers. He said the location of the project is west of Rachel Drive and north of North Town Road

also adjacent to the proposed Hamblin Parkway to the west. There are 87 dwelling units included and it's approximately 4 units per acre. He said they are two-story units in twin home and single unit arrangements. He said that this plat conforms exactly to the concept plan with one minor exception. There is guest parking and RV parking within the project. He said that on the approved PD plan, the 2-acre area on the northwest corner that was proposed as parking is now being shown as future development on the preliminary plat. The applicant understands that before any development is proposed, they would have to come back and amend that PD zone approval. That would be the only change on a preliminary plat from the approved PD plan. The building materials were stone, stucco and tile roof. The project amenities are two pools and a concrete deck around the pools; lawn areas around the pools with a half court basketball play area near the pool and a clubhouse. The project has been approved for short-term rentals. All the roads in the project are public streets and conform to the City's public streets standards. It's bounded by two existing roads, North Town Road and Rachel Drive and the future Hamblin Parkway. The applicant will be putting in a 6-foot block perimeter wall and that includes along the future Hamblin Parkway on the applicant's side. It would be required to put it along the other side as well. The Preliminary Plat is in conformance with the approved concept plan with the exception, which was mentioned, which right now just has "future development". On the zone change it shows it as parking. He said with that understanding, Staff and Planning Commission recommended approval.

- Mayor Rosenberg asked if they have the parking that is required within the development. Do they meet that without that 2-acre parking?

- Bob Nicholson said that they do. He said that the project isn't a real dense project and there are some scattered parking spots located around the project.

- Ben Willits, Representing Robert Smith Owner for the Villas at Snow Canyon, said it would work better having the parking contained in the main portion of the site. He said they will come back at a future date with an amended plat to do phase 3 in a year or a year and a half. He said they will be doing this in 3 phases. The first phase will be 24 units and the amenities such as the pool and clubhouse.

- Mayor Rosenberg asked him about the perimeter walls. He asked about matching the Bella Sol wall.

- Ben Willits said that said that they will match the Bella Sol side on the west and north side of Paradise Village. He talked about the off site drainage on the parkway and he said they will be working with the City on what the cross section needs to be and where the block wall needs to be.

- Mayor Rosenberg asked if the proposed amenity package is the same as what was presented for the zone change.

- Ben Willits said that was correct. He said there will be a nice sized clubhouse with two pools, a big lawn area. It's about 2 ½ acre amenity area. It will come in immediately as they start the first homes. It is part of the first phase. They are looking at construction by the end of May by the time the finish all the City review, construction on the first phase, land development by the end of August and start home building then and by September start the amenities side.

- Matt Ence said that he has had a conversation with the applicant about doing a development agreement on this property even though it hasn't been our practice in the past to do that with similar developments but it makes a lot of sense on these PD projects especially on these multi-phase projects to put some kind of a development agreement in

place. He said this may be an opportunity to get a template that will work to put this in. The applicant has some interest in doing this so he has some reassurance as to what his requirements are going forward. He said that this is something we will be exploring. He said that if we do go that route, that development agreement will come back to the Council with the first phase final plat.

- Jerry Amundsen asked if this has been brought before Council before.

- Mayor Rosenberg said that it came for the zone change.

- Jerry Amundsen asked what the development agreement would provide.

- Matt Ence said that the development agreement would provide a review of all the developer's obligations in terms of the improvements that they are required to put in by the City as part of their development throughout the phasing of the project. It's great for addressing things for example amenities over multiple phases or walls. It gives the developer reassurances that there's a framework going forward that they can follow and gives the City reassurance that if the project changes hands in between phases which is not unusual that there is a recorded agreement, it will be recorded at the County recorder's office, it binds the developer until that project is completed or until they come back to the City and amend that agreement.

- Mayor Rosenberg said that in this case the development agreement would be primarily focused on the subsequent phases and would have to coincide with the existing preliminary plat approval and the zone change approval.

- Matt Ence said that is correct. The idea is to take all that and put it in a form that is recorded and runs with the property.

- Mayor Rosenberg asked if they are going to do all the infrastructure with phase 1.

- Ben Willits said they will do the majority of the mass grading but the infrastructure will look at phase by phase. Right now we are looking at doing all the frontage improvements on North Town so curb, gutter, walls and landscaping. All amenities will go in the first phase.

**Motion to Approve the Preliminary Plat for the Villas at Snow Canyon residential development located north of North Town Road and west of Rachel Drive on 22.5 acres.**

**Motion by Ken Sizemore, seconded by Jarett Waite.**

**Voting Aye: Ken Sizemore, Jarett Waite and Tode Hafen.**

**Obstained: Jerry Amundsen.**

**Voting Nay: None**

**Motion Carried.**

8. Consider approval of a Zone Change request from R-1-10/RA to Planned Development Residential on 9.89 acres located at the south end of Gates Lane on the south side of Clary Hills Dr. and approve Ordinance 2017-09. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that the applicant is Split Rock Development Group, Patrick Manning and Kyle Hafen are the representatives. The General Plan designation on this property is Medium Density Residential. There's 9.89 acres on this site located on the south end of Gates Lane and on the south side of Clary Hills Dr. There are 21 buildings and a maximum possibility of 42 units. There are 21 structures, 13 that front on Clary Hills Drive and 8 located up hill behind those. Each of those units would have the option

of having a lockout unit within the main dwelling unit. The maximum number of units would be 42 if all the units had the lockout units. The density range is somewhere between 2.1 and 4.2 units per acre. He gave a summary of the changes from the original proposals submitted a year ago. They have decreased the number of potential dwelling units from 112 to 42 maximum, which includes lockout units. There are no individual driveways or parking proposed along Clary Hills Drive. Buildings are proposed two story rather than three story and building size is approximately 4,500 square feet for the 13 dwellings along Clary Hills Drive which is similar to a large single family home and 8 dwelling casitas to the rear are somewhat smaller. They are asking for the zone change in order to allow this kind of a development with the homes clustered and open space rather than just individual lots. The lockout units could be sold separately from the rest of the unit, which creates a little more affordable one or two room unit within the main dwelling. The units won't all be identical in look; they will have some variation in color and exterior material. They will have two parking spaces per unit but there has to be additional parking under short-term rentals and there has to be guest parking in the amount of one additional space for every two bedrooms in excess of the first bedroom. The applicant proposes a total of 168 parking spaces within garages on the bottom level and in driveways. The code would require 152 so they do have excess parking. In addition there are 6 proposed oversized parking spaces on the east side of the project for RV's and boats so there should be ample parking for even the peak periods. The amenities for the project are an outdoor swimming pool and a pavilion. The project also plans to accommodate bike trails within the project area. Building height previously was for 3 stories and the code states it could be up to 35 feet. This application limits the homes to 2 stories. There's a minimum requirement of 30% open space and this project would exceed that amount. Traffic: dwelling units used for short-term rentals generate approximately 6 trips per day per unit due to the fact that rental units are not occupied on a continuous basis. The maximum trip generation equals about 252 trips over the day, which is not a significant impact on Santa Clara Drive. The applicants will have to participate in a second bridge across the river in order to meet the fire code standards and for overall public safety; a second access or a second bridge is required. That is proposed at the end of Chapel Street. The Planning Commission held a Public Hearing on April 11, 2017 on this request and on the Conditional Use Request for the short-term rentals and approximately 11 individuals plus the applicants spoke concerning the project. The majority but not all expressed some degree of opposition to the project with most opposed to the notion of the short-term rentals. Some people wanted the standard R-1-10 subdivision, which it's currently zoned for rather than any deviation from that. After an hour or more of public comments, Planning Commission deliberated about the project and in the end voted 4-1 in favor of the rezone and approved the conditional use for the short-term rentals. He showed renderings, drawings and photos to the City Council. The public road that goes up the hill will be paved to their property line. That will help with the dust issues.

- Tode Hafen declared a conflict of interest. She said that her son is involved with the project.

- Patrick Manning, Representing the Applicant Split Rock Development Group, said he appreciates the comments made during City Council last time around and also the feedback they got. The homes now are smaller. He commented about Santa Clara's General Plan. It says "the area south of Santa Clara River offers a great opportunity for

diversity and development in a variety of types of land use.” He also quoted it as saying, “Santa Clara cannot continue to provide high quality amenities and services as only a residential bedroom community. Sources of employment and an increase in tax base are essential to future sustainability of the City.” He talked about how it’s not so much what is developed but how it’s developed speaking to quality. He said that citizens polled support mixed use development and specifically the South Hills area to include commercial and resort type development. He said the Plan also covers in great deal enhancing the existing trail systems creating transitional zones between use types and maintaining Santa Clara’s charm. He said that they feel that their planned land use is in perfect harmony with the City’s plans. This piece of property is a gateway to the South Hills and the direct definition of a transitional zone and they propose to incorporate and enhance the existing trail systems that run through the properties. Hospitality is the single biggest contributor to a communities tax base and is also among the least impactful on it’s roads, school systems and other major infrastructure and on average each hospitality unit creates 1 ½ local jobs. He said it is the opinion of the applicant as well as how it is addressed in the General Plan that placing the hospitality sector within the South Hills recreational zone is an ideal fit. The City’s residents will see less recreational traffic on City streets while having guest that are the most likely of any other use to patronize the shops and restaurants of downtown. He talked about the variation of the units in color and material and also vegetation, types of trees. He said they have taken a lot of care to take a lot of traffic off of Clary Hills Drive, meaning they won’t need parking there. They will provide a paved bike trail up to the existing trail. In anticipation of this project and in conjunction with the Sycamores they put in an 18-inch pipe for drainage. He said they have been careful to address most of the issues they have heard.

- Ken Sizemore asked about the pedestrian access to the amenities. How is that going to work?
- Patrick Manning explained where the parking would be and where the pedestrians would enter. He talked about the paved bike trail. He said that there isn’t a sidewalk but there isn’t a street.
- Mayor Rosenberg said it’s not a gated community so there would be a street.
- Patrick Manning said he meant there’s not a thoroughfare. The only thing you can get to is the project.
- Mayor Rosenberg said that if it is a street there would have to be some section for the street and it would have to meet City standards.
- Jack Taylor said that there could be a sidewalk on one side. He said that Brad had some question about the trail. He said that on the Plan it shows it ties into their street but will it also go down and tie into Clary Hills Drive?
- Patrick Manning said yes. He said they wanted to do that for a number of reasons. Because the General Plan asks for continuation of trails but also those are the best clients and buyers, those people who are going to access those trails.
- Jarett Waite asked about how they are handling the Wash as part of the project.
- Patrick Manning said that they have a lot of export dirt on this piece and they are going to export dirt to the wash and put in a detention pond.
- Jack Taylor said that some water will go over and hit their 18-inch pipe back to the east and the big wash will hold it and drain it slowly.
- Mayor Rosenberg called for the public comments and reminded them that this is not a Public Hearing. He said that Council is willing to accept public comments. He asked for

comments to be brief, not be repetitive.

- Jack Renouf, 1290 Summerwood Circle, said that no matter what they do to this project they are condos, daily rentals. That is his opposition to it. He complimented them on the job they have done to modify what they had originally come in with. They look much better but they are still condos and still high density and still daily rentals. He said that those that are impacted should be given greater voice. Santa Clara has a personality that has been maintained. He said we need to maintain and preserve our community. He thanked the City Council and all the work they do.

- Barbara Renouf, 1290 Summerwood Circle, said she is concerned about Santa Clara Drive and the traffic with the pending new homes with what is coming in Ivins and with the proposed new project in the South Hills. She said she isn't sure the two lines on Santa Clara Drive can sustain that kind of traffic nor is it fair to the rest of the community who use the street. She hopes we are considerate of homeowners. She thanked the Council for their work.

- Mel Taylor, 1401 Victor Street, said he has beehives in the South Hills. Santa Clara Drive is hard to get on in the morning. He asked who calls the shots as he watches the Planning and Zoning Commission and the City Council. He said that sometimes the Planning and Zoning turns things down and the Council approves it. He said he doesn't know why there is a Planning and Zoning Commission if they don't all work together. He said it's been a good lesson for him because elections are coming up and he has a right to vote and two Council seats are coming up and he has an idea who to vote for. He said he doesn't like protecting a whole lot of turtles.

- RJ Hughes, 3298 Hamblin Drive, said that the sidewalks where this development would go in, there's no sidewalks. There are sidewalks further down.

- Mayor Rosenberg said that the question he asked was would they put the sidewalks in and they said they would. He said that along Clary Hills Drive this development would have to put in the curb and gutter and the sidewalks.

- RJ Hughes thanked the Mayor for the clarification. He said that this proposal is for vacation rentals. He said he is opposed to vacation rentals in the South Hills. He said the Planning meeting he went to last week had a discussion about where vacation rentals should be in Santa Clara. He said they sounded like it hadn't been discussed very much and he thinks that this item should be tabled until there is clarification on what areas do we want the vacation rentals in and which areas we don't. So you should table this project for now until that is discussed. We are getting nicked and dimed by vacation rentals and some areas might be okay but he thinks the South Hills would not be okay.

- Keith Gubler, 2786 Santa Clara Drive, said they have been fighting this density for years. He said they have been humiliated by some, told to get involved. He said they have been involved and they keep ignoring us. People say they are against growth. He said his grandfather is one of the original settlers here. He said they weren't against growth. But we want it controlled. He wants things looking nice and for children to be protected. He doesn't think this really fits in. It doesn't look good at all. When you put a development in you have to take care and take care of that water that is coming in excess from off of your roofs and your street. He doesn't think that is being taken care of here. He thinks the City is in breach of contract with him and has been ever since that road has been put in. He feels like he has been involved. He said it's time to start listening to the people. They don't want this thing here. They want regular family

homes.

- Phillip Gubler, Keith Gubler Investment Company, 2786 Santa Clara Drive, said we need to remember what makes the community the community. It's the small town feeling, the neighborly interaction, the things we will not have with short-term rentals or high-density housing. He said he is a firm believer in property rights and he thinks people should be able to use their property according to the current zoning. He said that the developer purchased this property knowing what the zoning was and knowing what the rights and limitations were. They knew that they would not be able to build this without getting a zone change and they took on that risk. He said he is also concerned about congestion of traffic. He said he and his neighbors in Ivins already avoid Santa Clara Drive because the traffic is already bad. Ivins is growing with additional developments coming in in Santa Clara. That will increase traffic. He said they have the property just to the west of this development. This development will not have a positive impact on our development. He has had some people who have had a reservation on their property tell them they won't continue to purchase their lot if it is high-density short-term rentals. He said that the developers themselves use neighborly interaction as a selling point in their Sycamore subdivision. He pointed that out in the Parade of Homes magazine. He said you won't get this neighborly interaction with short-term rentals. He said these won't fit into the area. They aren't appropriately located. It is not a good transition point where it currently is. He talked to people buying in the Sycamores and asked them about short-term rentals and they said they did have concerns about high-density short-term rentals. It wasn't told to them at time of purchase that this was what the plan was. He said he is concerned about additional drainage, the water coming off of that, heading to the west, where that's going to go, because the storm drain that is currently in there is reserved for their subdivision with exception of the 9-inch volume that is allowed. He said they have two washes on their property, a large one and a small one. The small one ends up on the west side of this proposed subdivision. He wants the Council to think about the consequences of their decision tonight. He said Council would be opening the door for something the citizens have been saying not to do. He said there is a citizens advisory committee. The committee for the most part is saying that this is not the proper transition point for the South Hills. It should be further back in. It's not something that should be in the view of the valley. He hopes that the Council would listen to what the citizens advisory committee is saying. He asks the Council to take that into consideration.

- Larry Ogden, 1297 Summerwood Circle, said that he is here because the Mayor said the citizens need to get involved. He said that vacation rental take away from maintaining the historic nature of Santa Clara. He said at the Planning Commission Meeting they talked about not knowing the City Council's feelings about how many vacation rentals Santa Clara should have and if the City is getting saturated with them. He said that when they met with the City Manager and Bob they asked that same question and Ed Dickie said that the City Council and the Planning Commission has to get together and determine what they want to do with future planning on vacation rentals. He doesn't know why additional vacation rentals aren't on the agenda tonight.

- Mayor Rosenberg said that the Planning Commission approves Condition Uses. The City Council is the Appeal Board if someone wants to question the Planning Commission's decision. The Conditional Use for the short-term rental was approved at Planning Commission so Council's decision tonight is relative to the Zone Change.

- Larry Ogden stated that the Planning Commission also said at that meeting that they don't know what Council wants to do with it yet. So he said he suggests that there ought to be some communication and actually planning with what we want to do as a City and the City Council should direct us on vacation rentals. He said that we're not a large city and it's a legitimate question for the citizens to understand. He said he doesn't understand the lockout. He would like answers on that. Santa Clara Drive is a mess. It is driven by surrounding communities. Prudent planning will assist in not making it substantially worse. Save the City's funds to accommodate both access and trying to minimize the problem on Santa Clara Drive. He talked about the Master Plan. The future is the South Hills. This is not the right area for vacation rentals.

- Judy Ogden, 1297 Summerwood Circle, talked about the Santa Clara Historic District and the sense of community in the City. She talked about how she doesn't want Santa Clara to lose its charm. She said vacation rentals do not fit in. She said it is a great blessing to know that those people we vote for will represent the people of Santa Clara. She said that the citizens don't want Santa Clara to become the Park City of Southern Utah.

- Ferron Leavitt, 1394 Quail Street, he said he has been back many times going over the same things. He said he is against changing the zoning. He said when they bought the land they knew there was a risk in not getting approved for high density and they could have talked to a lot of people that were against it. He said the committee recommended approval of duplexes up on top of the hill out of few of the downtown area. He said he hopes there is a good design on the retention dam. He said he has seen a lot of them fail. He said he hopes the engineers know what they are doing because there are some really tough soils out there, clays and gravel. If it does go out there is going to be flooding on his property. This is not what we want. This is not the direction that we feel the town should be going. We have mentioned this through various meetings. We hope the recommendations we have made take place. He thanked the Council.

- Wendell Gubler said that he took the time over the past couple of days to talk to the City Council about this situation. He said that he has learned that next week the Council is meeting with the Planning and Zoning Commission to talk about how many short-term rentals the City wants to have. He said it is wise to table this decision tonight until after this discussion takes place. He recommends putting a moratorium just like the Council did on the downtown Historic District for 6 months. He would like to see meetings throughout the City and get the input of the people and see what the people would like to have throughout the City. He doesn't think that the Council can make this decision on their own. They need to have the support of the people behind them. He said there is a lot of people that aren't happy with what is happening right now. He thanked the Council for their time speaking with him.

- Dustin Hammer, 2855 Cottonwood Circle, said that he is a 4<sup>th</sup> generation Santa Clara resident. He asked if it was correct that the conditional use permit was approved.

- Mayor Rosenberg said it was approved by the Planning Commission at their meeting on April 11.

- Matt Ence said that he wanted to clarify that the reason that wasn't on the agenda before the City Council tonight is because the Planning Commission is the Land Use Authority and can make those final decisions when it comes to Conditional Use Permits. There's certain circumstances where under a PD zone that decision could ultimately come to the City Council but those circumstances don't apply here so that decision of the Planning

Commission on the short-term rental issue is decided but the City Council's approval of the zone change is determinative as to whether they will actually get to do that or not. So if the City Council approves the zone change, they can go forward with the nightly rentals. If the City Council does not approve the zone change then they can't because that short-term rental approval by the Planning Commission was based on this application.

- Dustin Hammer said that Santa Clara has annexed what started out as 1,500 acres and is now 500 acres to be sold to developers in the South Hills. We have a western corridor that is eventually going to tie in from Sun River and come in from the corridor. He spent 3 years on a committee for that project and is familiar with that. He said at some point we are going to have some major development in the South Hills. In a normal zoning issuance we would go from 1/3 acre to smaller lots. He talked about transitioning. He said we can't just jump from 12,000 square foot lots to 4.2 units per acre. He is involved with the Leavitt Family Trust. There needs to be buffers. He talked about the nightly rentals already existing in Santa Clara. He talked about if this goes ahead others will want to put more units on their property. The Council will be opening this up to that. He talked about the water tower being put in and the road. He said there are drainage issues. Why wasn't there a retention pond put in. He doesn't think the correct buffers are in place to go to that high of a density that close to the subdivisions that are already in existence. He asked what the zoning was originally.

- Mayor Rosenberg stated that the zoning was the High Density PD when it had the townhome plans on it. He said that Kent Frei changed it to R-1-10 mixed size.

- Dustin Hammer said that he doesn't think the buffers are in place to go to that point and if the City Council wants to approve this he may be their next applicant. And if he gets denied for some reason that would be unfortunate to give it to the first guy and not to the next guy in line.

- Patrick Manning said they feel like they have solved the drainage issues. There are three retention basins in this plan. He said they are speaking a lot about density and there are two basic concerns that he sees with the overnight rental. There's going to be the visual impact. What does this look like and it seems like this is what most people are addressing on the density. And then there's the use, how does it impact the City. From a visual perspective is that these are 21 homes. That is what you are going to see. That is what it is going to look like coming down Santa Clara Drive and as a density that is 1/2 acre lots. They can be sold separately. The density visually is identical to the Sycamores or the Hills. He said that he sees the South Hills as a recreational zone he thinks it lends itself to hospitality. They have had three traffic studies done and all three have said that there is less impact on the roads, schools and everything else with overnight rentals. He said they truly believe that this is the right area and the right fit and the density will look very similar to subdivisions that are right next-door. He said he really believes that this is a great transitional zone and that the use is fantastic for Santa Clara.

- Ken Sizemore said that he wanted to make sure that it is understood that the conditional use approval doesn't apply if a zone change isn't approved. He said that the Council wears lots of hats. The zone change is a legislative hat and the Council has a lot of latitude and opportunity to express their opinions and apply the General Plan.

Administrative we don't have as much latitude so we need to make sure you know which hat we are wearing and we can change hats from agenda item to agenda item. He wants everyone to understand if the zone change isn't approved the conditional use permit for

short-term rentals is moot.

- Bob Nicholson responded to the question about what a lockout is. The lockout could potentially be sold. It's an option. A person could buy one unit. These aren't really twin homes. They are similar to twin homes potentially but the lockout is an option. He talked about the citizens committee. He said they have never discussed vacation rentals. It has not been addressed at any of their meetings. What the committee recommended was that from Santa Clara Drive the lower hills that the area that's visible would look like single-family homes. He said that the applicant has demonstrated that these will look like single-family homes.

- Ferron Leavitt said that he understood that it was not only supposed to look like a single-family dwelling but it was supposed to be a single-family dwelling.

- Mayor Rosenberg said that that hasn't come back for formal recommendation to the Council from the Planning Commission, any of the discussions that was had by the Citizens Advisory Committee. And that process would take place as part of a General Plan Amendment.

- Jarett Waite said that there has been discussion that it would look like similar developments because it's 21 units on 10 acres but is that taking into account how much of the property is hillside that won't have anything on it to get that same density. He said when he first saw these plans, the units looked awfully close compared to what he thinks the other units, the other homes will be nearby. Is that closeness allowed because there is a large hillside that is part of the property that isn't used at all.

- Bob Nicholson stated that the closeness is allowed because of the zoning. These are clustered units.

- Jarett Waite asked what the density would actually be compared to the neighboring residences. In his opinion will this look like it belongs compared to what is going in in the Sycamores right now based on that spacing? Is that going to be a similar transition?

- Bob Nicholson said that homes in an R-1-10 are separated to a greater extent. He said that these are two story units and each one would have a different color and building materials and landscaping. He doesn't think it will look exactly like the Sycamores subdivision or the Hills but does it fit. The Planning Commission felt it did. They voted 4-1 in favor.

- Jerry Amundsen asked about clarification for the agenda for the Work Meeting next week concerning this topic.

- Mayor Rosenberg said that it will be a joint meeting with the Planning Commission and the City Council to discuss the short-term rental usage City-wide. Planning Commission has asked for some input from Council and it's even in some of the Planning Commission Minutes on this item from their meeting that they requested some input from the Council. That Work Meeting is next Wednesday to meet with the two groups together to discuss that. He said that is a total open meeting.

- Matt Ence said that he wanted to clarify that the purpose of the meeting next week is to not necessarily for the Planning Commission and City Council to see things exactly the same way on projects that are proposed. The purpose of the Planning Commission in the cases where the City Council is the Land Use Authority is to provide a recommendation and it's one thing among many things that the City Council considers when it makes a final decision like the Council being asked tonight and we have seen things go both ways where the Planning Commission has recommended denial and the City Council has disagreed and approved a project and we have seen the reverse as well. We have also seen

the Planning Commission and the City Council line up. He said that this is part of a healthy discussion on land use issues.

- Jarett Waite said that he has thought a lot about this and spoken with citizens and he appreciates the feedback that they have received as a City Council because they do represent the citizens. He said he would feel more comfortable making this decision after the Work Meeting primarily because of the idea of the built in buffer such as in Paradise Village with the park and intermediate school. This doesn't have that same kind of buffer. We are opening the door in that area. This is that first decision in opening that door and he would love to have a little more feedback from citizens and from the Planning Commission and get together and try to understand where this is going. He said that he attended the St. George Lodging and Tourism Association Meeting yesterday and they said that 1,000 hotel rooms are coming on line within St. George in a year and it's going to continue rolling. We are all concerned citizens that the short-term rentals market could dry up at some point. The competition is coming and that's something to keep in mind. He said he subscribes the idea of transition areas and buffer zones and this project does meet the General Plan but he has his concerns about how it looks compared to other areas. He said he would much prefer to see something that's more of a duplex or townhome. He said if they want something of higher density he would like to see it in some other way. He asked if the bridge is part of the zoning.

- Jack Taylor said that the bridge is just for safety. It has to go in. The City's plan for a number of years, in fact going up Chapel, there have been conduits in the ground for traffic signals eventually, and it's been in the Master Plan. Years down the road there might be plans for another bridge further to the east that will come across. So we could end up with possibly three bridges in the City. The bridge had nothing to do with this zone. The developer just wanted to participate to put a covering over the top of the bridge. They thought that it would match the historical area and look really nice for the community.

- Mayor Rosenberg said that if this were to move forward to the next phase, Preliminary Plat, that would exceed the number of permissible properties on that side of the river so the bridge would become a mandate. The City set a schedule when 25 permits were issued over there that the design process would get going by the time the 50<sup>th</sup> unit was permitted on that side of the river so that it would be ready to go into construction so that when the 99<sup>th</sup> unit, which is the trigger for the fire code, kicked in place, the bridge would be operational. The developer wanted to try and upgrade it. That bridge has been on the Master Plan for many years.

- Jack Taylor said that on the drainage question, they did run an 18-inch line from the bridge up Gates Lane. Any water that comes off of their development will go into that 18-inch drain. There will be no water that will freely run from that property. The big drainage, they would put a retention basin up at the top.

- Jarett Waite said that in other developments like this the amenities have been in the center of the development so that it shields outside property owners from whatever happens there. This one is unique because it is right on the edge of the property. He said that if he owned the property next door he would have a hard time selling those lots knowing there's a swimming pool in the backyard of those lots. This also needs to be discussed if this moves forward, where exactly that should be located. He thinks the present location is a rough spot. He stated that he would rather table this motion to have more discussion with citizens and with the Planning Commission.

- Ken Sizemore said that he thinks this process is evidence is great demand for a different housing product. Development patterns that are from the last part of the 20<sup>th</sup> century are not going to continue. He said he thinks we are going to continue to see this demand and we are going to continue to see applications made to respond to the market that's out there. But he said he is not convinced that short-term rental in this location is the right thing. He said that he thinks we do need to have that discussion. He feels that short-term rental is a fad that will blow over and we will over build the supply. He's not sure that's the location for that kind of transition. We are going to continue to see the demand for a different kind of housing product. It's going to look different than single-family housing. We need to be able to respond to that demand from property owners. This isn't going to be the last discussion we have as a City Council about what Santa Clara is going to look like in the next 20 years. It's not going to look like the Heights of the 80's and 90's because that demand is not the same anymore.

**Motion to Table the Zone Change request from R-1-10/RA to Planned Development Residential on 9.89 acres located at the south end of Gates Lane on the south side of Clary Hills Dr. and table Ordinance 2017-09.**

**Motion by Ken Sizemore, seconded by Jarett Waite.**

- Mayor Rosenberg asked about the timing of the tabling.
- Ken Sizemore said that he thinks the Council needs to finish the discussion on the General Plan and the South Hills.
- Mayor Rosenberg asked if he meant the General Plan approval or just additional discussion.
- Ken Sizemore said that the intent of the process that is going on right now is the General Plan approval. He feels that that revision needs to be in place and decided before we address this application.
- Mayor Rosenberg asked Matt Ence if that is okay.
- Matt Ence said he is generally okay with the idea of tabling if that is what the City Council wants to do. He has some concern about tying the final action on the application to some future action on the General Plan. From past experience we know that amending or creating a General Plan can be a process. The applicant is entitled to a timely review and a final decision on the application. He suggested rather than tying it to that unknown future decision, that the date be pulled a little bit closer. He said that the applicant is entitled to a decision under the current General Plan as well. He didn't say that but that is what he is implying.
- Tode Hafen talked about the relationship with the downtown. She said that she has been sitting with the Heritage Commission working hard about how the downtown will be developed. She has had property owners call with concerns about wanting to put businesses in and how to get people to come to the businesses. How are we going to get a walkable community and get people to invest in mom and pop stores down there? We need to be open. Somehow we have to promote that. This is the opening of a recreational area that we have no control over. She said she doesn't think we could even shut the door on it. That's BLM property and it's becoming ever increasingly more popular recreational area and people are going to come there anyway. The question is how to handle them. One thought is, house them. Figure out how to sell them something. To say we are only

going to want the same kind of residential that we all enjoy, she doesn't argue with but we have a tourism element here that hasn't really been discussed that we really can't change so we've got to figure out how to make it work for Santa Clara. She talked about Springdale. She thought the changes that the developer has made are really good. She likes that traffic doesn't turn in from the regular street.

- Mayor Rosenberg asked Bob Nicholson if the Planning Commission has set the Public Hearing as a Public Open house and asked if that could happen in the next 30 to 45 days. Maybe the Table could happen until that open house which could provide the opportunity for additional input that wouldn't put an extended delay that it would take for a General Plan Amendment. He suggested the second meeting in June. It would provide two opportunities for Council to gain additional input from the public on this issue with short-term rental and the transitional zones.

- Ken Sizemore asked about the timing of the 6-month development moratorium that the Council put passed.

- Mayor Rosenberg reminded him that that was just for the Historic District.

- Matt Ence said that was just a month ago.

**Amended Motion to Table the Zone Change request to coincide with the Moratorium from R-1-10/RA to Planned Development Residential on 9.89 acres located at the south end of Gates Lane on the south side of Clary Hills Dr. and table Ordinance 2017-09.**

**Motion by Ken Sizemore.**

**Motion Dies for Lack of a Second.**

- Jarett Waite said that in principle he liked that but he felt it was a little too long.

**Amended Motion to Table the Zone Change request for 3 months from R-1-10/RA to Planned Development Residential on 9.89 acres located at the south end of Gates Lane on the south side of Clary Hills Dr. and table Ordinance 2017-09.**

**Motion by Ken Sizemore.**

**Motion Dies for Lack of a Second.**

- Jarett Waite said that he feels he has had a lot of good input and he thinks that next weeks meeting is super important and so is what the Citizen's Advisory Committee's information. That seems like that could all be wrapped up in 45 days. That is more reasonable.

**Amended Motion to Table until July 12, 2017 the Zone Change request from R-1-10/RA to Planned Development Residential on 9.89 acres located at the south end of Gates Lane on the south side of Clary Hills Dr. and table Ordinance 2017-09.**

**Motion by Ken Sizemore, seconded by Jarett Waite.**

- Jerry Amundsen said that he wants to see an open house. He wants to see input from other citizens other than the immediate neighborhood. He said that if we have to go that long in order to have an open house, we need to get direction on when that open house needs to happen. Does that need to be part of the motion?

- Matt Ence said that the motion needs to be specific as to the July 12 meeting. When that happens between now and the July 12 really matters. The motion is that it comes back on

July 12 whether it happens or not.

- Jarett Waite said he feels that it is important that the whole Council be there on July 12 to make a final decision on this.

**Voting Aye: Ken Sizemore, Jerry Amundsen, and Jarett Waite.**

**Abstain: Tode Hafen.**

**Voting Nay: None**

**Motion Carried.**

- Mayor Rosenberg encouraged Patrick Manning to take part in the additional discussions that are coming forward and thanked the residents for their input and admonished them to take part in the additional meetings as well. He talked about the meetings being published in the City's newsletter and on the City's website. Citizens can also sign up on a link on the City Website to get a public notice about meetings.

9. Consider a proposed zoning code amendment to Chapter 17.32 Off Street Parking Requirements to increase the setback from the garage or carport to the private street from 18' to 20' and approve Ordinance 2017-10. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that at the last meeting the Council handled two amendments that dealt with the setback issues. This last one was tabled because Planning Commission wanted it reworded a little bit. This is in the Parking Chapter. We are trying to get all the codes to line up. It now says "On private streets or access drives a garage or carport shall be set back a minimum of twenty (20) feet from the back of the sidewalk, or where no sidewalk exists or is planned, from the curb, or lot boundary line." This makes this setback line up with the other codes that we've adopted in the design manual.

**Motion to Approve the proposed zoning code amendment to Chapter 17.32 Off Street Parking Requirement to increase the setback from the garage or carport to the private street from 18' to 20' and approve Ordinance 2017-10.**

**Motion by Jerry Amundsen, seconded by Jarett Waite.**

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

**Voting Nay: None**

**Motion Carried.**

## **5. Reports:**

### **A. Mayor / Council Reports**

#### Jerry Amundsen:

- He mentioned that he didn't receive any plats with this packet so he was unable to really look at anything like the Villas of this subdivision until today. He asked if that can be instigated. He said he got an email with a bunch of Word documents but no plats.

- Mayor Rosenberg said he has the same comment about the drop boxes tonight. All the plats aren't there. He said that maybe a Staffer could do a quick check a half hour before the meeting to make sure they are there.

- Jerry Amundsen asked that on the preliminary plat if the submitting developer or

- engineer could do a quick version to a kmz file so it could go to google earth.
- Mayor Rosenberg said they will have to ask that from the engineer because typically they don't get that until the last step in the process.
  - Jerry Amundsen said that he's asking for the engineer when he submits the pdf plat to submit an electronic kmz file.
  - Mayor Rosenberg said for him to do that he has to get it into the gis data base. The right way to do that is change the subdivision process and just adds that as a step. When we require a zone change legal description, require the kmz file on the data. He told Corey to talk to Bradi about what Jerry is talking about. He doesn't think it is going to be to tough.

Tode Hafen:

- The road through Snow Canyon Park is done.
- The Heritage Commission met and finished a long-term project and it's ready to go to Zoning and Planning Commission with the revisions of the historic overlay map.
- Mayor Rosenberg talked about the maps showing the Historic District.
- Tode Hafen said she sent emails regarding the County Fair as well ask the Volunteer of the Year and she got some responses back. She said the City has two places in the County Fair magazine that we can spotlight our City in some way so we need to decide how we want to do that. We could spotlight our businesses or our history. It has to be done by June 1. They have given us some samples of what was done in the past. They want to know who we want as the Grand Marshall in the parade and we need to decide who will receive the Pioneer Award. They need all of this by June 1. We need to talk about this.
- Mayor Rosenberg asked if the Council had all read Tode's email suggesting the Pioneer Award and Grand Marshall and is everyone okay with them. He said that Jerry made a suggestion.
- Tode Hafen said that she liked it.
- Mayor Rosenberg talked about the remaining living World War II Vet from Santa Clara.
- Jerry Amundsen said that he had someone who was that is living in his neighborhood.
- Mayor Rosenberg said that he needs to be included in that. He asked how we could make sure we got all the World War II Vets and included them all. What if we invited and recognized all the living World War II Vets and told the citizens that we needed their help identifying them.
- Tode Hafen said that she spoke with Dresden Empey's mother about if he would still be interested in coming to Council. (He was the LDS Missionary that was in the Terrorist attack in Brussels.) His mother said he would be honored to come to a Council meeting and tell about his experience and they could possibly give him a key to the City or some kind of appreciation for the way he represented Santa Clara. She would be glad to call him. He is going to DXATC. He wants to be a firefighter.
- Mayor Rosenberg said that we could actually do a proclamation and declare whatever day it is as his day. We could have the girl from the CEC come a do a news report on him.
- Tode Hafen said that's a really special thing and we don't want to through it out lightly. He has represented the City well. He's well deserved. He's handled himself well in the public's eye.

Jarett Waite:

- Asked if the City has an ice machine yet. (Yes.)
- He was in the audience for the Planning Commission when they put up the rendering of the new Harmons buildings and there were so many details that he couldn't see from the audience. He felt we are doing a disservice to the citizens to put stuff up that you can't really see. He said he came in and tried to adjust the settings. It's a little bit brighter but it's still but not very good. There needs to be a better option for seeing details. He talked about getting a new projector or new t.v.'s.
- Ed Dickie said they talked about getting two more t.v.'s.
- Mayor Rosenberg talked about getting lights on a different circuit so that only half of them are on.
- Jack Taylor said it's all tied together. They would have to look at it and see. They would have to separate the circuits. He said the other issue is that it's hard to hear unless someone is speaking right into the mike.
- Jarett Waite asked if it is in the budget next year for the new sound system. He asked if he could be involved in that decision making process.
- Ed Dickie asked if Brock could talk about this. He said they were going to bring that up in the budget update next week. He asked Brock to talk about it now.
- Brock Jacobsen said that they have had two bids to fix the sound system. They are a little pricey. One feels that the problem is that the previous update we did is like talking on two different things and we just need to upgrade the audio. The problem is really the video system and how it's talking to... and he feels we need to update that. The bid for that was \$15,000. The other bid was \$31,000.
- Ed Dickie said that we have budgeted \$25,000 for swipe cards but we feel that this is more of a priority.
- Jarett Waite said that if we just move it closer we are probably okay. But it is cranked all the way.
- Ed Dickie said that part of the problem is the sound on the computer. They bring in a flash drive with a presentation and we can't hear them. It would take care of that too. Swipe cards ended up being quite a bit in price so we thought the money might be better used to do some of the swipe cards and use \$15,000 and get the sound system taken care of.
- Jarett Waite said he would lean toward that. He asked to be involved with the quoting process so he could at least have a look at it. He can speak their language.
- He sat down with Bradi and she feels very strongly that what she is currently doing should continue which is to have a pdf download of the newsletter, which we could actually do with the current newsletter. He told her there did need to be a pdf available of every newsletter so it can be downloaded and see it the way it was designed originally. He is still working on the redesign.

Ken Sizemore:

- DTEC met last week. The discussion was about the reapproval of the HCP. They have tied the reapproval of it to the Northern Corridor, which is a big change. They went and negotiated with the Denver Regional Director of Fish and Wildlife Service and the State Director of Fish and Wildlife Service and they both agree that we need to tackle Northern Corridor and HCP approval at the same time rather than piece meal it. They think with

the new administration they have an ability to have more positive response from Fish and Wildlife Service than they have before. There is supposed to be a meeting on May 2. Commissioner Cox has put a group together to discuss this. We aren't involved as a community because we aren't out there on the HCP interface but they are going to be talking about how to proceed with that process.

- The State Legislature approved some bonding for a recreation project and one of the specific earmarks of that legislation is recreational hotspots funding for roads. What has come out of that process is more east of here and over on our side of the County. They are proposing to request \$9 million of that recreational hotspot bonding money to put the transit line in between St. George and Springdale and that money would buy the rolling stock and operate the system for a year or two.

- They talked about Sheep Ridge Road improvements. That would be almost \$2 million to do that.

- They talked about improving the Big Plains Road. That is the Smithsonian Butte's road. It's where the mountain biking areas are. He said you are lucky to get a four-wheel drive up there and he is surprised they are going to pave that road. They have \$4.3 million requested for that. They are going to take that road all the way through from Apple Valley to Hwy 59 and drops down into Grafton and connects into Rockville. That's a big issue. There's a real demand there.

- He attended the Utah American Planning Association Spring Conference in Brigham City last week. There is a consultant here in the west that does walk audits. He comes down here with the Public Health Department in June and his whole point is to make sure that we as communities understand the needs of the disabled person. To make sure we are installing the public improvements to be accessible to disabled people so we did an actual walk of the main street in Brigham City. How many communities' sidewalks are wide enough to keep personal space and still stay together in pairs? Do curb cuts meet ADA wheelchair requirements? We ought to take that attitude when we are approving development.

- He said that they we put on notice that the Legislative community is ready to sue municipalities right and left in this State because the law on how we deal with conditional use permits was passed 15 years ago and more than 80% of the municipalities in this State still haven't changed their conditional use language. It still reflects things that were adopted 30 years ago. The message was the development community has been very patient. They are ready to start suing if they haven't updated their conditional use processing. Conditional uses are not something we can approve, modify or deny. We can't do that anymore according to the State law that was passed 15 years ago. If you put a conditional use in the ordinance you have to the standards. If they meet the standards, it's automatic. They are approved.

- Mayor Rosenberg said that what he's saying is if your ordinance doesn't define it that way, it doesn't meet the State law. It has to be measurable. Where is they achieve it, they get it. The only way you can have something that is that way is if it is defined in a measurable content that you put the checklist type of thing.

- Ken Sizemore said that they were instructed that most ordinances still had that you have to post on the property a notice that you are going to do a conditional use permit and send letters out to everyone within 300 feet and have a public hearing and all that stuff. Get rid of all that stuff. It's a conditional use in the zoning district if it meets these standards, check, check, check, we're done.

- Mayor Rosenberg said and if you don't want it that way don't make it a conditional use. If you can't define the measurable standard whereby which you would allow it take it off your list of conditional uses. Council began talking about Item #8 again. If they can say we violated our ordinance in the denial then they can sue the City. Right now we have tabled and that is why Matt was saying don't make it too long. But if we come back and deny it... The other thing is any change to the ordinance we make after they submit the application doesn't apply to them. They are vested on what's in the books the day we say their application's complete. We can go gather input from everywhere. We still have to make the decision on that application based on the ordinance that was in place the day it was accepted.
- Jarett Waite said that his comment on that is that the conditional use was approved for that item tonight. That wasn't part of the discussion. This was a zone change. Do we have the same measurable for a zone change?
- Ken Sizemore said that a zone change has much greater latitude.
- Mayor Rosenberg said that you can get in the same trouble on a zone change if everything allowed it and you just said no. That's where your findings, the findings of the Planning Commission pass on to the Council so Council can use it in their support or denial. That's what you are going to rely on if someone does sue you.
- Ken Sizemore said that one thing he would like to see from Staff is every year after Legislative session there's a list of everything that municipalities should be fixing in their ordinances based on the new legislation. He said he would like to see that list.
- The Veteran's Memorial is going really well. The rockwork looks great. He asked Brock about how donations are coming.
- Brock Jacobsen said he thinks it's about \$7,500.
- The Ribbon Cutting is going to be pretty low key. He said he is getting pressure to be more elaborate. Do we want to be more elaborate? Do we want songs, a choir, instruments, or should we stay simple?
- Mayor Rosenberg said that Wade Roberts has agreed to speak and he is speaking. He asked the Council about a dedicatory prayer and if so who should give it. He thinks there should be a patriotic musical number at the start. Maybe half an hour long. He talked about the limited parking. He thinks there may need to be a canopy and some seating. He told Ken to keep it simple. It will be held on Thursday, May 25. He asked about the paver's stone
- Jack Taylor said the stone had to come out of Colorado because it's a harder stone. He hasn't heard where they are at on those. The 3 vertical stones are here. They are not ready. They need to be engraved. We are a little nervous about meeting that deadline. All that is holding us up are the bricks and the big rocks.

Mayor Rosenberg:

- There is a Public Hearing next week at the Water District about the rates going up another 10 cents. The hearing is at 6 p.m. on Wednesday.

**4. Working Agenda:**

B. General Business:

1. Approve Bruce Anderson & Pam Graf as Commission Members and Megan Smith & Karen Hughes as Commission Alternate Members.

**Motion to Approve Bruce Anderson & Pam Graf as Commission Members and Megan Smith & Karen Hughes as Commission Alternate Members.**

**Motion by Jarett Waite, seconded by Jerry Amundsen.**

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

**Voting Nay: None**

**Motion Carried.**

- Ed Dickie talked about high school graduation being on May 24 the same day as a Regular City Council Meeting. Would Council like to cancel that meeting and then have a Special Meeting on May 17 instead? That would be on the agenda for the 10<sup>th</sup>. That would be the budget approval. The budget hearing would move up. I don't think that would give us enough time.
- Jerry Amundsen suggested May 31 for the Special Meeting.
- Ed Dickie said the budget could be moved to the first meeting in June. He said as he understands it that at the meeting on May 10 the Council is going to cancel the meeting for May 24 and there will be a Special Meeting on May 31 and at that Special Meeting the Council will set a Public Hearing on the 10<sup>th</sup> for the 31<sup>st</sup> for the Budget. The Budget will come the first meeting in June to approve.
- Mayor Rosenberg realized that he will be out of town on July 12. The Council wants him at the meeting for Item #8. They want to amend that Item at the next meeting. Mayor said that there needs to be an item on the agenda to change that date from July 12 to July 26.
- Ed Dickie asked if that needed to be an agenda item.
- Mayor Rosenberg said to ask Matt Ence how to deal with that. He said he worries about the legality of it. He said we should make sure about Councilman Basso's schedule too.

**6. Executive Session: None.**

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

- April 12, 2017 City Council Meeting Minutes
- Claims through April 26, 2017

**Motion to Approve the Regular City Council Meeting Minutes from April 12, 2017 and claims through April 26, 2017.**

**Motion by Ken Sizemore, seconded by Tode Hafen.**

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

**Voting nay: None**

**Motion Carried.**

**8. Calendar of Events**

- May 3, 2017 City Council Work Meeting with Planning Commission

- May 10, 2017 City Council Regular Meeting
- May 24, 2017 City Council Regular Meeting

- City Council discussed how they would have the discussion with the Planning Commission. They would have a discussion, a poll and take additional discussion. Have Master Plans available. Mayor Rosenberg asked for a couple of mikes to be available.

**9. Adjournment:**

Motion to adjourn by Tode Hafen.

Seconded by Jarett Waite with all members present voting aye.

Meeting Adjourned at 9:11 p.m.

\_\_\_\_\_  
Chris Shelley – City Recorder

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