

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, OCTOBER 25, 2017  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, October 25, 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 and 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; Cindy Frei; Scott Awerkamp; Heidi Awerkamp; Stephen Foster; Gretchen Foster; Paul Graf; Ben Willits; Craig Slater; Sherrie Slater; Kay Bills; Jackson Colbin

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

2. **Opening Ceremony**:

- Pledge of Allegiance: Herb Basso
- Opening Comments: Herb Basso

3. **Communications and Appearances**: None.

4. **Working Agenda**:

A. Public Hearing(s): None.

B. General Business:

1. Discussion regarding private property on Country Lane. Presented by Scott Awerkamp.

- Scott Awerkamp, 652 Morning Glory, stated that this piece of property has been looked at before. It is a common area piece of property. The owner never set up an HOA for it. He said he believes the open space was required by the City when the developer put in the development. He said the neighborhood takes care of the weeds. He said there had been a discussion before about having the City take over that piece of property. He said

he has presented to the neighbors about having a neighborhood exercise station. He has seen these in other cities and some of them have paths that wind through. He said he emailed Council Members and the Mayor an example of one. This would promote the health of the community. He thinks this property is an ideal spot for putting in an exercise circuit. He believes this would be a great attraction. He hasn't looked into the cost too much but has looked online and it could cost anywhere from \$10,000 to \$100,000 or more.

- Mayor Rosenberg asked who was paying the taxes on the property. That has to do with the legality of transferring it to the City.

- Scott Averkamp said it is owned by an association, which apparently has not paid taxes on it. The legality of transferring it to the City requires a 75% vote of phase 1 and phase 2 of Country Lane. Upon that vote it can be transferred to the City. He believes they can get 75% vote.

- Herb Basso asked how many units are in this pool.

- Scott Averkamp said there was probably 60. He said the property was platted as common area. He said the owner may have filed a non-profit corporation. He thinks it has lapsed. He said they can probably do the legal work to make this happen. The CC&R's do specify that it is a 75% vote.

- Mayor Rosenberg asked Brad Hays, Parks and Trails Director, if he is familiar with exercise stations.

- Brad Hays stated that he has seen the one in Ivins City.

- Mayor Rosenberg said the residents have come to the City before concerning this property but the problem has always been the cost to maintain it. But if the property had a use and the City wasn't just maintaining a landscape strip the City might be interested especially if it has a use that the public is looking for.

- Brad Hays said he has priced exercise equipment and something compared to Ivins would be about \$12,000 to \$15,000.

- Tode Hafen asked about parking along there.

- Mayor Rosenberg said it would be on street parking.

- Scott Averkamp said it is a very wide street and it is in a 25 mph zone.

- Herb Basso asked that with 60 or so homes in the subdivision would the whole group be interested in some financial participation of a modest amount to help move this along and maybe the City matches whatever the difference is.

- Scott Averkamp said he has not had that discussion with anyone. In the way of the measurement of the property, it spans 3 houses and so it's about 40' by 800'.

- Ken Sizemore asked if all eight homeowners have already fenced their back lots.

- Mayor Rosenberg said yes, they have block walls all the way along the property. He asked that if the plat were amended would the residents want it for a backyard.

- Scott Averkamp said he doesn't know if the City can unilaterally do that.

- Mayor Rosenberg said the residents would have to request a plat amendment and the walls would have to be relocated to prevent double access.

- Scott Averkamp said he didn't know. He doesn't think they could get 100% vote on that because everyone has already put in their landscaping and their walls.

- Kay Bills, 2220 Pearl Rose, said he thinks the property could be made into something very nice. He said he didn't think the City would like him to rake all the leaves and weeds into the ditch. He said he would donate some to help the City do this project.

- Gretchen Foster, 762 Country Lane, stated that when they purchased their house the realtor told them there was an association and it would cost them \$5 a month. She said

they never saw, heard or did anything with it but there was an attempt at an association at one time.

- Paul Graf said he and his wife walk past this everyday and he is surprised at how in disarray it is. He said he started asking around and then heard about what Scott is proposing. He said there is established trees there. He thought about it being a walkway. He likes the idea of an exercise station and it would be low maintenance. He thinks low maintenance would be the key. A park with children playing would be dangerous. Safety has to come first.

- Jarett Waite asked if this would be just the strip of property and not the part that tapers to a point.

- Mayor Rosenberg said yes. There are two phases to the subdivision.

- Tode Hafen asked who the developer was and wouldn't it have been required if it was a PD.

- Mayor Rosenberg said that Jim Ward was one of the developers. He said that the City prohibits double frontage lots so the lots on Morning Glory couldn't extend all the way through to Country Lane. They probably created this thinking they could probably turn it into a linear park kind of thing and maintain it through the HOA. That's why it was platted this way. If the HOA doesn't have anything to do it doesn't exist after a few years.

- Matt Ence, City Attorney, said he deals with HOA issues all the time and that's not unusual. There are a lot of HOA's that are non-functional or excessively functional. This kind of situation is not surprising. When this is the only function of the HOA there is not enough to motivate people to govern and operate it. Under Utah law it is not entirely clear who has title to the common area. In some ways the plat operates like a dedication. If there is an association the plat identifies and the CC&R's identify the association that's going to hold the common areas so even if there isn't an actual deed there is that record of who is supposed to be responsible for it. He stated that if there was an association created but it ceased to operate the owners in the subdivision have much more claim to this property than the original developer would.

- Tode Hafen asked if it was possible that no one is paying taxes on that property.

- Matt Ence said that the taxes are handled by the County by taking the value of that property and attributing it to all of the owners. Generally speaking there are no separate taxes paid on the common areas.

- Mayor Rosenberg suggested getting with Brad Hays. He asked Brad to go look at the property and meet with the owners. He asked him to see if it would be beneficial from the public standpoint as far as a recreational type use. He has the same concern with safety issues. He said there is a mailbox on that frontage and people have to cross the street to get to the mailbox. He said they could see if the mailbox can be moved. He said if we can come up with a beneficial use that can be worked into the Master Plan and it can be done safely, that would validate the City taking over the responsibility for it.

- Tode Hafen asked about the water for the property. She said adding equipment to it doesn't really take care of the problem except that the City would be responsible to take care of it. Would lawn have to be put around the equipment?

- Mayor Rosenberg said that was an option. He said that Brad should look at it. If it doesn't have any value, Brad can come back to Council and tell them that. Then it will come back to whether the City wants it and what will happen to the property. He will invite the residents back when Brad comes back with some information.

- Ken Sizemore said he doesn't think this is a high priority that needs to be done this

fiscal year so Brad can have some time with the property owners and work out a plan to present to Council. Then this can be considered for the next budget year rather than trying to do something to have to squeeze into this budget.

- Mayor Rosenberg agreed. He said the concern is if the City wants the property at all.
- Scott Averkamp said this could be done in phases. The first phase would be to clean it up.
- Herb Basso stated that having a playground along a strip like that, even though it's an exercise station, could be very hazardous.
- Mayor Rosenberg said that if it was something the City wants to do, designated on-street parking could be created.
- Jerry Amundsen mentioned traffic calming devices. If we are improving something parking can be provided. It could maybe even slow the traffic down a little bit.
- Mayor Rosenberg asked the neighbors, if this is done with the property and a lot of people use it, will they be okay with it.
- Ken Sizemore said he has a design issue. The facilities that have been described typically connect to a regional trail system so people can do warm-up and cool-downs. He's not sure the proposed use would benefit a lot of people if there is no connection to a trail network.
- Mayor Rosenberg said it is on a biking route.
- Matt Ence said there are a lot of people in that area walking and biking.
- Mayor Rosenberg told Scott Averkamp to get with Brad Hays and he thanked him and the other residents for coming to the meeting.

2. Discussion on Kayenta Directional Sign. Presented by Terry Marten.

- Ed Dickie, City Manager stated that Terry Marten isn't in attendance at the meeting.

**Motion to Table Item #2, Kayenta Directional Sign until Terry Marten arrives or until the next meeting.**

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

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

**Voting Nay: None**

**Motion Carried.**

- Mayor Rosenberg asked the Boy Scout in attendance to introduce himself.
- Jackson Colbin, Troop 1806, stated that he is working on his Communications Merit Badge.

3. Request Approval of a final plat for Arcadia Vacation Resort, Phase 1 located on the west side of Rachel Drive, and north side of North Town Road. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this project was previously called The Villas at Snow Canyon. They changed the name when the final plat came through. The applicant is Robert Smith, Roger Bundy is the project surveyor, and Ben Willits is the Representative. Phase 1 has 26 units. It is a townhome style development with 83 units total. All have been approved for vacation rentals. The plat follows the approved preliminary plat and the PD concept plan. He reviewed the plat with the City Council. The recreation area will be in phase 1.

The Planning Commission asked when that would be built and Ben responded that that would be built as part of phase 1. There will be a privacy wall around the entire project. For this phase that will mean a wall along Rachel Drive and North Town Road. The Planning Commission recommends approval of Phase 1 plat.

- Matt Ence said he didn't see the final plat and asked for a hard copy.

- Mayor Rosenberg asked about the wall. Is it being built as a serpentine wall?

- Ben Willits, Taylor Built Homes, said that the serpentine wall will be part of the first phase. It will go the entire length of Rachel Drive that fronts the property as well as on North Town. It will be similar to the walls out there along Bella Sol and Paradise. The property outside of the fence will be maintained by the City.

- Mayor Rosenberg said the units were all the same as the zone change and preliminary plat.

- Ken Sizemore said he was unclear about what was said on the amenities. He said the plat he looked at said it was in a future phase.

- Ben Willits said it is part of the first phase. The second phase won't be started until the amenity is done. He said they will probably start with the amenities at the first of the year. Architectural drawings are about 75% done, engineering and pool design are about 90%. He said they will probably be in to the City in the next few weeks with building permit and drawing review.

- Mayor Rosenberg asked if this is something that will have to be bonded for for the plat record. He would think they would want to have the amenity function before the vacation rental use starts to function. We don't want the units built and rented as a vacation rental without the amenities being ready.

- Matt Ence said he doesn't think the City Ordinance goes to the specificity of that amount of specifics as far as bonding for those. Having the amenity is a requirement and a condition and if we want to talk about having that as a condition of final plat approval but there will be subsequent building permits and if you want to talk about a condition in association with those things maybe tie it to a CO.

- Ben Willits said they would be fine tying it to CO's.

- Mayor Rosenberg said that this needs to be part of the motion. He asked how many units were in this phase.

- Ben Willits said 26. He said that this is a pretty intensive site. It would be a \$3-\$4 million amenity. There are two pools, a large clubhouse and turf. He said they will want to get the amenities done as soon as they can. Completion could be next June or July. It could correspond with a number of CO's. He said they will be building a couple of units at a time. The first two will go in right now. No more will be started until the first of the year. He said the 10-12 CO range would be fair. He said the model home unit is already in for the Parade of Homes.

- Ken Sizemore said that citizens may not know what CO means.

- Mayor Rosenberg said that CO means certificate of occupancy. It is what is necessary before anyone can occupy the unit.

- Matt Ence said it is a viable approach to say that they won't get a second phase approved until the amenities are done on the first phase. He had a question about the plat. He wanted to know what the little jog was on the south end, on North Town Road.

- Ben Willits said that is just the way the property boundary is. The road flairs out a bit and necks back down. He also talked about the sewer easement and parking.

- Mayor Rosenberg asked if there were any conditions on the Planning Commission approval.

**Motion to Approve the final plat for Arcadia Vacation Resort, Phase 1 located on the west side of Rachel Drive, and north side of North Town Road with the condition of no more than 10 units with CO's before the amenities have to be substantially completed.**

**Motion by Tode Hafen, seconded by Herb Basso.**

- Herb Basso asked for “substantially completed” to be defined.
- Mayor Rosenberg said that would be usable.
- Jarett Waite asked to clarify that the motion is for CO's and not building permits.
- Mayor Rosenberg said it is for no more than 10 CO's, so no more than 10 residences would be able to use it. The others wouldn't be occupied yet.

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

**Voting Nay: None**

**Motion Carried.**

2. Discussion on Kayenta Directional Sign. Presented by Terry Marten.

- Corey Bundy said it came to the City's attention that there was a sign for Kayenta on the turn going up to the City yard. It was advertising Kayenta 4 miles ahead. The City Ordinance doesn't address real estate signs that advertise for another city so the applicant was asked to remove the sign because it is on City property.
- Terry Marten said the sign was constructed in this spot with the City's permission about 30 years ago. He said at that point in time they were trying to direct traffic beyond Santa Clara and that was helpful in helping people find Kayenta. It became iconic. He said they understand that it is probably inappropriate with what is going on with the City at this point in time with that property. He said this brought up a point that he thinks is important to the City and to the greater community in general and that is that we reciprocate on way finding signs. Way finding signs are not to give directions to a specific project but to general areas of the City. They are to indicate areas of the cities. Way finding signs were established through a Chamber of Commerce for the City of Ivins in conjunction with the city. They have put at least a dozen signs up throughout the City. The sign is a Way Finding Sign. It is a generic name for the general area. He hopes that Santa Clara and Ivins can work together on the Way Finding signs on Hwy 91. He said he sponsored the Way Finding signs in Ivins. We should collectively, all of Washington County, try to create Way Finding signs that would allow visitors to navigate the different opportunities we have for recreation here.
- Mayor Rosenberg asked if the committee in Ivins got any money from the Tourism bureau.
- Terry Marten said he mostly funded it himself. He said they got a little bit of money from State Park and a little from the City.
- Mayor Rosenberg said he can remember being approached by Mark Mortensen and maybe someone in Ivins wondering if Santa Clara would be supportive of working with the creation of those Way Finding signs throughout the community. He said the signs that Terry Marten and his committee are great. He thinks it would be nice if we could get some funding from the Tourism bureau and maybe some private funding to consider some of those. They could advertise a number of things in Santa Clara.
- Herb Basso said there needs to be some uniformity with the signs and having a

reciprocating agreement.

- Mayor Rosenberg said he thinks they had a committee that was made up of multi-agencies that worked on that. He suggested giving an assignment to the EDC to take this on and contact Tourism for funding.

- Terry Marten said that this sign was approved by the City 30 years ago. He brought it to the Planning Commission. He doesn't want to replace the sign. It has been taken down. He said he would like to see a Way Finding sign in that location. These Way Finding signs should have something to do with the community area. He would like to see Kayenta included in it.

- Mayor Rosenberg told Council, with their permission, he would like to give that assignment to the EDC and ask Mr. Marten to assist.

- Council all agreed to this.

- Corey Bundy said that Section 1744 is a directional or guide sign in the Sign Ordinance that states the Planning Commission can approve those types of signs.

- Ken Sizemore said that if we are going to be consistent, we already have Ivins design already there.

4. Consider Amending the Final Plat for Bella Sol regarding the block wall. (Representative Ben Willits). Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is a request to amend the Final Plat for Bella Sol, Phase 6, to diminish the planter strip planned for the area between the sidewalk and the privacy wall located along the east side of Rachel Drive and North Town Drive. Phase 6 has 17 lots in an R-1-10/RA Mixed Lot Zone. The applicant wants to put the wall closer to the sidewalk. This subdivision was originally approved in 2012. The subdivision was called Sugar Plum. In that plat there was a planter strip. In the Sugar Plum subdivision, Phase 1 there was a 7 ft. wide planter strip between the sidewalk and the curb. Corey had the minutes from the City Council Meeting of September 26, 2012 where Todd Edwards, City Engineer, said that the wall would be 6-7 ft. planter and the developer, Walt Plum, said they would have a wavy wall similar to Entrada. That was part of the original plat. The Zoning Ordinance in the landscape section requires a 10-ft. wide planter strip, which may include the sidewalk along public streets where the planter area is maintained by the City. This is one of those areas where the City does provide the maintenance. The applicant wants to pull that wall back. Planning Commission and Staff suggested keeping it the same as in Phase 4, which is adjacent to Phase 6. This received some accommodation from the City. He suggested that is not a very good look. Coming in that close to the sidewalk is a concern. The Planning Commission recommended denial and felt that there really wasn't any valid basis. For the neighborhood landscape aesthetics it is important to have a reasonable landscape strip. He said that Planning Commission felt that the developer should stay with what was originally approved on Phase 6 or no less than what exists on Phase 4.

- Brad Hays said that the Landscapes Ordinance 17.90.030, paragraph D, talks about landscape plans and when a developer brings them into the City, when they are multiple phases, that the phases should be contiguous and look the same throughout the phases. He said that on Phase 1, when they came in, an agreement was made for a meandering wall and a tree lined street. Then they went to Phase 4. He said that Robert Smith talked to him about the problem with selling the lots because the wall was coming out to the middle of the patios. He said they agreed that in Phase 4 rather than having it

meandering and coming out into the middle of the lot, they would meander where it comes to the property line. No changes as far as distance to the sidewalks. The area between the sidewalk and the curb was moved from 7' in Phase 1 to 6' in Phase 4. Those were the only concessions we made.

- Ben Willits said he is the mouthpiece for Robert Smith. He said that his biggest concern is not so much the meandering wall or the look on it. It is that the meandering wall and the City maintained landscaping is now going into a private lot. He said even though that was part of a condition and that is what the look and feel are in some cases there are 4-6' worth of an area that is now not in actual City right-of-way. The setbacks will stay the same. There is a chunk being eaten up of private property that is now on a City-maintained piece of dirt. It makes some of those lots very difficult to be able to put the size of a unit that you could on there and still have all that room that is usable.
- Mayor Rosenberg asked if Phase 6 has been recorded.
- Ben Willits said the final plat has been approved but he doesn't think it has been recorded.
- Mayor Rosenberg said that an easement can be added to it to take care of the maintenance easement.
- Corey Bundy said he believes there is wording on the final plat that says the City will maintain the landscaping.
- Mayor Rosenberg asked if the plat establishes the landscape easement.
- Corey Bundy said he would have to go back and look.
- Mayor Rosenberg said that could be added to the plat.
- Matt Ence said that he thinks another way to look at this is from the perspective of a potential buyer who is looking at this lot. They are buying a home with a lot with a given dimension and to find out that a significant strip of that property on that lot is actually on the other side of the wall and is in the City-maintained side of the wall. The developer has concerns from the marketability standpoint. He said he thinks what the developer is looking for is some kind of a concession from the City to try and resolve that. He didn't know if Ben Willits had any specific proposals.
- Ben Willits said they have talked about ideas such as development credits or tax credits. He said he is there tonight to ask what they can do to figure out a solution and what dialogue can we have to move that solution forward.
- Matt Ence said that one of the things he and Ben corresponded about in emails was a possibility of a plat amendment or actually dedicating that property on the opposite side of the wall to the City. He asked if that was discussed by the developer.
- Ben Willits said the biggest concern about that is that it would affect the setbacks.
- Bob Nicholson said it hasn't been clear about how many feet would actually be taken out of those rear lots.
- Ben Willits said that Phase 1, 4 & 6 are the ones that touch the property lines fronting Rachel Drive. He said that 10 lots in Phase 1 are affected. There are 6 lots in Phase 6.
- Tode Hafen asked if this is different from the Preliminary Plat that was passed. Why wasn't this picked up then? Did something change?
- Jack Taylor said that it was agreed upon and then it switched owners. It has been an issue with the new developer ever since he started his phases. He said the City has been trying to work with him but it has been an issue. He said the City feels like it is important that we keep it and continue on with what was done in the past.
- Mayor Rosenberg said that it was a condition of a zone change and of the preliminary plat for the whole thing. He said the PD is going to have to be amended to eliminate that

condition. That is the action.

- Ben Willits said if it were going to change for the next phase it would have to.

- Matt Ence said that Ben is being extremely diplomatic with the Council because he is hoping for a positive outcome that is not a confrontational one. He said there is some suggestion of legal action over the issue. He doesn't have any particular concerns about the way the City has handled this so far. He said that Council could go into an Executive Session on the issue and he could explain more. Ben is trying to be an ambassador to look for solutions.

- Bob Nicholson said that this same situation happened years ago in St. George and the City ended up platting some of that property on the street side. There is also an opportunity to get a tax of charitable donation from that property. The developer could do it or each of those property owners could potentially do that. Those charitable donations opportunities are one avenue that the developer may recoup something of value.

- Brad Hays said that the idea on the General Plan was to have a tree-lined street. It was meant to look like the downtown and that is the idea behind this particular street. The only reason the City maintains it is because there were multiple property owners and we wanted that gateway to look beautiful. Whether the City maintains it or not, it would probably still have the meandering walls into the private property as part of the development agreement. The City maintains it so we can make it look nice.

- Mayor Rosenberg said that it was a condition of the zone change and of the preliminary plat approval. The developer has done two phases this same way already.

- Jerry Amundsen asked what the worst-case scenario is. How far does the fence come into the private property?

- Brad Hays said it has to be 6' behind the sidewalk in order to plant a tree with a minimum of 2'.

- Ben Willits stated that the sidewalk actually goes onto private property in a few cases because of the right turn pocket.

- Matt Ence said that he has been looking at the recorded final plats for these existing phases and he doesn't see that this has been identified as an easement in any way other than just the standard public utility easement, 10'. He said he doesn't know if that means there is a potential opportunity for some kind of a creation of a new easement to be recorded that might be reflected as a donation to the City. That would be something for the developer to explore to see if they can get any value out of something like that if the City was willing to accept something. He said that as he looked at the plats, the only thing that appears to be on the official plats is just the standard requirement that all the landscaping meet the City's requirements which would incorporate what Brad was talking about earlier.

- Tode Hafen said that typically on a PD that all of it's private property but during an agreement, such as in this case with the landscaping, that it's an easement for the City.

- Ben Willits said it is if it is stated as such.

- Herb Basso said that if we want to keep the look that our General Plan describes then we know which way we have to decide. He said if we make concessions then we will have a section that's not compatible with the rest of that tree-lined street.

- Mayor Rosenberg said that in his mind the PD has to be amended to allow the developer to eliminate the meandering wall.

- Jarett Waite said he is inclined to stick with what has been done on the other phases so that it looks uniform.

- Matt Ence said that the Council doesn't have to make a motion on this item. If Council would like to they can. There are a couple of issues that have been discussed. One is a matter of policy that when Phase 6 comes in what do we want to do with it. The other question is do we want to look at or work with the developer on something on the existing phases where the plats already recorded and the improvements are already in: taking a donation of some kind. The final plats can even be amended to make the wall the property line. It may not be possible given the setback issue. He said there isn't a specific proposal before the Council.
- Mayor Rosenberg said the Planning Commission made a motion and Council could support the Planning Commission motion.
- Matt Ence said they could but there is no real land use application before Council right now. Council could give Ben some direction or thought where Council thinks things need to go. A motion is acceptable as well.
- Bob Nicholson said there is an application for an amended plat.
- Corey Bundy said there is not a plat but they filled out a request to amend the plat with a straight wall instead of a meandering wall. The original request at TRC was to do away with a meandering wall and do a straight wall on the property line on Phase 6.
- Matt Ence said they haven't submitted an actual amended plat.
- Tode Hafen said she would be open to entertain the possibility of working with the developer and creating those parts where it is in to be on the corners where it wouldn't affect setbacks as much. She said she is not willing to give up the meandering wall.
- Herb Basso suggested having it meander in towards property lines but also to make sure we protect the outside landscaping minimum which Brad pointed out.
- Matt Ence said he doesn't think there needs to be a motion if we don't actually have an amended plat. If we don't have a plat, there is no plat to approve. If Council makes a motion and votes to approve or disapprove an amended plat that is a final action. He doesn't think that benefits the developer and it's not necessary. There could be a motion to give some direction.
- Mayor Rosenberg asked if Council wanted to add any direction to what has already been stated.
- Jerry Amundsen said he had a suggestion about if we have something come before Council for an amended plat perhaps an existing as previously platted exhibit and then a proposed exhibit of what that looks like would go a long way in helping this situation.
- Matt Ence said that if there was an amended plat before Council they could compare that with the existing plat.
- Mayor Rosenberg said to table the item or just close it.
- Matt Ence said until Council has a completed application, which would include an actual plat, Council doesn't need to vote on anything at this point. He counseled the Council not to vote on a plat that they don't have.
- Ben Willits asked what the next step is.
- Mayor Rosenberg said based on what he just heard, they can decide to submit an amended plat or go with the plat the way it is and try incorporate some of the suggestions that have been discussed tonight.
- Matt Ence said that with respect to the existing, constructed phases, 1-4, there is an opportunity to make a proposal as to what to do, if anything, with the property that is on the street side of the wall. Council needs some kind of a concrete proposal to consider. If the developer wants something he is going to have to propose something.
- Herb Basso said that hearing the discussion tonight, it is a good idea that Council

doesn't make a decision tonight and that gives the developer a little bit of room to bring something back.

5. Consider Approval of Bowen Collins Bridge Engineering Contract for South Hills Bridge. Presented by Jack Taylor, Public Works Director.

- Mayor Rosenberg said that he needs to disclose that the Company he works for is one of the sub consultants on this item. He will not be voting or participating in this discussion unless there is a direct question, technically related.

- Jack Taylor said that a few months ago they put out an RFP for engineers for a selection process on engineering the bridge and the roadway down Chapel Street heading over to Sycamores. It was brought back to Council after the Committee which consisted of himself, Ed Dickie and Jerry Amundsen selected Bowens and Collins, who is a local engineer and are in fact one of our City engineers. We selected them to come up with a contract and in doing so, we have reviewed these numbers and he said it is his recommendation that we move ahead with the contract with Bowens and Collins. The cost would be \$318,918.00. The developers engineering fees on the Sycamore side would be \$30,000. He said the numbers have been reviewed and he thinks they are fair.

- Jerry Amundsen asked what the conceptual cost of the bridge is.

- Jack Taylor said that the bridge is a little over \$2 million.

- Jarett Waite said that it is a total of \$4 million but the City cost will only be \$2 million.

- Jack Taylor said that the bridge itself is \$2,394,000. Some of the amenities on the bridge will be paid for by the developer. The road and the bridge would be engineered. The property owners that live along this project can participate or the City can put in asphalt until it is developed. On the north side we would probably put curb on one side and put 25' of asphalt. It would be nice to get the curb at least on one side.

- Tode Hafen said that would be an important place for a sidewalk.

- Jack Taylor said the developer wants it to be dressed up with sycamores make it beautiful. They haven't gotten into the detail with the developer yet. He said they are working with COG to get the right of ways purchased.

Ken Sizemore asked Jack if this is okay with budget.

- Jack Taylor said yes. The funds that would cover this would be the impact fees.

- Brock Jacobsen said the engineering was budgeted so this could get started. We did not budget for the actual construction of the bridge. The action tonight is just awarding Bowen and Collins to do the design.

**Motion to Approve the Bowen Collins Bridge Engineering Contract for South Hills Bridge.**

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

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

**Voting Nay: None**

**Motion Carried.**

- Jarett Waite said that as part of being on the Bridge Committee, he has been impressed with the interaction, so far with Bowen Collins.

6. Street Fee Discussion & Set Public Hearing. Presented by Brock Jacobsen, Assistant City Manager.

- Brock Jacobsen stated that this item is coming back from previous discussions and the budget discussion last year in preparation for this year's budget. He said the budget a couple of months ago included numbers to come back and present to Council. He said one of the things discussed was coming back with \$3.20 with 5-10% a year increase. He showed Council what 5% and 10% would be for annual revenue with 3% increase in utility connections. One of the discussions also was trying to get back to the \$50,000 that the General Fund was giving to the Streets Department to maintain the roads. He figured it in at \$3.50, which would put that at exactly \$50,000 and also with a 5% and 10% increase. It also shows adding the commercial aspect broken down into different categories, A, B, and C based on the number of trips from the trip generator. That would go off of what the residential rate is. He has had discussions with Jack about he maintenance schedule for the roads and what he needs for that and what he needs right now with the current roads, and he will be adding more roads, which is \$250,000 each year to maintain roads on a 5-year basis. This doesn't take into account when we do have major projects such as Vineyard Drive or Lava Cove, which would need to be redone. With this street maintenance fee that's what is projected to get us through to be able to have funds set aside to those yearly maintenance and have some funds to major projects when they come do.
- Mayor Rosenberg asked for a break down on the commercial.
- Brock Jacobsen said that Commercial A is any type of commercial that creates less than 100 trips per day. That is the majority of the City's commercial. The only commercial that would be Commercial C is fast food restaurants and Santa Clara doesn't have any right now.
- Herb Basso asked Brock to clarify the increase over five years. He asked if that would be a 50% increase over five years.
- Brock Jacobsen said that what the cost would go to would be \$3.20 and there would be a 5% increase each year for five years. Over five years there would be a 25% increase.
- Herb Basso asked Council how they felt about being lock into that rate as years or decades go by versus seeing how the proposed resort vacation industry would affect us.
- Mayor Rosenberg said it doesn't lock us into it but it lets us program it in so we don't have to come back every year and have a public hearing to make an increase. If the City has extra money that can be adjusted any time we want.
- Herb Basso said that for the record the taxes have been lowered before. He said he would like to challenge this Council or future Councils to lower something.
- Mayor Rosenberg said that the issue right now if there are roads falling apart that need the work. We don't have options from our Street Maintenance Fees and our B&C funds to cover that. This is building an inflator into the business.
- Brock Jacobsen said that things came forward because this is not a Santa Clara road problem. It is statewide. The B&C funds do not cover what municipalities need to maintain their roads.
- Mayor Rosenberg said that the next step is a public hearing. Staff just needs direction from Council which item Council wants to go to that public hearing to present to the public.
- Jarett Waite said he would prefer for year one to be \$3.00 instead of \$3.20 to be able to explain to citizens. Going up \$1.00 is a little easier to swallow then going up \$1.20. It seems like a more palatable increase. He is fine with the 5% increase each year. The 10% might feel like we are pushing it a little too hard.
- Tode Hafen said she is okay with it. She hates to raise it but it has to be done. She is

- hopeful that things are being created in the community so the increase won't have to be exercised or even be done away with. For now, we can't let the roads go in disrepair. She said Council or future Councils should obligate themselves to look at this every year.
- Jerry Amundsen said that roads are necessary but the problem we have is because we allow them to go as far as some of them do they are going to be more expensive to maintain or repair than if we were able to do just maintain them. They have to be rehabilitated rather than just maintained. This is why this is necessary. He said he is okay with going to \$3 and going from there.
  - Ken Sizemore said he echoes what has been said and also for the record note that this is the fifth time Council has talked about this and looked at it and worked on it and tried to adjust it. There has been a lot of hours put in to get this where it is at at this point in time. If we are going to keep our road system intact and in good shape we have to do something and this appears to be the best approach.
  - Mayor Rosenberg said ditto to everyone's thoughts. He asked Council if they want \$3.00 and then a 5% increase or a 10% increase.
  - Jarett Waite said that he stated 5%.
  - Ken Sizemore said that 5% is what he understood.
  - Mayor Rosenberg stated that it is a \$3.00 increase with a 5% escalator for five year and then we need to look at it every year because it is starting low and not accelerating fast.
  - Ken Sizemore asked Brock if there is a date proposed for a public hearing.
  - Brock Jacobsen said it will be the first Regular City Council Meeting in November. November 8 at 5:00 p.m.
  - Mayor Rosenberg said there needs to be a motion to set the public hearing for November 8.

**Motion to set a Public Hearing for November 8, 2017 at 5:00 p.m. to Review the Proposal of the Street Maintenance Fee Increases to \$3.00 and include a 5% Annual Escalator for 5 Years as presented by Staff.**

**Motion by Herb Basso, seconded by Tode Hafen.**

- Jerry Amundsen commented that he will not be at the November 8 meeting. He wanted to make sure there will be a quorum that night.
- The rest of the Council stated they would be there that night.

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

**Voting Nay: None**

**Motion Carried.**

7. Consider Approval of SCI Fire-Rescue Agreement. Presented by Ed Dickie, City Manager.

- Brock Jacobsen said that Ed Dickie is gone and he is presenting the agreement that was talked about a couple of weeks ago. It was presented to Ivins City last week and it was approved. He said he is not aware of any changes they made to it.
- Matt Ence said there were no major changes. If there were any changes they were very minor tweaks. He said he is comfortable with this version of the agreement. It has all the changes that he made to it.
- Jarett Waite said he has talked to some of the firefighters about this and they are all

excited about it. He hasn't heard any negatives about it.

- Mayor Rosenberg said he has done the same thing and he heard positive responses from both cities. He is excited about it and there are new opportunities for Dan. The success we have had with the police and the court, this is going to help provide a little bit more revenue and more service.

- Brock Jacobsen said that approving this agreement shows we are moving forward. We don't have a hard date of when this will eventually begin.

**Motion to Approve the SCI Fire-Rescue Agreement.**

**Motion by Tode Hafen, seconded by Herb Basso.**

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

**Voting Nay: None**

**Motion Carried.**

- Matt Ence asked if there was any discussion that Council wanted an Executive Session for. He said there are a couple of things that are happening but he doesn't have anything specific to discuss tonight. Does Council want any updates?

- Mayor Rosenberg said that he doesn't think anything has changed so there won't be an Executive Session tonight.

**5. Reports:**

**A. Mayor / Council Reports**

Jerry Amundsen:

- Nothing to report.

Tode Hafen:

- The Park Meeting was cancelled.

- She said some citizens have asked what the City is doing with code enforcement. Some are concerned about the condition and upkeep of rental properties in the downtown area as well as some areas in the Heights. She also had questions about multi-family in a single-family home.

- Corey Bundy said people living in a home have to meet the definition of a family. Up to four can be unrelated. He said that if citizens have concerns they can report their concerns and the code enforcement officer will go by and investigate it.

- Tode Hafen asked Corey to have him check a couple of homes downtown that people have complained about. One is on 2698 Santa Clara Drive.

- Kay Bills said there is a property on Country Lane that uses a rental property and there is usually 6 or 7 cars parked there. He has reported it. Nothing has been done.

- Mayor Rosenberg asked him to get the address and get with Corey on that. He said there are certain things that the Legislature said we can't do relative to vacation rentals.

Jarett Waite:

- Nothing to report.

Herb Basso:

- Wasn't able to attend the EDC Meeting.

- He talked about the bike event that went through town. It created a little bit of a hassle for the traffic. There were about 150 bikes and it went all day. If it goes through the City, Staff should have them come in and talk to them and get them permitted properly.
- Brock Jacobsen said that Brad was going to talk to them. They didn't come before TRC like most events do to let us know.
- Brad Hays said he contacted the race director today. He sent her an email with the concerns and he is waiting for a response. He said he was firm in his letter stating that anytime Santa Clara streets are used for something like that, please come in and talk to Staff and coordinate with the City.
- Mayor Rosenberg said they have to get a permit. It is mandated.
- Herb Basso said it is a liability and police presence was needed in certain spots.
- Brad Hays said he knows who sponsored it.
- Mayor Rosenberg said to not be afraid to get Kevin Lewis to help with that. He's supporting and trying to push that. If we have an underground event he needs to be aware of that. He told Brad that taking Kevin with him when he meets with the event sponsor will pack some weight. He can get them to come in and do this the right way. People shouldn't be racing in the downtown area unless the streets are closed.
- Brad Hays said he knows the person who sponsored it and they have come to TRC for other events and he doesn't know why they didn't for this event.
- Mayor Rosenberg told Brad to follow up on this and tell them that we are not going to look the other way next time.

Ken Sizemore:

- He said there is no word on the Quality Air Task Force. He will follow up.

Mayor Rosenberg:

- There is a new director at the BLM. Brian Trittle is gone. Keith Ricktruck is the interim director. The BLM told the County Commission that the shooting range that has been proposed isn't going to work because of endangered species habitat and concerns. They want it shortened and turned so it is pointed toward Cox's house. The NCA manager is saying this can't work. He wants it changed. Mayor Rosenberg said he went to the Commissioners. He has met twice with them since Thursday. The BLM representative was supposed to be there today but he didn't show up. BLM also says there isn't room out there for the Western Corridor. He said because the Northern Corridor is being pushed for, the Western Corridor is going to have to be given up. The Commission said that is not the case. The shooting range is probably going to have to be relocated. That triangle south of the City limits line that we want to annex is some of the best tortoise habitat around and we won't be able to get it. He pointed out some areas on the map that BLM probably won't be release. The Commission is working on trying to work on some resolution with the BLM but we don't know what it is going to be. The County is going to the State BLM director and start working with them.
- Corey Bundy talked about the Annexation Plans and that they were moving ahead with that.
- Mayor Rosenberg advised to pull it. If it is critical habitat there is no sense in annexing that. Wait for new input from the BLM. Suspend it and we'll see what happens. The shooting range is the immediate need. He will email the Council and keep them in the loop.
- Brock Jacobsen said the Council has the financial statements for July in their boxes and

if they have any questions come see him. He will have the August financial statements available at the next meeting.

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

- October 11, 2017 City Council Meeting Minutes
- October 11, 2017 Executive Session Minutes
- Claims through October 25, 2017

**Motion to Approve the Regular City Council Meeting Minutes from October 11, 2017, Executive Session Minutes from October 11, 2017 and claims through October 25, 2017.**

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

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

**Voting nay: None**

**Motion Carried.**

**7. Calendar of Events**

- Nov. 1, 2017 City Council Work Meeting at the Dixie ATC, 5:00 p.m.
- Nov. 1, 2017 Meet the Candidates, 7:30 p.m.
- Nov. 7, 2017 Election Day
- Nov. 8, 2017 City Council Regular Meeting

- Mayor Rosenberg asked Chris to put the cancellation of the Nov. 22 meeting on the Agenda for the Nov. 8 City Council Meeting Minutes. He also asked for a date for the Christmas Party.

**8. Executive Session: None.**

**9. Adjournment:**

Motion to adjourn by Tode Hafen.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 7:40 p.m.

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

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