

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 28, 2018
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 28, 2018 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 Pro Tem Mary Jo (Tode) Hafen
Council Members: Herb Basso, Mary Jo (Tode) Hafen, Wendell Gubler and Ben Shakespeare
City Manager: Edward Dickie
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Corey Bundy, Building Official; Dan Nelson, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Cindy Frei; Marv Wilson; Robyn Lamoreaux, Bob Lamoreaux; Theresa Fife; Andrew Ord; Melissa Ord

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

2. **Opening Ceremony:**

- Pledge of Allegiance: Ben Shakespeare
- Opening Comments: Ben Shakespeare

- Mayor Rick Rosenberg and Councilman Jarett Waite were excused from the meeting.

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Mayor Pro Tem Hafen asked the Boy Scouts in attendance to come forward and introduce themselves.
From Troop 585: Elijah Ence, Chase Cloward and Austin Robertson who are working on their Communications and Citizenship in the Community Merit Badges. From Troop 1828: Jacob Fife and Jonathan Fife who are also working on the Communications Merit Badge.

4. **Working Agenda:**

A. Public Hearing(s):

1. Public Hearing to receive Public Input on Budget Amendment for FY 2018.

- Brock Jacobsen, Assistant City Manager, told Council this is an Amendment to the FY 2018 Budget and the purpose of this amendment is to bring in the budget with the combining of the Santa Clara and Ivins Fire Departments and EMS services. So, the budget that is left over from Ivins budget that they had unexpended as of December 31 is being brought in to Santa Clara's budget for fire and creating the new EMS fund within the General Fund. That is the main portion of the amendment. The other part is from the audit it was suggested that a portion of the City's MBA bond payment on City Hall could be paid for by Impact Fees paid out of General Funds and then be transferred to make the payment. The total amended amount is \$573,454.

- Herb Basso asked how much is being transferred over from Ivins to combine with the City's budget.

- Brock Jacobsen said that \$175,567 is coming over from Ivins for the Fire Budget and the EMS Budget will be \$232,929.

- Ed Dickie, City Manager, said that Council will see at the Budget Retreat that it will show the Fire Budget going up quite a bit and Council will understand why. Ivins funds 55%.

- 5:07 p.m. Public Hearing Opened.

- 5:09 p.m. Public Hearing Closed.

2. Public Hearing to receive Public Input on a Lot Line Abandonment & Vacate an Easement.

- Bob Nicholson, City Planner, explained that this is to adjust the property line to coincide with the existing privacy wall. The property line will be adjusted a few feet so that the wall will be the property line. The easements will be adjusted accordingly. The applicant is Marv Wilson.

- Marv Wilson said that when they built the house 21 years ago the neighbors had informed them that they had built their wall on the Wilson property. He said he just sold this house and he wanted to make sure that this was made legal and proper. The title work has already been done for this and they have quick claim deeded the remaining 10 feet on the one side and a foot on the other side to the neighbors on the north side. All the legal work has been taken care of he just needs Council to agree that the plat can be changed accordingly.

- Herb Basso asked if that changed the 10,000-square foot minimum.

- Marv Wilson said no it doesn't change it. Both lots are well above that.

- 5:10 p.m. Public Hearing Opened.

- 5:13 p.m. Public Hearing Closed.

B. General Business:

1. Consider Budget Amendment for FY 2018 and approve Ordinance 2018-06. Presented by Brock Jacobsen, Assistant City Manager.

Motion to Approve Budget Amendment for FY 2018 and approve Ordinance 2018-06.

Motion by Herb Basso, seconded by Wendell Gubler.

Voting Aye: Herb Basso, Wendell Gubler and Ben Shakespeare.

Voting Nay: None.

Motion Carried.

2. Consider Abandoning a Lot Line and Vacate an Associated Easement and approve Ordinance 2018-07. Presented by Bob Nicholson, City Planner.

Motion to Approve Abandoning a Lot Line and Vacate an Associated Easement and approve Ordinance 2018-07.

Motion by Herb Basso, seconded by Ben Shakespeare.

Voting Aye: Ben Shakespeare, Wendell Gubler and Herb Basso.

Voting Nay: None

Motion Carried.

3. Consider Approval of Final Plat for Ocotillo Springs Phase 1, located South of North Town Road. Presented by Bob Nicholson, City Planner.

- Bob Nicholson stated that this is the final plat for Phase 1 of Ocotillo Springs. He said there are 14 townhome units in phase 1. The project is located south of North Town Road and east of 400 East Street on 4.93 acres. This is in a Planned Development Zone. The General Plan shows this as a medium density residential area. The entire project is 9 acres. The applicant is Scott Group. Lance Rigby is the Representative and the project engineer is Jared Bates with Rosenberg Associates. The phase 1 area is in the center of the project. There are two five-plexes and a four-plex. They all have attached two-car garages. The amenity area will be built with phase 1. The amenity area includes a clubhouse, restrooms, a swimming pool and a playground area. Outside of the phase 1 area in the corner of the project there will be a volleyball court and two tennis or pickleball courts. They will have an HOA to maintain these amenities as well as the landscaping around the perimeter of the project. The project will have a privacy wall along North Town Road, 400 East and the future Hamblin Parkway. All the interior and exterior streets are public streets. The units range in size from 2,357 square feet to 3,075 square feet. The units will have tile roofs, two-tone stucco colors and a 3-foot bend of stone along the front of the units. This is a planned development so they have already presented the conceptual drawings. There haven't been any changes since the preliminary plat.

- Mayor Pro Tem Hafen said that in the Planning Commission minutes there was a question about the naming of a street. Was that resolved?

- Corey Bundy, Building Official, explained that the top street coming into North Town Road is a stub road and Planning Commission didn't want to make a little stub road with the name Ocotillo Springs and the road across the street having the same name but being a different development. It was settled on being called Resort Way. On the final plat there will be a common name that will be used for both developments. They have met all of the requirements for the final plat.

Motion to Approve the Final Plat for Ocotillo Springs Phase 1, located South of North Town Road.

Motion by Ben Shakespeare, seconded by Herb Basso.

Voting Aye: Herb Basso, Ben Shakespeare and Wendell Gubler.

Voting Nay: None

Motion Carried.

4. Consider Request for a lot split for the Historic Granary building at 3105 Santa Clara Drive. Applicant, Mandi Gubler. Presented by Bob Nicholson, City Planner.

- Corey Bundy said that Mandi and Courtney Gubler own the Historic Mercantile building and are in the process of purchasing the Granary building. The Johnsons will retain ownership of the home located to the west of the Granary building. The Johnsons and Gublers will split the lot to separate the Granary and the lot, which the Gublers are purchasing. He stated that at Planning Commission on January 11, 2018 the Planning Commission approved a 5-ft. side yard setback for the Granary building. Both properties are zoned Historic District Mixed Use. The new lot containing the Granary building will be 6,472 sq. ft., which meets the minimum lot size for Historic District Mixed Use Zone. Both the Johnsons and the Gublers support the lot split request. Staff recommends approval. Planning Commission did hear this on February 22 and recommended approval. He stated that he and the Fire Chief have been over to look at the lot split. They have the fire separation that is required. The business that the Johnsons were running will no longer be in existence. There won't be a restaurant there anymore.
- Wendell Gubler asked if the Gubler are interested in continuing the Granary business.
- Corey Bundy said that Mandi Gubler is designing the business to be Interior Design and the rest of the mercantile is residence. He said that they are talking about turning the Granary into an art studio but they don't have any major plans for the Granary at this point.
- Mayor Pro Tem Hafen said that the restaurant is closed already.

Motion to Approve the Request for a lot split for the Historic Granary building at 3105 Santa Clara Drive. Applicant, Mandi Gubler.

Motion by Ben Shakespeare, seconded by Herb Basso.

Voting Aye: Herb Basso, Wendell Gubler and Ben Shakespeare.

Voting Nay:

Motion Carried.

5. Consider Approval of a Zone Change Request from R-1-10 to Historic District/Mixed Use Zone on 0.59 acre (1lot), located at 2562 Santa Clara Drive. Applicant, Robert & Robyn Lamoreaux and Approve Ordinance 2018-08. Presented by Bob Nicholson, City Planner.

- Corey Bundy said the applicants Robert & Robyn Lamoreaux are the property owners and the property is kitty-corner to Town Hall. The General Plan shows this property as Low Density Residential Historic District. It sits on 0.59 acres and is a single lot. The purpose of the request for a zone change is to allow the homeowners to convert the home into a short-term vacation rental. The Historic District/Mixed Use Zone allows for

vacation rentals as initial use subject to approval and providing off-street parking to the amount of 1 parking space for every bedroom. They will need to obtain a City business license and they would need to comply with the City Landscape Ordinance. The applicants at this time do not propose any exterior changes to the property. The zone change will simply allow for vacation rental use of the property. If exterior changes are proposed in the future such changes would be subject to the review of the City's Heritage Commission prior to the changes. One of the goals of the Historic District is to maintain the feeling and charm along Santa Clara Drive. Front yard landscape should be maintained in a traditional manner with any extra parking area other than existing driveway located at the rear inside of the property.

- Herb Basso asked where additional parking is going to go. He said he knows they have garden space behind the pool.

- Corey Bundy said that there is parking in the front of the driveway and to the side of the driveway. He showed pictures to the Council. The covered garage can be counted as parking. There would be a total of 6 parking spaces. He said that the Heritage Commission recommended approval of the zone change. They just wanted the applicants to abide by the nuisance ordinance for noise and nuisances.

- Herb Basso said he is concerned about traffic there. He asked Corey if he sees an issue.

- Corey Bundy said it is quite a large lot. He explained to the Council.

- Mayor Pro Tem Hafen said that this would have a conditional use permit so things could be addressed if there are concerns with traffic and safety.

- Herb Basso suggested keeping a pull-out area so they don't have to back out on Santa Clara Drive. He asked the property owners if they are going to do anything with the unkempt garden area.

- Robert Lamoreaux said they are planning on putting up a fence and make that a pretty area. He will make sure guests are aware about not pulling out on Santa Clara Drive. He said that Officer Rodgers is in favor of this.

- Wendell Gubler asked what the Heritage Commission's thoughts were on this. He said he is surprised that they went along with it.

- Mayor Pro Tem Hafen said they were in support of this and their only concern was the noise. They are going to have a book with the regulations at the vacation rental to make people aware of the regulations.

- Wendell Gubler said that his concern is that during the last election that a lot of people were very vocal about vacation rentals especially in the Historic District and now we are putting one right across the street from Town Hall. He said he doesn't agree with it.

- Mayor Pro Tem Hafen said that there was a Public Hearing and asked if there was any opposition at the Public Hearing.

- Corey Bundy said there was no opposition to this location at the Public Hearing. All of the people that spoke were in favor of this. He said that the Historical District was developed with vacation rentals in mind.

- Herb Basso said that the General Plan and the revised General Plan encouraged vacation rentals and other businesses. He said there are two other places, his included, that already have approved vacation rental use.

- Wendell Gubler said he feels that this is taking away the whole Santa Clara feel and that is his concern.

- Ben Shakespeare asked what it is taking away. Average vacation rental rents 60% of the year. So, he doesn't think traffic is an issue. The home is going to be enhanced.

- Wendell Gubler said we are chopping up the old Santa Clara and a lot of people don't want to see that happen.
- Mayor Pro Tem Hafen said a lot of these homes are rentals anyway. This home has been a rental for a number of years. The consensus is that rentals are not kept up and are not desirable uses. This way, with this commercial use, there is more incentive to keep the home up. This is not going to be a single-family owner occupied home anyway.
- Herb Basso likes the idea of a business rental because the owners are going to watch the property more.
- Robert Lamoreaux said he will have more control on a day-to-day basis then if it were just a rental.
- Ed Dickie said that the City hasn't had any problems with short-term rentals. They are a good revenue source for the City. He reminded the Council that in a year or two the City might have their rights taken away to enforce or dictate any short-term rental by the State and they are going to be able to be where they want. He said it will come back.
- Mayor Pro Tem Hafen said that it is this kind of business that will support other businesses. We can carefully place these.

Motion to Approve a Zone Change Request from R-1-10 to Historic District/Mixed Use Zone on 0.59 acre (1lot), located at 2562 Santa Clara Drive. Applicant, Robert & Robyn Lamoreaux and Approve Ordinance 2018-08.

Motion by Ben Shakespeare, seconded by Herb Basso.

Voting Aye: Herb Basso and Ben Shakespeare.

Voting Nay: Wendell Gubler.

Voting Aye: Mayor Pro Tem Hafen.

Motion Carried.

6. Cancel the Mar. 7, 2018 City Council Work Meeting and set Budget Retreat for noon. Presented by Chris Shelley, City Recorder.

Motion to Approve the Cancellation of the Mar. 7, 2018 City Council Work Meeting and set Budget Retreat for noon.

Motion by Herb Basso, seconded by Ben Shakespeare.

Voting Aye: Herb Basso, Ben Shakespeare and Wendell Gubler.

Voting Nay: None

Motion Carried.

7. January Monthly Financials. Presented by Brock Jacobsen, Assistant City Manager.

- Brock Jacobsen stated that as of January 31, 2018. The City currently shows total general fund revenue of \$3,251,876 and expenditures of \$2,602,640, revenues exceed expenses by \$649,235. Impact fee revenues exceed expenses by \$528,571. The water fund shows revenues exceed expenses by \$311,908. We have some large expenses coming in the water fund due to work being done on Well #7. The sewer fund shows revenues exceed expenses by \$106,929. The power fund shows revenues exceed expenses by \$849,492. We are currently working on the design and engineering for the Southhills transmission line. We will be seeing some large expenses coming for this project, but this project will be paid for by impact fees. The storm water fund shows

expenses exceed revenues by \$14,597. The main reason for this as we have had many expenses due to the landslide mitigation project. We did receive a check from the State of Utah for the first reimbursement request, which totaled \$149,537.59.

- Mayor Pro Tem Hafen talked about the pillars being taken down and asked if they are going to remain where they are.

- Brock Jacobsen said they might get buried but he isn't sure what they are going to do with them. He said the City has received the first reimbursement check from FEMA. That brought back some of our expenses. FEMA reimburses 75%.

- Herb Basso is concerned with the work that is going on on the hillside. He said we should seek some expert advice about the hillside and the pillars. There is a lot of litigation involved with that. He said he talked to the Mayor about this. This is not just an aesthetic patch job. He is concerned about the sheer cliff and erosion. Do we have an expert working on this?

- Brock Jacobsen said Jim Northquist is working on it.

- Ben Shakespeare asked Brock if the City is in the black. Are we doing okay?

- Brock Jacobsen said we are doing okay. Storm should get better. We made our last payment on the rebuild of the retention basin from 2012. February's budget should look better. As a whole the City is in a good financial position. He said they are hoping to put some money in the Fund Balance. He said a number of departments have held off getting new equipment. Once there gets to be more money in the fund balance they can hopefully get some of the equipment the departments need.

8. Approve FY2018-19 Budget Schedule. Presented by Edward Dickie, City Manager.

- Brock Jacobsen showed the Council the Budget Schedule for FY2018-19. He said that on the 22nd the Department Heads have their budget worksheets. Every Thursday he and Ed Dickie with the Department Heads will go through the budgets and reviews and see where their requests are. On Monday, March 5 we are hoping to have a majority of their budgets, their requests ready to go for the Budget Retreat so Council can give their feedback and goals and projects Council would like to see get done so they can be incorporated into the budget.

- Ed Dickie asked Council to come prepared with their goals and things they want to see in the budget. He also requested that they talk with the Departments that they are working with. It will be an informal discussion and going over the budget. The retreat will go from noon until 5 or 6 p.m. There is a timetable for the budget that we will discuss also.

- Brock Jacobsen said that the first Council Meeting in June is when the final budget will be adopted. The Public Hearing for the budget will be held two weeks before that.

5. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Little League is in the process of raising donations and revenue to put in a wall between little league fields to keep the runoff from coming down and destroying the fields every

time it rains. Sunroc is going to donate some of the block required for the wall. They are working on getting the money and donations for Phase 1 of the wall. He said ultimately they would like to get some shade canopies.

- Ed Dickie said as part of the Budget Retreat they can go over their wish list and that \$16,000 is set aside to help stabilize the hill there by the little league park.

Herb Basso:

- At the EDC meeting they discussed the directions signs that might help in an economic way. He said they are going to meet with the County Travel and Convention Bureau for some funding. He said they are hoping to define their purpose for the signs and what is going to go on them. Jeriah Threlfall was at the EDC meeting.

Wendell Gubler:

-Had a meeting with the Washington County Solid Waste District. They approved to bill everyone a 12-month billing for Pine Valley property owners.

- He said the President Frei of the LDS Church has some concerns about the City going through the church property in building the bridge and the road and that no one from the City has talked to him.

- Ed Dickie stated that the Mayor has been in communication with the LDS Church. He has seen their emails and conversations and he will let the Mayor know that Pres. Frei has some questions and concerns.

- Herb Basso said that Don Bush would like permission to go a little higher on his wall because of the eventual traffic. He would like more privacy.

- Ben Shakespeare said he wouldn't be surprised if there is a wall on the design of the bridge that would provide him more privacy.

Mayor Pro Tem Hafen:

- John Grant who has chaired the Heritage Commission for a while has had to resign due to health reasons. He will be an alternate. She said that the Mayor has asked Bob Lamoreaux to fill in on the Heritage Commission.

- Ed Dickie said he sent the Council an update on HB 175. The Government Oversight Committee has revised it so that all government entities would be taken out so HB 175 passed. We are opposed to it because it makes it easier for them to throw that back in. This makes it that if a resident doesn't like a decision that a local government or school district has made they can call this oversight committee and they would come in and do an audit of the decision. He said that the argument is that there is already enough government. The cities do a great job on their own. It still has to go to the Senate. Lowry Snow spoke on the floor against it.

- Tode Hafen said she was there the day this was being voted on.

6. Approval of Claims and Minutes:

- Jan. 24, 2018 City Council Meeting Minutes
- Jan. 24, 2018 City Council Executive Session Minutes
- Feb. 7, 2018 City Council Special Meeting Minutes
- Claims through Feb. 28, 2018

Motion to Approve the Jan. 24, 2018 City Council Meeting Minutes, the Jan. 24, 2018 City Council Executive Session Minutes, the Feb. 7, 2018 City Council Special Meeting Minutes and Claims through Feb. 28, 2018.

Motion by Herb Basso, seconded by Ben Shakespeare.

Voting Aye: Herb Basso, Wendell Gubler and Ben Shakespeare.

Voting nay: None

Motion Carried.

7. Calendar of Events

- Mar. 7, 2018 Budget Meetings at 12:00pm.
- Mar. 14, 2018 City Council Regular Meeting
- Mar. 28, 2018 City Council Regular Meeting

8. Executive Session: None.

9. Adjournment:

Motion to adjourn by Ben Shakespeare.

Seconded by Herb Basso with all members present voting aye.

Meeting Adjourned at 6:33 p.m.

Chris Shelley – City Recorder

Date Approved: _____