

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, FEBRUARY 13, 2019  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 13, 2019 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, Jarett Waite, Mary Jo (Tode) Hafen, Ben Shakespeare and Wendell Gubler  
City Manager: Edward Dickie  
City Recorder: Chris Shelley

Others Present: Brock Jacobsen, Assistant City Manager; Jack Taylor, Public Works Director; Brad Hayes, Parks & Trails Director; Randy Hancey, Interim Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Brent Lambson; Cindy Frei; Jennifer Kohler; Kent Walker; Spencer Gunn; Justin Hansen; Ethan Fishel; Angela Fishel

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

2. **Opening Ceremony:**

- Pledge of Allegiance: Tode Hafen
- Opening Comments: Tode Hafen

3. **Communications and Appearances:**

A. General Citizen Communications:

1. Boy Scouts from Troop 509 visited the City Council and introduced themselves: Justin Hansen, Ethan Fishel and Spencer Gunn. They are working on merit badges for Citizenship and Communications.

4. **Conflicts and Disclosures:**

1. Mayor Rosenberg said that the firm he is working with is doing some of the work for Verizon Cell Tower on the erosion hazard study which causes a conflict on Item C2.

5. **Working Agenda:**

**A. Public Hearing(s):** None.

**B. Consent Agenda:**

1. Consider approving Resolution 2019-01R allowing Santa Clara City to use Vote by Mail as the primary means of casting ballots in future elections and to continue to contract with Washington County to provide election activities.
2. Consider approving Resolution 2019-04R, approving a MOU between participating entities in the Washington County Drug Task Force.
3. Consider Cancelling the March 13<sup>th</sup> City Council Meeting because of Spring Break for the public schools that week.

- Herb Basso asked if there will still be the ability for citizens to walk in and vote at a precinct if Vote by Mail is approved.

- Chris Shelley, City Recorder, said yes, they will.

**Motion to Approve the Consent Agenda.**

**Motion by Ben Shakespeare, seconded by Wendell Gubler.**

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

**Voting Nay: None.**

**Abstained: Tode Hafen.**

**Motion Carried.**

**C. General Business:**

1. Request to reconsider or modify its requirement under Santa Clara City Code sections 17.48.010 and 020 on the Inn at Santa Clara project. (Richard Kohler, Owner). Presented by Matt Ence, City Attorney.

- Matt Ence said that this item is concerning the Inn at Santa Clara project across the street to the east from Town Hall. Mr. Kohler is the developer. This issue arose because Mr. Kohler had a disagreement with his geotechnical engineer, Chris Volksen, about some recommendations Mr. Volksen had made in a report that was submitted to the City. After that disagreement, Mr. Volksen wrote to Corey Bundy, City Building Official, and said that he was withdrawing his report. Mr. Kohler thereafter made some attempts to work with Corey to use the building code in a couple of ways to substitute his judgment as the registered design professional on the project so that he wouldn't have to go out and obtain another report from another geotechnical engineer. Corey ultimately disagreed with that approach so Mr. Kohler contacted him (Matt) to discuss this. As part of that discussion he called Mr. Kohler's attention to Chapter 17.48 of the City Code. 17.48 of the City Code basically says that in the event that the City believes that there is some kind of a hazardous condition on a parcel of real property that's going to be developed the City can require a professional's report. The hazards that are included in the ordinance include potential soil hazards. On the basis of this ordinance the City has required nearly every project that has been brought to the City since that ordinance has been adopted to submit geotechnical report recommendations along with any kind of

development application. The basis for that practice and that policy has been the presence of most of the properties in the City in one or more of some hazard zones that are designated on geologic hazard maps. The City has a long history of dealing with geotechnical issues of various kinds such as blue clay, landslide issues or ground water issues or other issues so that has been our practice and policy. What Mr. Kohler has argued is that his property should be excluded from that requirement at least in part because of the data that was included in Mr. Volksen's original report. Staff's concern with that argument is that we consider that report as a whole to no longer be available to rely on because of Mr. Volksen's letter withdrawing that report. As he was the professional that gathered that data and prepared the report we have essentially informed Mr. Kohler that our position is that he needs a new report. From the City's perspective there are two issues before the Council. The first is a sub issue, which is whether the City can accept any portion of that report even though Mr. Volksen withdrew the report. It has been Staff's position that as that report has been withdrawn that we consider that to no longer have the backing of the professional that prepared it so we have taken the position that a new report needs to be filed. Second, the major issue is whether this requirement for a geotechnical report in 17.48 should continue to apply to Mr. Kohler's property or whether it should be waived for one reason or another. Staff's position is because the ordinance is based on the City's opinion of whether there is a potential hazard or not and because there is some reason to believe that there may be potential soil hazards on Mr. Kohler's property, Staff's position is that that report should be submitted. The original issues that began with Corey's discussion with Mr. Kohler about the applicability and the interpretation of some of the Building Code is not before Council tonight. The Building Code provides for an Appeal Board that can hear appeals that are specific to the Building Code. We made that option available to Mr. Kohler. He can still do that. What is before Council tonight is to give Staff direction as to how we can move forward with this ordinance that is in 17.48 generally and specifically as it applies to Mr. Kohler's property.

- Herb Basso asked who makes up the Appeals Board.
- Matt Ence said he didn't have the list of specific names but it is a Board made up of some local engineers, architects and building contractors.
- Ben Shakespeare asked if the building permit has been issued.
- Matt Ence said no it has not. This issue is holding up the building permit.
- Richard Kohler, Architect and Owner of the Project, said he sent an email to the City Council. He said they thought they had paid for the building permit and that it was issued.
- Matt Ence said he is not sure whether it has been issued or not and Corey will have to clarify that but this issue is what is preventing the project from moving forward.
- Richard Kohler said they paid \$58,000 for the building permit on Nov. 1, 2018. He said their position is that with the soil engineer, their soil consultant, which they alerted him in July 2018 once he reviewed the report that there was a disconnect between the data in the report and one paragraph in the recommendation that required them to build on structural fill that extended at least 2 ft below the footings. It is kind of a one size fits all recommendation. He said their site has unique characteristics. He was unable to get with the soil consultant until Nov. 5, 2018 with the intervention of their General Contractor, Mark Weston. They had a brief meeting in his office and went over that disconnect. He explained what they want to accomplish at this site to make sure the soil is acceptable prior to hiring the General Contractor and talked about an innovative solution referred to

as stabilizing the moisture content. He said the paragraph that is the issue is the one that states his recommendation and it states that the footings should be on a minimum of 2 ft of structural fill. It says in that same paragraph that if we do that, the estimated settlement would be less than wage. The soil in the top portion of the site is silky sand and is good to build on. He said that most of the homes in this neighborhood were built prior to 2000 and many prior to the mid-90's. It would have been very rare to have any of these homes built on structural fill. There is a good history of those performing well over all these years. He said he felt confident that they could move forward building on the undisturbed earth if the data from the soil's report supported that and in fact it did. The only issue that was taken with the soils is that they have soil that is silky sand soil that was tested in the lab and shrank 3.3% when it was totally saturated with water. He talked about the equation of settlement of less than  $\frac{3}{4}$  in. and the characteristics of the soil. They are doing some innovative things at their site such as ground source heating. They also intend with heritage landscaping such as lawns and trees using subsurface drip irrigation. They will have soil moisture sensors and soil temperature sensors. They will also have flow sensors. This system will stabilize the moisture content. It will never get saturated. The soil engineer's opinion was that he didn't want to change his recommendation because he was not familiar with and didn't design this. If he as the architect designed that soil moisture stabilization and the soil engineer hasn't it isn't necessarily appropriate for him to stamp that first choice recommendation and he, Mr. Kohler should stamp it because he is the one who says that it works. (He showed a diagram of the design to the Council and explained it.) He said that the soil engineer didn't want to change his recommendations because his recommendations are how he gets liability so there is a disconnect. It wasn't remediated. They have a soils report but they don't want to include the paragraph of the engineer's recommendations. In the building code there is a provision that would be a way for them to have the responsibility for the design be on the correct party, himself, and not be on the soils engineer and use the data from the soils report which they paid for. In the appendix they showed where they have a contract with GGS, Mr. Volksen and it is a fixed price contract for \$2,850 and there is paragraph in there that says if the amount is paid then the client owns the data in the report. He said they feel that they are correct to be able to use that and if the City says they can't, that would not be correct according to the contract that they had with the engineer. He said he doesn't think the engineer can take the position different from that in the contract. When the engineer sent the letter to the City Mr. Volksen hadn't paid him yet. It has since been paid. He said they have data but not a recommendation from an engineer, which is what Ordinance 17.48 requires. He said that since they don't have the recommendation they looked at the Building Code and found that there is a provision for soils report waiver in the 2015 Building Code. He read, "The Building Official shall waive the requirements for the soils report when..." with twelve different paragraphs in the Code which are enumerated in this waiver. He read each of the paragraphs and explained how they related to his property. He said, concerning all twelve paragraphs, that they were able to answer no. He also explained that in the waiver it says the designer will assume full liability both present and future to this regard. He felt this was an appropriate mechanism in the Building Code to address their issue and he said they felt that when Corey accepted it that it would be a reasonable resolution. He talked about exceptions to the Building Code and that they are not subject to debate between the designer and the Building Official. He said they believe that this waiver they submitted on Dec. 3, 2018 is in force. It was never responded to. He said he met with Matt on

December 19, 2018 and he introduced Code 17.48 of the Zoning Code. He was shown maps to that and in rebuttal he talked about the liquefaction and how it said there could be liquefaction if the water table is closer than 10 ft to the surface and theirs is 21 ft. The same is true for a shallow water table map. He said there isn't an issue with expansive soil either. He also said that over the last several months there has been opportunities for the Staff to clarify their position and resolve or at least choose a direction that would better solve this. He is asking the Council to do this. He feels he has enough experience and knowledge in this and is qualified to talk about this and he believes the Council is also and would like to end this dispute so they can build their project that they have paid their building permit fees for.

- Mayor Rosenberg stated that he believes Mr. Kohler's position on this is that the Geotech report has been issued and the City can rely on it with the exception of the foundation prep requirement that is in there. He asked if that is agreeable with the geotechnical engineer. He said the information the City has is that he has withdrawn the entire report. He read from the geotechnical engineer's letter, "Any work that has been or will be performed on this site by using our report should be null and void as though it doesn't exist."

- Richard Kohler said he met with the engineer on Nov. 5, 2018 and he left his office and within a half of an hour of him leaving his office the engineer filed this.

- Mayor Rosenberg asked if he has reversed that.

- Richard Kohler said they have had additional correspondence with him. He said they paid a portion to the engineer and he acknowledged the payment. The offer was split into two portions. After receiving the first portion he sent a letter stating that they had pulled their report for this project and said it should not be used for any design or construction recommendations. He said that with this statement the engineer is acknowledging the data and the lab tests are valid but it should not be used for design or construction recommendations. They do not want to transfer to Chris the responsibility for the design or construction recommendations. That coupled with the contract that they paid that said they owned the information should suffice to allow them to use the portion of the report that they have paid for.

- Mayor Rosenberg asked if he would issue the report absent the recommendations, can that report be relied on. That is the heart of section 17.48 is that a report be done. He has withdrawn the report and the information the City has is that that report has been withdrawn and doesn't exist. If he reissues the report absent the foundation recommendation and Mr. Kohler issue a report dealing with the foundation recommendation and goes into detail about what Mr. Kohler is talking about then he probably meets the requirements of section 17.48. The City is looking to make sure there is a report on file by a design professional proficient in the technique. Mr. Kohler should include the testing data and the foundation recommendation. He needs to make sure there is a design report on file.

- Matt Ence wanted to comment on Mr. Kohler's contract with Chris Volksen. He read section 6 of the contract titled, "Ownership of the Documents": "All original reports, excavation and boring logs, test results including engineering calculations and analysis and other original documents prepared by GTS in conjunction with the study shall remain the property of GTS. Copies paid for by the client shall remain the property of the client. Client agrees that all reports and other work furnished to the client or the client's agent which are not paid for will be returned upon demand and will not be used by the client for any purposes." Matt said his interpretation of that is that the data, test results and so on

belongs to Chris Volksen and his company. What Richard owns is simply copies of the report.

- Richard Kohler said they can't have them pay for nothing.

- Matt Ence said that what he is paying for is between Richard and Mr. Volksen but what he is saying is the data, the numbers that were produced by the testing belongs to Mr.

Volksen so when he sent the City a letter stating that he is pulling the report it is appropriate for the City to rely on his letter and consider the report to not exist.

Everything that Mr. Kohler is saying all relies on the testing that has been performed which has been withdrawn by the geotechnical engineer.

- Mayor Rosenberg said that if he reissues that information and withdraws his null and void request then that information can be relied upon.

- Matt Ence said he agrees.

- Mayor Rosenberg said there are a couple of things that Mr. Kohler should include such as how often this technique is done that he is proposing. He said if it is experimental there is additional liability and risk associated with it. He said he would have to have some testing that looked at infiltration rates on the drainage system. The language needs to be in his report. He said the 17.48 requirement is to make sure that nobody in this town, that is inside the geologic hazard areas charges forth with a building permit without looking at the soil that is underneath. The report has to be issued. The engineer has to stand behind what he issues.

- Richard Kohler asked if he could meet with the Mayor. He thanked the Mayor for giving him the direction to go.

- Matt Ence said that this needs to be formalized to make sure the City Council as a whole agrees. This isn't the Mayor's decision to make.

- Ben Shakespeare asked where the reluctance to over excavate began.

- Richard Kohler said he realized when he saw that that it would reduce the amount of surface area, which would absorb storm water, and he felt that was a risk.

- Ben Shakespeare explained that the over excavation would be specific to the footings.

- Richard Kohler explained that it would be under the whole pad of the building plus 3 ft minimum from the footing edge out into the yard space. He said that this is not an issue of cost but they believe their solution is the same cost or more because of the precision they want.

- Ben Shakespeare said the site does allow for drainage to get to the street. It does have the ability for surface water drainage to get to the south side.

- Richard Kohler said he doesn't think so. It is still 2 ft from the gutter down to the site they will be building on.

- Matt Ence said he appreciates what has been proposed and he hopes that Chris Volksen is willing to do what has been proposed. He asked Council that if Chris Volksen is unwilling to do that we could end up back here again.

- Mayor Rosenberg said that if Chris isn't willing to support his data and tests and is unwilling to issue that then Mr. Kohler will have to get someone else to do that to comply with the requirements.

- Richard Kohler requested to meet with the Mayor because he is afraid of not understanding the implication and saying the wrong thing.

- Matt Ence said this can be left where it is now, and Council can adopt what's been discussed if that works but if it doesn't work, we haven't really addressed the question.

- Mayor Rosenberg said the two things that we wanted to make sure were addressed tonight was whether we can accept the data from Volksen's report even though he

withdrew the report. If he reissues the report we have met that condition. The second one is whether the requirement for Geotech on 17.48 should remain or whether it should be waived and since it can't really be waived it has to remain and he said he strongly encourages Council to make sure the requirement for a Geotech in 17.48 remain because it is the requirement for a site to be looked at and determine what hazards are physically present there. We want all applicants to still have to meet that. Once we understand what is physically there at a site then the next step is to decide how to mitigate it.

- Matt Ence said that if we address this the way it has been discussed tonight the Council hasn't changed anything else. That requirement still stands and if Chris Volksen says he is not going to stamp that report then nothing has changed from the City's perspective. He said that he thinks the Council could give Richard a waiver on his site because 17.48 says it is the opinion of the City. He could try to convince the City Council to have a different opinion. He doesn't think that has happened tonight.

- Mayor Rosenberg said that without the data in Chris' report he is not convinced.

- Richard Kohler said that if Chris were to say no that he would separate his data from his recommendations would he have the option of hiring another firm just for data.

- Mayor Rosenberg said he would. He would still have to meet the intent of the ordinance.

- Matt Ence said he wouldn't want to have Chris say no and then be back at square one.

- Herb Basso said to state a path for Mr. Kohler it would be to require the report back and then allow Mr. Kohler to work out the one issue.

- Mayor Rosenberg said this item is a request to reconsider or modify the requirement of the code and we are not changing that. We don't even need a motion. We have given Mr. Kohler a path.

- Matt Ence said that if Council takes no action nothing changes with respect to the ordinance. It is not about changing the ordinance. The question for the Council is do they feel there is a hazard on this site. If the Council doesn't take action on that the City's opinion is still the same.

- Jarett Waite stated that in section 17.48 it says at the very end that it "may be" required to provide a report addressing such hazards or impacts. It doesn't say "must". We are treating it as a must even though it says may.

- Matt Ence said that because it says "may" the City Council is asked to decide. That is why we are here.

2. Consider Approval of Verizon Cell Tower Plans. Presented by Matt Ence, City Attorney/Corey Bundy, Building & Zoning Official.

- Matt Ence reminded the City Council that they were previously presented with a proposed design on the Verizon tower and site. The City Council approved that design with conditions and one of those conditions the City Council set was that there would be some landscaping primarily for the purpose of screening. The site plan that was approved by the City Council at that time was for the silo structure as well as a building next to it that was open on 3 or 4 sides with equipment visible under the roof. Since then Verizon has modified their design and now they have provided for the silo but they have also provided that the building structure next to the silo be fully enclosed and have some design elements that make it look more like a barn type structure so there is no longer any equipment visible from the outside of the site. Because of that they have come back and want to essentially do no watered landscaping. There will be some gravel and so on for

weed control. They have gone back and forth with Staff because Corey was concerned that the ordinance requires a submitted landscape plan. They have submitted a site plan that shows how the site will be prepared and finished. He said they recently met with Verizon and clarified what their intent was and now it is coming back to City Council. The Staff recommendation is that this new updated design be approved without any plant landscaping. Their main concern was getting irrigation water to the site.

- Herb Basso said the main concern was hiding the equipment.

- Matt Ence said that what Staff is recommending is City Council approve this updated site plan and design for the building and the tower elements. He showed Council a diagram.

- Tode Hafen asked about the height of the tower compared with the nearby homes.

- Matt Ence said that 60 ft was the maximum height approved and they have complied with that in their design. He said there will be no fencing. The building is secure without fencing.

- Wendell Gubler said that the last time this was discussed there was some legal problems from some of the homeowners.

- Matt Ence said that case is still ongoing. The plaintiffs who are residents of St. George filed suit and then they sought a preliminary injunction to prevent Verizon from constructing this site. Their motion for injunction was denied. The case is still ongoing and there hasn't been a final determination but there also hasn't been any thing that would prevent Verizon from going forward. The City are defendants along with Verizon and the owner of the property. He can answer some other questions in Executive Session. This site is located within the erosion hazard zone and they haven't submitted recommendations for mitigating the erosion hazard zone. With this approval the erosion hazard report is the last thing they need to provide and then Corey can issue the building permit.

- Herb Basso asked what the ramifications would be if Council waits to see if the legal stuff is cleaned up first.

- Matt Ence said there would be ramifications if the City decided to not issue the building permit after they had a completed application and once they have completed the application and met all the requirements of our ordinance it is irrelevant to us that there is a lawsuit ongoing.

### **Motion to Approve Verizon Cell Tower Plans.**

### **Motion by Ben Shakespeare, seconded by Tode Hafen.**

- Wendell Gubler asked if Staff is in agreement with everything that has been discussed.

- Mayor Rosenberg said yes.

- Ed Dickie, City Manager, said yes and that Corey was in on the Conference call to discuss this with Verizon.

**Voting Aye: Jarett Waite, Tode Hafen, Ben Shakespeare, Wendell Gubler and Herb Basso.**

**Voting Nay: None.**

**Motion Carried.**

### 3. Discussion on Mixed Use Zone. Presented by Mayor Rosenberg.

- Matt Ence explained that this is on the agenda because there has been some recent

activity with some buildings on the back of lots along Santa Clara Drive. Ryan Anderson came in to get a building permit to build a structure on the back of a property he owns. As he was visiting with Corey about what is allowed to build he raised a concern about building height restriction. Some of the building is going on in the Historic Overlay Zone and most of it is still R-1-10 zone and a few sites are approved in the mixed use Historic District. There is some inconsistency with those zones in terms of what is allowed as far as maximum building height. The issue is when someone comes in to the Historic District and has an idea, like Ryan who wanted to construct a storage facility with an office and utilize the home in the front for some type of retail that isn't consistent with the options that are available to a property owner right now. When it came to accessory structures in the downtown area we were in the mixed use zone still trying to categorize a structure that is built on the back end of a lot as an accessory structure which doesn't really make sense. In a mixed use zone it is natural to have one use on one part of the property and another use on another part of the property rather than calling one of the buildings an accessory use. The reason for putting this on the agenda was to look at some of those issues and talk about whether we want to send this to the Planning Commission and have them work on this and review the available zones in the downtown area and see if we can do better as to what is available to property owners.

- Mayor Rosenberg said that the restriction on Ryan's property didn't make sense. The building height is too short.
- Bob Nicholson, City Planner, said that 20 ft is the height limit on an accessory building. Matt makes a good point that this is a Historic District of mixed use. This is a pending hearing on an ordinance amendment at Planning Commission on Feb. 21. The draft says an accessory building shall not exceed two stories up to 28 feet. The concern is getting massive accessory buildings. The size would be limited to 1,000 sq. ft on the ground floor area unless otherwise approved by the City Council after hearing recommendations from the Heritage Commission and the Planning Commission.
- Herb Basso stated that 1,000 ft seemed a little small. He suggested putting language in to allow for exemption.
- Bob Nicholson talked about what an accessory building is and a principle structure.
- Tode Hafen said she sat through these discussions with Heritage Commission. Size makes a difference as well as the appearance. She has some concerns about accessory buildings. She feels that one of the issues is the size of the accessory building.
- Herb Basso asked if housing is considered accessory building.
- Mayor Rosenberg said that Council doesn't need to direct Planning Commission to discuss this. It is already on their agenda. He said an option for downtown is going PD zone. He thinks it is good that the Planning Commission is talking about it.
- Richard Kohler said the City Council has discretion in allowing size, shape and even architecture. The Council should consider linking the approvals to the preservation of the home. The character of the district matters the most.
- Jarett Waite said the 28 ft height is a hard number with no allowable circumstances and that might need to be looked at. He likes the direction this is going.
- Mayor Rosenberg said the language should allow for a little flexibility.

## **6. Reports:**

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

Ben Shakespeare:

- Attended the Flood Control Authority Meeting. The reimbursement for the work on Santa Clara River was approved. Funding was approved for engineering work up to \$25,000 to prepare all the documentation for a FEMA PDM grant.
- Mayor Rosenberg talked about the property owners signing the perpetual easement document so river work can be done.

Tode Hafen:

- What is happening with the Jenkins Oil property?
- Ed Dickie said they are sending the letter that says they did not meet any qualifications that they were asked to do. He will ask Matt Ence if he can give the Council an update.
- Mayor Rosenberg said they are outside their business license. It could be red tagged. Something has to be done. Matt will bring something back. This body needs to make the decisions on this not Staff.

Jarett Waite:

- CEC is officially a Community Education now. It is close to being paid off.
- A Ribbon Cutting took place at the park and the crew did a really good job with it.
- He showed the PDF of the BMX track. He will call the representative and see where it's at. They have some asphalt that will be donated.
- Ed Dickie said there are some xeriscaping that could be put in. Plants that don't need water.

Herb Basso:

- He complimented the work that has been done on Canyon View Park. It also has some great potential.
- Went to the Sand Hollow Aquatics Center meeting. He sent Council an email from them. There are some good numbers. They have had a 62% recovery. The prediction is the City's share might only be about \$22,000. Revenue is up and use is up. They are taking the dome down and putting a new dome up. It should happen in September. The pool will be closed 2-4 weeks.

Wendell Gubler:

- Went to the Solid Waste Committee Meeting. The Bond is in place for Rocky Mountain Recycling. He wants us to commit to the \$50 per ton to end of the contract which is almost 2 years away. There is still a problem with the international markets. The district is toying with the idea of not doing recycling or having someone else come in a do it. We are committed to the \$50 per ton for the next 3 months at least. Then we will start getting into negotiation for contracts for recycling. They have talked about having an Executive Council with 8 or 9 members that can meet regularly and then report to the Board. That might happen in May.
- Is the Budget Retreat still scheduled for Feb. 28?
- Ed Dickie said it is on for that date. It starts at noon. We will have lunch and start right in to the meeting. It should end by 5 or 6:00.

Mayor Rosenberg:

- Cole West decided to back away from the project they were going to build. The property owner is still the Manalowa group and they have scheduled a meeting with him

tomorrow to talk about options for that property.

- He got a letter, which stated that the Core of Engineers is closing their office in Washington County. It is important for them to be here. He will talk to the Mayors about it at the next Mayor's Meeting and they will put a letter together supporting the program.

- The Mayors will meet next month and talk about air quality.

- The bridge bid will open next Friday. They are going to the CIB to try to get money on March 7.

- Ed Dickie reminded the City Council that Staff Directors will be heading up to Leadership Training at the Trust. Brock and Jack will leave Monday night and the rest will leave on Tuesday. They will be back on Thursday.

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

- Jan. 23, 2019 Regular City Council Meeting Minutes
- Feb. 6, 2019 City Council Work Meeting Minutes
- Claims through Feb. 13, 2019

**Motion to Approve the Regular City Council Meeting Minutes from Jan. 23, 2019, City Council Work Meeting Minutes from Feb. 6, 2019 and claims through Feb. 13, 2019.**

**Motion by Ben Shakespeare, seconded by Herb Basso.**

**Voting Aye: Herb Basso, Wendell Gubler, Ben Shakespeare, Jarett Waite and Tode Hafen.**

**Voting nay: None**

**Motion Carried.**

#### **8. Calendar of Events**

- Feb. 18, 2019 Presidents Day (City Offices Closed)
- Feb. 27, 2019 City Council Regular Meeting
- Feb. 28, 2019 Budget Retreat
- Mar. 6, 2019 City Council Work Meeting
- Mar.13, 2019 City Council Meeting Cancelled
- Mar. 27, 2019 City Council Regular Meeting

#### **9. Executive Session: None.**

#### **10. Adjournment:**

Motion to adjourn by Tode Hafen.

Seconded by Ben Shakespeare with all members present voting aye.

Meeting Adjourned at 7:49 p.m.

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Chris Shelley – City Recorder

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

