

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, MARCH 27, 2019
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, March 27, 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, Mary Jo (Tode) Hafen, Ben Shakespeare and Wendell Gubler
Asst. City Manager: Brock Jacobsen

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Interim Fire Chief; Bob Nicholson, City Planner; Selena Nez, Bldg. Dept. Admin Assistant; Matt Ence, City Attorney; Cindy Frei; Ty Hansen; Bob Hansen; Steve Shakespeare; Carl Bond; John R. Smith; DL Rasmussen; Heather Horton; Aleah Horton; Monica Bracken; Blake Frei; Rob Reid; Drake Howell; Patrick Manning; Alan Madsen

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

2. **Opening Ceremony:**

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

- Councilman Jarett Waite was excused from the meeting.

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

4. **Conflicts and Disclosures:**

- Ben Shakespeare stated that on Item B6 he has a lot under contract in that subdivision. He also stated that on Item C2 his company has done work for Mr. Keller in the past and they are currently building a hangar at the airport for him.
- Mayor Rosenberg stated that the company he works for Rosenberg Associates is involved in those final plats mentioned on Items B5 and B6. Also, Item B4 is concerning him.

5. **Working Agenda:**

B. Consent Agenda:

3. Approve a Fire Department Donation of five old SCBA's and 24 Bottles to the Pine Valley Fire Department.

- Ty Hansen, Fire Department, said that over the years they have been able to upgrade their SCBA's and they currently have 15 old ones that are used for training purposes only. They also have 54 bottles. The Pine Valley Fire Department is in desperate need of SCBA's and bottles. They are willing to donate 5 SCBA's along with 24 spare bottles to the Pine Valley department. None of these things are used for fire response. They are only used for training.

- Chief Steve Shakespeare said they have 8 right now and they have no spare ones for training. They have increased their training to 5 days a month and the SCBA's are critical. They are hoping Santa Clara City can help them.

- Ty Hansen explained what a SCBA is. It is an acronym for Self-Contained Breathing Apparatus. It is a pack that goes on a fireman's back that has a 30-minute tank for breathing.

C. General Business:

1. Santa Clara Royalty year-end report. By Princess Aleah Horton.

- Aleah Horton said that this year the princesses were able to attend every parade in the community other than Peach Days. They constructed the floats for the parade. They were able to get some funding from that. She personally was able to attend a Suicide Walk and visit the Veteran's Home. She was able to talk to some girls at Activity Days for the Church of Jesus Christ of Latter-day Saints about self-worth. She and the princesses participated in several service projects throughout the community. They participated in Swiss Days and the Washington County Fair and did a book drive. They have tried to spread love throughout the community and involve others. She thanked the City Council for funding and support. She said the pageant is May 18 at the Kayenta Performing Art building at 7:00 p.m. She invited the Council to attend.

- Mayor Rosenberg thanked Aleah and told her that she and the princesses have done a great job.

A. Public Hearing(s): 5:00 p.m.

1. Public Hearing regarding the issuance and sale of not more than \$3,500,000 aggregate principal amount of sales tax revenue bonds, series 2019 and any potential economic impact that the project to be financed with the proceeds of that portion of the bonds issued under the act may have on the private sector and related matters.

- Mayor Rosenberg said this is the CIB, the bond that will repay the CIB loan for the construction of the Chapel Street Bridge project. The Council has already heard the presentation from the Bond Agent.

- Brock Jacobsen, Assistant City Manager, said that this was already set in motion before the City received the bid back on the bridge, so the amount was put at what the City would possibly need. The funding is really only \$2.1 million.

5:15 p.m. Public Hearing Opened.

5:15 p.m. Public Hearing Closed.

2. Public Hearing to receive Public Input regarding a request for a Boundary Line Adjustment from Mr. Scott Keller by adding 23.642 acres to Santa Clara City's boundary from St. George in the area west of Lava Cove Drive and on the north side of Pioneer Parkway.

- Bob Nicholson, City Planner, said the applicant, Scott Keller, is out of State. He showed an exhibit to the Council. This is located on the north side of Pioneer Parkway and west of Lava Cove Drive. There were two plats prepared. The first plat was submitted and there was a notch in the left-hand corner of the plat that appeared to already be in Santa Clara boundaries because it had a Santa Clara parcel number, but St. George City showed that in their maps it was still part of St. George. That turned out to be correct. The Santa Clara parcel number was assigned to it by mistake. A second plat came forward in January and the legal description on the second plat is correct. The first plat referenced "Snow Canyon Parkway" which should have read "Pioneer Parkway". The first plat was quickly discarded. The actual acreage is 24.6 when the notch is added in the lower left corner in this boundary adjustment. The property is owned by Double Dragon Investments, Scott Keller owner. The reason for this boundary adjustment is driven by the need for sewer service. It is difficult to get sewer service in St. George and it would have been very expensive to put the sewer line in. St. George City recognized that problem and last Thursday, March 21, they had a Public Hearing and they approved the boundary adjustment. The applicant would like to have this pre-zoned. It is proposed to send this to the Planning Commission on April 11. The applicant would like PD Residential zoning which is the very same zoning that St. George City had. This zoning would be for low-density single-family homes and/or a possibility of an assisted living facility. The assisted living facility under the Santa Clara ordinance is a conditional use. He would have to come back with a conditional use request. He is not anticipating doing nightly rentals. This will remain part of the Entrada development and he is still subject to the HOA regulations and rules.

- Ben Shakespeare talked about the sewer line situation and the design of the pump.

- Matt Ence, City Attorney, said he looked at this issue with Corey. The State doesn't require that a legal description be included with the annexation notice it just simply requires that the property be identified in general. After looking at that and the notice that was published it is his opinion that the notice was enough to put the public on notice of where the property was located at because it did identify the property as being west of Lava Cove Drive and north of Pioneer Parkway. It also made people aware of when the Public Hearing would be held so that they could participate or seek additional information before the public hearing if they chose to. He talked about pre-zoning this property. Our ordinances currently require that any property that is annexed into the City be brought into a holding zone, which is the open space zone. But there is an exception to that provided that if before the annexation is completed it can be taken to the Planning Commission and they can review it to make a recommendation to bring it in as a different zone at which point that recommendation would go to the City Council for approval. Tonight, is the public hearing where the public can make comment on the proposed annexation. He believes the applicants preference is rather than having the annexation approved tonight or vote on it tonight rather to have the public hearing, take the public

comment, schedule it for consideration before the Planning Commission for a potential pre-zoning to the PDR zone and then bring it back to the Council for the final approval of the annexation and the pre-zoning. The Council doesn't have to do that if their preference is to bring the property in as an Open Space Zone the Council can act tonight, and it doesn't have to go back to the Planning Commission. He thinks there are potential advantages to both the applicant and the City having it come in as the zone that it is really intended to be. It doesn't really change the procedure the applicant will have to go through once the annexation is complete because the City's PDR zone requires that there be a plan reviewed and approved by the City that is specific to the property that provides a layout of the lots and the units and complies in all respects with the City's PDR zone ordinance. The applicant would have to go through the process of getting their PDR plan approved as if it was a zone change.

- Wendell Gubler asked if there are any questions from St. George. Are they on board with the annexation?

- Matt Ence said yes. They had a public hearing last week and voted to approve the annexation. Their portion of this is done.

5:27 p.m. Public Hearing Opened.

- John R. Smith, 43 Boulder Circle, Santa Clara, said he is part of the Lava Cove @ Entrada PDR community. Lava Cove residents have a significant interest in what is developed along Pioneer Parkway. He said he sent the Council an outline of the citizens' concerns regarding the annexation of the property. They are not opposed to the development of the property. It would help the community to see the property developed. It has been a rock quarry for the last decade and they would like to see it developed. They would like the City Council to review that plans that Mr. Keller has for the property. He said they think it is premature that the City would entertain bringing it in to the City through annexation when they don't know what is going to be developed there. He said the explanation tonight is the first explanation they have had. He that has been very helpful, and they are encouraging the City to place the PDR residential zoning on the property not PDR residential nightly rental. The current density is 4 units per acre and they think that would be very appropriate for the community. They have some concerns about Pioneer Parkway and have talked to Jack Taylor, Public Works Director about them. Pioneer Parkway is a very dangerous road. It is a two-lane road with a 35mph speed limit and people go down that road 15-20 miles over the speed limit. There have been numerous accidents. Ingress and egress into and out of that property is a real concern. He said they want to encourage the City to have Mr. Keller submit his plans before he even brings it into the City for annexation, so we know what we are getting and place limitations on what he plans to develop. PDR residential would be satisfactory. He said it is disheartening to hear that he may be planning an assisted living center. That would bring problems. It is a commercial establishment with commercial delivery. He said their recommendation would be to bring this in as PDR residential with density of 4 units per acre.

- Lynn Rasmussen, 7 South Circle, Lava Cove, said he looked over the information on the sewer lines and had some questions. The application is for 85 connections. If you add up the numbers on Exhibit A it comes to 95. Then there was the mention of adding another 35-40 additional connections above this property. Will a 12 in line manage that much sewer under pressure and do we have enough sewer line under our street and our

subdivision to carry that much sewer? If there is not enough sewer line there and the main street in the neighborhood must be torn up for however long wouldn't that be a bigger project, then the project Mr. Keller is trying to avoid with St. George. The street has been beautified. Traffic speed is an issue.

- Jack Taylor, Public Works Director, said before they even looked at this agreement they had Sunrise Engineering, the City engineer, do a study and look at what the capacity is in the pipe with the existing residents and what we would add. They also looked at what would be annexed into the City, the 24 acres and the other property that Mr. Keller has and the area up above the Keller property and the engineers have said there is plenty of capacity, so we won't have to tear up the road. Everything that fits on that exhibit can flow through that 8 in pipe.

- Matt Ence said the original agreement was going to be for 95 units. The applicant asked the City to reduce that but then add an additional fee in there in case they need to adjust their numbers they could still go over the 85 if they need to with their final design. This agreement doesn't contemplate taking into account any property outside of the Keller property so if there is additional property inside St. George that would be serviced by this sewer line that would be pursuant to a separate agreement.

- Jack Taylor said they will look at it if the property is done they will look at the capacity of the pipes and the pipes can't handle it they won't allow any more sewer to be put into that system.

- John R. Smith asked if the City would do the same thing if there was a 120 unit assisted living center placed on the property instead of 85 residential units. An assisted living center would be larger than 45 units that are on the map.

- Jack Taylor said the applicant hasn't presented anything to the City yet as to what would be going in there. The City would look at it.

- Mayor Rosenberg said that when he does come through with the zone it would require that the existing utilities be adequate to service that. He wouldn't be allowed to develop any more than what the line was capacity on. He said from experience the sewer line would probably work better to get some additional services on it. It will increase the flow in the pipe and help keep it clean.

5:41 p.m. Public Hearing Closed.

B. Consent Agenda:

1. Approve a Proclamation proclaiming May 2019 as Building Safety Month.
2. Approval of Sewer Line Agreement with Scott Keller.

- Matt Ence said the Council has a recent version of this proposed agreement. He has had some conversation with the attorney for the applicant recently and he requested a few changes which would be classified as minor changes with the exception of their request of adding a per unit fee so that if they did exceed 85 units which we addressed how that would be paid for. The other changes are minor changes that shouldn't affect Council's considerations. The agreement is straight forward and basically saying that the applicant is paying a fee to address the impacts and potential maintenance costs to connect this new section of sewer line to our existing system and addresses the procedure as to how that will happen.

- Jack Taylor said that Mr. Keller said he would pay for the engineering. The City has the bill, so it should be stated in the motion that he will pay for the engineering fees.
 - Mayor Rosenberg asked if that was in the agreement.
 - Jack Taylor said it is not in the agreement, but it is a condition that will be added to the agreement.
3. Approve a Fire Department Donation of five old SCBA's and 24 Bottles to the Pine Valley Fire Department.
 4. Approve Mayor's phone stipend increase to \$45.00 a month.
 5. Consider approval of Final Plats for Bella Sol at Santa Clara phases 7 & 8, located on the east side of Rachel Drive and north of North Town Road.
 - Mayor Rosenberg asked Bob Nicholson if these plats are in accordance with the preliminary plat and the construction plans and if there are any questions or issues of this plat or the next plat that need to be discussed.
 - Corey Bundy, Building Official, said that the Lomar's need to be finalized prior to recording. The Planning Commission approved it.
 6. Consider approval of Final Plat for Rhone subdivision with 24 lots in a R-1-10 zone, located generally near Vernon Street and Old Farm Road, on the north side of the Santa Clara River.
 - Mayor Rosenberg stated that this had the same condition that the lobar had to be approved and that has been in process now.
 - Matt Ence said there should be a condition on this one that the development agreement be finalized before that plat is recorded.
 - Mayor Rosenberg asked if that was part of the Planning Commission recommendation.
 - Corey Bundy said that it was not.
 - Mayor Rosenberg said that will need to be included in the motion.
 - Matt Ence said the development agreement doesn't need to go to the Planning Commission.
 7. Cancel the April 24, 2019 City Council Meeting.

Motion to Approve the Consent Agenda including the two conditions (the condition in the Sewer Agreement that the engineering costs associated with developing the agreement be paid by Mr. Keller and that the development agreement with the developer of the Rhone subdivision be approved prior to the plat being recorded).

Motion by Tode Hafen, seconded by Herb Basso.

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

Voting Nay: None.

Motion Carried.

C. General Business:

2. Consider request for a Boundary Line Adjustment from Mr. Scott Keller by adding 23.642 acres to Santa Clara City's boundary from St. George in the area west of Lava Cove Drive and on the north side of Pioneer Parkway and Approve Ordinance 2019-02. Presented by Bob Nicholson, City Planner.

- Mayor Rosenberg said that there has been a recommendation to continue this item until after the proposed zoning has been presented and recommended for approval by the Planning Commission. Matt has also described an option where Council could approve the PDR tonight as the holding zone and approve the annexation and he would have to go to Planning Commission and secure any zoning entitlements.

- Matt Ence said if it were approved tonight it would be with the open space zone. The Planning Commission must consider it first to do a different zone.

- Mayor Rosenberg said the Council can continue it until after the Planning Commission makes their recommendation and then do the annexation and the zone change.

- Matt Ence said the annexation would be done and approval of the pre-zoning, which would not include a review of the entire PD plan.

- Ben Shakespeare said that having this piece in Santa Clara is great for Santa Clara and for the residents in Santa Clara. The main thing is utilities. It makes sense. As a City we would want this. It appears all parties are in favor of pushing this off and letting it go to Planning Commission and letting it be discussed as the zoning requested.

- Bob Nicholson said he thinks that is the applicant's preference at this time to go to Planning Commission and get the PDR recommendation.

- Matt Ence said that would be at the first meeting in May (May 8).

Motion to Table a request for a Boundary Line Adjustment from Mr. Scott Keller by adding 23.642 acres to Santa Clara City's boundary from St. George in the area west of Lava Cove Drive and on the north side of Pioneer Parkway and Table Ordinance 2019-02 until after the Planning Commission has met and provides a recommendation regarding the zoning.

Motion by Herb Basso, seconded by Tode Hafen.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- We have a commitment from Sun Rock Corporation to provide retaining block for the Little League fields. It will help divert and control the water runoff that comes off there. This will probably be a two-year project. It is a significant contribution probably to the amount of \$30,000.

Tode Hafen:

- The new speakers are in for the Glockenspiel. The direction of the front speaker has been changed to hopefully lift the sound up and over.

- Brad Hays, Parks & Trails Director, said he did a decibel test on the speaker and it is not loud over at the house it was facing. It did help.

- Mayor Rosenberg complimented Tode on the costumes for the Glockenspiel.
- Tode asked Jack if the lights for the museum sign have been discussed. She told Brad that those lights are positioned where they are right in the eyes of motorists. Could the lights be directed differently or at least have yellow bulbs put in.
- Brad Hays said he will talk to Gary, who put the bulbs in.
- Matt Ence suggested building up the base a little bit so the lights would be screened a little bit.

Herb Basso:

- He wants to continue discussions on affordable housing. He asked Council to do research on it.

Wendell Gubler:

- Nothing to report.

Mayor Rosenberg:

- The Mayors Association has met. He got some reports on the Legislature and what took place there. There will be updates at the League of Cities and Towns.
- The Chapel Street Bridge construction has started. Contractors have diverted the stream and are getting ready to build the pads for the drill rigs to start construction on the pier and have also started grading on the south side. Patrick is putting together a number for Council on that connection road. He will forward that to Council as soon as he gets it. We were successful in getting the CIB loan request and they did fund it immediately. The completion date is summer 2020. It will be 28 more weeks until we can even get the steel. It has been ordered.
- Jack Taylor said it is in the contract with the Church that when the City purchased the property that the City will need to replace the existing watering system so that whatever is torn out will have to be replaced. They are going to stake it and so as soon as we know exactly where the road is going to be cut then Dustin is going to go in and we are going to change that irrigation line and any lines that come out to feed those other trees we'll have to cut them off so that it will continue to water the other system.
- Mayor Rosenberg said the Flood Control Authority met and we have some funding coming this year on some projects. There is still almost 200% of snowpack above 7,200 feet. The reservoirs are full. There could still be flooding. The Santa Clara River is in pretty good shape.
- The COG and the Mayors Association are meeting next week as well as the Flood Control Authority.
- Jarett has received the proposed grading plan for the BMX track. The grading that is needed out there involves almost 12,000 yards of import.
- He looked at the landslide grading, the scarp grading and graded a trail pad from Cinnamon Circle down to the flat area on top of the slide. It is fairly steep. It will work for an unimproved trail. It has a couple of switchbacks in it. The landslide grading generates a little over 12,000 yards so we generate enough off the landslide scarp to build the BMX track. It will be close. He asked Wayne Rogers at AGEK for a quote to consider stabilization at the BMX site. There are probably some drainage and some grading recommendations he wants to have before the work is started. He is trying to work up a budget cost for Council. He will try, and have it done in the next couple of weeks. It will be a great track.

- Jack Taylor reported on Well #7. The shaft has been replaced as well as the pipe, which was changed from 12 in to 8 in. The well was set at 720 ft. and we moved it to 520 ft and set it with all of the new equipment. We ran it for 2 days. Within 2 days it was crystal clear with no sand. We are pulling a little less water, but it is clean. It looks good. Hopefully that well will hold up for a couple of years.

- Brad Hays said they have a meeting on Tuesday about the Chapel Street Park and they should have some detailed plans to look at.

- Brock Jacobsen reminded the Council of the Utah League of Cities and Towns April 24-26. He put a preliminary agenda in Council's boxes. He would like them to let him know if they are planning to attend so he can get them registered. The two court clerks are off at training today through Friday. The court will be closed on Friday. UCMA training will be April 22-24. He and Debbie Bannon will be gone to Finance Officers Training April 17-19. The MBA refunding has been done and they got the rates back and the savings was more than projected. It ended up at Chase Bank with a rate of 2.786%. He said they are still working on the budget. He is hoping to have the numbers to Council next week. They have had some glitches with the software.

- Matt Ence said they are close to having a document for Council to review concerning Jenkins Oil in the next couple of days. He will circulate that by email. Once that is prepared he will run it by Staff. He wants to make sure that we thoroughly and accurately present the history of things. The history is important. He will work with Corey and Ed and others to make sure that is thorough. If Council wants more information, it would need to be done in Executive Session.

- Tode Hafen asked about the agreement concerning existing streets.

- Matt Ence said that is on his list of things he needs to put together. He should have that ready by next City Council Meeting.

- Mayor Rosenberg asked Corey if we have building permits for the Verizon tower.

- Corey Bundy said we do. There are two building permits for Verizon. One on the Nick Frei property and one up here by the Circle Drive Fire Station. That one is an upgrade.

- Matt Ence gave an update on the litigation for the Verizon tower. There have been cross motions filed which means that Verizon and the City have joined together and filed a motion for summary judgment to have the case dismissed. The plaintiffs have filed their own motion for summary judgment and we are in the process of responding to each other's motions. There is a good chance that the case can be resolved within 90 days.

- Herb Basso was hoping to keep the City as a third party.

- Matt Ence said that is hard given that the plaintiffs have sued the City and Verizon and the property owner. Our interests are pretty much aligned. Verizon attorneys did all the work preparing the summary judgment motion. We only had to spend a few hours reviewing it and giving them feedback. Having Verizon take the lead on it has been a good thing. He feels good about the case. It will probably end up working in our favor. They have very good attorneys.

7. Approval of Claims and Minutes:

- Feb. 27, 2019 City Council Regular Meeting Minutes
- Feb. 27, 2019 MBA Board Meeting Minutes
- Mar. 6, 2019 City Council Work Meeting Minutes
- Claims through Mar. 27, 2019

Motion to Approve the Regular City Council Meeting Minutes from Feb. 27, 2019, the MBA Board Meeting Minutes from Feb. 27, 2019, the City Council Work Meeting Minutes from Mar. 6, 2019 and claims through Mar. 27, 2019.

Motion by Ben Shakespeare, seconded by Tode Hafen.

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

Voting nay: None

Motion Carried.

8. Calendar of Events

- April 3, 2019 City Council Work Meeting
- April 10, 2019 City Council Regular Meeting
- April 21, 2019 Easter
- April 24, 2019 City Council Regular Meeting Cancelled
- April 24-26 League of Cities and Towns

9. Executive Session: None.

10. Adjournment:

Motion to adjourn by Herb Basso.

Seconded by Ben Shakespeare with all members present voting aye.

Meeting Adjourned at 6:18 p.m.

Chris Shelley – City Recorder

Date Approved: _____