THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, December 11, 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: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Matt Ence, City Attorney; Bob Nicholson, City Planner; Tawnie Johnson; Gary Johnson; Mel Taylor; Cindy Frei; Jayleen Giovengo; Spencer Richins; Leina Mathis; Officer Reed Briggs; Curtis Whitehead; Steve Palmer

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. and introduced the Council and explained that the City Attorney, Matt Ence, will be in attendance but will be late.

2. **Opening Ceremony:**
   - Pledge of Allegiance: Wendell Gubler
   - Opening Comments: Wendell Gubler

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

4. **Conflicts and Disclosures:**
   - Mayor Rosenberg stated that the final plat for Ocotillo Springs was prepared by the firm that he works with.
   - Ben Shakespeare stated that Item B2 on the Consent Agenda includes the Rhone Subdivision and he owns a lot in the Rhone Subdivision.

5. **Working Agenda:**

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

   1. Public Hearing to receive public input to consider a request to vacate an easement along
the side of the Lot 105 of Santa Clara Heights Plat K Subdivision.
- Corey Bundy, Building Official, said that the applicants own Lot 105, which is on the northeast corner of Canyon View Drive and Sand Hollow Drive. At present Sand Hollow Drive is a short stub street which dead ends at the end of Lot 105. The applicant has purchased the adjoining 0.4-acre parcel and they seek to merge the two parcels into one lot expanding Lot 105. They want to build a single-family home on the larger lot and request to vacate the utility easement along the north line of Lot 105 on the subdivision boundary of Plat K. Staff has recommended approval of the request. He said they have checked with Jack Taylor, Public Works Director, and he said that there is no use for that easement there.
- Mayor Rosenberg asked if the additional property impacted the sewer easement that runs down through there.
- Jack Taylor said no that it is a long way away from that.
- Ben Shakespeare said that there is a storm drain at the bottom of that road. It angles to the northeast across where that new property will be.
- Jack Taylor said that there are two storm drains close to it.
- Ben Shakespeare talked about the catch basin. He said that would be the only concern.
- Corey Bundy said that part of the Ivins City access to the sewer line along the wash. Will they put some gravel on the little stub to be able to get down to the sewer lines?
- Jack Taylor said yes, they have already done that.

5:09 p.m. Public Hearing Opened.

- Gary Johnson, Applicant, said they currently reside in Salt Lake City but plan on making this their permanent place of residence. He said they wanted a little longer piece of property to protect their view and also to extend the setback requirements because the stubbed in road their lot is long and narrow. That is why they purchased the additional property. There is a lot of blue clay on that hill, so they don’t plan on building back in there. Four or five of their neighbors have done this exact same thing.
- Tode Hafen said they have made a really good choice to move here. This is a beautiful City.

5:11 p.m. Public Hearing Closed.

C. General Business:

8. Consider a request to vacate an easement along the side of Lot 105 of Santa Clara Heights Plat K subdivision and approve Ordinance 2019-14. (Owners Tawnie & Gary Johnson).

Motion to Approve a request to vacate an easement along the side of Lot 105 of Santa Clara Heights Plat K subdivision and approve Ordinance 2019-14. (Owners Tawnie & Gary Johnson).
Motion by Herb Basso, seconded by Jarett Waite.
Voting Nay: None.
Motion Carried.

B. Consent Agenda:
1. Consider approval of Giovengo Subdivision Final Plat.

- Mayor Rosenberg said that this is the commercial lot that is on the corner of Rachel Drive and Pioneer Parkway.


- Mayor Rosenberg said that the last time this item was before the Council there was a question brought up by former Commissioner Drake about an agreement with St. George City and the irrigation company. Jack Taylor has researched that.
- Jack Taylor said he called Scott Taylor and got the agreement from him. It states that there is a 50-year contract with St. George City, and they have the ability to take the water from Gunlock that the canal company is using at this time and replace it with reuse. The contract was made in 2004. They had a loan on it. The loan has been paid off. The obligation has been taken care of. The contract says they will supply us with 2,163 acre-feet annually to the canal company. If St. George doesn’t take the secondary water from Gunlock, we will use it. If they decide they want to take the secondary water, they have to supply the canal company with reuse. The water rights are valid.


- Mayor Rosenberg said that Council has already had this discussion.

4. Set Public Hearing to discuss a garbage rate increase for Jan. 8, 2019 at 5:00 p.m.

- Herb Basso said he has always been against the Beer Permit (Item #3) so he wants that reflected in his vote.
- Mayor Rosenberg suggested considering the other three items in the Consent Agenda and having a separate vote for the Beer Permit.

Motion to Approve Items 1, 2 and 4 on the Consent Agenda.
Motion by Herb Basso, seconded by Wendell Gubler.
Voting Nay: None.
Motion Carried.

Motion to Approve a Single Event Beer Permit for the True Grit Epic Race.
Motion by Ben Shakespeare, seconded by Tode Hafen.
Voting Aye: Tode Hafen, Jarett Waite and Ben Shakespeare.
Voting Nay: Herb Basso and Wendell Gubler.
Motion Carried.

C. General Business:

1. Appoint Curtis Whitehead as a Regular Planning Commission Member. Presented by Mayor Rosenberg.
- Mayor Rosenberg said that Leina Mathis is leaving the Planning Commission because she is going to be serving on the City Council, so we need to have a new Planning Commissioner to step in. We have asked Curtis Whitehead and he has accepted that position. This needs to come to the Council for a formal approval. He said the he believes Curtis will do a really good job and help fill some of the vacancies that we have had recently. He asked for the Council’s support with a motion to do that.
- Tode Hafen said she has known Curtis for a number of years and she totally supports this action.

Motion to Approve Curtis Whitehead as a Regular Planning Commission Member.
Motion by Tode Hafen, seconded by Jarett Waite.
Voting Nay: None.
Motion Carried.

2. Recognize Leina Mathis for 3 years and 7 months of service on the Planning Commission.

- Mayor Rosenberg said that Leina has done an outstanding job. She is currently serving as the Planning Commission Chair. She will be coming on the City Council in January and so she will be leaving the Planning Commission. He said that we really appreciate her and the good work that she has done. He gave her a gift and the Council congratulated her.


- Officer Reed Briggs stated that Chief Flowers was unable to be at this meeting. He introduced Officer Jesse Hall and said that he has been with the department since August. He graduated from the Police Academy at Dixie State. He is a great fit for our department.
- Officer Jesse Hall said he is from Hurricane. His dad worked for Hurricane PD. He said that he joined the National Guard when he was 17 years old. He has been with them for 6 years with Bravo Battery. He is excited to be with the department. He would like to steer his career to the Drug Task Force.


- Mayor Rosenberg said that he has been asked to table this item. He said that Kathy Tolleson is sick. We will reschedule this item.

Motion to Table Item C4 Discussion and presentation on Air Quality Task Force.
Motion by Herb Basso, seconded by Jarett Waite.
Voting Nay: None.
Motion Carried.
- Herb Basso said that Kathy Tolleson has asked if she can put a display up. He said he asked her to consider shrinking her display because it is quite large or put it on a link on the City’s website with that information.


- Steve Palmer stated that the audit is an extremely important function. It gives the opportunity to have an independent set of eyes come in and look over the City’s financial records and the financial statements to make sure that everything is in order. He said they have recently completed the audit and he is here to report to the Council on the conclusions that they were able to reach as a result of their audit procedures. He said he is a partner with Hinton Burdick, CPA’s. He said it is a pleasure to provide these auditing services to the City. He said that whenever they complete an audit along with the financial statements there are three reports that they are required to issue. The first one is the independent auditors report. That is where they express their opinion on the financial statements, if they are materially correct, if they validly represent the financial condition of this City as of June 30, 2019 and the results of the operation for the year then ended. He is pleased to report that they issued an unmodified opinion on the financial statements meaning that in their opinion they are correct in all material respects. This is sometimes referred to as a clean opinion. They also issue a report on compliance on internal control over financial reporting. There are a few different levels of finding that they can issue there. They did issue one material weakness for the City. That was a result as they went through and examined the records, they did identify a few items that needed to be corrected in order for the financial statements to be presented in accordance with accounting principles. The accounting standards state that when we find such things it is deemed to be a material weakness. They also issued one significant deficiency related to capital assets. They make the recommendation that the City conduct a periodic inventory of capital assets to make sure the listing is still up to date and also to make more of an effort in tracking additions and disposals of capital assets. The third report that they issue is on the City’s compliance with State requirements. They issued an unmodified or clean opinion on this report as well however there was one instance of noncompliance that they were required to report and that was that the General Fund over expended their budgeted expenditures. He said as of June 30, 2019 the City’s net position was about $35.5 million. That is if you were to take all the City’s assets back off the liabilities that residual amount is the net position. Over time increases and decreases to this equity number is a good indicator to whether the City is getting healthier financially or deteriorating. The net position for the City increased by about $1.4 million during fiscal year 2019 and about $204,000 of that increase came from the governmental activities, primarily the General Fund, and almost $1.2 million of the increase came from the business type activities such as Water, Sewer, etc. The General Fund reported revenues in excess of expenditures of $2.7 million. That would be net income. The City had budgeted for no increase. It is important to note that the majority of this increase came from the issuance of $2.1 million in bonds for a new bridge. The City had that money come in, but it hadn’t been spent yet. The way governmental accounting works is this is counted as revenue knowing it is a debt proceed and recognize the expense when the money flows out. It is a timing difference. That resulted in a significant amount of net income for fiscal year 2019. At the end of the fiscal year there is about $1.5 million of unassigned fund balance in the General Fund. Those are funds that haven’t been
designated for any specific purpose. He showed graphs that show the direction the City is headed in various funds. He said there was a spike in the assets in the General Fund. That is mainly to the $2.1 million in bond proceeds. The equity went up proportionately and liabilities were relatively flat.

- Jarett Waite asked about the unassigned amounts in the General Fund. Is that our rainy-day fund?
- Steve Palmer said it is basically the residual amount that the City can spend at their discretion. It is important to note that it doesn’t necessarily equate to cash because there can be receivables due from other funds and a number of assets that aren’t necessarily in spendable form that contribute to that amount.
- Brock Jacobsen, City Manager, said that it is that unassigned fund balance that can be at 25% of budget. That amount that we are working at.
- Steve Palmer said that there has been a nice increase in revenues for the Water Fund. In March of 2017 there was a rate increase. We are seeing the continuing effect of that rate increase as those revenues are continuing to grow. Overall expenses have been flat. He said there was a spike in 2018. There was just more expense that year. We have seen a return to more normal levels in 2019. The cash trend for the Water Fund, the cash is continuing to grow. He said that it is important for the Utility Funds to have revenues greater then expenses. We know that the infrastructure is not going to last forever. Water and sewer lines need to be replaced so it is important for the City to accumulate funds, so resources are available for those types of items. It is healthy and proper for Utility Funds to show net income.

- Herb Basso asked at what percentage, because we want to make sure there is enough and that is what we go through every time we study rates. So, for the water rate, what is a good percentage to stay ahead?
- Steve Palmer said it depends on what the future needs of the City are going to be. That is why you do those studies.
- Herb Basso said that we have done those studies for several years. He asked about the percentages again.
- Jack Taylor said that is a hard number to pull out of a hat unless you went back and pulled up the City’s capital facilities plan and looked at what all the expenses are going to be in the future.
- Herb Basso said there should be a trend. He said we don’t want to be caught off guard.
- Jack Taylor said that an example is that a water line needs to be replaced on Vineyard. We can’t take impact fees on that line unless we go from a 6” line to and 8” line and we can use impact fees for the difference. The rest of the costs have to come out of our revenues. We have sections up on the Heights that need to be replaced. Other than that, the system is in really good shape. We have done a lot of work over the past 10 years.
- Steve Palmer said, right now the City has unspent impact fees of $1 million. As for the revenues, how much was impact fees? We can look to the financial statement.
- Brock Jacobsen said that impact fees were $188,000.
- Herb Basso said that he has always been conservative in making sure that the City isn’t overcharging as well as making sure that we are charging enough for projects and emergencies.
- Steve Palmer said that the trend line answers that question pretty well. There are years when the revenue is greater than the expenses and other years when expenses are greater than revenue but overall it is pretty good.
- Ben Shakespeare asked Jack if we are getting the replacements done. He said he hopes
we are not going to end up 5 years down the road and have a $3 million water project and need to bond. Are we saving in order to replace and keep up with infrastructure?
- Jack Taylor said that we have reserves. There are times we need to bond for projects. We have some old lines, but most have been replaced.
- Tode Hafen asked if Jack had an estimate if that project were to go forward in the next year or two.
- Jack Taylor said he has some rough estimates.
- Brock Jacobsen said that Jack is going to address Vineyard Drive in his Staff report. He has some things that will address that.
- Steve Palmer said that revenue and expenses in the Sewer Fund have been right on top of each other for a number of years. At the beginning of the fiscal year a rate increase went into effect. Operating revenues are widening from the operating expenses. The cash is increasing due to the rate increase. There was a little bit of an increase in rates that went into effect in the Electric Fund in January of 2018. There was a small increase to the base rate. This was the first full year for that base rate increase has been in effect and that has contributed to the increase in revenues and the City got about $120,000 from the Veyo Heat Recovery Project that hadn’t been reported in previous years. The cash has gone up as a result of increased revenues. The Storm Water Fund includes almost $300,000 in money that came from FEMA. That is why there is a spike in revenues. He asked if the FEMA money has all been received.
- Brock Jacobsen said that we just finished the landslide project and just submitted what will be the last reimbursement.
- Steve Palmer said the cash didn’t go up in conjunction with the revenues because it got spent for those FEMA approved purposes. He said that is the view of the City.
- Mayor Rosenberg asked if there was anything that the City needed to do differently.
- Steve Palmer said that the City is doing really well. He said that the items he would like to see happen relates to that finding that he mentioned regarding capital assets. He thinks it should be a top priority to conduct a capital asset inventory to make sure that those items that are on the listing are still around. It is not uncommon for a City to have old equipment on the fixed asset schedule. It is important to go through and keep the listings up to date, so we know exactly what the City has and doesn’t have. This doesn’t need to be done every year. Typically, it should be done every 3 to 5 years.
- Brock Jacobsen said that there are plans to have this done.
- Steve Palmer thanked the Council for the opportunity to provide these services to the City. He enjoys working with Brock. He is very helpful as well as all of the Staff. He invited the Council to contact him if there are any concerns or things the auditor should be aware of.
- Tode Hafen asked if this needed to be formally approved.
- Brock Jacobsen said that it does not need to be. It is not required by State code or law to be approved.

6. Consider amendment to Ocotillo Springs Ph. 3 Final Plat located south of North Town Rd. and east of 400 E. Street. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy said that the recorded plat, Ph. 3, has 36 two-story townhome units in 8 buildings in a 2.48-acre Ph. 3 area. The recorded Ph. 3 plat has two 6-plexes and six 4-plexes all with attached two car garages. This proposed amendment Ph. 3 plat has 28 total units thus a reduction of 8 units on this Ph. 3 plat. The 28 units are located in
building 3, 4 and 5 units per building. All the other items on the recorded plat remain the same. Due to sales and variety they wanted to reduce them and make them 3-plexes instead of 6-plexes.

Motion to Approve the amendment to Ocotillo Springs Ph. 3 Final Plat located south of North Town Rd. and east of 400 E. Street.
Motion by Ben Shakespeare, seconded by Jarett Waite.
Voting Nay: None.
Motion Carried.

7. Consider approval of the proposed update to the Santa Clara City General Plan to include certain strategies to facilitate the development of moderate-income housing and approve Ordinance 2019-15. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that the 2019 State Legislature adopted the State requirements for cities to update the moderate-income housing element of their General Plan. The deadline they imposed was December of this year. We are right on target to meet that State requirement. Planning Commission had a public hearing on this on November 14. The 2019 Legislative Act included 23 strategies that are listed in the Utah Code. This was SB 34. Cities shall select at least 3 of these strategies to attempt to implement it. Beginning next year cities are required to provide an annual report. The report on this is due December 2020 at which time the City has to report on progress made in trying to implement these strategies. The Planning Commission had a work meeting and a public hearing on this and spent some time looking at these 23 potential strategies and they recommend adopting four strategies. They are: Option A-Rezone for densities necessary to assure production of moderate-income housing. Townhomes, apartments and condominiums are the best option for affordable housing units. He said that in 2018-19 the City has rezoned for medium density housing with density up to 12 units per acre. So, the City acted to promote the zones for moderate-income housing by approving revisions to the City General Plan. He gave examples of the projects that the City has approved. He did say that there is no guarantee that these will result in affordable housing, but the City can take actions that can possibly lead to more affordable housing. The City has already met this strategy. Option E-Allow for and reduce regulations for accessory dwelling units in residential zones. The City has allowed a second dwelling unit or an ADU in R-1 zones for several years. However, the present regulations do not allow for a single level accessory dwelling unit or a detached one. He said the Planning Commission has gone through the code on the accessory dwelling unit in the RA and the R-1-10 zone. These accessory units are allowed but they have to meet one of three conditions: over a garage or inside the home through an internal conversion of the home or by an addition to the house with an internal connection between dwelling units. The City currently doesn’t allow a detached single level ADU. He said that it is proposed to amend the zoning code and that would provide a fourth option in the code to allow a detached ADU at ground level subject to meeting the setbacks. He said a proposed amendment would come forward in January to implement that.

- Herb Basso asked if this new proposal would allow for an ADU above the garage that the garage is detached.

- Bob Nicholson said that is already currently allowed.
- Ben Shakespeare asked if his guesthouse would be considered an ADU.
- Corey Bundy said it would be.
- Ben Shakespeare said he likes this because they are owner occupied. The yard would be maintained. It makes a lot of sense.
- Bob Nicholson said this would be one of the most significant things that the cities within the State could do to promote affordable housing to allow these ADU’s.
- Wendell Gubler asked how the WCWCD fee affects this. Is there an extra fee for the ADU?
- Mayor Rosenberg said they are not changing the lot size or changing or adding meters so they are not using any more water so there are no additional fees. There is no impact fee to the City either unless they change their power service.
- Wendell Gubler thinks this is a good situation.
- Herb Basso said there has been some suggestion of relaxing the parking requirements.
- Bob Nicholson said the third strategy proposed is Item F in the State Code: Allow for higher densities in Mixed Use zones, commercial centers or employment centers. He said that both the PD Residential zones and the PD Commercial zones allow a mixed-use project. The density is up to 8 units per acre and we adopted the density bonus, which allowed up to 12 units. We have said that these same standards apply to Commercial. As a way to satisfy this State requirement the Planning Commission is recommending that in a PD Commercial zone that we allow more flexibility in terms of density so that we don’t limit out to 12 units per acre. We could not have a hard density limit and let the Planning Commission and Council decide what that reasonable density is. The other option would be to have a hard cap but bump it up to 15 or 16 units, which is still a medium density. In the coming months we are going to have to talk about a Zoning Ordinance, which would implement this.
- Herb Basso asked if this would apply for a smaller parcel. Would this be more relaxed for a larger parcel?
- Bob Nicholson said we are talking about density so the larger parcel would have more land. The wording that was endorsed in this strategy say, “Encourage more affordable housing options in mixed use projects in PD Commercial zones by allowing the PC and the City Council to determine the dwelling unit density rather than having a prescribed hard limit.” He said the mixed-use project would be required to comply with parking, landscaping and other requirements per residential project and the maximum project density would be flexible and determined as part of the site plan and approval process. He said there is a proposal for the SITLA property coming before the PC and nothing is over two-story. The density count has dropped way down. He talked about the height limits. He said that strategy four recommended by the PC is Item J in the State Code which is to implement zoning incentives for low to moderate income units in new developments. The City would explore zoning incentives such as density bonus provisions whereby additional project density can be granted where some units are designated as affordable housing units to increase the supply of moderate-income housing units. In 2020 the City will research what level of incentives are needed to adequately entice developers to increase the project density and include affordable units in the new development. The City adopted this density bonus, which today applies to good design. This would say that affordable housing might be to qualify for some kind of density bonus. There could also be incentives of fee waivers or impact fee discounts. The developer would have to make a commitment for long term.
- Ben Shakespeare said the easiest way to mandate this is in a density bonus because it
gives the City the ability to allow several units.

- Mayor Rosenberg said the long-term controls are the hard part.
- Bob Nicholson said those are the four strategies the Planning Commission recommended. There was a Public Hearing on November 14. There were a few public comments. They were good comments. He said the trick to all this is getting affordable housing but still good design. The City intends to implement the above four strategies in 2020 and will provide progress reports of their efforts as part of the annual report required under the State’s Moderate-Income Housing Plan.
- Tode Hafen said that cities are graded on how they meet this law. Does this repeat every year? Or do we have to come up with three more strategies next year?
- Bob Nicholson said he doesn’t think so.
- Mayor Rosenberg said that once those strategies are decided upon the City has to report on what their goals are.
- Bob Nicholson said he believes that at least the first three strategies are very achievable. We have already made zone changes to increase the density. The zoning incentives need to be decided on what the incentives will be.
- Mayor Rosenberg said that there must be a plan in place. This is not setting a quota that the plan has to produce. What the State is going to be judging on is not how many units we created but did we change our ordinance to allow our strategies to function. Statewide if the problem worsens then Legislative action will clamp down a little bit more to try and produce the units. Right now, they want the cities to have the strategies and show action that we are implementing the strategies.
- Herb Basso said that the City has implemented a couple more strategies. He said one was not to require a minimum so there could be smaller lots and smaller homes built.
- Bob Nicholson said we could add other strategies. He said that in the Historic District you can have a lot as small as 6,000 sq. ft. The minimum house size was reduced.

Motion to Approve the proposed update to the Santa Clara City General Plan to include certain strategies to facilitate the development of moderate-income housing and approve Ordinance 2019-15.

Motion by Jarett Waite, seconded by Herb Basso.


Voting Nay: None.

Motion Carried.

9. Consider awarding the Chapel Street Park Bid. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that this is for the Swiss Memorial Pioneer Park also called the Chapel Street Park on the agenda. He said that this has been before the Council a few times. There was originally a water feature in the design, and it has been taken out. It has been redesigned and the water feature is now grass-landscaped area that can be updated at a later point when we get ready to add the water feature in. It will look as a complete park and you won’t be able to tell that there was going to be a water feature there. There is an area to put the 3-phase power in and all the requirements for that. He said they will bring that back when prices are a little bit more affordable. He said they had eight groups take plans and received five bids. There was a two-part bid with a base bid where we went for all the concrete and structures and then we added an addendum for the landscape and the
bridges and pathways and all the landscape. On the base bid the lowest bidder was Grass Creek Construction at $452,762.80 and the highest bid was $599,000. The engineers estimate on that basic part was $495,000. With the alternate amount with the landscaping Grass Creek Construction remained the lowest bidder at $603,799. The next bidder was about $2,000 more. The engineer’s estimate for everything that was included in the bid was $598,000. We are about $4,000 over the engineer’s estimate. The highest bid was over $750,000.

- Herb Basso asked if we have a fund for this.
- Brad Hays said that we do. He got with Debbi, our finance officer. We budgeted this at the beginning of the year so right now we have $939,000 in impact fees. This project would be $604,000 so that would leave us a balance of $335,000. So out of that we could buy the playground. With the bridge that is on order we still have $206,000 in the fund so we are in good shape.
- Tode Hafen asked if Brad has worked with this company before and is he confident in them.
- Brad Hays said he has not but the architect says that they are a good company and they have met all the bonding requirements that was asked for.
- Ben Shakespeare asked if this was a bid opening.
- Brad Hays said that we solicited for bids about a month ago and had 8 people take the plans. He said that yesterday they read the bids aloud in front of all the bidders. He said they are going to do “Movies in the Park” there and the Maypole there. He said he thinks the completion will be 135 days after the bid award. We are looking at mid-May. His recommendation is we award the bid and the addendum. He said this would be sodded.
- Ben Shakespeare asked for an introduction of the company that will be awarded the bid.
- Spencer Richins, President and Owner of Grass Creek Construction, said he has been around construction his entire life. He is from Salt Lake City. He moved to Southern Utah in 2010. He did a few projects in Santa Clara and they have just finished the Cedar City Animal Shelter. They built the St. George Auto Gallery. Some of their subs are Santa Clara residents. He said they have not made a contract award for the landscaping sub but the ones he uses are local contractors.

Motion to Award the Chapel Street Park (Swiss Pioneer Memorial Park) Bid to Grass Creek Construction for the total amount of $603,799.74.
Motion by Tode Hafen, seconded by Herb Basso.
Voting Nay: None.
Motion Carried.


- Chris Shelley said that every year this has to be prepared and sent in as per State law to show when are meetings are held yearly and this has to be sent in to the Spectrum. Nothing has changed since last year. The meetings are all scheduled for the same days of the week and the same times. These need to be posted by the first part of January.

Motion to Approve the 2020 Yearly Meeting Schedule.
Motion by Ben Shakespeare, seconded by Jarett Waite.
Voting Nay: None. 
Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:
- Nothing to report.

Tode Hafen:
- Nothing to report.

Jarett Waite:
- He complimented the Staff on the Christmas Party.
- The Community Education Channel is completely paid off. This is a really big deal and the future of the Community Education Channel is looking very bright. He said there will be discussions at future meetings on how to stay out of debt long term.

Herb Basso:
- Nothing to report.

Wendell Gubler:
- Had a meeting at the Solid Waste District. He gave the Council a copy of the rate increase. There will be a public hearing concerning this at our next City Council Meeting. The Solid Waste District still has to decide on what they are going to do concerning recycling. We have a year left being tied into Republic. They have looked at something Germany is doing. It would be a complete change in what we are doing. There would be two plants created. They are taking the recycling to Las Vegas for now.

Mayor Rosenberg:
- The Mayor’s Association had a great meeting at the hospital. The new services and the expanding services at the hospital are amazing.
- The BMX Track construction is continuing. They are on track for races in the Spring.
- Jarett Waite said they are going to have local races at the track by March or April and a State qualifier in June.
- The pickle ball court opened today.

- Jack Taylor said he was asked to give a report on Vineyard Drive as far as Staff and the Public Works Department. He reminded Council that a few months ago we adopted the ordinance that gives us the ability to develop or put the infrastructure in on the streets that were not developed in the City. What this does is take 80% of the people that live on that street or footage to be able to make it a project. The City Council has the right to pick the project and if the City has the funds then the Council would move forward with it. So, we need the residents to come forth and sign a petition.
- Matt Ence, City Attorney, said they just need to have something in writing.
- Jack Taylor said they have to have something in writing that says that they want the
project. He said to this date we have done nothing regarding Vineyard. He read from the ordinance on page 2, “When multiple streets project areas are designated or eligible by designation, the City Council shall have the right to determine the relative priority of the projects for application of available City resources. The City Council will consider the following information when determining priority between any two streets project areas: citizen input; whether the proposed streets project area will help to mitigate the anticipated impacts of growth or development; availability of utility services; relative size of streets project area; availability and cost of contractor services; any other reasonable consideration related to the health, safety, and welfare of city residents and visitors.” He said they haven’t determined anything on Vineyard. It does say in the ordinance that it must be developed to City standards. The question is if the City has enough funds to do this street. He said he met with Brock and we have about $600,000 in our B&C road funds and $50,000 that we have been collecting in the General Fund to go towards roads. The other question is do we have enough money for the waterline that needs to be replaced and for the storm water. He feels that we do depending on how the bids come in. The road needs to be engineered.

- Mayor Rosenberg said that from the design for the curb and gutter that has gone in on Vineyard the previous engineering is inadequate. We can’t just put in the curb and gutter to the grades that were on the old plans that were done 15 or 20 years ago. There has been a significant change in the fact that properties have developed, and storm drains have been put in. It needs to be redone the whole length because we are creating new low points and new high points. This says that the owner is responsible for dedicating right of ways.

- Tode Hafen asked about the tanks.

- Matt Ence said his understanding is that they are not in use. The City can convince the owner to sell some of the property or donate the property or the property can be condemned.

- Jack Taylor explained what the owners of each property would pay and what the City would pay. This is a great deal for the residents. It is way above being fair. The people on Vineyard need to look at this ordinance and see if they are interested. He said the City won’t do any slurry or chip seals throughout the City. We are holding those funds to put toward Vineyard if they want to move forward.

- Ben Shakespeare said that this is well done and the owners can clearly see what they have to come up with. He asked if the residents are talking about this.

- Herb Basso said the resistance is in the curb design. He said if there could be options it would be better. They would rather have a flat curb. There was no resistance toward the need to improve Vineyard.

- Ben Shakespeare asked about Item G, the Bond. He asked how we anticipate that happening. Is the City bonding the project and then assessing each owner for their portion of the bond?

- Jack Taylor said that there will be some property owners that have the ability to pay cash. Then they wouldn’t have to bond.

- Mayor Rosenberg said this is talking about the warranty. If they pay the cash to the City, they wouldn’t have to do a warranty. The City will do the project. This is just a warranty bond.

- Jack Taylor said that if the residents can’t afford it and they want to do a 5- or 10-year loan to pay that back, the City might be interested in doing a bond.

- Mayor Rosenberg said the City doesn’t have the funds to do the whole street at this time
but the City may be willing to go into a special assessment district and bond for the improvements so that they could do the whole street. He continued to explain about the warranty bond. He explained that the resident has the option to do the curb and gutter themselves, but the City has to be made aware that they are doing it so that the City can make sure that it is done to standard and then they have to warranty the construction for a year. There would still have to be the engineering done.

- Jack Taylor said he would like to have the whole road engineered and get that started. We need to have the public input before we determine the type of curb. We need to have some public meetings and get some input. It needs to be explained to the people where we are at.

- Mayor Rosenberg said that with this ordinance in place the only thing the residents are going to be hit with is the curb, gutter and sidewalk costs. He said if we do an SSA this can be determined by law. Right now, we need to have the residents be willing to do this. The residents need to come to us wanting this. Any street on the list can come to the City and ask. He said the process works great.

- Jack Taylor said the road is in terrible shape. If the residents don’t want it done what are we going to do. He said there are so many rumors he would like to have a public meeting explaining the process. This is the next step.

- Ben Shakespeare suggested posting the finished street pictures that is going to be done on the website so the residents can see the completed project. He said the engineering shouldn’t be done until the residents want it.

- Mayor Rosenberg said that we can have a public meeting and try and explain this ordinance. He said the residents just need to sign a letter.

- Jarett Waite asked if it would be beneficial to send out a flyer or letter to those residents to explain this.

- Jack Taylor said he thinks the Mayor should have a simple meeting to explain this and then let the residents know that it is up to them.

- Jarett Waite said that would be great but get a flyer out before the meeting so that they are informed. He said he would appreciate that as a resident.

- Ben Shakespeare said he thinks we should get some information out to the residents. If people are confused about it, we could have a meeting to address their questions.

- Mayor Rosenberg explained an SSA. He explained the portion of the owners’ costs.

- Herb Basso said he agrees with Jarett that some education up front would calm some feelings down. Enlighten really helps to make a meeting more productive. Everyone agrees that something needs to be done.

- Ben Shakespeare said that if we send something out, we must, at the end of that letter, state that the residents of another street are already doing it and they can see the results of that action.

- Mayor Rosenberg suggested getting this other road paved at the first of the year and then in February a letter can be sent out and it would explain what it cost to do the other road and explain the method as simply as we can and maybe set a meeting for public comment.

7. Approval of Claims and Minutes:

- Nov. 13, 2019 City Council Regular Meeting Minutes
- Dec. 4, 2019 City Council Work Meeting Minutes
- Claims through December 11, 2019
Motion to Approve the Regular City Council Meeting Minutes from Nov. 13, 2019, the City Council Work Meeting Minutes from Dec. 4, 2019 and claims through Dec. 11, 2019. Motion by Jarett Waite, seconded by Ben Shakespeare. Voting Aye: Herb Basso, Wendell Gubler, Ben Shakespeare, Jarett Waite and Tode Hafen. Voting nay: None Motion Carried.

8. Calendar of Events

- Dec. 25, 2019 Christmas Day
- Dec. 25 & 26 City Offices Closed
- Jan. 1, 2020 New Year’s Day (Offices Closed)
- Jan. 8, 2020 Regular City Council Meeting
- Jan. 22, 2020 Regular City Council Meeting

9. Executive Session:

Motion to move into Executive Session. Motion by Herb Basso. Seconded by Tode Hafen with all members present voting aye.

- Entered Executive Session at 7:20 p.m.
- Reconvened at 8:19 p.m.

10. Adjournment:

Motion to adjourn by Tode Hafen. Seconded by Herb Basso with all members present voting aye. Meeting Adjourned at 8:19 p.m.

________________________________________ Date Approved: ________________
Chris Shelley – City Recorder