

**SANTA CLARA CITY COUNCIL MEETING  
WEDNESDAY, FEBRUARY 12, 2020  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 12, 2020 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: Jarett Waite, Ben Shakespeare, Wendell Gubler, Leina Mathis and Denny Drake  
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Bob Flowers, Police Chief; Ann Evans; Shelly Harris; Dyle Bond; Steve Hall; Devin Ferguson; Michael Lee; Alison Snyder; Kathy Leydsman

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. He introduced the Council and excused Brock Jacobsen, City Manager, who is ill.

2. **Opening Ceremony:**

- Pledge of Allegiance: Jarett Waite
- Opening Comments: Jarett Waite

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

4. **Conflicts and Disclosures:**

1. Mayor Rosenberg stated that on Item 5C7, the bid for the Lava Flow Trail, the Firm he works for was the engineer on that trail project.

5. **Working Agenda:**

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

B. **Consent Agenda:** None.

C. **General Business:**

1. Appoint Shelly Harris to serve as an Alternate on the Planning Commission. Presented

by Corey Bundy, Building & Zoning Official.

- Corey Bundy said that Shelly Harris brings over 30 years of experience working in the banking and financial industry. She is currently Vice President, Commercial Lending Officer and Regional Area Management Team Member at Cache Valley Bank. She specializes in business relationship management and has provided banking services to many Southern Utah businesses, leaders as well as citizens for the local community. In addition to holding a bachelor's degree in Psychology from Purdue University she earned a master's degree in Public Administration from Southern Utah University. Her husband, Kurt, is the Director of Learning Abroad and Associate Professor of English at Southern Utah University. They have 2 children. They have raised their children in Santa Clara. Shelly enjoys hiking locally and travelling internationally with her family. She enjoys volunteering and has served in leadership positions on several nonprofit organization boards including being the Board Chairman for Leadership Dixie, Social Director for Huntsman World Senior Games, Board Member for Big Brother Big Sister, and Board Director/Treasurer for Kayenta Arts Foundation. He said that her son, Ian, was an intern for the City for the building department and helped a lot with planning and zoning documentations.

**Motion to Approve the Appointment of Shelly Harris to serve as an Alternate on the Planning Commission.**

**Motion by Ben Shakespeare, seconded by Leina Mathis.**

**Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.**

**Voting Nay: None.**

**Motion Carried.**

2. Discussion on Development Fee Schedule and set a Public Hearing to receive public input for Feb. 26, 2020 at 5:00 p.m. Presented by Corey Bundy, Building & Zoning Official.

- Corey Bundy said that this was brought before Council at a Work Meeting to discuss proposed increases in the annexation, variance and the appeals fees. He said they have spoken with other cities and have concluded that we are not justifying the Staff time for what we are asking for the applicants to pay. For annexation our current fee is \$500, and the proposed fee is \$1,000, which matches St. George City's fee. For variance our current fee is \$100. Appeals fee is the same amount. He looked at the City Attorney's fees, his own time, the City Planner's time and the minutes and for about an hour of our Staff's time it comes to about \$423.57. We recently had a Board of Adjustments/Appeals Board Meeting where we spent two hours getting the Board together and then having them render a decision on an item. The applicant paid \$100 for that. He said they would like the City's cost to be met if someone asks for an application for an annexation, a variance or an appeal. We have to do our due diligence; we have to record those minutes and send them out and things have to be documented correctly. It takes paperwork, studies being done, set up meetings and send out notices. He also asked direction on the permit fee schedule. Our fee development schedule doesn't give a time frame. Do we hold the one-time fee paid even if it takes a year or more? Staff feels like after that long we basically have to start over. He is suggesting setting a time frame of six months to a year and if it can't be brought back in that time it becomes a new application. The fee

schedules would increase as follows: Annexation from \$500 to \$1,000; Variance from \$100 to \$550; and Appeal from \$100 to \$550.

- Mayor Rosenberg said that this doesn't happen a lot. We have had two appeals in the last couple of years and one or two annexations or de-annexations. He asked if this would apply to a de-annexation.

- Corey Bundy said it would. We don't have a lot of these. He said we have to give citizens the option to do a variance.

- Leina Mathis said there was only one request that came to Planning Commission all last year, a variance.

- Mayor Rosenberg said that there are a couple of things in the subdivision ordinance that we don't want to violate with the fee schedule. The preliminary plat timeline is one of those. He can see the fee schedule with the Hillside Board or if things significantly change. Our ordinance right now doesn't have an expiration, so plats stay intact as long as they aren't changed. If the configuration or street layout or lots were changed or anything that way that could be a new application and creates a new fee if there are significant changes.

- Corey Bundy said they look at this at TRC and if there is more than a 5% change. He said if it is okay with Council, he will give some direction in our published fee schedule stating that if things are going to change more than 5%, they may incur an additional fee.

- Mayor Rosenberg said that the additional costs that Staff has should be compensated if it is justified and a significant change would justify it. He feels that the Hillside Review Board timeline would be fine. He said that once someone gets the vested right there should be a justification for hitting them with a new review.

**Motion to Approve Council support for Development Fee Schedule and set a Public Hearing to receive public input for Feb. 26, 2020 at 5:00 p.m.**

**Motion by Denny Drake, seconded by Wendell Gubler.**

**Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Wendell Gubler and Denny Drake.**

**Voting Nay: None.**

**Motion Carried.**

3. Discussion on one-way street by Gubler Park. Presented by Brock Jacobsen, City Manager.

- Ben Shakespeare said that Brock is ill, so he is going to lead the discussion on this item. He said he was not on Council when this was done. He said there are a lot of complaints from people about cars going the wrong way out there. He felt we did a disservice making the road one-way and created something problematic. He said that on a busy day people can get turned around in there very easily and then have no option but to go out the wrong way. He said it is confusing. He asked what the purpose is of the one-way.

- Chief Bob Flowers, Police Chief, said this is an interesting location and his feeling is that it should be opened to two-way traffic. He said the design is restrictive and causes people to go the wrong way. We have a lot of visitors from out of town that come in for the tournaments. He said the police get a lot of complaints. His recommendation is to have Public Works look at it. He said he can see a need for a two-way.

- Jack Taylor, Public Works Director, agrees with Chief Flowers. The road is a standard sized road. He said we have a lot of issues right now because of people trying to come out the wrong way. It is creating problems. There was a lot of discussion with the

development at the beginning because the road was supposed to go all the way through and they didn't want to have the traffic and have the road go all the way through the park and tie into the development up above. So, the road was tied into the road the goes above Tuscany and Black Rock. So, we are pushing all that traffic onto that road and there are a lot of young people playing out there. He feels the road should be two-way and that would take care of a lot of the issues.

- Leina Mathis asked how the road was shown on the Master Plan originally. Was it supposed to be a two-way road?

- Jack Taylor said that on the Master Plan it did show a road. The road was planned to go up and tie into North Town Road.

- Corey Bundy said that when this item came to Planning Commission the road was supposed to go all the way from Jacob all the way up but because of the configuration of Paradise Village, Ph. 6 and Black Hawk they eliminated the road because of the wash area (Lava Flow Wash). They didn't want the cross connection between Black Hawk and Paradise Village at Zion because one was a resort and one was a townhome project.

- Mayor Rosenberg said that the zone change that was granted for Black Hawk was conditioned on that being a one-way. That is the way he remembers it.

- Corey Bundy said he would have to go back and look at the minutes. He said there was a lot of discussion.

- Mayor Rosenberg said he thinks that was a concession that Council made as part of that zone change to mitigate the potential increase in traffic down that street that they would make that park entrance a one-way. If it was a condition to a zone change we would have to ask Matt Ence, City Attorney, if it is as simple as just opening it up to two-way or if we would have to go back through some type of a zoning action to make it happen. He knows it was a condition of the development but is unsure if it was a condition of the zone change.

- Corey Bundy said that the developer put in curb, gutter and sidewalk on the school side and agreed to do some other things as part of the zone change.

- Mayor Rosenberg said that Jerry Amundsen was the person that designed the access ways, especially the north intersection and the islands that go out onto that street which was done as part of the City projects.

- Chief Randy Hancey, Fire Chief, said as far as emergency services it is difficult to get an ambulance in and out of there with it being a one-way and with that little island. Our vehicles are wider and longer, and it makes it difficult to get through that configuration. If it just opened up to a regular street it would be much easier access. In an emergency they might need to go out the wrong way because it is a faster means of access and egress.

- Wendell Gubler asked Jack that if that were opened up to flow both ways how much additional traffic does he think would come out verses one way.

- Jack Taylor said he doesn't think it would increase it a lot because most of the people that go in there now come down that street to go in and if it was opened both ways, he doesn't think it would change that much.

- Denny Drake asked Chief Hancey how often emergency vehicles in there with all the ball games is going on.

- Chief Hancey said quite often. They respond several times a year. He feels it is a safety concern.

- Denny Drake asked if it would be advantageous to take out the island.

- Chief Hancey said he believes it would be. It would make it easier to get in and out. It

is very restrictive.

- Brad Hays said they have some of the same issues that public safety has with the City's vehicles. They can't get in and out of there and they can't make that right turn into Tuscany because of the islands. He said they have to end up violating the one-way with our trailers because that is the only way they can get out. The parking area works well but he would prefer to see it two-way for convenience of the City and the visitors from out of town. He talked about the different tournaments and marathons. It would be a lot easier if people could come and go either direction.

- Ben Shakespeare asked Brad how many tournaments or events we have there a year.

- Brad Hays said we have Little League that runs April and May for four nights a week. We have tournaments that run starting now that go through May every weekend and in September, we have Senior Games and a tournament in October with three more tournaments in November and one in December. It is pretty much every weekend except for summer months. He said we also have a lot of people that come to play pickle ball.

- Ann Evans, 3772 Nicholas Drive, asked if Council went back and read the meeting minutes from August 2016 when this was passed when they saw that this was going to be on the agenda tonight. She said it would give Council more depth and understanding if they went back and read that section of the minutes. She said that back then it was called Cobble Creek instead of Black Hawk. She said that many people from her neighborhood came to all those meetings. It started in May when they were talking about the planning with Cobble Creek. Then it went to the June meeting and then July and August. The residents came to four meetings and they were very concerned about this because there were so many issues that were involved with it and it all stemmed from the Cobble Creek (now Black Hawk) development. She said they initially told the residents no that the road could not go all the way through like it was on the Master Plan because of Paradise Village. Paradise Village blocked that. Jacob Drive isn't even straight when you come into the park. It curves. She said if Council wants to know what was said through all of these meetings you would have to read the minutes. You would have to read what Jack Taylor said. What Brad Hays said. You would know that Jack Taylor said that this is not a through street; we don't intend it to be a through street. She said that Brad said that this is a park. When people come in, we want it to feel like a park environment. We don't want it to feel like a through street. Many things were discussed as far as speed bumps, speed tables, something to keep the traffic slowed down. They did put in the angled parking. They did paint some small arrows. That was supposed to prevent people from coming out the wrong way. It didn't make a bit of difference. People fly through there. They fly through going in and they fly through coming out. She said that on game days there are cars there, so they slow down a little bit. You have people going in to walk their dogs, play pickle ball, people going to Black Hawk, people going to Tuscany, so we knew, and our greatest fear has been realized now. She said that we knew with all of the activities, the ball games and everything going on in the park and with Black Hawk and Tuscany we knew the amount of traffic going on Jacob Drive was going to increase tremendously. She said she has done studies. She has visually looked, and she has security cameras and she knows that on Jacob Drive and on any day of the week except Christmas or Thanksgiving there is between 300 and 350 cars that come down Jacob Drive in and out in one 24-hour period. When you add a ball game day that number increases substantially. People going in and out. She said that when people come from out of the area, they don't know that it goes to a one-way. There is no indication there at all. She said she suggested when she wrote to Brock (Jacobsen, City Manager) and she

thanked Brock for bringing this to the Council because it has needed to come to the Council for 22 months. There have been many things wrong with it since they opened it on April 12, 2018. She suggested the City put a sign there that says, "Begin one-way". She said she even sent a picture of it in an email to all of the Council. She said that an engineer came last November, and she walked the park with him. He was the first to point out that there was no one-way sign so how do people know it is a one-way. He looked at all the signs and said that one sign just says, "wrong way" and the other sign that goes with it that says "do not enter" isn't there. He said that normally they put both of those signs together. She said that the island is ridiculous, and she is not sure what it is supposed to do. It doesn't stop anybody who wants to come in there and turn right. They turn right all of the time. She said she knows that the City has issues with their vehicles, the fire and the parks people, but we had these vehicles when we did this and we knew the size of the fire trucks and ambulances and the vehicles to pull the lawnmowers and we knew that when we planned this so when Jerry (Amundsen) set this up and he was designated the road expert because he was the City's streetscape guy, she is not sure what he was thinking of at that time because the City has huge commercial vehicles come in there to dump rocks and dirt and things that they have to have for the fields. She said she has a question for Councilman Drake. He was at the Candidate Forum in October and when this particular subject came up he was the one person on the table that said he was at Gubler Park a lot because his grandkids play Little League so based on that how many days a year does Councilman Drake think he is up there. She said from right now until the end of May there is 20 weekends. She asked Councilman Drake how many days he will be up there.

- Denny Drake said that once Little League starts with the City schedule, he has five grandkids that play and they play every other night, boys one night and girls the other night, he says he is probably up there four nights a week.

- Ann Evans said that if he was just there weekends and it is 20 weekends that is 40 days and if he is there four times a week that would increase it to probably double that amount. She said if we look at that, the number of times people go up there for Little League, she asked Council to think of the residents. They live there 365 days a year. They are there for everything. They are there when the lights come on at 6:00 in the morning and until they go off at 11:00 at night. They are there for all the cars that go in to play pickle ball, all the cars that violate and come out. All the Tuscany people, all the Black Hawk people, all the ball game people. It is constant up and down their street. She said they have 109 kids in their little neighborhood. She said that 24 of them live on Jacob Drive below Pioneer Parkway going into the park. She said that you can imagine their concern because on the weekend and after school they're are out there on their bicycles and scooters and they are out there playing. She said they are worried because on August 10, 2016 this past muster. There are many reasons it past at that time. She said they have some of the people trained and some of the people will not learn unless they get a ticket and she only knows two tickets that have been written this whole time. She said she has sent videos, emailed pictures and has brought pictures to the Police Department that were dated, and time stamped, and you could see the driver and license number and most of the time they just go and talk to them. She said she knows the police like to be there to see the person committing the act, but it is very difficult because many people do not do it at 8:05 in the morning every single day or 2:00 in the afternoon every day. It is random. She said she has people in her Ward do it all the time and she is embarrassed to say that because she sees them in church on Sunday and she wants to go over and slap them and

say, "What the h\*ll is wrong with you? Don't you have respect for the City Council or any respect for our neighborhood? What comes over you? You come and take the Sacrament every week and then you think okay I'm cleared. I've taken the Sacrament. I plead all my transgressions for the past week. Now I can drive out the lot and start over." She said she hates to bring religion into it. She hates to mix church and State. She said they have tried numerous things. They have written and have made numerous suggestions: more signs, enforcement, cameras, a tire shredder (because a tire shredder is easy and they are in almost every State park; they are out at Gunlock, at Snow Canyon State Park, at Quail Creek State Park. They are all over the place. The one at Snow Canyon is right next to the children's playground. They have never had an incident.). She said she is begging because our community is extremely concerned that Council is considering doing this after we have already come down here and bled from our pours and we got it to pass muster and now she doesn't know what else she can tell Council. She wishes that Council had looked at those minutes before they put the final blow across the resident's necks if Council would go back and read August 10 and July 13, 2016 meeting minutes just the part where people came and bled from every pore. She said that she has said what she can say and she asks that Council consider their plight because when you have 350 cars on a regular day and all the extra cars going in for a ball game and they are coming back out especially for Senior Games because those people are from Canada, Oklahoma, Florida and they don't know what the h\*ll is going on over there. It is easy to get turned around in there. She said that the City says that the angled parking and the arrows will make it so they can't go the wrong way. She said BAH, it is all rubbish. She said they go the wrong way all the time. They drive over the curbs. They do it all the time. It needs to be addressed. It has needed to be addressed for 22 months. She said she is getting ulcers over this. She lives there and she sees it every day. She stated that she can't be in her yard for over 10 minutes before somebody comes out the wrong way. She pleaded with Council to consider their plight, their little neighborhood that is getting all of this traffic. She thanked Council and Brock for answering her prayer.

- Dyle Bond, 2255 Jacob Drive, thanked Council and said that Ann has expressed many of their views. He said that when the neighborhood first started looking at this situation, they had asked the City Council to not make a through street through there. After several discussions and after the whole neighborhood signed a petition this was dated June 17, 2016. He said he still has the signatures he can bring them again. He presented them to Council before, but a few people have passed away since it was filled out. There are at least 50 names and probably more because some signed as husband and wife and these individuals have requested that the City doesn't have a street that goes straight through there. He said the compromise was to have a one-way and he said he went along with that. He said that a City Council member designed the plan. He said he thought the plan would work. He said he could see right away after the parking lot was put in that it was not going to work. He said the police were going to have to support the City Council in enforcing it if it is going to work. He said he has heard that two tickets have been given out in four years. He said the City is not enforcing it. He said that if the City doesn't want to enforce it then he wonders why the police don't want to enforce it. Have the City Council or the Mayor told them not to enforce it. Aren't people breaking the law on that one-way street? Shouldn't they get a ticket of some sort? He doesn't want people getting a lot of tickets, but he thinks the public would understand pretty quickly if some tickets were given out then they would probably stop doing that. He talked about the tire shredder. He said it is a very simple thing to put in. He suggested that the Council go see

the tire shredded in Snow Canyon State Park. He talked to the people at Snow Canyon State Park about their shredder and they have never had an issue with it. The tire shredder would fit easily into that area of the parking lot. He said a tire shredder can also be disabled quite easily so if emergency needs to disable it, it would be easy to fix. He said they originally talked about a fence or a knock down gate in there however this design was okayed by the City Council. He agrees that the islands need to be adjusted. He thinks that if the City got an engineer over there, he could figure out a new island system so that people would have enough room to turn around. There is plenty of space next to the ball field to make additional roads if the City needs to. He said the ball field cuts in right about where that island is and there could be a bigger turnaround or some kind of a roundabout. He thinks this could be figured out and keep it a one-way out. He said he thinks Jack Taylor said he doesn't believe there would be additional traffic, but he said that common sense tells him that there is going to be 50% more traffic. He said that Jack Taylor doesn't live there, we do. He said that City Staff originally didn't want this at all, and they still don't want it. The citizens want it. He said that the City Council represents the City as well as the citizens. He asked Council to think about this and do their best and he thinks they can figure out how to make the one-way still work.

- Kathy Leydsman, 2289 Julie Drive, said she was part of the meetings when this was discussed originally, and she distinctly remembers being told that this would be a one-way street. She said that the Council was adamant about making that concession to the residents. That was 22 months ago. That is not a long time. She said that we do have a problem and it needs to be addressed. We need to come up with the right solution not just an easy solution. She said that if Council had been there and been part of that discussion they would feel differently. She said she agrees that the Council has to make some decisions, but she also agrees that the discussion about emergency access happened then and it was agreed that it was appropriate at that time. She said she doesn't know what has changed since then. Nothing that she can put her hands on. She said she thinks that the Council needs to look at the fact that 22 months ago Council promised the residents that this would be a one-way street. She said she thinks the residents deserve better than for Council to just say they changed their minds. She feels the residents need a reason for that. She doesn't feel like the residents have been given a reason. She stated that she frequents the park every day. She has had a lot of conversations with Brad (Hays). She said she wrote Council a letter about the condition of the park and advocated to give Brad an adequate budget to make the park look better since so many people frequent that park. That is another issue for another day. This issue is keeping a promise to those residents who live there. She said she is encouraging Council to strongly consider the residents input too. They have concerns and their concerns are legitimate. She said that their children matter. She said she heard Council talk about the children in Black Hawk and Tuscany and wants Council to realize that those children are on the small road that goes around. They don't come out onto the other road. She said that their children don't have that. She said their children are on Jacob Drive. She asked Council to consider some of those issues too. She said most significantly is the fact that the residents were told that it would be a one-way street. Is there not a way to keep it a one-way street? She said that if there is, that is what we need to do.

- Devin Ferguson, 3790 Nicholas Drive, said he mimics everything that has been said so far. It has gotten beyond out of control with how much traffic comes out of the wrong direction from there. He said the back of his house faces toward the park parking lot. He said that weekends when there are games going on, nighttime, all day long, whenever he

is there, there is not a moment that someone doesn't come out that wrong way. He said a number of times he has witnessed people coming from out of the townhomes coming deliberately up the wrong direction, speeding and there is no enforcement whatsoever. He said it doesn't just stop at the park. They blow through the 4-way stop at Jacob and Nicholas. Still there is no enforcement. He said that (Jack Taylor) said that there isn't going to be additional traffic if that becomes a two-way but he disagrees substantially because of all of the people that are in those two townhome developments if they got the approval to go through Jacob that would quadruple overnight people coming in and out of that route, guaranteed. He said he doesn't have a problem with part of the traffic that goes into the park for the ballgames. He said that when we were doing these public meetings trying to discuss what we were trying to do with the one-way or how we were going to do it he said he submitted a drawing that he thought was a good solution for this whole situation. It still provides access into the park and still provides access to the pickle ball courts and all it was a matter of blocking off where Tuscany comes into the park and Jacob and so there is in and out access for the park section only which is minimal to what we are getting right now. The pickle ball courts are used by the people who are in the vacation homes quite a bit too. He said there are a lot of people that don't know the neighborhood and they don't pay attention to the speed limits. That is a problem. There is no way to police that when the police are not there. He said he talked to an officer who said he has been there three times and that he doesn't police it very often. He said he will give verbal warnings and he has only given one ticket. He said regarding emergency vehicles, if the City decides to make it two-way traffic, they are going to spend money for that entrance. The City could take that money instead and take that transition where the island is right now and make it more accessible for the bigger vehicles coming in and out of there. That would solve that problem. He said he has never seen an emergency vehicle on the Jacob side of Gubler Park, ever. He thinks they are coming in off of the Rachel parking lot. It is just as fast from that entrance then the Jacob access to get to where they need to.

- Michael Lee, 2312 Jacob Drive, said he is understanding about the fact that some people are going to occasionally go the wrong way out of there and he feels it is unrealistic to suggest that no one will ever break the law or that no one is ever going to try to skirt past there. He said realistically he gets that it would be impossible to stop everyone and likewise it is unrealistic to place a dedicated officer there to direct traffic. He said he is very realistic about the fact that it doesn't matter how many signs you put up there, it doesn't matter how much educating you do with people, you can't train people to always do that the right way. He stated that he has been relatively pleased with how it has worked so far. He said that because he went into this realistically he expected that there would still be some people that came out of there but we've eliminated this dedicated two-way traffic going up and down Jacob Drive which he said is what he was hoping for to begin with. He said he lives right there at the mouth of the park. He states that he sits on the Student Transportation Safety Committee for the Washington County School District, so he is not ignorant or naïve when it comes to issues surrounding special event traffic. He said they deal with the madhouse and the mess in our school district of these little schools and these little parking lots just having 100 cars to send on it 15 minutes before school and 15 minutes after school and then it's a ghost town for the rest of the day. He said that sometimes there will be elevated traffic. He said he is especially unsympathetic to people who are capable of passing a driving test but are not capable of reading a one-way sign and follow that directive. He said that if we are to undo

something that we worked hard to get done we are encouraging bad behavior now. He said that frankly he does not think this is the right way to go about it. He said he appreciates the Chief's comments regarding the issues. He said the residents are passionate about what is going to happen down that street. They are passionate about not having a two-way street where a parking lot is, turning a parking lot into a two-way street. He said it is disingenuous to suggest that with 82 units and a large parcel of undeveloped land that is either going to become an elementary school or high-density housing that traffic is not going to increase substantially down Jacob Drive. It is not sincere to suggest that. He said that of course it is going to increase traffic. If it is not going to increase traffic, then why would we change it. The whole reason is to make traffic easier to go up and down that street. He said that there is a big difference between running traffic adjacent to a neighborhood, which is what it is doing now, and running it through a neighborhood, which is what it would be doing if you ran it down Jacob. That is running it straight through the street instead of next to a neighborhood. He feels that is one of the biggest points. He said the residents compromised and he felt good about the fact that they compromised. He said they didn't get everything they wanted when they came to Council before. They wanted no access to the park from there. The residents suggested a bunch of things and those things didn't happen, but the compromise was that one-way traffic would be allowed through and they could go back out the other way. He felt that was a fair compromise. The residents didn't get everything they wanted, and the City didn't get everything they wanted but the residents understood that they would have to give a little to get a little. He said he is frustrated that we are showing deference to people who are visiting Santa Clara or don't live along Jacob Drive instead of considering the residents children and that two years later we are discussing undoing this. He said that in reality by being forced to circle the block the people are being inconvenienced by about 90 seconds. He said he visits people in Black Hawk for his church callings quite a bit and he has to do that route from his house and it could not be more than 90 seconds. We are inconveniencing by 90 seconds. He asked if 90 seconds of inconvenience is worth diverting traffic down their road. He asked Council to reconsider undoing what the residents have worked hard to accomplish. This impacts people when they come to the park and when they leave the park. He won't minimize that. It is inconvenient but it will inconvenience the people that live on Jacob Drive all the time. That is where he is coming from. He said he comes with the spirit of compromise and wants to work something out. He feels that undoing this would create a whole new set of problems. It will increase the amount of traffic. He is strongly opposed to that.

- Chief Flowers said he doesn't think anybody has made up their mind if they were going to go one-way or two-way. He said we are just discussing all our options. He said he and Jack have discussed the tire ripper. He said that things need to be looked at such as the tire ripper, the islands. It needs some looking at. He said that every time the department has gotten complaints, they have contacted people. They haven't written a lot of citations. He said there is a lot of demand on the department's time. He said if he lived in the neighborhood, he would prefer it closed. He said that something has to be done. Signs are part of the issue. He said they walked the park and talked about where they would put tire rippers. He said he agrees with the statement about the street going to the side of the neighborhood. When we have those weekends, it is a mess. He said the City has not ignored this nor have they said it is going to be a two-way. We have to look at it. He said the Fire Department has been in there and so have the patrol officers. He

said that all the options need to be viewed. The area north where the islands are needs to be redesigned regardless of what else is done. He doesn't think that tire rippers are a bad option.

- Alison Snyder said that this means a lot to the residents. They live on the 4-way stop right where people come out. She said that everyone's opinion that talked tonight is valid. She said this is not a street, it is a parking lot. That is all it ever was. She said that when they moved here in 2012 the parking lot was chained off. It had future plans for development but that was before Black Hawk was ever a consideration. She said they made compromises, but she feels like precedence was given to out of town visitors, making money on development fees for Black Hawk and especially for Paradise Village and the nightly rentals. She said her neighborhood was not given precedence or any sort of consideration and favor was given to these high-density and vacation rentals. She said that she doesn't see how precedence now when Council is taking this into consideration should be given to out of town visitors and the money they bring into the City. Why should money speak more loudly than the taxpayers and the people who voted for the Council? Out of town visitors do not take into consideration the impact to the risk and safety of the children as they drive down the street. She said emergency services has not had access to that side of the park ever until it was paved. They were just fine going into that little bubble off of the Rachel Drive parking lot. She said that Council also needs to consider also that Black Hawk has a parking lot just north of the pickle balls courts if access is needed for someone who is having a medical emergency at the pickle ball courts. It is much closer than the parking lot. She said that originally Black Hawk was supposed to have a through road connecting to Paradise Village and Paradise Village heavily advocated for that not to be connected and that was given to them without any of them having to try hard whatever special business interest that former City Councilman David Whitehead was representing them. She said that felt like a little bit of back door dealing connection. She said that was unfair to her neighborhood. She said if it was turned into a two-way street instead of a parking lot people who live in Black Hawk are going to want to save that 90 seconds. She said that one thing that was discussed in all the meetings (and she went to some of them when she wasn't about to have a baby) is that people are going to take the quickest way out. People aren't driving out to Ivins. They aren't driving to Hwy 91. They take Pioneer Parkway into St. George. They go east and Jacob Drive is east of Black Hawk townhomes as well as Tuscany townhomes so it might not be too much of an inconvenience for her when she is going over to Black Hawk to drop off someone's kids because she is friends with people in the neighborhood. She said she gets mad like Ann when she sees people who she is friends with going the wrong way out of that parking lot. She says she tactfully says things to them without getting upset. She said that people are going to want to save that 90 seconds. They are going to want to cut that 90 seconds off their commute time as they go into St. George. That is where most people work. That is the direction they take to go to Santa Clara Elementary School. Black Hawk is supposed to go to Red Mountain Elementary but there are several kids in the Black Hawk development who go to Santa Clara for the Chinese elementary program and they take that route and they go the wrong way out of the parking lot. She said she put a little neon shaped man to put out there when the kids our out there, so people don't push my children. She said she doesn't feel comfortable letting her kids go outside in front of the house unless she is there to watch them. She can't be out there all the time watching them and watching the street. She said they complain because they want someone to do something about this. They call the police

because they want someone to do something about it. They talk to people who are City services because they have compromised, and it does function in a small measure of what they hoped it would, but it falls short and there needs to be more signs. She said one of the things she suggested way back when this was being discussed in 2016 was to have two intakes that are connected and have a barrier there like a curb that people aren't going to drive over and get rid of the island and people can get in and out as much as they want to the pickle ball court and we can have two-way traffic going in and out of the Jacob Drive parking lot because we are not having additional traffic coming from commuters or people who are living there and using it as a street when it is a parking lot. She said that this is an issue that is important to their neighborhood. This is something that they will be here at every meeting that Council discusses this at because it means that much to them and they want Council to hear their input. Council does not represent the City Staff. They are not Council's constituency. She said the residents are and Council needs to listen to them and what is important to them. She said there are different sides to take into consideration but she believes that the people who are taking the brunt of this is her neighborhood and they are dealing with this every day and they have to grit their teeth and bear it every time someone comes out the wrong way and they go 30 miles through the parking lot because it is usually people who are here for the events. People who are there for the events, especially Little League nights, go fast out of there as well. They will go 30 miles through the parking lot and since they are already breaking the law and they see the sign all of the sudden they just blow right through the stop sign and speed down her street. She said it is really frustrating to see that. She said she tries to scowl at them, but it doesn't make a difference. She said that Council has the power to represent them and come to a better solution than what it has come to. She said as residents the only thing they can do is tell Council how they feel and how it is impacting their lives and she asks Council to listen to them.

- Jack Taylor said that one of the issues that we see is when it is really busy up there with the traffic coming in is once that far end gets full then the people have to go all the way around and come in on the other side. It gets full on that north end and they try to come down the other end but the parking is the wrong way so they have to go clear around and go back to Jacob to get on that other side of the parking lot or else they are going the wrong way.

- Ben Shakespeare thanked all the residents for their input. He said he wasn't on the Council when this first happened. He said that Council and Staff is getting bombarded with emails and complaints and they want a designated law enforcement. We just can't do that. We can't put a police officer there all the time. He said there is a problem there and people are going to come out the wrong way and he feels it is unfair to cite someone who is trying to turn around. He said it is poorly designed. He said we are trying to find a solution. He said we need to protect the residents. He gets it. He asked why we don't create three individual parking lots up there. Why don't we create two-way off Jacob and dead-end it? We could pick up those 80 stalls; make it wider so they can go in and park at that parking lot. The other parking lot over by the pickle ball courts comes in and they've got their own parking lot with two-way traffic coming in and out and then the Rachel parking lot is two-way traffic coming in and out. We would eliminate the through traffic and he thinks that is what some are recommending. He said we may have to do a couple things and blow out islands, but he doesn't think that anyone on Jacob will complain about 80 cars in and out of there. Someone will pull in and the parking lot will be full, and they will have to turn around and come out and go to one of those other

parking lots. It will slow the traffic in and out of there and maybe even eliminate the need for a four-way out of there because they would have to stop east and west and let that traffic flow in and out of there. They would be coming in slow because it is a dead-end street.

- Mayor Rosenberg reminded the audience that there can be no interruptions while Council is speaking.

- Ben Shakespeare said he is not an engineer. He said we can't have an officer there 24/7 so the two-way is the way to go. He said there might be other solutions there.

- Mayor Rosenberg said that when they were going through the process of developing what's up there now the concept of the dual parking lots was an option. To have a parking lot that served the north area by the pickle balls and accessed off Tuscany and have a southern parking lot adjacent to the softball fields that accessed off Jacob. He said it was an option and he doesn't know if it was not chosen because there was a problem per say from a safety or some type of design. He said it was presented and the ended up going with the other option. That is something that could be addressed. He said he believes there were three options. He said we can go back and revisit those.

- Kathy Leydsman said there was a concern with that option and there was a safety issue. In order to put the subdivision in they needed access from two different areas for emergency vehicles and blocking the parking lot off restricted that. That was part of the compromise. She said that Council keeps referring to this as a two-way road and it isn't a road. It is a parking lot. She is struggling on turning a parking lot into a road because it isn't a road. It is a park and she urges Council to remember that too. She said she doesn't want to violate that safety because that matters. The people who live in Black Hawk and Tuscany need to access for emergency vehicles and the only way to do that is with the open parking lot.

- Denny Drake said that one of the things he looks at is the public safety issue and making a two-way traffic in that parking lot creates more of a problem with the kids that are playing and the people that are coming then the way we have it set up with one lane coming in. The access point isn't the problem, it's the reversing. If you come to that point and it is signed so that you can get out and know that you can get out on the north end, then it becomes a fix for the safety issue. He said as far as going backwards he is not opposed to the idea of the tire rippers. That with the signage creates the illusion. He said that they need to look at the islands and that could do away with the problems of the safety vehicles and City vehicles going in and out of there. Running two-way traffic through that parking lot it doesn't have enough width so it would create a safety hazard for those that are using that field. He said we need to look at the alternatives and keep that as a one-way alternative.

- Ben Shakespeare said it may be as simple as just having a traffic engineer, a third party, come in and just go look at it all. Maybe it is as simple as signage. It is not going to solve every problem.

- Mayor Rosenberg said there are some things we can do with the islands and some different curb designs that are mountable so that the trailers can mount up on the curb. There are some things that can happen there. He asked Chief Flowers if the tire shredders create a safety issue in themselves.

- Chief Flowers said he doesn't believe so. He said some high schools have them in their parking lots. He said there shouldn't be a safety issue if they are lit at night. He has read where they are a danger to pedestrians as long as they are lit and marked well.

- Ben Shakespeare asked if there is room there for people to turn around. He thinks there

is plenty of room to create that.

- Alison Snyder said that there is a large section of land that isn't developed that can be made into a turn around. She thinks the tire shredder is a good option. She said as a parent who lives close to that she wouldn't be worried about her kids because there is a sidewalk and a paved asphalt path around the park. She said she understands the concern for safety but if the City puts a tire shredder there you will eliminate the need for an officer to enforce it because the tire shredder is enforcing it for you and that would give a cost savings in the long run. She said if the problem of the island were fixed the City trucks and vehicles as well as emergency access would be able to access that north end of the parking lot without a problem.

- Devin Ferguson said his house is less than 100 ft. from the entrance of Gubler Park right on Jacob and the noise factor from the tire shredder would probably obnoxious because of the traffic coming all day at all hours.

- Dyle Bond said that along with the tire shredder you would put two lights alongside it and they are lit up all the time and people will be able to read where it says "tire damage" and they will know that it is there. He would support that.

- Jarett Waite said he went to the original meetings and sat down with a lot of the residents that are here to discuss how to solve this problem and a lot of this stems from this scary idea of there being a full road there. He thinks this should really be a parking lot and we should really look at different alternatives to try to keep it going one-way and that still works for the different vehicles that have to go through there. A turnaround down by the entrance coming off Jacob, there is room there and maybe a turnaround up at the other end of that parking lot. He would support looking at this closely and he agrees with increasing signage and test that for a little while and see if that does anything. He is not a huge fan of a tire shredder because this is a public park and it is not a State park or a paid entrance sort of thing. We need to figure out a way to limit the wrong way traffic. We could look at a speed table and make it inconvenient for people to go the wrong way through there. Right now, it is designed to make it an awkward turn and the stalls are going the wrong way, but we could make it more inconvenient with other measures.

- Leina Mathis said that if we made a commitment as a City when this was done for whatever the reasons are to have it as a one-way street, we probably need to honor that commitment to the residents. She said that signs are okay but if there are issues with the Black Hawk residents who live there and know that it is a one-way street going the wrong way the signs aren't going to make any difference. She said she understands that a visitor who gets lost and doesn't know how to get out of a parking lot can inadvertently go the wrong direction. She could see how that could happen but it's not going to solve our problem with the residents. A tire shredder may solve the problem with the residents, likely because they aren't going to make that right-hand turn to go that direction any longer. She is not opposed to that idea, but she hasn't seen this in a small community like our either. She asked Mr. Ferguson if the City decided to put in the tire shredder would he be okay with the noise that comes as a result of that.

- Devin Ferguson said he would be okay with it.

- Wendell Gubler said he likes the idea of changing signage, so it is clearer that it is one-way so that when you come in you know it's a one-way. He said that it sounds to him like the island needs to go or at least part of it needs to go.

- Denny Drake said he believes it is safer as a one-way street for both the residents and those using the park. The north end has access and width enough to even turn back and come back out. The problem with the south portion is there isn't enough width to make

that two-way between the parking stalls on each side. The only alternative is to keep that one-way.

- Jarett Waite thanked the residents for coming. He appreciated their input

- Mayor Rosenberg thanked the residents also and complimented them on their politeness in their comments. He said he will get with Staff and will try and work up some solutions with signage and look at some of the costs and some of the tire shredders and see if there is a quieter version that is out now and we will do some research that way and bring it back to Council and we will make sure the residents are notified so they can come and hear that as well and it could maybe be in a Work Meeting where there can be some more one on one communications. He said he appreciated the residents coming in and their input. He said he will get with the Staff and bring something back.

4. Public Safety Impact Fee discussion & possibly set a Public Hearing for Feb. 26, 2020 at 5:00 p.m. to receive public input. Presented by Brock Jacobsen, City Manager.

- Mayor Rosenberg said that Brock Jacobsen is not here because he is sick and there needs to be a motion to table this item.

**Motion to Table the Public Safety Impact Fee discussion until a future meeting.**

**Motion by Ben Shakespeare, seconded by Jarett Waite.**

**Voting Aye: Leina Mathis, Denny Drake, Wendell Gubler, Ben Shakespeare and Jarett Waite.**

**Voting Nay: None.**

**Motion Carried.**

5. Consider approval of the Santa Clara Municipal Wastewater Planning Program (MWPP) and Financial Evaluation for year ending 2019 and approve Resolution 2020-02R. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that each year the State sends us the Municipal Wastewater Planning Program annual report and the City's obligation to fill the report out and then once we complete that we present it to the Council and then approve it by resolution. He said that it is his recommendation that we approve it. He said that everything in there is good. He stated that Dustin put the report together and he reviewed it and he doesn't see any issues or problems.

**Motion to Approve the Santa Clara Municipal Wastewater Planning Program (MWPP) and Financial Evaluation for year ending 2019 and approve Resolution 2020-02R.**

**Motion by Denny Drake, seconded by Wendell Gubler.**

**Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.**

**Voting Nay: None.**

**Motion Carried.**

6. Street Impact Fee discussion and set Public Hearing for Feb. 26, 2020 at 5:00 p.m. to receive public input on Street Impact Fees. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that we have talked about this in Council and we had a couple of amendments to our Master Plan regarding the bridge. One of the amendments we did

was on Santa Clara Drive when we extended the drive and when we had some widening that wasn't included in our impact fee studies so we made an amendment there and now it's brought to our attention that up on the end of Red Mountain when these new developments come in when we have a couple of crossing across the Tuachan Wash that are going to have to be put in and we need to look at what we need to do with our impact fees. He reminded the Council that we did those amendments on the bridge, the road widening, and we never did increase the fees. We left them where there were. This is a discussion item that we need to talk about and make an amendment for those crossings up on Red Mountain going north. He said that Steve Hall has a power point and will go through it and get the Council up to speed.

- Steve Hall, Sun Rise Engineering, said that the original Master Plan was finalized in January 2015. At that point in time the maximum eligible impact fee that could be charged to new development was \$2,155 per single-family equivalent or per resident and commercial is a little different. He showed the table that figures out how many trips a commercial would do as compared to a residential and sets the impact fee based on that so there is a separate table based on the classifications. He said an amendment was done in February 2016, which increased it to \$2,171 and only included widening Santa Clara Drive. He said that the Council at the time kept the impact fee to \$2,155. Amendment 2 was finalized November 2018. He said that in the original Master Plan we had a low flow crossing across Chapel Street and that was modified to an actual bridge and we modified the impact fee and the impact fee classification table to include some classifications that were not included before and we changed a little bit the methodology of how we were calculating that. At that time there was not an increase in the impact fee. He said that the impact fee is still \$2,155 per residence. The purpose of this amendment, Amendment #3 is to add two low flow crossings on the end of Red Mountain Drive north of Pioneer Parkway. There are developments that need that second access across the wash.

- Mayor Rosenberg said that these aren't low flow crossings these are 100-year conveyance crossings.

- Steve Hall said that is correct. He said that is not a bridge but boxed culverts that are going in.

- Mayor Rosenberg said it has more capacity than the existing crossing that is on Pioneer. These crossings are 3 10X10 ft boxed culverts that are situated there so they can pass the 100-year flood through the crossing and not impact the road. He said that with the new development in the northeast this provides the emergency vehicle access for an all-weather type condition.

- Steve Hall said they put together a cost estimate on this and estimated cost of improvements is \$677,000 assuming that it would need to be financed put it up to \$834,000 which figures into the impact fee calculations. He said that where this is just an amendment all of the other items in the plan didn't change, growth and all that that we have already assumed so it is a simple calculation once you have the estimated cost to come to what the actual maximum eligible impact fee would be. The third amendment would add about \$375 to the maximum eligible impact fee. Santa Clara City has the choice in enacting that impact fee or enacting a lesser impact fee at that point. There are different classifications such as an office building or a school, a library, a church and other classifications and it factors into how much their impact fee should be based on impact that they have to the roads.

- Mayor Rosenberg asked that when you are designating the amount of the impact fee

that commercial is going to generate because the commercial is so varied we don't really know if it is a day care center or a mall what are the assumptions that go into that.

- Steve Hall said that there are a lot of unknowns so it basically comes down to when we did our modeling back in 2015 when we did the original plan, it comes down to the number of trips which includes the trips generated by the residential and trips generated by the commercial. It is based on zoning on that. He said there is some sort assumption there.

- Mayor Rosenberg said that when you look at some of those costs associated with some of those uses the disparaging in them is huge.

- Ben Shakespeare said it is a double-edged sword because we want commercial to come and yet we are asking for so much.

- Mayor Rosenberg said that these two crossings access between the residential and the commercial. They bring people to the commercial side of it, so we want that commercial to go. He asked if we didn't have the commercial what would the impact fee be.

- Steve Hall said if there wasn't commercial the impact would be four or five times higher for residents.

- Mayor Rosenberg said he would be curious to have that number that if the commercial didn't happen what would the residential have to be to provide that same level of service. That gives us a good indicator of what the commercial is bringing to the infrastructure. He told Council that as part of this discussion we are going to have to have a hard look at those commercial rates and what are we going to do going forward with the commercial rates. He asked if assisted living is on there. He said to make sure it is on there.

- Denny Drake said that when the initial developer comes in do, we charge them. He said that he is concerned that the City is paying for development costs that are benefiting the developer. He said that in our planning process when we are looking at developments, we need to include in the cost for that developer roadways that he is going to have to access.

- Mayor Rosenberg said it is up to Council to decide who pays for what. He explained about the bridge that is going in on Chapel Street. He said that new development pays for structures not existing residents. That is why this is before us tonight. This change is to really help us. This quadrant is where most of the growth is going to happen now. By getting these structures included in our impact study the growth that happens on those adjacent properties can pay for those structures. We need to decide if we are going to raise the impact fee to do that.

- Denny Drake said that the residents need to weigh in on this. We are a bedroom community. We will only be able to change things with commercial and if we are not going to encourage commercial then we will have to live with the fact that we are going to pay a higher tax and cost of living to stay here.

- Mayor Rosenberg said that is why he would like to see that number with the commercial out of it. How much the commercial is paying toward the total build out.

- Steve Halls said he could give Council that number.

- Leina Mathis asked about the cost of the crossings. She wondered how it could possibly cost \$700,000 for two crossings.

- Mayor Rosenberg explained how expensive the price of those culverts are. He said it is a conservative estimate on purpose because the engineers don't want to be short.

- Steve Hall said that there is a breakdown in the Master Plan that breaks it down item by item. It includes a portion of the road and incidentals as well.

- Ben Shakespeare said it is going to be passed to the end user at the end of the day.

**Motion to set the Public Hearing for Feb. 26, 2020 at 5:00 p.m. to receive public input on Street Impact Fees.**

**Motion by Leina Mathis, seconded by Jarett Waite.**

**Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.**

**Voting Nay: None.**

**Motion Carried.**

7. Consider approval of bid for Lava Flow Trail. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said that this is the trail that will connect Rachel Drive behind Harmon's and connect it over to the substation. As part of that project there will be a 12" irrigation line paid for by the City of St. George that will go under the trail and cross Tuacahn Wash. There will also be 150' of curb and asphalt put on Rachel Drive along the side with the sidewalk. This bid covers those three projects: the trail, the road improvements and the pipeline. We had two bidders: Skyline Creations and Feller Enterprises. We opened bids today at 2:00 p.m. so he just got bid tabulations just before this meeting. The low bidder was Skyline Creations. Their total bid for the entire project was \$334,228 but \$98,705 will be paid by St. George. The streets portion is \$54,103 for the street improvements on Rachel. The trail improvements are \$182,000. He said that does not include the bridge that the City purchased but we have a \$50,000 grant from the State of Utah that should cover the bridge if we get it done in short order. He is asking the Council to approve the bid by Skyline Creations so we can get this project completed.

- Denny Drake asked about Skyline Creations. Are they a credible company? Have they done work in this area before?

- Mayor Rosenberg said he has been on the phone to find out about them. They haven't done a ton of municipal work in Washington County. They are out of Iron County. They have worked down here with PC Architects and The Church of Jesus Christ of Latter-day Saints, so they do have some experience. He said that we are still checking some of their references, so he suggested to Council that if this award is approved that it be conditioned upon verification of the references. He said that everything that he has heard in the discussions that he has had, has not been problematic but there are some phone calls that he is waiting for callbacks on. He said they will have to do performance and payment bonds for the project. The contractor feels confident that he can do it. He will have to go through the City of St. George waterline installation training that they require but that is only a couple of hours. He said that this looks like a good bid. There is quite a bit of difference between the low bid and second so he thinks we want to do everything we can to facilitate that bid.

- Leina Mathis asked if someone has had a discussion with St. George City to confirm that they are okay with their portion of the cost.

- Mayor Rosenberg said yes. He talked to Kade Bringhurst at St. George Water Department today and he is fine with it. We have an agreement with St. George that they pay the cost of the water and they are paying the cost to rough in the trail.

- Ben Shakespeare expressed concern about the short time period for the bid opening and tonight's meeting to approve the bid.

- Mayor Rosenberg said that one thing that is forcing this one a little bit is the trail grant.

- Brad Hays said that the extension on the trail grant expires on March 30 so we are

trying to get it done.

- Mayor Rosenberg explained that we didn't get the right of way until last meeting and we waited for the environmental permit and now we have a window opening. We checked the bid tab and the references and the second that this is approved, and the references checks we are going to have them proceed so that we can get that bridge done before the end of March.

**Motion to Approve the bid for Lava Flow Trail to Skyline Creations for \$334,228.75 and subject to verification of the references.**

**Motion by Denny Drake, seconded by Leina Mathis.**

**Voting Aye: Denny Drake, Wendell Gubler, Ben Shakespeare, Jarett Waite and Leina Mathis.**

**Voting Nay: None.**

**Motion Carried.**

8. Discussion on BMX Track. Presented by Brad Hays, Parks & Trails Director.

- Brad Hays said he wanted to bring Council up to date on the BMX track financially. The County gave us \$158,000 to build the track. That money has been used and we have some additional money, about \$54,000, that needs to be spent to complete the track. We currently expended or obligated \$145,695 and the additional expenses are \$54,005.

There is some additional lower hillside retention that is needed but we don't have the amount on that yet. He said he is working on getting a bid for that. He told Council that he needs some direction when we hit that number and we are there what would Council want to do. He said there is a possibility that we could go back to the County and ask for more money. He said the money from the County came from Tourism.

- Ben Shakespeare said that we have to deal with the erosion on the backside. He asked if there was a possibility for the City to address it and then go to the County for reimbursement on it. He worries that after a big rainstorm we will be fixing that area.

- Brad Hays showed pictures to the Council. He said that someone is going to come in and donate and repair the asphalt berm. He showed a picture of where the erosion is and where we need to repair it. He said this could possibly be another \$100,000. He said there are still items that we need to purchase. We will be over budget.

- Jack Taylor asked Jarett if the County told him that they would be willing to give more money for this project.

- Jarett Waite said yes but the discussion was more about improving the surrounding area of the BMX track such as paving the road through Canyon View Park. He said that he went to the County and the estimates were just big guesses because we have never built a track before but now that the hard numbers are here, and we are short a little bit.

- Brad Hays said that the bleachers haven't been ordered yet and so we are still within budget now but that will put us over budget. There are also other items that have to be done before the track can open.

- Jarett Waite said that Brooke is working with four different companies right now in order to get the building donated. The bleachers haven't been ordered yet so we could save a little money there.

- Brad Hays said that if we continue to take care of all the items we will be over budget and then it will be coming out of the General Fund. Do we continue to go and finish it, or do we try to go to the County and wait?

- Ben Shakespeare said the retaining wall is going to be the financial burden.

- Mayor Rosenberg said that if we knew what the material in the Wash was, we could take that \$100,000 of Flood Control money and excavate some of that Wash and flatten that slope to a 3:1 and maybe even flatter and reduce the potential for the erosion. We have a funding source to remove that material from the Wash and if it was suitable material you could reseed that and it would be like that grass patch in the background. It would stabilize it if something was growing on it and that material in the Wash would definitely grow.
- Brad Hays said he has the seed and the material to reseed those bare areas.
- Mayor Rosenberg said the City has \$100,000 now and another \$100,000 next year and another the year after that and if we spend even a little more than that we would get reimbursed the following year. That may be a way to look at that bottom slope.
- Jack Taylor said that Scott Keller has a bunch of lava rock he needs to get rid of and maybe he would be willing to donate that to put on that edge of that hill.
- Ben Shakespeare said he thinks we could just block the bottom and then ran the rock up with fabric. He has been crunching a bunch of the lava rock. He is going to generate mountains of rock coming out of that development. He could ask him about the rock.
- Mayor Rosenberg said that if we flatten it out then we can put a fabric down and the rock will stay on the slope and help protect it from run off. He said the critical thing that needs to be done right now is to build a berm on the top of it.
- Brad Hays talked about using the jersey barriers on the bottom and then stacking the rock up that way.
- Mayor Rosenberg said to make the jersey barriers work you have to have the grid behind it. He explained how to do that. He said there aren't enough jersey barriers. It must be flatter. It needs to be flattened out a little bit.
- Ben Shakespeare said we have to find a way to finish the project. There are people out there and he knows we can get rock. We need to find out what the numbers are and keep moving forward and find solutions to get in there and finish it. We are committed so let's find a way to finish it up. He said he could save some money because he has two 500-gallon water dogs that are pulled behind a truck. He said that collectively, the City and the community can find a solution and get this done.
- Mayor Rosenberg said that we have to get the track open before we can go back to the County for more money.
- Jarett Waite said that contractors have put in kind over what the County has donated. It literally is going to be over a \$500,000 facility and the City is putting in about \$50,000 so it is a good deal for the City.
- Brad Hays said that what we are going to continue to do is the trail compaction and tack, the interior fencing, the road base (which will probably be donated), a track builder coming in to look at the starting ramp problem and this is what needs to be done to finish the track. We do have to do these things before we can put bikes on the track. He said we are trying to get donations through Bryce Christensen for some road base for the walkways. Brooke is working on that. He mentioned that Prime Excavation is one of the biggest donors. They have donated help and equipment. Jack, his crew, and the power department, have donated a lot also and so has Komatsu.
- Leina Mathis asked if we were putting a plaque up with the names of all of those who gave in-kind donations.
- Jarett Waite said there is a budget for the signage and there is going to be a sign with all the people who helped build the track. The sign will be permanent. There will be a second sign that will be put up yearly for the yearly sponsors.

## 6. Reports:

### A. Mayor / Council Reports

#### Ben Shakespeare:

- Nothing to report.

#### Leina Mathis:

- The Legislative Policy Committee for Utah League of Cities and Towns are meeting on Monday and there is a House bill that they need some help from City Council and Mayors on. It is House bill 273 dealing with an amendment to the property rights ombudsman's office. Developers feel like they are being denied applications by Planning Commissions or City Councils that should otherwise be approved so the bill is adding the possibility of compensatory damages to applicants who are wrongly denied after it goes to appeals and is litigated and they come out on top of that. It also waives the immunity clause for cities so it creates some fissure in there so we could now be sued for that and there is no dollar cap. It also has the possibility of including individual building officials as well as city council members and planning commissioners and listing them individually in those actions. The League is highly opposed to that House bill and has asked that we get ahold of all of our Council members, commission members and mayors and let our Legislators know that we are opposed to this.
- Mayor Rosenberg asked if the League put together a letter format.
- Leina Mathis said that they are going to. They are hoping that this won't come to fruition but there is a big group behind it pushing it.
- Mayor Rosenberg asked Leina to let him know when they get the letter and he will get it written up.

#### Jarett Waite:

- He did another walk through with the security camera company yesterday. We should have 3 bids for that soon and he will come with a recommendation for Council.
- He talked about the BMX track. He said that before the track builder left more than one person asked him if the start hill was steep enough and he said that he asked him that also. The track builder said that it isn't super steep but since it is a downhill track you don't want to get too much speed on that first hill. Brooke has been really trying to make sure the track is done right so she sent some pictures and did some calculations and it is not steep enough so the contractor came to pour the concrete for that downhill portion and Brooke didn't want to let him pour it but he said it was fine and he would just do it. We didn't have our drains or our conduit deep enough for the wiring for the gate and so he broke into both conduits and broke them so that necessitated someone coming in and now the contractors have to be pushed off until after the track planner comes in. He said that he will be fixing the wiring tomorrow morning on the gate. The plan is to have all the materials ready to rebury everything while the track planner is there, so it is 100% done before he leaves.
- Jack Taylor asked if they were going to raise the start gate.
- Jarett Waite said that the plan is to go deeper.

#### Denny Drake:

- Nothing to report.

Wendell Gubler:

- The WCSWD had a meeting yesterday. There is a change in chairman, and they created a new executive council. The new Chairman is Shane McDonald. He has been on the executive committee for 10 years. Mayor Pike is the Vice Chairman. He said all of the agreements are due Jan.1, 2021 and they will have to be all signed by then. They haven't decided what to do with the recycling.

Mayor Rosenberg:

- He has the COG, MPO and Mayor's Association Meetings next Wednesday.

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

- Jan. 22, 2020 City Council Regular Meeting Minutes
- Feb. 5, 2020 City Council Work Meeting Minutes
- Claims through Feb. 12, 2020

**Motion to Approve the Regular City Council Meeting Minutes from Jan. 22, 2020, the Work Meeting Minutes from Feb. 5, 2020 and claims through Feb. 12, 2020.**

**Motion by Denny Drake, seconded by Ben Shakespeare.**

**Voting Aye: Denny Drake, Wendell Gubler, Ben Shakespeare, Jarett Waite and Leina Mathis.**

**Voting nay: None**

**Motion Carried.**

**8. Calendar of Events**

- Feb. 17, 2020 Offices Closed for Presidents Day
- Feb. 26, 2020 Regular City Council Meeting
- Feb. 27, 2020 Budget Retreat at 12:00 p.m.
- Mar. 4, 2020 City Council Work Meeting

**9. Executive Session: None.**

**10. Adjournment:**

Motion to adjourn by Jarett Waite.

Seconded by Leina Mathis with all members present voting aye.

Meeting Adjourned at 7:52 p.m.

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

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