

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, MAY 13, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, May 13, 2020 at 5:00 p.m. Via Zoom and was available to view Live Stream on the Santa Clara City website at sccity.org, and YouTube.

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 Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Tom Nisson, Sunrise Engineering

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:03 p.m. He did a roll call for Council and then welcomed everyone and expressed appreciation for everyone being there electronically.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Denny Drake
 - Opening Comments: Denny Drake
3. **Communications and Appearances:** None.
4. **Conflicts and Disclosures:** None.
5. **Working Agenda:**
 - A. **Public Hearing(s): 5:00 p.m.**
 1. Public Hearing to discuss and receive public input on amending the Santa Clara City Street Impact Fees.
 - Brock Jacobsen, City Manager, explained the process for receiving public comment because of the meeting being held electronically. He said that the way for people to communicate for the public hearing is on the City's web page there is a link for public comment and if a person clicks on that it will take them to a page that shows the public

hearings and upcoming ones and they can then select the public hearing that they want to comment on and then input their name, address and email and then they can leave a comment in regards to that topic. He said there is a character limit so the person would need to make sure they are concise and to the point. They can then submit their comments, which will then be sent to the City Recorder. The City Recorder will receive those and give them to Council and the comments will be read in at the Public Hearing. Once we are finished reading the comments we have received we will wait approximately 1 minute to receive any other comments that others may have submitted during the Public Hearing. He said that we ask if there is something that has already been stated in a previous comment, rather than stating what has already been said, comments should add new ideas or suggestions. He explained that the first public hearing is concerning the Street Impact Fee. He said this is the third amendment to the Street Impact Fee Capital Facilities Plan that was done years ago and we have just been amending it and adding to it as we have had some new projects come. Currently the Street Impact Fee is \$2,155, which is the adopted rate that Council chose. The Impact Fee Analysis done a couple of years ago actually recommended an impact fee around \$3,200 and with the new projects we have coming on hand in the near future we looked at it and we had the impact fee analysis redone with the new projects added in and it brought us a new Streets Impact Fee for a single-family home to be \$3,776 and that would be the recommended impact fee that Staff would recommend Council to approve. It does have a different rate for condominiums and townhomes and apartments. Condominiums and townhomes rate would be \$2,324 and apartments would be \$2,928. Commercial rates vary as well. We have had a few Work Meetings discussing this. He talked about the projects that have been added in to this. One of them is the new road going off of Clary Hills Drive going up to the water tank and adventure park.

- Ben Shakespeare said that in the last meeting Council did reduce the Parks Impact Fees in trying to find a balance to where the increase wasn't as significant as it could have been.

- Mayor Rosenberg opened the Public Hearing and asked for public comment.

5:12 p.m. Public Hearing Opened.

-No public comment was submitted.

5:13 p.m. Public Hearing Closed.

C. General Business:

1. Consider approval of the amendment to the Santa Clara City Street Impact Fees and Resolution 2020-04R. Presented by Jack Taylor, Public Works Director.

- Leina Mathis said there is a period of time before this would go into affect. She asked if when someone comes into the City Offices will they have the impact fee that is in affect at the time they pull the building permit or is it the time of the project.

- Brock Jacobsen said the impact fee is done solely on the building permit so the fees that are adopted tonight, if they are, will go into affect in 90 days and at that point any building permit will be charged the new impact fee. If anyone wants to pay less impact fee they have 90 days before the new fee will take affect.

- Leina Mathis asked about the differences in the retail fees.
- Brock Jacobsen explained that there is intensive retail and less intensive retail and big box stores would be intensive retail. He said this is a little bit subjective to Staff. Intensive retail is based on the trips it generates so we would have some type of analysis to see what type of trips it generates.
- Leina Mathis said she didn't see a category for mixed use. Does that not apply?
- Mayor Rosenberg explained about the weighted average where the square footage of the commercial aspect is and the square footage of the residential and use the impact fee rates for those specific square footages. He also explained about the intensive and less intensive retail. He talked about the average daily trips for each. The less intensive has 6.3 average daily trips per thousand square feet and the intensive have almost 38 trips per thousand square feet per day. Most of the commercial in the City will be the less intensive even some box stores.

Motion to Approve the amendment to the Santa Clara City Street Impact Fees and Resolution 2020-04R.

Motion by Ben Shakespeare, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

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

2. Public Hearing to discuss and receive public input on amending the Santa Clara City Public Safety Impact Fees.

- Brock Jacobsen said that Tom Nisson from Sunrise Engineering did the analysis on this impact fee. We are updating this fee. It has been a few years since we have done that. The current impact fee right now on a residential per ERU is \$874. He said that they went through the Capital Facilities Plan and updated it and added some new projects and also removed some. He said they added the purchase of a new apparatus, a new fire station in the valley downtown area and kept on the following items: some improvements to the Rachel Drive station and the portion of the City Office that is dedicated to Public Safety. This brought our impact fee eligible amount of those projects to \$4.872 million in projects. We had this analysis done a couple of months ago and at the time the growth rate that they were using was 7.5% and at one of our Council Meetings the question was brought up why our growth rates were different in some of our different impact fees so we went back and looked at them. Our Street Impact Fee was using 4% and we felt that was a more accurate growth rate so we took it back to Mr. Nisson and asked him to redo the analysis at 4%. At the 7% the impact fee would go up to \$1,230 and also brought in a commercial aspect that we previously didn't have and that was \$0.53 per square foot. When we asked for the analysis to be done at 4% since we had less growth we then needed to collect more impact fees in that time period so the impact fee actually went up and in the proposed Capital Facilities Plan it would say the impact fee would be \$1,390 per ERU and the commercial side would be \$0.61 per square foot. So reducing that growth rate we needed to collect a few more impact fees to be able to do these projects. He said that when Council previously discussed this they suggested staying with the original growth rate of 7% and the impact fee of \$1,230 per ERU and \$0.53 per square

foot for commercial. That is what Staff recommends also.

- Ben Shakespeare asked about when the growth rate goes down why does that number go up instead of just delaying projects.
- Mayor Rosenberg said that during that planning window all of the projects that are identified are going to be built and needed. He asked Tom Nisson if that was correct.
- Tom Nisson, Sunrise Engineering, said that was correct. He said they reduced the amount for the fire station to be built in the valley. It was a lower amount than was recommended, we still need that 8,000 sq. ft., he said, there is less growth to pay for it. He said he also got with an architect and got the numbers for a new station and it went up a little bit in cost so that also increased the cost a little bit for the impact fee.
- Mayor Rosenberg asked if Council had any questions and then opened the public hearing.

5:26 p.m. Public Hearing Opened.

- No public comments were submitted.
- Fire Chief Randy Hancey said they have just started four seasonal fire employees. They started project work this week and are in the Pine Valley area. They will do a little bit of burning tomorrow in the arboretum area.

5:28 p.m. Public Hearing Closed.

C. General Business:

2. Consider approval of the amendment to the Santa Clara City Public Safety Impact Fees and Resolution 2020-07R. Presented by Brock Jacobsen, City Manager.

Motion to Approve the amendment to the Santa Clara City Public Safety Impact Fees and Resolution 2020-07R.

Motion by Denny Drake, seconded by Leina Mathis.

- Jarett Waite asked if the amount for the Impact Fee should be stated in the motion.
- Mayor Rosenberg said it probably should be.
- Brock Jacobsen said the resolution does not state an amount it just has the recommended amount that we discussed of \$1,230 per residential ERU and \$0.53 per square foot for commercial.
- Denny Drake said that is part of the resolution but he will add it to the motion.

Motion to Approve the amendment to the Santa Clara City Public Safety Impact Fees and Resolution 2020-07R with the amount of the Impact Fee being \$1,230 per residential ERU and \$0.53 per square foot for commercial.

Motion by Denny Drake, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

B. Consent Agenda:

1. Set Public Hearing to discuss and receive public input on adoption of the Santa Clara City Operating and Capital Budgets for the Fiscal Year 2020-2021 for May 27, 2020 at 5:00 p.m.

2. Approval of Claims and Minutes:

- April 22, 2020 Regular City Council Meeting Minutes
- April 22, 2020 City Council Executive Session
- May 6, 2020 City Council Work Meeting Minutes
- Claims through May 13, 2020

3. Calendar of Events

- May 27, 2020 Regular City Council Meeting
- June 3, 2020 City Council Work Meeting
- June 10, 2020 Regular City Council Meeting
- June 24, 2020 Regular City Council Meeting

4. Approve Proclamation setting May 2020 as Building Safety Month.

5. Award Hunt Electric the bid for stringing wire on 69KVA transmission line and underbuilt from City yard to South Hills Water Tank.

- Jack Taylor, Public Works Director, stated that this was a job that Staff was going to do with the help of neighboring cities but with everyone being as busy as they are and we lost one of our linemen, who took a job at another city, we don't feel like we have enough time to do this project ourselves so we got bids. We got one bid from Hunt Electric and another bid from Cache Valley Electric and another company put in a bid but was too busy to come down. Their bid was way out of range. Hunt Electric actually gave us two options. One option was to come down and do this with their crews and all their equipment with no help from us and that was \$125,000. Option 2 was \$88,000 and that is using our crews and what equipment we have and help them as they work. This will be a 1 to 2 week project. Cache Valley Electric's bid was \$156,000. Staff's recommendation is that we go with Hunt Electric with option 2 for \$88,000. He said that if our crews get called out on an outage or something else comes up Hunt Electric said they would work with us.

- Mayor Rosenberg stated that he recommendation from Staff is to award the bid to Hunt Electric for \$88,000 and if the City crews get busy and can't help the amount will go up.

- Jack Taylor said it might be easier if Council approves an amount up to \$125,000 understanding that it is a 99% chance that we will only be using the \$88,000 then we wouldn't have to come back to Council.

- Ben Shakespeare asked if this was all impact fee eligible.

- Jack Taylor said that is correct and it is money that we had budgeted to do the project.

- Ben Shakespeare said he feels that motion for this item should be separate than the consent agenda because of the fact that Council would be approving a dollar amount up to \$125,000. The rest of the items can go all together.

- Mayor Rosenberg asked for a motion to approve the first four items on the consent agenda.

Motion to Approve the Items 1-4 on the Consent Agenda.

Motion by Ben Shakespeare, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

- Mayor Rosenberg asked for a motion for Item 5 on the Consent Agenda. He said that Staff is recommending that Council award Hunt Electric the bid up to \$125,000 to string the wire on 69KVA transmission line and underbuilt from City yard to South Hills Water Tank.

Motion to Approve Item 5 on the Consent Agenda, which awards the bid of up to \$125,000 to Hunt Electric for stringing wire on 69KVA transmission line and underbuilt from City yard to South Hills Water Tank.

Motion by Jarett Waite, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

C. General Business:

4. Consider approval of the MOU between Santa Clara City and the Southwest Utah Health Department. Presented by Randy Hancey, Fire Chief.

- Chief Hancey said that this was an agreement between the Southwest Utah Health Department and the City of Santa Clara in the event that there is a widespread disease we can become a point of distribution for prophylactic medication that would be supplied from the Center for Disease Control (CDC) so that enables Santa Clara to be a partner with Southwest Utah Health Department to disperse inoculations or emergency medication starting with the employees and Staff of the City of Santa Clara. It has been several years since the contact information and numbers have been updated so that is what we are doing now is updating the numbers and the emergency contact information.

- Ben Shakespeare asked if this is an understanding that we have had in the past and we are just updating it.

- Chief Hancey said yes. He said the numbers fluctuate a little bit with the variation of Staff and employees and then the contact information needed to be updated.

- Mayor Rosenberg said that in the title it says "medical prophylaxis" but in the second paragraph it says "prophylactic". Is that the same thing?

- Chief Hancey said he doesn't know if there is a difference between those two things but it is intended to be the same thing so it could be a spelling error.

- Matt Ence, City Attorney, said he hasn't had a chance to look at this. He suggested if it be approved, do it subject to attorney review so he can look at it.

Motion to Approve the MOU between Santa Clara City and the Southwest Utah Health Department subject to City attorney review.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

3. Consider approval of Resolution 2020-09R, extending the COVID-19 State of Emergency Proclamation by thirty (30) days. Presented by Brock Jacobsen, City Manager.

- Mayor Rosenberg said that the State of Emergency Proclamation that Council passed last month was one he did as a Mayor and is only good for thirty (30) days. To keep us eligible for FEMA funds or some of the additional costs that are related to work, we are doing to prevent the spread of COVID, we need to extend that declaration. This is something that has to be done by Council. We need to have this declaration in place to keep that eligibility to recoup some of the costs.

- Ben Shakespeare asked if this would affect the decisions on opening the City Offices or having in person City Council Meetings.

- Mayor Rosenberg said not unless the Governor gives us an order or the Health Department issues an order. It doesn't really change anything as far as the directive we are currently working under. If they advance it to a Health Department order that does have a law that we have to follow.

- Matt Ence said that the resolution as it is written just trends the Governor's orders that have already been issued. He said the Governor has been careful to issue those orders as recommendations and there are things in those orders that are recommendations and not requirements but as of right now Santa Clara City has followed all of the recommendations and the resolution says we will continue to do that. If the City wants to do something that is contradictory to what the Governor has put out so far, we would want to come back and do that as a Council.

Motion to Approve Resolution 2020-09R, extending the COVID-19 State of Emergency Proclamation by thirty (30) days.

Motion by Leina Mathis, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He asked Jack Taylor if the crews are checking the meters or discussing them with residents.

- Jack Taylor said none of his crews have.

- Ben Shakespeare said that someone is going around door to door discussing meters.

- Jack Taylor said it is probably someone trying to sell solar.

- Wendell Gubler said that there is a solar panel group going around the neighborhood. His neighbor thought it was the City doing it. He told her it wasn't a City project.

- Ben Shakespeare said he had a Flood Control Meeting. They went over the budgets and projects. We approved the grant that came concerning a project in Washington City. Good things are going there.

Leina Mathis:

- She talked with Susie the Director of the County Fair. As of right now the fair is a go. The date to decide for sure is July 1. If nothing changes we need to have a seed display ready.
- She said some citizens told her they would like to see some skim boarding options for the River Park. Would we need to bring in some sand for that to be available for them?
- She said some citizens have some concerns with engine brakes on Hwy 91 at all hours of the night. She looked at the Noise Ordinance, Code 912021 and it doesn't specifically address anything concerning engine brakes.
- Mayor Rosenberg said that he knows of other cities that have implemented the "no engine brakes along the highway". That is something we can look into. He asked Jack to look into it.
- Jack Taylor said we used to have a sign up that said "no engine brakes". He will check to see if the sign is still there and he will look into having an ordinance about it.
- Mayor Rosenberg talked about skim boarding. He said there is an unofficial skim boarding area on the Sand Hollow Wash behind Country Lane subdivision. It is publicly owned property. He said the Graf Park is a fairly steep grade so it would take quite a bit of work to make it skim boarding usable. It is also regulatory from the State and would take some permitting. We could look at it. We want to be careful with it. He said that a resident asked if the City would paint the curb on Country Lane so that they would stop parking in the lane next to the curb. That is a fire lane to the river.

Jarett Waite:

- He met with Marcus Farnsworth at the CEC to plan how they are going to meet as a board. He also has a meeting tomorrow with the Mosquito Abatement Board. Both Boards are meeting by way of Zoom and in person. He should learn some things that will help the City make that transition for City Council Meetings.
- He said that in the CEC meeting they talked about rebranding the station. He said there has been some talk about how it should have more association with Dixie State University but still have a division that supports the cities.
- He brought over some signage from the Chamber of Commerce and dropped it off to the Staff last week. The signage explains the procedures when people come to City Hall.
- He spoke with Brooke about the BMX track. She is really trying to get everything funded without coming to the City. She is still trying to get sponsors. She asked when they can open, and he told her it is probably the same as Little League. She wants to do some big grand opening. He told her she might have to wait to do that but maybe could do a soft opening and get the track open and work through some bugs. She said there is a gentleman that lives in Las Vegas that won the gold medal and he wants to come up and check out the track and do some promotion with us and help us with some clinics.
- He said he was contacted by a citizen that wanted to make a public comment for the Planning Commission Meeting tomorrow. He said we need to figure out a way to help people be a little more prepared for the public hearing. He talked about the packet wondered if the packet could include what language changed and not just the language. He suggested that any packet we post online should have all the items that City Council

has in front of them.

- Corey Bundy, Building Official, said that they did get the information in the packet on there. They were just waiting for last minute updates for that ordinance so that when they do give it to everyone that it would be updated. In the future if we want to have that put online with the updates and red lines through it showing what the corrections are they can do that too.

- Mayor Rosenberg said he talked to Devin about the PD ordinance. He told him the changes were so extensive that the redline wouldn't have made any sense.

- Brock Jacobsen said that once an agenda goes out, if it has a public hearing it needs to have that information since we are going to start accepting public comments during this time that that information needs to be available at that time. The packets are on the website so they are able to download exactly what Council is getting.

Denny Drake:

- Nothing to report. He appreciates the updates on the number of COVID-19 cases.

Wendell Gubler:

- He had a meeting on Monday with the Washington County Solid Waste District (WCSWD). They appointed Gil Almquist to be on the committee. They talked about approval for an agreement with Public Waste for both residential waste and recycling. They want a 10-year commitment but we talked about making it a 5-year commitment. The permanent approval will be at the June 15 meeting. Recycling will go from \$2.94 per resident to \$4.91 per resident and that is the actual cost now. The district has been making up the difference themselves. He said we may have the choice to do recycling. They talked about having a 3-month opt out period starting in September of this year. They decided not to take away the recycling all together. Right now there are over 50,000 doing recycling so with the \$4.91 price they would be able to lose 30,000 people and they would still get that price. If it goes below that many people the price will go up. They feel that people will still want to do recycling. Those who come in after the February start date will automatically be opted in. New residents will not have the option to opt out if they come in after February. The district and Republic will get the word out to residents.

Mayor Rosenberg:

- The Mayors in our area are still pushing the Governor to go to yellow category. We sent a second letter in to him making that request. He said he doesn't see it happening very quickly. It could take a week or more before it happens. He would like to open the State to yellow together. The guidelines going into yellow are still in development.

- High School graduations were all filmed virtually with the CEC. Those graduations will all air at the same time as the original graduations were scheduled. Snow Canyon High School is coming up. There has been a positive response from parents and students.

- The School District and University are all now focusing on guidelines of what they are going to do in the Fall if they don't get back to green category. It will have a huge impact on classes, gatherings and sporting events if it is still yellow because of the 50-person cap on gatherings. There is a lot of planning going on right now trying to figure out what those requirements are going to be.

- He said the spiking cases of Coronavirus we saw last weekend was due to the delay of

some testing data being submitted. It has been good to see those numbers down. Chip Childs the CEO of Sky West talked about the impact on Sky West and how they are going to be dealing with trying to ramp it back up and it is all about confidence and doing things to instill confidence in the consumer to want to get back on an airplane and travel. They went from 20,000 trips a day to 700 trips a day. There are industries out there that are just getting hammered. He said he hopes Council is getting emails from the Utah League of Cities and Towns and if they are not he will get them on the distribution list.

- Brock Jacobsen said that Little League submitted a proposal of what they were going to do if we go to yellow category and how they would still comply with the Governor's directive. He didn't feel like they adequately responded to all of the concerns. He sent a response to Josh today with 10 points that needed clarification and he included Brad Hays a copy. Brad also sent a response to Josh and asked him some things. During this Council Meeting Josh sent a message that he sent a response back but there has not been time to review that. Originally they said that May 15 is their cut off date if we don't get to yellow.

- Mayor Rosenberg said the Governor does a press conference on Friday afternoons so we will have to wait and see. He said what he wants to make sure they state how Little League is going to enforce things so the City doesn't have to.

- Mayor Rosenberg asked Jack Taylor to give Council a report on the bridge.

- Jack Taylor said his crew has been very busy down at the bridge. They put down 1,127 ton of asphalt. It is in and completed. They did a pre-inspection on the bridge today so there can be a final inspection and be done with the project. The lights are put on each end. We are working on trying to get power down there and the lights should be lit up by next week. He complimented his crew on the great job they did and also Washington City's crew. They all did a great job working together. Washington City sent over their new paver and three dump trucks and two rollers plus their crews.

- Mayor Rosenberg suggested to Council to go check out the bridge. He said the second graders named the bridge and we told them when they named it that we would invite them to the dedication. We are going to put that off until Swiss Days and we will invite them to come to the bridge and give them the opportunity to be there.

- Jack Taylor said the lights inside the poles will light up white but at Christmas time, they can change colors.

- Mayor Rosenberg said that there are a couple of areas that can have some picnic pavilion around the bridge and when the budget allows for that they can be put in.

7. Executive Session:

- Executive Session to discuss potential litigation.

Motion to Move to Executive Session to discuss pending litigation.

Motion by Jarett Waite, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

- Entered Executive Session at 6:26 p.m.

- Reconvened at 6:45 p.m.

8. Adjournment:

Motion to adjourn by Wendell Gubler.

Seconded by Denny Drake with all members present voting aye.

Meeting Adjourned at 6:45 p.m.

Chris Shelley – City Recorder

Date Approved: _____