

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 9, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, September 9, 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. **The Meeting will be available to view live on the YouTube link: https://www.youtube.com/channel/UC_xLbLm30-XLqM1AEmhpcMA.**

Present: Mayor Rick Rosenberg
Council Members: Jarett Waite, Ben Shakespeare, Wendell Gubler, Leina Mathis and Denny Drake
City Manager: Brock Jacobsen

Others Present: Randy Hancey, Fire Chief; Matt Ence, City Attorney; Selena Nez, Staff; Kristelle Hill, Staff; Scott Bannon, Staff; Sarah Weston; Hollie Stark

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m.
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):** None.
 - B. **Consent Agenda:**
 1. Approval of Claims and Minutes:
 - Aug. 26, 2020 Regular City Council Meeting Minutes
 - Sept. 2, 2020 City Council Work Meeting Minutes
 - Claims through Sept. 9, 2020
 2. Approve the Santa Clara City SWMPP (Storm Water Management Program Plan) and approve Resolution 2020-14R. Presented by Jack Taylor, Public Works Director.

3. Approve Bid to update the Council Chambers and upstairs Conference Room.
 - Ben Shakespeare asked about the amount of this bid.
 - Brock Jacobsen, City Manager, said it was about \$27,000 for the Council Chambers and the upstairs Conference Room was about \$13,000 and the downstairs Conference Room was about \$1,300.
 - Jarett Waite asked Brock why there wasn't an RFP done on these items.
 - Brock Jacobsen said that because this is the sole source and they have done the upgrades on this building and they know the system. They built it and they know what works best for it.
4. Approve Service Agreement to transcribe minutes for City Council Meetings and approve 2020-15R.
5. Calendar of Events
 - Sept. 23, 2020 Regular City Council Meeting
 - Oct. 7, 2020 City Council Work Meeting
 - Oct. 14, 2020 Regular City Council Meeting
 - Oct. 28, 2020 Regular City Council Meeting

Motion to Approve the entire Consent Agenda as presented.

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.

C. General Business:

1. Consider approval to update the Santa Clara City Code, Title 2, Chapter 2.08.010 "Compensation and Salaries" and approve Ordinance 2020-12. Presented by Brock Jacobsen, City Manager/Chris Shelley, City Recorder.
 - Brock Jacobsen said they are going through and trying to update some things and noticed in Title 2, Chapter 2.08.010, compensation for the Mayor and City Council, it previously was stated that the Mayor's wages was \$700, and Council was \$380 a month. That needs to be updated to what the current amount is. The Mayor's compensation is \$1,196.99 a month and City Council members' compensation is \$587.99 a month.
 - Mayor Rosenberg clarified that there are no new raises given. It is just being updated on paper.
 - Brock Jacobsen said that it hasn't been updated for quite a few years, so we need to make sure it is accurate.

Motion to Approve updating the Santa Clara City Code, Title 2, Chapter 2.08.010 "Compensation and Salaries" and approve Ordinance 2020-12.

Motion by Leina Mathis, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

2. Consider approval of Fireworks Contract. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that with the Swiss Days cancellation we have decided we are going to have a fireworks celebration on September 25 at roughly 9:00 p.m. following the completion of the high school football game. He said they talked with Fireworks America who does most of the fireworks celebrations here in Southern Utah and made a contract with them to provide that service for us. We provided a budget of \$20,000 for this event. Matt Ence has reviewed the contract. We had one concern with the insurance that Fireworks America was to have. We resolved that and after that we had to give them a down payment, so we made out that check today. We can then sign the contract. He said that he and Matt Ence visited with Kevin Brufner, who runs Fireworks America, today and he said the fireworks are ordered and ready to go.

- Ben Shakespeare asked if the City has coordinated with the school district and do they know this will take place after homecoming. Is everything set up with them?

- Brock Jacobsen said he has been over to the high school and spoken with them. They are on board. He said that Fireworks America obtains all the permits. Brooke Ence, Swiss Days Chairperson, was going to get with the school district to make sure everything was okay with them. He said he has not heard back from Brooke but word from the high school was that we are okay to proceed with the fireworks show. He said that we got an email from St. George City this morning telling us the procedures for a firework show and that we would need to have a permit. He said he sent that on to Fireworks America so they can make sure that permits are obtained. They said they would obtain all the permits. We will follow up with them and make sure all the permits are obtained.

- Wendell Gubler asked where the physical site for the fireworks would be.

- Brock Jacobsen said it will be just south of the softball field over on the rugby field. They will be setting off fireworks this Friday night also.

- Denny Drake asked who was in charge of fire control.

- Brock Jacobsen said that St. George Fire will be there, but our fire fighters will be there ready to help as well.

Motion to Approve the Fireworks Contract as presented.

Motion by Ben Shakespeare, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

6. **Reports:**

A. Mayor / Council Reports

Ben Shakespeare:

- Nothing to report.

Leina Mathis:

- Nothing to report.

Denny Drake:

- Snow Canyon State Park Advisory Council is going to send a letter asking for support for enlarging the parking in the park. They are sending a copy of the letter
- Brock Jacobsen asked if we just need to get it on City letterhead.
- Denny Drake said he thinks that just the advisory board needs to sign the letter.

Wendell Gubler:

- Washington County Solid Waste had a meeting yesterday. They hired a new district manager. His name is Ben Billingsly. He had good credentials and a good financial background. He said his only concern is that he hasn't had any experience in the Solid Waste field.
- Mayor Rosenberg suggested having him come and meet the City Council.
- Wendell Gubler said he is going to come to each city and introduce himself.

Jarett Waite:

- There was a CEC meeting. They are broadcasting high school football games and other projects. They had a discussion as to the future of the CEC. They are going to have some money to spend on programming and equipment for students. They are working on a 5-year plan of what to do with the station.
- The Shop in Utah grant is opening this Monday and we should get the word out to our businesses. If a business was impacted by COVID at all they can get a matching grant from the State up to \$150,000. They just have to give back half of their grant in discounts to their customers. The Legislature reallocated funds to make more money available.
- Mayor Rosenberg told Jarett to get the information to Kristelle and she can get it on the web page and on the Facebook post. We could even email out the information.

Mayor Rosenberg:

- Mayors Association Meeting was yesterday. The COVID-19 numbers seem to be flattening. There is a total of nine cases in the hospital with five in the ICU. Those numbers have been consistent the last couple of weeks. Superintendent Bergeson and the school district are reporting that the schools are operating well and there has been no confirmed transmission of the virus at the schools. The students and faculty are continuing to wear masks and socially distance and take other precautions. They have had good attendance at events. President Williams has reported the same things happening at Dixie State. There are a low number of cases there. He said the biggest issue is fighting the rumors. One rumor said that there were 1,000 students exposed to COVID. The university is doing its own tracking and that is not the case. The students are being responsible for the most part other than the large group that got together at the lake the other day.

- Brock Jacobsen talked about the street impact fee. He said he got a call last night from Dollar Tree. They are still wondering what is happening with their impact fee. Staff had Steve Hall from Sunrise Engineering, who did our impact fee study, relook and he has put in a whole bunch more categories. It doesn't change the category that we would put Dollar Tree in. He and Staff is looking for some guidance. He talked about the estimate number that was given to Dollar Tree and the actual number that it ended up being. Do

we go with the number that was there, \$61,000 versus the \$34,000 number that was given to them?

- Mayor Rosenberg said he was initially concerned that we had doubled it on them but after the conversation with Council and a conversation he had with Jack, the original estimate wasn't based on their actual application. So, they were different.

- Brock Jacobsen said yeah and the number that was given to them before we don't know where that was calculated from.

- Mayor Rosenberg said it wasn't that they were given a number and then the number doubled. But the number they were given on that estimate back in January wasn't based on what the actual permit application was for the store. We should reflect what the policy is. He said he doesn't know if there is a mechanism for Council to waive the fee or to reduce the fee without justification for it. They are asking for a \$30,000 reduction.

- Brock Jacobsen said that in his discussion with them last night they weren't pushing for it. He said that was the number he was given and that is what they built their budget off. They were led to believe they would be closer to the \$34,000 then double. He is very open and not stuck on that amount.

- Wendell Gubler asked if we know who gave them that estimate and does that person have any information or paperwork showing what they submitted to them.

- Brock Jacobsen said that Jack Taylor gave them the street impact fee number. He gave them an estimate of the fees, but it didn't have all the fees on there. The breakdown of all the fees wasn't on there.

- Wendell Gubler asked if Jack Taylor had anything showing what they submitted.

- Brock Jacobsen said not that he is aware of. Nothing to show how he calculated that fee.

- Ben Shakespeare said where he comes from on this is the sales tax revenue generated from these businesses. Dollar Tree is going to generate some sales tax. He reached out to Buck's and asked them for their traffic numbers and sales tax revenue. He said their Mall Drive store did 200 trips a day on average and did \$75,395 in that first year which averaged the 200 trips a day. Their sales tax revenue on their Hurricane Store is \$416,000 and the City gets half of that. As we look at this, we have a low and high road fee and nothing in between. We need to look at what this generates to the City.

- Brock Jacobsen said the categories are very similar to St. George and the one it falls under is 820 General Commercial Shopping. We have looked at a lot of different options and we are trying to get to a category that we think that they fit.

- Mayor Rosenberg said that for now we are functioning under the existing ordinance and we would have to incorporate any reduction in the fee and would have to go back through and modify the ordinance prior to the application. If he wanted to withhold his application and give Council time to wrestle with it, that would be an option for him.

- Leina Mathis asked Matt Ence that if the Council felt like there were maybe some errors made on behalf of the City or something the City didn't do, she asked if there was a way for us to remedy that by reducing that, and it would have to be made up somewhere else, but by reducing impact fees in some fashion to accommodate that issue.

- Matt Ence said his gut reaction is no. The reason is because in the impact fee act there are certain scenarios where you can make an exception or modify impact fees for a particular property owner or developer but there has to be some justification for that. There has to be something unique about what they are trying to do. They must submit data or something that supports the change that they are looking to see. It would be hard for us to justify because the quote or estimate was too low. That, without some other

justification, is justified in the impact fee act. If you give someone a discount like that it has to be picked up somewhere else. There are scenarios under the impact fee act where you can waive, reduce or modify a fee but you have to have a pretty strong justification.

- Leina Mathis said that it sounds like in this case our hands are tied.
- Mayor Rosenberg stated yes unless we want to make that binding that the potential economic impact will offset the impact fees and we are going to take a portion of that sales tax revenue that we do receive and set it aside specifically for transportation type projects that the impact fees were covering.
- Matt Ence said we wouldn't have to do that specifically, but we would have to identify some type of justification. Recognize too that if you do that for one person you would have to do it for all. He said he can investigate this some more if Council would like him to.
- Ben Shakespeare said we don't have a lot of commercial. He said the General Plan has a line in there that talks about our need for retail. Now we have a few coming in that will have a significant impact on the City financially. As a Council we should review this and what those numbers are. They could give us numbers from their other stores. It is worth the Council at least looking at because there are a few other pads around Harmon's and will probably be retail.
- Mayor Rosenberg said we could go back and relook at the Capital Facilities Plan for transportation and the impact fee study and build in some language and base it on trips and put it in the plan. Then the precedence you set would be the precedence you set. Then you could separate something that is not generating sales tax from a sales tax generator knowing that store is going to generate revenue to the City that we can use for some road projects going forward and possibly use it like an incentive and base it on the numbers that they give us so we can verify. We can look at that and just reopen that ordinance. Dollar Tree would have the option to wait until we went through that process or they could move forward under the existing ordinance.
- Denny Drake said we have 30 more days before the new impact fees go into effect. If they came back after that they could see an increase.
- Matt Ence said that in that case he would encourage them to get their application in before that.
- Denny Drake said it would be nice to give them the scenario. Pay \$60,000 now if you want to delay it and when they come back in 60 days from now or 30 days it is going to run them \$80,000.
- Leina Mathis asked if the vesting required the impact fee to be paid or does the application have to have been made.
- Matt Ence said they just need to have completed the application.
- Mayor Rosenberg asked if that required a fee.
- Matt Ence suggested that they pay the fees just so there is no question.
- Leina Mathis said they already made the application in June. But they haven't paid the fee yet. So, would we deem them vested already?
- Matt Ence said they should pay the fee. It wouldn't be considered a complete application until the fee has been paid.
- Ben Shakespeare said we determined last meeting that the fee for commercial went down based on the change. We are not off what other cities are.
- Mayor Rosenberg said that as a City we could establish an incentive program for businesses and pull that money from the General Funds to help pay a portion of the impact fee. The impact fee stays the same; the City just helps reduce the impact on the

business paying the fee on the basis that we are going to get revenue every year. We would probably have to decide the dollar amount and put this in the budget and then go through the budget process and then we could offer that incentive. Then the impact fee stays whole, and we would be reducing the fee to them by compensating. We can direct Staff to look at that and bring something back to Council. He said that Dollar Tree is going to pay the full permit and then come back and ask for help.

- Brock Jacobsen said they have equipment and people there ready to go to work and he wanted to know if they can get to work without the permit. He told them that they wouldn't be able to go vertical, but they can start moving some dirt.
- Mayor Rosenberg said that Corey Bundy told him that they were going to go ahead and pay the updated amount and then come back and ask Council for some relief.
- Ben Shakespeare said he would like Staff to at least look at it. It would be nice to know the number for the roads and the numbers for the revenue. It would be worth looking at.
- Mayor Rosenberg asked Council if they are okay if Staff takes a look at that.
- Leina Mathis said she is. If they pay it though our hands are going to be tied. We are not going to go in and mitigate and reimburse some back or anything like that, right?
- Matt Ence said that anything Council does for a single applicant there needs to be a strong justification for it. That is what it comes down to.
- Mayor Rosenberg said we need to develop a Citywide program.
- Leina Mathis said that may not help them though. She suggested running the numbers with today's numbers and with the new amount and give them the benefit of the lower number of those two items.
- Matt Ence said they would run the risk, but we can let them know that the City is looking at some options that might reduce their fee. That is if they want to hold off on their vertical site.
- Leina Mathis said that if they want to get started, we should be clear with them that there isn't anything we will be able to do after the fact.
- Matt Ence said the other thing that we can do is they could put their application in and pay the fee now and lock it in and if the City decides to change something that would be to their benefit they could pull their application and reapply before their permit is issued.
- Ben Shakespeare said that the way it's set up the minute the fee is ready to be paid that is when everything is checked off and at that point, they get the permit. He said he doesn't understand why the fees weren't on the original application.
- Mayor Rosenberg said it was done in January. There was no plan submitted. He said the way the spreadsheet was developed is that we will give them an estimate on anything they define. They must define it. It was an early estimate and it didn't have all the data necessary to generate the accurate fee. The new spreadsheet calls for everything that is necessary to do a complete estimate they have to provide.
- Leina Mathis asked if they are modifying that estimate with a disclaimer on there saying that is what is on there.
- Mayor Rosenberg said we can avoid what happened on this one just by incorporating that into the process.

7. Executive Session:

- Executive Session to discuss pending litigation.

Motion to enter Executive Session by Ben Shakespeare.

Seconded by Jarett Waite with all members present voting aye.

- Entered Executive Session at 5:49 p.m.
- Reconvened at 6:45 p.m.

8. **Adjournment:**

Motion to adjourn by Ben Shakespeare.

Seconded by Jarett Waite with all members present voting aye.

Meeting Adjourned at 6:45 p.m.

Chris Shelley – City Recorder

Date Approved: _____