

**SANTA CLARA CITY COUNCIL WORK MEETING  
WEDNESDAY, OCTOBER 7, 2020  
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, October 7, 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 stream on the YouTube link: <http://www.youtube.com/channel/UCxLBLm30-XLqM1AEmhpcMA>**

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

Others Present: Jack Taylor, Public Works Director; Brad Hays, Parks & Trails Director; Corey Bundy, Building Official; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Mark Weston, Planning Commission (PC); Marv Wilson, PC; Shelly Harris, PC; Ryan Anderson, PC; James Call, PC; Curtis Whitehead, PC; Doug Hunter, UAMPS; Mason Baker, UAMPS

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:01 p.m. and excused Councilman Shakespeare from the meeting because he was out of town. He welcomed the Planning Commission members to the meeting and thanked them for being there.

2. **Working Agenda:**

**A. General Business:**

1. Combined meeting with Planning Commission to discuss General Plan, Ordinances, City development and growth.

- Mayor Rosenberg asked the Planning Commission (PC) to introduce themselves and tell a little bit about themselves.
- Curtis Whitehead, PC, said he has served on the Planning Commission for about a year. He stated that he grew up in this area. He said he loves this community. He thought that being on the Planning Commission would be a great opportunity to give back to what this community has always been and to give service to the community and be involved with what is going on in the community. He said he has 3 school-aged children. He works in the car business.
- Mark Weston, PC Chair, said he has been a Planning Commissioner for almost 2 years. He has lived in Santa Clara since 2000. He has 5 daughters.
- Marv Wilson, PC, said he served on the Heritage Commission for many years and then on the Planning Commission for 7 or 8 years. He is a longtime resident of Santa

Clara. They still have 1 child at home.

- Shelly Harris, PC, said that she and her husband live in the Vineyards area. They have college-aged children at home. She works at Cache Valley Bank as a commercial lender. She is new to the Planning Commission.

- Ryan Anderson, PC, said he is a longtime resident of Santa Clara. He has 4 children. He is a contractor. He said they love Santa Clara.

- Mayor Rosenberg told the Planning Commission that he and the Council appreciates the hard work that they do. He said he started in local government on the Planning Commission. He said he appreciates and understands the work that the Planning Commission does. He talked about the changing public hearing requirements where they are often only held at the Planning Commission and that puts even more opportunities for the Planning Commission to face their peers and neighbors on occasion. He said the work the Planning Commission does is important work. He said the last couple of months there have been some issues discussed. He said that he met with the Planning Commission Chair, Mark, and they felt like it would be a good idea to bring the Council and the Planning Commission together. He said this is not a formal meeting tonight. This is an opportunity for Planning Commission to ask questions and seek direction from the Council and for Council to hear them and maybe provide some input for the Planning Commission as we move forward. And maybe there are some things that Planning Commission wants to educate Council about. He told the Commission not to hold anything back tonight. He said that Council wants to help support Planning Commission and the decisions they make and if they need any tools or education or assistance the Staff is here, and the Commission needs to let them know. He said we want the Planning Commission to be the most prepared Commission in the County and even in the State, a Planning Commission that is educated, fair and applies the ordinances of the City fairly. They have a training tomorrow. Leina Mathis has taken this upon herself and has prepared binders for the Commission. He counseled the Commission not to be afraid to use Leina as a resource. He said that Councilman Drake and he himself have been chairmen of the Planning Commission and they can also be a resource for the Commission. If any of the Commissioners have a question, they can feel free to call. He said that Matt Ence is here at the meeting if anyone has a legal question. Devin Snow is the legal counsel for the Planning Commission and he is at the Planning Commission meetings to provide information to the Planning Commission and maybe reign the PC back to the code or to the law when necessary and provide guidance as the PC goes through actions they are asked to take. He told the PC to make sure they take advantage of their legal team as well. He said the big issues lately have been relative to the General Plan and interpreting the General Plan with development requests to amend the General Plan. Several of the Council members have expressed the desire that amending the General Plan shouldn't be easy; that the General Plan is there for a reason. There may be areas of the City that the General Plan needs to be updated. The General Plan is a living document. It is a document that can change. It is not meant to be the same forever. We have to go back and amend it every five years. We may not amend it very much, but we are mandated by State law to review it and make the changes that we feel are necessary. This starts with the Planning Commission. The PC may not know which areas Council wants to proceed with the amendment on unless the PC asks. There has been some question on the commercial area on Rachel Drive

and Pioneer Parkway and how we are going to interpret that. Some of the things in the General Plan may not appear correct or pertinent and may need to be amended for it to be interpreted properly and for us to be able to do our job the best way we can. There is always the question about the valley and what do we do in the valley. It changes annually, block by block, resident by resident. We recently did the South Hills update and a lot of the valley things came into play during that.

- Wendell Gubler said he thinks the General Plan is there for a reason. He stated that he doesn't like the idea of trying to amend it just because a developer may want to change it so they can have a project. It is more serious than that. It should be something that comes from the community. If the community wants to have something changed it is important that we look at it. It is important to find out from the community what they would like to have. Sometimes we forget about the community. We need to listen to their wishes.

- Denny Drake said he thinks we have a great opportunity to work together. Everyone has their opinion and each opinion is valuable. If opinions are not expressed, they need to be, and we can work through our differences so we can overcome those differences. Voicing and talking and communicating is one of the best ways of overcoming differences. As we visit about various community ordinances it needs to be discussed. He talked about having community meetings to determine and develop the General Plan. That is the most important to get the people's opinions for the General Plan and then work forward through those issues. He said we are a great community. Santa Clara has been and is a leader in just about everything such as the power industry, sewer, and water. Those have been led by the community and setting examples for communities around us and that is because the leadership is aware and working with the Planning Commission and those in the community to develop those issues. He would like to see a continuation of that and striving to work together in developing Santa Clara into what we think it needs to be along with the input from the citizens and if we can do that we can successfully continue to make Santa Clara the best place to live in Southern Utah.

- Jarett Waite said he appreciates the work the PC does. He said he thinks a couple of things in the General Plan need to be updated. He said he thinks reviewing the General Plan for the Rachel Drive, Pioneer Parkway area would be helpful. He said he would love to have the PC attend the League of Cities and Towns meetings in the future. There are always break-out sessions for the PC. He said another goal for the Council and the Staff, and the PC is to return emails. Citizens feel like they are not being heard if we don't reply to their emails.

- Leina Mathis thanked the PC and told them she is here to be a resource. She is happy to help. She encourages them to do a lot of trainings. She said we have to be realistic about the General Plan. It is only reviewed every 5 years and it can't foresee every condition or request or opportunity that may come to Council or the PC in a 5-year period. We have to decide if there are gaps and what we can do to mend those gaps and put things in place to help. We can't lose sight of the fact that the General Plan is not there to foresee every single request that could possibly come in a 5-year period. She thinks Council and the PC should revisit what is going on up at Pioneer Parkway and Rachel Drive.

- Mark Weston said that after talking with some of the Council members about Buck's Ace Hardware the PC voted it down because they didn't feel they weren't doing the

things that other developers were asked to do. He said that the building department here and Corey Bundy are great. They are doing a great job. He said he likes it when we are consistent and fair, and he wants to see this when he works with a city. As a Planning Commissioner he said he always tries to be fair and consistent with everybody and ask the same thing from everybody regardless of who you are or what you are wanting to build. He said the PC made some consistent requests from the builders of the other corners on Rachel Drive and Pioneer Parkway and then Buck's got turned down and then went to Council. He said that he feels the PC is a filter for the City Council and they should filter out and make sure there are qualified projects before it ever shows up at Council's door. He said that is what the PC is going to try and do. Part of being fair and consistent is trying to keep the bar high. There is another building that he feels we let through because we didn't have enough purview of what it would look like. He said the PC is not happy with the way it turned out. They don't want that to happen again, but he said at the same time he doesn't want to tell every developer or builder all the qualifications of what they have to do. That is a never-ending task that would never work properly. He asked how the PC can explain to people what we are expecting and keep the bar high and keep it fair and consistent across the board. He said the PC has talked about this.

- Marv Wilson said that having the General Plan is the guideline. He said that concerning Buck's, if they would have come to the PC and asked for a change in the General Plan first that would have been a different story. He said he believes the PC is like the administration part of things and are there to run things through the General Plan and ordinances. He said the PC is the administrative and if the political body wants to take a different stand that is fine and that is the way it is set up. He said the General Plan has been changed other than the five years periodically. People come and request a change in the General Plan, and we have done that periodically and that can be done through the process. The General Plan is a guideline. The PC must follow the General Plan, or they are not doing their job. If Council wants to overrule the PC that is fine by him.

- Curtis Whitehead said he agrees there needs to be consistency and trying to hold everything together, the PC's decisions and recommendations, to be consistent. He said that he has had some confusion over the year he has been on the PC. A lot of education he is getting is coming from Staff. He talked about the desire to have a walkable neighborhood on Rachel Drive and Pioneer. He asked if the walkability was part of the General Plan. Is that the way the Staff wants it or is that how the citizens want it or is that someone's interpretation?

- Jarett Waite said it is not in the code, but it is in the General Plan.

- Mayor Rosenberg said it is supposed to achieve pedestrian friendly character.

- Curtis Whitehead said it is so vague and that is where PC ran into the questions. He said they put a lot on Corey Bundy, whether it is his interpretation. He said that is why they have Corey there. Corey is out in the dirt every day, and so a lot of the decisions and recommendations he has been making is what he feels Staff has wanted. He said he thought the PC was making decisions that the Council wanted. He said he is grateful for this meeting so the left hand can talk to the right hand and the PC can know how to best support the decisions and the direction of what the City wants but also what the citizens and residents want. He likes the idea of having these work meetings so everyone can work together and be on the same page.

- Shelly Harris said she felt like the PC learned on the job with Buck's. She said the PC has certain powers but not all the powers and should be confident in the fact that they gave their opinion and made their recommendations based on what they felt. The Council made their decisions based on what they felt. She said this was a hard lesson to learn. She said this is a good step, getting together and understanding the roles.
- Mayor Rosenberg said that no one opinion is right or wrong. They were different opinions. They were both legal.
- Ryan Anderson said he is still learning the check and balances of cities and how they work. He explained his frustration with the decisions about Dollar Tree and Buck's.
- Jarett Waite said he never saw a site plan for Dollar Tree. The developer did a lot of what Council wanted so he could get the process done and make the neighbors happy and the citizens happy. We have to make decisions on what is presented to us. He said we could consider having a member of the PC come to the City Council meetings but not be officially part of the meeting and they could relay information to the PC.
- Ryan Anderson said he would like to have a way for the PC and the Council to communicate more often or watch the meetings online. He feels that consistency is very important.
- Denny Drake asked if we are talking about consistency for the last two years or for the last twenty years. He said the corner of Rachel and Pioneer started with Harmon's grocery store that is setback with parking in the front, which is consistent with what Buck's has. The size of the store determines the location. The store itself is something that Santa Clara needed. He asked the PC if they are talking about consistency since they have been on the PC or consistency with the City overall. Harmon's was approved setback and not with any pads out front. They could have put their development on the street. He said that what he is saying is that consistency changes. The consistency is based on personal opinion. He asked if the walkable community is personal opinion or is it community desire?
- Mayor Rosenberg said that walkability doesn't appear in the General Plan. What appears in the General Plan is "pedestrian friendly character". He said if you look at the list on the second page there are a lot of things that lead to the pedestrian experience. It does not necessarily make it walkable. It is the ability for people to come to that area and be able to visit all the facilities in that area. He said there is a section of the General Plan that is missing that the City has never done. On the bottom of page 41 it says, "to ensure quality development the City should develop an urban design plan that will guide development in the area". He said that we don't have an urban design plan. There is nothing to go to the next level of detail for the PC to look at to ask if we are meeting that. There is a list of 11 options that we can look for but there is not really an urban design plan. He said that section needs to be visited and we probably need to come up with that urban design plan for the rest of that project and it can expand out a little bit beyond the intersection. There are still parcels to the west and parcels on the north side of Pioneer that will come before the City at some point in time. That would be something we should probably charge the PC with to develop an urban design plan. He said to do it for Pioneer Parkway first but don't forget Santa Clara Drive when you are doing it. The same issues are down in the valley. If PC wants to create that successful economic engine and base it a little bit about that enhanced pedestrian experience. We have a lot of attributes along Santa Clara Drive that will contribute to that but the plan for it will have to be well done. That is a good

positive step. He said those 11 options are what the land planner put in the book but aren't necessarily the only ones that can be in the book and not every one of them should be in the book. The street side parking can't be mandated on any one at this point in time. We can't reduce the roads to facilitate the parking. He is giving the PC that charge to take this up. He said to go through this at each meeting. Look at this and does it make sense with what is coming in now and with what is there. Do we need to change some of that? If we need to change something that involves property owners, we can have a town meeting. We can ask specific questions and tally votes. We can get a consultant to help. Council can help and participate extensively. We may stay away from a specific project review because we are the appeal board for decisions that the PC makes. When we are an appeals board, we need to make decisions from what is presented to us and not from what we hear. The PC can identify the needs and we can help you by suggesting things. He said that Bob Nicholson is a good and well-experienced planner. There are other planners out there that we can bring in, professionals in that line of plan. He said this Pioneer Parkway intersection is critical to the City's future. He is happy with what has gone out there. There is a lot left to develop out there. He said the drive-in window is here to stay because of COVID. We are limited. He showed the map to the PC. The unique thing about Santa Clara is happening right now. If we update our General Plan today by the time, we got to it next time everything would have a plan approved and that changes the General Plan big time and how we look at it. It will change the City and it changes the economics of the City and how the City does business and funds expenses. It changes how we budget. We have to start thinking about how we are going to fund City operations five years from now. The businesses and the sales tax generators are going to be huge. The vacation rentals and the hotel packs are huge. That is huge for the future of the City unless we want to see property taxes on homes continue to climb. We haven't changed property taxes in 20 years. We are going to come to that sooner than later. It will be a decision that will be forced upon us because it will be the only way to balance the budget. Infrastructure needs to build and replaced. Where is that money going to come from? He told the PC to not forget the economic when they are looking at this. It is not always the aesthetics. The future economics of the City are on the line too.

- Shelly Harris said as a PC they are looking at the plan and basing their decisions on what they feel the plan is. She asked if they are charged with the economics as well.

- Mayor Rosenberg said that if we look in the General Plan there is a whole section on economics. There is a section on economic development and a section on sustainable communities and they kind of flow together. Economic development is the key to a sustainable community. Will it draw funding or bring in funding? He said that he and Mayor Hart sent a letter to the Federal Legislators asking them to try and push a bill that will allow the BLM to let us have that BLM land. If we do everything and follow the process that property can come to the City. If we make improvements to that property in accordance with the plan that we presented eventually that property can be deeded to the City. The problem with the laws now is that we can't sell it. We can't get a piece of property and develop it for affordability and dispose of it.

- Denny Drake said they went out to the South Hills and viewed the property that we are looking for as a shooting sports park and the part the BLM would like us to take is different then what we would like to take. He has a meeting with the BLM to visit

with them about where it should go from here. He said there is also a problem with the tortoise habitat. It is a real process to deal with the BLM.

- Mayor Rosenberg said the long term of how the City grows is as important and the economic resources that we have to facilitate future management of the administration of the City is important. He asked the PC to keep that in mind.

- Denny Drake said one thing he would like to see if we do start revising the General Plan is to put some incentives concerning jobs and sales tax revenue, they bring in. There are some incentives we don't have within our commercial or industrial zones. If we really want to make a significant impact in commercial areas in our sales tax revenue and in our industrial area if we come up with incentives that would bring developers here that would be a great plan that would help.

- Mayor Rosenberg challenged the PC to take a section and put it on their agenda. Start with the commercial zone on Pioneer Parkway and Rachel Drive. Go through that and find what they are missing. They can decide on an urban design guide. Be as specific as you can. If we can incorporate some of incentives that would be great.

- Jarett Waite said he would like to discuss the retirement home area.

- Mayor Rosenberg said the PC didn't get any pushback because of COVID and the difficulty in the virtual meetings. He said this will come back to the PC. He said PC will probably see the same type of opposition.

- Curtis Whitehead asked if this would be a good revenue generator for the City.

- Denny Drake said it is basically a property tax issue.

- Mayor Rosenberg said it would be a fairly significant property tax. It could be beneficial.

- Denny Drake said the issue wasn't the care facility it was changing the density per acre.

- Curtis Whitehead asked that when these come back in the future is part of this process to sit down and have a conversation with the City Council prior to it being presented to the PC so the PC knows the Council's thoughts.

- Matt Ence, City Attorney, said that is one thing that comes into consideration is the role of the PC of being different from the City Council's role. That is the way the system works, and the Council has been empowered with legislative authority. A lot of that sitting down and looking at the project happens at the Staff level because projects have to go through the TRC, and Staff does their review process. A lot of that happens with neither the Planning Commission nor the City Council being present. He said he doesn't think there would be an issue with some kind of an informational process so that you see something much earlier than you would by just seeing it on the agenda of a meeting. That would be something you would have to discuss. He said that the PC as volunteers are already giving a significant amount of their time and effort on these things and the City Council as well. He said in terms of legal barriers he doesn't know if there are any to something like that happening as long as there are no decisions being made.

- Mayor Rosenberg said that Washington City does a workshop and meets every week. They don't take action every week. The odd weeks are workshops. It is like a work meeting with applicants present and information can be presented and discussed, and it is in preparation for the meeting that is coming. A lot of this type of discussion can happen without any pressure. He would like to look further at this and if this is something we would want to do.

- Curtis Whitehead said he feels like he has been more of a policeman for what the developers want. If we have these conversations prior, we can get what everyone thinks and when we have a hearing, we can make a decision at that point.
- Jack Taylor, Public Works Director, said that sometimes the PC doesn't get a full shake of what happens in our TRC meetings. Maybe the minutes of the TRC can be sent to the PC and that could help them maybe grasp what is happening and what is going on and give them more information.
- Mayor Rosenberg asked the PC if they get the Staff reports and the recommendations. He would hope the Staff report would reflect the TRC meeting conversation. He said that the Council will go back to the Planning Commission minutes when they are looking at an issue. That is always asked in our meetings about what the PC vote was.
- Matt Ence said it is useful to talk about this from a legal perspective. It has been mentioned that the General Plan is an advisory document and that is pursuant to State law. State law says the General Plan is an advisory document unless your ordinances say otherwise. Our ordinances say that the land use authority or the PC in certain circumstances and the City Council in other circumstances when you apply the General Plan to a particular application there is a list of things that you are required to give "reasonable consideration to". As the PC and as City Council members give reasonable consideration to those items and issues reasonable people can disagree about what the outcome of those issues should be or what weight should be given to those issues or certain things should even be considered or not. The PC reaching a different outcome from the City Council is not necessarily a failure of the system. There is still value in that from the City Council perspective. The work that the PC does in some way is a filter and in other ways a testing ground and all of that has values. We are always worried about consistency in the legal world but consistency that we are concerned about is consistency of the application of the law to the facts at hand and when the facts are different in every case which is typically true of real estate you can apply that law as consistently as possible and still get different outcomes. Even with the same facts and the same law you can get a different outcome with two different bodies of people. All of this is valuable because we have to work together and make this process work for the people that bring the applications to us.
- Mayor Rosenberg talked about the training meeting that Leina is having with the PC and told Council this would be a good meeting to go to if they have the time.
- Corey Bundy said the assisted living project is going to come back. They have pushed the building closer to Gates Lane and there is some single family lots on Quail and a lot of open area. They have downsized the number of rooms.
- Mayor Rosenberg said they have single-family lots on Quail. Right now, Quail stubs into property. The roadway and the west side are owned by the development group. Quail is a through street to Bonelli and there is existing utility infrastructure and the sewer line is in there now.
- Jack Taylor said there is a main line sewer line and he is not sure if it runs all the way up the street. It might flow back to Santa Clara Drive.
- Mayor Rosenberg said the Master Plan for Quail in the future would extend. They could come in and request a cul-de-sac. He showed the map to the Council.
- Wendell Gubler asked if this would require a zone change.
- Mayor Rosenberg said it would and the determination of the land use authority to determine if it is okay for the General Plan, but they would have to go through a zone

change. They will have a public hearing about the zone change at the Planning Commission. He said that he appreciates the great questions tonight. We can schedule this meeting to happen a couple of times a year. He reminded the PC that the Council has a work meeting every month. He suggested having the 5<sup>th</sup> Wednesdays be a joint work meeting with the PC. It would happen four times a year. It would be the only item on the agenda. It would be beneficial to be able to bounce things off the Council before they go to a public hearing. These are open meetings so the public can come if they want. He reminded the PC that clamor is not always the majority opinion. He said this has been a great discussion and he thanked the PC for coming.

- Brock Jacobsen, City Manager, talked about the meetings with the Utah League of Cities and Towns. Those usually happen mid-September. They also have them in April here in Southern Utah. If the PC is interested in attending those meetings they need to get with Corey and let him know and we can get the PC registered. We usually book rooms in February for the Salt Lake meetings.

- Mayor Rosenberg said there is one day, usually the Thursday that is dedicated for planning. If the PC can make that day it is all about their job.

## 2. City Council Holiday Calendar discussion.

- Brock Jacobsen said that in November the calendar for City Council would have us having a meeting on November 25 the week of Thanksgiving. He would like some direction from the Council concerning this meeting and the meeting scheduled for December 23 or would Council like to cancel these two meetings.

- Chris Shelley, City Recorder, mentioned that the second meeting in November is also scheduled for Veteran's Day.

- Mayor Rosenberg suggested moving that meeting to November 18. He recommends cancelling the November 25 meeting and the December 23 meeting. He said that Council can be on call in case there needs to be a special meeting.

- Leina Mathis asked if Council would have a meeting in December after the PC meeting in case there is an action that we need to act on.

- Mayor Rosenberg said the Council would have the work meeting on December 2 and a regular meeting on December 9. The PC meets on December 10. He suggested rescheduling the meeting from December 9 to December 16. That would be after the PC meeting. He said we could just reschedule the meeting on the 23<sup>rd</sup> to the 16<sup>th</sup> and have meetings three weeks in a row and before we get to that meeting on the 16<sup>th</sup> we would know if there is something pressing and we may cancel it. By that work meeting we will know. Let's plan that way. We will cancel the third meeting if we can.

- Chris Shelley said that if we need the third meeting the agenda won't go out until Monday instead of that Thursday because we will have a meeting Thursday night, so we won't be able to send it out until the following Monday.

## 3. Staff Reports:

### Jack Taylor

- He gave an update to Council on the carbon-free project. We are in the project for a little over 4 megawatts. That was increased because of the jump that the Department of Energy

(DOE) was going to put in the first unit, and they decided they couldn't do that, so instead of doing that they gave more funding of \$1.4 billion if that comes through. Doug Hunter, UAMPS, will lead the discussion about the DOE funding. He talked about what happened within the month of August. It was a hot summer. The market skyrocketed. As we were in the pool our average cost was about \$143 a megawatt hour for short periods of time. That cost us about \$282,000. If we had this carbon free project and could have covered that it would have cost us about \$111,000 so we wouldn't have lost about \$172,000 so this carbon free project is really important to Santa Clara City. We were one of the first cities to get into this project and the Council has always been supportive of it and believe in it. He asked Doug Hunter to come (via Zoom) and talk about some of the changes. There have been three cities that have pulled out and that has increased our cost a little bit. He said he feels that UAMPS has done everything they possibly can to make this work for us in de-risking the project and giving us an opportunity to still get out if we have to. If others come in that could reduce our cost. They have the four contracts put together which is important and makes the project even possible. The power sales contract is done. The Department of Energy cost share is put together. The development cost reimbursement agreement is completed, and engineering procurement and construction agreement is completed. The project now can really become a real project. Now our UAMPS Staff and others can go out and get more prescription to make this project possible. We always have before we attend out UAMPS meetings, if the costs get out of control, we have the opportunity to get out of the project.

- Doug Hunter, UAMPS, said the concept of the project is well defined. He said this is the most defined contractually that he has ever been involved. He said they have modeled every concept. It is imperative that we have DOE and that is set. The DOE is set to make the award. He said that subscription is very important. There are a lot of interested entities out there. He said they are required to provide a budget and point of finance. This is good for the participants and sets limits on phasing spending. Right now, we are in phase one. There is a cap on what can be spent. The cap right now is \$13.24 million. That can't be exceeded. The costs are only triggered if we terminate the contract on our own. That results in a bill. He said it will be \$0.505 per kilowatt hour. They have a model set up so they can always gauge what is happening in the project and reduce it back down to dollars per megawatt hour number. There is a lot of reason to make the recommendation that he is making personally as the CEO of UAMPS. He said we should look at what we need in this project and not be overly focused on what it would cost if we fail this project. We have a parameter, the economic competitive test, that says if we were exceeding \$55 a megawatt hour we can terminate and get 100% of our money back. That risk avenue has been greatly reduced. He said it is within our control. This project could be incredible value to us for easily 60 years.

- Denny Drake asked as far as the process is concerned, have we already jumped through the hoops as far as the environmental hoops and the Idaho corridor so what we are looking at is actually construction time.

- Doug Hunter said we are looking at both development time and construction time. Right now, we are looking at development time. We still have to go through that. He said this is the riskiest part of the project so that is why the safeguards of the \$55 was put in. He said they also must get the Nuclear Regulatory Commission licensing.

- Mason Baker, UAMPS, said the way the environmental permitting process will work is UAMPS will put together their NRC license application and submit it to the Nuclear

Regulatory Commission. That will trigger the need to review and the NRC will go through that process as the lead agency anticipating taking roughly two years to release the environmental impact statements. He said part of the reason they chose the INL for the setting location was the site has been heavily characterized because of all of the DOE facilities that are currently there, so he said they feel pretty confident that we won't run into any issues when we go through that environmental review process. He said we will have the next several years to further investigate any issues that could arise and understand how they could be possibly mitigated. He said it is not a done deal on the environment permitting but they see a pretty clear path forward. If an issue did come up it was going to result in increasing the cost of the project during that period of time over the next several years we will have 100% of reimbursement so that is another critical advantage of how the project was structured is to have that de-risking coverage if something does come up. He said they have been heavily engaging with the Idaho regulatory agencies for the last several years as far as the Division of Water Resources, Division of Environmental Quality, meeting with the Attorney General and they feel like they have done the right diligence to understand what we are getting into and they feel pretty confident that it is going to be something they can navigate.

- Denny Drake asked if there is a general timeline as far as when they feel like when the project would be coming online if the processes go as planned.

- Mason Baker said the first of twelve modules would come on in 2029 and the twelfth one in 2030.

- Mayor Rosenberg asked if the communities that pulled out of the project gave their reasons.

- Doug Hunter said one of the foundations of UAMPS is member economy. Members aren't required to buy power from them. They are a facilitator for a community of power systems in the west and let them achieve and pursue those things that will be better for their community down the road. He said one of the cities Mayors has always been opposed to this. It was a first of a kind issue. The other cities Mayor had a different perspective of the future. He said they didn't want the cities to make a decision based on political, scientific or whatever. This would be an option that would cost no more than if you took an option to be in the gas market. He said that it bothers him that people sit on the sidelines and wait for other people to do the work. Then they come in and reap the value. We now have the project totally defined and know exactly what the monthly cash flows look like or are projected to look like. Now people can visibly see the project and they will subscribe down the road. If they don't and we don't get the full subscription we can't go forward.

- Jack Taylor said he doesn't believe that in five or six years we are going to be able to buy power at \$55. We are already seeing the market start to change especially in the summer months. It could only get worse. This could be a project that could benefit Santa Clara for 80 years if they relicense it after the 40 years for a reasonable price. What a great project for this City. We need to be leaders and move forward. We have opportunities to get our money back. UAMPS has worked very hard to put these contracts together to protect us and if we get that DOE money, he feels we need to move forward.

- Jarett Waite said that Jack talked about there being some sort of incentive to stay in verses taking the route of getting out and jumping back in. Have the incentives been defined at all?

- Doug Hunter said that's what he recommended to the project management committee

that we wait on the incentive to find out who stays in the project. His concern is right now is some of the cities can vote on the project management committee and they may have a different motivation on how they would do a vote associated with that incentive. He said the architecture associated with the incentive is to provide the advanced nuclear production tax credits for the first eight years and we would provide those to those participants that come in and stay in. That can happen as a direct credit in the operational period. He said they could try and capitalize those now and sell them to a bank. They could then be levelized over a long period of time. He said this is a decision we will do with the newly convened Board. He said if the Council has any questions, they can contact him any time.

- Jack Taylor said he agrees, and we need to be careful where we set those limits because we want to encourage other participants to come. We have a lot of capacity for others to get into the project.

- Mayor Rosenberg said he is still in.

- Jarett Waite said he is too.

- Jack Taylor said they got a new lineman. He started Monday. The crews will be working at the Veyo Plant next week for the 6-month maintenance. They are busy with all the new construction. They are going to have the Storm Water crews from the State come down and do the audit on Oct. 26 & 27. He said we will be ready for them. They are going to start crack sealing on the roads. The wells are running well.

- He said a citizen wrote a letter to all the resident on Vineyard as to why the City hasn't done things on Vineyard and asked quite a few questions and asked for feedback from the residents as to what they want to do with the road and get back to her. Then she wants to have some town meetings. Jack said she had a lot of good comments but there were some things that weren't quite correct. He said that he and the Mayor put another letter together with the help of Tode Hafen and the letter was delivered so the residents understand what happened on Vineyard and where we are at with the new code we have on undeveloped streets and how the City is going to handle that. He hasn't heard anything. He offered Council a copy of that letter.

- Mayor Rosenberg told Jack to give the Council a copy. The letter wasn't addressed to the City. It was addressed to the residents including Tode. Tode contacted us and asked for a response and so we responded back to Tode and she was going to circulate that letter.

- Jack Taylor said he is working on an RFP for Vineyard Drive to start the designing and hopefully pick an engineer to design that. We need to have some town meetings and decide what we are going to do. He said he is also asking for an RFP on Tuacahn Wash.

#### Fire Chief Randy Hancey

- There have been a few fires popping up. Last week there were two fires they had crews out on. One fire was on Turkey Farm Road. It was contained quickly. The next night there was a fire in Veyo, so crews went up there. It was a residential structure fire that spread and went into some property. The end of this month will be the end of our seasonal crews' deployment for the season. We have maintenance things that we are trying to keep up on. There are still fire restrictions throughout the County, and they will be in place until we get the next significant amount of rain. He said they haven't been able to do any burning for Jack's crew. They will get on that as soon as they feel they can do some burning. The recruits are nearing the last week of their final class for their certification for HAZMAT. They have testing after that. They have been through almost a year of training.

### Brad Hays

- The crews are over seeding Gubler Park. The park is closed for a couple of weeks. The next tournament is October 31. They are working on getting a new concessionaire for Gubler and Little League. He has two good prospects he would like to bring back to Council at the next Council meeting if he can get everything ready for that. They hired Mason Briggs to replace Brook Shurtliff who went to work for the County. He ordered a booster pump for the Swiss Pioneer Memorial Park. He said that Ryan Anderson over seeded the bare areas with some seed, and it is starting to come in. He said they want to go ahead and open the park up and the landscape will be done when the pump comes in. It is still about 4 weeks out. He said the Halloween event at Heritage Square is moving forward.

### Corey Bundy

- We are at 39 homes so far this year. We have 9 in review. Since Sept. 1 we have done 225 active building permits. At tomorrow's Planning Commission meeting we are going to consider the site plan for the TAGG-N-GO for up on Pioneer and the final plat for Ocotillo Ph. 3. They have one townhome that was a fourplex and after the layout it ended up only being a three plex, so they are amending that plat. That will be coming to Council after it goes through Planning Commission. They are going to look at the proposed amendment for Chapter 26 "Subdivision Ordinance" to reduce the landscape strip to accommodate the need for a turn lane at an intersection on double frontage lots. Staff's recommendation is to recommend for approval. We have a lot of building going on. The Desert Townhomes project with Cole West is off and going. They are installing the underground infrastructure.

- Mayor Rosenberg said they are going to pave the area where they removed the islands in front of the school a week from Saturday.

- Corey Bundy said we are waiting for a development agreement from Patrick Manning, the Black Desert development and then it will come to Council. He said that Little Lava is still proceeding. It is six units at the end of Pioneer. Dollar Tree is starting. They have footings. They met with Buck's and their architectural plan looks good. There is a lot more stone on the front of the building and more windows and some awnings and the plaza looks nice. He said they talked about narrowing the planter boxes so pedestrians can get by. He stated that Brian Forsyth is still in the works with O'Reily and maybe another drink shop. They had a sketch drawing. There is another development further west that may be another drink shop and some other businesses. Arcadia Ph. 3 should be coming back for their final plat with construction drawings for the 19 units. He said he has been inundated with homes for Bella Sol Ph. 4, 7 and 8. The Hills of Santa Clara Ph. 3 is coming along. The road dedication plat for the bridge on Clary Hills Lane is on Chris's desk and will be brought to Council. We have construction drawings for Heritage Point. They will be coming in for a land disturbance permit by the end of the month. The project across the street is moving forward but at a snail's pace.

- Jarett Waite asked if Dollar Tree paid their building permit, and are they going to come back and ask for a change to that. He said he heard a rumor that the Cole West Development north of Harmon's sold to one owner and it is all going to be rentals.

- Mayor Rosenberg said they have discussed it in house being able to retain rentals out there. It is being plated as "for sale" townhomes. When they get them built, they will be

able to sell them all. Whether they sell them or keep them, the City doesn't regulate rentals. We don't have a renter's dwelling license. He said he is not concerned about it personally.

Brock Jacobsen

- The audit is being completed. We should have it in November. BMX night is next Tuesday, Oct. 13 at 6:00. If Council plans to attend send him an email because they are going to have some food there. We are working on some IT updates here at the City. The update upstairs is complete. They have the mike in the ceiling, and they might have one put in downstairs. It works well. He said the feedback from the Fireworks show has been fantastic.

**4. Adjournment:**

Meeting Adjourned at 7:30 p.m.

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

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