

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 14, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, October 14, 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/UCxLBLm30-XLqM1AEmhpcMA> Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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; Kristelle Hill, Staff; Jeff Patten; Kyra Harmon; Sheldon Harmon; Chris Conyus; Lindsey Boyer, Exec. Dir. Dove Center (via Zoom)

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m., introduced the Council and welcomed everyone.

2. **Opening Ceremony:**

- Pledge of Allegiance: Ben Shakespeare
- Opening Comments: Ben Shakespeare

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

4. **Conflicts and Disclosures:**

- Mayor Rosenberg disclosed that under item C3, concerning the 2nd amendment of the final plat for Ocotillo Springs Phase 3, the firm that he is employed with prepared that final plat.

5. **Working Agenda:**

A. Public Hearing(s): None.

B. Consent Agenda:

1. Approval of Claims and Minutes:
 - Sept. 23, 2020 Regular City Council Meeting Minutes
 - Oct. 7, 2020 City Council Work Meeting Minutes
 - Claims through Oct. 14, 2020

2. Calendar of Events
 - Oct. 28, 2020 Regular City Council Meeting
 - Nov. 4, 2020 City Council Work Meeting
 - Nov. 11, 2020 Veterans Day (Offices Closed)
 - Nov. 18, 2020 City Council Special Meeting

3. Cancel the November 11th, November 25th and December 23rd, 2020 City Council Meetings and set a Special Meeting for November 18, 2020.

Motion to Approve the Consent Agenda.

Motion by Jarett Waite, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of a Proclamation setting October as Domestic Violence Awareness Month. (Lindsey Boyer, Exec. Dir. Dove Center). Presented by Mayor Rosenberg.
 - Lindsey Boyer, Exec. Dir. Dove Center, stated that this proclamation makes public Domestic Violence Awareness month in our area. She said they are grateful to be able to partner with Santa Clara City and the rest of the County to provide awareness and support to survivors of domestic violence this month and throughout the year.
 - Mayor Rosenberg read the proclamation: "WHEREAS, it is a basic human right to live a life free from violence and abuse; and WHEREAS, domestic violence is a serious problem that occurs in all cultures and communities and does not discriminate by age, gender, social class, race, ethnicity, religious affiliation or sexual orientation; and WHEREAS, one in three women and one in seven men in Utah will experience intimate partner violence in their lifetime; and that 60-75% of families with intimate partner violence have children who are also impacted by the violence; and WHEREAS, seniors are also victims of domestic and sexual violence and are part of the most under-reported group, and WHEREAS, domestic violence-related homicides account for over 40% of homicides in Utah; and 80 Utah children will witness the murder or attempted murder of their mother every year; and WHEREAS, awareness and intentional collaboration are required to find solutions to abuse and intimate partner violence; and WHEREAS, it is the role of local government to provide for the health, safety, and welfare of its citizens; and NOW THEREFORE I, Rick Rosenberg, Mayor of the City of Santa Clara Utah, in partnership with DOVE Center, do hereby proclaim October as: DOMESTIC VIOLENCE AWARENESS MONTH in the City of Santa Clara, we urge all residents to use October as Domestic Violence Awareness Month to learn how they

can break the silence and end domestic violence in our community. IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Santa Clara, Utah this 14th day of October 2020.”

Motion to Approve a Proclamation setting October as Domestic Violence Awareness Month.

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.

2. Consider a Project Plan which consists of a site plan and building elevation drawings for a Tagg N Go car wash in a Planned Development Commercial Zone located at approximately 3488 Pioneer Parkway in front of the Harmon’s Store. Conner Atkins, RCG LLC applicants. Presented by Bob Nicholson, City Planner.

- Bob Nicholson said that this is a request to approve a project plan for the Tagg N Go car wash, which is in a Planned Development Commercial Zone located on pad/lot 3 in front of the Harmon’s store on Pioneer Parkway. The address is 3488 Pioneer Parkway. The property is already zoned PD Commercial and so the project plan consists of the site plan and the building elevations. The Planning Commission held a public hearing on this item last Thursday and they recommend approval. The PD Commercial zone lists auto repair completely enclosed as a conditional use and the car wash is nearly enclosed except for the openings at the entrance and exit so Staff feels that it met the intent of the ordinance. The Planning Commission approved the conditional use permit at their meeting subject to the City Council’s approval of the project plan. The site plan proposes 4,961 sq. ft single level flat roofed building, which will run perpendicular to Pioneer Parkway. The building is 22 ft in height and has an exterior of synthetic stucco and stone veneer. The cars would enter the automatic car wash from the south and exit to the north into the large common parking area in front of Harmon’s. There are also 14 stations for vacuums and an additional 6 spaces for employees and customers. The site plan shows a 17 ft wide drive through lane, which is partially within the front setback area. The existing 16 ft wide landscape strip at the front of the lot, which is along Pioneer Parkway, will be reduced by 5 ft in a portion of the area to add to the existing 5 ft sidewalk to make a total 10 ft wide sidewalk, which is what the City has requested. That would leave an 11 ft wide strip along the frontage for landscape. The 11 ft wide landscape strip will be augmented with another 11,422 sq. ft of landscaping elsewhere on the site, overall, about 33% of the site is in landscaping according to the site plan legend. Two sidewalk planter boxes are shown on Pioneer Parkway frontage and parking lot lights will be shielded to prevent light pollution. There is a significant amount of trees and shrubs in the islands. The design of this building is brown synthetic stucco and stonework, which will be on various parts of the front. This proposed Tagg N Go would look similar to others they have built in the area. The Planning Commission made three separate motions based on the recommendation from the Deputy City Attorney. The first one was to approve the conditional use subject to the City Council’s approval of the project plan. The second motion was approval of a landscape deviation in the front setback to allow for a drive lane and an 11 ft landscape strip along Pioneer Parkway in order to accommodate a 10 ft sidewalk. The additional 11, 422 sq. ft of landscaping outside the front setback area was justification for the landscape deviation noting that approximately 33% of the site is in

landscaping. The current PD ordinance gives flexibility. The third motion was they recommended approval of the project plan with a sidewalk on both east and west. The applicant mentioned that they would contact Harmon's to see if they would participate in the sidewalk on the east. With both the sidewalk on the east and the west side the Planning Commission recommended approval of the project plan and the elevation drawings.

- Corey Bundy, Building & Zoning Official, said that the applicant was asked to match similar colors that Harmon's had and they said they would. He stated that the public hearing was noticed, and signs were put out on the site and there was only one resident, Jeremy Call, that spoke at the hearing. He said that Mr. Call's main concern was that he wanted the building up front on Pioneer and he wanted the whole site rotated so that the building would face Pioneer. He came to the Building Department and said he wanted to appeal the conditional use permit but he hasn't submitted an application yet.

- Ben Shakespeare said that the planters in the sidewalk will take up 5 ft of the sidewalk.

- Corey Bundy said they spoke about this at Planning Commission and the applicant was asked to match what was approved for Buck's Ace Hardware and make those planter strips narrower and the applicant agreed.

- Ben Shakespeare asked is there was a reason for putting sidewalks on both sides.

- Mayor Rosenberg said there is no sidewalk on the east side of that driveway. It is all vacant ground. The idea was as that area develops we are going to want to have some pedestrian access without having to go into the heart of the commercial before you go into Harmon's. That came up in TRC meeting.

- Leina Mathis asked if it would make more sense to have it on the east side of the road.

- Mayor Rosenberg said he liked it on the east side. At TRC we gave the applicant the option.

- Leina Mathis said if it is on the east side of this property then all we are getting is to the corner of the intersection and parking lot and then people will have to walk through the parking lot if they are going to Harmon's.

- Mayor Rosenberg said the idea is they get past that driveway so they are not walking up that driveway. They are into the parking lot where they can disperse. We wanted to have some pedestrian access to the parking lot without having to go up the alley.

- Leina Mathis said there are even more people that come from the west side and they walk down Rachel Drive and turn and then there is no sidewalk and they are meandering through that drive in to Harmon's because on the north side there is no sidewalk. This might be something we want to consider for Pad A when it goes in.

- Jarett Waite asked about the elevation change.

- Jack Taylor, Public Works Director, said it would be better if we could get Harmon's to put a sidewalk on the far east side.

- Ben Shakespeare suggested just requiring a sidewalk on the west side between the two parcels.

- Corey Bundy said that on the east side there is quite an elevation. From the east entrance Harmon's only owns that little landscape strip and then it drops off to the next person's property. There is probably 30 ft of elevation change there so a sidewalk on the next property may or may not happen depending on how they develop it.

- Leina Mathis said her fear of having the sidewalk on the west side of the driveway is all the pedestrians would be dumped out right at the corner of where that intersection meets and then they are having to figure out what to do because there is not another sidewalk if they want to walk west there is not another sidewalk on the north end that goes west.

- Jack Taylor said that maybe when the other buildings come in from the west side in we could tells Harmon's that they need to put that sidewalk all the way down along the front of there at least to the center.
- Jarett Waite asked how we would approach Harmon's and ask them to put sidewalks where we would like them, where their plan has already been approved and done.
- Bob Nicholson said the Planning Commission recommended the site plan with the addition of the sidewalk on this property however, it was acceptable to have it on either side as long as it was somewhere along that drive. The applicant said they would contact Harmon's to see about their position and whether they would help financially put the sidewalk in.
- Mayor Rosenberg said that Council could approve the Planning Commission motion and add "with the ability to move it to the other side of the street" and then let them come back knowing that if they can't get Harmon's to participate at least it would go in on that side. We can try and encourage Harmon's to put it in but our best leverage is dealing with these individual pads as they come in for their site plan approval to get the sidewalks where we want.
- Jarett Waite said the Planning Commission did ask if the applicants could shift everything to the north a little bit but the applicant replied back that they wanted more of an exit from the car wash to give people more time to think about which way they were going to go. Is that where it ended?
- Bob Nicholson said yes, they commented that when someone exits the car wash, they need to be fully out of the car wash before they decide and not be sticking partly in that lane.
- Mayor Rosenberg said he likes the orientation.
- Ben Shakespeare said that if the car wash was turned the other way it would create visibility problems for people coming in and out of the main site. He said this is perfect.
- Jarett Waite said he was contacted by one neighbor across the street wondering how this was oriented and how it would work, and he explained to the neighbor that the dryers were located at the opposite end, he was happy about that. The dryers are the loudest part of the building. He said the Council should choose between the two color schemes.
- Ben Shakespeare said he liked them both. He said they proposed the darker sample.
- Mayor Rosenberg asked if Council was favoring the darker stucco and Council stated that they were.

Motion to Approve a Project Plan which consists of a site plan and building elevation drawings for a Tagg N Go car wash in a Planned Development Commercial Zone located at approximately 3488 Pioneer Parkway in front of the Harmon's Store allowing the landscape deviation as recommended by the Planning Commission and also recommending the sidewalk on the east and west sides of the project and with the darker color scheme. Conner Atkins, RCG LLC applicants. Motion by Jarett Waite, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

3. Consider 2nd Amendment of Final Plat for Ocotillo Springs Phase 3, located south of North Town Road and east of 400 East Street. Jared Bates, representing. Presented by Bob Nicholson, City Planner.

- Corey Bundy said that this is another amendment to the Ocotillo Plat Phase 3. Council saw one not to long ago where they requested a 5-plex be reduced to a 4-plex. When they laid out the radius for Building 6 they neglected to call a surveyor to lay out the pins and they got off, the 4-plex would not fit so they are requesting an amendment to change that 4-plex to a 3-plex. Everything stays the same, they are just amending that footprint.

Motion to Approve the 2nd Amendment of Final Plat for Ocotillo Springs Phase 3, located south of North Town Road and east of 400 East Street. Jared Bates, representing.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

4. Consider a proposed amendment to Title 16, Section 16.24.080 Subdivision Ordinance, to reduce a landscape strip to accommodate a needed turning lane at intersection and approve Ordinance 2020-14. Presented by Bob Nicholson, City Planner.

- Corey Bundy said that the ordinance requires on double fronted lots that a landscape strip be provided with sidewalks and privacy wall a minimum of an average width of 10 ft. A line was added in the ordinance that says, "Where the city determines that a turning lane is needed at an intersection, the City Council may reduce the landscape strip in order to accommodate the turning lane. There shall be a minimum separation of one foot (1') between the sidewalk and privacy wall." This came up on a development. He said that on Rachel Drive and Red Mountain Drive it was proposed to put a collector along there. They are double frontage lots along there that would require a landscape strip on both sides. It is proposed to make it wider for a reduction in the landscape to accommodate a turning lane.

- Mayor Rosenberg said that what this ordinance addresses is wherever we have come to these intersections with major roads usually we'll allow for the ability to put in a left turn lane but sometimes they will want a right deceleration lane. When they do that on that standard street section it would require additional right of way or let that double fronted lot landscaping go away so that there would be the wider pavement section and reduce the landscaping. That is all this is trying to do. It would only be for the length of the turn lane and it would only be if the turn lane is required. We typically won't know that until we get into the traffic impact studies and those types of things. It may be the case where we would go into a subdivision and want to retrofit a turn lane later as a result of increased traffic in that area. The ordinance change would let the City go in and pull out that landscape strip to provide a turn lane in lieu of the landscape strip.

Motion to Approve a proposed amendment to Title 16, Section 16.24.080 Subdivision Ordinance, to reduce a landscape strip to accommodate a needed turning lane at intersection and approve Ordinance 2020-14.

Motion by Leina Mathis, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

5. Consider Approval of Concessionaire for Gubler Park & Little League. Presented by

Brad Hays, Parks & Trails Director.

- Brad Hays said that there were two applicants that applied for the Concessionaire and both were well qualified but after reviewing and meeting with Mr. Patton and the Harmons (Kyra and Sheldon) who run Love Me Foods they have a lot of experience. They have a permanent trailer in Hurricane where they serve food. He has reviewed their menu and he thinks they would be good for the Little League and Gubler concessions. Right now, there are more tournaments scheduled through next June than we had in 2018. They will have a lot of business. They are licensed and they have insurance and our legal team has reviewed the concessions contract. He recommends this Concessionaire.
- Jeff Patten said he started a food truck in 2013 and went through a lengthy process. The City Attorney had approved it and the Fire Marshall but the business license department decided that they didn't want to give him a license. That was because they had never approved a food truck before. They have been in operation since 2013. Last year they formed a partnership with the Harmons and Chris Cummins and they did a lot of big events. They have done Nascar events and the Indy 500. This year they have several events scheduled. They are excited for the opportunity to be the concessionaire at the City parks. They serve hand-dipped corn dogs, chicken tenders, fish and chips and they can do anything that might fit for the crowd. They will provide candy, soda and other things for the Little League crowd. They are excited to partner with the City and provide this service. He said they would be willing to put some kind of a sign up. They would work with Brad to make sure the signage is correct. They own two trucks and three trailers. They are mobile but the concession stand is more than adequate for what they would do. They would probably put a couple of fryers in there. It is a great facility for what they do.
- Jarett Waite asked if they had any plans for Spence Gunn Field.
- Jeff Patten said they are going to operate out of that concession. They are not opposed to something else but it has to make sense for them financially. It might make more sense to just have people come down to the concession stand. It would be easier for people to come to them then for them to come to the people.
- Leina Mathis asked if they hired local kids to work for them.
- Jeff Patten said they would be more than willing to have recommendations. They will be looking for some local kids to help them.
- Ben Shakespeare said their menu looks fast. That has been a complaint of Little League in the past, the long lines.
- Jeff Patten said they can put a lot of food out of their trailer in a just a one-day period. They are constantly trying to improve to make their food as fresh and as fast as they can. They don't precook stuff and set it under a heat lamp.

Motion to Approve the Concessionaire for Gubler Park & Little League as has been presented.

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.

6. Discuss the potential for a new park on the Church Orchard property on Chapel Street.

- Mayor Rosenberg said he wanted to bring the Council to speed on a discussion at a

meeting that was held on site out to the Church orchard on Chapel Street. The City was approached by the Real Estate Division of the Church of Jesus Christ of Latter-day Saints and the Stake of the Church about possibly creating a legacy park on that particular property to where we would work with the Church and possibly donate that property to the City and the City would work with them and probably a foundation or something to create a legacy park on the property where the orchard is to preserve the agricultural heritage in the downtown area and preserve the orchard. PRI is the “for profit” arm of the Church of Jesus Christ of Latter-day Saints. If we don’t move quickly and do something that, it would probably get sold for private development and we would lose the opportunity. He told the Council that their packet has a brief history of the site. It was donated by the Tobler family years ago. He talked about the proposal that was prepared by the Stake. The Stake wants to make sure the City is okay with it and the buy in and we would support it and they would make the request for the donation to PRI and the leadership there. We have done Chapel Street improvements in front of the orchard. It is coming to the point where the property is going to be sold or working this direction. He said he thinks it would be a fantastic addition to the City to be able to bring this into the City’s hands even if it cost the City some money in future street improvements or amenities as part of the park. He sees this as a great opportunity. We will probably need some volunteer help doing maintenance on the orchard and on the garden. He said he thinks the Church would continue to help out with that. He said he supports what the local Stake is trying to do and wanted Council’s input on it.

- Wendell Gubler asked if we would continue to have the same amount of trees or will a lot of the trees be taken out and also the garden area.

- Mayor Rosenberg said we haven’t gotten that deep into the discussion yet. The goal is to create something that can be used as a demonstration, as an educational opportunity for the schools, to show the history of the people that settled here and also the ability to have a nice garden and an orchard. This will have to be decided. He said he thinks we should get a committee made up of representatives from the Stake and the City and some of the Staff and come up with a plan that we can support and come up with a budget that we could support and if we get the donation we would move it forward. He said there have been some like this where they have actually created a non-profit foundation that goes out and does fundraising to help with the facility. We could do some improvements on the site such as parking and some educational kiosks and a pavilion. We would try and get them to donate the property first and then we would take that next step and go into the planning.

- Jarett Waite said if we do get it, he would love to keep the orchard. It would be a wonderful asset for our community. He would love to keep that legacy there.

- Mayor Rosenberg asked if the Council supported this and they all said they did.

- Ben Shakespeare said he doesn’t think it would be hard to raise funds to maintain it.

- Leina Mathis said she read the history and it was really interesting and she thinks it would be nice to keep the orchard and said that faith was a really big part of who George Tobler was so it would be nice to have a section cornered off for a meditation garden so people can have a quiet place to go that is beautified and green and open.

- Mayor Rosenberg said we can do some recognition of the family such as plaques.

There is a lot of potential there. He said with Council’s permission he will get back to the Church and let them know the City is behind them. They have asked for a letter of support and if Council is okay he will put together a letter of support. He said he will see what PRI says. He will keep the Council in the loop.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He missed the Flood Control Authority meeting.

Leina Mathis:

- She is continuing training with the Planning Commission. They all have binders. Most of them are scheduled for some online training with the League of Cities and Towns. Several of the Commission members have watched the recommended videos on the League website.

Jarett Waite:

- He asked where Staff is at on the new directive from the Governor especially with City Council meetings. How might things change? With all public gatherings everyone is supposed to wear a mask. This is supposed to be for two weeks.
- Brock Jacobsen, City Manager, said there can only be a gathering of 10 people or less. This directive lasts until Oct. 29. There can be 10 people in the other room too. Some of the Staff can go in the Conference Room. That could facilitate people that come in for the meeting. We can do things that way. We still need to encourage people to watch the meeting on Zoom. We all need to wear masks for the next meeting.
- Leina Mathis said theoretically it might just be for the one meeting. The Governor could lift the mandate after the two-week period.
- Matt Ence, City Attorney, said that we might fall under the exception that doesn't restrict us to 10 people because if you look at the State website it says that the gathering limits exclude formal religious services or events with organizational oversight so that would include schools and he thinks that includes organized City meetings as well. As long as people wear masks that doesn't restrict us.
- Jarett Waite said that as long as there is some sort of oversight then there are no limits. He said that Brooke called and asked about the BMX races and they fall under that same category. We just need to make sure people are wearing masks and trying to follow the guidelines. Most of the infections up north are coming from social gatherings of family members and friends. Organized events are causing the spread. It is caused by the casual get-togethers.
- Matt Ence said he thinks the State has done a good thing in shifting to this much simpler guidance. It makes a lot of sense based on what we have learned.
- Mayor Rosenberg said that the Council meetings are going to stay in person and not go to Zoom except for the public hearings.
- Brock Jacobsen said that we will stay as we are doing right now. We will still have the Zoom option and still have live meetings on YouTube and still function as we are.
- Mayor Rosenberg asked if we will accept during a public hearing audience participation via Zoom.
- Brock Jacobsen said no. We haven't done so far. It would be in person.
- Mayor Rosenberg said the applicants can participate that way because there are only a few applicants. It is problematic doing that for public hearings.
- Brock Jacobsen said that for public hearings we will continue to allow people to come

here. If people want to speak on a public hearing they have to be here to do that. The Zoom is still available for applicants. We can use the overflow for people if we need to with masks being mandatory.

- Mayor Rosenberg asked if anything else needs to change at Town Hall.

- Brock Jacobsen said that everything needs to be put off in the banquet room for two weeks unless they are under 10 unless there is oversight. The police has potential for a training there and Corey has training.

- Matt Ence talked about the event-planning template, which is a document that if you are going to have an event a person has to go through and fill out a checklist and keep a record of who attends. We could use this and require it of any event. They would be required to fill it out and file it with the City and keep it on file that way if the Health Department needs to inspect it we have it. As long as there is, that same oversight we don't need to restrict gatherings to 10 or less.

- Brock Jacobsen said he talked to Ditzie today about getting the new application ready so that it can be filled out by anyone who uses Town Hall and they need to comply with all that is in the directive.

- Brad Hays said the City has some events on Halloween. There is the event at Heritage Square and Rocky Mountain School of Baseball on Oct. 30 and 31. He asked, if we have them complete the event template that the Governor has and provide masks and make sure there is social distancing, are we okay to go ahead with those events?

- Matt Ence said that based on what he is seeing and what he has read he thinks we will be fine as long as we comply with those guidelines.

- Denny Drake asked who would police that. He said one of the problems he has with the ball tournaments is not everyone is wearing masks or doing social distancing. Is it the organization that has applied that is responsible for that or is it the City.

- Matt Ence said that if it is a sponsoring organization that is coming and renting City facilities it is their responsibility.

- Denny Drake asked that if they are not doing it and they have committed to do it on the application then what happens.

- Brad Hays said he has gone to tournaments and done walk throughs and talks to the people who are sponsoring it there are violations and he points those out. He said it is really hard to monitor.

- Jarett Waite said the Governor was asked who polices these mandates and there really isn't anything. There isn't enforcement.

- Leina Mathis said that after Oct. 29 if the Governor doesn't renew the mandating part if we are still in the moderate category then it is not a mandatory requirement, it just goes to recommended. It would solve the issue with the ball fields.

- Jarett Waite asked if Council would be open to having Brooke or Mike come to Council to present what is going on with the BMX track and their successes so far. They have had some pretty spectacular successes so far.

- Mayor Rosenberg said to put it on an agenda. We have a Work Meeting on November 4.

- Brock Jacobsen said they could come to the meeting on the 4th.

- Jarett Waite said he will let Brooke know. He said he has been working with Brock on a business grant from our CARES act funding. He would love for our businesses to have this opportunity with the funds that are available.

- Brock Jacobsen said they have made great progress on this. He said there are some things they need some guidance from Council on. We have grants from \$1,000 to

\$5,000. He asked what we are going to set aside for our businesses. He said that funds will be dispersed until funds are exhausted. They will be reviewed based on when they come in. The eligibility requirements are that they have a current business license in Santa Clara as of March 1, 2020 and have 50 full-time equivalents or less, be located in Santa Clara, show that they have a negative impact. He asked if there is a minimum amount we want to have for their impact. He suggested \$5,000 or 15% from March 1 to August 31. Do we want to have a minimum amount? We can also ask if they are open or plan to reopen and the owner needs to be 18 years or older and also their ability to document their loss. They will have to give us a W-9. The template is online so they can drag and drop the documents in. They can submit a profit and loss. He said we currently have 297 active business licenses in Santa Clara.

- Mayor Rosenberg said a lot of businesses can get a business license but not be based here.

- Brock Jacobsen said it has to be operating in Santa Clara or located in Santa Clara.

- Mayor Rosenberg said that needs to be clarified. They need to be based here. There home office, corporate office or the business itself needs to be here. The goal of this is these are our local hometown businesses that we want to offer this to.

- Jarett Waite said he is curious about the dollar amount. St. George City is doing \$25,000.

- Brock Jacobsen said the total amount that we could get is \$714,000. We can use some of these funds for our front line public safety such as for Fire and EMS. He said the wages and benefits for them from April 1 to September 30 is about \$442,000.

- Leina Mathis said we can also include the cost of improvements that had to be put in.

- Brock Jacobsen said there is less than \$100,000 in that. He said we got the first distribution, which was \$238,000, but we haven't gotten a second distribution yet. These are decisions we need to make whether to use the funds for the wages and benefits for Fire and EMS. We can decide the amount we want to take. Do we want to use some of that for small businesses?

- Leina Mathis said that if businesses are really in trouble they probably did the CARES funding loans already.

- Brock Jacobsen said trying to help all the businesses would be less than \$5,000. We would go through our funds really quickly.

- Ben Shakespeare said he hasn't had a single business contact him about these funds.

- Leina Mathis talked about the local hair salons and how they were very impacted and how \$5,000 would help them out significantly.

- Jarett Waite said there will be quite a few businesses that weren't affected that much so they won't be a part of that. He would prefer the number to be a little bit higher than the \$5,000.

- Ben Shakespeare said that those who qualify for it are going to need it. He doesn't see there being that many. He is not opposed to giving \$10,000 to those who legitimately need it.

- Jarett Waite said the businesses can ask for an amount and it can't be more than what their loss is. Do we have that language that says they can't double dip? He said he thinks it is part of the legislation.

- Brock Jacobsen said we can have that. Our amounts were less. We will put that language in there. He said he and Kristelle have been putting this together. We have a basic application and are trying to make it simple. He said he is waiting to hear back to see what we have to do to get the second amount.

- Leina Mathis said we may not want to put it out there and award funds until we have received the funds or at least know what we will receive and when.
- Jarett Waite said we could at least start the process.
- Ben Shakespeare said we could have language in there that says it is subject to the funds received so they can at least get the applications in to us.
- Denny Drake asked what we are going to do with the City amount. It is considerably higher than what we have already received and if we use it for our Police and EMT we are going to use over \$400,000. If we are going to use it for the City it is gone.
- Mayor Rosenberg asked if the \$400,000 is addition to what we have budgeted.
- Brock Jacobsen said no. It is budgeted in our normal budget. We can use those funds that they are giving to cover some of those costs.
- Mayor Rosenberg asked Chief Hancey percentage-wise how much of their operating expenses are related to COVID.
- Chief Hancey, Fire Chief, said he would have to get the numbers. They have been spending quite a bit on PPE and are getting PPE's from the Emergency Operations Center as it is available. He would have to get numbers concerning the staff and labor.
- Mayor Rosenberg said the \$400,000 has already been budgeted for the normal operations so we would be taking CARES money to pay for normal operations.
- Jarett Waite said he would rather shift it to help some businesses.
- Mayor Rosenberg said he doesn't know if he would feel good taking the entire CARES fund and use it for normal operating expenses.
- Denny Drake said isn't that what we are doing for the businesses. Isn't this reimbursing them for their normal operating expenses?
- Jarett Waite said it is for their losses. It is for the money they should have had but didn't get because of COVID. We haven't really lost anything as a City.
- Leina Mathis talked about adding some verbiage to the application about the amount being limited to their loss.
- Mayor Rosenberg said we can give Staff direction to get this ready and bring it back for approval. He asked Brock if he can get this ready for the next meeting.
- Brock Jacobsen said we could probably put it live and let applications start going but not award any funds until we bring it back and choose a dollar amount that we are going to have and once that is approved we have applications already there ready to go with.
- Ben Shakespeare asked who would actually approve the application.
- Brock Jacobsen said we would create a committee of 3 to 5 people with Staff and maybe someone from Council to look at that. He said he could send emails out to every business we have an email address for.
- Leina Mathis said that we need to make sure whatever financial documents we are asking for to make sure it is the same from applicant to applicant so that nobody ever comes back and says they were discriminated against.

Denny Drake:

- Nothing to report.

Wendell Gubler:

- Nothing to report.

Mayor Rosenberg:

- The Flood Control Authority recommended approval to the Executive Board for the

budget for 2021, which had another \$220,000 for Santa Clara in projects as part of next year's budget. The public hearing to approve the budget is the second Tuesday in November.

- He said they have been meeting and discussing the development agreement for Black Desert. That is in development right now. We sent some revisions back to their attorney. He said that will be on an upcoming Council Meeting. He said he heard that their contractor is going to mobilize and start construction on Oct. 24 or 26. We haven't given him any kind of approval and he hasn't submitted any plans for review so they are serious about it but they haven't got their agreements in place yet for us to issue any kind of grading permit. Ivins City's conditional use permit had all of the construction access for the entire project coming through Santa Clara. He said they met with the Mayor and City Manager of Ivins yesterday and expressed concerns and they are going to go back to their Council and see if they can get something changed in their conditional use permit to remove that condition and then work with them to provide construction access off of Snow Canyon Parkway.

- Matt Ence said that we put a line in the development agreement that says that construction in Ivins can't use Santa Clara streets as an access.

- Mayor Rosenberg said they have some work to do so hopefully they will get responses back to us quick and we can get them on an agenda and get them lined up. They have requested irrigation water for March 15. They want to start seeding. There is a lot to do on their end.

- Matt Ence said there are definitely some issues on that and they are going to have to come back for some discussion with Council. One of them is going to be on the Work Meeting agenda, which is the Regal Homes, which is buying a portion of the property, they want to have a gated apartment community with private streets. It's different from anything we have seen in the City before so it is going to have to be something that Council looks at. One issue is that they want an exception to the City's height limitation for their future hotel and we said they are going to have to get us a lot more information and it is going to have to come to the City Council. There are some significant issues that they are going to have to bring to Council for Council to consider. We either address them in the development agreement now or we tell them it is going to have to be left out and when they are ready for their plans for that part of the project they can make their proposals. When the development agreement is signed the only portion of the project they will have the right to build is the golf course, everything else would be subject to future plans being submitted and coming back to Council for approval. It would be nice to get all those things addressed now but given the short period of time they are looking at they may deal with that later.

- Jack Taylor said we have stated that they can build the golf course but they wouldn't be able to use the golf course until the road was built and the facilities brought up to the golf course maintenance shed.

- Matt Ence said there is language in there that under the development agreement, the golf course is not to operate until those things are completed.

- Leina Mathis asked if there is a revenue agreement in the development agreement where there is some split in revenue between us and Ivins.

- Mayor Rosenberg said the golf course is point of sale so golf course revenues will all go to Ivins. There is a hotel and some commercial and residential on our side that will generate some revenue.

Brock Jacobsen:

- He talked about the encroachment on the City property on the hillside. One resident, Mr. Steed, had a Geotech do some work. He is asking direction of where we go from here and what his options are.
- Mayor Rosenberg said he was forwarded the Geotech report and he went through it and it doesn't address the issues that we asked him to address. It tells what the soil is under the property he wants to buy but it doesn't address the hillside stability or the impact of the landscaped area on the hillside stability adjacent to it, which is what we asked the Geotech to address. All the risk factors are there for instability of the slide but it doesn't address the slide itself. He said that we should respond to him that without addressing the stability of the landslide potential risk or instability of the slope, we can't do anything with it. He said the more he talks with geotechnical people about it the less inclined he is to get rid of any of it and force them to move everything back to their property lines to conform to the 30 ft offset no build zone that is on their final plat and keep this to preserve that slope and prevent any landslide performances.
- Corey Bundy said today he received a letter from one of the parcel owners and they did a similar report but nothing for slope stability.
- Mayor Rosenberg said that with Council's permission he will reach out to Jim Norquist. He was the landslide consultant for us on Truman Drive and find out from him what we should be requiring from them to consider a sale and reply back what they need to do and what they need to show and get a little more specific than just a Geotech.
- Denny Drake said one thing to ask Matt is if we sell that property or if they get that property is there any way of releasing the City from liability. The whole issue is the liability to the City. The best way would be to require them to redo it back to where it was and maintain their property lines.
- Matt Ence said we could require as a condition of a sale that they provide an indemnification. He said the indemnifications aren't perfect and if someone doesn't have that capacity or refuses to or whatever we are in a loss too. He asked Mayor that if he talks to the Geotech and he suggests what they need to show and if they are able to show that with their own engineer is the Mayor suggesting that the City is ready to go ahead and sell it. He said we need to be careful not to lead them down the path and then tell them no.
- Leina Mathis asked how many letters we sent. There were other parcels that had encroachment issues too.
- Corey Bundy said we sent a letter to every parcel that was adjacent to the City property.
- Brock Jacobsen said there are possibly four properties that are encroaching. There are some that are pretty significant. There are cases where the improvements are installed and some where they are wanting to install and interest in obtaining property.
- Matt Ence said that based on our experience with the other landslide one of the major issues is water. He asked if this is a situation where we could potentially sell it to them with a deed restriction that says they can improve it but they can't irrigate it.
- Mayor Rosenberg said we could but the enforcement would be the issue. He said the more we talk about it the more he thinks we should just say no and have the property owners move their stuff back. He talked to the residents about the stability of their property and the amount of landscaping they have on their property.
- Denny Drake talked about going to the risk manager of the League of Cities and Towns and talk about what has happened and ask what they are going to cover the City for. He doesn't think there is any way of comfortably doing this.

- Mayor Rosenberg asked if this needs to be on an agenda for a motion decision to not sell. Can we agree tonight to not sell and let them know or do we need to bring it back to a meeting?
- Matt Ence said we don't really have a sale in front of us to say one way or the other but in terms of discussing a policy we are okay.
- Mayor Rosenberg asked if he can poll the Council and see if everyone is okay with this. He asked if Council is okay with taking the hard line and agreeing that we won't sell that.
- Wendell Gubler asked about residents that did their improvements years ago. Is there any limit in time?
- Denny Drake said a person can't encroach on a public entity. It doesn't give them any legal rights.
- Matt Ence said the concern is the slope stability. If someone has some flat work out there on City property or something that is not being actively watered does it create a risk of instability or maybe we don't know that but instead of taking the harsh line of them removing all their improvements, we instead say that we won't require them to remove the improvements as long that they agree that we can have some kind of a recorded notice on their property that says this is an encroachment on City property and it will not be irrigated or something like that.
- Denny Drake said the stability of the slope is not just determined by water but also by weight.
- Matt Ence said it would have to be conditioned on having an engineer's report.
- Mayor Rosenberg talked about the cost of a report that really addresses the landslide stability. It would cost at least \$90,000. It takes boring on the top and the slope and all the other stuff that comes into it. Nobody is going to do it. Water from other properties could impact this also.
- Denny Drake said a lot of property owners knowingly encroached and how do we allow that.
- Ben Shakespeare said we agree we are not going to sell and we need visit further about it.
- Mayor Rosenberg said we need to meet with the encroachers individually. Maybe we need to educate them.
- Leina Mathis asked if there had been any response to the letters.
- Corey Bundy said just one from the one that wanted to continue their wall and the people that live in New York. We probably need to put something in the budget to get our land surveyed and put City property markers wherever we have City property so that people know they are not encroaching on City property. If it is our property we need those signs that say it is City property.
- Jack Taylor said they should get their own survey and know where their property is.
- Denny Drake said he agrees that every single lot needs to have a survey before they build.
- Ben Shakespeare said the simple solution is just to state that we are not going to sell the property that the City has made the decision that the property will not be sold and that is going to force the individual owners to come and ask the City what they should do. We need to figure out what that is.
- Denny Drake said to send out a letter that states the City is not going to sell and any damage incurred because of the encroachment will be liable to that owner.
- Mayor Rosenberg said that everybody agrees the City will not sell. He said we will get a letter put together and send it out and schedule a meeting with each property owner to

talk about options from here going forward.

- Matt Ence said he wanted to let the Council know that we made the settlement offer to IWORQ that the City Council authorized to be made and they were given 14 days, which is what is required under the rules, and they didn't respond so we are moving on to discovery and moving forward with litigation. The advantage that that offer will give us is if we are ultimately successful in the case and they recover less than the amount we offered them then we get the benefit in terms of attorney fees and stuff. We will carry on.

7. **Executive Session:** None.

8. **Adjournment:**

Motion to adjourn by Denny Drake.

Seconded by Wendell Gubler with all members present voting aye.

Meeting Adjourned at 7:19 p.m.

Chris Shelley – City Recorder

Date Approved: _____