

**SANTA CLARA CITY COUNCIL SPECIAL MEETING
WEDNESDAY, NOVEMBER 4, 2020
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Special Meeting on Wednesday, November 4, 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 You Tube link: <http://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: Ben Shakespeare, Wendell Gubler, Jarett Waite, Denny Drake and Leina Mathis
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Jack Taylor, Public Works Director (via Zoom); Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Bob Nicholson, City Planner; Kristelle Hill, Staff; Officer Briggs; Mike Seely; Brooke Seely

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. and introduced himself and the City Council. He welcomed everyone to the meeting.
2. **Opening Ceremony:**
 - Pledge of Allegiance: Jarett Waite
 - Opening Comments: Jarett Waite
3. **Communications and Appearances: None.**
4. **Conflict and Disclosures: None.**
5. **Working Agenda:**
 - A. General Business:
 1. BMX update. Presented by Brooke & Mike Seely.
 - Brooke Seely said they came to the meeting to give the Council and update and answer

any questions they might have. She said they are setting records at USA BMX that they have never seen before. She said all the tracks are synced together and every single week they have to do a rider update. It is downloaded and put into the program and if any riders move up or are new members it gets put into the system so that way when people come to sign up they pull up their name and they are able to sign them up. Every person has their own ID number and they only award tracks a hundred numbers at a time. Once they go through those hundred numbers you have to call USA BMX and ask them for new numbers, and they have to log into the computer remotely. She said that within two weeks they went through 100 numbers, so she called USA BMX and told them that they need more numbers and USA BMX told her that wasn't possible, but they give her a log in. Two weeks later she called them again and told them they are through another one hundred numbers, so they logged into the computer remotely again. Then two and a half weeks later she called in again because they needed more numbers and USA BMX gave them the code so they can do the numbers themselves. They told them that they have never had a track produce that many numbers in that short amount of time. He told them that Santa Clara BMX is talked about daily at USA BMX. She said that every track has track points and they are all kept track of by USA BMX and each track is ranked throughout the year. This track has been opened for 12 weeks and in those 12 weeks this track is ranked Number 2 out of the tracks in Utah. This ranking goes off new rider count and rider move-ups. She said she doesn't think that after next year any other track will be able to touch Santa Clara BMX. She said that in the region this track is ranked 28th out of 107 tracks. She said the overall rank for the track is 91. She said they take pride in building good riders and good human beings. They have a "No Bullying" policy. They have 3 USA BMX certified coaches. Every Monday night after practice and every Thursday night after the races they hold clinics for \$15 and the coaches train the kids. She said that usually the riders have all year long to qualify for State but since COVID hit they did five qualifiers one week after the other. There were 15 families that started on opening day and did every single Monday and Thursday clinic and almost every single one of those kids won the State championships. She said her goal is to produce Nationally ranked kids. These kids have the passion and parents are so appreciative.

- Mike Seely said he keeps track of all the riders every week and all the motos. He said that they average about 18 moto's every night. He said last week they hit a record high for a local race with 90 riders. They average about 75 riders.
- Brooke Seely said they average about 32 new memberships. The numbers keep going up.
- Mike Seely showed the Council a video of their track opening. They had a soft opening and a couple of weeks later had their first race. He said a lot of the Council was in attendance.
- Wendell Gubler asked if the Seely's had an idea of what the percentage is of racers that live in Santa Clara.
- Mike Seely said probably about 40% and 99% are from the area.
- Jarett Waite asked if there has been an increased ridership at the Virgin track. Has there been a correlation yet?
- Brooke Seely said their rider count went down a little bit. She thinks that next year it will be brought back up. They are going to switch their race days. Right now, they have back to back race days, and everyone would rather race Santa Clara so they are going to

try and split it so there is a day or two between the race days.

- Jarett Waite asked the Seely's to talk about how the curves in the track are unique in the way they were made.

- Brooke Seely talked about the Coach for the girls named Jordie Scott who is a 3-time Mountain Bike World Champion so every other Friday they have an all-girls clinic, which is unique to this track. The number for this grows every week. They have so many girls they are breaking the clinic into beginner, novice, intermediate and expert. She explained that most tracks are concrete and are really slick. The berms for this track are the very best. Experts are saying these are the best berms. A local company, Western Rock, did them. Three other tracks have asked them to come and do their berms. She said there is a high demand for gear and helmets. She said they have noticed that they need a pit row area. She is hoping to extend the construction entrance and have that be the pit row. The parking would be at the bottom by the skate park.

- Mayor Rosenberg said that when Brad Hays is going for the tourism dollars for the parking area it could include the pit row but we will need some stats, the growth, some charts, some quotes from BMX USA on the success and that kind of stuff which will help really sell it to the Committee that selects the funding. The more successful this is at bringing people into the area the better chance our funding application will be.

- Brooke Seely said they had four hotels for the last big race, and they were all full.

- Mayor Rosenberg said that information will be really important when we put that application together.

- Brooke Seely said that USA BMX got hounded by calls after the last big race here and everyone was praising the facility, how nice everyone was. They appreciated the crew having on crew shirts so that if they needed something they knew who the crew was.

- Mayor Rosenberg thanked the Seely's for their work. He said the design on the parking lot is starting on Tuesday afternoon so we will get some feedback. He said the pit area can be blended into that. We need to know what the Seely's are thinking.

2. Consider approval of Resolution 2020-16R, a Resolution authorizing and approving adjustment of the Participants Entitlement Share under the Carbon Free Power Project Power Sales Contract for the remaining 1st phase of the licensing period for the Carbon Free Power Project. Presented by Jack Taylor, Public Works Director.

- Jack Taylor said the main reason he wanted to bring this resolution to Council is that 9 or 10 cities have dropped out of the carbon free project and as each one of those cities drop out of the project our development cost fees continue to go up. He stated that he has been nervous about it because the numbers get higher and higher. When it first started our maximum out of pocket was \$300,000 and it has gone up to \$388,000. He said he would like a stopgap so if any other cities go out Santa Clara is going to be out of pocket this certain amount. That is what this resolution will do. The first portion of the resolution says: "the Participant has previously approved, executed and delivered the Carbon Free Power Sales Contract dated as of April 1, 2018 (the "Power Sales Contract") with UAMPS, with an Entitlement Share that represents [3,000] kW of the capacity of the Project, which includes [1,195] kW of capacity relating to the "JUMP SMR" (as defined in Resolution No. [2020-16] of the Participant adopted on [11/4/2020]); other initially capitalized terms used and not defined herein have the meanings assigned to them in the

Power Sales Contract)". He said the 4,195 kW was our share and when the JUMP came out of it, we lost 1.195 because we didn't have enough participants. We are still at our 3,000 kW that we started with at the beginning. He said he wanted to put a percentage of where we would go on our development cost fee and he feels that 3% is as high as we could go. When we started we were 2.93% and in this resolution it will say our maximum out of pocket would be 3% which would put our development cost fee at \$397,200 but if it goes above that we either get out of the project or it comes back to Council.

- Mayor Rosenberg said this caps the City's financial commitment unless something is brought back to Council.

- Jack Taylor said they have a meeting tomorrow, which will be a big telling factor. He said the biggest fear has been subscription. He said there has been some discussion about making this a smaller project and putting six reactors in instead of twelve. They talked about this and think they can build the same plant on a smaller scale and still be able to stay within that \$55 per megawatt range. They will be discussing this tomorrow at the meeting and they will be stating who is in and who is out. He said that he wants to make this resolution and if we have to go higher in cost or if we want to get more kW it has to come before Council for approval.

- Denny Drake said he thought we had until January before we had to decide on reduction or withdrawal. He said it now looks like November 9 is the date.

- Jack Taylor said that November 9 is the date. He said all the communities in the Southern part of the State feel like we need to have a resource in the future for power and there aren't any other answers. He thinks it is going to be a good project and we ought to stay in unless the Council feels we ought to get out. He feels that we need to limit of 3% though.

Motion to Approve Resolution 2020-16R, a Resolution authorizing and approving adjustment of the Participants Entitlement Share under the Carbon Free Power Project Power Sales Contract for the remaining 1st phase of the licensing period for the Carbon Free Power Project.

Motion by Jarett Waite, seconded by Denny Drake.

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

Voting Nay: None

Motion Carried.

3. Gated Communities discussion.

- Matt Ence, City Attorney, said that Dade Rose of Regal Homes visited with him and he extended the invitation to Mr. Rose to participate in this meeting and visit with Council. Regal Homes is looking at doing a project which would be a portion of the Black Desert development project and one of the things they are looking to do with that project is to have interior private roads and be a gated community. He said one of the potential challenges of that is that our ordinances currently say that no gated communities are allowed within the City of Santa Clara. He asked Dade Rose to come and tell about their project and what they are trying to accomplish with the understanding that if the City Council likes what they hear then one of the things that could be considered is potentially an amendment to the ordinance to allow something like this to go forward.

- Dade Rose, Regal Homes, thanked Matt Ence and the City Council for allowing him to speak with them. He showed the Council a couple of photos, which he also showed to the Planning Commission. He said the new concept that they are working with, which is very exciting for them, relates to build-to-rent communities. These are rapidly growing and existing throughout the Sunbelt and throughout the Intermountain West and as far east as Florida. He explained what a build-to-rent community is. They will go in and build individual homes, which are often single-family detached homes but some of them may be attached, which may be one-bedroom homes with a large kitchen and spacious living room areas and is intended to be rambler living. They will also build two-bedroom two bath homes as well and even up to three-bedroom, three bath homes. He said in their case they would propose that they would be single bedroom, single bath and two-bedroom, two bath homes. There would also be a small number of attached homes. The idea is to provide the ability for people to come and live in a beautiful home and enjoy a resort swimming pool, great club facilities, beautiful open space but not have to pay an arm and a leg in order to get into that type of community. This would be marketed very much to millennials and people that want to make that next step up to buying a house. They rent for 6 to 12 months and it gives them time to build a nest egg so they can buy their own house down the road. It is also for people who are in transition. This is also for people who want to downsize and want to travel or who want to help their children out. He said this is a new concept and it is not clearly envisioned under the City ordinances. As cities are growing and welcoming these projects in, they are loving them. These are good places to live for people who have pets. Each house has a small private yard and a doggie door for each one of the houses. The clubhouse has exercise facilities. He stated that these projects are not subdivided projects. They are all owned by a single owner. He said that his company, Regal Resource, would own the entire land and there would be no subdivided or condominiumized lots and no homeowner's association because they are the only owner. He compared it to an apartment dwelling but instead of having the dwelling units stacked one on top of the other, they have turned them into ramblers. He showed Council their site plan. He said this is located at Black Desert and is about 16.5 acres. They would have 200 dwelling units on that acreage. He pointed out the tree-lined entry area. He also showed the Council the home plans and home elevations. The homes would be earth tones and colors and are transitional with a prairie style. The pool would be in the main entry area. There will be a large pool, a splash pad, a large clubhouse with a fitness area and an office where the property manager will work from. There is also a fire pit and outdoor barbeques. The idea is to create an affordable luxury type of living experience.

- Wendell Gubler asked what the price range would be for these facilities.

- Dade Rose said they are looking at about \$1,200 a month up to about \$1,650 a month. He said it is very affordable.

- Denny Drake asked about fire protection and being able to access the buildings in the project. That would be a serious concern. Another concern would be maintenance of the streets and the water and the sewer and being able to access and get to them and it would have to be in accordance with our ordinance. He asked what they are doing to address those issues.

- Dade Rose said they would control the roads and it is really incumbent on them to maintain the roads and much more so than with the developer of a residential subdivision

because they are going to continue to own the property and they are renting out to people who will be making the decision every six months whether or not they want to stay. He said their whole marketing angle is they are providing affordable luxury. That does not entail rundown streets and poorly maintained common areas. That doesn't work. They must maintain all of them. He said as far as the width of the roads they are 26' wide, which is more than enough for fire and safety. There are walkways between the cluster homes and that is 11' wide. It is safer for fire and safety purposes and they can get access. These homes square footage is relatively small, so it is much safer for fire purposes.

- Matt Ence said that one of the things that we are discussing with Black Desert to make a part of their development agreement and our ordinances do give the flexibility to allow these to be private streets because where everything there is single ownership and is not subdivided or condominiumized that they are essentially the equivalent of driveways and parking areas and that is the approach that Staff is taking to the private street question. It is their driveways and parking areas and they would have to maintain them and under our ordinances we have the flexibility to do that.

- Denny Drake said that there is to be no gated communities according to our ordinances. That would require us to change the ordinance to allow a gated community.

- Dade Rose said this is a one-owner property and just as any single owner should be able to gate their home or establishment that is what they are looking at. The approach to the neighborhood is from Pioneer Parkway and they will come through an un-gated main entry and see immediately the swimming pool and clubhouse and they can park in the guest parking area and enter the clubhouse/rec center building and they can meet with the property manager. There is easy access and easy turnaround. He stated that the gates are unobtrusive, but they also provide privacy and safety for the residents. There are huge benefits to security and safety for the residents, much reduced vandalism and rental revenues and property values go up. Those are benefits for the municipalities in which they are located. He said the City ordinance says "no gates for communities" so whether this fits that definition of community he doesn't know if that is what was intended and if the drafters were able to even foresee this type of product at the time it was drafted. He said it made sense to speak to the City Council to talk about this because this is a new enough product in the market place that it doesn't seem to quite fit what the definition was or what was intended in the City ordinance when it talked about not having gated communities.

- Matt Ence asked Council to keep in mind that this is just a preview. Council is not being asked to approve anything tonight. He thought it was fair to Dade Rose and Regal to let them show Council what they are wanting to do. They are wanting to move forward reasonably quickly on this project, so we wanted Council to see what they are doing and think about it. He said we can look at the ordinance and see if we feel it can be interpreted in a different way. We are going to have to deal with it one way or the other if Council wants to see something like this happen. He said that mainly he wanted to give Council a preview. There is no obligation to do anything tonight.

- Mayor Rosenberg said he wanted to go through a little bit of a history of this section in the ordinance. It was put in the ordinance in 2004. It came about following a redo of the City Design and Construction Standards. Santa Clara had very few if any private streets at that time. We didn't have any planned developments in place rather than the Swiss

Village. Some of the other communities in the area were having issues with people who lived on private streets and they would pay the same gas taxes and property taxes as their neighbors that lived on a public street but they were asked to pay the costs to maintain their streets because it was private as part of their HOA in addition to those without any subsidy or any return from the city for the tax funds they paid on the gas tax. There was an issue of private streets not being built to a standard and so there were streets with a lot of maintenance problems and the HOA's weren't set up well enough to maintain the streets so they went into disrepair and then they would go to the cities and ask the cities to help with that. At that time it was an easy move for Santa Clara to eliminate private streets which kind of automatically eliminated gated communities and all of the streets in the City had to be public and we worked with Public Works to create some smaller street sections and that helped us take our asphalt and pavement maintenance money to make it go a little bit farther. This type of a project wasn't included in a discussion at that point in time. When the ordinance was developed it wasn't thinking this way so he can understand where it is a single ownership and it's not going to be subdivided where the only property owner is the one entity that is in charge of maintaining everything to treat this similar to a commercial area parking lot. If we were ever to consider a gated community this isn't a bad one to look at. The ability for a turnaround is a mandate. This plan has a trash gate in addition to the main gate that emergency vehicles can access Red Mountain.

- Denny Drake said that if the owner that owns the entire property is going to do the maintenance on the sewer and the water understand that it is still in the City of Santa Clara and most the time the residents within that are going to come to the City to get things taken care of so we have to make sure the CC&R's are strict enough and they have enough money and value to take care of the road maintenances and the sewer and water.

- Matt Ence said that in this case there wouldn't be an association and wouldn't need one because it is all owned by the same party.

- Mayor Rosenberg asked Jack Taylor that on a commercial project where there are fire lines and sewer manholes and main lines on the private site does the City maintain those.

- Jack Taylor said we have been. He asked if each one of these units is going to have an individual water meter and individual power meter.

- Dade Rose said they will.

- Jack Taylor asked on the water and power side of it is the City going to be responsible for that even though it is in the private street.

- Dade Rose said no, they would be responsible to the same extent as the owner of a commercial building that has City sewer and water coming into the building, but they would be paying for the service the way anyone else would. It would be a single payer so the City wouldn't have to worry about people not paying their bills.

- Jack Taylor asked that if a secondary water break went into one of the units and they called the City and said they needed it repaired since it is our water system we would come and repair the water and get it back on would the owner pay the City what it would cost to do that.

- Dade Rose said that is correct. They would oversee all that. The renters wouldn't have any direct payments for their utilities.

- Jack Taylor said he feels like this is a perfect way to go about it as long as they understand that the City is in charge of the water line and the power line. The asphalt is

their responsibility. He said he doesn't see any problems with this, and he thinks this would work.

- Mayor Rosenberg said the other issue that has been discussed with Planning Commission is the feeling of disconnection from the community because this is a gated community. That is something the Council needs to consider.

- Dade Rose said that on the east of this project there will be a golf course. There really isn't another community immediately to this. It seems to work on this site. The wash and the public trails will be on the west. He said he appreciates the Council's willingness to talk about this. He said that if there is a good way of addressing this he wants to work with the City and be productive.

- Ben Shakespeare asked if we would still charge and impact fee on the water and the power.

- Mayor Rosenberg said yes and this will be an interesting transportation impact fee calculation. He asked Jack Taylor if the apartment is set up as a separate section on the commercial or are, they on the residential like an ERU.

- Jack Taylor said he believes it is on the residential.

- Mayor Rosenberg asked if they treat each unit as an ERU or is there a formula.

- Jack Taylor said it is lower.

- Mayor Rosenberg said this would obviously be an impact fee based on 200 residential units not a single owner apartment project.

- Jack Taylor said it depends on how they bring it to the City.

- Mayor Rosenberg said that impact fee is going to be for a 200-unit apartment. It is going to be a little tricky doing the individual water meters. It can be done but it will be more expensive doing the impact fee based on 200 three-quarter inch meters than several two-inch meters.

- Ben Shakespeare said the Water District has already addressed that. He said there are going to be individual utilities and individual meters and they will get individual bills from the City.

- Mayor Rosenberg said not to the individuals.

- Ben Shakespeare said each unit is still going to have the fees associated to it per unit even though it goes to a developer as one single payer. They are still going to be paying all those fees such as the storm water fee, the streets fee and everything that is part of the property tax and the utility bill on those. They will be paying along the way. They will be paying monthly on the utility bill. He said there is a sense of security inside a gated community and we are living in different times now. He said if it was strictly over the design criteria of the street, we could simply address that in the ordinance. He stated that he personally doesn't have issues with gated communities. He said on the revenue side the City is still going to be bringing in the same revenue as though this was a public street and yet we require the owner to pay all the maintenance so from the City standpoint this is a benefit. He thinks this will come to us more than this time. We need to have the discussion moving forward as future development comes.

- Dade Rose said that this is a single parcel of property that is owned by Regal and there are no condominiums, no subdivided lots. It will be owned by Regal.

- Denny Drake asked if they would rent the units on a daily, weekly or monthly basis.

- Dade Rose said their marketing model is doing 6-12 months rental. He stated he has filed a conditional use application to give them the flexibility to rent out a few of them on

a short-term rental basis but that is not what they are looking at and it would be limited to just a few. He said they see it as 6-12-month renters and they often renew with them because they like it so much. It is a great product.

- Denny Drake said so this is basically an apartment complex with a gated community.

- Dade Rose said it is very similar to that. It is not exactly because the dwelling units are on the ground, but the developer owns everything. They maintain everything and the roads are private, and they take care of the landscaping. It is intended to be a notch above. It is a nice way to live at a low cost. The market is really loving it.

- Jarett Waite asked for the names of communities that are like this one so that the Council can look at them.

- Dade Rose said to look at the Christopher Todd communities. There are several them in the Phoenix area.

- Leina Mathis said she is not generally a gated community fan. She said she thinks segregation is a reality and that private streets with the maintenance on them is a reality however this might be a project that minimizes those issues. She said her biggest concern is that if we make a change in the ordinance then next time when someone comes in and it's not a similar project then we are right back to where we started.

- Mayor Rosenberg said he would discourage that if we elect to modify the ordinance that we are very restrictive as far as ownership and that its limited to single owner and that you can't subdivide anything behind a gate.

- Matt Ence said the agreement is still being discussed and negotiated but we have proposed some language to that effect. There are a couple of ways we can go about this if the Council wanted to explore it. One way would be to make a definition of community or interpret that definition to exclude what we are talking about here. He said he doesn't know that he is totally comfortable with that approach. He would prefer to take that one line in our ordinance and just make an exception and say, "No gated communities unless..." and list the criteria that we would want to see that would be consistent with something like this and the most important of those would probably be that it would have to be single ownership and couldn't be subdivided or a condominiumized community. That is his recommendation of how we would approach it. He said he is not advocating for doing anything but if the Council wanted to do something that would probably be the direction he would nudge Council in.

- Wendell Gubler asked with all the vacation rentals we have in Santa Clara do we know if they are continually filling up or are, we having problems that way?

- Mayor Rosenberg said that from what he understands the vacation rentals having been doing very well through the pandemic. He asked Officer Briggs if there has been a police officer call yet in the vacation rental neighborhoods.

- Officer Briggs said he can't think of any serious problems we've had at the vacation properties. They haven't even had any real parking complaints recently. He said regarding the gated community from a law enforcement perspective, apartment type properties tend to lean towards calls for noise complaints or domestic violence calls or vehicle break-ins and the gated communities that are in Ivins are very problematic for the police. Sometimes they are 30 minutes before they can access in getting through there. They just don't update codes. He said there is supposed to be an override code and they don't always update that with dispatch. That is the law enforcement concern.

- Dade Rose said it would be required to have a Knox key system which would allow

emergency to get in any time and wouldn't require the change of code.

- Denny Drake asked if that is what we want Santa Clara to become is a rental City. Are we going to change the complexion from a residential community to a rental city? He said that most people know that apartment complexes become very problematic. Is that what we want Santa Clara to be? He said that is not what he wants to live in.

- Leina Mathis said we are not looking at a site plan tonight but based on the picture that was shown to Council when she looks at that and sees that they want to request nightly rentals and she looks at the parking situation on that it is not nearly enough for what we would require for a conditional use permit because all they are going to do is overflow right on to Red Mountain and then we are going to end up with Red Mountain lined with RV's and boats and everything else.

- Denny Drake asked how they coordinate with the overall picture out there which is going to be a resort course with a hotel this would be in direct competition with their rentals only they're not nightly and then we are really making that a rental area.

- Mayor Rosenberg said we are way out in front of where we are. They haven't submitted a zone change application.

- Denny Drake said there needs to be the safeguards for a gated community.

- Ben Shakespeare said he would much rather see a 200 plotted individual owned gated community over a rental community. COVID has changed the way people look at the way they live. If they are going to be locked down, they want to have a pool. When public places are shutting down it has completely changed people's mentality of how they deal with their yards and what they want in their community and what they want access to.

- Denny Drake asked what would happen to the individual owner if what he is proposing doesn't work. We have gated apartments with no ownership responsibility and a bank takes it over and we have a real problem.

- Officer Briggs said they don't have a lot of calls for service at the vacation rentals. But if you start talking about long-term rental properties and that becomes a lot more demanding on EMS and fire and police type services.

- Mayor Rosenberg said the vacation projects are resorts and they are different from an apartment. They are rentals but they are a nightly rental that is owned individually and built to that standard and not an apartment complex. He said to not judge them as one. We don't have a single complex in Santa Clara.

- Officer Briggs said the only thing he can say about this project is that it seems to be more upscale which doesn't tend to draw in some of the problems.

- Mayor Rosenberg said where we need to focus is the gated community discussion. If we can put some language in there on the gates, then they still have to sell all the rest of it. That is not even for discussion. We have 3 gated communities in the City right now. These came in prior to the ordinance.

- Randy Hancey, Fire Chief, said they have the Knox key system for those gated communities.

- Mayor Rosenberg asked Council what they want to have Staff look at. Do they want Staff to put in some language and bring it back to Council? Or do they want a potential ordinance change that goes to Planning Commission and then comes back? Or does Council want to leave it like it is and go forward.

- Ben Shakespeare said he would like to address the gated communities as a whole and

then look at some things. He is not opposed to gated communities. He would like to modify the ordinance.

- Leina Mathis said she is not opposed to modifying the ordinance with certain conditions.

- Jarett Waite agreed with Leina.

- Denny Drake said he likes gated communities, but we have approved tons of rentals. He is not in favor of a City full of rental properties.

- Wendell Gubler said we need to be careful that this doesn't happen in certain locations in Santa Clara but in Black Desert is probably a better place if we are going to have it. We would need to work the ordinance to say which areas you could have it and which you couldn't.

- Matt Ence said he will attempt to put together some modification.

- Mayor Rosenberg said this may be one of those issue where we should have a joint meeting with the Planning Commission to discuss this as a General Plan item.

4. Dog Park discussion.

- Brad Hays, Parks & Trails Director, said he wanted to congratulate the Santa Clara/Ivins Animal Control. They have been doing an outstanding job enforcing our City ordinance. He said he had several people call him inquiring why the City doesn't have somewhere where their dogs can run without a leash. He talked about the dog parks in other communities. He said he is not asking the Council for a dog park but if they would like to have an area that is fenced off, possibly at Gubler Park, where people could let their dogs run without a leash. He said he doesn't want to do the amenities of a dog park but just take an area that is already grassed and fence it off. He showed a map of a couple areas at Gubler that could be a possibility.

- Denny Drake suggested using the area downtown behind the old City Hall. It is already being used by a dog group. We could open that up as a dog park.

- Brad Hays said he is willing to do that. We haven't had any maintenance or involvement with that facility. The people that run the dog place do that but if that is okay with Council that would solve one of the problems at least downtown.

- Denny Drake said he doesn't think that area gets much daily use and it already has grass and they already do the mowing and the maintenance on it.

- Brad Hays said that is a good possibility for the people downtown. He said that one of the things he would like to do is close Heritage Square to dogs and maybe the new Swiss Park. We have had a lot of issues with dogs in there. That would give them a place downtown.

- Mayor Rosenberg asked what maintenance goes into a dog park.

- Brad Hays said this area would be the least maintenance but there would be the cleanup and the over seeding. He said that not everyone will take care of their dog's business.

- Leina Mathis said the concern is about how the grass would turn yellow and ugly.

- Brad Hays said they would close the fenced off dog area in Gubler during tournaments.

- Denny Drake explained how the dog area came to be that is located behind the old Town Hall.

- Mayor Rosenberg said if that area was converted into a dog park the dog group people would probably discontinue the watering and mowing and maintenance of that area. He

said they would probably be looking for another location for their needs. The City does own that property and there is parking there.

- Leina Mathis said that putting grass on the north side of that parking lot in Gubler the City is going to have to maintain that too.

- Brad Hays said there are other surfaces we can use but grass seems to be the most common and the least hard to take care of. He also said that the City doesn't necessarily need to provide a place, but people are asking.

- Jarett Waite said he has received requests as well from residents.

- Brock Jacobsen said that this is something that we can bring to Staff to look at options of places that we could do this.

- Ben Shakespeare said Gubler Park is a good place. It could be up by the pickle ball court.

- Jarett Waite asked about the property behind the fire station, the small space next to the playground.

- Brad Hays said there weren't any plans for that area right now. He asked if the dog park is something that the Council is interested in him doing further research on because some people have asked about it.

- Mayor Rosenberg asked if the residents have asked for it to be close to an existing park or if it could be on City property someplace else.

- Brad Hays said that a lot of people that want it are from the Gubler Park area. He didn't want to use the area by Paradise Village because that is slated for more pickle ball courts eventually.

- Mayor Rosenberg asked about the property between 400 E in Ivins and the low spot on Hamblin Drive. It is 120 ft wide and 600 ft long and is adjacent to utilities and is not adjacent to any existing park.

- Brad Hays said they are thinking that area might be a tree farm someday, but it could be both. It is big enough.

- Mayor Rosenberg said there is water and everything there. It would be bigger than the other sites talked about tonight. It would be a long time before the road is built along there. It will probably be at least 10 years. It is a developer driven need based on traffic numbers we are seeing. In that area right now, there is no need for it and especially that length between 400 E. and Rachel. That could be the very last leg of that loop built.

- Leina Mathis said her preference would be to put it there rather than the other two locations. There are a lot of people who use those trails. She likes having it removed a little bit.

- Mayor Rosenberg said there is not a good place right now unless we look at a site that is one of our open space properties right now like up in the South Hills. He said he was also thinking about the flat ground at the bottom of the monument. Some parking would have to be built but that could be done. He told Brad to open it up and any City property that he thinks it could work bring it back to Council.

- Leina Mathis asked if there were any potential liabilities to the City with a dog park.

- Mayor Rosenberg said the attorney would probably tell us that is why we pay insurance.

5. Chapel Bridge Park discussion.

- Brad Hays said that on the new Chapel Street Bridge on the south side and the east side

the City owns that piece of property that runs along the river there is already a parking lot and Graf park which is 11 acres and a trail. It is a central location for recreation, so we are looking at landscaping part of the area and putting two pavilions in. There is a nice little waterfall and we want to build a trail and bring it down and have a nice sitting area. He showed photos and drawings to the Council. He would like to have the park match the bridge columns of the bridge and use wrought iron to fence the area. Brock said there may be some money left over from the bridge funds and he is looking to see how much funds we might have to do this. He asked Council if this is something, they are interested in doing with this area. He has bids for the price of the pavilions.

- Denny Drake asked if this was in the impact fee study.

- Brad Hays said we have a trailhead and trail money to build it, but he is hoping we can use some bridge funds and if we need to supplement it, we can do that with impact fees.

- Mayor Rosenberg said he walked this area with Brad last week. It is a neat spot and the pavilion spots he has picked out will turn out to be popular and it will help some of the bikers to have some designated parking on the south side of the river. We are going to have to get these areas developed and incorporate some trailhead access out there and this is a good spot for it. He likes the design. He said this would be a nice facility to have.

- Brad Hays said that Jack has offered help from Public Works to do the pavilion foundations and the concrete work so that will save quite a bit of money. We have done a lot of pavilions like this with the same company at Gubler Park, Black Rock Park and different places throughout town.

- Ben Shakespeare asked what the overall cost would be.

- Brad Hays said the expense would be the ironwork and the pillars. We were going to try and use the same contractor that did the bridge. He estimates the cost to be about \$70,000 including the landscaping. He has already met with the water and power company and we are all set.

- Mayor Rosenberg said the two concrete structures already there are historic and have to do with the old irrigation diversion so they are actually protected structures that have some historical significance so there is an opportunity for a kiosk or plaque or something like that to recognize the old diversion that was there. It could really tie in with the Chapel Street. He asked how much money there was in the bridge fund.

- Brock Jacobsen said there is a little over \$100,000.

- Mayor Rosenberg asked how much there was in the impact fee funds that could go towards this.

- Brad Hays said whatever we are short. He said we are getting ready to open a few projects, so it is limited.

- Ben Shakespeare said that having plenty of seating makes a lot of sense.

- Mayor Rosenberg said we may have a little Flood Control money that we can use for vegetation. There is about \$5,000 in there. Is Council okay with these plans?

- Council members affirmed that they were.

6. Staff Reports:

Officer Briggs

- Santa Clara has been quiet for the most part in police calls. There was an incident out at the Black Desert Resort. JP Excavating is out there with a million-dollar, huge excavator and it

had only been on site for about 10 days and they had other vehicles out there such as a fuel truck and other equipment and vandals went out and just trashed these things. He said the estimate is about \$500,000 in damage. He said there is a concern because that flows over into the Santa Clara projects and the things we have going on there. They don't have a lot to go off of but there were some shoe impressions in the dirt. They have just obtained some video and are going through that to see if they can get any leads.

- Leina Mathis said she has had some residents contact her and ask if we could have officers patrol the west end of Pioneer. They said there are a lot of vehicles coming off the highway onto Pioneer and often they don't have to stop because there is not oncoming traffic and so they are coming off the highway still going pretty fast. The residents on the far west end would like to have some patrol done there.

- Officer Briggs said he will shoot a message off to Officer Hall who takes care of the speed trailers and see if we can't get a trailer over there. Officer Hall also takes care of our extra patrol so he will have him send out a department wide message to try and get some more officers down there.

- Jarett Waite asked Brock if he has talked to the Police Department yet about security cameras and locations.

- Officer Briggs said he can touch bases with Jarett on that. They have been talking with Parks and there has been quite of bit of damage primarily at Gubler Park but there was some done at Canyon View Park and we are starting to get a lot of damage to the restrooms and some of our City amenities primarily at the parks. They have extra patrols going there and have asked for Parks to contact them every time there is damage done. Some of that may have been coming from Lava Ridge after school gets out. It isn't typically done during the ball tournaments.

Chief Hancey:

- Asked if he could discuss with Council what we are going to do up at the Rachel Drive Fire Station. He reminded Council that about a year and a half ago there was a plan for a remodel of the station to add on to the outside of the station with living quarters. That plan didn't come to fruition after it was realized how much the cost was going to be. He said he brought it to Council, and we decided to do something different. He said he is now planning to add some walls to make some offices and some living space in the current Rachel station footprint without adding exterior walls or anything that way. He said this would just be a short-term fix for the department. It is not enough for the needs but does get the department into the Rachel station. He said he is seeking direction on what Council would like the department to do whether it is to go forward doing this knowing that in the very near future we need to look at a new building or making a headquarters building somewhere that will meet the needs with living space, office space, training rooms, facilities that the department can grow into. Just adding a few walls and rooms is a short-term fix and we still have the problems that we need to address with meeting the needs for a future station. He talked about the possibility of building up on the Rachel Station. That would give some living space, training rooms, and a day room. Rachel is a great location. We need to decide what we can do to meet the future needs.

- Mayor Rosenberg asked what happened with the little committee after the bids came in.

- Ben Shakespeare said the best way to go is to build out the back. Going up on the building you might as well tear the building down and rebuild it.

- Randy Hancey said he doesn't like the idea of a separate building. He would rather knock the building down and start over. Having two separate buildings to try and work out of is really awkward. He would prefer having one building that is going to meet our needs. He said the biggest factor is cost.
- Ben Shakespeare said he thought we left that meeting with the idea of doing a separate building. The addition that was planned was going to cost \$1.5 million and you are getting very little more space. The options are to use the space behind for a secondary building at a cost of about \$700,000 or remodel it for about \$200,000 and then put the additional funds into a building downtown. It would be better tearing it down then to go two story. He said it doesn't make sense to do that.
- Randy Hancey said that long term we really need a new station. Whether that is building a new station on new property or making do with the property we have with a second building or adding on.
- Mayor Rosenberg said the impact fee for fire was just done. He asked if it has the money for the new station in it.
- Chief Hancey said he can't recall how much was in it.
- Denny Drake asked if anyone has approached the Community Impact Board to see if they have any inclination to make a grant for a fire station.
- Mayor Rosenberg said he doesn't think anyone has asked about that specific thing. It is always an option.
- Brock Jacobsen said in the current impact fee we added a station for close to \$3 million. So, the impact fees we are collecting now include a new station.
- Mayor Rosenberg said that we could go to CIB and ask for a grant or a 50/50 loan grant and pledge the impact fee funds and look at a new building.
- Chief Hancey asked if we have property for that or would we need to purchase property and what would be the location.
- Mayor Rosenberg told Chief Hancey to go out and look for a site.
- Ben Shakespeare said we talked about a fire station being built at the old City Hall downtown.
- Brock Jacobsen said we also talked about a parcel across from the mercantile. We would have to buy that. There are two parcels plus we might want to buy the parcel behind.
- Chief Hancey said the City also has property right across the street from this building.
- Mayor Rosenberg said there is plenty of loan money. The grant money was really tight. Was money for the site included in the impact fee study?
- Brock Jacobsen said he thinks it was.
- Mayor Rosenberg said that if it was in the study, we can look at buying a piece.
- Chief Hancey said we did discuss purchasing property or using the property downtown.
- Ben Shakespeare asked how much property the City is going to end up with on Chapel Street.
- Mayor Rosenberg said we only got the right of way. He said the properties across from the merc and tearing down the old Town Hall are probably the options. There are pluses and minuses to each site, so we just need to see where the best fit is.
- Ben Shakespeare said the old Town Hall gives options front and back.
- Mayor Rosenberg said it will take away the revenue stream, so we aren't buying a property. He counseled to take those three sites and look at them and talk to Gary at CIB and look at a project.

- Jarett Waite asked about tearing down Rachel and using the whole site. Is that an option?
- Mayor Rosenberg said the thing about downtown is that it accomplishes the expand of the service area to cover this end that we are short right now.
- Chief Hancey said it will rally help the department in meeting their logistics.
- Mayor Rosenberg said it will also double the facilities instead of trying to fit more on the Rachel site.
- Ben Shakespeare said there are things that needed to be renovated at Rachel.
- Chief Hancey said they are ready to go forward. They have a contractor with bids who is ready to put living quarters in Rachel Station now and a couple of offices. It will take away the training room and it will be really cramped.
- Mayor Rosenberg suggested the Fire Department use the training room upstairs at Town Hall. He suggested exploring that idea.
- Chief Hancey said they are ready to put the walls in and the sprinkler system and it would be roughly about \$80,000 to add a few walls and get the building up to code. We have the bids ready to approve. Would Council like to go forward with this?
- Mayor Rosenberg said if we spend that money now for the small remodel and a few years from now there is a new fire station built downtown would it have wasted that \$80,000.
- Chief Hancey said yes.
- Mayor Rosenberg said he suggests waiting until we find out from CIB. We could have a new station built within a year and a half.
- Chief Hancey said it will be a \$3 million building when we are done. We want to plan for the future. We will look at the impact fee and see what it is.
- Mayor Rosenberg said to define the need, do a good cost on it and see if we can get CIB money and use impact fees to retire that bond. He told Chief Hancey to hold off on the plans for Rachel and let's do some research and see if we can get something going. Look at those properties and find a site and see what it is going to cost to pick it up.
- Denny Drake said we can get an idea what the Impact Board is doing and see if we can move forward.
- Mayor Rosenberg said the CIB is our best shot and they fund a lot of fire stations. He told Chief Hancey to look at their budget. We need a budget for the new project including land acquisition and we need to make sure that is covered in the impact fees.
- Wendell Gubler suggested looking at the old fort site. Where the monument is.
- Mayor Rosenberg said he doesn't know if that property is deep enough. He said we are going to look at any available City property first and acquisition second.
- Chief Hancey said their seasonal crew finished up today. They are done. They went on two fires that popped up because of lightning strikes. They are using aircraft to fight the Pine Valley fire.

Brad Hays

- Talked about the vandalism at the parks. He said that at Black Rock Park they have a continual problem with people destroying the bathrooms. At the pickle balls courts, we had a basketball goal completely ripped off and laying on the ground. There was also someone who tried to set a fire on the new surface that we put in. At the splash pad they ripped down the telecommunications pole on the pad. They have tagged fences up at Gubler Park. It was almost every other day for a while. It has slowed down quite a bit at Gubler Park but now it seems to be more often at Canyon View. Black Rock destruction happens every month. It

usually happens at nighttime. We have been locking the splash pad restrooms at 5:00.

- Denny Drake asked if there was a reason, we don't have cameras on those places.

- Brad Hays said that is what we are going to talk about on Nov. 18. We will have the same company put in cameras that are putting the cameras at City Hall.

- Brook Jacobsen said they came and did a site walk with Brad at Canyon View and Gubler.

- Denny Drake said they are not that expensive.

- Brad Hays said they would pay for themselves within a year.

- Ben Shakespeare said it will help our law enforcement too having cameras around the parks. It gives us more eyes out there.

- Brad Hays said the landscaping on Bonelli Drive is starting to get done today. The Power Department has been pulling in the wire for the controllers and the water meters are set. Land Trends is doing the job. They did City Hall, so they have worked for us before. They are a good contractor. We have the pump in at Swiss Pioneer Park and they replanted all the trees that have died. We are going to test the pump and see how efficient it is and then we'll take care of the grass and then that park will be done. A crew is working at the Graf Family Park and they have done an outstanding job cleaning out that area and removing the Russian Olives and Tamarisks. The Fire Department is going to come in and remove all those large dead trees out there. He said he has three classes coming out and they are going to work in that wash to make that trail. He asked if there were any areas that need willows.

- Mayor Rosenberg said he can cut all the willows he wants and bundle them and keep them wet and we can plant them in January. Make sure they are cut to the standard so we can plant them. They need to be six or seven feet long. They need to be sealed. He will send Brad a pamphlet on how to harvest them.

- Brad Hays said the classes are students that are biology majors so they should know how to harvest them. He will go over this with the students before they start. He said the BMX parking lot meeting is next Tuesday at 2:00. We are meeting by the pickle ball courts on Canyon View Drive. We are going to look at the three parking areas and the wall and the possibility of a trail from the top to the bottom. He said there has been about 10 burials since we amended the ordinance and we haven't had to deviate from the 48-hours. We even had a burial in the old section, and it was in a hard part to get to. He is working with a scout and his dad on an Eagle project and he approved the stone for the monument.

- Mayor Rosenberg said they want to build a monument for V-Day for the Veterans of World War II. It will be up by the existing Veterans Memorial. He was planning on building the monument in Normandy, France but COVID made that not work so he is going to build it here.

- Jarett Waite said that St. George is limiting a bunch of their events because of the rise in COVID cases. Do we need to limit our events here?

- Brad Hays said we need to discuss this. He said that St. George has cancelled all the events through the end of the year for baseball, softball, races or anything that brings visitors into town that stay in hotels. They have not cancelled local sports. He said we currently have three tournaments scheduled. There are about 30 teams coming in for that mostly out of Southern California. Reservations for hotels are already made and the teams already have their plane tickets. They are committed and they are wanting a phone call tonight whether we will allow them to play. Next weekend after that we have Rocky Mountain School of Baseball doing their Turkey Trot Tournament. Then SU Baseball has a tournament on Nov. 21. They are local teams. That will round us out through the end of the season. He thinks

the teams will come this weekend anyway. The vacation rentals are full.

- Mayor Rosenberg said the hospital is 90% occupied, every bed. There are over 40 COVID cases. The ICU is overwhelmed. They set up a second ICU. The Staff of the hospital is getting overwhelmed. They asked the Mayors do more messaging to try and get people to help slow the spread and to ask to maintain the 6-foot social distancing and that is extending to family homes and groups. The transmission isn't happening at school and doesn't appear to be happening at events. It appears to be happening a lot in family gatherings. The curve has to be flattened. The hospital is in crisis mode. The Health Department said we need to be careful. The residents are sick of it and they are sick of restrictions. The more restrictions we put on them the less they are going to obey them. We need to be careful of what we do with mandates. We can't really do anything on enforcement sides. Do we want to cancel the events or try and maintain the guidelines and hold the events and maintain the normalcy? We haven't seen a lot of economic slowdown right now. If Council wants to cancel the events, we can give Brad that direction. If Council is comfortable in having them, we can continue to have the events. There are wins and loses either way.

- Wendell Gubler asked that normally when we have these events aren't, they in conjunction with St. George and the other cities. Are these people coming to participate just with us or with Washington County?

- Brad Hays said the one this weekend is coming to participate just at Gubler Park. The one next weekend is a smaller tournament and they normally will overflow to Mesquite. SU Baseball wants all seven of our fields.

- Ben Shakespeare said he wouldn't cancel them. There are guidelines that are put out there.

- Leina Mathis said the third week is local teams anyway so there is no reason for them not to play. She said there are guidelines in place and if we cancel the tournament this weekend, they are all still coming. She said to leave it the way it is but make sure they maintain the guidelines.

- Jarett Waite agrees with that.

- Denny Drake said he believes in herd immunity and it is going to run its course so we should go ahead with the tournaments.

- Wendell Gubler said to go ahead with the ones that are local and the one that is coming this weekend we can't do anything about that. The one that is in conjunction with St. George we ought to cancel because the other cities have cancelled it.

- Brad Hays said that in the past SU Baseball has used our fields and fields in Washington and St. George. He doesn't know how big this tournament is, but they have asked to use 7 of our fields.

- Wendell Gubler said that if half the teams can't play that are coming, he doesn't see any use of having us be open for them too. How are they going to have a tournament if they only have half of their teams playing?

- Brad Hays said the Rocky Mountain tournament is a very small tournament. They usually concentrate between here and Mesquite.

- Brock Jacobsen said they will probably limit their teams because of what St. George has done. They won't try to bring a full tournament.

- Wendell Gubler said he is okay with that so go ahead.

- Mayor Rosenberg told Brad to go ahead with the tournaments but to make sure they have their plans in place and they are trying to enforce.

Jack Taylor:

- His crews are doing normal maintenance. They are really busy. They have started on the crack sealing. They are busy installing new power in the new developments. They had the storm water walk through audit with the State and they said we have the cleanest City yard they had ever seen. They did find that next to our filling station we didn't have a spill kit or a garbage can. We took care of that today. He is hoping we will get a good report from the State. He complimented his crews.
- Mayor Rosenberg asked if the Hills at Santa Clara paid their electrical fees. He asked if they paid separate from the bond because those are not included in the bond.
- Jack Taylor said those were paid in the big payment they made. He doesn't know if they were paid separate from the bond. He will look at it and let Mayor know.
- Denny Drake asked if Well 6 is up and running yet.
- Jack Taylor said it is running and we have ordered new bowls and when they come, we are going to have the motor worked on so we will be ready for next summer. We are moving forward on it.

Brock Jacobsen:

- The CARES act funding, to access the distribution we have to do it by Nov. 6. He has requested that. We have a couple more applications for the business grants and we are going to review them tomorrow. There is a question about one applicant, and we need to decide if they are still eligible or not based on funds they received elsewhere. There was a Town Hall meeting. They talked about the forecast in jobs for 2021 and it is down 1.4% where initially in April they were projecting down 6.2%. Taxable sales were up 5.8% and the home price index was up 10%. The forecast for 2021, they are projecting everything positive: jobs up 3.8%, taxable sales 6.3% and the home price index 5.4%. They spoke about the CARES Act funds and about using them. They said to use the funds in big ways and to look at ways to absorb large amounts of funds to keep the backend audit simple. They specified three places to use the funds: public safety payroll, business grants and residential grants. They need to be sent by Dec. 30. He said the residential grants can be used for preventing eviction and homelessness, helping with property taxes, overdue rent or mortgage payments and utility fees for essential services. The County is purchasing ambulances with the CARES Act funds. Each department that provides ambulance services will get an ambulance. If there is a Countywide emergency that ambulance must respond.
- Chief Hancey said if the Council wants more information on this the Chairperson can come in and give a presentation to show how the ambulance will be used. The crew and ambulance will help with Countywide events.
- Brock Jacobsen said he is discussing with the County how they can help with our service area. He said they are researching special assessment areas and working on that. He said this information will be brought back to the work meeting in December.
- Mayor Rosenberg said he will bring information to the work meeting about SSAs as one of the funding mechanisms for the residents.
- Brock Jacobsen said we are working on the audit and will have the audit presentation in December. He told Council that December 3 is the City Christmas party.

7. Adjournment:

Motion to adjourn by Denny Drake.
Seconded by Wendell Gubler with all members present voting aye.
Meeting Adjourned at 8:04 p.m.

Chris Shelley – City Recorder

Date Approved: _____