

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 10, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, February 10, 2021 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; Matt Ence, City Attorney; Kristelle Hill, Staff; Mark Anderson, Zions Bank; Megan Webber; Bob Lamoreaux; Adlai Elison

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:02 p.m. He 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:**
 - Leina Mathis stated that she wanted to disclose that she is employed by Zions Bank, which information relates to Items C1 and C3.
5. **Working Agenda:**
 - A. **Public Hearing(s): 5:00 p.m.**
 1. Public Hearing regarding the issuance and sale of not more than \$4,000,000 aggregate principal amount of electric revenue and refunding bonds, series 2021 and any potential economic impact that the project to be financed with the proceeds of that portion of the bonds issued under the act may have on the private sector and related matters.
 - Brock Jacobsen said that this is the public hearing that we set forth back in January

when we talked of the parameters resolution for the refunding of the 2012 and 2017 Electric Bonds and also the issuance of roughly \$1.2 million of new money for purchase of a new 2.5 megawatt generator at the generation building. We are having a public hearing to receive any public comment on the issuance of that \$1.2 million and the refunding of those current Electric Bonds. The refunding of the 2012 bond is roughly \$824,000 and the 2017 bond is \$3,029,000. They are going to stay on their same amortization schedule so they will pay off at their current time in 2026 and 2028 and the new money pays off in 2031. The interest rate that has been quoted is 1.38% so we are reducing our rate on the 2012 bond from 3.67% and on the 2017 bond which is variable is at 1.9% currently but by 2026 it would be up over 3%. The parameters resolution sets forth no more than \$4 million.

- Mark Anderson said that Brock covered this well. The Council just needs to accept public comment. There is no action the Council actually needs to take. The parameters resolution authorized the Mayor or recorder and/or Brock to execute the bonds if they are within the parameters already adopted by the Council if the Council deems, they want to continue moving forward with this financing.

- 5:09 p.m. Public Hearing Opened.

No Comments

- 5:09 p.m. Public Hearing Closed.

B. Consent Agenda:

1. Approval of Claims and Minutes:

- Jan. 27, 2021 City Council Meeting Minutes
- Feb. 3, 2021 City Council Work Meeting Minutes
- Claims through Feb. 10, 2021

2. Calendar of Events

- Feb. 24, 2021 Regular City Council Meeting
- Feb. 25, 2021 Budget Retreat, 10:30 a.m.
- Mar. 3, 2021 City Council Work Meeting

Motion to Approve the Consent Agenda as presented.

Motion by Jarett Waite, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of the issuance and sale of not more than \$4,000,000 aggregate principal amount of electric revenue and refunding bonds, series 2021 and any potential economic impact that the project to be financed with the proceeds of that portion of the

bonds issued under the act may have on the private sector and related matters. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that Mark Anderson reminded them that this item doesn't need the approval by Council. This doesn't need to have the action. Since we adopted the parameters resolution, we really only needed to have the public hearing. We don't need to have formal action by the Council on this.

2. Consider approval of request for construction access to his property through the City ROW on Country Lane to Sand Hallow Wash. Property location is 610 Country Lane, Applicant, Bob Lamoreaux. Presented by Corey Bundy, Building Official.

- Corey Bundy said that his request is for City right of way access off of Country Lane. Bob Lamoreaux lives at 610 Country Lane. He is building a pool in his backyard. He got permission from his neighbor to the north to cross the rear of his lot to the back of Bob's lot as long as he leaves it in the same condition when he is done. We have a letter stating this. He has picked up an encroachment permit from the City. He knows and has agreed to keep all the tracking off of Country Lane. Staff has reviewed it and approved it as long as he is not going to track off of Country Lane and with the neighboring property owner's permission and he leaves the right of way in good condition and doesn't track onto Santa Clara Drive.

- Mayor Rosenberg said that Bob is trying to build a pool, and this is just a lot easier for him to access this way instead of trying to come out of the front of the house. The Staff has put together a process where if someone wants to use City property to access private property they have to go to TRC, get permission from any private property owners between the City property and their property and they have to fill out an encroachment permit to enter the City property so we can monitor who is responsible if there is any tracking or storm water issues. He said he appreciates Bob Lamoreaux's patience working through this.

- Leina Mathis asked about the condition the neighboring homeowner has asked for. The conditions are fairly easily met. If something goes wrong and there ends up being something happen to the back of his property, what involvement does the City have in trying to help with any dispute? Do we have any liability? Is there anything given that the neighboring homeowner's property is conditioned based on his approval?

- Mayor Rosenberg said it could be a civil issue, property owner verses property owner. He asked Corey if he knows if we have a problem with the applicant on a City encroachment permit what leverage does the City have to correct the problem or make the applicant correct the problem. Do we have any leverage to go back on the applicant and put a stop work on the project or something that way?

- Corey Bundy said we charge a \$50 fee for the encroachment permit and we monitor it and we can talk to the applicant and can ask them to stop work until they correct the problem.

- Mayor Rosenberg told Leina that this would probably be a civil matter between the two properties unless they violate some kind of an ordinance or a law.

- Leina Mathis said we would probably want to acknowledge that we received receipt of the letter and that the homeowner has stated that is not the condition because we are not necessarily going to monitor the condition of his property.

- Mayor Rosenberg said that would be smart and, in the motion, Council should reference

the letter so that it is on the record.

- Ben Shakespeare said that in this case there would be a pool permit so obviously there is a final inspection and Staff could look at things and make sure everything is cleaned up and done.

- Mayor Rosenberg said that is true and we could ask the adjacent property owner if his property had been cleaned up. That is a good idea. That gives us a little leverage.

- Corey Bundy said that if he signed a construction agreement that means he paid \$500 to maintain the project and that he will clean it up. Before CO we can make that happen.

- Ben Shakespeare said in some cases we wouldn't have that. There may not be a permit such as if someone is going back to enhance their backyard. This may be something to look at. With this one we would be covered with the permitting.

- Denny Drake asked that on the encroachment permit where it is on a different property owner where they are coming in to access does that cover the concrete sidewalks and curb if they break that up. Is that part of the encroachment permit?

- Corey Bundy said it is.

Motion to Approve the request for construction access to his property through the City ROW on Country Lane to Sand Hallow Wash. Property location is 610 Country Lane, Applicant, Bob Lamoreaux, with the conditions that have been discussed and the letter of permission from the adjacent property owner and making all efforts to keep the roadway clean and the encroachment as minimal as possible.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

3. Consider adopting parameters resolution 2021-05R outlining the refunding of the 2012 Cache Valley Bank Sales Tax bond and the 2019 CIB Sales Tax bond, Authorizing the issuance and sale of not more than \$2,250,000 Aggregate principal amount of sales tax revenue refunding bonds, series 2021(The "Bonds"); fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the bonds within the parameters' set forth herein. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that this is a parameters resolution just like we did previously on the Electric bond refunding. This is for the \$2.1 million we got from the CIB for the Chapel Street Bridge at 2.5% interest rate for 20 years and for purchase of some land by the old fort. That was a \$135,000 bond at 2% and was set to expire in 2042 so with this refunding we are combining those two sales tax bonds together and then it becomes about \$2.232 million. The rate from Zions Bank right now is 1.7% interest. We are also reducing the length of bond so the CIB will be reduced by 4 years and the land purchase will be cut by 6 years so they will be paid off in 2036. It does increase our annual payment by \$23,000 a year but we will get them paid of quicker at a better interest rate. This is a parameters resolution, which is setting forth the parameters of the interest rate, length and amount and authorization of people to sign.

Motion to Approve the parameters resolution 2021-05R outlining the refunding of the 2012 Cache Valley Bank Sales Tax bond and the 2019 CIB Sales Tax bond, Authorizing the issuance and sale of not more than \$2,250,000 Aggregate principal amount of sales tax revenue refunding bonds, series 2021(The “Bonds”); fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the bonds within the parameters’ set forth herein.

Motion by Leina Mathis, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

4. Consider approving a Special Declaration of Santa Clara City regarding HB 278, Name change process for Dixie State University. Presented by Brock Jacobsen, City Manager.

- Mayor Rosenberg explained that this is the proposed name change process for Dixie State University.

- Brock Jacobsen said that this came to the Mayor as a request for support. He said that Council had a discussion at the Work Meeting last week about bringing this forward this week for discussion and possible approval. HB 278 generally outlines the process for the Dixie State University Board of Trustees in consultation with the Utah Board of Higher Education to recommend a new name for Dixie State University. This declaration would oppose that bill to leave the name “Dixie” in the University. This would be the Council either moving forward to say they support the opposition of HB 278 and they can approve this declaration or choose not to and not support that opposition for the name change.

- Mayor Rosenberg spoke to them today and it is supposed to be going to the Senate at some point in time. It passed the House and it has been passed on to the committee. He said that they have asked for our support, Council has indicated that they might be willing to do so. So here is the declaration.

Motion to Approve a Special Declaration of Santa Clara City regarding HB 278, Name change process for Dixie State University by opposing the name change.

Motion by Denny Drake, seconded by Wendell Gubler.

- Jarett Waite said that following what our Legislators did today stating that we need to slow down this process and look at it a little more closely and that is what this is saying as well. Let’s reject this bill and work on it later.

- Ben Shakespeare said he is in support of this as well. He sat in those meetings when the “Rebel” was discussed, and it was stated multiple times that “Dixie” was never a part of the removal process only “Rebel”. He agrees with what has been said. There needs to be thought put into the name change. We need to put some thought into what preserves the history of this area. This has never been a racial topic of any part. We need to look at where both sides see it and come up with what is right for all parties. We need to slow this down because it needs to be thought through. There are a lot that are deciding on this that have very little to do with Southern Utah that are making decisions regarding the name of the University.

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

Voting Nay: None.

Motion Carried.

- Denny Drake said there are ramifications to this that are far beyond the name Dixie and the university. His mother in law's first name is Dixie and she is not from this area. Her name wasn't racial biased in being given to her. Southern Utah University has a new building that was \$9 million donated by Dixie Leavitt so are they going to change that name to accommodate though it is nothing to do with racial slur. How far do we take this? He said the president of the college has circumvented the things that he told the group and has moved forward without any representation other than those with him. He hopes this is a slowing of the process.

5. Consider approval of the Waste-Water Impact Fee calculation method (ERU meter size). Presented by Jack Taylor, Public Works Director.

- Jack Taylor said that he and the Mayor worked together on our impact fees and looking at some calculations. Mayor asked the question about where the chart is that shows the number of ERU's if a person goes above ¾" meter to a 1" meter or even larger. He told the Mayor he got that from the engineers and it is just a simple calculation on how much flow can go through a ¾" meter and how much flow can go through a 1" meter and as they increase to get more flow. That is how we calculated the ERU. Mayor Rosenberg told him that we need to make sure we have that chart approved. So tonight, he is bringing this chart to Council for approval. It is something we have been using but isn't in our impact fee study on a page showing the chart. It just needs to be approved. It goes right along with our fees and how are impact fees are calculated.

- Mayor Rosenberg said it doesn't come up very often. Most of the meter sizes the City puts in are the ¾" which is 1 ERU. It does come in to play when someone puts in a larger meter, larger than ¾". He wanted to make sure that it is included as part of the impact fee study.

- Denny Drake said he thinks it is very good to have this in front of people, so they don't have to worry about contacting the City. They can figure their own out as they are working on their applications.

Motion to approve the Waste-Water Impact Fee calculation method (ERU meter size).

Motion by Ben Shakespeare, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- Nothing to report.

Leina Mathis:

- She talked about the County Fair. They are scrambling with the date change for the fair. They want some City exhibits this year. They are spotlighting Hilldale. They would welcome anything we can do to participate. She asked Council if we should throw something together or decline to participate this year.
- Mayor Rosenberg said we should just support them with our presence and applause.
- Leina Mathis said she followed up on a couple of Legislative bills to see what was happening with them and what we have been concerned about. The first one was HB 98, which is the building regulations that impacts the inspections. It is still in committee. Nothing has happened to this bill. She said that HB 82 which is the ADU modifications for single-family units, Representative Dunn issued a secondary substitute yesterday and it was not adopted so now it has gone for a third substitute. There isn't a reading scheduled yet on the calendar. His wording change was to allow municipalities to set their own parameters and that was not approved. It sounds like Representative Ward is playing a little bit of hardball.
- Brock Jacobsen said that in LPC on Monday the league changed their position from opposed to neutral and there is a committee that has been put together to negotiate and work with Representative Ward. They said that if they stayed in opposition he was going to force this so they chose to change to neutral and hope that he will soften as well and try to work with the league and municipalities to come to a compromise on this bill. The consensus across the municipalities is that they are really not in favor of this.

Jarett Waite:

- He received an email from Ann Evans. She was hoping for an update on our gate research. He asked Jack Taylor if he has any reports on gates for the entrance of Gubler Park off of Jacob Drive.
- Mayor Rosenberg said he can report not on a gate but on a traffic speed table.
- Brock Jacobsen said we have done nothing towards a gate. Our research has only been toward a tabletop and speed bumps. Brad Hays has done some research.
- Jarett Waite said he remembers at that meeting we said we would at least look at gates and what the cost would be.
- Jack Taylor said he remembers talking about the gates but thought we went away from them and went to the tabletops.
- Jarett Waite said he attended the State of the City for Washington City today. He said there were about 50 people there. Mayor Neilson did a really good job with his presentation. They had a video of some of their projects done in 2020. He said they spent half of their time talking about commercial projects coming to their city. There is a lot going on in Washington commercially. They gave out masks to everyone that came in with the Washington City logo on them.
- Mayor Rosenberg said that what we have so far for the State of the City is a 9 to 10-minute video that Kristelle put together. We may add a little bit more to it. He said his concern is about how full the parking lot will be and about parking. We may need to have Staff park on Vineyard that day. We are a little limited on parking.

Denny Drake:

- He asked Jack Taylor if he is available tomorrow at 11:00 am. to meet with the BLM at Town Hall to talk about the shooting sports park in the South Hills.

Wendell Gubler:

- The meeting of the Washington County Waste District was postponed to Feb. 22.

Mayor Rosenberg:

- The League of Cities and Towns are recommending and NLC service line warranty program. It protects property owners from unanticipated service line repair costs. It is fairly efficient. He will pass this on to Brock.
- Covid-19 numbers are decreasing. Everyone is hoping that it stays in a positive direction and the primary interest right now is the vaccinations and lack of vaccine and angry residents that can't get their shots. They are opening it up to age 65 by March 1 but we still have a bunch of people that are older than 70 that still haven't had their shots. Council may get approached by angry residents concerning this. We just have to be patient and get vaccinated when we can. He encourages Council to do that and also to continue to be careful and continue with the mask wearing.
- Mayor Rosenberg said that Zack Rehnstrom from the Water District talked a little bit about the water planning. He asked Zack to come to a future City Council meeting and bring the Council to speed on the current status of the projects the Water District has going on and what will happen if the Lake Powell Pipeline doesn't end up happening and what some of the contingencies are. He would like to have him scheduled for the next Regular City Council meeting.
- Brock Jacobsen said he will put that discussion on the agenda for Feb. 24.

7. Executive Session:

- Mayor Rosenberg thanked the Staff and dismissed them and then asked for a motion to go into Executive Session.

Motion for Council to enter Executive Session to discuss the current status of legal issues with the City's claims.

Motion by Denny Drake, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

- Entered Executive Session at 5:48 p.m.
- Reconvened at 6:54 p.m.

8. Adjournment:

Motion to adjourn by Jarett Waite.

Seconded by Leina Mathis with all members present voting aye.

Meeting Adjourned at 6:54 p.m.

Chris Shelley – City Recorder

Date Approved: _____