

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, APRIL 28, 2021
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, April 28, 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 steam 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 Pro Tem Jarett Waite
Council Members: Jarett Waite, Wendell Gubler, Leina Mathis and Denny Drake
City Manager: Brock Jacobsen
City Recorder: Chris Shelley

Others Present: Dustin Mouritsen, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Gary Hall, Power Director; Randy Hancey, Fire Chief; Kristelle Hill, Admin. Assistant; Debbie Bannon, Finance Dept.; Megan Webber

1. **Call to Order:** Mayor Pro Tem Waite called the meeting to order at 5:00 p.m. and welcomed everyone. He excused Mayor Rick Rosenberg who was out of town and Councilman Ben Shakespeare who was unavailable for the meeting tonight. He introduced the Council members.

2. **Opening Ceremony:**

- Pledge of Allegiance: Leina Mathis
- Opening Comments: Leina Mathis

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

4. **Conflicts and Disclosures: None.**

5. **Working Agenda:**

A. Public Hearing(s): 5:00 p.m.

1. Public Hearing to receive public input regarding the Santa Clara City FY 2021-2022 Tentative Budget.

- Brock Jacobsen, City Manager, said the Council talked about this the first of the month and there are a few changes to the budget to this fiscal year. A couple of changes that impacted this were the Fire Department's request for an additional Fire/EMS person so that was added into the budget and also, we approved the City Planner/Economic

Development position. Those two positions added in made an impact. Also, as we re-looked at the percentages that we do every year in April with the City of Ivins, the percentages for Police, Fire/EMS, Justice Court, that percentage has changed slightly. It has been 55% - 45% with Santa Clara paying the 45%. It will now be 46% Santa Clara and 54% Ivins City. Their connections increased far more than ours, but our population increased more than theirs. According to the information we found our average household population was almost a person higher than Ivins. This shifted our budget, so our budget went up just a little bit. That shifted our budget to just over \$8,018,850, which also increased the amount of fund balance we'll need to use. We are just under \$400,000 so we are now to \$625,000 fund balance we will be using to balance the budget. He said that potentially what we are looking at the end of this fiscal year is about a 22% unrestricted fund balance. We are still looking positive there. Other than that, there were no changes to the Enterprise Funds. The Water Fund is still sitting at \$2.92 million, and the Sewer Fund is at \$841,000. The Power Fund is at \$5.472 million and the Storm Water Fund is at \$596,000. We still have all of our projects and equipment that Staff has requested which has bumped our budget up a fair amount this year. We are doing a few new things with IT. We are getting a new server and we might have to get that this fiscal year because of our new metering service. We also had to have a Wild Land Crew Engine replacement for \$300,000 and we have ordered a new street sweeper. We actually amended this current fiscal year budget to account for that, but we may not see the new street sweeper until next fiscal year. The Parks Department has quite a few projects and equipment, which total about \$800,000. A portion of that is coming from the County Rap Tax and impact fees. They will be doing the Canyon View Park parking lot update. We are also doing our yearly trade-in of vehicles through the Enterprise Funds and through the funds we are also doing substation upgrade at the Hassel Substation, which accounts for \$200,000. All the projects we talked about at the Budget Retreat are in the budget.

5:08 p.m. Public Hearing Opened.

5:08 p.m. Public Hearing Closed.

B. Consent Agenda:

1. Approval of Claims and Minutes:

- April 14, 2021 Santa Clara City Regular City Council Meeting Minutes
- Claims through April 28, 2021

2. Calendar of Events

- May 5, 2021 City Council Work Meeting
- May 12, 2021 Regular City Council Meeting
- May 26, 2021 Regular City Council Meeting

Motion to Approve the Consent Agenda.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

C. General Business:

1. Consider approval of the Santa Clara City FY 2021-2022 Tentative Budget. Presented by Brock Jacobsen, City Manager.

Motion to Approve the Santa Clara City FY 2021-2022 Tentative Budget.

Motion by Leina Mathis, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

2. Consider approval of the amended Building Official Job Description. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen stated that Council recently adopted the job description for the City Planner/Economic Development. The Planner portion of the job description comes from the City Building job description. Since we have removed those duties from that job description, we have brought the new job description for Council to review and approve. The new description will allow the Building Inspector to focus on what he has been trained to do.

Motion to Approve the amended Building Official Job Description.

Motion by Denny Drake, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

3. Consider approval of Ordinance 2021-15, an Ordinance amending the Municipal Code to promote water use efficiency in landscape irrigation. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said that this came from the Washington County Water Conservancy District asking municipalities to enact this "Time of Day Watering Ordinance" to help with water use and water efficiency in the County. This Time-of-Day Ordinance states that "irrigation within the City should only be done between the hours of 8 p.m. and 10 a.m. which would significantly increase the efficiency of water irrigation and will also help with the public interest and enhances community economic, environmental, recreational and aesthetic resources. He stated that right now we are talking about water conservation throughout the County and this subject will be on Council's agenda next week. We are asking people to try and do their part to conserve water and be efficient with the water that we use. He said that inside this ordinance it states that these parameters are specific to culinary water. If someone or the municipality or a business or home is on secondary water the Time-of-Day Ordinance does not apply to that. "Secondary (untreated or reclaimed wastewater) water systems have limited capacity and are therefore exempt from this ordinance. Facilities irrigated with secondary water systems include public amenities (parks, golf courses, schools, cemeteries) and some residential neighborhoods. Using secondary water for irrigation extends our water

resources and saves residents millions of dollars in annual treatment costs.” He said that if someone has a “New lawn, that requires frequent irrigation for establishment purposes within 90 days of planting or there are short cycles required for testing, inspecting, and maintaining irrigation systems or other situations as permitted by the city. We are working to get all of our parks on secondary water. The effective date of this ordinance is April 28, 2021 but the Water Conservancy District suggested June 1, 2021. He suggested that we should make the change to June 1 so we can do some education for the public over the next 30 days and get the notice out through social media and putting pamphlets in the next bill. That way if we do go out and someone is watering during a time other than that time frame, we can give them a pamphlet and explain why we have the ordinance and why it is more efficient to water during those times. He said that this ordinance didn’t contain any mention of a fine or something associated with that for someone who doesn’t want to comply with this. He thinks it would be up to the City if we want to implement some fine that would be associated with someone who does not want to comply with this such as giving a warning and on the third warning, we give a \$50 fine and then that escalates from there. That is up to Council to decide. As it is written from the Water District there is no fine or consequence for non-compliance.

- Leina Mathis said that is because they can’t levy one. It has to be the municipality that does that.

- Wendell Gubler asked if there would be any policing of this. Will we be sending people out there to check on a regular basis? Would we have neighbors reporting neighbors?

- Brock Jacobsen said his thought is if Staff is out, whether it be code enforcement or other Staff duties and they see somebody they would report it. He said his hope is that we can do some education.

- Wendell Gubler said we would be better served by being kind rather than being policemen.

- Brock Jacobsen asked about how to handle those who are non-compliant. Hopefully, we can do a lot through education and discussions with residents that are watering during the restricted hours. He said Council could even address consequences at another time if they feel like non-compliance has become an issue.

- Denny Drake said he feels that unless it is being abused that we don’t do anything with it other than just enact the ordinance and educate the public and then follow through if there are abuses.

- Leina Mathis agreed with Denny’s thoughts.

- Mayor Pro Tem Waite agreed also.

- Brad Hays, Parks & Trails Director said one exception might need to be made for someone who has put in new landscape and put down new sod and it needs to be watered during the day. They would need to water it a couple of times a day to protect their investment.

- Brock Jacobsen said that the ordinance states in Section 4, “This ordinance does not apply in the following situations: New lawn, that requires frequent irrigation for establishment purposes within 90 days of planting.” So, they have 90 days to water and get that sod established.

- Mayor Pro Tem Waite wanted to clarify that it is irrigation of lawns and landscapes so would gardens be allowed or are they considered landscaping.

- Denny Drake said he thinks what they are trying to do is limit us on what we use potable water for. If they have secondary systems, there is a different requirement on them. It would be applicable to all potables. He said they wouldn’t want to irrigate

gardens during the heat of the day either. This is a general use ordinance that makes people aware of what the situation is here in Washington County and the Southern end of the State.

- Mayor Pro Tem Waite said he wants to make sure we don't have any gardeners that get upset because they get a knock on the door and they are just trying to take care of their plants the way they want to which is probably not the purpose of this ordinance. It is probably just lawns and landscaping.

- Leina Mathis said if they wanted to have extra water during the day, they could fill up a bucket the night before and use it the next day.

- Mayor Pro Tem Waite said we can also make changes or adjustments to the ordinance if we have to such as having issues or complaints. It sounds like we don't want to have any sort of enforcement in the ordinance right now.

Motion to Approve Ordinance 2021-15, an Ordinance amending the Municipal Code to promote water use efficiency in landscape irrigation with the effective date being modified to June 1, 2021.

Motion by Leina Mathis, seconded by Denny Drake.

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

Voting Nay: None.

Motion Carried.

4. Consider approving a Proclamation setting May 2021 as Building Safety Month in Santa Clara City. Presented by Corey Bundy, Building Official.

- Corey Bundy said that "Prevent, Prepare, Protect. Building Codes Save," is the theme for Building Safety Month 2021, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, energy conservation; water safety; training the next generation; and new technologies in the construction industry. This campaign is supported by four core themes that will be highlighted through May 2021. They include: Week 1/Energy and Innovation, making communities more resilient with science and technology-based code requirements. Week 2/Train the Next Generation, working with the industrial to train the next generation of building safety professions. Week 3/Water Safety, helping to make smart decisions about water safety and conservation. Week 4/Disaster preparedness, making sure our communities are prepared for a natural disaster and manmade disasters. He said that the City every year reaches out to the elementary schools to include them in this. Because of COVID we will probably just send out some coloring books and pencils. Usually, our Staff goes out to the schools and educates the students about building safety. He said there is also a variety of things on the City website such as community outreach programs. He is asked the Council for their approval.

Motion to Approve a Proclamation setting May 2021 as Building Safety Month in Santa Clara City.

Motion by Wendell Gubler, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Leina Mathis:

- She attended the Tri-City meeting for Sand Hollow Aquatic Center (the SHAC). They looked at the budgets and the projected revenues. In 2020 our residents accounted for 6.91% of usage of that facility. Our 5-year average is 7.99% so we were a full point percent down last year with our usage. The way this is determined is when a person visits the pool, when they are checked in, they are asked to state their zip code of where they reside. Based on the agreement that we signed with St. George City, we see in our budget that there is an expense line for the SHAC that is directly related to the shortfall that they have every year, and we contribute based on our percentage of usage. She said they looked at the revenue numbers for this year and they are significantly down so the amount we will have to contribute will be higher. They are putting in a new infiltration system. It has a 3-year cost recovery rate. They basically have to flush the water out of the system twice a week. Because of that this new infiltration system cost them about \$275,000 to put in but when they do the flush it is about 80,000 gallons of water every month that they have to flush. Because of the newness of the technology that they are putting in it will save them about that much and it will increase the healthiness and safety if the pool. It will also be more efficient.

- Brock Jacobsen said that on our shortfall it's only on operating. Any capital expenditures that they do there we don't pay for any of that.

- Leina Mathis said that is correct however this \$275,000 is being deemed to maintenance not a capital expenditure. Because we are part of the agreement, Santa Clara is allowed to have one day so if we want to align it with our Swiss Days events, we are allowed to have one day a year where we can offer free swim to our residents to go and use the facility. She just needs to let them know what day we would like to do that. She said that as part of what St. George City is proposing for their budget, they are going to start instituting non-resident fees for various activities in their city. The two that will impact us the most will be the pickle ball courts in their city and various sports. For all of our residents that use their programs for sports such as soccer, basketball, flag football, they are going to differentiate those between residents that live in their city and non-residents and non-residents will pay more to participate in their city. She has asked them to get her numbers of what our percentage of activity and using them is and if it is really high maybe we need to look at having these things in our own City rather than having to go to St. George.

- She went to the League of Cities meeting last week. She said that the State of Utah offers what is called "A Get Healthy Award" for communities that participate in mental, physical, food and other types of health. She talked to Brad Hays and we are already doing the majority of these things that are required in order to earn this award. We are short in one area and we are going to contact Chief Flowers to see what we can do. We are going to try and get that award. She said they also talked about expecting that in a special session the Governor is going to be calling for HB 98, which is the inspections and plan reviews, and the bill is going to come back. They have addressed the FEMA issues and they have removed the issues that they had with that and so they expect it to come back and be signed in that special session.

- She complimented whoever put the video together that highlighted our City as part of

the City kick-off for the League. It was fantastic. She expressed her gratitude.

Mayor Pro Tem Waite:

- He got to go have a tour of the Quail Water Treatment plant.
- He attended the Resort at Small Rural Hub Caucus. He talked about how rentals are done in other cities. They have said that Airbnb's have reduced affordable housing. He said it is a good thing that in Santa Clara we have made a zone for it, so it hasn't crept in and taken over all the affordable housing in our City.
- He talked about the Governor's message and said that he stated that if you are vaccinated, act like it. He also said that there are enough vaccines that everyone in the State could be vaccinated by the end of May. He said that almost all the regulations that are still in place because of the bill that was passed could end in two weeks.
- He attended the Arbor Day event that the Parks Department put on. It was very well done. Sherrelle did a great job putting it together.
- He said that he and Brock had a meeting with TDS to discuss Internet in Santa Clara and Utopia. Brenda Cody was the person that met with us. They brought up some really good questions we need to ask Utopia. We are glad we brought them into the conversation. They did say their service is getting better in Santa Clara. He has been trying to reach out to some residents to verify that. TDS is going to get back with us on what fiber they have in the City. He spent time with Utopia at the League meeting asking a lot of questions. We have Roger Timmerman scheduled to come to our Work Meeting on June 2. He is going to give us a presentation on what Utopia would look like in our City and what it would cost, and he will answer our questions.
- He talked about the City's new City Planner position. He was talking to David Whitehead last week. He is concerned that some of the owners in Paradise Village are paying their sales taxes to where they live and not in Santa Clara and he thinks we are probably missing out on some money. It could be substantial. He wondered if we could add to the job description of the City Planner this responsibility.

Denny Drake:

- Swiss Days if moving forward. They had their first meeting. He said if Council has any ideas of what we need to do with Swiss Days he would like Council to pass that on to him or the committee. He thinks they are going to move forward with an open Swiss Days. Things should be back to normal. The planning is going ahead as if it were normal.
- He asked Brad Hays if he has heard anything from the BLM on the shooting range.
- Brad Hays said that this week they are doing the TE&E for the tortoises and plants so once we get that information back then we will start moving forward. Then we will know what mitigation we might need to do for that. He sent a letter to the area manager asking for assistance and they said they weren't going to assist.
- Denny Drake said he saw where the BLM has put up their surplus ground for sale over in the Hurricane area and they are waiting for appeals on that.

Wendell Gubler:

- Nothing to report.

Brock Jacobsen:

- Said he attended a meeting with the UCMA and one of the discussions was on remote

working. Employees can't find housing in some cities, so all of their workers are remote, so they won't have to commute. He said he would hate for us to ever end up in that position.

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 5:43 p.m.

Chris Shelley – City Recorder

Date Approved: _____