

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, August 9, 2023
Time: 5:00 p.m.
AGENDA

Public Notice is hereby given that the Santa Clara City Council will hold a Regular Meeting in the City Council Chambers, located at 2603 Santa Clara Drive, Santa Clara, Utah on Wednesday August 9, 2023 commencing at 5:00 PM. The meeting will be broadcast via You Tube linked on our website at <https://sccity.org/meetings>.

1. Call to Order

2. Opening Ceremony:

- Pledge of Allegiance: Leina Mathis
- Opening Comments: Linda Van Wert, Buddhist Community, St. George Interfaith Council.

3. Conflicts and Disclosures

4. Working Agenda:

A. Public Hearing(s) 5:00 pm.

Consent Agenda

1. Approval of Claims and Minutes:
 - July 26, 2023 Regular City Council Meeting Minutes
 - Claims through August 9, 2023
2. Calendar of Events:
 - Aug. 16 2023 City Council Work Meeting (Cancelled) (UAMPS)
 - Aug. 23, 2023 City Council Meeting
 - Aug. 30, 2023 Special City Council Work Meeting combined with Ivins City.

B. General Business:

1. Santa Clara / Ivins City Fire Department Badge Pinning. Andrew Parker, Fire Chief.
2. Discussion and Action to consider approval to purchase a 2016 sewer camera trailer for the price of \$50,000 from Washington City. Presented by Dustin Mouritsen, Public Works Director.
3. Discussion on new culinary water rate. Presented by Dustin Mouritsen, Public Works Director.
4. Discussion and action to consider approval for a customer cellular web portal for water and power usage. Presented by Dustin Mouritsen, Public Works Director.

5. Reports:

- a. Mayor / Council Reports:

6. **Executive Session:**

7. **Adjournment:**

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodation during this meeting should notify the city no later than 24 hours in advance of the meeting by calling 435-673-6712. In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.

Zoom Meeting Participants: Participants on the Zoom call are limited to City Staff, Council Members, and applicants on the agenda. Email calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting ID, and password to join. When joining the meeting your screen name must show your full name. Each applicant will be accepted into the meeting when their item is up for discussion. Please contact Chris Shelley at (435)673-6712 Ext. 203 with any questions regarding public meetings.

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 3rd day of August 2023 at Santa Clara City Hall, on the City Hall Notice Board, at the Santa Clara Post Office, on the Utah State Public Notice Website, and on the City Website at <http://www.sccity.org>. The 2023 meeting schedule was also provided to the Spectrum on January 3, 2023.

Chris Shelley – City Recorder

**SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, JULY 26, 2023
MINUTES**

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, July 26, 2023, 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 broadcast via YouTube linked on our website at <https://sccity.org/meetings>.

Present: Mayor Rick Rosenberg

Council Members: Jarrett Waite
Christa Hinton
Leina Mathis
Denny Drake
Ben Shakespeare

City Recorder: Chris Shelley

Others Present: Jim McNulty, Planning and Economic Development Manager
Matt Ence, City Attorney
Dustin Mouritsen, Public Works Director
Ryan VonCannon, Parks, and Trails Director
Gary Hall, Power Director
Cody Mitchell, Building Official

1. Call to Order.

Mayor Rick Rosenberg called the meeting to order at 5:00 p.m. and welcomed those present.

2. Opening Ceremony.

A. Pledge of Allegiance: Ben Shakespeare.

B. Opening Comments (Invocation): Jimi Kestin, Solomon's Porch Foursquare Fellowship, St. George Interfaith Council.

3. General Citizen Public Comment.

Denise Webster was identified as a citizen of Santa Clara City. She asked where citizens can go for help and how all can be on the same team. Ms. Webster gave her address as 1485 Chapel Street. She stated that she has felt an "us against them" mentality that has bothered her. She lives in the

Historic District and has been trying to figure out why there is a disconnect and what can be done to remedy it. At the last meeting, two developers were present, and both commented several times on things they were told to do by the City and how they were being helped. After the presentation, the developer was allowed to comment. It seemed that if things were not going their way, they were able to comment to help sway things. The residents, however, were not given the same opportunity. She used an example of ordinances that are in conflict. The developers can go to staff to explain the codes and ordinances but asked who the citizens can go to. Comments she has received have been condescending. She also asked how they can feel like they are on the same team again. She does not like conflict and stated that it is difficult to be a citizen living in the Historic District and preserve it. She did not like coming to meetings and feeling like she is the bad guy. She wants to protect the City and resolve the conflict.

Mayor Rosenberg stated that citizens have the same resources as a land use applicant. Ms. Webster can approach City Staff like any applicant. She can also reach out to members of the City Council. The Mayor reported that he also receives phone calls regularly from citizens.

City Attorney, Matt Ence, stated that the City Council is comprised of elected officials who are responsible to the citizens when decisions are made. The Planning Commission and Heritage Commission are not elected and serve at the discretion of the City Council and the Mayor. He referred to the comment that the City helps developers and stated that he has heard that a lot lately. Every developer who applies with the City is a property owner and an applicant who is asking for something to be approved under the City ordinances. It is no different from someone who wants to have a home business. There is a negative connotation associated with developers. The system is predicated on the idea that property owners should be able to use their property as they wish. The reason the process exists is because constitutionally they have due process and follow laws. Certain steps must be followed before someone can pursue certain uses. When staff works with a property owner on an application, they are doing what they would for anyone who files a land use application. The idea that there is some kind of benefit to the City for helping a developer or one property owner over another is not true. The public has opportunities to provide input in the process, which is the purpose of public hearings.

Planning and Economic Development Manager, Jim McNulty reported that every applicant is treated the same. Mr. Ence stated that there is a process to be followed and there is a lot of interaction between staff and the applicant. That does not mean that the City is advocating for them. The Mayor and City Council are available to receive feedback and input from the public, but it must be done in an orderly fashion. It is difficult to discuss conflicts without knowing the details.

Ms. Webster stated that at the last meeting, there was discussion of a project where a 35,000-square-foot building did not seem to fit the City's ordinances. She was confused by the process and was trying to make sense of it. Mr. Ence reported that the General Plan and the Historic Guidelines are not always specific to a particular property. Zoning is much more specific in terms of what is and is not allowed. Other ordinances and State law come into play and further define the process. The procedure depends on the specific request. The Planning Commission, for example, is generally a recommending body and does not make final decisions on most major land use matters.

There were no further citizen comments. The public comment period was closed.

4. Conflicts and Disclosures.

Mayor Rosenberg disclosed that the firm that he is employed by is involved with agenda items 2, 3, 4, 6, and 7 on the agenda.

5. Working Agenda.

A. Public Hearing.

Consent Agenda.

i. Approval of Claims and Minutes:

- **July 12, 2023, Regular City Council Meeting.**
- **July 19, 2023, City Council Work Meeting.**
- **Claims through July 26, 2023.**

ii. Calendar of Events:

- **August 9, 2023, Regular City Council Meeting.**
- **August 16, 2023, City Council Work Meeting - Canceled.**
- **August 23, 2023, Regular City Council Meeting.**
- **August 24, 2023, Combined Meeting with Ivins City Council.**

iii. Recognize James Call for 10 Years of Service on the Planning Commission.

Mayor Rosenberg expressed appreciation to Commissioner James Call for the work he has done on the Planning Commission over the last 10 years.

Council Member Hinton moved to APPROVE the Consent Agenda, as presented. Council Member Waite seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

B. General Business.

i. Presentation Regarding the Washington County School District Tax Initiative. Presented by Steve Dunham.

Washington County School District Communications Director, Steve Dunham introduced Washington Council Business Administrator, Brent Bills and Washington County School District

Board Member, David Stirland. Mr. Dunham reported that property tax statements will be arriving this week and they wished to discuss the initiative and what they are trying to accomplish. He explained that historically, school districts have had to bond to pay for growth. The community is growing and this year the Washington County School District is expecting 600 to 700 new students. During the 2022/2023 school year, there were 36,600 students. They will start this school year with 37,300 students. Due to growth, they have to continually plan for buildings and construction. Historically, funding opportunities include having to bond, which are approved after which taxes are raised to pay for the loans and new construction.

Mr. Dunham reported that about six years ago, the district planned a new way to accomplish that and restructured the school district's debt to flatten out peaks and valleys in the property tax notice. It was proposed that they introduce a consistent tax rate going forward to pay off the bonds and recapture funds into savings where they can pay cash for all future construction. Doing so will save taxpayers over \$10.6 million annually, which was the amount paid last year alone in interest. It will take time to pay off the remaining debt and they anticipate it will take about 10 years. At that time, the Board of Education will revisit that tax rate to see if it can be lowered further. The hope was that they would never have to ask taxpayers for another tax increase for bonding. What is proposed is a budget taxpayers can count on and one the school district can live within and provide for the needs of the rapidly growing school district. Without taking this step they would have had to bond in 2022 for new construction and a replacement building. They expect that over the next 12 years, they would have had to bond for over \$700 million to pay for new construction based on the growth projections. The school board is proceeding with a Truth in Taxation initiative on August 7 at 6:00 p.m. at Dixie High School.

Mr. Bills reported that the result of the proposal is that people will pay slightly less on their 2022/2023 property taxes and then as valuations increase, the Certified Tax Rate will decrease. Mr. Dunham explained that this is done by combining the debt service levy with the capital levy. As a result, it has to be shown as a tax increase to the taxpayers because of the change in the tax levies. The state requires it be shown as a tax increase.

Council Member Waite commented that of the four total levies, two are being combined. He asked about the remaining two levies. Mr. Dunham stated that they deal with district operations and will go into Fund 10, which is what teachers are paid out of. The capital levy goes into Fund 10 and can only be used for construction, facilities, and equipment. Council Member Mathis asked why the levies are not broken out so that residents can see the allocations. Mr. Dunham explained that the State Legislature decides how levies are broken out. The budget, however, shows the individual levies.

Council Member Hinton asked if they are on schedule for the schools that are planned. Mr. Dunham stated that they need another elementary school in the Dixie Springs area. A middle school also needs to be replaced. Other schools that are planned were identified.

In response to a question raised by Council Member Shakespeare, Mr. Dunham reported that they have looked at the district's needs for the next 12 years and identified the needed buildings based on growth. They are looking at current construction costs and trying to determine the cost over time. The intent was to save on interest and construction costs. By restructuring debt over the next

10 years, they will use the savings to pay cash for buildings going forward. Mr. Dunham reported that they are meeting with local cities and asking for Letters of Support.

ii. Discussion and Action to Consider a General Plan Amendment Application for Property at the Intersection of Pioneer Parkway and the Future Extension of Red Mountain Drive. The Properties have been Legally Subdivided and are Known as Lots 1, 2, and 3 of the Silverado Commercial Subdivision. Silverado Development, LLC, is proposing a General Plan Amendment from Main Street Commercial (“MSC”) and Open Space (“OS”) to Mixed Use Residential (“MUR”) for Lots 1 & 2, and Main Street Commercial (“MSC”) and Open Space (“OS”) to Main Street Commercial (“MSC”) for Lot 3 and Approve Ordinance 2023-18. Presented by Jim McNulty, City Planner.

Mr. McNulty presented the Staff Report and stated that the request is for a General Plan Amendment that includes three properties, which have been legally subdivided. Previously, the property to the east was also included where there was to be a pickleball facility. That specific parcel has since been sold to Intermountain Healthcare (“IHC”) for a medical facility. A separate application will be filed for that project. The matter to be heard from the Council tonight was the General Plan Amendment. The rezoning of property will need to come back at a later date. This is the first step in the process.

Lots 1, 2, and 3 were legally subdivided and the applicant has proposed an amendment from Main Street Commercial (“MSC”) and Open Space (“OS”) to Mixed-Use Residential (“MUR”) for Lots 1 and 2. Lot 1 includes townhome units with toy storage or garages for hobbyists. Lot 2 includes an apartment project and Lot 3 involves a change from MSC and OS to MSC. They are proposing to develop three commercial buildings with a plaza, a stairway to Harmons for connection, and reciprocal access from their property to the Harmons site. Access will be off of Pioneer Parkway to the future Red Mountain Drive extension.

The subject properties were identified on the General Plan Land Use Map displayed. Mr. McNulty reported that there is some open space on the west side of the future Red Mountain Drive extension and in the Tuacahn Wash. The IHC property contains a significant amount of open space and will be discussed at a later date. After working with the City legal counsel, it was determined that a General Plan Amendment is needed for the subject property to allow for a clear and transparent record of the property entitlement before moving forward on a rezoning.

Notices were sent to all property owners within 300 feet of the subject property prior to the public hearing, which occurred on July 13, 2023, before the Planning Commission. No responses were received by staff regarding the application. The City Council may recall, however, that several residents commented at the public meetings in August of 2022 and again in the fall.

The proposed Concept Plan was presented, and Mr. McNulty presented some of the General Plan requirements and considerations prior to the City Council making a decision. He noted that it includes two land use designations. This is the prime commercial frontage along Pioneer Parkway. There were to be predominantly commercial uses on the ground floor, including uses such as

stores, restaurants, and offices with residences and offices on the second and third floors. They are instead proposing office and retail space.

Mr. McNulty reported that the description for the mixed-use residential for Lots 1 and 2 states that the mix of uses is mostly residential in the form of townhomes, and multi-unit buildings but also could include small lot single-family. MUR may include small retail stores, coffee shops, and offices at intersections with collector streets, second-floor residences, or offices could also be allowed. As part of the current application, there is a minimal amount of open space included in the subject properties. The intent is to clean up the Land Use Map and remove these areas from the General Plan if allowed by the City Council. This would allow the applicant to proceed. General Plan Section 3.4.2 encourages a mix of residential, retail, and employment uses that are typically segregated. A policy to that effect states that all mixed-use development will be accompanied by attractive landscaping, pushing buildings to the street or right away, pedestrian-oriented landscape, and street trees. They would be considered at a later date if the applicant moves forward.

Section 4.6 of the General Plan includes the Pioneer Parkway Retail Core and states that the Pioneer Parkway Retail Core is ideal for future mixed-use retail development. It is located adjacent to two major streets near a large park, a school, a firehouse, and a portion of the City's proposed trail network. Public input from residents strongly supported creating future retail centers. This includes stores that form a continuous shopping street connected by wide, shaded sidewalks with benches, decorative paving plazas for gathering, and convenient on-street parking. In addition, Santa Clara has developed a significant customer base within walking distance. An objective of the Pioneer Parkway Retail Core is to ensure the flow of traffic in a major transportation corridor while providing significant retail and employment opportunities in a pedestrian-oriented center. Section 6 of the General Plan includes economic development and states that the economic development objective attracts new businesses and retail to Santa Clara to broaden and increase the sales tax base and provide increased local employment opportunities. Policy 6.1 states that the City supports development that proposes mixed-use land uses to help diversify the City's income and maintain City services. In terms of State Code considerations, Utah Code Section 10-9-8-408 addresses requirements for a General Plan Amendment and requires one public hearing. That requirement has been met as well as the State Statute.

The Planning Commission held a public hearing on July 13, 2023, and a motion was made to recommend approval to the City Council and passed unanimously 5-to-0. Staff recommended that the City Council review the submitted General Plan Amendment to determine if the application is complete. If determined to be complete, Staff will recommend that the City Council consider the application subject to the findings and conditions enumerated in the Staff Report.

The applicant, Julian Stemmer commented that the biggest problem facing the project is the neighborhood, certain City Council Members not supporting the pickleball facility, and neighbors not wanting the gas station. Several meetings were held with the neighborhood and the City, and they felt they have resolved the issues. Two weeks earlier, following the public hearing, the same individuals expressed support for the project and were pleased that changes were made. The proposed changes were discussed. Council Member Waite was pleased that they are keeping the

magenta area on Pioneer Parkway. He could see the proposed General Plan Amendment working and felt it made sense.

Council Member Mathis was generally supportive of what is proposed and was of the opinion that it meets the General Plan. She had one concern with trying to do it as a mixed-use project and stated that Phases 1 and 2 are already zoned for residential. She was concerned about potentially changing it to PDC. Mr. Stemmer stated that with the current PDR zone, they will get the site plan and project plan approval to do Phases 1 and 2 as proposed. Council Member Mathis was concerned that it will limit the number of units unless there is an affordable housing component. Mr. Stemmer commented that his understanding is that with the PDC zone and the acreage they have, they are within the minimums and are not required to have an affordable housing component.

Mr. Ence stated that in terms of the density bonus, the PDC zone does not require density bonus approval and allows the developer to go to the full 12 units per acre. His understanding was that Council Member Mathis' concern was that the PDC also does not impose the affordable housing requirement on the apartment complex. He stated that it will be imposed if in the PDR zone. Council Mathis was concerned that the applicant has separated the parcels, and, in reality, they could sell the parcel as a commercial project. The intent of the ordinance was to prohibit large projects unless they are mixed-use or allow for affordable housing.

Mr. McNulty commented that staff was working on a Development Agreement previously for the overall project. At that time, they talked about PDR and PDC. The previous developer, Dave Hunter, agreed to try to develop 10% of the units as affordable. The pickleball facility and the restaurant have likely gone away but they were still working on a Development Agreement. It was his understanding that there would be a Development Agreement because there was a draft at one time. As they go through the rezoning and project plan process there will be a Development Agreement that goes with it. Mr. Ence confirmed that there is a draft Development Agreement. Given the changes to the project, he could not say whether the draft will reflect what is presented and stated that it will have to be worked through as part of the next steps.

Mr. McNulty commented that the idea was that there will be at least 10 affordable units at 80% of the Area Median Income ("AMI") and will not be mandated through the Utah Housing Authority.

Council Member Hinton moved to APPROVE the General Plan Application for property at the intersection of Pioneer Parkway and the future extension of Red Mountain Drive and approve Ordinance 2023-18 subject to the following:

Finding:

- 1. That the proposed General Plan Amendment complies with Section 3.4.2 of the General Plan (Mixed-Use Land Uses).**
- 2. That the proposed General Plan Amendment complies with Section 3.4.2 of the General Plan (Policy 3.1, Mixed-Use Development).**

3. **That the proposed General Plan Amendment complies with Section 4.6 of the General Plan (Pioneer Parkway Retail Core).**
4. **That the proposed General Plan Amendment complies with Section 4.6 of the General Plan (Pioneer Parkway Retail Core Objective, and Policy 4.10 in support of objective).**
5. **That the proposed General Plan Amendment complies with Section 6 of the General Plan (Economic Development Objective and Policy 6.1)**

Condition:

1. **This amendment is approved subject to approval of the zone change consistent with the applicant's presentation within one year of the date of approval of this amendment. If not approved within one year, the land use designation shall revert back as if this amendment had not been approved.**

Council Member Mathis seconded the motion.

Commissioner Waite specified that Lots 1 and 2 will be as presented and shown on the map.

Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

- iii. **Discussion and Action to Consider Site Plan Approval for a Mixed-Use Building Located at 3098 Santa Clara Drive. Justin Anderson and Steven Beesley, Applicant. Presented by Jim McNulty, City Planner.**

Mr. McNulty presented the Staff Report and stated that the applicants, Stephen Beasley, and Justin Anderson, are requesting site plan approval. They are proposing a new building on the site, which is just under one-half acre in size. The building has been positioned on the site to push the building forward to within 20 feet of the property line, which is allowed in the Historic District Mixed-Use Zone. They are trying to create walkability on the site with a five-foot sidewalk in front along with a park strip area. On the southeast end, there is a Sycamore tree that will remain. The applicants have been working with the Parks Department to make sure that the tree is preserved. An access is proposed off of Santa Clara Drive on the west end of the site which is a 26-foot-wide private driveway that will provide access to the four proposed apartments. The applicants are proposing two-car garages. The ordinance requires two parking spaces with one uncovered and one covered. 12 parking spaces have also been provided for office-retail use as proposed upfront. The use is just under 3000 square feet. The townhome apartments range in size from 1,382 to 1,424 square feet in size. Parking is in the back with the 26-foot drive aisle in between. There is a dumpster enclosure with a metal gate and additional landscaping.

Mr. McNulty identified the residential apartments and stated that the main floor level will have leased space of just under 1,300 square feet with two-car garages in front. Living areas on the first

floor are just over 500 square feet with a second level that is 800 to 850 square feet in size. Two bedrooms are proposed with garages below with three bedrooms and two baths. The leased space on the top floor is just under 1,500 square feet in size. Mr. McNulty reported that the building under the roof is approximately 9,939 square feet with a footprint of 4,500 square feet. 3D drawings were presented to show the various features of the project.

The proposed building materials were reviewed by the Heritage Commission on June 15, 2023, and recommended that the Planning Commission consider approval of the proposed building with the final building materials as discussed, which included tan brick with gray/white brick near the entry. The applicants are now requesting tan brick as a second option. That request was to be presented to the Heritage Commission. The courtyard area was proposed to have wrought iron fencing. The final materials will be reviewed by the Heritage Commission with samples provided. The building materials include the Hardie board, vertical and horizontal siding, large stone on the business front, facade brick and stucco, limited wood siding, and a standing seam metal roof. The proposed building colors include White Hardie board siding, white stucco cream-colored stone, tan brick, and dark brown wood siding. Metal roofing was proposed with a flat roof style and a parapet. The residential portion of the building behind the office includes a 412 and 912 pitched roof. The site plan includes 12 parking spaces, including one Americans with Disabilities Act (“ADA”) space, which complies with Parking Code Chapter 17.32.

Mr. McNulty referenced the City ordinance regarding water-efficient landscaping and conservation standards and stated that staff will work with the applicants to ensure that they are met. Outdoor lighting was discussed in Chapter 17.36.070 and addresses a maximum light standard height of 16 feet using indirect hooded light sources. All outdoor lighting shall not adversely impact surrounding businesses or residential uses and shall be shielded and directed downward to avoid light spills. Staff did not anticipate light standards with the project as the lighting will likely be mounted to the buildings themselves. A dumpster enclosure is required. Code Section 17.66 requires project signage. The subject property is in the Historic District Mixed Use Area and there is an area on the building that will allow for signage. It was noted that all signage will be reviewed by the Heritage Commission before a Sign Permit is granted.

Mr. McNulty referenced Section 17.74 of the Historic District Mixed-Use Zone and stated that the City Code specifies that two-family dwellings such as a duplex, twin home, or townhome are permitted uses. The Code also allows for the Planning Commission to determine other permitted uses with input from the Heritage Commission. The Heritage Commission, Planning Commission, and City Staff are comfortable with the four residential apartment units as proposed for the project. They will be long-term rental units and the conditions of approval address that. The proposed mixed-use office building was designed to fit in with other historic structures in the immediate vicinity. Code Section 17.74.040 specifies that the building heights shall be the average of average heights of adjacent units on the same block unless a greater height is approved by the Planning Commission upon recommendation from the Heritage Commission. Mr. McNulty stated that “generally high” has been limited to approximately 25 feet in the Historic District; however, there are several structures that exceed this height. The applicant is proposing a building height of 29 feet to the top of the parapet, which allows for rooftop mechanical equipment to be screened and set down. Another portion of the building will be 27 to 28 feet to the peak of the roof for the residential units. Staff was comfortable with the proposed height of the building as the building is

designed to blend in with the Historic District. The Heritage Commission and Planning Commission were in favor of the proposed building height.

It was reported that public notices are not required for a site plan. The agenda was posted on the City's website and in multiple public locations and no comments were received. The Planning Commission held a public meeting on July 13, 2023, and recommended site plan approval to the City Council. Staff recommended that the City Council consider granting site plan approval for the 3098 Santa Clara mixed-use building subject to the conditions outlined in the Staff Report. The applicant and Architect, Steve Beasley were present.

Council Member Waite commented that it appears that the applicant has met all of the conditions with the exception of condition number 9, which requires a Soils Geotechnical Report to be submitted. It was noted that a Soils Report is not required for existing buildings. Building Official, Cody Mitchell stated that it has not yet been received. Mr. McNulty indicated that it will be submitted with the construction drawings sooner. They were, however, being asked to go back to the Heritage Commission with the full-size material samples before the construction drawings are submitted.

Mayor Rosenberg asked if there are privacy walls surrounding the exterior perimeter of the project. Mr. McNulty reported that there is not. There is, however, an existing fence along the west property line. He referenced the single-family home where a new picket vinyl fence was installed about one year earlier along the front, side, and rear yards. It was noted that the Swoon project to the west is open. There is parking on the west side that was left open. In this case, there will be a landscape buffer with trees and a private patio courtyard area to help soften that. He noted that there are no specific requirements in the Historic District with regard to perimeter fencing.

Mayor Rosenberg asked about drainage from the north since there is no perimeter wall. He asked how that will be mitigated and how the increase in stormwater runoff from the site will be mitigated. Mr. McNulty stated that the Technical Review Committee ("TRC") has discussed utilities. Jared Bates, the Civil Engineer for the project, stated that they anticipate having a storm drain system on the north side. The Geotechnical Report showed that they will likely have some sort of underground collection system due to the size and install catch basins in the north parking lot. For retention, there will likely be an underground chamber system.

It was confirmed that there is a storm drain in Santa Clara Drive so they will be able to discharge their retention into that. It was noted that the applicant was informed that because the project is small, they can do storm runoff into the gutter. Mayor Rosenberg commented that without the wall they are subject to flooding from off-site. He asked how that will be mitigated. Mayor Rosenberg asked about the solid waste enclosure. A front entry was proposed that would require them to back out of the driveway onto Santa Clara Drive. A question was raised regarding the need for the dumpster since they could have single-collection garbage cans for the townhomes. How much waste the commercial use generates was something they looked at as well.

Mr. McNulty asked about the businesses, which will have two levels. His concern was with a dumpster appearing over time without a dumpster enclosure. He preferred an enclosure since it is a mixed-use project. Mr. Beasley commented that there may be an opportunity to move the

dumpster in front. Mayor Rosenberg suggested they speak with the Solid Waste District to ensure that the design is going to be accessible. His fear was with the garbage truck backing out onto Santa Clara Drive.

Council Member Hinton asked Mr. McNulty if the site plan meets the 700-square-foot main floor requirement. The language states that it does unless specifically approved by the Planning Commission and City Council as part of a mixed-use dwelling already existing on the property. It was noted that nothing exists on the property. Mr. McNulty explained that the units themselves are rather large for apartments. There is 500 to 550 square feet of living area on the ground floor with a 400 square-foot garage. Up above there is 850 square feet with three bedrooms and two baths. If they count the garage and the living space on the ground floor, the total is 950 square feet; however, the living area is only 500 to 550 square feet. They then have the leased space. He clarified that it is a mixed-use product.

Reference was made to 17.74.130. Mr. Ence stated that it is pretty straightforward and specifies that no residential dwelling shall have less than 700 square feet of main floor living area unless specifically approved by the Planning Commission and City Council as part of a mixed-use dwelling that is already existing on the property. Council Member Waite asked if that is a way to limit density in the downtown area.

Council Member Waite noted that there is no limit on the density in the zone. He wondered if 17.74.130 was a catch-all that ensures there is moderate density in the zone. It was noted that the purpose of the zone is to approve higher-density residential uses that are integrated into an overall mixed-use development. Mr. Ence referenced the discussions that took place previously with regard to the size of an apartment unit in the mixed-use area. There was a desire for the apartments to have a minimum square footage. It could be read that the requirement only applies to existing mixed-use dwellings, because of the clause: "...as a part of mixed-use dwelling already existing on the property." If that was the interpretation of the language, since the application had to do with new dwellings, that particular language would not apply.

Council Member Hinton asked if the park strips comply with the Landscaping Ordinance. Mr. McNulty confirmed that there are park strips, but in the Historic District Mixed-Use Zone, there are no specific park strip requirements. As long as the application meets the landscape requirements, which this application does, it is appropriate. Mayor Rosenberg explained that a lot of landscaped park strip is inside of the City right-of-way as part of a streetscape project.

Council Member Drake asked for additional information about density in the zone. Mr. McNulty read some of the zoning language, which referred to a duplex, twin home, or townhome, only in certain circumstances. It also referenced "other uses determined by the Planning Commission with input from the Heritage Commission and being in harmony with the intent and purpose of the zone." He reiterated that with this specific application, there is a property that is roughly one-half acre, and the request was for four units. The density would be approximately eight units per acre, which was similar to the PD Zone. However, those provisions do not apply in this instance. Both the Heritage Commission and the Planning Commission felt good about the density because there are only four units proposed and there would not be short-term rentals. There had also been

discussions about making the apartment units available to employees of the commercial use. There could be a true live/work situation in that case, which does not currently exist in the City.

Council Member Drake expressed concerns about the fact that there is no density level in the zone. Mr. Ence noted that the applications need to be reviewed by the Heritage Commission, Planning Commission, and City Council. Mr. McNulty added that the parking requirements will limit the density. It will be difficult to have too much density because there needs to be a certain number of parking spaces provided for the residents. Council Member Drake had concerns that the language creates something beyond the scope of what is planned for the zone.

Mr. Ence noted that the dimensional requirements of the Historic District Mixed-Use Zone include a minimum floor area. There needs to be at least 700 square feet of living space per unit unless otherwise recommended by the Planning Commission and approved by the City Council. Mr. Ence believed that requirement was exceeded by the proposed design. Item H discussed having a minimum of 700 square feet and the proposal was much larger than that.

Council Member Shakespeare noted that with mixed-use, there is often commercial on the lower level and residential on the upper. In this instance, there will be commercial on the street with residential behind. He compared the application to one that was before the Council two weeks prior. Council Member Shakespeare liked what had been proposed. He believed it did a lot of what was asked for in the downtown area. As far as density per acre, there have been far less dense projects that received far more public outcry. He liked that the development will have parking inside. There were a lot of positive aspects to consider.

Council Member Drake asked about the traffic impacts on Santa Clara Drive. He noted that there will be four residential units as well as commercial traffic. Mr. Bates expected the traffic impacts to be minimal. There are 10,000 vehicle trips on Santa Clara Drive per day, so the additional traffic will be low. Council Member Drake pointed out that there is already a lot of traffic on Santa Clara Drive and he expressed concerns about adding more vehicles. Mayor Rosenberg stated that the traffic levels on Santa Clara Drive are driven by regional traffic. The majority of the recent increases there were the result of the Ivins development, which was not something that Santa Clara has control over. He reiterated that there are regional impacts.

Council Member Waite asked about stormwater and what is needed to approve the application. Mayor Rosenberg reported that the document that describes how drainage will be handled is normally presented with the construction plans. Mr. McNulty explained that when there is a subdivision plat, a Geotechnical Report needs to be submitted prior to obtaining a Building Permit. Certain things need to be done prior to the issuance of the permit. Mayor Rosenberg did not have concerns with the storm drainage on the site other than recognizing that there are off-site flows that have to be routed through. The applicant demonstrated that there is an understanding of that. Mr. Ence reported that the City Council has denied applications in the past because of certain items not being provided. He read from the ordinance, including the elements that need to be addressed as part of the Site Plan review. From his reading, his understanding was that all of the elements need to at least be considered during the review process.

Ultimately, the City Council needs to determine whether there is comfort with the review process that took place. Mr. Ence explained that if the Council believes there is some sort of document or report needed before taking a vote, there was justification for that. That being said, his reading of the text was that the elements simply need to be considered during the review. Mr. McNulty wondered if there could be a Condition of Approval added to request the documentation. Mr. Ence reported that if the items had been discussed and there was consensus that a particular item was not needed at this stage, he would be comfortable that it had been addressed adequately. There could be a condition that the information be provided in the future.

Council Member Drake reiterated his concerns about the Historic District Mixed-Use Zone. He believed the idea of the zone was to protect Santa Clara and make sure that the history of the City is maintained. He did not think the spirit of the zone is found in the application.

Council Member Waite asked about 17.74.050C, which states, "Cooperation between property owners on adjacent properties will be strongly encouraged and carefully reviewed in the plan approval process." He wondered if that had occurred. The applicant, Justin Anderson, explained that a few of the direct neighbors are on the Heritage Commission, so there had been robust discussions there. Council Member Hinton asked about the height of the building. Mr. McNulty reported that the proposal was 29 feet to the top of the parapet, but there were residences in the immediate vicinity that were in the 30 to 35-foot range, some of which are single-family homes. There was discussion about the heights of other nearby buildings.

Council Member Hinton wondered if there are commercial tenants planned for the subject property. Mr. Anderson reported that there are no current leases in place. The hope was to bring in businesses that are related to a professional office use. Additional discussions were had about the application and the proposed density. Council Member Shakespeare asked if there would be one power meter for the entire project. Power Director, Gary Hall, reported that there will likely be a meter pack on the backside. There will be one meter for the office space and one for each of the residential units. Water will also be individually metered.

Council Member Shakespeare discussed density and noted that it is encouraged in certain areas. He wanted to understand what the right number of units is for this particular property. Mr. McNulty reported that there have been other proposals for the area, but this application seemed to be a good example of mixed-use. A good design was proposed, and the application is unique. Council Member Drake did not believe the application was mixed-use. He felt it was a residential high-density development with a commercial building. Council Member Shakespeare wanted to better understand how Council Member Drake views mixed-use. In his view, mixed-use is a mix of residential and commercial, which this application provides. Council Member Drake believed the priority of the development is a residential component with commercial being secondary. He did not think the intention was to make Santa Clara Drive high-density residential with a bit of commercial as that was not in the spirit of the zone.

Mr. McNulty explained that the developers are interested in creating horizontal mixed-use rather than vertical. In smaller communities, it was likely that more horizontal mixed-use would be seen. He confirmed that the application is for medium-density but reiterated that there was no density limitation in the Historic District Mixed-Use Zone. If that was something the Council wants City

Staff to look into, it could be done in the future. However, at the current time, there was no density limitation in that zone. Council Member Shakespeare pointed out that the parking requirements and height restrictions essentially set density limits. Mr. McNulty confirmed that development needs to be properly parked. The proposal was able to do that.

Council Member Drake asked that there be future discussions about the Historic District Mixed-Use Zone and what is desired there. Legally, he did not know that it was possible to prevent the current application from moving forward but he wanted there to be discussions about the future of the zone. Council Member Mathis appreciated the comments shared by Council Member Drake and agreed that it made sense to establish some clear densities in the zone. That being said, there was nothing that could be done about the application as it met the current requirements.

Council Member Mathis noted that there had been a lot of discussion about the application at the Heritage Commission level. The Commission asked the applicant to make changes to the building so there would be larger stones and different colors. There was a desire for the development to have a more historical feel. Given that the applicant has done what was requested, she felt the application made sense. She believed the changes would create a more historic look. Council Member Hinton was concerned about the historic look of the downtown but believed the application met the intention of the zone, which was to encourage residential uses in conjunction with commercial and other activities. The project met the zone requirements.

Council Member Waite read the Code. Near the end, where it discusses plan approval, it states, “The intent of this form of zoning is to provide an alternate procedure for specific development proposals.” That language also mentioned allowing the approval of plans using flexible requirements that may be different from all other zones in the City. The zone was envisioned to be a bit different from the other zones, which was likely why there was not a listed density. He thought the intention was to allow for some flexibility. Council Member Shakespeare was not opposed to discussing density further in the future. The height restrictions and parking requirements were the reason no specific density was listed because those restrictions limit what can be developed per acre but there could be future discussions on the matter.

Council Member Shakespeare moved to APPROVE a Site Plan for a Mixed-Use Building Located at 3098 Santa Clara Drive subject to the following:

Conditions:

- 1. That the applicant be required to comply with the recommendations from all City reviewing departments.**
- 2. That the project be built according to the approved Site Plan requirements as discussed in the Staff Report.**
- 3. That the building materials, colors, and roofing design comply with the requirements as discussed in the staff report. That revisions to this approval be required to go back to the Heritage Commission.**

4. That a minimum of 12 parking spaces (including 1 ADA space) be provided for the site for the office use as per Chapter 17.32 of City Code. That a minimum of 8 covered parking spaces (two per unit) be provided for the four (4) multi-family apartment units.
5. That the final landscape plan be required to comply with City Ordinance #22-05 (Water Efficient Landscaping & Conservation Standards). That the existing large sycamore tree along the southeastern property frontage remains in place.
6. That all outdoor lighting complies with Chapter 17.36 of City Code.
7. That the dumpster enclosure complies with Chapter 17.66 of City Code.
8. That project signage complies with Chapter 17.45 of the City Code. Signage approval is required by the Heritage Commission.
9. That the four (4) apartment units proposed for this project be approved and be used as long-term rentals.
10. That the building height be allowed at 29' to the top of the parapet along the front elevation, with a height of 27'-8" to peak of roof for the residential units.

Council Member Hinton seconded the motion. Vote on Motion: Council Member Drake-Nay; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Nay. The motion passed 3-to-2.

- iv. **Discussion and Action to Consider Final Plat Approval for the Lugano Subdivision. The Property is Located Directly South of Vineyard Drive and East of Riverwood Lane. Jason Lindsey, Applicant. Presented by Jim McNulty, City Planner.**

Mr. McNulty presented the Staff Report and stated that the application is for Final Plat Approval for the Lugano Subdivision. The subdivision plat includes a total of five single-family lots. The subject property is 6.49 acres in size. The Residential Agriculture ("RA") Zone requires a minimum lot size of one-half acre (21,780 square foot minimum) and the proposed lots of range in size from 26,518 square feet (0.61 acres) to 54,609 square feet (1.25 acres). The proposed density equates to 0.77 dwelling units per acre. All lots within the proposed subdivision will be required to meet the area, width, and yard regulations as per Section 17.60.050 of the City Ordinance. The property owner intends to build a single-family home on one of the proposed lots, with other lots being available for purchase. Ingress/egress to the site will be provided via Vineyard Drive and Riverwood Lane. The final plat includes two open space areas adjacent to the two access points. The applicant will be required to form a Homeowners Association ("HOA") to allow for the maintenance of the common areas that were proposed.

Final Plat information was shared. Mr. McNulty reported that there is a proposed public street with a 56-foot cross-section that includes a park strip for street trees. Full street improvements are required for the Lot 5 frontage along Vineyard Drive. The building setbacks and height need to meet the requirements of Chapter 17.60.050. As far as open space, the Final Plat includes two open space areas. One is adjacent to Lot 5, and another is adjacent to the existing single-family homes in a different subdivision. That area will be owned and maintained by an HOA. It was required to be included in the Covenants, Conditions, and Restrictions (“CC&Rs”). Notes were added to the Final Plat to address that issue. Mr. McNulty reported that the applicant is required to obtain a Will-Serve Letter or other verified documentation from the Washington County Water Conservancy District (“WCWCD”) prior to Final Plat recordation. Additionally, a Dust Control Plan needs to be submitted. No public comments had been received.

Departments in the City reviewed the application. Mr. McNulty reported that the Building Department requires a Geotechnical Report for each residential building prior to Building Permit issuance. The Parks and Recreation Department provided information on street trees and made recommendations for the park strip. The Power Department referenced the Public Utility Easements (“PUE”) that are required. The Public Works Department asked that the PUEs be shown on the Final Plat as well as the public streets. A mylar with signature blocks is required. The Planning Commission held a public hearing on July 13, 2023, and recommended Final Plat Approval to the City Council. As a result, Staff recommended that the City Council consider granting Final Plat Approval for the Lugano Subdivision, subject to the conditions enumerated in the Staff Report. There was no further discussion.

Council Member Drake moved to APPROVE the Final Plat Approval for the Lugano Subdivision subject to the following:

Conditions:

- 1. That the applicant be required to comply with the recommendations from all City reviewing departments.**
- 2. That the applicant be required to install public street improvements (56-foot cross-section with park strip) which meet city standards. That public street improvements be required for the Lot 5 frontage along Vineyard Drive.**
- 3. That street trees be allowed as per the City’s recommended list.**
- 4. That the building setbacks for this subdivision meet the requirements of Chapter 17.60.050, Residential Agriculture, RA Zone.**
- 5. That the building height for all homes in this subdivision be limited to 35’.**
- 6. That the two (2) open space areas included on the final plat be identified as Open Space Areas #1 and #2. That the applicant be required to form an HOA for maintenance and ownership of the open space areas.**

7. That all landscaping (including HOA-owned and maintained areas) be required to comply with City Ordinance #2022-05 (Water Efficiency & Conservation).
8. That the applicant provides a will-serve letter or other verified documentation from the WCWCD prior to final plat recordation.
9. That a secondary water system is required for outdoor water use.
10. That the applicant provides a dust control plan prior to final plat recordation

Council Member Mathis seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

v. Award RAP Tax. Presented by Ryan VonCannon, Parks Director.

Parks Director, Ryan VonCannon, presented the Staff Report and stated that Susie Nilsson requested Recreation, Arts, and Parks (“RAP”) Tax funds to repair and replace fixtures in the Santa Clara Arboretum. He reported that the Arboretum is mostly dependent on volunteers. Some work needs to be done so the RAP Tax funding was requested for maps, interpretive signs, repairs, and installations. \$1,000 was requested for materials. All of the labor will be provided by volunteers. The Santa Clara Historical Museum will support the project through its 501(c)(3) status. Additionally, Heidi Lee requested RAP Tax funds for Shakespeare in the Park. The request was for \$14,000 for various costs related to production, business, and backstage needs. Mr. VonCannon noted that there was a third RAP Tax fund request as well, which was an annual amount that was previously awarded for approximately \$5,000. The total requested amount was \$20,000 in RAP Tax funds. He noted that there was \$30,000 available. The remaining \$10,000 from RAP Tax would be used for the parks moving forward.

Mayor Rosenberg noted that all of the applicants applied previously and had done a lot of excellent work with the awarded amounts. Council Member Waite was impressed by the way that the money had been spent in the past. Council Member Mathis believed there had been discussions about using \$10,000 from the RAP tax for another purpose. Mr. VonCannon explained that there had been discussions about where the remaining funds would be used. Council Member Mathis asked if there was money remaining for the puzzle wall. There was some uncertainty about that. Mr. McNulty noted that if there was a bit of a shortfall, it would be possible to pay 50% one year and 50% the second year for certain items. There were some different options available. Discussions were had about the amount Shakespeare in the Park had been awarded in the past.

Council Member Drake moved to APPROVE the RAP Tax Awards, as presented. Council Member Hinton seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

Council Member Waite noted that Ms. Lee expressed frustration about the application process. He wondered if there could be more clarity added to the website. For instance, an application deadline to simplify the process. Mr. VonCannon confirmed that this would be done.

vi. Award Bid for Vineyard Drive Reconstruction Phase 2. Presented by Dustin Mouritsen, Public Works Director.

Public Works Director, Dustin Mouritsen, presented the Staff Report and stated that the item was related to a bid for Vineyard Drive Reconstruction Phase 2. He asked the City Council to consider awarding the bid for the work to Whitaker Construction. The bid came in \$23,000 under the engineer's estimate, which was not something that happens often. It is the same contractor from Phase 1 and an outstanding job had been done on that work. Everything had been completed as directed and there were no issues with Phase 1. The intention was to have the Phase 2 work done before Swiss Days; however, the worst-case scenario was that the curb, gutter, and road base would be completed by that time. It would still be an improvement over current conditions.

Council Member Shakespeare moved to APPROVE the Bid for Vineyard Drive Reconstruction Phase 2 to Whitaker Construction in the amount of \$691,232.50. Council Member Waite seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

vii. Award Bid for BMX & Canyon View Parking Lot Construction. Presented by Dustin Mouritsen, Public Works Director.

Mr. Mouritsen presented the Staff Report and explained that the item was related to a bid for the BMX and Canyon View Parking Lot construction. He asked the City Council to consider awarding the bid for the work to Progressive Contracting in the amount of \$1,039,755.80 of which \$500,000 would come from the County from a tourism grant. The bid was originally made back in February but there was not enough funding, because the bid was \$200,000 above the engineer's estimate. Since then, Mr. VonCannon had gone back to the County and was able to receive additional funding. That made it possible for the City to be able to do the project. That being said, some cuts have been made and a lot of the parking islands were removed from the lot. On the north lot, a lot of the north parking had been removed. That parking could be added in the future as part of Phase 2 if that were desired. Additionally, a small portion of the trail there had been removed. Progressive Contracting agreed to do the work for the price listed.

Council Members reviewed the items that were removed from the bid. Council Member Waite believed the extra parking on the edges would not be done during the first phase, which was confirmed. Mr. Mouritsen explained that the initial proposal had included that parking, however, due to the costs, it had been removed. He shared a map of the area with the City Council for additional clarification. Council Member Waite believed what was currently proposed would be a significant improvement in the area. Council Member Shakespeare asked about drainage. Mr. Mouritsen reported that some small portions of the storm drain would be collected.

Council Member Waite asked what would happen if RVs and trailers were parked in the striped island areas. He wanted to understand if it would be possible to add parking islands later if the striping was not working appropriately. Mr. Mouritsen confirmed that this could be done. Mayor Rosenberg noted that cones could be used for RV parking to account for specific events. The Council discussed some of the landscaping that was planned for the area. Council Member Waite expressed appreciation that the County had contributed more toward the project.

Council Member Shakespeare moved to APPROVE the Bid for BMX and Canyon View Parking Lot Construction to Progressive Contracting in the amount of \$1,039,755.80, where \$500,000 of the funds would come from the County Tourism Grant. Council Member Mathis seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

viii. Discussion and Action Approving Resolution 2023-13R to Appoint Election Judges for the 2023 Municipal Election. Presented by Chris Shelley, City Recorder.

City Recorder, Chris Shelley, presented the Staff Report and reported that the item relates to the appointment of Election Judges for the 2023 Municipal Election. Resolution No. 2023-13R relates to the Election Judges and Alternates for the Municipal Election, which would be held on November 21, 2023. It would also set compensation for those services. Council Member Drake reported that the Resolution listed Poll Manager compensation as \$300 per day with an additional \$2.00 plus an additional \$0.56 per mile for driving, one way, from the polling station to the Washington County Clerk's Office. Poll Workers will receive \$225 for a full day or \$8.00 per hour for anything less than a full day. Council Member Waite asked where the workers will be stationed. Ms. Shelley explained that they will be in City Hall. Since there will not be a primary held, the services would only be needed for November 21, 2023.

Council Member Drake moved to APPROVE Resolution 2023-13R, to Appoint Election Judges for the 2023 Municipal Election, as presented. Council Member Hinton seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

ix. Consider Adoption of Ordinance 2023-19 to Correct a Legal Description in a Prior Santa Clara View Drive Vacation. Presented by Matt Ence, City Attorney.

Mr. Ence reported that Ordinance 2023-19 will correct a legal description in a prior Santa Clara View Drive vacation. He explained that the issue was brought to the attention of the City by a local title company that was assisting a property owner with the sale of their property on Santa Clara View Drive. In 2008, when a portion of Santa Clara View Drive was abandoned by the City, there was an error in the legal description that was not caught at that time. It was only caught once the property was for sale, and it went through the underwriting process. The property owner had a

closing date scheduled for July 27, 2023, and the City had assured them that it would be possible to resolve the issue by then. He asked the Council to approve the referenced correction.

Council Member Drake moved to APPROVE Ordinance 2023-19 to Correct a Legal Description in a Prior Santa Clara View Drive Vacation. Council Member Mathis seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

6. Reports.

A. Mayor/Council Reports.

Council Member Shakespeare reported that Little League is heading back to San Bernadino and will likely ask for support. As for the discussions that took place earlier in the City Council Meeting, he welcomed additional discussions about density in the downtown area. Mayor Rosenberg noted that the Heritage Commission had already requested some additional guidance and direction. It had been suggested that there be a joint meeting with the City Council and Planning Commission. There could be a public hearing where feedback about the downtown could be heard. Council Member Shakespeare thought that providing clear direction to the Heritage Commission and addressing some of the existing density concerns made the most sense. Additional discussions were had about heights and densities in the downtown area and the impacts.

Council Member Shakespeare reiterated that it would be possible to have a discussion about the downtown area. It is important to find a balance. He acknowledged that there would be opposition to any change, but it was important to consider what was desired for the downtown. Mayor Rosenberg believed there needs to be some density in the downtown area to support the businesses that are there. Walkability is an important factor to consider. There is a fine line, and it would be difficult to define that but was worth discussing further. Council Member Drake wanted to hear from the people that live in the area and understand what is desired. He liked the suggestion to hold a joint meeting between the City Council and the Planning Commission. It would be worthwhile to allow public comments to be shared at that time.

It was noted that the density issue is a legislative issue that the City Council needs to discuss. That would be separate from the Design Guidelines discussions. It is not appropriate to ask the Heritage Commission to deal with density-related actions as that is not their role. Both the Design Guidelines and the densities can be discussed but they are independent items. Council Member Drake was not supportive of the flexibility that is currently in place for the downtown area as it relates to density. He believed it made sense to have clear restrictions. The Council discussed the current meeting schedule and the Work Meeting agenda in September.

Council Member Mathis reported that the Heritage Commission will meet next week. There will be discussions about Design Guidelines at that time. There was a desire to establish clear guidelines for commercial buildings and not just for the residential buildings. Council Member Mathis also informed the Council Members that the Youth City Council will start meeting next week.

Council Member Hinton heard from a City Council Member in St. George about the restrooms at the Sand Hollow Aquatic Center (“SHAC”). They were renovated to be more ADA-accessible and easier for the lifeguards to monitor. She had not been able to see them yet.

Council Member Waite was excited about the paving that would occur on the North Canyon View Parking Lot. He noted that the UTOPIA installations were going well according to the report that had been received. The take rates would be reported once more installations are done. Council Member Waite discussed the public comment period during the last meeting that he had run. There was not a timer, and a lot of comments were received. He wondered if there was a way to limit the length of those comments. There was discussion about the timer. Council Member Waite believed the timer needed to be visible to speakers, so all comments are concise. Additionally, a lot of the comments are actually questions and he was not sure how to best address those. Some questions were answered while some residents were informed that Staff would reach out with information. He reiterated that it is difficult to enforce the rules without a clear timer and there was uncertainty about how to best address questions posed during the public comment period. Mayor Rosenberg noted that there had been discussions about allowing comments during Work Meetings. There was support for that approach because it would streamline the Regular Meetings.

Council Member Waite reported that he was away during the last two Work Meetings. He had been unable to share input about the water rates except for what had been shared on his behalf. While he liked the idea of there being a more gradual increase, he did not necessarily like the idea of increasing the rate when it did not need to be raised. There are other ways to achieve water conservation. In the past, the City approved what was needed to cover the costs. Mr. Mouritsen noted that the costs were being covered but nothing was being put away to address renewal or restoration. Impact fees do not pay for that, which is something that needs to be considered. Council Member Waite stated that if there was going to be an increase considered that kind of information needs to be shared and made clear. There must be a rationale for the choices made. Mr. Mouritsen wondered if another Work Session discussion was needed on the matter. He believed the steeper water rate was necessary to generate more revenue for operations and maintenance. There was not a lot of money available for renewal and replacement.

It was noted that the water rates could be discussed during the City Council Meeting in August as there was no Work Meeting scheduled until September. Adjustments could be made during that meeting. It was determined that the Council would discuss the water rates further during the August meeting and the vote would be pushed back to a City Council Meeting in September. Council Member Waite explained that there was a desire to better understand the rationale.

Mayor Rosenberg reported that the Flood Control Board is starting to work on the 2024 budget. That information would be ready for the City Council to review in October 2024. Council Member Drake expressed gratitude that there had not been blackouts in Santa Clara, because there had been some elsewhere. Mr. Hall reported that all of the generators were currently up and running.

7. Executive Session.

There was no Executive Session.

8. Adjournment.

Council Member Drake moved to ADJOURN the Santa Clara City Council Meeting. Council Member Waite seconded the motion. Vote on Motion: Council Member Drake-Aye; Council Member Hinton-Aye; Council Member Mathis-Aye; Council Member Shakespeare-Aye; Council Member Waite-Aye. The motion passed unanimously.

The City Council Meeting adjourned at 8:04 p.m.

Chris Shelley
City Recorder

Approved: _____

**City of Santa Clara
Check Register
All Bank Accounts - 08/03/2023 to 08/03/2023**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
BUCKS ACE SANTA CLARA	70538	2427	07/27/2023	08/03/2023	130.77	SAFETY SUPPLIES	104410-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70538	2430	07/28/2023	08/03/2023	480.55	WEEDKILLER	104410-414 - ROAD MATERIAL & SUP	
BUCKS ACE SANTA CLARA	70538	2546	07/25/2023	08/03/2023	27.56	SHOP SUPPLIES	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70538	2572	07/31/2023	08/03/2023	7.03	TUBING FOR OIL SAMPLES	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70538	2589	08/01/2023	08/03/2023	119.23	CAGE TRAP32" 1DOOR/LIVE TRAP CAGE/FUSE	104510-260 - BUILDING MAINTENAN	
					\$765.14			
					\$765.14			
CANNON TECHNOLOGIES INC.	70539	950106130	07/26/2023	08/03/2023	790.40	320CL SINGLE PHASE METERS	535310-252 - SUPPLIES & METERS	
					\$790.40			
CITY OF ST GEORGE - S	70540	JULY2023-SEWE	07/31/2023	08/03/2023	38,810.20	3068 SEWER CONNECTIONS @12.65 JULY 2023	525210-945 - SEWER TREATMENT -	
					\$38,810.20			
DR. ROBERT R. FOSTER, D.O. P.C.	70541	AUG 2023- MED	07/31/2023	08/03/2023	1,200.00	MEDICAL SERVICES DIRECTOR	104230-400 - EMERGENCY MEDICAL	
					\$1,200.00			
EMERGENCY VEHICLE SYSTEMS	70542	4244	05/12/2023	08/03/2023	5,879.00	2020 F150 FIRE RESPONSE LANCE TRUCK	104230-250 - VEHICLE OPERATIONS	
					\$5,879.00			
ERIC GENTRY	70543	JULY 2023 - CITY	07/31/2023	08/03/2023	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES	
					\$1,500.00			
FLYNN, MARGARET L	70558	080323-REFUND	08/03/2023	08/03/2023	1,750.00	AMBULANCE REFUND	103426-000 - AMBULANCE SERVICE	
					\$1,750.00			
FREEDOM MAILING SERVICES, IN	70544	45806	07/28/2023	08/03/2023	2,151.94	BILL PROCESSING	104130-370 - PROFESSIONAL SERVI	
					\$2,151.94			
LIFEMED SAFETY, INC.	70545	23-297	03/25/2023	08/03/2023	3,575.00	PROTEK ANNUAL CALIBRATION AND PREVENTA	104230-400 - EMERGENCY MEDICAL	
LIFEMED SAFETY, INC.	70545	23-301	03/25/2023	08/03/2023	327.25	ZOLL CPR-D, LITHIUM BATTERIES	104230-400 - EMERGENCY MEDICAL	
					\$3,902.25			
					\$3,902.25			
OAK HOLLOW ELECTRIC INC	70546	17-694	07/28/2023	08/03/2023	6,788.15	SANTA CLARA T6 HEADS	104410-412 - CHIP SEALING M&S	
					\$6,788.15			
PINETOP ENGINEERING, LLC	70547	4843	07/31/2023	08/03/2023	3,321.40	SIGGNAL SUPPORT-MAINTENANCE	104410-412 - CHIP SEALING M&S	
					\$3,321.40			
PROTECT YOUTH SPORTS	70548	1083681	07/31/2023	08/03/2023	22.55	BACKGROUND CHECKS PARKS & FIRE	104510-370 - PROFESSIONAL SERVI	
PROTECT YOUTH SPORTS	70548	1083681	07/31/2023	08/03/2023	43.90	BACKGROUND CHECKS PARKS & FIRE	104230-400 - EMERGENCY MEDICAL	
					\$66.45			
					\$66.45			
SELECT HEALTH INS.	70559	080323-REFUND	08/03/2023	08/03/2023	1,988.80	AMBULANCE REFUND	103426-000 - AMBULANCE SERVICE	
					\$1,988.80			
ST. GEORGE REFRIGERATION IN	70549	41272	06/06/2023	08/03/2023	6,050.00	LABOR/SUPPLIES/REBUILD PUMP	104240-260 - BUILDING MAINTENAN	
					\$6,050.00			
STUART C. IRBY CO.	70550	S013620433.002	08/01/2023	08/03/2023	189.00	350 CRIMPS	535310-250 - OPERATING SUPPLIES	
STUART C. IRBY CO.	70550	S013629865.001	07/26/2023	08/03/2023	5,600.00	3 GANG SWITCH FOR LAVA COVE CIRCUIT	535310-466 - POWER LINES/POLES/	
					\$5,789.00			
					\$5,789.00			

**City of Santa Clara
Check Register
All Bank Accounts - 08/03/2023 to 08/03/2023**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
SUNRISE ENGINEERING, INC.	70551	0133996	06/09/2023	08/03/2023	220.50	SC CLOUD SMART GIS SERVICES	104410-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70551	0135544	07/12/2023	08/03/2023	625.00	SUNRISE CLOUD SMART GIS ANNUAL SUBSCRI	104410-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70551	0135595	07/12/2023	08/03/2023	180.00	SC CITY ENGINEER MISC. SERVICES VINEYARD	104240-320 - ENGINEERING	
SUNRISE ENGINEERING, INC.	70551	0135596	07/12/2023	08/03/2023	120.00	SC CITY ENGINEER SC VALLEY HOMES	104240-320 - ENGINEERING	
					\$1,145.50			
					\$1,145.50			
THE LAVATORY UTAH	70552	1421	07/26/2023	08/03/2023	1,250.00	1/2 PAYMENT FOR 5 STATION LUXURY RESTRO	104610-016 - RENTALS	
					\$1,250.00			
TLH HARDWOODS LLC	70553	1117	07/31/2023	08/03/2023	900.00	LAMINATE INSTALL - PLASTIC VAPOR BARRIER	104240-260 - BUILDING MAINTENAN	
					\$900.00			
UPPER CASE PRINTING INK.	70554	734	07/21/2023	08/03/2023	224.35	BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SERVI	
					\$224.35			
UTAH STATE TREASURER / FINES	70555	JULY 2023 COUR	08/01/2023	08/03/2023	15,904.40	COURT SURCHARGES	104120-905 - STATE FINE COLLECTI	
					\$15,904.40			
WASH. COUNTY WATER CONSER	70556	53208	06/30/2023	08/03/2023	5,991.36	WATER DEVELOPMENT SURCHARGE	513714-000 - REGIONAL WATER SUR	
					\$5,991.36			
WASHINGTON COUNTY SOLID WA	70557	144270	06/30/2023	08/03/2023	12,512.85	2899 UNITS-GARBAGE @ 12.83 & 2085 BLUCAN	103445-000 - RECYCLING CHARGE	
WASHINGTON COUNTY SOLID WA	70557	144270	06/30/2023	08/03/2023	37,194.17	2899 UNITS-GARBAGE @ 12.83 & 2085 BLUCAN	104130-311 - SOLID WASTE DISPOS	
					\$49,707.02			
					\$49,707.02			
					\$155,875.36			

**City of Santa Clara
Check Register
All Bank Accounts - 07/27/2023 to 07/27/2023**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
BUCKS ACE SANTA CLARA	70520	2457	07/05/2023	07/27/2023	683.96	DRILBIT/RCIP BLD/SAWZAL/COMBO KIT/SAW KI	104510-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70520	2459	07/05/2023	07/27/2023	34.08	MISC.SHOP SUPPLIES	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70520	2477	07/11/2023	07/27/2023	127.36	FLEX CONDUIT	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70520	2525	07/19/2023	07/27/2023	49.77	WORK GLOVES	535310-249 - SAFETY EQUIPMENT	
BUCKS ACE SANTA CLARA	70520	2526	07/19/2023	07/27/2023	266.48	MISC SHOP & OFFICE SUPPLIES	535310-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70520	2527	07/19/2023	07/27/2023	119.99	SHOP VAC	535310-260 - BUILDING MAINTENAN	
					\$1,281.64			
					\$1,281.64			
CARLSON, TREVOR	70521	Refund: 2002051	07/26/2023	07/27/2023	77.01	Refund: 2002051 - CARLSON, TREVOR	531311-000 - ACCOUNTS RECEIVABL	
					\$77.01			
CHILD SUPPORT SERVICES	70522	072423-873789	07/25/2023	07/27/2023	206.77	CASEY-C000873789 PAY PERIOD 07/26/23	102595-000 - GARNISMENTS PAYABL	
					\$206.77			
CITY OF ST GEORGE-IMPACT	70523	APRIL-JUNE 202	07/27/2023	07/27/2023	25,262.00	SEWER IMPACT FEES APR-JUN 2023	522411-000 - SEWER IMPACT - ST G	
					\$25,262.00			
COMPUTECH CONSULTING	ACH072723	24738	07/19/2023	07/27/2023	1,120.00	ONSITE SUPPORT	104130-310 - IT SERVICES	
COMPUTECH CONSULTING	ACH072723	24755	07/13/2023	07/27/2023	821.51	EATON INTERNAL REPLACEMENT BATTERY	104130-310 - IT SERVICES	
COMPUTECH CONSULTING	ACH072723	24764	07/17/2023	07/27/2023	2,818.91	ADOBE ADD-ON NEW LICENSES TO VIP	104130-310 - IT SERVICES	
COMPUTECH CONSULTING	ACH072723	24765	07/17/2023	07/27/2023	10,876.35	POWER EDGE R750 SERVER-PRO SUPPORT	104130-740 - CAPITAL EQUIPMENT	
COMPUTECH CONSULTING	ACH072723	24766	07/17/2023	07/27/2023	3,910.07	DELL LATITUDE 7000 - DELL PRO SUPPORT PLU	104130-740 - CAPITAL EQUIPMENT	
COMPUTECH CONSULTING	ACH072723	24845	07/19/2023	07/27/2023	6,033.50	MONTHLY MSP SERVICES - CLOUD BACKUP	104130-310 - IT SERVICES	
					\$25,580.34			
					\$25,580.34			
DANZIG, DAVID & ASHLEIGH	70524	Refund: 1174702	07/26/2023	07/27/2023	247.68	Refund: 1174702 - DANZIG, DAVID & ASHLEIGH	531311-000 - ACCOUNTS RECEIVABL	
					\$247.68			
HEALTHEQUITY	70525	PR072623-10533	07/27/2023	07/27/2023	45.00	Family HSA	102255-000 - HSA-HEALTH EQUITY P	
HEALTHEQUITY	70525	PR072623-10533	07/27/2023	07/27/2023	145.00	Single HSA	102255-000 - HSA-HEALTH EQUITY P	
					\$190.00			
					\$190.00			
Internal Revenue Service	70526	PR072623-1592	07/27/2023	07/27/2023	5,377.48	Medicare Tax	102221-000 - FICA PAYABLE	
Internal Revenue Service	70526	PR072623-1592	07/27/2023	07/27/2023	16,466.92	Federal Income Tax	102222-000 - FEDERAL WITHHOLDIN	
Internal Revenue Service	70526	PR072623-1592	07/27/2023	07/27/2023	22,993.48	Social Security Tax	102221-000 - FICA PAYABLE	
					\$44,837.88			
					\$44,837.88			
MOUNT OLYMPUS WATERS (1385	70527	10221385062723	06/27/2023	07/27/2023	35.98	COOLER RENT & 5 GAL WATERS -JUNE 2023	104130-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70527	10221385062723	06/27/2023	07/27/2023	51.81	COOLER RENT & 5 GAL WATERS -JUNE 2023	104240-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70527	10221385062723	06/27/2023	07/27/2023	60.46	COOLER RENT & 5 GAL WATERS -JUNE 2023	104410-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70527	10221385062723	06/27/2023	07/27/2023	219.34	COOLER RENT & 5 GAL WATERS -JUNE 2023	104510-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70527	10221385062723	06/27/2023	07/27/2023	274.89	COOLER RENT & 5 GAL WATERS -JUNE 2023	104230-775 - STATIONS OPERATION	
					\$642.48			
					\$642.48			
RHINEHART OIL	70528	IN-578223-23	07/17/2023	07/27/2023	467.61	ENGINE COOLANT	535310-630 - O & M GENERATORS	
					\$467.61			
STATE OF UTAH - DEPARTMENT O	70529	23H5001490	07/20/2023	07/27/2023	4,488.10	AMBULANCE ASSESSMENT SFY 2023 QTR 4	104230-400 - EMERGENCY MEDICAL	
					\$4,488.10			

**City of Santa Clara
Check Register
All Bank Accounts - 07/27/2023 to 07/27/2023**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>	<u>Activity Code</u>
STATE OF UTAH / BLDG	70530	APRIL-JUNE 202	07/27/2023	07/27/2023	630.83	BUILDING SURCHARGE APR-JUN 2023	104240-940 - INTERGOVT CHARGES	
					\$630.83			
STRIVE WORKPLACE SOLUTIONS	70531	OE-46738-1	07/26/2023	07/27/2023	188.97	3 CASES OF PAPER FOR ADMIN.	104130-240 - OFFICE SUPPLIES	
					\$188.97			
SU COMMERCIAL CONST. D V LA	70532	Refund: 2001508	07/25/2023	07/27/2023	83.65	Refund: 2001508 - SU COMMERCIAL CONSTRUC	531311-000 - ACCOUNTS RECEIVABL	
					\$83.65			
SUNRISE ENGINEERING, INC.	70533	0135559	07/12/2023	07/27/2023	1,014.75	SC CITY - CULINARY & IRRIGATION MASTER PL	515110-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70533	0135594	07/12/2023	07/27/2023	830.00	SC CITY-MISC. ENGINEERING ON-CALL SERVIC	104410-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70533	0135594	07/12/2023	07/27/2023	4,887.50	SC CITY-MISC. ENGINEERING ON-CALL SERVIC	515110-320 - ENGINEERING SERVIC	
					\$6,732.25			
					\$6,732.25			
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	165.24	457 Loan Payment	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	341.53	401-K Loan Payment	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	1,200.00	Roth IRA	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	1,617.29	457 Plan	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	1,668.77	401-K State	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	4,672.87	401-K	102230-000 - RETIREMENT PAYABLE	
UTAH RETIREMENT SYSTEMS	70534	PR072623-444	07/27/2023	07/27/2023	22,574.32	State Retirement	102230-000 - RETIREMENT PAYABLE	
					\$32,240.02			
					\$32,240.02			
UTAH STATE TAX COMMISSION	70535	PR072623-447	07/27/2023	07/27/2023	7,934.42	State Income Tax	102223-000 - STATE WITHHOLDING P	
					\$7,934.42			
WASHINGTON COUNTY- HCP	70536	APRIL-JUNE 202	07/27/2023	07/27/2023	18,301.43	HCP IMPACT FEES APRIL-JUNE 2023	102260-000 - HCP IMPACT FEES - CO	
					\$18,301.43			
WEBB CUSTOM HOMES	70537	Refund: 2002495	07/26/2023	07/27/2023	136.47	Refund: 2002495 - WEBB CUSTOM HOMES	531311-000 - ACCOUNTS RECEIVABL	
					\$136.47			
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	7,880.58	7704903	531238-000 - 2021 Electric Rev 2021B	
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	7,947.92	7705005	511241-000 - 2012E - 7705005 - 46%	
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	9,750.00	7705005A	511241-000 - 2012E - 7705005 - 46%	
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	20,590.61	7705004	511235-000 - 2012 Refunding - 770500	
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	20,999.83	5857757	101225-000 - MBA 2019 LEASE REV	
ZIONS FIRST NATIONAL BANK -TR	EFT	2023-07	07/27/2023	07/27/2023	34,032.10	7669825	531237-000 - 2021 Bond Fund - 76698	
					\$101,201.04			
					\$101,201.04			
					\$270,730.59			

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: 09/Aug/23

Agenda Item: 1

Applicant: Andrew Parker

Requested by: Andrew Parker

Subject: Fire Department New Hire Badge Pinning

Description:

N/A

Recommendation: Discussion

Attachments: N/A

Cost: 0

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: 09/Aug/23

Agenda Item: 2

Applicant: N/A

Requested by: Dustin Mouritsen

Subject: Purchase Sewer Camera Trailer

Description:

Consider approval to purchase a 2016 sewer camera trailer from Washington City. Currently we are spending \$30,000 yearly to camera our sewer system. The 2016 sewer camera is priced at \$50,000 of which I would like to give Washington City \$30,000 this budget year that we currently have in the budget for contracting sewer line camera work and the remainder \$20,000 would be paid to Washington City next budget year.

Recommendation: Approval

Attachments: N/A

Cost: 50000

Legal Approval: Yes

Finance Approval: Yes

Budget Approval: Yes

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338

Washington City Utah

1305 Washington Dam Rd.
Washington Ut, 84780
(435) 656-6317

Purchase Listing

As of July 17, 2023

2016 “Subsite” Single Conductor Sewer Inspection Camera System Trailer with Lateral launch.

Overview:

Subsite Single Conductor Sewer Camera inspection System built Into a 14 by 5 foot dual axle mirage trailer with GVWR weight of 7,000 lbs. This system is equipped with a 70” by 80” office space and 90” by 80” work area with 75 in head clearance throughout. This system includes 2 camera heads, 1 standard camera crawler and lateral launch system with an extra tracked crawler. Also, 2 work benches, tool box, and water storage for wash down and clean up. The office contains a rack mount computer tower, a coder for standard operation and lateral launch. Joystick controller, keyboard and mouse, integrated drawers for storage and a desk mount power controls for subsite system controls. This system also includes a 200 foot small diameter push camera system. All Items are listed below to current operating specifications.

Trailer

Rear

- 2016 Mirage 14 foot long by 7 Foot wide dual axle. This trailer is equipped with an 80 inch by 90 inch work area in the rear portion and a 70 inch by 80 inch office area.
- 780 feet of steel wound single conductor mainline cable reel. Dual speed control, level wind with digital and mechanical counter
- Lateral launch cable reel with 400 feet of cable and detachable standard definition camera head.

- 22 inch by 43 inch workbench with under cabinets containing a 30 gallon water storage with a 3 g.p.m. pump and hose reel for cleaning.
- 22 inch by 43 inch solid wood worktop table over a 6 drawer craftsman tool box.
- Various tool tools and equipment to different tire and pipe size variations for 6 inch to 21 inch pipe sizes.
- Subsite Lateral launch camera system 6 to 24 inch operations
- Subsite Transtar V3 crawler with elevator lift 6 to 24 Inch operations
- Protrack tracked crawler 6 to 30 inch operations
- Various wheel packages range from: carbide, rubber, and pneumatic fop operations 6 inch to 30 inch pipeline operations.
- Wall mount 19 inch monitor for rear display
- Roll-on non skid flooring
- L.E.D. Under cabinet lighting

Front

- 70" by 80" office space.
- Work desk with desk mount reel and power controls specific to Subsite electronics.
- Keyboard, mouse, and dual 19" inch monitors for PC and lateral launch operations.
- Rack mount overhead PC with Windows 10, 64 bit I7 Core processor, 8 gig Ram and 5000 gig of storage.
- Rack mount video coder standard for Subsite Electronics
- Desk side Auxiliary controller with storm crawler function and Lateral launch capabilities integrated.
- 4 drawer under desk mount filing cabinet
- HP color jet printer "Standard quality"
- Under desk heater unit.
- L.E.D. interior lighting
- Light bar controls

Body

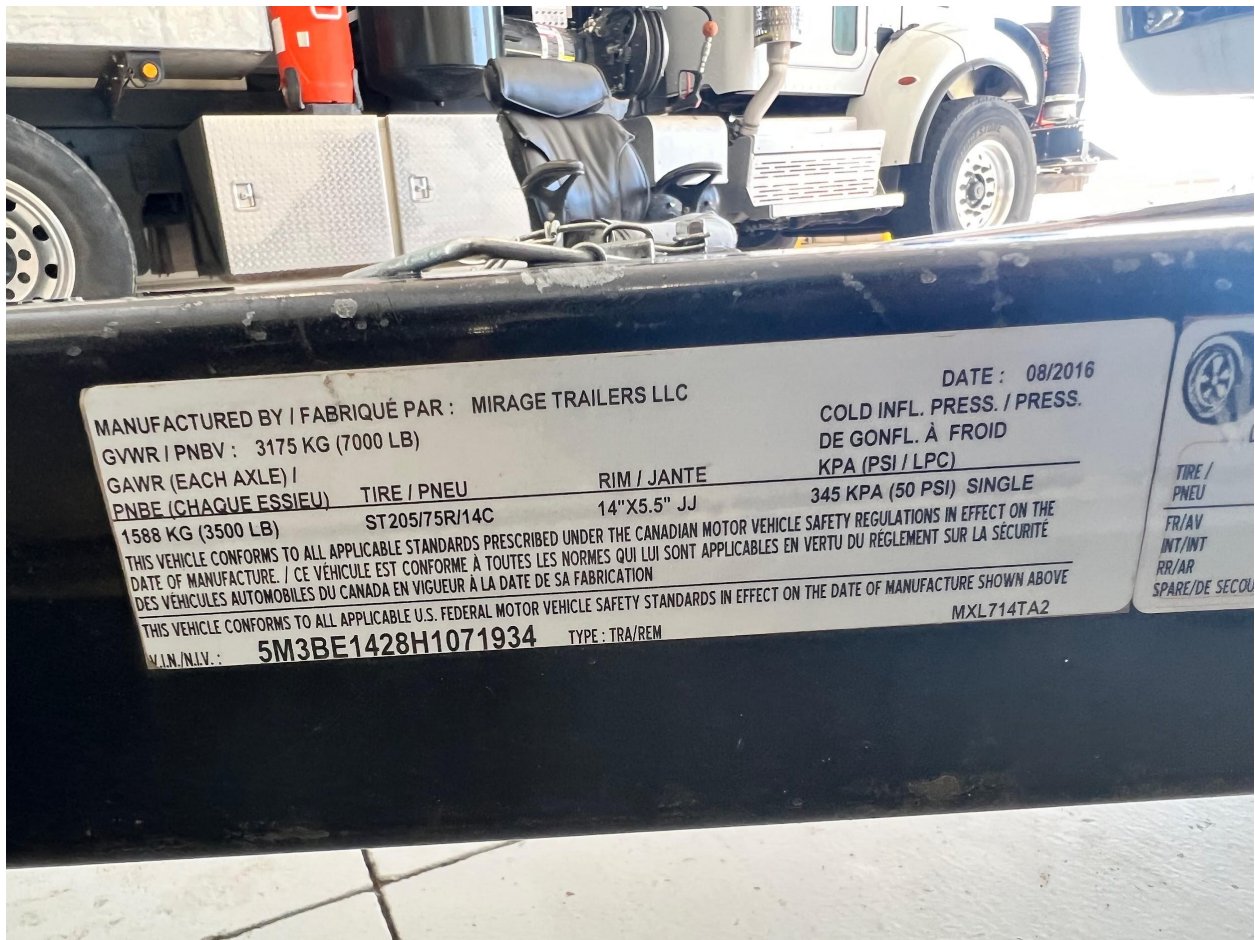
- 5.5 Onan under mount air cooled gas generator
- Coleman 15000 BTU low profile roof mounted A/C

3

- Rear L.E.D. light arrow light bar
- 2 incandescent top strobe lights
- Rear dual swinging doors
- Side door to office and steps

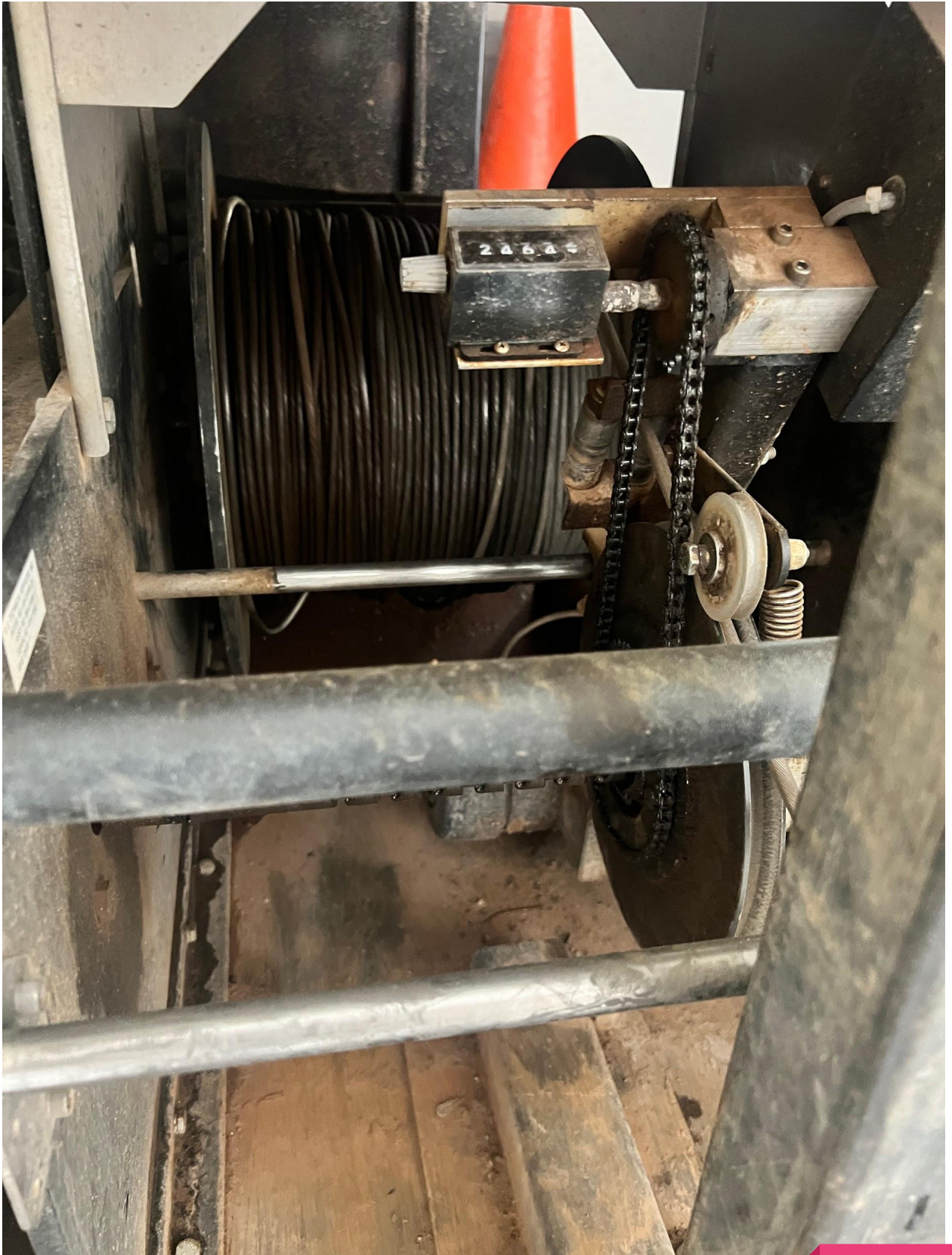
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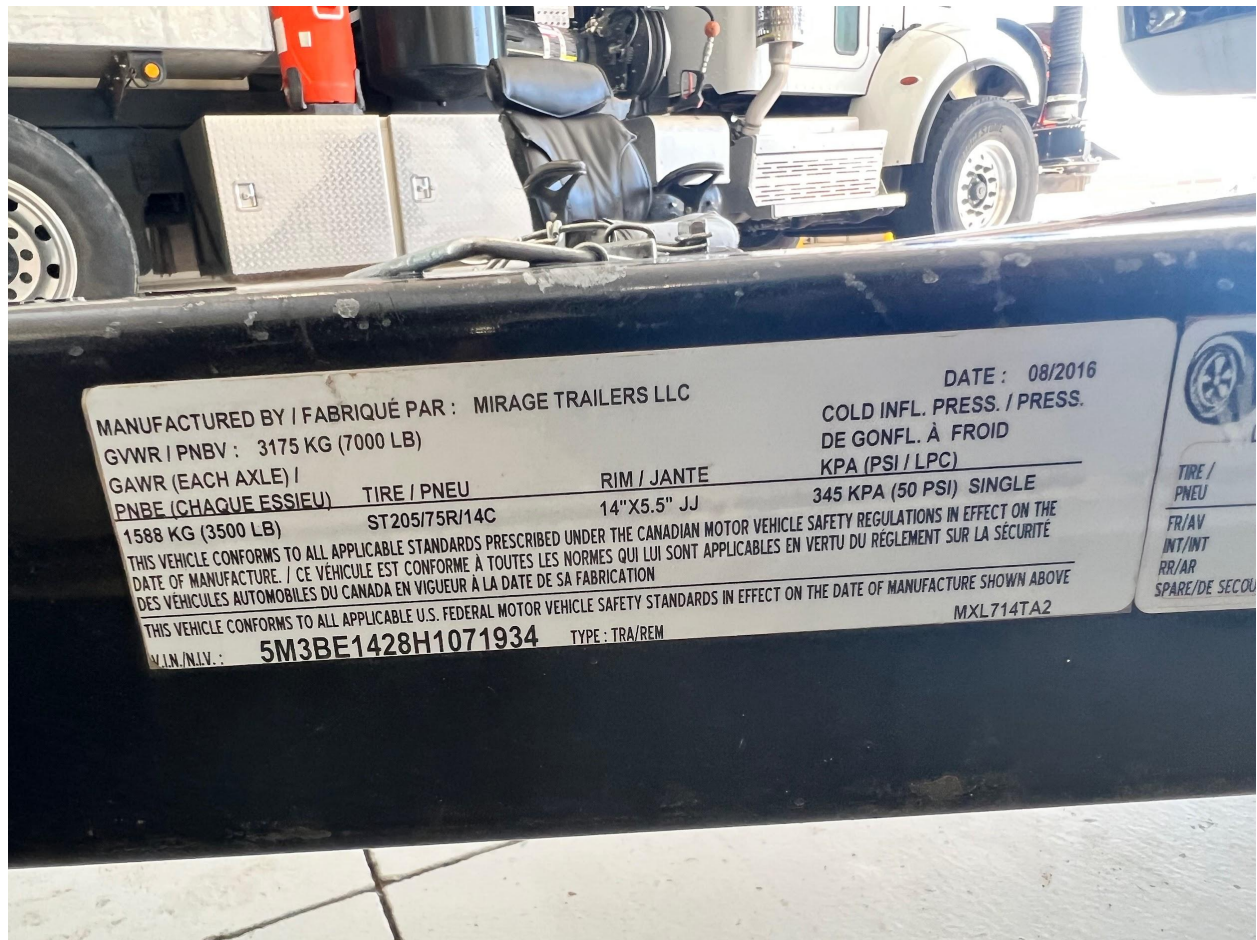








































Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: 09/Aug/23

Agenda Item: 3

Applicant: N/A

Requested by: Dustin Mouritsen

Subject: Water Rate Discussion

Description:

Discussion on new culinary water rate.

Recommendation: Discussion

Attachments: N/A

Cost: 0

Legal Approval: No

Finance Approval: N/A

Budget Approval: N/A

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338

8. SPANISH FORK

Base Rate	\$10.20	# of gals
0-6000 gals	\$ 1.12	per 1,000 gals
6001-18,000	\$ 1.39	per 1,000 gals
18,001+	\$ 2.14	per 1,000 gals

9. PAYSON

Base Rate	\$28.97	# of gals
0-6000 gals	\$ 1.29	per 1,000 gals
6001-18,000	\$ 1.65	per 1,000 gals
18,001+	\$ 2.02	per 1,000 gals

10. SPRINGVILLE

Base Rate	\$16.32	# of gals
0-5000 gals	Incl. in Base	per 1,000 gals
5001-12000	\$ 1.00	per 1,000 gals
12,001-20,000	\$ 1.32	per 1,000 gals
20,001-40,000	\$ 1.64	per 1,000 gals
40,001-60,000	\$ 1.95	per 1,000 gals
60,001-100,000	\$ 2.22	per 1,000 gals
100,001-150,000	\$ 3.01	per 1,000 gals
150,001-200,000	\$ 3.43	per 1,000 gals
200,001 +	\$ 4.22	per 1,000 gals

11. PROVO

Base Rate	\$19.52	# of gals
Winter		
T1 <100K	\$ 1.06	per 1,000 gals
T2 >100K	\$ 1.16	per 1,000 gals
Summer		
T1 <100K	\$ 1.75	per 1,000 gals
T2 >100K	\$ 1.94	per 1,000 gals

12. VINEYARD

Base Rate	\$27.09	# of gals
0-5000 gals	Incl. in Base	per 1,000 gals
5001-15000	\$ 1.77	per 1,000 gals
15,001-30,000	\$ 2.03	per 1,000 gals
30,001-50,000	\$ 2.50	per 1,000 gals
50000+	\$ 2.75	per 1,000 gals

13. RIVERTON

Base Rate	3.5? Each meter	# of gals
T1: 0-5000 gals	\$ 3.76	per 1,000 gals
T2: >5,000	\$ 3.91	per 1,000 gals

14. AMERICAN FORK

Base Rate	\$16.49	# of gals
0-3000 gals	Incl. in Base	per 1,000 gals
3001-6000	\$ 3.59	per 1,000 gals
6,001-9,000	\$ 4.32	per 1,000 gals
9,000+	\$ 5.06	per 1,000 gals

15. DRAPER

Base Rate	\$20.25	# of gals
0-5000 gals	1.91	per 1,000 gals
5001-20,000	\$ 3.32	per 1,000 gals
20,001-50,000	\$ 3.57	per 1,000 gals
50,001-100,000	\$ 3.81	per 1,000 gals
100,000+	\$ 4.07	per 1,000 gals

16. PLEASANT GROVE

Base Rate	\$24.32	# of gals
0-5,000 gals	Incl. in Base	per 1,000 gals
5,001-10,000	\$ 2.95	per 1,000 gals
10,001-15,000	\$ 4.30	per 1,000 gals
15,001-50,000	\$ 6.26	per 1,000 gals
50,001+	\$ 7.38	per 1,000 gals

17. LEHI

Base Rate	\$18.84	# of gals
1-30,000 gals	\$ 1.26	per 1,000 gals
30,001+	\$ 2.53	per 1,000 gals

18. SOUTH JORDAN

Base Rate	\$30.00	# of gals
0-6000 gals	\$ 2.00	per 1,000 gals
6,001-17,000	\$ 2.25	per 1,000 gals
17,001-42,000	\$ 2.50	per 1,000 gals
42,001-74,000	\$ 2.75	per 1,000 gals
74,001+	\$ 3.00	per 1,000 gals

19. SANDY

Base Rate	\$26.43	# of gals
0-6000 gals	\$ 1.68	per 1,000 gals
6,001-25,000	\$ 2.37	per 1,000 gals
25,001-50,000	\$ 3.05	per 1,000 gals
50,001-75,000	\$ 3.91	per 1,000 gals
75,001+	\$ 5.20	per 1,000 gals

20. WEST JORDAN

Base Rate	\$20.40	# of gals
0-7000 gals	\$ 2.30	per 1,000 gals
7,001-25,000	\$ 3.72	per 1,000 gals
25,001-50,000	\$ 3.93	per 1,000 gals
50,001-100,000	\$ 4.18	per 1,000 gals
100,001+	\$ 4.85	per 1,000 gals

21. BLUFFDALE

Base Rate	\$12.00	# of gals
0-12000 gals	\$ 2.80	per 1,000 gals
12,001-50,000	\$ 3.40	per 1,000 gals
50,001-100,000	\$ 4.35	per 1,000 gals
100,001+	\$ 5.10	per 1,000 gals

22. SARATOGA SPRINGS

Base Rate	\$17.75	# of gals
0-3,000 gals	Incl. in Base	per 1,000 gals
3,001-7,000	\$ 2.40	per 1,000 gals
7,001-12,000	\$ 3.25	per 1,000 gals
12,001+	\$ 4.00	per 1,000 gals

CITY RESIDENTIAL WATER RATES

CITY	MONTHLY WATER BILL	
1. Toquerville	\$ 73.80	
2. LaVerkin	\$ 67.59	
3. Ivins	\$ 64.99	
4. Washington	\$ 46.88	
5. Santa Clara	\$ 42.78	(Current Rate)
6. St. George	\$ 41.99	
7. Hurricane	\$ 34.29	

CITY	MONTHLY WATER BILL	
1. Toquerville	\$ 73.80	
2. LaVerkin	\$ 67.59	
3. Ivins	\$ 64.99	
4. Santa Clara	\$ 51.85	(Proposed Rate)
5. Washington	\$ 46.88	
6. St. George	\$ 41.99	
7. Hurricane	\$ 34.29	

1. TOQUERVILLE

Base Rate	\$55.00	# of gals
0-10,000 gals	Incl. in Base Rate	per 1,000 gals
10,001-15,000	\$ 4.00	per 1,000 gals
15,001-20,000	\$ 6.00	per 1,000 gals
20,001 +	\$ 8.00	per 1,000 gals

2. LaVERKIN

Base Rate	\$50.25	# of gals
0-20,000	\$ 1.18	per 1,000 gals
20,001-35,000	\$ 1.47	per 1,000 gals
35,001+	\$ 1.75	per 1,000 gals

3. IVINS

Base Rate	\$18.78	# of gals
0-7000 gals	\$ 2.35	per 1,000 gals
7,001-15,000	\$ 3.13	per 1,000 gals
15,001-30,000	\$ 3.88	per 1,000 gals
30,001 +	\$ 5.03	per 1,000 gals

4. WASHINGTON

Base Rate	\$18.17	# of gals
0-5,000 gals	\$ 0.74	per 1,000 gals
5,001-10,000	\$ 0.86	per 1,000 gals
10,001-15,000	\$ 0.98	per 1,000 gals
15,001-20,000	\$ 1.10	per 1,000 gals
20,001-25,000	\$ 1.22	per 1,000 gals
25,001-30,000	\$ 1.34	per 1,000 gals
30,001-35,000	\$ 1.51	per 1,000 gals
35,001-40,000	\$ 1.68	per 1,000 gals
40,001+	\$ 1.85	per 1,000 gals

5. SANTA CLARA

Base Rate	\$37.25	# of gals
0-9000 gals	\$ 0.92	per 1,000 gals
9001-16000	\$ 1.45	per 1,000 gals
16001-23000	\$ 1.70	per 1,000 gals
23001-30000	\$ 2.50	per 1,000 gals
30001-36000	\$ 3.00	per 1,000 gals
36001+	\$ 4.14	per 1,000 gals

6. ST. GEORGE

Base Rate	\$20.75	# of gals
0-7,500 Gallons	\$ 1.20	per 1,000 gals
7,501-15,000	\$ 1.70	per 1,000 gals
15,001-22,500	\$ 2.00	per 1,000 gals
22,501-30,000	\$ 2.30	per 1,000 gals
30,001-37,500	\$ 2.85	per 1,000 gals
37,501-45000	\$ 3.50	per 1,000 gals
45001 +	\$ 4.25	per 1,000 gals

7. HURRICANE

Base Rate	\$17.17	# of gals
0-5000 gals	\$ 1.13	per 1,000 gals
5001-10,000	\$ 1.18	per 1,000 gals
10,001-20,000	\$ 1.23	per 1,000 gals
20,001-30,000	\$ 1.40	per 1,000 gals
30,001-40,000	\$ 1.57	per 1,000 gals
40,001-60,000	\$ 1.81	per 1,000 gals
60,001 +	\$ 2.04	per 1,000 gals

Proposed Water Rate

Current Water Rate

Residential Usage July 2023

Tier 1	Connections	Usage	Cost	Rate	Cost
0.92	2,860	13,053	\$12,008	90	\$11,747
Tier 2					
\$1.45	2,245	8,399	\$12,178	\$1.43	\$12,010
Tier 3	1,879	11,563	\$19,657	\$1.68	\$19,425
\$1.70					
Tier 4	1,371	8,356	\$20,890	\$2.12	\$17,714
\$2.50					
Tier 5	944	5,626	\$16,878	\$2.56	\$14,402
\$3.00					
Tier 6	615	6,070	\$25,129	\$3.12	\$18,938
\$4.14				\$3.75	\$4,237
Total \$			\$106,740		\$98,473
Total Revenue Increase In Water Sales			\$8,267		
Total Revenue Increase In Base Rate			\$16,580		
Total			\$24,847.00		

Tier 1		Tier 2	
5,000 Gal. X .92 =	\$41.85	10,000 Gal X 1.45 =	\$49.10
9,000 Gal. X .92 =	\$45.53	16,000 Gal X 1.45 =	\$55.68

Tier 3		Tier 4	
17,000 Gal X 1.70 =	\$57.38	24,000 Gal X 2.50 =	\$70.08
23,000 Gal X 1.70 =	\$67.58	30,000 Gal X 2.50 =	\$77.08

Tier 5		Tier 6	
31,000 Gal X 3.00	\$80.08	40,000 Gal X 4.14	\$116.54
36,000 Gal X 3.00	\$95.08		

Number of Connections 3,255

3" meters	1	commercial
2" meters	10	commercial
1 1/2" meters	15	commercial
1" meters	27	3 residential
3/4" meters	3202	

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51 Water Fund - 07/01/2022 to 06/30/2023
100.00% of the fiscal year has expired

	Prior Year-End Actual	Prior YTD Actual	Current June Actual	Current YTD Actual
Net Position				
Assets:				
Current Assets				
Cash & Cash Equivalents				
1111-000 SBSU Checking 8301889	(45,787.83)	2,417,924.17	2,409,780.26	9,697.96
1151-000 SBSU MM 8301921	0.00	(1,745,163.82)	(1,175,056.34)	0.00
1161-000 PTIF 0414 General	1,077,364.08	538,472.77	(791,198.14)	(75,250.50)
1166-000 MACU MM	0.00	0.00	700,000.00	700,000.00
1192-000 PTIF - WATER IMPACT #2896	262,936.33	(536,709.28)	(11,294.15)	631,205.85
1231-000 CIB 2006 - COST OF ISSUANCE	136.37	0.00	0.00	136.37
1235-000 2012 Refunding - 7705004	537,016.73	89,900.65	21,829.53	621,769.62
1241-000 2012E - 7705005	376,120.31	18,275.88	19,221.16	386,812.11
1298-000 Xpress Deposit Account	0.00	(852,892.50)	(1,169,339.40)	0.00
1299-000 UNDEPOSITED RECEIPTS	0.00	(502.14)	3,480.12	4,289.80
Total Cash & Cash Equivalents	2,207,785.99	(70,694.27)	7,423.04	2,278,661.21
Receivables				
1311-000 ACCOUNTS RECEIVABLE	261,144.06	(67,007.20)	26,548.30	276,435.90
1311-100 A/R - Accrued Utilities	114,277.75	(2,607.54)	108,752.06	108,752.06
1312-000 A/R WELL #6 (ST GEORGE)	8,684.13	4,013.88	0.00	8,684.13
Total Receivables	384,105.94	(65,600.86)	135,300.36	393,872.09
Total Current Assets	2,591,891.93	(136,295.13)	142,723.40	2,672,533.30
Non-Current Assets				
Capital Assets				
Work In Process				
1620-000 CONSTRUCTION IN PROGRESS	0.00	(1,021,304.39)	0.00	0.00
Total Work In Process	0.00	(1,021,304.39)	0.00	0.00
Property				
1611-000 LAND	50,000.00	0.00	0.00	50,000.00
1630-000 WATER BUILDINGS	14,593.75	0.00	0.00	14,593.75
1631-000 WATER DISTRIBUTION SYSTE	17,612,385.79	1,711,298.26	0.00	17,846,458.72
1632-000 PURCHASED WATER RIGHTS	780,874.50	0.00	0.00	780,874.50
1641-000 WATER METERS	757,659.94	0.00	0.00	757,659.94
1651-000 MACHINERY AND EQUIPMENT	124,458.17	27,752.63	0.00	159,594.69
1661-000 AUTOMOBILE AND TRUCKS	288,921.18	78,768.42	0.00	340,844.21
Total Property	19,628,893.33	1,817,819.31	0.00	19,950,025.81
Accumulated Depreciation				
1730-000 ACCDPN BUILDINGS	9,395.60	9,395.60	0.00	9,395.60
1731-000 ACCDPN WATER SYSTEM	9,955,436.94	9,955,436.94	0.00	9,955,436.94
1741-000 ACCDPN WATER METERS	314,067.57	314,067.57	0.00	314,067.57
1750-000 ACCUMULATED DEPRECIATIO	(334.79)	(10,023,814.19)	0.00	(334.79)
1751-000 ACCDPN MACHINERY AND EQ	86,581.83	86,581.83	0.00	86,581.83
1761-000 ACCDPN AUTOS AND TRUCKS	161,198.88	161,198.88	0.00	161,198.88
Total Accumulated Depreciation	10,526,346.03	502,866.63	0.00	10,526,346.03
Total Capital Assets	9,102,547.30	293,648.29	0.00	9,423,679.78
Other Non-Current Assets				
1520-000 ORIGINAL ISSUE DISCOUNT	16,826.46	(3,365.30)	0.00	16,826.46
1550-000 NET PENSION ASSET	178,514.86	159,787.49	0.00	178,514.86
1560-000 DEFERRED OUTFLOW - PENSIO	77,637.56	17,848.39	0.00	77,637.56
Total Other Non-Current Assets	272,978.88	174,270.58	0.00	272,978.88
Total Non-Current Assets	9,375,526.18	467,918.87	0.00	9,696,658.66
Total Assets:	11,967,418.11	331,623.74	142,723.40	12,369,191.96
Liabilities & Fund Equity:				
Liabilities:				
Current Liabilities				
2131-000 ACCOUNTS PAYABLE	11,585.41	(20,402.30)	(21,309.46)	100,839.62
2132-000 ACCRUED INTEREST PAYABLE	43,036.38	0.00	0.00	43,036.38
2135-000 CUSTOMER DEPOSIT	149,664.69	19,914.69	1,850.00	169,314.69
2136-000 HYDRANT METER DEPOSIT	11,536.50	0.00	0.00	7,036.50
2150-000 ACCRUED PAYROLL	0.00	(19,750.43)	0.00	0.00
2505-000 ACCRUED VACATION-WF	23,581.46	(1,158.04)	0.00	23,581.46
Total Current Liabilities	239,404.44	(21,396.08)	(19,459.46)	343,808.65

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	Prior Year-End Actual	Prior YTD Actual	Current June Actual	Current YTD Actual
Long-Term Liabilities				
2510-000 NET PENSION LIABILITY	0.00	(15,242.39)	0.00	0.00
2529-000 Regional H2O Surcharge Payabl	(12,030.57)	(188,383.96)	0.00	(12,030.57)
2533-000 SERIES 2012 BOND PAYABLE	849,100.00	(137,200.00)	0.00	849,100.00
2633-000 2012 EF BOND PAYABLE - HEIG	1,708,000.00	(52,000.00)	0.00	1,708,000.00
2634-000 BONDS PAYABLE - SERIES 2012	2,798,000.00	(117,000.00)	0.00	2,798,000.00
Total Long-Term Liabilities	5,343,069.43	(509,826.35)	0.00	5,343,069.43
Deferred Inflows				
2710-000 DEFERRED INFLOW - PENSION	221,775.11	106,834.87	0.00	221,775.11
Total Deferred Inflows	221,775.11	106,834.87	0.00	221,775.11
Total Liabilities:	5,804,248.98	(424,387.56)	(19,459.46)	5,908,653.19
Equity - Paid In / Contributed				
2950-000 R.E. BOND RETIREMENT	913,137.04	108,176.53	0.00	913,137.04
2951-000 RESTRICTED IMPACT FEES	1,248,701.81	133,280.67	0.00	1,248,701.81
2980-000 BEGINNING OF YEAR	4,001,330.28	514,554.10	162,182.86	4,298,699.92
Total Equity - Paid In / Contributed	6,163,169.13	756,011.30	162,182.86	6,460,538.77
Total Liabilities & Fund Equity:	11,967,418.11	331,623.74	142,723.40	12,369,191.96
Total Net Position	0.00	0.00	0.00	0.00

City of Santa Clara
Standard Financial Report
51 Water Fund - 07/01/2022 to 06/30/2023
100.00% of the fiscal year has expired

	Prior Year-End Actual	Prior YTD Actual	Current June Actual	Current YTD Actual	Current Year Budget	Unearned/ Unused	% Earned/ Used
Income or Expense							
Income From Operations:							
Operating Income							
3711-000 METERED WATER SALES	1,939,493.38	1,939,493.38	298,697.37	1,961,714.92	2,695,446.00	733,731.08	72.78%
3712-000 SNOW CANYON WELL NO. 6	0.00	0.00	0.00	0.00	15,000.00	15,000.00	0.00%
3713-000 HYDRANT METER USE	25,368.75	25,368.75	1,405.00	19,307.00	7,000.00	(12,307.00)	275.81%
3714-000 REGIONAL WATER SURCHARGE	(381.68)	(381.68)	20,207.57	18,061.69	2,500.00	(15,561.69)	722.47%
3722-000 PENALTIES	14,284.34	14,284.34	1,827.54	18,938.13	16,000.00	(2,938.13)	118.36%
3723-000 CONNECTION FEES	35,973.00	35,973.00	1,191.00	44,050.00	32,700.00	(11,350.00)	134.71%
3725-000 MISCELLANEOUS	66,594.00	66,594.00	0.00	23,741.49	0.00	(23,741.49)	0.00%
3727-000 SECONDARY WATER CONNECTIO	21,597.00	21,597.00	3,070.28	10,093.72	15,000.00	4,906.28	67.29%
Total Operating Income	2,102,928.79	2,102,928.79	326,398.76	2,095,906.95	2,783,646.00	687,739.05	75.29%
Operating Expense							
5110-110 SALARIES & WAGES	425,746.92	425,746.92	36,491.08	464,386.98	493,639.00	29,252.02	94.07%
5110-125 OVERTIME	3,677.35	3,677.35	1,553.34	14,183.21	3,615.00	(10,568.21)	392.34%
5110-131 FICA	32,176.56	32,176.56	2,852.64	36,016.87	35,342.00	(674.87)	101.91%
5110-132 RETIREMENT	(2,577.50)	(2,577.50)	6,746.81	84,645.21	81,089.00	(3,556.21)	104.39%
5110-133 INSURANCE	103,382.15	103,382.15	9,086.79	108,297.70	110,981.00	2,683.30	97.58%
5110-210 SUBSCRIPTIONS & MEMBERSHIP	750.00	750.00	0.00	3,414.01	2,700.00	(714.01)	126.44%
5110-220 PUBLIC NOTICES	0.00	0.00	0.00	0.00	200.00	200.00	0.00%
5110-230 TRAVEL	0.00	0.00	0.00	0.00	1,000.00	1,000.00	0.00%
5110-240 OFFICE SUPPLIES	220.28	220.28	138.67	325.81	750.00	424.19	43.44%
5110-246 UNIFORMS	1,626.36	1,626.36	0.00	1,911.92	2,500.00	588.08	76.48%
5110-250 OPERATING SUPPLIES	1,960.33	1,960.33	310.34	2,029.65	4,000.00	1,970.35	50.74%
5110-251 FUEL	13,157.90	13,157.90	761.00	15,401.78	9,000.00	(6,401.78)	171.13%
5110-253 VEH/EQUIP REPAIR	809.99	809.99	0.00	2,648.75	7,000.00	4,351.25	37.84%
5110-260 BUILDING MAINTENANCE	0.00	0.00	0.00	0.00	1,000.00	1,000.00	0.00%
5110-270 UTILITIES	5,116.80	5,116.80	740.37	7,849.65	6,400.00	(1,449.65)	122.65%
5110-271 WELLS UTILITY COSTS	140,888.74	140,888.74	12,409.68	151,742.95	190,000.00	38,257.05	79.86%
5110-275 SNOW CANYON OP COST - ST GE	387,354.10	387,354.10	31,875.90	322,301.33	350,000.00	27,698.67	92.09%
5110-276 O & M - WELLS 6 & 7	(151,582.44)	(151,582.44)	0.00	44,406.71	60,000.00	15,593.29	74.01%
5110-277 WASHINGTON CO CONS DIST W	(4,670.25)	(4,670.25)	0.00	0.00	0.00	0.00	0.00%
5110-281 CELL PHONES	4,645.79	4,645.79	210.00	4,124.12	5,000.00	875.88	82.48%
5110-310 IT SERVICES	3,848.01	3,848.01	0.00	8,709.81	500.00	(8,209.81)	1,741.96%
5110-320 ENGINEERING SERVICES	7,738.25	7,738.25	6,160.50	74,167.00	70,000.00	(4,167.00)	105.95%
5110-325 CREDIT/DEBIT CARD FEES	17,439.99	17,439.99	1,572.00	20,352.80	14,000.00	(6,352.80)	145.38%
5110-330 LEGAL SERVICES	9,180.00	9,180.00	5,400.00	8,932.50	3,000.00	(5,932.50)	297.75%
5110-340 ACCOUNTING & AUDITING SERV	6,775.00	6,775.00	0.00	11,250.00	10,000.00	(1,250.00)	112.50%
5110-350 MEDICAL & DRUG TESTING	0.00	0.00	0.00	0.00	200.00	200.00	0.00%
5110-360 TRAINING	3,035.00	3,035.00	150.00	6,120.73	4,000.00	(2,120.73)	153.02%
5110-370 PROFESSIONAL SERVICES	0.00	0.00	22,532.01	45,032.01	4,000.00	(41,032.01)	1,125.80%
5110-411 SIGNS & BARRICADES	121.05	121.05	0.00	999.84	1,000.00	0.16	99.98%
5110-414 ROAD MATERIAL & SUPPLIES	2,283.28	2,283.28	0.00	3,449.12	4,000.00	550.88	86.23%
5110-460 WATERLINES AND ASSOCIATED P	18,183.88	18,183.88	2,373.26	26,048.41	25,000.00	(1,048.41)	104.19%
5110-461 WATER METERS	17,428.76	17,428.76	0.00	51,864.35	60,000.00	8,135.65	86.44%
5110-469 SCADA MATERIALS & SUPPLIES	2,100.00	2,100.00	0.00	1,264.50	10,000.00	8,735.50	12.65%
5110-505 WATER RIGHTS PURCHASES	0.00	0.00	0.00	12,907.41	0.00	(12,907.41)	0.00%
5110-510 INSURANCE AND SURETY BOND	23,088.43	23,088.43	25,000.00	50,000.00	25,000.00	(25,000.00)	200.00%
5110-520 BAD DEBT	139.57	139.57	0.00	378.12	1,000.00	621.88	37.81%
5110-590 DEPRECIATION	502,866.63	502,866.63	0.00	0.00	528,000.00	528,000.00	0.00%
5110-730 IMPROVEMENTS	6,081.50	6,081.50	0.00	0.00	525,000.00	525,000.00	0.00%
5110-740 CAPITAL EQUIPMENT	884.88	884.88	0.00	0.00	101,000.00	101,000.00	0.00%
5110-750 LAND EASEMENTS & RIGHT OF	1,088.00	1,088.00	0.00	1,230.47	2,000.00	769.53	61.52%
5110-751 SECONDARY WATER SHARES	13,837.25	13,837.25	0.00	8,370.00	12,500.00	4,130.00	66.96%
5110-825 LEASE PAYMENTS	1,776.76	1,776.76	0.00	3,344.28	15,000.00	11,655.72	22.30%
5110-830 FISCAL AGENT FEES	8,500.00	8,500.00	0.00	7,900.00	6,000.00	(1,900.00)	131.67%
5110-918 TRANSFER TO PUBLIC SERV SHO	101,631.00	101,631.00	6,318.00	75,882.00	69,192.00	(6,690.00)	109.67%
Total Operating Expense	1,710,710.32	1,710,710.32	172,682.39	1,681,890.00	2,854,608.00	1,172,718.00	58.92%
Total Income From Operations:	392,218.47	392,218.47	153,716.37	414,016.95	(70,962.00)	(484,978.95)	-583.43%
Non-Operating Items:							
Non-Operating Income							
3721-000 INTEREST EARNINGS	2,499.06	2,499.06	2,762.16	19,714.07	4,000.00	(15,714.07)	492.85%
3729-000 WATER IMPACT FEES	231,623.84	231,623.84	7,488.00	280,118.00	197,300.00	(82,818.00)	141.98%
3731-000 WATER IMPACT INTEREST	1,656.83	1,656.83	2,725.35	20,940.08	7,500.00	(13,440.08)	279.20%

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100.00% of the fiscal year has expired

	Prior Year-End Actual	Prior YTD Actual	Current June Actual	Current YTD Actual	Current Year Budget	Unearned/ Unused	% Earned/ Used
3750-000 CAPITAL CONTRIBUTIONS-SUBDI	360,318.79	360,318.79	0.00	0.00	0.00	0.00	0.00%
3781-000 FUND BALANCE TO BE APPROPRIATED	0.00	0.00	0.00	0.00	285,341.00	285,341.00	0.00%
Total Non-Operating Income	596,098.52	596,098.52	12,975.51	320,772.15	494,141.00	173,368.85	64.92%
Non-Operating Expense							
5110-810 PRINCIPAL ON BONDS	0.00	0.00	0.00	312,800.00	302,000.00	(10,800.00)	103.58%
5110-820 INTEREST ON BONDS	80,162.82	80,162.82	0.00	70,506.52	66,179.00	(4,327.52)	106.54%
5110-822 DEBT PAYMENT TO WATER DIST	54,142.87	54,142.87	4,509.02	54,112.94	55,000.00	887.06	98.39%
5110-910 TRANSFER TO GENERAL FUND	98,000.00	98,000.00	0.00	0.00	0.00	0.00	0.00%
Total Non-Operating Expense	232,305.69	232,305.69	4,509.02	437,419.46	423,179.00	(14,240.46)	103.37%
Total Non-Operating Items:	363,792.83	363,792.83	8,466.49	(116,647.31)	70,962.00	187,609.31	-164.38%
Total Income or Expense	756,011.30	756,011.30	162,182.86	297,369.64	0.00	(297,369.64)	0.00%

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Leina Mathis

Ben Shakespeare

Jarett Waite

Christa Hinton

CITY COUNCIL

Meeting Date: 09/Aug/23

Agenda Item: 4

Applicant: N/A

Requested by: Dustin Mouritsen

Subject: Consumer cell phone portal

Description:

Consider approval for the customer cellular web portal for water and power usage for the amount of \$28,000 of which \$13,500 is a one-time set up fee and \$14,500 will be an annual fee for software.

Recommendation: Approval

Attachments: N/A

Cost: 28000

Legal Approval: Yes

Finance Approval: Yes

Budget Approval: Yes

2603 Santa Clara Drive, Santa Clara, Utah 84765

Phone (435) 673-6712 Fax (435) 628-7338



Powering Business Worldwide

Cannon Technologies, Inc.
3033 Campus Drive - Suite 350N
Minneapolis, MN 55441
Phone: (763)-595-7777
Fax: (763)-543-7777

Sold-to address

CITY OF SANTA CLARA
2603 SANTA CLARA DRIVE
SANTA CLARA UT 84765-5463
US

Ship-to address

CITY OF SANTA CLARA
2603 SANTA CLARA DRIVE
SANTA CLARA UT 84765-5463
US

Incoterms: Pre-Paid FOB PLANT

Payment Terms: Net 30 Days

Customer Quotation

Page 1 of 4

Quotation Number Date
23455232 **07/26/2023**
Cust. purchase order no. Cust. no.
07262023 RMF **100153**
Prepared By
Rochelle Filiowich
Validity period
07/26/2023 to 08/26/2023
Sales Representative
900017245 / OPEN (DAN HARDIN)
Customer Service Contact
ROCHELLE FILIOWICH 763-543-7796

THIS DOCUMENT INCORPORATES AND IS SUBJECT TO THE ATTACHED TERMS AND CONDITIONS.

Item	Quantity	UOM	Description	Material No	Price	Ext. Value
Cust.item Catalog Number						
Cust.Material Number						
10	1	EA	CONSUMER PORTAL SET UP FEE ONE-TIME FEE	SUPPORTSERVICE-RF	13,500.00	13,500.00
20	1	EA	YUKON HOSTED CONSUMER PORTAL ANNUAL HOSTING FEE	SVC_CONTRACT-P81RF	14,500.00	14,500.00
Product Subtotal						28,000.00
Final amount in USD						28,000.00



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3033 Campus Drive - Suite 350N
Minneapolis, MN 55441
Phone: (763)-595-7777
Fax: (763)-543-7777

Customer Quotation

Page 2 of 4

Quotation no./Date

23455232 / 07/26/2023

Sales Contact: BOB PUGH / 801-550-6552

Terms and Conditions

1. Applicable Terms and Conditions

(a) These terms and conditions of sale establish the rights, obligations, and remedies of Buyer and Seller that apply to any order issued by Buyer for the purchase of Seller's products and/or services ("Products"). No additional or different terms or conditions, whether contained in Buyer's purchase order form or in any other document or communication pertaining to Buyer's order, will be binding on Seller unless accepted in writing by an authorized representative of Seller. Seller expressly objects to and rejects any additional or different terms and conditions, which shall be ineffective.

(b) If Seller's order acknowledgement, invoice, other document, or electronic transmittal including or attaching these terms and conditions is found to be an acceptance of an offer, acceptance is expressly made conditional upon Buyer's assent solely to these terms and conditions, and acceptance of any part of Products delivered by Seller shall be deemed to constitute such assent by Buyer. If the order acknowledgement, invoice, other document, or electronic transmittal including or attaching these terms and conditions constitutes an offer, Buyer's acceptance of the offer is hereby limited to the terms of the offer.

2. Price, Payment Terms, and Title

(a) All prices represent those in effect at the time of quotation and are subject to change without notice. Unless prices are bid or quoted as "firm," Seller reserves the right to invoice at prices in effect at the date of shipment, regardless of any prior bid and whether notice was received by Buyer. Unless otherwise indicated, prices are stated in United States dollars and are exclusive of shipping, handling, shipping insurance, duties, and sales, use, excise or similar taxes. Export packaging or any other special handling requested by Buyer will be at Buyer's expense. A service charge of \$25 will be assessed for any order less than \$250. Seller requires a minimum \$100 emergency handling charge for all orders that require shipment the same day or next day.

(b) Buyer acknowledges that the pricing of the Products has been set based on the agreed allocation of risks contained in these terms and conditions. If, notwithstanding the provisions of these terms and conditions, a court of competent jurisdiction determines that Buyer's terms and conditions apply to an order, then Seller shall have the right to either (i) modify the prices (including retroactively) according to the additional level of risk and responsibility that Buyer's terms and conditions require Seller to undertake; or (ii) cancel the order any time after such a determination without liability for the termination other than for the Products already delivered on these terms and conditions.

(c) Unless different credit terms have been extended to Buyer in writing by Seller, payment terms are net 30 days after delivery or date of invoice, whichever first occurs, in the currency invoiced. Seller reserves the right to modify or withdraw credit terms at any time without notice. If Buyer fails to fulfill the terms of payment, Seller may defer further shipments to Buyer or, at its option, cancel the unshipped portions of Buyer's orders. Buyer agrees to pay interest on all past due invoices at the lesser of 18% per annum, compounded monthly, or the highest contractual rate allowable under the law.

(d) Until full payment of all obligations of the Buyer for an order, Seller reserves the title (but not the risk of loss) to all Products furnished under that order. If the Buyer defaults in payment or performance or becomes subject to insolvency, receivership or bankruptcy proceedings or makes an assignment for the benefit of creditors, or without the consent of Seller voluntarily or involuntarily sells, transfers, leases or permits any lien or attachment on the Products, Seller may treat all amounts then or thereafter owing by Buyer to be immediately due and payable and Seller at its election may repossess Products for which Buyer has not paid in full. In the event of repossession of Products under this section or under the section entitled "Security Interest," Buyer agrees that Seller may enter the premises where the Products may be located and remove them without notice and without being liable to Buyer for such repossession. Buyer will not set off invoiced amounts or any portion thereof against sums that are due or may become due from Seller, its parents, affiliates, or subsidiaries. Buyer grants Seller a security interest in Products for which title has passed to Buyer, products in which Products are incorporated, and Products that Seller sells (including all Products acquired hereafter from Seller, and all accessions, substitutions, replacements, and additions, and any proceeds from sale or disposition of Products), as security for performance by Buyer of all of its payment obligations under these terms and conditions (including obligations regarding future advances). Buyer consents to Seller's execution of any documents to evidence and perfect this security interest, and agrees to execute the same if requested by Seller.

3. Delivery and Risk of Loss

(a) Unless otherwise agreed in writing, all deliveries of Products will be EXW (Incoterms 2000) Seller's facility. Products will be packed in Seller's standard commercial shipping packages. Charges for shipping may not reflect net transportation costs paid by Seller. Buyer shall reimburse Seller for all costs of storage and handling incurred by Seller after the date that Seller is prepared to make shipment.

(b) Delivery and shipping dates are approximate and represent Seller's best estimate of the time required to make delivery or shipment. Time is not of the essence with respect to the transactions covered by these terms and conditions, except with respect to Buyer's obligation to make all related

payments. Seller's obligations under these terms and conditions will be dependent upon Seller's ability to obtain necessary raw materials and components. Seller shall have the right to make partial deliveries and to ship up to forty (40) days in advance of shipping date.

4. Acceptance

Acceptance shall occur, if not before, when Buyer fails to reject within ten (10) days after delivery of the Products. Buyer may rightfully reject only when a reasonable inspection shows that the Products fail to conform substantially to the specifications for the Products. Buyer waives any right to revoke acceptance. Buyer's remedies for any nonconformity detected after acceptance are limited to those expressly provided in these terms and conditions for breach of warranty.

5. Limited Warranty

(a) Seller warrants to each original Buyer of Products that Products are, at the time of delivery to the Buyer, in good working order and conform to Seller's official published specifications, provided that no warranty is made with respect to any Products, component parts, or accessories manufactured by others but supplied by Seller.

(b) Seller's obligation under this warranty for any Product proved not to be as warranted within the applicable warranty period is limited to, at its option, replacing the Product, refunding the purchase price of the Product, or using reasonable efforts to repair the Product during normal business hours at any authorized service facility of Seller. All costs of transportation of any Product claimed not to be as warranted and of any repaired or replacement Product to or from such service facility shall be borne by Buyer.

(c) Seller may require the return of any Product claimed not to be as warranted to one of its facilities as designated by Seller, transportation prepaid by Buyer, to establish a claim under this warranty. The cost of labor for removing a Product and for installing a repaired or replacement Product shall be borne by Buyer. Replacement parts provided under the terms of this warranty are warranted for the remainder of the warranty period of the Products in which they are installed to the same extent as if such parts were original components. Warranty services provided under these terms and conditions do not assure uninterrupted operations of Products; Seller shall not be liable for damages caused by any delays involving warranty service.

(d) The warranty period for Products is the shorter of twelve (12) months from the date of installation or eighteen (18) months from the date of shipment unless otherwise agreed by Seller in writing.

(e) EXCEPT FOR THE EXPRESS WARRANTY SET FORTH ABOVE, SELLER PROVIDES PRODUCTS AS-IS AND MAKES NO OTHER REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, REGARDING THE PRODUCTS, THEIR FITNESS FOR ANY PARTICULAR PURPOSE, THEIR MERCHANTABILITY, THEIR QUALITY, THEIR NONINFRINGEMENT, OR OTHERWISE. IN NO EVENT SHALL SELLER BE LIABLE FOR THE COST OF PROCUREMENT OR INSTALLATION OF SUBSTITUTE GOODS.

6. LIMITATION OF LIABILITY

IN NO EVENT WILL SELLER BE LIABLE FOR ANY SPECIAL DAMAGES, CONSEQUENTIAL DAMAGES, INDIRECT DAMAGES, INCIDENTAL DAMAGES, STATUTORY DAMAGES, EXEMPLARY OR PUNITIVE DAMAGES, LOSS OF PROFITS, LOSS OF REVENUE, LIQUIDATED DAMAGES, OR LOSS OF USE, EVEN IF INFORMED OF THE POSSIBILITY OF SUCH DAMAGES. SELLER'S LIABILITY FOR DAMAGES ARISING OUT OF OR RELATED TO A PRODUCT SHALL IN NO CASE EXCEED THE PURCHASE PRICE OF THE PRODUCT FROM WHICH THE CLAIM ARISES. TO THE EXTENT PERMITTED BY APPLICABLE LAW, THESE LIMITATIONS AND EXCLUSIONS WILL APPLY WHETHER SELLER'S LIABILITY ARISES OR RESULTS FROM BREACH OF CONTRACT, BREACH OF WARRANTY, TORT (INCLUDING BUT NOT LIMITED TO NEGLIGENCE, GROSS NEGLIGENCE, MALICE, OR INTENTIONAL CONDUCT), STRICT LIABILITY, BY OPERATION OF LAW, OR OTHERWISE.

7. Cancellation and Return of Products

Orders shall not be subject to cancellation or modification either in whole or in part without Seller's written consent and then only with terms that will reimburse Seller for reasonable termination charges, including all progress billings and all incurred direct manufacturing costs. Seller's written consent must be given in advance of Buyer's return of Products for credit. Seller reserves the right to cancel any sale of Products without liability to Buyer (except for refund of monies already paid), if the manufacture or sale of the goods is or becomes technically or economically impractical.

8. Force Majeure

Seller shall not be liable for any failure to perform or delay in performing its obligations resulting directly or indirectly from or contributed to by any acts of God, acts of Buyer or those under Buyer's control, acts of government or other civil or military authorities, priorities, strikes, or other labor disputes, fires, accidents, floods, epidemics, war, riot, embargoes, delays in transportation, lack of or inability to obtain raw materials, components, labor, fuel or supplies, or other circumstances beyond Seller's reasonable control ("Force Majeure Event"). If Seller elects, the time for performance shall be extended by a period of time equal to the time lost because of any delays caused by reasons of a Force

Terms and Conditions

Majeure Event. Should Seller be prevented from completing Buyer's order or any part thereof because of any Force Majeure Event, then Buyer agrees promptly upon request and upon receipt of invoice therefor, to pay Seller for any Product or Products then completed.

9. Work Product

"Work Product" shall include, without limitation, all designs, discoveries, creations, works, devices, masks, models, work in progress, service deliverables, inventions, products, special tooling, computer programs, procedures, improvements, developments, drawings, notes, documents, business processes, information and materials made, conceived or developed by Seller alone or with others that result from or relate to the Products. All Work Product shall at all times be and remain the sole and exclusive property of Seller. Buyer hereby agrees to irrevocably assign and transfer to Seller and does hereby assign and transfer to Seller all of its worldwide right, title and interest in and to the Work Product including all associated intellectual property rights. Buyer hereby waives any and all moral and other rights in any Work Product or any other intellectual property created, developed or acquired in respect of the Products. Seller will have the sole right to determine the treatment of any Work Product, including the right to keep it as trade secret, execute and file patent applications on it, to use and disclose it without prior patent application, to file registrations for copyright or trademark in its own name or to follow any other procedure that Seller deems appropriate. All tools and equipment supplied by Buyer to Seller shall remain the sole property of Seller.

10. Confidentiality

(a) Buyer may acquire knowledge of Seller Confidential Information (as defined below) in connection with Products and/or its performance hereunder and agrees to keep Seller Confidential Information in confidence during and following termination or expiration of this Agreement. "Seller Confidential Information" includes but is not limited to all information, whether written or oral, in any form, including, without limitation, information relating to the research, development, products, methods of manufacture, trade secrets, business plans, customers, vendors, finances, personnel data, Work Product, and other material or information considered proprietary by Seller relating to the current or anticipated business or affairs of Seller that is disclosed directly or indirectly to Buyer. In addition, Seller Confidential Information means any third party's proprietary or confidential information disclosed to Buyer in the course of providing Products to Buyer.

(b) Buyer agrees not to copy, alter or directly or indirectly disclose any Seller Confidential Information. Additionally, Buyer agrees to limit its internal distribution of Seller Confidential Information to Buyer's employees who have a need to know, and to take steps to ensure that the dissemination is so limited. In no event will Buyer use less than the degree of care and means that it uses to protect its own information of like kind, but in any event not less than reasonable care to prevent the unauthorized use of Seller Confidential Information. Buyer may disclose Seller Confidential Information that is required to be disclosed pursuant to a requirement of a government agency or law but only after Buyer provides prompt notice to Seller of such requirement and gives Seller the opportunity to challenge or limit the scope of the disclosure.

(c) Buyer further agrees not to use Seller Confidential Information except in the course of performing hereunder and will not use such Seller Confidential Information for its own benefit or for the benefit of any third party. All Seller Confidential Information is and shall remain the property of Seller. Upon Seller's written request, Buyer shall return, transfer or assign to Seller all Seller Confidential Information, including all Work Product, and all copies containing Seller Confidential Information.

11. Patent Indemnity

In the event any Product is made in accordance with drawings, samples or manufacturing specifications designated by Buyer, Buyer agrees to indemnify, defend, and hold Seller harmless from any and all damages, costs and expenses (including attorney's fees) relating to any claim arising from or relating to the design, distribution, manufacture, marketing, sale, or use of the Product or arising from or relating to a claim that such Product furnished to Buyer by Seller, or the use thereof, infringes any claim of any patent, foreign or domestic, and Buyer agrees at its own expense to undertake the defense of any suit against Seller brought upon such claim or claims.

12. Changes in Product Design or Manufacture

Seller shall have the right to change, discontinue or modify the design and construction of any of its products and to substitute material equal to or superior to that originally specified.

13. Software License

Software, if included with a Product, is hereby licensed and not sold. The license is nonexclusive, and is limited to use with the Product with which it is included. No other use is permitted and Seller retains for itself (or, if applicable, its suppliers) all title and ownership to any software delivered hereunder, all of which contains confidential and proprietary information and which ownership includes without limitation all rights in patents, copyrights, trademarks and trade secrets. Buyer shall not attempt any sale, transfer, sublicense, reverse compilation or disassembly (save to the extent expressly permitted by law) or redistribution of the software. Buyer shall not copy, disclose or display any such software, or otherwise make it available to others.

14. Compliance with Laws

Buyer shall comply with all laws and regulations applicable to Products including all applicable import and export laws and regulations. Buyer and Buyer's Agent shall provide all information requested by Seller relating to Seller's voluntary or mandatory compliance with any law or regulation, and Buyer shall indemnify Seller for any losses incurred by Seller arising from Buyer's or Buyer's Agent's failure to provide the information requested by Seller.

15. Waiver

No waiver of any provision of these terms and conditions (or any right or default hereunder) shall be effective unless in writing and signed by an authorized representative Seller. Any such waiver shall be effective only for the instance given, and shall not operate as a waiver with respect to any other rights or obligations under these terms and conditions or applicable law in connection with any other instances or circumstances.

16. Language

The parties have expressly required that these terms and conditions be prepared in the English language. Les parties aux présentes ont expressément exigé que les présents termes et les bons de commandes émis aux termes des présentes soient rédigés en langue Anglaise.

17. Choice of Law and Dispute Resolution

Except as set forth below, these terms and conditions shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its choice of law rules. If both Seller and Buyer are incorporated under the laws of Canada or a province of Canada, these terms and conditions shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada. If Buyer is incorporated in the United States, any claim or litigation arising out of or relating to Products shall be brought exclusively in a court of competent jurisdiction in Harris County, Texas. If Buyer is incorporated outside of the United States, any dispute will be resolved by arbitration in Houston, Texas, by three arbitrators and under the International Chamber of Commerce Rules of Arbitration. The language of the arbitration will be English. In all cases, Buyer and Seller expressly exclude from application the United Nations Convention on Contracts for the International Sale of Goods.

18. Assignment

Buyer may not assign, transfer or subcontract the performance of its services, or any of its rights and/or obligations hereunder, without Seller's prior written consent.

19. Severability

If any provision of these terms and conditions is determined to be illegal, invalid, or unenforceable, the validity and enforceability of the remaining provisions of these terms and conditions will not be affected and, in lieu of such illegal, invalid, or unenforceable provision, there will be added, as part of these terms and conditions, one or more provisions as similar in terms as may be legal, valid and enforceable under applicable law. CPS 04092020

20. Epidemic

Seller shall not be responsible for any failure to perform, or delay in performance of, its obligations resulting from the COVID-19 pandemic or any future epidemic, and Buyer shall not be entitled to any damages resulting thereof.