NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, September 9, 2020
Time: 5:00 p.m.
AGENDA

NOTICE is hereby given that the Santa Clara City Council will hold a Regular Meeting on the 9th day of September 2020 in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara Utah. which meeting will begin at 5:00 PM. The Meeting will be available to view live on the YouTube link: https://www.youtube.com/channel/UC xLBLm30-XLqM1AEmhpcMA

The agenda for the meeting is as follows:

1. **Call to Order**

2. **Opening Ceremony:**
   - Pledge of Allegiance: Denny Drake
   - Opening Comments: Denny Drake

3. **Communications and Appearances:**

4. **Conflicts and Disclosures:**

5. **Working Agenda:**

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

   B. Consent Agenda:
   1. Approval of Claims and Minutes
   - Aug. 26, 2020 Regular City Council Minutes
   - Sept. 2, 2020 City Council Work Meeting Minutes
   - Claims through September 9, 2020

   2. Approve the Santa Clara City SWMPP (Storm Water Management Program Plan) and approve Resolution 2020-14R. Presented by Jack Taylor, Public Works Director

   3. Approve Bid to update the Council Chambers and upstairs Conference Room.

   4. Approve Service Agreement to transcribe minutes for City Council Meetings.

6. **Calendar of Events**
   - Sept. 23, 2020 Regular City Council Meeting
   - Oct. 7, 2020 City Council Work Meeting
   - Oct. 14, 2020 Regular City Council Meeting
   - Oct. 27, 2020 Regular City Council Meeting

   C. General Business:
   1. Consider approval to update the Santa Clara City Code, Title 2, Chapter 2.08.010 "Compensation and Salaries" and approve Ordinance 2020-12. Presented by Brock Jacobsen, City Manager/Chris Shelley, City Recorder.

2. Consider approval of Fireworks Contract. Presented by Brock Jacobsen, City Manager.

7. **Reports:**

   a. Mayor / Council Reports:

8. **Executive Session:**

9. **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.

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 September 2020 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 2020 meeting schedule was also provided to the Spectrum on January 1, 2020.

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Chris Shelley – City Recorder

SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, AUGUST 26, 2020
MINUTES

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, August 26, 2020 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. The Meeting will be available to view Live Stream on the Santa Clara City website at sccity.org or go directly to the YouTube link: https://www.youtube.com/channel/UC xLBLm30-XLqM1AEmhpcMA.

Present:	Mayor Rick Rosenberg
Council Members:	Jarett Waite, Ben Shakespeare, Wendell Gubler, Leina Mathis and Denny Drake
City Manager:	Brock Jacobsen
City Recorder:	Chris Shelley

Others Present: Jack Taylor, Public Works Director; Corey Bundy, Building Official; Brad Hayes, Parks & Trails Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Devin Snow, City Attorney; Bob Nicholson, City Planner; Scott Bannon; Kaleb Hurst; Sarah Weston; Buck Hurst; Gail Hurst; Bryson Hurst; Fred J. Fagergren; Frank Dolana; Laurie Perez; Carlos Perez; Gary Hall; Elaine Lloyd; Andrea Reid; Brian Reid; Martin Tidwell; Jeff Mathis; Brady Platt; Julie Herbert; Brandon Hall; Martin Tidwell; Elaine Lloyd

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:00 p.m. and introduced the Council members. He welcomed everyone and explained that there is overflow seating in the banquet room and this meeting would be on Zoom as well.

2. **Opening Ceremony:**

   - Pledge of Allegiance: Jarett Waite
   - Opening Comments: Jarett Waite

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

4. **Conflicts and Disclosures:**

   - Mayor Rosenberg disclosed that the final plat for Ocotillo Springs (Item 5C6) was prepared by his employer as well as the final plat for the Sycamores at Santa Clara Phase 1C (Item 5C7) was also prepared there.
   - Ben Shakespeare stated that he is related to the applicant on Items 5C3, 5C4 and 5C5.
   - Denny Drake disclosed that he is a friend of Buck Hurst as well as Marty.
   - Mayor Rosenberg said that a lot of people are friends with the Hurst family, and he doesn't

see that as a conflict.

5. <u>Working Agenda</u>:

A. Public Hearing(s): None.

B. Consent Agenda:

1. Approval of Claims and Minutes:
   - August 12, 2020 Regular City Council Meeting Minutes
   - Claims through August 26, 2020

2. Calendar of Events

   - Sept. 2, 2020 City Council Work Meeting
   - Sept. 9, 2020 Regular City Council Meeting
   - Sept. 23, 2020 Regular City Council Meeting

Motion to Approve the Consent Agenda.
Motion by Denny Drake, seconded by Ben Shakespeare.
Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.
Voting Nay: None.
Motion Carried.

C. General Business:

9. Consider approval for adoption of Dixie Storm Water Coalition Low-Impact Development (LID) Application Guidance for Santa Clara City. Presented by Jack Taylor, Public Works Director.

- Mayor Rosenberg stated that he has been asked to move this item up in the agenda. He said this item has been discussed extensively with the Council. He said that Jack Taylor and Scott from Staff are at the meeting to answer any questions about adoption of the Dixie Storm Water Coalition (LID) application guidance.
- Scott Bannon talked about the 80% retention of water on site on that acre or more of land and changes were made in our ordinances to reflect that and then there is a deeper description for the developers and the contractors.
- Mayor Rosenberg explained that this is a mandate that the Feds have put upon the State and the State has passed it on to the cities that we manage our storm water that is produced by construction sites and other disturbed areas within the community. The City is adopting standards that are the same as Washington City's and St. George City's, so the contractors are all aware of the same requirements. He said that this is a housecleaning thing for the City. We are mandated to do it. We put together a plan and it's what our neighboring communities are doing.
- Ben Shakespeare asked that if it is under an acre does it fall into the development plan.
- Scott Bannon said it is going to come down to that justification. If they can't meet the requirement that has been set by the State and EPA there is a line item that says as long

as there is justification, they can go back to the same standard that we had in the past.

Motion to Approve and Adopt the Dixie Storm Water Coalition Low-Impact Development (LID) Application Guidance for Santa Clara City.
Motion by Jarett Waite, seconded by Ben Shakespeare.
Voting Aye: Ben Shakespeare, Wendell Gubler, Leina Mathis, Jarett Waite and Denny Drake.
Voting Nay: None.
Motion Carried.

1. Consider approval of a Proclamation setting Sept. 17-23, 2020 as Constitution Week.

   - Mayor Rosenberg stated that this is a proclamation designating Sept. 17-23, 2020 as Constitution Week. "Whereas, Sept. 17, 2020 marks the 233rd anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention; and whereas, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating Sept. 17-23 as Constitution Week, and now, therefore, I, Rick Rosenberg, Mayor of the City of Santa Clara, Utah, by virtue of the authority vested in me as Mayor do hereby proclaim the week of Sept. 17-23, 2020 as Constitution Week, and ask our citizens to reaffirm the ideals of the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed us through this guardian of our liberties, in witness whereof I have here unto set my hand and caused the Seal of the City of Santa Clara to be affixed this 26 day of August of the year of our Lord 2020." He asked Council to approve this proclamation and make this designation.

Motion to Approve a Proclamation setting Sept. 17-23, 2020 as Constitution Week.
Motion by Leina Mathis, seconded by Denny Drake.
Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.
Voting Nay: None.
Motion Carried.

2. Consider approval of amendment to Title 12, Section 12.24.090 "Burial Hours" and approve Ordinance 2020-09. Presented by Brad Hays, Parks & Trails Director.

   - Brad Hays said the change to the ordinance was requested by City Council. These changes are based on July 1, 2020 City Council Work Meeting recommendations. At that meeting we discussed burial hours for Sundays and holidays and the time we required. At that time the Ordinance required that the City Council had to approve any changes to that lesser time. What this ordinance does is it allows the Parks Director to determine if we can do it in less time and if we can then we can contact the Mayor for his determination whether to go ahead or not. It opens that window so we can do a short notice burial. The 48-hour period now officially begins after the mortuary notifies the City and Staff verifies the burial rights for the deceased. It also allows for longer notice requirements for the Cemetery Historic section and plots 115 E through 149 D in the middle grass section. Any exception to the provisions of this section shall be by the

approval of the Mayor based on the recommendation of the Parks and Trails Director and will result in the payment of additional fees.
- Mayor Rosenberg reminded Council that this item has been talked about before.
- Leina Mathis said she recalled in part of the discussion that as part of the tradeoff for the additional time for the verification of the burial rights that we were taking out Saturdays.
- Brad Hays said he sent that to our City Attorney, Matt Ence, and he recommended leaving Saturdays in there. If we can do it on a shorter notice we will.
- Ben Shakespeare said that is where the whole problem began. Saturdays are 90% of our burials.
- Brad Hays said it makes it difficult for us to do an opening if we get a late notice on Friday. Sometimes there are two or more burials on the same day.
- Leina Mathis said that if it is a 48-hour window and you remove the Saturday and Sundays are not included the earliest it can be done is Monday at 3:00. We can't have workers come on Sunday and start preparing.
- Matt Ence, City Attorney, said he only suggested on it and left it up to Brad Hays as to whether he wanted to include that change or not. He defers to him.
- Leina Mathis said she is concerned that we are going to end up back in the very same spot that we were in.
- Brad Hays said what we have now is the option to look at it and go less than 48 hours if it is feasible with the Mayor's approval. He said he is okay with taking Saturdays out.
- Brock Jacobsen, City Manager, said that if someone called at 3:00 or 4:00 once we find out if they have the burial rights it could be after 4:00.
- Brad Hays said that we want to give the best service we can possible and do it as quick as we can. The last burial was done on a shorter notice.
- Ben Shakespeare said that as a Council as we read the other cities ordinances Saturday wasn't included in there and that is where the discrepancy came into this. He said that personally he would rather see Saturday taken out.
- Wendell Gubler said that with the flexibility that is put into this we can do exactly what we need to do and we won't have the problem we had the last time because we can get the short notice in there. He thinks that will work.
- Leina Mathis requested that we monitor the time that we receive the requests for the next little while and then note the times when we agree to that.
- Brad Hays said that we record everything. We are logging all the requests in.
- Mayor Rosenberg said that the request that came through worked out well and if we do give the Staff that notice to be able to verify that burial and if the mortuary will do their job we can do it and make it work on most times on a Saturday.
- Ben Shakespeare said that this is an emotional and stressful time for any applicant so hopefully we are erring on the side of doing all that we can as a City to accommodate the family.
- Leina Mathis agreed. She said more compassion instead of less.
- Mayor Rosenberg said the language does that. It is giving Brad the ability to contact him or the Mayor Pro-tem to make that call. If there is any way possible to do it, Brad's team will make it happen. That is what their history shows.

Motion to Approve Amendment to Title 12, Section 12.24.090 "Burial Hours" and approve Ordinance 2020-09.

Motion by Ben Shakespeare, seconded by Wendell Gubler.
Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Wendell Gubler and Denny Drake.
Voting Nay: None.
Motion Carried.

3. Consider approval of building location for Buck's Ace Hardware, applicant request to locate the building in the southwest corner of his lot. Buck Hurst, Applicant. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.
4. Consider approval of landscape strip width of 10' along both street frontages, i.e. Pioneer Parkway and Rachel Drive for Buck's Ace Hardware. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.
5. Consider approval for parking reduction to 74 spaces based on the projected parking demand and experience relayed by the applicant for other stores in St. George and Hurricane for Buck's Ace Hardware located on the southwest corner of the intersection of Rachel Drive and Pioneer Parkway. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

   - Mayor Rosenberg stated that there are multiple requests to speak. He said we first will hear a presentation from Staff. Then we will a hear presentation from the applicant. Council will have the opportunity to ask questions to the Staff and the applicant. Then he will take comments from Sarah Weston. He said if anyone else wants to speak that did not sign the petition then he will come back to them for additional comments but only if they are discussing something new beyond the comments that are on the petition or Sarah Weston's presentation. There will be some time limits on that to try and get through this issue. We will take all the comments on Item 3 even though some of the comments pertain to Item 4 or Item 5. Planning Commission recommendations were different on the other two items. He said that this is not a public hearing. If they didn't fill out a form they won't be coming to the podium for comment. This will be a very civil discussion. There will be no verbal attacks on anyone. If a speaker gets personal with anything, they will be shut down immediately and asked to leave. When a speaker comes to the podium, they need to state their full name and address.
   - Bob Nicholson said he will first present the project plan which really covers Items 3, 4 and 5. The item is to consider a project plan, which consists of a site plan and building elevation drawings for an Ace Hardware Store in a planned development commercial zone located on the southeast corner of the intersection of Rachel Drive and Pioneer Parkway. The lot size is 1.72 acres. The applicant is Buck Hurst and the project designers are MRW Design Associates. The applicant requests approval of the project plan. The PD commercial zone requires that the Planning Commission hold a public hearing on the project plan whenever there is new development in a PD zone. The public hearing was held by the Planning Commission on July 9, 2020 and at that meeting it was tabled to allow the applicant to explore other site options. He said that in Section 4.6 of the City General Plan it sets forth the goals and vision for what is called the Pioneer Parkway retail core. It describes the specific actions. There are eleven actions under Action Item 4.8. It says, "to implement the goal of creating a quality pedestrian center with a mix of commercial business and residential uses." He said that three of the stated actions are building to abut the sidewalk adjacent to the street, continuous and transparent façades and generous landscaping. He said that a large windowless building placed near the corner will not be aesthetically pleasing as the applicant presented in a visual. The

General Plan states that if you are going to put the building near a corner it has to have transparent façade and windows. The neighbors will likely appreciate the building being placed further from the residential property as was vocally mentioned at the public hearing in July. Most of the neighbors were opposed to the idea of the building being close to their residential property line. The proposed 24,780 sq. ft single level flat roof store is proposed near the back corner of the lot. The applicant said he wants the parking in the front of the store. To meet one of the City's goals the applicant proposes a plaza with shade covers and benches on the corner of the lot adjacent to the intersection. He said that the delivery dock is located at the south end of the proposed building about 10-13 ft from the residential property line. The site plan shows the 10 ft wide landscape strip plus additional sidewalk width along Rachel Drive and Pioneer Parkway frontage. The sidewalk width is generally 10 ft and the adjacent landscape strip is 10 ft wide. He said that based on the current standard of 1 space for 250 sq. ft of retail floor area for parking and 1 space per 1,000 sq. ft of storage warehouse space the parking requirement would be 94 spaces. The applicant proposes 74 spaces based on his experience with other hardware stores. Staff and Planning Commission support the parking reduction request for 74 spaces thinking that would be ample for business days. The parking lot lighting is shielded to direct light downward and not into the adjacent residential area. He said that the zoning code in Section 17.68.100, Paragraph D4, requires the area from the curb to the front setback line which is 20 ft from the property line to be landscaped but may include the sidewalk within that area. In this case the landscape strip does not meet that width requirement. The landscape strip is too narrow. He stated that at the end of the Landscape chapter in the Landscape section D8 it says that Planning Commission may recommend a deviation to the Council. The Council may approve a deviation to that landscape standard. The north elevation (from Pioneer Parkway) and west elevation (main entrance from parking lot) are building facades visible from the streets. The south and east elevations are windowless and are viewed from the adjacent residential area. The building is proposed at height of 25'. The exterior walls are mostly stucco with some accents like the Ace Hardware store near Mall Drive and Riverside Drive (Dinosaur commercial center). He said he will highlight some of the issues that the Planning Commission has dealt with. The PD-Commercial code recommends that parking be located in the side and/ or rear of the lot with the building placed toward the front of the property. 17.68.100: F states "strip commercial with front parking is generally not acceptable". Also see 17.68.100: C.3.d "parking should be located to the rear, side & rear, or underground". Note that the code uses "should" rather than shall, indicating that it is a recommendation rather than a hard requirement. The applicant seeks a parking reduction of 20 spaces (74 rather than 94 spaces). Staff and Planning Commission supports this request and the applicant states 74 will be very adequate based on other hardware stores. Landscape strip width. As noted above the code (17.68.100:D.4) requires the entire area from the curb to the 20' front setback line consist of landscaping and sidewalk. The 20'setback line is measured from the property line, and not from the curb. Based on this code section, the proposed landscape strips are too narrow by 5' along Rachel Drive, and by 10' along Pioneer Parkway. The applicant has proposed a 10' wide landscape strip along both of those streets. The Planning Commission has supported that. He said that the Planning Commission has recommended some revisions to the PD chapter and that will probably be on the next City Council agenda. The ordinance revision has tried to clean up what we perceive as problems in the ordinance.

He said that in the past the City has viewed parking areas as part of the open space requirement. Flexibility in a PD zone. The last paragraph of the PD Zone chapter provides some flexibility to the PC and CC to "approve modifications to the dimensional specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer". Items of a life/safety nature may not be modified. Therefore, the PC has some discretion to recommend approval of a Project Plan with modifications to the standards listed and to recommended standards, as in the case of building and parking lot location. He said there is some flexibility mentioned in the PD zone requirements and the applicant is asking for some of that discretion. The PC considered the Project Plan in three parts for purposes of making a recommendation to the City Council; those three parts are: Parking: The PC recommended approval of a requested parking reduction to 74 spaces based on the projected parking demand and experience relayed by the applicant for other stores in St George and Hurricane. The PC and staff believe that 74 parking stalls is an adequate number to meet their need. Landscape strip width: The applicant proposes a landscape strip width of 10' along both street frontages, i.e. Pioneer Parkway and Rachel Drive. The code states that the landscape strip width is the "area from the street curb to the setback line (20') "which would result in a 20' wide strip along Pioneer Parkway and 15' wide along Rachel Drive. The PC recommended approval of the proposed 10' wide landscape strip noting that the code allows for discretion by the PC and City Council in approving a Project Plan. The PC recommended denial of the proposed location, noting that the General Plan and prior precedence with applicants on the three other corners of the intersection is for the building to be located near the front of the lot with parking in the rear and side, also some of the adjoining lot owners objected to the 25' tall building being located 10' away from their residential properties.

- Buck Hurst, Applicant, said he is a resident of Santa Clara where he has been most of his adult life. He raised his family here and has deep roots in the community. He said it has been a desire of the family to build a store in Santa Clara ever since he can remember. He said that for several years they have been asked by members of the community to put in a new Buck's Ace in Santa Clara. He said they reviewed it numerous times but was never able to reach a demographic that Ace required. He said that when homes went in, they were approached by them to put their business in the adjacent building they were adding to their store. In the end they declined because of the limited size. In the interim they built their new store on Mall Drive without ever losing their desire to build in Santa Clara. Buck's Ace is committed and is passionate in creating the best and most helpful hardware store in Southern Utah. They have been in business in Hurricane since 1982 and have an outstanding relationship with that community. Both of their stores have been recognized each year with the highest rating in Ace. There are only about 450 stores that have earned that designation. He said they work hard every year to achieve this. He stated that this same quality of store is what they are bringing to Santa Clara. Buck's Ace is an independently owned business. They operate 6 days a week from 8 a.m. to 9 p.m. and are closed on Sunday. They hire local people and are particularly aware of hiring the youth and providing a clean, safe working environment for them, which is often their first job. He said that hundreds of young people through the years have benefited from that environment. He said their company believes in investing in our youth. The size of the business is a requirement for the large and excellent inventory that they have. They have upwards of 28,000 different items. It

is this inventory that makes them unique. It provides the customers with what they need and when they need it. He stated that they pride themselves in being convenient and being service oriented. They will bring several large and important departments to the community which include but are not limited to plumbing, electrical, builder's hardware, paint, lawn and garden, home decorations and a terrific sporting goods department. They also have one of the best Christmas departments in all Southern Utah. He said the citizens of Santa Clara will love this store. He stated that Buck's Ace is passionate about being a good neighbor and a community partner. He said they look forward to supporting local events and they believe the current design and the plan will provide a rich, inviting, visible and engaging environment for those events. They are also a true partner to the Children's Miracle Network and helping raise funds for the Primary Children's Hospital annually. He said their goal is to invest and engage with the community in which they work and live. He said they have reviewed, had their Council review along with their excellent architectural company the planned development commercial zoning requirements. They believe their plan that they have presented qualifies for this zone. The purpose of the PD zone listed under Code 17.68.010 is "to encourage flexibility and creativity in design and development of comprehensively planned projects that would not be possible under conventional zoning districts". He stated that this ordinance allows for flexibility in helping them as a business owner in the construction of the building, which fits the business model of their organization. Code 17.6.070 says, "Specifically the planned commercial development district has the overall purpose of encouraging innovation in site design and layout. The principle uses of land in this district are commercial with related facilities normally required to provide the best basic elements of balance, convenience, functional and attractive commercial area." He said they believe they meet the principle uses of that zone. The proposed site plan will be very convenient for their customers. The design allows the customers to access the business in an orderly way. The customers in a hardware store typically purchase large bulky items, which require easy access to the business, and their proposed design is both functional and orderly in meeting those customer requirements. He stated that functionality is a major part of their daily operations because of the amount of people, cars, trucks, delivery vehicles that are part of their business day. The proposal meets the different types of business needs. The proposed plan is very attractive and will beautify the entire corner. He said that in Ordinance 17.68.100-F4 encourages to "mitigate the interference of elements that adversely impact surrounding residential uses while providing a sufficient level of illumination for access and security purposes". The placement of the store toward the back of the property is better for the neighboring residential neighborhood because the lights and commerce are shielded by the building structure. The ordinance also recommends reduction of noise in 17.68.100-F2. The building on the back of the lot will serve as a sound barrier to minimize any noise from the lot. It is not by its nature a noisy business. He said that Ordinance 17.68.100F reads, "that the design and layout is to provide easy accessibility for residents of the district, workers within the district and visitors". Easy accessibility is the hallmark of this design. He stated that Policy 8.2 states, "ensure Santa Clara streetscape image or major streets among the many unique characteristics sets Santa Clara apart from other cities in Washington County are the tree-lined streets in the core area. As the City continues to grow and develop tree-lined streets can be expanded to other areas of the City to become a hallmark characteristic that will greatly increase Santa Clara's livability to current residents and appeal to new ones.

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Objective: bring about Santa Clara's image for the entire City. He said the streets will be beautifully landscaped, tree lined providing the Santa Clara image for this portion of the City. He said that Policy 8.8 states, "development along key corridors will avoid the creation of walled streets. Walled streets are portions of throughways dominated by large nontransparent fencing". The proposed plan will not in any way create a walled street. Building on the street corner seems to create the same undesired results. He said that in these challenging times that we have experienced in our country, State and communities, hardware stores have been deemed essential. He believes they will become essential to this community. They look forward to it. Buck's Ace is committed and passionate in creating the best and most helpful hardware stores in Southern Utah. This store will provide our City with jobs, increase tax revenue and a place for the community to shop for all their household essentials within their own City limit. It will become a great place for the community for years and years to come. He said they look forward to the Councils approval and expressed his thanks.

- Brandon Hall, Project Architect at MRW Design, reviewed the slides for the Council. He said the corners will include built up planters.
- Mayor Rosenberg asked if that would be available for public gatherings.
- Buck Hurst said they would be.
- Brandon Hall said there are shade structures with benches underneath them. He said there will be landscaping in the planters. The main entrance will be in the middle and there is a large amount of glass in the entrance area. The middle entrance has the maximum height, 25 ft. The other walls are 22 ft. There are brick columns with traditional pioneer type brick and stucco on the main plain of the wall with metal roofing. There are additional areas for signs. The signs would be for different manufacturers and different suppliers that they sell. He said there is not a north side view in the renderings. The black and white elevation drawings show the other sides, which are similar.
- Wendell Gubler asked about doors on the sides.
- Brandon Hall said there is a single exit door on the side but there is not a main entrance on the side.
- Jarett Waite said he would like to have on the record why Buck Hurst feels he shouldn't follow what the Planning Commission would like him to do and put this in the corner. What are the actual reasons that he wants it in back verses up abutting the corner?
- Buck Hurst said there are lots of reasons. If the building were to be in the corner the back walls would be on Rachel and Pioneer so all of Rachel would be a 25 ft wall and half of Pioneer would be a 25 ft wall. You would have to go clear around that wall on Pioneer to get into the store if you were walking or bicycling. It would also create real problems from a business standpoint. Not being able to see the front of the store but only the back walls of the store would make the store 20-30% less financially as well. The safety issue was also a big issue. You put a wall there so people coming out of the exits and entrances would have a much more difficult time seeing the road when they are getting in and out. The next reason is the kids. When people drive down there, they couldn't see down the street because where that plaza is would be a tall building. If the real desire is to have this beautiful street lined, we don't want a great big wall to cover it all. Ace was very much opposed to it. He said they had the architect draw that to see what it might look like and they presented those. It wouldn't be viable for them as a business to do it that way.
- Mayor Rosenberg said that Sarah Weston requested to be heard tonight specifically to

clarify some misinformation that had been presented via social media earlier. He said he agreed to allow her to come and speak and will give her extra time. She also has a petition that has been signed that she would like to present.
- Sarah Weston, 2142 Red Mesa Circle, said that she and her husband have lived there for a little over 20 years. She said that her husband Mark is the current Chair of the Planning Commission. She said she would like to address the issue of the Ace Hardware development and the project and how it fits with the Santa Clara General Development Plan. She said that Mayor Rosenberg wasn't the Mayor when this General Development plan was put into place. She said that Denny Drake was the Mayor of Santa Clara when these PD commercial zones were approved. The ones that play such a critical issue in this particular agenda item.
- Denny Drake said he wasn't.
- Sarah Weston apologized to Denny Drake. She said she must have received misinformation from someone. She said that many of the City Council when they did run for reelection ran on a platform that said they would support the General City development plan. She said her comments tonight deal with page 41 and 42 of the plans which deal with Pioneer Parkway to retain development core. She said as she sees it the Ace Hardware proposal currently meets one or two of the objectives that are listed in the current plan. She that most telling is that it is lacking the most important three that would bring this project into the unity and the harmony with the current development that is in that core. She said that the first objective that Ace fails to meet is that of having the building above the sidewalk adjacent to the street. This is in the plan for both the aesthetic and safety reasons. When a building is placed out there it is proven to reduce traffic flow and traffic speed which is always something to consider when we are talking about development that happens near one of our public schools. The other main reason that that type of building placement is in the General Plan is that it's a big part of the aesthetic feel that is the whole point of the plan that was put together. The second objective that Ace has failed to meet is that of having continuous and transparent facade, which is pretty clear in the images that were shared before us. That is an exterior that is generous with windows and other transparent or translucent or reflective materials. She said that is shown in the Café Rio building where they have windows all around and it is also shown in Mountain America Credit Union where they used both windows and reflective material to meet the particular objective of the City Plan. She said the third crucial objective that Ace has failed to meet is that of having building articulation, meaning a design that has varying elevations, the use of exterior materials such as stone and brick, metal and wood, and other design elements that are both vertical and horizontal. They are used to create a very pleasing streetscape. She said that the design isn't horrible, but it isn't a pleasing streetscape. She said the City Council packet itself acknowledges that the plan and the design up for vote today is largely a windowless box. Those words are in the Council's packet. It is covered with almost 100% stucco, very few accents and is placed in the back corner of the property line to maximize the parking lot. She said that whatever the Council decides today is a standard for Ace Hardware and will become the standard for all remaining development in the Pioneer Parkway core. She said that this isn't a light decision that Council has on the agenda today. She stated that the City packet also clearly acknowledges that Ace Hardware has not made effort to meet the General City Plan guidelines nor have they made any significant changes in response to the Planning Commission. In fact, the plan design and layout are pretty much

the same as what they presented back at TRC. She said it is appropriate and needful for the City Council to step in and ask for some compromises to be made by Ace Hardware. It may not be reasonable for Ace to meet all eleven City Planned objectives, but it is reasonable for City Council to ask for more than what Ace is asking for approval today. They can do better. There are some compromises that can be made and that is what she is asking for. She said she encourages Council to vote no on this development project as is and to ask Ace to come back with a modified design. One that can meet the design objectives of ideally moving the placement back to the corners of lot and minimally meeting the two ones of increased building articulation by adding more brick and more stone to match the development that surrounds it and the third one of adding more windows and transparent façade so that it meets the City Plan objective and again matches the tone of what is already there and what we want to go there. The General City Plan executive summary states that it's not so much what is developed but how it is developed. She said she believes that. She started a petition. She said 130 people signed the online petition and they also believe these same things. She hopes that the Council believes it too. She said they really do want a hardware store to go in. They just can do better and offer a little more to our City. That is what she is asking. She said she would like to present the petition, which is not an official petition because she didn't do it correctly. It was supposed to provide mailing addresses for each person that signed the petition. She said she hopes Council can accept it as anecdotal evidence of community support for her statement. She said they want Ace, but they want them to do a little better. She thanked Council for their time and consideration.

- Wendell Gubler asked if we expect all the buildings in this area to be the same.
- Sarah Weston said she is assuming all of the building that are going to go along the edges of the Harmon's piece will be uniform because Harmon's owns that property and will be doing that but when the bank went in they didn't do something that exactly matched. They met the idea of using the transparent façade, the varied building, the articulation. They did that in their building. No one expects every building to look the same, but the look and the feel should evoke that sameness. She said that is the idea she gets from the people that she has spoken to.
- Wendell Gubler said that Harmon's does not look like Café Rio. He said he doesn't expect a Hardware store to look like Café Rio either. Café Rio needs windows to let people know who is in there and let the people in there see outside. You don't need that in a hardware store.
- Sarah Weston said she doesn't disagree, but she would hope that Ace could do more to match the general feel and aesthetics that we want in Santa Clara. She said she doesn't want it to look like Bluff Street.
- Wendell Gubler said it doesn't look like Bluff Street to him. He said the old hardware that was on Bluff Street is completely different then this building here.
- Ben Shakespeare asked some questions about the petition. He said that Sarah spoke of missteps on the petition. He asked what the missteps were.
- Sarah Weston said that she did not get the addresses for each person and the second misstep is she does not have the full list of names printed out but can get that for Council. She said she includes the link. She said it is a misstep that it is not a petition in the sense that the City recognizes it. It is more of a community statement. She thinks that is also valuable, what the community thinks of it. There are 130 people who feel similar that we can do better than this.

- Denny Drake asked if any of these 130 people were influenced by the statement that the City Council has requested a petition.
- Sarah Weston said she amended that statement as soon as the City answered for that. She said that Jarett Waite came and spoke with her and she misinterpreted what he said. She said that Jarett told her that the City won't respond to an emotional argument. She said this isn't an emotional argument but actual actionable items and so she was referencing that conversation which was with an actual member of City Council so she wasn't too far off base so she did correct the language on that when she was asked to. She said she doesn't know that that was the issue. She thinks what garnered support, was just the picture. She said that people have no issue with Ace they just want it to look a little better. This is our City.
- Laurie Perez, 3568 Robin Court, said they are located directly behind the proposed store. She said the biggest issue that they have as adjoining neighbors is the sheer size of the building. It has nothing to do with the view but with looking out the window or stepping out into the backyard and all you see is a wall. She said there are no places in their home or backyard where they can see anything but the wall. She said her other issue is the safety with it being that close to the wall. She said the code is 10 ft but not all code is accurate when it comes to the storage of combustibles, hazmat's, flammables inside the building. How do you get a fire truck through 10 ft? If there is a fire in the back of the store, 10 ft from her property, how do you fight the fire? She said there is no rendering of the back of the building. Her kid's windows are less than 40 ft from the store. If there is an explosion or a fire it is worrisome. She said those are her main concerns. She doesn't feel like it is safe or that 10 ft is enough space or that it is neighborly to put up such a fight to move the building to the front of the parking lot as opposed to towering over all of the connected residents to the point that we just see wall. She said she is begging Buck to consider moving it for the betterment of the neighborhood and the people that are directly connected. She said they love Ace Hardware and they shop there. They would love to have it here but would want the enjoyment of their own homes and backyards.
- Frank Dolana, 3561 Robin Court, said that he knows that Marty has sent an email to Council outlining his feelings about the PD commercial and how this building doesn't meet those requirements. He seconds those feelings. He said there are a lot of don't have to's in this that they are just guidelines. He seconds what Laurie is talking about also. He moved from China and he left China to get away from things like this. He moved to Santa Clara because he feels the community is beautiful. It has a small town feel and they really like it. He said that this is a very emotional thing for them. He thinks their property values are going to go down for sure. No one can deny that. That is going to impact the salability of their properties and they are not being offered anything, no compromise, nothing. He said he remembers driving down Pioneer Parkway and seeing that there was going to be an Ace Hardware and being excited about it. That flipped when he saw the plan. He thought Ace could do better than that. He said it would majorly and negatively impact the people who are around the border of this. He said he would encourage the Council to table this or not pass this and encourage the applicant to go back and try again. He said there are principles that our country is built upon and he feels they are being treated unfairly and unjustly. He said they want the Ace Hardware and he would love it and he would shop there. He said the Council should ask themselves if this is something they would want in their backyard. Can they do better

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than a 25 ft stucco wall 10 ft off the property line? He asked them to just picture that. He said this is PD commercial not an industrial zone. Let's keep Santa Clara a lovely place. Let's stick with the precedence and the community standards.
- Elaine Lloyd, 3598 Sagebrush Drive, said she and her husband moved to Santa Clara 17 years ago. Her husband passed away 18 months ago, and she had to make the decision whether she was going to stay in her lovely home. She wasn't sure she could keep up with the house. Her decision to stay was fortified by the response of the neighbors who jumped in to help her and she said it was a rewarding experience to see that and she thought she would never be able to find a similar neighborhood with such caring friends and neighbors. She said she knew her house was going to be her security when it came necessary to move into a facility where she would be taken care of. She said she is now faced with a dilemma. How is her home going to be impacted by Ace Hardware in her backyard? How will her home value depreciate? She asked why this building is so large. She said it takes on the look of a warehouse, which seems too big for the property. She asked why the building is so high. She said she is deeply stressed by the size and the looks of this building. She stated that this is a neighborhood community, which is how she and her neighbors would like it to stay with the community plan. She thanked Council for listening to her.
- Martin Tidwell, 3576 Sagebrush Drive, thanked the Mayor and City Council for the opportunity to share one more time what their thoughts are. He said that having Ace where it is, it's inconsistent with what was required from the other businesses at that location. He quoted from General Plan and zoning requirements. "Screening or buffering for the occupants of adjacent landowners or general appearance of openness" and he doesn't feel that's any of that is addressed in this current design. And strip commercial with front parking is generally not acceptable. He said as has been discussed that a lot of wording in the General Plan are "should's" and "recommended" and "encouraged". That is why City Council is here. They can decide what is best for our community. He said that if the plan goes forward as is designed Council would go contrary to the Planning Commission recommendation and he feels they would go contrary to the intent of the General Plan and to the zoning ordinances as they are written and to the voice of the residents in the neighborhood.
- Brian Reid, 3604 Sagebrush, said he is fundamentally against the stores (Dollar Tree and Ace) being on the street corners. He is concerned that the location of Ace may take precedence over other issues with code and the City ordinances. He wants to make sure that those other things aren't overlooked. He talked about how much landscaping there is and the easements off the sidewalks and those are more important than the location of the building. When he saw the second plan, he was fine with that. He always knew he was going to have a 25 ft wall behind his house, and he is the one who doesn't. He also has concern about the size of the building. If we are going to try and keep an open feel the size of the building compared to the lot feels like it is going to be claustrophobic and closed in. He said he loves the plaza and other things about it. He feels that the stores that are going to come in here are a big part of it and he is worried that if the City and Ace can't come to any kind of conclusion what other kind of business can come in behind his house? If he could pick an Ace over 90% of all the other stores out there, he will pick Ace. He said it is a big ugly box and he would like to see that different. He would like to see more landscaping and more openness, but he feels if he had to choose between the building being in the corner or having the plaza, he would choose the plaza.

- Andrea Reid, 3604 Sagebrush, said that this is a business that is interested in our community and they're interested in the people in the community. She said she has three teenager's so Buck's proposals seem very inviting. She would just hate for the City to be so caught up in where the building is placed on a lot that we lose site of the fact that it's a good business with a person that cares about the community and that has a vested interest in the community. Whereas if Buck were to walk away, we could end up with multiple businesses in that lot and she saw a rendering with that and one of the businesses had multiple levels. It had four stories. We have no idea what could come in its place. She said she hopes that where a building is positioned doesn't trump something that could be beneficial for the City and the residents.
- Wendell Gubler asked Chief Hancey a question. He said a comment was made earlier that this might be a problem if we had a fire in the building. He asked Chief Hancey to address that.
- Fire Chief Hancey said that was a valid concern and he appreciates that. That is something we would want to look at as we go through our codes and fire codes. Fire access is always a major concern as well as hydrant locations. He said a fire lane back there with more than 10 ft would be his recommendation. He said a fire lane is minimum 25 ft.
- Ben Shakespeare asked the Chief what the setback was on residential and what is the fire sprinkler requirements on commercial verses residential.
- Chief Hancey said that this building at 24,000 sq. ft or so would require sprinklers so that would be a plus for fire safety. Whereas residential it is not a requirement for sprinklers.
- Ben Shakespeare asked about the setback on residential.
- Corey Bundy, Building and Zoning Official, said usually the rear of the building is 10 ft.
- Denny Drake said there was a couple of things mentioned about us setting a precedence. He said we are certainly not setting a precedence. The Harmon's building is set back on the property. It was their design to be there with parking in the front. It has been stated that the buildings like Café Rio and those were done with Harmon's and they were not. Harmon's was there before that building was built. He said that Village Bank owned that corner and when they ran into problems Harmon's bought it. He said one of the other issues he has is if you go down to that corner none of those buildings fit the eleven criteria. Not one single one. There isn't any precedence here. It's deal with the things that we know and can adjust. A 25,000 sq. ft building is different than a 5,000 sq. ft building. There are no entrances from the road into those businesses. They still have to walk around the building to get to the entrances of the stores. The idea that this is something out of the ordinary every lot that backs up to this was put in after the commercial zone was created. Certainly, that should have some bearing on what happens to that commercial zone. He said he feels very concerned that there is a feeling created by individuals that we (the Council) would do something against the law and that certainly would not happen. He said he has been accused in one email that if we decided not to do as has been suggested that it would be immoral, unfair and illegal. He said that emotion is not true and most of the things that have been stated have been tainted in one way or another. The fact is this design meets code, and in most cases, it meets the eleven standards which it meets more of them than the other buildings on those streets. He said it is interesting how we can paint those kinds of pictures and demonize the people who

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are asked to make judgments. He said to him that is not the Santa Clara way. Santa Clara was created in a nice community by people who cared about others. The community itself grew and brought people here because they wanted what Santa Clara offered. So now we are going to change that to accommodate a few. He is concerned that some residents think there is going to be hazardous waste stored behind the building.
- Sarah Weston said no it would be inside the building. They sell combustibles, flammables and hazardous material.
- Denny Drake said they do and so do most others. In fact, Harmon's does. The same thing is true about every store that we have in the community. There is hazardous material in that. He thinks the concern that some residents have about property values dropping is a concern and they probably will. The fact of the matter is that was commercial and to help protect those residents it was changed to PD commercial. If you wanted to go code the wall could be 35 ft not 25 ft and meet code requirements. He feels that what he is saying is going to be taken lightly by those who are opposed to this. He doesn't have a problem with that, but he does have a problem that this has become personal attacks and that bothers him. He really wants residents to know that this City Council would not take residents individually nor any of their friends and abuse their rights to differ. This is a huge issue, but Council will act according to our consensus in a way that we think is right.
- Leina Mathis said that she has also received numerous emails. She has read all of them. She does not know Mr. Hurst and has never spoken to him. She said she does know the members on this Council, and they are good people who can look at things objectively and whether we choose to disagree or agree in our decisions that does not impact their integrity in any form. She said that also goes for our Planning Commission. She said our Planning Commission is the very same. They do their job well. She said that based on the emails that she has received there has been some misinformation that is out there and so she wants to try and clear up some of the misinformation and maybe that can help guide the discussion. She said she is looking at everything from a very practical, pragmatic standpoint because she wants what is best for our community as a whole. She said as a point of clarification the corner the bank sits on and the empty parcel behind the bank, they are not PD commercial. Those are commercial zoned, so they don't even conform to any of these documents. They don't have to do anything within the documents that we have been talking about this evening. That is only the other three corners. She said there has been a lot of emphasis on the General Plan. The General Plan is an advisory guide. It is fully an advisory guide. It is not enforceable by law. What enforces our laws is the zoning ordinances that get enacted to back up what is in the General Plan. The reason for that is the General Plan is a 30,000 ft level view of generally what our citizens want to see within their community. There is no way for it to identify any of the specifics down to a parcel of land as to what that might look like however many years down the road. Those General Plans are only redone every five to seven years. She said her encouragement to (the residents at the meeting) is the next time we redo our General Plan if they are really interested in what they want to see within our community to get involved and come out and participate because that give them that high level overview and then when we have something like a public hearing to review a zoning ordinance please attend the public hearing and come and see what that zoning ordinance is going to do for that parcel of land and whether you agree or don't agree because by statute whatever that zoning ordinance is the City has to comply with it. She

said there was also some indication that maybe Mr. Hurst was doing something inappropriate by requesting the City Council to review this. So that we are clear, that is not the case. The Planning Commission (of which she was a part and was the Chair of) is a recommending body. The City Council is the one who will make all those decisions so regardless of what the Planning Commission does they are a recommending body. So, whether it was Mr. Hurst or any of the residents in this room that would have come to the City Council. She said for the specifics on this project she did review the entire zoning ordinance. She said she has read it and reread it. She looks at it from a plain language standpoint. If we ever get into a legal proceeding that is what they are going to look at. There are "should" and "shall" written into an ordinance for a reason. You comply with the "shall" and you can deal with the "should". They are put there specifically because of that. She said when she reads it, she underlines "shall" and "should" and then she checks things off. Do they comply? She said when she reads the zoning ordinance for our PD zone and she looks at the site plan that we have received, and she goes through just our zoning ordinance she can say that they are compliant with our zoning ordinance. There is nothing in our ordinance that they have asked of us that is not in compliance with our zoning ordinance. The one thing that is different in a PD is in a zoning ordinance because the site plan is tied to the zone it does require us to refer a little bit or give consideration to the General Plan. She said she is going to give some consideration to the General Plan and address that, so the residents know that she has done her due diligence. She read from pages 41 and 42 that identifies specifically the Pioneer Parkway retail core. It looks at that corner only as the piece that we are looking at. It says, "The retail area at the Pioneer Parkway/Rachel Drive intersection is probably the City's last opportunity for a major commercial center. The vacant land is large enough to accommodate big box types of stores such as a grocery store and smaller chain stores such as Walgreens as well as several pad sites. The Pioneer Parkway retail core is ideal for future mixed-use retail development." The density for it was anticipated to be much higher because it was really looked at as mixed use. She also read from the General Plan, "Public input from residents strongly supported creating future retail centers including with characteristics similar to Santa Clara's downtown. This includes stores that form a continuous shopping street connected by wide shaded sidewalks with benches, decorative paving, plazas for gathering and with convenient on street parking." On page 42 it notes the objective at the top. She read, "Ensure the flow of traffic in a major transportation corridor while providing significant retail and employment opportunities in a pedestrian oriented center." She said if she takes all of that because that is the highlight of the objective from the General Plan and she applies that to this request she can start checking some of those things off. She asked if the building is better off in a corner or on the street adjacent to the street with walls. She said her opinion is if you take a 24,000 sq. ft building even if it has some windows, and it is not in our General Plan or our zoning ordinance to have all windows and double fronts, it creates almost a bowling alley effect. You can't see around it. Whereas if you move the building back and have plazas and landscaping strips with large trees it opens it up and creates pedestrian friendly. If you review the site plan there is a proposal in addition to the plaza for a sidewalk that connects directly from Rachel through the parking lot to the entrance at Hurst so that individuals do not have to walk through the parking lot if they choose to walk to Hurst. She said that lastly, she really did try to look at this objectively. She can appreciate for those three or four of the residents who will abut right up to this she can appreciate

looking out their window and what they are going to see. She doesn't know that she would want to see that but she also believes that they had a right to do what they wanted to do on their property and someone else has a right to do what they want to do on their property as well and everybody knew what the zoning of those were before they purchased anything that they did. She said that the State statute is if the applicant meets the criteria, it requires Council to approve a request. There is not a whole lot of leeway that we have if they meet our ordinances and they have given some consideration to the General Plan.

- Ben Shakespeare said he wanted to comment of things that have been said and get them on the minutes. He said he has spent the last several weeks researching. He said he wanted to cover four points and read a couple from the minutes to make things perfectly clear. Point number one is in the denial of the project at the Planning Commission when the attorney asked the purpose for the denial it was stated that it does not comply with the ordinance. He said that is not true. It does comply with the zoning ordinances. As the commission spoke of approval, they talked of Harmon's being approved as a master plan development. That also is not true. The minutes state that in 2008 Harmon's was approved and then in 2015 after Harmon's acquired the property to the street it came back to the City for that approval. Harmon's was approved seven years prior to owning the property out on the street which could have gone any direction outside of that development which Harmon's the building will abut residential property to the north. In the packet used at the Planning Commission there was a photo showing an exhibit of an Ace Hardware presented that it was on the corner which also was not true. This picture was also used in the petition. The email from Ace Corp. reads, "The store is not positioned on the corner at the intersection. The store is not alone on the property and is part of a shopping center. The store is in line with the grocery store adjacent. The store is less than 11,000 sq. ft. Furthermore, the picture that is shown is the front of the store that is turned facing the parking lot not the street." He said that was presented as part of the petition that was sent out that was not factual as to the presentation of Ace Hardware being on the corner. This store is 2 ½ times that size and as the comments have said it would fill that corner across there. He said that finally in speaking as a City Council working with the Planning Commission, we have received plenty of emails that have said it would be immoral for us to go against the Planning Commission. The Planning Commission is a recommending body. Their job is to look at the land use and see if the project meets what the land use was designated for. There are times and in most cases the Planning Commission and the City Council line up. But there are cases where we do not and that is the way it is set up. The Planning Commission does a lot of the legwork. They are amazing. But we don't always line up in our decisions and he thinks it is important for the community to understand that. As far as what is presented in the discussion on walkability, walkability is defined as the presentation as you are walking. This meets that. It has the wide sidewalks. It has the sidewalk going to the store. It's got the plaza, the only plaza on that corner. He would view this as more walkable than any other project out there. He appreciates the discussion by the residents. This is economically great for the City. It allows us to fund things without raising taxes.

- Jarett Waite stated that he has gotten several emails as well. He has met with people and visited other sites and has met with every resident adjacent to the site except the Perez's. He read through all the emails and comments. In addition, he visited the Family Dollar in Ivins. It dawned on him that he had visited with Mayor Hart about that

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building. It is smack dab in the middle of a residential area. Mayor Hart said they are proud of that building and how it turned out. He asked him why and the Mayor had him go look at the back of the building and it is landscaped in the back of it. It is 22 ft from the back of that building to the residences. The other side has a driveway to go to their dumpsters, but it is a pretty wide driveway. That is important and that helped the residents feel that they did have some distance from that building to help them feel better about the project. There is also more than generous landscaping on that site. It does help it look a lot nicer. He said he also measured the landscaping outside the Café Rio building to find out how wide those landscape strips were. He thinks it looks nice. That corner looks good the way it was done. He said that on the Rachel side the sidewalk is 14.5 ft and about 19 ft between the building and the sidewalk and on the Pioneer side it is 20 ft of landscaping plus the sidewalks. There is 22 ft of landscaping by the Harmon's gas station. He said that the Planning Commission approved the variation of the landscaping in making that thinner and he is not in support of that. He thinks we should match the landscaping on the other corners and that will change their plan and might make them come back with a whole new plan because that will take out parking that they desperately need because Planning Commission also approved less parking. He thinks the landscaping makes a big difference in how it feels. He applauds the landscaping they have now, but he thinks that we should at least follow our code and ask for the landscaping that should be there especially when we asked the building across the street to follow that code. He said that in regard to where it should be placed that between the people he has talked to and the phone calls he has received he is 50-50 on which corner it should be in the back of the lot or the front. He has to look at what would be better for the business and for the residences and if we can somehow find a compromise, some sort of a win-win in that situation. He said he has had one concern of where the entrance is off Rachel that there might be cars parked on that side of the street and it would be hard to see around them to get on to the street. He asked Jack Taylor, Public Works Director, if the turn lane will be extended all the way down so that there wouldn't be parking on the street or is it going to stay as is?

- Jack Taylor said that there is plenty of room for stacking in the center lane and we can extend the turning lane down. We can do that if we need to.
- Jarett Waite said he thinks that would help the residents a lot to know there is a turn lane that goes all the way down to make it easier to get in and out and merge into traffic. He said there is a concern about a contractor pulling up and has a big trailer and doesn't want to pull into the parking lot and then it will be harder to see out because they are parked on the street and with the intersection being really close there would be a lot of complications there. He said the planters are inside the landscaping and he doesn't think that is the goal. We want the planters of the sidewalk just not as imposing as they are on the other side of the street. He asked the developer to change where the planters are located and put them in the sidewalk and make them 4 or 5 ft wide. That is one of his requests. He said he is in favor of making the landscape strips follow the code. Another thing he thinks that would be very important is that if we do choose to have the building in the back corner of the lot that the back be gated and locked so that we don't have our Lava Ridge school children going back there and messing around and we don't end up with vagrants back there. He would only want Ace Staff to have access back there so he would want that gated and locked. He made a chart of how the different corners compare to each other and meet the General Plan, those eleven objectives. He said he felt like

Harmon's did a really good job of meeting those eleven objectives. There are some things that none of these businesses will be able to meet and one of those is on street parking and curb extension. The rest of those things any of those businesses could do. Mountain America met seven of those eleven. The Dollar Tree will meet six of the eleven. This project hits three of the eleven. They have the wide sidewalks and the plaza and the pedestrian crossing. The rest of the things they are halfway there on some of those things. He thinks that if we do require what the landscape code requires that would give them a check but it's not right now. He said concerning the building articulation this is a good building. It looks nice but if you look at the other corners we asked for just a little bit more than the standard building so he said he would highly encourage that the developer go back and look at how they can improve the look of this building. He said he know that this is just a recommendation but you can see how well the other corners have done on these and he doesn't see why Bucks can't do well on these and if this project met these it would only increase the business and help that business look really nice and have harmony with the area. He said in terms of his actual recommendations this would go back to fire code and things like that but can the back of the building be landscaped instead of being an alley and that would help break up that huge wall in these neighbors backyards. He said that wouldn't be an expensive thing to do. He thinks it would be a great idea to consider adding more of a buffer between the building and these residences. It does ask in the code that it is preferable to have a buffer between commercial activity and residences and 10 ft just isn't that much. He said he would ask for that as well, as wider space on the south and the east side of the building. That is probably going to require some major changes to the design. We are already taking out 20 parking spaces and if we widen the landscaping and then put more space behind the building that is going to shrink the parking and they would have to make the building smaller and that is a business decision that they will have to look at. He said the one thing that sticks out to him from talking to the people is that they hope the Council does what is right and do what makes sense for everyone and not grant any real exceptions. So far, the Planning Commission has told us to grant exception to the parking and on the landscaping so that is something we really need to think about.

- Mayor Rosenberg directed Council's attention back to the agenda. He said that there are three items now that need Council's attention. He read the description for Items 5C3, 5C4 and 5C5.
- Jarett Waite said that in the past we have looked only at the site plan and the elevations. How is that different in this case? He asked that if we are approving the location. Are we approving the site plan as is?
- Mayor Rosenberg said that when you approve the site because they are different that Council would be approving the building elevations at the same time, anything to do with the building.
- Matt Ence said he thinks Council should consider Item 3 as an approval for the overall site plan. Council can approve that with conditions. Any of those conditions that aren't specific to the landscape strip and the parking reduction, let's include that in the decision for the site plan's location building. They don't have to be taken in this order. If Council wants to address the parking and the landscape strip first, Council can.
- Denny Drake asked Jarett Waite that if what he is suggesting with landscaping and rear setbacks is, he is suggesting that the plaza is taken out so that parking can be provided.
- Jarett Waite said no that the plaza only takes out four spaces. He doesn't think it is

consequential in that decision. He said the 20 spaces that are being taken out are allowing more space for the building.
- Denny Drake asked Jarett if he wants the plaza left in with those other adjustments.
- Jarett Waite said he did.
- Leina Mathis asked Mr. Hurst a question. She said that the recommendations that Jarett has made with putting some landscaping or gating in the 10 ft rear setback that is required is that something that is doable?
- Buck Hurst said as far as having landscaping behind the building they would not want to do that. As far as the gates, they plan on doing that. He said they can't have water at the back of their building. If they have a busted line, then they could lose most of a wall. Water behind there is not feasible. He said the walls are going to be 6 ft tall and so the trees would have to be very large trees for the neighbors to be able to see at all. They wouldn't see any of the landscaping. He said they worked on having a 10 ft setback which is what is required. He said they will obviously have fire protection within the store.
- Wendell Gubler asked about the fire lane. Is that something that is needed? Does there need to be access there in case there is a fire in the store?
- Buck Hurst said to make it 20-25 ft behind the store would be a completely different design and take parking. This is a very large inventory and so they need that space within the store to get the plan that they have. When they met with the Staff, they went over that 10 ft and gates several times and that's what the plan was. There will be fire protection throughout the store. You can get into the store from all sides. He said he thought the back was mostly for security. Police and certainly fire would have to get back there if they needed to. He said they felt that 10 ft was appropriate and right.
- Wendell Gubler said that the code does show 10 ft.
- Leina Mathis said our zoning code says 10 ft, which they are complying with.
- Chief Hancey said that the fire department follows International Fire Code, which the City also has adopted. He stated that the fire department needs to have access on three sides of the building so if we can meet three sides of the building with the fire lane, according to the International Fire Code that is what we would like to adhere to.
- Leina Mathis asked Chief Hancey is that means they don't need to have the back access.
- Chief Hancey said they can have the front and two sides.
- Jarett Waite said that would require a change to this plan then because they don't have 25 ft on the south side.
- Denny Drake said that the code is 10 ft.
- Jarett Waite said that the fire code requires access to the three sides.
- Mayor Rosenberg asked if the code requires the 25 ft fire lane.
- Chief Hancey said for aerial access but there may be an exception where it will be a sprinkler building. He would have to research that.
- Mayor Rosenberg said it almost seems like it would because there's cases with commercial development that allow a zero setback. If the firewall is designed appropriately and sprinklered that they can build right up to the property line. He thinks there is some type of exception. He said that will come up as far as the site plan review. If there was a concern about meeting the code that Council can condition any motion on meeting the code as it goes through the architectural and construction plan review.

Motion to Deny Approval of landscape strip width of 10' along both street frontages, i.e. Pioneer

Parkway and Rachel Drive for Buck's Ace Hardware.
Motion by Jarett Waite.
Motion Dies for lack of second.

Motion to Approve a landscape strip width reduction of 10' along both street frontages, i.e. Pioneer Parkway and Rachel Drive for Buck's Ace Hardware.
Motion by Denny Drake, seconded by Wendell Gubler.
Voting Aye: Leina Mathis, Denny Drake, Wendell Gubler and Ben Shakespeare.
Voting Nay: Jarett Waite.
Motion Carried.

- Leina Mathis said that just for reference that in November of 2018 we received an amended site plan request for Harmon's for pads A, C and D and we approved exceptions for their landscaping to this level because they were putting drive throughs adjacent to the sidewalk. If we are approving allowances for Harmon's it's not an issue.
- Mayor Rosenberg asked if Council next wants to address Item 5. He said that this is a reduction from what is in our parking ordinance. Planning Commission recommended approval of this.
- Leina Mathis said she would make this recommendation because she doesn't think we want places full of parking lots.

Motion to Approve the parking reduction to 74 spaces based on the Planning Commission's recommendation and the projected parking demand and experience relayed by the applicant for other stores in St. George and Hurricane for Buck's Ace Hardware located on the southwest corner of the intersection of Rachel Drive and Pioneer Parkway.
Motion by Leina Mathis, seconded by Wendell Gubler.
Voting Aye: Leina Mathis, Denny Drake, Wendell Gubler, Ben Shakespeare and Jarett Waite.
Voting Nay: None.
Motion Carried.

- Mayor Rosenberg asked Council to now consider Item 3. He said we are interpreting the building location to be the site plan.
- Matt Ence said that is correct.
- Mayor Rosenberg said this will also include the elevation drawings and the landscaping drawings and all the renderings that were part of the application as well.
- Leina Mathis said she will make the motion, but she will have two conditions.

Motion to Approve the building location/site/elevation plans for Buck's Ace Hardware, applicant request to locate the building in the southwest corner of his lot. Buck Hurst, Applicant. The approval has two conditions. One: that the rear of the building is security gated as requested. Two: that the building meets fire code as approved by Chief Hancey.
Motion by Leina Mathis, seconded by Denny Drake.

- Jarett Waite asked if we could also include the planter locations. Right now, they are in the landscaping strips. The other four corners will be on the sidewalk.

Amended Motion to Approve the building location/site/elevation plans for Buck's Ace Hardware,

applicant request to locate the building in the southwest corner of his lot. Buck Hurst, Applicant. The approval has three conditions. One: that the rear of the building is security gated as requested. Two: that the building meets fire code as approved by Chief Hancey. Three: that the planter boxes are placed on the sidewalks and not in the landscape strips.
Motion by Leina Mathis, seconded by Denny Drake.

- Mayor Rosenberg said that those planters in the sidewalk on the north side of the intersection are problematic for handicap access and wheelchair access. He said that we have talked about moving them because of that. From the traffic engineering and being pedestrian friendly those medians are wonderful but if you are in a wheelchair or on a scooter or walking with your sweetie and you have to have someone walk first, they can be problematic.
- Leina Mathis said the sidewalks are 10 ft wide so if the planters are 4 ft deep it should give 6 ft of walking space adjacent to the planter.
- Jarett Waite said that is what he would want. The other planters have been 6 ft wide. He wants the planters in the sidewalk just not as big as the other side.
- Mayor Rosenberg said that the other concern with having them in the sidewalk and it is going to become a concern long term is as trees grow and their roots expand they will buckle the sidewalk and can influence the curb and gutter and they'll probably have to be removed periodically and replaced with a smaller tree so that it doesn't happen so we never generate a canopy. It's always the small landscape tree but never becomes the canopy of the tree-lined streets.
- Leina Mathis asked what was done at Dollar Tree.
- Ben Shakespeare said that is where the discussion came up. You can walk down the sidewalk but not walk hand in hand. You have to go single file. We discussed just pushing them right to the edge so you could still sit at them and still have the shade from them but still have the wide sidewalks.
- Mayor Rosenberg said the planters need to be a certain width. They can't be too narrow, or it will bake the tree. 4 ft is the absolute minimum and it maybe needs to be more than 4 ft. If we do decide to put the planters on the sidewalk but we let the sidewalk widen through the planter and then come back so the landscaping would be reduced.
- Ben Shakespeare said the planter could pop out into the sidewalk and there would still be the wide planter.
- Mayor Rosenberg said that there needs to be something different then what is on the north side of the street because it seems problematic especially long term.
- Jarett Waite said he thinks it would look weird with the three corners the same and one corner different.
- Mayor Rosenberg said the planters could be put out on the sidewalk but let's allow them the flexibility to decrease the landscaping adjacent to the planter to provide pedestrian access by the planter. We would leave that to the professionals to come up with a design that provides what we are looking for.

Amended Motion to Approve the building location/site/elevation plans for Buck's Ace Hardware, applicant request to locate the building in the southwest corner of his lot. Buck Hurst, Applicant. The approval has three conditions. One: that the rear of the building is security gated as requested. Two: that the building meets fire code as approved by Chief Hancey. Three: that the

planter boxes are placed on the sidewalks and not in the landscape strips but not limit the pedestrian access by the sidewalk to less than 6 ft and in doing so will allow the landscape strip adjacent to the sidewalk to decrease whatever additional distance is necessary to provide that. Motion by Leina Mathis, seconded by Denny Drake.

- Jarett Waite asked if we want to include any language about more articulation, more windows anything they can at least look at or encouraging them to do.
- Leina Mathis said she is not seeing a lot of difference in design material from this plan compared to Dollar Tree.
- Ben Shakespeare said that there isn't much to the Dollar Tree. It is a square box.
- Leina Mathis said she is not sure what we would do to the building. There are windows on the north side already, on the Pioneer side. There is stucco and columns. The columns are brick.
- Jarett Waite said he is just mirroring what the residents have asked. That other materials be looked at and maybe more pop outs and different elevations, so it is not a big box. He said that could just be a recommendation from us.
- Leina Mathis said that she doesn't mind including in her motion that if there is something that can be done to maybe add a few more aesthetics to make it pleasing, but she is not going to require it in the motion.

Amended Motion to Approve the building location/site/elevation plans for Buck's Ace Hardware, applicant request to locate the building in the southwest corner of his lot. Buck Hurst, Applicant. The approval has three conditions. One: that the rear of the building is security gated as requested. Two: that the building meets fire code as approved by Chief Hancey. Three: that the planter boxes are placed on the sidewalks and not in the landscape strips but not limit the pedestrian access by the sidewalk to less than 6 ft and in doing so will allow the landscape strip adjacent to the sidewalk to decrease whatever additional distance is necessary to provide that and with a recommendation that if there is something that can be done to add a few more aesthetics to the building to make it more pleasing that they do so.
Motion by Leina Mathis, seconded by Denny Drake.
Voting Aye: Leina Mathis, Jarett Waite, Denny Drake, Wendell Gubler and Ben Shakespeare.
Voting Nay: None.
Motion Carried.

6. Consider an amendment on the Final Plat for Ocotillo Springs Phase 1, located south of North Town Rd. and east of 400 East Street. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

- Corey Bundy said that the zoning is PD residential and the General Plan designation is medium density residential (MDR). The applicant is Scott Group LLC and the representative is Lance Rigby. The project engineer is Jared Bates with Rosenberg & Associates. This is a proposed amendment for the final plat. The plat shows two buildings in phase 1 area. One of the buildings was a six-plex and they want to reduce it to a five-plex. The rest of the phase basically stays the same. They are not proposing any changes just the footprint of the six-plex to a five-plex. They have submitted to the City signature of everybody in the recorded plat and they signed off on it, the Planning Commission. The proposed amendment final plat is a very minor change. Staff and

Planning Commission recommend approval.
- Leina Mathis asked if they were just spreading this space out among the other units so the actual footprint is the same.
- Corey Bundy said the actual footprint is smaller.

Motion to Approve an amendment on the Final Plat for Ocotillo Springs Phase 1, located south of North Town Rd. and east of 400 East Street.
Motion by Denny Drake, seconded by Wendell Gubler.
Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Wendell Gubler and Leina Mathis.
Voting Nay: None.
Motion Carried.

7. Consider approval of a Final Plat for Sycamores at Santa Clara Phase 1C, located south of the Santa Clara River and east of Gates Lane. Presented by Bob Nicholson, City Planner/Corey Bundy, Building & Zoning Official.

   - Corey Bundy said this is zoned R-1-10. The representative is Kyle Hafen and the project engineer is Jared Bates. This is a one lot final plat for Phase 1C. They are proposing a one lot final plat. The proposed one lot final plat is approximately 3,300 sq. ft in area with the back half within the flood control easement. The back of the lot backs the Santa Clara River. The lot was lot 7 in the approved preliminary plat and within the Phase 2B final plat. This application will need to be amending the Phase 2 plat. All the necessary utilities, street improvements, sidewalk have been extended along the frontage of the proposed Phase 1 lot. Staff recommends approval. Phase 1 is 1-6. Phase 2 was the remainder up above and they are carving off this lot 7 and making a single lot phase out of it so they won't have to amend phase 2.
   - Mayor Rosenberg said that Council has already approved Phase 2 so they will have to bring that back for amendment.
   - Corey Bundy said that Phase 2 has not had a final plat. The purpose of this is to be able to sell a single lot.
   - Mayor Rosenberg said that the improvements are already in place with the exception of the sidewalk on this single lot so they would like to go ahead and do that lot as a stand-alone subdivision and then they'll have to amend the Phase 2 and bring it back to Council. In order to record this one, we wanted to have the road dedication plat for the Sycamore Lane so the connection can get formalized.

Motion to Approve a Final Plat for Sycamores at Santa Clara Phase 1C, located south of the Santa Clara River and east of Gates Lane with a caveat that the road dedication plat is completed and signed.
Motion by Denny Drake, seconded by Ben Shakespeare.
Voting Aye: Denny Drake, Wendell Gubler, Ben Shakespeare, Jarett Waite and Leina Mathis.
Voting Nay: None.
Motion Carried.

8. Consider approval of amendment to the Santa Clara City Code, Title 13, Section 13.24 "Storm Water Low Impact Development Standards (LID) and approve Ordinance 2020-11. Presented by Jack Taylor, Public Works Director.

- Scott Bannon said that all this is, we are taking the LID that Council approved and adding it in to the ordinance. It has been reviewed and approved by the City Attorney. There are no changes to the ordinance this is just adding in the LID standards.
- Ben Shakespeare said that as these things come through, he is always concerned that it adds costs. We need to be careful as we go through this. Certainly, we want to meet the standard but let's make sure we are covered but not overbearing. The fees are just accelerating. He cautioned as a City for us to meet the mandate but let's not overburden those who are trying to build. It goes to the end consumer.

Motion to Approve the amendment to the Santa Clara City Code, Title 13, Section 13.24 "Storm Water Low Impact Development Standards (LID) and approve Ordinance 2020-11.
Motion by Ben Shakespeare, seconded by Leina Mathis.
Voting Aye: Leina Mathis, Denny Drake, Ben Shakespeare, Wendell Gubler and Jarett Waite.
Voting Nay: None.
Motion Carried.

6. Reports:

A. Mayor / Council Reports

Jarett Waite:
- The BMX Track grand opening went well. It was delayed a little while they were waiting for the plaques and ribbon to arrive. The parking was a little hairy on Saturday. Washington County tourism was at the grand opening and they gave the track a rating of 10 out of 10.
- There was a Mosquito Abatement meeting. There is no West Nile virus yet. They are now testing for the St. Louis encephalitis as well. It has shown up in Arizona and Nevada. It is worse than West Nile. They are on top of things.

Ben Shakespeare:
- Nothing to report.

Leina Mathis:
- There was a Legislative Policy Meeting. There is not a whole lot going on. The biggest issue that was discussed was the Bill that passed that involved Park City and Tooele and some of the County annexations without getting the other County's approval. It didn't apply to what we are doing here. There is another meeting in six or eight weeks.
- She made a request to the Mayor to see if she can be put over the Planning Commission and do some training with the Planning Commission on some high level things such as their role, what they do, why the City's General Plan is and it's ordinances and how do they work together. She has talked with Bob, Corey and Brock and made them aware of this too. We are going to put some information together and then talk with the Planning Commissioners at their next meeting and ask them some specific things that they would like to have addressed that they are unfamiliar with and we are going to do some training and she is going to put some binders together for them. They do a great job. They are great people, but it will be helpful to give them some training.

- Mayor Rosenberg said we promoted Shelly from an alternate to the Commission, so we need a new alternate. He asked if anyone has a recommendation to serve as a Planning Commissioner and serve as an alternate. They only had four at the meeting in July and they need seven. We need to encourage them to fill seven seats and we need to encourage them to show up for the meetings. He said if Council knows of anyone that would be good to bring the name to him and he will bring it back to Council and get it approved and get them called.
- Ben Shakespeare said he thinks Council should meet a couple times a year, maybe at a Work Meeting, and just get together with the Planning Commission.
- Mayor Rosenberg said he thinks it is okay if Council sets a combined meeting to talk about the General Plan and areas where we think we may need some change. It is very relevant to pull the two groups together and have that as a discussion point. He told Corey to make it happen and Brock to make a date for it.
- Brock Jacobsen asked Leina if she would like to have that meeting after she has done some training with the Planning Commission or before.
- Leina Mathis said that some of them don't even understand what a General Plan is right now. She would like to at least do one training with them first.

Denny Drake:
- Nothing to report.

Wendell Gubler:
- Nothing to report.

Mayor Rosenberg:
- The Northern Corridor GIS south republic review in comment right now includes revising the management plan for Zone 6, which is the BLM boundary with Santa Clara. It is area that is being brought into the HCP to provide supplemental tortoise habitat for the exclusion of the northern corridor across the top. The problem is the best management practice for Zone 6 eliminates sport shooting so we would have a hard line on our far west boundary of no shooting and we are pushing the no shooting toward that boundary and if we don't get the shooting range on that little pocket in between people are going to Hurricane for shooting so that makes it harder for us to enforce the no shooting in the South Hills. We are going to put comments together and get those sent in so we are on record stating that they can't say no sport shooting because they think they want to. We need that ability to go out there or we are going to have more problems on the City side.
- Most of Santa Clara's flood problems on Sunday night were just plugged grates. It has been so long since it has rained, and the Mondale pine needles, and leaves have just plugged everything up and so we had flows going over the top of the grates. Luckily it didn't get into any of the homes. Our storm drain facilities right now are in as good a shape as they have ever been and that includes the river. He appreciates all the crew that came out and helped on Sunday night.

- Brock Jacobsen said he couldn't hear a lot of the MPO meeting, and he didn't understand a lot of what went on.

- Chief Hancey said the Wild Land crews are out. Some of the crew are in the Cedar City area and some are in Nevada.

- Bob Nicholson said that last year we had the task to identify three objectives for affordable housing. This year was to try and implement those and through some of our ordinance amendments we have done two of the three. We will have to get that back to the Planning Commission and through the Council in November or December and then file a report at the end of December with the State. That will be brought to Council soon.

7. **Executive Session**: **None.**

8. **Adjournment:**

Motion to adjourn by Jarett Waite.
Seconded by Ben Shakespeare with all members present voting aye.
Meeting Adjourned at 8:07 p.m.

_____ Date Approved: _____
Chris Shelley – City Recorder

DRAFT

City of Santa Clara
Check Register
Checking 1889 - 09/02/2020 to 09/02/2020

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
ACTION AMBULANCE BILLING,	68471	1986	08/31/2020	09/02/2020	167.37	Inv# 1986-AMBULANCE BILLING AUG 2020	104235-370 - PROFESSIONAL
BLUE STAKES OF UTAH 811	ACH090320	UT202002258	09/02/2020	09/02/2020	45.57	JUL	535310-210 - SUBSCRIPTIONS &
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	249.69	CITY UTILITY BILLS-PARKS-STREETSCAPE	104510-271 - UTILITIES -
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	402.55	CITY UTILITY BILLS-POWER	535310-271 - UTILITIES -
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	505.08	CITY UTILITY BILLS-PUB WORKS	104410-270 - UTILITIES
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	638.35	CITY UTILITY BILLS-FIRE	104230-270 - UTILITIES
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	1,984.24	CITY UTILITY BILLS-PARKS-SPORTS	104515-270 - UTILITIES
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	2,145.18	CITY UTILITY BILLS-PARKS	104510-270 - UTILITIES
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	2,247.91	CITY UTILITY BILLS-POWER GENERATOR	535310-270 - UTILITIES -
CITY OF SANTA CLARA-	68472	AUG 2020	09/02/2020	09/02/2020	2,713.30	CITY UTILITY BILLS-BLDG	104240-270 - BUILDING UTILITIES
CITY OF ST GEORGE - S	68473	AUG 2020-18708	09/02/2020	09/02/2020	31,153.50	2709 SEWER CONNECTIONS @ 11.50 AUG	525210-945 - SEWER TREATMENT
COMPUTECH CONSULTING	68474	18708	08/31/2020	09/02/2020	550.12	INV#18708-NETWORK CABLE &	104130-310 - DATA PROCESSING
DIXIE STATE UNIVERSITY	68475	S0341954	08/19/2020	09/02/2020	8,083.00	S0341954-CEC SUBSRIBER #S FY20	104130-542 - CEC ANNUAL
DR. ROBERT R. FOSTER, D.O.	68476	SEP 2020	09/01/2020	09/02/2020	600.00	MEDICAL SERVICES DIRECTOR-EMS	104235-370 - PROFESSIONAL
DR. ROBERT R. FOSTER, D.O.	68476	SEP 2020	09/01/2020	09/02/2020	600.00	MEDICAL SERVICES DIRECTOR-EMS &	104230-370 - PROFESSIONAL
ERIC GENTRY	68477	AUG 2020	09/01/2020	09/02/2020	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES
FREEDOM MAILING SERVICES,	68478	38837	08/26/2020	09/02/2020	1,573.96	BILL PROCESSING AUG 2020 INV 38837	104130-370 - PROFESSIONAL
HEWLETT-PACKARD FINANCIAL	68479	600645313	08/22/2020	09/02/2020	434.14	IVR CUST ID -03309 LEASE PAYMENT SEP	104130-825 - LEASE PAYMENTS
JOY MILES	68480	82520-JM	08/25/2020	09/02/2020	79.62	COURT INTERPRETER 8/25/20	104120-330 - LEGAL SERVICES
JOY MILES	68480	90120-JM	09/01/2020	09/02/2020	79.62	COURT INTERPRETER 9/1/2020	104120-330 - LEGAL SERVICES
JUDD, WILLIAM & SHERI	68481	Refund: 1080303	08/31/2020	09/02/2020	66.31	Refund: 1080303 - JUDD, WILLIAM & SHERI	531311-000 - ACCOUNTS
LAURA SQUIRES	68482	61	09/01/2020	09/02/2020	275.00	Inv#61 CC MINUTES AUG 2020	104130-370 - PROFESSIONAL
LIBERTY NATIONAL	68483	SEP 2020 LIFE	09/01/2020	09/02/2020	522.33	LIFE INSURANCE	102252-000 - ULGT LIFE PAYABLE
OPTICARE OF UTAH	68484	000145039	08/14/2020	09/02/2020	290.95	VISION INSURANCE	102254-000 - OPTICARE VISION
PACIFICORP ROCKY MOUNTAIN POWER	68485	82420-RMP	08/24/2020	09/02/2020	341.94	WATER TANK POWER	515110-270 - UTILITIES
PROTECT YOUTH SPORTS	68486	814228	08/31/2020	09/02/2020	35.52	INV#814228 BACKGROUND CHECKS FIRE,	535310-370 - PROFESSIONAL
PROTECT YOUTH SPORTS	68486	814228	08/31/2020	09/02/2020	43.90	INV#814228 BACKGROUND CHECKS FIRE,	104230-370 - PROFESSIONAL
PROTECT YOUTH SPORTS	68486	814228	08/31/2020	09/02/2020	109.75	INV#814228 BACKGROUND CHECKS FIRE,	104515-370 - PROFESSIONAL
PUBLIC EMPLOYEES LTD	68487	JUL 2020 LTD	08/25/2020	09/02/2020	1,053.77	MONTHLY LTD PAYMENT	102235-000 - DISABILITY PAYABLE
RICK ROSENBERG	68488	AUG 2020-CELL	09/01/2020	09/02/2020	45.00	CELL PHONE	104130-281 - CELL PHONES
SUNRISE ENGINEERING, INC.	68489	112107	08/21/2020	09/02/2020	1,500.00	INV#112107-CLOUD SMART GIS ANNUAL	535310-320 - ENGINEERING
TECHNOLOGY NET COMPANY,	68490	4159	08/26/2020	09/02/2020	150.00	COMPENSATION SURVEY ANNUAL	104130-370 - PROFESSIONAL
UPPER CASE PRINTING INK.	68491	16150	08/21/2020	09/02/2020	139.68	INV#16150-SWISS DAYS CANCELLATION	104130-370 - PROFESSIONAL
UPPER CASE PRINTING INK.	68491	16167	08/25/2020	09/02/2020	85.56	INV#16167-UTILITY BILL BACK PAGE	104130-370 - PROFESSIONAL
UTAH STATE TAX COMMISSION	ACH090220	PR081220-447	08/13/2020	09/02/2020	3,992.40	State Income Tax	102223-000 - STATE
UTAH STATE TAX COMMISSION	ACH090220	PR082620-447	08/28/2020	09/02/2020	4,722.78	State Income Tax	102223-000 - STATE
UTAH STATE TREASURER /	68492	AUG 2020	09/01/2020	09/02/2020	6,210.33	COURT SURCHARGES	104120-905 - STATE FINE
WASH. COUNTY WATER	68493	13783	09/01/2020	09/02/2020	4,540.79	REG.PIPELINE BOND PAYMENT FOR OCT	515110-822 - DEBT PAYMENT TO

City of Santa Clara
Check Register
Checking 1889 - 09/02/2020 to 09/02/2020

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
WASH. COUNTY WATER	68493	13786	08/31/2020	09/02/2020	5,221.83	REGIONAL WATER SURCHARGE-AUG	513714-000 - REGIONAL WATER
ZIONS BANK	68494	81920-7705005A	08/19/2020	09/02/2020	2,000.00	CORP TRUSTEE ADMIN FEE ACCT:	515110-830 - FISCAL AGENT FEES
ZIONS BANK	68494	81920-7705005-	08/19/2020	09/02/2020	2,000.00	CORP TRUSTEE ADMIN FEE ACCT:	515110-830 - FISCAL AGENT FEES
					$89,101.04		
					$89,101.04		

REQUEST FOR COUNCIL ACTION

September 9, 2020

AGENDA ITEM
C2

APPLICANT: Santa Clara City Storm Water Department

SUBJECT:

Renewal of 2020 Santa Clara City Storm Water Management Program (SWMP).

BACKGROUND DESCRIPTION:

Santa Clara City complies with a statewide Municipal Separate Storm Water System (MS4) discharge Permit that required by the EPA and regulated by the State Division of Water Quality. Santa Clara City has prepared a Stormwater Management Program (SWMP) plan that describes the minimum control measures and other activities to minimize the discharge of pollutants from City streets and facilities to Waters of the State. This includes Tuachan Wash, Snow Canyon Wash, and the Santa Clara River. We are required to update our Storm Water Management Program every 5 years to comply our MS4 permit requirements.

Proposed Recommendation

Recommendation for Approval on September 9, 2020 Regular Meeting.

Cost

Recommendation for Approval on September 9, 2020 Regular Meeting.

Approved by Legal Department

No

Approved in Budget

N/A

Approved by City Finance Department

N/A

Amount

N/A

Requested By

Jack Taylor

File Upload Attachments

CITY OF SANTA CLARA
RESOLUTION NO. 2020-14R

A RESOLUTION OF THE CITY OF SANTA CLARA, UTAH APPROVING THE SANTA CLARA CITY STORM WATER MANAGEMENT PLAN (SWMP); AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Santa Clara City Storm Water Management Plan has been developed to provide policy and management guidance for activities affecting storm water and meets the terms of the UPDES permit and;

WHEREAS, it is intended to help the City comply with certain State and Federal water quality requirements and to meet local water resources management objectives and;

WHEREAS, by the implementation of the policies and management practices embodied in the Storm Water Plan, Santa Clara hopes to improve storm water quality and prevent negative impacts to the regions waters and;

WHEREAS, the staff recommends approval and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Clara, Utah, that the Santa Clara City Storm Water Management Plan (SWMP) be approved.

See Exhibit "A"

Effective Date: This Resolution shall become effective immediately upon adoption by the City Council, recording and posting in the manner prescribed by law.

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 9th day of September 2020.

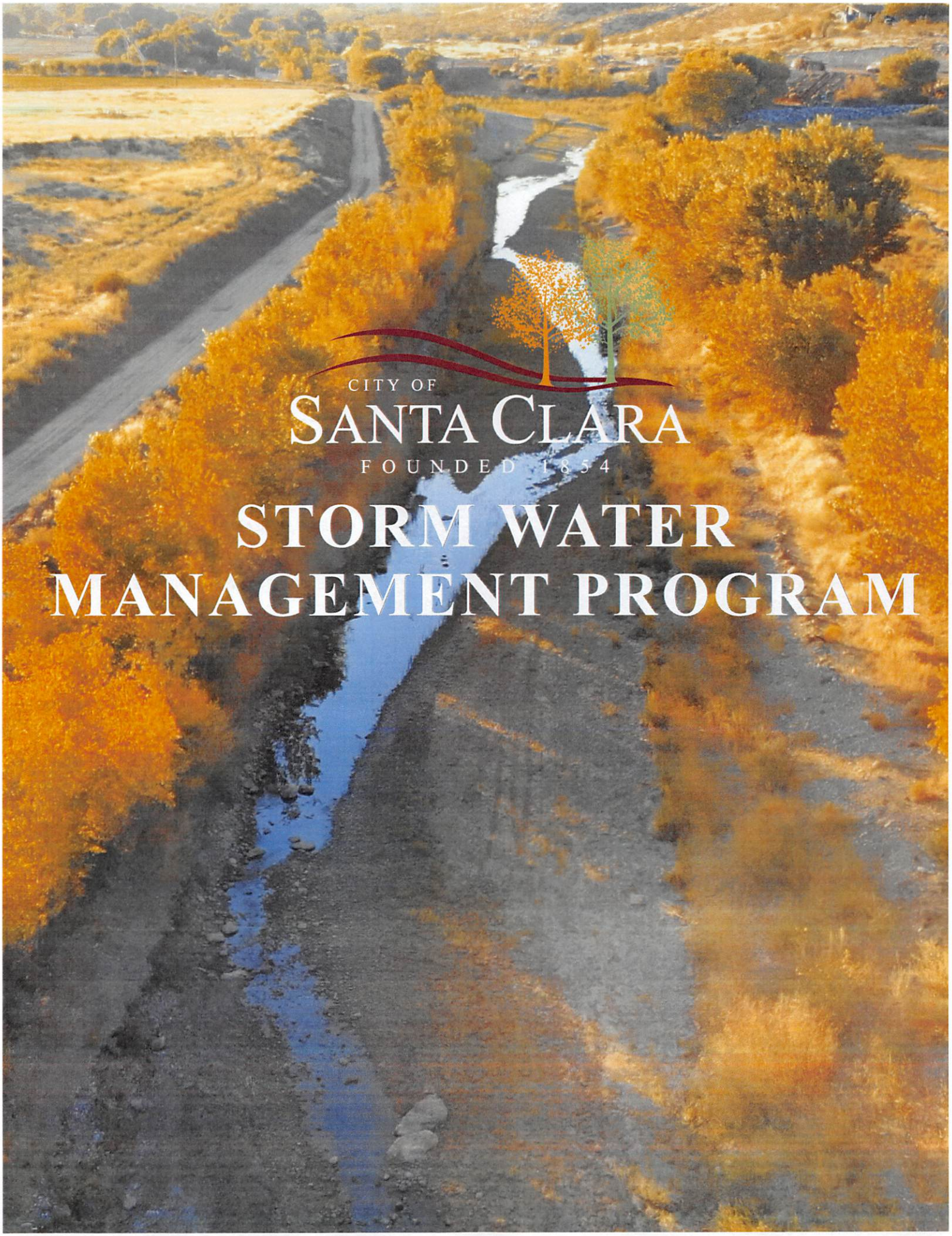
IN WITNESS THERETO:

_____
Rick Rosenberg, Mayor

ATTEST:

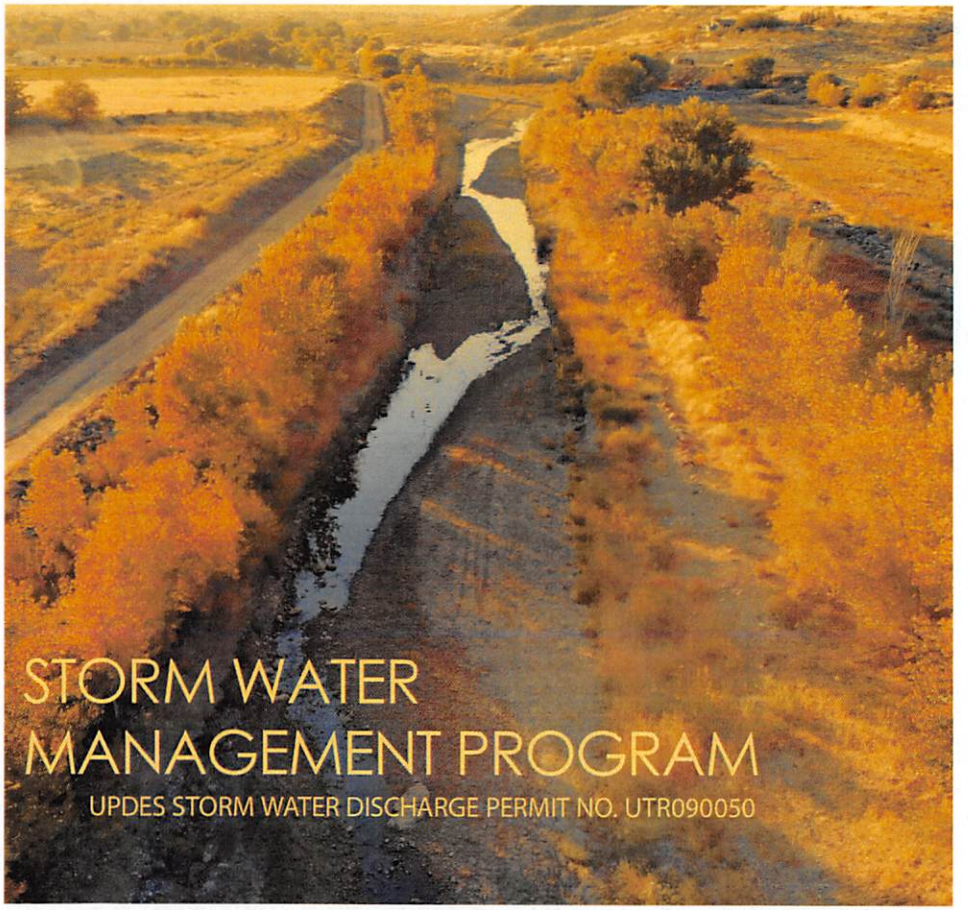
_____
Chris Shelley, City Recorder

Exhibit "A"



CITY OF
SANTA CLARA
FOUNDED 1854

STORM WATER MANAGEMENT PROGRAM



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- POLLUTION PREVENTION/GOOD HOUSEKEEPING

INTRODUCTION & BACKGROUND

GLOSSARY OF ACRONYMS

BMP: Best Management Practices

DWQ: State of Utah Division of Water Quality

EPA: Environmental Protection Agency

IDDE: Illicit Discharge Detection & Elimination

LID: Low Impact Development

MS4: Municipal Separate Storm Sewer Systems

NOI: Notice of Intent

NPDES: National Pollutant Discharge Elimination System

ORI: Outfall Reconnaissance Inventory

SWMP: Storm Water Management Plan

SWPPP: Storm Water Pollution Prevention Plan

INTRODUCTION & BACKGROUND

The Santa Clara Storm water Management Plan (Storm water Plan) has been developed to provide policy and management guidance for activities affecting storm water. It is intended to help the City comply with certain State and Federal water quality requirements and to meet local water resources management objectives. Through the implementation of the policies and management practices embodied in the Storm water Plan, Santa Clara hopes to improve storm water quality and prevent negative impacts to the regions waters.

Santa Clara has joined many small to medium-sized cities throughout the nation that fall under the Federal Clean Water Act (CWA) requirements to apply for and maintain a Municipal Separate Storm Sewer System (MS4) permit under the National Pollutant Discharge Elimination System (NPDES) program. Among the many provision of the State and Federal regulations guiding the issuance of the storm water discharge permit, is the requirement that the City demonstrate its efforts to reduce pollution in urban storm water "to the maximum extent practicable." The Clean Water Act joins the Endangered Species Act (ESA) and the Safe Drinking Water Act (SDWA) in protecting the "beneficial uses" of the nation's waters, including drinking, recreation, and fish/habitat uses."

Santa Clara is approximately 6.9 square miles and has approximately 8,000 residents. At an elevation of 2,762 Santa Clara is situated on the Santa Clara River, south of the Town of Ivins and approximately 5 miles north east of the Santa Clara River's confluence with the Virgin River. The area includes additional tributary streams that are traditionally dry most of the year, various other open waterways used for irrigation purposes, and a piped storm sewer system.

Over the last seventeen years Santa Clara City has been actively involved in the creation and implementation of a Storm water Management Program. The Storm water Program and its long-term objectives form the basis for the Goals, Policies and Implementation Actions that constitute the current standards for Santa Clara City Storm water Management Plan.

Santa Clara has complete authority and responsibility for planning, building, operating, maintaining, enforcing and regulation of the storm water drainage system. The Santa Clara River and the Tuacahn Wash are the two major receiving water resources within the City's jurisdiction.

Fiscal Analysis & Program Funding

Operations within the City's Storm Water Management Program, including development and implementation of the MS4 plan, is completely funded by user fees, which are billed on a monthly basis.

Storm water Utility Fee

Title 13 Chapter 24 of Santa Clara code requires that each developed parcel of real property in Santa Clara City be charged a storm water utility fee. The fee is based on the number of equivalent service units (ESUs) contained in the parcel. All developed non single-family residential parcels pay a multiple of this base rate, expressed in ESUs, according to the measured impervious area on the parcel. The amount charged for each ESU is established by resolution of the Santa Clara City Council. The Santa Clara City Council may establish exemptions and credits to the storm water utility fee by resolution. The City's current storm water utility fee is $13.85. For additional information on storm water utility fees visit www.sccity.org.

Santa Clara will conduct an annual analysis of its capital, operation and maintenance expenditures that are spent and allocated to meet the MS4 permit requirements. A summary of this analysis will be submitted to DEQ with the City's annual report. Santa Clara's approved stormwater budget for fiscal year 2020-2021 is $579,805.

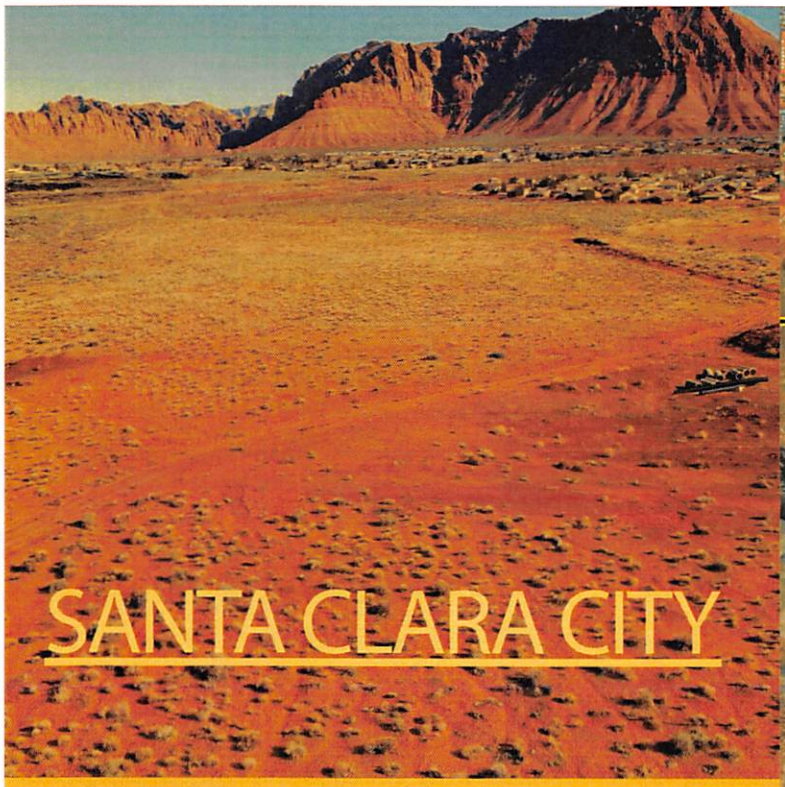
PROGRAM OVERVIEW

- Public Education and Outreach
- Developer/Engineer/Contractor Outreach and Education
- Municipal Employee Training and Education
- Public Participation/Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Runoff Control
- Pollution Prevention/Good Housekeeping
- Storm Water and Outfall System Mapping
- Inspection, Maintenance and Enforcement of Existing Developments
- Facility, Operations, Maintenance Program

MINIMUM CONTROL MEASURES

This SWMP has been developed to meet the terms of the UPDES permit and consists of the six minimum control measures. Implementation of these control measures is expected to result in reductions of pollutants discharged into receiving waters. These six control measures are addressed in separate sections of this plan.

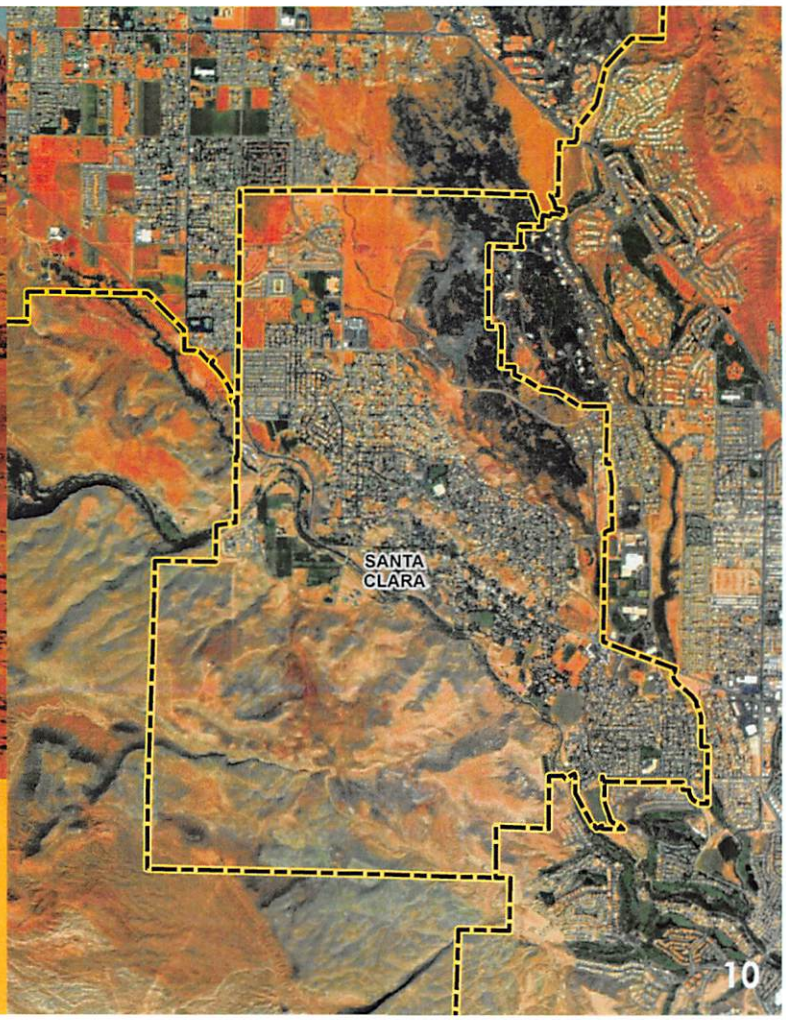
- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Storm Water Management
- Pollution Prevention and Good Housekeeping



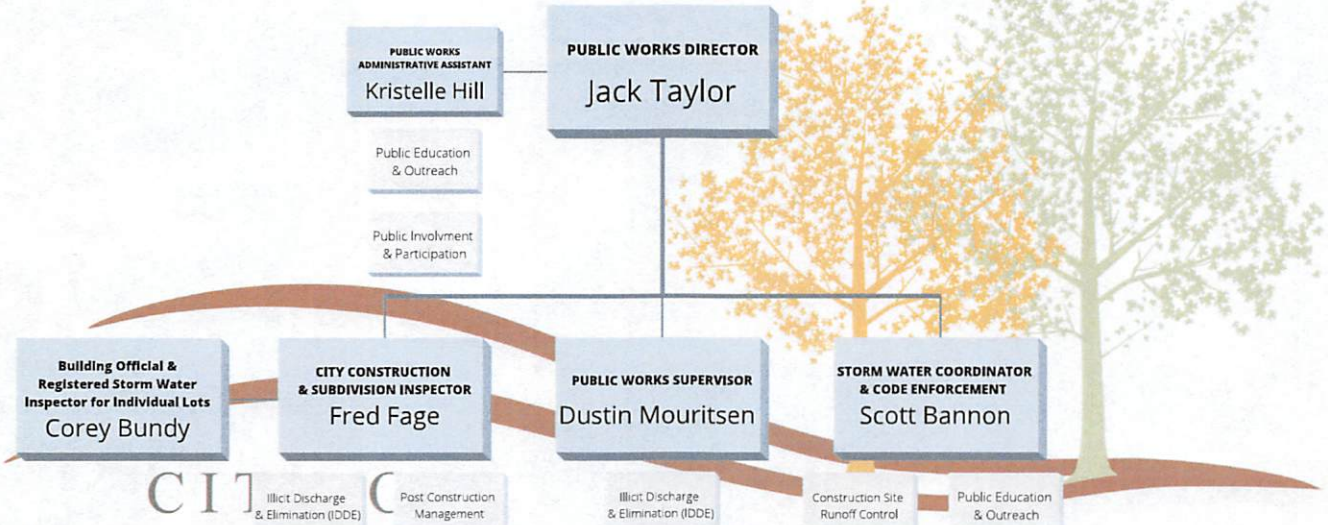
SANTA CLARA CITY

STORM WATER MANAGEMENT PLAN

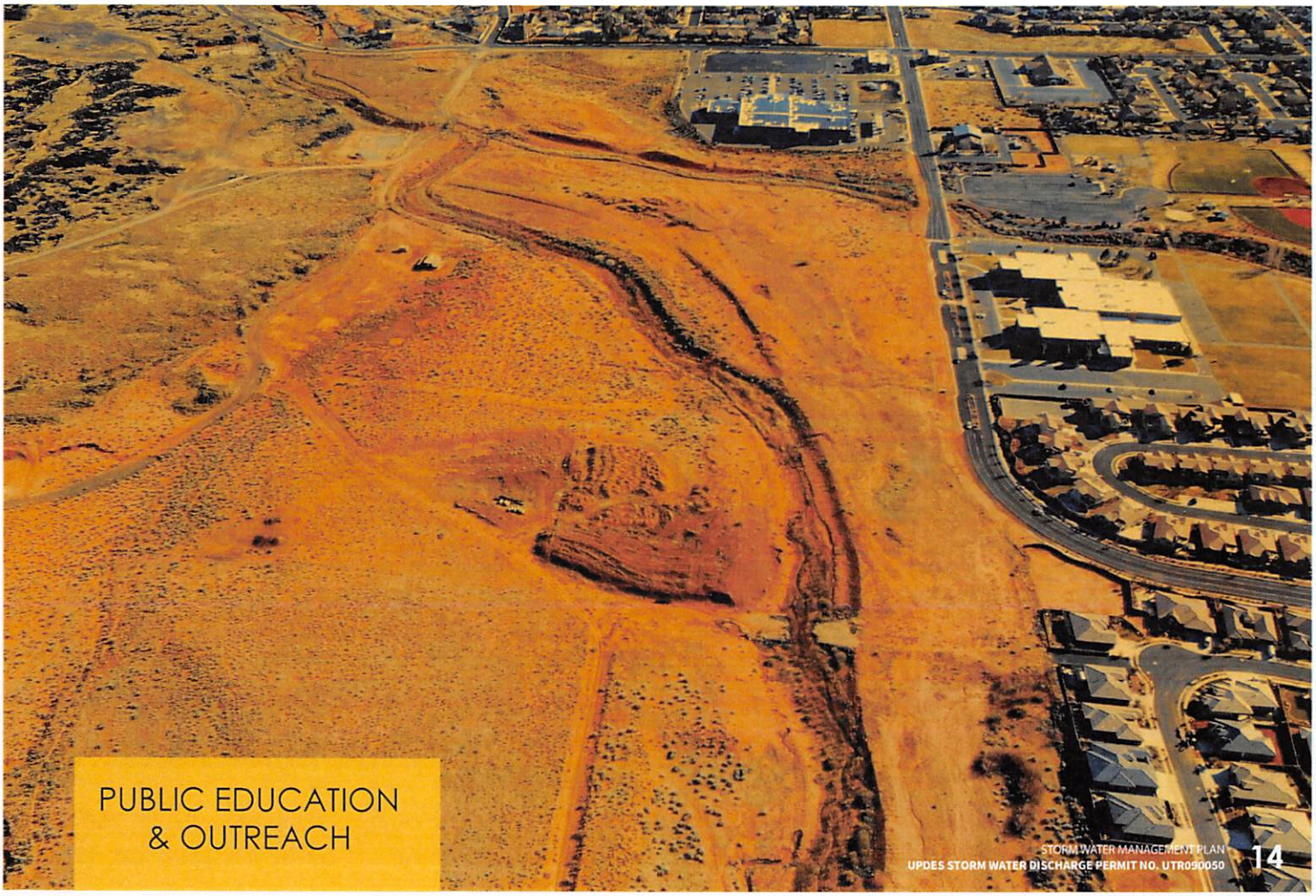
UPDES STORM WATER DISCHARGE PERMIT NO. UTR090050



STORM WATER PROGRAM RESPONSIBILITIES



SANTA CLARA
FOUNDED 1854



PUBLIC EDUCATION & OUTREACH

PUBLIC EDUCATION & OUTREACH

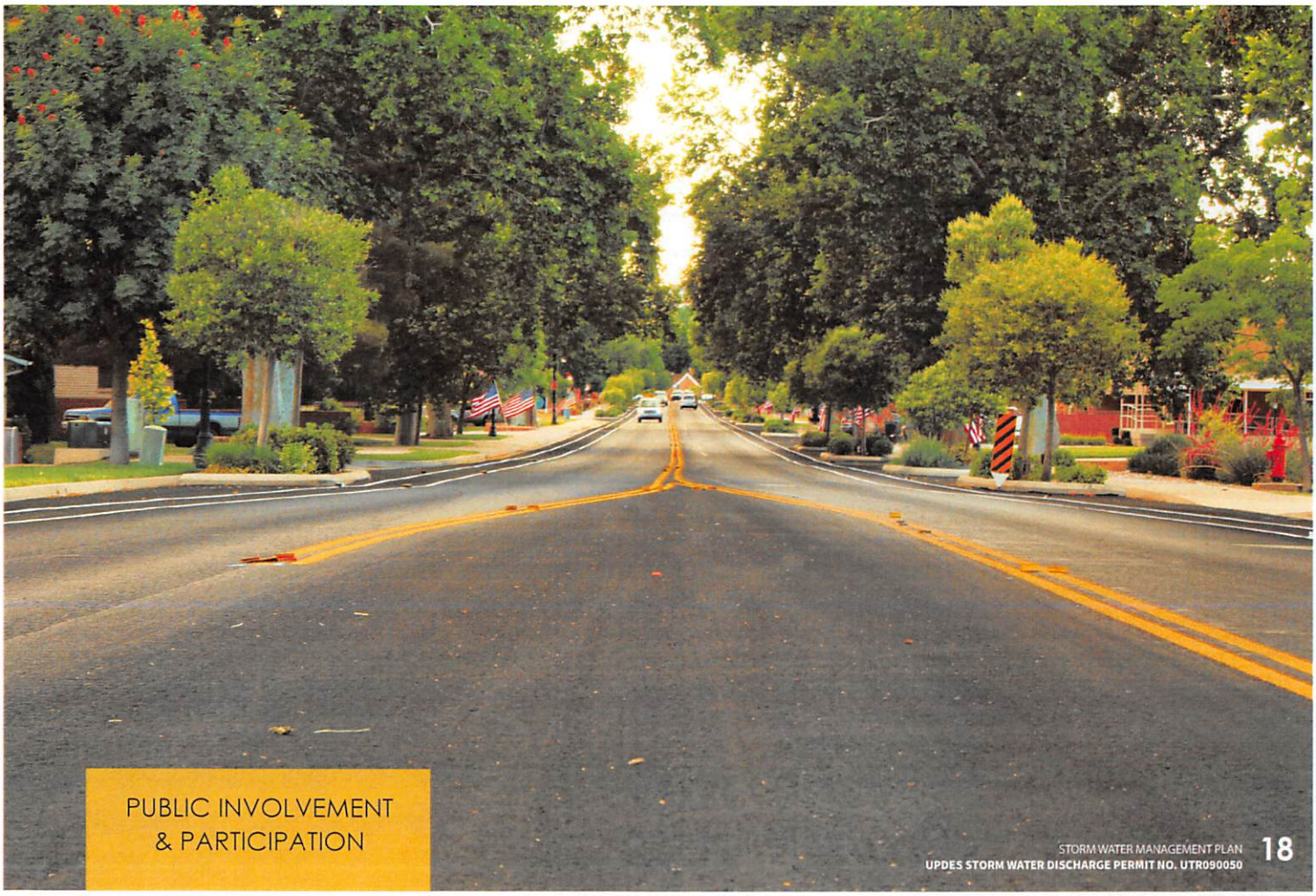
Santa Clara selected the following BMPs in order to cover a wide range of audience including homeowners, businesses, developers, contractors, engineers, and municipal employees. Coordinating with other agencies like the Washington County Water Conservancy District, Dixie Clean Storm water Coalition, Washington County Solid Waste District and others, helps to address a wider range of water quality concerns. Continually taking advantages of events that are already being hosted, making the program more cost effective and efficient.

Storm water education starts with a well-developed outreach plan. The outreach plan should identify goals and objectives, classify the target audience, identify the message, and explain how the message will be distributed. The Storm water Coordinator will be responsible for the implementation of this BMP and its evaluation. The involvement of the other City departments will be utilized when possible.

Santa Clara uses coordinating efforts through the Dixie Clean Storm water Coalition (DCSWC) to reach out to a variety of audiences. Santa Clara will continue work with adjacent MS4s to develop better coordination of resources and more cost-effective solutions. The City website, monthly newsletters, and radio broadcasting will be used to encourage a variety of stakeholders to participate in these meetings and gather input. We continue to participate in the annual water fair, generally held at DSU to educate and involve students promoting volunteerism to build Storm Water general awareness. As a City, we continue to educate contractors on a one-to-one basis when building permit applications are submitted and approved. The Storm Water coordinator is responsible for continually reevaluating training and education of its employees to achieve best management practices.

MEASURABLE GOALS

- **Educating the public through our City website, monthly newsletters, and radio broadcasting events**
- **Participation in Annual Water Fair**
- **Storm Water educational banner advertisements during City events**



PUBLIC INVOLVEMENT & PARTICIPATION

PUBLIC INVOLVEMENT & PARTICIPATION

Santa Clara currently provides several opportunities for public involvement and participation. Santa Clara is participating in a formal organization known as the Dixie Clean Storm Water Coalition. The DCSWC developed a Community Hot line as a mechanism for citizens to report illicit discharges and illegal dumping. Citizens can also contact the City directly to inform or file a complaint for violations related to Storm Water.

The coalition meets on a minimum monthly basis to discuss storm water related issues that affect the surrounding communities. The organization is comprised of representatives from the various municipalities, private consultants, contractors, developers, SUHBA and other community members.

A long-term goal of the storm water coalition is to share the cost of implementation for their respective storm water management programs, particularly in the areas where their programs overlap to maintain consistency.

Over the next five years, the City will work to provide additional opportunities for public involvement in its Storm water Program. One area of the Minimum Control Measures is focused on public meetings, and providing more opportunities for Storm Water related activities in the community. One of the programs Santa Clara City has implemented is called "Adopt-a-Stream". Where Dixie State University environmental science student volunteer at the arboretum. The purpose of this program includes restoration projects, tree planting which helps reduce sediment and improves storm water quality. Santa Clara sponsors quarterly community clean up days which provides dumpsters at various locations for citizens to utilize. We also promote the "County Wide Hazardous Waste Day" by announcements through our website and Community Newsletter. As previously mentioned in the Public Education and Outreach section, the City hopes to utilize professionals from the community for its Storm Water education and outreach efforts.

MEASURABLE GOALS

- **Increase volunteer participation of our citizens with pollutants/ trash cleanup program throughout the City**
- **Expand our Public Education booth at the Transportation Expo to include Storm Water information**

ILLICIT DISCHARGE DETECTION & ELIMINATION

ILLICIT DISCHARGE DETECTION & ELIMINATION

Illicit discharges are generally any discharge into a storm drain system that is not composed entirely of storm water. Illicit discharges are detrimental to receiving waters, because storm water generally flows to waterways without any additional treatment. Illicit discharges often include pathogens, nutrients, surfactants, and various toxic pollutants. Studies indicate that dry weather discharges contribute significant pollutants to receiving waters. The Detection and Elimination Program (IDDE) requires the establishment of adequate legal authority to prohibit illicit discharges. The program assesses and prioritizes potential areas for pollutants, coordinates existing resources, and establishes a mechanism to track activities and measurable goals.

Santa Clara has developed a comprehensive program to address these non-storm water discharges. With the creation of a citizen reporting hot line for Illicit Discharges within the community. Clear policies and procedures have been established to ensure that individual incidents are addressed consistently in cases where discharges result in criminal negligence. The City will utilize existing resources, programs, and establish responsibilities for tracking program goals. The results of these activities will be used to develop an Illicit Discharge Detection and Elimination pamphlet.

Through ordinances and or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping, sanitary sewer overflows, into Santa Clara's Storm Drain System. The removal of such discharge is required, along with appropriate enforcement action for the incident. Enforcement procedures have been developed pursuant to Utah's Division of Environmental Quality requirements. Ordinances will be reviewed and updated as necessary within our manual. The permittee must have a variety of enforcement options available to meet the severity of the violation.

Standard Operating Procedures for field assessment activities (ORIs) are in place for verifying outfall locations along with detecting illicit discharges. Activities include dry weather screening of out falls and facilities serving priority areas.

MEASURABLE GOALS

- **Develop a video explaining detection and elimination of an illicit discharge and be placed on the City website**
- **Implement the use of a Storm Water Netting Trash Trap in high pollutant areas**
- **Create a community education pamphlet on Illicit Discharge Detection and Elimination**

CONSTRUCTION
RUNOFF CONTROL

CONSTRUCTION RUN OFF CONTROL

All Permittees shall develop, implement and enforce a program to reduce pollutants in any storm water runoff to the MS4. Construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale according to the minimum performance measures listed below within 18 months of receiving coverage under this Permit. Public and private projects, including projects proposed by the Permittees own departments and agencies, shall comply with these requirements.

All Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The Permittee must have the authority by law for imposing sanctions to ensure compliance.

These BMP's are intended to provide for maintenance, review, and augmentation of City Ordinances and Codes. These ordinances have been adopted to enable administration and enforcement of programs aimed at reducing and/or eliminating erosion and sedimentation associated with both public and private construction locations.

Erosion and sedimentation from construction sites can lead to reduced water quality and other environmental problems. Per DEQ requirements, Santa Clara must implement a storm water management program that includes a component for controlling erosion and sediment on construction sites disturbing at least one acre, or sites less than one acre that are part of a common development.

The following procedures will be used to evaluate pre-construction site inspections, SWPPP reviews, and the implementation for use of low impact design (LID) State requirements. High-priority construction sites will be identified in the plan review process. A list of high-priority construction sites will be kept by the City.

Prior to Construction the city conducts a pre-construction meeting, pre-construction inspection, monthly Storm Water inspections, visual and periodic inspections, follow up inspections for corrective actions, a close-out inspection and "NOT" verification through Utah DEQ. Investigative inspections will be on observations or complaints received by all City employees. Upon completion, these complaints will be documented within our Storm water program module within City Inspect.

LOW IMPACT DEVELOPMENT (LID)

In December 2018, the Utah Department of Environmental Quality Division of Water Quality (UT DWQ) prepared a manual intended to serve as a reference and guide for incorporating Low Impact Development (LID) approaches into new development and redevelopment projects in Utah. The manual was intended to provide guidance for planners and designers as well as small Municipal Separate Storm Sewer System (MS4) storm water managers in selecting appropriate practices for their communities.

To meet the requirements of the State Permit, MS4 municipalities require that LID practices be discussed and analyzed at the initial stages of development prior to the approval of the concept plans, development plans or preliminary plats.

UT DWQ guidance was provided to reduce to the maximum extent practicable pollutants transported in untreated storm water to the waters of the United States by using key Low Impact Development (LID) principles such as; mimicking natural processes, promoting infiltration/ evapotranspiration/ harvesting/ reuse, and managing storm water with distributed systems close to the source. Additional LID requirements are expected for permitted MS4's, to develop a LID approach for retention of storm water, from the 80th percentile storm event for all new development and redevelopment projects that are greater than 1 acre or equal to or part of a common plan of development. In so doing, the UT DWQ guidance is designed to increase the use of LID practices and specific applications.

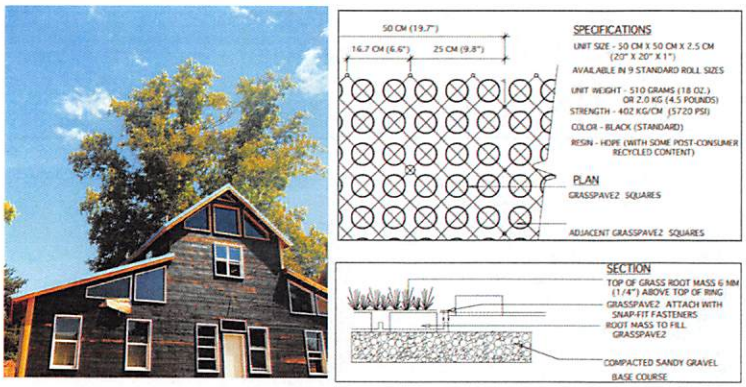
LID CODE REQUIREMENTS

A. Projects Greater Than Or Equal To One (1) Acre: Newly developed and redeveloped projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are of a larger common plan of development or sale, are required to submit a low impact development (LID) approach to be evaluated by the City of Santa Clara. An LID approach promotes the implementation of BMPs that allow storm water to infiltrate, evapotranspire or harvest and use storm water on site to reduce runoff from the site and protect water quality. Guidance for implementing LID can be found in State of Utah DWQ's LID controls which are appropriate for use in the State of Utah and can be found in A Guide to Low Impact Development within Utah (the Guide), available on DWQ's website or Green Infrastructure and Low Impact Development Application Guidance for Washington County Utah, available from the City of Santa Clara.

B. Specific Criteria: Newly developed and redeveloped projects must meet the required that best management practices (BMPs) are designed to manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event or a pre development hydrologic condition, whichever is less. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater and must be incorporated into the permittee's development plans and long term storm water management plan which includes the LID approach. If meeting the 80th percentile standard is infeasible an alternative design approach may be used provided that the permittee documents that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls are infeasible due to constraints. For guidance including alternative design approaches see "A Guide to Low Impact Development within Utah" published by the DWQ, and "Green Infrastructure and Low Impact Development Application Guidance for Washington County Utah."

C. Inspections of Storm Water Management Facilities: Owners/operators shall perform necessary maintenance to protect water quality and reduce the discharge of pollutants to the MS4. Owners/operators of newly developed and redeveloped projects shall conduct inspections at least every other year and provide certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. This required inspection shall be conducted by the property owner/operators or qualified third parties. On sites where the property owner/operator is conducting maintenance, the permittee shall allow municipal inspections to conduct inspections at least once every five (5) years, or more frequently as needed to show that adequate maintenance is being performed. The owner shall grant access to the City of Santa Clara to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The findings of each inspection shall be documented in an inspection report, and must contain the following:

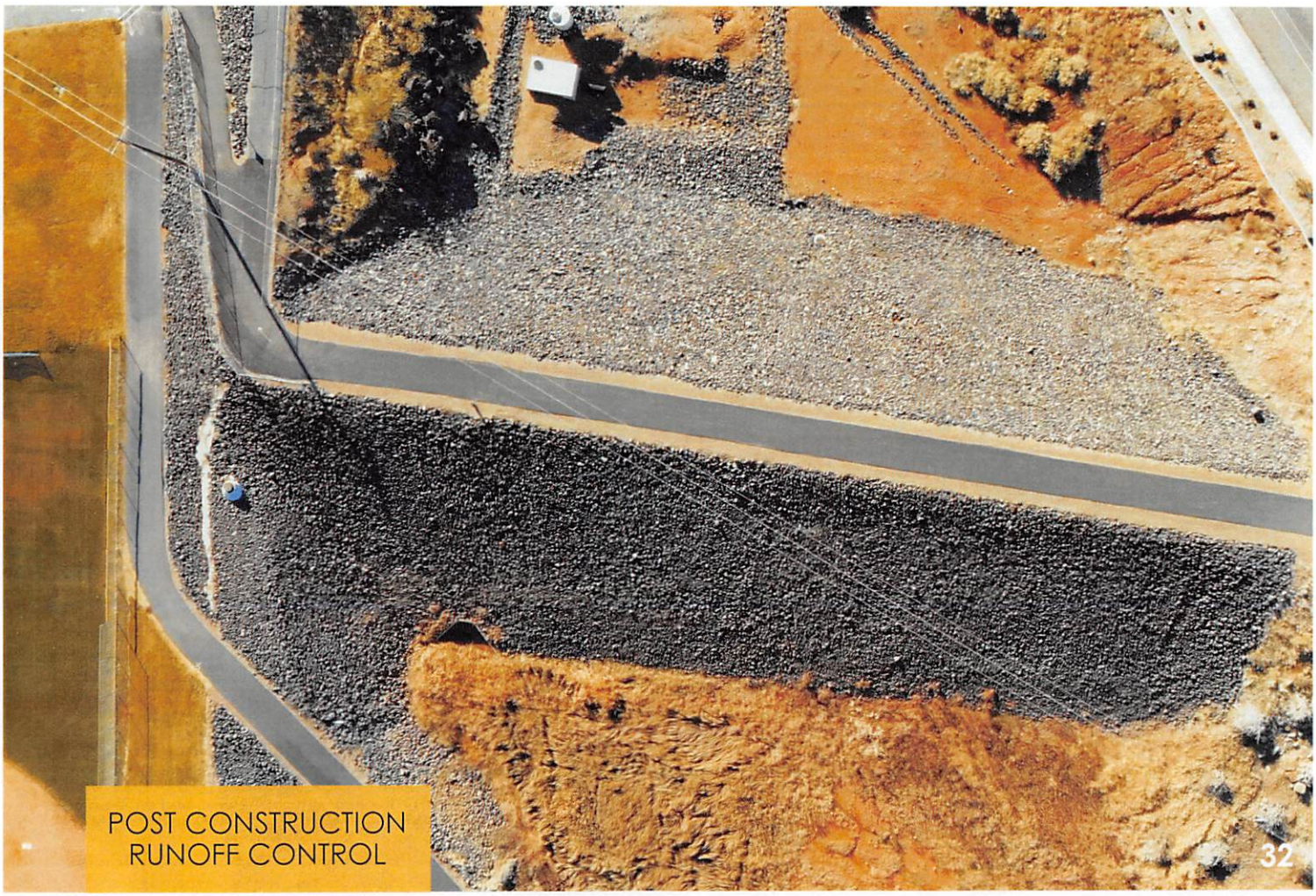
- Inspection date;
- Name and signature of inspector;
- Project location;
- Current ownership information;
- A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and,
- Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates if there is an observed failure of a facility to perform as designed, the failure must be corrected and documented in the inspection report.



Example of a recent new development in Santa Clara City who has implemented LID standards

MEASURABLE GOALS

- **Site plan review procedures for post-construction storm water management**
- **Create and streamline a video to educate contractors and developers the importance of erosion and sediment control at construction sites.**
- **Low Impact Development Best Management Practices will be identified and implemented within the first phase of the development approval process**
- **To identify within the City of Santa Clara area which applicable Best Management Practices would be used within the project area specific locations by the various geology and soils samples**


POST CONSTRUCTION
RUNOFF CONTROL

POST CONSTRUCTION RUN OFF CONTROL

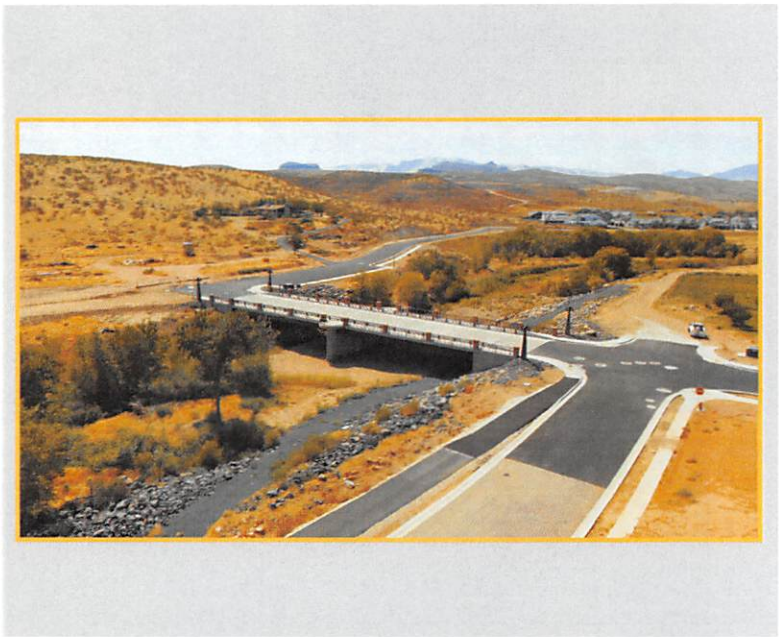
Santa Clara requires that contractors ensure that final BMPs are installed at the appropriate times in accordance with the accepted grading drawings. The City requires that the final BMPs be installed and functioning before a Notice of Termination (NOT) is issued by the City. It is the responsibility of the project manager to ensure that final BMPs are installed at the earliest opportunity.
The City has provided preferred BMPs including structural and non-structural BMPs that are recommended by the City to stabilize areas that are susceptible to erosion and sediment loss. The BMPs are also intended to implement measures for flood control and protect the integrity of natural resources and sensitive areas.

Santa Clara will conduct an investigation into structural and non-structural BMPs most suited and appropriate for the area. These requirements will be published by the City. The City's procedures in this publication will include a process to evaluate and encourage a Low Impact Development (LID) approach to the implementation of structural BMPs, where feasible, that infiltrate or evapotranspire to protect water quality. The City□s evaluation of structural controls will include green infrastructure practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales. considerations to be used in evaluation post-construction controls include; clogging or obstruction issues, freeze-thaw problems, effect on slope stability, groundwater, and the ability to effectively maintain the control.

Development can alter landscapes by increasing imperviousness and changing drainage patterns, thereby increasing the volume and velocity of runoff from the site. Increased volume leads to degradation of receiving waters and increases in the occurrence of flooding.
Storm water from developed impervious areas can also contain a variety of pollutants that are detrimental to water quality, such as sediment, nutrients, road salts, and heavy metals.
Considering water quality impacts early in the design process can provide long-term water quality benefits. New development projects on undeveloped land offer many opportunities to reduce storm water runoff from the site. Redevelopment projects, which replace an existing development and are typically in more urban areas, usually have less land area available for storm water controls.
Santa Clara is required to develop ordinances that require property owners and operators to include a combination of structural and non-structural BMPs and ensure adequate long-term operation and maintenance of BMPs. To do this, the City intends to review development plans to ensure that they minimize water quality impacts from the site after construction is complete.

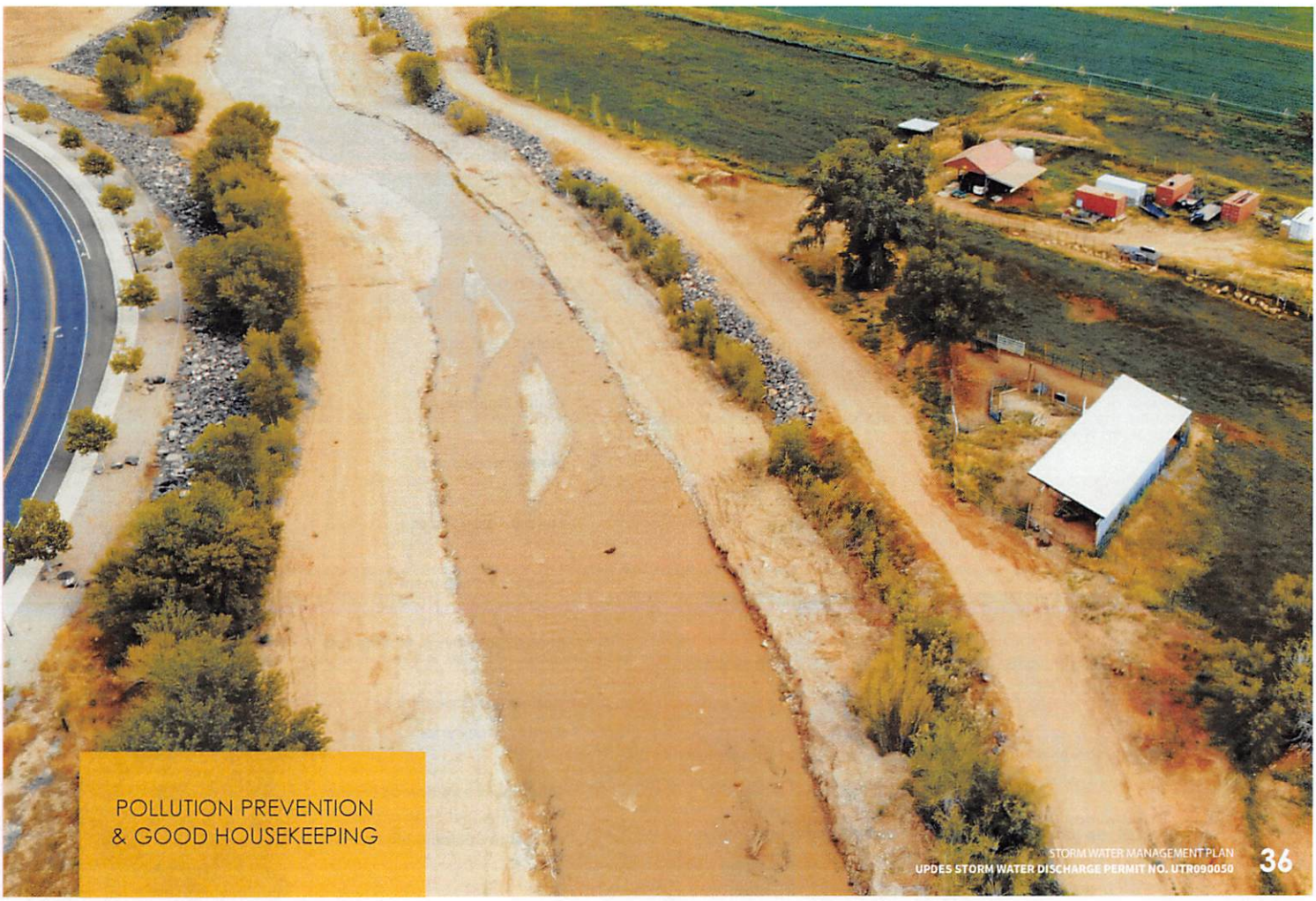
Santa Clara will implement procedures for site plan review that will incorporate consideration of water quality impacts. The City will review Storm Water Pollution Prevention Plans (SWPPPs) prior to construction. This review will include all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common development. The objective of this review is to ensure that the SWPPPs include long- term storm water management measures that meet the requirements of the permit for the post-construction control measure.
The City will provide developers contractors and design professionals with preferred Best Management Practices/Low Impact Development examples for post-construction runoff control. Procedures require Construction design standards to be followed in all development and redevelopment projects. Plans must be approved prior to construction. On site inspections and testing must pass on structural and non-structural BMP's installed and final walk through before acceptance.

Routine inspection and maintenance help prevent potential nuisances and reduces the need for repair maintenance. Maintenance of BMPs also reduces the chance of pollutants being in storm water runoff by finding and fixing problems before the next storm event. Qualified City staff, or a qualified third party, will inspect permanent structural BMPs at least once during installation. Santa Clara provides inspector training and will continue to provide continuing education to inspectors to keep current with required regulations, control methods etc.
The City will maintain training records for dates, activities, and names of staff in attendance.



MEASURABLE GOALS

- **Implementation of LID State requirements for developers and contractors in beginning stages of development process**
- **Prepare draft ordinance, status of review, and anticipated approval dates for LID and 80% Retention requirement**



POLLUTION PREVENTION & GOOD HOUSEKEEPING

POLLUTION PREVENTION & GOOD HOUSEKEEPING

The objective of Santa Clara City in managing storm water at municipal facilities, is to prevent or reduce pollutants released during city activities from entering storm drain systems or receiving waters. The City will inventory its facilities associated with these activities to effectively prevent or reduce storm water pollution. During City projects, employees are continually revising activities or implementing new measures as seen fit. These activities and control measures are described within the Operations and Maintenance Manual.

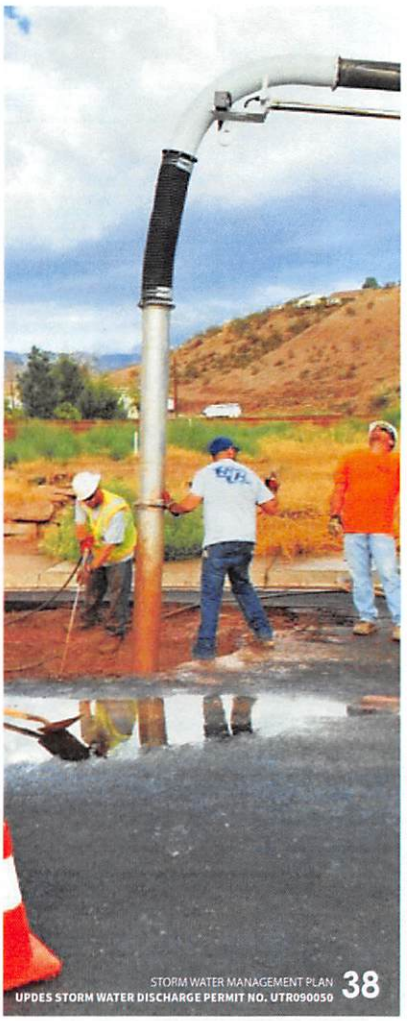
The Operations and Maintenance Manual designed for City-owned or operated facilities have been developed to include inspections on a weekly, quarterly, and yearly basis. This manual is designed to teach staff about potential sources of storm water contamination and ways to minimize the water quality impact of municipal activities, such as park and open space maintenance, fleet and building maintenance, construction and land disturbances, and storm drain system maintenance. A strict street sweeping schedule is used to increase the efficiency of this program. Areas of concern are based on traffic volume, land use, field observations, sediment and trash accumulation. The number of curb-miles are maintained in logs along with the amount of waste collected. To comply with DEQ requirements, the City has developed SOPs and inspection reports which are recorded in our Storm Water module.

MEASURABLE GOALS

- To create and maintain a strict street sweeping schedule to increase the efficiency of the program
- Review, update and streamline the documentation process within City Inspect
- Create semi-annual aerial drone video inspection process for pollution prevention and good housekeeping procedures
- To implement employee Storm Water training during our employee recognition luncheons that are held bimonthly

The above items are documented and tracked through the program "City Inspect". The Stormwater Coordinator has the responsibility for the implementation of operational procedures and evaluations. The involvement of the other City employees/departments are utilized when possible. For each City owned facility and activity, a site-specific checklist has been developed for the following locations:

- **Buildings & Facilities**
- **Material Storage**
- **Heavy Equipment**
- **Maintenance Areas**
- **Parks & Open Space**
- **Vehicles & Equipment**
- **Roads, Highways, & Parking Lots**
- **Stormwater Collection & Conveyance System**
- **Other facilities & operations that would reasonably be expected to discharge contaminated runoff**



CITY OF

SANTA CLARA

FOUNDED 1854

SANTA CLARA CITY PUBLIC WORKS

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SANTA CLARA, UTAH 84765

(435) 656-4690

STORM WATER COORDINATOR
SCOTT BANNON

(435) 656-4690 Ext. 222

Submitted to:
State of Utah
Department of Environmental Quality
Division of Water Quality

Submitted by:
Santa Clara City, Utah
Public Works Department

REQUEST FOR COUNCIL ACTION AGENDA ITEM C3

September 9, 2020

APPLICANT: Santa Clara City

SUBJECT:

Approve the bids to update the council chambers, upstairs conference room and executive room to handle electronic meetings and to better stream live.

BACKGROUND DESCRIPTION:

We have received bids from Poll Sound for updating the council chambers, upstairs conference room and the executive room. Poll Sound has done the previous updates and install of the current infrastructure in these rooms. These new upgrades will allow us to better handle electronic meetings and stream live. The bid for the council chambers is $27,556.04, upstairs conference room $12,674.92 and executive room $1,308.65

POLL SOUND
AUDIO PERFECTION
14 North 700 East St. George, Utah 84770
(435) 688-2555 Fax-(435) 673-9695 www.pollsound.com

Price Quote

Quotation Date	Date Required	Salesman	Probable Terms	Quotation Number
08/21/20	ASAP	Dean	Net 30 Days	QN 20-101SG

Quoted To:	Job Name / Location
Santa Clara City / Brock Jacobsen 2603 Santa Clara Drive Santa Clara, UTAH 84765 bjacobsen@sccity.org 435-673-6712 ext 205	Santa Clara City Council Chambers 2603 Santa Clara Drive Santa Clara, UTAH 84765 **AV System Integration for** **Video Conferencing and Web Streaming**

Quantity	Brand / Model / Description		Unit Cost	Extended
1	Vaddio AV Bridge MatrixMIX	999-5660-000	$7,329.41	$7,329.41
1	RoboSHOT 30E HDBT w/OneLink HDMI	999-99630-100	$4,822.99	$4,822.99
1	RoboSHOT 12E HDBT w/OneLINK HDMI	999-99600-100	$4,463.47	$4,463.47
1	Vaddio Device Controller	999-42300-000	$628.88	$628.88
1	Vaddio USB 3 Extender	999-1005-032	$1,436.19	$1,436.19
1	Luxul AMS-1208P 12 port, 8 port PoE Managed Switch		$362.95	$362.95
1	Extron DA2 HD 4K PLUS	60-1607-01	$520.00	$520.00
1	Extron DA4 HD 4K PLUS	60-1608-01	$715.00	$715.00
1	Extron DA6 HD 4K PLUS	60-1609-01	$838.50	$838.50
2	Extron DTP HDMI 4K 230 Tx	60-1271-12	$330.20	$660.40
2	Extron DTP HDMI 4K 230 Rx	60-1271-13	$330.20	$660.40
3	Extron RSU 126 shelf	60-190-10	$91.00	$273.00
4	Comprehensive HD-HD-6EST		$5.79	$23.14
3	Comprehensive HD-HD-10EST		$7.61	$22.82
3	Comprehensive HD-HD-15EST		$9.75	$29.25
2	Comprehensive HD-HD-25EST		$17.16	$34.32
0.3	West Penn 454BK1000 Audio Wire		$124.93	$37.48
0.6	West Penn 4246FBK1000 Cat-6 shielded wire		$508.43	$305.06
0.2	West Penn 4246ABK1000 Cat-6 UTP wire		$463.97	$92.79
12	Programming system		$97.50	$1,170.00
1	Hardware, Connectors		$130.00	$130.00
1	Installation, Testing, Commissioning		$3,000.00	$3,000.00
	Quotation Total (before tax)			**$27,556.04**

Installation will require approximately 2 day(s). Delivery can be made within 30 days after receipt of order.
Prices quoted hereon are valid for 60 days.

Poll Sound by: _____

Acceptance of Proposal:

The above prices, specifications, and terms are hereby accepted by the buyer and may only be modified by subsequent written agreement signed by the buyer and seller. Title to sold merchandise remains vested in seller until purchase price is paid in full. Buyer agrees to pay interest charge not to exceed 1-1/2% per month, which is an annual rate of 18% on all past due accounts, and in the event of default to pay a reasonable attorney's fee and other costs of collection. Returned merchandise is subject to a 20% restocking charge. Special or made-to-order merchandise is not returnable.

Terms and conditions accepted by:

Signed _____

Title _____ Date _____

POLL SOUND
AUDIO PERFECTION
14 North 700 East St. George, Utah 84770
(435) 688-2555 Fax-(435) 673-9695 www.pollsound.com

Price Quote

Quotation Date	Date Required	Salesman	Probable Terms	Quotation Number
07/22/20	ASAP	Dean	Net 30 Days	QN 20-95SG

Quoted To:	Job Name / Location
Brock Jacobsen - Finance Director 2603 Santa Clara Drive Santa Clara, UTAH 84765 435-656-4690	Sanata Clara City Office Upstairs Conf Rm 2603 Santa Clara Drive Santa Clara, UTAH 84765 **Upstairs Video Conferencing System**

Quantity	Brand / Model / Description		Unit Cost	Extended
1	Extron IN1604 HD video Switcher	60-1457-02	$1,413.10	$1,413.10
1	Extron UTS 100 under table mount	70-1028-01	$58.50	$58.50
1	Extron HDMI 4K 230 Rx	60-1271-13	$330.20	$330.20
1	Extron MLC Plus 100	60-1469-03	$820.30	$820.30
1	Extron SMB 112	70-1097-02	$136.50	$136.50
1	Extron Cable Cubby 500 pwr, usb, system	70-1045-02	$525.20	$525.20
1	Extron HDMI Ultra/9 Hdmi Cable	26-663-09	$54.60	$54.60
1	Extron HDMI Ultra/6 Hdmi Cable	26-663-06	$48.10	$48.10
2	Extron HDMI Ultra/3 Hdmi Cable	26-663-03	$33.80	$67.60
1	Extron MPA 601 70v amp	60-1449-01	$325.00	$325.00
2	Atlas IED FAP63T-W ceiling spkr		$108.34	$216.68
1	Shure P300 Audio Conferencing Processor		$1,233.77	$1,233.77
1	Shure MXA910W-US ceiling array Mic w/Intellimix		$3,703.77	$3,703.77
1	Shure CRT1 under table rack mount		$43.23	$43.23
1	Hall Reaserch U22-160		$130.98	$130.98
1	Marshall CV502-U3 USB Camera		$370.50	$370.50
1	Netgear G53035E 5-port POE Managed switch		$71.50	$71.50
1	Cable Matters 10ft USB 3.0 cable		$11.69	$11.69
0.3	West Penn 4246FBK1000 Cat-6 shield wire		$508.43	$152.53
0.3	West Penn 4246ABK1000 Cat-6 UTP wire		$463.97	$139.19
5	System Programming		$97.50	$487.50
1	Hardware, Connectors		$84.50	$84.50
1	Installation, Testing, Commissioning		$2,250.00	$2,250.00
	Quotation Total (before tax)			**$12,674.92**

Installation will require approximately 2 day(s). Delivery can be made within 30 days after receipt of order.
Prices quoted hereon are valid for 60 days.

Poll Sound by:

Acceptance of Proposal:

The above prices, specifications, and terms are hereby accepted by the buyer and may only be modified by subsequent written agreement signed by the buyer and seller. Title to sold merchandise remains vested in seller until purchase price is paid in full. Buyer agrees to pay interest charge not to exceed 1-1/2% per month, which is an annual rate of 18% on all past due accounts, and in the event of default to pay a reasonable attorney's fee and other costs of collection. Returned merchandise is subject to a 20% restocking charge. Special or made-to-order merchandise is not returnable.

Terms and conditions accepted by:

Signed

Title Date

POLL SOUND
AUDIO PERFECTION
14 North 700 East St. George, Utah 84770
(435) 688-2555 Fax-(435) 673-9695 www.pollsound.com

Price Quote

Quotation Date	Date Required	Salesman	Probable Terms	Quotation Number
07/22/20	ASAP	Dean	Net 30 Days	QN 20-96SG

Quoted To:	Job Name / Location
Brock Jacobsen - Finance Director 2603 Santa Clara Drive Santa Clara, UTAH 84765 435-656-4690	Sanata Clara City Office Exec Board Room 2603 Santa Clara Drive Santa Clara, UTAH 84765 **Executive Board Room Web Cam**

Quantity	Brand / Model / Description	Unit Cost	Extended
1	Marshall CV502-U3 Mini HD camera	$370.50	$370.50
1	Hall Research U2-DR1 USB Extender for Camera	$232.38	$232.38
1	Cable Matters USB to USB Cable male to male 10 ft	$11.69	$11.69
0.4	West Penn 4246ABK1000 Cat-6 UTP wire	$463.97	$185.59
1	Hardware, Connectors	$58.50	$58.50
1	Installation, Testing, Commissioning	$450.00	$450.00
	Install Camera on Top of Side TV Pull Cat-6 wire for USB Extention through conduit to under table to plug into PC under Table for Video Conferencing through Zoom platform		
	Quotation Total (before tax)		**$1,308.65**

Installation will require approximately 2 day(s). Delivery can be made within 30 days after receipt of order.
Prices quoted hereon are valid for 60 days.

Poll Sound by:

Acceptance of Proposal:
The above prices, specifications, and terms are hereby accepted by the buyer and may only be modified by subsequent written agreement signed by the buyer and seller. Title to sold merchandise remains vested in seller until purchase price is paid in full. Buyer agrees to pay interest charge not to exceed 1-1/2% per month, which is an annual rate of 18% on all past due accounts, and in the event of default to pay a reasonable attorney's fee and other costs of collection. Returned merchandise is subject to a 20% restocking charge. Special or made-to-order merchandise is not returnable.

Terms and conditions accepted by:

Signed

Title Date

REQUEST FOR COUNCIL ACTION

AGENDA ITEM C4

September 9, 2020

APPLICANT: Chris Shelley

SUBJECT:

Service Agreement for transcribing Council Minutes.

BACKGROUND DESCRIPTION:

Consider approval of the Service Agreement to transcribe Council Minutes. This Item was brought to the Work Mtg. on 9-2-20 for discussion and was directed to bring back to Council for approval on 9-9-20.

Proposed Recommendation

Approval

Cost

$150.00 with a maximum of $300.00.

Approved by Legal Department

Yes

Approved in Budget

Yes

Approved by City Finance Department

Yes

Amount

Requested By

Chris Shelley

File Upload Attachments

Amended 9-9-20

SERVICE AGREEMENT

SANTA CLARA CITY, a municipality duly organized and existing under the laws of the State of Utah, with its principle place of business located at 2603 Santa Clara Dr., Santa Clara, UT 84765 (hereinafter referred to as "Municipality") and Laura Squires (hereinafter referred to as "Service Provider") herewith enter into this Service Agreement, effective as of October 1, 2020.

R E C I T A L S:

The parties recite and declare:

1. Service Provider is transcribing work meeting and regular City Council meeting minutes of various Municipality meetings, and Municipality is willing to receive said services, pursuant to the terms, covenants and conditions set forth in this agreement.

2. In order to properly transcribe minutes, Service Provider understands she will be required to submit transcribed minutes the Monday prior to the next City Council Meeting.

3. For the reasons set forth above, and in consideration of the mutual promises and agreements set forth in this agreement, which the parties agree are sufficient to support the promises contained in this agreement, the Municipality and Service Provider agree as follows:

SECTION ONE
SERVICES

1. Service Provider herewith agrees to perform, for and to the benefit of the Municipality, the following services:

   a. Prepare transcribed minutes and submit same to Municipality the Monday prior to the next City Council Meeting. (Amendment 9-9-20)

   b. Submit recorded copy of meeting and copy of transcribed minutes in a format acceptable to Municipality.

Service Provider accepts and agrees to provide such service subject to the general need, requirements and objectives of the Municipality.

SECTION TWO
INDEPENDENT CONTRACTOR

Service Provider shall be an independent contractor and not an employee of the City. The services performed shall not be subject to the supervision or requirements of the Municipality or its employees, as Service Provider is providing a service to the City as an independent business. Service Provider shall obtain a business license for this business. The City agrees to waive any business license fee.

SECTION THREE
TERM OF AGREEMENT

This Agreement shall terminate upon thirty (30) days written advance notice provided by either party, unless terminated sooner pursuant to the terms of this agreement.

SECTION FOUR
COMPENSATION

The Municipality shall pay Service provider and Service Provider shall accept from the Municipality, in full payment for all services provided to the Municipality. Compensation to Service Provider shall be established as follows: $150 per 2 hr. meeting for minutes transcribed, $50 additional if meeting goes 1 minute over 2 hrs. (Amendment 9-9-20).
$50.00 per hr. additional after 3 hrs. and again at 4 hrs. up to a maximum of $300.00. to begin October 1, 2020. (Amended 9-9-20).

Municipality will make payment on voucher(s) for services, provided work is properly documented. Municipality requests that vouchers be submitted in monthly intervals or after successful completion of the services to be provided under this Agreement.

SECTION FIVE
TERMINATION OF AGREEMENT

1. This agreement may be terminated for cause by either party with thirty (30) days written notice to the other party.

2. Cause justifying termination of this agreement shall be limited to the following:

    a. Service Provider fails to provide services or make reasonable progress on providing services required under this agreement.

b. The Municipality fails to compensate Service Provider as required under this agreement.

3. In the event this agreement is terminated for cause, the Municipality shall pay Service Provider for work performed prior to termination of the contract pursuant to the compensation schedule set forth above, and the Municipality shall have no further obligation to make payments to Service Provider for any additional compensation which may have been due under this agreement, including, but not limited to monthly payments and payment of the contract balance.

4. Service Provider does not have any property interest in a continuation of this agreement and said agreement may be terminated without any form or due process or right to appeal.

5. Upon termination, Municipality shall pay Service Provider for unpaid services, which shall be the sole financial remedy of either party upon termination.

SECTION SIX
RETURN OF EQUIPMENT OF TERMINATION OF AGREEMENT

On termination of this agreement by either party, Service Provider shall give or return to Municipality all Municipality property. Information, files, client lists, and/or any other information generated pursuant to or in furtherance of this agreement, whether generated by the Municipality, Service Provider or any other person.

SECTION SEVEN
BENEFITS

Service Provider shall have no right to and shall not be provided with any type of employment benefits including, but not limited to, sick leave, vacation leave, retirement, health insurance, workers compensation, disability insurance, etc.

SECTION EIGHT
HOLD HARMLESS/INDEMNIFICATION

1. Service Provider herewith agrees to indemnify and hold the Municipality, its officers, agents, officers and employees harmless from any action, cause of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensation are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth

through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of Service Provider and/or Service Provider's officers, official agents, or employees.

2. Service Provider warrants that Service Provider was informed that Municipality is not responsible for acquiring and maintaining Worker's Compensation insurance as well as liability insurance sufficient to support the promises, releases and waivers contained in this agreement, but such is the responsibility of the Service Provider.

SECTION NINE
AGREEMENT OUTSIDE OF CONTRACT

This agreement contains the complete agreement concerning the arrangement between the parties and shall, as of the effective date hereof, supersede all other agreements between the parties. The parties stipulate that neither of them has made any representation with respect to the subject matter of this agreement or any representations including the execution and delivery of this agreement except such representations as are specifically set forth in this agreement and each of the parties acknowledges that he or it has relied on its own judgment in entering into this agreement. The parties further acknowledge that any payments or representations that may have been made by either of them to the other prior to the date of executing this agreement are of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.

SECTION TEN
MODIFICATION OF AGREEMENT

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced by writing signed by each party or any authorized representative of each party.

SECTION ELEVEN
CHOICE OF LAW

It is the intention of the parties to this agreement that this agreement and the performance under this agreement, and all suits and special proceedings under this agreement, be construed in accordance with and under and pursuant to the laws of the State of Utah and that, in any action,

administrative action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this agreement, the laws of the State of Utah shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted, with the exception that any action arising out of federal law shall be construed in accordance with and under and pursuant to the federal laws at issue.

SECTION TWELVE
NO WAIVER

The failure of either party to this agreement to insist upon the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

SECTION THIRTEEN
EFFECT OF PARTIAL INVALIDITY

The invalidity of any portion of this agreement for any reason will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement of the invalid provision.

SECTION FOURTEEN
PARAGRAPH HEADINGS

The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed on the date indicated below.

Amended 9-9-20

SERVICE PROVIDER:

_____
Laura Squires Date

MUNICIPALITY: SANTA CLARA CITY

By:_____

Its:_____

Date:_____

ATTEST:

_____

CITY OF SANTA CLARA
RESOLUTION NO. 2020-15R

A RESOLUTION UPDATING THE SERVICE AGREEMENT TO TRANSCRIBE MINUTES AND ESTABLISHING AN EFFECTIVE DATE.

WHERE AS, Staff has determined that there is a need to update the Service Agreement for transcribing work, regular, and all other City Council meeting minutes; and

WHEREAS, the City has had this agreement in place for 3 years and is requesting to update the compensation; and

WHEREAS, the service provider accepts and agrees to provide the service subject to the general need, requirements and objectives of the Municipality; and

WHEREAS, staff recommends approval; and

WHEREAS, the governing body of the City of Santa Clara agreed to compensation to provider and be established as follows: $150 per 2 hr. meeting for minutes transcribed, $50 additional if meeting goes 1 minute over 2 hrs., $50 per hr. additional after 3 hrs. and again at 4 hrs. up to a maximum of $300.00 to begin October 1, 2020,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Clara, Utah that the Service Agreement be amended with the new terms of said compensation and is hereby established.

PASSED AND ADOPTED by a duly constituted quorum of the Santa Clara City Council this 9th day of September 2020.

IN WITNESS THERETO:

_____
RICK ROSENBERG, Mayor

ATTEST:

_____
CHRIS SHELLEY, City Recorder

REQUEST FOR COUNCIL ACTION AGENDA ITEM 1

September 9, 2020

APPLICANT: Chris Shelley

SUBJECT:

Consider approval to update the Santa Clara City Code; Title 2, Chapter 2.08.010 "Compensation and Salaries" and approve Ordinance 2020-12.

BACKGROUND DESCRIPTION:

This action is to clean up Title 2, Chapter 2.08.010, Compensation and Salaries. We are just updating the wages for the Mayor and Council, they were never updated in the Code when the last raise was given. It falls under Section A:

1. Mayor: One thousand one hundred ninety-six and ninety-nine cents ($1,196.99) per month.
2. Council members: Five hundred eighty seven and ninety-nine cents ($587.99) per month. (The previous wages for the Mayor was $700.00 and Council was $$380.00). Staff recommends approval to update the code.

Proposed Recommendation

Approval

Cost

Approved by Legal Department

N/A

Approved in Budget

Yes

Approved by City Finance Department

Yes

Amount: $704.98 increase

Requested By

Chris Shelley

File Upload Attachments

SANTA CLARA CITY
ORDINANCE NO. 2020-12

AN ORDINANCE AMENDING THE CITY OF SANTA CLARA CODE BY UPDATING TITLE 2, CHAPTER 2.08.010 "COMPENSATION & SALARIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is important to update the City's code from time to time to remain relevant and reflective of the ever-changing operative environment of the City; and;

WHEREAS, the Santa Clara City Code; Title 2, Chapter 2.08.010 "Compensation and Salaries" (Mayor & Council wages) has not been updated since 2010 and;

WHEREAS, the City Manager and staff have asked to update the Ordinance and;

WHEREAS, this action is to clean up Title 2, to conform with the current wages and;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Clara, Utah that Title 2, Chapter 2.08.010 "Compensation & Salaries" be amended as follows;

SECTION 1. Amendment:
Section A. The salaries of elected and statutory officers and employees of this city shall be paid in the following amounts:

1. Mayor: One thousand one hundred ninety-six and ninety-six cents ($1,196.99) per month.

2. Council Members: Five hundred eighty-seven and ninety-nine cents ($587.99) per month.

SECTION 3. Effective Date:
This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law.

ADOPTED and approved by a duly constituted quorum of the City Council of the City of Santa Clara, Utah this 9th day of September 2020.

IN WITNESS THERETO:

ATTEST:

_____
RICK ROSENBERG, Mayor

_____
CHRIS SHELLEY, City Recorder

REQUEST FOR COUNCIL ACTION AGENDA ITEM 2

September 9, 2020

APPLICANT: Fireworks America

SUBJECT:

A contract between Santa Clara City and Fireworks America for fireworks on September 25, 2020 for the Santa Clara fireworks celebration.

BACKGROUND DESCRIPTION:

We would like to contract with Fireworks America to put on the City fireworks celebration on September 25, 2020. The fireworks will be set-off at approximately 9:00 pm, following the conclusion of the Snow Canyon High School football game. They will be launched from the Snow Canyon High School rugby field which is just south of the softball field. Fireworks America did the fireworks the last time the city did fireworks and does many of the shows around the county. We are using funds budgeted for Swiss Days which we are not using due to its cancellation.

Proposed Recommendation

Approval

Cost

$20,000

Approved by Legal Department

Yes

Approved in Budget

Yes

Approved by City Finance Department

Yes

Amount

$20,000

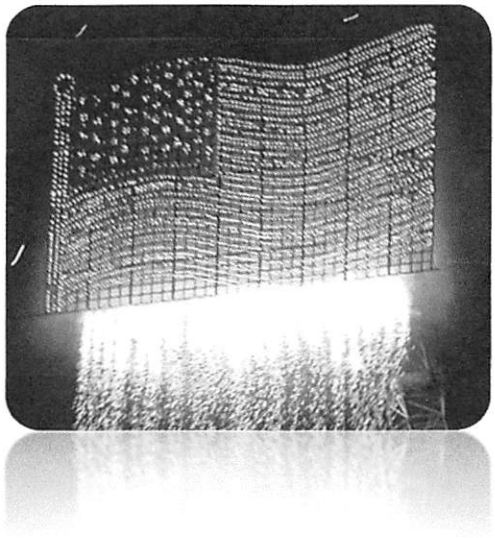
Requested By

Brock Jacobsen

File Upload Attachments

https://sccity.org/wp-content/uploads/formidable/41/Fireworks-Contract.pdf

Santa Clara City



Presents

Santa Clara Days

A Fireworks Extravaganza

9/25/2020

Produced by

Fireworks & Stage FX America

"The Difference is Quality"

Santa Clara City

Santa Clara Days

September 25, 2020

Aerial Show Presentation

Aerial Titanium Flash Salutes

3"	**20**

Color and Multi-Color Aerial Shells

3"	**144**
4"	**72**
5"	**36**

Flitter, Glitter, Electric Color and Color Changing Shells

3"	**144**
4"	**72**
5"	**27**

Distinctive and Unique Aerial Shells

3"	**10**
4"	**8**
5"	**4**

Streaking Comets & Tiger Tails

3"	**20**

Bombardments

25 Shot	8
100 Shot	4
150 Shot	1
Total Shots	750

Aerial Grand Finale

Color and Multi-Color Finale Shells

2.5"	**100**
3"	**100**
4"	**16**

Aerial Flash Salutes

3"	**60**

Grand Totals

Aerial Shells

2.5"	**100**
3"	**498**
4"	**168**
5"	**67**

Total Aerial Shells
833

Total Bombardment shots
750

Grand Total
1583

Program Price

Total Program Price Inclusive of Insurance, Operator and Transportation

Cost **$20,000**

Fireworks & Stage FX America

Santa Clara City
Show Concept, Services List, and Miscellaneous Details

Services List:

Fireworks America to Provide:

1) Permit Filings as Required
2) Storage and Delivery of fireworks
3) All Equipment to produce the display
4) Insurance Aggregate amount of $10,000,000 (Combined Single Limits)
5) Worker's Compensation Insurance (Statute)

Santa Clara City to Provide:

1) A Suitable Firing Site
2) Adequate Security for Firing Site
3) Sand & Sand Removal, if req'd
4) Permit Fees
5) Standby Firefighter Fees, if req'd
6) Sound System and Playback
7) Adequate Permit Time as listed below.

Minimum Time Required

Fireworks America will provide permitting services on your behalf. There are minimum times required to pull these permits. Contracts and deposits must be signed and back to us prior to starting these services. Here are the **minimum permit times.**

Land Based Shows based require a minimum of **30 days** to permit based on Local and State Ordinance, FAA and other requirements.

Please plan your show accordingly.

Operators and Assistants:

Fireworks America will provide the services of a State Licensed Pyrotechnic Operator and experienced crew to fire your display. The entire crew will be covered under Fireworks America's Worker's Compensation Insurance.

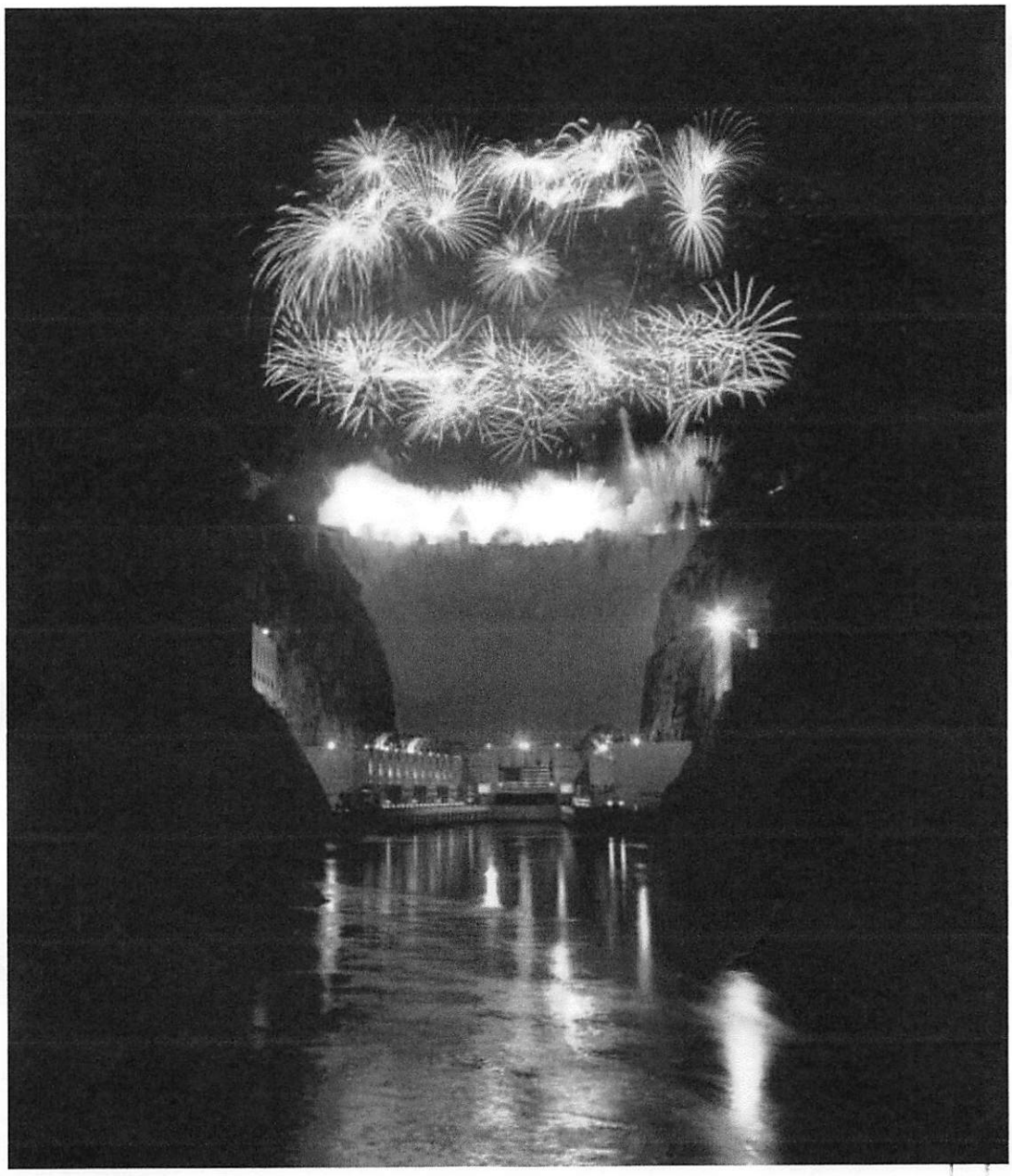
Payment Terms:

50% of the Sum is to be paid to FA at the signing of the Contract,Balance Net 10 Days After Display

Santa Clara City
Show Concept, Services List, and Miscellaneous Details

Method of Discharge:

The show will be fired electrically. Each fireworks event will have its own ignitor for precise timing. Fireworks America will provide the firing panel, cable, distribution system and power for the show.



Fireworks & Stage FX America

PYROTECHNIC PUBLIC DISPLAY CONTRACT

Fireworks & Stage FX America, Inc./LLC
dba: Fireworks America
PO Box 488
Lakeside, CA 92040
619-938-8277
619-938-8273 Fax

1) This Contract, entered into this 28th day of August, 2020, by and between FIREWORKS & STAGE FX AMERICA, INC., dba FIREWORKS AMERICA, a California Corporation, duly licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives and the State of California, hereinafter referred to as "FA" and SANTA CLARA CITY hereinafter referred to as "BUYER".

2) FA agrees to furnish BUYER, in accordance with the terms and conditions set forth herein, One (1) fireworks/special effects display as per Program A, submitted, accepted and made part hereof,and the services of a licensed pyrotechnic operator who will be in charge of the execution of said display unless otherwise agreed in writing. This display is to be performed on September 25, 2020, located at Snow Canyon High School.
The time of the display is to be: 9:00:00 PM

3) BUYER agrees to pay FA the sum of: Twenty Thousand Dollars and No Cents ($20,000.00), per the following terms:
50% of the Sum is to be paid to FA at the signing of the Contract,Balance Net 10 Days After Display
Contract and Deposit to be received by: 9/15/2020

4) Should the BUYER default on these payment terms, a finance charge at a rate of 1.5% per month, 18% annual percentage rate, or the maximum rate permitted by law, whichever is greater, will be charged and accrued on the unpaid balance of the Contract until the Contract is satisfied. FA is hereby authorized to receive BUYER's financial information from any person or entity for the purpose of verifying BUYER's ability to pay.

5) BUYER, at its expense, agrees to provide FA a suitable DISPLAY SITE in which to stage, setup and fire the display. This DISPLAY SITE will incorporate an appropriate fallout zone, which has to be approved by FA, and that will fulfill any requirements set forth by any governing legal authority. Should the proposed site require the involvement of specialized equipment, watercraft or clean up, BUYER agrees to provide said equipment and labor at BUYER's expense.

Fireworks America Public Display Contract

6) BUYER, at its expense, agrees to provide adequate security to prevent any access to the DISPLAY SITE by members of the general public or any persons not expressly approved by FA. Any claim arising from damage to persons or property caused by any unauthorized access to the DISPLAY SITE is the sole responsibility of the BUYER. Should a multiple day setup be required, BUYER shall provide appropriate security during all the times FA is away from the DISPLAY SITE.

7) BUYER, at its expense, agrees to pay for any required "standby" Firemen, and/or any applicable permit costs and fees as required by state and local statutes, ordinances or regulations. BUYER agrees to indemnify FA for any and all changes or adjustments made to the DISPLAY at the request of any governing legal authority.

8) BUYER, at its expense, shall provide FA sufficient parking, all necessary site and event passes and allow FA sufficient time and available access, as determined by FA, to safely and professionally setup and discharge the display and subsequently remove the display equipment from the DISPLAY SITE.

9) Should BUYER fail to comply or prove itself unable to comply with the requirements stated in paragraphs 5, 6, 7 and 8 herein, FA shall have no obligation to continue with the performance of the display and the BUYER agrees to pay the full contract price plus any additional associated expenses incurred by FA.

10) BUYER agrees to assume the risk of weather, or any other cause that is beyond FA's control, that may prevent the display from being discharged on the scheduled date and time. In the event that FA, at its sole discretion, determines that the weather unsuitable for the discharge of the display, BUYER shall pay per the cancellation terms contained in paragraph 11 herein.

11) BUYER shall have the option to cancel this display at any time. If BUYER decides to cancel, BUYER agrees to pay to FA 35% of the display contract price and all other associated costs incurred by FA, including, but not limited to, permits, insurance, pyrotechnic operator's fee, transportation, choreography, custom design or any other provable expense associated with the execution of the Display.

12) BUYER agrees to hold FA harmless from all claims and penalties made against FA in the event that the display fails to start on time or is disrupted after commencement as a direct result of equipment or product malfunction or failure.

13) FA agrees to provide insurance coverage of One Million Dollars, Bodily Injury and Property Damage and statutory limits for Worker's Compensation. This insurance covers the operations of FA only and does not extend to any other aspect of the event at which such a display may be held. FA's operations are deemed complete when FA has vacated the premises.

14) Should BUYER fail to perform its obligations as set forth herein, BUYER agrees to indemnify, defend and hold FA harmless from all claims and suits made against FA in conjunction with the discontinuance or cancellation of the display.

Fireworks America Public Display Contract

15) FA agrees to defend, indemnify and hold harmless BUYER from and against all claims and liability arising out of the services to be performed by FA hereunder, except to the extent arising from BUYER'S negligence or willful misconduct.

16) The laws of the State of Utah shall govern this contract. It is agreed that any court of competent jurisdiction located in the County of Washington, UT shall be proper venue for an action. Should such action be brought to enforce or interpret the terms or provisions of this Contract, the prevailing party shall be entitled to reasonable attorney fees and costs in addition to any other relief to which they may be entitled.

17) Nothing in this contract shall be construed as forming a partnership, joint venture, agency or any form of legal relationship, other than contractual, between BUYER and FA. Neither party shall be held responsible for any agreements or obligations not expressly provided for herein and shall be severally responsible for their own separate debts and obligations.

18) BUYER shall not under any circumstances, be entitled to recover any consequential damages from FA. Nothing in this paragraph shall be construed as a modification or limitation on the insurance coverages afforded in Paragraph 13 herein.

19) Other Considerations:

20) This agreement shall be binding on the parties and on their heirs, executors, administrators, successors and assigns.

In Witness the parties hereto, by or through their duly authorized agents, have set their hands and seals this 28th day of August, 2020.

Fireworks & Stage FX America, Inc.

By _____

Title: President

Santa Clara City

By _____

Title _____