

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, December 8, 2021

Time: 5:00 p.m.

AGENDA

NOTICE is hereby given that the Santa Clara City Council will hold a Regular Meeting on the 8th day of December 2021 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/UCxLBLm30_XLqM1AEmhpcMA
Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

1. Call to Order

2. Opening Ceremony:

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

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

- Nov. 10, 2021 Regular City Council Meeting Minutes
- Nov. 10, 2021 Executive Session Minutes
- Dec. 1, 2021 City Council Work Meeting
- Claims through Dec. 8, 2021

2. Calendar of Events

- Dec. 24, 2021 Offices Closed for Christmas
- Dec. 27, 2021 Offices Closed for Christmas
- Dec. 31, 2021 Offices Closed for New Years
- Jan. 5, 2022 City Council Work Meeting

3. Cancel the Dec. 22, 2021 Regular City Council Meeting

4. Set a Public Hearing for Jan. 12, 2022 at 5:00 pm. to discuss and receive public comment regarding a Single Event Beer Permit for Ryan Miller for the True Grit Epic Race. Presented by Brad Hays, Parks & Trails Director.

5. Set a Public Hearing to discuss and receive public comment regarding a Firearm Restriction Ordinance for Jan. 12, 2022 at 5:05 pm. Presented by Brad Hays, Parks & Trails Director.

C. General Business:

1. Consider approving Resolution 2021-15R appointing UAMPS Representative and Alternate. Presented by Gary Hall, Power Director.
2. Consider approving Resolution 2021-16R appointing Jarett Waite as the Mosquito Abatement Representative. Presented by Mayor Rosenberg.
3. Consider approving Resolution 2021-17R, to appoint a representative (Denny Drake) to serve on the Washington County Special Service District No.1 for the calendar year 2022. Presented by Mayor Rosenberg.
4. Justice Court Update. Presented by Judge Armstrong.
5. Consider approving Ordinance 2021-17 to extend the previously adopted temporary ordinance on landscape irrigation. Presented by Jim McNulty, City Planner/Matt Ence, City Attorney.
6. Discussion and possible approval of an agreement with Dish Wireless for co-locating a cell Tower at Canyon View Park. Presented by Jim McNulty, City Planner/Matt Ence, City Attorney.
7. Consider approval of Termination of Easement by Release for unused sewer easement Affecting property in Desert Village Townhomes. Presented by Matt Ence, City Attorney.
8. Consider Upgrading the Controls & Relays for the old generators. Presented by Gary Hall, Power Director.

6. Reports:

- a. Mayor / Council Reports:

7. Executive Session:

8. Adjournment:

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

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

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 2nd day of Dec. 2021 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, 2021.

Chris Shelley – City Recorder

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

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, November 10, 2021 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. **The Meeting will be available to view live on the YouTube link:** https://www.youtube.com/channel/UCxLBLm30_XLqM1AEmhpcMA. Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

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

Others Present: Dustin Mouritsen, Public Works Director; Brad Hays, Parks & Trails Director; Gary Hall, Power Director; Randy Hancey, Fire Chief; Matt Ence, City Attorney; Jim McNulty, City Planner; Kristelle Hill, Admin. Assistant; Cody Mitchell, Building Official; Melanie Abplanalp, Washington County Election Clerk; Tina Taylor; Wendy Thomas; Chris Nelson; Josh Chandler, Utopia Fiber; Charlie Walker; Kelly Nyberg, CEO of Info West; Brenda Cody, TDS; Rex Edwards; Patty Edwards; Nathan Johnson, TDS; Tyler Hunsaker, TDS; Ryan Bowler, Info West; Sherri Soffe, Washington County; Christa Hinton; Missy Nelson; Kristen Walton; Heidi Wehrkamp; Laura Hirschi, Info West; Yvonne Keetch; Sherrie Slater;

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:00 p.m. He welcomed everyone and introduced the City Council.

2. **Opening Ceremony:**

- Pledge of Allegiance: Ben Shakespeare
- Opening Comments: Ben Shakespeare

5. **Working Agenda:**

C. General Business:

1. Election Canvass. Presented by Melanie Abplanalp, Washington County Election Clerk.
 - Melanie Abplanalp stated that they are the City's election vendor for the municipal elections cycle. She said the County administered 15 separate elections this time. She said they are grateful to be able to assist the city in the elections. She showed the Council the canvass report. In Santa Clara there are 4,503 active registered voters. She said they

counted three times so there was the unofficial election night results at 1,311, and the following day they counted the ballots at 1,568 (an additional 257 votes), and the final total after the deadline for counting ballots at 1,579 (an additional 11 votes). She said that amounted to 35.07% turnout. She said in their possession they have 1,579 ballots that they counted for the city. They also have 167 ballots they could not count; 4 ballots were returned to their office after the deadline, 123 ballots that were returned to their office as undeliverable and 40 ballots not cured (ballots that came back that have a deficiency). There were 3 provisional ballots at the City Offices, and they were able to count all 3 and 49 Santa Clara residents who voted in person. Mayor Rosenberg received 1,430 votes. He will continue to remain as Mayor. She said that for the Council race the top two will become Council members. Jimmy Kestin had 552 votes, Ben Shakespeare had 978 votes and Christa Hinton had 1,272 votes so Ben Shakespeare and Christa Hinton will be Council members. She said there were 346 residents who either voted for 1 Council member or none.

Motion to Approve the Election Results as presented from the canvassing and congratulate Christa Hinton and Ben Shakespeare.

Motion by Denny Drake, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

3. Communications and Appearances: None.

4. Conflicts and Disclosures: None.

5. Working Agenda:

A. Public Hearing(s):

1. Public Hearing to receive Public Input regarding a Power Rate Increase.

- Gary Hall, Power Director, showed Council Exhibit A, which is what Utility Financial Services has recommended for our rate increase, a 2.5% increase over the next 3 years for residential, 3.5% for small commercial for the next 3 years as well as medium commercial and 1.8% for large commercial over the next 3 years. There is also an increase on small, medium, and large commercial base rates. There is also the demand increase for those businesses. He said on the medium and large commercial the cents per kilowatt actually goes down over the next 2 years, but the demand charge and monthly charge go up. If they have a higher load factor it protects them from being charged a lot.
- Brock Jacobsen said the average cost increase to a resident is just over \$3 a month.
- Jarett Waite asked Gary if he feels this will keep the Utility in a strong financial position going forward.
- Gary Hall said yes.
- Ben Shakespeare said to clarify, that the \$3.30 a month will increase every year for 3 years.
- Gary Hall said yes and then we will do a reevaluation after 3 years.

5:14 p.m. Public Hearing Opened.

- Tina Taylor, 2233 Pearl Road, stated that it is not so much the \$3 sounds so minimal, it's the fact that it is going up again and she said it seems like the last time we talked about this it was "it won't go up again". She asked if there was any way of changing to Dixie Power. She said she doesn't understand this. She said they have been here for 20 years and pay way more than anyone else. She said she doesn't understand why Santa Clara is so much more expensive.
- Ben Shakespeare asked if she knows how much a kilowatt-hour is. He said Dixie Power has gone up a lot and they are going to continue to go up because they are losing all their coal. That is the problem. We are all losing coal and natural gas. He recommended that she look at a comparison.
- Tina Taylor said she would like to see a comparison.
- Brock Jacobsen, City Manager, said the city is developing a device where a resident can go online on the city website and see the comparison.
- Tina Taylor said she doesn't get any emails when these meetings are. Is there a way to get on to get some information?
- Mayor Rosenberg said she just needs to contact the city offices and they can give her the link to sign up so she can receive all the public hearings and the city newsletter. We just need to have her email on file at the office. He said that every power company is different, and some are older or newer and some have long-term contracts with cheaper power rates. As communities grow you have to keep obtaining resource, so we are constantly buying power to provide residents of the city. Some of our older contracts go away so the City is constantly looking for power resources to be able to sell to residents. He said that Dixie Power is 100% coal. Santa Clara has diversified our portfolio a little bit based on what is happening with coal. It will be phased out over time, so we have diversified that. We have some coal, some natural gas, and we have our own generation here in the city and some wind and some solar and geothermal. Based on what we are paying for those resources we blend that rate and that is what we charge the residents. We haven't raised power rates since 2018. What typically happens during that time is if there aren't small annual increases to keep up with the increasing cost of power revenue and reserve funds tend to drop and dip and we are obligated by our lenders whom we borrow money from to put in improvements to maintain our reserves at a certain level and if those reserves drop below that level then we break our bond covenants. We are obligated to keep up with the rising cost of power and the only way we can do that is to increase the rates to the residents.
- Matt Ence, City Attorney, said that if residents want to sign up for alerts for the public meetings, they just have to look on Google search for Utah Public Notice and it will take you to the website where you can sign up for Santa Clara City Council or any other public entities that have public meetings and you will get updates for every notice that is posted.
- Wendy Thomas, 740 Morning Glory, said she is concerned more about the commercial aspect. What is this going to do to businesses that are trying to come in? Do we not want the businesses and the larger businesses in Santa Clara?
- Mayor Rosenberg said yes, we want the businesses. If you hold the businesses flat the residential increase is going to have to be higher to absorb that additional cost.

- Gary Hall said the 3.5% increase doesn't take effect on the hourly rate. It is the demand that will actually go up. That all depends on how much power that business uses. The monthly charge will also go up \$10 each year for the next 3 years.
- Wendy Thomas asked if these fees are being raised only because of what the city is being charged to purchase it.
- Gary Hall said yes.
- Chris Nelson, 1987 Red Creek Drive, said that none of us like rate increases. He said they lived in a city before they lived in Santa Clara that as a city decided to not raise rates for a long period of time and a lot of people thought that was great and then after 15 years, they realized that they should have not done that. He said he appreciates seeing these numbers. They are not big numbers, but he would rather be in small incremental pieces like the city is doing rather than it be a huge rate increase to try and make up for lost ground. He said as much as nobody likes it, he appreciates doing it a little bit at a time to keep up with demand. Inflation is affecting every aspect of our economy and so this is necessary and needed.

5:24 p.m. Public Hearing Closed.

C. General Business:

4. Consider Approval of Power Rate Increase and Approve Resolution 2021-10. Presented by Gary Hall, Power Director.

- Mayor Rosenberg said that Council has heard recommendation from Staff, and we have discussed this item in Work Meetings several times and there has been an opportunity for public comment.
- Ben Shakespeare said everyone on the Council feels the same way as the residents and we all share the same sentiment. We have looked at this for a long time and debated the ways to do this. The reality is the cost to buy power is up. We run a very efficient power grid and we have done everything feasible we can. This is something that is needed and what is best for the community, and we will evaluate it over the next 3 years. We have been proactive in trying to secure good and affordable power and consistent power.

Motion to Approve a Power Rate Increase and Approve Resolution 2021-10 as presented.

Motion by Denny Drake, seconded by Ben Shakespeare.

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

Voting Nay: None.

Motion Carried.

2. Consider Approval of the UAMPS Risk Management Policy. Presented by Gary Hall, Power Director.

- Gary Hall explained that this is a policy from UAMPS, and this document is to allow himself, Brock Jacobsen, Erik Campbell, and Kristelle Hill access to, and the ability to purchase and/or sell power on the UAMPS power exchange portal for the city's energy needs. The attached document shows the old one that Jack Taylor signed; we left the transaction amount of \$200,000.00 the same. (See attached.)

- Leina Mathis said in the risk management policy section it notes that the representative

shall report not less than frequently and monthly to the City Council with respect to all risk management transactions. She said as long as she has been here, we have never done that. Is this something we should be doing?

- Brock Jacobsen said we can follow through with that and bring that back each month, the transactions and bring them to Council each month. We can get a printout from UAMPS of all our transactions and present them to Council and show the power we have purchased or sold.

- Leina Mathis said it might be a little burdensome but given the comments from our citizens and the power increases we are looking at it might be worth it for us to be able to see that more frequently.

- Jarett Waite asked Gary to define what a risk management transaction is.

- Gary Hall explained that if we see we are short on power, we go on the power exchange and purchase power from another utility that is selling power cheaper than UAMP is selling it.

- Mayor Rosenberg said it lets us sell power too. When we are running the generators and we see the price on the exchange is better than it costs us to generate that power we can actually run the generators and sell it to the exchange and make some revenue back.

- Jarett Waite said we wouldn't have to report all the power purchases, just the ones that are risk management.

- Gary Hall said power prices have been going up the last couple of years so that is when we have started going on the power exchange more and purchasing power. He said he can keep the Council informed on what the market is doing.

Motion to Approve the UAMPS Risk Management Policy as presented.

Motion by Leina Mathis, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

B. Consent Agenda:

1. Approval of Claims and Minutes

- Oct. 27, 2021 Regular City Council Meeting Minutes
- Oct. 27, 2021 Executive Session Minute
- Nov. 3, 2021 City Council Work Meeting Minutes
- Claims through Nov. 10, 2021

2. Calendar of Events

- Nov. 24, 2021 Regular City Council Meeting Canceled
- Nov. 25, 2021 Thanksgiving Day (Offices Closed)
- Nov. 26, 2021 Day after Thanksgiving (Offices Closed)
- Dec. 1, 2021 City Council Work Meeting

Motion to Approve the Consent Agenda.

Motion by Ben Shakespeare, seconded by Leina Mathis.

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

Voting Nay: None.

Motion Carried.

C. General Business:

3. Consider Approval of a Mutual Aid Agreement between electrical utilities. Presented by Gary Hall, Power Director.
 - Gary Hall explained that this was a mutual aid agreement between Rocky Mountain Power and members of UAMPS for any assistance for power outages, natural disasters, or emergencies. Matt Ence has looked through this agreement and doesn't see any conflicts with this agreement. He asked Council for approval to join in mutual aid with Rocky Mountain Power.
 - Mayor Rosenberg said we already have mutual aid with the other neighboring cities, we just didn't have one with Rocky Mountain.
 - Gary Hall said that with the other cities it is through Intermountain Power Superintendent Association (IPSA).
 - Leina Mathis said it allows us to utilize the other entities that are participating in it too.

Motion to Approve a Mutual Aid Agreement between electrical utilities.

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.

- Matt Ence asked Gary Hall about the copy that he sent to him to review. He said it is a blank form and it doesn't have Santa Clara City listed as one of the signers there. He asked if that needs to be filled in before the mayor signs it.
 - Gary Hall said that is correct.
 - Matt Ence said we need to get a copy of the agreement with all the other signers to it so if it is with Rocky Mountain power let's make sure we have a signature and any of the other signatures that would apply so we have a copy on file.
5. Consider Approving a Fiber Communication Service and Acquisition Contract with UIA and approve Resolution 2021-13R. Presented by Jarett Waite, Councilman.
 - Jarett Waite said this is an agreement with the Utah Infrastructure Agency (UIA) to bring fiber to every home in Santa Clara. We have been working on this since June of this year. We have met with Roger Timmerman of Utopia a few times regarding the cost and implementation. We also met with multiple cities at the league meetings to get their thoughts and feelings regarding their experience with UIA. We received positive feedback from those cities. The bond would be approximately \$6.7 million dollars with a 27-year term. There are no payments due for the first two years, only capitalized interest. This gives UIA time to build the network and get a user base. Subscribers to the service will pay \$30 a month to UIA to cover that debt service and an additional \$35 to \$55 to their chosen Internet service provider depending on the Internet speed they have chosen. Any residents that do not want to use the fiber do not have to pay anything towards the debt and no City funds will be used in construction of the system. The annual revenue

requirement is expected not to exceed \$408,000 annually and we would be required to backstop that amount. We would do that through \$205,000 of our franchise tax revenues and \$203,000 of our sales tax revenues. UIA has stated that we will need approximately 38% of the residents of Santa Clara to sign up for service. UIA considers this project as a low risk. If at any point revenues do not cover the bond payment and we have to pay part of it, that amount is recorded as a loan to UIA from the city and will be paid back once revenues reach a sufficient amount or when the bond is retired. UIA guarantees that 90% of our residences will have fiber services within 2 years but expect the project to go quicker within an 8–10-month range with the clock starting early next year. The city would not be involved in billing, maintenance, or customer service. UIA handles everything approving and managing Internet service providers that choose to offer their services on the network. UIA has confirmed that while at least five have signed on initially there is a likelihood that fifteen or more will eventually offer their services. There are no contracts, installation fees or chooser rates with UIA. He said that US Representative John Curtis wrote an editorial outlining why cities should stay out of the fiber business. He shared the struggles the City of Provo had in building and maintaining its own fiber network and the eventual sale of that network for a whopping \$1. Rep. Curtis said they have observed many municipally owned fiber networks fail. He stated that what we are proposing to approve tonight is a very different arrangement than those projects that failed. There is a long track record demonstrating how UIA's model is sustainable and actually thrives as time goes on. Over the last several months we have met with TDS and Century Link and Info West, the main Internet providers in Santa Clara. Our main goal in having those meetings was to determine if they have plans to improve services in Santa Clara and if it would be equal or better to what UIA had proposed to us. He said he acknowledges the investment these companies have put into our area especially in keeping our residents connected during the pandemic. We came away from those meeting with a clear understanding that fiber to the home in Santa Clara may eventually be economically viable for one of those companies, but no clear timeline could be established. He said it felt like a very long timeline was the expectation. Our residents have clearly stated that they want this now. He said the other take away was those parts of the city would be too costly for these companies to install fiber such as very rocky ground which could actually create inherent inequality in our city. Everyone with internet service in Santa Clara will greatly benefit, whether they use the fiber or not, because the increased competition will drive all of the internet providers in our area to offer better prices, speeds, service, etc. This would provide the residents of Santa Clara with many options for a fast Internet at an excellent price and service level. He said he appreciates all the work that has gone into this. There have been a lot of meetings and a lot of work. He said Josh Chandler, Legal Council with UIA is here at the meeting. He reminded Council that we have discussed this at other meetings.

- Matt Ence said he has reviewed the agreement and the resolution, and it all appears to be consistent with what has been represented to the Council as far as what the project would be. He said he has no issues with it.

- Wendell Gubler asked that if we approve this tonight when will they start?

- Jarett Waite said at our last Work Meeting Laura Lewis, UIA, shared with us that the bonding would take about 2 ½ months. They would order the materials as soon as we approve the resolution so we would be looking at early next Spring that they would start. It is possible that we could have it all done by the end of next year. They guarantee two

years but are expecting to go much quicker.

- Charlie Walker, 3625 Rachel Drive, said he recently retired from Century Link. He urged the Council to vote against this item. He said residents already have five or six options. He said some of the businesses in town already have fiber such as Harmon's. He said he personally thinks that the service has been oversold. He said he doesn't think it is the right of City Council to pick winners and losers. He said there is competition in the area. He said if he doesn't want the service, he is still responsible for that bond that the Council is going to sign off on. He said that Council has talked to two companies that said it is not profitable. He said in his experience most of the problems isn't the size of the pipe that comes into the house but with a little bit of knowledge you can network your house and your services can be greatly improved.

- Mayor Rosenberg said he will allow public comment, but he has a couple of rules. Those who are speaking are limited to 3 minutes max. If you duplicate what the person in front of you says it will come off of the 3 minutes. Each person needs to state their name and address and if they have an affiliation with a provider.

- Kelly Nyberg, President and CEO of Info West, said Info West is a local Internet provider and they have been providing Internet to Santa Clara City and its residents for about 30 years. He said over the past decade or two they have had a fantastic relationship with the city. They also provide Internet to Santa Clara City Offices with free public Wi-Fi to Gubler Park and all the parks in Santa Clara City and they are proud to do that. They also provide Internet to hundreds of homes and businesses in the city. Info West is your home Internet provider. He gave an analogy to the Council. He said that Info West would like to urge those who represent the citizens of the area to carefully consider long-term future Internet market ramifications of this really important decision. He said they should step back and talk to the local providers, such as Info West, and find areas of need and improvement and come up with a solution that allows for more competition, more choice, better speeds, and lower prices. Info West has invested in Santa Clara City and has for decades and if given the chance they would love to be involved in that process.

- Brenda Cody, TDS Telecommunications, said they are the local Internet, voice and video provider. She said before the Council votes she just wanted to reiterate a few items on behalf of TDS. TDS can offer all customers in Santa Clara 1 gig service today. She stated that in Santa Clara less than 8% of their customers are taking a 1 gig product so are looking for a higher product. She said that currently their 300mb product starts at \$30 and Utopia customers will have to pay \$30 a month to Utopia plus have to pay the actual provider and additional sum which starts at an additional \$35 plus. She said they are going to be competitive even with the pricing rates that Utopia is quoting. She said an all-new development has been fiber for several years now. TDS has been putting fiber in the ground for many years. TDS is committed that all new residential and commercial developments will also be fiber. They remain committed that they can overbuild the entire community quicker with much less destruction and a lower price tag than Utopia is quoting. TDS is here and they give back to the community. They have close to 100 local employees and aim to be great community partners. They have invested over \$100 million since they took over the system and spent hundreds of thousands of dollars a year in our local community. They have been in the telecommunication business for over 50 years and have a vast knowledge of the industry and they will compete fiercely. She said they believe it is in the City's best interest to vote "no" tonight or at least postpone the vote for a later date so crucial conversations can be had and to really evaluate the risk that

is imposed on the city. She said that 38% penetration is hard pressed to reach when there are the competitors that there are in this market. She said if Council believes that people are not getting great service they want to know and sit down and fix those issues.

- Jarett Waite said he can respond to some of these statements. We have really thought through this. We have worked a lot on this, and we don't take this decision lightly. He said we are not taking out the bond we are just backstopping the bond. UIA will have that debt. We just can't borrow against that money. That is a pretty important distinction. He said our goal is not to choose winners or losers and we will be increasing competition in the area. He said we have heard from countless residents that people struggle with Internet in Santa Clara. He said we are very pleased with the support we have had from Info West over the years and hope that Info West will thrive as time goes on with this system if it is approved tonight. He said the city won't own the system or maintain it. Even if there is cost overrun and all the new growth that occurs that is all on UIA's dime. That is the advantage of doing this. This is a consortium of cities that have come together and figured out a model that works and we can all band together and use those resources together to make it work so much better. He said the TDS rate does start at \$30 but what is the actual rate? He said once the teaser rate goes away, what is it? He said at their house they pay \$65 to TDS so that is on par. The ISP's that come on this network would be offering 250mb up and down for the same prices what is currently available in our area. He said he appreciates that TDS is putting in fiber in new developments. We have a few small parcels left in Santa Clara and then we are going to be at build out so the specter of us having more fiber in Santa Clara is really limited because of that. It is so expensive for an overbuild and it takes 25 years to stretch out that payment to make it work and asking any company to take on that kind of a risk isn't possible. This needs to be something that is open and available to any Internet provider to come and offer service to our residents. He said he appreciates everything that has been presented and this isn't taken lightly.

- Ben Shakespeare said we have been talking about this for months at various meetings and getting information back and asking for additional information. He said we want to do what is right in the long-term for residents of Santa Clara and for the businesses and the schools. He said he appreciates everyone's input.

- Wendell Gubler said he has a son that is a computer programmer and has lived in three different areas in Northern Utah. He had Utopia in two of the areas. He swears by Utopia. He said it is so much faster and more of our people are staying home and working out of their home. It is important for these people to have that speed and access. He said he thinks this is something we need to do. Leina Mathis said we have looked at this over and over throughout this last year and talked to a lot of individuals and have had a number of citizens who have attended our meetings and voiced their concerns with their current service and resolutions that haven't been met and the need for something different. We have really studied this and really listened to the citizens in our city.

- Denny Drake said we have had our discussions openly and our public hearings dealing with it and Work Meetings spent dealing with it. He said he thinks we have covered the costs, so the city is not at a great deal of risk and the support from UIA is something that looks really advantageous for the future.

- Leina Mathis said there is nothing that would prevent a current provider from joining that network either. They could join that network and provide the same service.

Motion to Approve a Fiber Communication Service and Acquisition Contract with UIA and approve Resolution 2021-13R as presented.

Motion by Jarett Waite, seconded by Wendell Gubler.

- Matt Ence said the Resolution number is incorrect. The number is Resolution 2021-14R.

Amended Motion to Approve a Fiber Communication Service and Acquisition Contract with UIA and approve Resolution 2021-14R as presented.

Motion by Jarett Waite, seconded by Wendell Gubler.

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

Voting Nay: None.

Motion Carried.

6. Award bid for Hassell Substation upgrade and SCADA system to Eaton Corporation for the amount of \$169,336.00. Presented by Gary Hall, Power Director.
 - Gary Hall said we have some aging infrastructure and one of them is the Hassell Substation. The communication in that substation is really old and outdated and some of the parts we can't get anymore. That is why we are doing some of the upgrades to the substation because if communications failed there are no parts to replace it. We are going to do the upgrade to this substation to be able to communicate it to our SCADA system and this total comes in under our budgeted amount of \$200,000 just for the Hassell Substation upgrade. We are not going to do a full upgrade. We wanted to do a building and enclose these controls in a building, but we will leave them out on the structures outside for now. With the purchase of the two new generators, we needed a new SCADA system because our system is old and outdated and we don't have the support from the person that installed it anymore. This proposal is for a SCADA system and the Hassell Substation upgrade.
 - Mayor Rosenberg asked who this is bid to.
 - Gary Hall said it is to Eaton Corporation. They are the ones that did our AMI system.
 - Brock Jacobsen said on the SCADA system this is not just on power, but it also benefits on water. We will be using the SCADA system with managing our water.
 - Gary Hall said we would also like to add being able to monitor our PRV valves in the future on the SCADA system.

Motion to Approve the bid for Hassell Substation upgrade and SCADA system to Eaton Corporation for the amount of \$169,336.00.

Motion by Ben Shakespeare, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

6. Reports:

A. Mayor / Council Reports

Ben Shakespeare:

- He talked about attending the Water Summit. He said he pulled all the hot water recirculation guidelines. He said he thinks that is what we need to push for. The data is there. He said his concern is if that goes across the board that hot water circulation is required regardless, it is going to have a negative effect on multi-family and there is no real value back. They have done the research on this to find the perfect distance. He said he will send that out to Council so everyone can see this study. It is already in the code.
- He said he liked the percentages on turf. He said there needs to be some language concerning irrigation. He said the sooner we get something back, the better.
- Mayor Rosenberg said we have requested the draft ordinance from the Water District. It has been developed by Washington County Attorney's Office and Matt has made some contacts there. He said he spoke to Zack Rehnstrom after the meeting last night to ask for the draft and let us start filling in some of the blanks based on Santa Clara's needs and our community. No one size fits all. It is probably work in the communities in Washington County based on the feedback he heard last night. We have a pending ordinance in place so any new development that has come in over the last 30 days and going forward has to meet this ordinance. It is important for us to get that ordinance done.
- Ben Shakespeare said commercial-wise we need to get this done as well as for parks and schools. We need to be proactive.

Leina Mathis:

- Heritage Commission met yesterday and discussed a project that will be going to Planning Commission and then will come before Council for a home on Santa Clara Drive that is having some structural crumbling issues and want to do some maintenance. In that meeting it was noted that if Council hasn't had the opportunity to view this yet, the Mercantile was filmed in an episode on the Magnolia Network. The show is called "In With the Old" on Disney Plus and they are the first episode on the network.
- We are starting a new event that will hopefully become an annual tradition. On Dec. 6 in Switzerland every year it is called the Night of Santa and that is actually when they celebrate Christmas so in Santa Clara, we are going to have a Samichlaus Event on Dec. 6. We will be doing a large tree lighting across the street from Town Hall and the Mayor will be officially lighting the tree. We will be having our Samichlaus (Santa), and his sidekick come and visit the children and there will be donuts and hot chocolate. The schools will come and sing that night also. It will be from 6:30 p.m. to 7:30 p.m. The Committee met this afternoon and we have pretty much finalized everything. She thanked Gary, Kristelle, and Brad for their help.
- Wendell Gubler said when we discussed this before it was going to be maybe a half an hour and now it is going to be an hour?
- Leina Mathis said we have allocated 6:30 to 7:30. The tree lighting is officially at 7:00.

Jarett Waite:

- He attended a CEC meeting this week. Commissioner Snow was there. There was a good discussion about the future of the community education channel primarily involved around branding. There has been a real drop in cable subscriptions which is about half of the budget for the CEC. The plan is to potentially have a contest on what to name the station and get a new logo. He talked about the benefit of promotion. He said they are trying to find a path forward.

Denny Drake:

- Nothing to report.

Wendell Gubler:

- He received from Lowry Snow a communication about mandates. The State of Utah is going to be suing the Federal Government along with 19 other states to stop the vaccine mandate.
- He attended the Washington County Solid Waste District (WCSWD) meeting on Monday. He got a packet of information about what is going on in the district and he will pass that on to the new Council member. In the meeting they discussed creating a new scale and have budgeted \$5 million to do that. They tabled the discussion on it because they didn't have enough financial details on it. There will be another discussion on Dec. 13. It is important that this is done. They also talked about a cost-of-living adjustment and decided to have a 6% cost of living adjustment for their employees.

Mayor Rosenberg:

- The Mayor Association met on Nov. 2nd, and we got updates from Dr. Blodgett and Dr. Ferguson on the COVID information. Vaccinations are now available for kids. We have fairly stable numbers right now. There are very low cases in the schools right now. The vaccine may not prevent cases, but it will prevent hospitalization. Dr. Ferguson said they are still over capacity in the ICU. They have the capacity of 32 beds and right now they have 45-50 beds being occupied daily over there. They are in their overflow at the hospital. They have been postponing surgeries, but things appear to be getting a little bit better in that way. They are still encouraging vaccinations. Superintendent Bergeson confirmed a very low number of cases of COVID in the schools. The school district was really concerned about the vaccine mandate and losing some teachers and bus drivers and other Staff.
- He had a very productive meeting with the City Staff and the Santa Clara Irrigation Company Board today. We discussed some opportunities working together in the future as we incorporate the water conservation ordinance to be able to have the potential for irrigation conversion from the private company to the city side. They are getting us some information regarding the questions we have had on the reuse line availability on water from the reservoir. We will have some additional conversation with them after the first of the year and after we get those documents and meet with the Water District. The water conservation ordinance is important. We have some large projects on the table, and it would be nice to have those requirements in place.
- Tomorrow (Nov. 11) is the Veterans Day Ceremony at the City Cemetery at 10:00 a.m.

7. Executive Session:

- Executive Session to discuss pending litigation.

Motion to Enter Executive Session for the purpose of discussing pending litigation.

Motion by Leina Mathis, seconded by Jarett Waite.

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

Voting Nay: None.

Motion Carried.

- Entered Executive Session at 6:24 p.m.
- Reconvened at 7:18 p.m.

8. Adjournment:

Motion to adjourn by Wendell Gubler.

Seconded by Ben Shakespeare with all members present voting aye.

Meeting Adjourned at 7:18 p.m.

Selena Nez – Deputy Recorder

Date Approved: _____

DRAFT

**City of Santa Clara
Check Register
Checking 1889 - 11/18/2021 to 11/18/2021**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
BROTHERS KEEPER CONSTRU	69486	111221-PARTIAL	11/12/2021	11/18/2021	122,637.50	PARTIAL BOND RELEASE HILLS AT SC PH	102585-000 - SUBDIVISION SECU
					\$122,637.50		
CHAPMAN CONSTRUCTION LC	69487	SAC210121020	09/16/2021	11/18/2021	500.00	BLDG MAIN DEPOSIT REFUND PERMIT 21-	102570-000 - BLDG SITE MAINTEN
					\$500.00		
CHILD SUPPORT SERVICES	69488	111721-873789	11/17/2021	11/18/2021	206.77	CASEY-C000873789 PAY PERIOD 11/17/202	102595-000 - GARNISMENTS PAY
					\$206.77		
COMPUTECH CONSULTING	69489	21262	11/01/2021	11/18/2021	5,125.00	Standard Management Suite Plus Remote up	104130-310 - DATA PROCESSING
					\$5,125.00		
EXPRESS LUBE	69490	50779	10/21/2021	11/18/2021	64.34	INV50779-2020 FORD F150 OIL CHANGE	104410-253 - REPAIRS & MAINTEN
EXPRESS LUBE	69490	50943	10/27/2021	11/18/2021	39.59	INV50943-2019 FORD F150 OIL CHANGE	104410-253 - REPAIRS & MAINTEN
					\$103.93		
					\$103.93		
JACKSON PEST CONTROL	69491	7208	11/15/2021	11/18/2021	85.00	Inv. #7208 - Pest Control at City Yard	104410-260 - BUILDING MAINTEN
					\$85.00		
JOY MILES	69492	111621-JM	11/16/2021	11/18/2021	79.62	COURT INTERPRETER 11/16/21 J VILLATA	104120-330 - LEGAL SERVICES
					\$79.62		
LAURA SQUIRES	69493	76-NOV 21 CC	11/18/2021	11/18/2021	400.00	Inv#76 CC MINUTES NOV 2021	104130-370 - PROFESSIONAL SE
					\$400.00		
MOUNTAIN STATES LIGHTING, L	69494	11270	11/05/2021	11/18/2021	590.00	INV 11270-LED STREETLIGHTS	535310-466 - POWER LINES/POLE
					\$590.00		
OCOTILLO LLC	69495	SAC200812156	10/22/2021	11/18/2021	500.00	BLDG MAIN DEP REFUND PERMIT 20-156	102570-000 - BLDG SITE MAINTEN
OCOTILLO LLC	69495	SAC200812157	10/21/2021	11/18/2021	500.00	BLDG MAIN DEP REFUND PERMIT 20-157	102570-000 - BLDG SITE MAINTEN
					\$1,000.00		
					\$1,000.00		
OPTICARE OF UTAH	69496	000161424-NOV	11/03/2021	11/18/2021	343.40	VISION INSURANCE	102254-000 - OPTICARE VISION P
					\$343.40		
RW PLUMBING & HEATING INC	69497	SAC210720147	10/21/2021	11/18/2021	500.00	BLD MAIN DEP REFUND PERMIT 21-147 M	102570-000 - BLDG SITE MAINTEN
					\$500.00		
SUNRISE ENGINEERING, INC.	69498	121103	10/21/2021	11/18/2021	904.75	INV121103-WATER MODELING FOR BLACK	515110-320 - ENGINEERING SERV
SUNRISE ENGINEERING, INC.	69498	121115	10/21/2021	11/18/2021	82.00	INV121115-SWISS DAYS MAP UPDATES	104610-006 - TRANSPORTATION
SUNRISE ENGINEERING, INC.	69498	121115	10/21/2021	11/18/2021	134.25	INV121115-BLACK DESERT WATER LINE	515110-320 - ENGINEERING SERV
SUNRISE ENGINEERING, INC.	69498	121116	10/21/2021	11/18/2021	169.00	INV121116-SC MPO WESTERN CORRIDOR	104410-320 - ENGINEERING SERV
					\$1,290.00		
					\$1,290.00		

City of Santa Clara
Check Register
Checking 1889 - 11/18/2021 to 11/18/2021

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>
TAYLOR BUILT HOMES	69499	SAC201216219	10/28/2021	11/18/2021	500.00	BLDG MAIN DEPOSIT REFUND PERMIT 20-	102570-000 - BLDG SITE MAINTEN
TAYLOR BUILT HOMES	69499	SAC201223223	10/27/2021	11/18/2021	500.00	BLDG MAIN DEPOSIT REFUND PERMIT 20-	102570-000 - BLDG SITE MAINTEN
					<u>\$1,000.00</u>		
					\$1,000.00		
UTAH BARRICADE CO	69500	28624	09/30/2021	11/18/2021	330.00	INV28624-VERTICAL PANEL EDGE	104410-411 - SIGNS & BARRICAD
UTAH BARRICADE CO	69500	28743	10/20/2021	11/18/2021	5,390.00	INV28743-SWISS DAYS BARRICADES, SIG	104610-016 - RENTALS
UTAH BARRICADE CO	69500	28886	10/31/2021	11/18/2021	341.00	INV28886-VERTICAL PANEL EDGE SC DR &	104410-411 - SIGNS & BARRICAD
					<u>\$6,061.00</u>		
					\$6,061.00		
UTAH RETIREMENT SYSTEMS	69501	111521-D HILL	11/15/2021	11/18/2021	3,432.47	DEVIN HILL RETIREMENT CONTRIBUTION	104235-132 - RETIREMENT
UTAH RETIREMENT SYSTEMS	69501	111521-D HILL	11/15/2021	11/18/2021	3,432.48	DEVIN HILL RETIREMENT CONTRIBUTION	104230-132 - RETIREMENT
					<u>\$6,864.95</u>		
					\$6,864.95		
WEIDNER FIRE	69502	60630	10/06/2021	11/18/2021	7,995.00	INV60630-HOLMATRO GSP 5260 EVO 3 SP	104230-740 - CAPITAL EQUIPMEN
					<u>\$7,995.00</u>		
WESTERN UNITED ELECTRIC S	69503	6047820	11/16/2021	11/18/2021	242.40	INV 6047820-SOLACE SUBDIV ELEC SUPP	535310-254 - NEW SUBDIVISION E
WESTERN UNITED ELECTRIC S	69503	6047821	11/16/2021	11/18/2021	145.44	INV 6047821-SOLACE SUBDIV ELEC SUPP	535310-254 - NEW SUBDIVISION E
WESTERN UNITED ELECTRIC S	69503	6047822	11/16/2021	11/18/2021	4,992.51	INV 6047822-SOLACE SUBDIV CONDUIT &	535310-254 - NEW SUBDIVISION E
					<u>\$5,380.35</u>		
					\$5,380.35		
					<u>\$160,162.52</u>		

**City of Santa Clara
Check Register
Checking 1889 - 12/01/2021 to 12/01/2021**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
ALPHA ENGINEERING	69504	34015	11/17/2021	12/01/2021	123.00	INV 34015-HEIGHTS WEST PLAT A REVIEW	104240-320 - ENGINEERING
					\$123.00		
BUSINESS SOLUTIONS GROUP	69505	15832	11/23/2021	12/01/2021	3,172.50	Inv# 15832-Envelopes, Return Env, Util. Bills	104130-240 - OFFICE SUPPLIES
					\$3,172.50		
CHILD SUPPORT SERVICES	69506	120121-873789	12/01/2021	12/01/2021	206.77	CASEY-C000873789 PAY PERIOD 12/01/202	102595-000 - GARNISMENTS PAY
					\$206.77		
CITY OF ST GEORGE - S	69507	NOV 2021-SEW	12/01/2021	12/01/2021	32,303.50	2809 SEWER CONNECTIONS @11.50 NOV	525210-945 - SEWER TREATMENT
					\$32,303.50		
CITY OF ST. GEORGE - MISC	69508	08592	11/15/2021	12/01/2021	1,925.99	Inv. #08592 - FY2022 QTR 2 POLICE DISPA	104230-985 - COUNTY DISPATCH
CITY OF ST. GEORGE - MISC	69508	08597	11/15/2021	12/01/2021	9,331.50	Inv # 08597 FY2022 QTR 2 SCHOOL RESOU	104220-980 - SRO - ST. GEORGE
					\$11,257.49		
					\$11,257.49		
DR. ROBERT R. FOSTER, D.O. P.	69509	DEC 2021	11/30/2021	12/01/2021	600.00	MEDICAL SERVICES DIRECTOR-EMS & FIR	104230-370 - PROFESSIONAL SE
DR. ROBERT R. FOSTER, D.O. P.	69509	DEC 2021	11/30/2021	12/01/2021	600.00	MEDICAL SERVICES DIRECTOR-EMS & FIR	104235-370 - PROFESSIONAL SE
					\$1,200.00		
					\$1,200.00		
EMI HEALTH	ACH120121	COMM49162021	12/01/2021	12/01/2021	164.00		102250-000 - HEALTH INSURANCE
					\$164.00		
ERIC GENTRY	69510	NOV 2021	11/30/2021	12/01/2021	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES
					\$1,500.00		
GARRET N BANGERTE LLC	69511	SAC210211032	11/15/2021	12/01/2021	500.00	BLDG MAIN DEP REFUND PERMIT 21-032	102570-000 - BLDG SITE MAINTEN
					\$500.00		
GLOBE LIFE LIBERTY NATIONA	69512	113021-LIFE INS	11/30/2021	12/01/2021	572.05	LIFE INSURANCE	102252-000 - ULGT LIFE PAYABLE
					\$572.05		
HURST'S TOTAL PEST CONTRO	69513	92070	10/12/2021	12/01/2021	55.00	INV#92070-PEST CONTROL RACHEL FIRE	104230-260 - BUILDING MAINTEN
HURST'S TOTAL PEST CONTRO	69513	92071	10/12/2021	12/01/2021	45.00	INV#92071-PEST CONTROL CIR DR STATIO	104230-260 - BUILDING MAINTEN
					\$100.00		
					\$100.00		
JOSE E MEDINA-GOMEZ	69514	112321-BAIL RE	11/23/2021	12/01/2021	226.00	BAIL REFUND CASE 201200103	102560-000 - BAIL & RESTITUTION
					\$226.00		
KATERING KONCEPTS, INC.	69515	1759671	11/23/2021	12/01/2021	2,931.00	2021 Staff Christmas Dinner-Dec 2, 2021	104130-999 - CONTINGENCY
					\$2,931.00		
MARY JO HAFEN	69516	336490	11/30/2021	12/01/2021	75.00	BANQUET ROOM Coordinator NOV 2021	104510-487 - BANQUET ROOM - T
					\$75.00		

**City of Santa Clara
Check Register
Checking 1889 - 12/01/2021 to 12/01/2021**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
MIRO & COMPANY	69517	SAC191113167	11/15/2021	12/01/2021	500.00	BLDG MAIN DEP REF PERMIT 19-167	102570-000 - BLDG SITE MAINTEN
					\$500.00		
MOUNTAIN LOAN CENTERS, IN	69518	111921	11/22/2021	12/01/2021	238.67	C STRATTON CASE # 139404996	102595-000 - GARNISMENTS PAY
					\$238.67		
OCOTILLO LLC	69519	SAC200812158	11/16/2021	12/01/2021	500.00	BLDG MAIN DEP REFUND PERMIT 20-158	102570-000 - BLDG SITE MAINTEN
OCOTILLO LLC	69519	SAC200812159	11/16/2021	12/01/2021	500.00	BLDG MAIN DEP REFUND PERMIT 20-159	102570-000 - BLDG SITE MAINTEN
					\$1,000.00		
					\$1,000.00		
PROTECT YOUTH SPORTS	69520	916785	11/30/2021	12/01/2021	21.95	INV#916785 BACKGROUND CHECK D RIDE	535310-370 - PROFESSIONAL SE
					\$21.95		
TWIN D INC.	69521	21423	11/18/2021	12/01/2021	29,989.22	INV 21423-CAMERA CITY SEWER SYSTEM	525210-370 - PROFESSIONAL SE
					\$29,989.22		
UPPER CASE PRINTING INK.	69522	17723	11/23/2021	12/01/2021	188.17	INV#17723-BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SE
					\$188.17		
UTAH LOCAL GOVERNMENTS T	69523	1594838	11/12/2021	12/01/2021	362.88	AUTO ENDORSEMENT POLICY FORD F150	104410-510 - INSURANCE & SURE
UTAH LOCAL GOVERNMENTS T	69523	1594839	11/12/2021	12/01/2021	1,438.84	ADD AND LIFE INS PREMIUMS	102252-000 - ULGT LIFE PAYABLE
UTAH LOCAL GOVERNMENTS T	69523	1594840	11/12/2021	12/01/2021	-22.92	CONTRACTOR EQUIPMENT ENDORSEME	104230-370 - PROFESSIONAL SE
UTAH LOCAL GOVERNMENTS T	69523	1594841	11/12/2021	12/01/2021	3,905.52	WORKERS COMP MONTHLY FEE	102225-000 - WORKERS' COMPEN
					\$5,684.32		
					\$5,684.32		
UTAH RETIREMENT SYSTEMS	69524	120121-RUNOL	12/01/2021	12/01/2021	14.24	URS SHORTAGE ADJUSTMENT-G. RUNOLF	104230-132 - RETIREMENT
UTAH RETIREMENT SYSTEMS	69524	120121-RUNOL	12/01/2021	12/01/2021	14.24	URS SHORTAGE ADJUSTMENT-G. RUNOLF	104235-132 - RETIREMENT
					\$28.48		
					\$28.48		
					\$91,982.12		

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021

Agenda Item: B4

Applicant: Ryan Miller

Requested by: Parks and Recreation Staff

Subject: Request Hearing for Application for a Single Event Beer

Permit

Description:

Ryan Miller with Anvil Brewing is requesting a approval for an Application For A Single Event Beer Permit for the Epic True Grit Bike Races held on March 11, 12, and 13. The home of the Race is Santa Clara City Hall and Swiss Park located at 2603 and 2600 Santa Clara Santa Clara Drive respectively. The Permit address is 2620 Santa Clara Drive owned by Steve Hafen located on the west corner next to Swiss Park. The Permit was reviewed and recommended for approval by the Technical Review Committee on December 2, 2021 pending written permission by the property owner Steve Hafen. The Vendor has been approved for the Single Event Permit for the past several years without any known incidents or complaints.

Recommendation: Approval

Attachments:

Cost: 0

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

SANTA CLARA CITY
2603 Santa Clara Drive
Santa Clara, UT 84765

APPLICATION FOR A SINGLE EVENT BEER PERMIT



Date: 11/30/21

Applicant Name: Ryan Miller

Business Name: Anvil Brewing Company/DBA SaltFire

Date of Birth: 10/19/1972

SSN: _____

Residence Address: 2639 S Imperial St. Salt Lake City, UT 84106
Street# City State Zip

Applicant Phone#: 8016611947 Business Ph. #: _____ Email: sugarhousebrewing@gmail.com

Name of Special Event: True Grit Epic

Location of Event: 2620 Santa Clara Dr, Santa Clara City, UT
Street City State Zip

REQUIREMENTS:

☐ \$50 Non-Refundable Application Fee

☐ \$50 Single Event Permit Fee

☐ Copy of Applicant's Current City Business License

☐ Copy of Applicant Driver's License

☐ Character references from three (3) individuals who personally know the applicant (or if business entity, the agent for applicant), and whom the City may contact for an opinion on the moral character of the applicant and applicant's fitness to obtain a permit; and if the applicant has previously held a license in the state of Utah, the references shall have personal knowledge of the applicant's conduct in relation to said prior licensing or permitting.

☐ Evidence of distance to the nearest school, church, public library, public playground or park

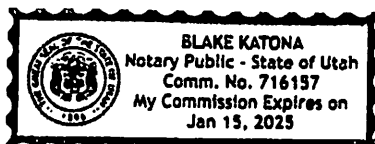
☐ Signed consent stating that permittee will permit any authorized representative of the city or any law enforcement officer the unrestricted right to enter event site.

☐ Applicant must be over 21 years of age

☐ List any convictions for crimes which could disqualify applicant

I certify under penalty of law that I have received a copy of the Beer Ordinance and complied with all requirements and possess all qualifications for issuance of a Single Event Permit and that all information contained in the application is true.


Signature of applicant



Sworn before me this 1 day of December 2021

Notary Public
Sauvrey B. 2025
My Commission Expires
Residing at: MAC Sugarhouse

Public Safety Approval: _____

Approval by City Council: _____

App for Single Event Beer Permit

Santa Clara City
2603 Santa Clara Drive
Santa Clara, UT 84765
(435) 673-6712



XBP Confirmation Number: 110855397

Transaction detail for payment to Santa Clara City.			Date: 12/02/2021 - 9:39:35 AM MT
Transaction Number: 161785250PT VisaXXXX-XXXX-XXXX-6792 Status: Successful			
Account #	Item	Quantity	Item Amount
	Sundry Revenue	1	\$50.00
Notes: SINGLE EVENT PERMIT APP			
	Sundry Revenue	1	\$50.00
Notes: SINGLE EVENT BEER PERMIT FEE			

TOTAL: \$100.00

Billing Information
GRO PROMOTION CIMARRON
CHACON
ST GEORGE, UT 84770

Transaction taken by: Admin ditzie

**RESOLUTION 2021-15R
APPOINTING UAMPS MEMBER REPRESENTATIVE**

BE IT RESOLVED by the City Council of the City of Santa Clara, Utah:

1. That Gary Hall is hereby appointed as its Representative to Utah Associated Municipal Power Systems ("UAMPS") effective January 1, 2022, together with such alternate or alternates as the Mayor shall appoint.
2. That the Mayor hereby appoints Brock Jacobsen as its alternate.
3. That this resolution shall remain in effect until repealed by another resolution appointing a different Representative to UAMPS.

APPROVED AND ADOPTED this 8th day of December, 2021.

Mayor

ATTEST:

City Recorder

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021 Agenda Item: 2

Applicant: Mayor Rosenberg

Requested by: Mayor Rosenberg

Subject: Appointment of Jarett Waite as a Representative to the Southwest Mosquito Abatement District Board of Directors for another 4 year term.

Description:

Jarett has served on the Southwest Mosquito Abatement District Board of Directors for the past 4 years and his term is coming to an end. They would like him to continue his role on the board but need a Resolution appointing him for another 4 yr. term. Jarett said he is willing to continue serving on that board. Consider approving Resolution 2021-16R appointing Jarett for another 4 year term.

Recommendation: Approval

Attachments:

Cost: 0.

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

**CITY OF SANTA CLARA
RESOLUTION NO. 2021-16R**

A RESOLUTION OF THE CITY OF SANTA CLARA, UTAH APPOINTING A REPRESENTATIVE TO THE SOUTHWEST MOSQUITO ABATEMENT DISTRICT BOARD OF DIRECTORS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of Santa Clara City, Utah, wishes to designate Jarett Waite to serve on the Southwest Mosquito Abatement District Board of Directors; and

WHEREAS, all legal requirements pertaining to the designation of said representative have been met; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Santa Clara, Utah that Jarett Waite, a resident of Santa Clara, Utah, shall be and is hereby designated to serve as the Santa Clara representative on the Southwest Mosquito Abatement District Board of Directors.

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 8th day of December 2021.

IN WITNESS THERETO:

Rick Rosenberg, Mayor

ATTEST:

Chris Shelley, City Recorder

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021

Agenda Item: 3

Applicant: Santa Clara City

Requested by: Mayor Rosenberg

Subject: Appointment to serve on the board of the Washington County Special Service District No.

1 (Solid Waste District)

Description:

Councilman Gubler has served on the board of the solid waste district and with his term coming to an end on Dec. 31, 2021 we need to appoint a new member to the board. Councilman Drake has volunteered to take the assignment and sit on the board of the solid waste district administrative control board.

Recommendation: Approval

Cost: 0.00

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Attachments:

<https://sccity.org/wp-content/uploads/formidable/41/Resolution-Designating-Representative-on-ACB-of-WCCSD-No.-1-template.docx>

Memo

To: Each City/Town in Washington County
Date: November 18, 2021
From: Solid Waste District
Re: Appointment of Representative on District Board

Each year the Solid Waste District goes through the process of having each city/town within the district pass a Resolution designating a representative (or representatives) to serve on the district's Administrative Control Board. That process is as follows:

1. At a city/town council meeting in January of each year, each city/town should place on the agenda of a city/town council meeting the following item: *Consideration and possible approval of a Resolution appointing a representative on the Solid Waste District Administrative Control Board.*

2. At the meeting, the city/town council should approve the Resolution, a template of which is attached to this memo, appointing the person(s) to serve as representative for the city/town.

3. Provide a signed copy of the Resolution to the District by the end of January.

4. At the second meeting in February, the Washington County Commission will review the Resolutions, and, as governing body of the district, give final approval for those appointments.

In connection with this process, the district realizes that as a result of recent municipal elections throughout the County, several of our long-term board members will be leaving municipal office at the end of the year. A few of those board members have expressed an interest in remaining on our board, and they have inquired about the possibility of doing so and what that process would entail. From the district's perspective, it may be beneficial for the district to have persons on the board who have an understanding of where we've been as a district and where we want to go from here, rather than having to go through that process with new, inexperienced board members.

With that in mind, a city/town can appoint as its representative: (1) a member of the city/town council, or (2) a person who is *not* on the city/town council.

If a city/town wants to appoint a member of the city/town council to the district board, no special notice or hearing need be held and the appointment can be made by simply approving the Resolution at the city/town council meeting as outlined above.

If, however, a city/town desires to appoint someone who is *not* a city/town council member, the process for doing so is a bit more cumbersome and time consuming, as outlined in §17B-1-304 (2) and (3) of the Utah Code, set forth below:

2. (a) *In any calendar year when appointment of a new local district board member is required, the appointing authority shall prepare a notice of vacancy that contains:*

- (i) the positions that are vacant that shall be filled by appointment;*
- (ii) the qualifications required to be appointed to those positions;*
- (iii) the procedures for appointment that the governing body will follow in making those appointments; and*
- (iv) the person to be contacted and any deadlines that a person shall meet who wishes to be considered for appointment to those positions.*

(b) The appointing authority shall:

(i) post the notice of vacancy in four public places within the local district at least one month before the deadline for accepting nominees for appointment;

(ii) publish the notice of vacancy: in a daily newspaper of general circulation within the local district for five consecutive days before the deadline for accepting nominees for appointment; or in a local weekly newspaper circulated within the local district in the week before the deadline for accepting nominees for appointment; and publish the notice of vacancy in accordance with Section [45-1-101](#) for five days before the deadline for accepting nominees for appointment.

(c) The appointing authority may bill the local district for the cost of preparing, printing, and publishing the notice. Not sooner than two months after the appointing authority is notified of the vacancy, the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.

3. (a) *Not sooner than two months after the appointing authority is notified of the vacancy, the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.*

(b) The appointing authority shall: comply with [Title 52, Chapter 4, Open and Public Meetings Act](#), in making the appointment; allow any interested persons to be heard; and adopt a resolution appointing a person to the local district board.

(c) If no candidate for appointment to fill the vacancy receives a majority vote of the appointing authority, the appointing authority shall select the appointee from the two top candidates by lot.

So, again, if your city/town wants to appoint a member of the city/town council to serve on the district board, it can do so by simply approving a Resolution which has been placed on the agenda of a city/town council meeting.

But if your city/town wants to consider appointing or reappointing a council member who is now serving on the board but who will be going off the council at the end of the year, you will need to go through the process outlined in paragraphs 2 and 3 above.

If you have any questions, please don't hesitate to call the District Manager, Kevin Kunz, at any time. His cell number is 435-523-3337.

Thanks for all your help and support.

Resolution No. 2021-17R

A RESOLUTION OF THE SANTA CLARA CITY COUNCIL OF SANTA CLARA, UTAH, APPROVING THE DESIGNATION AND APPOINTMENT OF A REPRESENTATIVE TO SERVE ON THE ADMINISTRATIVE CONTROL BOARD OF WASHINGTON COUNTY SPECIAL SERVICE DISTRICT NO. 1 FOR THE CALENDAR YEAR 2022 AND FOR SUCH TIME THEREAFTER UNTIL A SUCCESSOR HAS BEEN DESIGNATED AND APPOINTED.

WHEREAS Washington County Special Service District No. 1 was created by the Washington County Commission for the purpose of providing solid waste collection and disposal services for residents throughout Washington County, and

WHEREAS said District is governed by an administrative control board made up of representatives designated by the cities/towns in Washington County, who are thereafter approved and formally appointed by the Washington County Commission; and

WHEREAS the City of Santa Clara desires to designate Denny Drake to serve on said administrative control board as one of the representatives for the City of Santa Clara during the calendar year 2022 and for such time thereafter until a successor has been appointed; and

WHEREAS all legal requirements pertaining to the designation of said representatives have been met; and

WHEREAS said Santa Clara City Council deems it necessary and desirable for the preservation of the public health, safety, and welfare,

BE IT HEREBY RESOLVED by the City Council of Santa Clara, Utah that Denny Drake, a member of the Santa Clara City Council, shall be, and is hereby, designated to serve as the representative for Santa Clara City on the Administrative Control Board of Washington County Special Service District No. 1 for the calendar year 2022 and for such time thereafter until a successor has been designated and appointed.

DATED this 8th day of December 2021.

Mayor

Attest:

[SEAL]

Recorder

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021 Agenda Item: 5

Applicant: City of Santa Clara

Requested by: Jim McNulty

Subject: Consideration of Ordinance

#2021-17.

Description:

City staff would like to extend Ordinance #2021-11 with the adoption of Ordinance #2021-17. Ordinance #2021-11 put temporary land use regulations in place to require water efficient landscaping in all new development. The ordinance is effective for 120-days. The time period expires on January 9, 2021. The proposed Ordinance #2021-17 allows for an additional extension of 60-days. The time requested is necessary as the Washington County Conservancy District recently shared a copy of their draft model ordinance with communities in our region. The model ordinance proposes to put regulations in place for outdoor landscaping as well as water conservation for individual homes and commercial buildings. Staff is working on a draft ordinance for Santa Clara which will likely include many items from the draft model ordinance. However, each community (Santa Clara City included) will likely adopt an ordinance that meets the needs of the community.

Recommendation: Approval

Attachments:

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021 Agenda Item: 6

Applicant: DISH Wireless

Requested by: Jim McNulty

Subject: Approval of Agreement with DISH

Wireless.

Description:

City staff and legal counsel have been working with American Tower Company, and Dish Wireless for the past few months to put a new lease agreement in place. The Agreement allows for a co-location on an existing tower at Canyon View Park. Agreement terms include an increase in monthly rent for this application. City legal counsel will be prepared to discuss this item in more detail with the Council on December 8th.

Recommendation: Approval

Cost: N/A

Legal Approval: Yes

Finance Approval: No

Budget Approval: No

Attachments:

https://sccity.org/wp-content/uploads/formidable/41/New-Lease-Agreement_Nov_2021.docx

SECOND AMENDMENT TO COMMUNICATIONS SITE-GROUND LEASE AGREEMENT

THIS SECOND AMENDMENT TO COMMUNICATIONS SITE-GROUND LEASE AGREEMENT ("**Second Amendment**") is entered into and made effective as of the later signature date hereof ("**Effective Date**"), by and between the **City of Santa Clara**, a municipal corporation (hereinafter referred to as "**Lessor**") and **InSite Towers, LLC**, a Delaware limited liability company (hereinafter referred to as "**Lessee**") (Lessor and Lessee being collectively referred to herein as the "**Parties**").

W I T N E S S E T H:

- A. The Lessor is the owner of that certain parcel of land located at 1294 Canyon View Drive, Santa Clara, County of Washington, State of Utah (the "**Parent Parcel**"); and
- B. The Lessor and the Lessee, or its predecessor-in-interest, entered into that certain Communications Site-Ground Lease Agreement dated July 22, 1998, a memorandum of which was recorded on July 27, 1998, in the Washington County Recorder's Office, State of Utah as Document No. 00611500, Book 1238, Page 0792 (the "**Ground Lease**"); as supplemented by that certain Addendum to Communication Site-Ground Lease Agreement dated September 26, 2001 (the "**Addendum**", collectively with the Ground Lease, the "**Original Lease**"); as amended by that certain Amendment to Ground Lease Agreement and Memorandum dated March 27, 2014 and recorded on April 14, 2014, in the Washington County Recorder's Office, State of Utah as Document No. 20140010932 (the "**First Amendment**", collectively with the Original Lease, the "**Lease**"), whereby the Lessor leases a portion of the Parent Parcel, together with easements for ingress and egress and the installation and maintenance of utilities, all as set forth in the Lease, (hereinafter collectively the "**Leased Premises**"); and
- C. Pursuant to Paragraph 5(b) of the Ground Lease, as incorporated by Paragraph 2 of the Addendum, Lessee is permitted to sublease all or any part of the Lease Premises to new customers provided that Lessor shall be entitled to negotiate additional rent for each new customer; and
- D. Lessee desires to sublease, license, or otherwise permit the use of a portion of the Leased Premises, (the "**Sublease**") to DISH WIRELESS, L.L.C, and/or its successors, assigns, parents, affiliates, and subsidiaries, ("**DISH**") as set forth in this Second Amendment; and
- E. Lessee desires to memorialize the negotiation of the required additional rent for the Sublease to DISH; and
- F. The Parties desire to amend the terms of the Lease as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. **Additional Rent for DISH Sublease.** The Parties hereby acknowledge that this Additional Rent for DISH Sublease (hereinafter defined) is the additional rent to be negotiated between the Parties pursuant to Paragraph 5(b) of the Ground Lease, as incorporated by Paragraph 2 of the

Addendum. As consideration therefore, Lessee agrees to pay to Lessor, Three Hundred Fifty and 00/100 U.S. Dollars (\$350.00) per month, (the “**Additional Rent for DISH Sublease**”). The Parties hereby acknowledge and agree that all applicable increases and escalations to the rent authorized pursuant to the Lease shall continue in full force and effect. Payment of the Additional Rent for DISH Sublease will commence within thirty (30) days following the date a written ‘Notice to Proceed’ is issued by Lessee to DISH to install its equipment within the Leased Premises. If at any time DISH shall cease its use of the Leased Premises, the Additional Rent for DISH Sublease shall cease to be due and owing.

2. **Non-Compete.** During the original term, any Existing Renewal Terms, and/or any New Renewal Terms of this Lease, Lessor shall not sell, transfer, grant, convey, lease, and/or license by deed, easement, lease, license or other legal instrument, an interest in and to, or the right to use or occupy any portion of the Parent Parcel or Lessor’s contiguous, adjacent, adjoining or surrounding property to any person or entity directly or indirectly engaged in the business of owning, acquiring, operating, managing, investing in or leasing wireless telecommunications infrastructure (any such person or entity, a “**Third Party Competitor**”) without the prior written consent of Lessee, which may be withheld, conditioned, and/or delayed in Lessee’s sole, reasonable discretion.
3. **Limited Right of First Refusal.** Notwithstanding anything to the contrary contained herein, this paragraph shall not apply to any fee simple sale of the Parent Parcel from Lessor to any prospective purchaser that is not a Third-Party Competitor. If Lessor receives an offer or desires to offer to: (i) sell or convey any interest (including, but not limited to, leaseholds or easements) in any real property of which the Leased Premises is a part to a Third-Party Competitor or (ii) assign all or any portion of Lessor’s interest in the Lease, as modified by this Amendment, to a Third Party Competitor (any such offer, the “**Offer**”), Lessee shall have the right of first refusal to purchase the real property or other interest being offered by Lessor in connection with the Offer on the same terms and conditions. If Lessee elects, in its sole and absolute discretion, to exercise its right of first refusal as provided herein, Lessee must provide Lessor with notice of its election not later than forty-five (45) days after Lessee receives written notice from Lessor of the Offer. If Lessee elects not to exercise Lessee’s right of first refusal with respect to an Offer as provided herein, Lessor may complete the transaction contemplated in the Offer with the Third-Party Competitor on the stated terms and price but with the express condition that such sale is made subject to the terms of the Lease, as modified by this Second Amendment. Lessor hereby acknowledges and agrees that any sale or conveyance by Lessor in violation of this Paragraph is and shall be deemed to be null and void and of no force and effect. The terms, provisions, and conditions of this Paragraph shall survive the execution and delivery of this Second Amendment.
4. **Approvals.** Without limiting any of Lessee’s rights under the Lease, Lessor agrees to cooperate with Lessee, at no out-of-pocket expense to Lessor, in Lessee’s efforts to obtain, maintain, renew and reinstate any and all of the certificates, permits, licenses, zoning, variances and other approvals which may be required from any federal, state or local authority as well as any necessary easements for Lessee’s or DISH’s occupation or use of the Leased Premises (collectively, the “**Approvals**”). Lessor agrees to execute within fifteen (15) calendar days after receipt of a written request from Lessee any and all documents necessary, in Lessee’s reasonable judgment,

and in a form reasonably acceptable to Lessee to allow Lessee and/or DISH to obtain, maintain, renew or reinstate the Approvals.

5. **Future Dealings.** The acceptance of any of the terms of this Second Amendment shall not be construed as creating a “course of performance” or “course of dealing” as those terms are commonly used at law.
6. **Notices.** All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein.

If to Lessor:
City of Santa Clara
2721 Santa Clara Drive
Santa Clara, UT 84765

If to Lessee:
American Tower c/o InSite Towers, LLC
Attn: Land Management
10 Presidential Way
Woburn, MA 01801

and also with copy to:
American Tower c/o InSite Towers, LLC
Attn: Legal Dept.
116 Huntington Avenue
Boston, MA 02116

Either of the Parties, by thirty (30) days prior written notice to the other in the manner provided for herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.

7. **Electronic Signatures.** The Parties agree that a scanned or electronically reproduced copy or image of this Second Amendment bearing the signatures of the Parties hereto shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence of this Second Amendment notwithstanding the failure or inability to produce or tender an original, executed counterpart of this Second Amendment and without the requirement that the unavailability of such original, executed counterpart of this Second Amendment first be proven.
8. **Ratification/Estoppe.** Lessor represents and warrants that, as of the Effective Date, Lessee is not in default in the payment or performance of its obligations under the Lease and, to the best of Lessor’s current knowledge, there is no existing condition that, although not presently a default,

may result in a default under the Lease. Except as modified herein, the Lease and all the covenants, agreements, terms, provisions and conditions thereof remain in full force and effect and are hereby ratified and affirmed. If any inconsistency exists or arises between the terms of the Lease and the terms of Second Amendment, the terms of this Second Amendment shall prevail.

9. **Entirety; Amendment; Counterparts.** This Second Amendment, together with the Lease, constitutes the entire agreement among the undersigned parties hereto. Any modification to this Second Amendment must be in writing and signed and delivered by authorized representatives of the affected parties in order to be effective. This Second Amendment will be governed by the laws of the state in which the Leased Premises are situated without regard to the State's conflict of laws provisions. This Second Amendment may be executed in any number of counterparts, each of which shall be an original, which may be delivered via facsimile, but all of which taken together shall constitute one instrument.

[SIGNATURES APPEAR ON THE NEXT PAGE]

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, The Parties have each executed this Second Amendment as of the Effective Date written above

LESSOR:

City of Santa Clara,
a municipal corporation

Signature: _____

Print Name: _____

Title: _____

Date: _____

[SIGNATURES CONTINUE ON THE NEXT PAGE]

LESSEE:

InSite Towers, LLC,

a Delaware limited liability company

Signature: _____

Print Name: **Richard P. Palermo**

Title: _____

Date: _____

[END OF SIGNATURES]

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021

Agenda Item: 7

Applicant: Matt Ence

Requested by: Matt Ence

Subject: Abandon sewer easement Deseret Village

Townhomes.

Description:

Consider approval to abandon sewer easement behind Desert Village townhomes along Tuacahn wash. When Desert Village subdivision was constructed a new sewer line was upsized and installed in city streets. The abandoned existing sewer line was removed. The old existing easement is no longer needed or serves any purpose to the city.

Recommendation: Approval

Attachments:

Cost: 0

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

WHEN RECORDED, RETURN TO:
CW Desert Village Limited Partnership, LP
Attn: Legal Department
1222 W. Legacy Crossing Blvd., Ste. 6
Centerville, UT 84014

Affecting Parcel No. SC-6-2-9-4402

TERMINATION OF EASEMENT BY RELEASE

THIS TERMINATION OF EASEMENT BY RELEASE ("**Release**") is made and entered into as of the 8th day of December 2021, by and between Santa Clara City, a municipality and political subdivision of the State of Utah ("**Releasor**") and CW Desert Village Limited Partnership, LP, a Delaware limited partnership ("**Releasee**").

WHEREAS, on or around January 9, 1996, Releasee's predecessor-in-interest granted to Releasor's predecessor-in-interest that certain *Sewer Line Easement* which was recorded in the office of the Washington County Recorder on January 9, 1996, as Entry No. 00520153 in Book 0964 on Page 0855 (the "**Easement**") across certain real property in Washington County, State of Utah, more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference.

NOW, THEREFORE, for and inconsideration of Ten and No/100 Dollar (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Releasor does, by this instrument, release to Releasee the Easement, it being the express intention of the parties to terminate the Easement.

[Signature and Acknowledgement Page Follows]

IN WITNESS WHEREOF, Releasor has executed this Release as of the 8th day of December 2021.

RELEASOR

SANTA CLARA CITY,
a municipality and political subdivision of the State of Utah

By: _____
Mayor, Rick Rosenberg

APPROVED AS TO FORM

ATTEST

By: _____
City Attorney, Matthew J. Ence

By: _____
City Recorder, Chris Shelley

STATE OF UTAH)
 §
COUNTY OF WASHINGTON)

On this 8th day of December 2021, personally appeared before me Mayor Rick Rosenberg, the authorized signer of Santa Clara City, whose identity is personally known to me, to be the person who executed the Termination of Easement by Release on behalf of Santa Clara City, and who duly acknowledged to me that he executed the same for the purposes therein stated.

Witness my hand and official seal.

(Notary Public)

(Seal)

EXHIBIT A
(Legal Description of Easement)



Exhibit "A"

A portion of an existing 20 foot sewer easement as recorded as entry No. 00520153, more particularly described as follows:

Beginning at a point on the southerly line of an existing public utility and drainage easement as recorded with the Washington County Recorder's Office as Entry No. 20130045680, said point being South 00°37'37" West 689.26 feet along the section line and East 278.18 feet from the Northwest Corner of Section 9, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence South 89°11'14" East 20.97 feet along said southerly line of Entry No. 20130045680;
thence South 16°41'13" East 332.01 feet;
thence South 32°11'49" East 405.47 feet;
thence South 89°10'47" East 415.65 feet;
thence South 59°44'23" East 40.78 feet;
thence North 89°10'30" West 462.01 feet;
thence North 32°11'49" West 419.05 feet;
thence North 16°41'13" West 341.04 feet to the Point of Beginning.



September 25, 2020

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: December 8, 2021

Agenda Item: 8

Applicant: Gary Hall

Requested by: GARY HALL

Subject: Approve the purchase of the upgraded control panels for the 2 old generators.

Description:

This is for the control panel upgrade for the 2 older generators so they will communicate seamlessly with the two new generators and the SCADA system. It also include the wiring for the temperature sensors for all four generators.

Recommendation: Approval

Cost: \$235,500.57

Legal Approval: N/A

Finance Approval: Yes

Budget Approval: Yes

Attachments:

<https://sccity.org/wp-content/uploads/formidable/41/Quote-Controls-Upgrade-2021-10-28-SPM.pdf>

Santa Clara Generation Facility
3979 Santa Clara Drive
Santa Clara, UT 84765
Attention: Gary Hall
Phone: (435) 619-3920

Proposal Date: 2021-10-28
Salesman: Shane Minor
Phone: (801) 978-1533
Cell: (801) 201-0929
sminor@wheelercat.com
Quotation Valid for 30 Days

Proposal to Upgrade Existing Switchgear Controls on Generators 1 and 2

Total Price for Project..... \$235,500.57

Bill of Materials and Scope:

- Three (3) new switchgear doors for the existing:
 - Main Breaker Section
 - Generator 1 section
 - Generator 2 section
- These new doors will have factory laser cut openings for the new EMCP4.4 control panels (Electronic Modular Control Panel version 4.4), along with cutouts for test switches, switches, breakers, lights, etc.



- These new doors will also have cutouts for the new protective relays which provide the primary source of protection for the respective circuit/system. These will be SEL (Schweitzer Engineering Laboratories):
 - SEL 700G for generator protection
 - SEL 751 for main breaker protection
 - Santa Clara City Power was already looking to upgrade these protective relays to continue standardizing to SEL across all their power plant and substation relaying. SEL protective relaying has become the go-to standard almost exclusively across the industry. We are proposing the upgrading of the SEL relays be part of this scope.
- A factory engineered back pan with installed terminal strips, relays, contactors, switches, labeled and ready for interconnect into the existing gear.
- An SEL Time Server will be provided. The device syncs all the internal clocks for the time stamping of events that occur within the protective relaying. This makes troubleshooting much more accurate and useful when events that have been triggered can correlate to the other devices within the protection network.
- Wire, Labels, Terminal Strips
- A digital I/O Module (Input/Output Module) will be mounted at or near the plant MCC (Motor Control Center). The MCP (Master Control Panel) provided as part of the sale of the new gensets (generator sets), and switchgear will be controlling

- the swamp coolers, exhaust ventilators and CCV (crankcase ventilators) on the new generators. This same strategy will be employed as part of this proposal for the existing gensets, switchgear and system. The MCP will communicate over comms (communications) and trigger the correct input at the I/O module mounted at the MCC to drive the swap cooler, exhaust fan and CCV starters as they need to come on.
- Caterpillar factory engineered interconnect drawings and as-built drawings.

Analysis of Proposal and Existing Equipment:

- New Switchgear and Switchgear Controls coming in with new generators will be new, current production, state of the art controls.
- We can utilize the existing controls on generators 1 and 2 with the new controls for generator 3 and 4 with some work arounds:
 - In island mode we will need to prepare a special sequence and implement some procedures to make the two systems work together satisfactorily.
 - Initiating a starting sequence on the generators will require 2 different methodologies for integration into the SCADA system which will dispatch the units for running.
 - We will not be able to pull in the generator end winding and bearing RTDs (Resistive Temperature Devices) on the existing generators without either new control panels or new protective relays. If updating the protective relay only, this will be a large wiring workover to get all the RTD wiring to the protective relay.
 - Existing generator control panels that are mounted in the existing switchgear are aging and parts are getting difficult to procure for replacement.

Benefits of Existing Switchgear Controls Upgrade

- All systems talk on same network
- Do away with Woodward Systems that perform synchronizing, paralleling, base load setpoint, speed control and load sharing.
 - This would all now be done by the Master control panel working in tandem with the generator 4 controllers over the Multiple Generator Set Data Link (MGDL)
- The generator end winding and bearing temperatures are pulled in and monitored by the generator controller, helping to avoid a major generator end failure.
 - The current generator end failure would likely have been caught with generator end temperature monitoring.



○



- When the existing generators were installed, at that time it was not common to utilize these sensors.
- The Master Control Panel provides a single point of interconnect for Supervisory Control and Data Acquisition (SCADA) for all generators.
- The Master Control Panel provides visibility and control to the operator for all generators in one location and is easily programmed and expandable for future generators.
- This is current production cutting edge technology. Parts are available at Wheeler and multiple parts depots around the country. Typically, parts can be obtained within a 24-hour delivery period if a repair is required.
- Access to more information coming from the generator sets. These new systems make available much more power and engine data than what the existing controls can offer. This helps operators understand challenges quicker and put more information in their hands.
- The plant becomes seamless in its technology. All systems are like each other without having to make provisions for the older technology as well as considerations for the new technology. Operation becomes more intuitive to the operator because they are dealing with one common system.
- 1 operation for black starting can be implemented.
- Technical support for the newer systems is more readily available through the dealer as well as Caterpillar.

Shane Minor | Govt. Util, Int. Sales | Wheeler Machinery Co.
4901 West 2100 South, Salt Lake, UT 84120
Office: 801.978.1533 | Mobile: 801.201.0929
sminor@wheelercat.com | www.wheelercat.com

