NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, January 11, 2023
Time: 5:00 p.m.
AGENDA

Public Notice is hereby given that the Santa Clara City Council will hold a Regular Meeting in the City Council Chambers, located at 2603 Santa Clara Drive, Santa Clara, Utah on Wednesday January 11, 2023, commencing at 5:00 PM. The meeting will be broadcast via You Tube linked on our website at https://sccity.org/meetings.

1. **Call to Order**

2. **Opening Ceremony:**
   - Pledge of Allegiance: Leina Mathis
   - Opening Comments: Rabbi Helene Ainbinder, Beit Chaverim Jewish Community, St. George Interfaith Council.

3. **Conflicts and Disclosures**

4. **Working Agenda:**

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

B. Consent Agenda

1. Approval of Claims and Minutes:
   - Nov. 30, 2022 CCSPC Meeting Minutes
   - Dec. 14, 2022 Regular City Council Meeting Minutes
   - Jan. 4, 2023 City Council Work Meeting Minutes
   - Claims through Jan. 11, 2023

2. Calendar of Events:
   - Jan. 25, 2023 Regular City Council Meeting
   - Jan. 26, 2023 Combined City Council Meeting with Ivins City Council (in Ivins)
   - Feb. 1, 2023 City Council Work Meeting
   - Feb. 8, 2023 Regular City Council Meeting
   - Feb. 16, 2023 Budget Retreat
   - Feb. 22, 2022 Regular City Council Meeting

3. Consider approving the 2023-2024 Budget Calendar

C. General Business:

1. Discussion and action approving the Water Rights Verification and Willow Stick Well Study. Presented by Dustin Mouritsen, Public Works Director.

2. Discussion and action to consider approving the Water Line Extension on Vineyard Drive. Presented by Dustin Mouritsen, Public Works Director.

3. Discussion and action considering a proposed General Plan Amendment for property located at approximately 2900 Pioneer Parkway (Parcel # SC-SB-103-B-N-1, 7.94 acres). Presented by Jim McNulty, City Planner.

4. Discussion and action considering a proposed Partial Amendment for the Hills at Santa Clara Subdivision, Phase 3 (Lots 303, 304, and 305) located at 3930 Hillside Way. Brett Boyce, Applicant. Presented by Jim McNulty, City Planner.

5. Discussion and action to consider an amendment to the Kohler Settlement. Presented by Matt Ence, City Attorney.

6. Discussion and action regarding the Regional Water Supply Agreement. Presented by Mayor Rosenberg/Dustin Mouritsen, Public Works Director.

7. Discussion and action regarding contracting with Dowdle Puzzles for the creation of a Santa Clara City Puzzle. Presented by Brock Jacobsen, City Manager.

8. Discussion and action regarding approval of the Updated Net Metering Agreement. Presented By Gary Hall, Power Director.

5. **Reports:**
   a. Mayor / Council Reports:

6. **Executive Session:**

7. **Adjournment:**

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

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

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 5th day of January 2023 at Santa Clara City Hall, on the City Hall Notice Board, at the Santa Clara Post Office, on the Utah State Public Notice Website, and on the City Website at http://www.sccity.org. The 2022 meeting schedule was also provided to the Spectrum on January 3, 2023.

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Chris Shelley – City Recorder

City of Santa Clara
Check Register
Checking 1889 - 11/30/2022 to 11/30/2022

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
AFLAC	ACH120122	586054	11/30/2022	11/30/2022	890.01	Billing	102253-000 - AFLAC PAYABLE	
					$890.01			
AJ CONSTRUCTION	70149	SAC220316039	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-039	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70149	SAC220316040	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-040	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70149	SAC220316041	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-041	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70149	SAC220316042	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-042	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70149	SAC220316043	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-043	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70149	SAC220316044	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REF PERMIT 22-044	102570-000 - BLDG SITE MAINTENAN	
					$3,000.00			
					$3,000.00			
BLUE STAKES OF UTAH 811	ACH110222	UT202203132	11/30/2022	11/30/2022	214.20	EMAIL NOTIFICATIONS	535310-210 - SUBSCRIPTIONS & ME	
					$214.20			
BUCKS ACE SANTA CLARA	70150	1444	11/01/2022	11/30/2022	338.19	INV 1444 - GAS TRIMMER	104510-253 - REPAIRS & MAINTENA	
BUCKS ACE SANTA CLARA	70150	1449	11/02/2022	11/30/2022	106.22	INV 1449 - KNIFE SHARPENING, GLOVES	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70150	1498	11/14/2022	11/30/2022	16.88	INV 1498 - DUCT TAPE & FUSES	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70150	1507	11/16/2022	11/30/2022	77.39	INV 1507 - EXT CORD & ZIP TIES	104652-601 - GENERAL PROMOTION	
					$538.68			
					$538.68			
CANNON TECHNOLOGIES INC.	0	946582640	07/30/2022	11/30/2022	19,992.00	INV946582640 POWER METERS	535310-252 - SUPPLIES & METERS	89
CANNON TECHNOLOGIES INC.	0	947915852	10/19/2022	11/30/2022	8,976.00	INV947915852 WATER METER NODES	515110-461 - WATER METERS	89
CANNON TECHNOLOGIES INC.	0	947934757	10/18/2022	11/30/2022	510.00	INV947934757-water meter nodes	515110-461 - WATER METERS	89
CANNON TECHNOLOGIES INC.	0	967155663-2	08/30/2021	11/30/2022	-29,478.00	WATER NODE INSTALLATION CREDIT	513725-000 - MISCELLANEOUS	
					$0.00			
					$0.00			
CHILD SUPPORT SERVICES	70151	113022-873789	11/28/2022	11/30/2022	206.77	CASEY-C000873789 PAY PERIOD END 11/30/22	102595-000 - GARNISMENTS PAYABL	
					$206.77			
CITY OF ST GEORGE - S	70152	NOV 2022-SEWE	11/29/2022	11/30/2022	36,900.05	2917 SEWER CONNECTIONS @12.65 NOV 2022	525210-945 - SEWER TREATMENT -	
					$36,900.05			
COMPUTECH CONSULTING	70153	23442	11/22/2022	11/30/2022	5,663.50	Standard Management Suite Plus Remote updates,	104130-310 - IT SERVICES	
COMPUTECH CONSULTING	70153	23501	11/22/2022	11/30/2022	840.00	OCT 2022 CONSULTING AND IT SERVICES	104130-310 - IT SERVICES	
					$6,503.50			
					$6,503.50			
DR. ROBERT R. FOSTER, D.O. P.C.	70154	DEC 2022-MED	11/29/2022	11/30/2022	1,200.00	MEDICAL SERVICES DIRECTOR-EMS & FIRE	104230-370 - PROFESSIONAL SERVI	
					$1,200.00			
ERIC GENTRY	70155	NOV 2022-CITY	11/29/2022	11/30/2022	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES	
					$1,500.00			
KATERING KONCEPTS, INC.	70156	2009530	11/30/2022	11/30/2022	2,905.00	2022 Staff Christmas Dinner-Dec 8, 2022	104130-999 - CONTINGENCY	
					$2,905.00			
SUNRISE ENGINEERING, INC.	70157	129819	11/08/2022	11/30/2022	2,701.25	CULINARY & IRRIGATION MASTER PLAN	515110-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70157	129863	11/15/2022	11/30/2022	884.50	SC DR WATER LINE IMPROVEMENT	515110-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70157	129870	11/09/2022	11/30/2022	90.00	MISC ENGINEERING	515110-320 - ENGINEERING SERVIC	
SUNRISE ENGINEERING, INC.	70157	129871	11/09/2022	11/30/2022	7,747.50	SC MPO WESTERN CORRIDOR PRELIM	104410-320 - ENGINEERING SERVIC	
					$11,423.25			
					$11,423.25			

City of Santa Clara
Check Register
Checking 1889 - 11/30/2022 to 11/30/2022

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
TAYLOR BUILT HOMES	70158	SAC210907196	11/28/2022	11/30/2022	500.00	BLDG MAIN DEP REFUND PERMIT 21-196	102570-000 - BLDG SITE MAINTENAN	
TAYLOR BUILT HOMES	70158	SAC210907197	11/28/2022	11/30/2022	500.00	BLDG MAIN DEPOSIT REFUND PERMIT 21-197	102570-000 - BLDG SITE MAINTENAN	
					$1,000.00			
					$1,000.00			
WESTERN UNITED ELECTRIC SU	70159	6074263	11/16/2022	11/30/2022	8,368.44	Street Light Heads Vineyards PH 11	535310-254 - NEW SUBDIVISION EXP	
WESTERN UNITED ELECTRIC SU	70159	6074684	11/22/2022	11/30/2022	1,590.20	1" CONDUIT/MISC SUPPLIES DESERT EDGE-QU	535310-254 - NEW SUBDIVISION EXP	
					$9,958.64			
					$9,958.64			
					$76,240.10			

City of Santa Clara
Check Register
Checking 1889 - 12/08/2022 to 12/08/2022

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
CITY OF ST GEORGE - UTILITIES	70160	NOV 2022-SC LI	12/02/2022	12/08/2022	1,905.42	SNOW CANYON LINE NOV 2022	515110-275 - SNOW CANYON OP CO	
CITY OF ST GEORGE - UTILITIES	70160	NOV 2022-WELL	12/02/2022	12/08/2022	3,814.92	SNOW CANYON WELL #7 NOV 2022	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70160	NOV 2022-WELL	12/02/2022	12/08/2022	5,147.29	SNOW CANYON WELL #6 NOV 2022	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70160	NOV 2022-WTR	12/02/2022	12/08/2022	11,685.35	WATER TANK NOV 2022	515110-275 - SNOW CANYON OP CO	
					$22,552.98			
					$22,552.98			
COLE WEST DEVELOPMENT	70161	SAC210806170	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-170	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806171	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-171	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806172	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-172	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806173	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-173	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806174	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-174	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806175	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-175	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806176	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-176	102570-000 - BLDG SITE MAINTENAN	
COLE WEST DEVELOPMENT	70161	SAC210806177	12/08/2022	12/08/2022	500.00	BLDG MAIN DEP REF PERMIT 21-177	102570-000 - BLDG SITE MAINTENAN	
					$4,000.00			
					$4,000.00			
ESO SOLUTIONS, INC	ACH120822	ESO-98221	12/08/2022	12/08/2022	3,076.25	FIRE REPORTING SOFTWARE	104510-370 - PROFESSIONAL SERVI	
					$3,076.25			
FREEDOM MAILING SERVICES, IN	70162	44169	11/30/2022	12/08/2022	1,889.42	BILL PROCESSING - 3123 BILLS	104130-370 - PROFESSIONAL SERVI	
					$1,889.42			
JOY MILES	70163	120622-JM	12/06/2022	12/08/2022	79.62	COURT INTERPRETER 12/06/22 MULTIPLE CAS	104120-330 - LEGAL SERVICES	
					$79.62			
LAURA SQUIRES	70164	88-NOV 22 CC M	12/01/2022	12/08/2022	650.00	Inv#88 CC MINUTES NOV 2022	104130-370 - PROFESSIONAL SERVI	
					$650.00			
MOUNT OLYMPUS WATERS (1385	70165	10221385 112722	11/27/2022	12/08/2022	34.98	COOLER RENT & 5 GAL WATERS NOV 2022	104130-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70165	10221385 112722	11/27/2022	12/08/2022	47.97	COOLER RENT & 5 GAL WATERS NOV 2022	104410-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70165	10221385 112722	11/27/2022	12/08/2022	88.71	COOLER RENT & 5 GAL WATERS NOV 2022	104240-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70165	10221385 112722	11/27/2022	12/08/2022	126.41	COOLER RENT & 5 GAL WATERS NOV 2022	104510-260 - BUILDING MAINTENAN	
MOUNT OLYMPUS WATERS (1385	70165	10221385 112722	11/27/2022	12/08/2022	201.58	COOLER RENT & 5 GAL WATERS NOV 2022	104230-260 - BUILDING MAINTENAN	
					$499.65			
					$499.65			
PINETOP ENGINEERING, LLC	70166	4545	11/30/2022	12/08/2022	2,002.50	INV 4545 SIGNAL SUPPORT	104410-370 - PROFESSIONAL SERVI	
					$2,002.50			
PROTECT YOUTH SPORTS	70167	1015338	12/01/2022	12/08/2022	21.95	BACKGROUND CHECK - PARKS/T NIEMAN	104510-370 - PROFESSIONAL SERVI	
					$21.95			
STUART C. IRBY CO.	ACH120822	S013282940.002	12/08/2022	12/08/2022	142.00	SECONDARY SQUIDS DESERT VILLAGE PH 1	535310-254 - NEW SUBDIVISION EXP	
STUART C. IRBY CO.	ACH120822	S013282940.003	12/08/2022	12/08/2022	859.15	SUPPLIES DESERT VILLAGE PH 1	535310-254 - NEW SUBDIVISION EXP	
STUART C. IRBY CO.	ACH120822	S013282940.004	12/08/2022	12/08/2022	20,256.00	PRIMARY WIRE DESERT VILLAGE PH1	535310-254 - NEW SUBDIVISION EXP	
STUART C. IRBY CO.	ACH120822	S013282940.005	12/08/2022	12/08/2022	10,098.30	ELEC SUPPLIES DESERT VILLAGE PH 1	535310-254 - NEW SUBDIVISION EXP	
STUART C. IRBY CO.	ACH120822	S013282940.006	12/08/2022	12/08/2022	45.25	ELEC SUPPLIES DESERT VILLAGE PH 1	535310-254 - NEW SUBDIVISION EXP	
					$31,400.70			
					$31,400.70			
UPPER CASE PRINTING INK.	70168	19003	12/06/2022	12/08/2022	193.44	BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SERVI	
					$193.44			

City of Santa Clara
Check Register
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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
UTAH STATE TREASURER / FINES	70169	NOV 2022-COUR	12/05/2022	12/08/2022	5,861.69	COURT SURCHARGES	104120-905 - STATE FINE COLLECTI	
					$5,861.69			
XEROX FINANCIAL SERVICES	ACH120822	3622428	12/08/2022	12/08/2022	153.60	Xerox Lease Payment	104240-250 - OPERATING SUPPLIES	
					$153.60			
					$72,381.80			

City of Santa Clara
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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
AJ CONSTRUCTION	70180	Refund: 2001844	10/03/2022	12/21/2022	103.12	Refund: 2001844 - AJ CONSTRUCTION	531311-000 - ACCOUNTS RECEIVABL	
AJ CONSTRUCTION	70180	SAC220216024	10/04/2022	12/21/2022	500.00	MAIN DEP REF PERMIT 22-024	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70180	SAC220216025	10/04/2022	12/21/2022	500.00	MAIN DEP REF PERMIT 22-025	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70180	SAC220216026	10/04/2022	12/21/2022	500.00	MAIN DEP REF PERMIT 22-026	102570-000 - BLDG SITE MAINTENAN	
AJ CONSTRUCTION	70180	SACX220216027	10/04/2022	12/21/2022	500.00	MAIN DEP REF PERMIT 22-027	102570-000 - BLDG SITE MAINTENAN	
					$2,103.12			
					$2,103.12			
CHRISTOFFERSON, CHAD & MIND	70181	Refund: 1051102	12/20/2022	12/21/2022	412.59	Refund: 1051102 - CHRISTOFFERSON, CHAD & M	531311-000 - ACCOUNTS RECEIVABL	
					$412.59			
COMPUTECH CONSULTING	70182	23642	12/13/2022	12/21/2022	5,663.50	Standard Management Suite Plus Remote updates,	104130-310 - IT SERVICES	
					$5,663.50			
GRAFF, JUDGE JAKE	70183	80222-J GRAFF	08/02/2022	12/21/2022	100.00	SC CITY JUSTICE COURT SESSION 8/2/22	104120-330 - LEGAL SERVICES	
					$100.00			
JOY MILES	70184	121322-JM	12/19/2022	12/21/2022	79.62	COURT INTERPRETER DEC 13, 2022	104120-330 - LEGAL SERVICES	
					$79.62			
LAURA SQUIRES	70185	89-CC MIN	12/19/2022	12/21/2022	350.00	Inv#89 CC MINUTES DEC 2022	104130-370 - PROFESSIONAL SERVI	
					$350.00			
SOUTHERN UTAH GRADE & PAVE	70186	838	12/16/2022	12/21/2022	4,750.00	INV 838-SANTA CLARA DR WATERLINE PATCH	515110-730 - IMPROVEMENTS	104
					$4,750.00			
SUNRISE ENGINEERING, INC.	70187	129872	11/09/2022	12/21/2022	1,007.50	VINEYARDS PH 11 ENGINEEERING	104240-370 - PROFESSIONAL SERVI	
SUNRISE ENGINEERING, INC.	70187	129873	11/09/2022	12/21/2022	60.00	DESERT EDGE PH 1	104240-370 - PROFESSIONAL SERVI	
					$1,067.50			
					$1,067.50			
UTAH DEPT OF HEALTH	70188	22H5001350	07/12/2022	12/21/2022	3,920.86	AMBULANCE ASSESSMENT SFY 2022 Q4	104230-370 - PROFESSIONAL SERVI	
					$3,920.86			
WESTERN UNITED ELECTRIC SU	70189	6076719	12/19/2022	12/21/2022	1,415.31	ELBOW PVC DESERT EDGE-QUAIL CROSSING P	535310-254 - NEW SUBDIVISION EXP	
					$1,415.31			
					$19,862.50			

City of Santa Clara
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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
CHILD SUPPORT SERVICES	70170	121422-873789	12/12/2022	12/13/2022	206.77	CASEY-C000873789 PAY PERIOD END 12/14/202	102595-000 - GARNISMENTS PAYABL	
					$206.77			
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	416.41	CITY BILLS	515110-270 - UTILITIES	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	542.28	CITY BILLS	104410-270 - UTILITIES	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	736.41	CITY BILLS	535310-271 - UTILITIES - STREETSC	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	808.53	CITY BILLS	104230-270 - UTILITIES	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	2,719.24	CITY BILLS	535310-270 - UTILITIES - Generator PI	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	2,861.53	CITY BILLS	104240-270 - BUILDING UTILITIES	
CITY OF SANTA CLARA-UTILITIES	ACH121322	2022-11	11/30/2022	12/13/2022	5,518.91	CITY BILLS	104510-270 - UTILITIES	
					$13,603.31			
					$13,603.31			
COWLEY, KEVIN	70171	SAC211007208	12/12/2022	12/13/2022	500.00	BLDG MAIN DEP REF PERMIT 21-208	102570-000 - BLDG SITE MAINTENAN	
					$500.00			
EXPRESS LUBE	70172	64065	11/08/2022	12/13/2022	44.09	INV 64065-BLDG DEPT 2019 FORD F150 OIL CHG	104240-253 - REPAIRS & MAINTENA	
EXPRESS LUBE	70172	64328	11/16/2022	12/13/2022	67.04	INV64328 PW 2020 FORD F150 OIL CHG	104410-253 - REPAIRS & MAINTENA	
EXPRESS LUBE	70172	64339	11/16/2022	12/13/2022	67.04	INV64339 PARKS 2018 GMC SIERRA 2500	104510-253 - REPAIRS & MAINTENA	
EXPRESS LUBE	70172	64691	11/29/2022	12/13/2022	67.04	INV64691 2021 FORD F150 OIL CHG	535310-253 - REPAIRS & MAINTENA	
					$245.21			
					$245.21			
FERGUSON WATERWORKS #1600	70173	0990468	11/28/2022	12/13/2022	25,495.99	INV0990468 SC DR WATERLINE REPAIR	515110-730 - IMPROVEMENTS	104
FERGUSON WATERWORKS #1600	70173	0991444	11/28/2022	12/13/2022	534.72	INV0991444-SC DR WATERLINE	515110-730 - IMPROVEMENTS	104
					$26,030.71			
					$26,030.71			
JACKSON PEST CONTROL	70174	72822-PEST CO	07/28/2022	12/13/2022	85.00	CITY YARD PEST CONTROL JUL 28 2022	104410-260 - BUILDING MAINTENAN	
JACKSON PEST CONTROL	70174	92722-PEST CO	09/27/2022	12/13/2022	85.00	PEST CONTROL CITY YARD SEP 27, 2022	104410-260 - BUILDING MAINTENAN	
					$170.00			
					$170.00			
MARY JO HAFEN	70175	336511	12/13/2022	12/13/2022	75.00	BANQUET ROOM Coordinator NOV 2022	104130-370 - PROFESSIONAL SERVI	
					$75.00			
VOWELL, TODD	70176	Refund: 1304	12/12/2022	12/13/2022	197.36	Refund: 1304 - VOWELL, TODD	531311-000 - ACCOUNTS RECEIVABL	
					$197.36			
WASH. CO. FLOOD CONTROL DIS	70177	NOV 2022-FLOO	12/13/2022	12/13/2022	4,660.50	FLOOD CONTROL DISTRICT 53-3301000004-NO	545410-770 - FLOOD CONTROL DIST.	
					$4,660.50			
WASH. COUNTY WATER CONSER	70178	52936	12/01/2022	12/13/2022	4,509.02	REG.PIPELINE BOND PAYMENT FOR NOV 2022	515110-822 - DEBT PAYMENT TO WA	
WASH. COUNTY WATER CONSER	70178	52941	11/30/2022	12/13/2022	5,816.38	REGIONAL WATER SURCHARGE	513714-000 - REGIONAL WATER SUR	
					$10,325.40			
					$10,325.40			
WASHINGTON COUNTY SOLID WA	70179	134731	11/30/2022	12/13/2022	11,681.20	2824 UNITS-GARBAGE @ 12.24 & 2014 BLUCAN	103445-000 - RECYCLING CHARGE	
WASHINGTON COUNTY SOLID WA	70179	134731	11/30/2022	12/13/2022	34,565.76	2824 UNITS-GARBAGE @ 12.24 & 2014 BLUCAN	104130-311 - SOLID WASTE DISPOS	
					$46,246.96			
					$46,246.96			
					$102,261.22			

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
5 STAR INTERPRETING, LLC	70194	431644	01/03/2023	01/04/2023	120.00	SIGN LANGUAGE INTERPRETER-TRC 12/22/22	104130-370 - PROFESSIONAL SERVI	
					$120.00			
BLOMQUIST HALE CONSULTING	ACH010423	JAN23210	01/04/2023	01/04/2023	285.00	EMPLOYEE ASSISTANCE COVERAGE	104130-133 - INSURANCE	
					$285.00			
BUCKS ACE SANTA CLARA	70195	1548	11/28/2022	01/04/2023	50.35	POWER-EXT CORDS FOR SHOP	535310-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1555	11/29/2022	01/04/2023	153.77	POWER-TOOLS FOR CREW TRUCK	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70195	1557	11/29/2022	01/04/2023	70.00	POWER-SAWZALL FOR CREW TRUCK	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70195	1565	11/30/2022	01/04/2023	27.02	PARKS-ANTIFREEZE	104510-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1597	12/07/2022	01/04/2023	63.31	PARKS-BLDG MAIN SUPPLIES	104510-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1630	12/31/2022	01/04/2023	35.56	PARKS-ZERO ICEMELT	104510-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1651	12/16/2022	01/04/2023	17.79	BLDG-DUAL AERATOR	104240-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1652	12/16/2022	01/04/2023	18.66	POWER-STRAP TOGGLE	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70195	1653	12/16/2022	01/04/2023	5.33	BLDG-AERATOR	104240-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1666	12/20/2022	01/04/2023	240.98	PARKS-LADDER	104510-260 - BUILDING MAINTENAN	
BUCKS ACE SANTA CLARA	70195	1680	12/22/2022	01/04/2023	47.82	POWER-SPRAY PAINT	535310-250 - OPERATING SUPPLIES	
BUCKS ACE SANTA CLARA	70195	1682	12/22/2022	01/04/2023	15.65	POWER-GRINDER DISC SANDPAPER	535310-250 - OPERATING SUPPLIES	
					$746.24			
					$746.24			
CITY OF ST GEORGE - S	70196	DEC 2022-SEWE	01/04/2023	01/04/2023	36,988.60	2924 SEWER CONNECTIONS @12.65 DEC 2022	525210-945 - SEWER TREATMENT -	
					$36,988.60			
CITY OF ST GEORGE - UTILITIES	70197	123022-SC LINE	12/30/2022	01/04/2023	0.12	SNOW CANYON LINE DEC 2022	515110-275 - SNOW CANYON OP CO	
CITY OF ST GEORGE - UTILITIES	70197	123022-WELL 6	12/30/2022	01/04/2023	7,192.46	SNOW CANYON WELL #6 DEC 2022	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70197	123022-WELL 7	12/30/2022	01/04/2023	5,113.97	SNOW CANYON WELL #7 DEC 2022	515110-271 - WELLS UTILITY COSTS	
CITY OF ST GEORGE - UTILITIES	70197	123022-WTR TA	12/30/2022	01/04/2023	15,322.81	WATER TANK DEC 2022	515110-275 - SNOW CANYON OP CO	
					$27,629.36			
					$27,629.36			
DEERE CREDIT INC	70198	2727077	12/16/2022	01/04/2023	10,915.47	Product ID - 1T0310SLKHF321870 Lease Payment	104510-825 - LEASE PAYMENTS	
					$10,915.47			
DR. ROBERT R. FOSTER, D.O. P.C.	70199	JAN 2023-MED S	01/04/2023	01/04/2023	1,200.00	MEDICAL SERVICES DIRECTOR-EMS & FIRE	104230-370 - PROFESSIONAL SERVI	
					$1,200.00			
ERIC GENTRY	70200	DEC 2022-CITY	01/04/2023	01/04/2023	1,500.00	PROFESSIONAL SERVICES	104120-330 - LEGAL SERVICES	
					$1,500.00			
FREEDOM MAILING SERVICES, IN	70201	44329	12/29/2022	01/04/2023	1,894.26	BILL PROCESSING	104130-370 - PROFESSIONAL SERVI	
					$1,894.26			
JOY MILES	70202	10323-JM	01/03/2023	01/04/2023	79.62	COURT INTERPRETER 01/03/2023	104120-330 - LEGAL SERVICES	
					$79.62			
PROTECT YOUTH SPORTS	70203	1021762	12/31/2022	01/04/2023	21.95	BACKGROUND CHECK - ADMIN-JULIE MONSON	104130-370 - PROFESSIONAL SERVI	
					$21.95			
SOUTHERN UTAH GRADE & PAVE	70204	843	01/04/2023	01/04/2023	600.00	INV 843-4 HR BLADE RENTAL 12/28/22	104410-414 - ROAD MATERIAL & SUP	
					$600.00			
SUNRISE ENGINEERING, INC.	70205	129014	10/10/2022	01/04/2023	575.00	VINEYARDS PH 11 ENGINEEERING	104240-370 - PROFESSIONAL SERVI	
SUNRISE ENGINEERING, INC.	70205	129016	10/10/2022	01/04/2023	435.00	SNATA CLARA HTS PLAT A	104240-370 - PROFESSIONAL SERVI	

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
SUNRISE ENGINEERING, INC.	70205	129017	10/10/2022	01/04/2023	462.50	SOMERSET ESTATES	104240-370 - PROFESSIONAL SERVI	
SUNRISE ENGINEERING, INC.	70205	129018	10/10/2022	01/04/2023	352.50	TEMP GOLF MAIN FACILITY	104240-370 - PROFESSIONAL SERVI	
SUNRISE ENGINEERING, INC.	70205	130460	12/08/2022	01/04/2023	534.00	SC MPO WESTERN CORRIDOR PRELIM	104410-320 - ENGINEERING SERVIC	
					$2,359.00			
					$2,359.00			
UTAH DEPARTMENT OF TRANSP	70206	2354000208	12/28/2022	01/04/2023	8,001.62	SIGNAL EQUIPMENT	104410-263 - STREET LIGHT REPAIR	
					$8,001.62			
UTAH STATE TREASURER / FINES	70207	DEC 2022-COUR	01/04/2023	01/04/2023	8,282.81	COURT SURCHARGES	104120-905 - STATE FINE COLLECTI	
					$8,282.81			
WASH. CO. FLOOD CONTROL DIS	70208	DEC 2022-FLOO	01/04/2023	01/04/2023	4,687.50	FLOOD CONTROL DIST 53-3301000004-DEC 202	545410-770 - FLOOD CONTROL DIST.	
					$4,687.50			
WESTERN UNITED ELECTRIC SU	70209	6077372	01/03/2023	01/04/2023	94.44	4/0 TWO BOLT LUGS	535310-466 - POWER LINES/POLES/	
					$94.44			
					$105,405.87			

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Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account	Activity Code
CHILD SUPPORT SERVICES	70190	122822-837789	12/27/2022	12/28/2022	206.77	CASEY-C000873789 PAY PERIOD END 12/28/202	102595-000 - GARNISMENTS PAYABL	
					$206.77			
DOMINION ENERGY	ACH122822	122822-CIRCLE	12/28/2022	12/28/2022	119.60	FIRE STATION CIRCLE - 5978120000	104230-270 - UTILITIES	
DOMINION ENERGY	ACH122822	122822-GUBLER	12/28/2022	12/28/2022	83.62	GUBLER PARK - 6922398938	104510-270 - UTILITIES	
DOMINION ENERGY	ACH122822	122822-GUBLER	12/28/2022	12/28/2022	213.93	GUBLER NEW RESTROOM-3789794987	104510-270 - UTILITIES	
DOMINION ENERGY	ACH122822	122822-HERITAG	12/28/2022	12/28/2022	147.63	HERITAGE SQUARE GAS - 6142840000	104510-270 - UTILITIES	
DOMINION ENERGY	ACH122822	122822-RACHEL	12/28/2022	12/28/2022	367.54	FIRE STATION RACHEL - 3929140000	104230-270 - UTILITIES	
					$932.32			
					$932.32			
PITNEY BOWES GLOBAL FINANCI	70191	CASE 34025463	12/28/2022	12/28/2022	78.57	QUOTE 3373329 LEASE CONTRACT 0041152170	104130-282 - RENTALS	
					$78.57			
SUNRISE ENGINEERING, INC.	70192	130387	12/07/2022	12/28/2022	378.00	CLOUD SMART GIS SERVICES	104410-320 - ENGINEERING SERVIC	
					$378.00			
UPPER CASE PRINTING INK.	70193	19035	12/27/2022	12/28/2022	195.30	BACK OF BILL PRINTING	104130-370 - PROFESSIONAL SERVI	
					$195.30			
					$1,790.96			

SANTA CLARA CITY COUNCIL SPECIAL MEETING
WEDNESDAY, NOVEMBER 30, 2022
MINUTES

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Special Meeting on Wednesday, November 30, 2022, at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. The Meeting will be available to view live steam on the YouTube link: https://www.youtube.com/channel/UCxLBLm30-XLqM1AEmhpcMA.

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

Others Present: Dustin Mouritsen, Public Works Director; Cody Mitchell, Building Official; Ryan VonCannon, Parks & Trails Deputy Director; Gary Hall, Power Director; Andrew Parker, Fire Chief; Matt Ence, City Attorney; Jim McNulty, City Planner; Jennifer Kohler; Heidi Kohler; Richard Kohler

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:01 p.m. He welcomed everyone and introduced himself and the City Council.

2. **Opening Ceremony:**

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

3. **Conflict and Disclosures: None.**

4. **Working Agenda:**

   A. Public Hearing(s):

   1. Public Hearing to receive public comment regarding an amendment to the Santa Clara City Pole Attachment Fees. Presented by Gary Hall, Power Director.

      - Gary Hall said the last Pole Attachment Agreement was done in the 1980's so it is time update the agreement with new wording and policies with cable TV and the communications companies that are attaching to our power poles. With that we are going

to upgrade some of the fees. We are going to match what St. George City is charging for their fees. His report states, "Santa Clara City Power is requesting approval of a new Pole Attachment Agreement with associated fees. The Pole Attachment Agreement is an agreement between the City and communication companies to attach their cables to city owned power poles. To the best of my knowledge, the current agreement was drafted in the 1980's and has not been updated. I have taken St George City's agreement and revised it to fit our needs and have sent it to Matt Ence for review. He has returned it to me with his approval. The current fees are $12.00 per pole attachment, per year and there is no application fee that I am aware of. I am requesting to increase the attachment fee to $20.00 per attachment, per year and an application fee of $250. The application fee is to cover administrative costs to review the application and to cover site visits to inspect the attachments. These fees match St George's fees." He said the fee covers up to 20 poles. This is for new attachments.
- Mayor Rosenberg asked Matt Ence, City Attorney, if he has looked over the agreement.
- Matt Ence said yes. He stated that he wanted to acknowledge Dustin Mouritsen's patience. He waited a long time to get through this. He said that we went through this and updated a few things for Santa Clara City but otherwise it reflects St. George's agreement and policies generally speaking.

p.m. Public Hearing Opened.
- No public comment.
p.m. Public Hearing Closed.

B. General Business:

1. Discussion and action regarding an amendment to the Santa Clara City Pole Attachment Fees. Presented by Gary Hall, Power Director.

- Mayor Rosenberg told the Council that they have seen the agreement and heard public input and asked them if they had any questions for the Staff regarding the agreement.
- Ben Shakespeare asked if the permit fee is a one-time fee.
- Gary Hall said yes.
- Mayor Rosenberg said the annual fee of $20.00 is per year. They will have to pay that every year.
- Gary Hall said they will be billed annually for however many attachments they have in the City.
- Christa Hinton asked about the people that are paying $12.00 a year right now. Will they have to pay $20.00, or will they be staying at $12.00?
- Gary Hall said they will go up to $20.00 but they won't have to pay the application fee since they are already there, but the attachment fee will go up for existing customers.

Motion to Approve an amendment to the Santa Clara City Pole Attachment Fees and the Pole Attachment Fees agreement. The attachment fees will be raised to $20.00 annually for the attachment fees and an application fee will be added of $250.00 as presented.
Motion by Denny Drake, seconded by Ben Shakespeare.
Voting Aye: Jarett Waite, Christa Hinton, Ben Shakespeare, Leina Mathis and Denny Drake.

Voting Nay: None.
Motion Carried.

2. Consider amendment to settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler, to allow status quo to remain with respect to the stairs at Building A, the Inn at Santa Clara. Presented by Richard & Jennifer Kohler.

   - Matt Ence gave an introduction to this item. He reminded everyone present about the context that this is being presented in and explained why this was put on the agenda the way it was. The Kohler's have requested an opportunity to have a full hearing before the City Council. They have expressed their feelings that they have not had that opportunity in the past and in a recent mediation with them we have agreed that we would bring this back to the City Council for the Councils' consideration. The first item on the agenda is to consider any kind of an amendment to the settlement agreement. The context that this is coming back to the City in is we have a signed settlement agreement. It was signed in March 2022. It is our position that the Kohler's are essentially in default under that agreement because the 8 months that they had under the agreement to make a change, or an alternative proposal has passed. We are giving them this opportunity to come back and ask the Council if the Council would consider amending that agreement. He said the second item is if the Council decides that it is not willing to make a change to the settlement agreement, there is the option under the settlement agreement to consider an alternative proposal under what is referred to as "Option 2". The deadline for that under the settlement agreement has expired because it was an 8-month deadline but we agreed to give the Kohler's this final opportunity to make a presentation to the City Council and make a proposal for any alternatives that they want to propose to the Council for resolving the issues that have been expressed to them before by the City and that would be the second item on the agenda or Item 3 on the agenda. The City Council is free to make any motions or decisions on these items as Council sees fit after the presentation has been given from the Kohler's. The one proposal we have received from the Kohler's is to add stairs to the north end of Building A. They have actually submitted a Building Permit Application for that. Cody Mitchell, Building Official, has done a preliminary review on that option. Whether that is a proposal that the Kohler's are going to discuss tonight or whether they have other proposals is up to them.
   - Richard Kohler, Santa Clara, said the Council should have received, via email, a copy of comments he made from a booklet published by the State of Utah called "Ground Rules". He said the booklet is the handbook to Utah land regulations. He went through the items in the booklet. He said the settlement agreement requires them to meet the underlying provisions of State law (paragraph 17). He said using this handbook he wants to outline for the Council the provisions of State law.
   - Denny Drake asked Mr. Kohler if he is talking about procedure that dealt with the agreement that he signed.
   - Richard Kohler said what they are appealing is the entire procedure of appeal under State law.
   - Denny Drake said and yet he accepted and signed the document that was presented to him.
   - Richard Kohler said because the document says that the agreement must comply with

State law.
- Denny Drake said he was complying with State law when he signed the agreement.
- Richard Kohler said yes, he is relying on the agreement that they will follow State law.
- Denny Drake said we agreed with attorneys and Mr. Kohler's attorney that this was complying with that. He said the Mr. Kohler's attorneys reviewed it and he reviewed it, and we have a signed document by Mr. Kohler accepting that.
- Richard Kohler said he doesn't have an attorney representing them at this time.
- Denny Drake said but he did when the document was created.
- Matt Ence said he isn't sure there was an attorney involved on Richard's side when we did this settlement agreement. They were represented by counsel for a period of time, which is one of the reasons he got involved in this is because we were responding to the Kohler's counsel. But by the time we signed the settlement agreement Mr. Kohler had terminated that representation.
- Denny Drake said this doesn't help him with the decision that we are reviewing the process that has already been approved signed by Mr. Kohler.
- Richard Kohler said that in that agreement that they signed it said that whatever they do it must meet State law.
- Denny Drake asked what he has done. Anything?
- Richard Kohler said this is what they are saying right now. They are bringing to Council a summary of this handbook of the requirements of State law that apply. Those provisions of State land use law and appeals apply to this project.
- Denny Drake said kept you doing from what you agreed to do.
- Richard Kohler said no, under the agreement in their opinion they are allowed to bring Council an "Option 2" that complies with State law, with local ordinance and with the building code and they are using the handbook and have pulled paragraphs out of it to explain how it applies to them.
- Mayor Rosenberg said that Mr. Kohler is indicating that as part of the review for Option 2, we should be following these ground rules. He stated that is the next item on the agenda, that we will consider Option 2. He said this item is considering amending the settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler, to allow status quo to remain with respect to the stairs at Building A. He said that decision was done and dealt with in the development agreement and the first item is to allow that status quo to remain with respect to the stairs. The City Council needs to make a decision on that whether you want to listen to the full argument on the next agenda item first, that decision has to be made first.
- Matt Ence told Richard Kohler it might be helpful for the Council if he would state clearly what he is asking for. If he is asking for things to remain as they currently are or what his proposal is or what he is asking for the City Council to do.
- Richard Kohler said the letter that he wrote to Matt Ence on Nov. 18, 2022 requested that they wanted to do a number of things per the settlement agreement. They wanted to discuss Option 2 and under that option they think they have an argument that Matt Ence has labeled "status quo" and the term "status quo" does not appear in the settlement agreement.
- Matt Ence said that is correct. He said he refers to "status quo" as a shorthand for leaving things as they are.
- Richard Kohler said they believe that their argument falls under Option 2 for a new

proposal. He said Matt Ence used "status quo" to mean anything that doesn't need a building permit as status quo and only things that need a building permit are Option 2. He said they take issue with that. He said they don't believe that is the plain language in the settlement agreement. There are no words "status quo". There is no distinction between building permit and no building permit under an alternative proposal. He said what he is doing is making that Option 2 argument. He said he doesn't think it is correct to put this other item first.
- Mayor Rosenberg said that this discussion he is starting is consideration of Option 2.
- Richard Kohler said he believes it is.
- Brock Jacobsen, City Manager, asked what he is proposing in Option 2. What is his proposal as an alternate.
- Richard Kohler said he wants to demonstrate that Option 2 meets all the provisions of State law, local ordinance and the building code and it is compliant and therefore it can be approved.
- Denny Drake asked him what can be approved. What is the proposal.
- Brock Jacobsen said the Council wants to know what the proposal is and then he can go through why he feels that meets the code.
- Richard Kohler said he thinks it is important to do it in the order he would like to do it in.
- Ben Shakespeare asked for a copy of the settlement agreement. He said he was in that meeting for the settlement agreement, and it was very clear what the intent of the Council was. He said that Mr. Kohler copied and pasted and typed what the ombudsman has in the handbook.
- Richard Kohler said from the Ground Rules handbook he has made an index and he will discuss things in order.
- Christa Hinton asked if he is proposing an amendment to the settlement agreement.
- Richard Kohler said he doesn't believe that this is an amendment to the settlement agreement but that this is Option 2.
- Christa Hinton asked if we should make a motion on this item then.
- Denny Drake said we would be leaving the settlement agreement alone and completion of that settlement agreement is based on his Option 2.
- Matt Ence suggested that the Council have Richard Kohler make is presentation and then it is important that the Council take action on both items that are on the agenda but let's reserve any action until the presentation and discussion are done and the Council can decide at that point whether an amendment to the agreement is warranted or not and Council can take action accordingly.
- Richard Kohler said he will begin with "Civil Statement from State law". He read that even the City must follow its own rules as it administers the land use regulations process. He said he then makes an argument and when there are multiple arguments, he numbered them. He said his first argument is the Building Official is the enforcing officer of Santa Clara. He said the dispute started in May 2021. He said they came before Council for the first time in March 2022. He said that is a long time to not have anyone hear their appeal in any way. He said the City Code states that the Building Official is the enforcing officer. He said they were unable to have conversations with the Building Official during that entire period. He stated that he asked Matt Ence if they could meet with the Building Official and the City Planner and Matt said no because there is no reason to do that. He

said that is an appeal they feel they have always had a right to do.
- Matt Ence said they have a pending building permit application.
- Richard Kohler said that the Planning Staff is the land use authority. He said they are in front of Council because this appeal they are making for their project, they are saying they have done things correctly and they have had rights to appeal, but it hasn't been allowed and the State law says they have rights to appeal. In the City Ordinance, 17.10.030 says that the Building Official is the land use authority as a duty and if the person receiving a notice of violation doesn't think it is right, they have the right to appeal to the Building Official and wanted to in May 2021 and had they been able to do that they wouldn't be before Council and the whole problem would have gone away because the Building Official would have told them what the rule is on the purported violation.
- Denny Drake said if it would have been the same as to what he (Richard Kohler) and the City Council agreed to then what would be the difference.
- Richard Kohler said this was when Corey Bundy was the Building Official, May 2021, but they weren't allowed to talk to him.
- Denny Drake said if the decision were the same, what difference does it make because his opinion would have been reviewed by the City Council if we disagreed. He is just a referring body. The same with the land use authority.
- Richard Kohler said that is not true. The City Code says the Building Official is the land use authority. He makes a ruling and if he says you are right then it is done.
- Denny Drake said if doesn't come back to Council if it is not according to the plan Mr. Kohler presented. It comes back to us if it's not.
- Richard Kohler said if they receive the violation to go to the City's Building Official and have him make the decision. He said that never happened. He said they were not allowed to do that.
- Denny Drake said he is having a hard time with the agreement the Kohler's signed having any effect on what Mr. Kohler is presenting tonight.
- Richard Kohler said had they been able to do that the whole ten months never would have happened because the decision by the land use authority would have been given to them, but they didn't get one because they had no opportunity. He said that was a violation of State law.
- Denny Drake said they still had the opportunity before they signed the agreement to disagree. They didn't have to comply with that.
- Richard Kohler said Denny Drake can't presume that all the events between May 2021 and this last March would have happened had they had the opportunity. He said they were denied that appeal.
- Brock Jacobsen said they may have gotten that same outcome. Mr. Bundy may have given them the exact same response that Council gave him. He said that Mr. Bundy didn't speak with the Kohler's because they retained an attorney.
- Richard Kohler said they did not.
- Matt Ence said he wanted to provide some useful context to the Council on this. He said that one of the fundamental disagreements that we have had with Richard throughout this whole dispute has really been what the issues that the City have raised are building code issue or whether they are zoning issues. That is at the heart of what Richard is talking about. When the Kohler's reached out to the City through their attorney in May 2021 one

of the reasons we informed the Kohler's not to communicate with other Staff members at that time was because they had contacted the City through an attorney and so the City responded through its attorney, which is himself. In those communications with their attorney, one of the things he communicated to them was that it was the City's view that the issues with the way the property was constructed go back to the original zone change approval, it was a PD zone change that was approved in October 2016 with a General Plan Amendment that happened at the same time the City Council approved them both, and the context of that approval and the basis for it was some representations that were made by Richard Kohler at that time. What Richard is arguing is from his perspective these are building code issues.
- Richard Kohler said it is not a building code issue.
- Matt Ence said he will withdraw that. He said that from the City's perspective this is a zoning issue that goes back to approvals that were given by the City Council and the Building Official is not an appeal body for the City Council when it makes legislative decisions. He said that is the City's position.
- Richard Kohler asked the Council if they are acting now as a legislative body or an appeal authority. He said he believes they are an appeal authority. That is the only way it is possible they can come before them. Because the Council is acting as an appeal authority, they are bound by the prior approval that the Kohler's received, the zoning approval and building permit and all the other approvals they received from the City. The Council can't make new legislation or add conditions or add things now that they hadn't done then in 2016 and 2018.
- Matt Ence asked if the Council would like him to respond to that.
- The Council all agreed that they would.
- Matt Ence said his response to that is that when the issues with the property are violations of the conditions upon which the zone change was approved the only way to resolve that without the Kohler's fixing those issues is for the City Council to make new legislative action to change the conditions.
- Richard Kohler said that is not true because the City's zoning ordinance says their first appeal if they received an alleged violation is to the Building Official pursuant to the provisions of the land use authority in the City's zoning ordinance. He said had they done that they wouldn't be before Council now.
- Denny Drake said had they been in compliance there wouldn't be that issue now either. He said the Mr. Kohler made an agreement and hasn't lived up to the agreement. The process was done legally and what he is presenting is just his opinion as his facts.
- Richard Kohler said it is not his opinion.
- Denny Drake said it is his interpretation of this book.
- Richard Kohler said he can't site State law and the City's zoning ordinance and say it is his opinion.
- Denny Drake said it is his opinion. He is interpreting his opinion as to how it is to be done. We are the elected body by the people. The final decision for the City of Santa Clara is ours and not a City employee who is representing the City Council as a Building Inspector or a Building Authority. We are the final say.
- Richard Kohler asked then what is the provision in the zoning ordinance that says that the Building Official is the land use authority.
- Denny Drake said it says that he is the enforcing officer. That doesn't mean that he is

the authority that does both. The City Council reviews anything that goes on according to zoning.
- Richard Kohler said that if you want to take the position that, that citation he made of the zoning ordinance is not true that's okay, but it is there and is not his interpretation of what it says.
- Denny Drake said it is his interpretation because he is saying because the Building Official is the enforcer, he has control of the zoning ordinance. That is not true. He enforces the ordinance, and we review what he does as the legislative body and elected officials of Santa Clara.
- Richard Kohler said that's not true because the appeal happens in steps. Their first appeal according to the City ordinance is to the land use authority which was Corey Bundy, the Building Official. It doesn't involve the City Council.
- Denny Drake said and that's why they didn't complete the 8-month period of doing what they assigned themselves to do and agreed to do when they signed the document.
- Richard Kohler said they have the right under the agreement that explains State law the requirements for their project, it explains the City ordinance that they meet and the building provisions that they do or don't meet. They have that opportunity.
- Denny Drake said Richard had that opportunity and have had it for over two years. He knew he was in violation and there was a violation written to him and he had a settlement agreement signed by him.
- Richard Kohler said they haven't been able to discuss it with anyone except Council.
- Denny Drake asked why he signed the agreement.
- Richard Kohler said because he had no other options.
- Denny Drake said he didn't have to sign the agreement and he certainly had an option.
- Richard Kohler said that under the agreement he has Option 2 which he is doing now.
- Mayor Rosenberg said no, he is explaining a bunch of other stuff. He said he would really like to see and hear Option 2.
- Richard Kohler said he is explaining that they comply with State law and local ordinance and building code and he has that right under Option 2. It doesn't say "status quo".
- Mayor Rosenberg asked what Option 2 is.
- Richard Kohler said it is an alternative proposal before the City Council.
- Mayor Rosenberg asked if we are going to argue semantics instead of deciding what we are going to do on the building. The options are to correct it so he can comply with the ordinance.
- Richard Kohler talked about paragraph 18 and 16 of the settlement agreement. He said they should just read it. One is about State law and the other is about the local ordinances and building codes.
- Jarett Waite said that Richard is stating that things in this booklet are State law, but he doesn't believe that is true.
- Richard Kohler said they aren't State law, but this is used to explain State law.
- Jarett Waite said it is really good advice but not actual code.
- Richard Kohler said it is a general guideline explanation.
- Jarett Waite asked if Richard is saying to comply with the agreement, he can bring this book into the discussion because this is State law.
- Richard Kohler said it is a simplified way for him to introduce the principles of State

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law. He said they don't want to hire an attorney and are not interested in suing the City. They are interested in having an appeal heard here.
- Denny Drake asked if he is looking to have the Building Official review it with our TRC and then they refer whatever they are going to do to the City Council and then the City Council make a decision. He asked if that is what Mr. Kohler is asking.
- Richard Kohler said the provision he cited in the City zoning ordinance does not say that the Building Official will give them a decision and then refer it to the City Council. It says that he is the land use authority, and he gives them a decision and it is done. He said that is what the ordinance says and that is what the land use authority means, and appeal means.
- Ben Shakespeare said if he is going to take that position it could be argued the other way.
- Mayor Rosenberg said if he is looking for a decision from the Building Authority why is he here.
- Richard Kohler said this is a complaint that he has. We were not allowed to go to the Building Official and they were banned from having this appeal.
- Mayor Rosenberg asked how he can appeal a decision that hasn't be issued. He asked if Mr. Kohler has submitted all the required documents to get a decision by the Building Official. If he hasn't submitted a complete application, they are not due a decision by the Building Official.
- Richard Kohler said they have received from Brock Jacobsen verbally and probably in writing a notice of violation. He said that when they received it, they had a right, according to the ordinance, to appeal the decision of the Building Official.
- Brock Jacobsen said he is citing 17.10.030 D. It says on D that if the person responsible for the alleged violation denies that a violation exists, he can appeal the decision of the Building Official. Not to the Building Official but the decision of the Building Official.
- Richard Kohler said the Building Official would make the decision that could be appealed. He said that didn't happen and they didn't get to go to the Building Official and appeal.
- Brock Jacobsen said he thinks that when they were put on violation the Building Official was part of that decision and that is why he let Mr. Kohler know there was a violation that existed, so the decision was made by the Building Official. Now Mr. Kohler is appealing the decision of the Building Official, which was that a violation exists, and he is denying that a violation exists.
- Richard Kohler said the land use authority ordinance says that the Planning Staff shall be the land use authority, so they were going to the Building Official who at the time was Corey Bundy who at the time was the Building Official and the Planning authority and they were going to the TRC, but they weren't able to do that. He said that is the land use authority they should have gone to.
- Brock Jacobsen talked about the things they are able to review in TRC and in that and when changing to a PD zone Planning Staff would not make that decision. That decision would come back to Council as they are the ones who approve a PD zone change.
- Richard Kohler said they got the notice of violation in 2021. The land use authority is the Planning Staff but rather than having that appeal they couldn't talk to those people because they weren't allowed to talk to them.
- Matt Ence said the reason he steered Richard back to the City Council is because the

violation that he was given notice of was a violation of the zoning approval. That is how is has always been communicated to him. That has always been the City's position. This was Richard's second opportunity to come and present to the Council and make his argument.
- Richard Kohler said that in March they were given to purported zoning violations. One has to do with parapet heights and the other has to do with the setbacks. He said the Planning Staff reviews setbacks and it is their responsibility. He said they couldn't go to them but should have been able to.
- Jarett Waite said he is missing one part in the ordinance. It says, "setbacks of one foot or less". That is really minor changes that they can review based on this. He said that is his concern as a Council member. This is more than a one-foot difference from on the plans.
- Richard Kohler said it is about a foot. He said at that time it was not deemed to be a violation. He said they weren't stopped and continued with construction under the site plan that was reviewed. He said if it had been noted as a violation this was in 2019 and they were told it was a violation in 2021. He said they had no notice to do otherwise.
- Jarett Waite said that the Planning Staff can only review minor changes and a stairwell in a setback and which side the stairwell should be on are pretty major things that the Council would want to review. He said we have had this issue with other planning development plans where a developer comes to the Council, and we go through the whole process and then they come back and want to change something then they can come back to the Council and amend their original PD.
- Richard Kohler said the difference is before they build it, they have notice that it is an issue. He said they didn't. He said they should still have the right to appeal.
- Denny Drake said that is his interpretation. He said the Council is the legislative body who is elected by the people and makes the decisions for Santa Clara. Not a Planning Commissioner and not a Building inspector but it is the elected officials by the people. That is who the authority lies with.
- Richard Kohler said when they come before the Council and ask for their approval that is right but when they come with an appeal the ordinance says to go to the land use authority which is the Planning Staff.
- Denny Drake said this isn't an appeal. It is an agreement that Mr. Kohler signed. He read some of the options that were given to Mr. Kohler that he has done nothing with, but he signed this agreement. He asked how he can justify not completing what he agreed to do. He said he can't do that and legally signed this document. He shouldn't have signed it if he wasn't willing to do what he committed to do. He said there are a number of options in the agreement.
- Richard Kohler said that Option 2 said it doesn't limit if they build something or not. He said it allows them to have this discussion.
- Denny Drake said Mr. Kohler had the opportunity of doing Option 1, 2 or 3 and he did nothing. We gave Mr. Kohler eight months to comply with that and in that eight-month period he did nothing other than to prepare a document to argue against what is already signed and agreed to by him.
- Richard Kohler said he met with State representatives in the ombudsman office during that time and prepared documents to do this now.
- Denny Drake said for Mr. Kohler to tell the Council what he is going to do with Option

2.
- Richard Kohler asked the Council to look at Item 3 on Page 4. He said it states about the shift of the property line. He said they hired a surveyor. He stated that there are two site plan documents; one is dated Nov. 2018 and the setback to the silo was 2ft. 9in. and the setback to the south wall Arrowhead Trail building was 10ft. to the stairs at the time. He said they changed it once they got the survey. He stated that 3ft. disappeared from their property once they got the survey. He said they had prepared, for the building permit, the first site plan, that Matt Ence recognizes. The second site plan had to be prepared subsequent to the survey and it adjusted. He said they moved the silo from 2ft. 9in. to 5ft. away from the property line wall. He said what they did with building A, the Arrowhead Trail building, was move the corner of the building to 13ft. from the property line wall. He said at the time the building corners were located and poured in concrete that was the situation. The property line was considered by the City and them to be where it has always been. He said in the summer of 2019 they poured the concrete. At that time Corey Bundy was the Building Official and the Planning Director and he feels that Mr. Bundy had the authority to approve minor variances and he did that. He said that he told them that and also told them that the setback on the south property line was probably about 2ft. He said that if the property shifted 3ft. they would still have 2ft. He said that was deemed acceptable. He said they were approved by the Staff, and they had no notice they were doing anything wrong. He asked if it was fair that someone later, 2 years to tell them that they did it wrong. He feels it is correct what they did. He continued to quote what he stated as State law from the handbook. He said where there are ambiguities and confusing language, they are to be resolved in favor of the use of the property. He said from their point of view they are doing things properly. He said things changed but they didn't do it without drawings and inspections. He said they continued to do the things they had a duty to do. He said he thinks that State law says there is a duty to resolve those confusing directions in their favor. He said that Matt Ence recently wrote to them that "critical of the building permit plan, the plan submitted to the City and approved by Corey Bundy are contradictory in some respects but it the primary site plan (the one adjusted by the survey) that's where the property lines are". He said the confusion shouldn't abrogate their rights to have the building where it is.
- Matt Ence asked about the site plan that reflects the current layout/measurements. He said his concern with that is that he cannot locate anything in the City's records that shows that Corey Bundy approved that site plan.
- Richard Kohler said he will address that. The next thing he wanted to discuss was public clamor. He said their zoning was approved in 2016 and their building permit was approved in November 2018 and their construction was mostly complete by July 2021. He stated that they received notice from the City of the purported violations in May 2021 when all they were doing was the landscaping. He said it was not timely in terms of the complaint. He said they relied on the approval of the City to their detriment because of when they were notified of this purported violation. He said when it came was not fair and they can't change at that point. He said that in August Matt Ence told him that he has had residents contacting him in recent weeks to find out what was going on. He said that Matt said the City and City Council members have a delicate balance to strike and the longer this goes on the more pressure builds up from the residents and the more difficult it may be for this to be reach an outcome which will be manageable for them (the

Kohler's) as the City can defend against residents' complaints. He said he brought this up because State law says (he got this information, again, from the handbook) that public clamor is not sufficient evidence upon which to base an administrative decision. He feels it clearly is. He said it is a two year late administrative decision. He feels like this is where it went astray. The City is hearing the public clamor and they say something has to be done by them (the Kohler's) even though they have done everything according to the building permit and zoning approval. He feels public clamor is the primary reason for the dispute and it shouldn't have been. He said that those who serve as land use authority must afford due process to the applicant. He read a provision from the building code that said that this code shall not require changes in the construction document/drawing. Construction or designated occupancy of the structure for which the lawful building permit has been issued. He said that is their situation. They have built it according to the lawful building permit that they have, and the building code says they can't make changes to it. It is a lawful building permit. He said the City is making changes and making changes they have to do that are not on the building permit.
- Denny Drake said that is depending on which building plan you see. One didn't have the southern stairwell.
- Richard Kohler said that goes back to the current confusion. The only site plan that works is the one where they are shown just where they are today. It was the one that was used prior to the concrete pours.
- Denny Drake said that because of the zoning request from the first site plan is why they got their zoning and yet they did not build it according to the first plan submitted. The northern stairwell was on the original plan, not the southern stairwell.
- Richard Kohler said no, the zoning approval has two staircases on it.
- Denny Drake said not the one he saw.
- Mayor Rosenberg said it intermixes. Some plans have two, some plans have one. There is no rhyme or reason. He said that the detail plans that he sees come from after the preliminary zoning site plan. The detail plans show no stairwell on the south and a 10ft. setback and surveyed boundary lines after the survey. He said he is trying to figure out where all these detail plans came from.
- Richard Kohler said there is only one site plan that shows the survey line on it.
- Mayor Rosenberg said it is an error. The design error on the plan.
- Richard Kohler said they had reasonable assumption that the survey line and the property line were coincidence. He said the City's surveyor said that was not the case. He said there is only one site plan that has the survey line and the block wall on it. He said there is only one site plan after the survey. That is the only one they could have drawn.
- Mayor Rosenberg said so all these other plans are all bogus and bad. He asked if that site plan was ever given to the City. He said this wasn't resolved because this was ignored in this case.
- Richard Kohler said they got the new survey and prepared a new site plan which took about a month, and they moved the physical corner of the stairway one foot. He said this is the site plan that existed and got built in 2019. He said they can't change that and that was approved by the Building Official inspecting, and he believes it was also approved by the TRC because Corey Bundy would have taken it there.
- Matt Ence asked if there is any documentation.

- Richard Kohler said there is possibly missing documents.
- Brock Jacobsen said it would only come back to TRC if Mr. Kohler came back to TRC. It wouldn't come back after Council approved the site plan. It would have just gone through Mr. Bundy for approval of the building permit.
- Richard Kohler said the Mark Weston, the Planning Commission director, reviewed the site plan. He said they have some email communication that he did. He said that site plan existed and was used for construction and deemed to be in compliance by Building Officials.
- Matt Ence asked if Richard had a copy of the site plan.
- Richard Kohler said that Matt has a copy of it. He said it was sent with one of Michael Dunn's letters.
- Denny Drake asked what Richard would like to have happen.
- Richard Kohler said what the thinks he can demonstrate is for a lot of the issues the City has raised that they are in compliance with the zoning code, State law and the building code. He said they got put in the historic district so at that time it allowed them to apply for a setback in the historic district for a side yard of zero feet. He thinks that they should, under the settlement agreement, have that remedy to solve the problem. That they should be able to have the remedy of the Council telling him he did things correctly and that they have the right to go before the Historic District Commission and get a setback to what it is.
- Denny Drake asked if Mr. Kohler wants the settlement agreement done away with.
- Richard Kohler said no, within the settlement agreement.
- Denny Drake asked what he is going to do within the settlement agreement.
- Richard Kohler said they are going to have that action taken by the Historic Commission or the City Council that it is okay that it is where it is now.
- Denny Drake asked how the Council can have that authority when it is just a land use. He said that Option 2 still hasn't be explained other than Mr. Kohler wants it left the way it is, and we appeal to the Historical Commission for a setback. He said he doesn't see that in Option 2 so which option is Mr. Kohler talking about.
- Richard Kohler said it is in Option 2.
- Denny Drake read Option 2, "Consider an alternative proposal to resolve the issues with the stairs and terrace at Building A." He said he hasn't heard one thing that resolves that issue. He read from the agreement, "Mr. Kohler acknowledges that the City's concerns were communicated to him at the Public Council meeting held March 8. Review of any proposal by the City Council will be in a public meeting. Any construction proposed by Mr. Kohler under this option will also require review by the City Building Official and probably the issuance of a building permit if required by the Building Official. Mr. Kohler understands that. If any proposal made under this option is not accepted by both the City Council and the Building Official, then he will be required to elect one of the other two options available under this section 3 in order to fulfill this agreement." He said Option 2 requires them to build something.
- Richard Kohler said it says, "if required by the Building Official". He said there are options in Option 2 that don't require construction.
- Denny Drake said that it says that if he doesn't do it, which he hasn't done, that it refers to Option 3. He asked what he is going to do under Option 3. He said he hasn't heard anything that resolves the issue of the stairwell and the mezzanine area.

- Richard Kohler said they are resolving it because they have always had a right, with their place in the historic district to have a setback of as little as zero feet.
- Denny Drake said there is nothing that says that at all in the settlement agreement.
- Ben Shakespeare said he wanted to read from the minutes of the City Council meeting in March. He said he hoped that Mr. Kohler has read this because these are his words. He read, "Mr. Kohler said he understands the City Council's reluctance to not have a design accompanying the settlement agreement." He said we spent a lot of time talking about design before we agreed to the settlement agreement. He said Mr. Kohler was reluctant because he needed to close on his loan. He continued to read, "The value to them of finishing the roof and pool is great enough that they are not just going to do anything. They would prefer that they could accompany the rooms and separate the occupancy of the rooms which would allow them to close their construction loan and give them time and energy to put money where it belongs finding the resolution. He said he thinks he should contact Council members individually to get direction on what the resolution should be. He feels like he doesn't have enough information and he doesn't think the Council has enough from what he is hearing." He said the meeting went on for a long time talking about the 5-7ft. screen wall that was discussed on the stairs as well as raising the parapet 3ft. He said that never once in the meeting was Mr. Kohler saying that his proposal was to come back and do nothing.
- Richard Kohler said to not put words in his mouth. He said that all along he believed that he had this option he is presenting tonight.
- Ben Shakespeare said the minutes go on and on. Mr. Kohler is putting words in the Councils' mouths, and he is saying that his option all along was to do nothing and argue what has already been argued for a year and a half.
- Richard Kohler said his belief was that Option 2 allows him to come to Council and do what he is doing to argue on behalf of his right, under State law, the building code and the local ordinance.
- Ben Shakespeare said that was argued for five pages of minutes. He said we have had this argument. He is rehashing everything we did on March 9, 2022. He said he was at that meeting and was part of the discussion. At the end of the meeting, we discussed the intent and the purpose of the settlement agreement and there were multiple options, but Mr. Kohler's exact words were, "Give me time to put together a proposal on an option". Not to argue something we already argued for an entire night.
- Richard Kohler said he thinks he said he wants to give the Council more information. That is what he is doing. He said he doesn't think he ever said he is going to give new construction.
- Ben Shakespeare said his words were that he wants to come up with a design. He read those words in the minutes. He said a design isn't to come back and argue State law. We have had this discussion.
- Richard Kohler said the settlement agreement requires him to comply with State law and comply with the zoning ordinance and the building code. He doesn't believe there is physical construction that does all of those.
- Ben Shakespeare said we discussed the 5-7ft. fence that was proposed. We discussed tinting the glass rail. We discussed planting against the wall. We discussed moving the stairs to the north side. All of these discussion are in those minutes from March 9, 2022. He said we then followed up with Mr. Kohler's comment that he needs time, and he

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needs to close his construction load. He said he was very sympathetic to Mr. Kohler to give him time. He said if a letter had come to the City Council that stated he needed additional time the Council would have been sympathetic to that, but we are making the same arguments that he can read in the minutes.
- Richard Kohler asked if Ben is saying that Option 2 requires them to build something.
- Ben Shakespeare said yes.
- Richard Kohler said then why does it say that they may or may not have to do a building permit.
- Ben Shakespeare said because it has to be proposed. We had no design. He said the Kohler's had a proposal with the support of the Council originally. He had a drawing with of 5-7ft. on the stairs and he thinks the Council was ready to approve that and then it came back to a structure on the fence and the Council was not acceptable to that.
- Richard Kohler said he is happy to explain why Option 1 is not viable.
- Ben Shakespeare said he already explained it on March 9. It is already in the minutes. We have had this discussion. He said Mr. Kohler is proposing as if the intent was that he could come back and argue State law and the code. That was never the discussion in the minutes as to what it was in March. He said he is looking at the facts in the documents and going off what is in the minutes. He said he doesn't have this mysterious site plan. He has plans that show stairs on both sides and all the minutes and what we discussed in March, which meeting he was at. He said it is a fairly simply resolution from a construction side.
- Richard Kohler said in his belief the only way he can meet State law and the building code is Option 2.
- Ben Shakespeare said he would disagree with that. He said Mr. Kohler's argument isn't to construct something but to leave it as is and that was never, ever a discussion point in this, and Mr. Kohler never would have the support for that from the legislative body.
- Matt Ence said assuming that Richard is correct that Option 2 allows him to make a proposal, which is to do no construction. Option 2 also requires that that option be approved by the City Council. We can argue about what this says and whether he can do no construction, but he has a body of people that he needs to convince so he suggested that he convince them and don't argue with them.
- Ben Shakespeare said that on March 9 that was never an option. He talked about how the discussion was tinting, railing, planting. Never once was doing nothing a proposal.
- Richard Kohler said that when they came to the meeting on March 9, there were two outstanding items on the agenda, the setbacks and the heights of the parapet walls. He said that is what they came to appeal.
- Mayor Rosenberg said it was the stairs and the setback.
- Richard Kohler said that roughly halfway through the meeting they said they couldn't do what was in the drawings because it is prohibited by the City's zoning ordinance because it was taller than 9ft.
- Matt Ence said he needs to correct that. That was Richard's interpretation. We said the Building Official had looked at it and agreed it could be built. He said that was clearly stated. He told Mr. Kohler to not say he couldn't do it because of the City's ordinances. The City said he could do it and we put it in the agreement as an option.
- Richard Kohler said that Cody Mitchell and Jim McNulty made an argument that as it was classified as an arbor it could be done. He said they have a building permit and a

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zoning approval which do not show anything 17ft. tall. He said they don't believe they can legally do that and be in compliance with their original zoning approval. They further don't believe that the City Council acting as an appeal authority is going to vote that they should or have to build something that is above the height limit and not on the zoning approval document. He said those drawings become their zoning law. He said they literally can't do that. He said he made the argument in the first place so they could get their occupancy permit. He said they didn't have any other options. He said that on Page 6 it says that an appeal must be provided from every administrative decision to a local appeal authority. He stated that in December 2021 Cody Mitchell gave them a letter saying he denied the occupancy permit and referred to Matt Ence's October letter which requires them to build a wall they can't build legally. He said the City Council's and City Attorney's actions collectively are requiring them to do something else that requires another building permit. He said that after December they tried to have an attorney in their behalf to have an appeal to the correct board of appeals. He stated they filled out an appeals form to be heard by the board of appeals. He said a lot of problems he is having is that the Council is naturally the legislative body for Santa Clara and can make any law they want and deal with however they want but as an appeal authority they are constrained. The Council should be acting on just the fact of the documents he is telling the Council about and not on imposing a solution that they can't legally even build. He said to the extent the Council wants to impose that, it is not right or according to State law or the local ordinance or the building code. He said that Matt Ence told them they can't go to the board of appeals. The difference between the two bodies are that the board of appeals composed of builders, architects, engineers, surveyors, former building officials and people familiar with how building codes operate. He says he feels that is the correct appeals for him by the ordinances and the building code.

- Christa Hinton said that we have the settlement agreement before us, and we were all in the same meeting in March. It says, "Alternative Proposal" which means it should be something different than what he had originally proposed. She said she would like to hear that. She said she wants to go off of the settlement agreement that he signed. She said she would be interested to hear in the alternative proposal an application has been filed by the co-owner.
- Richard Kohler said he doesn't want that voted on until we vote on this.
- Christa Hinton asked what we are voting on. Mr. Kohler is rehashing things we have already talked about. She said she agrees with Councilman Shakespeare that we have already talked about all of these things. She said she would like to talk about the settlement agreement. Is he proposing an amendment to the settlement agreement? Is he proposing an alternative proposal under Option 2?
- Richard Kohler said he is proposing under Option 2 something that satisfies the State law, local zoning ordinances and the building code.
- Leina Mathis asked what the something is that he is proposing.
- Richard Kohler said he outlined it by saying they have been in the historic district, and they have zero setbacks.
- Mayor Rosenberg said if the Historic Commission approves it and he hasn't submitted any application or fee for their approval. He told Mr. Kohler that he has had more than an hour. He said he would like to hear the co-applicant's position. He asked Mr. Kohler to have a seat. Mr. Kohler has had more than an hour and we seem to be hashing the

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same old stuff. He said if he wants to make an application to the Historic Committee then make said application. They will review it and submit a recommendation.
- Brock Jacobsen said they are a recommending body so they cannot grant that. It would just be a recommendation to come back.
- Jim McNulty, City Planner, said not on setbacks.
- Mayor Rosenberg asked if they reviewed setbacks in March.
- Jim McNulty said no.
- Mayor Rosenberg said then even in March that was not an option. When they signed this document that wasn't an option. That is done. He asked Mr. Kohler to sit down so we can hear from the co-applicant.
- Richard Kohler began to raise his voice and talk over the Mayor.
- Mayor Rosenberg said he has four Staff here and they can physically remove Mr. Kohler from the building, and he will so instruct them unless Mr. Kohler would please sit down and let us listen to the co-applicant.
- Richard Kohler continued to talk in a loud voice.
- Mayor Rosenberg told Mr. Kohler he is done. He has been given ample opportunity. He had Bob Flowers and staff escort Mr. Kohler from the council chambers.
- Jennifer Kohler, 1190 Heights Drive, apologized to the Council for taking so much of their time. She said she feels like this is an exercise in compassion on the Council's part. She said you can tell how important it is for her husband to be heard. He doesn't feel like he us able to communicate his point of view and be understood and he is so convinced his point of view is valid that it will be you agreeing with him, and he will feel heard. She said her point of view to what brings us here is different than her husband's. Her point of view comes from an ethical point of view. He is interested in regulation and legal procedures. She said her focus is on their ethical obligation to be the best possible neighbors they can be. She said on that point she feels they have not performed as well as necessary. She said they neglected to fully take into account their neighbors' privacy concerns and communicate with them in a timely way. She said that for 3 years she was completely out of her depth and overwhelmed during the construction period. She stated that she and her husband were both very surprised when their neighbors expressed that they were upset. She said if she had been better at communicating before that that wouldn't have happened. Her desire to act in an ethical manner remains the same, whether or not the City Council approves or agrees with the regulation in law. It is a separate issue. She said she prefers to do it in a voluntary manner but if it is compelled then that is the case. She said she would like to make a request under Option 2 of the settlement agreement with the City from earlier this year. She is requesting that in lieu of Option 1 that was approved earlier, Option 2 would be an additional staircase located in the north end of the Arrowhead building. That would serve all of the maintenance work and any potential visitors. The existing staircase on the south end would remain and be for the exclusive use of the permanent residents. The second staircase located on the north end would provide some measure of privacy for their neighbors the Crams, who share the longest property wall with them. This Option 2 is the one they prefer over Option 1. In a text message of November 20, they pointed out that the approved Option 1, screen wall, does not offer them any additional privacy as the screen wall would not be installed in their direction. Option 2 also provides, in case of emergency, a second exit from the roof via the existing stairs, which would be a plus. She said there are drawings

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submitted for a building permit.
- Matt Ence expressed his appreciation to Mrs. Kohler for her work on trying to resolve these issues. He has spent some time with her, and our conversations have always been constructive. He asked about her proposal. He has heard reports recently that there have been events held at the Inn where people attending the events have been on the south stairs. Under the settlement agreement one of the things that was agreed was that the stairs to the roof would be off limits until the issue was resolved. If Option 2 is approved by the City Council, what measures would Mrs. Kohler put in place to prevent that from happening in the future? He said there are privacy concerns from the neighbors on the south side because this has been a large part of the reasons for the things we have discussed.
- Jennifer Kohler said he is speaking of one particular event. It was a wedding reception and two younger adolescent boys without permission walked up the back stairs unto the roof. Heidi (her daughter that is helping manage) discovered that quickly and chased them off of the stairs. In order to prevent that from happening again, they would want to put a gate at the bottom of the stairs. She said they would have to secure that.
- Matt Ence said he isn't sure the gate is reflected in the plans that were submitted for the building permit so that would be something that would have to be changed.
- Jennifer Kohler said okay, that is a reasonable request.
- Mayor Rosenberg asked if the plans show increasing the height of the parapet wall to the 7ft.
- Jennifer Kohler said no. The plan she has proposed so far is just dealing with an additional staircase. She said she has heard several comments requesting a staircase on that end of the building. For the neighbors behind them that was their preference.
- Mayor Rosenberg said he likes having the permanent, public access to the roof being on the north side. That is a good move. That goes back closer to the plans there were originally submitted. The height of the parapet wall was also a concern in the zoning, raising it to 7ft. Is that also part of the proposal or could it be?
- Jennifer Kohler said it definitely could be.
- Christa Hinton asked if she would also consider a gate at the top to close off that private staircase.
- Mayor Rosenberg said it could be labeled a fire exit. The exit could still be accessible, but it wouldn't be public.
- Ben Shakespeare said the original proposal showed a 5-7ft. screening element. He said he thought it was replacing that glass rail. He asked why not simply screen the stair and raise the parapet. He said the comment back from this in the meeting was it would be too cost prohibitive. He said moving the stairs would be as cost prohibitive as simply screening. His concern is that. It seems like simply raising the screen on the south side and raising the parapet is cheaper than building a stair.
- Mayor Rosenberg said if they have the 7ft. parapet and the gate or door that separated the stairway from the deck area they would have the duo fire egress.
- Ben Shakespeare said the concern all the way through this was providing screening to the activity that would be on the roof and that access. In the agreement it was communicated by Mr. Kohler that he can have this done by the end of May. He said this is a very easy fix to a solution that has been made bigger than it needs to be. If we move the stair and keep the stair and gate what is there and get the parapet, he thinks it meets

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the intent of everything we had discussed back in March.
- Matt Ence said this is ultimately up to the Council.
- Mayor Rosenberg asked if there is anything we are missing.
- Matt Ence said not under the settlement agreement.
- Leina Mathis said she likes Jennifer Kohler's options. It is a good fix. She said she thinks it accomplishes all that was required initially. She would like to see a timeframe put on it.
- Mayor Rosenberg said we need two things. We need the plans modified to reflect what we discussed and then we need a commitment on when it will be done.
- Jennifer Kohler said that is reasonable. Her plan would be to take personal responsibility for executing that so she would be the contact person. She said she would like to get some bids on what she is going to do and then sign a contract and then provide the timeline of when that gets accomplished.
- Mayor Rosenberg asked if she can get back to us by the first of the year with the plans and the schedule.
- Jennifer Kohler said yes, she can.
- Christa Hinton asked to clarify if we are talking about just the stairwell or the stairwell and the parapet.
- Mayor Rosenberg said the stairwell, the parapet, the emergency exits and everything we discussed would be shown on the plans with a schedule for completion and if we could get that back to us by the first of the year, we can review it at our first meeting in January. He asked if that would require amending the agreement.
- Matt Ence said yes, it would, but we can do that.
- Mayor Rosenberg said the Council action in January would be to amend the agreement to facilitate that plan and schedule.
- Matt Ence said that the time periods have run under the settlement agreement and that is important because given the history he doesn't have any confidence that Mr. Kohler is going to go along with this. We need to know and have that assurance that both parties on board and if this is something the Council wants to approve it is going to have to be subject to a signature from both parties.
- Jennifer Kohler said that is a reasonable expectation.
- Mayor Rosenberg asked if we need to take action on either item (Item 2 and 3) at this point.
- Matt Ence said yes, we need formal action. The time has already run under the current agreement and so until we get an amendment signed by all parties the Kohler's are in default under the current agreement. If the Council directs us to do an amendment and extend the time, we will do that but until that gets done and signed, they will remain in default and that is not going to change until those signatures are on the page.
- Mayor Rosenberg said we will give them a 30-day grace. If they don't get what we have asked for by the first of January, then we will pursue avenues of default under the agreement.
- Ben Shakespeare said that under the agreement the 8 months was completion of the construction. There is going to be some time in there as to getting plans submitted and we would have to allow the time.
- Mayor Rosenberg said that is what he is hoping to get with the plans is a completion schedule that will include all that.

- Christa Hinton asked if we are looking for a deadline to sign the amendment first.
- Mayor Rosenberg said what he is asking for is a 30-day grace period for them to prepare the plans as we have requested tonight including the relocating of the stairwell, extending the height of the terrace wall, creation of emergency gates to the south stairwell and a schedule for completion of when that would happen and we would give them 30 days to submit that and that would be incorporated into the amendment that would be on our agenda early in January.
- Matt Ence said those things need to be part of a written agreement.
- Brock Jacobsen said he would add a longer period so 30 days would only give them 2 ½ weeks to get that done. He suggested 45 days.
- Ben Shakespeare said we want to Kohler's to succeed and find something that works for the applicant. It just doesn't feel like it needed to be this. We want the project to be successful and we are down to the details so we should allow them the time that they need. We want to make this as easy as possible.
- Jennifer Kohler said that after 3 years in the project she feels capable of managing this.
- Matt Ence said if we want to bring this back for the first meeting in January, which is January 11, we obviously need some time to get anything to the City Council prior to that. Should we set a deadline of January 4, which is a week before and that way we can get it in the Council packet and get it in the agenda.
- Jennifer Kohler said she is okay with that and that gives her time.
- Leina Mathis asked if we are tabling Item 2 and 3 tonight.
- Matt Ence said no. It is important that the City take action tonight. The again explained the two items on the agenda tonight. He said it seems pretty clear that the Council is not interested in Item 2, amending the settlement agreement so he proposes the Council make a motion to either deny that or take no action on that, but he said some action and vote is important. On Item 3, because we are doing this under Option 2, that would fall under Item 3 on the agenda, and he would look for a motion from the Council putting into place this timetable that we talked about for an amendment to the agreement and allow this as an alternative under Option 2 subject to final approval. We need to see those plans.
- Ben Shakespeare said that on Item 2 there was nothing provided to approve or deny so he thinks that no action is the right thing.

Motion to Take No Action on an amendment to settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler, to allow status quo to remain with respect to the stairs at Building A, the Inn at Santa Clara as presented.
Motion by Ben Shakespeare, seconded by Christa Hinton.

- Matt Ence asked for a clarification. He said he would interpret Ben's motion as saying that Ben heard no proposal that he could approve for an amendment.

Amended Motion to Take No Action because there was no proposal that could be approved for the amendment on an amendment to settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler, to allow status quo to remain with respect to the stairs at Building A, the Inn at Santa Clara as presented.
Motion by Ben Shakespeare, seconded by Christa Hinton.
Voting Aye: Jarett Waite, Christa Hinton, Leina Mathis, Ben Shakespeare.

Voting Nay: None
Motion Carried.

3. Consider an alternative proposal to resolve the issues with the stairs and terrace at Building A, the Inn at Santa Clara, under "Option 2" of the settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler. Presented by Presented by Richard & Jennifer Kohler.

Motion to Approve an extension to the settlement agreement for the applicant to propose an alternative proposal to resolve the issues with the stairs and terrace at Building A, the Inn at Santa Clara, under "Option 2" of the settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler as presented. That extension will be through January 4, 2023. In "Option 2" the applicant will provide the design for the north stairwell on Santa Clara Drive, the raising of the parapet on the south side and the gates and emergency egress to the south stairwell.

- Matt Ence said he didn't hear in the motion that that would need to include a proposed timetable for completion.

Amended Motion to Approve an extension to the settlement agreement for the applicant to propose an alternative proposal to resolve the issues with the stairs and terrace at Building A, the Inn at Santa Clara, under "Option 2" of the settlement agreement between the City and The Inn at Santa Clara, LLC, and Richard & Jennifer Kohler as presented. That extension will be through January 4, 2023. In "Option 2" the applicant will provide the design for the north stairwell on Santa Clara Drive, the raising of the parapet on the south side and the gates and emergency egress to the south stairwell and the applicant providing a proposed construction completion timetable.
Motion by Ben Shakespeare, seconded by Leina Mathis.

- Christa Hinton asked if we need to say that the timetable needs to be approved by Council.
- Matt Ence said that what is being proposed is that the City will take no action on the default on the agreement until that time to allow the Kohler's to submit those items and then on January 11 at the meeting that Option 2 alternative will be brought to Council with an amendment to the settlement agreement for the City Council to approve.

Voting Aye: Ben Shakespeare, Christa Hinton, Jarett Waite, and Leina Mathis.
Voting Nay: None
Motion Carried.

- Ben Shakespeare said there needs to be no access to the roof until it is complete.
- Mayor Rosenberg said it can't be used until it is finished and approved.
- Cody Mitchell said that is correct but we made an exception on the CO.
- Mayor Rosenberg asked if the CO included the use of the upstairs.
- Cody Mitchell said there shouldn't be public access.
- Mayor Rosenberg said that will be granted when it is complete. It can't be approved for

public access until the actual construction is complete and it is signed off on.
- Matt Ence asked Jennifer Kohler if she knows how to contact him and she is welcome to submit anything to him and he will make sure it gets where it needs to go. He can send her an email.

4. Personnel Policy update discussion. Presented by Brock Jacobsen, City Manager.

- Brock Jacobsen said we last went through this back in 2014 and Staff started going through this during this calendar year and made some changes to the Personnel Policy manual and he wanted to bring that before Council for review and adoption. He stated that many of the changes were just minor changes of where something would go such a through interviews and applications. He said there are a few bigger changes we made to the policy manual. One of them on page 16 is in regard to hiring placement and stages. Item 9 says, " Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc. At the discretion of the City Manager and/or Mayor, credit checks will be performed (e.g. department heads and those who handle city funds). Where credit checks are used, a written release shall be obtained from the Applicant, approving obtaining the credit check, and releasing the City from liability for obtaining the credit check, or using its results in making an employment determination." We are striking everything after "physical examination, etc." to the end. We have never done credit checks and he said he doesn't even know why we would. He said there is also a change on how we do thing. On page 32 it talks about timecards. Everything is electronic now, so we took out physical timesheets. Everything is handled electronically. We added in a couple of places where the approval process could be done by the City Manager or designee. If the City Manager is not available, we can assign that to someone. We specified (page 63) in employment classification and compensation under 2B under part-time hours that it is 29 hours or less per week. On page 64 we specified the work week to the time frame and also workdays that change based on season with the crews out in the field. In the summertime they start earlier, 6 a.m. and work until 4:30 p.m. and the other part of the year it is 7 a.m. to 5:30 p.m. On page 64 Item 7 we struck out "without approval by the City Manager" under "breaks". On page 64, Item 2 it says, "Lunch: Is unpaid. One-half (1/2) hour unpaid lunch period during a standard workday. Length of lunch breaks vary by department. Employees should contact their director to find out their department's policy." We are striking after the first sentence where it begins, "Length of lunch breaks vary by department". It will be a 30-minute lunch across the board for everybody. On page 69 under Salary Planning, we are striking all of Item 3 out. We have a pay policy that we are trying to work through right now. On Item 4 we added, "The City, upon approval of the Mayor & City Council, shall adopt merit increase guidelines subjected to funding in approved budget. We also struck out, "effective July 1 of each calendar year subject to funding in the approved budget". On page 70 Item B we added, "Permanent full-time and part-time employees are eligible to receive a merit increase. Employees on probation are not eligible." He said that under Item 5 they struck, "B. The City Manager shall submit a written rationale supporting the recommendation to the Mayor & City Council." On Item 7 we struck out B. "The City Manager, with the concurrence of the Mayor & City Council, may approve an increase up to the midpoint of the new range when a promotion results from a competitive

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recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the availability of funds." On page 74 Item 3 we struck out "St. George community" and added "Washington County". On Item E we added, "or credit card". On Item F we updated the per diem, "The amount of fifty-nine dollars ($59.00) shall be granted as the maximum daily per diem allowance for City employees engaged in travel on the City's behalf" and added "These amounts will be paid in advance, after an approved of travel request." On page 78, Continuing Education, we have adjusted this to state: "Employees are encouraged to further their education and training in areas that will enhance their job performance. Under this program, educational assistance may be provided for courses offered by approved institutions of learning such as accredited colleges, universities, and technical and vocational/trade schools. All full-time employees may be eligible to participate in furthering their education subject to at least one year employment with the city and budget allowance. Requests for continuing education must be approved in advance by the City Manager and Department Head." On Item B we added, "Courses must not interfere with your job responsibilities and must be taken on your time. The City will reimburse 75% of tuition and fees for upon proof of successful completion. ($3,000 maximum reimbursement per fiscal year)". We will have to decide how much we will budget in general.

- Ben Shakespeare said this could be anything and anyone who wants to enroll and get a degree.
- Brock Jacobsen said yes. He said this should be something that would enhance their job performance. It also states in there, "If you are eligible for reimbursement from any other source (e.g., government sponsored program or scholarship), you may see assistance under the City's education assistance program, but you will only be reimbursed for the difference between the amount received from the other funding source and the actual course cost up to the maximum allowable reimbursement. To be eligible for reimbursement, you must submit an "Education Reimbursement Form" to your department head prior to the scheduled commencement of your course(s), receive written approval from your department head, be actively employed by the City at the time of course completion and receive a qualifying grade/certificate. Employees who voluntarily terminate employment with the City within one year of receiving tuition reimbursement must reimburse the City for assistance received during their last year of employment with the City." He said on page 80, Uniform Allowance, we added "If an employee who receives a purchase of City provided uniforms, upon his/her resignation or termination with the City, the cost of those uniforms will be prorated for the year ending employment and monies will be paid back to the City." On page 83 Leaves of Absence, we struck out, "but they shall not be eligible to use accrued leave until satisfactorily completing the probationary period and have been promoted to permanent status. The minimum probationary period shall be six (6) months." We added Part E, "Vacation time is accrued on the second pay period of each month." We struck out all of Item F, "An individual who starts work between the first (1st) and the fifteenth (15th) of the month will receive credit for that month. An individual who starts work between the sixteen (16th) and the last day of the month will accrue leave time beginning on the first (1st) day of the following month. On the first (1st day of the following month. Employees will be eligible to use leave which they have accrued after they have successfully completed the probationary period in the (1st) first year of permanent employment requests." On Item

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H we struck out the last sentence, "Those employees who have earned in excess of two hundred & forty hours (240) prior to the adoption of this policy shall be compensated for those hours which are in excess." We don't need that at this time. We added in Item M, "with the approval of the City Manager". We made it the City Manager's discretion to make that decision. On Item 3 we are adding in holidays Juneteenth and Columbus Day. That would bring it to 14 holidays which is consistent with our neighboring cities. We struck out on Part C, "Part-time employees are not eligible for Holiday pay; however, City Council may approve specified Holiday Pay based on the approved budget each FY. Holiday pay for permanent part-time employees shall be 5 hours per holiday." He said the last major change to the policy manual is on page 90 Sick Leave. This talks about the sick leave buy out. We added, "Employees who have reached the maximum allowable sick leave accrual (960 hours) may buyout up to twelve days for the year without dropping below 960 hours." The buyout is a check and runs through payroll.
- Ben Shakespeare asked if this is a normal policy.
- Brock Jacobsen said some do it this way and others do it other ways.
- Mayor Rosenberg asked what we do in the event of termination.
- Brock Jacobsen said that if someone is terminated, we only payout vacation or comp time. They don't get any sick leave buyout or if they resign or retire. This only happens if you are employed.
- Jarett Waite said it talks about that on page 89 Item F.
- Brock Jacobsen explained the proposed holidays. He said they are consistent with the neighboring cities. They are doing the same holidays.
- Ben Shakespeare asked about the amount of vacation the employees get.
- Brock Jacobsen explained that vacation is accrued years 1-5 (2 weeks a year). At years 6-11 they get 3 weeks, and 12 plus is 4 weeks with a maximum accrual of 240 hours of vacation that can be carried over from each fiscal year starting on July 1. There is no buy out on that.
- Ben Shakespeare asked if this was discussed with department heads going through this.
- Brock Jacobsen said that each department had a representative on the committee, and we sat down and went through it. They were instructed to visit with the people in their department and get their thoughts and they met over multiple months and then directors have also discussed it in our meetings.
- Ben Shakespeare said his only comment is this will allow basically 2 months' vacation, holidays, sick and everything else. He said in the private sector they would rather be paid. He said with about 18% time off that is going to have to be supplemented with additional employees. He said it seems in a time when we are short staffed is that a good thing. Maybe it is not a problem. He said there is a balance, and you need time off. Are we having to hire additional personnel for the time off. He said this is something to consider.
- Brock Jacobsen said there is probably mixed feeling on that. He doesn't feel that we get put in a predicament as Staff in not having Staff. It has happened on a rare occasion. The Staff really likes the sick leave buyout, so they use their vacation for sick times.
- Ben Shakespeare said he doesn't think it would cost the City any more money to express to the employees that we would rather have them here working knowing we wouldn't have to fill a position to replace them.
- Christa Hinton asked if Ben is suggesting a buyout for vacation.

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- Ben Shakespeare said if they have the time off and it is all taken, is that requiring additional hire.
- Brock Jacobsen said they had a discussion about vacation. We have multiple people every year that don't get through their vacation and they lose it. We felt that where we are at is good. We do encourage people to take vacations because they need it. They need time away. Our fear would be that people don't use their vacations.
- Ben Shakespeare said it is actually cheaper to pay overtime and buyout and things like that then it is to add employees for cover for those people. But a private sector is different than a public sector. He said he wouldn't be opposed to looking at something like this. It is something to think about.
- Jarett Waite asked a question about "Work Days" on page 64. Are burials and tournaments are contemplated in that? Burials are often on Fridays and Saturdays and tournaments are often on weekends.
- Brock Jacobsen said if they work a tournament, they can get paid overtime for the additional time or they can comp it. They could also flex their time. This is under the direction of the director. The burials are done by who is on call and they get paid overtime.
- Jarett Waite asked if that needed to be contemplated in that section.
- Brock Jacobsen said we can add it in. On page 66 it talks about call back time but doesn't get into specifics. We can specify for weekend work. We can add in an Item D to include weekends. He said this will be brought back on December 14 to the City Council.

5. Pending Water Ordinance discussion.

- Mayor Rosenberg said the Water District is working on the will serve letter requirements and the water surcharge requirements. It is probably not going to happen by January 1. Once we get it, it will still have to go through the City approval process with an amendment to the Rural Water Supply Agreement. There has been a lot of discussion on the surcharge and some other changes inside the water supply agreement with the District. There are seven cities involved in that. The will serve letters are described as part of that process. He asked when our pending ordinance expires.
- Matt Ence said he thinks it is sometime in January.
- Mayor Rosenberg asked if that can be extended.
- Matt Ence said the six months in the State code is a pretty hard line. You could make an argument to readopt for six months, and you would have to make all the same findings and justify why you are doing it again. There are risks to it. It is more likely that someone could successfully challenge it.
- Mayor Rosenberg said the water rights are still in a state of flux too. There is a couple of options that have been discussed about mandating a developer to bring water rights with him to facilitate his development and what that would do to the cost of the water rights going forward as a City. He said he doesn't have a definite direction on what is the best way to do there. He is trying to work something out with the irrigation company. He has submitted some information to Matt, Brock and Dustin about how it was done in La Verkin. They worked out an agreement with the La Verkin irrigation company years ago. They purchased all of the shares in exchange for a water delivery contract between

the city and the irrigation company. All the shares were held by the city and protected from reajudication because the city can bank those shares. That is a way to protect the water rights. He wants to have this discussion with the Santa Clara Irrigation Company. He said he is not thinking there will be a lot of reception there. Right now, we own 10% of the company. If the readjudication came today the State would look at the actual irrigated area and would reduce the companies' rights by whatever they didn't have area to irrigate, and we would lose a proportion of share of whatever the company took. If we are counting on that water, and then they readjudicate, we don't have that water. He talked about a water agreement and having terms in the agreement where the water has to stay in the City and the City can't sell it to anybody else. There would be incentives to keep the water local and protect it. The City would own and maintain the entire system so costs would go up. Everything would be metered, and we would collect rates on the irrigation water that's sold. We are working on that. He said there are nine entities that study the flows of the Colorado River, and they show that the river flow is decreasing, and it is fairly significant. There is a direct correlation between those Colorado River models and the Virgin River model. We can anticipate future reductions in the amount of surface water available to the Water District from the Virgin River. He said if you project this out, we've got enough water, based on all the existing growth, to get us to about 2040 unless the snowpack increases and the river flows come back. He said it is concerning. We need to start thinking about bending the growth curve. There are seven representatives on the water committee and all the cities in the water supply agreement are involved in it. We are not ready for a pending ordinance. He said we may need to let our temporary ordinance expire. If we need to, we can put a new one in and change some wording on it.

- Matt Ence said if we have a pretty good idea of what the program is going to look like better than we did six months ago, maybe we craft a new pending ordinance that is more specific and reflects more of what we expect we can maybe justify it. It will have new justification because we know more. He said he will give it some thought.
- Mayor Rosenberg said for him to give it some thought. He has the draft. We are meeting next week and in a week he will know more. He will forward information to Matt. Let's look at the date that needs to be enacted and we can try and do something before that day.
- Matt Ence said especially if we can come up with something that is more narrowly defined and less vague.
- Mayor Rosenberg said the standby fees is something he wants to pursue. He talked about a service fee that would be collected by the City. There would be a monthly fee billed to the owner of the lot. He asked Dustin, Gary and Matt to see if they can find an ordinance and start thinking about what the cost would be and what the monthly fee would be for those things that are in the ground and not being used and they haven't paid their fees on it. He said he will come back with some more information and if anyone has questions or ideas forward it to him.
- Jarett Waite asked if we need to ask our new legislator to run a bill that allows us to bank water shares and we could always be protected.
- Mayor Rosenberg said the cities could be priority owners inside the company.

6. Monument Signs and Menu Boards discussion. Presented by Jim McNulty, City

Planner.
- Jim McNulty reported that currently, wall signs require Planning Commission approval within the PDC Zone. However, monument signs can be approved by City Staff, or can be referred to the Planning Commission within this zoning district. Additionally, Staff would like to discuss Menu Boards for a drive-in or drive-up restaurant with the Council. He discussed several monuments that have gone up recently. He stated that Chapter 17.44.110, Monument Signs: currently allows for monument signs to be approved by City Staff, or as may be referred to the Planning Commission. The Planning Commission has asked Staff to look at requiring that monument signs in the PDC Zone come to them for approval. Currently, walls signs in the PDC Zone are required to go to PC for approval. He said it makes sense that monuments signs would also require PC approval. He said it would be a good idea to make some changes to the monument signs. He is proposing 8ft. in height and that the base match the building materials and that we put a provision in the code Section 17.44.110C(1)(d) to include language which requires a minimum base height of 1' with the requirement of utilizing materials and colors that match the building. The base will be required to run the entire horizontal length of the sign and shall contain no sign copy. The base shall be designed to blend in with any proposed berming or contouring of the property. He said he is also recommending changes to the allowable square footage of a monument sign which is currently allowed up to 100 square feet to consider a reduction to 80 square feet rather than 100 square feet. He would like to have better provisions in place to limit the signage. He also said that currently, the Sign Code doesn't have any provisions in place for Menu Board Signs and City Staff would like to add this to the sign code. He suggested that a definition will need to be created such as "A sign located at a drive-in or drive-up window restaurant." City Staff would recommend allowing for two (2) freestanding or wall mounted menu boards per business. City Staff recommends a maximum sign area of 24 square feet per sign. Also, City Staff recommends a maximum sign height of eight (8) feet freestanding menu signs and that these signs be located on site to not impair traffic visibility.
- Ben Shakespeare asked if Jim has research other areas to see if this is consistent with other areas.
- Jim McNulty said he has, and some cities are limiting the height to 6ft. We could do a little more limiting and say 7ft. He asked Council if they are comfortable with the menu signs we have right now.
- The Council all said they are.
- Jim McNulty said we will go back through the Planning Commission and then bring it back to Council in a month or two. He will probably bring it back to Council in February.

5. <u>Adjournment</u>:

Motion to adjourn by Jarett Waite.
Seconded by Ben Shakespeare with all members present voting aye.
Meeting Adjourned at 8:15 p.m.

Date Approved: _____

Chris Shelley – City Recorder

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SANTA CLARA CITY COUNCIL MEETING
WEDNESDAY, DECEMBER 14, 2022
MINUTES

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Regular Meeting on Wednesday, December 14, 2022 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah. Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. The meeting will be broadcast via You Tube linked on our website at https://sccity.org/meetings.

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

Others Present: Dustin Mouritsen, Public Works Director; Andrew Parker, Fire Chief; Matt Ence, City Attorney; Jim McNulty, City Planner; Cody Mitchell, Building Official; David Halling, Dowdle Studios; Mike Kruse, Unitarian Fellowship/Interfaith Council; Abigaelle Hayden; Missy Nelson; Dolly Stoner; Lynette Hughes.

1. **Call to Order**: Mayor Rosenberg called the meeting to order at 5:02 p.m. He welcomed everyone and introduced the City Council.

2. **Opening Ceremony:**

   - Pledge of Allegiance: Ben Shakespeare
   - Opening Comments: Mike Kruse, Unitarian Fellowship (St. George Interfaith Council).

3. **Conflicts and Disclosures: None.**

4. **Working Agenda:**

   A. Public Hearing(s): None.

   B. Consent Agenda:

   1. Approval of Claims and Minutes
      - Nov. 9, 2022 Regular City Council Meeting Minutes
      - Dec. 7, 2022 City Council Work Meeting Minutes
      - Claims through Dec. 14, 2022

   2. Calendar of Events

- Dec. 28, 2022 Regular City Council Meeting
- Jan. 4, 2023 City Council Work Meeting
- Jan. 11, 2023 Regular City Council Meeting
- Jan. 25, 2023 Regular City Council Meeting

3. Cancel the Dec. 28, 2022 Regular City Council Meeting.

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

C. General Business:

1. Dowdle Presentation. Presented by David Halling, Dowdle Puzzle.

- Mayor Rosenberg stated that several members of the City Council have run into David Halling at the League of Cities and Towns, and he is here to present on the puzzle.
- Christa Hinton said that David Halling is here from Dowdle Puzzle. As part of Dowdle Puzzle's business practices they contract with cities to create puzzles for them that reflect their history and uniqueness and we asked if they would be willing to come and share their presentation with us so we could explore whether or not our City would want to do a puzzle as well.
- David Halling said that Eric Dowdle is the artist and creative force behind this. He showed a video to the City Council introducing Eric Dowdle. He is a folk artist. He goes to cities and finds out what the locals and the tourists like to do. He said the way he tells a story is with his puzzles. He says he tells the cities stories in the puzzles. He wants to help people celebrate their towns. They work with the cities, so the puzzles are how they want them to be and tell the stories of the cities. Eric Dowdle is well known. He is the official puzzle of Costco. He said that most of the cities that get excited about these projects are the towns that are the smaller towns. Dowdle's goal is to showcase cities unique histories. He said the City of Santa Clara has a lot of history that could be put into a folk-art piece, and they can tell the City's story from the founding to the most modern building in the City and make it look like a cohesive piece that is telling a story of the City. He said their goal is to get the City's story and then create a legacy piece of art that the City can be proud of. He said that once they have done that, they will create a large puzzle for the City to display where the different elements of the City will come and put their piece in at the unveiling. The puzzles are the fund-raising part of it where the City makes back what they invest in the project. He said that Eric Dowdle will come and visit the City, but he won't tell the City what they want in there. That would be whatever committee the City establishes, and the City will decide what people, what famous places and what things are wanted in that painting. He said they want to create a puzzle that gets people putting the City together. He said with each puzzle there is a story insert and that tells the story of that city and has different bullet points of that city so as they are putting together the puzzle they are learning about that city. He said this creates a tourism thing where people will build the puzzle and then go and take their picture at that

city. It drives that. He said the revenue generating opportunity is the puzzle and tourism generated from the puzzle. He said the minimum order is 6,000 puzzles and the City would make $12.50 a puzzle so if all 6,000 puzzles are sold then the City has paid itself back. He said this is a project where you spend that money, and the project will pay you back. He said that once the art is commissioned and completed then they will have an unveiling ceremony and all they would ask from the City is to provide a venue and a PA system. He said they will come in with entertainment and with the art and with a celebration that brings the City out. They usually ask a couple of City officials to make some comments at the beginning and then Eric Dowdle will tell the story about his work of the City and what he put in the piece and then there is the unveiling. There will be a large wooden puzzle and people will come up and put in their piece. The City can also commission a large wall mural of their puzzle. He said they are trying to collect about 5 cities from each state and in 2026, our nation's 250th birthday, they are going to do an American tour. They are going to go to each of these cities and the cities signed up for this are the ones they will go to, and they will celebrate the story of that city. He said if the City decides this is something they want to move ahead with, you need to decide your budget, the level of participation. The City will then prepare your list of landmarks and stories of the buildings and people that you want included in the art. He said they have it broken down into "must haves" and "would be nice to have" and a wish list. He said they normally get most of those in there. Eric Dowdle will come to the City and tour it and will do sketches and will bring those sketches back to the committee appointed by the City and go over it with you. He said they go through several sketch versions, so it is what the City wants, and it tells the story of Santa Clara the way you want it told. It is then painted and comes to life. Then the City organizes and promotes the event of the unveiling and then they come out and do the unveiling and the puzzles are brought at that time as well as the artwork. He said at the end of this you will have a legacy piece of art that is telling your story and you have puzzles that are going to be circulating for years. He said if the City decides to do this the installments are broken down. It would be 50% upfront and 50% at completion. He said the City would receive, at minimum, a 12-month exclusive licensing agreement, which means that the only place these puzzles can be sold will be through the City. He said that is how they make sure the City recoups their funds. The City buys the puzzles for $12.50, and they sell them in their gallery and the cities sell them for $24.99. The City can determine where they want the puzzles sold for that period of time. After that they would take the puzzles and put them in their Costco run and Santa Clara would go into Costco's across the country. He said that Eric Dowdle will retain the copyright in perpetuity on the artwork, however, because the City is the commissioning agent, you retain all licensing, so the City has licensing to use that image without having to pay anything. He said the only thing they would ask is if the City is doing a print of it, you would allow Dowdle to do a press check. Eric Dowdle is particular about his colors and the images of his art. He said in the future if there were additional signings or things like that the City wants to have done, they would take that image and digitally alter it and do a version of the puzzle for a special event and the City wouldn't pay for the art or the digital correction. All the City would pay for is the puzzles. They would do another signing and unveiling of that commemorative event as well. He said the picture they do for the cities is a 32"x 40" for $75,000 and the puzzles are a 6,000 minimum at $12.50 a piece. He said they also have different types of framed artwork that the City buys and then can sell it for double. They would produce these and

bring them to the event and the City would sell them. He said the whole commitment is $150,000 and if the City sells the 6,000 puzzles it pays it back. He said if the City wants to do this, they can schedule it. Right now, it would probably be late 2023 for the event or even 2024. He said after the window closes for the Utah cities for the American Tour, they probably won't be able to revisit a Utah city until after the 250th anniversary so it would probably be 2027 before they would be able to come back and revisit this. He presented the Council with puzzles so they can get a feel of what these puzzles are. He said they are known for the highest quality puzzles in the industry. He said people love their puzzles and they have a very loyal following.
- Leina Mathis asked how the size of the puzzle is determined, the number of pieces.
- David Halling said the City can determine that. The most successful is the 500 piece, which is the 16"x 20" puzzle.
- Christa Hinton asked about when the period of exclusivity is over and the puzzles get placed in Costco, would the City still be able to sell puzzles as well or are we done at that point.
- David Halling said that you wouldn't be done. The contract will lock in those prices for the puzzles going forward. Costco is a limited run; it is only for part of the year. After the exclusivity period the City can still buy them, and you are locked into the same prices so it won't go up on you and you can still sell them at the venues you wish to sell them at.
- Christa Hinton said she is a big fan, and she thinks these are the best. She said she is a 1,000-piece puzzle person.
- Leina Mathis said she is too.
- David Halling said they could do 3,000 500-piece puzzles and 3,000 1,000-piece puzzles.
- Ben Shakespeare said he doesn't think it will be hard to recoup the costs.
- David Halling said Santa Clara has an amazing story to tell.
- Leina Mathis asked that realistically if we wanted to have one completed in September, how quickly would we need to move.
- David Halling said they would send the contract to the City Attorney and make sure everything looks good on it and then the $37,500 would be due sooner the better. He said they have several that are pending right now. He said if we got this done by the mid-part of January that date could be locked in. The sketch would probably start in April or May when they come down and visit. He suggested setting up a committee to review the sketches.
- Mayor Rosenberg thanked David for the presentation and the puzzles.

2. Discussion and action to approve the 2023 Santa Clara City Meeting Schedule. Presented by Chris Shelley, City Recorder.

- Chris Shelley said she had before the Council the notice for the yearly public meetings. The code requires this to be brought to Council for approval and then post them with the newspaper and in addition it is posted on the City website and public notice website as well as posted at the post office and the City Office. They are done at the first of the year. No changes on the times or dates have been made since last year and Staff is recommending approval. She said she consulted with the Planning Commission and their dates are the same as well.

Motion to Approve the 2023 Santa Clara City Meeting Schedule as presented.
Motion by Denny Drake, seconded by Jarett Waite.
Voting Aye: Jarett Waite, Leina Mathis, Ben Shakespeare, Christa Hinton and Denny Drake.
Voting Nay: None.
Motion Carried.

3. Discussion and action regarding an update to the Santa Clara City Personnel Policy Manual. Presented by Brock Jacobsen, City Manager.

   - Brock Jacobsen said we discussed this with Council last week. We updated the holidays and added in Juneteenth and Columbus Day and kept the day after Thanksgiving and the day after Christmas as holidays. We also included, as part of the wellness program, another level of sick leave that could be purchased based on their wellness. The education reimbursement was updated. We added a cap to each year as to how much an employee could get. They would have to reimburse the City if they left within that year for the education payment they received. Those were the big items in the update.

Motion to Approve the update to the Santa Clara City Personnel Policy Manual as presented.
Motion by Leina Mathis, seconded by Christa Hinton.
Voting Aye: Denny Drake, Jarett Waite, Ben Shakespeare, Christa Hinton and Leina Mathis.
Voting Nay: None.
Motion Carried.

4. Discussion and action regarding approval for waterline replacement for Vineyard Drive Ph.1. Presented by Dustin Mouritsen, Public Works Director.

   - Dustin Mouritsen said we talked about this at the Work Meeting, and he has come back with estimates to complete that portion of waterline, which would be from Blackrock Road down past the 90-degree bend. It will be constructed with the new Vineyards 11 Subdivision. Whitaker Construction who is working for the City on two other jobs was the low bid for this. Mountain Land Supply was the low bid on the pipe material. He said he is putting in about $15,000 for miscellaneous because the road is probably going to need to be patched depending on when the asphalt demolition and replacement is done. He said the total cost would be $141,280. He said Whitaker can start the first week of January. He feels it is crucial to get this section done because of the elevation change when Vineyard 11 ties in. Our waterlines need to be at that elevation by the time they get there.
   - Mayor Rosenberg said it definitely needs to happen quickly.
   - Dustin Mouritsen said the City will be helping out with our services. The Water Department will come in and install those services for a savings of about $20,000.
   - Mayor Rosenberg asked if there is going to be any traffic control issues with the subdivision under construction and truck traffic.
   - Dustin Mouritsen said they are supposed to be done hauling the second week of January.
   - Ben Shakespeare asked about the timeline of the construction.
   - Dustin Mouritsen said he doesn't think it will take more than 3 weeks. He said there are a lot of utilities down there. It is a jigsaw puzzle.

- Leina Mathis asked if the conduit for the fiber is already in that part of the road.
- Dustin Mouritsen said no, it is not. We would have the joint utility trench so we could get it in there at the same time.
- Mayor Rosenberg asked if Kent is running a joint utility trench on Vineyard in the subdivision.
- Dustin Mouritsen said he is in the subdivision but not on Vineyard. He said this is budgeted for and it is impact fee eligible because it is an upsize.
- Mayor Rosenberg said this is a good project and it is needed.

Motion to Approve the waterline replacement for Vineyard Drive Ph. 1 for $141,280 as presented.
Motion by Denny Drake, seconded by Ben Shakespeare.

- Brock Jacobsen said we are awarding the bid to Whitaker Construction for labor and installation and Mountain Land Supply for the materials.

Amended Motion to Approve the waterline replacement for Vineyard Drive Ph. 1 and awarding the bid to Whitaker Construction for labor and installation for $66,280 and Mountain Land Supply for the materials for $60,000 and Miscellaneous expenses of $15,000 for a total of $141,280 as presented.
Motion by Denny Drake, seconded by Ben Shakespeare.
Voting Aye: Leina Mathis, Denny Drake, Christa Hinton, Ben Shakespeare and Jarett Waite.
Voting Nay: None.
Motion Carried.

5. **Reports:**

A. Mayor / Council Reports

Ben Shakespeare:
- He attended the Flood Control Authority meeting, and they approved the budget for next year.
- He volunteered to go door to door to handle the SSA for Vineyard, but he would like a very well documented and understandable 1-page document to give to the residents. He said he believes we need to get out in front of that.

Leina Mathis:
- Nothing to report.

Jarett Waite:
- He attended a Mosquito Abatement Meeting. We approved the budget.
- The glockenspiel parts came in, but it is still not fixed. It is going to take an electrician.

Denny Drake:
- The Solid Waste District approved a modification to the waste facility with a new scale house and building. It will be built out of surplus. There will be an increase in fees beginning in May. We also approved the contract for the company who is going to manage out there. We will see some changes out there.

Christa Hinton:
- Nothing to report.

Mayor Rosenberg:
- The Water meetings are continuing. We are in the middle of reviewing the amendment to the Rural Water Supply Agreement with the Water District and the other six cities. It is a slow, tedious process. We are meeting again on Monday. We have also gone through the will-serve letters trying to get that format so we can get that to the cities as far as new development goes. He said he has questions about how the will-serve letters will impact projects that are in the pipeline. He said he will get clarification on that. They are looking to have that will-serve letter in very early January. He asked Matt Ence if that needs to go back to Council for approval.
- Matt Ence said it will.
- Mayor Rosenberg said he will try and get that on an early January agenda to get that approved.
- He was contacted regarding the State of the City address. That is on Tuesday, Feb. 14, here at Town Hall.
- The MPO met, and we approved a project at Washington City to get them some additional funding for one of their roadway jobs, but nothing really impacted Santa Clara.
- The Mayors met with the hospital and got an update on some of the things they have going on there. The hospital representatives are going to come over and give a presentation to the City Council and give us an update.
- Denny Drake said that COVID and the RSV virus are occupying all of the beds at the hospital right now.

- Leina Mathis asked about the water moratorium we have in place. She asked Matt Ence if that expires this month.
- Matt Ence said that expires in January.
- Mayor Rosenberg said we are working on an ordinance to codify the Rhone model.
- Matt Ence said that he and Dustin have been looking at that and we did adopt an ordinance on that previously so really what we need to decide is what else we want to add to that. It is still ongoing.
- Mayor Rosenberg said one of the things the water group is going to be talking about is dealing with the canal companies and the shares in those companies.
- Matt Ence said the Water District invited all the City Attorneys to a meeting last Thursday and we had a discussion about the Regional Water Supply Agreement changes and of all of the issues, that was the one that was most concerning to a number of cities there.
- Mayor Rosenberg asked Chief Parker, Fire Chief, if the department is going to be able to burn the piles up by Washington Dam.
- Chief Parker said he doesn't think so. We can but we would have to hire a crew, short-term and have them do it. He said he can look into it.
- Mayor Rosenberg said if it isn't feasible for us to do it, we need to let them know.
- Chief Parker said he will let the Mayor know by the end of the week.

Jim McNulty:

- He said we got some good news from the State yesterday from Alyssa Gamble regarding the moderate-income housing element of the General Plan. He said he reformatted it and attended the work meetings and was able to resubmit it and was told on Monday that it has been accepted. He said we have to go through the process and adopt the updated moderate income housing element of the General Plan by ordinance. That will go to Planning Commission in January and will come to Council by the end of January which puts us in conformance of meeting their deadline which is the end of February.

Brock Jacobsen:
- Our new website went live today. The QR codes for the public meetings are working.
- On Thursday, Jan. 26 at 5:30 we are going to have the combined meeting with the Ivins City Council.

- Dolly Stoner, 1694 Rainbow Road, said she saw there was a sign for a public meeting on Pioneer Parkway. She asked if the City can place the sign at a place that is safer to stop so that residents can scan the QR code. A great place would be in the Heights area. She said she looked for a time on the website and she couldn't find any schedule on the phone app.
- Brock Jacobsen said the public notice is required to be on the property on which the public hearing is about. That is why it was placed on that property. We can place one elsewhere as well.
- Jim McNulty said they are asking for a General Plan Amendment for that specific piece of property so we put it where it would be visible. The meeting for that is tomorrow night. He said they put it in the safest location they could for that site.
- Dolly Stoner suggested posting signs on Wednesdays as a reminder about the meetings that will be happening. She suggested putting up more signs, more places, more often so people can have a happier relationship with what is going on in the City.
- Matt Ence said the State of Utah maintains a website where the City is required to post all of our meeting notices and people can get on that website and subscribe for notices on any local government or any body. It is the Utah Public Notice website.

6. **Executive Session**: **None.**

7. **Adjournment:**

Motion to adjourn by Christa Hinton.
Seconded by Leina Mathis with all members present voting aye.
Meeting Adjourned at 6:15 p.m.

_____ Date Approved: _____
Chris Shelley – City Recorder

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SANTA CLARA CITY COUNCIL WORK MEETING
WEDNESDAY, JANUARY 4, 2023
MINUTES

THE CITY COUNCIL FOR THE CITY OF SANTA CLARA, WASHINGTON COUNTY, UTAH, met for a Work Meeting on Wednesday, January 4, 2023 at 5:00 p.m. in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara, Utah.

Notice of the time, place and agenda of the meeting was provided to the Spectrum and to each member of the governing body by emailing a copy of the Notice and Agenda to the Spectrum and also, along with any packet information, to the mayor and each council member, at least two days before the meeting. The meeting will be broadcast via You Tube linked on our website at https://sccity.org/meetings.

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

Others Present: Dustin Mouritsen, Public Works Director; Ryan VonCannon, Parks & Trails Assist. Director; Gary Hall, Power Director; Jim McNulty, City Planner; Cody Mitchell, Building Official; Andrew Parker, Fire Chief; Bob Flowers, Police Chief; Matt Ence, City Attorney; Debbie Bannon, Finance Director (via Zoom); Kate Casselman, Power Department; Steve Palmer, Hinton Burdick; David Moore; Jason Lindsey; Dolly Stoner; Jeremy Call; Kari Finley

1. **Call to Order:** Mayor Rosenberg called the meeting to order at 5:03 p.m. He wished everyone a very happy New Year. He welcomed everyone to the City Council Meeting and introduced himself and the City Council.

2. **General Citizen Public Comment:**

   - Mayor Rosenberg said there is one public comment but it concerns solar fees so he will allow Mr. Moore to make his comments when the Council discusses that item (Item 3A4).

3. **Working Agenda:**

   A. General Business:

   1. Introduction of New Employee. Julie Monson.

      - Brock Jacobsen, City Manager, said that Julie started on Tuesday. Ditzie Whitehead will be retiring this year so we hired Julie to come and train and will be Ditzie's replacement.
      - Julie Monson said she has been a resident of Santa Clara for 12 years. She said she knows she has big shoes to fill. She said she is happy to be here and be part of the

City.

2. Audit Review. Hinton & Burdick, Steve Palmer.

- Steve Palmer said he is here to discuss with the Council the last audit of the City which they recently completed. He stated that it is a requirement that the State gives to all municipalities that have expenditures or revenues over $1 million each year. The City is easily over that limit, so the City is required to have the audit. He explained what the entails. He comes in with his team and review the City's transactions, the accounting records, the underlying documentation and the financial statements to determine if the financial statements present fairly the financial position as a result of the City's operations for the year under audit. He stated that he is pleased to report that they issued an unmodified opinion on the City's financial statements. He said that means, in their opinion, they do present fairly the financial information of the City for year end June 30, 2022. He said that is the opinion the City wants on their financial statements. That is a clean opinion. He said they are required to issue another report on the City's internal control over financial reporting and on compliance. He said he is pleased that there were no material weaknesses to issue. He said over the past few years the City has been making some big improvements in the financial statement preparation process and the underlying accounting for the financial statements. He said the findings they have issued have slowly been decreasing. He said this year they only issued one finding that was categorized as a significant deficiency. He said that related to the fact that as they performed their test work, they identified some items that needed to be adjusted for the financial statements to be in conformity with generally accepted accounting principles. He said this doesn't mean that anything is fundamentally wrong with the City's accounting. It just means that with everything that goes on, it is hard to detect everything that needs to be adjusted. He said those adjustments have been made. He said the third report they issue is on the City's compliance with State legal matters specifically related to finance. He said the State gives them an audit guide that they go through to check those items they deem to be significant. He reported that upon completion of these procedures they did not have any findings that were required to be made. He said that the net position or the equity of the City was $44,484,546 at the end of the fiscal year. He said that over time, increases or decreases in net position are an indicator of whether the financial health of the City is improving or deteriorating. He said that for the year end, June 30, 2022, the net position increased by $3,584,026. He stated that that can be split into two different components: the new position of governmental activities which increased by $809,897 and the net position of business-type activities which increased by $2,774,129. He showed graphs of the trends of the City. He said the assets of the General Fund have been very stable over the last four out of the five years and we are seeing some very healthy trends there. He said there is a healthy margin between the revenues and the expenditures in the Water Fund. He stated that although there is a healthy margin between the revenues and expenditures, the unrestricted cash in the Water Fund has steadily been progressing over the past few years and that is something the City will want to watch. He said there is also a healthy margin between the revenues and the expenditures in the Sewer Fund. Cash is showing a healthy trend in that fund. He said that the Electric Fund graph shows the increased expenses because of the power costs

but as the costs go up so do the rates. He stated there was a spike in the revenues in the Storm Water Fund in 2019 because of the money from FEMA. He said overall the operating revenues are pretty stable as are the operating expenses. There is a nice margin there. He said the audit has been completed and the report has been filed where they need to go. He stated the City is doing well from a financial perspective. He thanked everyone that helped them with the audit. The finance department of the City has been great to work with.
- Mayor Rosenberg expressed his appreciation for all the work that went into this audit.

3. Discussion regarding the Well Study by Willow Stick.

- Dustin Mouritsen, Public Works Director, said he wanted to have a discussion with the Council on a future well development for Santa Clara. He said we are fortunate that we have just enough water rights left for a pretty good producing well. He said he would like to have those water rights verified with a water rights attorney before we go into development of a well. He reported that the cost is approximately $7,000. The best solution to find water is another well in Snow Canyon but will very costly since the current pipeline is at capacity, we would need to run a whole new line to the Snow Canyon Tank, which will double the cost of the well. He said he has been doing some research on finding water in the City boundary so we could pump into our existing pipeline. He was referred to Willowstick Technologies who did a study for Cedar City. They found 8 possible sites which 2 have started test drilling. Willowstick submitted a scope of work and estimate to conduct a geophysical well sitting for Santa Clara. He said he has had 3 meetings with them and after a brief study of the area they ruled out anything near the river because of the quality of the water but were interested in some areas in the Heights especially near the lava beds. The purpose of the investigation is to locate the best possible targets to achieve the goal of drilling wells with high yield production within these selected areas. They will spend 3 days in Santa Clara conducting a geological site assessment within our City boundaries to narrow down specific areas for the geophysical survey field work. Then a lineament study and Fracture Trace analysis to determine how each lineament and fracture fits into the geologic context and how it may or may not contribute to the conceptual hydrologic model. It will be followed up with on the ground geophysical survey work consisting of radiometric gamma ray scintillation counting that will give signals in places where water accumulates in fractured or faulted zones to generate prospect areas that can be further studied, qualified or ruled out. Then a resonance acoustic profiling passive seismic method will detect structural weakness in rocks and fracture zones where groundwater is most likely. The detailed study will provide specific sites that could then be test drilled and test pumped. Total cost for the Willowstick well siting investigation is $45,000. He explained the steps of the Scope of Work and Fee Estimate to conduct a geophysical groundwater well-siting investigation. This stepped approach integrates several technologies to narrow down prospective locations. After initial collection of GIS and hydrologic project data, it begins with two valuable assessments that facilitate creation of a conceptual hydrologic model. This provides the framework and reconnaissance to follow up with on-the-ground geophysical studies to further narrow down potential targets and to estimate depths for precision drilling.
Phase 1 – Reconnaissance and Desktop Studies

1. Geological and Property and Well Assessment For reconnaissance purposes, their staff geologist will spend 3 days in Santa Clara conducting a geological site assessment of all the areas within the Santa Clara City boundaries. There are specific geologic formations within Santa Clara that must be studied further, including the Moenave and Chinle formations that have higher potential to have high-yield water production. This assessment along with a desktop property and well assessment will assist with narrowing down specific areas for the geophysical survey field work.
2. Lineament Study and Fracture Trace Analysis
Going well beyond typical lineament studies, this analysis determines how each lineament and fracture fits into the geologic context and how it may or may not contribute to the conceptual hydrologic model. This study complements the geological assessment in order to select the best locations to study further with the on-the-ground geophysical survey work.
Phase 2 – On-the-Ground Geophysical Survey Work
3. Radiometric Gamma Ray Scintillation Counting
This system measures the aggregate gamma emissions from subsurface rocks and soil. Most importantly, the signal dips in places where water accumulates enough to diminish the signal—especially vertically, such as in fracture/faulted zones—making it an excellent tool to use in conjunction with the RAP method to discriminate wet versus dry fracture zones. Because this system takes measurements in free space, much larger areas can be covered in shorter time, making it the "scouting" tool to generate prospect areas that can be further studied, qualified or ruled-out as the case may be.
4. Resonance Acoustic Profiling Passive Seismic Method
This method rapidly detects structural weakness in rocks and can locate fracture zones with high accuracy down to depths of 3000 feet or more. What most people don't realize is that the earth's crust is always flexing due to the gravitational pull of other planets and the rotation of the earth—similar to how ocean tides are constantly in motion (rising and falling daily). The flexing of the earth's crust creates resonances that can be measured and interpreted to help identify structural weakness in rocks allowing for the location of fracture zones where groundwater is likely most concentrated and where groundwater preferentially flows through the subsurface. Prospective areas are narrowed down to final targets using this passive seismic system that provides 2D and 3D acoustic profiles of the lithology to reveal structures highly prospective for groundwater. These techniques are compact and easily deployable, and 2D acoustic profiles showing strengths or weaknesses of the underlying stratigraphy can be produced rapidly in the field. They are planning to select a few different sites within the Santa Clara city boundary which will cover approximately 500 acres. For each of the site, they plan to cover the selected areas with the gamma system which takes readings every second. The Gamma surveys will then be followed by a RAP investigation at each of the sites to identify predominantly weak and fractured water bearing zones that facilitate hydraulic conductivity and yield high water production. In areas where the data suggests strong gamma anomalies and likely well siting targets within those areas, they will then focus the RAP measurements with much greater detail within those areas where the gamma readings indicate water zones. The cost estimate: The lump-sum fee to perform the Phase 1 work as described is $15,500. The Phase 2 work will need to be further defined but the budgetary fee to conduct the RAP and Gamma surveys on 500 acres is $29,500. The total cost is

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$45,000. He said that Willowstick Technologies is a good company and has been around since 2004 and have had 500 successful projects worldwide. They have a professional engineer and a professional geophysicist employed with the company.
- Mayor Rosenberg said that Dustin has also listed $7,000 to review the water rights. He asked if that is part of the Willowstick estimate.
- Dustin Mouritsen said it is not but he would like to have this done as well to make sure the water rights are there and secure. He said we have some secondary water rights we are not using right now, and we could probably transfer those into shares and use them. He said it is worth looking at.
- Mayor Rosenberg asked who the $7,000 would go to.
- Dustin Mouritsen said it is a water attorney that Sunrise Engineering set up for us. He doesn't remember his name. It would be a direct contract with him.
- Mayor Rosenberg asked when Dustin comes for action from the Council is he going to want both amounts, the $7,000 and the $45,000.
- Dustin Mouritsen said yes.
- Ben Shakespeare asked to be brought up to speed on what kind of water we are talking about and how many shares would there be. He also asked how this works with the Water Conservancy District. Is this just specific to us?
- Dustin Mouritsen said this is just specific to us. These are our rights. The District would not have any part of it.
- Mayor Rosenberg said unless we asked them, or the Snow Canyon compact or someone else to help participate in it or a share of it. This would be a Santa Clara well that we tie directly into our system and utilize those existing underground rights that we are not utilizing today. We are under obligation to utilize all of our rights so this well would just be a Santa Clara City well unless there were good reasons to bring a neighboring city in.
- Dustin Mouritsen explained that we have about 2,550-acre feet of water rights and 600-700 we are not using which is what a good producing well would take that amount of water rights. On our peak months we would still be on regional water but the rest of the year we would be completely off of it. We only used 11% regional water this year.
- Mayor Rosenberg said this would reduce our dependency on the District and also provide additional redundancy.
- Dustin Mouritsen said we don't necessarily need the water now, but it will get us to build-out.
- Mayor Rosenberg said if we can tie up some additional shares in the canal company and be able to make sure those shares are perfected, so we are not at risk for readjudification of the surface water and losing that. If we can make that happen, we are in pretty good shape. He said we might be able to get the Water District to help us with the $45,000. He thinks they will.
- Leina Mathis asked if we find the water, is the intent to add a new tank.
- Dustin Mouritsen said no, we are good on tanks for a while. It would just be another well with a small chlorination building.
- Denny Drake asked if the map included more than the Santa Clara City area. Does it include the Snow Canyon area as well?
- Dustin Mouritsen said not necessarily. We know we can go there and get water. But we would have to run a pipeline all the way out of it.
- Mayor Rosenberg said because of environmental issues that would be a long process.

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We are looking for sites within the City.
- Ben Shakespeare asked if there isn't a suitable source within the City can we go out somewhere between here and Snow Canyon.
- Dustin Mouritsen said that would be the second step to go outside of our boundaries. But then we would get into being in another city and tying up property. It would be ideal if we can find something in Santa Clara. We are putting a well in the Master Plan update so it will be impact fee eligible. We have to have a backup plan.
- The City Council feels we ought to pursue this.

4. Discussion regarding a Solar Net Agreement and a Solar Reliability charge.

- Gary Hall, Power Director, reported that the Santa Clara net metering resolution for solar customers was adopted in 2016. This policy was based on research completed by Utility Financial Solutions (UFS) along with a rate study done at that time. It was determined that Santa Clara would need to charge a Solar Reliability Charge (SRC), to solar customers in order to maintain financial stability with the loss of revenue from power sales. When purchasing power, building power lines, building substations, ordering transformers, the full load of each home is considered without solar. We need to be able to provide the same level of service to solar customers as non-solar customers but with less revenue. It was the intention of the net metering agreement to charge all solar customers the base rate, the solar reliability charge, and for the amount of energy used from the City and credited for excess energy that the customer produced. It has been brought to our attention that the City has charged customers the SRC contrary to the way the agreement is written. He said he would like to discuss with Council this agreement and how they feel about the current charges and where they would like to see it in the future. He said that Mr. Moore is the one who brought this to his attention about the agreement was actually contrary to the actual agreement. He said in the agreement under Section 5B it tells what a customer is charged. He said if a customer has solar on his house and buys more power from the City then he produces he is charged (Section 5B, Paragraphs 1-3) "the net energy supplied to Customer by the City's electric distribution system; and the appropriate customer base charge paid by other customers of the City in the same rate class; and the monthly Solar Reliability Charge". He talked about another scenario. If a customer produces more energy than he buys from the City he is billed (Section 5C, Paragraphs 1 & 2) "billed for the appropriate customer service charge as other customers of the City in the same rate class; and credit for the net excess kWh's generated during the billing period at the Renewable Power Rate with this kWh credit appearing on Customer's bill for the following billing period". He said it was the intention of the Solar Reliability Charge to be added to this as well and it was missed when this agreement was written. He said he has discussed this with Brock Jacobsen and Matt Ence, City Attorney, and we need to honor the agreement as written and so there is all the customers that have produced more energy than they purchased from us, we will have to issue them credits for what they have been billed according to this agreement. They were charged the Solar Reliability Charge for the months they produced more energy and according to this agreement they should not have been billed for that. He wanted the Council to be aware that we will be refunding these customers that Solar Reliability Charge that they were charged contrary to the agreement. He said we need to either redo this agreement

and if we want to keep the Solar Reliability Charge. He explained how net metering works. "The Customer uses energy produced from their solar panels. If they produce more energy than what the home needs, the excess energy is fed into the Utility. Santa Clara City provides power to the customer when needed (when the solar panels aren't producing enough energy). The Customer is billed off the net usage between what they used from the City and the energy they fed into the Utility."
- Denny Drake asked if that is happening now.
- Gary Hall said yes, this was done in 2016. We have 58 homes that have solar right now in the City. He explained how it was intended for the solar customers to be billed. He reported: "Solar Customers shall be billed for the appropriate customer service charge (Base Rate) as other customers of the City in the same rate class. One of these two options: 1. If the Customer uses more energy from the City than the energy supplied back into the Utility, then the customer shall be billed for the net kWh usage in the same rate class as other Customers of the City. 2. If the energy generated by the Customer and distributed back to the Utility exceeds the energy supplied to the Customer, then the Customer shall be credited for the excess net energy at the Renewable Power Rate of .06 cents per kWh. 3. They will be billed the Solar Reliability Charge." He said that third option should have been on both scenarios. He said the intent was that all solar customers should have been billed the Solar Reliability Charge. He explained the Solar Reliability Charge. "A Solar Reliability Charge (SRC) will be applied to a Customer's bill monthly based on the kW capacity of the solar PV system installed. This charge reflects the cost of the Santa Clara City Utility to provide full service to meet the full demand of net-metered customers." He also explained why we need a Solar Reliability Charge. He said the Avoided Cost Study completed in December of 2015 provided answers to questions asked regarding the impact of solar on our distribution system. There is a cost to the Santa Clara Utility for Solar Customers. Santa Clara City needs to collect $4.05 per kilowatt installed to cover costs on our system. He explained how Solar Customers receive a credit. If the energy generated by the Customer and distributed back to the Utility exceeds the energy supplied to the Customer, then the Customer shall be credited for the excess net energy at the Renewable Power Rate of .06 cents per kWh. He reported that Santa Clara City Staff has been working with Residents, Solar Companies, City Council, other Municipalities and UAMPS to come up with the best win-win solution available for the City and all of our Residents. We understand Net Metering is preferred amongst residents and Solar Companies and we want to invite future solar customers to come to Santa Clara. He said that at the same time, Santa Clara City also needs to make sure our costs are covered so we can continue to provide energy to all our Customers. He stated that Staff feels the Solar Reliability Charge is best possible win-win solution for the City and all of our Residents. He showed Council a comparison of other cities and what they do for their solar customers. Our base rate is pretty comparable. He also explained that he is not sure why we have a cap 8 kWh residential.
- Jarett Waite said he could explain that. He said that Jack Taylor (previous Public Works Director) felt that 6 kW on a roof was about right so that we don't overload circuits of too many homes in one neighborhood. That would kind of keep it under wraps and not cause large increases in transformer sizes and he negotiated Jack up to 8 kW. That is how we got there.
- Jarett Waite talked about the rebate that is shown in the agreement.

- Gary Hall said that was to cover customers that were grandfathered in. There were 10 of those customers. They would be grandfathered in for 10 years at their rate. He showed Council the list of the customers that have been charged the Solar Reliability Charge contrary to the agreement and the amount we will be refunding ($16,997.31). He said the Total Monthly SRC would be $1,263.69.
- Leina Mathis asked if we have stopped billing the customers at this point.
- Gary Hall said not yet. That is what he wanted to discuss with Council.
- Brock Jacobsen said what we plan to do is bring back this agreement amended. We can do this with 30 days' notice so we will be notifying the residents that we are going to be modifying the agreement and terminating the current one that we have. We need to put every single customer on notice of that. We will be bringing the new agreement back to Council if Council is okay with it just adding that Solar Reliability Charge under that paragraph (C3) that it will also be billed as was the intent. He said the question is if we stick with the $4.05 that was done on the study or do we adjust the Solar Reliability Charge to a different amount. He asked direction from Council.
- Christa Hinton said she noticed that we are more expensive than everyone on the chart except Rocky Mountain Power. She asked why we are more expensive than everyone else.
- Gary Hall explained it is the because the cost-of-service study that was done for us.
- Mayor Rosenberg said it is hard to compare. Everybody charges at a little different way. You can't just change one of the components. You have to look at others as well.
- Brock Jacobsen talked about base rates and usage rates and how they are different for every municipality. They vary based upon each municipality's expenses and their infrastructure, their debt, their building and where they are at.
- Kate Casselman, Power Department, said we are discussing this with the different cities, and they are all in the same process of increasing prices. It is so vast on how they charge.
- Ben Shakespeare said he wasn't on the Council when this agreement was drafted but we have had this discussion since he has been on the Council and Jack Taylor went over why we have this Solar Reliability Charge. We have to pay for infrastructure to get there and we have to provide power to each resident regardless. He said the cost of energy is changing dramatically so is this something we want to look at as far as limitations. It seems like it would be beneficial to have more solar in the City.
- Gary Hall said that solar does help us out but we still have to buy enough resources from the power plants plus all the infrastructure to supply the homes in the City and if it is a cloudy day and none is being produced, that is a draw on the system, and we have to supply that system.
- Ben Shakespeare asked about the commercial rate particularly Harmon's.
- Gary Hall said he is unsure of the agreement that was made with Harmon's. He said there were some incentives there.
- Jarett Waite said they are in a buy/sell arrangement. All the solar gets put on the grid and they just buy it back and get credit for everything they put out. He said this was implemented for the citizens as well, but a lot of the citizens were upset about it. A group of citizens got together and came to Jack Taylor and hammered out this Solar Reliability Charge and felt they could live with that because it is much better than what they had been being billed.

- Brock Jacobsen said we have some commercial solar, but we don't have a true commercial policy. Right now, Harmon's is the only commercial with solar, but we need to develop a commercial policy.
- Jarett Waite asked if we want to spend money on another study because a lot has changed since 2015. He said there is market verses power, fuel cost savings, transmission savings, capital costs of avoided generation, reserve requirement difference. He said all those numbers are different than they were in 2015. He said he thinks a lot of solar customers will argue that they are basically paying for a little power plant that the City can use most of the time and the counterargument to that is unless they have a humongous battery, the City has to be their battery. He said he thinks most of the citizens realize that they need to still be attached to the grid for those cloudy days and make sure they are covering their hard costs. He said we could go back and look at our production because we put a production meter on every home. He said the amount of 149 kWh is the amount that UFS provided for us and then we verified that off of a website provided by the Federal Government that shows what it should be in our area, and they were really close. He said we should have that real number of what 1 kW will produce on average in Santa Clara. He asked Jack Taylor to look at that and Jack said we were producing more per kilowatt here than what UFS had said, which would make the fee go up. Jack declined to bring that to Council. We could look at that. That could also change what the Solar Reliability Charge would be.
- Ben Shakespeare said the fees were intended just to cover the costs to bring power if there is a cloudy day, we have to provide that power. It seems like this is the simplest way. He would doubt, with today's market that the $4.05 is covering our costs.
- Jarett Waite asked about the amount that the SRC generates per year. It is about $30,000, isn't it? He asked if that money is worth creating the disincentive for solar in the City. He said with this SRC it takes a homeowner about 20-25 years to pay off their solar systems. The SRC makes it like it is really never paid off. We are not really giving any incentive to solar customers. He said he sits on both sides of the fence.
- Christa Hinton asked if it is possible to that the fee was meant to be that way in order to incentivize people who were producing enough to send back to the City.
- Gary Hall said not according to this presentation by USF.
- Jarett Waite said he remembers voting that everyone would get charged this SRC.
- Denny Drake asked if the SRC is only charged to those producing solar.
- Gary Hall said yes, it is just for solar customers.
- Denny Drake said we still have to purchase a certain amount of power even though they have solar on their home because if the solar goes down or it is a cloudy day, we still have to pay for that power. That is the reliability charge that we are talking about and with what is going on economically right now what we are paying for the power is way higher than what we were paying originally when this was created. If we make an adjustment, those who have the SRC will see a huge increase in that charge. What happens if the power continues to increase and the charges to the City, but the SRC doesn't increase. How do we make that up?
- Gary Hall said as far as the power rates, when the daily rates go up that is passed on to the customers through the PCA that we did but this would be a solid number until we review it again.
- Brock Jacobsen said we could put it in when we do our power rate study. He said we could look at what is really being produced and having the option of charging what is

being produced per kilowatt and that would vary from resident to resident based on their solar system.
- Ben Shakespeare said there is a balance we are trying to find. We want to incentivize users, but we need to recoup the costs or some of it. He said he likes the flat fee. It will only get better for the users as rates go up. He suggested holding the rate.
- Jarett Waite said the PCA is pretty straightforward and pretty simple and is a slight advantage to solar customers there. He said the $8,000 to redo the study is a pretty hefty cost for 50 customers so he suggests bundling it with another study so it may not cost as much.
- Ben Shakespeare said before we do that, we need to decide if the costs came back higher to the customer, are we willing to do that. He said he would say no. He believes the number will be higher is we do that study again.
- Christa Hinton said but if we find out we are not covering our costs does that mean we are asking other residents to subsidize solar and is that right?
- Ben Shakespeare said where is that balance to incentivize but not raise the costs too much.
- Gary Hall asked the Council if for now we want to keep the SRC the same and we will cancel the agreements with a 30-day notice and then rewrite it in, so all solar customers are charged that SRC and not do a rate study but do the net metering agreement in the next rate study. The next rate study is scheduled for 2 years from now.
- David Moore said he appreciates the opportunity to speak of this issue. He said he installed a solar system on his house last August. He stated that as part of the process he signed the net metering agreement. He said when he got his first bill, he noticed that the amount he was billed and credited did not match what was called for in the net metering agreement. He contacted Gary Hall and asked him to clarify how the billing was being done and why it didn't match what the agreement said. He said Gary looked at the situation and found that the billing process was not in compliance with the agreement and since then Gary has made it so his billing is in now in agreement with the net metering agreement. He said he wanted to commend Mr. Hall for his immediate response to this request and his willingness to listen and look into this request and respond to it and make the adjustments to his bill where necessary. He said that based on tonight's discussion he would be interested to find that there may be some language in the agreement that allows you to cancel it with a 30-day's notice. He said he wasn't aware of that. He said he is looking forward to seeing the refunds of the improper billing so far under the agreement.
- Brock Jacobsen said we will bring this agreement back, possibly next week. We will get a letter out to the solar customers that we will be amending that agreement and terminating the current one in place and have them all come in and review and sign the new agreement.
- Ben Shakespeare said he thinks it is important to explain the "why" behind it. The intent was to have a cost that covers the City's costs for all customers. We need to have an explanation as we send that out.

5. Special Events Ordinance discussion (Chapter 12).

- Jim McNulty, City Planner, reported that City staff and legal counsel would like to

discuss Special Events with the City Council. Currently, Special Events are not appropriately addressed within city code. He stated that we would like to add Chapter 12.22, Special Events to Title 12 of city code. Title 12 includes streets, sidewalks, and public places such as city parks and property. He said that putting an ordinance in place will allow for City staff and applicants to follow a process before a special event can take place in the City. Additionally, proper procedures would be required for public safety (Police & Fire) review and approval of special events. The draft ordinance also requires proof of insurance along with the options to approve, approve with conditions, or deny a request for a special event. He said himself and Brock Jacobsen and Matt Ence have had the opportunity to discuss this with Police and Fire in putting this in place. He said in putting this ordinance together, we looked at other ordinances of neighboring communities. He read the definition of "Special Events": "A. A temporary event of any of the following or a combination of the following acts with a gathering of more than 200 people: Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, political event or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the City.
B. Any organized assemblage at any public park, public square or other City property which gathers for a common purpose or event under the direction and control of a person or entity, and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the City or a third party, then normally provided to groups which reserve park facilities or other City-owned facilities.
C. Large filming events that are professional in nature.
D. Events held at the following are not special events under this chapter:
1. A building that has a business located in it that has a current annual business license as an event business.
2. A building with an assemblage group classification under the International Building Code, as adopted by the City, so long as the event does not exceed the posted load as approved by the City and has a current annual business license, if required; and
3. A government owned facility.
E. For purposes of this chapter, City events are not special events, however events only sponsored by the City are special events."
He said there are some other definitions in the ordinance. Some of the definitions he talked about were: "POLITICAL EVENT: An organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protecting, marching, demonstrating, or debating public issues." Next, he talked about section 17.26.020: Permit Required: "It is unlawful for any person, corporation, partnership, association, or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit. The issuance of a permit under this chapter does not relieve the applicant of the obligation to comply with any other applicable licensing or permit requirements under Title 5 of city code." He also talked about the Application Requirements and Procedures. He said that in our research we found other communities require 45 calendar days for the

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application to be submitted before the event is scheduled to take place in order to have sufficient time to process the application and to allow timely appeal to the City Council in the event the application is denied. He read from 17.26.030: Application Requirements and Procedures A: "Applications for new events or recurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the City." He said there is a hard line for the amount of days to process the application. He stated that it is important for them to let us know what the duration of each event is so that is a requirement as well. He said for the section titled "Security Plan", we talked to Fire and Police about this and feel this is really important. He read from the ordinance, Section E, "Security Plan: The police department requires a security plan to be in place. This information will be required as part of the online application. The police department security requirements are:

1. An estimated amount of people expected at your event.
2. A security director on the site at all times with a cellphone. The police department will need the name and cell number of this person to contact.
3. The total number of security personnel.
4. The security personnel must be twenty-one (21) years or older.
5. Security personnel must be in security shirts or vests that look the same, so they are easily spotted by the police department.
6. The police department will need a name and phone number of someone to contact in case of questions."

Next, he talked about Section 17.26.040: INSURANCE REQUIREMENTS. He read: "Users are required to provide a certificate of insurance with a minimum limit of $1,000,000.00 per person in any one occurrence and $2,000,000.00 aggregate. Limits for property damage are $1,000,000.00 in any one occurrence. Santa Clara City must be named as an additional insured. A copy of this certificate must be submitted to Santa Clara City." He said we think we are covered in this area with this. Then he talked about fees, Section 17.26.050: "Application And Cost Recovery Fees: Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and City cost recovery fees.

A. City Cost Recovery Fees: Extra City services will be provided for special events as determined by the City to be needed to protect the health, safety, and welfare of the public and shall be paid by the applicant.

1. City costs include, but are not limited to, police, fire/EMS, park maintenance, power, water, road closures, and cleanup of City facilities before, during, or after the event, and other costs to the City directly attributable to the special event.
2. Before City approval is granted to hold the event, the applicant shall pay the deposit and estimated City fees as determined by the City based on the application, the applicant's past event history with the City, and experience from similar events.

B. Invoice: The City may mail or deliver to the permit holder an invoice for the cost of City services provided and any costs incurred by the City in restoring the site. If the amount exceeds the City cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice

was mailed or delivered. If the amount is less than the City cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant.
C. Fee Waiver: The City may waive fees for any events put on by another municipality or government agency. For all other events, an applicant may obtain a fee waiver if the event for which a permit is sought on the basis that: (1) the event is for the primary purpose that the applicant or anticipated participants may exercise a right guaranteed under the 1st Amendment of the U.S. Constitution; and (2) the applicant cannot afford to pay the fees assessed. To obtain a fee waiver, an applicant must submit a signed and notarized affidavit stating the bases for the requested waiver and include or attach any information and documentation reasonably supporting such bases, consistent with this paragraph."
He said that Section 17.26.060 is short and sweet. It states, "APPLICATION REVIEW, APPROVAL, AND ISSUANCE: The City Manager, or designee(s), shall review and either approve, approve with conditions, or deny the request for a special event permit and any fee waiver request received. The City Manager, or designee(s) may refer the request for a special event permit and/or any fee waiver request to the City Council for approval." He said they want to get away from having to have every event have to come before the City Council so the City Manager or designee may approve the event or if there are questions of concern it can be brought before the City Council for that decision. We do have requirements in 17.26.070 which allow for grounds for denial. There are times when denial may be needed or necessary. He stated that if a special event permit application is denied, the City shall notify the applicant in writing of the reason or reasons for the denial. He said there is also an appeal procedure so that appeal would come to the City Council if the applicant(s) submit an appeal for the special event to the City. Section 17.26.060 states: "Any decision made by the City Council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the City Recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the City Council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record." He said the last section is also short and sweet. Section 17.26.090: VIOLATION states: "Any person or entity who maintains or assists in maintaining a violation of this chapter shall be subject to a Class B misdemeanor, punishable as provided by law." He said a Class B misdemeanor is a $1,000 fine or up to 6 months in jail. He said this is something we believe we do need in the ordinance in case we do have some violations and have to take them to court. He said this draft ordinance is meant to be a discussion item and he would like the Council's comments on this.
- Denny Drake said he thinks this is a needed ordinance. He said sometimes there is a non-profit organization that is sponsoring an event and they may come in with what they need to do, and we charge them a fee and it's not enough and we bill them later. He asked if there was some way of coming up with a number of how many policemen may be required, what kind of situation and actually setting a fee on each one of the events that needs to be paid upfront and not in arrears. It would be hard for some of these organizations to actually collect something later that they don't have.
- Brock Jacobsen said he thinks we can do that. As we go through the review process of the application, we can determine with the applicant what they need of City

resources, and we can have a determined rate and get that from Chief Flowers on personnel rates as well as Staff rates and we can easily determine that rate.
- Denny Drake said he also thinks it is important to have the ability to bill later as well in case something happens, and we are using more City abilities. He said we need to try and give them a fee that they know is in existence and then if there is some special thing that happens during the process of the event then be able to still bill them.
- Matt Ence, City Attorney, said he thinks we have that somewhat covered in Section 17.26.050 A2. He read from that section: "Before City approval is granted to hold the event, the applicant shall pay the deposit and estimated City fees as determined by the City based on the application, the applicant's past event history with the City, and experience from similar events." He said that gives the Staff an opportunity to estimate what the need will be and state what the cost will be and ask for that as a deposit. He also read from the next section, 17.26.050 B, "If the amount exceeds the City cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered."
- Denny Drake said he thinks they will appreciate that too, to know exactly what it is going to cost them. Especially if it is a non-profit organization sponsoring the event.
- Jim McNulty said that was the intent of wording it that way. We also have just a base fee of $100. He said that some of the events that occur yearly, we know their needs but some of the newer ones we don't know their needs as well so we would have to assess those.
- Brock Jacobsen said the 45 days is good. We need to be able to have time to do a good review of these. Giving us that timeframe will help Staff prepare if there are needs to accommodate staffing for that. He said we got something from Fire (Chief Con Fulde) about pyrotechnics so if someone wants to do fireworks or something of that nature there will be a form for them to submit for that as well.
- Leina Mathis had a question about the section where it defines what they are "Special Event/A". It notes block parties. Are we going to require them to do a Special Event permit and provide the insurance just for those.
- Matt Ence said yes, if there is going to be more than 200 people, they would be required to comply with this. If we want to have an ordinance such as this, there is definitely good and bad that comes with this because there are things, we like to see happen in our community that maybe we wouldn't require these things for under normal circumstances. There are other things that maybe is not as popular but when we start implementing this and start issuing permits for these type of things, there are First Amendment considerations and so we need to recognize there may be things like local church events which we wouldn't in the past have special requirements for but in order to have some requirements in place for other events that might be more concerning we need to treat them all the same. He said he is interested in what the Council thinks about the definition of "Special Event". He said that 200 people is a pretty big gathering. 200 people could be pretty disruptive.
- Leina Mathis asked a church potluck would fall under this, too, right and they would have to get a special event permit?
- Matt Ence said it would and they would if they were going to expect more than 200 people.
- Jim McNulty said we have exceptions.

- Jarett Waite read from the exceptions, "A building with an assemblage group classification" so that is not a special event. So, a church building would fit into that.
- Jim McNulty said that a Christmas party or Halloween party in a church cultural hall or at a school, the special event category wouldn't apply.
- Matt Ence said this is what we wanted to discuss. How does the Council want to define this. He said the way we categorize this is the way we capture a variety of different types of events.
- Denny Drake said his question is, is it determined by the ownership or by using a public facility which is a City street or City park. Are we trying to limit parties on every location including churches and now we have a number of clubhouses. What is our definition of location. He said to him, unless it is going to require our City services, whether it be public works or police and fire, has a lot to do with what it needs for a permit. Is it requiring us to use public facilities to facilitate the event? That would be a major part of the determination.
- Ben Shakespeare suggested having something in there that if it is private property that provides off street parking.
- Brock Jacobsen said unless they have a business license for events, they would have to get a permit under this ordinance.
- Matt Ence said we could limit this to use of public facilities and public property.
- Ben Shakespeare said that would include streets.
- Mayor Rosenberg said the Parade of Homes, every home would have to come and get a permit. The way it is written they would be required to do that.
- Ben Shakespeare said the purpose for the ordinance is to have a process in place. He asked if 45 days is long enough for a large event.
- Matt Ence said we are trying to strike a balance between enough time but not making it so early that it would be really difficult.
- Christa Hinton asked if that was the amount of time the other cities had.
- Jim McNulty said yes, 45 days.
- Leina Mathis said she is good with this, but she is worried about any church functions and neighborhood functions. Some neighborhoods have a gathering place within their neighborhood and what if they want to get a bunch of neighbors together?
- Christa Hinton said if the event was on someone's lawn or private property they would be covered. Is that right?
- Matt Ence said it would have to be less than 200. If it is over 200, they would need a special event permit.
- Christa Hinton said if we are talking about exemptions and making this only applicable to City properties and public streets then they would be covered if it was on the neighbor's lawn instead of on the street.
- Ben Shakespeare said and that is how you cover the clubhouses because they already have private parking and things like that. He said he thinks that is the language to put in there. He said when there is a facility that is private property and has the parking provided then that would be addressed.
- Jarett Waite asked about the pirate ship for Halloween on Gubler Drive. That would require this.
- Leina Mathis said that is part of the charm of Santa Clara. She said she doesn't think we want to take all of that a way. That is part of our charm. That is why we live in a small town.

- Ben Shakespeare said it can still be done. This is just giving it a chance for review and to make sure there is a safety plan in place.
- Leina Mathis said but they are not going to go and get a business license and a million dollars in insurance.
- Jarett Waite said the insurance is what kills him. Getting insurance for a block party. It is way to onerous for a neighborhood party.
- Christa Hinton suggested including a fee waiver for a non-profit as a review item.
- Ben Shakespeare asked if most homeowners would probably have that policy in place.
- Denny Drake said not for public events.
- Matt Ence said they would have to have a separate umbrella.
- Denny Drake said he agrees with Leina. He doesn't think we want to change the ambiance of Santa Clara because those things are pretty special and when they happen it is pretty special. He said the only issue he has is when an event closes a street. He said that never at one time are you going to see 200 people at the pirate ship.
- Christa Hinton said there could be 200 over time. Could we have it written in the ordinance that as long as there isn't 200 people at an event at the same time. That would also take the Parade of Homes out of needing to get a permit.
- Matt Ence said we can clarify that.
- Christa Hinton said if the pirate ship was a non-profit, we could exempt them or the advent event.
- Jarett Waite asked to clarify that if the Chamber comes to use the banquet hall or a wedding, they don't have to go through this process. Is that right? Or if a tournament comes and rents our ballfield?
- Matt Ence said anything here would be covered under the government owned facility exemption. He said the government owned facility is not really intended to include parks because we would want this to cover special events at parks.
- Denny Drake said tournaments already have insurance and the other things we are talking about anyway.
- Jarett Waite said we would have to include the phrase "except public parks" to make it really clear that they are not included as governmental facilities.
- Christa Hinton asked about the Class B misdemeanor. Can an entity be charged with a Class B misdemeanor or does it have to be a person.
- Matt Ence said it has to be a person.
- Christa Hinton asked if we need to identify who that person will be if an entity applies for an event.
- Matt Ence said he thinks so. There is going to be someone who has to sign the application and provide contact information. He said we want a way to enforce this if the event turns into something that is not supposed to be and at that point, we can potentially charge individuals who are violating the scope of the permit. The thinking was not that the organization would be charged but there could be responsible people who could be charged. He said someone probably wouldn't be charged for not paying a fee. He said the thing that concerns him is political events. We want to have some teeth in the permit itself and that is where the criminal charge comes in.
- Jim McNulty said we also want the ability to deny a special events application.
- Matt Ence said we have to be careful though. There is First Amendment issues. That is one thing about having a permit like this is you have to recognize if someone comes

in and they are wanting to exercise a First Amendment right to speech or to worship or to gather, we can put limitations on the time, place and manner, which is part of the reason we would have this permitting process, but we can't necessarily tell someone that they can't exercise those rights unless we have very, very good reasons for that. It might not be that we say they can't come to Santa Clara but where can we let them go in Santa Clara that will resolve health, safety and welfare issues. That is our responsibility.
- Matt Ence also said that the City sponsoring doesn't alleviate from someone following the requirements. It would have to be a City organized event.
- Jarett Waite talked about how getting special event insurance is not easy. He said at the Kite Festival, they required that, and vendors stopped coming.
- Jim McNulty said the 200-person requirement is consistent with other communities. He said this ordinance needs to be fine-tuned and we need to look at some of the Council's suggestions. We don't want to be too heavy-handed, but we need something.
- Leina Mathis asked if we could accept a general liability insurance policy instead of a special events insurance policy.
- Matt Ence said he thinks we could accept any policy that provides the coverage.
- Denny Drake said what it is, is a $1 million policy and then they just purchase an umbrella for $1 million and then they have the $2 million coverage. The umbrella would cost a couple of hundred dollars.
- Matt Ence asked if someone had an existing commercial liability policy could they not have the insurer just add the City as an additional insured for the purpose of that one event and that doesn't even require purchasing another policy, right?
- Denny Drake said they would hit them with a fee of probably a couple hundred dollars. He said that is what they do all the time and if they are a legitimate organization they would have that policy in place.
- Leina Mathis asked if the additional insurance stays on indefinitely.
- Denny Drake said no, they would actually designate the timeframe.
- Jarett Waite said he just imagines a neighbor coming in and saying that he had to figure out who his security is going to be and how to get this insurance that he has no idea how to get. He said he is worried we could disincentivize certain groups.
- Jim McNulty said but if we approve something and an accident happens, are we liable if they don't have proof of insurance.
- Matt Ence said it depends. There is potential exposure. That is why we have the insurance requirement. He said the feedback has been really helpful. We can make an exemption for private property for events solely on private property. That would address some of the concerns. He said there is nothing magical about the 200-person number. If Council wants to make that number higher, we can. There is a lot we can do with this in terms of tweaking it and making it so Council is comfortable with it.
- Denny Drake said with the way lawsuits are happening, we need to get an ordinance in place.
- Christa Hinton asked about addressing this if they don't believe it is going to be under 200 and then kind of grows. How do we plan for that?
- Matt Ence said he wouldn't be opposed to having some language in there that provides some protection if it inadvertently turns out to be a greater number.
- Christa Hinton asked if the BMX track is City property or is it private.

- Mayor Rosenberg said it is City property with a lease to BMX. BMX has insurance.
- Matt Ence said the lease covers all those requirements already. They would be exempt.
- Leina Mathis asked what is classified as an event business mentioned on "Definitions D1".
- Jim McNulty said that phrase came from the Washington City draft.
- Leina Mathis said if we are going to make that an exception, we might want to define that.
- Matt Ence said maybe the easiest way to do that would be to say, "has a current annual business license for a business that conducts large events in the ordinary course of its business".
- Mayor Rosenberg asked about Item D3 under "Special Events". If someone has special event on a government owned facility, they don't need a permit?
- Matt Ence said that is right. We need to clarify that that isn't meant to include parks. Just the government buildings. They would have to have a permit to use the property around the Relief Society Building.
- Jarett Waite said that it says under "Special Events/B", "which uses more services…than normally provided to groups". We can kind of play with that wording as well.
- Matt Ence said that is not an exception. That is part of the definition. He said that is another part of this. If they are only expecting 10 people but they have to have something special set up or are setting up something such as a bounce house, they would have to get a special event permit.
- Brock Jacobsen suggested bringing this back to the February Work Meeting for more discussion.
- Mayor Rosenberg suggested that Brock run some case studies on the events we know we are going to have and how this affects them.
- Leina Mathis said it is all the local charming events that we need to protect.
- Matt Ence said we have to have some kind of effective standard.

7. Administrative Code Enforcement Ordinance discussion.

- Cody Mitchell, Building Official, said this is the second review of the previously proposed Administrative Code Enforcement Ordinance. The idea of adopting a Code Enforcement Ordinance was first introduced to the Council on November 30, 2022. The initial discussion, as introduced was informative and productive. Due to the newness of this code enforcement concept, Staff has elected to present this proposal for a second discussion and review. The intent of this discussion is to revisit the initial proposal answering additional questions and addressing any concerns. He said there is one question that came up was whether or not the adoption of the code enforcement ordinance would relinquish the status of the current written ordinances. He said that was answered inside the proposal. He read, "EXISTING LAW CONTINUED: The provisions of this title shall not invalidate any other title or ordinance, but shall be read in conjunction with those titles and ordinances as an additional remedy available for enforcement of those ordinances." He said there were also some questions about appointment of an administrative law judge. He asked Council if there were any other follow up questions or can Council provide direction moving forward.

- Matt Ence said there were two reasons that this was pretty attractive. One is that Ivins City is already doing this. They already have an administrative enforcement team and so this would bring us closer to what they are doing, and it would make our enforcement more uniform with them and make things more consistent with our law enforcement and Staff. The second reason was that we have a dearth of enforcement options when someone is violating a zoning ordinance. They can be put on notice, and they can be pressured but the only teeth is ultimately a criminal charge and he doesn't think we want to start charging people criminally for some of these violations. This gives us an alternative option where we can have some enforcement that will levy fines and we will have a more defined process and hopefully encourage more compliance. He said he sees this as a really good thing and gives us more tools and also helps us have a measured approach.
- Cody Mitchell said that in Ivins SCI has been taking that role as enforcement and they have reached out a couple of times to him and Jim McNulty about where they go with violations and certain aspects of the ordinance. They don't have direction without this.
- Mayor Rosenberg asked the Council if they are ready to bring this forward for the public hearing and approval.
- The City Council all said "yes".

6. Walkable Commercial Zone Discussion.

- Jim McNulty said Jeremy Call, a local architect and resident and former Planning Commission member, has presented the idea of a walkable commercial district. He reported that currently, the City has two commercial zones in place including the Commercial Zone, and the Planned Development Commercial Zone. Mr. Call would like the City to consider adopting an ordinance that allows for more walkable commercial development. This is intended to be a discussion item only. Jeremy would like approximately 20 minutes to address the City Council followed by some Q & A. He specifically wants to talk about property on Rachel Drive adjacent to the Fire Station and the LDS Church property adjacent to Dutchman's.
Mr. Call had a discussion with the Planning Commission on December 15, 2022. In general, the Planning Commission was supportive of potentially allowing for a new commercial zone.
- Jeremy Call, Rachel Drive, said he appreciates the opportunity to present this to Council. He asked if he could take a minute to talk about the special use permit in terms of assembly occupancy. He said it was a big question in D2 and exception for anything that was an assembly occupancy under the International Building Code(IBC). He said any baseball field, bleachers, football field, a school, a church, a church pavilion, all of those things are actually assembly occupancies under the IBC so they would be exempt from that special permit. He said the purpose of walkable commercial districts is to allow the type of commercial development that was envisioned by the City in the General Plan to be built. It doesn't require it to be done that way, it just allows developers to choose to do it that way. He said the concepts that are presented in that ordinance aren't arbitrary or new or developer driven. They all came from the General Plan. He said in the General Plan on page 42, it talks about the Pioneer Parkway retail core objective and says that the objective there is to ensure

the flow of traffic in a major transportation corridor while providing significant retail and employment opportunities in a pedestrian oriented center. It goes on to say the Pioneer Parkway retail core the City encourages the creation of a quality pedestrian-oriented center with a mix of commercial business and residential uses. It goes on to list objectives on how to achieve that. He said those objectives are to work with local property owners to adopt design objectives for the Pioneer Parkway area that encourages buildings to abut sidewalks adjacent to the street, continuous and transparent facades, wide sidewalks, plazas, combined curb access, on street parking, interconnected parking lots, generous landscaping, curb extensions and building articulation and emphasized pedestrian crossings. He said that in the proposed ordinance all of those items are included as things they would need to do in order to fall within this ordinance. He stated that the really vital thing to note is all that all of those concepts that were noted in the General Plan all combine to make a more environmentally friendly development. They reduce crime. They reduce traffic speed. They increase comfort and happiness for the people who visit there. They increase tax revenue, and they increase the viability and longevity of the development and allow access for a greater number of people to use that development. He said that one of the components of the ordinance is a reduction in the required parking. He stated that the current parking requirements that are in the zoning ordinance don't allow this type of development to happen so in order for this to happen, the parking ordinance would have to change a little bit. There is a parking change that would be proposed in that ordinance that would cover all commercial development and there is a further reduction in parking if they meet certain requirements to make it more walkable. He said the reduction in parking is vital to making this happen in order to allow enough floor area for the buildings to front the entire street, we would have to reduce the parking to make that happen. To allow buildings to be two-story along the street, which would increase the area per acre. That two-story building along the street creates an enclosure which reduces the traffic speed and makes it more comfortable for pedestrians. He showed Council different site plans.

- Mayor Rosenberg asked Jeremy about the site plan having a reduced number of parking from the current ordinance.
- Jeremy Call said it does.
- Mayor Rosenberg asked what the difference in parking was.
- Jeremy Call said the restaurant is 1 per 200 and office and retail is 1 per 300. Currently it is 1 per 250 and the restaurant is 1 per 100. He said that 1 per 200 is basically saying that the dining area would be 1 per 100 but the kitchen would be 1 per 300.
- Mayor Rosenberg asked if these restaurants have public entrances on the street frontage and the back.
- Jeremy Call said yes.
- Mayor Rosenberg said there has been some pushback to that from some of the other restaurants.
- Jeremy Call said the kitchen would be on the right side and the dining area would be on the left but it would be continuous from top to bottom.
- Mayor Rosenberg said he likes the streetside seating on the two restaurants.
- Jeremy Call said the ordinance would basically require them to have an open façade on the street in order to get an additional reduction in parking so it incentivizes what

the City is actually trying to achieve in the General Plan.
- Ben Shakespeare said the problem there is you don't have 4,200 sq ft in a restaurant space. They are pretty narrow going front and back and most of these restaurants want a drive-thru so then you try to fit a kitchen in there.
- Jim McNulty said if it is truly walkable, we wouldn't have drive-thru's. If we are promoting walkability and people walking to dining experiences, they could do take-out or dine-in but still have drive-thru's. He said if the Council is open to something like this, we would create a new zone that could be applied to certain properties. He said he doesn't think that now is the time to go through and change the parking requirements for our commercial zone and for our PDC zone. He said that Staff needs some science behind this. He said Jeremy needs to show us some examples.
- Ben Shakespeare said he doesn't disagree with the parking. He said he has felt for some time that we have been over parked. He said studies say that. Parking is the one thing that brings zero value to the City. He said it gets him nervous though when you take a street like Pioneer Parkway and forcing those buildings out on the edge. He said he doesn't think it is attractive at all.
- Denny Drake said his question is what makes us more walkable. He said that most commercial developments don't want two accesses going in through so businesswise what makes this more walkable?
- Jeremy Call said if you psychologically study how comfortable people are on a street, if they are enclosed on both sides of the street by buildings, they are actually more comfortable and happier in that environment and they are safer. He said he can provide the science.
- Denny Drake said he has been to the Daybreak community, which was designed this way, and it didn't succeed.
- Jeremy Call said the two accesses to the restaurants would work because there would not have to be policing of the doors. The register is on the right side.
- Denny Drake said he would hope to be able to police everyone who walks through the door. He said our other restaurants only have one access.
- Jarett Waite said that Café Rio has two.
- Denny Drake said they have two on the side, not on the back.
- Jeremy Call said he can provide all the science to back this up.
- Denny Drake said he hasn't seen a walking community throughout the nation, unless it is a small area. He said one of the problems he has with this design is if we would have to expand the roadway, we can't because the building is out on the roadway. If we get an increase in traffic, there is nothing we can do with that traffic. We have that problem on Pioneer Parkway right now.
- Ben Shakespeare said there are areas we can do this. It is not bad to have the option there but if it is written in, everyone around there thinks it has to be.
- Jeremy Call said it is the City's General Plan and he is just presenting this ordinance to allow what the General Plan says it would like to do.
- Jarett Waite said right now we don't have any oversight over it. If we allow something like this to be another option for a developer, you could get something that is more walkable or nicer because right now the commercial district is much more valuable to a developer than a PD zone. So Jeremy is just asking to allow an overlay of some sort or maybe a different zone which allows for parking reduction and a few other things to make this work to be more walkable.

- Jeremy Call said in a way it has more oversight because it is giving them requirements that they have to do in order to get that parking reduction. It is a way to incentivize and get the developers to do what you want them to do without forcing them to do it.
- Leina Mathis said it appeared to her that the ordinance had more restrictions on it then even if you went to a PDC.
- Denny Drake said we have already done that on a developer on the west side of Rachel Drive and if he were to go back and look at that aesthetically and walkability, we have lost one business already on the street side and he doesn't see the walkability being any advantage to any of those commercial developments.
- Jeremy Call said there are a lot of people who actually walk or ride their bikes to the store. There is a lot more reason to allow people to walk to the store rather than just drive.
- Denny Drake said we have already created that walking ability and it hasn't really helped increase the flow walking or commercially. We are losing the business in that particular development. He said he needs Jeremy to show him that this is viable because as far as he can see from what's gone on in Santa Clara, there isn't any viability and people still have, under our ordinance, the ability to build this development. We still have the ability to adjust the parking and to say what goes in there. That is part of the PD zone that we have. He said he doesn't see any reason to create another commercial zone.
- Jeremy Call said the ordinance allowing the City Council to adjust the parking is any engineer or developer is not going to go and design a site plan based on this idea that they might get approval for reduced parking but when you actually put it in your ordinance that you can then they will design their site plan to actually fit that ordinance. He said the ordinance that is there now is discouraging this even though the General Plan is encouraging it. He said the only way to reduce traffic speeds is to pull the buildings in and to enclose that street and reduce the expanse of it. All those things that are in that General Plan are there for those reasons. There are reasons behind them.
- Ben Shakespeare said he is concerned creating something and he thinks we could already bring this in.
- Jeremy Call said we could and hope it gets approved.
- Brock Jacobsen said that developers have come in and work with Staff through TRC and we have worked and brought things to Council with some parking concessions. Council has shown that they are willing to look at parking and reduced parking to get something like this.
- Jeremy Call said he is not disagreeing with that but this site plan that he is showing has been to TRC and this is what they came up. He said he is proposing the ordinance to encourage walkability.
- Cody Mitchell said when this was presented, we weren't fond of this plan either (the first site plan). We declined it and sent it back and that is when the developer introduced Jeremy to the project.
- Denny Drake said one of the other issues is to slow traffic down and one of the problems we have in Santa Clara is what is going on in Ivins is only contributing to the traffic flow down that road and without a major adjustment in that road all we are going to have is backup after backup. He said he doesn't see that this is an advantage for what needs to be done in Santa Clara. He said it is part of the zone already.

- Ben Shakespeare said the layout is great but he doesn't think we need to create a new zone. The language is already there.
- Jeremy Call said that plan wouldn't be allowed with the current parking ordinance unless you gave them an exception.
- Jim McNulty said there is a provision in the PDC that allows for that. The PDC has that flexibility and has those tools through a project plan so rezoning the property and doing a project plan like we require other developers to do will allow for that flexibility and allows it out the door because that project plan becomes a specific plan for that site with a rezone and you come back for a site plan review, which both the Planning Commission and the Council would get to see. He said the other thing that Jeremy mentioned to TRC a few weeks ago was parking along Rachel Drive in front. That is tough, based on the existing cross section and the fact that we don't have on-street parking there right now. Right now, we have the planters and the trees, and we could push the buildings forward with the parking in back and the outdoor dining. He said he doesn't think that it will allow for parking on Rachel unless we completely redesign the cross section of the road, and he doesn't see it.
- Denny Drake asked about the second building on the design. Is the second floor residential?
- Jeremy Call said it is office. It could have retail on the bottom floor.
- Jarett Waite said if he was a developer and it was zoned commercial unless there is some sort of incentive, he would never change to a PDC. By offering an incentive within the code by an overlay or something where we can get something a little bit nicer and more walkable, he is all for that. He said he lives by there and he walks there all the time. He thinks this can be a truly walkable area. Right now it feels walkable, and this would just continue that. He feels like this could be a good option for developers.
- Denny Drake said it is a good option, but we already have and offer that option within the zone that is already existing. We don't need to create another one for an overlay. Let them bring a plan in and let TRC review it and if it works well let them bring it forward. He said he doesn't see a reason to create a zone that mandatorily sets limits that the City Council or the Planning Commission cannot change.
- Leina Mathis said she thinks we want to be a little bit careful even if you do it as an overlay. You want to be careful of how you use it as an overlay because if you want to overlay it but only overlay it on this parcel then you get into spot type of zoning, and we don't want to go down that road.
- Jeremy Call said it is based on the General Plan so where you could choose to do this is based on whether or not the General Plan allowed it.
- Christa Hinton said she really likes the idea of increasing walkable areas in Santa Clara. She likes that feel for Santa Clara. That is a lot of what the personality and charm of our City is. She asked if high density needs to be a factor to make a walkable part of the City successful.
- Jeremy Call said it doesn't have to be high density. Just enough density that you don't have to walk 200 ft to the next building. People want to walk 10 ft to the next storefront. He said this could be a walkable commercial area.
- Christa Hinton asked that if we reduced parking, can we get the people there. She said she loves this look. She said her concern is, is the business community going to be viable without the higher denser housing.

- Jeremy Call said citizens really objected to anything that was three floors, so he has suggested tiering.
- Christa Hinton asked if this ordinance allows for housing within this.
- Jeremy Call said yes it would.
- Mayor Rosenberg said it would be tough on this site. It is too small.
- Jeremy Call said there is a 10-acre piece right next to Dutchman's that is also prime for development.
- Jim McNulty said that site lends itself to what Jeremy is speaking about because it has additional acreage. The site on Rachel has 2.25 acres. The General Plan is great, but it is goals and policies. It is not the zoning ordinance. Zoning ordinances are different. Jeremy has presented a draft of an ordinance that is going to need a lot of work. He has seen overlays applied to different areas as a conditional use. He talked about a walkable commercial zoning district that could go before both the Planning Commission and the City Council so the building design can be reviewed. Jeremy probably could do something though the PDC and a project plan for this site if we were flexible. He is not sure about housing on this particular piece. When you introduce housing, the parking is concerning. The other site has potential to address these things. On this site we would be packing three uses in. There will need to be parking and maybe some allowances can be looked at. We have to be realists as well.
- Christa Hinton said she agrees this wouldn't lend to the residential and that parking on the street wouldn't work on Rachel. She asked if Jeremy is here about the site plan or just the overall.
- Jeremy Call said he just wanted to show an example. He said parking can work on one side of Rachel.
- Jarett Waite said he is interested in pursuing this somehow.
- Mayor Rosenberg said a developer wants to develop something they can rent and sell. He said he looks at that first site plan and the reason the developer turned off is because there is not a lot of quality in that site plan. That is not something you are going to want to advertise and lease. It is not dressed up and doesn't have the landscaping. The second site plan does. Why is it the City's responsibility to incentivize quality. Why doesn't the developer, the one who is going to make the money, incorporate quality to facilitate his development. Why do we have to give an incentive to get quality? He said there is a lot of quality here and based on what he is hearing, Council would consider the reduction. How much parking do they really need. If they had an estimate on it this Council would probably by this in a minute. He said he doesn't know that we have to change to ordinance to make it happen. We just have to incentivize quality. The quality of the design.
- Jeremy Call said he works with developers, and they worry about not being approved and they don't want to waste money and time going through that process and then end up not getting approved so if you make it easy for them.
- Mayor Rosenberg said it is never going to be easy. The better quality of the design, the easier it will be. That has always been the case. We don't have to do anything for them to build quality in the design. They have to want to.
- Jarett Waite said this is a way to incentivize the quality of the design.
- Jeremy Call said unless they are here listening to Council, they don't know that they can get a parking reduction or do something that is different than what the ordinance actually says. They don't know that.

- Mayor Rosenberg said that if we incentivize everything though and we want that quality of design we are going to have to have something to get it or you are going to get that first site plan with fewer parking stalls and more building.
- Jeremy Call said the ordinance says that you have to do this in order to get that reduction and if you don't, you don't get it.
- Mayor Rosenberg said it is more than what is in the ordinance. It is more than street trees. You have to have more in the storefront side.
- Jeremy Call said anything he can do, let him know. He will find any information that Council wants.
- Cody Mitchell asked about the delivery from the building and where the kitchen is as well as other parts of the design. He said it is very enticive but there still challenges here on building b and c with pickup and delivery.
- Jeremy Call said that delivery is always more precarious on any walkable development in any town.
- Mayor Rosenberg told Jeremy to get back with us.

8. Review the 2023-2024 Budget Calendar.

- Brock Jacobsen talked about the Budget Calendar updates. We are going to bring back next week for the Council to adopt the dates for the budget calendar. The big one is the Feb. 16 Budget Retreat and there are multiple dates of when things are due from directors and meetings we will have and bringing back Work Meetings with City Council on May 3 and a tentative budget adoption and a public hearing on May 24 and a final Work Meeting review on June 7 with a final public hearing and adoption of the budget on June 14 pending no property tax increase. If there is a property tax increase, that will kick forward into August where we would do that public hearing and adoption. He said this will be part of the consent agenda next week for adoption.

4. Staff Reports:

Police Chief Bob Flowers
- We have been having some construction burglaries and the other night one of our officers was behind Harmon's at 3 a.m. and we had it on camera. A guy was sitting in his truck with a trailer, and we got pretty good pictures of it. The next day, the trailer was stolen. When we have stolen stuff reported, we look on the internet to look for that stuff being sold but the owner spotted his property, and we were able to make some arrests and follow up on it and we have gotten lots of stolen property out of it. He said he thinks we also have these guys on camera driving around the City yard as well.
- He complemented the Fire Department. They have helped us out really well and we appreciate their strong response.

Ryan VonCannon
- He thanked everyone for their help and participation for Wreaths Across America.
- The glockenspiel is fixed for right now.

Gary Hall
- Wheeler Machinery is finishing up a few items to get everything finished up on the new

generators. They have to add a booster fan to help get more air into the building. All of that is going to be on their dime because they misengineered it.
- The SCADA system is going to be installed on Monday.
- He will forward an email from Jack Taylor to the Council concerning an update on the carbon free power project. It is still going, and we are hopeful, but UAMPS is still looking for other resources. We are looking at a solar plant in Cedar City and getting some resource from that.
- There is a shortage of coal for the Hunter Power Plant. They are having trouble getting the coal they need. They are curtailing their output for the winter so they can save the coal for summer. We are losing our resource in Hunter for the winter, but we have picked up some other market power at decent prices to cover that.
- The Power crews have been taking down the lights and trimming trees out of the powerlines and installing neutral ground resisters on the two older generators.
- He was not able to attend the December UAMPS Annual Meeting. He was sick but we did receive the system improvement award for our generators. He applied for that, and we received it from UAMPS.

Dustin Mouritsen
- The Truman Drive waterline project is completed. We just need to patch in the trench. The Vineyard Drive waterline projects starts on Monday.
- We pulled Well #6 bowls and installed new ones and that is all it needed. It is pumping about 80 gallons a minute more now. We are seeing a little water lose off of Well #7. We are going to try pull #7 this year also so they are both pumping at maximum capacity.
- The BMX parking bid is opening tomorrow. He will be bringing that back to Council next week for approval.
- The Utopia Fiber project is about 3/4 complete but they still don't have the interconnect permit with St. George City. They have postponed that about 30 days.
- Mayor Rosenberg asked Dustin to find out who issues that permit from St. George City.

Fire Chief Andrew Parker
- He said the ISO inspection was completed and the auditor came out and got all of our documents in. He said we are hoping to get that report back in the next month or two. He said Santa Clara will likely stay at the current rating.
- He said we are working on the accreditation process. That is usually a 3-year process.
- The Great Shake Out is in April. He asked how we wanted to participate. It is generated through the State.
- He talked about the burn piles. He will forward the email to the Mayor.
- He said we will come back for discussion at a Work Meeting to discuss fire alarms and getting compliance on them.
- Last year we had 1,512 calls. It has been busy out there.
- We had a call today at Gubler Park. A 72-year-old male had a cardiac arrest during a sporting event at the pickle ball courts. He was breathing on the way to the hospital. He will get the official report on that.
- We were able to purchase 6 CPR mechanical bands that were $500 a piece. This is something we implemented 2 weeks ago. The cardiac survivable rates increase with that device.

Cody Mitchell
- We are up to 100 building permits for this fiscal year.
- We have 400 active building permits.
- We are replacing blinds with a roll-up blind, and we are tinting the windows at Town Hall, and we are working on getting a bid for the lighting system.

Jim McNulty
- We have Planning Commission next week, Thurs. Jan. 12. We have some public hearings. We are going to consider the 2022 report on actions taken to implement the moderate-income housing element of the General Plan as required by the State of Utah. That will come to the Council at the end of the month, Jan. 25, for adoption of that to be compliant with the State for moderate income housing. We also have a proposed code amendment. This is the City initiated one that we talked about last week for the changes to monument signs and the addition of menu boards in our sign ordinance. We also have an application for a General Plan amendment and a rezoning for property located at approximately 2276 Arrowhead Drive. That is the corner piece on Arrowhead Trail and Lava Flow Drive. We have put our public hearing banner up on the property as of last week. The real estate sign gives a narrative. Tomorrow afternoon, once the packet goes up, he will put the QR code up and we should get some activity on that.
- There will be 3 items before the Council next week that the Planning Commission heard on Dec. 15 that will be on the agenda next week.

Brock Jacobsen
- Jan. 26 is the City Council combined meeting with Ivins City Council at 5:30 p.m. at their City Hall.
- The State sent out a poll of dates over the next two months of when we can get the committee together to find the new judge. The judge from Beaver took care of the court yesterday. Judge Armstrong submitted to be a Senior Judge to be a fill in but that has to get approved by the Utah Supreme Court. We have local judges that can help out when we need it.
- The Council will have a special meeting next week at 4:30. There will be one item on the agenda, and we will be going directly into an executive session.
- Local Officials Day is Wed. Jan. 18.
- LPC kicks off on Monday.

- Jarett Waite asked for a request for the website. Can Brock make sure the packets are getting posted along with the minutes and agenda.
- Brock Jacobsen said we will make sure that happens. Chris Shelley is going to be trained and will start posting the agendas when they are done. Each department will post their own things on the website.

Chris Shelley
- This year is an election year. We have three open seats: Jarett Waite, Leina Mathis and Denny Drake. The candidate filing date is June 1-7. The Primary Election is August 5, and the General Election date is November 7.

5. Adjournment:

Meeting Adjourned at 8:28 p.m.

_____ Date Approved: _____

Chris Shelley – City Recorder

DRAFT

From: Santa Clara City
To: Katie Casselman; Chris Shelley; Brock Jacobsen
Subject: City Council Action Application Form - Willow Stick - Item 2
Date:] Thursday, January 5, 2023 10:29:37 AM

Meeting Type	CITY COUNCIL
User ID	Dustin Mourtisen
Date Submitted	January 5, 2023
Requested Meeting Date	January 11, 2023
Applicant	Dustin Mouritsen
Subject	Consider approval of the Water Rights verification and Willow Stick Well Study.
Background Description	Verification of City owned Water Rights. Cost= $7,000 Willow Stick Well Study. Cost $45,000 Will require a budget amendment.
Proposed Recommendation (drop-down select	Approval
Cost	52,000
Approved by Legal Department (drop-down select)	Yes
Approved in Budget? (drop-down select)	No
Approved by City Finance Department? (drop-down select)	Yes
Amount	52,000
Requested By	Dustin Mouritsen

SANTA CLARA

Summary

Edit

Meeting Action Item Application; Item 2

MEETING TYPE	CITY COUNCIL
DATE SUBMITTED	January 5, 2023
REQUESTED MEETING DATE	January 11, 2023
APPLICANT	Dustin Mouritsen
SUBJECT	Vineyard Drive Waterline
BACKGROUND DESCRIPTION	Consider approval of waterline extension on Vineyard Drive from the end of phase 1 to Riverwood Lane. Whitaker Const. will honor their price on labor and Mountainland supply will honor their price on material. Public works dept. will install services.
PROPOSED RECOMMENDATION (DROP-DOWN SELECT	Approval
COST	150,000
FILE UPLOAD	
APPROVED BY LEGAL DEPARTMENT (DROP-DOWN SELECT)	Yes
APPROVED IN BUDGET? (DROP-DOWN SELECT)	Yes
APPROVED BY CITY FINANCE DEPARTMENT? (DROP-DOWN SELECT)	Yes

AMOUNT	150,000
REQUESTED BY	Dustin Mouritsen

Previous Update


Waterline Extension Vineyard Drive
BONNELI TRL
OLD FARM RD
SOMERSET LN
VINEYARD DR
HEIGHTS DR
ARCH CIR
COTTONWOOD CIR
RIVERWOOD LN
RIVER CIR
RIVER FRONT DR
ARROWHEAD CIR
ARROWHEAD TRL
BLACK ROCK DR
LAVA FLOW DR
SAGE DR
HERITAGE DR
HAFEN LN
LEDA LN
WARRIOR WAY
MU
R-A
R1-10
PDC
COM
02/06/2022 - 04/17/2022

From: Santa Clara City
To: Katie Casselman; Chris Shelley; Brock Jacobsen
Subject: City Council Action Application Form submitted on Santa Clara City- Item 3
Date: Wednesday, January 4, 2023 10:13:47 AM

Meeting Type	CITY COUNCIL
Date Submitted	January 4, 2023
Requested Meeting Date	January 11, 2023
Applicant	Andy Bentley
Subject	Proposed General Plan Amendment
Background Description	The applicant, Andy Bentley, is requesting a General Plan Amendment for property located at approximately 2900 Pioneer Parkway (Parcel #SC-SB-103-B-N-1, 7.94 acres). A staff report with a recommendation and other project information has been attached for your review and consideration.
Proposed Recommendation (drop-down select	Denial
Cost	N/A
Approved by Legal Department (drop-down select)	N/A
Approved in Budget? (drop-down select)	N/A
Approved by City Finance Department? (drop-down select)	N/A
Amount	N/A
Requested By	Jim McNulty

City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

General Plan Amendment
Summary and Recommendation

Public Body: Santa Clara City Council
Meeting Date: January 11, 2022
Current Zone: R-1-10
General Plan Designation: Open Space, OS
Property Location: Approximately 2900 Pioneer Parkway (Parcel #SC-SB-103-B-N-1, 7.94 acres)
Request: General Plan Amendment
Applicant Name: Andy Bentley
Staff Planner: Jim McNulty
City Staff Recommendation: Denial
Meeting Type: Public Hearing

PROJECT DESCRIPTION

The applicant, Andy Bentley, is requesting a General Plan Amendment for property located at approximately 2900 Pioneer Parkway (Parcel #SC-SB-103-B-N-1, 7.94 acres). Mr. Bentley is proposing a General Plan Amendment from Open Space, OS to Medium Density Residential, MDR on 5.38 acres of property to allow for clustered townhomes. The remaining 2.56 acres of property would stay in the Open Space, OS designation.

The applicant has submitted a Concept Plan (attached) that includes two (2) areas on the property where the MDR is proposed, with the remaining area in the OS designation. The Concept Plan includes a design for a potential clustered townhome project on the eastern 3.65 acres; however, the western 1.73 acres does not include a design.

The proposed General Plan Amendment from OS to the MDR designation allows for a range of 3 – 12 dwelling units/acre according to the General Plan. The Concept Plan includes a total of 22-units on the eastern 3.65 acres which equates to a density of 6 units per acre.

City staff has asked the applicant to consider a Low Density Residential, LDR designation for the property, but the applicant has elected to proceed with the MDR application. The LDR designation allows for a range of 2 – 4 dwelling units/acre according to the General Plan.

Request: General Plan Amendment

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within 300' of the subject property. The subject property was also posted as per State Code. No written responses have been received by city staff. However, on December 15, 2022, several nearby residents came to the public hearing against the proposal. ***A Petition was submitted against the proposal by nearby residents which includes names of approximately 150 people (attached).***

GENERAL PLAN CONSIDERATION

The Santa Clara City General Plan indicates an Open Space, OS Land Use for the subject property. The description for the OS Land Use states the following:

> *"Includes permanent, natural open space, as well as limited passive recreation such as golf courses and trails. The Open Space designation is applied to most sensitive lands".*

Section 9.3 of the General Plan includes the "Preservation of Sensitive Lands and Habitats" and states the following:

> *"Natural features, such as the floodplains and dry washes, are important to the drainage and protection of health and property. These features are both opportunities and constraints, they can easily be compromised by typical development practices, but if avoided and protected, they can reduce the cost of infrastructure and contribute to Santa Clara's distinctive character and appeal".*

Policy 9.5: In support of Section 9.3 above, states that new development will avoid or mitigate impacts on sensitive lands.

Section 9.3.4 of the General Plan includes language regarding "Dry Washes" as follows:

> *"Dry washes run through the City in a northwest-to-southeast direction. Although dry most of the time, these drainage ways are important for conveying the large amounts of water that result from the sudden intense storms characteristic of our local desert conditions. They also provide valuable wildlife habitat and are often attractive for hiking".*

Policy 9.8: In support of Section 9.3.4 above, states that dry washes are to be protected in a natural state for floodways, wildlife habitat, and passive recreation (hiking trails).

Section 9.3.5 of the General Plan includes language regarding "Expansive Clay Soils" as follows:

> *"While there are a variety of soil conditions in Santa Clara, there is a layer of expansive clay that extends through much of the City. It is particularly prominent in the Heights and South Hills subareas. When these clays are subject to water, through rainfall and irrigation, they expand dramatically. The resulting force can lift foundations and roadbeds. Evidence of expansive soils can be seen near the edge of the bluff on the south side of Santa Clara Heights, near the steep slopes below the bluff".*

Policy 9.9: In support of Section 9.3.5 above, indicates that the City requires careful engineering, design, and mitigation in areas of expansive clay soils. In these areas, clustered and attached dwelling units will also be encouraged in order to reduce the per-dwelling-unit cost of mitigation.

Request: General Plan Amendment

Sensitive Land Objective are provided in the General Plan as follows:

1. Preserve natural and cultural setting to preserve the unique identity and to attract visitors.
2. Preserve and enhance our pioneer and Native American Heritage.
3. ***Maintain open space in lava, hillside, and floodplain areas.***
4. Preserve the Santa Clara River for the enjoyment of current and future generations.
5. ***Protect investments by avoiding development on expansive soils.***
6. ***Protect future homeowners by avoiding or adequately mitigating development on expansive soils.***

IDENTIFIED ISSUES OF CONCERN

City staff and legal counsel have discussed the proposed application. As a result, we've identified the following concerns:

1. The General Plan description for Open Space indicates that this designation is applied to most sensitive lands.
2. Section 9.3 of the General Plan indicates that natural features, such as floodplains and dry washes, are important to the drainage and protection of health and property. Both can be comprised by typical development practices.
3. Section 9.3.4 of the General Plan indicates that dry washes run through the city in a northwest-to-southeast direction, and that these drainage ways are important for conveying large amounts of water that result from sudden intense storms characteristic of our local desert conditions.
4. Section 9.3.5 of the General Plan discusses expansive clay soils and indicates that there is a layer of expansive clay that extends through much of the City. This is prominent in the Heights and South Hills subareas.
5. City staff has requested that the project applicant submit a Soils Report for the subject property; however, the applicant has been unwilling to do so. The applicant has stated that a Soils Report is not required for a General Plan Amendment. A complete Soils Report would allow for City staff and the project engineer to determine what type of density and/or project could be constructed on the property. A Soils Report may also help City staff and the project engineer determine if portions of the site are undevelopable or require special mitigation for sensitive land conditions.
6. Additional information is needed to protect the health, safety, and welfare of future residents.

STATE CODE CONSIDERATIONS

Utah Code, Section 10-9a-404 includes requirements for a general plan or amendment. To consider a general plan or amendment, a city must hold at least one public hearing. Additionally, a public hearing to consider the item requires 10 days' notice rather than 24 hours' notice. A notice must also be sent to all property owners within 300' of the subject property, with a notice in a visible location, with a sign of sufficient size and durability. The city is also required to post on the State Public Notice website. Planning Staff has determined that all State Code requirements have been met with this application.

Request: General Plan Amendment

PLANNING STAFF RECOMMENDATION

On December 15, 2022, the Planning Commission held a public hearing, took public comments, and forwarded a recommendation of DENIAL to the City Council on this item. City staff recommends that the City Council ***DENY*** the proposed General Plan Amendment for property located at approximately 2900 Pioneer Parkway (Parcel #SC-SB-103-B-N-1, 7.94 acres), subject to the following findings:

1. That the proposed General Plan Amendment does not comply with Section 9.3 of the General Plan **(Preservation of Sensitive Lands and Habitats),** or Policy 9.5 which supports this section.
2. That the proposed General Plan Amendment does not comply with Section 9.3.4 of the General Plan **(Dry Washes),** or Policy 9.8 which supports this section.
3. That the proposed General Plan Amendment does not comply with Section 9.3.5 of the General Plan **(Expansive Clay Soils),** or policy 9.9 which supports this section.
4. That the proposed General Plan Amendment does not comply with the **Sensitive Land Objectives (Items #3, #5, and #6)** as identified in the General Plan.
5. That the applicant has not submitted a **Soils Report** as requested by City staff.
6. That the proposed General Plan Amendment does not include sufficient information to protect the **health, safety, and welfare of future residents.**

WALKER CHRISTINE D TR
SC-SB-103-F-1

ENLAW LLC
SG-6-2-9-42012

SC-SB-103-B-N-1

GENERAL PLAN - OPEN SPACE
2.56 ACRES (TOTAL)

GENERAL PLAN -
MEDIUM DENSITY RESIDENTIAL
5.38 ACRES (TOTAL)

PIONEER PARKWAY

UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT 13
UNIT 14
UNIT 15
UNIT 16
UNIT 17
UNIT 18
UNIT 19
UNIT 20
UNIT 21
UNIT 22

AMENITY

POOL

EXISTING SANTA CLARA CITY RIGHT OF WAY
HALF WIDTH TO BE ABANDONED

FLOODWAY (2016 LOMR)

100 YEAR FLOODPLAIN (2016 LOMR)

FLOW LINE

SANTA CLARA CITY
SC-6-2-9-1101

ALAND JOHN J & MARSHA G
SC-VRE-2-A

RED MOUNTAIN ROAD

Know what's below.
Call before you dig.

NOTICE:
EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY FOR THE LOCATION AND PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.

0 40' 80'
SCALE: 1"=40'

DATE: 11/21/2022
JOB NO.: 13245-22
DESIGNED BY: TKH
CHECKED BY: JWB
DWG: GPA

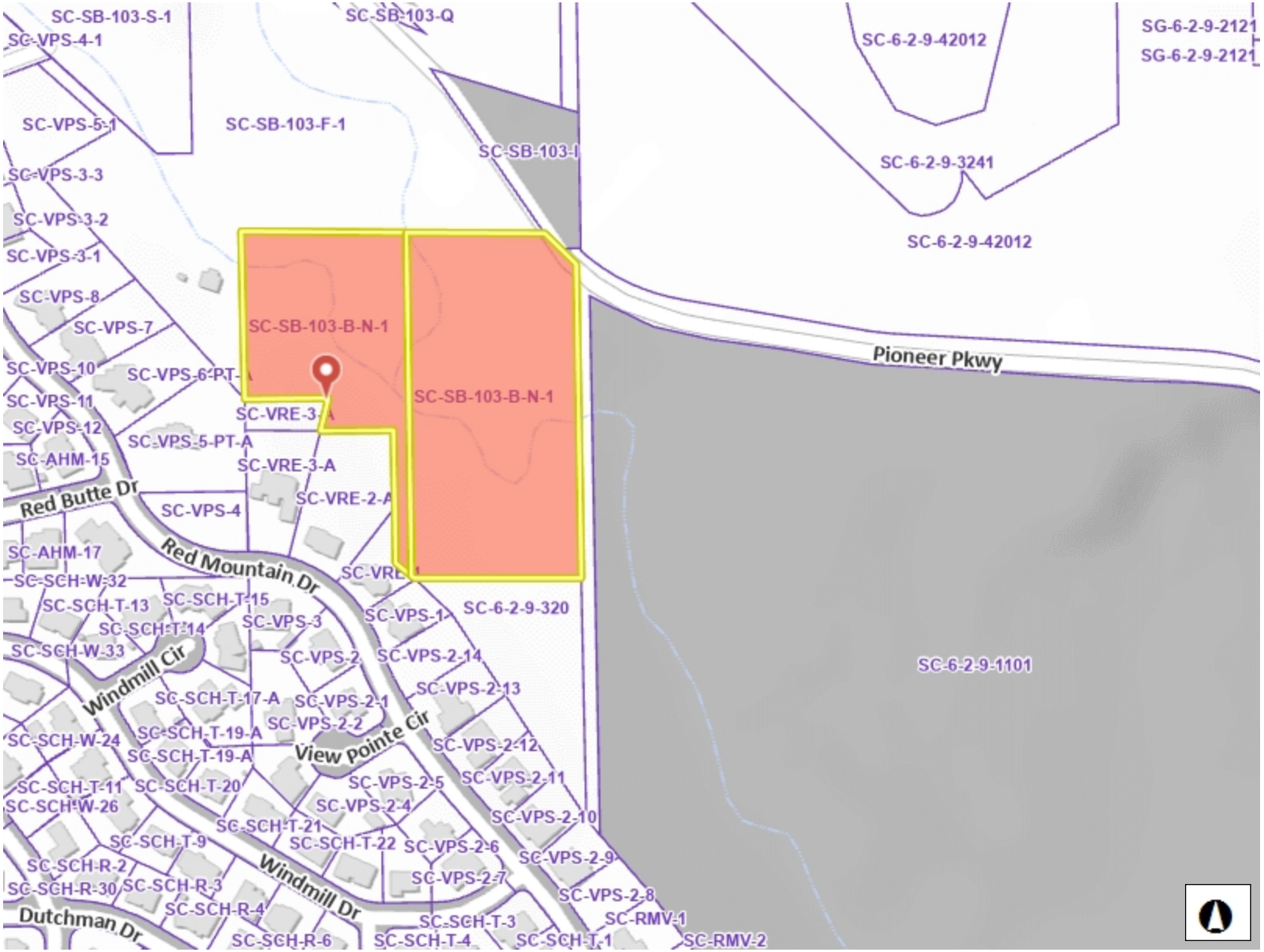
REVISIONS
DATE

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-8397
www.racivil.com

PROPOSED GENERAL PLAN AMENDMENT
FOR
TUACHAN WASH PARCEL
SANTA CLARA
UTAH

SHEET
1
OF SHEETS

Subject Property Map





Legend

- Parcels
- Ownership
  - U.S. Forest Service
  - U.S. Forest Service Wilderness
  - Bureau of Land Management
  - Bureau of Land Management Wilde
  - National Park Service
  - Shivwits Reservation
  - Utah Division of Wildlife Resources
  - Utah Division of Transportation
  - State Park
  - State of Utah
  - Washington County
  - Municipally Owned
  - School District
  - Privately Owned
  - Water
  - Water Conservancy District
  - State Assessed Oil and Gas
  - Mining Claim

Notes

Parcel #SC-SB-103-B-N-1

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

GENERAL PLAN AMENDMENT APPLICATION

Date Submitted/Completed: _____ Fees (Office Use): _____ Receipt Number (Office Use): _____

PROPERTY OWNER CONTACT INFORMATION*

Name(s): Andy Bently

Phone: 435-770-4759 Email Address: Jabaalle@gmail.com

Mailing Address: 40 W Cache Valley Blvd Suite 9-A City: Logan State: UT ZIP: 84341

*If applicable, please attach an additional sheet containing the information requested above for each additional property owner.

AUTHORIZED REPRESENTATIVE CONTACT INFORMATION (IF APPLICABLE)*

Name(s): Jared Bates (Rosenberg Associates)

Phone: 435-673-8586 Email Address: Jared6@rac.wil.com

Mailing Address: 352 E Riverside Drive Suite A-2 City: St. George State: UT ZIP: 84790

*If applicable, please attach an additional sheet containing the information requested above for each additional representative.

PROPERTY INFORMATION*

Full Address: Approximately 2900 Pioneer Rd. Parcel ID: SC-SB-103-B-N-1

*additional information requested on next page

ADDITIONAL INFORMATION*

What is the present zoning on the property?: Residential - Single Family

What is the current General Plan designation of the property/area?: Open Space

What is your proposed General Plan designation of the property/area?: MDR, Open Space

What is the purpose for amending the General Plan? (Please describe the proposal.): It is proposed to amend the general plan to allow for clustered townhomes with the parcel. Much of the parcel is floodplain and the proposed development would be approximately 2.8 units per acre.

How will the proposed project affect adjoining properties?: It is assumed the project will have minimum impacts as it is much lower in elevation than the existing development to the southwest. adjacent parcels to the NE, SE and NW are vacant.

Total acreage of the proposed General Plan change? 5.38 acres

Does the property contain any floodplains, wetlands, and/or any slopes at or above 20%?: yes.

If so, please describe: The Tuscaloosa Wash runs through the center of the property and hillside is present along the SW boundary.

Will any major planned roads be affected by this proposed change?: Yes

If so, please list: Pioneer Road - Deceleration Lane and Center Turn Lane

*Attach more sheets if necessary.

PROPERTY OWNER AFFIDAVIT

I (We), Andrew Bentley, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached documents, and other exhibits are in all respect true and correct to the best of my (our) knowledge.

Property Owner

Property Owner

Subscribed and sworn to me this 1 day of November, 2022.

Notary

Notary Public
State Of Utah
My Commission Expires
March 2025

AUTHORIZED REPRESENTATIVE AFFIDAVIT

I (We), _____, the owner(s) of the property described in the attached application, do authorize as my (our) representative(s),

_____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body regarding the attached application and the act in all respects as my (our) agent in matters pertaining to the attached application.

Property Owner

Property Owner

Dated this ____ day of _____, 20___, personally appeared before me, _____, the signer(s) of the Authorized Representative Affidavit who duly acknowledged to me that the executed the same.

Notary

From:	Jim McNulty
To:	Mayor; Jarett Waite; Leina Mathis; Christa Hinton; Ben Shakespeare; Denny Drake
Cc:	Brock Jacobsen; Matt Ence
Subject:	FW: Opposition to Zoning Change near Pioneer Parkway
Date:	Wednesday, December 14, 2022 4:22:00 PM
Attachments:	image001.jpg

All:

Please see the attached email from Patrice Hunt who lives at 2859 Canyon View Drive. This is regarding the proposed General Plan Amendment (not a zoning change) for the property located at approximately 2900 Pioneer Parkway (Parcel #SC-SB-103-B-N-1, 7.94 acres). We have noticed this property with a banner and QR code. This item is on the Planning Commission agenda tomorrow night for a public hearing. The item will likely come to the City Council on January 11, 2023, for a decision.

Jim McNulty
Planning & Economic Development Manager
Santa Clara City
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

From: Selena Nez <snez@sccity.org>
Sent: Wednesday, December 14, 2022 3:05 PM
To: Jim McNulty <jmcnulty@sccity.org>
Subject: FW: Opposition to Zoning Change near Pioneer Parkway

Can you send out to correct people, thanks.

Selena Nez
Executive Assistant
Deputy City Recorder
Santa Clara City
(435)656-4690, ext. 215
snez@sccity.org

From: Patrice Hunt <huntent@gmail.com>
Sent: Wednesday, December 14, 2022 2:41 PM
To: Selena Nez <snez@sccity.org>
Subject: Opposition to Zoning Change near Pioneer Parkway

Dear Mayor Rosenberg and the City of Santa Clara Building Officials,

My name is Patrice Hunt and I have lived at 2859 Canyon View Drive, Santa Clara for the past 37+ years. My husband and I have watched many wonderful things take place in our city over the years. We have tried to be proactively involved when at all possible, helping promote good things, and helping prevent bad things.

One of the few negative events in our beautiful city was the hillside incident above the Santa Clara Valley LDS church building that resulted in the loss of some homes as the hillside slipped due to the toe of the slope being undercut (among other things.)

I am very familiar with the unstable soils located in the wash area that is being petitioned for rezoning to allow townhomes to be built. I noticed, upon reading the entire 87 pages of the Planning Commission meeting set for December 15th, that the city is recommending a denial of Mr. Bentley's petition. I am so relieved to hear that. However, I feel I would be remiss if I didn't share the things I know from personal experience.

1. There is clay all throughout the wash area bordering Pioneer Parkway. I have kept my horses at the corrals there for the past 17 years and have ridden (or tried to ride) extensively down there. I finally had to resort to trailering our horses elsewhere to ride because the soil is SO unstable. I have had two horses sink down to their bellies in what appeared to be stable soil. It wasn't. The clay had soaked up a bunch of rain water and became a quagmire that was nearly impossible to get the horses out of.

2. Given the past with the south slopes and watching all of the engineering work that was put into stabilizing the hillside, just to be a lost cause, really should stand as a reminder to the city that even the best geo-technical work can't outdo mother nature. The LDS church located on Desert Dawn is another one of the buildings that has had millions of dollars literally sunk into it, and is still having issues.

3. I think the City would be putting itself, and its residents, at financial risk to allow building townhomes on this land. It is unstable and not suitable on which to build.

4. Several years ago, an attorney from SLC stated in one of our city council meetings that there was no underground water present. I was so glad I was in attendance because after his comments, I addressed the council and stated that MY house has underground water currently being pumped via sump pump, and I could take the council to at least five other

homes on the rim where we live, that are doing the same thing. There is underground water present which exacerbates the soils problem.

I wish Mr. Bentley well. However, I most definitely oppose changing the zoning to accommodate townhomes being built in the wash area off of Pioneer Parkway.

Thank you so much for all each of you do to make our City a great place to live.

(We would attend the meeting in person, but Rod and I are currently serving a fullt-time mission for the Church of Jesus Christ of Latter Day Saints in the Texas Dallas East Mission...currently living in Tyler, Texas. We will be home next Christmas!)

Sincerely,

Patrice Hunt

--

Elder & Sister Hunt
435-632-6733 (Cell)
Zoom Meeting ID: 818 875 1034



This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

Santa Clara Residents' Petition:

NO to General Plan Amendment! NO to more Townhomes in the Heights!

Our primary objection to Andy Bently's proposed General Plan amendment is that it is **incompatible with sound development principles.** The General Plan should remain as is. Do not change the General Plan in a manner that would allow housing in an area prone to flooding. Soil testing shows blue clay throughout the entire area. This proposed building site lies within a wash which is designated by FEMA on their updated map (after a LOMAR effective 12/13/19) as a "regulatory floodway." This is exactly how we have suffered in Santa Clara before, when houses have experienced severe damage due to their proximity to natural washes, causing destruction of property and all of the possessions within them.

Also, changing the General Plan, as requested by the applicant, would make way for development that is not consistent with the City's adjacent zoning. This area is currently designated as open space but is zoned for single family residences. It is surrounded by single family residences, and thus that is the appropriate zoning for this property.

We request you use the limited land left to build on in Santa Clara more wisely. The Heights are already getting three medium density residential builds, which are not home owner based. We do not need more! We do not need clustered townhomes coming off Pioneer Parkway, which is already not wide enough to safely accommodate the increase in traffic projected from Black Desert Resort & Desert Village, plus all the new building in Ivins.

This proposal is not good for our city nor for Santa Clara's General Plan goal of remaining a "vibrant, active, and gracious small town community." Do not amend the General Plan to accommodate this poor proposal.

Petition:

I request and support that Santa Clara City Council deny a General Plan Amendment for the property located at approximately 2900 Pioneer Parkway (parcel # SC-SB-103-B-N-1, 7.94 acres) to disallow the building of clustered townhomes in this wash.

Timestamp	Full Name	Address	
12/13/2022 18:17:2	Dan Davie	3355 Red Butte Drive	12/13/2022
12/13/2022 18:25:5	Robyn Davie	3355 Red Butte Drive	12/13/2022
12/14/2022 10:35:4	Lesley H Benson	1866 Red Mountain Drive, Santa Clara	12/14/0022
12/14/2022 10:36:5	Stanford J Benson	1866 Red Mountain Drive, Santa Clara	12/14/0022
12/14/2022 10:41:1	Julie & Gordon Palmer	2200 Red Mountain Drive Santa Clara, UT	12/14/2022
12/14/2022 11:52:2	Natalie Wild	1859 Res Mountain Dr	12/14/2022
12/14/2022 13:02:4	Marc Wittwer	2000 Red Mountain Drive, Santa Clara	12/14/2022
12/14/2022 13:08:2	Patrice Hunt	2859 Canyon View Drive, Santa Clara, Ut 84765	12/14/2022
12/14/2022 13:12:0	Stockton Wittwer	2000 Red Mountain Dr	12/14/2022
12/14/2022 13:12:1	Roderick Joseph Hunt	2859 Canyon View Drive, Santa Clara, UT	12/14/2022
12/14/2022 13:12:3	Lilly Ann Wittwer	2000 Red Mountain Drive	12/14/2022
12/14/2022 13:17:1	Elisa Snow	3417 Adobe Dr. Santa Clara, UT 84765	12/14/2022
12/14/2022 13:19:2	Marsha Aland	1852 Red Mountain	12/14/2022
12/14/2022 13:20:0	John Aland	1852 Red Mountain	12/14/2022
12/14/2022 14:14:5	Andrea Wittwer	2000 Red Mountain Dr	12/14/2022
12/14/2022 15:44:1	Dan snow	3417 adobe dr 84765	12/14/2022
12/14/2022 16:40:4	Kyleigh Wade	2000 n red Mtn dr Santa Clara UT	
12/14/2022 16:52:2	George G. Hales	3486 Red Butte Dr.	12/19/1932
12/14/2022 16:55:5	Angela Atkinson	3555 Robbin Court, Santa Clara	12/14/2022
12/14/2022 16:57:5	Julie Shirts	1965 Red Mountain Dr Santa Clara UT	12/14/2022
12/14/2022 16:59:1	Julie C. Wood	3550 Robbin Court, Santa Clara, UT 84765	12/14/2022
12/14/2022 17:02:1	Darla Saunders	3456 Robbin Court	12/14/2022
12/14/2022 17:11:2	Cachet Blackhurst	3508 Red Butte Dr.	12/14/2022
12/14/2022 17:22:1	Michael Quinto	3500 Robbin Ct	12/14/2022

Timestamp	Full Name	Address	
12/14/2022 17:23:3	Rachel suchla	3437 Robbin ct	12/14/2022
12/14/2022 17:27:2	Dan B Wood	3550 Robbin Ct	12/14/2022
12/14/2022 17:31:1	Terence Moores	3445 Robbin Ct. Santa Clara Ut 84765	12/14/2022
12/14/2022 17:32:1	Jessica Gish	3415 Robbin Court, Santa Clara, UT, 84765	12/14/2022
12/14/2022 17:43:5	Rusty Adam Moore	1867 N. Red Mountain Dr.	12/14/2022
12/14/2022 17:58:5	Laurie Perez	3568 Robbin Ct. Santa Clara Utah 84765	12/14/2022
12/14/2022 17:59:4	Carlos Perez	3568 Robbin Ct. Santa Clara Utah 84765	12/14/2022
12/14/2022 18:31:3	Anne Foisy	3446 Red Butte Dr	12/13/2022
12/14/2022 19:19:4	Christopher A Lund	1550 EL VISTA CIR	12/14/2022
12/14/2022 19:39:0	Sara frei	2542 stefanie ln Santa Clara Utah	12/14/2022
12/14/2022 19:40:1	Hayley Bradshaw	2610 Scenic Drive Santa Clara, UT 84765	12/14/2022
12/14/2022 19:40:4	Kacee Payne	3436 Windmill Dr	12/14/2022
12/14/2022 19:51:5	Beverly Knox	250 LeGrande Circle	12/14/0022
12/14/2022 19:52:0	Lauren Murray	2198 W Carey Ln	10/19/1984
12/14/2022 20:18:5	David Carter Feller	3736 Nicholas Dr	12/14/2022
12/14/2022 20:19:0	Liz Fisher	1982 Red Creek Dr. Santa Clara, Ut	12/14/2022
12/14/2022 20:27:1	Hollie Alverson	3094 Windmill Cir Santa Clara 84765	12/14/2022
12/14/2022 20:31:2	Michelle Packard	1851 Red Mountain Dr. Santa Clara, UT 84765	12/14/2022
12/14/2022 20:37:4	Shawna Asay	3686 Colina Cir	12/14/2022
12/14/2022 20:41:4	Bryce Packard	1851 Red Mountain Dr Santa Clara, UT 84765	12/14/2022
12/14/2022 20:41:5	Hollie Fillmore	3117 Canyon View Drive	12/14/2022
12/14/2022 20:49:4	Angie Staheli	2939 Swiss Drive	12/14/2022
12/14/2022 20:52:0	Britney Prince	1335 Canyon view dr	12/14/2022
12/14/2022 20:52:3	Randal Payne	2799 Bella Sol Dr Santa Clara UT 84765	12/14/2022
12/14/2022 20:56:0	Ashlee Gunn	3868 Madison Ave	12/14/2022
12/14/2022 20:57:3	Edith Varney	2143 Blake Santa Clara UT 84765	12/14/2022
12/14/2022 20:58:0	Zachary Gunn	3868 Madison Ave	12/14/2022

Timestamp	Full Name	Address	
12/14/2022 21:00:3	Susannah Nilsson	2764 Canyon View Dr.	12/14/2022
12/14/2022 21:05:5	Rebecca Evans	2130 Sagebrush Drive	12/14/2022
12/14/2022 21:08:3	Vickie Belmont	3579 Kenzies Way N.	12/14/2022
12/14/2022 21:11:2	Michael W Brown	3769 Bella Sol Dr. Santa Clara, UT. 84765	12/14/2022
12/14/2022 21:12:3	Mary V Brown	3769 Bella Sol Dr. Santa Clara, UT. 84765	12/14/2022
12/14/2022 21:12:4	Joy Carroll	3477 Serenity Lane Santa Clara, Utah 84765	12/14/2022
12/14/2022 21:19:0	Sally Welling	1836 Red MountainDr.	12/14/2022
12/14/2022 21:20:5	Harold Welling	1836 Red Mountain Dr., Santa Clara, Ut 84775	12/14/2022
12/14/2022 21:22:2	Mark Nilsson	2764 Canyon View Dr	12/14/2022
12/14/2022 21:36:1	Amy Call	3743 Rachel Drive	12/14/2022
12/14/2022 21:45:4	Donna Paynw	2799 Bella Sol Dr Utah 84775	12/14/2022
12/14/2022 21:48:2	Emily Mattson	1849 Red Mountain Drive Santa Clara	12/14/2022
12/14/2022 22:17:1	Britta Foster	1809 Red Mountain Dr	12/14/2022
12/14/2022 22:37:4	Julie Allen	1847 View Pointe Cir	12/14/2022
12/14/2022 22:38:4	David Allen	1847 View Pointe Cir	12/14/2022
12/14/2022 23:21:2	Alison Lund	1550 El Vista Circle, Santa Clara	12/15/2022
12/14/2022 23:22:2	Damon Lund	1550 El Vista Circle Santa Clara	12/15/2022
12/14/2022 23:23:0	Aiden Lund	1550 El Vista Circle	12/15/2022
12/15/2022 4:37:56	Patti Culver	3515 Red Butte Dr	12/15/2022
12/15/2022 4:41:41	Barbara & Lee Prescott	3753 W Kenzies Way	12/15/2022
12/15/2022 5:06:43	Ryan Evans	2130 Sagebrush Dr	12/15/2022
12/15/2022 5:38:26	Dayna VanAusdal	3422 Robbin Ct Santa Clara, UT 84765	12/15/2022
12/15/2022 5:48:23	Brenda Vincent	3580 Windmill Dr, Santa Clara	

Timestamp	Full Name	Address	
12/15/2022 6:39:36	Aladeen Davis	3095 Windmill Drive Santa Clara, Utah 84765	12/15/2022
12/15/2022 8:15:04	Cindy Sullivan	1807 Tamarack Trail, Santa Clara, UT 84765	12/15/0022
12/15/2022 8:19:14	Kristin Hill	660 Cynthia Lane, Santa Clara UT 84765	12/15/2022
12/15/2022 8:27:04	Jennifer Johnson	3839 Sweetwater Drive Santa Clara	12/15/2022
12/15/2022 8:32:04	Brinley Sullivan	2148 Rachel Drive	12/15/2022
12/15/2022 8:35:16	Sammie Edwards	1864 red mountain drive	12/15/2022
12/15/2022 8:36:34	Toni Johnson	3678, Kenzies Way N	12/15/2022
12/15/2022 8:42:20	Leah Cox	2051 w bamberger dr	12/15/2022
12/15/2022 9:01:48	David Ortez	3441 Serenity Lane, Santa Clara Ut.	12/15/2022
12/15/2022 9:06:54	Austin VanAusdal	3422 Robbin Ct, Santa Clara, UT 84765	12/15/2022
12/15/2022 9:12:06	Kiel Lambson	3474 Robbin Ct. Santa Clara, Ut	12/15/2022
12/15/2022 9:12:46	Christy Miller	3490 Sagebrush Dr.	12/15/2022
12/15/2022 9:24:33	Melissa Barnes	1631 Gubler Dr	12/15/2022
12/15/2022 9:29:07	Debra McNeff	3705 Alpine Dr Santa Clara	12/15/2022
12/15/2022 9:31:20	Ester West	2991 Swiss Drive	12/15/2022
12/15/2022 9:31:38	Annette Christensen	395 Michael Cir	12/15/2022
12/15/2022 9:37:39	Lisa Higgins	2110 Red Mesa Circle	12/15/2022
12/15/2022 9:38:52	Aubrey Goodrich	231 north 1200 west #301 Orem utah 84057	12/15/2022
12/15/2022 9:43:43	Karin Webb	2151 Rainbow Rd	12/15/2022
12/15/2022 9:47:34	Lexie Bastian	1864 red mountain drive, Santa Clara Utah	12/15/2022
12/15/2022 9:55:02	No to zone change	No to zone change!	
12/15/2022 10:00:0(	Paul & Karen Watkins	3034 Swiss Dr.	12/15/2022
12/15/2022 10:05:2(	Brandi marble	2653 W Mont Sur Dr. Riverton, UT 84065	12/15/2022
12/15/2022 10:09:3:	Anne Roberts	1588 Desert Heights Drive Santa Clara, UT	12/15/2022

Timestamp	Full Name	Address	
12/15/2022 10:09:5	Kathleen V. Nielson & Lee E. Hughes	1828 Red Mountain Drive Santa Clara UT	12/15/2002
12/15/2022 10:22:5	Mikayla mills		12/15/2022
12/15/2022 10:29:3	Alan Knox	250 Le Grande Cir	12/15/2022
12/15/2022 10:29:4	Dyle Bond	2255 Jacob Dr Santa Clara,UT 84765	12/15/2022
12/15/2022 10:32:3	Margaret Bond	2255 Jacob Dr Santa Clara,UT84765	12/15/2022
12/15/2022 10:43:0	Jennifer Leach	2155 Red Mesa Circle Santa Clara, Ut	12/15/2022
12/15/2022 10:44:3	Dallin Leach	2155 red mesa circle, santa clara, ut 84765	12/15/2022
12/15/2022 10:46:4	zach Stover	570 north daybreak drive	12/15/2022
12/15/2022 10:54:5	McKenna cloward	2550 vineyard drive Santa Clara	12/15/2022
12/15/2022 10:54:5	McKenna cloward	2550 vineyard drive Santa Clara	12/15/2022
12/15/2022 10:56:2	Megan Bryan	1098 E Mesa Vista Rd.	12/15/2022
12/15/2022 11:19:3	Jan Caplin	3678 Colina Circle	12/15/2022
12/15/2022 11:23:0	Paul Sullivan	1807 Tamarack TRL, Santa Clara, UT 84765	12/15/2022
12/15/2022 11:39:3	Max edwards	1864 red mountain drive	12/15/2022
12/15/2022 11:41:4	Sarah Heinz	3601 Sagebrush Drive	12/15/2022
12/15/2022 11:43:1	Darrin Heinz	3601 Sagebrush Drive, Santa Clara	12/15/2022
12/15/2022 11:44:4	Lainee Frei	3503 Sycamore Lane	12/15/2022
12/15/2022 11:46:3	Haley Hammons	1528 Desert Heights Dr Santa Clara	12/15/2022
12/15/2022 11:47:5	Misha Hendershot	1864 red mountain drive Santa Clara Utah 84765	12/15/2022
12/15/2022 11:48:3	Beau Hendershot	1864 red mountain drive Santa Clara Utah 84765	12/15/2022
12/15/2022 11:49:0	Sammie Edwards	1864 red mountain drive Santa Clara Utah 84765	12/15/2022
12/15/2022 11:49:2	Daxton Edwards	1864 red mountain drive Santa Clara Utah 84765	12/15/2022

Timestamp	Full Name	Address	
12/15/2022 11:50:3(	Sam Edwards	2720 Santa Clara Drive Santa Clara Ut 84765	12/15/2022
12/15/2022 12:01:2	Courtney Robison		12/15/2022
12/15/2022 12:18:0(	Erica Wild	1859 Red Mountain Dr. Santa Clara, 84765	12/15/2022
12/15/2022 12:25:3	Ellie Sandstrom	108 Shadow Point Dr. St. George, UT 84770	12/14/2022
12/15/2022 12:56:3	Ron Caplin	3678 Colina Circle. Santa Clara, UT 84765	12/15/2022
12/15/2022 13:02:2	Andrea Reid	3604 Sagebrush Drive Santa Clara UT 84765	12/15/2022
12/15/2022 13:03:0(	Brian Reid	3604 Sagebrush Dr Santa Clara, UT 84765	12/15/2022
12/15/2022 13:08:4	Adam Webb	2151 Rainbow Rd	12/15/2022
12/15/2022 13:17:5	Kylie Ortez		12/15/2022
12/15/2022 13:27:5	Janet Froelich	3410 Red Butte Dr	12/15/2022
12/15/2022 13:30:4	Jen allred	225 s 1160 west circle	12/15/2022
12/15/2022 13:30:4	Michelle Ortez	3441 Serenity Lane Santa Clara	12/15/2022
12/15/2022 13:35:0	NANCY carol EDGREN	2869 N.>kenzies way	12/15/2022
12/15/2022 13:42:5(	Doug Froelich	3410 Red Butte Dr. Santa Clara, UT	12/15/2022
12/15/2022 13:53:1	Rylie Gordon	P.O. Box 586 Moapa Nevada 89025	12/15/2022
12/15/2022 14:06:0(	Susan Wagner	3631 North Town Road, Santa Clara, UT 84765	12/15/2022
12/15/2022 14:12:4	Ashley Adams	2656 Canyon View Dr	12/15/2022
12/15/2022 14:13:2	Vickie H Weir	2099 Blake Dr	12/15/2022
12/15/2022 14:20:5	Anna Hall	2735 Kenzies Way	12/15/2022
12/15/2022 14:33:4	Shawnee hatfield	3577 windmill drive Santa Clara	12/15/2022
12/15/2022 14:38:4	Amanda Baxter	2288 Bryson Circle, Santa Clara, UT 84865	12/15/2022
12/15/2022 14:59:0	Chrystal Clarke	1655 Gubler Drive	12/15/2022
12/15/2022 15:00:2	Rob Cook	2145 Red Mountain Dr, Santa Clara, UT 84765	12/15/2022
12/15/2022 15:04:1	Benjamin Davie	3355 Red Butte Drive	12/15/2022

Timestamp	Full Name	Address	
12/15/2022 15:04:2	Ralph Clarke	1655 Gubler Dr	12/15/2022
12/15/2022 15:23:5	Rosie Renouf	1380 Vernon Street	12/15/2022
12/15/2022 15:24:2	Tiffani L Moore	1867 N Red Mountain Dr	9/13/1974
12/15/2022 15:28:5	Laralee Davenport	1908 Centennial Dr, St George, UT 84770	12/15/2022
12/15/2022 15:33:1	Amelia Bayardo	1840 Red Mountain Drive	12/15/2022
12/15/2022 16:05:4	Terrence & Katherine Mundt	2177 W 1010 N, St. George, UT 84770	12/15/2022

From: Santa Clara City
To: Katie Casselman; Chris Shelley; Brock Jacobsen
Subject: City Council Action Application Form submitted on Santa Clara City - Item 4
Date: Wednesday, January 4, 2023 10:19:50 AM

Meeting Type	CITY COUNCIL
Date Submitted	January 4, 2023
Requested Meeting Date	January 11, 2023
Applicant	Brett Boyce
Subject	Partial Plat Amendment, Hills at Santa Clara Subdivision, Phase 3 (Lots 303, 304, and 305)
Background Description	The applicant, Brett Boyce, with Split Rock Builders, is requesting to amend the Hills at Santa Clara Subdivision, Phase 3. The applicant is proposing to amend Lots 303, 304, and 305. The proposed plat amendment would include combining each of these lots into one large lot (proposed Lot 303) which would be 89,298 sq. ft. (2.05 acres). The applicant intends to build one (1) large single-family home on the property.
Proposed Recommendation (drop-down select	Approval
Cost	N/A
Approved by Legal Department (drop-down select)	N/A
Approved in Budget? (drop-down select)	N/A
Approved by City Finance Department? (drop-down select)	N/A
Amount	N/A

Requested By	Jim McNulty

City of Santa Clara
2603 Santa Clara Drive
(435) 656-4690, Ext. 225
jmcnulty@sccity.org

Staff Report

Subdivision Plat Amendment
Summary and Recommendation

Public Body: Santa Clara City Council
Meeting Date: January 11, 2022
Current Zone: Mixed Lot Size
General Plan Designation: Low Density Residential, LDR
Property Address: 3930 Hillside Way
Request: Partial Plat Amendment, Hills at Santa Clara Subdivision, Phase 3 (Lots 303, 304, and 305)
Applicant Name: Brett Boyce
Staff Planner: Jim McNulty
Planning Staff Recommendation: Approval with conditions
Meeting Type: Public Meeting

PROJECT DESCRIPTION

The applicant, Brett Boyce, with Split Rock Builders, is requesting to amend the Hills at Santa Clara Subdivision, Phase 3. This subdivision plat includes a total of 26-lots. The applicant is proposing to amend Lots 303, 304, and 305. Lot 303 is currently 18,107 sq. ft. (0.42 acres), Lot 304 is currently 33,728 sq. ft. (0.77 acres), and Lot 305 is currently 37,347 sq. ft. (0.86 acres). The proposed plat amendment would include combining each of these lots into one large lot (proposed Lot 303) which would be 89,298 sq. ft. (2.05 acres). Additionally, the proposed plat amendment would decrease the size of the "No Build Area" allowing for the applicant to build one (1) large single-family home on the property. A copy of the partial plat amendment has been attached.

Lot 303 will meet the area, width, and yard regulations as per Section 17.65.050 of city ordinance. The applicant is representing the property owner who owns all three lots mentioned above. The proposed plat amendment will reduce the number of lots in the subdivision from 26 lots to 24 lots.

SITE & VICINITY DESCRIPTION

The subject properties are located near the southwest end of the city boundary at 3930 Hillside Way. Major cross streets in the vicinity include Boomer's Loop and Clary Hills Drive.

Request: Partial Plat Amendment

ISSUES OF CONCERN/PROPOSED MITIGATION

This item went to the Hillside Review Board on November 22, 2022. Several items related to the construction of the proposed residence were discussed. The Hillside Review Board made a motion to forward a positive recommendation to the Planning Commission and City Council for the Hills @ Santa Clara, Phase 3, Lots 303, 304, and 305 (Partial Plat Amendment), to allow for the construction of a proposed residence, with the following five criteria:

1. That the design drawings be updated to include the sub-basement profiles.
2. That the area between the two-tiered wall and the newly proposed third wall be mitigated for disturbance.
3. That the Geotechnical Engineer look at temporary excavation stability, particularly along the upper roadway and the basement area coming into the new proposed residence.
4. That the Geotechnical Investigation be updated to verify that there are no expansive materials within the required separation distance below the lower basement level.
5. That the backyard drainage be collected and discharged to an appropriate location on the lower street. Alternatively, the drainage could be pumped to the upper street.

Each of these items will be reviewed by City staff for compliance at the time of building permit submittal. However, Commissioner Logan Blake, who is on the Hillside Review Board, asked for the cross-section drawings to be submitted for review. Commissioner Blake was in support of the updated drawings (attached).

NEIGHBORHOOD RESPONSE

Notices were sent to the property owners within the Hills at Santa Clara Subdivision, Phase 3. No written responses have been received by city staff. However, on December 15, 2022, two (2) adjacent property owners came to the public meeting. Both had an opportunity to speak and were in support of the project.

REVIEWING DEPARTMENTS

DEPARTMENT: *Building*
Recommendations: A geotechnical report will be required for Lot 303 at the time of building permit submittal. All items required by the Hillside Review Board on November 22, 2022, will be required at the time of building permit submittal.
Required Revisions: None at this time.

DEPARTMENT: *Parks & Trails*
Recommendations: N/A
Required Revisions: N/A

DEPARTMENT: *Police & Fire*
Recommendations: N/A
Required Revisions: N/A

DEPARTMENT: *Power*
Recommendations: Public Utility Easements (PUE's) are required.
Required Revisions: None at this time.

Request: Partial Plat Amendment

DEPARTMENT: *Public Works*
Recommendations: Public Utility Easements (PUE's) are required. A final mylar with signature blocks is required.
Required Revisions: None at this time.

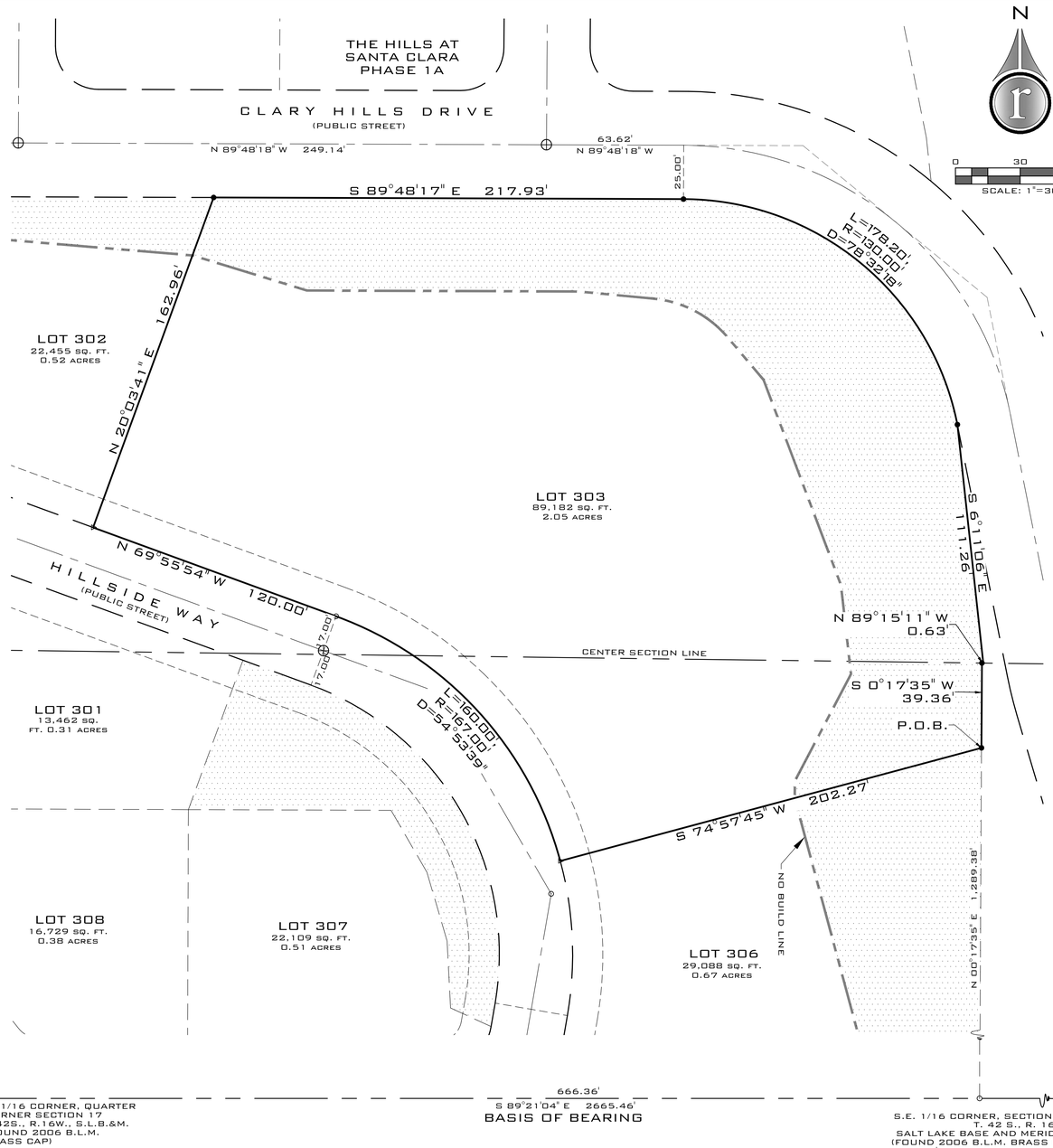
STATE CODE CONSIDERATIONS

Utah Code, Section 10-9a-608 includes requirements for subdivision amendments. To amend a subdivision, a city must hold at least one public meeting (not public hearing). Additionally, a public meeting to consider an amendment to a subdivision requires 10 days' notice rather than 24 hours' notice. A notice must also be sent to all property owners in the subdivision, with a notice in a visible location, with a sign of sufficient size and durability. Planning Staff has determined that all State Code requirements have been met with this application.

PLANNING STAFF RECOMMENDATION

On December 11, 2022, the Planning Commission held a public meeting, and forwarded a positive recommendation to the City Council on this item. City staff recommends that the City Council grant approval of the Partial Plat Amendment for Lots 303, 304 and 305 of the Hills at Santa Clara Subdivision, Phase 3 subject to the following conditions:

1. That the applicant be required to comply with the recommendations from all city reviewing departments.
2. That the applicant be required to record the Partial Plat Amendment prior to building permit issuance.
3. That an electronic copy of the recorded Partial Plat Amendment be provided to City staff.
4. That the applicant be required to submit an updated Geotechnical Report.
5. That the applicant be required to comply with all recommendation made by the Hillside Review Board on November 22, 2022.



OWNER'S DEDICATION:

Know all men by these presents that the undersigned owner(s) of all the above described tract of land having caused the same to be subdivided into a lot and easements to be hereinafter known as:

THE HILLS AT SANTA CLARA PHASE 3 AMENDED PARTIAL AMENDMENT "A"

For good and valuable consideration received, the undersigned owner(s) do(es) hereby dedicate and convey to Santa Clara City for perpetual use of the public, all parcels of land shown on this plat as Public utility easements. All public utility easements are as noted or shown. The owner(s) do(es) hereby warrant to Santa Clara City, its successors and assigns, title to all property dedicated and conveyed to public use herein against the claims of all persons.

In witness whereof we have hereunto set our hands this _____ day of _____, 2022.

J3SB, LLC, a Wyoming Limited Liability Company

_____

By: Jeffrey Lerner, Trustee

ACKNOWLEDGMENT:

State of _____ } s.s.
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ A.D. 20____ by Jeffery Lerner, Trustee.

FULL NAME SIGNATURE: _____

FULL NAME PRINT: _____

COMMISSION NO.: _____

EXPIRATION DATE: _____

A NOTARY COMMISSIONED IN THE STATE OF _____

(Stamp not required per Utah Code 46-1-16 (6) if above information is filled in)

(Stamp not required per Utah Code 46-1-16 (6) if above information is filled in)

MORTGAGEE CONSENT TO RECORD:

Cache Valley Bank, a Mortgagee & lien holder of the said tract of land does hereby give consent of said tract of land to be used for the uses and purposes described in the plat, to recording plat, recording of Covenants, Conditions and Restrictions and joins in all dedications and conveyances.

_____

Name: _____

Position: _____

ACKNOWLEDGMENT:

State of _____ } s.s.
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ A.D. 20____ by _____, (position) _____.

FULL NAME SIGNATURE: _____

FULL NAME PRINT: _____

COMMISSION NO.: _____

EXPIRATION DATE: _____

A NOTARY COMMISSIONED IN THE STATE OF _____

(Stamp not required per Utah Code 46-1-16 (6) if above information is filled in)

(Stamp not required per Utah Code 46-1-16 (6) if above information is filled in)

NOTES:

1. All lots in this subdivision are subject to a 14.00 foot wide public utility, sidewalk and drainage easement along the Street, unless otherwise noted on plan.
2. All lots in this subdivision are subject to a 20.00 foot front yard setback, an 8.00 and 12.00 foot side yard setback, and a 10.00 foot rear yard setback. Garage setbacks must be a minimum of 20 feet from the back of sidewalk.
3. Not withstanding the posting of bond for installation of off-site improvements, no building permit will be issued for any lot in this subdivision until all utilities are fully installed in the entire subdivision.
4. Unstable soil conditions might exist on lots in this subdivision. Purchasers of lots herein have the sole responsibility for obtaining appropriate engineering services and advice relative to the usability of the lots. The City of Santa Clara disclaims any and all responsibility for such soil conditions, water control (surface and/or subsurface), and drainage control.
5. The Basis of Bearing for the plat is the 1/16th line of Section 17, Township 42 South, Range 16 West, Salt Lake Base and Meridian between the South 1/16th corner and the Southeast 1/16th corner of said section. The bearing is South 89°21'04" East and measures 2665.46 feet on the ground.
6. All Street Landscaping shall conform to Santa Clara City's Landscape Ordinance.
7. All retaining walls constructed by individual property owners will be required to match in color and texture with walls constructed by developer.

GEOTECHNICAL INVESTIGATION:

A geotechnical investigation was performed by Applied Geotechnical Environmental Consultants. The investigation results and specific recommendations for the construction of foundations, floor slabs and exterior flatwork, are compiled in a report dated June 17, 2020 (the "AGEC Report"). However, as a condition of building permit issuance the Santa Clara Hillside Committee has required a supplemental report be completed to provide updated recommendations as may be justified by additional required testing. The AGEC Report is available from the Developer and a copy is on file with Santa Clara City. Issuance of building permits on the property will be conditioned upon receipt of the supplemental report by Santa Clara City, and the same will be available from Developer and Santa Clara City upon its completion. Owners, builders and contractors should become familiar with both reports and comply with all recommendations.

SURVEYOR'S CERTIFICATE:

I, Brandon E. Anderson, Professional Land Surveyor Number 4938716, hold a License in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act and have completed a survey of the property described hereon in accordance with Section 17-23-17 and hereby certify all measurements and descriptions are correct. Monuments will be set as represented on this plat I further certify that by authority of the hereon Owners, I have made a survey of the tract of land shown on this plat and have subdivided the same tract into a lot, and easements to be hereinafter known as:

THE HILLS AT SANTA CLARA PHASE 3 AMENDED PARTIAL AMENDMENT "A"

That the same has been correctly surveyed and points established on the ground in accordance with the hereon legal description.

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 4938716 BRANDON E. ANDERSON STATE OF UTAH

Date: _____

Brandon E. Anderson — Certificate No. 4938716

LEGAL DESCRIPTION:

Beginning at the northeast corner of Lot 306, The Hills at Santa Clara Phase 3 Amended, said point being South 89°21'04" East 666.36 feet along the 1/16th line and North 00°17'35" East 1,289.38 feet from the South 1/16th Corner of Section 17, Township 42 South, Range 16 West, Salt Lake Base & Meridian, and running;

thence South 74°57'45" West 202.27 feet along the northerly line to the northwest corner of said Lot 306;
thence northwesterly the following (2) courses along the northeasterly line of Hillside Way;
thence Northwest 160.00 feet along an arc of a 167.00 foot radius curve to the left (center bears South 74°57'45" West, long chord bears North 42°29'04" West 153.95 feet with a central angle of 54°53'39");
thence North 69°55'54" West 120.00 feet to the southeast corner of Lot 302, said The Hills at Santa Clara Phase 3 Amended;
thence North 20°03'41" East 162.96 feet along the easterly line to the northeast corner of said Lot 302;
thence southeasterly the following (2) courses along the southerly line of Clary Hills Drive;
thence South 89°48'17" East 217.93 feet;
thence Southeast 178.20 feet along an arc of a 130.00 foot radius curve to the right (center bears South 00°11'49" West, long chord bears South 50°32'02" East 164.57 feet with a central angle of 78°32'18");
thence South 06°11'06" East 111.26 feet to the center section line;
thence North 89°15'11" West 0.63 feet along said center section line;
thence South 00°17'36" West 39.36 feet to the Point of Beginning.

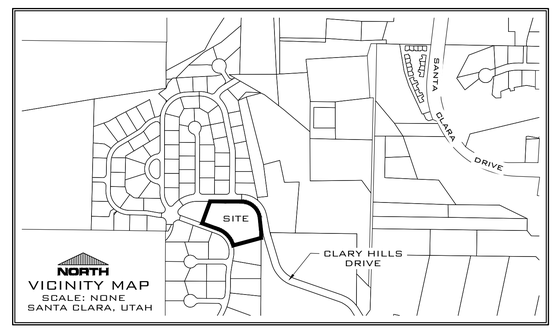
Containing 89,182 square feet or 2.05 acres.

AMENDMENT NOTE:

The purpose of this amendment is to combine lots 303 & 305 of The Hills at Santa Clara Phase 3, Amended.

LEGEND

- ✦ FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
- ● SET CORNER - 5/8" X 20" REBAR & PLASTIC CAP - ROSENBERG ASSOCIATES AS PER ORIGINAL PLAT
- ○ NOTHING SET OR FOUND
- ⊕ STANDARD SANTA CLARA CITY SURVEY MONUMENT - CLASS I AS PER ORIGINAL PLATS
- NO BUILD AREA
- ◬ FRONT PROPERTY CORNERS ARE OFFSET 7.0' WITHIN THE LOT, ON LINE, IN THE SIDEWALK, WITH A BRASS PLUG - AS PER ORIGINAL PLAT



VICINITY MAP
SCALE: NONE
SANTA CLARA, UTAH

THE HILLS AT SANTA CLARA

- PHASE 3 AMENDED - PARTIAL AMENDMENT "A"

LOCATED IN SECTION 17
TOWNSHIP 42 SOUTH, RANGE 16 WEST,
SALT LAKE BASE AND MERIDIAN,
SANTA CLARA CITY, WASHINGTON COUNTY, UTAH.

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2, St. George, Utah 84790
Ph (435) 673-8586 - www.RACIVIL.COM

Survey-fplat File Number:	07/14/2022 Date:	B.E.A. Drawn:
10588-18 Job Number:	1" = 30' Scale:	B.E.A. Checked:

ENGINEER'S APPROVAL:

The hereon subdivision has been reviewed and is approved in accordance with information on file in this office, this _____ day of _____, 20__.

_____
Engineer
Santa Clara City, Utah

APPROVAL OF THE PLANNING COMMISSION:

On this the _____ day of _____, A.D. 20__ the Planning Commission of Santa Clara City, having reviewed the above subdivision final plat and having found that it complies with the requirements of Santa Clara City's Planning Ordinances, and by authorization of said commission hereby approve said subdivision for acceptance by Santa Clara City, Utah.

_____
Chairman of the Planning Commission
Santa Clara City, Utah

CITY SURVEYOR'S CERTIFICATE:

I the Santa Clara City Surveyor, do hereby verify that this office has examined this subdivision plat and have determined that it is correct and in accordance with information on file in this office.

_____
City Surveyor
Santa Clara City, Utah

APPROVAL AND ACCEPTANCE BY THE CITY OF SANTA CLARA, UTAH:

We the mayor and city council of Santa Clara City, Utah have reviewed the above subdivision final plat and by authorization of said City Council recorded in the minutes of it's meeting of the _____ day of _____, A.D. 20__, hereby accept the said subdivision with all commitments and all obligations pertaining thereto.

_____ _____
City Recorder — Mayor
Santa Clara City, Utah — Santa Clara City, Utah

APPROVAL AS TO FORM:

Approved as to form, this _____ day of _____ A.D. 20__.

_____
City Attorney
Santa Clara City, Utah

TREASURER APPROVAL

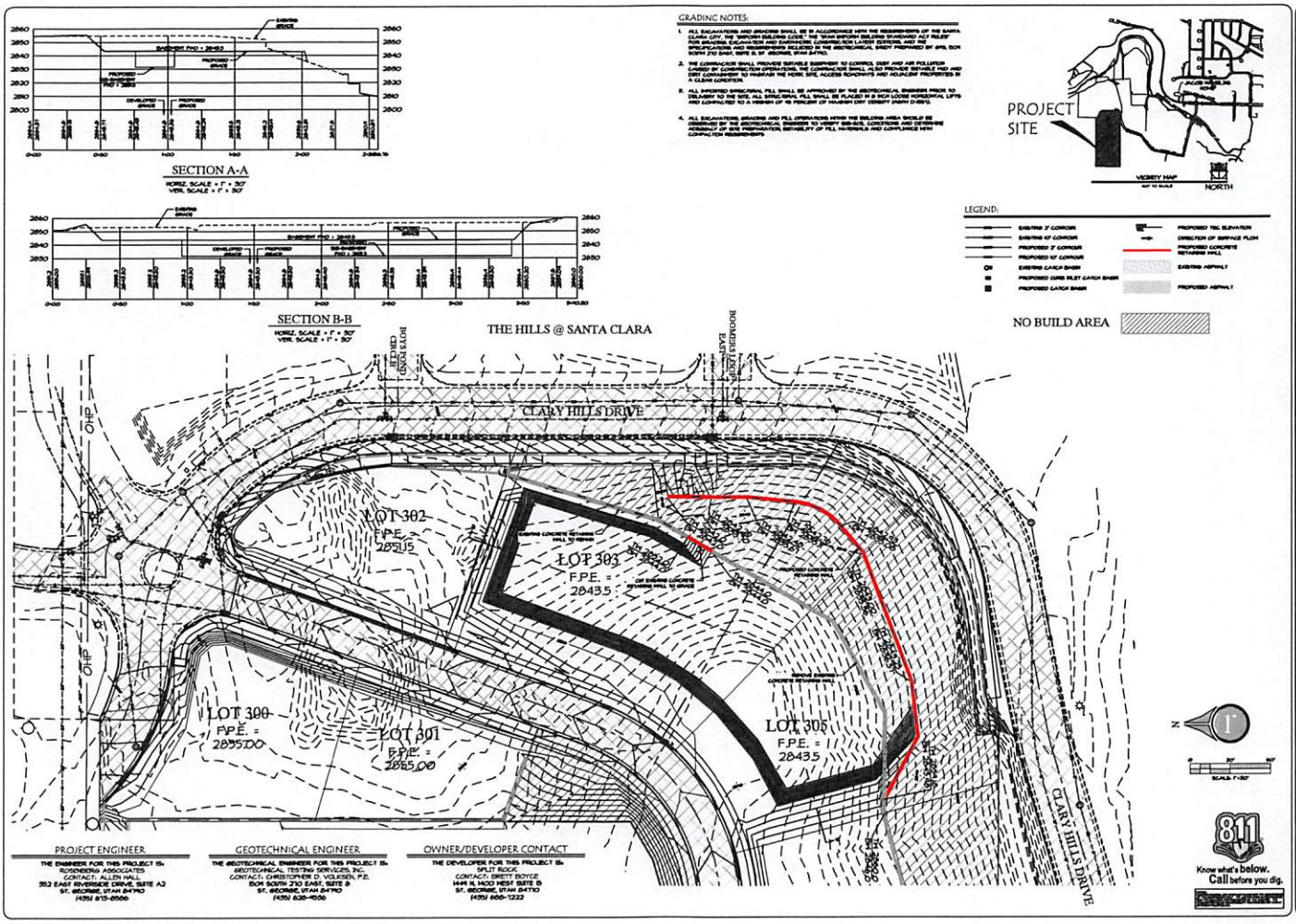
I, Washington County Treasurer, certify on this _____ day of _____ A.D. 20__ that all taxes, special assessments, and fees due and owing on this subdivision Final Plat have been paid in full.

_____
Washington County Treasurer

RECORDED No.

_____
Fee:

_____
County Recorder
Washington County, Utah



PROJECT ENGINEER
THE ENGINEER FOR THIS PROJECT IS:
ROSENBERG ASSOCIATES
CONTACT: ALLEN HALL
352 EAST RIVERSIDE DRIVE, SUITE A2
ST. GEORGE, UTAH 84790
(435) 673-8586

GEOTECHNICAL ENGINEER
THE GEOTECHNICAL ENGINEER FOR THIS PROJECT IS:
GEOTECHNICAL TESTING SERVICES, INC.
CONTACT: CHRISTOPHER D. VOLKSEN, P.E.
BOX SOUTH 2710 EAST, SUITE B
ST. GEORGE, UTAH 84790
(435) 628-4656

OWNER/DEVELOPER CONTACT
THE DEVELOPER FOR THIS PROJECT IS:
SPLIT ROCK
CONTACT: BRETT BOYCE
1441 N. 1400 WEST, SUITE B
ST. GEORGE, UTAH 84770
(435) 668-1222

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS
352 East Riverside Drive, Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fx (435) 673-4897
www.rosnet.com

RETAINING WALL PLAN
FOR
COMBINED LOTS 103, 104, & 105
THE HILLS AT SANTA CLARA, PHASE 3
SANTA CLARA, UTAH

JASON L. WARD
STATE OF UTAH

SHEET
1.0
1 OF 1 SHEETS

THE HILLS AT SANTA CLARA
PHASE 3

LERNER - LOTS 303-305

CONCEPT DESIGN
November 17, 2022

THE DRAWINGS, DESIGN CONCEPTS, AND IDEAS HEREIN ARE INTENDED TO EXPRESS DESIGN INTENT ONLY

SITE PLAN

01 SITE PLAN
scale 1" = 20'-0"

0 10 20 40 80
(1" INCH = 20' FEET)



Scale: PER TITLE
Date: 02-03-22
Job No: -
Revision:

Project:
Lerner Residence
Lot 304-305, The Hills at Santa Clara Phase 3
Hillside Way
Santa Clara City, Washington County, Utah

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4c Architecture
architecture | interiors | development

Architects Stamp:

Architectural Site Plan

Sheet Title:

AS1.0

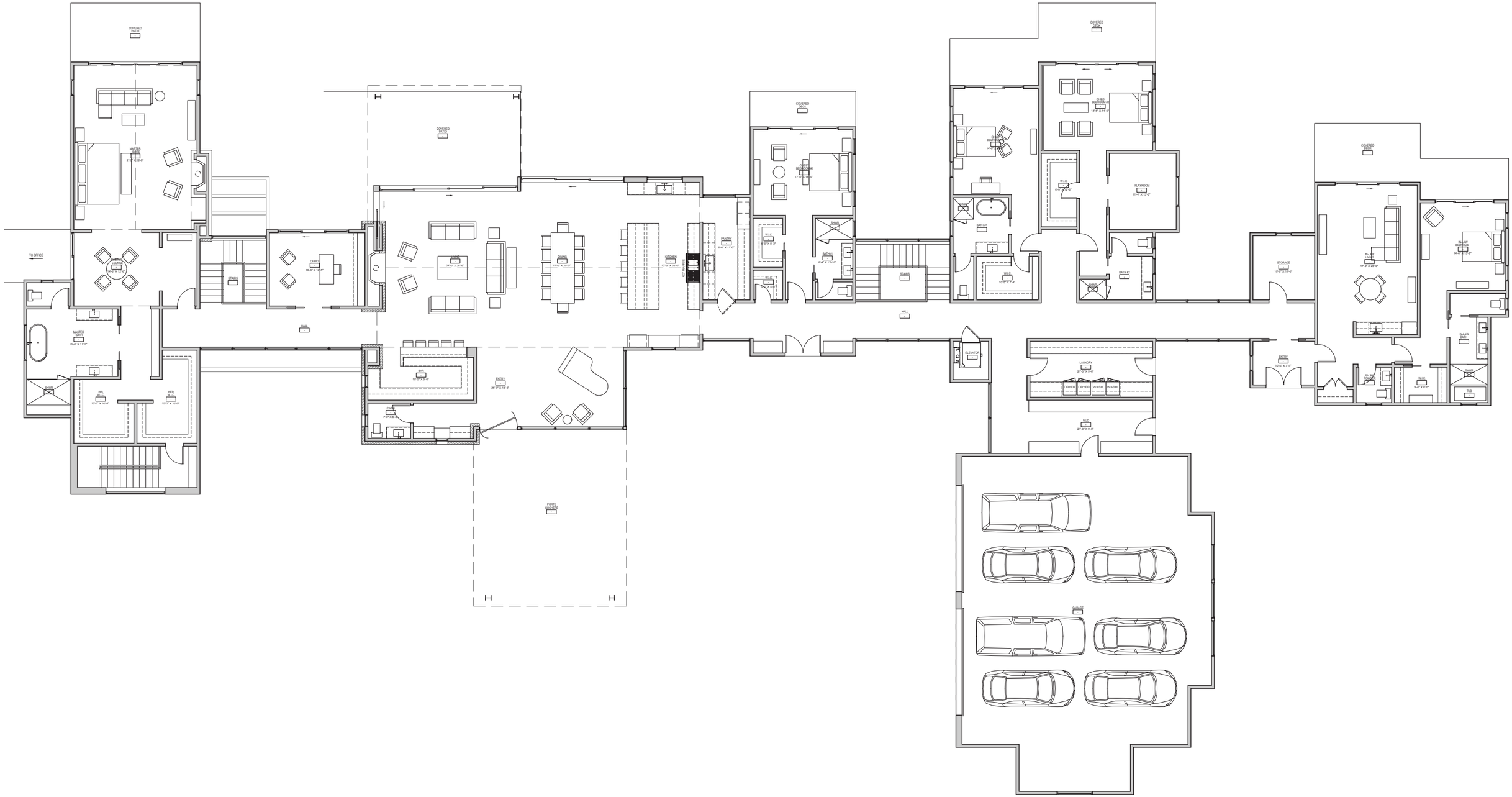
Sheet No.

CAD File No.

12_12345_

FLOOR PLAN

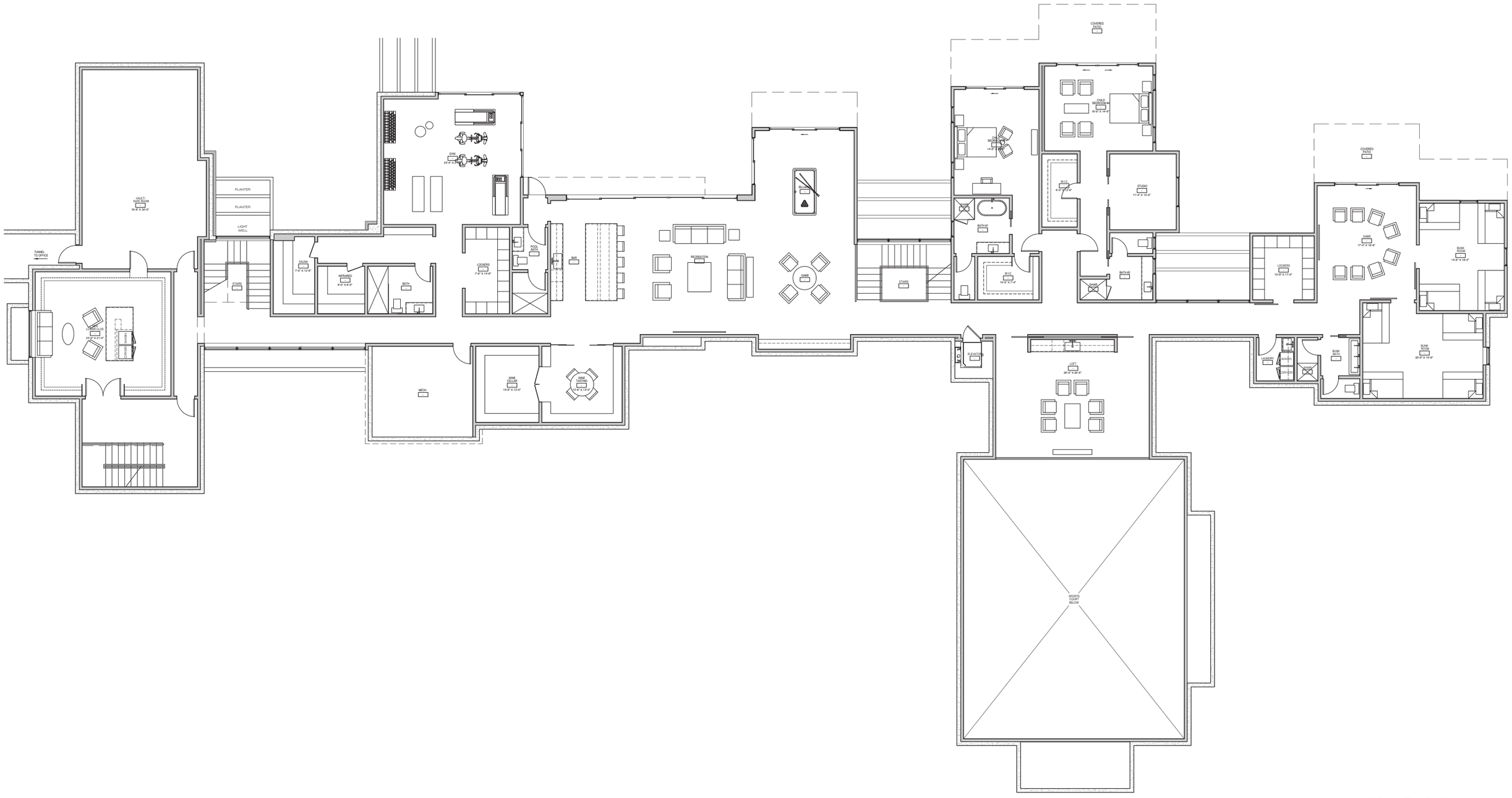
MAIN LEVEL



SCALE 1/16" = 1-'0"

FLOOR PLAN

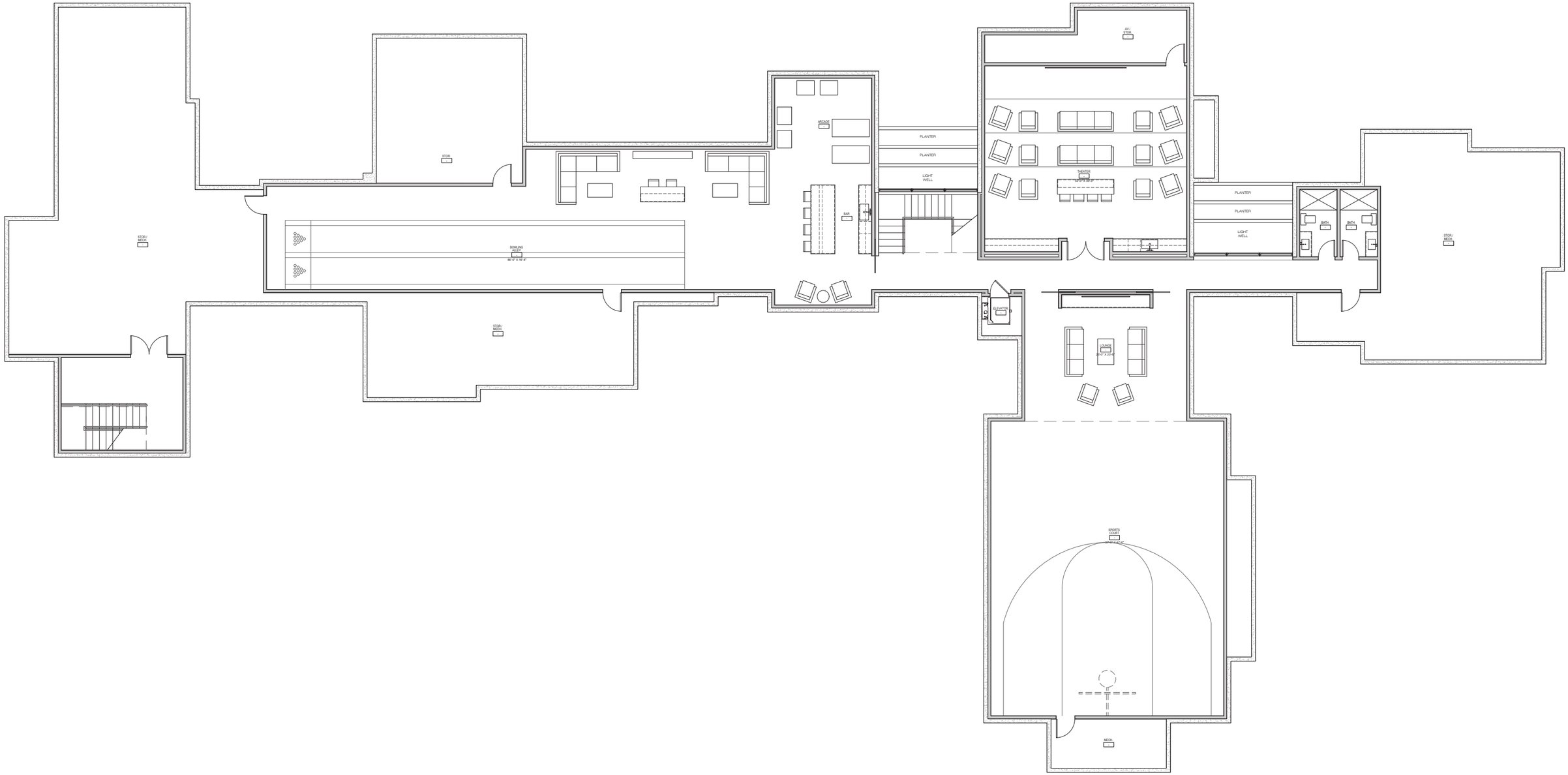
LOWER LEVEL



SCALE 1/16″ = 1-′0″

FLOOR PLAN

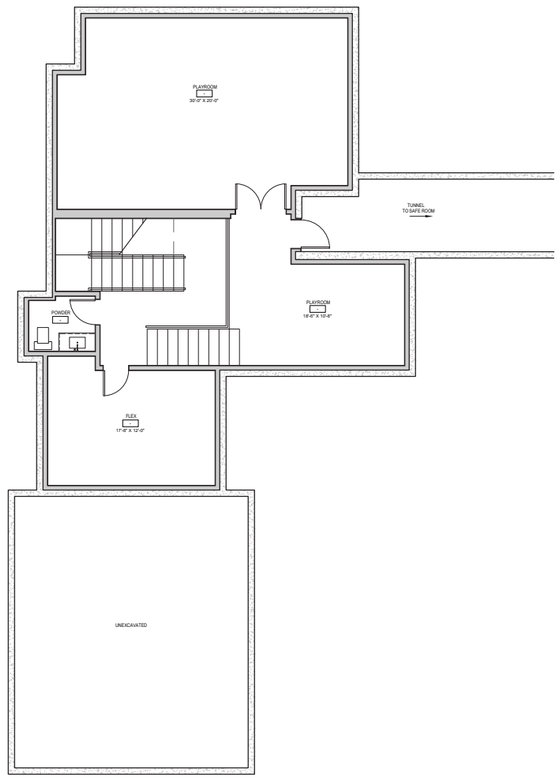
SUB BASEMENT LEVEL



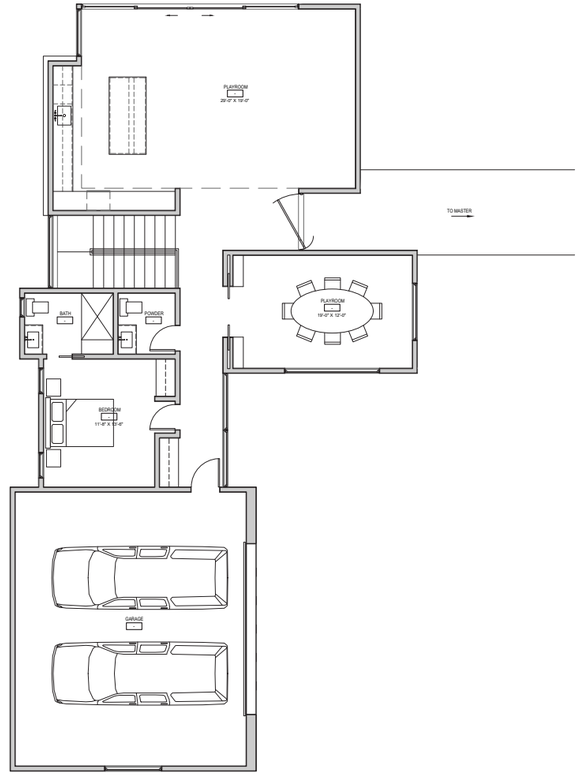
SCALE 1/16" = 1-'0"

FLOOR PLAN

GUEST WING



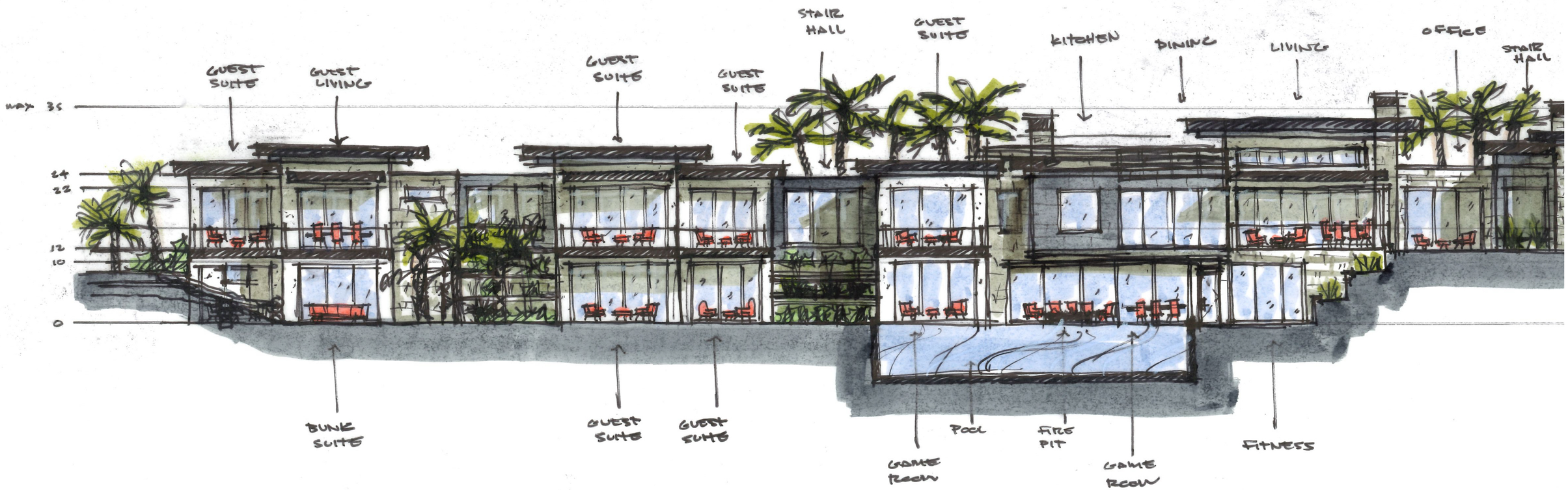
LOWER LEVEL



MAIN LEVEL

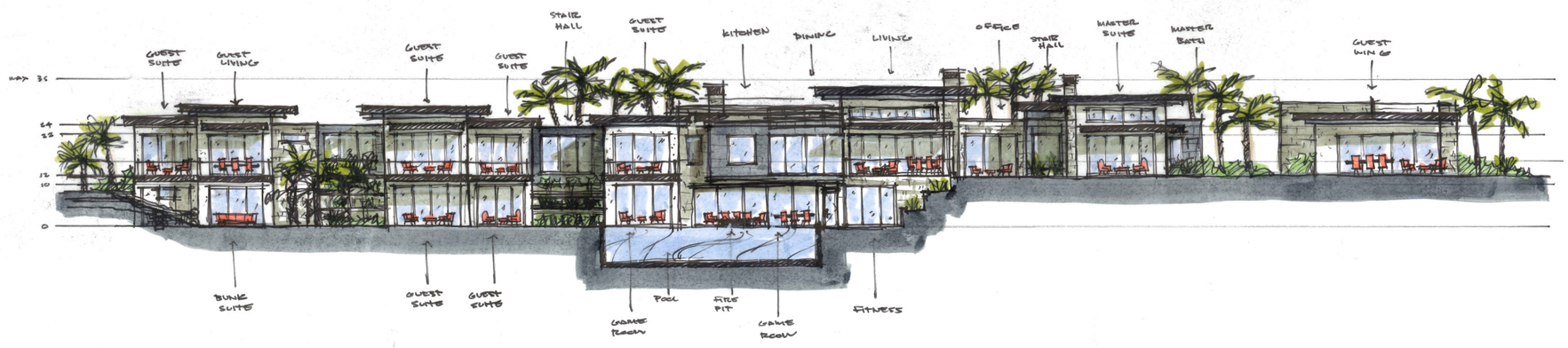
SCALE 1/16″ = 1-′0″

ELEVATION SKETCH



PARTIAL ELEVATION LEFT

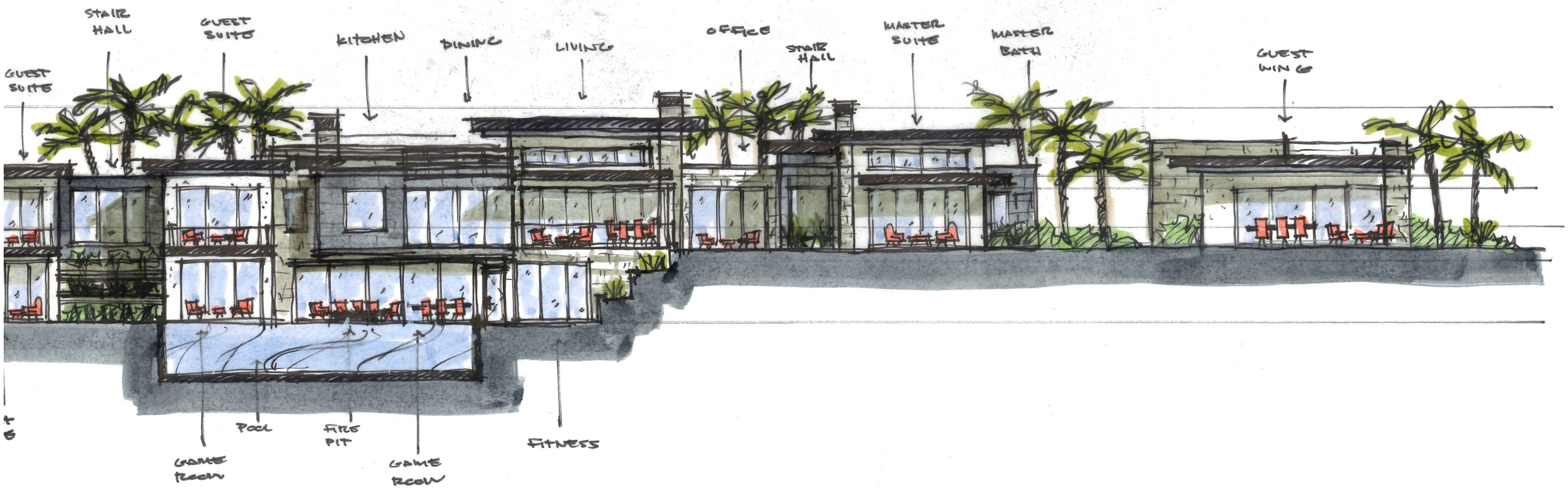
SCALE 1/16" = 1-'0"



FULL ELEVATION

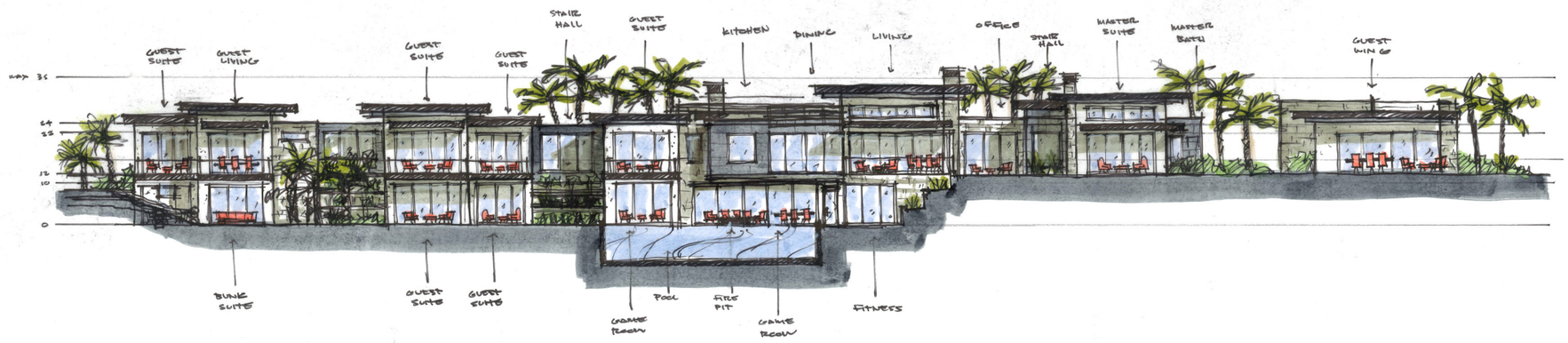
SCALE 1/32" = 1-'0"

ELEVATION SKETCH



PARTIAL ELEVATION RIGHT

SCALE 1/16" = 1-'0"



FULL ELEVATION

SCALE 1/32" = 1-'0"

CONCEPT IMAGERY



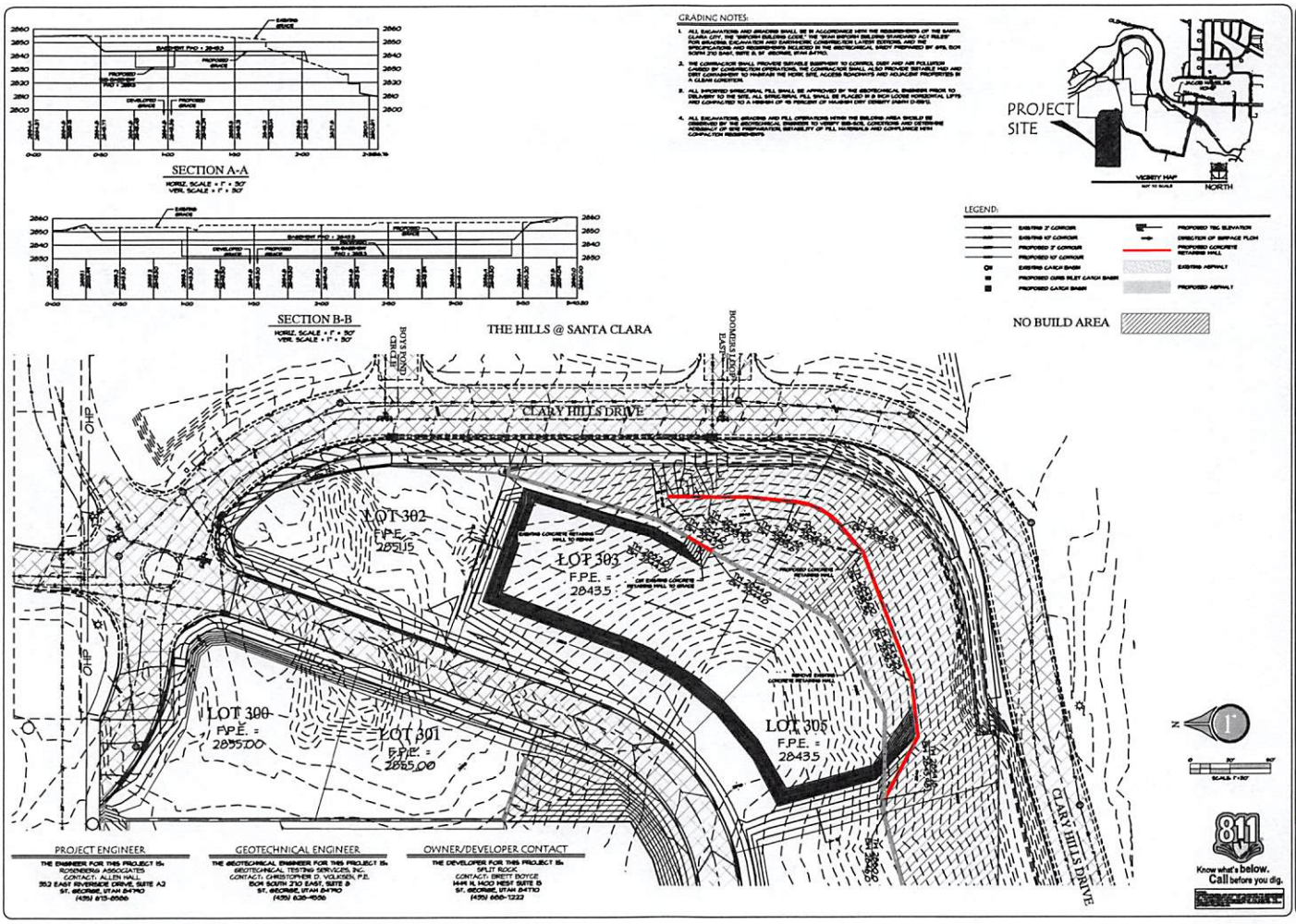












PROJECT ENGINEER
THE ENGINEER FOR THIS PROJECT IS:
ROSENBERG ASSOCIATES
CONTACT: ALLEN HALL
352 EAST RIVERSIDE DRIVE, SUITE A2
ST. GEORGE, UTAH 84790
(435) 673-8586

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THE GEOTECHNICAL ENGINEER FOR THIS PROJECT IS:
GEOTECHNICAL TESTING SERVICES, INC.
CONTACT: CHRISTOPHER D. VOLKSEN, P.E.
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THE DEVELOPER FOR THIS PROJECT IS:
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CONTACT: BRETT BOYCE
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RETAINING WALL PLAN
FOR
COMBINED LOTS 103, 104, & 105
THE HILLS AT SANTA CLARA, PHASE 3
SANTA CLARA, UTAH

JASON L. WARD
STATE OF UTAH

SHEET
1.0
1 OF 1 SHEETS

Residential Subdivision Final Plat Application Amended

Santa Clara City
2603 Santa Clara Dr
Santa Clara, UT 84765
(435) 656-4690 FAX: (435) 879-5298

Subdivision Name: THE Hills at Santa Clara Phase 3 Partial Amendment A

Applicant(s)/Property Owner(s) Information

Name: JJSB LLC (Jeff)

Address: 1473 Boone Park Cir.

City: Santa Clara State: UT Zip: 84765

Phone Number: 435 669 8379

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

(If additional property owners please add addendum)

Property Description

Section(s): 17 Township(s): 42 Range: 16

Current Zoning Designation: R1-10 / RA

Parcel Size (acres): 2.05

Number of Lots: 1

Major Cross Street(s): Hillside Way

Approvals Required By:

- ❑ Technical Review Committee (Staff) - meets every Thursday at 8:30 a.m.
- ❑ Planning Commission - meets every second Thursday of each month at 5:30 p.m.
- ❑ City Council - meets the second and fourth Wednesdays of each month at 5:00 p.m.

Attached checklists serve as a guide for adhering to Santa Clara City's subdivision process/requirements. City Staff will use the checklists for completeness reviews and insuring code compliance for subdivisions. ***For comprehensive information on the subdivision requirements/process, refer to appropriate City Codes and Statutes.***

Office Use Only:

Date plan submitted: _____ Date plan accepted: _____

Subdivision/Development Approval Checklist

FINAL PLAT CHECKLIST

			I. *Final Plat Requirements*
Y	N	N/A	A. TRC with developer
Y	N	N/A	A. Submittal of: 1) Engineering Drawings (3 copies); 2) Final Plat (8 11"x17" & 1 8.5"x11"); 3) One (1) Mylar; and 4) Engineer Cost Estimates
Y	N	N/A	B. Completeness Review (Chapter 16.24)
			1. Description and delineation (16.24.20)
Y	N	N/A	a. Name of subdivision approved by the Planning Commission
Y	N	N/A	b. Identification system for all lots: name of streets, easements, and lot sizes
Y	N	N/A	c. Traverse of the perimeter of the subdivision
Y	N	N/A	d. Monumentation and survey control 1. Official Monuments 2. Street Monuments 3. Street centerline data and street widths… 4. Property Corners set prior to recording of final plat.
Y	N	N/A	e. Dedication to the public of all streets, easements, etc.
Y	N	N/A	f. North arrow, scale, point of beginning, legal description and basis of bearing.
Y	N	N/A	g. Subdivision boundary closures shall be .01 or less on exterior boundaries and .02 on interior lots
			2. Standard Forms (16.24.030)
Y	N	N/A	a. Surveyor's "Certificate of Survey"
Y	N	N/A	b. Owner's "Certificate of Dedication"- signed by all owners
Y	N	N/A	c. Notary Public's Acknowledgement of all signatures
Y	N	N/A	d. Notarized Consent of all Leinholders
Y	N	N/A	e. Planning Commission's "Certificate of Approval"
Y	N	N/A	f. City Engineer's "Certificate of Approval"
Y	N	N/A	g. City Surveyor's "Certificate of Approval"
Y	N	N/A	h. City Attorney's "Certificate of Approval"
Y	N	N/A	i. City Council's "Certificate of Approval"
Y	N	N/A	j. A one-and-one half by five-inch space in the lower right-hand corner of the plat for the county recorder.
Y	N	N/A	k. Quit Claim Deed from Irrigation Company – Heights Only
Y	N	N/A	l. General Notes – The following general notes must appear on the plat: 1. Notes Pertaining to the Issuance of building permit until all utilities are installed 2. Notes Pertaining to Unstable Soil Conditions 3. Basis of Bearings for Plat 4. Property is Subject to Findings, Summary and Conclusions of a Geotechnical Report 5. R-of-W Landscaping Requirements & Subsequent Maintenance Requirements

			3. Additional Information Submitted with Final Plat (16.24.040)
Y	N	N/A	a. Deed restrictions in final form signed by all owners of any interest: if applicable
Y	N	N/A	b. Engineer's itemized estimate of the cost of all required improvements to be developed in the subdivision and a separate cost estimate for any upsizing of piping
Y	N	N/A	c. Current title report
Y	N	N/A	d. Final utility plans: Water, sewer, power and natural gas
Y	N	N/A	e. Final drainage plans 1. Complete drainage system for entire subdivision 2. Comprehensive of drainage system to include area of subdivision but surrounding areas. 3. Final Plans and profiles for all streets to be constructed: reviewed and approved by engineer 4. Erosion control plan where applicable
Y	N	N/A	f. Soils report covering each lot in the subdivision as per geotechnical requirements prepared by a soil testing laboratory acceptable to the City
Y	N	N/A	g. Irrigation Company: existing ditch/easement issues on property
Y	N	N/A	D. Conformance to Applicable Rules and Regulations
			1. Subdivision plan complies with all applicable laws, plans, and regulations:
Y	N	N/A	a. Zoning Ordinance
Y	N	N/A	b. General Plan
Y	N	N/A	c. UDOT; Health Department, etc.
Y	N	N/A	d. Standards adopted by the City including all boards, commissions, etc.
Y	N	N/A	E. Self-imposed Restrictions Incorporated – Restrictions:
Y	N	N/A	F. Special Conditions Incorporated (ex. Historical district) – E.G.:
Y	N	N/A	G. Planning Commission Review and Recommendation- Date(s) of review: Date of Recommendation
Y	N	N/A	H. Inclusion of Planning Commission Changes
Y	N	N/A	I. Final Plat and Engineer drawings are to comply with all sections of the City's Design Standards found in Chapter 16.28 (Red lines comply)
Y	N	N/A	J. Engineering Plans Approved by City Engineer and City Staff Public Services Date signed: _____ Public Safety Date signed: _____ City Engineer Date signed: _____
Y	N	N/A	K. City Council Review and Adoption of Final Plat-Date of Review(s): _____ Date of Adoption: _____
Y	N	N/A	L. Inclusion of City Council Changes

From: Santa Clara City
To: Katie Casselman; Chris Shelley; Brock Jacobsen
Subject: City Council Action Application Form submitted on Santa Clara City by [990]
Date: Thursday, January 5, 2023 2:07:16 PM

Meeting Type	CITY COUNCIL
Date Submitted	January 5, 2023
Requested Meeting Date	January 11, 2023
Applicant	Santa Clara City
Subject	Contracting with Dowdle Puzzles for the creation of a Santa Clara City puzzle
Background Description	At the December 14, 2022 city council meeting Davide Halling gave a presentation on Dowdle Puzzles. Dowdle's goal is to showcase cities unique histories. The City of Santa Clara has a lot of history that could be put into a folk-art piece, and they can tell the City's story from the founding to the most modern building in the City and make it look like a cohesive piece that is telling a story of the City. The goal is to get the City's story and then create a legacy piece of art that the City can be proud of. Once Eric Dowdle (the artist) has done that, they will create a large puzzle for the City to display where the different elements of the City will come and put their piece in at the unveiling. The puzzles are the fund-raising part of it where the City makes back what they invest in the project. The minimum order of puzzles is 6,000 and if all 6,000 puzzles are sold the city would recoup all of the cost of the puzzle. The total cost of the puzzle is $150,000 with 50% ($75,000) payment upfront.
Proposed Recommendation (drop-down select	Approval
Cost	150,000
Approved by Legal Department (drop-down select)	N/A
Approved in Budget? (drop-down select)	No

Approved by City Finance Department? (drop-down select)	N/A
Amount	150,000
Requested By	Brock Jacobsen

From:	Santa Clara City
To:	Katie Casselman; Chris Shelley; Brock Jacobsen
Subject:	City Council Action Application Form submitted on Santa Clara City by [990] Item 4
Date:	Thursday, December 29, 2022 10:22:25 AM

Meeting Type	CITY COUNCIL
Date Submitted	Jan. 5, 2023
Requested Meeting Date	January 11, 2023
Applicant	Gary Hall
Subject	Net Metering Agreement Review
Background Description	The Santa Clara net metering resolution for solar customers was adopted in 2016. This policy was based on research completed by Utility Financial Solutions (UFS) along with a rate study done at that time. It was determined that Santa Clara would need to charge a Solar Reliability Charge (SRC), to solar customers in order to maintain financial stability with the loss of revenue from power sales. When purchasing power, building power lines, building substations, ordering transformers, the full load of each home is considered without solar. We need to be able to provide the same level of service to solar customers as non-solar customers but with less revenue. It was the intention of the net metering agreement to charge all solar customers the base rate, the solar reliability charge, and for the amount of energy used from the city, and credited for excess energy that the customer produced. It has been brought to our attention that the city has charged customers the SRC contrary to the way the agreement is written. Tonight I would like to discuss with Council this agreement and how they feel about the the current charges and where they would like to see it in the future.
Proposed Recommendation (drop-down select	Discussion
Cost	N/A
Approved by Legal Department (drop-down select)	N/A
Approved in Budget? (drop-	N/A

down select)	
Approved by City Finance Department? (drop-down select)	N/A
Amount	N/A
Requested By	Gary Hall

RENEWABLE NET METERING &
INTERCONNECTION AGREEMENT

This Net Metering and Interconnection Agreement ("Agreement") is made and entered into as of this _____ day of _____, 20__, by the City of Santa Clara, a municipal corporation and political subdivision of the State of Utah herein referred to as the "City" and _____, herein referred to as the "Customer" located at _____, Santa Clara, Utah, 84765.

RECITALS

WHEREAS the City Council of the City of Santa Clara adopted the Renewable Net Metering & Interconnection agreement Policy ("Net Metering Policy"), effective February 24, 2016, to encourage and regulate the orderly installation and maintenance of parallel renewable energy systems interconnected with the City's exiting electric distribution system;

WHEREAS, pursuant to the City's Net Metering Policy, Customer wishes to install, operate, and maintain a renewable energy net metering facility, no greater than 8 kilowatts, interconnected with the City's existing electric distribution system;

WHEREAS, the City intends to credit against customers total electric energy usage that potion supplies by the Customer's own renewable energy net metering facility; and

WHEREAS, customer wishes to sell and the City wishes to purchase an excess energy produced by the Customer's renewable energy net metering facility;

AGREEMENT

NOW, THEREFORE, the parties mutually agree and covenant as follows:

1. Renewable Energy Net Metering Facility:
   Customer's renewable energy net metering facility (the "Facility") shall mean the generating facility described in Exhibit A attached hereto. The Facility shall consist of a solar (Photovoltaic) generating facility located on the Customer's premises, that is interconnected with and operates in parallel with the City's electric transmission and distribution facilities, and is intended to primarily to offset part of all of the Customer's own electrical requirements. The design, installation, and operation of the Facility shall comply in all aspects with the City's Net Metering Policy. Customer shall be responsible for the design, installation and operation of the Facility and for obtaining and maintaining all required permits and approvals as well as payments of all applicable fees related thereto. This Agreement is applicable only to the renewable energy net metering facility described in Exhibit A and Customer shall not make any modification to the Facility without the prior written consent of the City.

2. Term: **Initial:** _____

This Agreement shall commence on the date established above and shall remain in effect until terminated by either party upon thirty (30) days prior written notice, provided, however, that this Agreement will terminate automatically upon:

a. Any change of ownership of Customer, if Customer is not an individual;
b. Any change in ownership of the Facility or the premises upon which the Facility is located;
c. Any change in the location of the Facility; or
d. Removal of the Customer from the utility account associated with the Facility.

The City reserves the right to review, modify, or amend this Policy at a minimum of every three (3) years. The City reserves the right to modify or amend the Solar Reliability Charge (SRC), and/or the Renewable Power Rate, as described in Exhibit B, at any time during the contract period, upon thirty (30) days written notice to the Customer.

3. Definition of Net Energy:

Net Energy is the difference between electrical energy consumed by the Customer from the City's electric distribution system and the electrical energy generated by the Customer and fed back into the City's electric distribution system.

4. Measurement of Net Energy:

Bi-direction metering equipment ("Net Meter") shall be installed to measure the flow of electrical energy in each direction. The bi-directional metering equipment shall be installed at the Customer's expense. The bi-directional metering equipment shall be used to provide information necessary to accurately bill or credit Customer and to collect electrical generating system performance information for research purposes.

A Production Meter will also be installed by the City, at the City's expense, near the bi-direction meter. The Production Meter shall be used to measure the flow of electrical energy from the Facility for research purposes and determining total usage of the connection.

5. Purchase of Energy and Payment:

A. The City shall measure the net energy produced or consumed by the Customer during each billing period, in accordance with normal metering practices.

B. If the energy supplied by the City exceeds the electricity generated by the Customer and fed back to the City during the billing period, or any portion thereof, then the customer shall be billed for:

i. The appropriate customer base charge paid by other customers of the City in the same rate class;
and
ii. The monthly Solar Reliability Charge as described in Exhibit B;
and
iii. The net energy supplied to Customer by the City's electric distribution system.

C. If the energy generated by Customer and distributed back to the City's electric distribution system during the billing period, or any portion thereof, exceeds the energy supplied to the Customer by the City's electric distribution system, then the customer shall be:

i. The appropriate customer base charge paid by other customers of the City in the same rate class;
and
ii. The monthly Solar Reliability Charge as described in Exhibit B;
and
iii. Credit for the net excess kWh's generated during the billing period at the Renewable Power Rate as described in Exhibit B, with this kWh credit appearing on the Customer's bill for the following billing period.

CI. The City will purchase a Customer's excess kWh credit in the last billing cycle of the fiscal year by crediting the Customer at the Renewable Power Rate Available as defined in the Renewable Net Metering Program.

CII. If a home with a Renewable Resource is sold, any remaining credits will be applied to the electrical billing for kWh consumption with any remaining unused credits above the total billing will be paid to the customer at the Renewable Power Rate Available within thirty (30) days.

CIII. Net Metering credit shall only be applied to offset part of all of the Customer's own electrical requirements at a single metering point exclusively. Net Metering credit shall not be applied to multiple meters owned by a single Customer at separate locations.

CIV. This agreement may not be signed by a person who is not both the City's electric Customer and the owner of the renewable energy generating facility.

6. Interconnection:
Customer shall provide the electrical energy metering facility of the bi-directional metering equipment in accordance with the City's Net Metering Policy. The City may make such modifications to the City's system as are reasonably necessary to accommodate the Facility in accordance with the City's Net Metering Policy. The cost for such modifications will be due in advance of construction. Customer shall ensure at its own expense that the Facility includes all equipment necessary to meet applicable safety, power quality and interconnection requirements established by the City's Net Metering Policy, as may be amended form time to time by other applicable City policies and ordinances, by applicable state law and by the National Electric Code ("NEC"), National Electric Safety Code ("NESC"), the Institute of Electrical and Electronic Engineers, Inc. ("IEEE") – standard 1547 for Interconnecting Distributed Resource with Electric Power Systems and Underwriters Laboratories Inc. ("UL") – standard 1741, Inverters, Converters and Controllers for use in Independent Power Systems. Customer shall not commence parallel operation of the Facility until the City has inspected the Facility, including all interconnection equipment and issued a written approval in accordance with the City's Net Metering Policy, which includes a stipulated start time and following which operations in parallel are permitted.

7. Disconnect Device:
Customer shall furnish and install, on its side of the bi-directional metering equipment a safety disconnect device capable of fully disconnecting and isolating the Facility from the City's electric distribution system. The disconnect device shall be located adjacent to the City's bi-directional metering equipment or other location approved by the City and shall be of the visible break type

in a metal enclosure that can be secured by a padlock. The disconnect device shall be accessible to the City's personnel at all times and shall conform to the National Electric Code Standards. They City shall have the right to disconnect the Facility form the City's electric distribution system when necessary to maintain safe and reliable electrical operation condition or if in the City's sole judgement, the Facility at any time adversely affects the operation of the City's electric distribution system or the quality and reliability of the City's service to other customers. The City shall have the right to require that the Facility remain disconnected until such time as the City determines, in the sole discretion, that the condition(s) required the disconnection have ended or been corrected. The City shall have the option of requiring ongoing testing of disconnection equipment.

8. Operational Standards:
   Customer shall furnish, install, operate and maintain in good order and repair, all without cost to the City, all equipment required for the safe operation of the Facility in parallel with the City's electric distribution system. This includes, but is not limited to, equipment necessary to:

   a. Establish and maintain automatic synchronism with the City's electric distribution system; and
   b. Automatically disconnect the Facility from the City's electrical distribution system in the event of overload or outage of the City's electrical distribution system.

   The Facility must be designed to operate within allowable operating standards for the City's electric distribution system. The Facility must not adversely affect the quality or reliability of service provided to the City's other customers. The City shall have the right to periodically inspect the Facility.

9. Installation and Maintenance:
   Except for the bi-directional and production metering equipment owned by the City, all equipment on Customer's side of the delivery point, including the required disconnect device, shall be provided and maintained in satisfactory operating condition by Customer and shall remain the property and responsibility of the Customer. The City will bear no responsibility for the installation or maintenance of Customer's equipment or for any damage to property as a result of any failure or malfunction thereof. The City shall not be liable, directly or indirectly for permitting or continuing to allow the interconnection of the Facility or for the acts or omission of Customer or the failure or malfunction of any equipment of Customer that causes loss or injury, including death, to any party.

10. Indemnity and Liability:
    Customer shall defend, hold harmless, and indemnify the City and its directors, officers, employees and agents against any and all loss, liability, damage, claim, cost charge, demand or expense (including any direct, indirect or consequential loss, liability, damage, claim, cost, charge, demand, or expense including attorney's fees) for injury or death to persons, including employees of the City and Customer or damage to property, including property of the city and Customer, arising out of or in connection with (a) the engineering, design, construction, maintenance, repair, operation, supervision, inspection, testing, protection or ownership of the Facility or (b) the making of placements, additions, betterment of or reconstruction of the Facility. Customer's duty to indemnify the City hereunder shall not extend to loss, liability, damage, claim, cost charge,

demand, or expense resulting from interruptions in electrical service to the City's customers other than the Customer or resulting from the negligent, willful, or intentional acts of the City.

11. Pre-Operation Inspection:
    Prior to interconnection, the Facility and associated interconnection equipment must be inspected and approved by the City and by any other governmental authority having jurisdiction.

12. Access:
    Authorized City employees shall have the right to enter upon Customer's property at any time for the purposes of inspection and/or operating the disconnect device and meters or making additional tests concerning the operation and accuracy of the City's meters.

13. Merger:
    This agreement constitutes the entire agreement of the parties with respect to the subject matter contained herein and supersedes any prior such agreements. There are no other agreements, written or oral, except as specifically provided herein.

    The City reserves the right to modify or amend this Net Metering Agreement, the City's avoided cost rate, the Renewable Power Rate or the Solar Reliability Charge, upon reasonable advance notice to the Customer (30 days).

14. Governing Law and Venue:
    This Agreement shall be construed according to the laws of the State of Utah. The parties agree that venue for all legal actions, unless they involve the cause of action with mandatory federal jurisdiction, shall be the Fifth District Court for the State of Utah. The parties further agree that the Federal District Court for the District of Utah shall be the venue for any cause of action with mandatory federal jurisdiction.

15. Notices:
    All notices required herein, and subsequent correspondence in connection with this agreement shall be mailed to the following:

    City of Santa Clara
    ATTN: City Attorney
    2603 Santa Clara Drive
    Santa Clara, UT 84765

    Such notices shall be deemed delivered following the mailing of such notices in the Unites States mail. Adequate notice shall be deemed given at the addresses set forth herein unless either party of a change of address gives written notice.

16. Counterparts:
    This Agreement may be executed in counterparts each of which shall be an original and shall constitute one of the same agreements.

17. Application Provisions:
    The City shall make Net Metering available to eligible Customers on a first-come, first-served basis. Single or multiple Net Metering connections to a City owned transformer, which create an

imbalance that exceeds 20% of the nameplate rating, may be denied at the City's discretion, or if approved may require system upgrades including additional transformers or other system upgrades a the Customer's expense.

The City reserves the right to restrict the amount of kW ("kilowatts") installed per connection. The maximum allowed for Residential Customers is 8 kW. Commercial customers shall not be allowed under this policy and shall be reviewed by the City under a separate review and approval process, which may include a system impact study. Renewable Resource connection to transmission lines within the City are prohibited.

WITNESS the hands and seals of the parties, the month, day and year first written above.

_____
Property Owner / Customer

STATE OF UTAH)
ss.
COUNTY OF WASHINGTON)

On the _____ day of _____ 20 _____, personally appeared before me,

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed in the foregoing document and acknowledged before me that he/she signed it voluntarily for its stated purpose.

_____
Notary Public

SANTA CLARA CITY

_____
Jack Taylor, Public Works Director

ATTEST:

_____
Chris Shelley, City Recorder

"EXHIBIT A"
NET METERING AND INTERCONNECTION AGREEMENT

SECTION 1 – CUSTOMER INFORMATION

Name: _____

Owner Address: _____

City, State, Zip: _____

Mailing Address (if different): _____

Phone: (_____) _____ Mobile: (_____) _____

Email: _____

SECTION 2 – NET METERING FACILITY INFORMATION

System Type: Solar (PV)

Generator Size (kW AC): _____

Inverter Manufacturer: _____ Model #: _____

Inverter Serial #: _____ Inverter Power Rating: _____

Inverter Location: _____

SECTION 3 – INSTALLATION INFORMATION

Licensed Electrician: _____ Contractor #: _____

Electrician Address: _____

City, State, Zip: _____

Phone: (_____) _____ Mobile: (_____) _____

Email: _____

SECTION 4 – CERTIFICATIONS

The Facility has been installed to my satisfaction and I have been given Facility warranty information and an operations manual. I have been instructed regarding the properly operation of the Facility and associated equipment. In addition, the installation has received all necessary local, state and federal approvals and certifications.

Signed (Owner): _____ Date: _____

Stipulated Start-up Date: _____

"EXHIBIT B"
SOLAR RELIABILITY CHARGE & RENEWABLE POWER RATE

Solar Reliability Charge

The Solar Reliability Charge reflects both the Customer solar PV system inverter's continuous AC name plate rated kW capacity, and the cost per kilowatt-hour (kWh) for Santa Clara City to meet the full power demand of net-metered customers. First, the Customer's estimated monthly kWh solar generation is calculated by multiplying the total kW capacity of the Customer's system times 149 kWh (estimated average solar generation per kW capacity per month in Santa Clara). Second, Santa Clara City Utility determines its cost per kWh by dividing its total operation expense by the total kWh it purchases during a given period. The Customer's Solar Reliability Charge is then calculated by multiplying the Customer's estimated monthly kWh solar generation, times the City's cost per kWh. Both the estimated average solar generation per kW capacity per month for Santa Clara, and Santa Clara's per kWh cost will be reviewed annually and adjusted by the City as needed.

For example only:

kW Size	Monthly kWh * Charge	SRC	*To find your SRC charge, take the total kW installed and multiply by 149 kWh, to get your total estimated kWh solar generation per month. Then multiply by the City's per kWh cost of $0.0272. In this example, the Solar Reliability Charge is $4.05 per kW capacity.*
1 kW	1 * 149 = 149 kWh * $0.0272 =	$ 4.05	
2 kW	2 * 149 = 298 kWh * $0.0272 =	$ 8.10	
3 kW	3 * 149 = 447 kWh * $0.0272 =	$12.15	
4 kW	4 * 149 = 596 kWh * $0.0272 =	$16.20	
5 kW	5 * 149 = 745 kWh * $0.0272 =	$20.25	
6 kW	6 * 149 = 894 kWh * $0.0272 =	$24.30	
7 kW	7 * 149 = 1,043 kWh * $0.0272 =	$28.35	
8 kW	8 * 149 = 1,192 kWh * $0.0272 =	$32.40	

Renewable Power Rate

The renewable power rate is calculated from the weighted average cost of power Santa Clara City receives from its' energy sources. Additionally, the rate includes the cost of transmission, schedule, and reserves and factors in the Solar Reliability Charge. The renewable power rate will be review annually and adjusted by the City as needed.

Santa Clara's Renewable Power Rate is $ .06 per kWh.