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Agenda  
Regular Meeting  
June 25, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Jeff Turek, City Attorney Jeff Starkey, Public Works Director Mike Shaw, Community Development Director Drew Ellerman, Police Chief Jim Keith, Administrative Services Manager Kimberly Ruesch, Finance Supervisor Brian Brown, Leisure Services Director Barry Blake, Community Center Director Wendi Bulkley, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, Youth Council Members Brilee Barrow, Annelisa Burr, Hannah Ann Hoag, Katie Paxman, Amanda Ott, Victoria Robinson, Camille Chamberlain, Ashton G. Hardy, Derek Millward, Audience: Sherrie Staheli, Carmen Snow, Riley Richardson, Jason Smith, Ryan Bishop, Dan Drown,

Excused: City Manager Roger Carter

Meeting commenced at 6:00 P.M.

**Invocation:** Councilman Truman

**Pledge of Allegiance:** Councilman Turek

1. **APPROVAL OF THE AGENDA**

*Councilman Turek made a motion to approve the agenda. Councilman Truman second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. **ANNOUNCEMENTS**

Mayor Neilson stated there will be an Open House tomorrow from Noon to 3:00 P.M. with a Ribbon Cutting Ceremony at the Generation Facility. There will also be a 4th of July Celebration, and we invite citizens to participate.

Police Chief Jim Keith explained there are no fire restrictions this year.

3. **WASHINGTON CITY YOUTH COUNCIL**

**A. Introduction of new Youth Council Members. Carmen Snow, Advisor**

Youth Council Advisors Carmen Snow and Sherrie Staheli introduced the new Youth Council Members as follows: Brilee Barrow, Dakota Lynn Stewart, Hannah Ann Hoag, Leighton, Maree Ipson, Lydia Porter, Prina Rajesh Patel, Tylair Rose Hudson, Ashton G. Hardy, Derek Millward, Trent Halworth Olsen, Vincent Rucci

**B. Oath of Office for new Youth Council Members. Carmen Snow, Advisor**

City Recorder Danice Bulloch performed the Oath of Office for each of the new Youth Council Members.

**4. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**5. SPECIAL EVENT**

**A. Consideration to approve a Special Event Application for “Movies in the Park”, to be held at the Veterans Park on July 11th, August 1st, and September 5th. Applicants: Washington City Community Center / Shop Local Committee**

Dan Drown stated the Washington City Chamber of Commerce has been getting more involved in these events, since the Shop Local Committee has started. The Movies in the Park will now be an event hosted by the Washington City Chamber of Commerce.

Councilman Staheli commented the movie in the park has had a great response in the past month.

Mr. Drown stated they have been able to get the biggest outdoor screen in Southern Utah, and they are trying to make these great events.

*Councilman Turek made a motion to approve a Special Event Application for “Movies in the Park”, to be held at the Veterans Park on July 11th, August 1st, and September 5th. Councilman Staheli second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**6. PRELIMINARY PLAT**

**A. Consideration to approve the Preliminary Plat for Hunter Run subdivision, located on the south side of 200 East and 400 South. Applicant: Riley Richardson, Hunter Run Land LLC**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a preliminary plat for the Hunter Run subdivision, located at approximately 200 East 450 South. The applicant is wishing to develop 8 lots on an area covering approximately 1.67 acres. The location of this particular project is zoned Single-Family Residential - 6,000 square foot min. (R-1-6).

This proposed project is located directly west of the City's Dog Park. The owner of the Trailer Park (north side of this project) was wishing to sell this area of ground when he acquired the park a few years back. The project location recently went through a zone change and is now ready to be developed. The access for the subdivision will come off of 100 East, with an emergency access onto 200 East (the road that leads to the dog park from 400 South) which is on the east boundary line of the subdivision.

The requested preliminary plat meets the zoning regulation requirements and the other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Hunter Run subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings:**

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning Regulations and the Subdivision Ordinance as conditioned.

**Conditions:**

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association

for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. A Post Construction Maintenance Agreement needs to be recorded prior to the Final Plat recordation.

Councilman Staheli asked if the property recently received a zone change.

Community Development Director Ellerman stated the plat was not reviewed at the zone change.

*\*Councilman Seegmiller arrived at 6:20 P.M.*

Public Works Director Mike Shaw stated the applicant is asking for a 36 foot road. However, there are special circumstances, which have to be met in order to have that size of road. Otherwise, a 50 foot road will have to be constructed. According to the standards, he does not believe the development would fall within the special circumstances.

Councilman Truman clarified if it was a private road, the size would be adequate.

Public Works Director Shaw confirmed he was correct.

Councilman Turek stated he feels the concerns would be the same regardless if it was a public or private road. If there are cars parked on the sides of the roads, then it would be an issue to get emergency & fire protection proper access. He then recommended requiring the cul-de-sac.

Public Works Director Shaw stated if there were a cul-de-sac, it could not be more than 600 feet in length and not service more than 10 homes.

Councilman Turek explained the way the ordinance is written, the proposed road would meet the criteria.

Public Works Director Shaw stated he feel it would be an interpretation of the ordinance. The section referenced was specifically meant for hillsides.

Councilman Staheli asked what the objection would be for a private road.

Public Works Director Shaw explained he is not certain of the applicants specific objection.

Riley Richardson stated the biggest constraint is the current home owned by the Bundy's. They have setback requirements they have to meet as well. They initially looked at having the access

coming off of 200 East. However the road would go through 6 trailer homes, which would displace many families. In working with the issues, this was the design which made the most sense. The City typically does not prefer private roads, but it could be a possibility if they have no alternative.

Councilman Truman asked if they were concerned about parking on the streets and accessibility.

Mr. Richardson stated they would have to have signs on one side of the street, which state no parking.

Councilman Truman asked if there would be a Homeowners Association to maintain the development.

Mr. Richardson stated if the road has to be private, they would definitely need to have a Homeowners Association. They may need to have the HOA regardless depending on the drainage.

Councilman Seegmiller asked why the road is not connecting to 200 East.

Mr. Richardson stated the land has a large elevation difference, which would make it very difficult to tie in.

Jason Smith stated the elevation difference is currently between 8 to 10 feet. Once the development is built out, they may have the difference between 4 to 6 feet.

Public Works Director Shaw stated 200 East would have to be brought up to our road standards, which would make the curb and gutter right up to the front doors of the trailers.

Community Development Director Ellerman reviewed an aerial map with Council. If a 50 foot road was constructed, the land owner would potentially lose 4 lots, and the connection with 200 east would be extremely difficult.

Councilman Staheli expressed he is okay with a private street as it is out of the way, and an unique situation.

Community Development Director Ellerman explained this is not an easy piece of property to develop, and they have tried many different scenarios and this is the best solution.

Councilman Truman stated he would be inclined to approve the subdivision with a public street because of the circumstances.

Councilman Nisson stated on 100 East there is a large culvert, and he would like to know what the plan is for the area.

Community Development Director Ellerman stated the culvert will be removed and incorporated in to the underground drainage system.

Councilman Turek stated he would prefer no street parking rather than allowing parking on one side of the street.

Councilman Seegmiller stated he lives near the area, and the residents would like to see something done with the property. It is currently a weed patch, and development of homes would be the best use the property.

City Attorney Starkey stated if Council wishes to approve with a more narrow road then they should include some of the reasons in the motion.

Councilman Seegmiller stated at Planning Commission there were some concerns from the neighbors with regard to walls.

Mr. Richardson explained their intention is to place a wall to tie in with the neighbor on the corner. However, they do not plan to place all the walls up front but rather when they build the homes. He reviewed on the map where the fencing would be located along 200 East.

Councilman Turek asked about the plan for the detention basin.

Mr. Smith stated the detention basin in place now is for retention. However, it is not working well at this time. They are working with Public Works to get a working detention basin.

*Councilman Truman made a motion to approve the Preliminary Plat for Hunter Run Subdivision, located on the south side of 200 East and 400 South with the findings and conditions of Staff and as recommended by the Planning Commission, with the additional conditions: parking only on one side of the street where the sidewalk is located, no parking in the turnaround area for emergency vehicles, walls will be placed on the south perimeter of the project as the lots are built on prior to issue of certificate of occupancy. The reasons for allowing the narrow street are as follows: it is not a through street, there are small number of lots, and the development would be an added benefit to the community. Councilman Staheli second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

## **7. PUBLIC HEARINGS ASSOCIATED ORDINANCE/RESOLUTION**

### **A. Public Hearing for consideration of adopting a Resolution to open and amend the Washington City 2013/2014 Fiscal Year Budget. Kimberly Ruesch, Administrative Service Manager**

Administrative Services Manager Kimberly Ruesch briefly reviewed the amendments to the 2013/2014 Fiscal Year Budget.

Councilman Seegmiller asked if we are still working on grants with the foundation.

Administrative Services Manager Ruesch stated we do not issue checks until money is received from the State.

Mayor Neilson open the public hearing.

*No Public Comments were made.*

*Councilman Turke made a motion to close the public hearing. Councilman Nisson second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve Resolution No. 2014-17, increasing/decreasing the revenues and expenditures of the Washington City 2013/2014 Fiscal Year Budget. Kimberly Ruesch, Administrative Service Manager**

*Councilman Turek made a motion to approve Resolution No. 2014-17, increasing/decreasing the revenues and expenditures of the Washington City 2013/2014 Fiscal Year Budget. Councilman Truman second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**C. Public Hearing for the consideration to approve a Zone Change Application Z-14-06, requesting to change the present zone from OS (Open Space) to RA-1 (Residential Agriculture 1 acre minimum lots), the property is located at approximately 700 South 2400 East, north of Country Way Estates Phase 2. Applicant: Steve and Karen Martin**

Community Development Director Drew Ellerman:

The applicant is requesting approval to change the zoning of approximately 5.56 acres, located approximately at 700 South 2400 East (just north of Country Way Estates Phase 2). The requested change is from the current zoning of Open Space (OS) to a proposed Residential/ Agriculture - One Acre Min. (RA-1) zoning designation.

The General Plan Land Use Designation for this location is Estate Residential (EST) and Open Space (OS). The surrounding General Plan Land Use Designations are Estate Residential (EST) to south and east, Estate Residential (EST) and Open Space (OS) to the west, and Open Space

(OS) to the north.

The surrounding zoning designations are Open Space (OS) to the north and west, and Residential/Agriculture - One Acre Min. (RA-1) to the south and east.

The applicants are wishing to rezone a portion of their property to the Residential/Agriculture - One Acre Min. for the purpose of building a home at this particular location. Open Space zoning does not allow for homes to be built as permitted uses and/or conditional uses. The applicants will also have to be mindful of the flood plain which runs through a portion of this area. Both staff and the applicants engineer are sure that the area set aside for this proposal will be out of the designated flood plain designation.

Staff has reviewed the requested zone change and finds it to conform to the General Plan, the Zoning Ordinance and surrounding proposed development.

The Planning Commission unanimously recommended approval of Z-14-06, for the zone change request from Open Space (OS) to the proposed Residential/Agriculture - One Acre Min. (RA-1) zoning designation, to the City Council, based on the following findings below:

**Findings:**

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. The the utilities that will be necessary for this type of development will be readily accessible to the site.

Community Development Director Ellerman reviewed the adjacent parcels on the map with Council.

Mayor Neilson open the public hearing.

*No Public Comments were made.*

*Councilman Staheli made a motion to close the public hearing. Councilman Seegmiller second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**D. Consideration to approve an ordinance adopting Zone Change request Z-14-06, to change present zone from OS to RA-1.**

*Councilman Seegmiller made a motion to approve an Ordinance adopting Zone Change request Z-14-06, to change present zone from OS to RA-1 zone. Councilman Nisson second the motion;*

which passed with the following role call vote:

Councilman Nisson	Aye
Councilman Seegmiller	Aye
Councilman Staheli	Aye
Councilman Truman	Aye
Councilman Turek	Aye

**E. Public Hearing for the consideration to Amend the Washington City Code, by amending portions of Title 9 Zoning Regulations, Chapter 9 Administrative and Professional (AP) Zone, Sections 2,B Use Regulations, along with Chapter 10 Commercial Zones, Article A-2,B & B-2,B Use Regulations, to include 300 East, Washington Fields Rd., and 3650 South. Applicant: Washington City**

Community Development Director Drew Ellerman reviewed:

The City is wishing to amend the City Code for the purpose of promoting orderly commercial development and protecting adjacent residentially zoned properties. With that said, the city code currently requires that a conditional use permit be approved for any developments over 5,000 square feet in size, or that are adjacent to Buena Vista Blvd., Telegraph Road or Washington Parkway. Staff has noticed that with the possibilities of commercial properties along 300 East or Washington Fields Road and 3650 South, that it would be prudent to add these three streets into that requirement. Thus allowing for development review of commercial properties along these major corridors in the city.

The amended paragraph as found under conditional use permits would read as follows:

Development of any parcel of land for any of the principal uses listed in subsection A of this section, if said development exceeds five thousand (5,000) square feet of total building floor area, or of any parcel of land adjacent to Buena Vista Boulevard, Telegraph Road, Washington Parkway, 300 East or Washington Fields Road, and 3650 South.

With that said, staff is wishing to have our city code amended to add in 300 East or Washington Fields Road, and 3650 South.

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Code, Title 9, Chapters 9-2(B), 10A-2(B), 10B-2(B) and 10C-2(B), Conditional Uses - Development of properties adjacent to Buena Vista Boulevard, Telegraph Road, Washington Parkway, 300 East, Washington Fields Road, and 3650 South to the City Council, based on the following findings:

Findings:

1. The importance to protect residential properties adjacent to the development of commercial projects along the major corridors of the city.

Councilman Nisson asked if a developer submits plans, would they have to be constructed exactly as submitted.

Community Development Director Ellerman explained essentially they would have to be built as submitted. Occasionally, we have had a color not be the exact, but they are extremely close.

Mayor Neilson open the public hearing.

*No Public Comments were made.*

*Councilman Turek made a motion to close the public hearing. Councilman Seegmiller second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**F. Consideration to approve an Ordinance amending the Washington City Code Sections 9-9-2B, 9-10A-2B, and 9-10B-2B.**

*Councilman Staheli made a motion to approve an Ordinance amending the Washington City Code Sections 9-9-2B, 9-10A-2B, and 9-10B-2B. Councilman Turek second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**8. ROADS**

**A. Consideration to close a portion of Prickly Pear Drive, from Yucca Lane north to Cerritos Road. Applicant: Ann Hall**

Ann Hall explained this will be her fifth annual neighborhood block party. They would like to block off a portion of the road for the safety of the children. They will have a fire truck in attendance for the party. She has received signatures of consent from the homes being block. The date is July 18th from 6:00 P.M. to 10:00 P.M.

Councilman Staheli asked if they have had any problems in the past with their event.

Ms. Hall stated they have never had any issues.

Community Development Director Ellerman reviewed an aerial map with Council show the location.

Councilman Turek stated typically he would not be in favor of blocking roads for this type of

event. However, it is a very small interior road, and does not look like it will put out any of the surrounding area.

Councilman Seegmiller stated he could support closure as long as there is nothing too large placed in the road to prevent passage in case of an emergency.

*Councilman Seegmiller made a motion to approve a temporary closure for a portion of Prickly Pear Drive, from Yucca Lane north to Cerritos Road on July 18th from 6:00 P.M. to 10:00 P.M. with the condition that none of the event occupy more than a half portion of the roadway as well as the 5 residence have agreed to the closure. Councilman Truman second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve a Quit-Claim for a portion of roadway within the Southern Corridor over to the Utah Department of Transportation (UDOT). Public Works Director Mike Shaw**

Public Works Director Mike Shaw reviewed the Quit-Claim Deed with the Council. The roadway was a portion of the Heaton Minor Subdivision, and was required to be deeded over to UDOT upon the completion of the Southern Corridor.

*Councilman Seegmiller made a motion to approve a Quit-Claim for a portion of roadway within the Southern Corridor over to the Utah Department of Transportation (UDOT). Councilman Truman second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**9. AGREEMENT**

**A. Delay Agreement for Payment of Water Impact Fees for Community Gardens. City Attorney Jeff Starkey**

Community Center Director Wendi Bulkley reviewed the Community Gardens Healthy Dixie Grants. There are grants available through Healthy Dixie to install a water meter for undeveloped land to start community gardens.

City Attorney Starkey stated Healthy Dixie has some very stringent requirements, which will have

to be met in order to get the grant money. This is for the impact fee deferral, but not the water meter fee.

Public Works Director Shaw stated he is fine with the proposed deferral, but the applicant would still have to go to the Water Conservancy District to get a deferral. The application would have to come through the Public Works Department because there would be no building permit issued. He would like the document to state specifically a 5/8" meter only.

City Attorney Starkey stated he would work on the document to meet Staff requirement.

*Councilman Seegmiller made a motion to charge Staff to draw up an agreement for a delay of payment of Water Impact Fees for Community Gardens associated with Healthy Dixie.*

*Councilman Truman second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

#### **10. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

*None*

#### **11. CITY MANAGER REPORT**

*None*

#### **12. CLOSED SESSION**

##### **A. To discuss pending or potential litigation.**

*Councilman Turek motioned to move into closed session to discuss pending or potential litigation.*

*Councilman Seegmiller second the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

*Council members moved into closed session at 7:48 P.M.*

*Council members returned from closed session at 9:08 P.M.*

#### **13. ADJOURNMENT**

Councilman Turek made a motion to adjourn the meeting. Councilman Seegmiller second the motion; which passed with the following role call vote:

Councilman Nisson	Aye
Councilman Seegmiller	Aye
Councilman Staheli	Aye
Councilman Truman	Aye
Councilman Turek	Aye

Meeting adjourned at 9:08 P.M.

Passed and approved this 9th day of July 2014.



Attest by:

Danice B. Bulloch  
Danice B. Bulloch, CMC  
City Recorder

Washington City

Kenneth F. Neilson  
Kenneth F. Neilson, Mayor

