
Minutes
Regular Meeting
September 24, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, Deputy Recorder Tara Pentz, Public Works Director Mike Shaw, Human Resource Director Ruth Holyoak, Community Development Director Drew Ellerman, Police Chief Jim Keith, Audience: Katherine Staheli, Gary Smith, Mari Smith, Charles Hill, Ken Hedler

Excused: City Manager Roger Carter

Meeting commenced at 6:05 P.M.

Invocation: Councilman Turek

Pledge of Allegiance: Councilman Truman

1. **APPROVAL OF THE AGENDA**

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

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|------------------------------|------------|
| <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> |

2. **ANNOUNCEMENTS**

Mayor Neilson announced Tuesday the 30th of September at 8:00 A.M. will be the ribbon for the new Mall Drive Bridge.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

None

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 8/27/14.

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for August 2014

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

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|------------------------------|------------|
| <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> |

5. **PARADE ROUTE**

A. Consideration to ratify the closing of the designated Parade Route for the Pine View High School Homecoming Parade held on September 10, 2014. Jed Newby, PVHS Representative

Councilman Seegmiller made a motion to ratify the closing of the designated Parade Route for the Pine View High School Homecoming Parade held on September 10, 2014. Councilman Turek second the motion; which passed with the following roll call vote:

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|------------------------------|------------|
| <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> |

6. **EMPLOYEE HANDBOOK**

A. Consideration to approve amendments to the Washington City Employee Handbook to meet State and Federal requirements. HR Director Ruth Holyoak

Councilman Truman stated he still has concerns about the Social Media Policy. He is concerned about trying to restrict employees on their own time.

Councilman Seegmiller stated he would agree to the extent the policy states once you are off duty, you should no longer post on behalf of the City.

Human Resource Director Ruth Holyoak explained the purpose of the policy is not to take away the rights of the employee. The policy is to protect not only the City but other employees. She

gave an example of why the policy would be beneficial if for no other reason, to remind employees their post are public and can affect individuals.

Councilman Truman stated he feels very strongly we should not be involved in what individuals post on their private time.

Human Resource Director Holyoak stated if there is a conflict created within the workplace specifically to a minority due to a post, this would protect the City.

Councilman Nisson asked if the Social Media Policy was something other Cities have adopted.

Human Resource Director Holyoak confirmed they have and it is highly recommended. Washington City is, in fact, one of the last Cities to bring this policy online. The Utah Local Government Trust (our insurance company) is very in favor of having this policy in place.

Councilman Turek stated he believes these types of policies are very common within the corporate world.

Councilman Truman stated he feels Section 2 is not necessary. He would be in support if the section of the policy were to be removed

Councilman Staheli concur with Councilman Truman.

City Attorney Starkey stated he would redraft the policy, and we can place the item on the next regular agenda. If there are any additional concerns from the Council, he would like them to email him, and he can get those changes made as well.

Councilman Seegmiller made a motion to table the amendments to the Washington City Employee Handbook to meet State and Federal requirements to the next Regular Meeting to be held on October 8, 2014 to make minor corrections as discussed. Councilman Nisson second the motion; which passed with the following roll call vote:

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|------------------------------|------------|
| <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. PLAT AMENDMENT

A. Consideration to approve a Plat Amendment for Heritage Fields Phase 3, 2nd Amendment, located at approximately 1538 South Heritage Fields Drive. Applicant: Mark and Heather Cannon

Community Development Director Drew Ellerman reviewed:
The applicant is requesting approval of a second Amended Final plat for the Heritage Fields,

Phase 3 subdivision, located at approximately 1538 South Heritage Fields Drive. This particular second amendment request is solely focused on lot 75 in the platted area of the subdivision, The owners (the Cannon's) are wishing to add more square footage to their lot from the adjoining property owner to the west, that is not already within the subdivision boundary area. Thus the request to extend the boundary through the amended plat process.

Staff has reviewed the proposed second amended final plat and finds it conforms to the zoning at this particular location (PUD), the subdivision is also in conformance to the Subdivision Ordinance of the City. Staff is recommending that the second amendment be recommended for approval.

The Planning Commission unanimously recommended approval of the Second Amended Final Plat for Heritage Fields, Phase 3 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Staheli asked if the amendment would causes any changes to the drainage plan.

Community Development Director Ellerman explained this particular area is all flood plain. It is a non-buildable area, without special requirements. The owner is only interested in increasing the size of the yard.

Councilman Seegmiller asked if the conditions are specific to this development.

Community Development Director Ellerman explained they are the standard conditions of a final plat.

Councilman Seegmiller made a motion to approve a Plat Amendment for Heritage Fields Phase 3, 2nd Amendment, located at approximately 1538 South Heritage Fields Drive with the findings

and conditions of Staff and as recommended by the Planning Commission. Councilman Turek second the motion; which passed with the following roll call vote:

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|-----------------------|-----|
| Councilman Nisson | Aye |
| Councilman Seegmiller | Aye |
| Councilman Staheli | Aye |
| Councilman Truman | Aye |
| Councilman Turek | Aye |

8. PUBLIC HEARINGS AND RELATED ORDINANCES

A Public Hearing for consideration to approve the Vacation of an Easement for Lot 6 of the Rusted Hills, Phase 1, the property is located at 3216 S. Camino Real. Applicant: Doug Dennett

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a Retention Easement Vacation for Lot #6 of the Rusted Hills, Phase 1 subdivision, located at approximately 3216 South Camino Real. This particular request is to remove a storm water retention easement found in the southeast corner of Lot #6 of the subdivision. At the original approval time, the easement was necessary to take care of possible storm water collection. But since that time, a large regional detention pond has been created in this particular area (located on Staheli Farm), thus eliminating the need for this small retention easement that is cumbersome to the property.

Staff has reviewed the proposed storm drainage easement vacation associated with Lot #6 of the Rusted Hills, Phase 1 plat and finds that the easement is no longer necessary with the creation of the new regional detention facility found on Staheli Farms property. Staff is recommending that the requested easement vacation be recommended for approval.

The Planning Commission unanimously recommended approval of the Easement Vacation as found on Lot#6 of the Final Plat for Rusted Hills, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The existing easement found on the southeast corner of Lot #6 is no longer necessary for storm water collection and can be removed.
2. That the vacated easement will still allow the final plat to conform to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

Councilman Truman asked what is planned for the drainage for this property.

Public Works Director Mike Shaw explained the entire development has a piped stormwater system, which will feed into the regional system. All of the developers have come together to put in one large regional basin, and will have a large capacity.

Councilman Truman asked if the basin would be landscaped.

Public Works Director Shaw stated the basin will be owned by the Staheli Family, and they do plan to do some landscaping.

Katherine Staheli stated she is concerned about the developer not having the funding to complete what he had promised to do. Where the pond is being placed is not a natural flood drain, which she would like noted. It is not necessarily where they wanted the drainage pond placed. She is also concerned about maintenance. She has been told they would be responsible for the maintenance of the detention pond, and she is not certain what is involved. They do not have an issue with the landscaping maintenance, but making sure the water flows, she does not feel it is their responsibility. When the developer come in, they had agreed to place trees as well as parking. However, it is not complete, but the required deadline has.

Councilman Truman stated he is pleased this is on the Staheli property because they will certainly keep it nice looking. However, he is concerned about the agreement of the developer not being met.

Ms. Staheli stated they feel caught in the middle, because they have no leverage with the City or the developer.

Public Works Director Shaw stated the City required at minimum a rock basin liner. However, beyond that, there is an agreement with the Staheli's and the developer. There is a bond in place by the developer for the completion, he has not finished his requirements with the City or the Staheli Family.

Councilman Staheli clarified the completion of the basin would determine the completion of the homes.

Ms. Staheli stated part of the agreement was the parking would be complete before the Corn Maze opens. However, they open on Friday, and nothing has been done.

Public Works Director Shaw stated he can make a phone call to Mr. Dennett tomorrow, and impress on him how important it is he upholds his end of the agreement.

City Attorney Starkey clarified the agreement would be the parking would be completed before the Corn Maze opens because the previous parking was destroyed when the basin was installed.

Councilman Truman asked the Staff to do whatever they could to make sure Mr. Dennett holds up his end of the agreement.

Ms. Staheli commented again, she knows it is a benefit for everyone, but she does have concerns.

Public Works Director Shaw stated if the basin is lined with rock, and meets the standards, they would be happy to take over the property, and continue the maintenance. The piping to and from the facility would all be the responsibility of the City. It would just be a aesthetics of the basin that would need to be maintained by the Staheli's.

Councilman Turek commented it would be good to put it in to the agreement, the silt removal would be the responsibility of the City.

Mayor Neilson stated he would make certain Staff contacts the developer tomorrow with regard to her issues.

No further comments were made.

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

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|------------------------------|------------|
| <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 an Ordinance granting the Vacation of an Easement for Lot 6 of the Rusted Hills, Phase 1.

Councilman Turek made a motion to approve an Ordinance granting the Vacation of an Easement for Lot 6 of the Rusted Hills, Phase 1. Councilman Seegmiller second the motion; which passed with the following roll call vote:

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|------------------------------|------------|
| <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. Continuation of Public Hearing for consideration to approve an Ordinance adopting the Washington City Transportation (Capital Facilities) Master Plan and Transportation Impact Fee. Public Works Director Mike Shaw

Public Works Director Mike Shaw briefly reviewed the Transportation Capital Facilities Master Plan and Impact Fee Schedule with Council.

Councilman Staheli asked if some of the road projects, which are within the 6 to 10 year plan are somewhat of a moving year target.

Public Works Director Shaw stated they definitely are moving targets depending on the growth.

Councilman Truman asked if Staff is certain the 0 to 10 year projects would be done within that allowed time frame.

Public Works Director Shaw stated the 0 to 10 year projects would most likely all be completed before 8 years. If we collect the lowest dollar amount impact fee, there will not be enough money to complete the projects.

Councilman Staheli asked if our building permits are going to be reduced due to a higher impact fee.

Public Works Director Shaw reviewed the study completed on the growth rate, which takes into account the fluctuation possibilities. The calculations have been done back to as far as 1977. He reviewed those totals with Council on a chart. If our growth rate declines, then the transportation necessities would decline as well.

Councilman Truman asked how many residential lots are available in Washington City.

Community Development Director Ellerman stated right now there are approximately 2000 paper lots approved. However, those ready to actually build upon are more toward 500 to 700.

Mari Smith stated she would like to thank Council and Staff for allowing Southern Utah Home Builders Association to have the time to review the plan, and have her questions thoroughly answered. In regards to the impact fee act, it states you can only charge for the actual costs. Their request would be the project cost to be automatically updated rather than waiting until the next study is completed. Builders and developers are willing to pay their share as long as they are justified. They have a report that shows Washington City is the highest or second to the highest in impact fees in the County. Of course they are in support of reducing the impact fees, however, if they are not able to reduce, then they would like them to remain the same.

Councilman Truman stated his biggest concern is our roads are already behind, and it is necessary to do the prudent thing to make sure Washington City stays functional. It is the City obligation to provide roads and infrastructure.

Ms. Smith stated if new roads are needed then SUBA would be in support. However, if impact fees can be reduced in others areas she would feel better about it. She reviewed her charts on impact fees with Council members.

Councilman Turek stated these types of graphs do not bother him, because Washington City continues to update their plans frequently. If we are providing the quality of life to our citizens expect, and we are doing this by the quality of product we are putting out there, then he does not have an issue.

Public Works Director Shaw stated it is good to have a fresh set of eyes to look at the study, and Ms. Smith has been very good to work with.

Councilman Truman asked about the suggestion to adjust fees more frequently.

City Attorney Starkey stated he would want to make sure we are keeping up with the noticing process for Public Hearings if we are going to be changing the fees annually. The fees could

also go up or down, which could cause a potential issue if individuals were to have to pay more without noticing.

No further comments were made.

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

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|------------------------------|------------|
| <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. Continuation of the Consideration to approve Ordinances adopting the Washington City Transportation Master Plan and Transportation Impact Fee. Public Works Director Mike Shaw

City Attorney Starkey noted there are a couple of reference numbers, which will need to be changed.

Councilman Truman commented he feels our roads have gotten behind. When we start taking money from the general fund to try and keep up, there is an issue. He feels the development should be responsible for their increased use. He feels very strong we should move forward with Option 2.

Councilman Staheli stated part of the issue he is having tonight is the impact fees possibly being increased in all areas. He would like the City Manager to bring a line by line impact fee review for Washington City. While he agrees it is important to have an impact fee for the roads, he would feel more comfortable with making sure we are more competitive across the board.

Councilman Turek stated St. George City increases taxes and has other outlets to collect money. Our Staff stays on top of our studies, and he feels confident in the numbers we are seeing. There are more maintenance issues in Washington City because we have a larger sprawl as well as many new roads.

Councilman Staheli stated he would like to see a more comprehensive report before he moves forward on any impact fee changes.

Public Works Director Shaw stated the comparison is actually in the packet, because Council requested the report. St. George City is able to fund many of their projects with general funds because they have a huge sales tax base.

Councilman Truman made a motion to approve Ordinances adopting the Washington City Transportation Master Plan and Transportation Impact Fee Option 2 totaling \$3159 with the changes noted by Staff. Councilman Turek second the motion; which passed with the following

roll call vote:

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|-----------------------|-----|
| Councilman Nisson | Aye |
| Councilman Seegmiller | Aye |
| Councilman Staheli | Nay |
| Councilman Truman | Aye |
| Councilman Turek | Aye |

9. RESOLUTIONS

A. Consideration to approve a Resolution of Washington City, Utah, adjusting the boundary between Washington City and the City of St. George in the area of Red Ledge Drive.

Councilman Seegmiller made a motion to continue the consideration of a Resolution of Washington City, Utah, adjusting the boundary between Washington City and the City of St. George in the area of Red Ledge Drive until a date deemed appropriate by Council and Staff. Councilman Truman second the motion; which passed with the following roll call vote:

| | |
|-----------------------|-----|
| Councilman Nisson | Aye |
| Councilman Seegmiller | Aye |
| Councilman Staheli | Aye |
| Councilman Truman | Aye |
| Councilman Turek | Aye |

10 FRANCHISE AGREEMENT

A. Consideration to approve revisions to the Dixie Power Franchise Agreement. City Manager Roger Carter

Councilman Staheli made a motion to approve revisions to the Dixie Power Franchise Agreement. Councilman Seegmiller second the motion; which passed with the following roll call vote:

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|-----------------------|-----|
| Councilman Nisson | Aye |
| Councilman Seegmiller | Aye |
| Councilman Staheli | Aye |
| Councilman Truman | Aye |
| Councilman Turek | Aye |

11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

Councilman Staheli wanted to say thank you to CEC. There have been many projects the students are working on from Dixie State University.

12. CITY MANAGER REPORT

None

13. ADJOURNMENT

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

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|------------------------------|------------|
| <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> |

Meeting adjourned at 7:44 P.M.

Passed and approved this 8th day of October 2014.

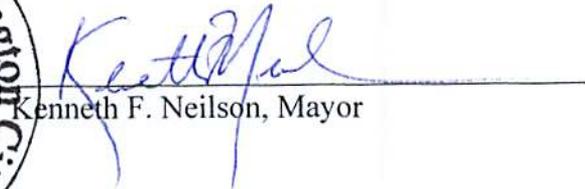
Attest by:



Danice B. Bulloch, CMC
City Recorder



Washington City


Kenneth F. Neilson, Mayor